BEFORE INDEPENDENT HEARING COMMISSIONERS AT WELLINGTON

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER the hearing of submissions on the Proposed Wellington City District Plan

STATEMENT OF EVIDENCE OF MACIEJ WIKTOR LEWANDOWSKI ON BEHALF OF PARKVALE ROAD LIMITED (SUBMITTER 298)

HEARING STREAM 7 – RURAL AND OPEN SPACE, DISTRICT WIDE MATTERS AND SPECIAL PURPOSE ZONES

19 MARCH 2024

PLANNING

1. INTRODUCTION

1.1 My name is Maciej (Mitch) Wiktor Lewandowski. I am a Resource Management Consultant and Director of Building Block Planning Ltd, a Wellinton based planning and resource management consultancy. I have held my current role since April 2022.

Qualifications and Experience

1.2 I hold a Bachelor of Resource Studies from Lincoln University, a Master of Resource and Environmental Planning from Massey University, and a Post Graduate Diploma in Management from Massey University. I am a Full

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Member of the New Zealand Planning Institute and accredited resource management commissioner.

- 1.3 I have 22 years' professional experience. In my current role I assist a range of private and public sector clients across a range of resource management matters.
- 1.4 Prior to my current role I was employed by Urban Perspectives Limited as a Resource Management Consultant for a period of 3 years. Prior to that role, I was employed by the Wellington City Council for a period of 5 years, as Principal Advisor Planning within the Council's District Plan team. In that role I was responsible for the preparation of the Council's Housing and Business Capacity Assessment under the (then) National Policy Statement on Urban Development Capacity.

Involvement in Parkvale Road Ltd's submission to the Proposed District Plan

1.5 I assisted Parkvale Road Limited ("PRL") in preparing its submission to the Proposed District Plan ("PDP").

Code of conduct

1.6 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. SCOPE OF EVIDENCE

- 2.1 PRL's submission sought to:
 - (a) Rezone an area of the Site at it's Parkvale Road frontage, from General Rural Zone to Medium Density Residential Zone ("MDRZ");
 - (b) Rezone an area of the Site at it's Montgomery Avenue frontage, from General Rural Zone to Large Lot Residential Zone;
 - (c) Remove the proposed Ridgelines and Hilltops Overlay from those portions of the Site proposed to be rezoned; or

- (d) If the Ridgelines and Hilltops Overlay is not removed, then to amend Policy NFL-P2 as set out in the submission; and
- (e) Amend Rule NFL-R10.2 as set out in the submission.
- 2.2 Matters (c) (e) will be addressed in a subsequent hearing stream relevant to the Ridgelines and Hilltops topic area.
- 2.3 Since the time the submission was lodged, PRL has progressed discussions with the Council regarding a sale of portions of the Site. The evidence of Mr Thompson provides some further details. As a result of this process, PRL is no longer pursuing matter (b).
- 2.4 Therefore for the purposes of this hearing, the sole matter of relevance is matter (a) and my evidence focusses exclusively on this point along with the Council's section 42A report in response to this submission point.
- 2.5 In preparing this evidence I have considered:
 - (a) The PRL submission;
 - (b) The Council's section 32 evaluation for the Rural Zone;
 - (c) The section 42A report prepared for this hearing stream;
 - (d) The evidence of Mr Jon Thompson on behalf of PRL;
 - (e) The evidence of Mr Gary Clark on behalf of PRL; and
 - (f) The evidence of Mr David Compton-Moen on behalf of PRL.

3. 200 PARKVALE ROAD

The Site

- 3.1 200 Parkvale Road ("the Site") has an area of some 335 hectares and is shown below as Figure 1, along with Attachment 1. Areas of the wider Site are variously subject to a range of notations and overlays in the PDP, including:
 - (a) National Grid Transmission Lines;
 - (b) The Ohariu Fault Hazard Overlay;
 - (c) Flood Hazard Overlay areas;

- (d) Ridgelines and Hilltops Overlay;
- (e) Significant Natural Areas; and
- (f) Wellington International Airport Obstacle Limitation Surface.

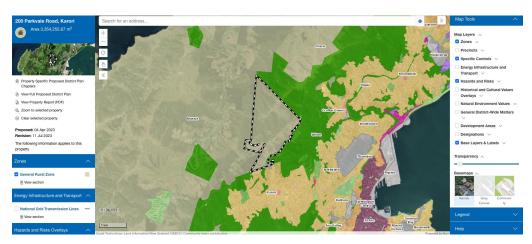


Figure 1. The Site at 200 Parvale Road.

3.2 Figure 2 below (and Attachment 2) shows the southern edge of the overall Site adjoining the existing Karori urban area, which is the area to which the submission relates. It shows the Ridgelines and Hilltops Overlay, along with Significant Natural Areas in purple:

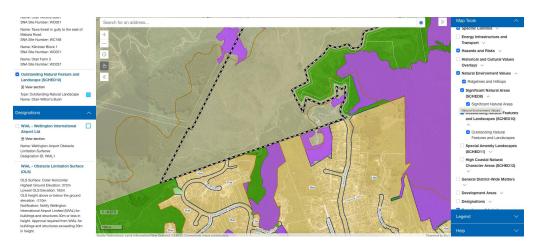


Figure 2. The southern edge of the Site interfacing with the existing Karori urban area.

3.3 The area which PRL seeks to rezone is shown in Attachment 1 to the PRL submission, and is replicated in Figure 3 below and in Attachment 3 to this evidence. The relevant area is the area shown in yellow on the right hand side of the image:

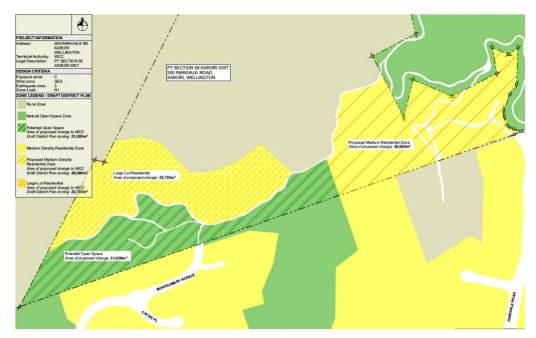


Figure 3. The areas of the Site that PRL sought to rezone through its submission. The area on the right is the area sought to be rezoned to Medium Density Residential Zone.

- 3.4 The area which is sought to be rezoned measures some 3.8ha (38,680m²), and adjoins existing residential zoning at Parkvale Road. Access to the Site stems from the head of Parkvale Road by way of an existing driveway that climbs up to an area akin to an amphitheatre, with areas of flatter ground being surrounded by hills to the north and west. The evidence of Mr Compton-Moen provides a more detailed site description.
- 3.5 The area presently contains 3 dwellings, and provides access to a further two dwellings/sites to the south of the Site that carry a rural zoning. A resource consent for a further 5 dwellings was previously granted for the Site in this area. That consent has since lapsed.
- 3.6 The evidence of Mr Thompson for PRL provides some further context on this portion of the Site, the Skyline Walkway that traverses through the Site, along with a broader description of the overall Site and PRL's activities on the Site.

4. SECTION 42A REPORT AND EVALUATION

4.1 In his section 42A report Mr Patterson has agreed in part with the PRL submission, with his agreement relating to the area sought to be rezoned to MDRZ at Parkvale Road. He disagrees with the rezoning request relating to Large Lot Residential zoning at Montgomery Avenue. Given my earlier comment at 2.3 above, that position aligns with PRL not pursuing that aspect of its submission any further.

- 4.2 His reasoning in respect of the proposed MDRZ area is set out at paragraphs 77(a) to 77(f) of his section 42A report and I agree with his evaluation. Mr Patterson then sets out a section 32AA evaluation at paragraph 87 of his section 42A report and I agree with his assessment also.
- 4.3 At his paragraph 77(c) he says that "at the time of submission resource consent was sought for the construction of five additional dwellings". This is incorrect. The resource consent was obtained prior to PRL acquiring the Site, and that resource consent has since lapsed.
- 4.4 In respect of Mr Patterson's other comments, I agree that the area sought to be rezoned immediately adjoins an existing residential area which is proposed to be zoned MDRZ by the PDP. The area sought to be rezoned by PRL represents a logical extension of that zoning.
- 4.5 Mr Patterson concludes that the Site is well positioned in terms of access to transport, amenities and services. The Karori town centre is located at the end of Parkvale Road and provides a range of amenities, along with access to a key public transport route in the city.
- 4.6 The area sought to be rezoned already contains three dwellings, and provides access to a further two dwellings. There is therefore already an established residential presence in this area of the Site along with associated traffic movements through it. A resource consent granted for a further five residential dwellings provided for additional residential development of the Site, notwithstanding that it wasn't progressed with.
- 4.7 The area sought to be rezoned does not interfere with the Skyline Walkway as confirmed by Mr Patterson.
- 4.8 There are two overlays that apply to the subject area of the Site. One is a proposed Significant Natural Area, while the other is a Ridgelines and Hilltops overlay. Mr Patterson correctly points out that rezoning of this area does not of itself remove the impacts of these overlays.
- 4.9 In respect of the Ridgelines and Hilltops overlay specifically, the PRL submission does however seek one of two alternative points of relief. PRL seeks that either the Ridgelines and Hilltops overlay be removed from the area sought to be rezoned, or, that amendments are made to the policy and rule framework to enable an appropriate assessment of any potential effects on the values the overlay is seeking to manage. These matters will be addressed at the next hearing stream.

- 4.10 The proposed change from General Rural to MDRZ zoning will allow for more intensive development than under the notified rural zoning. It is therefore important to consider the effects of that zoning change, or the ability to appropriately consider those effects through a latter resource consent process.
- 4.11 The effects of any future residential development of the area will be able to be considered and assessed through a subsequent resource consent process under the MDRZ provisions, or other district-wide provisions of the PDP.
- 4.12 The provisions of the MDRZ have already been considered by the Panel with recommendations having been made to the Council. PRL is comfortable with the nature of those provisions and did not address those in its submission.
- 4.13 The evidence of Mr Compton-Moen considers the appropriateness of rezoning this portion of the Site in terms of the potential landscape and visual impacts of future residential development. I discuss this below.
- 4.14 Transportation effects have been considered by Mr Clark, as described in his evidence and addressed in the following section.
- 4.15 And lastly in respect of Three Waters, future development will be required to address PDP requirements contained within the Three Waters chapter. The Panel can therefore take comfort that servicing requirements will need to be appropriately addressed through a future resource consent application. No specific evidence in respect of Three Waters has therefore been provided at this hearing.

5. TRANSPORTATION EFFECTS

- 5.1 Potential transportation effects have been considered by Mr Gary Clark in his evidence.
- 5.2 Mr Clark has assessed that Parkvale Road has sufficient capacity to safely accommodate additional traffic resulting from a future residential development of the Site. He further considers that the traffic effects of a future development will have a less than minor effect on the wider transport network.
- 5.3 Importantly, and as highlighted by Mr Clark, the Transport chapter of the PDP introduces transport specific rules and standards on a district-wide basis. A future development of the rezoned Site would be subject to these requirements.

- Of principal relevance is proposed Rule TR-R2 'Trip Generation' which triggers a resource consent requirement as a restricted discretionary activity for all activities that exceed a trip generation threshold of 200 vehicles per day. The rule requires each residential dwelling to be treated as generating 10 vehicle movements per day.
- Where this rule is triggered, a resource consent application must be accompanied by an Integrated Transport Assessment and the Council has maintained discretion over the matters in proposed Policy TR-P1. Those matters relate to safely and effectively integrating with the transport network, and providing for pedestrian, cycling, micromobility and public transport modes.
- 5.6 While submissions on the Transport chapter of the PDP have yet to be heard, the direction of the chapter is clear and the Panel can take a level of comfort that consideration of transport effects will remain a relevant factor moving forward.

6. LANDSCAPE AND VISUAL EFFECTS

- 6.1 Potential landscape and visual effects have been addressed in the evidence of Mr Dave Compton-Moen on behalf of PRL.
- 6.2 Mr Compton-Moen considers that the Site is enclosed and that while future residential development will modify the existing character, the Site represents a logical extension of adjoining existing residential development.
- 6.3 Mr Compton-Moen considers that future residential development would represent a low-moderate impact on landcape character, noting the existing modification in the character of this area resulting from existing residential development. Changes in visual amenity for views into the Site from surrounding properties are assessed by Mr Compton-Moen as being of low impact.
- While matters relating specifically to the Ridgelines and Hilltops overlay will be considered at a subsequent hearing stream, Mr Compton-Moen considers that future development of the Site can be appropriately managed to not impact on the values of the Ridgelines and Hilltops overlay.

7. FURTHER SUBMISSIONS

- 7.1 Four further submissions were received in respect of the PRL submission from:
 - (a) Mr Andy Foster (FS86);
 - (b) Forest and Bird (FS87);
 - (c) Karori Residents Association (FS42); and
 - (d) Ms Andrea Skews (FS43).
- 7.2 The submission from Mr Foster (FS86) opposes both areas which PRL sought to rezone. My focus is solely on Mr Foster's comments in respect of the Parkvale Road area that PRL is seeking to rezone to MDRZ.
- 7.3 Mr Foster makes the following comments in respect of this area:

The proposed MDR area would also represent a significant intrusion of urban development into the rural area. The boundary is currently very clear. Parkvale Farm suggests this wouldn't impact on the Skyline walkway and it would be unobtrusive, but the request is for MDZ zoning to go right up to the walkway for part of its length. It would unquestionably impact on the experience of the Skyline walkway which is an experience of being distant from urban activity.

Careful consideration of the landscape impacts both from Karori and from the Skyline walkway would also be necessary. A more limited area based on the area where consent has been granted for 5 houses under rural zoning might be more palatable, while allowing some more housing.

Looking ahead both proposals could also adversely affect kiwi as they spread into these areas.

The landowner only purchased the farm recently, and did so under the zoning under the Operative District Plan, so can have no legitimate expectations of upzoning.

I note that the Parkvale Farm says that the rezoning would help give effect to the National Policy Statement on Urban Development (NPS-UD). However the NPS specifically does not talk about urban development in rural land, so this claim does not seem to have merit.

I consider that the right process is for Parkvale Road's original submission to be rejected and then to encourage a careful discussion between the landowner, Council, and key stakeholder groups regarding the level and nature of potential

land use of the wider 335 hectares to give certainty to all parties, before seeking to change the zoning or apply for consent. Otherwise the landowner is seeking essentially carte blanche for development in these areas, where currently no development right exists.

- 7.4 The PRL request would result in an area of approximately 3.8 hectares being rezoned to MDRZ. The area sought for rezoning has been delineated with reference to existing legal boundaries, along with the topography of the area and existing access tracks through the Site. The area already adjoins residential development and contains existing residential development. I disagree with Mr Foster and his chracterisation of the proposed rezoning as a significant intrusion of urban development into a rural area.
- 7.5 The Skyline Walkway will be unaffected by the zoning change, and views from the Skyline Walkway already include existing urban development in the Parkvale Road area. While the proposed zoning boundary has been suggested based on legal and logical topographical boundaries, this should not suggest that future residential development will be built in areas that are significantly challenging from a topographical perspective. This becomes particularly evident when visiting the Site.
- 7.6 The evidence of Mr Compton-Moen notes that views from the Skyline Walkway will be a mixture of open and acute views, but will represent a low level of change given the existing urban development in the area. Views of urban development will also be transitory.
- 7.7 Mr Foster's comment that PRL can have no legitimate expectations of upzoning ignores PRL's right to enage in this District Plan development process in the same way as any other person. The PRL zoning change should be considered on its merits, rather than being discounted on the basis of the historic rural zoning of this Site. Mr Patterson has concluded that an MDRZ zoning for this area is the most appropriate zoning, and I concur with his view.
- 7.8 I also disagree with Mr Foster that a rezoning of this area would offer PRL 'carte blanche' for development in this area. A future development proposal would be subject to the same activity standards and consent process as any other development in the MDRZ. Other district-wide matters would continue to apply. The issue at hand is what is the most appropriate zoning for the area, and in my view that zoning is the MDRZ.

- 7.9 A second further submission from Forest and Bird (FS85) opposes the relief sought in respect of the Montgomery Avenue area, and supports in part the rezoning of the Parkvale Road area.
- 7.10 In respect of Montgomery Avenue, and as confirmed elsewhere in this evidence and in the section 42A report, PRL is no longer pursuing this aspect of it's submission.
- 7.11 In respect of the Parkvale Road area, the Forest and Bird further submission states:

We can see that a change from General Rural Zone to MRZ in the vicinity of Parkvale Road has merit given the proximity to existing urban development. Appropriate ecological assessment is required to ensure biodiversity values are protected however.

- 7.12 The support of Forest and Bird is noted and acknowledged. The area proposed to be rezoned contains a proposed Significant Natural Area and the final provisions of the PDP will continue to apply to this area. This will include any consent requirement should any future development proposal impact on this area.
- 7.13 Lastly, the further submissions from the Karori Residents Association and from Ms Skews both support the PRL submission. That support is acknowledged.

8. STATUTORY CONTEXT

National Policy Statement for Highly Productive Land

- 8.1 The National Policy Statement for Highly Productive Land ("NPS-HPL") restricts the rezoning of rural highly productive land in certain situations¹. The NPS-HPL requires highly productive land to be mapped by Regional Policy Statements, and until such a time that occurs, any land zoned General Rural Zone (or Rural Production Zone) that also carries a Land Use Classification of 1, 2 or 3 is considered to be highly productive land.
- 8.2 The PRL Site is presently zoned Rural, and is mproposed to be zoned General Rural Zone, but is not classified as LUC 1, 2 or 3 land, and therefore the restrictions on rezoning from the NPS-HPL do not apply.

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¹ Clause 3.6 of the NPS-HPL.

National Policy Statement on Urban Development

- 8.3 I consider that the proposed rezoning is consistent with the relevant provisions of the National Policy Statement on Urban Development ("NPS-UD"). Specifically:
 - (a) The rezoning will contribute to a well-functioning urban environment given the proximity of the Site to nearby services, amenities and public transport. Subsequent residential development of the Site will in turn will allow future residents to provide for their social, economic and cultural wellbeing in accordance with Objective 1 and Policy 1 of the NPS-UD;
 - (b) Rezoning of the Site will enable it's subsequent residential development. This increase in overall residential supply will contribute to realisable development capacity in accordance with Policy 2. It will also support the competitive operation of land and development markets, and in turn will improve housing affordability through an increase in supply, consistent with Objective 2 of the NPS-UD;
 - (c) Objective 3 requires regional policy statements and district plans to enable more people to live in areas of an urban environment where the area is in or near a centre zone, is well-serviced by existing or planned public transport and where there is high demand for housing.

The proposed rezoning achieves consistency with Objective 3 given its proximity to the Karori town centre and the availability of a significant public transport route along Karori Road.

- (d) Objective 6 requires local authority decisions on urban development affecting urban environments to be:
 - (i) Integrated with infrastructure planning and funding decisions; and
 - (ii) Strategic over the medium term and long term; and
 - (iii) Responsive, particularly in relation to proposals that would supply significant development capacity.

In turn, Policy 8 requires local authority decisions affecting urban environments to be responsive to plan changes that would add significant development capacity and contribute to well-functioning urban environments, even it the development capacity is unanticipated by RMA planning documents or is out of sequence with planned land release.

- (e) Policy 6 requires decision-makers to have particular regard to a range of matters, including:
 - (i) The benefits of urban development that are consistent with well-functioning urban environments;
 - (ii) Any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity.

The proposed rezoning would contribute to a well-functioning urban environment, and would make a contribution to the overall availability of residential development capacity in the city.

9. PLAN CHANGE 1 TO THE NATURAL RESOURCES PLAN

- 9.1 Greater Wellington Regional Council notified Proposed Change 1 ("PC1") to the Natural Resources Plan for the Wellington Region ("NRP") in late 2023. Submissions closed on 15 December 2023. A summary of submissions was notified on 12 February 2024 with further submissions closing on 8 March 2024.
- 9.2 Of relevance to the PRL submission, PC1 introduces Rule WH.R13 which provides for stormwater from new unplanned greenfield development as a prohibited activity. The rule states:

Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity

The use of land and the associated discharge of stormwater from impervious surfaces from unplanned greenfield development direct into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or proposed stormwater network, is a prohibited activity.

<u>Note</u>

Any unplanned greenfield development proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the National Policy Statement for Freshwater Management 2020, and the relevant freshwater and coastal

water quality objectives of this Plan. Any plan change process should be concurrent with any associated change to the relevant district plan, to support integrated planning and assessment.

- 9.3 Maps 86-89 then map 'planned/existing' urban areas as a means of delineating unplanned greenfield areas for the purposes of the rule. I have attached Map 87, relevant to Wellington City Council, as Attachment 3.
- 9.4 Section 74(2)(a)(ii) of the Act requires that a territorial authority shall have regard to any proposed regional plan in regard to any matter of regional significance.
- 9.5 As noted above, at the time of preparing this evidence, a summary of submissions for PC1 had been notified, but the period for further submissions had not yet closed. Hearings are yet to be scheduled.
- 9.6 PC1 has also attracted some 288 primary submissions, including from PRL, with a number of submissions opposing Rule WH.R13.
- 9.7 Given the early stage of the overall statutory process for PC1 and the opposition to Rule WH.R13, in my view little weight should be given to it. PRL is of course aware that should PC1 be approved in its current form, then a further plan change process would be necessary in respect of the NRP.

10. CONCLUSION

- 10.1 I consider that the MDRZ zoning is a more appropriate zoning for the area identified by PRL at Parkvale Road than the General Rural zoning proposed in the PDP. I agree with Mr Patterson where he reaches an equivalent conclusion.
- 10.2 An MDRZ zoning would recognise the existing residential development on this portion of the Site, the access function it provides to another two properties, and that a resource consent was previously granted for an additional five dwellings on the Site.
- 10.3 The area of the Site is contained visually and is immediately adjacent to the existing urban area at Parkvale Road. It would provide for a further contribution to the overall residential development capacity of Wellington at a time of increasing house prices and it's rezoning would be consistent with the requirements of the NPS-UD.

10.4 I consider that rezoning the area to MDRZ is the more appropriate zoning by which to achieve the sustainmable management purpose of the Act.

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Mitch Lewandowski

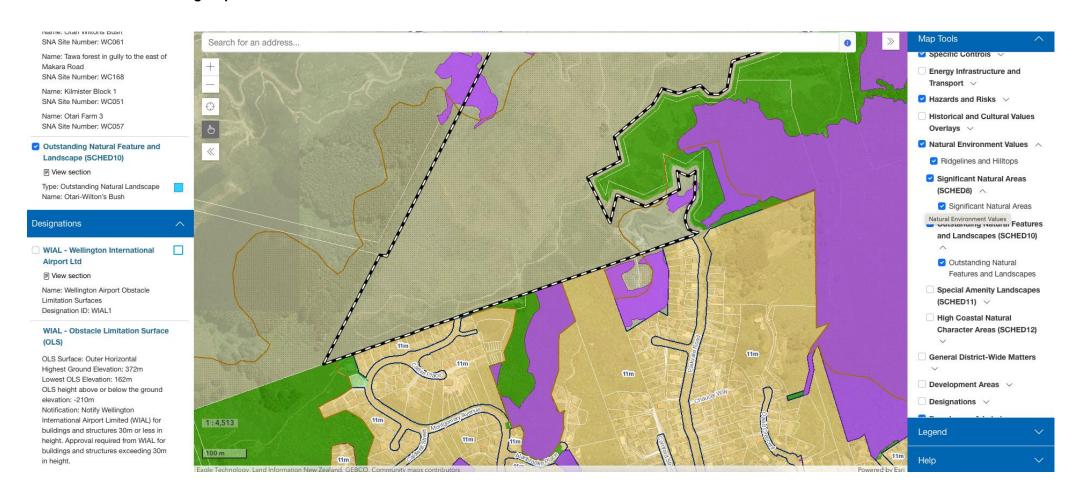
7 March 2024

Attachment 1 - PDP Zoning Map



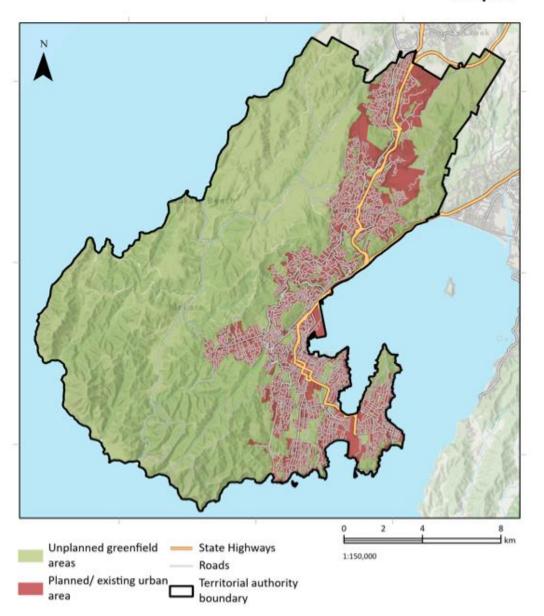
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Attachment 2 - PDP Zoning Map at Urban Interface



Unplanned greenfield areas Wellington City Council

Map 87



This version of the map is not complete. The version of this map available online through the online web map viewer shows the complete, detailed information on a GIS overlay that is not shown on this hard copy. The online version is available on the Council's website at https://mapping.gw.govt.nz/gwrc/ (select theme Natural Resources Plan - Plan Change 1) and can be accessed from the Council offices or public library.

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