

BEFORE THE CENTRAL HAWKE'S BAY DISTRICT COUNCIL
HEARINGS PANEL

IN THE MATTER OF of the Resource Management Act 1991

AND

IN THE MATTER OF Submissions on the Proposed Central Hawke's Bay
District Plan

AND

IN THE MATTER OF Submissions and further submissions on behalf of
Livingston Properties Limited

STATEMENT OF EVIDENCE BY PHILIP MCKAY

17 MARCH 2022

EXECUTIVE SUMMARY

- 1 This evidence is in support of the further submissions lodged by Livingston Properties Limited (FS127) ('LPL') on two submissions by Kāinga Ora, being:
 - S129.169 seeking amendment to rule GRZ-R11 to provide Restricted Discretionary Activity status for Retirement Villages in the General Residential Zone. LPL support this submission (FS27.7).
 - S129.013 opposing the Urban Form and Development Chapter and that its objectives and policies be amended. LPL oppose this submission (FS27.1).
- 2 The Stream 2 'Officer's Report: Urban Environment' ('the S42A Report') recommends that submission S129.169 and further submission 27.7 be rejected. I agree with the reasons in the S42A Report that Retirement Villages will still be provided for in the General Residential Zone with a Discretionary Activity Status.
- 3 The S42A Report recommends that submission S129.013 be rejected and that further submission FS27.1 be accepted. I agree with this recommendation as the Urban Form and Development Chapter as drafted provides appropriate objective and policy direction for the consideration of residential rezonings.
- 4 I consider the recommendations of the S42A Report to be appropriate on the above two LPL further submission points.

INTRODUCTION AND QUALIFICATIONS

- 5 My full name is Philip Anthony McKay.
- 6 I hold a Bachelor of Regional Planning with Honours from Massey University, and am a Member of the New Zealand Planning Institute, currently holding the position of Secretary of the Central North Island Branch of the Institute. In total I have some 29 years' experience as a practicing planner and have a Chair's certification under the Making Good Decisions programme.
- 7 I am currently employed as an Associate Planner at Mitchell Daysh Limited, having held this role since April 2018, and have also been a Senior Consultant Planner at Environmental Management Services Limited from September 2015 to April 2018. Prior to this, I held the position of Environmental Policy Manager with the Hastings District Council from January 2009 to September 2015.
- 8 I held various consents and policy planning roles with Hastings District Council from February 1996 to January 2009 and prior to that was employed as a planner by Wairoa District Council.

EXPERT WITNESS CODE OF CONDUCT

- 9 I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code and I agree to follow it when presenting evidence to the Hearing.
- 10 I confirm that my evidence is within my area of expertise except where I state that I am relying upon the specified evidence of another person and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

SCOPE OF EVIDENCE

- 11 I prepared and lodged the submission and further submission to the Proposed Central Hawke’s Bay District Plan on behalf of LPL. In preparing this evidence I have reviewed the relevant portions of the S42A Report to the LPL further submissions addressed in the Stream 2 Urban Environment Hearing.
- 12 Two of LPL’s further submission are addressed in the S42A Report, these being:
- FS27.7 in support of the Kāinga Ora submission S129.169 seeking amendments to General Residential Zone rule GRZ-R11 to provide Restricted Discretionary Activity status and appropriate matters of discretion for Retirement Village activities.
 - FS27.1 in opposition to the Kāinga Ora submission S129.013 opposing the Urban Form and Development Chapter and seeking that its objectives and policies be amended.
- 13 Accordingly, my evidence is set out under the following two topic headings:
- Retirement Villages in the General Residential Zone
 - Urban Form and Development Objectives and Policies

RETIREMENT VILLAGES IN THE GENERAL RESIDENTIAL ZONE

- 14 The reason for supporting Kāinga Ora submission S129.169 is that LPL has lodged a submission seeking rezoning to General Residential over a portion of its land at 96 Mt Herbert Road, Waipukurau. The Concept Plan appended to the LPL submission identifies an area suitable for medium density residential development which could be in the form of a retirement village. Accordingly, the submission of Kāinga Ora to amend rule GRZ-R11 to provide for Retirement Villages as a Restricted Discretionary Activity was supported given the greater certainty of gaining consent that such an activity status could provide compared to the ‘as notified’ Discretionary Activity status.

15 The S42A Report assesses this submission and further submission on pages 37 and 38 (paragraphs 5.3.68 – 5.3.75). I agree with the following points in the S42A Report¹:

- *Retirement villages (which can include rest homes) can vary in size from a few residential units to a large comprehensive multi-unit and facility complexes.*
- *It is appropriate that Council has full discretion to consider the potential environmental effects of such developments.*
- *The assessment matters for a restricted discretionary activity status would need to be broad enough to capture all the matters Council would potentially need to consider when making a decision.*
- *Whether the activity status is discretionary or restricted discretionary, Council may grant or decline consent.*

16 I would also support a restricted discretionary activity status with appropriate assessment matters for retirement villages in the General Residential Zone. Nevertheless, I agree that the recommendation in the S42A Report to retain the Discretionary Activity status for Retirement Villages in rule GRZ-R11 is appropriate and I do not seek to challenge that recommendation on behalf of LPL.

URBAN FORM AND DEVELOPMENT OBJECTIVES AND POLICIES

17 The reason for opposing Kāinga Ora submission S129.013 is that LPL consider that those objectives and policies are appropriate in providing direction for their requested rezoning at 96 Mt Herbert Road, Waipukurau. In my opinion the objectives and policies of the Urban Form and Development Chapter are also appropriate for providing direction for future rezonings and associated District Plan changes generally.

¹ Page 37 paragraph 5.3.73.

- 18 In preparing the LPL rezoning request submission I included reasons setting out how the rezoning achieves consistency with the objectives and policies of the Urban Form and Development Chapter. In my opinion the objectives and policies of that chapter as drafted in the Proposed Plan are necessary to give effect to the regional policy statement section of the Hawke's Bay Regional Resource Management Plan ('the RPS') as is required by section 75(3)(c) of the Resource Management Act 1991 ('the RMA').
- 19 The relevant section of the RPS is titled '3.1B Managing the Built Environment' and includes objectives UD1 to establish compact and strongly connected urban form, and UD5 seeking integration of land use with infrastructure. It also includes policies UD10.3, UD10.4 and UD11 requiring structure plans to address specified matters for greenfield growth areas.
- 20 I will address the specific reasons why the LPL rezoning submission is consistent with the objectives and policies of the Urban Form and Development Chapter, and the RPS in Hearing Stream 6 which I understand is to consider rezonings.
- 21 I note that the S42A Report does recommend changes to objective UFD-O2 and policy UFD-P2 in response to the submission of Silver Fern Farms' and for all other objectives and policies of the Urban Form and Development Chapter to remain as notified. In my opinion the recommended changes to UDF-O2 and UFD-P2 are appropriate and would not affect the rezoning submission of LPL which involves General Rural Zone land rather than Rural Production Zone land.
- 22 The S42A Report recommends rejecting Kāinga Ora submission S129.013 and accepting LPL further submission FS27.1. I agree with these recommendations.

SUMMARY AND CONCLUSION

- 23 This evidence is in support of two of LPL's further submissions, these being:
- FS27.7 in support of the Kāinga Ora submission S129.169 seeking amendments to rule GRZ-R11 to provide Restricted Discretionary

Activity status and appropriate matters of discretion for Retirement Village activities in the General Residential Zone; and

➤ FS27.1 in opposition to the Kāinga Ora submission S129.013 opposing the Urban Form and Development Chapter and seeking that its objectives and policies be amended.

- 24 The S42A Report recommends rejecting LPL further submission FS27.7 relating to Retirement Villages in the General Residential Zone. I however agree with the S42A Report that Retirement Villages will still be appropriately provided for by the resource consent process in the General Residential Zone regardless of whether they have a Discretionary or Restricted Discretionary activity status.
- 25 The S42A report recommends accepting LPL further submission FS27.1, seeking the retention of the objectives and policies of the Urban Form and Development Chapter. It also recommends some changes to an objective and policy in that Chapter in response to other submissions. I agree that those recommendations are appropriate.
- 26 Accordingly, LPL is accepting of the recommendations relating to their further submissions in the S42A Report.



P A McKay

17 March 2022