

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing Submissions and Further submissions on the Proposed
Gore District Plan.

**Right of Reply planning evidence of Victoria Woodbridge on behalf of Gore District
Council for Hearing Stream 8 - McNab**

Date: 7 March 2025

Introduction:

1. My full name is Victoria Emily Jane Woodbridge. My Section 42A report sets out my qualifications and experience as an expert in planning.
2. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
3. I have prepared this statement of evidence to provide a response to expert evidence and amended provisions presented in relation to the rezoning of land by submitter s103 - McNab Management Limited (McNab) (previously heard through Hearing Stream 8).
4. In accordance with Minute 29 issued by the Hearing Panel on 9 December 2024 McNab Management Limited provided redrafted provisions to support their submission points as assessed in the Section 42A report – McNab Management Limited Submission.
5. Minute 29 also extended an opportunity for input and evidence from Council and New Zealand Transport Agency Waka Kotahi (NZTA) in relation to amended provisions.
6. As identified in the Memorandum of Counsel on behalf of McNab dated 24 February 2025 I had two opportunities to review the draft amended provisions before they were submitted to the Panel. I appreciated the opportunity to provide input to the redrafting and acknowledge the efforts and level of work undertaken by the submitter to incorporate my feedback and provide me with sufficient time for review. I believe this has resulted in a more positive outcome.
7. I am generally supportive of the approach to using a Development Area to manage how future development is undertaken on the site (as described in the s42A report) and consider the provisions as submitted on 24 February to be generally more successful in terms of Plan integration than those provided by the submitter previously.
8. However, as Counsel for McNab identifies at paragraph 38 of the Memorandum there are still several areas of contention between myself and the submitter. For the sake of expediency, I don't intend to provide detailed commentary of matters which have already been extensively canvassed and so where appropriate I will refer back to my s42A report. However, I intend to provide some comment on the following:
 - a. Scope of submission and scale of light industrial zoning.
 - b. Traffic and roading requirements.
 - c. Stormwater management areas.
 - d. Policy direction

(a) Scope of submission and scale of light industrial zoning

9. At Section 6.2 of my s42A report and within the Memorandum from Counsel for the Council dated 29 November 2024 the issues of scope were explored and assessed. I do not consider there to be merit in repeating those here and so I refer the Panel back to those documents.

10. However, nothing I have reviewed in the amended provisions has changed my position in relation to scope. In fact, as Mr Leckie and Ms Rolph note I have concerns that the amended provisions have moved even further from the submission as lodged.
11. Counsel for McNab, in their Memorandum dated 28 November 2024 made a case for scope based on the provision of rural industrial activities. However, in response to concerns around how rural industrial activities relate to a light industrial zoning the submitter has now moved away from rural industrial activities and focused on enabling light industrial activities which have a more limited scope (which support primary production and/or is logistics, storage and distribution of materials and supplies).
12. In my opinion rural industry and light industrial activities which support primary production are not necessarily the same, although I do acknowledge that light industrial activities may be more confined as a result of the definition than rural industry and so the amendment may be more positive in terms of adverse effects on surrounding landowners. However, it remains my opinion that an adjoining landowner is unlikely to have conceived of a situation where a General Rural Zone with a rural industry precinct morphed into a Light Industrial Zone with limited light industrial activities enabled, some of which must support primary production. I note no further Economic evidence has been supported to confirm this amendment given the previously provided Economic evidence focused on Rural Industry.
13. Overall, it remains my opinion that the 10 hectares of Light Industrial Zone proposed by the submitter in their submission is more appropriate in terms of scale of zone and scope of submission. If the submitter seeks a greater extent of industrial zoning this could be progressed through a variation or plan change.

(b) Traffic and roading requirements

14. I acknowledge that the submitter has sought feedback from NZTA in relation to the development of new standard DEV3-S2 Rooding and I agree with DEV3-S2(1) to (4). However, my concern in relation to DEV3-S2(5) and (6) are that they are impracticable, unworkable and will result in an unequitable situation. As such I question whether they meet the requirements of s32 in relation to being the most reasonably practicable option for achieving the objectives.¹
15. In relation to my concerns around practicality, reasonableness and equitability I refer the Panel to paragraphs 482 – 493 of my s42A report for Hearing Stream 4 Industrial Zones where I reject a submission to include triggers in relation to the Gore South Development Area on the basis that there are other more appropriate mechanisms to achieve the same outcomes. These include provisions in the Transport and Subdivision Chapters and options for Financial or Development Contributions.

¹ RMA 1991 s32(1)(b)(i)

16. In my view a preferable approach for the McNab Development Area would be to simply rely on the matter of control for the activity rules². For example, LIZ-R1 for the McNab Development Area is a Controlled Activity which includes Matter of Control (1) that states “the provision, design and construction of transport infrastructure including the upgrade of the McKinnon Road and State Highway 1 intersection”. As all activities require a controlled activity consent Council can assess cumulative effects in relation to trip generation and if necessary, request information on cumulative traffic volumes without it having to be a specific requirement for every consent.
17. I consider this to be a far more practical solution. Essentially this would mean someone adding a small building for storage or the likes which does not increase traffic volumes does not need to go through a process of establishing cumulative vehicle movements or run the risk of being required to provide a traffic assessment that would not be commensurate to the scale and significance of their proposal.
18. Although relying on the matters of control does not necessarily address issues of equity because Council could still impose a condition on a consent requiring intersection upgrade works to be undertaken by a single landowner, this approach would allow Council some discretion as to whether to impose the requirement based on an assessment of adverse effects.
19. I also suggest a specific matter of consideration for SUB-R8 (as proposed by the submitter) is included in relation to traffic generation and potential intersection upgrades. I therefore, recommend a comparable matter of discretion to SUB-R6 “*the effects of traffic generation on the safe and efficient operation of the transport network, including the provision of a Travel Management Plan which encourages alternative modes of transport.*” This would ensure that effects on the intersection were considered at subdivision stage, which may be more appropriate rather than leaving it to future activities on individual sites.
20. Overall, it’s my opinion that the proposed standard adopts an unnecessarily blunt approach which has a risk of stymying development and creating unequitable outcomes. For this reason, I do not consider it the most successful means of achieving the purpose of the Act or the objectives.

(c) Stormwater management areas

21. When providing my final comments on the draft provisions I did not have the opportunity to view a further draft or the final ODP. My initial comments³ provided to the submitter queried the purpose of the stormwater management areas shown on the ODP given there is no provisions relating to those areas. I note these areas are still shown on the ODP and yet there are no provisions relating to them.

² I note no matters of control have been provided for LIZ-R5 for McNab Development Area which I assume to be an error.

³ Email dated Friday 14th February 2025

22. In her Section 32 analysis Ms McMillian states that *“the provision of designated stormwater management areas on the ODP ensure a suitable area of land is reserved from built form and located in a suitable place to enable suitable management of stormwater going forward.”*
23. I don’t disagree with this outcome, and it may well be a practical solution, although no expert commentary is provided in relation to this matter. However, as far as I can see there are no provisions which prevent / discourage development occurring in those areas and so it’s unclear how they will be “reserved from built form”, unless the intention is to control this matter through the resource consent process.
24. However, given the outcome sought in relation to these areas I consider it would be preferable to include a specific provision discouraging development in those areas or strengthen the matters of control to make it clear that these areas are used for stormwater management and that development in the areas is either avoided or discouraged. This will provide clearer direction for plan users and decision makers and result in a more efficient and effective approach to achieving the objective.
25. I consider that relying on the more general matter of control which states ‘compliance with the McNab Outline Development Plan’ may be insufficient as the ODP itself does not specify the purpose of the stormwater management areas and this matter of control only relates to buildings and structures and not activities.

(d) Policy direction

26. As noted elsewhere I support the approach to applying a Development Area to McNab to manage how development occurs on the wider site noting the range of zoning and desirability of managing adverse effects between different zones where different activities are enabled and anticipated. The Development Area approach can also be used to assist with mitigating adverse effects on external site boundaries.
27. The National Planning Standards explain the purpose of a Development Area as follows:

A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.
28. We have adopted this approach in relation to the Gore South Industrial Development Area and Gore West Residential Development Area with an expectation that once development in these areas is complete the provisions of the Development Area chapter will no longer be relevant and can be removed from the Plan via a Plan Change. In other words, the Development Area provisions are not intended to necessarily be enduring for the life of the Plan, although this may be an outcome if development occurs slowly. For this reason, my feedback to the submitter was that activity provisions should be located within the zone chapter, something they have taken on board.

29. The submitter has utilised the Development Area approach in a slightly different manner to the other Development Areas in that alternative zone provisions also apply to the area. This is not necessarily problematic as any Plan Change to remove the Development Area overlay could also find an alternative means of defining the area in relation to those specific rule provisions.
30. However, I do not consider there to be sufficient policy direction to assist plan users and decision makers to understand the purpose of limiting activities within the LIZ at McNab and therefore inform decision makers assessing applications for activities which do not meet the Controlled Activity threshold. Whilst the context section of the Development Area chapter provides some background information this is unlikely to hold weight in a planning decision, instead reliance would be placed on the objectives and policies which refer to the character and purpose of the zone – light industrial.
31. I consider this also to be an issue in relation to subdivision. The submitter has proposed a 1 hectare (ha) minimum lot size. Ms McMillian’s rebuttal evidence dated 21 November 2024 explained the purpose of this inclusion was to address the disparity in density between the General Rural zoning sought through submission and the LIZ subsequently sought by the submitter.
32. I don’t have any particular objection to a 1ha minimum lot size although it does not seem to be an efficient use of urban land. However, my concern relates to how plan users and decision makers may reasonably understand the purpose of the reduced density and how any non-complying activity consent would be assessed given there is, again, no policy direction to explain the lower density and what the issues with a higher density would be. Policy SUB-P20 relates to the outcomes sought by the ODP, however, the ODP does not contain any guidance on density it relates to location of roading, landscaping and the mahinga kai area.
33. The notified PDP does not include minimum lot sizes for Commercial and Industrial zones, although there is shape requirement to ensure lots are practical for future use. However, in relation to the residential and rural zones where there are minimum lot sizes there is specific policy guidance relating to those zones within the subdivision chapter⁴. Reliance can also be placed on the general SUB-P1 which links back to the purpose, character and qualities of the zone. In relation to the proposed 1ha limit there is no specific policy guidance, and the purpose, character and qualities of the LIZ would generally support a lower density – which is at odds with the non-complying activity status.
34. My suggestion is that there is some specific policy guidance included generally within the LIZ and the Subdivision Chapter (and potentially the Development Area Chapter) to assist plan users and decision makers in understanding how activities which are not enabled and how density should be assessed in the McNab Development Area i.e. what are the outcomes sought.

⁴ Proposed Gore District Plan, Subdivision Chapter, SUB-P13, SUB-P14, SUB-P15