

Before the Hearing Panel
Appointed by the Waimakariri District Council

Under the Resource Management Act 1991

In the matter of a hearing on submissions on the proposed Waimakariri District Plan

Hearing Stream 12: Rezoning

MacRae Land Company Limited

Submission Number: 409

Further Submission Number: 113

Evidence of Jeremy Everett Head

5 March 2024

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lloyd.**

Introduction

- 1 My full name is Jeremy Everett Head. I am a Landscape Architect and Director of Jeremy Head Landscape Architect 2022 Ltd, Christchurch. I have been in this position since 5 September 2022.
- 2 I hold the qualifications of Bachelor of Landscape Architecture (Honours), obtained from Lincoln University 1993. I hold a Diploma in Computer Graphic Design; Natcoll Design Technology 1999. I have been a registered member of the Tuia Pito Ora New Zealand Institute of Landscape Architects ('**NZILA**') since 2004.¹
- 3 I have practised as a Landscape Architect for thirty years in New Zealand plus a short period of time in England (1999 – 2000). From 1993 – 1995 I worked for LA4 Landscape Architects (Auckland), then Lucas Associates (Christchurch) and Earthwork Landscape Architects (North Canterbury) between 1995 – 2006. From 2006 - 2018 I operated my own practice. From 2018 – 2022 I worked as a senior landscape architect at WSP (Christchurch) and by the time I left WSP in September 2022 I was a principal landscape architect at WSP, with the role of South Island Landscape Architecture Urban Design Team Leader.
- 4 I was involved in the original Mill Road Plan Change Application in 2012 – 2013 on behalf of the Applicant to change the zoning of the land subject to this evidence from Rural to Residential 4A. During the course of my career, I have been involved in a wide range work in expert landscape evaluation, assessment and advice and other landscape-related work throughout New Zealand, including:
 - (a) landscape assessment and supporting evidence for infrastructure, rural, coastal, and urban development projects including several NoRs at a variety of scales;
 - (b) regular peer review and landscape assessment work for district and regional councils, and the Department of Conservation;
 - (c) teaching on an ad-hoc basis for the Lincoln University landscape programme (1995 – 2018); and
 - (d) mentoring roles to support graduate landscape architects progress to registered status.
 - (e) In 2017, I contributed to a workshop with four other senior Christchurch-based landscape architects as part of a national 'roadshow' with regards to developing an agreed landscape assessment methodology. This was facilitated by the late Environment Court Judge Gordon Whiting and is now

¹ In 1997 I was made an 'Associate' member of the NZILA. The 'Registered' status replaced the associate membership status which was phased out in the early 2000s.

borne out in *Te Tangi a te Manu* (Aotearoa New Zealand Landscape Assessment Guidelines) (**TTatM**), which was unanimously adopted by Tuia Pita Ora in May 2020.

Code of Conduct for Expert Witnesses

- 5 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 6 I have prepared landscape evidence in relation to the relief sought by MacRae Land Company Limited (**the Submitter**), seeking amendments to the Mill Road Development Area provisions (**MILL provisions**) in the proposed Waimakariri District Plan (**PWDP**). The changes sought relate to land owned by the Submitter located at Mill Road, Ohoka² (**the Site**).
- 7 My evidence provides expert landscape advice with respect to the submission seeking the following changes to the MILL provisions:
- (a) Amending the Area B minimum lot size from 4,000 m² to 2,500 m².
 - (b) Replacing the central part of Area A with an Area B development pattern including a minimum lot size of 2,500 m², or 5,000m² if the relief in (c) above is not accepted.
 - (c) Removal of the “character street with landscaping and planting provisions” notation from the MILL provisions.
- 8 In preparing this evidence I have reviewed and considered the below:
- (a) Review of the submission by Macrae Land Company Limited (**MLC**); a refamiliarisation with the Private Plan Change (PO17) Final Decision authored by David Kirkpatrick (16 May 2013); and a careful study of the Proposed Waimakariri District Council (**PWDC**) objectives, policies, rules, and planning maps including the outline development plan: ‘Mill Road ODP’³ (**‘ODP’** or **‘ODP area’**).

² Lot 4 DP 380990 (5.23 hectares); Lot 12 DP 380990 (4.94 hectares); Lot 200 DP 558754 (2.05 hectares).

³ PWDP: Appendix DEV-MILL-APP1 – Mill Road Ohoka ODP.

- 9 MLC seeks changes to the land owned by the submitter (the Site) and the ODP area generally. My evidence considers the full extent of the ODP area.
- 10 Where appropriate, I have sought other expert advice to inform my assessment and conclusions from Ms Terri Winder.
- 11 I confirm that the landscape assessment methodology that I have applied to inform my evidence addressing the aspects included at [7] above is in accordance with TTatM.
- 12 I attach the following appendices to my evidence:
 - (a) **Appendix 1:** Seven point scale of effects
 - (b) **Appendix 2:** Graphic attachments

Amendments to Lot Sizes

Introduction

- 13 MLC seek an amendment to the minimum lot sizes for Area B from 4,000 m² down to 2,500 m². The maximum number of lots (and dwellings) will remain at 81 - consistent with the 2013 P017 decision. In addition, the 5,000 m² original average lot size will also remain unchanged. It is noted that there are currently eight lots of various sizes with dwellings on them within the ODP area. As such, the MILL provisions allow for 73 more lots / dwellings.
- 14 MLC also seek the replacement of Area A in the centre of the ODP area with the Area B development pattern, including the changes discussed at [13] above.
- 15 This would create a development pattern illustrated below in **Figure 1 and Attachment 1**.
- 16 I understand that the outcome of these amendments will provide MLC with more flexibility to develop some smaller lots than what the current MILL provisions allow for. Of course, as the number of overall lots and average lot size remains

unchanged at 81 and 5,000 m² respectively, it follows that the creation of some smaller lots will need to be offset with the creation of some relatively large lots also.



Figure 1 Proposed amendments to ODP area / MILL provisions shown: Pink hatch = Area A (minimum lot size 5,000 m²); Grey hatch = Area B (minimum lot size 2,500 m²). White dashed circles denote existing dwellings. Note “character street with landscaping and planting provisions” has been removed which is discussed in my evidence from [47] below.

- 17 While on the face of it, Figure 1 appears to show a more intensive development pattern than what the MILL provisions provide for, the reality is that the area shown in grey (Area B) would have to include several large lots in order to maintain the minimum lot size average of 5,000 m².

Landscape effects (physical)

- 18 In terms of physical changes to the contextual landscape and changes in rural character within the ODP area, this will be no different than what is currently enabled by the MILL provisions. The number of lots, average lot size and the subsequent number of dwellings will be no different. Or in other words, the balance of built development versus open space and greenery will remain the same. The only change will be in the distribution of these landscape elements. The focus of any changes to the ODP area in terms of landscape effects beyond what is already provided for in the MILL provisions will therefore be visual ones. I address this from [21] below.
- 19 During my fieldwork, I observed that the Ohoka area has changed since my earlier involvement in the P017 plan change application. The most obvious change has been the rezoning of what was then known as the ‘Bagrie Block’ to a Residential 4a zoning. This has enabled the formation of approximately 30 buildable lots. Some lots (5, 9, 13 Orbiter Drive) are close to the 2,500 m² minimum lot size that MLC are seeking for Area B, while others are similar to the 5000 m² average lot size.

- 20 In my opinion, the recent development of the 'Bagrie Block' provides a strong precedent for a reduction in some lot sizes within the ODP area, or in other words, the nearby context includes a very similar development pattern to what is being sought on adjoining land with the same Large Lot Residential zoning (**LLRZ**) (**Attachment 2**).

Landscape effects (visual)

- 21 From the site visit, parts of the ODP area are publicly visible from Main Drain Road, Mill Road and to a lesser extent Bradley Road. The ODP area is not easily visible from Thekelds Road due to intervening development and vegetation cover, including hedges. The ODP area is visible from the end of Orbiter Drive, although this will change when the southernmost lots are built on. At this point, the ODP area will be visible largely from the dwellings at 38 and 42 Orbiter Drive only.
- 22 It is the visible pattern of development beyond what is enabled in the MILL provisions where the landscape effects fall which must be assessed. In terms of the generator of any potentially adverse landscape (visual) effects, this comprises built development (largely confined to dwellings). In this regard, my evidence addresses a worst case scenario where a more intensive development pattern could occur in parts of the site if the submitted amendments to the MILL provisions are approved.

Expected development pattern

- 23 Of relevance to the above effects findings, the proposed development pattern for the central 'block' of Area A and broader ODP area would not be dissimilar to that currently occurring at the former 'Bagrie Block' located to the north of and abutting the ODP site. I have carefully considered this pattern of built development density as it has a visible outcome not dissimilar to a 2,500 m² minimum / 5000 m² average lot size scenario proposed by MCL (**Attachments 2 and 4**). Lots within the neighbouring LLRZ include lot sizes between approximately 2,700 m² (e.g. 5, 9 Orbiter Drive) and 5000 m² (e.g. 14 Orbiter Drive)
- 24 Development observed within the former 'Bagrie Block' along Hallfield Road and Orbiter Drive includes dwellings well separated from one another, surrounded by ample open space providing for the development of large gardens and lawns, some of which has been completed, yet to mature. Over time vegetation along individual boundaries will provide increasing levels of privacy and physical separation between dwellings, as is typical of development in larger lot residential zones. Even now, pleasant levels of amenity are evident in this relatively 'young' part of Ohoka. This will improve over time when amenity levels doubtless become quite high. A similar outcome is expected for the proposed amendments to the central block of Area A and wider ODP area.

25 From my own observations over several years, I have taken notice of development trends in smaller scaled rural-residential types of development compared with how owners developed the once popular '10 acre lifestyle block'. A typical 10 acre block development pattern often includes areas with broad open vistas, often going hand in hand with light stock grazing / hobby farming and/or valued views into traditional working rural landscapes. By comparison, owners of smaller landholdings within the rural landscape, tend to, but not always, opt for expansive 'country gardens' with high levels of amenity, shelter, and privacy. This is unsurprising as owners of smaller landholdings no doubt seek a degree of seclusion from neighbours who are relatively closer. It is expected that a similar pattern of development would evolve over time within the ODP area where lot sizes are 5,000 m² minimum. This development pattern - where dwellings are nestled within well vegetated settings is not uncommon in Ohoka and contributes strongly to the area's landscape character and high levels of amenity.

Proposed changes to the Area B and central block of Area A development patterns

- 26 MLC propose that the Area B overlay be reduced from a minimum lot size of 4,000 m² to a minimum lot size of 2,500 m². As such, the proposed changes - while providing for some relatively small lots will necessitate some larger lots in order to maintain a 5,000 m² average lot size across the ODP area.
- 27 As mentioned at [16] above, this is not to seek an increase in lot numbers and dwellings, but instead is to increase flexibility with lot sizes. The maximum lot numbers of 81 and the average lot size of 5,000 m² presently included in the MILL provisions are not sought to be amended.
- 28 MLC also propose replacing the Area A overlay in the centre of the ODP site with an Area B development pattern overlay (**Figure 1**), changing the minimum lot size in this area from 1 hectare to 2,500 m².
- 29 I understand that the underlying intent for the Area A overlay in the MILL provisions was to use these larger lot areas as a 'transition zone' of sorts to the neighbouring Rural Zone and Mill Road reducing any effects of contrast attributed to a Residential 4a pattern of development on the surrounding Rural Zone.
- 30 However, the central 'block' of Area A overlay is less important as a transition zone here and acts more as an area of relatively less dense development benefitting those future occupants in the surrounding Area B zone, contributing a 'quasi-rural' internal aspect for these people.
- 31 It is noted that 30 Kintyre Lane is located in the southern end of the Area A 'block' here. This is a substantial dwelling with curtilage area, outbuildings, and gardens set on a site more than 3 hectares in size. While only an assumption, it appears unlikely that this property would be subdivided on the southern side of the dwelling which is limited by the MILL provision's 10 m setback requirement. As such the

Area A overlay has no 'transition zone' benefit to the rural zone to the south of the ODP area.

- 32 For the above reasons, the central 'block' of Area A overlay has little benefit to neighbours, or public / rural outlook as this part of the ODP is largely separated from the surrounding Rural Zone by 30 Kintyre Lane and cannot be easily seen from Threlkelds Road, if at all.
- 33 Unlike the smaller Area A 'blocks' which can be measured relatively easily from the ODP, and where a potential development pattern can be assumed, it is difficult to be absolutely certain how the Area B overlay part of the ODP will look with a reduced minimum lot size as proposed. Certainty in this regard can only be achieved following the subdivision design stage.
- 34 Bearing in mind the requirement to maintain a maximum lot number (and maximum number of dwellings) of 81 across the ODP area, while meeting a 5,000 m² average lot size, the effects of what MLC propose will amount to a 'reshuffling' of sorts. A possible scenario may be that one or more 'enclaves' within Area B are more intensively developed where several 2,500 m² lots are concentrated together, while other parts of Area B include larger lots - possibly quite large depending on the number of 2,500 m² lots proposed. Or conversely, Area B may have a regular occurrence but fewer 2,500 m² lots set amongst larger lots at 'standard' intervals. As mentioned, it is impossible to know how the layout will appear at this stage, prior to subdivision design. Where smaller lots are provided, this will need to be offset with larger lots to achieve the 5,000m² minimum average lot size and maximum of 81 lots.
- 35 The primary consideration is the visual effects of the proposed changes to what is permitted under the MILL provisions. If the central Area A 'block' is replaced with an Area B development pattern, allowing it to be subdivided into greater lot numbers, it means that the balance of the current Area B will accommodate less lots than currently provided for in the MILL provisions.
- 36 For the above reasons, the changes to Area B, including the change in the central block of Area A to an Area B development pattern will have '**neutral**' effects. This is due to the fact that some parts of (the increased) Area B will be more intensively developed than what is currently provided for, balanced with the fact that some parts of Area B will be less intensively developed than what is provided for in the MILL provisions. Numbers of dwellings in Area B, the primary generator of potentially adverse visual effects will be no different than what is currently provided for.

Removal of the “Character Street With Landscaping and Planting Provisions” notation from the ODP

- 37 MLC propose that the “character street with landscaping and planting provisions” notation be removed from the ODP (**Figure 1**) / MILL provisions. MLC assert that there is no direction in the ODP or Proposed WDP regarding this notation. It is also noted by MLC that there is no similar requirement for the adjacent development along Hallfield Road and Orbiter Drive which also has a LLRZ zoning. As such there is a potential inconsistency in how the streetscapes in two adjacent, potentially future adjoining parts of the LLRZ will appear.
- 38 Putting the above to one side, it is of my opinion that deleting the “character street with landscaping and planting provisions” notation from the MILL provisions will have a minimal detrimental effect on the landscape character and amenity of the ODP due to the following facts:
- (a) individual lots will likely be developed with gardens and a variety of high amenity planting, which will be clearly visible from the internal ODP road network. This situation is currently evident in the neighbouring Residential 4a Zone to the north of the site for the ODP (**Attachment 2**);
 - (b) fences on road boundaries are required to be no higher than 1.2 m, be post and wire or post and rail and be at least 50 % transparent which will provide for views into individual lots which will likely be vegetated to some degree; and,
 - (c) hedges on road boundaries are required to be no higher than 1.5 m which will enable a similar effect on visibility as described above at (b).
- 39 By way of a comparison, if there were no controls on individuals’ treatment of road boundaries, it is conceivable that solid fences or walls approximately two metres high may be built. If that were the case, the streetscape could appear as a ‘sterile’ urban corridor where street tree planting would in that instance be of significant benefit.

Conclusion

- 40 I am satisfied from a landscape perspective that the proposed changes to the MILL provisions are an appropriate outcome for the ODP area.

Dated 5 March 2024

Jeremy Everett Head

Appendix 1

Seven point scale of effects

Scale of Effects (7 Point)

From New Zealand Institute of Landscape Architects Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines (July 2022). The definitions come from NZILA national workshop discussions prior to the publication of the guidelines and are based on the Boffa Miskell effects descriptions.

The below seven-point scale is used to describe effects:

- **Very High:** Total loss to the key attributes of the receiving environment and/or visual context amounting to a complete change of landscape character.
- **High:** Major change to the characteristics or key attributes of the receiving environment and/or visual context within which it is seen; and/or a major effect on the perceived amenity derived from it.
- **Moderate-High:** A moderate to high level of effect on the character or key attributes of the receiving environment and/or the visual context within which it is seen; and/or have a moderate-high level of effect on the perceived amenity derived from it.
- **Moderate:** A moderate level of effect on the character or key attributes of the receiving environment and/or the visual context within which it is seen; and/or have a moderate level of effect on the perceived amenity derived from it. (*Oxford English Dictionary Definition: Moderate: adjective-average in amount, intensity or degree*).
- **Moderate-Low:** A moderate to low level of effect on the character or key attributes of the receiving environment and/or the visual context within which it is seen; and/or have a moderate to low level of effect on the perceived amenity derived from it.
- **Low:** A low level of effect on the character or key attributes of the receiving environment and/or the visual context within which it is seen; and/or have a low level of effect on the perceived amenity derived from it. (*Oxford English Dictionary Definition: Low: adjective-below average in amount, extent, or intensity*).
- **Very Low:** A very low or no modification to key elements / features / characteristics of the baseline or receiving environment and/or the visual context within which it is seen, i.e., approximating a 'no-change' situation.

			SIGNIFICANT			
LESS THAN MINOR		MINOR	MORE THAN MINOR			
VERY LOW	LOW	LOW-MOD	MODERATE	MOD-HIGH	HIGH	VERY HIGH

Seven-point scale of effects with equivalent RMA effects from the NZILA landscape assessment guidelines: Te Tangi a te Manu.

Appendix 2

Graphic attachments (see separate A3 document)