

Before an Independent Hearings Panel

The Proposed Waikato District Plan (Stage 1)

IN THE MATTER OF the Resource Management Act 1991 (**RMA**)

IN THE MATTER OF hearing submissions and further submissions on the Proposed
Waikato District Plan (Stage 1) **Hearing 10 Residential**

**REBUTTAL STATEMENT OF MARK SEYMOUR MANNERS TOLLEMACHE ON BEHALF
OF HAVELOCK VILLAGE LIMITED**

(PLANNING)

Dated: 11 February 2020

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1. INTRODUCTION

1.1 This rebuttal statement relates to primary evidence filed by:

Medium Density Housing and Zone

- (a) Miffy Foley for Waikato Regional Council (Submitter 81);
- (b) Chris Scrafton for Pokeno Village Holdings Ltd (Submitter 386);
- (c) Mark Arbouthnot for Ports of Auckland (Submitter 578);
- (d) Sir William Birch and James Oakley for Annie Shiu & CSL Trust and Top End Properties (Submitters 97 & 89);
- (e) Philip Stickney for Kainga Ora (Submitter 749); and
- (f) Tanya Running for New Zealand Transport Agency (Submitter 742); and

Heavy Industry Buffer

- (g) Chanel Hargrave for Hynds Pipe Systems Ltd (Submitter 983).

1.2 I confirm that I have the qualifications and expertise previously set out in my primary planning evidence for Topic 1.¹

1.3 I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and that my evidence has been prepared in accordance with that Code.

2. MEDIUM DENSITY HOUSING AND ZONE

2.1 I generally agree with the evidence that supports the inclusion of a Medium Density Zone in the Proposed Waikato District Plan (**PWDP**). To be succinct I have grouped the evidence which discusses the Residential Zone and the proposed Medium Density Housing provisions and Zone into one response.

2.2 The PWDP has a single Residential Zone, which provides for vacant fee simple subdivision to a minimum lot size of 450 m² and one permitted house on a resulting 450 m² lot. It requires land use consent for additional residential development beyond within a lot. The Zone provisions provide little in the way of direct guidance as

¹ See paragraphs 2.1 – 2.4, Tollemache primary planning evidence for Havelock Village Limited for Hearing Topic 1 dated 16 September 2019.

to where intensification and higher density forms of development are to be encouraged, and imposes the same development controls on higher density forms of development such as duplexes, terraces or apartments as apply to the development of a permitted single dwelling.

- 2.3 In my experience from preparing many plan changes associated with residential development and land use and transport integration, along with resource consent applications for medium and high density housing, this type of approach to a single residential zoning is not enabling of medium density housing developments. The approach creates an expectation that amenity and development outcomes will perform in a similar manner to a single dwelling on a 450 m² lot. It establishes an expectation of amenity (from the public and processing planners) which generally may not facilitate or enable higher density forms of development. An example is that outdoor living spaces associated with terrace house development would normally be significantly less than 80 m², however any reduction in size under the Residential Zone rules would require a resource consent rather than the PWDP recognising that a more specific and bespoke regime of development controls is necessary to support medium density housing.
- 2.4 Consequently, I consider a new Medium Density Zone is a positive addition to the plan. It would be better at facilitating intensification and the efficient use of land, along with providing capacity for residential development than reliance on a single Residential Zone. There already exists a Medium Density Precinct in Te Kauwhata which in my opinion is better at enabling medium density housing than the proposed Residential Zone.
- 2.5 Submitters have requested that the Medium Density Zone be applied to identified areas near centres and public transport. From my experience a Medium Density Zone can be applied in greenfields and brownfields areas and does not necessarily need to be restricted only within 400m of public transport or 800m of centres.
- 2.6 This limitation potentially reflects a narrow utilisation of the tool of the Zone or the housing typology and fails to recognise that people are prepared to walk, cycle or scooter greater distances than a 5 minute walk to public transport. This limitation also fails to recognise opportunities in the future for feeder bus services to rail or bus commuter networks to support such density.
- 2.7 From my experience, it is common for medium density housing areas to extend well beyond a limited 5 minute walk to account for the benefits in terms of land use and transport integration, along with the more efficient use of land resources. It also

recognises that for the majority of the district's centres only a small area of residential land would be available within a 5 minute walk of a train station, and much of this land may already be developed or subject to existing restrictions like covenants which prevents further intensification.

2.8 On this basis I do not consider it is practical or efficient to limit medium density housing to just those locations within the Waikato District. I expect to address this matter again in relation to the Zone extents Topics, including in relation to the rezoning of the Havelock site.

3. HEAVY INDUSTRY BUFFER - EVIDENCE OF CHANEL HARGRAVE FOR HYNDS PIPE SYSTEMS LTD

3.1 My evidence for Topic 7: Industrial Zone and Heavy Industry Zone outlined how set-backs and other plan provisions could be used to manage noise and reverse sensitivity effects, including any potential issues related to the rezoning of the Havelock site to residential.

3.2 Ms Hargrave now seeks new provisions for a setback around the Hynds site in Pokeno which would restrict residential allotments and sensitive activities within proximity of the Hynds site. A map showing the set-backs is attached as Appendix A to her evidence. The evidence says the submitter will provide justification for the location of the set-backs at future hearings. The submitter also seeks reverse sensitivity as a matter of discretion for residential subdivision.

3.3 Hynds' suggested residential set-back lacks any technical justification and would sterilise a significant part of **HVL's** land. No section 32AA assessment is provided in the evidence, nor any technical reports providing a basis of the 'heavy industry buffer' line and the extent of setback. HVL and its experts would need to see the technical basis and evidence from the submitter before any meaningful response can be provided. Likewise, the hearing panel can give no weight to such a proposal until the technical basis is provided.

3.4 I do not consider it necessary to include reverse sensitivity as a matter of discretion for all subdivision residential consents, especially when any potential conflict can be resolved by the zoning pattern or set back. Reverse sensitivity is only relevant in certain circumstances and it would be inefficient to require every subdivision consent

to consider the issue. There already are controls in the plan about building set back from key infrastructure (for example 16.3.9.2 Building setback – Sensitive land use).

Dated: 11 February 2020

Mark Seymour Manners Tollemache