

**SUMMARY STATEMENT OF EVIDENCE OF CHRISTOPHER JAMES SCRAFTON ON
BEHALF OF POKENO VILLAGE HOLDINGS LIMITED (SUMBITTER NO. 368 /
FURTHER SUBMITTER NO. 1281)**

PLANNING

Building Height

1. I agree with the section 42A reporting officers, Mr Matheson and Ms Allwood, that the 8 metre height limit is appropriate for the residential zone noting that it is consistent with the height limit included in both the Residential and Residential 2 zones of the Operative Waikato District Plan – Franklin Section and thus represents the prevalent height limit applying to existing and recent development of Pokeno.
2. Furthermore, I concur with Mr Matheson and Ms Allwood’s recommendation of to amend the activity status of Rule 16.3.3.1 D1 to a Restricted Discretionary Activity. In my opinion the adverse effects of an infringement of the building height rule are easily identifiable, relating to residential amenity, privacy, overshadowing and dominance.
3. I also generally support the proposed matters of discretion recommended by the section 42A reporting officers noting that some editing to remove repetition would be appropriate.

Multi-Unit Development and the Medium Density Residential Zone

4. Mr Matheson and Ms Allwood have recommended deleting all the conditions relating to multi-unit development, with the exception of one condition which requires a connection to public wastewater and water reticulation for each residential unit. Mr Matheson and Ms Allwood have made this recommendation on the basis that an infringement of a condition changes the activity status from Restricted Discretionary to Discretionary. They consider that having to comply with all the conditions of the rule to retain Restricted Discretionary activity status will not encourage innovative and clever ways in which to provide for multi-unit development while still achieving residential amenity values, which is what the relevant objectives and policies seek to achieve.
5. Instead the section 42A reporting officers recommend that all applications for multi-unit development be assessed against the matters of discretion and Appendix 3.4 – Urban Design Guidelines for Multi-Unit Development.
6. In my view, there are a number of issues associated with this approach including:

- (a) The wording of the relevant matter of discretion states that discretion is limited to the "manner in which the design guide has been incorporated". The design guide states that "*a degree of flexibility in relation to how the proposals responds to the guidelines is reasonable and to be expected. What is important is that the outcomes sought are clearly achieved and that this able to be demonstrated in the proposal*". In my view, there is little certainty as to what design response is required to achieve consistency with the outcomes anticipated by the matter of discretion. I consider this is likely to lead to some inconsistency in application, uncertainty and additional cost to applicants.
 - (b) There is overlap between what has been included in the list of matters of discretion and what is covered in the Design Guideline at Appendix 3.4. In my view the design statement required by Appendix 3.4 would duplicate material already routinely provided in assessments of environmental effects and result in additional cost to applicants.
 - (c) The design guide specifies outcomes sought and provides guidelines aimed at achieving these outcomes. It states that the outcomes sought need to be demonstrably met by each application but that there is some flexibility in the manner in which the guidelines are applied. In my view, it is highly likely that both the outcomes sought and guidelines will themselves be considered as "matters of discretion" through processing of resource consent applications. Again, this is likely to result in inconsistent interpretation and potential uncertainty and additional cost to applicants.
 - (d) There is nothing in either the matters of discretion or the design guide that allows for consideration of the appropriateness of the proposed location for this type of development. For example, it is common practice to look to encourage more intensive development around public transport nodes or town centres. In my view, discretion should include consideration of the appropriateness of the surrounding environment to such development.
7. In my opinion enabling multi-unit development, albeit as a restricted discretionary activity in the Residential Zone is problematic as the wide spatial application of the Residential Zone across the District could lead to resource consents being granted for multi-unit development in areas which are not best suited for this housing typology. For example, development

could occur in areas not well serviced by infrastructure (including transport, social and stormwater) or employment opportunities.

8. In my view, a more appropriate approach to the provision of multi-unit development is through both:
 - (a) The application of a Medium Density Residential Zone or overlay applied to areas identified as being appropriate for such development; and
 - (b) The use of a discretionary activity throughout the residential zone where supported by appropriate objectives and policies that recognise such matters as appropriateness of the proposed development area for such development, achieving appropriate amenity and infrastructure provision (amongst other things).
9. In my opinion this is a more targeted approach to enabling differing and more intense housing typologies within the District which can focus on identifying the most appropriate locations for such development. For example, a Medium Density Residential Zone could be applied to urban areas serviced with the appropriate infrastructure including social services, amenities, and close to employment. I note that expert witnesses for Kāinga Ora and HVL broadly share this view.
10. Mr Matheson in his Council reply has recommended that further analysis of the Medium Density Residential Zone be undertaken¹, including the potential spatial application of the zone. If the Panel consider that there is merit in undertaking this additional analysis, PVHL would be interested in participating in this process.

Earthworks

11. Mr Matheson and Ms Allwood have recommended that a setback of 5 metres from infrastructure be included in Rule 16.2.1 P1². This is in response to a KiwiRail submission point which sought an earthworks setback of 1.5 metres from their infrastructure³ including services and network systems⁴.
12. In terms of consistency and integrity of provisions across the various sections of the PWPD, I note that the section 42A report for the Industrial and Heavy

¹ Paragraph 60, Section 42A Rebuttal Evidence for Hearing 10: Residential Zone

² Para 190, Section 42A Report, Hearing 10: Residential Zone

³ Submission Point 986.96

⁴ Page 21, KiwiRail Submission on the PWDP

Industrial Zone rejected this same submission from KiwiRail on the basis that the Rule would be problematic, stating:

*"In my view, KiwiRail's request is problematic. For example, this would trigger resource consent for any earthworks carried out within 1.5 metres of any private service line, including water, wastewater and telecommunication. It is also unclear how this setback would maintain the integrity of the railway track because it is presumed that the designated width already accounts for this."*⁵

13. I agree with the section 42A reporting officer for the Industrial and Heavy Industrial Zones and consider that this rule is onerous and would extensively limit the area of earthworks permitted on a residentially zoned site because of the broad range of infrastructure types that would trigger it. For example, earthworks within 5 metres of:

- (a) the road reserve;
- (b) water, stormwater and wastewater pipelines; and
- (c) power and communications

will require resource consent.

14. Furthermore, I note that no section 32AA analysis has been provided in relation to this matter. It is my view that such analysis would have identified that the costs would outweigh the benefits, and that there are other more appropriate methods available to protect KiwiRail's infrastructure, such as designating.

15. I note that Mr Matheson in his Council reply has not addressed this matter. Notwithstanding this, I recommend that the proposed amendments to the Rule be rejected for the above reasons.

Pokeno Structure Plan

16. As signalled through previous hearings, PVHL seeks the incorporation of the PSP provisions (with appropriate amendments) into the PWDP, including residential provisions. I consider that a Development Plan will provide the best method to incorporate the PSP provisions into the PWDP, which I note is consistent with the National Planning Standards.

⁵ Para 367, Section 42A Report, Hearing 7 Industrial Zone and Heavy Industrial Zone

17. I understand that, as signalled at Hearing 7 (Industrial and Heavy Industrial zones) PVHL intends to provide a comprehensive set of provisions which incorporate the PSP provisions into the PWDP at Hearing 26.