

**BEFORE THE INDEPENDENT HEARINGS PANEL**

PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

Under the Resource Management Act 1991 (**RMA**)

In the matter of hearing submissions and further submissions on the Proposed  
Waikato District Plan (Stage 1) – **Hearing 22 - Infrastructure**

By The Surveying Company Limited (Submitter 746)

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**Joint Statement of evidence by Leigh Shaw and Vanessa Addy  
on behalf of The Surveying Company Ltd  
(Planning)**

Dated: September 2020

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## INTRODUCTION

1. This is a joint planning statement of evidence on behalf of The Surveying Company Limited (TSC) in relation to the Proposed Waikato District Plan Infrastructure provisions. TSC is a multi-disciplinary land development consultancy that has been providing Planning, Surveying and Civil Engineering services throughout the Waikato, Auckland, including the former Franklin, Papakura, Manukau Districts, and Hauraki Districts for the past 30 years. This includes the application and management of Subdivision Consents and Land Use Consents associated with the use and development of land. Over the past 30 years TSC have had continuous involvement with the preparation, administration and implementation of the operative and legacy versions of the Waikato and Franklin District Plans. In this regard TSC are familiar with both historic and current resource management issues facing the Waikato District. This statement has been prepared by Leigh Shaw and Vanessa Addy.

## Experience and Qualifications

### Leigh Shaw

2. My full name is Leigh Michael Shaw. I am a Planning Manager at TSC in Pukekohe. I hold a Bachelor of Applied Science (Surveying) (Hons) from RMIT University, Melbourne and a Post Graduate Diploma in Planning from Massey University, Palmerston North
3. My relevant professional experience spans over 20 years in a private sector role (Beveridge Williams and TSC) with the last seven years focused on resource management issues. In my current role, I have prepared subdivision and land use (Regional and District) Resource Consent applications for both urban and rural projects. I have been the lead planner on projects from feasibility and design through to project completion. I have prepared submissions on behalf of clients for plan reviews and changes. For the last twelve years I have worked extensively on projects in the Waikato District and am familiar with the resource management issues in this area.

## **Vanessa Addy**

4. My full name is Vanessa Margaret Addy. I am a Senior Planner at TSC in Pukekohe. I hold a Bachelor of Arts and Masters of Resource and Environmental Planning from Massey University, Palmerston North. I am an intermediate member of the NZPI and have met my CPD requirements for this level of membership.
  
5. My relevant professional experience spans 14 years working within both local government (Auckland Council, Queenstown Lakes District Council and Ruapehu District Council) and within the private sector (OpusWSP and TSC). I have been in my role at TSC for the last two and a half years. I have been involved in a number of subdivision and land use (Regional and District) consents for both urban and rural projects from both a processing and application perspective. My technical experience includes the preparation of statutory assessments and environment effects for predominantly and most recently resource consents. However, I have also been involved with Structure Plans, Plan Writing and a number of Notice of Requirements and Outline Plan approvals. In addition, I have prepared submissions and provided planning advice to submitters on the Proposed Waikato District Plan and other statutory and non-statutory planning documents.

## **Code of Conduct**

6. We confirm that we have read the 'Expert Witnesses Code of Conduct' contained in the Environment Court of New Zealand Practice Note 2014. This evidence has been prepared in compliance with that Code in the same way as if giving evidence in the Environment Court. In particular, unless we state otherwise, this evidence is within our sphere of expertise and we have not omitted to consider material facts known to us that might alter or detract from the opinions we express.
  
7. In preparing this statement of evidence we have read the s42A Infrastructure and Energy report prepared by Trevor Mackie, the Reporting Officers' for Waikato District Council; the summary of submissions and any relevant submissions lodged in respect of Chapter 14; as well as any relevant information prepared for the District Plan review.

## SCOPE OF EVIDENCE

8. This evidence is provided in support of the submissions made by TSC on the Proposed Waikato District Plan – Stage 1 (PWDP). My evidence will focus on the key planning issues relevant to this hearing topic. My evidence addresses the following matters that follow a similar topic format as the s42A report:
- (a) *Table 14.12.5.1 - Separation distances of an access onto a road from an intersection or between accesses*
  - (b) *Table 14.12.5.3 - Minimum sight distances from a vehicle entrance*
  - (c) *Table 14.12.5.14 – Access and road conditions (Residential, Village, Business, Business Town Centre and Industrial Zones)*
  - (d) *Table 14.12.5.15 – Access and road conditions (Rural and Country Living Zones)*
9. In summary, the relief sought for the evidence that is presented below is to remove onerous transportation standards from the PWDP, the Regional Infrastructure Technical Specifications (RITS) is the relevant document that sets out requirements and guidance for the design and construction of roads and right of ways (ROW) for developments. This is a “living” document that can easily be updated without the need to go through a complex plan change process.

## SUBMITTERS’ CONCERNS OVER THE TRANSPORTATION STANDARDS

10. We consider it inappropriate for a District Plan to state engineering design standards. Any changes to the standards would require a plan change which is a costly and lengthy process.
11. The Council has adopted the RITS as an engineering code of practice that sets out the standards for design and construction of infrastructure to be considered at the time of subdivision.

Table 14.12.5.1 - Separation distances of an access onto a road from an intersection or between accesses

12. Table 14.12.5.1 contradicts Rule 16.4.11 Subdivision - Road frontage. Table 14.12.5.1 requires vehicle access for new subdivision to be separated by 20m. Rule 16.4.11 Subdivision requires a minimum road frontage of only 15m. Therefore, either a restricted discretionary activity resource consent is required as part of the subdivision consenting process, or an inefficient lot yield and unnecessary impermeable areas will result as shown in the aerial photo below.



Figure 1: New suburban development with regular separation distances between entrances

13. We strongly oppose a separation distance 'N' being specified for local roads in Table 14.12.5.1. Council should encourage innovation and self-expression when it comes to development on new urban areas. Entrances on local roads should be installed to suit the proposed building development (as shown in the aerial photo below) and not to comply with an overly prescriptive district plan.



**Figure 2: New suburban development with entrances located according to the land owners proposed dwelling layout**

**Table 14.12.5.3 - Minimum sight distances from a vehicle entrance**

14. The Council has adopted the RITS as an engineering code of practice that sets out the standards for design and construction of infrastructure to be considered at the time of subdivision. Chapter 3.3.5 Visibility outlines the sight distance requirements by reference to NZTA RTS 6 Guidelines for Visibility at Driveways (1993) (the relevant page is included in Appendix A).
15. RTS 6 which is intended to give guidelines for the location of vehicle driveways on the road network and prescriptive sight distances are an engineering matter that should not be specified in a district plan. We recommend the deletion of Table 14.12.5.3 and reference to the relevant engineering code of practice.

Table 14.12.5.14 – Access and road conditions (Residential, Village, Business, Business Town Centre and Industrial Zones)

16. We disagree with Trevor Mackie’s statement that *“Infill housing may require restricted discretionary resource consent for ROWs past existing houses, and that process can manage design of the driveway, protection of existing house eaves and windows, and access for construction and service vehicles.”* When a new plan is made operative, it is highly unlikely that Council will grant any dispensation to the stated provisions.
17. Table 14.12.5.14 as proposed would very much restrict and limit future potential Residential and Village zone Subdivisions. Specifically the requirement for an 8m legal ROW width and 5m carriageway width for 2 to 4 users which is identical to the requirement for 5 to 8 users. An 8 metre width simply cannot be obtainable in most in-fill residential situations. This would prevent and restrict in-fill Subdivision in the future. There are many of the old 1012m<sup>2</sup> (quarter acre sections) still available with the dwelling in the front half and with large rear vacant yards. With the proposed 8m legal ROW width these will not be able to be subdivided in many instances. Additionally, the proposed 5m carriageway width is excessive for the volume of traffic catered for. We consider this to be a waste of residential land which could potentially be subdivided in the future. There is already a shortage of residential land and residential houses right now. We request a 4m legal access width and 3m carriageway width to 2 to 4 residential/village allotments be adopted to enable the efficient use of the existing urban land resource.



**Figure 3: Partial in-fill residential subdivision of quarter acre sections.**

18. In relation to new residential/village subdivision, the Franklin District Plan Residential 2 zone provides a high standard of amenity by proposing a 6m legal access width and 3m carriageway width for up to 5 users. We consider this would achieve *“an appropriate width for residential amenity in towns and villages, as opposed to more compact city suburbs, and would encourage subdivision design with properties having frontage to a road.”* That Trevor Mackie considers appropriate for the Waikato District and should be adopted for greenfield subdivision.

2. Every private way in the Residential 2 Zone shall comply with the following requirements:

**26.6.5.1A Design requirements**

POTENTIAL NO OF UNITS / HOUSES SERVED	LEGAL WIDTH MINIMUM (Metres)	FORMED WIDTH MINIMUM (Metres)	MAXIMUM LENGTH (Metres)
Up to 5	6	3	100
6 and above	Legal ROAD applies - Refer to NZS 4404:2010 and/or <a href="#">Part 54*</a>		

Figure 4: Alternative criteria to provide a high standard of amenity in greenfield areas

19. Additionally, we wish to increase the potential number of users to up to 20 dwellings in accordance with NZS 4404:2010 Land Development and Subdivision Infrastructure - Table 3.2 Roading Design Standards. We cannot see any valid reason why private ways and Rights of Ways should be limited to only 8 users, beyond which a public road of at least 8m carriageway width is required to be vested to Council. Private Roads can more efficiently service up to 20 dwellings using much less land and saving Council maintenance costs. A reduced width could be favourably considered where a pavement, drainage and services can still be accommodated in a private road serving 10 allotment such as in the example below (approved Engineering Plans showing the ROW cross section are included in Appendix B). In this case, a 5.5m wide private carriageway provides two-way access within a 10m wide reserve width, all without the need for Council to worry about future maintenance costs. Once again, this provides more flexibility for infill Subdivision and residential Subdivision in general.





**Figure 5: A 5.5m wide private carriageway provides two-way access to 10 allotments within a 10m wide reserve width**

20. Traffic volumes are often perceived as a problem but speed is the major threat to amenity, health & safety. Private ways must be designed so that people instinctively respond with slow, cautious behaviour. This also follows good urban design principles. An 8 metre legal width for 2 users as notified would only encourage people to drive faster. Our proposal to refer to the NZS 4404:2010 – Land Development and Subdivision Infrastructure would:
- enable a more efficient use of the urban land resource
  - reduce Council maintenance costs on unnecessary public roads
  - encourage people to drive slowly and more carefully on private roads with a reduced design speed
21. In summary, we consider that it is simply unnecessary to restrict access to a specified number of dwellings as proposed by Council which in turn restricts Subdivision, safety and the flexibility for future Subdivision.

Table 14.12.5.15 – Access and road conditions (Rural and Country Living Zones)

22. We generally support Trevor Mackie’s analysis and recommendation to retain the notified PWDP minimum road/ROW reserve widths in relation to the number of users as this a relevant planning matter. Specifically, we agree with Trevor’s statement that *“Waikato District Council has adopted the Regional Infrastructure Technical Specifications May 2018 (RITS) (currently under review, I understand) as a code of practice for development of infrastructure. That may, in future, proceed to replace the access and right-of-way widths of the PWDP.”*
23. However, we consider it inappropriate for a District Plan to state engineering design standards. The RITS is Council’s current Engineering Code of Practice and it can be easily amended without the need to go through a complex plan change process. The RITS can be reviewed frequently and improvements can be suggested and incorporated where appropriate. Alternative designs/specifications can be submitted without the need to go through a complex resource consent process.

**RELIEF SOUGHT:**

24. TSC seeks that engineering standards such as sight distances and access standards be removed from the PWDP and for the Plan to refer to the RITS instead. The RITS is Council's current Engineering Code of Practice and should be the document used for the design and construction of new infrastructure. The Council has adopted the RITS as an engineering code of practice that sets out the standards for design and construction of infrastructure to be considered at the time of subdivision. The RITS is the Council's acceptable technical specification that provides context and support to infrastructure design when considering development proposals.
25. TSC seeks that the access widths be reduced and the number of users increased.
26. We also see that reference to local roads requiring separation distance 'N' being deleted.

## CONCLUSION

27. TSC has serious concerns about onerous Transportation provisions being incorporated into a statutory planning document. Any non-compliance would require resource consent and any proposed amendment to the District Plan would need to go through the complicated plan change process.
28. Waikato District Council has adopted the RITS as a code of practice for development of infrastructure. That may, in future, proceed to replace the access and right-of-way widths of the PWDP.
29. The Council has adopted the RITS as an engineering code of practice that sets out the standards for design and construction of infrastructure to be considered at the time of subdivision. This is a “living” document that can easily be reviewed and updated to address the safety of road users.

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Leigh Shaw and Vanessa Addy

**September 2020**

Enclosed:

Appendix A - Road traffic standards 06 guidelines for visibility at driveways

Appendix B - Approved Engineering Design Plans