

**BEFORE** the Independent Hearings Panel  
**IN THE MATTER** of the Resource Management Act 1991 (“**RMA**”)  
**AND**  
**IN THE MATTER** of hearing submissions and further submissions in respect of Chapter 4  
(Village Zone) of the Waikato District Proposed District Plan (“**WPDP**”)

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**STATEMENT OF EVIDENCE**

**BY BEVAN RONALD HOULBROOKE**

**ON BEHALF OF GREIG METCALFE**

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## **INTRODUCTION**

1. My full name is Bevan Ronald Houlbrooke and I am a Director at CKL Planning | Surveying | Engineering | Environmental ('CKL').
2. I have been employed in resource management and planning related positions in local government and the private sector for 17 years. During this time I have provided technical and project leadership on a number of small and large development proposals. My work is largely focused on greenfield and brownfield land development, subdivision and land use planning, and policy planning. I have been involved in a number of plan review and plan change processes.
3. I hold a Bachelor of Science (Resource & Environmental Planning) from the University of Waikato and a Master of Planning Practice from the University of Auckland.
4. I am a Full Member of the New Zealand Planning Institute (MNZPI).
5. I have read the code of conduct for expert witnesses contained in the Environment Court's Practice Note 2014, and agree to comply with it. I have complied with it when preparing my written statement of evidence.

## **SCOPE OF EVIDENCE**

6. This evidence provides a planning assessment of provisions on which Mr. Greig Metcalfe submitted on and addresses the Section 42A Report provided by the Waikato District Council ("WDC") in relation to Chapter 16 – Village Zone.
7. Topics covered in this evidence include:
  - Retirement Villages (Land Use s42A – section 4.1.1)
  - Airport Obstacle Limitation Surface (Land Use s42A – section 4.3.18)
  - Signs (Land Use s42A – section 4.2.9)
  - Subdivision – Te Kowhai (Subdivision s42A – Section 4.3)
  - Building Coverage (Land Use s42A – section 4.3.19)

## **RETIREMENT VILLAGES**

8. Retirement villages are not specifically provided for in the Village Zone, therefore the activity status would default to non-complying pursuant to Rule 24.1.3.
9. The original submission from Mr. Metcalfe requested that new retirement villages or alterations to an existing retirement village be provided for as a permitted activity in the Village Zone. The reason for the submission is that retirement villages would be an appropriate land use.
9. A further submission by Mr. Metcalfe supported in part the original submission from Waikato District Council (697.545) who sought inclusion of policies and rules to support the provision of retirement villages within the Village Zone. The Waikato District Council submission notes that retirement villages provide for a range of housing options for older persons.
10. The s42A report has rejected the submissions regarding retirement villages with the main reason being that their density would be far higher than that of the Village Zone (either serviced or unserved). According the s42A report this could adversely affect character and

amenity of the locality. The s42A report goes on to say that the higher density may then cause conflict with several notified objectives and policies and may also give rise to significant adverse traffic effects. Finally, the s42A report notes that providing retirement villages as a permitted activity may also give rise to undesirable applications of the permitted baseline.

11. I acknowledge there is some merit in the reasons given in the s42A report and that it is not appropriate to have no controls over the density of retirement villages in the Village Zone due to potential adverse effects on village character and amenity. However, I consider a non-complying activity status for retirement villages to be too onerous for what is essentially an integrated housing development within an urban zone that exists to enable residential land uses.
12. If Commissioners are mindful of allowing retirement villages as a permitted activity in the Village Zone, then the issues outlined in the s42A could be addressed by adding a rule that provides a maximum density which more closely aligns with density expectations for the Village Zone. In the case of a serviced village, this would be approximately 8-10 households per hectare.
13. I note a retirement village was recently approved in the Rural Zone adjacent to Tamahere village which has 93 villas, 23 apartments and a 30 bed care unit on a 11.3 ha site. This equates to a density of 10.3 households per hectare, not including the care unit. This would in my opinion be an appropriate outcome in the Village Zone and would not necessarily undermine the character and amenity of the location.
14. A rule controlling density would ensure retirement villages are consistent with relevant objectives and policies, and overall have scale and density that is in keeping the character and amenity of the village location and manage off-site transportation effects.
15. Alternatively (if scope allows) retirement villages could be provided for as a restricted discretionary activity with discretion able to be exercised by decision makers over density, character and amenity. A restricted discretionary activity status is in my opinion more appropriate than non-complying.

#### **AIRPORT OBSTACLE LIMITATION SURFACE**

16. Mr. Metcalfe submitted on Rule 24.3.3.2 which controls the height of buildings, structures and vegetation within an airport obstacle limitation surface (“**OLS**”). The OSL effectively identifies airspace above a specified height that must remain free from obstacles.
17. Mr. Metclafe has an interest in a property (Lot 2 DP 456538) at Te Kowhai which is subject to the proposed OSL. The property contains a large number of mature specimen trees that will breach the proposed OSL. The trees can be seen in Figure 1 below.



*Figure 1: Mature trees on Lot 2 DP 456538*

18. The equivalent rule (Rule 25.49c) from the current Operative Waikato District Plan (“ODP”) only controls the height of buildings and structures in the OSL. The ODP does not control the height of vegetation or trees which is a key difference to what is proposed by Rule 24.3.3.2 in the PDP.
19. Given the mature trees on the Metcalfe property will have lawfully existed prior to Rule 24.3.3.2 becoming operative, they are likely to benefit from existing use rights pursuant to s10 of the RMA.
20. The s42A report has not reported on Mr. Metcalfe’s submission regarding Rule 24.3.3.2 (submission point 602.2) which sought relief in respect to protecting the existing use rights of existing vegetation. It appears that other submissions on Rule 24.3.3.2 have also been omitted from the s42A report, including McCracken Surveys Ltd (submission point 943.58) and NZTE Operations (submission point 602.12).
21. The s42A report also appears to have confused the OSL for the Airport Noise Outer Control Boundary (ANOCB) as the OSL affects many properties, not just two as stated in paragraph 451 of the s42A.
22. In the circumstances it is suggested that consideration of Rule 24.3.3.2 could potentially be deferred to the hearing regarding the Te Kowhai Airpark Zone.

#### **SIGNS**

23. Mr. Metcalfe has an interest in sign provisions contained in the PDP through ownership of a Real Estate Agency which operates in the Waikato District. His submission seeks amendments to Rule 24.2.7.1 P3 to enable a better framework for managing real estate signs as a permitted activity in the Village Zone. The rule as notified allows only 1 sign per site and there are no limits on the size of that sign.
24. Mr. Metcalfe sought the following amendments:
  - Allow more than 1 standard real estate sign measuring 600mm x 900mm per site (common for corner sites or when there are multiple agencies selling/leasing a site)
  - Allow 1 feature real estate sign measuring 1800mm x 1200mm (common for properties being sold by tender or auction)

- Allow 1 header real estate sign measuring 1800mm x 1200mm (used on another site to point purchasers to the site which is for sale)
- 25. The submission from Mr. Metcalfe also sought a definition for “real estate sign” which has been accepted in the s42A report for Definitions (Hearing 5).
- 26. In response to submissions the s42A report has proposed several amendments to the notified version of Rule 24.2.7.1 P3 and this is outlined as follows:

- P3 (a) A real estate ~~for sale~~ sign relating to the site on which it is located must comply with all of the following conditions:
- (i) There is no more than + 3 signs per ~~agency site of which~~:
    - (A) There is no more than 1 sign per agency measuring 600mm x 900mm;
    - (B) There is no more than 1 sign measuring 1800mm x 1200mm; and
    - (C) There is no more than 1 real estate header sign measuring 1800mm x 1200mm
  - (ii) The sign is not illuminated;
  - (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;
  - ~~(i) The sign does not project into or over road reserve.~~

- 27. While the proposed amendments do represent an improvement and would reduce the instances of real estate signs requiring resource consent, some further refinements are suggested below.

- P3 (a) A real estate sign must comply with all of the following conditions:
- i) There are no more than 3 signs per site;
  - ii) There shall be no more than 1 sign per agency per road frontage;
  - iii) No sign shall not exceed 2.16m<sup>2</sup> (1800mm x 1200mm);
  - iv) The sign is not illuminated;
  - v) The sign does not contain moving parts, fluorescent, flashing or revolving lights or reflective materials.

- 28. The proposed amendment does remove the requirement for the sign to relate to the site on which it is located. This is because on occasions a Real Estate agency might want to erect a “header sign” on another site with the approval of that landowner. The purpose of a header sign is to point perspective purchasers towards the property for sale that might not be readily visible. Examples where a header sign might be used include a property for sale on a low volume no-exit road or on a rear site down a shared right of way.

## SUBDIVISION – TE KOWHAI

### *Transitional Approach*

- 29. Mr. Metcalfe has an interest in a 68ha property on the western edge of Te Kowhai village. Under the notified version of the PDP, the property is located within the Village Zone and represents a significant landholding to enable the future expansion of Te Kowhai. Figure 2 shows the location of the property.

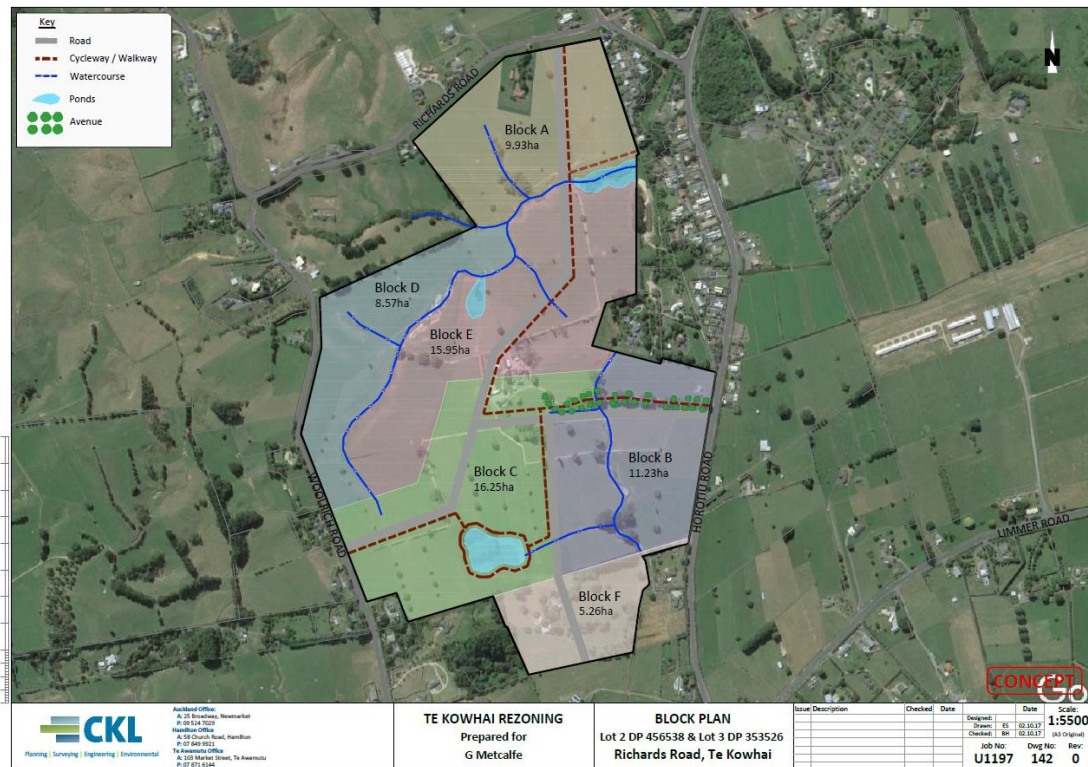


Figure 2: Location of Metcalfe property, Te Kowhai

30. By way of background, Te Kowhai is specifically identified as a residential growth area in the PDP and is supported by objectives and policies. This position is consistent with the wider urban growth management objectives of Future Proof which promotes future development being concentrated in one or two existing Waikato District villages (including Te Kowhai) rather than being scattered across a number of areas.
31. Future Proof states that *“rural residential living is best located in and around existing towns, villages and rural-residential nodes”* (section 11.3). Future Proof also states that *“land within an indicative village limit may be developed to a rural-residential density only unless reticulated wastewater is available”* (section 6.4). Future Proof along with Policy 6.15 of the Waikato Regional Policy Statement (*“WRPS”*) also sets a residential density target of 8-10 households per hectare in greenfield Waikato District villages where reticulated wastewater is available. Future Proof and WRPS also states that this density target is to be *“achieved over time and not necessarily immediately”*.
32. Over a period of several years Mr. Metcalfe has been in discussions with staff at WDC regarding the proposed zoning of his property. He has been supportive of the Council’s initial proposal to allow for development to proceed under two different likely scenarios. The scenarios depend on the availability of a reticulated wastewater system at Te Kowhai in which case a higher density can be achieved with lot sizes of 1000m<sup>2</sup> being allowed. If a reticulated wastewater system is not provided, then 3000m<sup>2</sup> lots can be created each with an individual on-site wastewater solution such as septic tank. There are also provisions that require buildings and driveways on 3000m<sup>2</sup> lots to be positioned in such a way that a future subdivision down to 1000m<sup>2</sup> is not precluded because of poor placement decisions.

33. Given the size of the Metcalfe property it was expected to be developed in stages and potentially over a period 10+ years. Early stages are likely to be developed ahead of any reticulated wastewater system being available at Te Kowhai, so would likely comprise of 3000m<sup>2</sup> lots. Areas of the property which are closest to the village and with suitable topography would be earmarked for higher density development with 1000m<sup>2</sup> lots being connected to a reticulated wastewater system when that becomes available.
34. This approach provides a transitional framework whereby some growth and housing choice can occur now, yet it provides a mechanism to enable more intensive development in the future when wastewater reticulation becomes available. This is in keeping with the intent of Future Proof which anticipates a rural-residential density in and around villages unless reticulated wastewater is available and acknowledges the achievement of a density target of 8-10 households is to be achieved over time and not necessarily immediately.
35. One of the criticisms however of the transitional approach in the Village Zone is the plausibility of future infill and the ability for this to be undertaken in a manner that achieves good urban design outcomes. As outlined above, given the size of the Metcalfe property, it was always anticipated that the development would be comprehensively planned and staged over 10+ years. Early stages would most comprise of 3000m<sup>2</sup> lots generally in locations with steeper topography and away from the existing village limits. Later stages would proceed with smaller lot sizes when a reticulated wastewater solution becomes available. The ultimate development of the entire 68ha block is therefore likely to provide a mixture of lots ranging between 3000m<sup>2</sup> and 1000m<sup>2</sup>. It is not the intention to subdivide the whole 68ha block with 3000m<sup>2</sup> lots and then look to retrofit or infill with 1000m<sup>2</sup> lots at some point in the future when a wastewater solution is available.
36. Notwithstanding the development philosophy outlined above, some thought has been given as to how a 3000m<sup>2</sup> lot might be able to be re-subdivided should this be desirable at some point in the future. Buildings and driveways on 3000m<sup>2</sup> lots would need to be positioned appropriately to safeguard the future subdivision. Figures 3 and 4 below show how this could occur in practice.



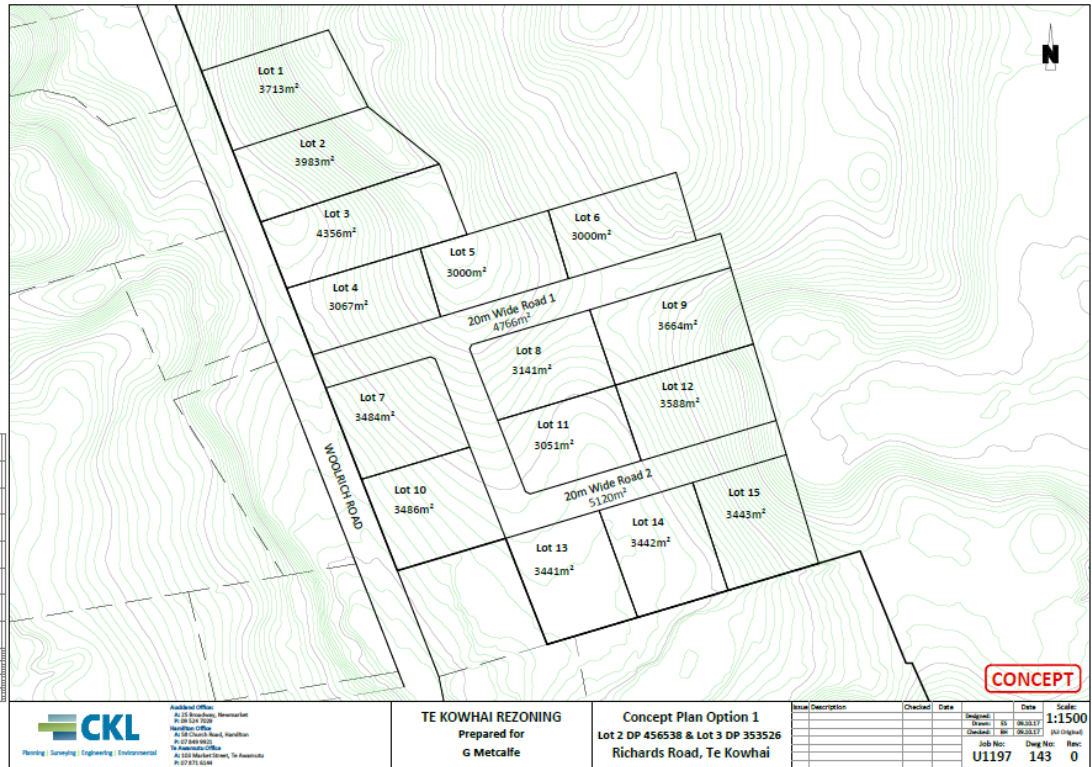


Figure 3: 3000m<sup>2</sup> lots

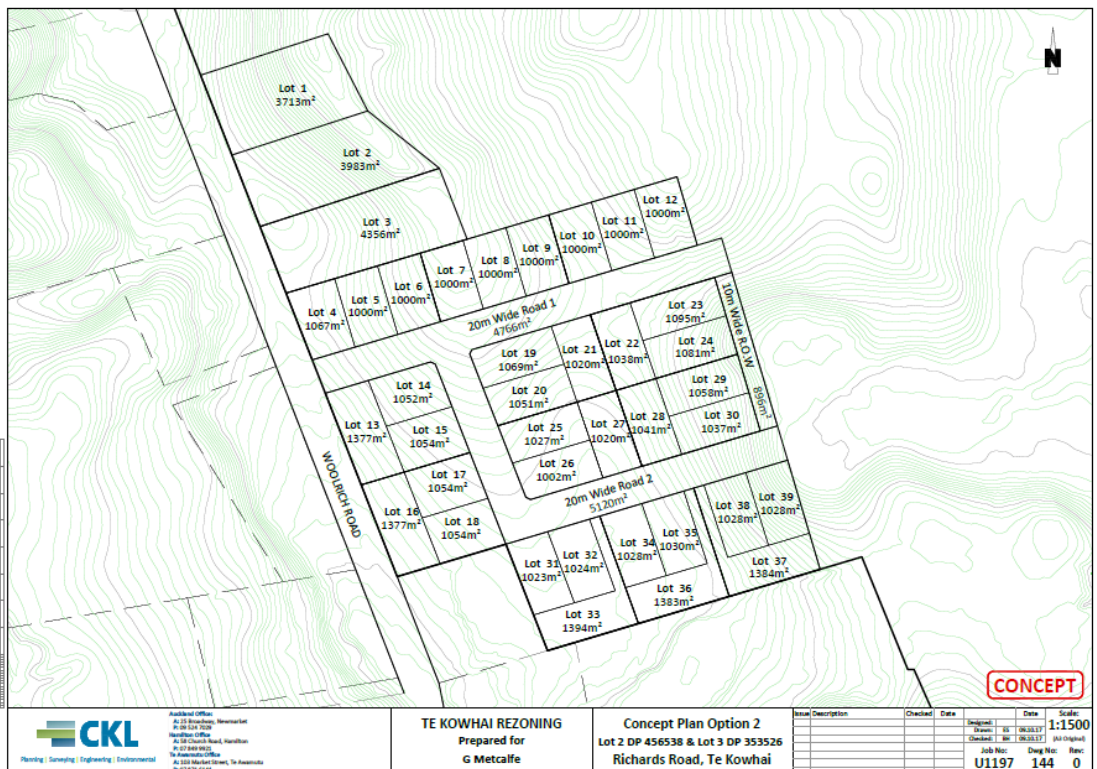


Figure 4: Future re-subdivision of 3000m<sup>2</sup> lots



### Availability and ownership of Wastewater

37. The s42A report outlines two options for extending wastewater reticulation to Te Kowhai. The first is a cross boundary connection to the Pukete treatment plant in Hamilton and the second is an extension of reticulation from Horotiu which would connect to the Ngaruawahia treatment plant. Both plants are reported by the s42A to have no or little capacity and the timeframe for the funding of a wastewater solution for Te Kowhai sits outside the Long Term Plan. The s42A report concludes that servicing is not programmed or particularly plausible within the life of the PDP.
38. In response to this I am aware of a substantial piece of work currently underway in relation to the Hamilton-Auckland Corridor (H2A) and the Hamilton Metro Spatial Plan (Briefing to Stakeholders: The Hamilton-Auckland Corridor Initiative – June 2019). The H2A project has identified considerable development potential throughout the Hamilton metropolitan region. This includes opportunities to intensify new development along transport corridors within Hamilton and beyond, including Ngaruawahia, Horotiu, Te Kowhai, Hautapu, Cambridge and the airport precinct (referred to as Focus Area 4). New and appropriate water and wastewater solutions is listed as a “key future urban growth enabler” for Focus Area 4. Another initiative in the H2A is to advance a Waikato Sub-Regional Three Waters Investigation which presumably would present greater opportunities to establish a cross boundary wastewater solution to Te Kowhai. Although I have only limited visibility and knowledge of the H2A workstream, there does appear to be notable momentum and a sense of urgency in terms of providing growth and development opportunities between Hamilton and Auckland and specifically Te Kowhai as part of Focus Area 4.
39. Of interest is also the Draft Waikato 2070 which is WDC’s Growth and Economic Development Strategy. Waikato 2070 has recently been released for public feedback and it also proposes Te Kowhai as a future growth node. The Metcalfe property is specifically identified for residential development (450m<sup>2</sup> lots) with a 10–30 year development-timeframe as shown in Figure 5 below.



Figure 5: Te Kowhai Development Plan (Draft Waikato 2070)

40. To my mind the possibility of a wastewater solution becoming available in Te Kowhai is building traction and depending on funding solutions (which could potentially be Council, government agency or developer lead) it is plausible wastewater could be provided to Te Kowhai in the life of the PDP.
41. As an alternative to connecting to Pukete or Ngaruawahia Mr. Metcalfe has also investigated the potential to establish a community scale wastewater plant and has commissioned a high-level report from Tonkin and Taylor (attached as **Appendix 1**). A community scale system involves the collection, treatment, and disposal of wastewater from the development using an Innoflow reticulation and treatment system. This system uses septic tanks at each property to pre-treat and buffer the wastewater, before pump or gravity discharge of effluent in pressurised reticulation to a central treatment plant and disposal. Tonkin and Taylor have advised that this solution is proven in both an international and New Zealand context, with over 20 communal sites in New Zealand, servicing from 21 to 850 connections.
42. I am aware of different ownership models for community scale wastewater systems such as Innoflow. In Piopio (Waitomo District) an Innoflow system was installed by Council and is a vested public asset (refer to **Appendix 2**). I am also aware of community scale wastewater systems which are held in private ownership and are managed by a body corporate type arrangement which collects levies from houses that connect to it and ensures maintenance and upkeep of the system.

***Rule 24.4.2 – Subdivision – Te Kowhai and Tuakau***

43. The s42A has recommended under Rule 24.4.2 that greenfield portions of the Village Zone (including the Metcalfe property) be provided with a Village Zoning to reflect their long term suitability for urban growth, with the proviso that subdivision is limited to align with the proposed Rural Zone provisions until such time as reticulated servicing is available (i.e. remove option to create 3000m<sup>2</sup> unserviced lots). Once public water and wastewater reticulation is available, subdivision of 800m<sup>2</sup> lots is provided for. The s42A report acknowledges that this recommendation is a “finely balanced matter” with imperfect knowledge regarding servicing and timeframes and funding.
44. While Mr. Metcalfe supports the reduction of serviced lots sizes to 800m<sup>2</sup>, he opposes the part of the recommendation that inhibits interim development or subdivision ahead of wastewater reticulation being provided. It is acknowledged however that the transitional provisions of the Village Zone could present some challenges, and these are listed most succinctly in paragraph 101 of the s42A report. On reflection of these issues Mr. Metcalfe proposes that further work could be completed now to prepare a high-level structure plan for his property. This high-level structure plan would identify specific areas of the property that are best suited for serviced lots (800m<sup>2</sup>) and specific areas for un-serviced lots (3000m<sup>2</sup>). The arrangement of these density outcomes will largely be driven by topography and proximity to the existing village and would help avoid interim development being ad-hoc and ensure that higher density development is not precluded when reticulated services become available. If commissioners are mindful of adopting the recommendation in the s42A report, Mr. Metcalfe is willing and able to progress with the structure planning process for his property so that

some appropriate growth could occur in Te Kowhai ahead of reticulated wastewater being provided.

45. Mr. Metcalfe is also opposed to the proposed wording of Rule 24.4.2 which requires lots in the Village Zone to be connected to “*public water and wastewater infrastructure*”. As outlined in the Tonkin and Taylor report, the provision of a community scale treatment solution is possible that such a facility could potentially be held in public or private ownership. In the interests of not precluding a private ownership arrangement outright before a more detailed option analysis is completed, it is requested that Rule 24.4.2 be amended and the term “*public*” be replaced with “*reticulated*”. This would allow for future consideration of a privately owned wastewater solution based on its merits.

#### **BUILDING COVERAGE**

46. Rule 24.3.5 sets out the standards for building coverage in the Village Zone. This rule is inherently linked to the decision regarding Rule 24.4.2 discussed above. The submission from Mr. Metcalfe requests the term “*public*” be replaced with “*reticulated*” for the same reason of being able to keep options open in terms of providing a solution to Te Kowhai.

#### **CONCLUSION**

47. In conclusion, Mr Metcalfe seeks:
- Provisions that allow for retirement villages to more easily establish in the Village Zone (they are currently non-complying);
  - Deferment of consideration of the Obstacle Limitation Surface in respect of Te Kowhai Airpark as the s42A report did not consider all submission points;
  - Amendments to the rules pertaining to real estate signs in the Village Zone which recognise different requirements for corner sites and those sites that require header signs.
  - Subdivision provisions which allow for some unserviced lots to be established in the Village Zone ahead of reticulated services being available. A high-level structure plan can be prepared for a 68ha property in the Village zone which identifies areas best suited for unserviced and serviced lots.
  - Acknowledgement that a current workstream associated with the H2A corridor and Hamilton Metro Spatial Plan could lead to investigation of a wastewater solution for Te Kowhai as part of an identified development priority area.
  - Provisions that do not preclude consideration of a privately-owned wastewater solution in the Village Zone.

**Bevan Houlbrooke**  
**November 2019**