

**BEFORE THE HEARINGS COMMISSIONERS FOR THE WAIKATO DISTRICT
COUNCIL**

UNDER the Resource Management Act 1991

AND

IN THE MATTER of hearing submissions and further submissions
on the Proposed Waikato District Plan

Hearing 10 – Residential

PARTIES REPRESENTED **ANNIE CHEN SHIU (97)**

CSL TRUST AND TOP END PROPERTIES (89)

**JOINT STATEMENT OF EVIDENCE FROM SIR WILLIAM FRANCIS BIRCH
AND JAMES GILBERT OAKLEY FOR CHEN, CSL TRUST AND TOP END
PROPERTIES**

3 FEBRUARY 2020

Counsel Instructed:

Peter Fuller
LLB, MPlan, DipEnvMgt, BHortSc.
Barrister
Quay Chambers
Level 7, 2 Commerce Street
PO Box 106215
Auckland 1143
021 635 682
Email:
peter.fuller@quaychambers.co.nz

MAY IT PLEASE THE PANEL

Qualifications and Experience

1. This is a joint statement of evidence on behalf of Annie Chen, CSL Trust and Top End Properties relating to the provisions of the Residential Zone in the Proposed Waikato District Plan (PWDP). This statement has been prepared by Sir William Birch and James Oakley.
2. My full name is Sir William Francis Birch. I am a Registered Professional Surveyor (RPS) and a consultant at Birch Surveyors Limited. I have been involved in land use planning in the Auckland and Waikato Regions and the surrounding Districts both as a Minister of the Crown and as a RPS from the time I first established my own survey practice in Pukekohe in 1957. I am also a Fellow of the New Zealand Institute of Surveyors.
3. My full name is James Gilbert Oakley. I am a resource planner at Birch Surveyors Limited. I have a Bachelor of Arts and a Masters of Urban Planning & Urban Design (Hons) from the University of Auckland. My relevant professional experience spans two and half years whereby I have been involved in consenting and policy projects primarily across the Auckland and Waikato regions. I am an Intermediate Member of the New Zealand Planning Institute.
4. In preparing this evidence we have reviewed the s42A Report and associated appendices relating to the Residential Zone chapter of the PWDP and any other relevant information prepared for the Waikato District Plan review.

Code of Conduct

5. We confirm that we have read the Environment Court's Code of Conduct for Expert Witnesses and we agree to comply with it. We confirm that we have considered all of the material facts that we are aware of that might alter or detract from the opinions that we express, and that this evidence is within our areas of expertise, except where we state that we are relying upon the evidence of another person.

The Submitters

6. This evidence has been prepared on behalf of Annie Chen, CSL Trust and Top End Properties (“the submitters”) and relates to the initial and further submissions made by BSL also on behalf of these parties.
7. It is noted that where provisions are referenced in this evidence without having previously made submission points on said provision that this is openly acknowledged.
8. Collectively, the submitters own significant portions of land in western Pokeno that they are seeking to develop in the future for residential purposes. For Annie Chen, this area is generally referred to as “Pokeno West” and is currently zoned Residential under the PWDP.
9. The land owned by CSL Trust and Top End Properties is located to the north, adjoining Pokeno West but is zoned Rural. These parties seek that their land be also zoned for residential development as an addition, and logical extension, to Pokeno West.

Scope of Evidence

10. The purpose of this evidence is to address the following matters as they relate to the submissions made by BSL relevant to Chapter 16: Residential Zone of the PWDP. The reference to a section number in (brackets) is to indicate where that s42A report topic is addressed in this document.
 - a. The objectives and policies of the Residential Zone (see Section 5);
 - b. Changes sought to the housing options provision and the development controls of the Residential Zone (see Section 6);
 - c. The Residential Zone subdivision provisions (see Section 7);
 - d. Providing for intensified residential development throughout the District (see Section 8); and
 - e. Other matters concerning urban growth (see Section 9).
11. This evidence has been prepared in conjunction with an economic report provided by Adam Thompson (Urban Economics), and urban design/architectural evidence from David Gibbs (Construkt).

Topic 1: Objectives and Policies

12. We generally support the recommendations of the s42A report regarding the objectives and policies of the Residential Zone.
13. However, it is noted that one inconsistency has been identified that has not been the subject of a submission to date. This inconsistency relates to the absence of a reference to master plans in the title of Policy 4.2.26.
14. The use of structure plans and master plans are referenced in a consistent way across Chapter 16 in areas such as the matters of discretion for 16.4.1 Subdivision – General and in Policy 4.2.26 itself.
15. For completeness, the title of Policy 4.2.26 should make reference to master plan areas. This would be a straightforward amendment with a possible change outlined below in red.
16. Policy – Neighbourhood centres in structure plan or master plan areas

Topic 5/10/24/27: Housing Options and Development Controls

17. We made numerous submissions regarding housing options and the development controls of the Residential Zone. In general, we are satisfied that amending these provisions as per the recommendations of the s42A report will enhance the efficiency of their application, improve consistency with the Operative Plans/surrounding Districts and produce positive outcomes. This is summarised as per the following table:

s42A TOPIC	SUBMISSION POINT	s42A REPORT RECOMMENDATION
Topic 5: Daylight Admission	FS1261.14 / FS1261.15 / FS1261.16 / FS1261.17 / FS1261.18 / FS1261.19 FS1297.20 / FS1297.21 / FS1297.22 / FS1297.23 / FS1297.24 / FS1297.25 We supported submissions seeking to amend the daylight admission standard to use 45°.	Accepted – an amendment is recommended to use 45° for the daylight admission standard.
Topic 10: Housing Options	FS1261.9 / FS1297.15 We supported a submission seeking to change the activity status for more than one dwelling per site to be	Accepted – an amendment is recommended to change the activity

	assessed as a Restricted Discretionary Activity.	status to Restricted Discretionary.
Topic 24: Maximum Building Height	FS1261.10 / FS1261.11 / FS1261.13 FS1297.16 / FS1261.17 / FS1297.19 We supported a submission seeking to increase the maximum building height in the Residential Zone to 8m.	Accepted – an amendment is recommended to change the maximum building height to 8m.
Topic: 24 Building Height	FS1261.12 / FS1291.18 We supported a submission seeking to change the activity status for buildings infringing the maximum height requirement to be assessed as a Restricted Discretionary Activity.	Accepted – an amendment is recommended to change the activity status to Restricted Discretionary.
Topic 27: Service Courts	FS1261.22 / FS1261.23 / FS1261.24 FS1297.28 / FS1297.29 / FS1297.30 We supported a submission seeking to reduce the spatial requirement for service courts.	Accepted in Part – an amendment is recommended to split the service court into separate areas or one combined area for waste/recycling bin storage and a washing line.

Topic 30: Residential Zone – Subdivision

18. We made a number of further submissions relating to general subdivision in the Residential Zone. These are summarised in the following tables:

s42A TOPIC	SUBMISSION POINT	s42A REPORT RECOMMENDATION
New Provisions & Corrections	FS1297.33 We opposed a submission seeking to require a minimum 10m buffer strip where a proposed subdivision adjoins a Rural Zone.	Accepted – the proposed amendment is recommended to be rejected.

s42A TOPIC	SUBMISSION POINT	s42A REPORT RECOMMENDATION
Grid Layout	FS1297.34 We supported a submission seeking change to the grid layout requirement.	Accepted in Part – an amendment is recommended to merge the grid layout requirement with the

		rear lot requirement and have it as a matter of discretion.
Rear Lots	N/A – We did not make a submission regarding this provision but we support the recommendation regardless as this is a relevant matter for anyone intending to undertake comprehensive residential development in the Waikato District.	Accepted in Part - an amendment is recommended to merge the rear lot requirement with the grid lot requirement and have it as a matter of discretion.

Topic 33: Providing for Intensified Residential Development

19. We made multiple further submissions (FS1297.13 and FS1297.14) expressing support for the creation of a “Medium Density Residential Zone” as proposed by Housing New Zealand Corporation (HNZC).
20. This matter is addressed in Topic 33 of the s42A report whereby the reporting officers recommended that the submission point by HNZC be rejected. The thrust of their analysis is that the submission “does not include detailed background information and research (such as infrastructure availability and costs) or Section 32A analysis to support the detail in the submission” . It is noted that the reporting officers have been collaborating with HNZC’s representatives in the lead-up to Hearing 10 to try advance the matter further.
21. We understand the cautious approach adopted by the reporting officers but also can see the merits in such a proposal. Therefore, we wish to state our interest in any potential development of the proposed Medium Density Residential Zone and are interested in participating in any further discussions on the matter.
22. Driving our interest in the aforementioned matters is the need to provide a viable pathway for intensified residential development. This is evidenced by the economics report prepared by Adam Thompson of Urban Economics which are attached as **Attachment 1 (Market Assessment)**.
23. Since the lodgement of the further submissions, we have thoroughly considered the best way in which intensified residential development can be provided in the Waikato District. Consideration has been given as to whether this should involve providing an additional residential zone/suite of zones,

changes to minimum net lot size requirements or site-specific measures for our area of interest.

24. Based on the analysis and recommendations of the s42A report, we are now in agreement with the reporting officers that there is an appropriate policy framework in place that sufficiently enables “downward flexibility” in terms of General Subdivision deviating from the 450m² minimum lot size. However, to further enable intensified residential development and the provision of varied housing typologies we support that subdivision involving Multi-Unit Development should provide an exclusive area for each residential unit down to a minimum of 200m² for the reasons explained in the evidence of;

- a. Mr Thompson - primarily making housing more affordable/ meeting demand and the increasing trend to masterplan developments which provide good amenity outcomes for terrace housing typologies as part of a broader mix of housing choices (size/configuration and price points).
- b. Mr Gibbs – from an urban design and architectural perspective smaller lots with appropriate rule provisions (as per the recommendations in his evidence) can provide quality living environments as demonstrated by examples such as Hobsonville Point.

25. This flexibility is important for the growth of the District, in particular areas in northern Waikato (e.g., Pokeno and Tuakau) that will serve as key growth nodes for the future. Historically, these areas have been attractive to first home buyers/retirees seeking to downsize due to the sizeable landholdings available at reasonable prices. Therefore, it is important that this flexibility is retained to cater to the existing market but also to future shifts in the market which may lead to smaller landholdings being more desirable. It also allows a more diverse, yet integrated and cohesive community to develop, so that, for example, while Pokeno is a great place to raise a family with a selection of standalone family homes, it also caters for the children of those families trying to buy a first home and parents who are “empty nesters” and downsizing (by providing smaller and more affordable housing options such as terraces).

26. Considering the points above and previous submissions, our position now is that the single Residential Zone offered in the PWDP is generally fit for

purpose across the Waikato District. As rightly identified by the reporting officers, there is currently an enabling policy framework proposed that will allow for intensive General Subdivision which essentially reduces the need for another residential zone. This is captured in Policy 4.1.5 (a) which was addressed in Hearing 3 (Strategic Objectives), Objective 4.2.16(b) Housing Options and the matters of discretion (b)(i) and (b)(ii) which relate to lot layout, lot shape and lot size.

27. Notwithstanding the previous point, is important that there is a diverse housing stock comprising typologies across the spectrum to cater to the different market preferences and price-points. To enable this, it is sought that the minimum net site area for Multi-Unit Development subdivision be reduced to 200m² from the 300m² which is currently proposed in 16.4.4 Subdivision – Multi-Unit Development.
28. We are supportive of this change given the interest of our clients in realising residential development in western Pokeno which proposes areas of intensified residential development. As per urban design/planning best practice, these potential areas of higher-density development include (but are not limited to) surrounding neighbourhood centres, open space and public transport nodes.
29. No change to any of the activity statuses for subdivision in the Residential Zone is sought as we support infringing proposals being addressed on a case-by-case basis through the consenting process (as a Discretionary Activity). Given assessment as a Discretionary Activity is a reasonable status for infringing proposals e.g., that propose undersized lots, it is considered that this removes the need for the introduction of another residential zone or a reduction in the minimum lot size for General Subdivision.
30. However, we do seek that the subdivision provisions for Multi-Unit Development be amended to ensure that intensified development can be undertaken where appropriate as this will greatly enable the provision of dwellings across the District at a price-point that the economic analysis shows is in high-demand.

Other Matters Concerning Urban Growth

31. In Hearing 3 (Strategic Objectives), evidence was submitted¹ promoting the use of a “Future Urban” or “Deferred Zone” to facilitate urban growth. Whilst these matters are not specifically addressed in the Residential Zone s42A report, it is considered appropriate to provide some brief commentary given the adoption of these mechanisms would affect how Residential Zone land is supplied.
32. In my professional experience, the use of the Future Urban Zone (FUZ) throughout Auckland has proven to be very lacklustre. In principle, the use of the FUZ as a transitional zone towards urbanisation has merit, however in reality, the use of this mechanism has resulted in large areas of Auckland left in a state of hiatus as development is pursued in other areas.
33. This is particularly evident in South Auckland whereby Pukekohe, an established township of some 30,000 people identified to become a “satellite town” is being neglected at the expense of the development of new areas in the locality such as Paerata and Drury. There are significant costs and delays in the conversion of FUZ zoned land to live residential zoned land in Auckland. Furthermore, as is sometimes the case, if there is an infrastructure constraint, that will prevent actual physical development from occurring whether the land is zoned FUZ or has a live zoning.
34. My primary concern is the use of these (or similar mechanisms) in Pokeno which is projected to experience significant growth in the future could constrain the ability of the township to accommodate this growth.

Conclusion

35. As our clients seek to deliver a comprehensively planned development in Pokeno, they have a keen interest in ensuring the provisions of Chapter 16: Residential Zone are fit for purpose. This will help facilitate the immense growth that will occur in the future as the Residential Zone is the primary vehicle for accommodating this growth.

¹ Statement of evidence of Christopher James Scrafton on behalf of Pokeno Village Holdings Limited.

36. The other analysis and recommendations made in the s42A Report are supported unless otherwise identified.

A handwritten signature in blue ink that reads "Birch". The signature is written in a cursive style with a large, looped 'B' and a trailing dot.

Sir William Francis Birch

A handwritten signature in black ink that reads "Oakley". The signature is written in a cursive style with a large, looped 'O' and a trailing flourish.

James Gilbert Oakley

Dated: 3 February 2020