

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER hearing submissions and further submissions on the **PROPOSED WAIKATO DISTRICT PLAN** Hearing 10: Residential Zone

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

PLANNING

1. INTRODUCTION

Qualifications and experience

- 1.1 My full name is Christopher James Scrafton. I am a Technical Director – Planning in the consultancy firm of Beca.
- 1.2 I hold the qualifications of a Bachelor of Arts in Geography from the University of Hull 1999, a Postgraduate Certificate in Town Planning from the South Bank University, London 2002 and a Masters in Town Planning from the South Bank University, London 2005. I have over 19 years' experience in town planning.
- 1.3 I am a full member of the New Zealand Planning Institute and am an accredited Commissioner under the Ministry for the Environment and Local Government New Zealand "Making Good Decisions" 2006 Programme.
- 1.4 I have been engaged by PVHL to prepare and present this planning evidence to the Hearings Panel in relation to PVHL's submission and further submission points. PVHL is submitter number 368 and further submitter number 1281.
- 1.5 I have been involved in the urban development of Pokeno for over 10 years.
- 1.6 In preparing this evidence I have reviewed the s42A Report and Appendices relating to Hearing Topic 10.

Expert witness Code of Conduct

- 1.7 I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Consolidated Practice Note (2014) and I agree to comply with it. I can confirm that the issues addressed in this statement are within my area of expertise and that in preparing my evidence I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 1.8 My evidence covers the following matters:
- (a) Building Height Rule 16.3.3.1 P1;
 - (b) Multi-unit development and a Medium Density Residential Zone;
 - (c) Earthworks – General Rule 16.2.4.1 P1; and
 - (d) The Pokeno Structure Plan.

2. BUILDING HEIGHT

- 2.1 PVHL's submission seeks an amendment to the building height Rule 16.3.3.1 P1 to increase maximum building height from 7.5 metres to 8 metres¹ as follows:

16.3.3.1 Height - Building general

<i>P1</i>	<i>The maximum height of any building must not exceed 7.58m</i>
-----------	--

- 2.2 Related to this matter, PVHL also seeks:
- (a) A change to the activity status for infringing the building height from Discretionary to Restricted Discretionary²; and
 - (b) A consequential amendment be made to the daylight admission standards.
- 2.3 In response to submissions, Mr Matheson and Ms Allwood, the section 42A reporting officers have recommended that the height limit be increased to 8

¹ Submission Point 386.16

² Submission Point 386.17

metres and that the activity status for infringement to this rule be changed to a Restricted Discretionary activity. The section 42A reporting officers have recommended that the following matters of discretion be included in the PWDP to assess resource consent applications:

(i) Extent of overshadowing and shading of adjoining sites, particularly internal and external living spaces;

(ii) Loss of privacy through overlooking adjoining sites;

(iii) Whether development on the adjoining sites (such as separation by land used for vehicle access, the provision of screening) reduces the need to protect the adjoining site from overlooking; and

(iv) Design (such as high windows) and location of the building.

2.4 In my view amending the activity status for infringements to the building height rule to Restricted Discretionary is appropriate because:

- (a) The potential adverse effects can be easily identified and are well understood; and
- (b) The number of matters can be readily restricted (in accordance with good planning practice) and the potential risk of unanticipated consequences is low.

2.5 I agree that the 8 metre height limit is appropriate given 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 of the existing and recent development of Pokeno.

2.6 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). Therefore, I concur with the recommendations of the section 42A reporting officer to amend the activity status accordingly.

2.7 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.

3. **MULTI-UNIT DEVELOPMENT VS MEDIUM DENSITY RESIDENTIAL ZONE**

- 3.1 Multi-unit development is provided for as a restricted discretionary activity in the Residential Zone. A number of submissions sought amendments to this rule and related rules on the number of dwellings provided for as a permitted activity³.
- 3.2 PVHL seeks that the Pokeno Structure Plan ("PSP") be included in the PWDP⁴. The PSP included provisions for medium density housing development in Section 27B of the Operative Waikato District Plan -Franklin Section. This type of development was enabled in the Residential Medium Density Overlay Area and the Town Centre Overlay Area, which were located within and directly adjacent to the Pokeno Town Centre and neighbourhood centres.
- 3.3 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.
- 3.4 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. I consider this to be cumbersome and note that there is overlap between what has been included in the list of matters 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.

³ Submission Points 746.35 The Surveying Company, 751.9 Chanel Hargrave and Travis Miller, 689.3 Greig Developments No 2 Limited, 746.28 The Surveying Company, 445.9 BTW Company, 689.5 Greig Developments No 2 Limited

⁴ Submission Point 386.4

3.5 In my opinion enabling multi-unit development, albeit as a restricted discretionary activity in the Residential Zone is problematic for the following reasons:

- (a) 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. I note that the matters of discretion do not currently provide coverage of these matters;
- (b) In my view, it is good planning practice to limit matters of discretion as much as possible. Where discretion is only slightly restricted (as a result of numerous and wide ranging assessment criteria) it raises the question of whether:
 - (i) Adverse effects can be easily identified or understood; and
 - (ii) There is potential for unanticipated cumulative effects.
- (c) I consider that the greater the number of matters that Council restricts its discretion to, the greater the likelihood of adverse outcomes; and
- (d) Land use consent could be obtained separately from a subdivision consent. As there is no minimum unit size and density associated with the land use activity, these matters would therefore be assessed as part of the resource consent application.

3.6 I consider that multi-unit development should be provided for through the application of a Medium Density Residential Zone. 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, consistent with Policy 4.1.5 which provides:

4.1.5 Policy – Density

(a) Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space.

(b) Achieve a minimum density of 12-15 households per hectare in the Residential Zone.

(c) Achieve a minimum density of 8-10 households per hectare in the Village Zone where public reticulated services can be provided

3.7 I note that Kāinga Ora has sought that a Medium Density Residential Zone be included in the PWDP in their submission⁵, and recommend that this zoning is applied around the urban settlements of:

- (a) Huntly;
- (b) Ngaruawahia;
- (c) Pokeno;
- (d) Raglan;
- (e) Taupiri;
- (f) Te Kauwhata; and
- (g) Tuakau⁶.

3.8 Kāinga Ora has set out principles for applying a Medium Density Residential Zone in their submission, including that the zone be applied within walkable catchments of either 400 or 800 metres⁷ from the settlements set out in Paragraph 3.7. With regard to Pokeno, I note that the recommended zoning by Kāinga Ora extends beyond the Residential Medium Density Overlay Area and the Town Centre Overlay Area.

3.9 I support Kāinga Ora's zoning principles and agree with the application of this zone over the Residential Medium Density Overlay and Town Centre Overlay areas. However in the context of Pokeno, I note that the existing residential sites within the Helenslee and Hitchen Blocks include covenants on the Record of Title which limit development on the sites to one dwelling and therefore this type of development will not occur within these sites, as long as the covenants remain in place.

3.10 PVHL seeks the inclusion of the PSP in the PWDP, which includes the Residential Medium Density Overlay Area and the Town Centre Overlay Area. I consider Kāinga Ora's submission to introduce a Medium Density

⁵ Submission Point 749.124

⁶ Submission Point 729.154

⁷ Paragraph 19, Submission on the PWDP by Housing New Zealand Limited

Residential Zone in the PWDP is aligned with the submission of PVHL and will achieve the relief sought.

4. **EARTHWORKS**

4.1 Mr Matheson and Ms Allwood have recommended that a setback of 5 metres from infrastructure be included in Rule 16.2.1 P1⁸. This is in response to a KiwiRail submission point which sought an earthworks setback of 1.5 metres from their infrastructure⁹ including services and network systems¹⁰.

4.2 In terms of consistency and integrity of provisions across the various sections of the PWDP, I note that the section 42A report for the Industrial and Heavy 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.¹¹

4.3 I agree with the section 42A reporting officer 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. To assist with understanding the implications of this rule, I have provided a diagram at Appendix A of a residential site serviced with infrastructure described above.

4.4 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

⁸ Para 190, Section 42A Report, Hearing 10: Residential Zone

⁹ Submission Point 986.96

¹⁰ Page 21, KiwiRail Submission on the PWDP

¹¹ Para 367, Section 42A Report, Hearing 7 Industrial Zone and Heavy Industrial Zone

appropriate methods available to protect KiwiRail's infrastructure, such as designating.

4.5 One further implementation issue is the availability of GIS mapping for all infrastructure, including service lines. I am not aware of any publicly available GIS resource which provides this information in one place. This puts the onus on applicants to identify all infrastructure on their sites. This is unreasonable because:

- (a) Mapping of the location of services is held by several different network utility providers. This information will need to be obtained by the applicant in order to demonstrate compliance with the permitted activity rule;
- (b) Obtaining this information will increase the cost of undertaking earthworks on a residentially zoned site, as identifying services then obtaining resource consent will be required; and
- (c) There are other methods in place to protect existing trunk infrastructure. Such as easements which are attached to the record of title.

4.6 I recommend that the proposed amendments to the Rule be rejected for the above reasons.

5. **POKENO STRUCTURE PLAN**

5.1 PVHL seeks the incorporation of the PSP into the PWDP, including residential provisions. I consider that a Development Plan will provide the best method to incorporate the PSP into the PWDP, which I note is consistent with the National Planning Standards.

5.2 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 into the PWDP at Hearing 26.

Christopher James Scrafton

3 February 2020

Appendix A: Earthworks Setback in Rule 16.2.1 P1

Figure 1 sets out an example residential site, in plan view with the road reserve to the left of the site. Numerous services are located in the road reserve/berm and within the site. A five metre setback has been identified in red and under this Rule resource consent will be required for any earthworks proposed within the red areas.

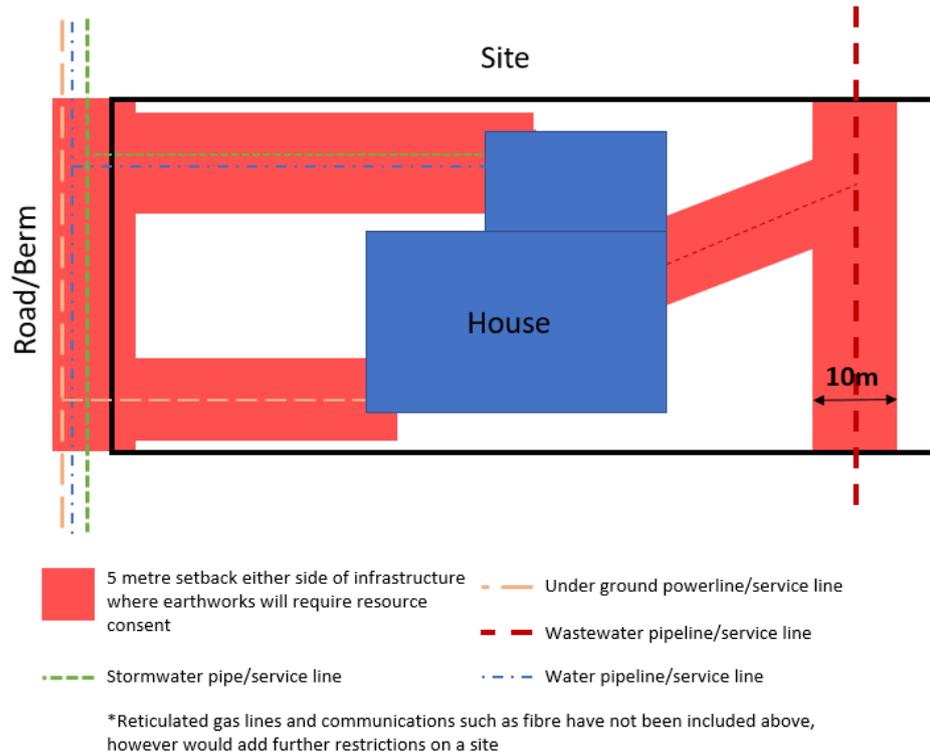


Figure 1. Illustration (not to scale) of the five metre setback requirement from infrastructure within an example site (white area is where earthworks can be undertaken as a permitted activity/red requires resource consent).