

BEFORE THE WAIKATO DISTRICT COUNCIL HEARINGS COMMITTEE

Under the Resource Management Act 1991 ('the Act')

In the matter of WAIKATO District Council Hearing 25 Zoning

Between **McCracken Surveys Limited/Cheal Consultants Limited for
Ellmers Development Limited**
Applicant

And **Waikato District Council**
Consent Authority

Statement of Evidence of Philip Barrett
16 February 2021

Introduction

1. My name is Philp Barrett. I am the Planning Team Manager employed by Cheal Consultants Limited incorporating McCracken Surveys Limited. I have worked as a planner for 24 years and am a full member of the New Zealand Planning Institute. I have a Bachelor of Arts (Hons) and Master of Resource & Environmental Planning from Massey University. I have worked for the Department of Conservation, as a private consultant and held senior management positions in two district councils.
2. I confirm I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm this evidence is within my area of expertise except where I state that I am relying on facts or information provided by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
3. Unless otherwise specified, all statements in this evidence are my own opinion.
4. I have prepared this statement based on my knowledge of the Resource Management Act 1991, the Waikato District Plan, my knowledge and experience of plan changes and subdivision.

Current and Proposed Zoning Addition

- Image 1 below indicates the zoning and road pattern for the site as laid out by the 2006 Lorenzen Bay Structure Plan. The grey area is zoned Business.

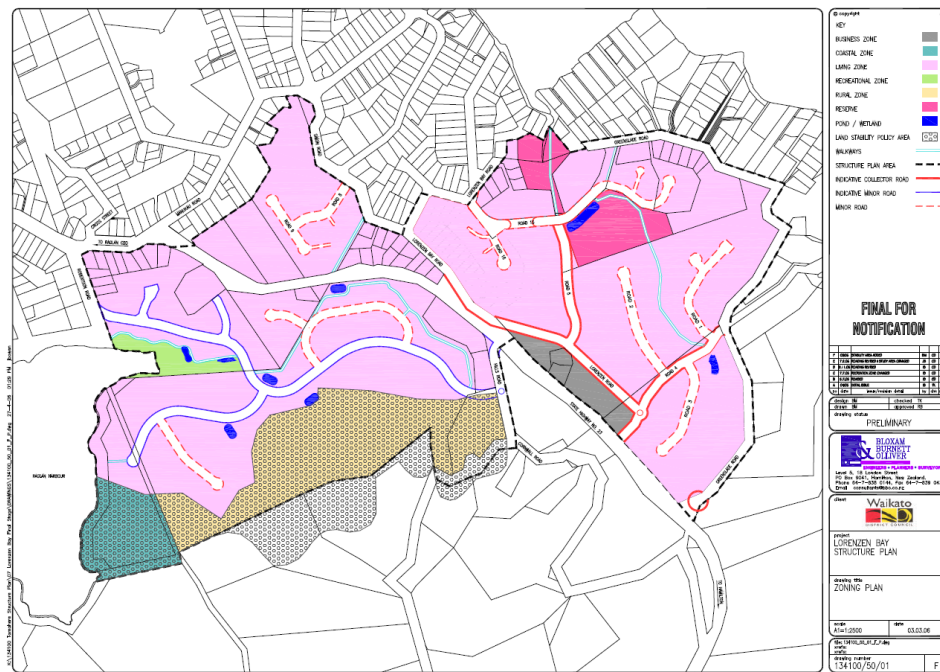


Image 1 Lorenzen Bay Structure Plan Zoning Plan

- Image 2 below shows the current Operative District Plan zoning within the site. The obvious difference is that to the right of the eastern access to State Highway 23 land has changed zoning. The area in blue is the current Operative District Plan extent of the Business Zone. The Business Zone is in two parts, served by a proposed road access to State Highway 23 originally shown in the Lorenzen Bay Structure Plan. The remainder of the site is either zoned Living or New Residential.

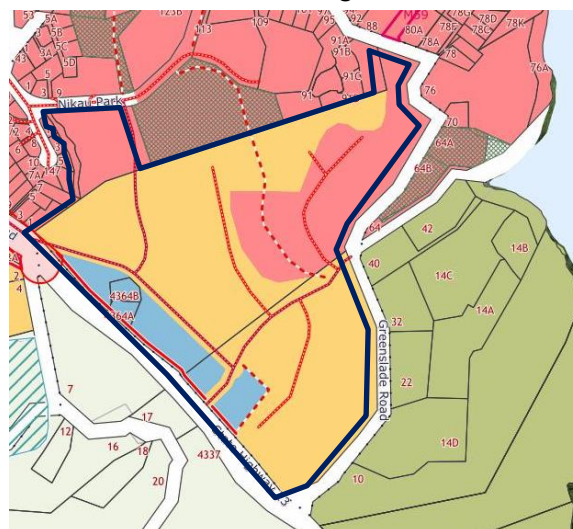


Image 2: Current District Plan Zones

7. Image 3 identifies the proposal to enlarge the Business Zone from the current approximately 1.94ha (blue area) to include an additional 5,730m² (red area) previously zoned New Residential. The total proposed Business Zone area is therefore 2.512ha.

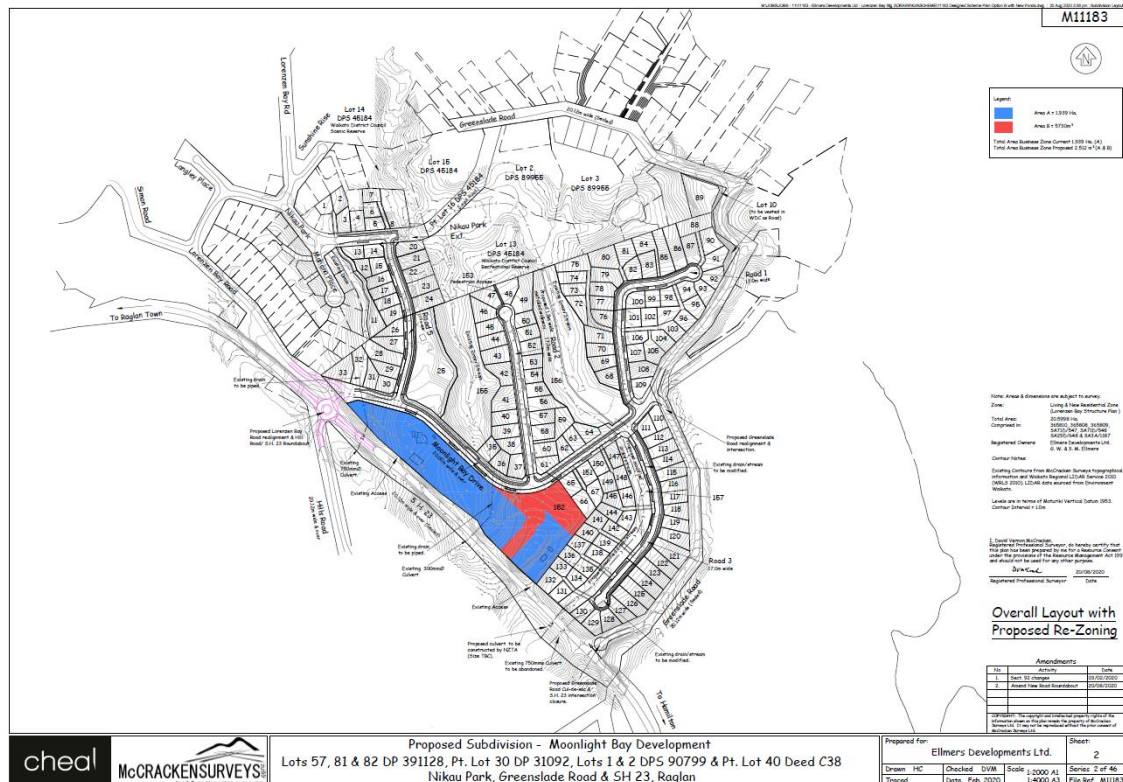


Image 3: Proposed Business Zone Extent

Explanation/Reasons for Rezoning

8. A nine staged 150 lot subdivision resource consent application SUB0342/18 was lodged with the Waikato District Council in June 2018. Simultaneously application APP139677 was made to the Waikato Regional Council for earthworks, stormwater discharge to water, diversion of surface water and stream bed disturbance. Both applications remain current and are subject to both limited notification that is yet to proceed and resolution of issues resulting from the September 2020 National Environmental Standard for Freshwater.
9. The Business zoned area is already specified in the District Plan, the proposal is a moderate extension (22%) of an existing zoning and also forms part of the resource consent application to Council. I am aware that the resource consent processing planner has not advanced the planning report to the a draft recommendation.
10. The current Business Zone land is topographically challenging and therefore costly to establish a suitable platform for the the purpose of a Business Zone, currently being a combination of a steep hill and two gullies adjacent State Highway 23 (see atatched photographs). Significant earthworks is required to

level the site to grade thus providing internal access via the proposed road to the north of the Business Zone and a south eastern access to State Highway 23. The Operative and Proposed District Plan maps seek to maintain this access to State Highway 23 as well as the internal road layout. The subdivision application plans lodged with Council mirrored the District Plan road layout.

11. During processing of the subdivision application and for future road safety improvements, the Waikato District Council asked if the submitted subdivision design be altered to remove entirely (close) the south eastern access to State Highway 23 and upgrade the existing State Highway 23, Hills Road, Lorenzen Bay Road intersection to the west (see Image 4). This change negated the need for the Structure Plan internal roundabout that in the opinion of Council could be constructed to the west at the intersection and also provide safer access to the subdivision per se. The relocation of the roundabout was agreeable to the applicant, an amended plan was provided to Council showing the new roading layout (see Images 3 and 4).

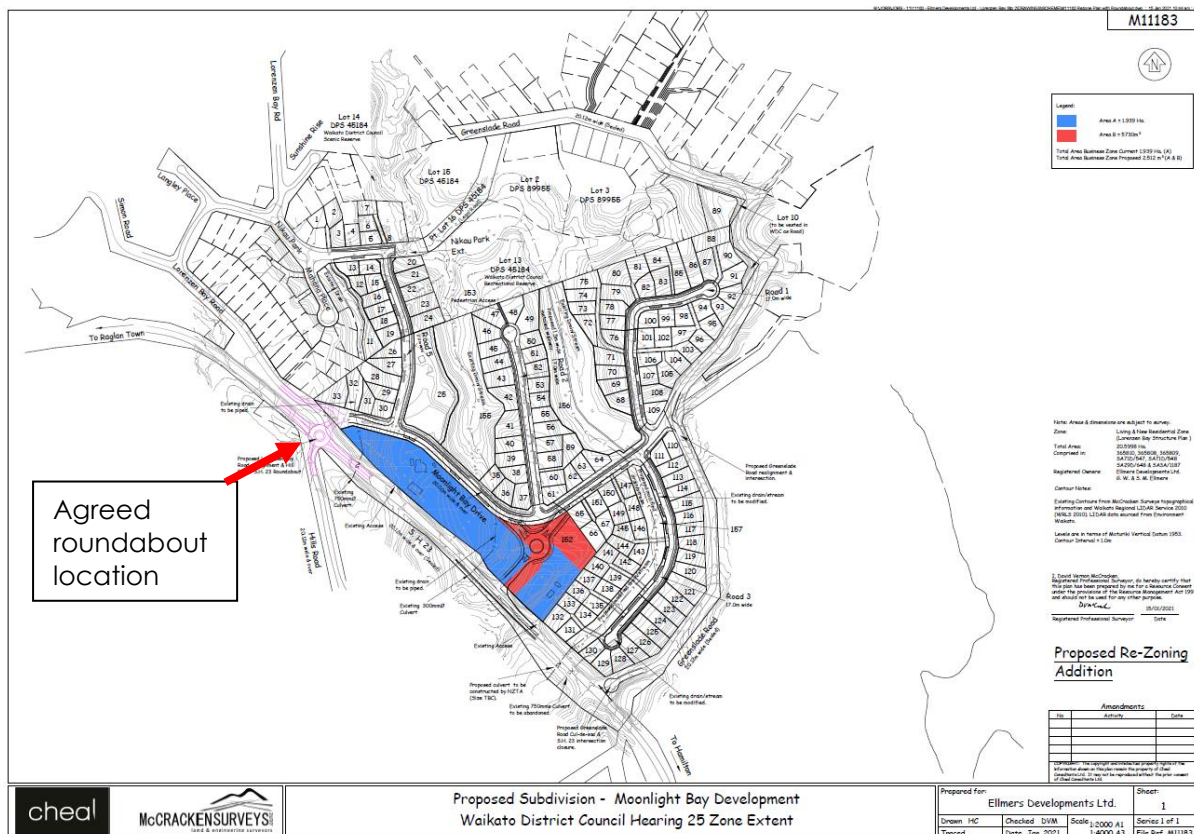


Image 4: Original roundabout location within land to be rezoned (see Attachment 2 for larger version)

12. The main internal access road now without the eastern access to State Highway 23 releases land area predominantly once road, for another use. Since the Business Zone was split by the road, it makes perfect sense to rejoin the Business Zone. A combined zoned is preferable to a zone severed by residential development that would increase interzone boundaries and potential reverse sensitivity. It is dubious that allotments of a compliant size and shape can be inserted into this road width.

13. The remaining land area vacated by the roundabout and part road to the north and north east (red area labelled 152 in Images 3 and 4) the underlying zoning of which is New Residential, is better utilised as Business Zone. This is because rezoning in combination with that already zoned Business, will also benefit/service the surrounding and existing residential development as well as proposed residential development that is forecasted in:
- i. The Waikato 2070 Growth & Economic Development Strategy
 - ii. Strategic Direction and Management of Growth July 2018 prepared for the District Plan Review
 - iii. The 30-year Future Proof Strategy growth targets adopted by Council that includes Raglan and Lorenzen Bay residential and commercial development areas
 - iv. The identified fast growing business and personal services (Prosperous Places report October 2019)

All of which in some manner supports and encourages residential growth along with recognising and enhancing the growth and function of commercial centres that supports residential growth. This after all is the intention of the Business Zone in this location.

14. The additional land proposed to be rezoned will perhaps eventually provide some future economic relief to the cost of development as business land rather than minimal addition of residential allotments in this location.
15. The Operative District Plan requires a minimum lot area of 450m² and an average net site area of all allotments to be at least 600m². The Proposed District Plan no longer requires an average net site area. The additional land area not already zoned Business is 5,730m². To meet the average lot rule each lot would need to be circa or in excess of 550m² which reflects the overall allotment areas. At that size and using similar dimensions the number of residential lots would be around 6. Should the red area shown in Image 3 be utilised for residential allotments is to propose an awkward boundary on the outer road curve not typically advanced for residential boundaries. Keeping the road as the northern boundary provides a pragmatic separation of business with residential. The Business Zone would benefit from additional road frontage and opportunities for designed/shared access.

DATED 16 February 2021



Philip Barrett

32AA Evaluation

1. Other Reasonably Practicable Options

There is no other reasonable option not to seek a change of zoning. To remain residential has no obvious benefits whereas if rezoned to Business there is the potential to better serve the subdivision and the existing wider residential catchment to the east of the township centre as well as passing traffic.

2. Effectiveness and Efficiency

The recommended zone change is in my opinion highly consistent with the existing Business Zone as well as higher order growth strategy outcomes.

3. Costs and Benefits

There are no obvious additional Council dollar or environmental costs associated with the submitted change. All development/infrastructure costs remain with the applicant. The benefit is a Business Zone better able to provide for future growth and avoid ad hoc and unconventional boundaries in favour of more rationale and pragmatic zone boundaries less likely to result in reverse sensitivity.

4. Risk of Acting or Not Acting

The risk is of not acting is to allow the potential rezoning of the land via resource consent application processing that may happen sooner than decision released. Acting now provides for a rational approach to land zoned business as a consequence of the Council request to relocate a roundabout.

5. Decision about Most Appropriate Option

For the reasons described in the evidence above, the submitted rezoning will allow a rational and pragmatic approach to a roading change sought by Council but also deliver future benefits to the proposed and existing and wider residential catchment.

Attachment 1

Photograph Views of Business Zoned land adjacent State Highway 23

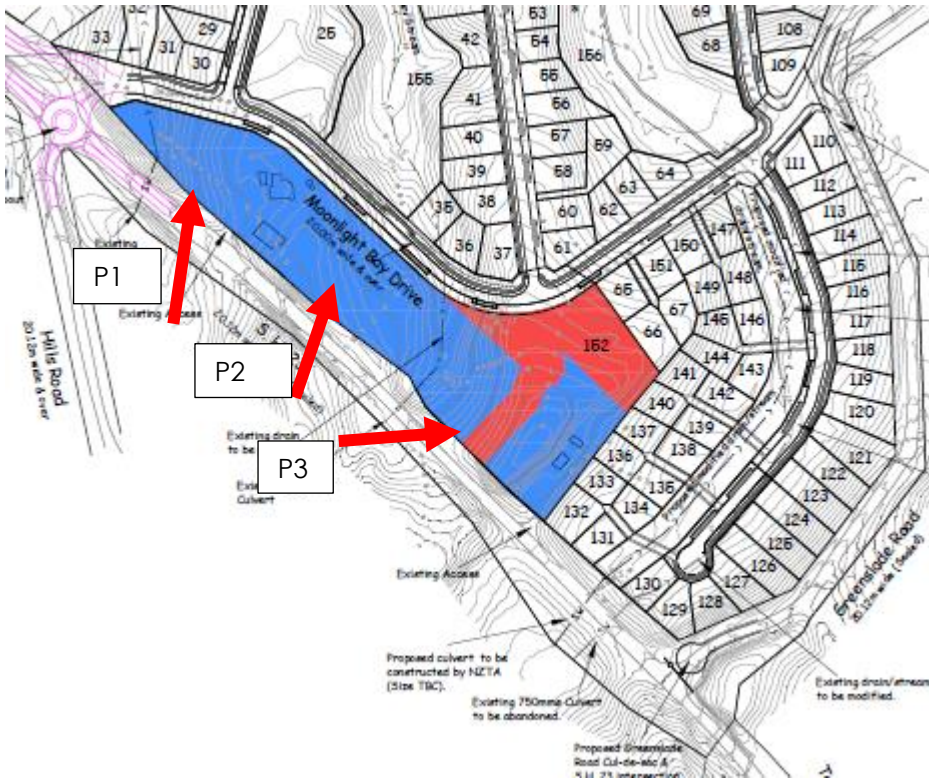


Photo 1: Eastern hill zoned Business (P1)



Photo 2: Middle gully zoned Business (P2)



Photo 3: Western gully zoned Business (P3)



Attachment 2

Image 4: Original roundabout location within land to be rezoned

M11183

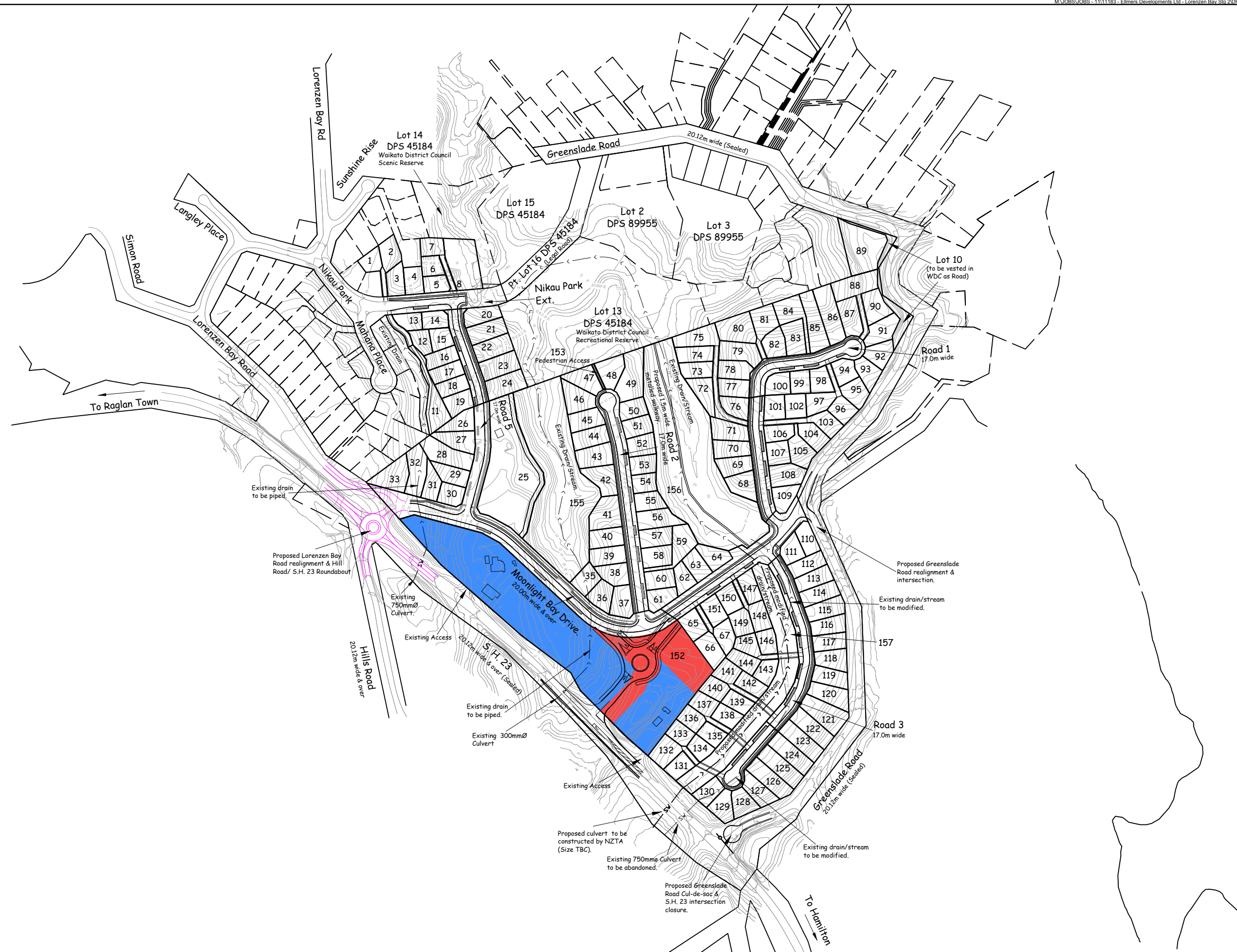


Legend:

Area A = 1.939 Ha.

Area B = 5730m²

Total Area Business Zone Current 1.939 Ha. (A)
Total Area Business Zone Proposed 2.512 m² (A & B)



Note: Areas & dimensions are subject to survey.

Zone: Living & New Residential Zone (Lorenzen Bay Structure Plan)

Total Area: 20.5998 Ha.

Comprised in: 365810, 365808, 365809, SA71D/547, SA71D/548, SA29D/648 & SA3A/1187

Registered Owners: Ellmers Developments Ltd. G. W. & S. M. Ellmers

Contour Notes:

Existing Contours from McCracken Surveys topographical information and Waikato Regional LIDAR Service 2010 (WRLS 2010). LIDAR data sourced from Environment Waikato.

Levels are in terms of Moturiki Vertical Datum 1953. Contour Interval = 1.0m

I, David Vernon McCracken, Registered Professional Surveyor, do hereby certify that this plan has been prepared by me for a Resource Consent under the provisions of the Resource Management Act 1991 and should not be used for any other purpose.

DVM 15/01/2021
Registered Professional Surveyor Date

Proposed Re-Zoning Addition

Amendments		
No	Activity	Date

COPYRIGHT: The copyright and intellectual property rights of the information shown on this plan remain the property of Cheal Consultants Ltd. It may not be reproduced without the prior consent of Cheal Consultants Ltd.