

Before the Waikato District Council Hearings Commissioners

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

Hearing 25 – Zone Extents

**STATEMENT OF EVIDENCE OF AARON COLLIER
FOR PERRY GROUP LIMITED
(FURTHER SUBMITTER NUMBER 1313)
HEARING 25: ZONE EXTENTS
17 FEBRUARY 2021**

1. Qualifications and Experience

- 1.1 My full name is Aaron Mark Collier.
- 1.2 I am a Planner and a Director of Collier Consultants Limited, Planning and Resource Management Consultants.
- 1.3 I set out my relevant qualifications and experience in my Statement of Evidence for Hearing 3: Strategic Objectives.
- 1.4 I confirm I have read the "Code of Conduct for Expert Witnesses" contained in the Environment Court Consolidated Practice Note 2011.
- 1.5 In particular, unless I state otherwise, this evidence is within my sphere of expertise as a Planner and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.6 I was asked by Perry Group Limited (Perry Group) in September 2019 to assist with their submission and subsequent further submissions on the Proposed District Plan.
- 1.7 I have assisted Perry Group with their Te Awa Lakes Plan Change and the earlier Special Housing Area projects since 2017.

2. Scope of Evidence

- 2.1 My evidence relates to Perry Group's submission in relation to the residential zone at Horotiu as shown as notified on the District Planning Map "Horotiu 26.1".
- 2.2 Perry Group own land at Kernot Road, Horotiu. The location and extent of the land owned by Perry Group is shown on the Plan included as Attachment A To my evidence.
- 2.3 Perry Group's submission generally supported the Council's Proposed Plans settlement pattern for Horotiu as notified. There were two exceptions to this, being:
 - (i) A small area of land on Pt Lot 5 DPS 5176, Lots 1-3 DPS 5176 and Lt Allot 105 Horotiu Parish which Perry Group sought be rezoned as 'Business' which was annotated on the planning map as "Area A to be zoned business"
 - (ii) A small area on allotment 106 Horotiu Parish and Section 2SO486608 zoned 'Rural' which Perry Group sought be rezoned 'Residential' and which was annotated on the Planning map "Area B to be zoned residential"
- 2.4 This annotated Planning map was attached to the rear of Perry Groups original submission, and is included as Attachment B to my evidence.

- 2.5 Since making its original submission, Perry Group has sought further advice in relation to the need for and extent of commercial land within the Horotiu Village. Based on several recent factors, Perry Group has requested that the commercial rezoning is not pursued further through the District Plan process. These factors include:
- Recent rezoning of further land for Commercial purposes as part of the Te Awa Lakes Private Plan Change;
 - Recent demographic work undertaken by the District Council indicating a significant deficit of residential land supply;
 - The amended National Policy Statement on Urban Development (NPSUD) which identified Waikato District as a Tier 1 Council with a residential housing affordability and land supply issue.
- 2.6 The small area of land which was zoned rural and which Perry Group sought be rezoned residential (see Attachment B of my evidence) is approximately 1.3ha, and is an area of land isolated and fragmented from the remainder of the rural zone. The land is bordered by the commercial and residential zones, and sits adjacent to the State Highway. In my opinion, its most appropriate zoning is Residential. As instructed through the hearing's panels direction, I have provided supporting Section 32AA analysis to support the rezoning of this land. This analysis in the required table format is included as Attachment C To my evidence.
- 2.7 At the time of writing this evidence, no Section 42A reports were available with respect to rezoning at Horotiu. This is a somewhat unusual situation, however I appreciate and acknowledge the reason for this, given the large number of submissions received seeking a change in zoning (particularly urban zoning) to submitters land. In my experience this approach does create difficulty for the authors of Section 42A reports, in that they lack the required technical reports and analysis to be able to properly evaluate such submissions.
- 2.8 In preparing this evidence I have reviewed the Framework Report for Rezoning, the Commissioners directions, the background Section 32 Reports for the residential zone, and other relevant statutory documents including the Regional Policy Statement (RPS). I have also reviewed the further documents which have been produced since the Proposed Plan was notified and which are now of particular relevance. These include the Population Land and Household Capacity Report dated December 2020, the Housing Development Capacity Assessment update July 2018, and the NPSUD updated 20 August 2020.
- 2.9 As touched on in the Framework Report, I consider that there is little in the way of technical reports to support many of the residential areas identified in the proposed plan. Many of these areas were "rolled over" from the existing District Plan, which is a common planning practice, particularly where existing zones contain existing residential communities and no constraints to future development of further land within urban boundaries are identified.

3. Perry Group's Engagement with Waikato District Council

- 3.1 Prior to notification of the proposed plan in 2018, Perry Group undertook consultation with Waikato District Council to discuss the need for further residential land which would facilitate and enable continued growth of the Horotiu village.
- 3.2 Under their own initiative, Perry Group commissioned a number of supporting technical documents to consider and evaluate that land owned by Perry Group and others at Kernot Road and its suitability for development as residential land under the Proposed Plan. Technical reports included the following:
- Three Waters Infrastructure Assessment prepared by Aecom, dated 13th March 2018.
 - Records of engagement with NZTA regarding roading and the Waikato expressway, dated 26th January 2018.
 - The Horotiu Urban Design and Landscape Design Statement, supporting information for Waikato District Plan Review, dated October 2018.
 - The Horotiu West Development Preliminary Geotechnical Assessment, dated 5th March 2018.
 - The Horotiu District Plan Review - Horotiu West Proposed Residential Zoning Assessment prepared by Traffic Design Group, dated 26th March 2018.
- 3.3 These technical reports were provided to Waikato District Council staff prior to notification of the Proposed District Plan and form part of the Section 32 analysis which supports the further rezoning of land at Horotiu.
- 3.1 Having reviewed these technical assessments, I see no technical reasons as to why the land could not be rezoned and be suitable for future residential development. I do not consider that all of the criteria in terms of the rezoning assessment framework set out in the plan should apply in all cases, as the level of detail must correspond to the scale and significance of the effects that are anticipated from implementation of the rezoning. I also see no reason why the small 1.3ha area was excluded from the residential zone. I suspect that the reason for this may have been that it was under NZTA control at the time the Proposed Plan was prepared and was to be "road".
- 3.2 In addition to preparing these technical reports Perry Group undertook consultation with neighbours, NZTA, and tangata whenua prior to the proposed plan being notified. A number of these neighbours have also participated in the Proposed Plan process.

4. Post Notification Considerations affecting Zoning

Further Land and Household Capacity

- 4.1 As noted in the Hearing 25 Zone Extent Framework Report, there have been several recent developments which have resulted in the identification of a significant

residential deficit for the District. Recent population growth projections through the 2020 Capacity assessment have indicated that Council's projected supply of residential land may be out by between 50% and 100%. In my experience this is not a specific or unique situation faced by Waikato District Council, but rather one that is being experienced by many Council's in high growth areas where the rate of growth and housing demand is misaligned with historic estimates and projections. This occurs where assessments fail to take into account the nature of existing built infrastructure, land constraints (geotechnical, flooding and slope) as well as owner choice. There is never a one-to-one relationship between zoned enabled land and development feasible land. As the requirements under the NPSUD seek for plus 20% more land to be zoned than the required amount, this will lead to a significant shortage. In my experience, the development lead in time is also underestimated and is often up to 5 years before housing is available.

Impact of the NPSUD and Policy Conflicts

- 4.2 As a Tier 1 Council identified under the NPSUD, there are now tensions between the provisions in the NPSUD and previous statutory plans. This includes the Regional Policy Statement (RPS), as well as the strategic planning direction set by Local Government policy documents such as Waikato 2070 and the Futureproof Strategies. The tensions are based on the fact that the recent NPSUD changes prioritise the delivery of residential housing and land supply over other considerations which may conflict with the RPS. My opinion is that until such time as updated changes are made to the RPS and other non-statutory guidance documents to 'catch-up' and better align with the NPSUD, the NPSUD should be given significant consideration and weight in terms of decision making by the Panel. This is because s.45A and 67 of the RMA requires this top-down approach. This is not unique to Waikato District Council and other Councils are also grappling with this issue.
- 4.3 In addition to the potential rezoning of further land to address these recent population projections and national policy initiatives, I believe that through the Proposed Plan there is a strong opportunity for the Council (taking guidance from policies in the NPSUD) to amend a number of the existing residential zone policies to better acknowledge and provide for further residential development opportunity within the District. In terms of the NPSUD and the current plan rule framework I consider that the current Plan residential rule framework could better encourage intensification initiatives promoted under the NPSUD. This can occur through:
- More enabling policies which encourage intensification;
 - More certain development pathways to achieving intensification.
- 4.4 In relation to this, Perry Group's submission sought an amendment to Policy 4.2.18 as follows:

- (a) ~~Ensure~~ Enable multi-unit residential subdivision and mixed-use development to be designed in a way that:
- (i) provides a wide range of housing types;
 - (ii) Addresses and integrates with adjacent residential development, town centres and public open space while recognising the importance of multi-unit developments role in addressing housing supply;
- 4.5 The amendment proposed by Perry Group to Policy 4.2.18 provides for a much more enabling framework to provide for intensification and housing choice as signalled and clearly needed as a result of the recent amendment to the NPSUD.
- 4.6 Perry Group also sought amendment to Rules 16.1.3 for Multi-Unit Development to delete the use of a net site area per unit of 300m². I support this approach as in my experience the most successful multi-unit developments are based on specific site and related design considerations, rather than the application of a minimum net site area requirement. The use of a nominal area in my view will discourage intensification in areas where intensification may be appropriate. The matter of density should instead be assessed as part of Council's restricted discretion through a consent process. I believe the other existing standards proposed largely achieve this.
- 4.7 Similarly, I consider that there should be an amendment to Rule 16.4.4 Subdivision for Multi-Use Developments to delete any lot size requirements. Subdivision should instead be guided by the land use consent process such that there is no need for a minimum lot size for multi-unit development subdivision where a land use consent has been granted.
- 4.8 Perrys seek these further changes to promote multi-unit development in certain circumstances provided the development pathway is certain and clear.
- 4.9 Based on the recent residential capacity reporting, unless intensification occurs, and is enabled, the only alternative will be to pursue further significant areas of land for residential development, which in turn may lead to further infrastructure and wider policy issues relating to land use. In this regard, I believe there is somewhat limited opportunity for new rezoning for urban activities outside of those areas identified in the proposed plan. The policy framework outlined in 4.1.2 and 4.1.3 of the Proposed Plan are in my view directive in that they refer to development being consolidated in "and around" existing towns and villages. Based on my comments above in relation to the top-down considerations, the Panel may need to revisit these in light of the NPSUD.
- 4.10 I agree with the Section 42A Framework Report that the existing medium density residential zoning within the existing towns meet the NPDSUD intensification policies and the objective of consolidation, but as I have suggested above, more enabling provisions through a more certain and clear development pathways for multi-unit developments, and as part of a restricted discretionary consent process, will better achieve intensification outcomes and housing diversity and choice. In my experience

the minimum guidance provided through the NPSUD should also not be taken as the maximum to be incorporated within plans.

- 4.11 Urban zoning that is remote from existing towns and villages is also not contemplated by the plans policy framework, with the framework largely being one based on the development of masterplans and structure planning through a District Plan Council led process. Based on my comments above in relation to the top-down considerations, the Panel may need to revisit these in light of the NPSUD, and to provide a policy basis for Private Plan Change initiatives.
- 4.12 I consider that the minor change sought by Perry Group to the extension of the residential zone to incorporate a further approximate area of 1.3ha adjacent to the existing residential zone to be consistent with the Proposed Plans Policy framework. In particular the amendments sought by Perry's are not inconsistent with the Proposed Plans, objectives and policies relating to new urban development areas, as the site is "around existing towns and villages in the district" (as promoted by Objective 4.1.2 and Policy 4.1.3, Urban Growth and Development, and Location of Development).
- 4.13 Based on the s.32AA analysis completed for this additional residential area and the supporting technical assessments referred to in 3.2 of my evidence, I consider that the amendment to the zoning sought by Perry Group should be accepted.



Aaron Collier
Planner
17 February 2021

ATTACHMENT A

EXTENT OF LAND OWNED BY PERRY GROUP

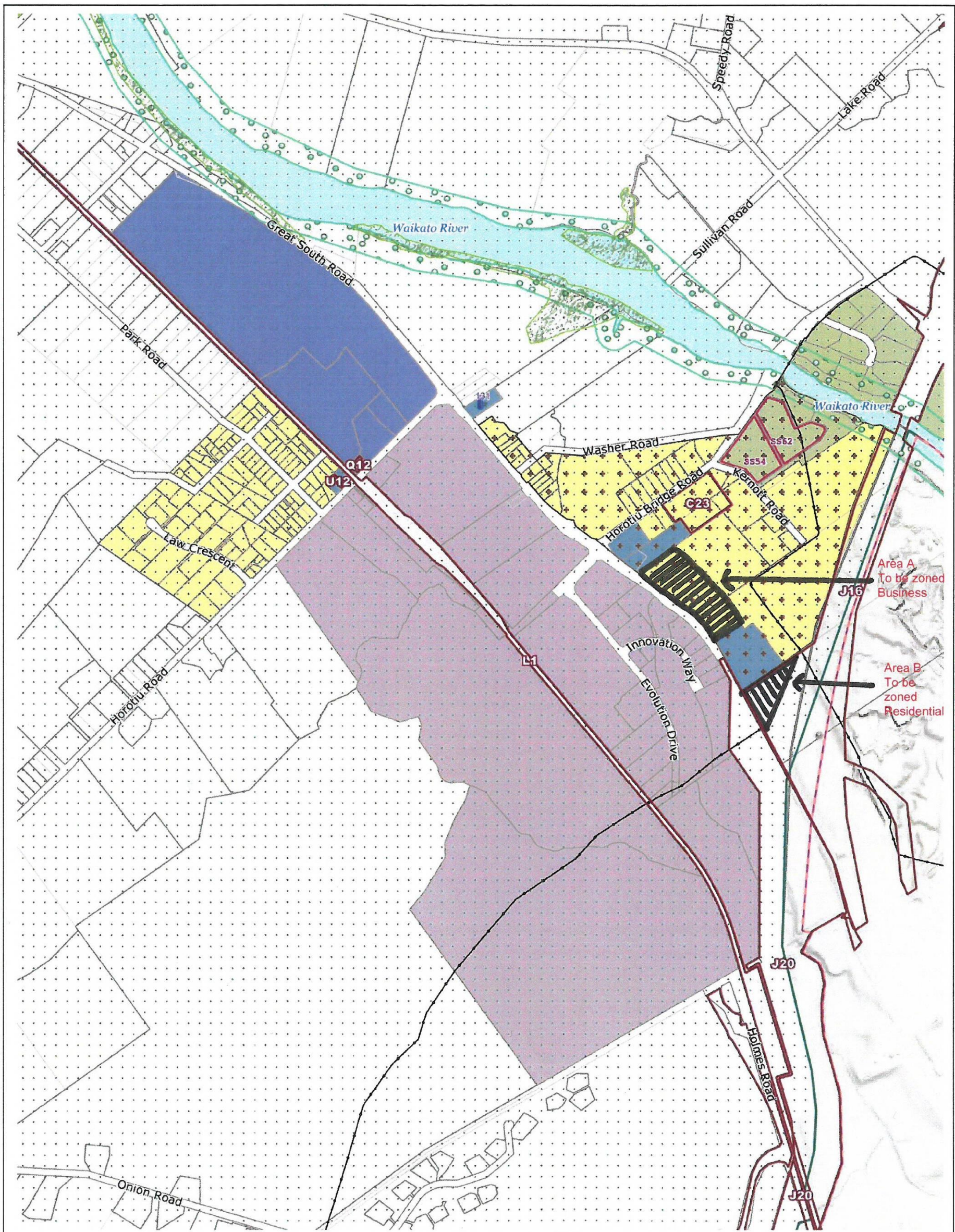
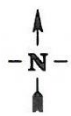


Site Aerial Photo (2015)
Not to Scale

 The Site

ATTACHMENT B

ANNOTATED PLANNING MAP



ATTACHMENT C

RMA s32AA EVALUATION TEMPLATE

Attachment C: RMA s32AA evaluation template

Table 1: Rezoning Proposal

The specific provisions sought to be amended	Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PDP)
The rezoning proposal	The rezoning request relates to the addition of a further 1.3 hectares of land adjacent to the residential zone at Kernott Road, Horotiu. The extent of the area is shown on the attached plan marked A in blue. The main reason for the request is that the area shown as rural in the proposed plan as notified is isolated and fragmented from the remainder of the rural zone and the most appropriate zoning of this land is considered to be residential.
Relevant objectives of the PDP	The proposal is generally consistent with the objectives of the proposed plan as it will utilise existing infrastructure and complement the existing pattern of residential zoning on the site in accordance with Objective 1.12.8(b)(i). The additional residential land sought is contiguous with the existing residential zone as notified in the plan, as per Objective 1.12.8(b)(ii). The area will assist with the consolidation of residential land around the existing Horotiu settlement and its future development would meet district wide rules and any relevant overlays (Objective 21). The site does also not contain highly productive rural land and its future development would therefore not be contrary to Objective 15A. Located between the residential zone and a major roading corridor as well as having limited rural character and amenity values (Objective 16).
Scale and significance of the rezoning proposal	<p>The spatial extent of the rezoning request is an extension of the existing residential zone to essentially incorporate a pocket of land which has been left isolated between NZTA road reserve and the residential zone. The request is of local significance only and higher order documents have no particular relevance to the particular circumstances relating to the additional land</p> <p>The small nature of the rezoning alignment will not lead to any significant change to the anticipated outcomes, character or amenity of the subject area.</p> <p>There are no matters of national importance relevant to the proposal.</p> <p>The proposal does not compromise land use and transport integration as assessed by a traffic design group. Infrastructure is available to service the land as confirmed in the assessment by Aecom (wastewater, water supply and stormwater). An Urban design concept and structure plan has been completed for the site by Aecom.</p> <p>The rezoning would not limit the anticipated future development plan for the subject area. If left as rural the future use of the land is likely to be under utilised.</p>

Other reasonably practicable options to achieve the objectives (alternative options)	Alternative 1: Rezone the site country living – this is considered to be an inappropriate option given that there is no current country living zone in the vicinity of the site and any such rezoning would result in an isolated pocket of country living zoned land.
	Alternative 2: Retain rural zoning – this alternative is considered to be an inefficient use of the land given that it is isolated and surrounded by residential land and the adjacent state highway network. This site could not be efficiently used for rural activities due to its location and small size. A rural zone would lead to reverse sensitivity outcomes with adjacent residential land

Table 2: Benefits and Costs Analysis of the Rezoning Proposal

Option 1 - Rural

Benefits	Nil
Costs	<ul style="list-style-type: none"> The land would remain land locked within an area which can be serviced for residential purposes whilst being zoned for farming purposes contrary to the plans objectives and policies. There is potential for conflict which exists with nearby and adjoining future residential activities.
Effectiveness / efficiency	Although the land is currently grazed, however the small scale of the area would make it unproductive rural land with poor grazing potential. Farming of the land would be inefficient. The site can be efficiently serviced as outlined in the TDG and Aecom assessments
Risks of acting / not acting If there is uncertain or insufficient information about the subject matter	There is no certainty that the land can be used for rural purposes given the adjacent zoning and land use pattern. IF the land is not rezoned in accordance with the balance of the landholding there is a risk that the land could not be comprehensively developed in the future

Option 2 – Residential

Benefits	<ul style="list-style-type: none"> Further land will be provided to provide for residential development as promoted under the NPSUD and recent forecasting completed by Council which indicates a significant land supply deficit. The land is a natural extension to the proposed residential zone. The land can be serviced and accessed as part of the development of the proposed residential zone as confirmed by the Aecom and TDG assessments. Further residential land will enable social, economic and cultural well being of the Horotiu community. The development can be comprehensively structured across the wider residential zone in accordance with a masterplan approach as indicated on the Aecom Urban design assessment and structure plan for the site. Residential achieves the plans objectives relating to infrastructure provision and integrated planning across multiple land parcels.
Costs	There are no known costs.
Effectiveness / efficiency	Residential development will be an efficient use of the land resource.
Risks of acting / not acting If there is uncertain or insufficient information about the subject matter	Infrastructure capacity has been confirmed so the risks to WDC of having to undertake further work is avoided. There is no uncertain or insufficient information relating to the land and it is able to be developed for residential purposes as a natural extension to the existing residential zone. This has been confirmed through the Aecom Urban Design and Structure plan for the site Overall, I consider that Option 2 (Residential Zone) is the most appropriate response for the land.

Table 3: Evaluation of the proposal

Reasons for the selection of the preferred option.	There are considerable benefits of zoning the land for residential as noted above. There are not considered to be any costs.
Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA.	The lands potential for rural use is severely restricted as noted above. Rezoning of the land will provide for further housing to enable social, economic and cultural well being of the Horotiu community. The land can be efficiently serviced and utilised and its future use for residential will not lead to the creation of any adverse effects on the environment.
Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions.	<p>It is considered that there is no uncertain information. The rezoning is supported by the following technical assessments:</p> <ul style="list-style-type: none"> • Three Water Infrastructure Assessment prepared by Aecom, dated 13th March 2018. • Records of engagement with NZTA regarding roading and the NZTA expressway, dated 26th January 2018. • The Horotiu Urban Design and Landscape Design Statement, supporting information for Waikato District Plan Review, dated October 2018. • The Horotiu West Development Preliminary Geotechnical Assessment, dated 5th March 2018. • The Horotiu District Plan Review - Horotiu West Proposed Residential Zoning Assessment prepared by Traffic Design Group, dated 26th March 2018.
Conclusion	<p>The proposed provisions (e.g. proposed rezoning) will be efficient and effective in achieving the objectives of the PDP for the following reasons:</p> <ul style="list-style-type: none"> • The land is a natural extension to the residential zone • Residential zoning of the land will enable it to be efficiently used to deliver further residential housing which is needed for the District. • The proposal will provide for the social and economic wellbeing of the community and will not lead to the creation of any adverse effects on the environment and is consistent with the purpose of the RMA. • The land can be serviced and developed in accordance with technical reports completed in support of the rezoning. • The rezoning is not inconsistent with Plan policy which supports rezoning where this is a natural extension no the existing zone.