

BEFORE THE WAIKATO DISTRICT COUNCIL

Independent Hearing Commissioner(s)

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER A Submission by Hounsell Holdings
Limited on the Waikato Proposed
District Plan

Statement of Rebuttal Evidence of Craig Batchelar

Planner

7 May 2021

1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My qualifications and expertise are set out in my evidence in chief.
- 1.2 Since preparing my evidence in chief, I have left employment with Boffa Miskell Ltd and am now self-employed as an independent planning consultant for Cogito Consulting Limited.

2.0 SCOPE OF EVIDENCE

- 2.1 My evidence provides responses to the Section 42A Report dated 16 April 2021 and the Addendum Report dated 21 April 2021 on the submission by Hounsell Holdings Limited on the Waikato Proposed District Plan.

3.0 APPROPRIATENESS OF THE SITE FOR URBAN GROWTH

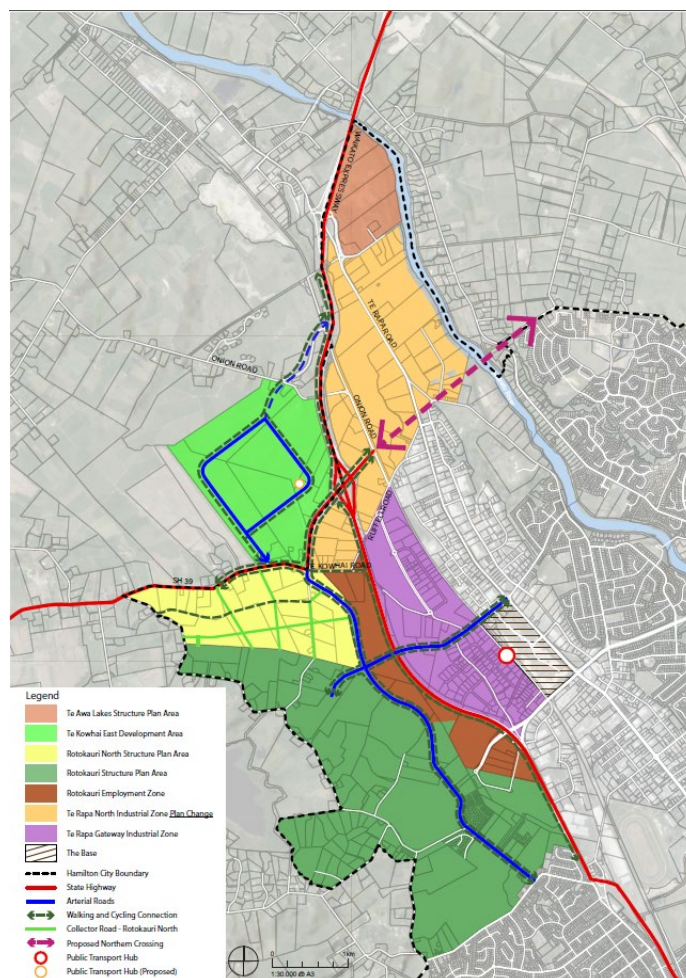
- 3.1 The Section 42A Report¹ notes the site is not identified as appropriate for urban growth in any of Future Proof (2009 & 2017), WRPS, Waikato 2070, or the Te Kowhai Structure Plan documents.
- 3.2 The Addendum Report² further notes that while the Rotokauri area is identified in the Hamilton to Auckland ('H2A') spatial plan as a potential future urban area, this is "at a very high level" and not sufficient to support identification of the land for future urban growth in the District Plan.
- 3.3 The Addendum Report then sets out a pathway for the site to be contemplated as a candidate for future urban growth including collaborative growth management processes within Future Proof, updating of the Regional Policy Statement, then followed by a plan change (to either Future Urban Zone or "live" Residential zoning).
- 3.4 Whilst I agree with the logic of this pathway, the suggested linear pathway to securing a future urban or residential zoning could take 5

¹ Paragraph 167

² Paragraph 17

years to complete. In the meantime, the potential of the land to contribute to meeting future urban development capacity needs will be put at risk if the land is not identified and protected from fragmentation and inappropriate development. Further, the development potential of land may not be factored into capacity assessments and strategic decisions on infrastructure.

3.5 As stated in my evidence in chief³ the potential of this area appears to have been overlooked in the subregional assessment of suitable areas for urban expansion. The broad appropriateness of the area for urban development in the north of Hamilton is illustrated on the plan in Annexure 1 and reproduced at smaller scale below. This plan shows the Te Kowhai East Development Area including all land located between the site subject of the submission and the city boundary.



³ Paragraph 7.2

- 3.6 This plan illustrates the ability to integrate the Te Kowhai East development area with adjacent areas planned for future urban development. It highlights the proximity of the site to places of employment, public transport facilities and the subregional centre at The Base, proving a strong foundation for a well-functioning urban environment.
- 3.7 The delivery of housing land supply at pace and scale within this development area will need to follow a pathway with planning and policy processes running in parallel, rather than in series. To this end, the submitter is actively engaging with the forthcoming review of the Hamilton Urban Growth Strategy (HUGS). The HUGS review includes:
- Development of a set of principles that guide decision making on opening out-of-sequence or out-of-boundary areas for development.
 - A review of the Urban Growth Strategy for land within Hamilton city boundaries and future urban land near the boundaries, for up to 50 years, with a focus on the four well beings.
- 3.8 The HUGS review will take approximately 12-18 months to complete.
- 3.9 It is unfortunate that the timing of the HUGS review falls out of sequence and will follow the WDC plan review decisions. Due to the interrelation of the two planning processes in terms of efficiency and certainty of desired development outcomes for both Councils, in my opinion WDC needs to carefully manage urban development likely to fall into future HCC expanded jurisdictional boundaries. There may be the need for the Council (WDC or HCC) to programme a plan change as an outcome of the HUGS review.

4.0 COMPLIANCE WITH GENERAL DEVELOPMENT PRINCIPLES

4.1 The Addendum Report⁴ states that the submitter does not identify or assess whether the area would meet the General Development Principles set out in 6A of the WRPS.

4.2 The General Development Principles include both contextual and site specific matters. In order to assess the Development Area against these principles the submitter has developed a “Framework Plan” for the development area. This includes the land subject to the submission and other land adjacent to the current City Boundary.

4.3 The Framework Plan is based on a preliminary assessment by a consultant team of planning and urban design (Boffa Miskell Ltd), ecology (Freshwater Solutions Ltd), three waters (Lysaght Consultants Ltd), and transport management (CKL) issues. This work is ongoing.

4.4 The Framework Plan includes consideration of the following spatial elements:

- Land Use
- Public Realm
- Pedestrian and Cycle Movement
- Public Transport
- Vehicle Movement

4.5 The total potential yield of household units is within the range of 2500-3300 in a mix of typologies.

4.6 The Framework Plan is included in Annexure 2 and reproduced at smaller scale below:

⁴ Paragraph 18

TE KOWHAI EAST DEVELOPMENT AREA - FRAMEWORK PLAN

Boffa Miskell



4.7 The Framework Plan has the following features:

Feature	Area	Description
Site Area (Gross)	192.8ha	Includes all land parcels within Development area boundary
Neighbourhood Centre (Commercial)	2.1ha	Located to provide walkable local convenience retail and commercial services to Te Kowhai East Development Area.
Medium-High Density Residential	5.1ha	Terrace housing / duplex housing typologies adjacent to primary development amenities (situated within 5min walk from Neighbourhood Centre). 125-150 household units
Affordable Housing Villages	9.1ha	Three medium density villages with single entry/exit point. (Approx. yield of 70-75 lots per village) 225-275 household units
Residential	143.7ha	General residential with average lot size of 350m ² .

Feature	Area	Description
		2150-2875 household units
Primary School	3.1ha	Location chosen to leverage off PT hub, buffer open space against the state highway and to stay within easy walkability to the Neighbourhood Centre
Open Space Reserves	4.9ha	Principal open space site (2.2ha) situated near Neighbourhood Centre. Secondary open space sites (<1ha each) situated to serve areas outside of 10min walkability radius to central open space.
Stormwater Management Areas	22.1ha	Incorporated into the Mangaheka Stream system. Large wetland ponding area at lower end of catchment fed by three large naturalised stream/swale corridors.
State Highway Buffer Reserve	2.7ha	Estimated at 30m wide to accommodate planted noise mitigation and screening bund along boundary edge and open space behind with walkway/cycleway path.
Pedestrian and Cycle Movement		Links to existing routes external to the site. In addition to on road routes, off road walking and cycling is provided within the stormwater management area network and State Highway buffer.
Public Transport		Key public transport hub at the neighbourhood centre, adjacent to school and principal reserve. Public transport route along collector / arterial road network
Vehicle Movement		A hierarchy of roads including a suitable collector / arterial road network allowing connection through the site as an extension of the Rotokauri minor arterial road identified in the Rotokauri Structure Plan.

- 4.8 An assessment of the Development Area against the 17 General Principles in the RPS is included in Appendix 3.
- 4.9 In summary, urbanisation within the Te Kowhai East Development Area will not be inconsistent with the Development Principles. The key issues are highlighted below.
- 4.10 Principle 1 is that new development should
“support existing urban areas and development nodes in preference to creating new ones, and occur in a manner that provides clear delineation between urban areas and rural areas
- 4.11 The Development Area supports and builds on existing urban areas in north Hamilton, providing easy access to places of employment, and community and commercial services. The proposed stormwater management areas frame the rural edges of the Development Area providing a clear delineation between urban areas and rural areas.
- 4.12 Principle 2 is that new development should
“make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;”
- 4.13 While this is a greenfield area, and potentially in conflict with this principle, the development will be at densities that minimise additional greenfield land requirements. The urban design approach embeds higher density typologies and provides levels of accessible local services and open space with high levels of connectivity appropriate to higher densities.
- 4.14 Principle 3 is that new development should:
- 4.15 *“not compromise the safe, efficient and effective operation and use of existing infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated”*

- 4.16 The site has the potential to be fully integrated with current and future transportation networks, without impinging on the ability to deliver identified network upgrades.
- 4.17 The design and operation of all three waters will be incorporated using an Integrated Catchment Management Plan (ICMP) approach. The site has potential to fully manage both stormwater quantity and quality within its boundaries without additional infrastructure extensions.
- 4.18 Extension of existing water and wastewater infrastructure will be required to service the development. There are no known impediments to the treatment/processing of these waters. Trunk services will be sized to accommodate full development potential.
- 4.19 Principle 4 is that new development should:
- “be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy transmission corridors, locations identified as likely renewable energy generation sites, and high class soils”.*
- 4.20 There are no significant mineral resources and their access routes, natural hazard areas, energy transmission corridors, or locations identified as likely renewable energy generation sites.
- 4.21 The development will need to mitigate or design around the natural hazard flooding areas located on the site.
- 4.22 The land comprises LUC 2 land. LUC 2 land is generally defined as highly productive soils. The proposed NPS includes requirements for councils to identify highly productive land based on a set of defined criteria (soil capability, climate, and the size and cohesiveness of the area) with LUC Classes 1–3 being the default criteria that determines what is highly productive land for the purposes of the proposed NPS.
- 4.23 Recent development of the Metropolitan Spatial Plan has taken into consideration constraints and opportunities for future urban development, including avoidance of “elite soils” being those defined

as LUC 1. The development area has been identified within the northern growth corridor, based on this overall assessment.

4.24 It is noted that the proposed development area has the same or similar land use capability classification as other land within the Rotokauri Urban Growth Area.

4.25 In summary, I do not think that the LUC 2 soil classification is a material impediment to the land being zoned for urban development.

5.0 DECISION SCOPE

5.1 The Addendum Report⁵ identifies a difficulty with the application of a UEA overlay to just the submitter block, potentially resulting in an arbitrary urban boundary. I agree with the report writer's opinion that the submission scope would not enable an enlarged UEA overlay or a Future Urban Zone to be applied to lots beyond the submitter's land.

5.2 Regardless, given the inherent spatial appropriateness and suitability of the land for urban development, Council should take measures to ensure that the Te Kowhai East Development Area is protected for future urban development and factored into capacity assessments and strategic decisions on infrastructure.

5.3 In these circumstances, the most appropriate approach would be for the commissioner panel to recommend that the council promote a plan variation or change to include all of the affected land.

Craig Batchelar

Planner

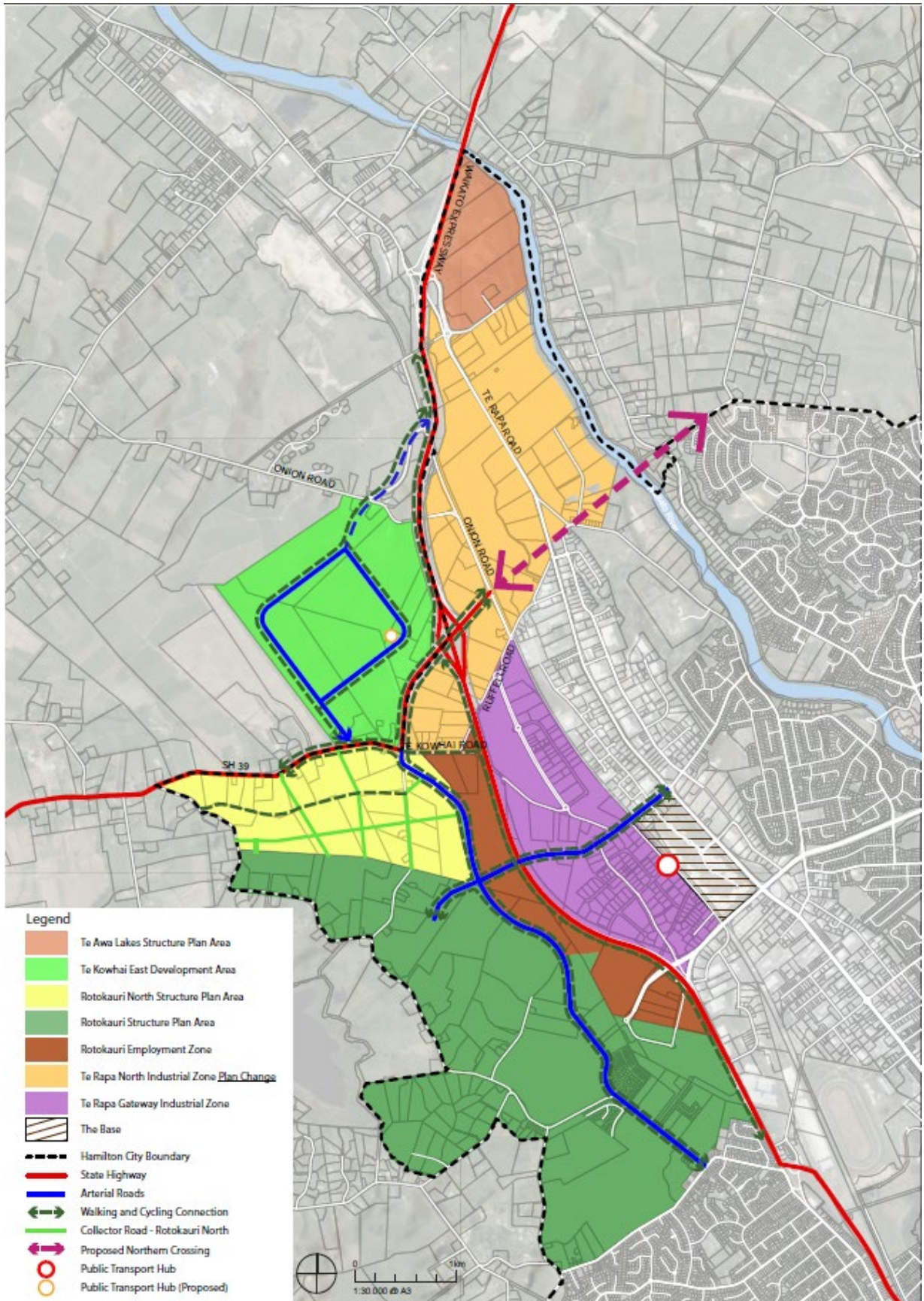
Boffa Miskell Limited

7 May 2021

⁵ Paragraph 12

ANNEXURE 1

Spatial Context for Te Kowhai East Development Area



ANNEXURE 2

Framework Plan for Te Kowhai East Development Area

TE KOWHAI EAST DEVELOPMENT AREA - FRAMEWORK PLAN



LEGEND

- DEVELOPMENT BOUNDARY - CURRENT
- DEVELOPMENT BOUNDARY - EXPANDED
- EXISTING ROAD (EXTERNAL)
- TRANSPORT CORRIDOR (MULTI-MODAL)
- TRANSPORT LINK (INTERNAL)
- PT HUB
- KEY INTERSECTION
- EXITING NETWORK CONNECTION
- BRIDGE
- PT ROUTE
- WALKWAY / CYCLEWAY CONNECTIONS
- STREAM / CONVEYANCE SWALE
- STORMWATER POND
- RESIDENTIAL
- AFFORDABLE HOUSING (VILLAGE)
- MEDIUM / HIGH DENSITY
- NEIGHBOURHOOD CENTRE
- PRIMARY SCHOOL
- OPEN SPACE RESERVE
- STORMWATER RESERVE (INCL. WALKWAY / CYCLEWAY)
- STATE HIGHWAY BUFFER RESERVE

0 200m
1:6,000 @ A3



ANNEXURE 3

Assessment of General Development Principles for Te Kowhai East
Development Area

General development principles New development should:	Assessment
1. support existing urban areas and development nodes in preference to creating new ones, and occur in a manner that provides clear delineation between urban areas and rural areas;	The Development Area supports and builds on existing urban areas in north Hamilton, providing easy access to places of employment, and community and commercial services. The proposed stormwater management areas frame the rural edges of the Development Area providing a clear delineation between urban areas and rural areas;
2. make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;	While this is greenfield development area, the development will be at densities that minimise land requirements. The urban design approach embeds higher density typologies and provides appropriate levels of accessible local services and open space with high levels of connectivity.
3. not compromise the safe, efficient, and effective operation and use of existing infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;	The site has the potential to be fully integrated with current and future transportation networks, without impinging on the ability to deliver identified network upgrades ⁶ . The design and operation of all three waters will be incorporated using an Integrated Catchment Management Plan (ICMP) approach. The site has potential to fully manage both stormwater quantity and quality within its boundaries without additional infrastructure extensions in accordance with Best Management Practices. Extension of existing water and wastewater infrastructure will be required to service the development. There are no known impediments to the

⁶ See Statement of Evidence of Judith Makinson

General development principles New development should:	Assessment
	treatment/processing of these waters. Trunk services will be sized to accommodate full development potential.
4. connect well with existing development;	<p>The Development area can be integrated with known expected settlement patterns and can provide a high level of multimodal connectivity with the same, without being dependent on their delivery.</p> <p>The development will require significant infrastructure upgrades from outside of the development, particularly water and wastewater, but there is no known impediment to this occurring.</p>
5. be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy transmission corridors, locations identified as likely renewable energy generation sites, and high class soils;	<p>There are no significant mineral resources and their access routes, natural hazard areas, energy transmission corridors, or locations identified as likely renewable energy generation sites.</p> <p>The development will need to mitigate or design around the natural hazard flooding areas located on the site</p> <p>The land comprises LUC Class 2 land. that are generally defined as highly productive soils.</p> <p>The proposed NPS includes requirements for councils to identify highly productive land based on a set of defined criteria (soil capability, climate, and the size and cohesiveness of the area) with LUC Classes 1–3 being the default criteria that determines what is highly productive land for the purposes of the proposed NPS.</p> <p>Recent development of the Metropolitan Spatial Plan has taken into consideration constraints and opportunities for future urban development, including avoidance of “elite soils”⁷ being LUC 1.</p>

⁷ Hamilton – Waikato Metropolitan Spatial Plan 3.1 Waahi toituu

General development principles New development should:	Assessment
	The site has been identified within the northern growth corridor, based on this overall assessment. It is noted that the land has the same or similar capability classification as other land within the Rotokauri Urban Growth Area.
6. minimise energy and carbon use such as by compact urban form, and design and location which minimises the need for private motor vehicle use, encourage walking, cycling and use of public transport and maximise opportunities for people to live, work and play within their local area;	The Framework Plan includes compact urban form, and design and location which follows these principles. While working opportunities within the Development Area are limited to the Neighbourhood Centre, School, and working from home, the area is close by large employment areas at Te Rapa.
7. maintain or enhance landscape values and provide for the protection of historic and cultural heritage from inappropriate subdivision, use and development;	There are no recorded sites of landscape, cultural or heritage significance within the Development Area.
8. promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement, or development of ecological corridors, should be encouraged;	Preliminary ecological assessment identifies watercourses as artificial farm drain or highly modified stream. A small area of natural wetland is also identified. Further assessment of ecological values is planned, but it is expected that the watercourses and other habitats will have similar species to those found in adjacent areas. The proposed Stormwater Management Area (22ha) offers a significant opportunity to enhance indigenous biodiversity around and within the Development Area. This is consistent with the restoration vision for the water course under the Mangaheka Integrated Catchment Management Plan. The State Highway Buffer also provides scope for development of an ecological corridor connected to the Stormwater Management Area, linking

General development principles New development should:		Assessment
		through to the school and other open space.
9.	maintain or enhance public access to and along the coastal marine area, lakes, and rivers;	The proposed Stormwater Management Area offers an opportunity for a stream side walkway and cycleway.
10	avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems, including through low impact design methods where appropriate;	The development will provide onsite detention storage and stormwater quality treatment using a number of measures to ensure that the existing hydrological regime is matched, including flow rate, velocity and duration effects and that water quality is managed (matched or improved).
11	adopt, where appropriate, sustainable design technologies such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques;	There is no impediment to sustainable design technologies being adopted in the development. LID practices will be adopted stormwater design.
12	not result in incompatible adjacent land uses, such as with respect to industry, rural activities and existing or planned infrastructure;	The Framework Plan shows buffering between the residential areas and adjacent rural land uses and the State Highway. The existing and planned industrial activities in the Te Rapa Area are separated by distance (at least 100m) and intervening roads and landscape planting.
13	be appropriate with respect to expected effects of climate change and be designed to allow adaptation to these changes;	As outlined above, the development will minimise energy and carbon use through compact urban form and multi modal transportation network. The stormwater management system will take into account climate change factors in its design.
14	consider effects on the unique tangata whenua relationships, values, aspirations, roles, and responsibilities with respect to an area. Where appropriate, opportunities to visually	Recognition of cultural identity will be achieved through placemaking elements including view lines to Maunga, open space and road names and the restoration and enhancement of

General development principles New development should:		Assessment
	recognise tangata whenua connections within an area should be considered;	natural values and the Mauri of the stream network.
15	support the Vision and Strategy for the Waikato River in the Waikato River catchment;	The Development Area will manage stormwater in a manner consistent with the Mangaheka ICMP which embodies the Vision and Strategy in its approach.
16	encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and	There is no impediment to waste minimisation and efficient use of resources being adopted in the development.
17	avoid adverse effects on ecosystem services.	The main ecosystem services exist within the Mangaheka Stream that traverses the site. The Mangaheka Stream is already highly modified and in a degraded state. The Mangaheka ICMP proposed a restoration vision and the proposals for stormwater management are consistent with this and will have positive effect on ecosystem services.