

Before Waikato District Council Hearings Commissioners

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

Variation 3 to the Proposed Waikato District Plan

**STATEMENT OF EVIDENCE OF AARON COLLIER
FOR HOROTIU FARMS LIMITED (SUBMITTER 49)
07 November 2023**

1. Qualifications and Experience

- 1.1 My full name is Aaron Mark Collier.
- 1.2 I am a Consultant Planner and a Director of Collier Consultants Limited. Prior to establishing Collier Consultants in 2019, I was a Principal and Technical Director of Aurecon.
- 1.3 My qualifications are Masters' degree with Honours and a Post Graduate Diploma in Resources and Environmental Planning from the University of Waikato. I am a full member of the New Zealand Planning Institute (NZPI).
- 1.4 I have 28 years' experience working as a Local Authority and Consultant Planner. My predominant experience has been in the area of plan policy development and land use planning. I have prepared numerous Private and Council Plan Changes. I have provided planning evidence and advice in relation to a number of second-generation District Plans, including those for the Taupo, Tauranga, Rotorua, Thames-Coromandel, Western Bay of Plenty and Waikato Districts as well as the Auckland Unitary Plan. I was heavily involved in Council hearings and subsequent appeal processes for a number of these Plans.
- 1.5 More recently I have been involved in a number of Intensification Planning Instrument Plan Changes (**IPIs**) introducing changes under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 to set new medium density residential standards (**MDRS**) and make other amendments that are set to change the future of housing development. My work includes submissions, expert conferencing and hearings on changes to the Tauranga City and Western Bay of Plenty District Plans. I have also been involved in changes to the Bay of Plenty Regional Policy Statement (**RPS**) as part of Change No.6 to the RPS.
- 1.6 I regularly present evidence as an expert planning witness at Council hearings, as well as the Environment Court, High Court and Boards of Enquiry.
- 1.7 I confirm I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. In particular, unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.8 This evidence is provided in support of the submission made by Horotiu Farms Limited on Variation 3, which seeks to rezone land at Horotiu, medium density residential zone, as shown on the plan included in Horotiu Farms original submission.
- 1.9 In preparing this evidence I have reviewed the Horotiu Farms submission and further submissions on Horotiu West. I have also reviewed the relevant provisions of the NPS-UD, the Council Section 42A report, and the Council's Planning and Stormwater evidence.

1.10 I was originally asked by Horotiu Farms Limited in September 2022 to assist with their submission seeking to rezoning their land at Horotiu West. I am familiar with the land and the surrounding area, having previously prepared the Special Housing Area (SHA) application for Te Awa Lakes in relation to Horotiu East-North. I also prepared the submission and supporting evidence to rezone the land under the proposed District Plan from lifestyle living to residential. I have participated in a range of Proposed District Plan hearings and subsequent appeal processes in relation to Horotiu West.

2. Background

2.1 Horotiu Farms Limited's submission seeks to amend maps and to rezone approximately 34 hectares of General Residential Zoned Land to Medium Residential Zone 2 (MDRZ2).

2.2 As set out in the Statement of Evidence prepared by Richard Coventry on behalf of Horotiu Farms Limited, the site is adjacent to the Te Awa Lakes development within Hamilton City and is proposed to be developed by Horotiu Farms Limited through a master planned approach. Mr. Coventry's evidence also sets out the consultation which has been undertaken by Horotiu Farms Limited, which is extensive and which has been ongoing.

3. Scope of Evidence

3.1 My evidence responds to the Section 42A report provided by Waikato District Council, and in particular considers:

- i. Whether the MDRZ should be applied to the land.
- ii. Whether the applicant's land sits within an urban environment and whether it is a relevant residential zone.
- iii. Matters raised with respect to submissions.
- iv. Planning merits of the rezoning to MDRZ2
- v. Qualifying matters (including Natural Hazard provisions).

3.2 I note that matters related to scope were covered in the Session 1 hearings, as set out in legal submissions prepared by Legal Counsel for Horotui Farms, Thomas Gibbons and Kate Barry-Piceno.

3.3 My assessment of the above matters is set out in my evidence below.

4. Whether the MDRZ zoning should apply

- 4.1 In my opinion, MDRZ2 zoning to the site as sought by Horotiu Farms Limited's submission should be applied. The rezoning of the land to MDRZ will give effect to the NPS-UD and is consistent with the purpose of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.
- 4.2 The site is relatively unique, as it provides a greenfield opportunity utilising land recently rezoned residential under the proposed District Plan process. The site is supported by a masterplan as set out in evidence prepared of Richard Coventry which provides for a range of living opportunities, recreation, and community uses, including education. The land area is also largely under single control (Perry Group) which will enable more certainty in terms of development outcomes. As set out in the Section 42A report, work is currently underway to obtain a comprehensive catchment consent to manage stormwater across the Horotiu West and the Horotiu East-North land owned by the submitter and related Perry Group entities.
- 4.3 The location of the site and its proximity to other residential areas and yet to be developed land, a school, its serviceability, its current undeveloped nature and its relationship to residential and commercial land at Horotiu East-North (recently rezoned through a private plan change by Hamilton City Council), are part of the surrounding existing and future (*Hawthorn*) environment setting which support its inclusion in the MDRZ. The site provides an opportunity to provide a more intensive medium density development within an area that is well serviced by existing or planned public transport services and where there is high demand for housing relative to other urban environments within the District. Combined with the Horotiu East and Horotiu North sites, the inclusion of Horotiu West provides an integrated approach to residential development within the wider Horotiu area. Based on the evidence of Justin Adamson, there are no infrastructure constraints that cannot be addressed through engineering solutions to service the land.
- 4.4 As set out in the Section 42A report, the submitter also has the financial resources, willingness and expertise as explained in the evidence of Richard Coventry to develop Horotiu West as a master planned medium density development within a short-medium timeframe.
- 4.5 Rezoning the land achieves Council's overall objectives which is to address residential development capacity constraints and contributes also towards targets for housing development capacity as set out in the Regional Policy Statement (RPS) and Council's Development Capacity Assessment required under the NPS-UD.
- 4.6 Enabling further intensification of existing urban areas using greenfield land at Horotiu, will reduce pressure on urban expansion and associated infrastructure investment requirements.

5. Whether the site is a relevant residential zone

- 5.1 The site is currently zoned General Residential Zone, and therefore in my opinion falls within the legal definition of being located within a “relevant residential zone”. The site is located within an urban environment, as Horotiu is planned to be predominantly urban in character and is part of the wider housing and labour market of Hamilton (which has at least 10,000 people).
- 5.2 Section 80E of the RMA sets out relevant residential zones under the Act. Factors such as the jurisdictional boundary of the City, access to significant transport and wastewater, stormwater, and water supply infrastructure, and the sites proximity to schools employment and commercial areas are all relevant. These factors, in conjunction with the site existing residential zone make the site eligible for consideration as a relevant residential zone.
- 5.3 The area is transitioning to become predominantly urban in character, with existing and planned housing and education facilities. Horotiu has been identified in numerous planning documents including Futureproof, Waikato Regional Public Transport Plan (which confirms Te Awa Lakes as a Terminus location), the Regional Policy Statement, and the Waikato 2070 Growth and Economic Development Strategy. Although currently the site is largely undeveloped this does not preclude it in any way from being considered as a relevant residential zone given that the NPS-UD requires a future looking approach.
- 5.4 I agree with the Section 42A report that the remaining general residential land in Horotiu, which is not subject to a submission, can in the future be rezoned through a separate variation or plan change under a future first schedule process. In my experience this is not an unusual response, to dealing with urban integration of such areas following an IPI process.

6. Qualifying Matters

- 6.1 There are a number of qualifying matters which relate to certain parts of the site.
- 6.2 I agree that MDRZ2-S14 proposes a 26.5m setback from the margin of the Waikato River and 20m setback from the margin of any wetland. This will apply to that part of the site (which is relatively small) which adjoins the Waikato River and to any streams or wetlands on the site. I also agree that where parts of the site are identified as a floodable area (particularly high risk flood zone) then a qualifying criteria should also apply with respect to natural hazards under Section 6 (h) of the RMA, although I do not agree that a non complying activity status should apply. The extent of this flood mapping has recently been updated and is shown in figure 1 below.

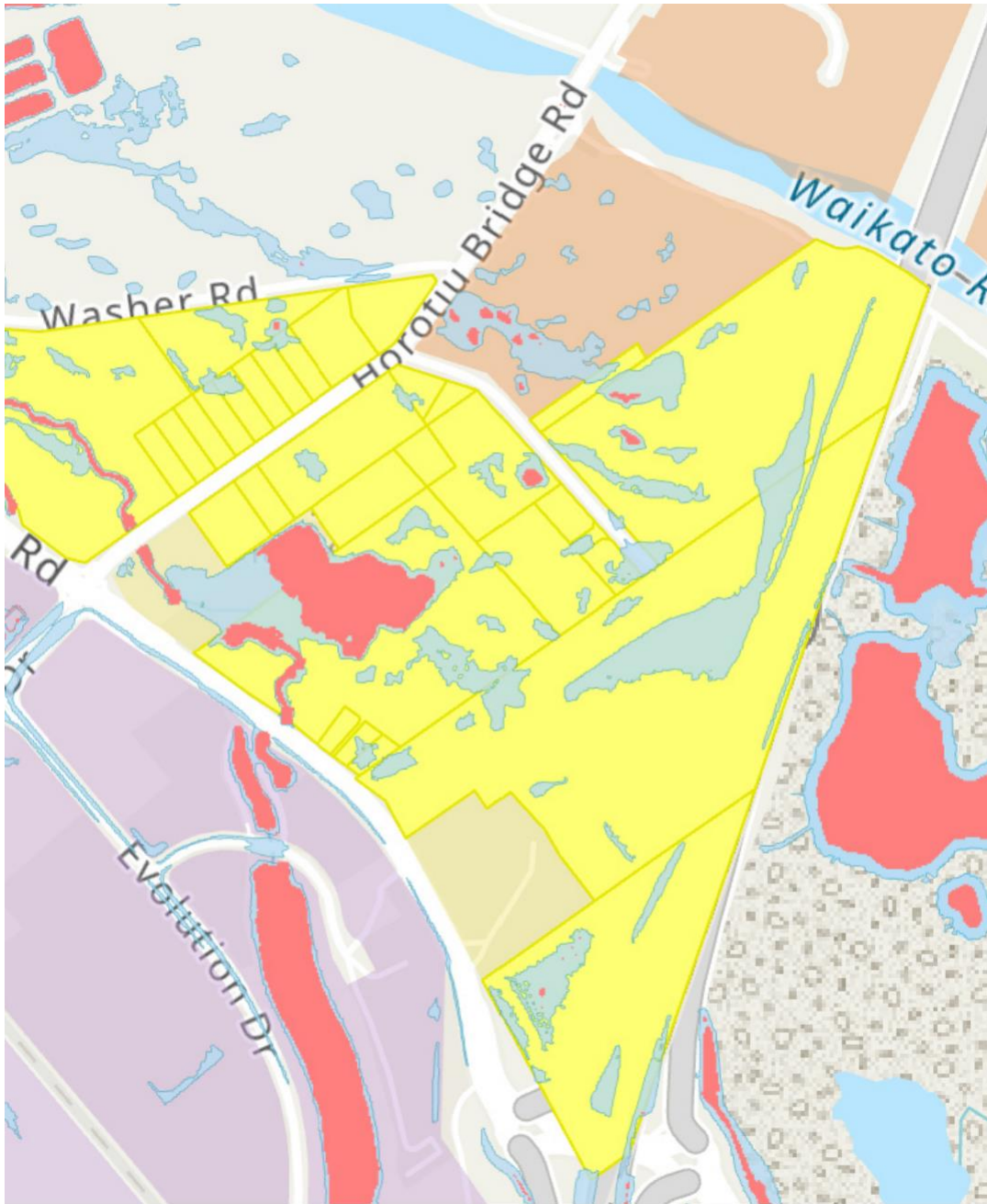


Figure 1 – Updated Flood Maps for Variation 3

6.3 I have reviewed the latest Natural Hazard and Climate Change provisions, including rules and qualifying matter provisions relating to earthworks, subdivision and residential development within floodplains, ponding area and high risk areas. These rules appear to me to have not been drafted with greenfields development in mind, and are lengthy and quite difficult to interpret.

- 6.4 In the case of Horotiu West, there are a number of very small pockets of High Risk flood areas located on Horotiu Farms land and a larger area on the Korris block. The variation does not define these High Risk areas. As noted in the evidence of Justin Adamson, I would typically expect such areas to involve both depth and significant flow/velocity of water.
- 6.5 For Horotiu Farms site, these areas are simply hollows which will need to be addressed and filled as part of future earthworks.
- 6.6 The current proposed rules, assign a non-complying activity status to subdivision, earthworks and development within these areas. I do not support this “default” approach to the site as it undermines the entire purpose of the zoning, which is to be enabling and which is to encourage medium density development as well as minimising unnecessary regulatory process. Based on Mr Adamsons evidence, there does not appear to be any engineering reason to avoid these sites and to adopt a non-complying activity status.
- 6.7 I consider that a new rule applying a restricted discretionary activity status to the site needs to be included, in a manner consistent with the Flood Plain Management Area and Flood ponding area rules. I have discussed this with the Councils Planner, and we have agreed to provide a suitable rule to assist the Hearings Panel.
- 6.8 Other qualifying criteria also include a 15m setback, which will apply from the boundary of the State Highway along with a 6m setback from the gas transmission line running through the site. I note that there is already an easement in place for the gas line which is entirely consistent with this 6m setback and this setback has been agreed to by Horotiu Farms through the proposed District Plan appeal process.
- 6.9 The potential for reverse sensitivity effects has been raised through a submission from the Port of Auckland. I do not consider that reverse sensitivity effects (an acoustic overlay) should be a qualifying matter. The acoustic overlay is existing through the proposed District Plan. The Council’s acoustic assessment has confirmed that the increase in density and height will lead to no further change in effects that cannot be addressed through the existing noise overlay provisions in the proposed District Plan.
- 6.10 A submission was also received from Craig Merrit in relation to adjacent archaeological sites. As the sites are not located within the Horotiu West land subject to Variation 3, the relationship of Maori and their cultures and traditions with their ancestral land, water, sites, wahi tapu and other taonga under Section 6 of the RMA should not apply as a qualifying matter. As set out in the evidence of Richard Coventry, Mana Whenua support the rezoning and have raised no concerns from a cultural perspective.

7. Planning merits of rezoning the land to MDRZ

- 7.1 Based on Mr Adamsons evidence, I am satisfied that there are no servicing or infrastructure constraints which would limit the site from being developed under MDRS. Matters including wastewater, water supply, power, telecom, stormwater, and roading have all been considered by way of a separate technical assessment.
- 7.2 I agree with Mr Adamson that areas which have been identified for flooding can be managed and addressed at the time of resource consent through standard engineering solutions.
- 7.3 Section 77G of the Act also sets out that a Council may make new residential zones or amend existing residential zones in carrying out its functions set out under that Section. I consider that the zone can be amended to incorporate MDRZ over the site.
- 7.4 I am satisfied that the proposal would give effect to Policy 3 in the NPS-UD and therefore the additional land can be included as MDRZ. The site has limited constraints and can be serviced in an efficient manner. The site also supports the delivery of residential use in a way that it avoids significant or widespread effects on the overall character and amenity of the surrounding area as the land is already zoned for residential use.
- 7.5 Although there are qualifying matters which apply, I do not consider there are any issues with these being dealt with through the consenting process and a standard engineering response for stormwater/flooding, or the required setbacks from waterbodies and NZTA and gas line infrastructure.
- 7.6 In my view the proposal recognises and provides for those relevant matters as set out in the submission relating to Part 2 of the RMA and Section 30 and 31 of the RMA.
- 7.7 The proposal is not contrary to any Regional Policy Statements, Regional Plans or National Policy Statements. In terms of other matters, the applicant has given consideration to iwi management plans and has consulted and engaged with Mana Whenua.
- 7.8 My conclusions are that the proposal is consistent with Variation 3 as the additional land will achieve the purpose of the Plan Change which is to address residential development capacity constraints and contribute towards achieving targets for residential housing. The inclusion of the land will enable a variety of housing choice across the District as shown in the Masterplan included in the evidence of Richard Coventry and will reduce pressure on urban expansion and associated infrastructure.
- 7.9 By complying with MDRS standards the proposal will result in quality-built form outcomes and a more compact urban form.

7.10 I have undertaken Section 32 Analysis which is included in the submission and have looked at various options for the land. My overall conclusions are that including the land within Variation 3 is the most effective and efficient outcome with significant benefits that outweigh any costs.

7.11 I would be happy to answer any questions the Panel may have.



Aaron Collier
Planner
07 November 2023