

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Variation 3 to Waikato Proposed District Plan
'Horotiu West Land'

STATEMENT OF EVIDENCE OF TIM LESTER (PLANNING)

DATED 6th NOVEMBER 2023

Introduction

- 1 My name is Tim Lester, and I am a Senior Planner with Blue Wallace Surveyors Limited (Blue Wallace). I have held this role for 7 years and my background is in resource management planning. I have over 18 years' experience in regulatory planning, and I hold a Bachelor of Geography (Arts) and a Master of Resource and Regional Planning (Distinction) both of which were obtained from the University of Otago.
- 2 Prior to being employed at Blue Wallace I was a consultant with Edison Consulting Group, based in Hamilton, which is a specialist project management consultancy to the electrical supply industry.
- 3 My professional experience is with resource consent applications for all types of land use development projects, including infrastructure, residential, business, rural and mixed-use developments. I have worked with the Waikato District Plan since 2005 and I have been involved with several District Plan review processes throughout the country as well as numerous private plan changes, land use (both regional and district) and subdivision consent applications in both New Zealand and Australia.
- 4 My current employment is with Blue Wallace, which is a mid-sized, Hamilton based, multi-disciplinary surveying firm employing surveyors, engineering professionals and planners. Whilst being with Blue Wallace I have had significant involvement with a range of private developers and have provided technical planning services and advocacy through both small-scale residential infill and rural subdivision projects, to high-yielding and multi-staged urban development within greenfield sites.

Code of Conduct

- 5 I have read and am familiar with the Code of Conduct for Expert Witnesses in section 9 of the Environment Court Practice Note (2023). I have complied with and will follow the Code when presenting evidence. I also confirm that the matters addressed in this Statement of Evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

- 6 This evidence relates to the further submission (FS #201) provided by Korris Limited ('Korris'), and to a 5.6ha property located at 6257 Great South Road, Horotiu ('the Korris property').
- 7 This evidence reiterates the support Korris provides to the original submission on Variation 3 (VAR 3) provided by Submitter #49 (being Horotiu Farms Limited or "HFL"), and to the extent that the Korris property abuts the land owned by HFL (to the east). Korris shares the vision with HFL that a medium residential density zoning (MRZ) is appropriate for land identified as being contained within the Horotiu West Master Plan Area (as promulgated by Te Awa Lakes).
- 8 Whilst the Korris property is independent in title to that of HFL, there is a level of agreement between both parties that continuity of design principles, infrastructure planning, urban design cohesiveness, and development timing considerations are considered collaboratively to the respective sites. Consequently, my evidence seeks to contextualize the Korris property with that of HFL's land, thereby reiterating the appropriateness for its inclusion within the area identified as 'The Horotiu West Land'.
- 9 My evidence has been prepared to reiterate support of HFL, as well as agreement in principle with aspects of the Planners Report (as prepared under Section 42a of the RMA), and the recommendation that:

“The HFL submission be accepted in its entirety on the basis that the Horotiu West land is a relevant residential zone.”

(s42a page 7)

Executive Summary

- 10 I support the s42a Planner's report recommending to rezone the General Residential Zone ('GRZ') in the Proposed District Plan Appeals Version ('PDP') to Medium Density Residential 2 Zone (MRZ) as it applies to land identified throughout as '*The Horotiu West Land*' as it represents a 'relevant residential zone' and therefore is subject to Section 77G (1) of the RMA.

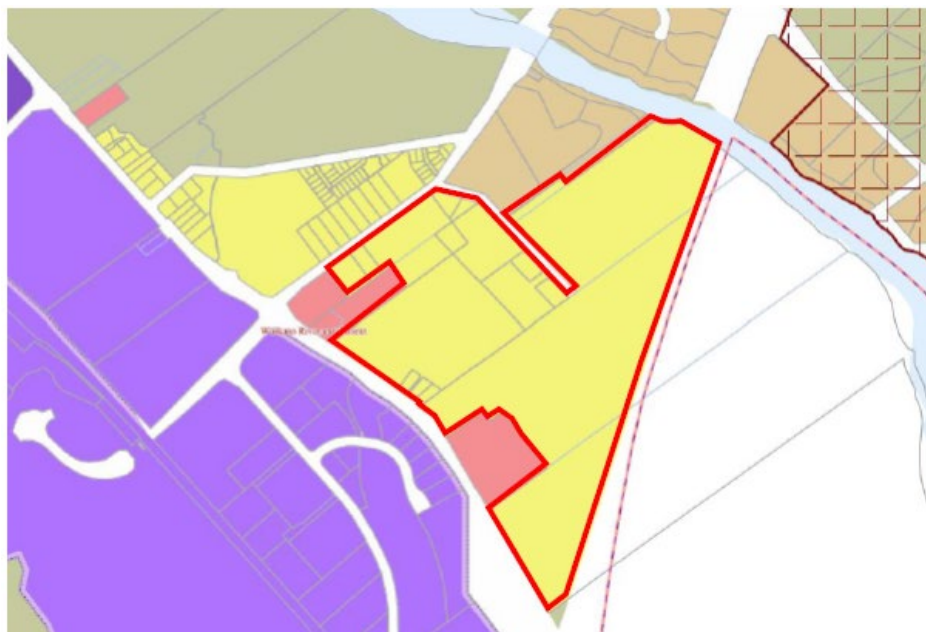


Figure 1: Horotiu West land (image taken from s42a report)

- 11 Support for the spatial extent of *Horotiu West Land* being propositioned by Horotiu Farms Limited (Submitter 49) to include the Korris property, is provided given the abutting nature of the properties and the shared vision of how the Horotiu West Land is intended to provide spatially 'aligned' housing with the medium density residential standards (MDRS). It is my opinion that VAR 3 presents a mutually beneficial opportunity to have a consistent blend of housing typologies and alignment with the Horotiu West master planning area.
- 12 I have reviewed the statements in the s42a report, as well as Council's planning and stormwater VAR 3 evidence associated with the *Horotiu West land*.
- 13 My statement includes sufficient information and evidence to support the rezoning of *The Horotiu West Land* – as a sensible and pragmatic undertaking.
- 14 Matters pertaining to stormwater and flooding are applicable to the Korris property, however, the existence of such qualifying matters does not constrain higher density residential development as evident in a recently lodged residential subdivision application to both Waikato District Council (WDC) and Waikato Regional Council (WRC).

Relevant Residential Zone

- 15 I understand that the Waikato District Council (WDC) initially disputed the VAR 3 scope that the *Horotiu West Land* was *not* considered an ‘urban environment’ as defined under the NPS-UD. However, for the reasons set out in the evidence of Council Planner (Ms Fiona Hill), the area contained within the Horotiu West Land does in fact constitute relevant residential zoned land for the purposes of applying MDRS
- 16 I have read through the evidence of the Council planner and author of the VAR 3 s42a report (Ms. Lepoutre) and support statements to the effect that the further submission from Korris Limited is within scope, and:
- “... therefore generally considered as part of the HFL submission”.*
- 17 In consideration of both Council’s planning evidence and s42a report the land identified as *Horotiu West Land* meets the definition of “urban environment” under the NPS-UD by virtue of the fact that the Hamilton-Waikato Metropolitan Spatial Plan 2020, Future Proof Strategy 2022, and Plan Change 1 to the Waikato Regional Policy Statement indicate Horotiu as being *intended* to be part of a housing and labour market of 10,000 people, as well as a clear intension for the land to be predominately urban in character.
- 18 Whilst Council’s planning evidence raises a degree of concern over the current availability of commercial land within the Horotiu West land, such concerns can be put to rest through the advanced master planning already undertaken as part of the Te Awa Lakes development, which is inclusive of the Horotiu West land, and its inclusion of commercial zones.
- 19 Notwithstanding the legal position on the VAR 3 scope, it is my opinion that the comprehensive and publicly notified PDP review process associated with rezoning the Horotiu West land to GRZ lends itself to being a relevant residential zone with a clear intension that the land is to become an urban environment for the purposes of s77G(1).

Horotiu West Master Plan

- 20 Korris purchased the land at 6257 Great South Road in March of this year. This purchase was post VAR 3 notification (September 2022)

and was the reason behind not presenting an initial submission on rezoning the land to MDZ.

- 21 After purchasing the land Korris engaged Blue Wallace project managers to commence developing conceptual residential subdivision designs which were reflective of the PDP general residential zoning of the Site, as well as the recognized stormwater management constraints that were evident within the property.
- 22 Once an opportunity to provide a further submission on VAR 3 came about, Korris considered the submission by HFL, and subsequently submitted in support of the neighboring landowner to the extent that the Korris property was too captured under the high-level concept design of the wider Te Awa Lakes area, and in particular was contained within the area identified as the 'Horotiu West Master Plan'.
- 23 More explicitly, the Korris property has been clearly identified as being 'Medium Density Residential Zone' on the submitted Horotiu West Masterplan – as contained within Submission 49.



Submission 49: Figure 4: Horotiu West land area sought to enable MDRS

- 24 The further submission of Korris sought recognition from Council that even though their land is held in a separate Record of Title and ownership, the contiguous nature of the properties lends itself comfortably to be subject to a medium density residential zoning.
- 25 I note that under Submission 49 a 'red line' had been presented on the 'Horotiu West Masterplan'. This red line delineates the cadastral boundary of HFL land from the Korris property; however, the Korris

property is undeniably within the Horotiu West Land, and subsequent master planning considerations that has been undertaken by HFL and Te Awa Lakes (TAL).

Current Application

- 26 Whilst not directly material to the current VAR 3 proceedings, Korris has recently lodged an application for Subdivision and Land Use consent with the Waikato District Council (WDC), as well as corresponding earthworks and stormwater discharge consents with the Waikato Regional Council (WRC).
- 27 Applications to both Councils have been accepted for processing under Section 88 of the RMA and are currently on hold pursuant to Section 92 of the RMA.
- 28 A scheme plan for the proposed subdivision has been attached in **Attachment A** – *for information purposes only* - whereby 57 residential allotments have been shown to be feasible within the Korris property, and in general accordance with the PDP GRZ density provisions (being no less than 450m²).
- 29 Notwithstanding the GRZ subdivision design, densification has been considered at a high-level by Korris which includes the potential further subdivision of vacant allotments down to 300m² (see **Attachment B**).
- 30 Whilst subject to a process outside of VAR 3, I consider it relevant to highlight to the Hearing Panel that a significant area of the developable land within the scheme plan has been represented as a local purpose reserve, to be vested with Council, for both recreation and drainage.
- 31 Moreover, the subdivision design has considered site specific and broader scale constraints, such as flood hazards, and furthermore has presented well considered mitigation through such actions as stream planting (adjacent to a section of the Te Rapa Stream) and stream bank stability works.
- 32 A transportation assessment has accompanied the subdivision consent application, whereby connectivity to the existing transportation network has been provided (being Great South Road), as well as internal connectivity to land to the east of the property under the ownership of HFL.
- 33 Additionally, environmental considerations such as contaminated land, services/infrastructure provision, ecology and cultural matters have

been suitably addressed under Section 88 of the RMA – and currently before Council.

- 34 Open and transparent consultation has been undertaken by Korris about the current subdivision design, to which HFL have reviewed, and to which Te Awa Lakes have raised no fundamental objections. The basis of this current position is that further consultation will be required between Korris, HFL and TAL in relation to efficient infrastructure provision (including transportation).
- 35 Through the provision of the further submission, and the open and ongoing consultation with the representatives of HFL (Te Awa Lakes Ltd) Korris are committed to ensuring subdivision and land use within their property aligns with the vision and aspiration of HFL in the Horotiu West area.
- 36 This shared vision is, at least in part, for the provision of housing choice that will be enabled through a MRZ of the underlying land.

Section 42A Report

- 37 The s42a author clearly states that the land identified in the Korris further submission is:

“... generally considered to be part of the HFL submission.”

(s42a page 7)

- 38 Having been acknowledged and included within the *Horotiu West Land* under VAR 3 was a primary reason behind the further submission, and consequently such explicit recognition throughout the s42a report is supported by Korris.
- 39 This recognition is salient due to the planner’s comments in paragraph 29 of the s42a report whereby it is noted that General Residential land which is outside of the *Horotiu West Land* submission will require a separate variation, or plan change, to amend the zoning to MRZ should the landowner so wish.
- 40 Through the Korris property’s clear and explicit identification within the ‘Horotiu Masterplan’; the open communication and shared vision between the parties; and the integration presented in the ‘live’ subdivision applications – it is clear that the Korris property is within the *Horotiu West Land*, and therefore a separate plan change process

for 6257 is *not* required.

Other Submitters

- 41 The s42a report identifies and addresses the other VAR 3 further submitters relative to the *Horotiu West Land* expressing opposition to a MRZ - two of which I now address in the context of the further submission by Korris.
- 42 Craig Merrit (further submitter #212) has raised objections to the MRZ for Horotiu West land based on:
- Kernot Road and Horotiu Bridge Road being unable to support the extra traffic from a medium density zoning,
 - The land within the Horotiu West Area being zoned Country Living.
 - The presence of Culturally sensitive land.
- 43 The s42a report has addressed these concerns, which Korris supports; however, further to the traffic and cultural effects matters, it is noted that the current residential zoning of the land under the PDP is in itself not subject to an appeal (as confirmed by WDC accepting the current residential subdivision consent application), and therefore the GRZ associated with the Horotiu West area is afforded a degree of weighting, and furthermore such urban zoning can constitute the existing environment to the same or even greater degree than as a lifestyle living environment.
- 44 Ports of Auckland Limited (further submitter #214) submitted in opposition to the rezoning of Horotiu West land due to the industrial land immediately to the southwest of the site, as well as concerns that the *Horotiu West land* was not an “urban environment” and consequently not eligible for permitted MDRS development.
- 45 Notwithstanding my agreement with the s42a report’s confirmation (that the Horotiu West land does qualify as a ‘relevant residential zone’ under the NPS-UD), the concern relating to the industrial node to the south of the Site highlights a potential adverse environmental effect of reverse sensitivity upon which I agree with.
- 46 However, notwithstanding the potential effects of reverse sensitivity, I do not consider such effects to be any different to or exacerbated by VAR 3. The land has already been confirmed as GRZ in the PDP, with such zoning not being subject to an appeal. Consequently, the effects

of reverse sensitivity have already been considered whereby an appropriate 'Horotiu Acoustic Area' overlay applies to the site, with the applicable acoustic standards for noise sensitive activities.

47 The s42a reverse sensitivity analysis addresses the affect of VAR 3 through reference to the reporting of Malcom Hunt Associates. Such reporting recommends minor wording changes the MRZ provisions so as to include reference to the existing Horotiu Acoustic Area – to which I agree with.

Flood Risk

48 I have reviewed the VAR 3 evidence in chief of Mr. Andrew Boldero (of Te Miro Waters Ltd TMW) which, amongst other things has provided a description of the flood modelling undertaken for the Horotiu West Land.

49 At the time of submitting this evidence, final Horotiu Flood Modelling Maps have been confirmed (as of 3 November 2023).

50 Notwithstanding the most recent flood modeling for Horotiu, *Figure 1* of Mr Boldero's evidence presents a map of flood areas associated with the Horotiu West Land, with area (B) of this mapping being located (in the main) over the Korris Property:



Figure 1 Taken from Mr. Boldero's evidence

51 Having discussed the current subdivision and land use application currently before WDC and WRC, I agree with the statement by Mr.

Boldero where he states:

“It is my opinion that all the flood prone areas of the Horotiu West site could be managed to ensure less than minor effects provided the consenting process is followed requiring a detailed stormwater design review.”

(s42a page 4)

- 52 It is my experience in preparing the aforementioned residential development applications, that the flood prone area (B) can be managed effectively whilst accommodating a MRZ.
- 53 Technical design consideration has supported the development proposal outlined in **Attachment A** for the GRZ subdivision, with the flood risk mitigation presented in the application (compensation) *not* being to the detriment of a MRZ being applied to the land.
- 54 The s42a report discusses flood and stormwater management considerations undertaken by TAL. I would expect such considerations will be further detailed in the evidence of HFL. Regardless, the current development within the Korris property, and before Council, has equally addressed flood risk (both WDC and WRC applications), and furthermore there is no major contention from Korris as to the high-level flood hazard mapping presented by TMW.
- 55 A detailed stormwater design was submitted with the aforementioned applications, to which an account of erosion protection works was presented (these being to sections of the Te Rapa Stream embankment). Such stormwater designs are currently being worked through by WRC – and through the consenting process (of both WRC and WDC) the effects of development within the Korris property can be no more than minor – and will not impact upon the current or future stormwater management arrangements or discharge consents pertaining to land owned by HFL.
- 56 Whilst the Korris property has been noted as containing the potential for erosion and flood risk, the recommendations contained within the evidence of Mr Boldero, as well as the flood density qualifying matter being applied to the Horotiu West land is considered appropriate.

Conclusion

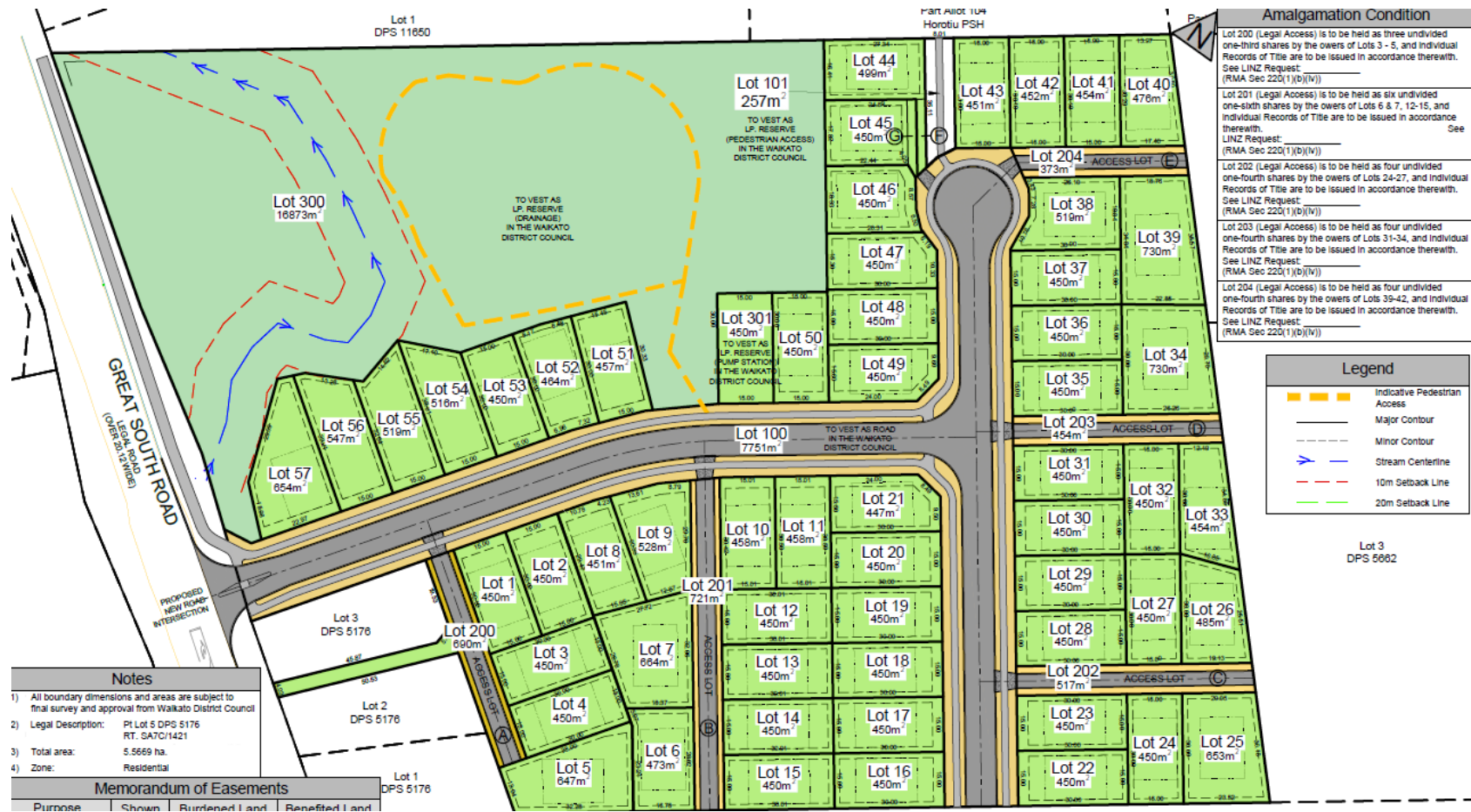
- 57 Korris have lodged a further submission in support of land contained within the Horotiu West Land being rezoned to Medium Density Residential in the Proposed Waikato Proposed District Plan under VAR 3.
- 58 In my opinion the rezoning of the land at 6257 Great South Road will align residential development with that envisioned within land owned by Submitter 49 – being Horotiu Farms Limited, as well as that of development within the wider Te Awa Lakes development to the north of Hamilton City.
- 59 The Korris property is considered to be an urban environment and thus the current General Residential Zone qualifies the property for medium residential development pursuant to the NPS-UD.
- 60 I have summarised existing information about a ‘live’ subdivision application for the Korris property, thereby indicating that residential development of the land is a viable undertaking and provided additional evidence to support the rezoning of the subject land from GRZ to Medium Density Residential 2 Zone.
- 61 VAR 3 presents an opportunity to ensure land use and development within the Horotiu West Masterplan area avoids inconsistency with the wider Te Awa Lakes present, and furthermore enables continuity of urban design for the Hamilton gateway.
- 62 Potential natural hazards associated with erosion and flooding have been considered on a District wide scale to which it has been agreed that the MRZ being applied to the Korris property can be adequately mitigated to a consistent qualifying matter and consenting approach to the VAR 3 zoning.

Tim Lester

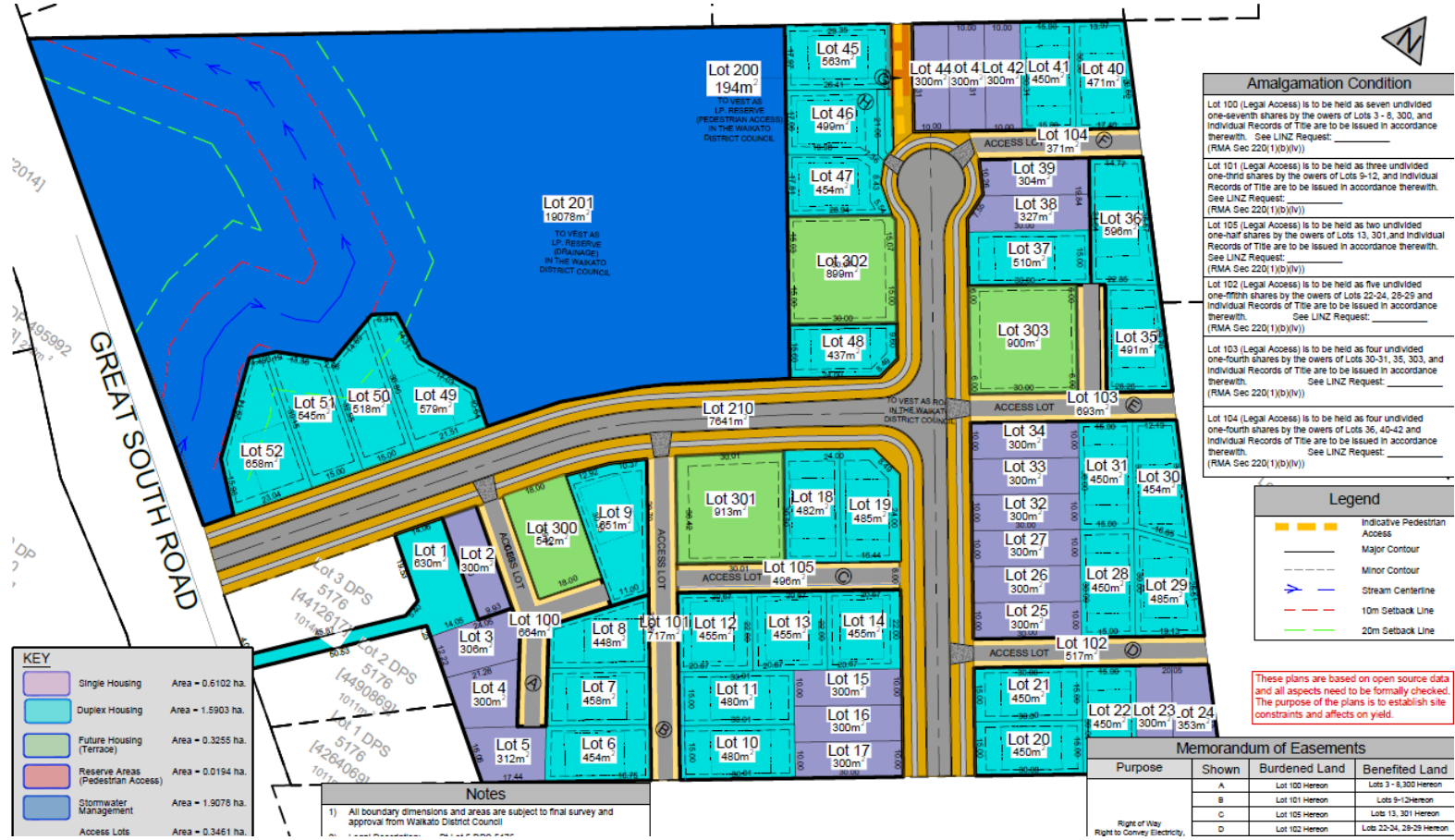


6 November 2023

Attachment A: General Residential Subdivision



Attachment B: Medium Density Residential Subdivision



KEY

Single Housing	Area - 0.6102 ha.
Duplex Housing	Area - 1.5903 ha.
Future Housing (Terrace)	Area - 0.3255 ha.
Reserve Areas (Pedestrian Access)	Area - 0.0194 ha.
Stormwater Management	Area - 1.9078 ha.
Access Lots	Area - 0.3451 ha.

Notes

1) All boundary dimensions and areas are subject to final survey and approval from Waikato District Council

Amalgamation Condition

Lot 100 (Legal Access) is to be held as seven undivided one-seventh shares by the owners of Lots 3 - 8, 300, and Individual Records of Title are to be issued in accordance therewith. See LINZ Request: (RMA Sec 220(1)(b)(iv))

Lot 101 (Legal Access) is to be held as three undivided one-third shares by the owners of Lots 9-12, and Individual Records of Title are to be issued in accordance therewith. See LINZ Request: (RMA Sec 220(1)(b)(iv))

Lot 105 (Legal Access) is to be held as two undivided one-half shares by the owners of Lots 13, 301, and Individual Records of Title are to be issued in accordance therewith. See LINZ Request: (RMA Sec 220(1)(b)(iv))

Lot 102 (Legal Access) is to be held as five undivided one-fifth shares by the owners of Lots 22-24, 28-29 and Individual Records of Title are to be issued in accordance therewith. See LINZ Request: (RMA Sec 220(1)(b)(iv))

Lot 103 (Legal Access) is to be held as four undivided one-fourth shares by the owners of Lots 30-31, 35, 303, and Individual Records of Title are to be issued in accordance therewith. See LINZ Request: (RMA Sec 220(1)(b)(iv))

Lot 104 (Legal Access) is to be held as four undivided one-fourth shares by the owners of Lots 36, 40-42 and Individual Records of Title are to be issued in accordance therewith. See LINZ Request: (RMA Sec 220(1)(b)(iv))

Legend

Indicative Pedestrian Access
Major Contour
Minor Contour
Stream Centerline
10m Setback Line
20m Setback Line

These plans are based on open source data and all aspects need to be formally checked. The purpose of the plans is to establish site constraints and affects on yield.

Memorandum of Easements

Purpose	Shown	Burdened Land	Benefited Land
Right of Way Right to Convey Electricity	A	Lot 100 Hereon	Lots 3 - 8, 300 Hereon
	B	Lot 101 Hereon	Lots 9-12 Hereon
	C	Lot 105 Hereon	Lots 13, 301 Hereon
	D	Lot 102 Hereon	Lots 22-24, 28-29 Hereon