

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of the hearing for Plan Change 13 – Uplifting  
Deferred Zones of a submission by JL Hatwell &  
ML Johnston

---

**STATEMENT OF EVIDENCE OF SEAN HAYNES**

**16 June 2021**

---

**1 INTRODUCTION**

- 1.1 My name is Sean Haynes, and I am a Senior Development Manager for Veros Property.
- 1.2 I have a Bachelor of Surveying from Otago University. I am a Licensed Cadastral Surveyor.
- 1.3 I am experienced in the setup and delivery of large-scale master planned residential developments.
- 1.4 I have been engaged by the submitter, JL Hatwell & ML Johnston, to provide strategic development delivery evidence in respect of Plan Change 13 which seeks to uplift deferred zones.
- 1.5 I am familiar with the site and have visited it on several occasions.
- 1.6 I confirm that I have read the 'Code of Conduct for Expert Witnesses' contained in the Environment Court Practice Note 2014 and my evidence to this hearing has been written in accordance with that Practice Note.

## **2 OUTLINE OF EVIDENCE**

- 2.1 My evidence considers the practical impacts of implementing a subdivision within the proposed Waipa District Council Plan Change 13 framework.
- 2.2 I have set out my development delivery evidence as follows:
- 2.3 My evidence will cover:
  - 2.3.1 The relationship of the proposed structure plan and the proposed rules within the district plan.
  - 2.3.2 The specific nature of road reservation widths proposed under the plan change rules.
  - 2.3.3 Reference to the Design Guideline, prepared by Council's consultant, in proposed district plan rules.
  - 2.3.4 These matters were covered in a submission by the submitter on the proposed plan change, including 'submission / points' 23/2, 23/4, 23/5, 23/6, 23/7 and 23/8.
- 2.4 I have reviewed the information available on Plan Change 13 including:
  - 2.4.1 Te Awamutu T6 and T11 Structure Plans, Boffa Miskell, 25 June 2020.
  - 2.4.2 Three water assessment, Te Awamutu T6 and T11 Structure Plans, Tonkin & Taylor Ltd (T&T), August 2019.
  - 2.4.3 The section 42A report; and
  - 2.4.4 The section 32 Report.

## **3 EXECUTIVE SUMMARY**

- 3.1 I am supportive in general to the implementation of Plan Change 13 that seeks the removal of the deferred status of the residential zone in the T11 growth cell.
- 3.2 Technical studies have been prepared on behalf of Council. The submitter has also prepared technical reports that are appropriate for this phase of a development.
- 3.3 Council has rejected proposed amendments citing the 'lack of technical information to support' the changes requested. My opinion is, however that the changes requested are simply the removal of overly specific reference to studies and design that themselves were prepared in a broad, high-level, and conceptual manner, and have not been subject to detailed assessment. Therefore the basis to reject the requested amendments is flawed.
- 3.4 I do not support the specific nature of several specific rules that will unnecessarily inhibit the ability for the submitter to implement the development. For example, reference to specific road widths required within the site should be removed to provide allowance for the developer, in collaboration with Council and Council's standards for

road design, to design each road within the development subject to its specific characteristics (including the number of dwellings along it, its gradient, geometry, the provision of infrastructure including stormwater conveyance and treatment, etc.).

- 3.5 It is inevitable that, as development planning, design and the development generally progresses:
- 3.5.1 The analysis and understanding of detailed site-specific constraints will improve, and:
  - 3.5.2 The housing and development market will evolve.
- 3.6 I therefore consider it is critical to provide for sufficient flexibility in district planning rules to allow the submitter to successfully implement the development. In my opinion, successful development can be achieved without reference to overly specific design guidelines, structure plans and planning rules. Any reference to the structure plan, design guidelines and such should be general in nature and subject to departure through future resource consents and detailed design.

#### **4 RECOMMENDATIONS**

- 4.1 In relation to submission / point 23/2, we request the wording for Rule 2.4.2.54 be amended as follows:

*(e) All new commercial buildings shall be constructed to provide for appropriate access, carparking, and street prominence relative to the nature of activity proposed.*

This will provide additional flexibility in allowing for retail spaces to be designed and located adjacent to spaces other than a public road boundary. This may include adjacency to private roads, laneways or open space areas but still retain the intent of the condition, in providing access and for the practical use of these spaces by the public, which is in keeping with the commerciality of these spaces.

- 4.2 In relation to submission / point 23/4, we request the plan provided under S25.1 – Te Awamutu T11 Growth Cell Structure Plan be amended to align with the plan prepared by CKL.

In my opinion, developers need flexibility to allow for unforeseeable circumstances and changes in design assumptions from information that is only available at a later date. This is particularly prevalent when plans and illustrations are prepared at the outset of a planning process in the absence of detailed technical advice to support their practicality, and these plans become embedded in planning regulation used for years to come.

Further, any reference to the above noted structure plan and the subsequent locations, alignments, size, scale and nature of associated infrastructure, category of housing, location of retail, open space and other such land-use should be general in nature and subject to change through future consents. It is critical that the plan change and district plan provides sufficient scope to depart from these matters through future consent

processes without creating significant non-complying activity issues and overly increasing the categorisation of resource consents.

- 4.3 In relation to submission / point 23/5, we request the wording for Rule 25.6.3 be amended as follows:

*The Structure Plan will have a 20m green boulevard / tree framed collector road (in accordance with Council Standards or otherwise agreed with Council) through the site which will become the main spine road for vehicles, pedestrians, and cyclists. The 18m local roads accommodate pedestrian facilities on one side and the option for stormwater conveyance (which could include raingardens or through a vegetated swale down the other side of the road).*

In my opinion, it is unnecessary to specifically outline the width of road carriageways and reserves in a plan change process as Council has a development and subdivision manual that addresses these matters.

Additionally, I believe that it is appropriate to note raingardens as a potential means to treat stormwater alongside the use of vegetated swales for conveyance. Raingardens are an increasingly popular method used to treat stormwater quality along the catchment and are particularly prevalent in new master planned developments in Auckland, including Hobsonville Point, and other metropolitan areas. Whilst I acknowledge this may not be the preferred method of treatment, including reference to this will provide additional flexibility if this becomes a preferred method of treatment subject to detailed water quality treatment design.

- 4.4 In relation to submission / point 23/6, we request the image for the 18m street be amended to align with the above wording. In particular, 'in accordance with Council Standards or otherwise agreed with Council' as well as removing reference on the plan view to the specific width (7m) for the carriageway and amending the section view to revise the road width.

As outlined under item 4.3 above, in my opinion the duplication of standards and over specification of such matters is unnecessary.

- 4.5 In relation to submission / point 23/7 we request the removal of reference to the Design Guidelines prepared by Council's consultant entirely. It is far more appropriate for the developer to prepare, and regularly update, a design guideline that addresses such matters.

~~S25.7.4 – The Design Guidelines provide a framework which will lead to positive outcomes of the landowners and the wider community. This encourages original design which considers the unique opportunities of the site and development areas.~~

- 4.6 In relation to submission / point 23/8, similarly to item 4.5 above, we request the removal of reference to the Design Guidelines prepared by Council's consultant entirely.

~~(b) Te Awamutu T11 Growth Cell Design Guidelines, prepared by Boffa Miskell, dated 25 June 2020, (Council document number 10411038).~~

It is not common to have a design guideline prepared by Council and tied to a development area at any phase of such a development. Design guidelines are more commonly prepared by the developer to address landscape and urban form in accordance with their vision for the development. Critically, such guidelines need to be regularly updated to address new types of housing, retail space, landscape areas and other matters. Interrelating the proposed district plan to a design guideline that will effectively be frozen in time is in my opinion inappropriate and unnecessary.

## 5 CONCLUSIONS

- 5.1 From experience, it is critical to provide sufficient flexibility in district planning rules to enable a developer to implement the development. Creating overly specific rules that specifically reference conceptual plans and guidelines will inevitably create conflict and open matters for interpretation as the development evolves.
- 5.2 It is my opinion that the recommendations stated herein, which follow on from the submission made by the submitter, are fair and reasonable and will create an improved framework for the implementation of the subdivision development in the T11 growth cell.



Sean Hayes

11 June 2021