

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 26 to the Operative Waipā
District Plan

REBUTTAL STATEMENT OF EVIDENCE OF ANNA MARIE MCELREA

Dated 19 April 2023

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1. INTRODUCTION

- 1.1 My full name is Anna Marie M^cElrea and I am a senior consultant at Xyst Ltd.
- 1.2 My qualifications and experience were set out in my Statement of Evidence dated 24 March 2023. I repeat the confirmation in my Statement of Evidence that I have read and agree to comply with the Code of Conduct for Expert Witnesses.
- 1.3 In this rebuttal statement of evidence, I respond to the evidence of:
- (a) Hannah Craven on behalf of Waikato Regional Council;
 - (b) Cameron Wallace on behalf of Kāinga Ora; and
 - (c) Michael Campbell on behalf of Kāinga Ora.
- 1.4 The fact that this rebuttal statement does not respond to every matter raised in the evidence of a submitter within my area of expertise should not be taken as acceptance of the matters raised. I have focussed this rebuttal statement on the key points of difference that warrant a response.

2. RESPONSE TO HANNAH CRAVEN

- 2.1 In the section titled 'Transport and climate change', Ms Craven seeks further amendments to better integrate transport and climate change outcomes within Proposed Plan Change 26 (PC26). Of particular relevance to Waipā's open space network, and more specifically the urban ngahere (forest), is Ms Craven's recommended new policy:

2A.3.4.Z: Tree canopy
Promote the establishment and maintenance of a continuous tree canopy along transport corridors to improve amenity for corridor users and adjoining land use, minimise the urban heat island effects of urban intensification, enhance biodiversity and ecological function.

provide summer shade to make the corridors more comfortable for walking, cycling and micro-mobility during hotter weather, and store carbon.

2.2 I strongly support Ms Craven's proposed new policy for the following reasons:

- (a) Street trees are a critical component of the urban ngahere (forest), which also includes trees and vegetation in parks, in natural stormwater assets and on private properties.
- (b) Maintaining and improving our urban ngahere is essential to achieving the well-functioning urban environments envisaged in the National Policy Statement on Urban Development 2020 (NPS-UD) and national, regional and local biodiversity and climate change objectives. The benefits of a thriving urban ngahere are clearly outlined in Auckland's Urban Ngahere (Forest) Strategy¹ and I believe commonly understood and supported.
- (c) The urban intensification enabled by PC26 will result in a substantial loss of trees and vegetation on private land.
- (d) There is insufficient reserve land available for planting within the urban centres, particularly Te Awamutu and Kihikihi, to offset the loss of mature trees on private land let alone achieve the much needed increase in canopy cover within each centre.
- (e) It provides a clear policy foundation for rules related to the planting of street trees, the provision of sufficient space for mature trees and the protection of existing mature street trees (Rules 2A.4.2.6, 15.4.2.27 and 15.4.2.28).

¹ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/topic-based-plans-strategies/environmental-plans-strategies/Documents/urban-ngahere-forest-strategy.pdf>

- (f) I believe it will increase the likelihood of transport corridors being planted and of street trees being afforded the necessary protection to grow to maturity. It may also help address the current inequitable distribution of street trees between and within Cambridge, Te Awamutu and Kihikihi².

3. RESPONSE TO CAMERON WALLACE AND MICHAEL CAMPBELL

Public Access To and Along Waterways (Te Awa Cycleway setback)

- 3.1 Mr Campbell (paragraphs 6.28 – 6.35) and Mr Wallace (paragraphs 5.19 – 5.21) raise concerns about the 5m building setback for sites adjoining the Te Awa Cycleway.
- 3.2 In the Operative Waipā District Plan (District Plan) this setback applied to residential boundaries interfacing with the cycleway as identified on structure plan maps (Rule 2.4.2.6). To date it has only been applied to the C3 growth cell (Rule S19.6.9.5) located north of the Waikato River between the Grass Roots Velodrome, Cambridge Road and the Cambridge Town Belt.
- 3.3 I agree that the setback is not required where the cycleway utilises road corridors and that this wasn't the intent of the operative rules which I recommended be carried over into PC26. As noted in my evidence the 5m setback together with low visually permeable fencing will protect the visual amenity of this nationally significant bike trail along the Waikato River, and sight lines at a number of bends, that are important to reduce the risk of user collisions. For the sections of Te Awa Cycleway adjoining the Waikato River, I agree with Mr McGahan's view outlined in the Section 42A Hearing Report on Proposed Plan Change 26 (paragraph 9.14.39) that this qualifying matter also has a strong link to Te Ture Whaimana and a part in giving effect to it through the following objective

² Cambridge has 4714 street trees, Te Awamutu has 549 and Kihikihi has 107.

which requires *“the promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.”*

3.4 I recommend that the wording of Rule 2A.4.2.6(d) be amended to read:

On sites adjoining sections of the Te Awa Cycleway identified on the structure plan maps that are not located within a road corridor, a setback of 5 metres is required along the boundary of the site adjoining the cycleway;

3.5 I acknowledge Mr Campbell’s concern regarding the absence of a cycleway route map in the District Plan and PC26. The current Te Awa Cycleway route is shown in attachment 1. My understanding is that the route through Cambridge could change in response to future roading changes and that as such including a route map in PC26 runs the risk that this could become outdated and inaccurate. I believe my proposed amendment to Rule 2A.4.2.6(d) to align with the current District Plan requirement to identify the route on structure plan maps is sufficient to address Mr Campbell’s concern.

Setbacks of 4m for buildings on sites adjoining a reserve

3.6 Mr Campbell (paragraphs 7.1-7.9) and Mr Wallace (paragraphs 5.13 – 5.18) seek the removal of the 4m building setback on sites adjoining a reserve, noting it is overly restrictive and not an efficient or effective resource management method. Both Mr Campbell and Mr Wallace believe it may have unintended consequences that will not contribute to a well-functioning urban environment or onsite amenity of the private properties.

3.7 It is my experience that wider setbacks from reserve boundaries have significant benefits in terms of reducing neighbour complaints and reserve development restrictions created by reverse sensitivity issues associated with reserve utilisation e.g. balls kicked/hit over fences, loss of privacy, lighting and noise associated with sport and playgrounds and mature trees on reserves e.g. shading and leaf litter. This is the case even when these effects are managed in accordance with the relevant District

Plan rules and standards. It is also my experience that the majority of landowners adjoining reserves do not share Mr Campbell's view is that it is not unreasonable to expect a different level of amenity when living next to a public reserve.

- 3.8 Having reviewed numerous consent applications for developments adjoining reserves, I have little faith that relying on the existing provisions, as suggested by Mr Campbell, will result in the protection and enhancement of reserve values being prioritised over the development priorities of adjoining residential land.
- 3.9 I note that the proposed increase in setback from the MDRS 1.5m setback to a 4m setback only affects properties which directly interface with reserves (see attachments 2-4). While some of these properties are less likely to impact the adjoining reserve or experience reverse sensitivity issues, there was insufficient time and resource through this process to undertake a detailed individual reserve analysis. The restricted discretionary approach for non-complying developments will enable individual site assessment. However, a precautionary approach to these assessments is recommended given the lack of strategic plans for many reserves which makes it difficult to assess the impacts of reduced setbacks on future public use and enjoyment of the reserves and the adjoining homes.
- 3.10 I strongly support the retention of Rule 2A.4.2.6(c) in order to protect the amenity and usability of these highly valued public spaces which will inevitably through intensification and the associated loss of private open space become increasingly valued and utilised for sport, recreation and community connection.

Setback from Arterial Roads

- 3.11 Mr Campbell (paragraphs 8.30 – 8.38) and Mr Wallace (paragraphs 5.22 – 5.28) seeks the deletion of Rule 2A.4.2.6(e) which retains the District

Plan front yard setback for sites adjoining arterial roads at 4m rather than reducing this to the MDRS front yard setback of 1.5m. Mr Campbell asserts that the proposed rule is an overly restrictive constraint that appears incongruous with the features sought to be protected and that these could have been managed through alternative methods. Mr Wallace notes his opposition for placing design controls on a site for an event where there is no certainty as to whether it would occur and notes that he does not view street planting as an outcome anticipated by the District Plan.

- 3.12 As set out in paragraph 2.2(a), I believe street trees are an essential component of our urban ngahere and that the District Plan does seek tree lined streets through a range of objectives and rules.
- 3.13 Auckland's Urban Ngahere (Forest) Strategy outlines that the benefits provided by trees become exponentially greater as they mature and that it is more cost effective to care for mature trees. It is my opinion that Council should be taking all measures it can to protect existing large mature trees larger than 10m and create urban environments that will support existing and future street trees to grow to full maturity.
- 3.14 In my view, a decrease from the District Plan 4m front-yard setback to the MDRS 1.5m setback increases the risk that the health of street trees will be impacted by pruning, root damage from construction or compaction, alterations to soil and/or water levels and changes in climatic conditions such as sunlight and wind. This view is shared by Council's arborist Chris Brockelbank.
- 3.15 While I am encouraged by Mr Campbell's recognition of the importance of street trees and support his suggestion of scheduling more trees, the District Plan (section 23 and appendix N4) currently only protects trees on private property. The protection of trees in road corridors and Council reserves is currently covered by Council's 'Trees on Council Land Policy

(Policy 4.4.5.1)³ which is non-statutory and has no linkage to the District Plan. I also note that scheduling individual trees is a significantly time-consuming, contentious and expensive mechanism that often faces challenges associated with political will and/or budget constraints.

- 3.16 In relation to Mr Campbell's question about the applicability of rules, my recommendation is that it applies to both major and minor arterial roads identified in the District Plan (Appendix T5); other than the state highways for which a larger setback is proposed (Rule 2A.4.2.6(a)).
- 3.17 I agree with Mr Wallace's assessment that these arterial roads are vastly different streetscape environments. While I agree that some sections of these arterial roads don't have and are unlikely to have mature street trees because of space constraints that are unlikely to be addressed through future roading changes, there was insufficient time and resource through this process to undertake a detailed individual street analysis. The restricted discretionary approach for non-complying developments will enable individual site assessment.

Character streets

- 3.18 Mr Campbell and Mr Wallace recommend the removal of 'character streets overlay' which requires a 6m setback.
- 3.19 I support Ms Hill's position that this would negatively impact street trees for the same reasons as outlined in paragraph 3.14. As can be seen in attachment 5, there are many examples where street trees extend onto the adjoining private properties well in excess of the proposed 1.5m and 3m front yard setbacks.
- 3.20 I support Ms Hill's retention of the Character street provisions set out in the Section 42A Hearing Report on Proposed Plan Change 26 because I

³ https://www.waipadc.govt.nz/repository/libraries/id:26zgz4o7s1cxbyk7hfo7/hierarchy/our-council/bylawsandpolicies/policies/documents/ECM_10448066_v2_Tree%20policy.pdf

believe they will contribute to Waipā being able to develop a thriving urban ngahere.

River / Gully Proximity Qualifying Matter Overlay

3.21 In my evidence (paragraph 6.11) I clarified that Council measured the 120m River / Gully Proximity Qualifying Matter Overlay (River / Gully Overlay) from the boundary of the cadastral parcels with the intent 'Hydro'. It is my view now that to aid implementation of the River / Gully Overlay rules it would be preferable to clarify that the 120m is to be measured in a landward direction at 90 degrees of the mean annual fullest flow; similar to the approach taken to esplanade reserves.

3.22 I recommend that the River / Gully Overlay remain shown on Maps 56 and 57 and that PC26 be amended as follows:

(a) Add the following text under the introduction to 2A.4.2 Performance Standards:

The two relevant performance standards that apply within the River / Gully Overlay identified on Planning Maps 56 and 57 are to be met for all sites that within 120m of the water boundary (measured in a landward direction at 90 degrees of the mean annual fullest flow level)

(b) Amend Rule 2A.4.2.8.1 to read:

On sites within the River / Gully Proximity Qualifying Matter Overlay as shown on the Planning Maps, the maximum building coverage must not exceed 40% of the net site area.

(c) Amend Rule 2A.4.2.2? (following Rule 2A.4.2.24) to read 'Within the River / Gully Proximity Qualifying Matter Overlay as shown on the Planning Maps, a residential dwelling at'.

4. CONCLUSION

4.1 To protect and improve Waipā's urban ngahere, I support Ms Craven's proposed street tree policy and oppose the recommendations put forward by Mr Campbell and Mr Wallace to:

(a) delete the arterial setback; and

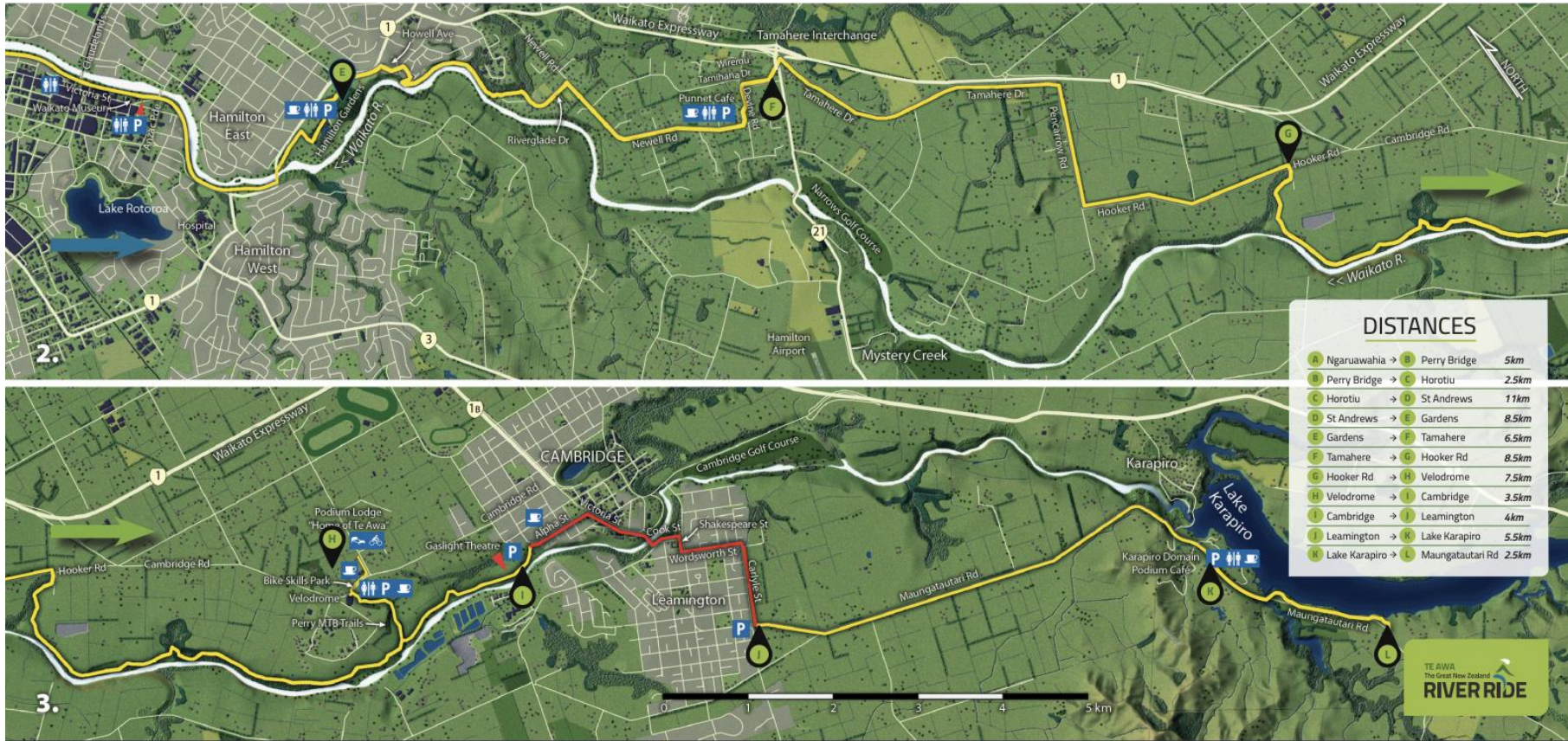
(b) delete the character street setback.

4.2 To protect the future public use and enjoyment of parks and reserves, I oppose Mr Campbell and Mr Wallace's proposed deletion of the 4m reserve setback. I do, however, agree that the 5m setback from the Te Awa Cycleway has been too broadly applied and have proposed amendments to address this. I consider that my recommended setbacks will protect the public open space network's values and public use and enjoyment of this network while still enabling a compact urban form and sufficient development to facilitate housing supply.

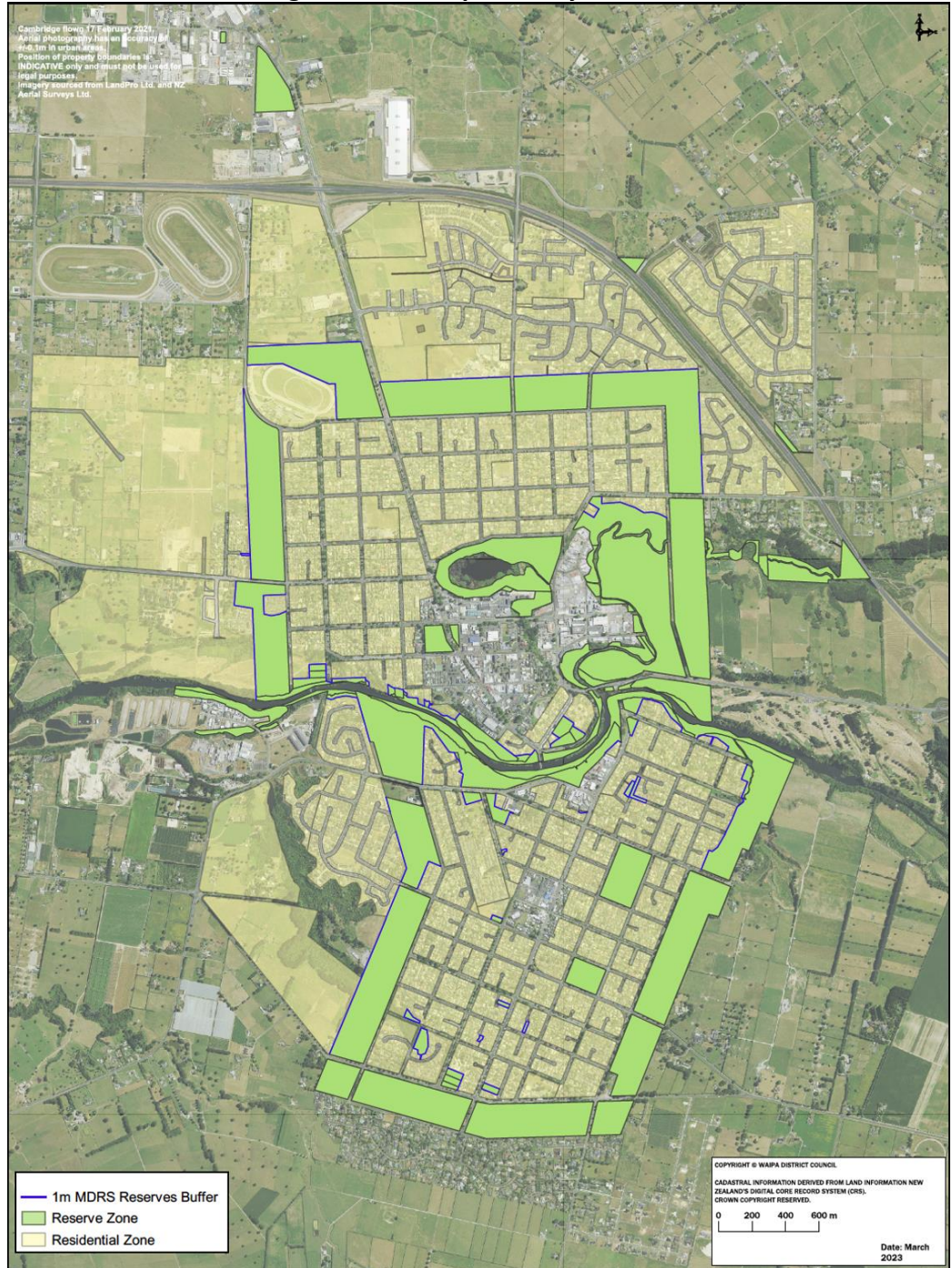


Anna McElrea
Dated 19 April 2023

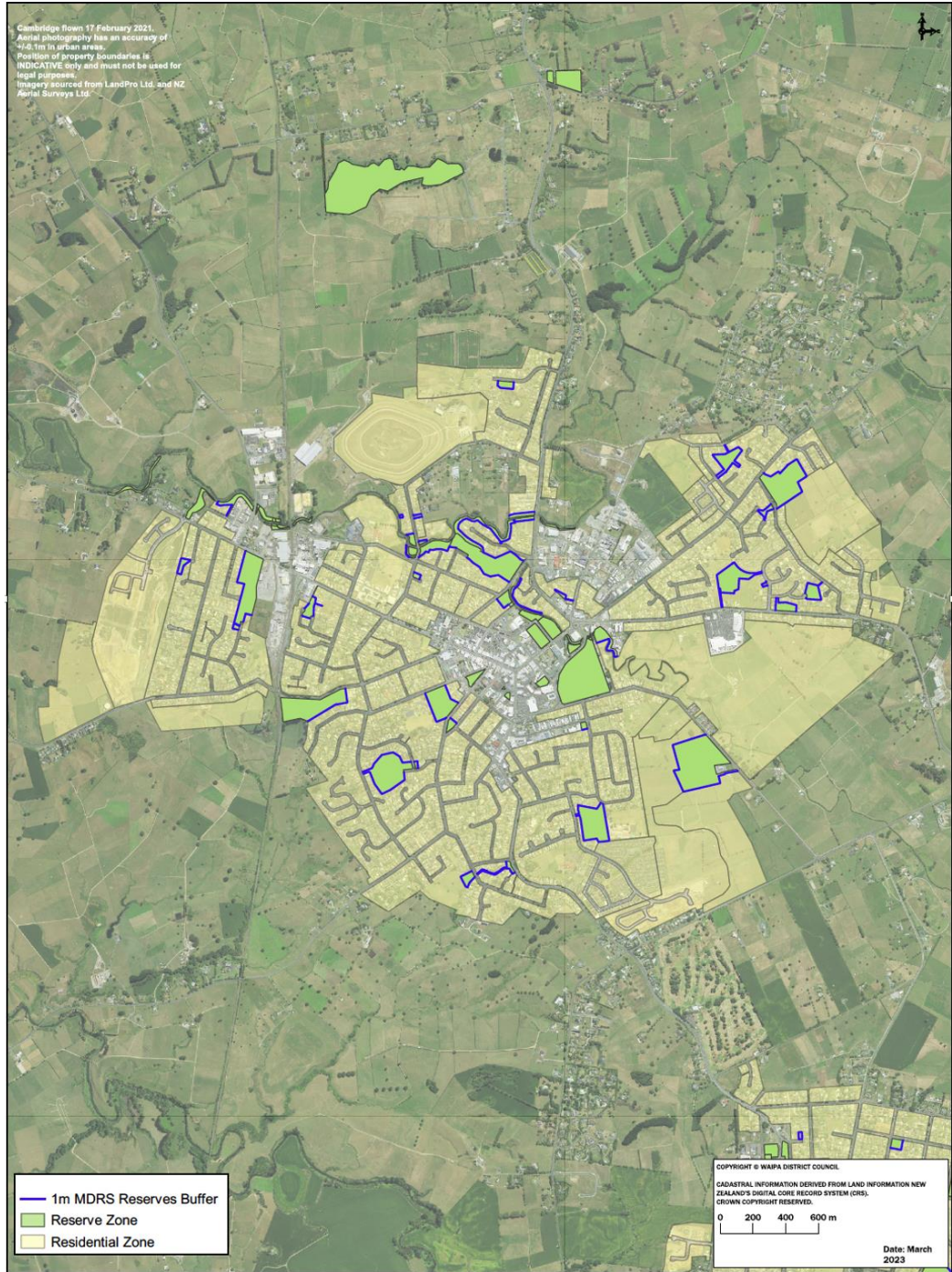
Attachment 1 Te Awa River Ride Map (<https://www.te-awa.org.nz/wp-content/uploads/2021/11/Te-Awa-River-Ride-Map-Full-Trail.pdf>)



Attachment 2 Cambridge reserves impacted by MDRS setback



Attachment 3 Te Awamutu reserves impacted by MDRS setback



Attachment 4 Kihikihī reserves impacted by MDRS setback



Attachment 5 Example of street trees that extend beyond the road corridor onto private property – Plane trees on Hall Street, Cambridge

