

BEFORE THE HEARINGS PANEL

IN THE MATTER OF: Proposed Plan Change 26

SUBMITTER: TA Projects Limited

SUBMITTER NO: 50

EVIDENCE: Primary

**STATEMENT OF EVIDENCE OF
CRAIG MCGREGOR SHEARER ON BEHALF OF TA PROJECTS LIMITED**

6 April 2023

QUALIFICATIONS AND EXPERIENCE

1. My name is Craig McGregor Shearer. I am the director of Shearer Consulting Limited, an environmental and planning consultancy based in the Auckland region. I hold the qualification of Master of Arts in Geography (1978) from the University of Canterbury.
2. I have been a consultant for eighteen years working for a variety of private and public sector clients on a range of projects, including preparing resource consent applications and providing evidence for council and Environment Court hearings. Until 2021 I sat as an independent hearings commissioner with chairing endorsement for many years, and regularly sat on hearing panels for councils across New Zealand.
3. I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Consolidated Practice Note. The evidence is within my scope of expertise. I have not omitted to consider any material facts known to me that might alter or detract from my expressed opinions.
4. I appear on behalf of TA Projects Limited. TA Projects provided submissions (number 50) on Plan Change 26 ("**PC26**").
5. I have read the Proposed Plan Change 26 documentation, including the section 32 report, the section 42A report of Damien McGahan, for the Council, and several of the other technical documents supporting the section 42A report.

SCOPE OF EVIDENCE

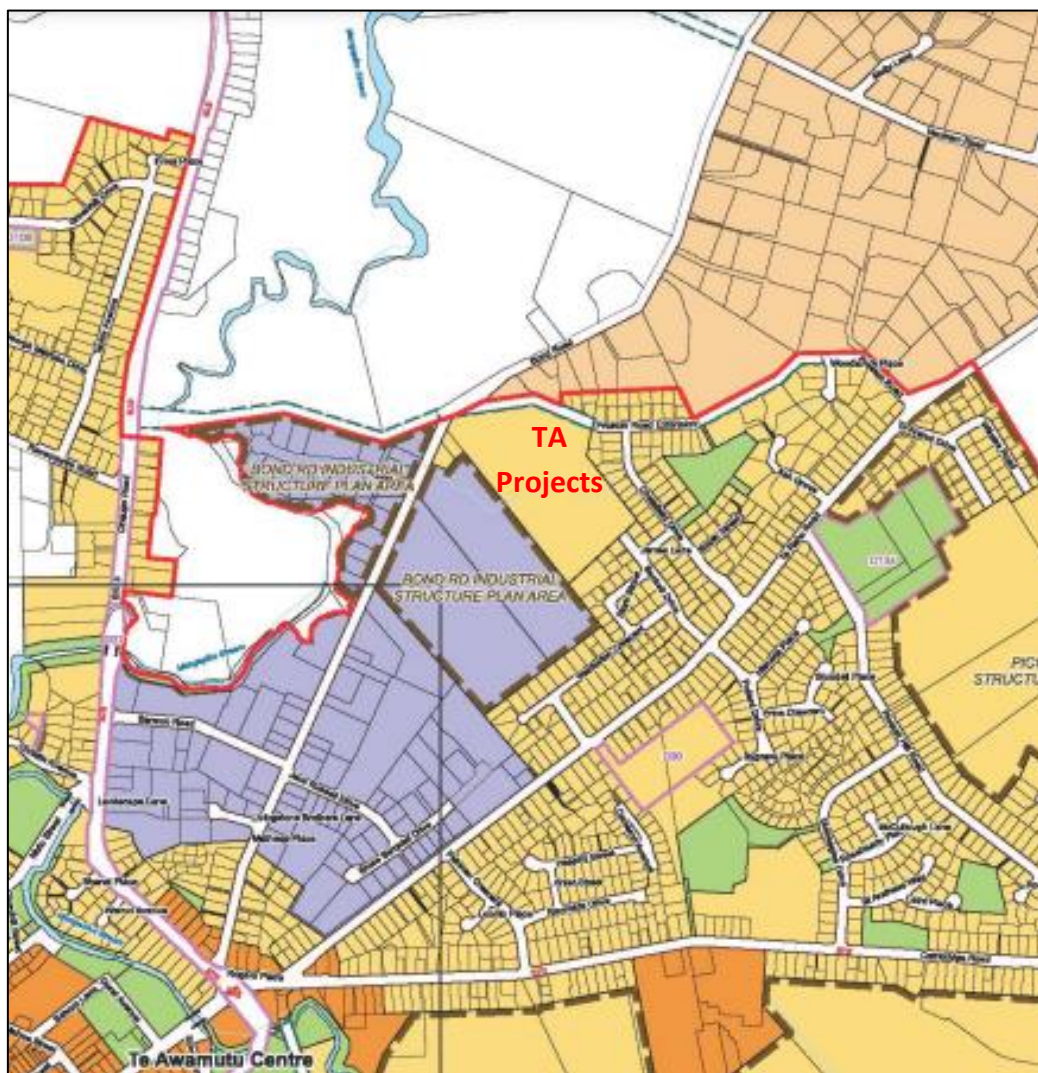
6. The submission of TA Projects and this evidence is relevant to land it owns at 836 Bond Road currently zoned "Residential" in the Waipa District Plan and proposed as Medium Density Residential in PC26. The land is currently undeveloped.
7. This evidence:
 - Provides a background explanation to why TA Projects has lodged its submission;
 - Supports the medium density residential intensification proposed by the Resource Management (Enabling Housing Supply and other Matters) Amendment Act ("**Amendment Act**");
 - Disagrees with the blanket approach to applying infrastructure and stormwater constraints as Qualifying Matters related to Te Ture Whaimana o Te Awa o Waikato ("**Te Ture Whaimana**");

- Proposes that greenfields areas be considered separately from existing developed areas in the proposed Medium Density Residential Zone; and
- Proposes that the stormwater and infrastructure constraints be removed from greenfields areas.

BACKGROUND

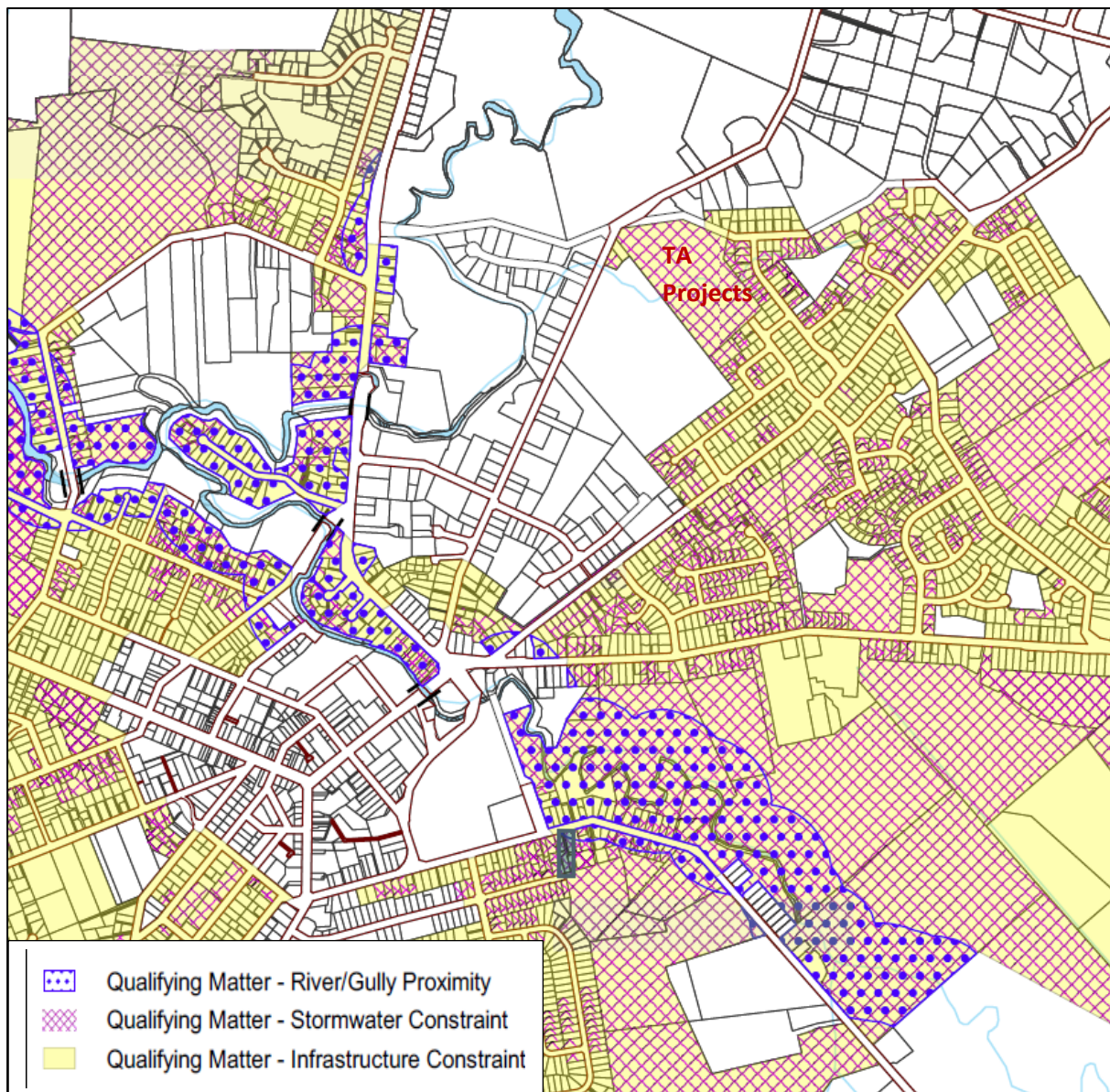
8. TA Projects owns 6.5 hectares of land at 836 Bond Road Te Awamutu, (see Figure 1 below), and has owned the land for more than 12 years. The land is currently zoned “Residential” in the Operative District Plan. My client’s land is almost completely surrounded by land that is either residentially developed, or to the west and south, industry zoned or developed land which, being industrial, has no Qualifying Matter constraints.

Figure 1: TA Project’s land - PPC26 Zoning (Medium Density Residential)



9. After upgrades to provide for greater availability of water/wastewater, Waipa DC in 2021 changed its district plan (Plan Change 13) so that the TA Projects zoning changed from its previously “deferred residential” zoning to one of “residential”. It is now proposed, in accordance with the requirements of the Resource Management (Enabling Housing Supply and other Matters) Amendment Act (“**Amendment Act**”) to change the zoning to Medium Density Residential Zone, but with Qualifying Matters for both stormwater and infrastructure constraints (Te Ture Whaimana).

Figure 2: Showing Qualifying Matters/Constraints



10. TA Projects has been granted consents by both Waipa District Council and Waikato Regional Council undertake earthworks on its site in preparation for future subdivision and development of the land.

11. During the earthworks phase TA Projects intends to apply for the remaining resource consents needed to enable development on the land, including subdivision. Critical to gaining approval for the development of this land has always been the provision of:
 - Potable water
 - Wastewater, and
 - Stormwater management to minimise flooding and stormwater contamination.
12. TA Projects has always remained patient, hopeful that one day the water and wastewater issues would be resolved by Council, with the stormwater issues able to be resolved through onsite design.

Figure 2: Development Context



13. The above aerial shows the undeveloped state of both TA Projects land and that immediately to the south of it. The owner of the southern industrial land is in the process of resolving stormwater issues so that it can be developed, and the industrial land to the west has been developed since the photograph was taken.
14. The heavily modified/artificial watercourse that drains the wider catchment, discharges into the Mangapiko Stream, a tributary of the Waipa River and consequently the Waikato River. Therefore the property and wider catchment is subject to Te Ture Whaimana.

15. TA Projects and the downstream landowner has been in discussions with Waipa District and Waikato Regional Councils regarding the provision for stormwater treatment – both flood attenuation and stormwater quality treatment – to a level that reflects the existing undeveloped properties. The immediately downstream property (808 Bond Road) owner, working with Council, is intending to provide flood attenuation and stormwater quality treatment for the entire catchment above that owned by TA Projects, less the land owned by TA Projects. TA Projects has plans to attenuate flooding and maintain the quality of stormwater being discharged from its own property, through the use of a large engineered wetland.

REASONS FOR THE SUBMISSIONS

16. In general, I support the direction provided in PC26. I have watched with interest the development of the RMA Amendment and the National Policy Statement on Urban Development, both of which provide for greater density of development in New Zealand's urban centres. I agree greater intensification is necessary if we are to prevent the incessant urban sprawl creeping across productive rural landscapes, often into Class 1 agricultural soils, and usually creating significant inefficiencies in providing infrastructure services, such as roading, public transport and three waters networks.
17. Provided it can be accommodated without the generation of significant adverse environmental effects, I am supportive of intensification provisions being incorporated into district plans. What is more, the requirement of the medium density residential standards creates the opportunity to provide for a variety of residential lot and dwelling sizes including price variations, and enabling mixed communities instead of those dominated by large houses on 600m² lots which are the prevalent urban streetscape in the developments adjacent to the TA Projects land.
18. Overall though, I do not support the proposed blanket approach across most of the zone to the application of qualifying matters, thereby reducing the number of dwellings as permitted activities from three to two. Three or more dwellings are a restricted discretionary activity in table 2A.4.1.3.
19. For example, "Stormwater Constraint" is a qualifying matter over much of Te Awamutu. I can understand why Council has taken this approach, as most of the existing developed areas have no stormwater attenuation devices aimed at preventing flood hazards and have no stormwater treatment systems to prevent contamination. And these areas are hard to retrofit for such treatment. The result is, in the case of TA Projects' land, uncontrolled stormwater flooding, exacerbated by urban development, being transferred

from the land further up the catchment and onto my client's, and on to properties further downstream. Untreated stormwater is also received from those areas.

20. I understand why the Council believes uncontrolled stormwater, especially from a quality perspective, may have adverse effects on the Waikato River, and that this would be contrary to Te Ture Whaimana.
21. From my experience in managing the stormwater unit at Auckland Regional Council some years ago, I am also aware that retrofitting existing urban areas is no easy task, relying on on-site, very localised devices which are almost impossible to monitor for compliance and often are poorly maintained and consequently ineffective in maintaining good stormwater quality. Managing greenfields sites is however much easier, and most councils, including Waikato Regional and Waipa District Councils require stormwater treatment to be installed when developing such areas.
22. The TA Projects land for example is required (by both the regional and district plans) to ensure that it attenuates all stormwater to pre-developed levels and treats its stormwater before development can occur. Design work is already underway to ensure this is achieved. And it is relatively easy to achieve, with the proposal for a stormwater drainage network and overland flow paths designed into the development, all leading to an engineered wetland which will both attenuate flooding and provide a device for treating stormwater. In addition, urban amenity can be enhanced by the wetland's presence.
23. Council has also added an "Infrastructure Constraint" as a qualifying matter, to almost all of the Zone.
24. The reporting officer says (at 9.5.20) in his report:

In terms of submissions, Council has considered the request from TA Projects requesting that the Infrastructure Constraint Overlay be excluded for greenfield sites. It is considered appropriate to retain it at this point because of the potential downstream capacity effects (e.g., for wastewater). However, Council proposes to periodically review and uplift those parts of the Infrastructure Constraint Overlay where greenfields development has taken place / been completed, and appropriate provision has been made for infrastructure. This would need to be undertaken as a separate plan change process.
25. I actually asked for both qualifying matters to be set aside for "unsubdivided and undeveloped Medium Density Residential Zone land". Dealing with stormwater issues on greenfields land is relatively straight forward and should in my opinion just be a

development standard. I do not see the need to change the activity status by installing a qualifying matter for stormwater on greenfields land.

26. In respect of water supply and wastewater services, I find it hard to make a significant link to the vision and strategy set out in Te Ture Whaimana being compromised. The vision is:

“Our Vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.”

27. I understand the Te Awamutu water supply scheme obtains its water from a number of sources, including from the Mangauika Stream on Mt Pirongia, from a bore on Frontier Road and from the Waikato River. The water will be needed by a growing population regardless of whether that is in medium density developments or low-density developments. I do not see how the vision above will be compromised by tensions in the supply of water and wastewater.
28. Similarly, I have assessed the various points in the Strategy in Te Ture Whaimana, and don't see how pressure on infrastructure will lead to degradation of the Waikato River and its tributaries.
29. In my opinion it is notoriously difficult to retrofit local networks in existing housing areas and in my experience far easier to provide water and wastewater services for greenfields developments. In practice councils do not need to provide for reticulation in new greenfields development areas – the developers are required to pay for the full reticulation in the subdivided area, with the Council, funded by development contributions/financial contributions, picking up the tab for network upgrades. It is not so easy in established brownfield areas, with irregular development providing minimal funding opportunities for Council outside rates.
30. And I do see the opportunity for greenfields development such as that proposed at 836 Bond Road, to make significant contributions via development and/or financial contributions to the upgrades needed for water and wastewater services.
31. What is potentially more onerous is that if the PC 26 status quo survives, subdividers and developers of greenfields areas may decide to adopt the easiest path forward and settle for lots designed for two dwellings. Future adaption to three lots is likely to be very difficult, and likely never to happen.
32. I note the s42A report (see above quote) believes it will be appropriate to *“uplift those parts of the Infrastructure Constraint Overlay where greenfields development has taken*

place/been completed, and appropriate provision has been made for infrastructure. This would need to be undertaken as a separate plan change process’.

33. With all due respect by the time the uplift occurs the horse will have bolted as the greenfields development will have been completed. Waiting this long will mean a lost opportunity as infrastructure services will already be in place and I suggest there will be no appetite for funding upgrades needed for greater intensity of development.
34. In addition, the Qualifying Matters approach taken by PC 26 reduces the opportunity for developing medium intensive development with good urban form and a range of housing typologies. The opportunity for integrating a range of lot sizes and housing densities and designs in greenfields areas at the very beginning of the development phase is an opportunity in my opinion that should not be missed.
35. It would appear to me, particularly when I read evidence from Ms Fairgray, that Council was not entirely in favour of the Amendment Act and NPS provisions right from the start and is endeavouring to try and retrofit the changes to its district plan to be in keeping with its already approved Future Proof 2022 and Waipa 2050 Growth Strategy.
36. Finally, I have not seen the infrastructure constraint used elsewhere and I am aware that Hamilton City Council does not have such a constraint leading to a Qualifying Matter
37. For the above reasons, I do not favour the application of stormwater and infrastructure constraints to greenfields development, and as a consequence Qualifying Matters, in medium density zoned areas as proposed in PC 26.

CONCLUSIONS

38. The Amendment Act was passed into law by Parliament in 2021 without meaningful consultation with affected local authorities and the development community. I am aware that some of the local authorities are concerned they will not be able to provide the level of services needed to support the development intensity proposed by the Amendment Act and the National Policy Statement for Urban Development.
39. Territorial councils have had the opportunity to promote greater intensification in new Zealand in the past – notably in Auckland – and have failed to grasp the opportunity. This has resulted in significant low-density sprawl leading to expensive and ineffective provisions of infrastructure services and in particular transport solutions heavily weighted toward single occupancy motor vehicle use.
40. In nearly all past instances the cost of infrastructure provision has always been used as an excuse for opposing intensification. Although I support the Vision and Strategy for

the Waikato River set out in Te Ture Whaimana, I do not consider water, wastewater and stormwater constraints will be contrary to the Vision and Strategy, especially as the provisions of those services will be needed regardless as, in the context of this evidence, Te Awamutu's population continues to grow. In my view Waipa DC needs to explore ways of ensuring it can provide these services to Te Awamutu to allow the Medium Density Residential Zone to flourish.

41. So I recommend the Commissioners recommend to Council the removal of the Stormwater and Infrastructure Constraints to greenfields land in the proposed Medium Density Residential Zone in Te Awamutu, and if appropriate, to other such zoned land in Waipa District.



Craig Shearer

6 April 2023