

IN THE MATTER

of the Resource Management Act 1991
("RMA" or "the Act")

AND

IN THE MATTER

of a hearing of submissions and further
submissions on the Proposed Central
Hawke's Bay Council District Plan Review
(Stream 6 Mapping and Rezoning Requests)

**STATEMENT OF EVIDENCE OF ANDREW JAMES TAYLOR
ON BEHALF OF LIVINGSTON PROPERTIES LIMITED**

Dated 31 October 2022

Introduction

1. My name is Andrew James Taylor. I am a director and shareholder of Surveying the Bay Limited which has offices in Napier and Hastings.
2. I hold a Bachelor's Degree in Surveying (with Credit) conferred by the University of Otago. I am a full member of the New Zealand Institute of Surveyors where I hold the membership distinction of Registered Professional Surveyor.
3. I have worked as a surveyor for over 25 years and have experience in surveying, resource consents, mapping, subdivision and land development.
4. I have previously presented expert evidence at council hearings and before the Environment Court.

Code of Conduct for Expert Witnesses

5. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I confirm that I have considered all material facts that I am aware of that might alter or detract from the opinions I express, and that this evidence is within my area of expertise, except where I state that I am relying on evidence of another person.

Background

6. I have led the Surveying the Bay team involved in works we have carried out on the Golden Hills property since 2018; researching background records, layout design and planning associated with the application for subdivision consent, Council liaison throughout the consenting process along with works associated with submissions to the Proposed District Plan.

Existing Subdivision Consent

7. On 11th October 2019 Surveying the Bay lodged an application for subdivision consent with the Central Hawkes Bay District Council seeking approval to create a total of 97 sites in the Rural Zone of the Central Hawkes Bay District Plan (Council's reference RM 190126).
8. This followed a site meeting with officers of Council, the CEO and Mayor in July 2019 instigated by Livingston Properties Limited (**Livingston**) to discuss the "Golden Hills" site and its proposed development.

9. In early 2020 Livingston purchased an adjoining residential site at 94 Mount Herbert Road with the objective of improving access to the site. The subdivision layout was then reconfigured from the original subdivision layout directing the majority of the traffic away from Ennisclare Place to the currently proposed main access located on Mt Herbert Road.
10. Resource consent was granted in December 2021 allowing the creation of 86 lifestyle sites, two residential sites and one large rural balance Lot. The **Consented Layout** (attached as **Appendix A**) was granted in eight stages and has a ten year duration.
11. The approved consent plans show 3.9 hectares of land to vest as road and approx. 0.5 hectares of private access. Stormwater detention ponds are incorporated into the Lot layout and are protected by easements in favour of Council. These easements are for Right to Drain Water only and no areas of public reserve or walkways are proposed. No linkages to adjoining land or walkways across the balance farm are provided for.
12. The titles underlying this consent cover a total area approximately 143 hectares. The area approved for development is approx. 47 hectares, leaving a balance farm Lot of 96 hectares.
13. In June 2022 Livingston completed purchase of 30.18 hectares of adjoining land (Lot 2 DP 575200) which has since been amalgamated with the underlying title creating a total parcel area of 172.96 hectares. The 30.18 hectares purchased is located at the east of the Golden Hills property, has a proposed zoning of General Rural and there is no intention to change that.

Concept Layout

14. The "**Concept Plan**" subject of this rezoning request by Livingston is generally that shown at page 20 of the "Golden Hills Concept Booklet" discussed by Mr Bray in his evidence (**Concept Layout**). However, the Concept Plan (being Appendix A to the submission lodged by Livingston) is an annotated version of this original Concept Layout and notes an area that has been removed from the Concept Layout (grey hatching in north east corner).
15. If this rezoning were to be accepted and development was to occur in accordance with the Concept Plan (ie Appendix A attached to the Livingston Submission), approximately 3.9 hectares of land would vest as Structure Road, 9.3 hectares of land would vest as reserve, and 5,000 metres of walkways would be formed. The stormwater channels

and detention ponds could be contained within additional reserves and there could be a requirement for the eastern interceptor drain to be vested in Council upon subdivision.

Comparison of Consented Plan and Concept Layout

16. **Appendix B** has been prepared to compare the Consented Layout to the Concept Plan as sought in Livingston’s submission. The white linework on Appendix B reflects the Consented Layout and has been overlaid onto the Concept Plan layout.

17. The tabulation below summarises key lengths and areas involved.

	Consented	Concept Plan
Development Areas	47 hectares	35 hectares
Commercial provision	None	Yes, 0.5 ha
Reserves	None	9.3 hectares
Balance General Rural Zone	96 hectares	99 hectares
Walkways (excl. on road footpaths)	None	5,000 metres
Provision for Farmers Market, Concert Venue	No	Yes

18. Appendix B also shows the extents of the Land Use Capability Areas LUC3, LUC4 and LUC6 as extracted from the Hawkes Bay Regional Council’s website:

<https://gis.hbrc.govt.nz/LocalMapsViewer/?map=1ed9a3dd18344862b42373c31ba8e3d6>

19. The blue linework on Appendix B is sourced from the Central Hawke’s Bay Integrated Spatial Plan 2020-2050 “Responding to Growth”, which at Pages 60 and 61 (see **Appendix C**) identifies the lower portions of this site as “Potential Area for focused investigation – Medium term” and the remainder as “Proposed Rural Residential Growth Area”.

Development Contributions

20. The subdivision application was lodged over a year before Council adopted a new Development Contributions Policy and the existing consent is not subject to any Development Contributions.
21. This contrasts to the situation if the rezoning were to be accepted, as then the new Development Contributions policy would apply. Based on April 2021 figures of \$24,802- plus GST per Lot, this would equate to Contributions of approx. \$6.9 million across 280 lots under the Concept Plan .

Eastern Interceptor

22. The Eastern Interceptor, a key stormwater drainage channel for this side of Waipukurau, runs parallel to the western boundary of Golden Hills and is owned by Livingston Properties Limited. No vesting or protection of this drain is conditioned under the existing subdivision consent. Vesting of this alignment can be included into the Structure Plan for this area.

Structure Plan

23. Based on Appendix A of the Livingston submission I have prepared the attached Draft Structure Plan (**Appendix D**). As all of the land subject to this rezoning request is held in a single title and only one landowner is involved, the normal structure planning complications of fragmented ownership and conflicting landowner objectives have not constrained this exercise.
24. The Structure Plan takes the key elements of the Concept Plan (Appendix A to Livingston's submission) including the extent of the four proposed zones; General Residential, Rural Lifestyle, Rural and Commercial and adds Indicative Reserve areas which are promoted to vest in Council. Indicative Structure Roads, local streets and walkways are also plotted following the Concept Layout as shown in the Submission Appendix A, as are the indicative locations of a Farmers Market and Concert Venue. The system of indicative ponds and flowpaths reflect the layout from the Consented Layout. I understand Mr McKay will discuss this Structure Plan further in his evidence.
25. To confirm, the Structure Plan layout is consistent with the Concept Plan and the Livingston Properties submission. The Structure Plan development footprint is smaller than that of the Consented Layout and

makes provision for a range of site types and sizes, connections to adjoining land, quality reserves, walkways, and a playground and Commercial space, none of which are provided through the Consented Layout.

Andrew James Taylor
Registered Professional Surveyor
31 October 2022

Appendices:

Appendix A: Subdivision consent RM190126 (dated 20 December 2021)

Appendix B: Plan 4703-29 - Comparison of Consented layout and Concept

Appendix C: Integrated Spatial Plan pages 60 and 61

Appendix D: Structure Plan 4703-28