

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 SHANNON BRAY
ON BEHALF OF LIVINGSTON PROPERTIES LIMITED**

Dated 31 October 2022

Introduction

1. My name is Shannon Bray. I am a director and landscape architect at Wayfinder Landscape Planning & Strategy Ltd (“**Wayfinder**”).
2. I hold a Bachelor of Landscape Architecture with Honours from Lincoln University and a Bachelor of Forestry Science from Canterbury University. I am a fellow, registered member and past president of the New Zealand Institute of Landscape Architects (NZILA).
3. I have over 20 years’ experience as a landscape architect, with a specialisation in landscape assessment and urban design. I have prepared landscape and visual effects assessments for a wide variety of development proposals throughout New Zealand, including within a number of rural landscapes. I have also prepared assessments and evidence for a variety of telecommunication utilities and infrastructure projects (including several Projects of National Significance) throughout New Zealand (including several within the Hawke’s Bay area).
4. I have acted as lead urban designer on numerous large-scale residential developments, including within Auckland, Silverdale (Auckland), New Plymouth and Hastings, and on numerous public realm projects in Auckland, Tauranga, Palmerston North and Hawke’s Bay. Many of these projects have involved contextual analysis to inform landscape and urban responsive masterplans.
5. I have previously presented expert evidence at council hearings, before the Environment Court, and at Boards of Inquiry.
6. In 2020, Livingston Properties Ltd (“**Livingston**”) appointed Wayfinder to consider development opportunities for their site located at 96 Mt Herbert Road, Waipukurau (the “**Golden Hills Site**”). I led the Wayfinder team in preparing a landscape and urban responsive development concept, and in 2020 I presented to Council as part of our clients’ submission to the District Plan process.

Code of Conduct for Expert Witnesses

7. 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.

Scope of Evidence

8. As identified, Wayfinder was engaged by Livingston to explore residential development opportunities for the Golden Hills Site. From the start, our approach was to consider the landscape and urban context of the site and build the potential scheme plan from the ground up.
9. Our experience and expertise at Wayfinder is in urban design and landscape architecture, however we have consulted and relied on expertise and data provided by others to inform a values-based approach to design. The Preliminary Concept is the result of our own spatial planning exercise, and we have not attempted to resolve constraints outside our area of expertise (such as engineering).
10. In this evidence, I provide a summary of the approach that myself and my colleagues at Wayfinder undertook to develop a Preliminary Concept for the Golden Hills Site, combined with additional analysis and research that I have undertaken in recent weeks in preparation for this evidence (I have titled this section as “**Key Considerations**”). I then provide an opinion on why, based on these considerations, I am of the opinion that the Golden Hill Sites is an ideal site for rezoning.
11. In particular my evidence will cover:
 - (a) Key considerations in developing a concept for the site, including:
 - i) It's landscape and natural context;
 - ii) It's zoning under the operative and proposed District Plans;
 - iii) It's soil quality and land use capability;
 - iv) The Spatial Planning work undertaken by Council;
 - v) The recently granted resource consent for subdivision;
 - vi) The walking and cycling opportunities; and
 - vii) The vehicle connection opportunities; and
 - (b) The process of developing and arriving at the proposed Preliminary Concept.

12. Attached to my evidence is the original Context Analysis and Concept Development Plans originally prepared by Wayfinder, dated February 2020 (**Appendix A**), and a new set of graphical material (**Appendix B**), which I will refer to throughout this evidence (**Sheets 1-12**).

The Proposal

13. The proposal site is located at 96 Mt Herbert Road, Waipukurau.
14. The proposed rezoning would enable development as generally set out in the **Preliminary Concept** on **Sheet 12**. To give some general guidance, that plan provides for approximately 280 lots comprising:
 - (a) 110 high density (22/ha) retirement lots;
 - (b) 120 medium density (12/ha) residential lots;
 - (c) 50 lifestyle (2.5/ha) lots;
15. The Preliminary Concept has been developed as a guide only, and is subject to further detailed design, but it provides a realistic yield and layout outcome that could be achieved by rezoning the site as requested by the Livingston submission.
16. A selection of photographs of the site is provided on **Sheet 1**.

Key Considerations

Urban Context

17. The Golden Hills Site is located in Waipukurau, the largest town in Central Hawke's Bay. It is located approximately 50km southwest of Hastings on the southern bank of the Tukituki River.
18. In the census of 2021, Waipukurau had a population of approximately 4,600 people, in a total of 1,755 households. As of 2021 there were approximately 1,070 school-aged children enrolled in either primary or secondary school.
19. For a small town, Waipukurau has a relatively high degree of public infrastructure. This includes a number of sports and recreation facilities flanking the Tuki Tuki River, combined with the Central Hawke's Bay A&P Society, and Waipukurau Memorial Hall. There is a range of commercial and industrial businesses, largely focussed on the surrounding rural productive activities.

20. The Palmerston North to Gisborne Railway Line is a secondary main line that runs through Waipukurau. Trains on this line are almost exclusively for freight, although there are occasional special passenger services.
21. Unlike many New Zealand rural towns, Waipukurau has a relatively compact, non-linear design (**Sheet 2**). The commercial area, or CBD is located directly adjacent to the Tuki Tuki River, with the residential zone extending to the slightly elevated landforms to the south. The main highway, SH2, passes through the CBD and then heads westward towards the Ruataniwha Plains, largely avoiding the residential area altogether (a small, isolated cluster of houses marks the western town boundary). The industrial zone flanks this western arm of SH2, separated from the CBD and the main residential area by the railway line.
22. Built form within Waipukurau is relatively typical of New Zealand rural towns. Residential properties are loosely based on a quarter-acre size (800-1,000m²) and contain a single-storey bungalow type dwelling. Smaller section sizes are found closer to the town centre, extending to larger lifestyle properties around the town perimeter. Many properties have well-tended gardens facing the street, although more recent developments tend to be more dominated by street-facing garages.
23. The town centre itself is relatively compact, with most commercial properties located along SH2 (however a northerly bypass was created some years ago which is the favoured route by most passing motorists). Some larger format businesses (such as New World Supermarket) are accessed from side streets. There is a range of parking opportunities within the street environment and provided by commercial operators. All streets have good pedestrian connectivity.
24. The key conclusion I reached from this analysis is that a mix of residential typologies would be ideal for future development in this context. Based on the surrounding urban form, there is potential scope for higher density, small lot residential closer to town, expanding to larger lots towards the town boundaries.
25. I also noted during my analysis of the existing township that there seemed to be little in the way of integrated or catered retirement living. A few, smaller community-based options appeared to be available, but there were no larger scale commercial operators (such as Summerset or Ryman Healthcare).

Natural Context

26. Historically, the land in the vicinity of Waipukurau would have been covered by native forest vegetation, part of what early settlers referred to as the 'forty-mile bush'. This would have been largely podocarp dominant, with rimu, totara and northern rata.
27. However, all of the landscape within and in the immediate surrounds of Waipukurau has now been highly modified. The key natural features of the landscape are the Tuki Tuki River and Whatuma (Hatuma) Lake to the southwest of the town, where only a couple of remnant pockets of native vegetation remain. Otherwise vegetation is dominated by exotic specimen trees, or willow and poplar species (particularly along the riparian margins of the Tuki Tuki River).
28. The rolling landform is a natural feature that has endured, with this still being evident under the built form of the town and into the rural environment.
29. My key findings from considering the natural context was that the site (and the surrounding context) is highly modified and that there were few, if any, constraints in developing the property itself (**Sheet 3**). I also considered this presented an opportunity for some natural regeneration or enhancement, and I note that Livingston have already invested in planting approximately 20,000 native plants along the riparian margins of waterways within the site.

District Plan Context

30. Most of the town is currently flanked by Rural Zone (**Sheet 2**), which is proposed to be changed to the Rural Production Zone under the Proposed District Plan (**Sheet 4**). This latter plan describes this zone as "*the identified concentration of highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Otane*".
31. The exception to this is a finger of land that extends eastward from the CBD along Mt Herbert Road and currently zoned Rural, which is proposed to be changed to General Rural Zone under the Proposed District Plan. The Golden Hills Site is located within this finger of land.
32. The proposed General Rural Zone applies to a large proportion of the Central Hawke's Bay District, providing for a diverse range of land uses.

33. A key conclusion from my analysis of the Operative and Proposed District Plans, in particular the zoning maps, was that the Rural Production Zone is more likely to favour intensive primary production land-uses, whereas the General Rural Zone could support a more diverse range of uses. From a landscape capability perspective, this suggested that the Golden Hills Site, being located in the General Rural Zone, would be more adaptable to a range of land-uses than if it had been located in the Rural Production Zone.

Our Thriving Future & CHB Spatial Plans

34. For a few years, Council has been undertaking a study on urban growth. The “*Our Thriving Future*”¹ work provides a range of statistics and predictions on potential growth of both the district and the town, noting an average annual growth of 2.1% over the past 9 years. It projects a need for an additional 1,700 more households over the next 10 years.
35. The Integrated Spatial Plan² considers these predictions and sets out, on page 3, a “*30-year blueprint of growth opportunities*” across the District. It discusses, at page 14, the challenges associated with such growth, noting the “*availability of land in the right place for the right activities*”, and that “*a lot of people rely on public motor vehicles for access to the town centre*”.
36. From page 58, the Spatial Plan considers the “*key moves*” (strategic goals) within Waipukurau, as follows:
- Connect to the river;
 - Strengthen the core;
 - Grow the green connections; and
 - Tighten the form.
37. The Waipukurau Township Spatial Plan (**Sheet 5**) then graphically presents locations within and around the town for consolidation within residential areas, potential growth areas for the medium term, and areas for rural residential growth.

¹ <https://www.chbdc.govt.nz/assets/Document-Library/Responding-to-Growth/Growth-at-a-Glance-2022-Update-Snapshot.pdf>

² <https://www.chbdc.govt.nz/assets/Uploads/20201104-Spatial-Plan-document-website.pdf>

38. Approximately 1/3 of the Golden Hills Site identified for rezoning is located within the medium term growth area, and the other 2/3 is located within the rural residential growth area. Other growth areas identified include rural residential to the far west of the town (beyond the existing isolated cluster of residential), and an elongated section to the south of the town towards Hatuma Lake.
39. I also note that pages 62-63 recommend various improvements to the town infrastructure, including walking/cycling safety and connectivity upgrades, with the goal of creating “*connected citizens*”.
40. My conclusions from reviewing the Our Thriving Future work undertaken by Council, and particularly the Spatial Plan, is that the Golden Hills Site is already identified by Council as a potential area for accommodating residential growth. In addition, the Spatial Planning by Council supports my earlier conclusion about mixed typologies, with larger lots flanking the boundaries of the town.

Land Use Capability

41. The Our Thriving Future work was undertaken prior to the release of the National Policy Statement for Highly Productive Land (“**NPSHPL**”)³, which was published by the Government in September 2022. This document seeks to protect highly productive land for use in land-based primary production, both now and for future generations.
42. Land Use Capability Information published by the Hawke’s Bay Regional Council⁴ indicates that most of the land immediately around (and underneath) Waipukurau is located within Land Use Capability (LUC 3), including all of the growth areas identified within the Spatial Plan. Higher productive land flanks the Tuki Tuki River (LUC 2), and lower productive land (LUC 4 and LUC 6) tends to be located on the more exposed hill slopes, particularly to the east of the town (including a large proportion of the site) and to the west around Pukeora.
43. A large proportion of the Golden Hills Site has an LUC 4 or LUC 6 classification, with only the lower portion identified as LUC 3 (**Sheet 6**). This loosely relates to the mapped soil quality (**Sheet 3**), which diminishes sharply in the upper reaches of the site. Considering potential use of the site solely from a productive land use aspect would suggest that highly productive farming would best be located in the

³ <https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-highly-productive-land/>

⁴ <https://gis.hbrc.govt.nz/LocalMapsViewer/?map=1ed9a3dd18344862b42373c31ba8e3d6>

bottom reaches of the site, closest to existing urban development where there is the greatest potential for reverse sensitivity issues.

44. During our earlier work, neither the NPSHPL or the HBRC mapping was publicly available. However, we considered soil maps (**Sheet 3**) made available by Landcare Research, and anecdotal opinion from Livingston regarding the productivity of the Golden Hills Site. In particular, Mr Skerman discussed the requirements for irrigation in order to maintain stock through summer months and discussed the challenges with growing plant based produce on the northerly facing landforms.
45. It is my understanding that further work will need to be undertaken by Council to consider how the Spatial Plan addresses the new policy requirements of the NPSHPL, particularly s3.6 (amongst others) in regard to restrictions on urban rezoning. My understanding is that the NPSHPL places a new constraint on urban spatial planning that has not previously been considered in detail.
46. My conclusion from this avenue of research was that the site does not appear to be suited to sustainable, highly productive land use. Whilst the lower slopes of the site are more sheltered from drying wind, I also noted that these are the areas closest to residential development. I accept that there are likely to be rural, productive land uses that could be undertaken, but in considering its overall capability, it scores relatively low compared to other, more productive parts of the District.
47. I am also aware that the NPSHPL is likely to have implications on other settlement areas within the region, in particular Hastings which is located within a wide expanse of LUC 1 and LUC 2 land. Strategically, this may alter the growth predictions published by Council as land availability within the wider Region adjusts to the new policies. This is not something I have specifically considered for this proposal but is an additional spatial planning variable.

Existing Resource Consent

48. At the time of undertaking our original analysis, I was aware that Livingston were applying for a controlled activity resource consent for subdivision of the site. This resource consent has now been granted and allows for 88 lots across the portion of the site requested for rezoning, accessed both from Mt Herbert Road and Ennisclare Place off Mt Herbert Road (**Sheet 7**).

49. If this resource consent was to be acted upon, the land use capability of the site would be significantly diminished as a result of large-scale residential development.
50. I understand that the granted subdivision scheme was prepared solely based on achieving compliance with the planning provisions of the Operative District Plan and survey requirements. It was not developed through a landscape or urban responsive approach and is not a scheme I am supportive of. I will return to this later in my evidence.

Walking and Cycling

51. As identified, Our Thriving Future considers the availability for safe, connected walking and cycling within Waipukurau.
52. In this regard, I was curious that the Waipukurau Spatial Plan (**Sheet 5**) recommends lifestyle development extending westward of the town, as this elongates the outer reaches of the town where access is predominantly achieved along the State Highway and through the industrial area.
53. By contrast, I note that most of the Golden Hills Site is located away from the State Highway. Access to the CBD passes along Mt Herbert Road that already contains a footpath and is within a 20-25 minute walk (**Sheet 8**). Additionally, the Golden Hills Site is located almost directly adjacent to Central Hawke's Bay College – with some unified planning with neighbours it could be directly connected. Community buildings and recreational land are also readily accessible by foot or by bicycle at largely flat grades.
54. My analysis of the walking and cycling connectivity is that of all the potential growth areas identified within the Waipukurau Spatial Plan, the site provides the easiest (in terms of distance and grade) connection to existing public locations including the CBD, community buildings and recreational areas.

Vehicle Access

55. Mt Herbert Road is identified as a "Secondary Collector Road" under the Waka Kotahi One Network Road Classification⁵ (**Sheet 9**). It

⁵

<https://nzta.maps.arcgis.com/apps/webappviewer/index.html?id=95fad5204ad243c39d84c37701f614b0>

provides for greater vehicle movements than local roads, being a “*minor collector that links local areas to neighbourhoods*”⁶.

56. The Golden Hills Site is able to be accessed directly from this road. In my opinion, this is an ideal outcome from an urban connectivity perspective, as addressed further by Mr Campion in his evidence.

Other Infrastructure

57. I note that Our Thriving Future considers other urban infrastructure, including roading, three-waters, electricity and telecommunications, and has been designed to feed into an Infrastructure Planning process. Irrespective of the location of future growth, investment in Council infrastructure will be necessary and it is beyond my area of expertise to analyse best outcomes in this regard.

Summary of Findings

58. Though building up layers of information and considering urban design outcomes such as context, character, choice and connectivity, Wayfinder was able to start considering opportunities for creating a landscape and urban responsive development for the Golden Hills Site. As identified, the key conclusions reached through this analysis included:

- (a) It is highly modified land with few (if any) natural qualities other than landform and restoration planting that has been undertaken by the owners;
- (b) It is identified within the Waipukurau Spatial Plan as suitable for medium term residential growth at its western extent and suitable for rural lifestyle development further to the east;
- (c) It is the most centrally connected land identified as a growth area within the Waipukurau Spatial Plan;
- (d) Only a relatively small proportion of the site is located within LUC 3, this being the area at the base of the site closest to existing urban development.
- (e) The site already has resource consent for subdivision into 88 lifestyle lots, which significantly diminishes its ability for sustaining long term productive land use;

⁶ <https://www.nzta.govt.nz/assets/Roads-and-Rail/onf/docs/ONF-detailed-design-document-september-2022.pdf> (Page 42)

- (f) The site provides for close, connected walking and cycling opportunities with already formed footpaths from the site entrance to the CBD, community buildings and recreational land;
 - (g) It is located in close proximity to the College, and with some planning with neighbouring sites, could be directly connected; and
 - (h) It is well serviced with two vehicle entrances to a well formed Secondary Collector road.
59. On this basis, Wayfinder considered that the site was ideally placed for residential development that provides for a range of densities and typologies, alongside embedded landscape, recreational and ecological outcomes.
60. I recognise that my assessment is from an urban strategy approach only, and does not consider potential public infrastructure requirements that are needed to manage population growth (such as three waters). My understanding is that this work is being undertaken by Council as a matter of course, in response to the Spatial Planning work that has been undertaken.

Preliminary Concept

61. We began design of the Golden Hills Site by developing a Preliminary Framework that factored in surrounding land use and activity, with a particular focus on green corridors and the transition to rural production (**Sheet 10**). This plan also identified how the site could mimic the surrounding pattern of development, whilst also considering potential landscape and amenity effects on immediate neighbours.
62. This Preliminary Framework was then expanded to consider potential opportunities within the Golden Hills Site (**Sheet 11**). These included:
- (a) Creating a “main entrance” directly off Mt Herbert Road rather than through Enniscare Place;
 - (b) Clustering small lot residential at the base of the site, with lot sizes similar to those directly adjacent to the site;
 - (c) Creating new community open spaces that can be shared by the wider community (not just the development itself);
 - (d) Creating a cluster of larger lot development on the lower hill sites in a manner that responds to the existing topography of the site;

- (e) Allowing infiltration of open space, which can be retained as farmland and also used for stormwater (and potentially wastewater) management, in and around the larger lot cluster;
 - (f) Enhancing green connections through the site, utilising the extensive planting already undertaken by the owners;
 - (g) Allowing for the retention of rural lifestyle lots across the middle-range slopes of the site; and
 - (h) Retaining some farming operation, at a lower capacity, around and through the development.
63. Additionally, further opportunities to connect with neighbouring sites were explored, with indicative link roads and walkways considered in terms of how best to create a connected neighbourhood. This was further enhanced by establishing a community space along the southwestern boundary of the site. It is envisaged that this could be utilised by the wider community as adjacent sites are developed.
64. A “landscape break” was provided between the higher density lots and the larger residential lots, with this space providing a visual link to the surrounding rural landscape, whilst also providing space for the management of stormwater. It is envisaged that this break could be retained as farmland, with access provided around the perimeter of the site.
65. Lifestyle lots are provided for in the middle slopes, the sites identified based on topography and aspect. These lots centre around a large scale native vegetation restoration area, building on the work already undertaken by the owners.
66. A final proposal, or Preliminary Concept, was then developed and detailed to include a potential lot arrangement (**Sheet 12**)
67. In total, the estimated yield of development based on the Concept Plan (itself derived from the Preliminary Concept) is approximately 280 lots comprising:
- (a) 110 high density (22/ha) retirement lots;
 - (b) 120 medium density (12/ha) residential lots;
 - (c) 50 lifestyle (2.5/ha) lots;
68. On completion of this exercise, it was reviewed by Livingston and various other expert consultants. A few minor changes have been

made through this process, but overall, the scheme provides what we consider to be a landscape and urban responsive residential development that is well connected and in character with Waipukurau.

69. By contrast, in my opinion, the consented subdivision (**Sheet 7**) lacks such connection and character. Critically, the consented scheme fails to provide choice – the need for a mix of lot sizes and housing typologies is something I consider has come through strongly in the Our Thriving Future work that has been undertaken by Council.
70. In addition, in my opinion the consented scheme does not maximise the use of potentially available land for urban growth. In my opinion, there is scope within the site to provide for increased densities that are in accordance with existing built form, resulting in overall efficiency of both the land and the infrastructure needed to support its development.

Conclusion

71. Wayfinder was approached by Livingston to consider an alternative scheme plan for their property located at 96 Mt Herbert Road, Waipukurau. Although Livingston had already started an application for a controlled resource consent under the Operative District Plan, they considered that there might be better opportunities for the site and for Waipukurau.
72. Our approach was to consider the site from the ground up. We undertook a detailed study of the site itself, and then considered its context within the Waipukurau landscape. Our study considered the following attributes:
 - (a) The landscape of the site and locality, noting its high level of modification and lack of distinctive natural features (other than topography);
 - (b) The built form and spatial arrangement of the surrounding urban environment, in particular residential form and density;
 - (c) The zoning of the site under the existing and proposed District Plans;
 - (d) Growth forecasts that were being undertaken by Central Hawke's Bay Council;
 - (e) Spatial planning being undertaken by CHB Council, including identified growth areas;

- (f) Soil quality and the productive quality of the site, based on information provided to us by the clients (noting that I have now refreshed this study based on the NPSHPL and HBRC's mapped Land Use Capabilities);
 - (g) The granted resource consent for subdivision of the site;
 - (h) Walking and cycling opportunities, including distance to the CBD, schools and recreational areas, and noting existing footpath infrastructure;
 - (i) The quality and status of Mt Herbert Road as a Secondary Collector Road;
73. We recognised that whatever scheme we prepared would require review in terms of the requirements for infrastructure, utilities and engineering. I understand that some of this has been undertaken by Livingston, and that Council are also undertaking strategic reviews in order to meet the recommendations of the Spatial Planning process.
74. Overall, I am of the opinion that the Golden Hills Site is ideally suited to accommodate future growth in Waipukurau, and consider that it can provide for this growth through a range of residential typologies – small lot, large lot and rural-lifestyle, as well as potentially cater for the establishment of an integrated retirement village.

Shannon Bray

31 October 2022