

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of a submission in respect
of the **PROPOSED WAIKATO
DISTRICT PLAN by MOWBRAY
GROUP LIMITED** pursuant to
Clause 6 of Schedule 1 of the Act
of Waikato District Plan Review–
Hearing 25 Zone Extents.

**STATEMENT OF REBUTTAL EVIDENCE OF FRASER MCNUTT ON BEHALF OF MOWBRAY
GROUP LIMITED AND ANDREW MOWBRAY**

1. INTRODUCTION

- 1.1 My name is Fraser Guy McNutt. I am a planning consultant and hold the position of Associate at Barker & Associates Limited (B&A). I am also the Manager of the Central North Island office.
- 1.2 I am acting for Mowbray Group ("MG") in support of that company's submission seeking a rezoning of land at Matangi.
- 1.3 I outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief ("EIC").
- 1.4 I have read the following:
 - a) Hearing 25 – Zone Extents – s42A report – Matangi
 - b) Hearing 25 – Zone Extents – Matangi – List of Submitters and Further Submitters
 - c) Hearing 25 – Zone Extents – Appendix 2 – Matangi – Recommended Amendments
 - d) Hearing 25 – Zone Extents – Appendix 3 – S32AA Matangi – for evidence

- e) Hearing 25 – Zone Extents – Appendix 4 – Matangi Pre Hearing meetings
- f) Hearing 25 – Zone Extents – Appendix 5 – Matangi – HNZPT Updated Registration
- g) Hearing 25 – Zone Extents – Appendix 6 – Beca Reports
- h) I have also read the statements of evidence prepared by Mr Cameron Inder (Transportation) and Mrs Trisha Simonson (On-site Wastewater)

2. PURPOSE AND SCOPE OF REBUTTAL EVIDENCE

2.1 This statement of rebuttal evidence addresses planning issues. It does not restate matters addressed in my EIC but addresses particular matters and recommendations made in Mrs Connolly's 42A Hearing's report.

2.2 Specifically, I address the following:

- 3. Overview of submissions (section 2.3 & 4.2.3)
- 4. Response to Heritage New Zealand Pouhere Taonga's further submission. (Section 4.2.3 point 100 - 107)
- 5. Statutory framework (Section 3) and Non-Statutory framework (Section 3.1); and
- 6. Drafted Provisions (Section 4.2.2);
- 7. New Definition – Matangi Light Industrial;
- 8. Objectives and Policies; and
- 9. Conclusion

3. OVERVIEW OF SUBMISSIONS

3.1 I agree with the 42A recommendation to reject the original submission from Amy and Andrew De Langden. My comments stand in relation to this submission which are contained in section 9 of my EIC.

3.2 I agree with the 42A recommendation to reject Mercury Energy's further

submission [FS1387] in relation to the potential flooding effects that may result on site. I emphasise that the site is largely developed with existing stormwater infrastructure installed and operational. The proposed MMUZ does not promote nor require significant topography changes to achieve its purpose.

- 3.3 I agree with Mrs Connolly's comments contained in point 99 of the 42A report that *"the concerns of HCC are unfounded and the impacts on any surrounding metropolitan area by this proposed development would be minimal and the submission should be rejected."*
- 3.4 It's important to note that a small 'suburban' business node already exists within Matangi and that as a part of the PDP two properties within my client's land were proposed as 'new' additional Business Zones.
- 3.5 The location and extent of these zones are shown in Appendix 4 page 4 of my EIC. A total of 3,978m² over two Tauwhare Road fronting sites were proposed as Business Zones.
- 3.6 The proposed MMUZ objectives, policies and provisions respectfully provide gross floor area caps for new office and commercial land use. Similar to the extent of what may have reasonably occurred through the additional business zoned land discussed in 2.5 above. See section 8.7 c) of my EIC for reference. I reinforce that appropriate discretion has been provided to WDC should the proposed commercial/office cap be exceeded through a later consent application.

4. HERITAGE NZ POUHERE TAONGA'S FURTHER SUBMISSON

- 4.1 Point 101 of the 42A report states that the rules waiting for decision as a result of Hearing 14: Historic Heritage will be replicated into any Mixed-Use Zone. I agree with this approach subject to the below comments.
- 4.2 Point 102 of the 42A report confirms the alignment of thinking between Mrs Connolly and myself of what we consider to be a *"practical defined extent"* of the New Zealand Co-operative Dairy Company Limited Factory (Former) or commonly referred to as the 'Glaxo Building'. Like Mrs Connolly, I stress that I do not have heritage expertise to assess the merits of any extent nor have I had any heritage training to do so. It's imperative that the defined extent does not generate unnecessary resource consents by virtue of

development simply falling within the MMUZ 'site'.

5. STATUTORY AND NON-STATUTORY FRAMEWORK

5.1 Points 26-28 of the 42A align with my EIC analysis of the following:

a) National Policy Statement for Urban Development

b) Vision and Strategy for the Waikato River

c) Waikato Regional Policy Statement

d) Future Proof 2017

e) Waikato 2070

f) Waikato-Tainui (WT) Environmental Plan

5.2 The Non-Statutory framework 42A comments found in points 29-32 align with my EIC. I agree with the statements Mrs Connolly has made in regards to non-statutory documents in particular the statement made in point 32 of the 42A *"taking into account that these are non-statutory documents, the Mixed Use Zone being proposed for this site would contribute to and uphold the vision of the Matangi community."*

6. DRAFTED PROVISIONS

6.1 **Rule 29.1.1 MMUZ - R15 Minor Residential Unit (Page 18)**

6.2 Mrs Connolly has proposed to delete the 'minor residential unit' provision that was proposed in my EIC. Her reasons are summarised in points 56 and 58 which pertain to difficulty in siting within 20m and availability of servicing.

6.3 I disagree with both of these points. The siting of a minor residential unit is setback from a building not a 'site area'. Whether the building is existing or proposed it would be easy to determine a setback from the exterior walls of a building. I sight Mrs Simonsons EIC, section 7 which provides for a range of different capacity options that the site can provide for in terms of future land use. I also reinforce the proposed cap placed on the number of dwellings that can be accommodated on site which also naturally limits the number of potential minor residential units.

6.4 **Rule 29.1.1 MMUZ – R11 Visitor Accommodation (Page 18-19)**

6.5 Mrs Connolly has proposed to cap the number of buildings that can be used for Visitor Accommodation at four. I disagree with this cap for the following reasons.

6.6 The use of refurbished railway buildings is at the heart of Mr Mowbray and his vision for the site. The use of buildings for Visitor Accommodation is akin to an Air B&B type accommodation not a hotel/motel complex. There is already a diverse range of activities occurring on site and plenty of unused building gross floor area yet to be converted. There is, in my opinion, reasonable scope to provide for a range of land use activities in conjunction with additional development or reuse within the proposed MMUZ.

6.7 I sight Mr Mowbray's evidence, in particular Appendix 2 which demonstrates how several relocated railway houses could be provided for on site. This is indicative but realistic and not fanciful in my view. We propose that the cap be raised to accommodate **9** Visitor Accommodation buildings with a max person cap afforded to each building (**6**) to further manage the intensity of the use.

Rule 29.1.1 MMUZ-12 Apartments (Page 19)

6.8 I concur with this amendment, being point 61 of the 42A report and accept that 'Apartment Building' is included in the 'Multi Unit Development' definition.

Rule 29.4 Subdivision (Page 19)

6.9 I concur with this amendment, being point 62 & 63 of the 42A report and accept that the change in activity status from Discretionary to Non-Complying is appropriate for the reasons stated in Ms Connolly's assessment.

Rule 29.3.3 New Buildings (Page 20)

6.10 I concur with this amendment, being point 65 of the 42A as it's clear through the evidence provided that waste water needs to be managed, particularly for new buildings. There is already adequate stormwater reticulation on site but, as proposed and where possible it's proposed to provide soakage in the first instance for primary treatment of new buildings.

Site/ Permeable surface (Page 20-21)

- 6.11 I concur with this amendment, being points 67-69 of the 42A report and accept a minimum permeable surface of at least 20% over the entire site.

Site/ building coverage (Page 21)

- 6.12 I disagree with Mrs Connolly in that 70% site coverage is excessive given that the current zoning provides for a permitted baseline coverage of 70%. I agree with Mrs Connolly that as a Mixed-Use Zone a lower coverage should be afforded and a larger focus be provided for onsite amenity.
- 6.13 To ensure an efficient use of land is provided for allocating a maximum 70% in my view is more appropriate than limiting the coverage to 60% or less. New buildings are subject to standards, in particular the proposed servicing standards that will essentially manage any new builds. Taking a holistic view of the potential that the site can provide for, it's my view that 70% is appropriate and should prevail subject to the suite of proposed provisions contained in my EIC.

7. DEFINITION – MATANGI LIGHT INDUSTRY

- 7.1 I concur with Mrs Connolly and support the inclusion of the 'Matangi Light Industry' Definition. My EIC through 8.7 (d) provides justification for this

8. OBJECTIVES AND POLICIES

- 8.1 I agree with the amended and proposed objectives and policies put forward by Mrs Connolly contained on page 4-6 of the 42A, Appendix 2 – Matangi – Recommended Amendments document.
- 8.2 These objectives and policies give effect to the vision and purpose Mr Mowbray intends for the site and provides for the range of mixed-use land use that has been proposed. The objectives and policies as Mrs Connolly are in my view appropriate and suitable for their intended purpose.

9. CONCLUSION

- 9.1 I agree with the recommendation to rezone the land in question to a Matangi

Mixed Use Zone (MMUZ). The 42A recommendations are largely aligned with my s32AA report, evidence in chief and proposed provisions, subject to this rebuttal.

- 9.2 There are no submission or further submission points in my view that provide sufficient justification to preclude the rezoning from industrial to a MMUZ.

FRASER GUY MCNUTT
03 MAY 2021

