

**BEFORE AN INDEPENDENT HEARINGS PANEL
OF THE WAIKATO DISTRICT COUNCIL**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the proposed Waikato
District Plan (Stage 1)
Hearing 25

**STATEMENT OF REBUTTAL EVIDENCE BY SARAH NAIRN OF THE SURVEYING
COMPANY ON BEHALF TKDM FARMS LIMITED**

PLANNING

3 May 2021

1. INTRODUCTION

1.1 My name is Sarah Nairn, I am a senior planner at The Surveying Company Ltd.

1.2 I outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my “evidence in chief”.

1.3 I provided evidence on behalf of TKDM Farms Limited to rezone a 10ha area fronting Koheroa Road from Rural to Village in the Proposed Waikato District Plan (**PWDP**). I consider that the proposed Village zone will have a range of positive effects including:

- It will increase the range of housing options at Mercer and in the northern Waikato in general. To date the majority of residential growth has focused on Pokeno and the proposed Village zone would provide an alternative location;
- An increased population would help Mercer to evolve and further develop its identity as a place in and of itself rather than being dominated by the larger adjoining settlements of Pokeno and Meremere;
- There would be an increased number of children living in the village who would then attend the school which adjoins the Subject Site. This would increase the viability of the school which currently has in the order of 49¹ children;
- It will provide a positive urban design outcome as it will connect the existing residential to the school;
- It will increase the residential catchment in close proximity to the retail/business area at Mercer, this will enhance the viability and vitality of these activities;
- It will consolidate development in nodes along the Waikato Expressway. This will promote efficient traffic movements and better utilize this road of regional significance;
- There will be an increased population within the settlement to create more of a community identity and better enable community facilities/events;
- There will be an increased number of residents living in close proximity to big employers in the region such as Springhall Correctional Facility and Hampton Downs.

¹ 2019 ERO report

1.4 I have read the 'Hearing 25: Zone Extents Mercer' report prepared by Yvonne Legarth on behalf of the Waikato District Council (report dated 12 April 2021). This report rejects the submission of TKDM Farms Limited for reasons relating to the following:

- (a) Higher Order Planning Instruments/Urban Growth;
- (b) Urban growth;
- (c) Village Character;
- (d) Planning Constraints;

1.5 I disagree with these reasons and have addressed each matter in turn below. I have also addressed below some wider considerations and the further submissions that were received in opposition to the submission by TKDM Farms.

Higher Order Planning Instruments/Urban Growth

1.6 Paragraphs 75-83 of the S42A report set out a range of reasons as to why this proposal is contrary to higher order planning documents such as the Waikato Regional Policy Statement and the Future Proof Strategy. In essence, the S42A report is putting the view that Mercer is not identified as a growth area and therefore growth should not occur.

1.7 This analysis ignores pages 20 and 21 of my evidence in chief which identifies that the growth can occur outside of growth areas:

It can be seen that Mercer is not identified as a growth area (with urban limits) on the Future Proof Settlement Plan. While Mercer is not identified on Map 6-2 above, this does not mean that growth cannot occur in Mercer as Policy 3.3 specifically provides for growth outside growth strategy areas. Policy 3.3 states:

“6.3.3 Urban Growth outside of growth strategy areas

District plans shall ensure that in areas not subject to a growth strategy, urban development is predominantly directed to existing urban areas and is contiguous with, and well connected to them”.

The explanation to policy 6.14 further confirms this approach as it states that “new urban development can occur in centres which do not have

urban limits as long as it is consistent with Table 6-1 and 6-2". Table 6-2 is not relevant to this application but Table 6-1 is relevant and indicates that 5% of the population of the Waikato region is expected to live in Rural Villages such as Mercer by 2041. This again confirms that growth is expected to occur in an around villages such as Mercer.

1.8 I consider that the above analysis is important as the crucial test for this proposal is to determine if it is consistent with the Waikato Regional Policy Statement. The above policy and analysis shows that it is.

1.9 As a more general comment, I consider that it is concerning that the relevant objectives and policies are being interpreted such that re-zoning cannot occur around existing settlements. In my view, this essential if the Council is to achieve its goal of 5% of the population living in Rural Villages by 2041.

Village Character

1.10 Paragraph 105 of the Section 42A report states that 18-20 lots on the subject site is not likely to be of a character or density that is similar to that in a Village zone. I disagree with this statement as 20 lots on the subject land will provide an average density of 1:5000m² but there will inevitably some lots as small as 3000m² and others slightly in excess of 5000m². This density is generally consistent with the adjoining sites which have sizes ranging from 3043m² to 2.2ha – all of these sites are zoned Village. The below excerpt from QuickMaps shows these sites with the site sizes circled:

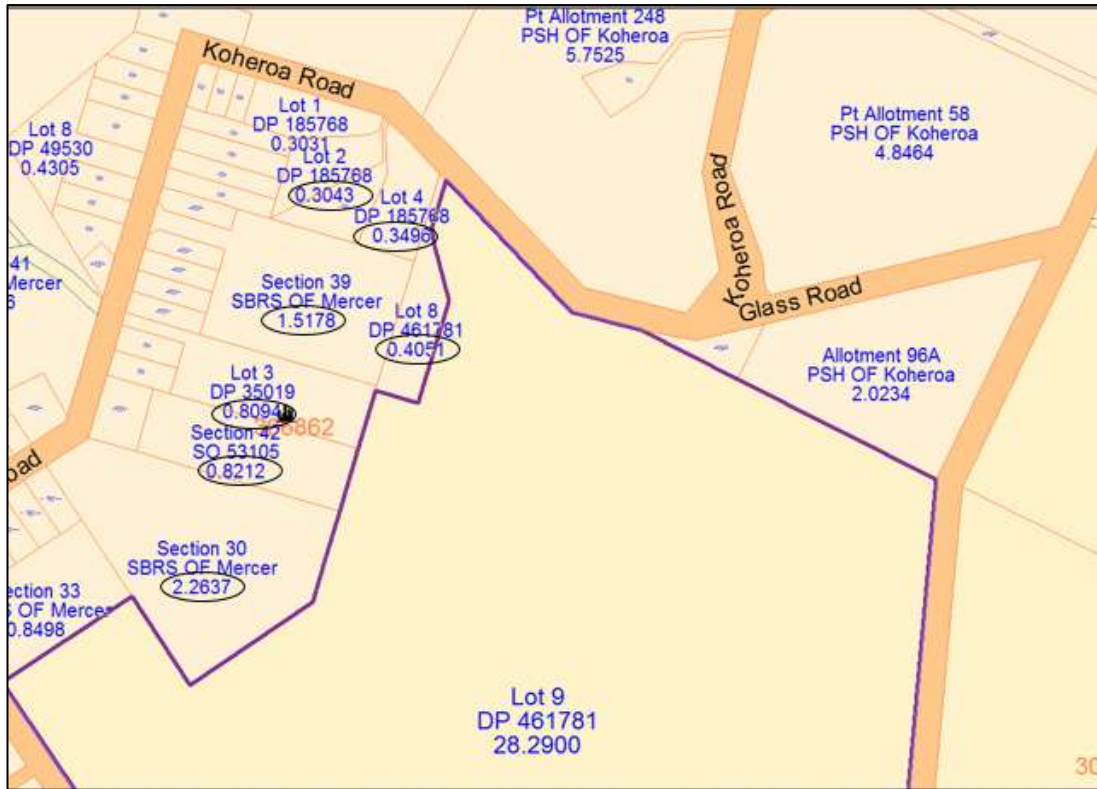


Figure 1 Plan show size of adjoining sites

1.11 Whilst it is not explicit in the s42A report, the concern may be that the development on this site is less dense than other parts of Mercer settlement. The above plan shows that this is not the case but even if it was I don't see this as a concern as it is a common planning tool to create a less dense edge to villages and settlements as a means of "transitioning" to the rural environment.

Planning Constraints

1.12 The Section 42A report sets out a number of planning constraints which have influence on whether the 10ha area should be zoned Village. In summary, these constraints are the high voltage transmission lines, the topography, distance to the village and the lack of reticulated services. I have provided a comment on each of these matters below:

(a) High voltage transmission lines

There are high voltage transmission lines that traverse the subject site. This is common issue throughout the Waikato and is not considered to be a significant impediment, rather it is a matter of ensuring that the

required separation distances can be achieved and given the minimum lot size of 3000m² this should be able to occur.

(b) Topography

The subject land is rolling hill country. This is not considered to be a constraint in Mercer as almost all residential sites are on sloping land. Furthermore, the geotechnical report by Ground Consulting has confirmed that there are no significant geotechnical constraints that cannot be suitably managed or mitigated as part of the detailed design of any future development of the land.

(c) Distance to the Village

Paragraph 101 of the S42A report highlights a concern that the subject land is physically separated from the existing village. I do not share this concern and note that the subject land adjoins existing Village zoned land and is located between the existing dwellings and the Mercer School as highlighted in my evidence in chief:



Figure 2 Plan showing location of site adjoining existing development and the school

(d) Infrastructure

The Section 42A report makes extensive comment on the fact that there are no reticulated services for the existing residential

development in Mercer. I agree with this statement but I do not see it as a reason to reject the rezoning of the TKDM site.

I consider that the proposed rezoning will simply continue the same approach as the existing development i.e. water, wastewater and stormwater to be provided on-site. In my view, this approach is consistent with the objective and policy of the Village zone set out below:

<p>4.3 Village Zone</p> <p>4.3.1 Objective – Village Zone character</p> <p>(a) The character of the Village Zone is maintained.</p> <p>4.3.2 Policy – Character</p> <p>(a) Buildings and activities within the Village Zone are designed, located, scaled and serviced in a manner that:</p> <ul style="list-style-type: none">(i) Is low density;(ii) Maintains the semi-rural character;(iii) Recognises lower levels of infrastructure and the absence of Council wastewater services. <p>(b) Require activities within the Village Zone to be self-sufficient in the provision of on-site water supply, wastewater and stormwater disposal, unless a reticulated supply is available.</p>
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Wider Considerations

1.13 The S42A report sets out various impediments and obstacles as to why the subject land should not be rezoned Village. However, the report does not give any consideration as to why it should be rezoned. In particular, no consideration is given as to the benefits of an increased population for either the school or the business activities or the efficiency of developing around an existing village and near the Hamilton to Auckland corridor.

1.14 In my view, this lack of consideration of the benefits of the proposal will result in Mercer languishing as a settlement while the adjoining centres of Pokeno and Meremere will grow and thrive as a result of the additional development enabled. This is not a positive planning outcome for Mercer or the Waikato District Council generally.

Further Submissions

1.15 The further submission by the Waikato Regional Council opposes the proposed Village zone on the basis that “decisions on the H2A corridor should be deferred to avoid undermining the strategic planning process”. I do not consider that the H2A corridor is an issue any longer given that the extent of the proposed

rezoning has been revised so that it only relates to the area fronting Koheroa Road (rather than the portion of the site close to the Hamilton-Auckland corridor).

- 1.16** The further submission by Mercury NZ opposes the proposed Village zone on the basis that it is not clear how effects from a significant flood event will be managed. I am not aware any flooding issues on the land and note that the site is not identified as being subject to a High Risk Flood Area or a Flood Plain Management Area in Stage 2 of the PWDP. Therefore, I consider any potential flood issues will be able to be managed through the resource consent process.

Conclusion

- 1.17** The S42a report sets out a number of reasons as to why the 10ha of land at Mercer should not be rezoned Village. I have reviewed each of these reasons and consider that they do not contain sufficient merit to warrant the submission be rejected.

- 1.18** Instead, I consider that the proposal has the potential to result in positive planning outcomes for Mercer in that the increased population and development will support the school and the existing business/employment land. It will also consolidate development around the existing settlement and increase the number of people living next to the Auckland-Hamilton corridor.

SARAH NAIRN

3 May 2021