

IN THE MATTER of the Resource Management Act 1991 (*the RMA*)

AND

IN THE MATTER of Hearing 25 Rezoning of the Proposed Waikato District Plan
(*PWDP*)

REBUTTAL EVIDENCE OF GEORGINA MCPHERSON FOR

Z ENERGY LIMITED

(Sub 589 & FS1029)

2 May 2021

Introduction

1. My name is Georgina Beth McPherson. I am a Principal Planning and Policy Consultant at 4Sight Consulting. My qualifications and experience are set out in my primary statement of evidence for Hearing 25 Rezoning dated 17 February 2021.
2. I confirm that this rebuttal statement of evidence has been prepared in accordance with the Environment Court's Code of Conduct for Expert Witnesses.
3. I have read the section 42A report for Hearing 25: Zone Extents Pokeno prepared by David Mead for Waikato District Council and respond to the recommendations of that report with respect to the submissions and further submissions of Z Energy.

Section 42A Report

4. S589.1 of Z Energy seeks to rezone the existing Z Truck Stop at Pokeno from Business Town Centre Zone (with verandah overlay) to Business Zone¹ (with no verandah overlay). As an alternative, the submission identifies that the Business Town Centre zoning could be retained subject to consequential changes to the Business Town Centre Zone provisions to recognise the investment associated with existing uses, the benefits they can provide to the community and the need for them to be maintained and upgraded from time to time.
5. As detailed in my primary evidence, the alternative is the option I support.
6. The recommendation, at para 190 of the s42A report, is to reject the Z Energy submission and retain the Business Town Centre Zone. No changes are recommended to the Business Town Centre Zone provisions.
7. The reasons for the recommendation, given at para 177, of the s42A Report are:

177. In my opinion, the site should remain as Town Centre Zone and be subject to the associated standards and policies. This reflects the likely, future character of the area. This opinion stands, even if the relief sought of amendments to relevant policies and standards is rejected. Site-specific design issues, should Z Energy wish to redevelop their [sic] site, can be addressed through the resource consent process.
8. This does not address the alternative relief sought, nor the issue identified in both Z Energy's submission and addressed in my primary evidence: that redevelopment of

¹ Note that the Z truck stop site is currently zoned 'Business' in the Operative Waikato District Plan.

the Truck Stop cannot be addressed through the resource consent process because it is both inherently contrary to the aspirational policy intent for the Business Town Centre Zone and restricted by the plan provisions, including standards. Mr Mead has not provided any evidence to the contrary. Nor has he provided evidence to the effect that he has relied on the Business Town Centre Zone hearings to address the alternative relief. My view is that the alternative relief has to be considered in the context of the primary relief, which was a change in zoning, and is therefore appropriately addressed at this hearing. It would, in my opinion, have been pre-emptive to have addressed the alternative relief at the Business Town Centre Zone hearings as changes to that zone's provisions will not be required in the event that the rezoning sought is granted.

9. Policy 4.5.18 is particularly problematic in this regard, as it requires all development to achieve a range of urban design principles, such as discouraging vehicle access across footpaths; the provision of verandahs sheltering footpaths; and the location of development up to the street boundary. None of these outcomes can be achieved by a truck stop activity, and nor could they be achieved by any upgrade / alteration of the existing Z Pokeno Truck Stop, with the implication that such activities would likely be assessed as contrary to the policy requirement, generating adverse effects and unable to be granted consent.
10. I recognise that with the growth of Pokeno the Council is seeking to apply the Business Town Centre zone to facilitate a certain type of development and land use activity. A problem arises insofar as that outcome is aspirational and intended to be achieved over time. It fails to recognise, and indeed discourages, legitimately established activities during the transitional period between what is current and what is an outcome envisaged to occur over time. This does not recognise the value of existing investment, or the role the existing truck stop plays in supporting the vitality and viability of the Pokeno centre. It may also discourage investment in existing activities, which will adversely affect the amenity and character of the Town Centre without necessarily speeding up the transition.
11. Amendment of the Business Town Centre Zone provisions, as sought, will enable existing land uses, such as the Z truck stop, to continue, while not preventing the Council's desired outcome occurring at some point in time. Specifically, the wording changes sought in my primary evidence are intended to enable a reasonable assessment of the ongoing truck stop activity (and any upgrade / alteration proposals) while it is in place, but to signal that over time and in the event of the truck stop exiting

the site, any new activity would have to comply with the urban design outcomes sought for the zone.

12. As such, I urge the Hearings Panel to accept the submissions of Z Energy and to amend the Business Town Centre Zone provisions, consistent with the relief sought in my primary evidence, to appropriately manage the use, development and protection of the existing use and development at this site.