

SECTION 42A REPORT

Rebuttal Evidence

Hearing 25: Rezoning – Rest of District – Rebuttal Addendum

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Date: 20/05/2021



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I Rebuttal Evidence for Andrew and Christine Gore [330]

1. Andrew and Christine Gore, submitted their rebuttal evidence to the Waikato District Council on Tuesday 11 May 2021, ahead of their 17 May 2021 extension date. The Gores sought an extension date as their submission had not originally been covered in my s42A report and was only later addressed in an amendment to the s42A report.
2. I have read the Gore's rebuttal evidence and I confirm that my reasons set out in my s42A Addendum and recommendation to reject their rezoning request remain unchanged¹.
3. The Gore's land falls under an urban expansion area (UEA) overlay and therefore subdivision of their land to create additional lots is prohibited (Rule 22.4.1.11 PR1). The Gores outline in their rebuttal evidence that it is unreasonable for Council to encumber their development rights in this manner and that it is unreasonable to leave land for over 10 years without a plan (noting that HCC or WDC have not completed any structure planning for the area). While I am sympathetic to the Gore's situation, I am mindful that rezoning land within the UEA for Country Living activities is an outcome that is directly in opposition to the purpose of the UEA which is there to preserve the potential of land to be urbanised in a coherent and integrated manner. I consider that if land development in the UEA is enabled at a site specific level, ad hoc development may occur in a manner which does not meet the urban development outcomes intended for the District such as compact, sustainable, good quality urban environments which utilise land and infrastructure most efficiently in existing urban environments with capacity (Objectives 1.12.8(b)(i),(ii) and (iii)) of the PDP).
4. The Gores outline in their rebuttal evidence that they do not consider that HCC intensive urbanisation is the best outcome for the area and that applying the CLZ would prevent the natural character of the area being lost to intensive urbanisation. They also outline their sustainability, biodiversity and overall long-term intentions for their land. While intensive urbanisation may (or may not) be the best outcome for the area, there is not a lot of evidence to support rural-residential development in the area at this time. Conversely, the WRPS, Future Proof 2009 and 2017 and the Strategic Boundary Agreement between Hamilton City Council and Waikato District Council all identify the land as being a future growth area and therefore I believe that growth at a higher density is anticipated in this area. In this regard, I am aware of Policy 6.17 of the RPS which recognises the pressure for rural residential development particularly in areas within easy commuting distance of Hamilton. Implementation method 6.17.1 of the RPS requires "strictly limiting rural-residential development in the vicinity of Hamilton City".
5. My opinion is that the land should retain its Rural Zoning at this time so that development at a greater density is not compromised when the land is transferred to Hamilton City Council in the future.

¹ Section 42A Hearing 25: Rest of District Addendum (paragraphs 77 – 85)