

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

**IN THE MATTER** of Hearing Submissions and  
Further Submissions on the  
Proposed Waikato District Plan  
(Stage 1)

**AND**

**IN THE MATTER** of the Proposed Waikato District  
Plan – Hearing 25: Rezoning

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**REBUTTAL STATEMENT OF  
EVIDENCE BY JACOB ROBB ON  
BEHALF OF SUBMITTER 292 -  
DAVID AND BARBARA  
YZENDOORN**

**(SUBMISSIONS 292.4 AND 292.6)  
HEARING 25: REZONING**

**DATED 3<sup>rd</sup> DAY OF MAY 2021**

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## **Introduction**

1. My name is Jacob Robb. I am a Resource Management Planner currently employed by Blue Wallace Surveyors Ltd (BWS). I hold a bachelor's degree in Environmental Planning from the University of Waikato, and I am an intermediate member of the New Zealand Planning Institute.
2. I have 3 years' experience in planning roles. I have previously worked for GMD Consultants summarising submissions for Variation 1 of the Waikato Regional Council's Healthy Rivers Plan change. I have been employed by Blue Wallace Surveyors Ltd for the past 2.5 two years where my experience has included submitting on plan changes and preparing resource consents for subdivision and land development within the Waikato Region.

## **Involvement in the project**

3. I have been asked to prepare rebuttal planning evidence on behalf of Submitter 292 Barbara and David Yzendoorn who have sought zone changes through the Waikato District Council (WDC) Proposed District Plan (PDP). Specifically, I will be representing Barbara and David for Submissions 292.4 and 292.6 as they relate to 1002 and 1012 Gordonton Road, Gordonton (respectively).
4. Whilst my involvement with these submissions is somewhat late in the process, I am familiar with the site having investigated possible land use consents for the property.
5. I confirm that I share the views of the Submitter 292 as they have outlined in Submissions 292.4 and 292.6, and the s32aa assessment previously provided.

## **Expert witness code of conduct**

6. Whilst this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with the code. My evidence in this statement is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter to detract from the opinions which I express.

## **Purpose and scope of evidence**

7. The purpose of my evidence is to respond to the matters raised by the Council Planner within the 'Rest of District' s42a report, and also to the relevant further submissions as they relate to Submissions 292.4 and 292.6.
8. Regarding the scope of this evidence, it is noted that the s42a report stated: "*In terms of 1012 Gordonton Road (submission [292.6]) I consider that it could be*

*appropriate to rezone this lot in principle but there is a level of detail that is lacking and if the submitter is able to provide such detail at the hearing then I am open to changing my recommendation".* In response to this request, **Appendix A** and **Appendix B** to this evidence have been provided. They contain comments and supporting information addressing the specific matters that the Council Planner sought be addressed. It is intended that this information be included as part of this rebuttal evidence on the basis that it responds to specific matters raised by the Council Planner.

9. It is considered appropriate that the rebuttal evidence for submissions 292.4 and 292.6 be combined as the sites are abutting and essentially comprise a single piece of land. My evidence will, however, be split into two, to separately address the individual submission points (292.4 and 292.6).
10. My evidence for submission 292.4 will address the following:
  - Comments on matters raised by the Council Planner in the s42a report.
  - Comments on matters raised within the further submitter evidence FS1277 Waikato Regional Council (WRC).
  - Comments on matters raised by the further submitter FS1379 - Hamilton City Council (HCC).
  - Comments on matters raised by further submitter FS1386 Mercury NZ Limited.
11. My evidence for 292.6 will address the following:
  - Comments on matters raised by the Council Planner in the s42a report.
  - Comments on matters raised by the further submitter FS1379 - Hamilton City Council.
  - Comments on matters raised by further submitter FS1386 Mercury NZ Limited.

### **Summary of evidence**

12. I generally concur with the assessment within the S42a report and the WRC further submission evidence as they relate to Submission 292.4, as both recognize the existing constraints and characteristics of this property for rural land use and see sense in converting the land to be Residential Zoned.
13. I oppose FS1379 from HCC as it relates to Submission 292.4, as I consider the further submission point presents a high-level blanket submission that has not adequately considered the existing characteristics of 1002 Gordonton Road.

14. Regarding Submission 292.6, I oppose the recommendation of the Council Planner to decline this submission; however, I understand the reason for doing so.
15. In response to the comments within the s42a report, if it pleases the Hearings Panel, I have supplied the further evidence that was requested by the Council Planner within **Appendix A** and **Appendix B** of this evidence. With reliance on this, I consider that the site can be suitably converted to residential land.
16. I disagree with the further submission (FS1379) from HCC in that the rezoning of this land should not go ahead due to the Metropolitan Spatial Plan (MSP) and Auckland to Hamilton Corridor Plans (A2HCP) not being fully completed. I consider this approach to be a 'blanket' approach that is too heavy handed and formed without adequate consideration of the existing characteristics of the Site and surrounding environment.

**Submission 292.4 - Comments on s42a report**

17. Regarding submission 292.4, I concur with the assessment made by the Council Planner within the s42a report that this site is appropriate to be rezoned to residential land.
18. In particular, I agree that the site being relatively small, already developed, located abutting Residential Zoned sites and of similar size to these abutting sites, makes it appropriate and logical to be zoned Residential rather than Rural where it could serve no productive rural purpose.

**Further submission (FS1277) WRC**

19. It is noted that the Waikato Regional Council (WRC) made a further submission in opposition to Submission 292.4 but then submitted further submission evidence that was neutral on this submission point. As the further submission evidence is the most recent, I consider it the most valid.
20. I generally concur with the comments made in the further submission evidence from the WRC where they amended their initial further submission to now be neutral on the zone change. I form this opinion as the further submission evidence identifies that the change of this zoning will result in consistency with the surrounding locality.

**Further submission (FS1379) HCC**

21. HCC has sought to disallow the zone change as it considers it would be premature in consideration of the incoming MSP and A2HCP.
22. Whilst I understand the need to restrict urban expansion in the absence of higher-level planning direction, I note that both the current MSP and A2HCP documents that have been finalised since the submission of the HCC further submission do not specifically consider the Gordonton township. The only reference to Gordonton is simply "... and Gordonton are not identified in the MSP for metro-scale growth. It is

*assumed that growth in these areas will continue in line with district and Future Proof land use planning*". Considering that the current versions of these documents have been finalised, I disagree with the comments from HCC that rezoning this land is premature. Additionally, the land is identified within the 2017 Future Proof Strategy, and hence, I consider the conversion of this site to residential land to be in line with Future Proof land use planning.

23. Further, I disagree with the further submission (FS1379) to the extent that it presents a high-level blanket approach that lacks consideration of the existing characteristics of the site and surrounding environment. Due to the size of the site and the existing development it contains, I consider the site has no real potential to contain additional development that could in any way undermine or impede the implementation of any future spatial planning. I therefore disagree with FS1379, as it relates to submission 292.4 and prefer the assessment of this site under the s42a report and the WRC further submission evidence.

**Further submission (FS1386) Mercury NZ Limited**

24. The Mercury NZ Limited further submission relating to 292.4 relates to the lack of flood risk information that was available at the time further submissions were lodged. It sought to avoid additional development by opposing additional residential zone changes until this information could be considered.
25. It is noted that the PDP Stage 2 maps are now available, and the site of Submission 292.4 is not affected by this flood mapping. In consideration of this and due to the site already containing development, I form the opinion that allowing Submission 292.4 will create no additional flooding risk for the site. I therefore disagree with this further submission.

**Submission 292.6 - Comments on s42a report**

26. I have reviewed the 'Rest of District' s42a report and in particular the comments relating to Submission 292.6. The comments from the Council Planner (paragraphs 234 and 235 of the s42a report) include that whilst the land is identified within the indicative urban limits of high-level policy documents (Future Proof 2017 and WRPS), so far insufficient evidence has been provided to confirm that the site is appropriate to be converted to residential land. The submission was recommended to be rejected on this basis; however, the Council Planner acknowledged that the site could be appropriate to be converted to residential land if an additional level of detail could be provided at the hearing.
27. I concur with the Council Planners identification that the site features in the 2017 Future Proof Strategy and thus also the WRPS; however, I oppose the direction of the Council planner to the extent that the submission point is recommended to be

rejected.

28. As I outlined in paragraph 8 of my rebuttal evidence, I acknowledge the Council Planner's request for additional evidence to determine that this rezoning is appropriate. If it pleases the Hearings Panel, I have provided a response to the matters where the Council Planner indicated further evidence is required. In consideration of this assessment, and with reliance on the supporting information referenced, I consider that this site is appropriate to be converted to residential land.
29. I acknowledge the Council planners comment regarding a Future Urban Zoning, and I consider that this would be more appropriate than a Rural zoning due to the fact the site is inappropriate to be used for productive rural activities. Whilst this is noted, I consider that the site is most appropriate to be zoned Residential, as the urban boundaries would be well defined by the stream banks and the future development would be consistent with the existing characteristics of the Gordonton township and Future Proof Strategy.

#### **Further submission (FS1379) HCC**

30. The Hamilton City Council (HCC) further submission relating to Submission 292.6 is exactly the same as the further submission relating to 292.4, where (to paraphrase) it opposes additional zoning changes that could undermine the sub-regional aspirations which are being developed through the Auckland to Hamilton Corridor Project (A2HCP) and the Metropolitan Spatial Plan (MSP).
31. I disagree with this further submission for the same reasons I outlined in paragraph 24 and 25 of my evidence.
32. To elaborate, this site is small at 2.5ha, thin and irregularly shaped, has topography, access is limited, and it is subject to some wetness limitations. As a result of these constraints, I do not consider that the site presents a strategically important piece of land. I also do not consider that this is a piece of land that might have adverse influence on the surrounding area if it were to be converted to residential land due to the potentially limited yield.

#### **Further submission (FS1386) Mercury NZ Limited**

33. Regarding the further submission from Mercury NZ Limited, it is noted that Submission 292.6 is opposed for the same reasons that Submission 292.4 is opposed.
34. As I have outlined previously in this evidence, the PDP Stage 2 planning maps have been released, and the maps do not identify any flood risk for this site.

35. I note that this site is currently undeveloped and there are lower lying areas on the property; however, it is also expected that any future subdivision would be subject to assessment by Council and would be accompanied by a s106 Natural Hazards assessment with recommendations to manage any potential flood risk.

**Conclusion**

36. The purpose of my rebuttal evidence is to respond to the further submission points and s42a comments made in relation to Submissions 292.4 and 292.6.
37. As I have outlined, I generally concur with the further submitters and Council Planner where they acknowledge the existing characteristics of these sites; however, I disagree with them where they oppose these submissions based on high-level considerations where, in my opinion, the existing site characteristics of these sites have not been adequately considered.
38. I consider that the evidence provided to date in support of Submission Points 292.4 and 292.6 is sufficient to determine that 1002 and 1012 Gordonton Road are appropriate to be converted to residential land.

## Appendix A



## Appendix B