

BEFORE THE HEARING COMMISSIONERS

WAIKATO DISTRICT COUNCIL

IN THE MATTER OF The Resource Management Act 1991

AND

IN THE MATTER OF Submissions to the Proposed Waikato District Plan

**SUBMITTER REBUTTAL EVIDENCE – ANDREW WOOD FOR I & C THOMAS
(SUBMITTER #398) – PLANNING**

INTRODUCTION

1. My name is Andrew Wood and this document presents rebuttal evidence to the Section 42A report regarding Hearing 25: Zone Extents Rest of District – Hamilton Fringe (the s42A report) prepared by Susannah Tait dated 16 April 2021.
2. This planning evidence is specifically regarding the scope of the submission made by I & C Thomas (submitter #398).
3. This rebuttal evidence presumes that my previous evidence submitted as part of this District Plan review process is taken as read.

SUMMARY AND SCOPE OF REBUTTAL EVIDENCE

4. This evidence draws on my extensive experience in residential, urban and rural land development planning in Hamilton and the Waikato since 2007. I consider that I have a wealth of planning expertise to offer to the Commissioners in this District Plan review process.
5. I consider there to be some fundamental flaws in the s42A report conclusions particularly regarding:
 - a. The definition of an urban environment and use of the term “urban” interchangeably across multiple documents (including the Operative and Proposed District Plans, Future Proof, the WRPS and the NPSUD). This is because the interpretation has heavily influenced the conclusions made regarding Matangi and specifically the submission. In particular the existing and proposed District Plan framework define a CLZ to not be an urban environment;
 - b. The s42A report seems to on balance, acknowledge that there is plenty of policy level support for rezoning in Matangi for rural residential development in the PDP, Future Proof and WRPS, however the balance of their position appears to have been influenced by the NPSUD. I do not share the same interpretation of the NPSUD in that it genuinely considers growth of small rural villages in New Zealand, such as Matangi Village, as an urban environment by definition, and hence I consider much of the conclusions to be a direct result of this interpretation and thus flawed;
 - c. That rural residential zoning (CLZ) will impede any future planning potential for the area to become urban (i.e. residential) should infrastructure provision allow. The Rototuna suburb in Hamilton City (and to a lesser extent Peacocke) is a very similar recent example, whereby it was for a substantial portion of time zoned Future Urban, which enabled 5,000m² un-serviced lots to be created. At the

- time of infrastructure becoming available, a structure plan was created and now the suburb is almost entirely urban with nearly 20,000 residents;
- d. The s42A report recommends there to be “no growth” for Matangi (para 18). Creating no additional zoning for housing within Matangi and maintaining the existing Prohibited Activity framework will have adverse effects on not only the village environment of Matangi, but also the rural area in the wider vicinity;
 - e. The s42A report fails to acknowledge that the Matangi Dairy Factory rezoning is being supported by the corresponding s42A author and will create additional employment in Matangi Village. The s42A report therefore recommends no housing growth being hand in hand with employment growth. This is a poor planning outcome on many levels in my opinion;
6. My evidence has summarized the general themes of agreement and disagreement with the s42A Report and provides rebuttal evidence to support rezoning the subject site to Country Living.
 7. A summary of the key themes of the s42A report which I agree with are:
 - a. That development within the urban limits (as identified by WDC and Future Proof) is appropriate;
 - b. That urban development within the urban limits is appropriate;
 - c. That the loss of high class soils is acceptable given the policy framework, the sites’ location, and the fragmented nature of existing land within the urban limits; and
 - d. That rezoning land within the Matangi urban limits would be consistent with the specific rural residential principles listed in Section 6A of the WRPS (para 135);
 - e. That an urban zoning is appropriate for Matangi if infrastructure were available;
 8. A summary of the key themes of the s42A report which I disagree with are:
 - a. That a rural residential zoning is contrary to outcomes expected by the NPSUD;
 - b. The reliance on the NPSUD as a determining factor on whether to provide any rezoning in Matangi given large amounts of policy support in the PDP, Future Proof and the WRPS;
 - c. That rural residential zoning is not a suitable outcome for Matangi;
 - d. That a possible FUZ provides expectation on WDC to deliver infrastructure to land;
 - e. That maintenance of the existing rural zone is appropriate. No consideration of the inappropriateness of the existing zoning has been considered. The s42A

report does not consider whether it is appropriate to rezone land that is already characteristic of the area despite this being a clear resolution sought by the submissions (i.e. from Rural to CLZ);

- f. The s42A report states that the Council has “no intentions to expand the service capacity in Matangi” regarding wastewater (para 19). This only applies to the existing wastewater infrastructure and has not considered the document prepared for the Future Proof Partnership titled “*Hamilton Metro Spatial Wastewater Treatment Feasibility Study (Sep 20)*”. In all regional wastewater options considered in the report, every single option shortlisted includes wastewater reticulation for Matangi. The s42A report also does not acknowledge the recommendations in the s42A report for the Matangi Dairy Factory site that wastewater expansion is possible.
9. There is a housing crisis in this country and the Waikato is at the forefront of a shortage of supply of housing in a time where demand is unprecedented. This applies to all sizes and scales of housing. It cannot be fixed by simply adding some further residential zoning and medium density zoning to select areas of the District. Failing to zone an appropriate level and variation of land in both size and locality will exacerbate this problem. If the s42A report recommendations are upheld, no growth will be enabled in Matangi which I find deeply concerning as a planner.
 10. The s42A report acknowledges that demand for housing in this locale is high (albeit referring to Tamahere). If the Commissioners resolve not to enable further CLZ zoning, this demand for rural residential living will not disappear nor subside. The demand for rural residential living will shift from the absent CLZ to the Rural Zone where rural residential subdivision is still enabled by the PDP. I consider this to be a perverse planning outcome by enabling it to occur in an increasingly inappropriate location.
 11. I do not consider that the recommendations made by the s42A report are consistent with Part 2 of the RMA in that maintaining existing zoning of rural land in Matangi, which cannot reasonably be used for a practical productive rural use, will achieve sustainable management of the land resource in Matangi.
 12. The resolution sought by this submission is that:
 - a. The submission area be rezoned from Rural to CLZ;
 - b. In the alternative, that a future urban zoning be applied to the site.

REBUTTAL EVIDENCE

13. In this section I expand on the evidence and experience I submit to the Commissioners in support of rezoning the subject land from rural to CLZ.
14. At a high level, I disagree with many of the concluding points in the s42A report being a result of Matangi considered urban and potentially adversely affected the growth of Hamilton City (also noting the further submission made by Hamilton City). It is incomprehensible to see any future expansion of Hamilton City to the vicinity of Matangi Village given it is approximately 5km from the boundary as the crow flies. It is simply not realistic in the foreseeable future to anticipate urban growth of Hamilton to Matangi in a manner where development now could impact the growth of Hamilton City. In my opinion this is at least well beyond a 50 year time horizon and I consider that Hamilton City could not justifiably disagree with this. I therefore disagree with any conclusions that modest expansion of Matangi Village would have significant impacts on Hamilton City infrastructure.
15. Hamilton City in their further submissions state that any rezoning for rural residential zoning will have significant adverse effects on their city infrastructure. I disagree based on the scale of potential rezoning sought and that Hamilton City would support residential zoning should wastewater be provided. The submission does not seek any additional wastewater reliance from Hamilton City infrastructure. Any additional housing enabled in Matangi would therefore place additional demand on Hamilton City infrastructure over and above that enabled by a CLZ zoning.
16. The table below expands on the summary items in paragraph 8.

Rebuttal theme	Evidence
<p>14(a) That a rural residential zoning is contrary to outcomes expected by the NPSUD</p> <p>14(b) The reliance on the NPSUD as a determining factor on whether to provide any rezoning in Matangi given large amounts of policy support in the PDP, Future Proof and the WRPS</p>	<p>I do not believe that the NPSUD restricts the ability for rural residential zoning.</p> <p>Rural residential living is inevitable, and it is appropriate that its location is controlled. This is a clear policy direction in the ODP, PDP, Future Proof and WRPS. The NPSUD does not seek to override any such policy direction for this type of housing. The focus should therefore be on ensuring rural residential</p>

	<p>development occurs in appropriate locations. Future Proof and the WRPS provide a clear policy direction that this should be within urban limits identified in the WRPS.</p> <p>Housing affordability is not limited to affordable housing as implied in the s42A report. Housing affordability applies to all scales of housing, including rural residential living. I find it pertinent to note that at para 39 the authors uses a reference to a median house price, one that has changed since the date of the report from \$1.3m at 16 April 2021 to \$1.47m as at 2 May 2021 (a 13% increase). The trend of recent house prices is more important in my opinion and reducing supply will increase the price (or inaffordability). In addition, and equally concerning in my opinion is that all of this resulting demand for rural residential living is directed to the Rural Zone, where I consider it to be inappropriate when compared to potential CLZ zoning in a rural village environment.</p>
<p>That rural residential zoning is not a suitable outcome for Matangi</p>	<p>The s42A report deems that residential or FUZ is more appropriate for Matangi but these are not achievable given that lack of infrastructure available.</p> <p>I disagree with this position with the consideration of the FUZ in particular. Hamilton's FUZ is a direct example of</p>

	<p>appropriate objectives, policies and rules which clearly outline when and how development can occur. It is not justified to state that zoning land FUZ results in pressure on Council to deliver infrastructure.</p> <p>In my opinion, a CLZ will better uphold the provisions of Part 2 of the RMA. This will allow a relatively small scale of increased residential density which provides for a more efficient use of the land resource compared to the existing rural zoning. The evidence of Mr Dave Miller submitted in support of the submission outlines that it is not practical or possible for productive rural activities to occur on the piece of land.</p> <p>The existing density in the submission area is 1.67ha per dwelling. This is entirely consistent with a rural residential zoning.</p>
<p>That a possible FUZ provides expectation on WDC to deliver infrastructure to land</p>	<p>These statements made in the s42A report are not justified. WDC as recently as 2017 in Plan Change 6 to the ODP (if I recall correctly) rezoned numerous tracts of land in and around existing towns and villages to Living Zone. Of relevance, areas of land in Horotiu and Ngaruawahia included un-serviced residential zoned land. I also refer to HCC's policy framework for their FUZ whereby clear infrastructure requirements are to be met before development can occur.</p>

	<p>I maintain that a CLZ can be appropriately developed in an interim manner with onsite infrastructure provision, and that when urban infrastructure is available, rezoning to enable urban development is appropriate.</p>
<p>That maintenance of the existing rural zone is appropriate. No consideration of the inappropriateness of the existing zoning has been considered. The s42A report does not consider whether it is appropriate to rezone land that is already characteristic of the area despite this being a clear resolution sought by the submissions (i.e. from Rural to CLZ)</p>	<p>I do not consider that the existing environment has been appropriately considered in the s42A report. It is referred to at para 144 only and dismissed as being inappropriate without justification. The character and amenity of the subject land is fundamentally rural residential and I believe these important values have not been considered in the s42A report.</p> <p>Evidence has been submitted which states that rural productive activities cannot occur on the subject land. Residential subdivision development is otherwise prohibited in the Rural Zone. A prohibited activity status should be restricted to the most severe adverse effects for which are irreversible. The s42A report recommends this as being appropriate in this context.</p> <p>The existing density of the submission area is rural residential and this cannot be disputed. The proposed zone framework will result in rural residential housing demand being entirely focused to the Rural Zone, it will unduly restrict</p>

	<p>the land for permitted rural activities, which are inappropriate, and reduce appropriate land for housing to be used for housing.</p>
<p>The s42A report states that the Council has “no intentions to expand the service capacity in Matangi” regarding wastewater (para 19). This only applies to the existing wastewater infrastructure and has not considered the document prepared for the Future Proof Partnership titled “<i>Hamilton Metro Spatial Wastewater Treatment Feasibility Study (Sep 20)</i>”. In all regional wastewater options considered in the report, every single option shortlisted includes wastewater reticulation for Matangi. The s42A report also does not acknowledge the recommendations in the s42A report for the Matangi Dairy Factory site that wastewater expansion is possible</p>	<p>The s42A report does not consider the identified report. Whilst it does not actually plan or implement infrastructure provision, it is clear that planning is in place for future infrastructure provision which has a clear impact on Matangi with its end result being wastewater reticulation.</p> <p>In addition, the s42A report for the Matangi Dairy Factory has enabled provision for appropriate onsite infrastructure for a rezoned area. These reports are therefore conflicting in this context.</p>