

**UNDER**

the Resource Management Act 1991  
(“**RMA**”)

**IN THE MATTER**

of Waikato District Plan Review– Hearing 25  
Zone Extents.

**STATEMENT OF EVIDENCE OF FRASER McNUTT ON BEHALF OF VANESSA GIBSON  
and COLETTE BROWN**

**[Submission 131]**

**[PLANNING]**

**1. INTRODUCTION**

- 1.1 My full name is Fraser Guy McNutt. I hold the position of Associate/Consultant Planner at Barker & Associates Limited, an independent planning consultancy based in Auckland; a position which I have held since August 2019. I manage and employ the services of four staff within the Waikato branch of the company situated in Hamilton City.
- 1.2 I am a Full Member of the New Zealand Planning Institute. I have a Bachelor in Social Sciences (Resources and Environmental Planning) (REP) from the University of Waikato. I have 14 years’ experience in Resource Management Consenting and Local Government.
- 1.3 I have been commissioned by Vanessa Gibson and Colette Brown (**Brownie Investments**) of whom are the owners of 6257 Great South Road (**subject site**) to prepare this statement of evidence to address matters raised in their respective submissions to Waikato District Council’s (“**WDC**”) District Plan review.
- 1.4 I note I was not party to the original submissions made, nor gave advice on or to those submissions as my engagement came some months after.
- 1.5 In preparing this statement I have reviewed:
- (a) The Council’s Section 42A Hearing 25 Zone Extents Framework Report.
  - (b) WDC Population, Household and Land Supply Capacity Report – December 2020

- (c) Waikato 2070
- (d) Business Development Capacity Assessment 2017 prepared for Future Proof Partners Hamilton City, Waikato District, Waipa District.

### **CODE OF CONDUCT**

- 1.6 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **SCOPE OF EVIDENCE**

- 1.7 My evidence will address the following:
- (a) Context and background
  - (b) An overview of request from Vanessa Gibson and Colette Brown to retain the Residential Zoning of the property at 6257 Great South Road, Horotiu (Submission 131.1).
  - (c) Relevant statutory and policy provisions
  - (d) Planning Analysis
  - (e) Comment on issues raised by submitters relevant to my area of expertise
  - (f) Provide a brief conclusion

### **EXECUTIVE SUMMARY**

- 1.8 This evidence has been prepared in support of submissions from Brownie Investments in support of the proposed zoning of 6257 Great South Road, Horotiu from Country Living zone (with Horotiu Acoustic Amenity Overlay) to Residential Zone.
- 1.9 In my view, the proposed rezoning of 6257 Great South Road, Horotiu to Residential Zone is in keeping with the strategic direction set out within the Future Proof Strategy, Waikato 2070 Horotiu Development Plan and the Proposed Waikato District Plan

(PDP), as will enable efficient use of land within the village limits and in close proximity to Hamilton.

- 1.10 The rezoning is consistent with the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plans which signal and anticipate the change in zoning of the site from Country Living to residential. This is to ensure the zoning pattern is more compatible with the existing school and residential lifestyle present in this area.
- 1.11 Future residential development within the subject site is well situated to access amenities including schools, employment areas and retail within the Te Awa Lakes Plan Change Area. Horotiu is earmarked through Waikato 2070 as a future specialised business and industrial area for which residential zoning and living is essential to support local employment. The subject site is highly connected to Hamilton City via the Horotiu interchange and the Te Awa Cycleway. Furthermore, the subject site is sufficiently separated from existing industrial areas and any potential for reverse sensitivity will be managed through the proposed Acoustic Area (Horotiu) Overlay and appropriate planning framework through future land use and subdivision consents.

## **2. CONTEXT AND BACKGROUND**

- 2.1 The subject site is proposed to be rezoned from Country Living zone under the Waikato District Operative Plan to Residential Zone within the Proposed Waikato District Plan. The site is also proposed to be subject to the Acoustic Area (Horotiu) Overlay to mitigate noise effects from the adjacent industrial land uses on dwellings. My Clients have submitted in support of the proposed rezoning of the subject site on the basis that residential zoning would provide future housing opportunities for local employment, proximity to key transport routes and services and close to the local School.
- 2.2 The subject site is square in shape and has generally flat topography, contains a single dwelling close to Great South Road and a secondary dwelling. The site is approximately 5.5669 hectares and is largely flat and relatively free of vegetation. It is bound by rural residential uses to the south and east. The Horotiu Primary school and a car parts business adjoin the northern boundary.
- 2.3 To the south and adjacent to Great South Road is Industrial use which is proposed to remain through the proposed zoning while the adjacent northern property is currently zoned Business, which is also proposed to be retained via the PDP.

- 2.4 As discussed further in Section 3.15 the proposed change in zone is consistent with the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan as it is also with Waikato 2070.

### **Horotiu Village Context**

- 2.5 Horotiu is a smaller satellite settlement strategically located in the area to the north west of Hamilton at the junction of Great South Road, Horotiu Road and Horotiu Bridge Road (a key crossing point over the Waikato River). Since 2011 Horotiu has been identified as a significant industrial node and is scheduled for intensive industrial development with Ports of Auckland being a prominent anchor presence as a container handling facility with direct rail access.
- 2.6 Existing industrial development within Horotiu currently extends along the west of Great South Road. The industrial development is anchored by the RX Plastic facility at the junction of Horotiu Road and Great South Road in the north, and the Waikato Milking Systems facility in the south. While there are established industrial activities to the north of Evolution Drive within the proposed Heavy Industry zoning, much of the proposed Industrial Zone to the south of Evolution Drive is still vacant.
- 2.7 The eastern side of Great South Road, where the subject site is located, is characterised by a mix of land uses. There is established residential sites, rural residential sites and a few businesses. Horotiu Primary School and Playcentre is located along Horotiu Bridge Road and is a key focal point for the village. The north-eastern extent of the Horotiu village is bound by the Waikato River. Currently rural/rural residential uses are located adjacent to the river. There is also the Te Awa cycleway which can be accessed from Horotiu Bridge Road and extends to Hamilton City and beyond.
- 2.8 The Te Awa Lakes Plan Change Area is located south of the Horotiu interchange. A private plan change was lodged by the applicant with Hamilton City Council (HCC) on 28 July 2017 to rezone the industrially zoned land to enable a range of activities at the site associated with establishing a tourism and recreational destination for the region, supported by new residential and business uses.
- 2.9 On 28 February 2019 the Minister of Housing and Urban Development advised the Council that the Special Housing Area had been declined and recommended to the Council that Te Awa Lakes be advanced through the private plan change process. On

29 April 2019 the applicant reactivated the plan change, and supplementary information was provided to HCC by the applicant as requested by HCC.

- 2.10 Subsequently the Plan change has since been approved by a Panel of Independent Hearings Commissioners which will provide for the transformation of an unused industrial site into a mixed-use development with circa 800 dwellings, retail shops, an adventure park and accommodation.

### **3. STATUTORY AND POLICY CONTEXT**

#### **National Policy Statement for Urban Development 2020**

- 3.1 In August 2020 the National Policy Statement on Urban Development (NPS–UD) came into effect replacing the National Policy Statement on Urban Development Capacity. The NPS–UD contains objectives and policies that require councils to carry out long term planning to accommodate growth and ensure well-functioning cities.
- 3.2 Under Policy 2 Tier 1 local authorities, which includes Waikato District Council, must provide at least sufficient development capacity to meet expected demand for housing in the short, medium and long term. Tier 1 local authorities must now set a bottom line in their plans, for the total development capacity needed to meet estimates for demand and additional margins as calculated in the Housing and Business Development Capacity Assessments (Policy 7). The term ‘bottom line’ replaces the previous use of ‘target’ under the NPS-Urban Development Capacity, to reflect that this is a minimum amount, and that more is better. The rezoning from Country Living to Residential will provide for future housing capacity in the region, thus giving effect to the NPS UD.
- 3.3 The Hamilton Tier 1 local authorities which include Waikato District Council have until July 2021 to complete their Housing and Business Development Capacity Assessment which will determine if the RMA planning documents are providing for sufficient development capacity within the region. It is anticipated however, that given the change in emphasis under Policy 2 to providing “*at least sufficient development capacity*” and the requirement for the assessment to include higher competitive margins, it is likely that the Housing Bottom Lines which will eventually replace the housing targets in the Regional Policy Statement (RPS) will more than likely increase. Given the density for Country Living zone sits at 5000m<sup>2</sup> minimum per Lot at present and with a zone change to residential, the density will likely increase to better provide for the anticipated outcomes the NPS UD seeks in providing housing capacity in the region.

## Future Proof Strategy

- 3.4 The Future Proof Strategy is a 30-year growth management and implementation plan specific to the Hamilton, Waipa and Waikato sub-region. The Strategy provides a framework to manage growth in a coordinated way across the sub-region by enabling the majority of development to occur within existing urban areas and towns. The Strategy also aims to achieve integration between the settlement pattern, environment, infrastructure and funding. The Future Proof Strategy was first adopted in 2009. Since adoption, Future Proof has been in an implementation phase and the Strategy has been embedded within relevant statutory documents, including the RPS which incorporates the Future Proof settlement pattern, key principles and urban limits. In 2015, Future Proof entered an update phase.
- 3.5 The population of the Future Proof sub-region is projected to reach between 371,000 and 411,000 by 2045. The Strategy provides for an additional, 99,000 to 137,000 people in sub-region from 2016 to 2045. The Future Proof Strategy aims to achieve around 80% of growth into Pokeno, Tuakau, Te Kauwhata, Huntly, Ngaruawahia, Raglan and various villages which include Horotiu.
- 3.6 Future Proof includes principles which guide how the sub region should develop into the future. Key principles that are relevant to future residential growth within Horotiu include:
- *Promote increased densities in new residential development and more intensive redevelopment of existing urban areas.*
  - *Encourage development to locate adjacent to existing urban settlements and nodes in both the Waikato and Waipa Districts and that rural-residential development occurs in a sustainable way to ensure it will not compromise the Future Proof settlement pattern or create demand for the provision of urban services.*
  - *Recognise and provide for the growth of urban areas and villages within indicative urban and village limits*
  - *Encourage development in established settlements to support existing infrastructure.*
  - *Ensure development is planned to support safe and efficient transport infrastructure, including public transport provision and reduced dependence on motor vehicles.*
  - *Recognise the need for stronger links between land-use and transport in respect of the settlement pattern and ensure capacity is matched with development potential.*
- 3.7 The Future Proof Strategy includes a settlement pattern which considers the mix of land-use, transportation and other infrastructure in an integrated manner. The

settlement pattern identifies the existing and future location of residential and business land. Future Proof seeks to achieve defined urban areas through imposing urban and village limits. Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Horotiu.

- 3.8 The Strategy identifies Horotiu Village as a Strategic Industrial Hub (*Horotiu North*) with supporting residential land use. Given the industrial focus of much of the growth in the village the Strategy notes that careful planning will need to be given to where the residential demand is located. The subject site is located within the village limits identified within Future Proof and thus appropriate for the proposed zoning of residential.

### **Waikato Regional Policy Statement**

- 3.9 The Waikato Regional Policy Statement (RPS) became operative in May 2016 and includes a strategic objective which ensures development in the built environment occurs in an integrated, sustainable and planned manner. In particular development of the built environment should be integrated with infrastructure and water planning, minimise land use conflicts and anticipate and respond to changing land use pressures outside the Waikato Region (Objective 3.12). As discussed, the urban development of Horotiu is consistent with Future Proof and can be provided with adequate infrastructure.
- 3.10 As previously discussed in paragraph 6.4 Future Proof has been embedded within the RPS and therefore there is a policy direction to ensure that new urban development within Horotiu is within the urban limits (Policy 6.14). Additionally, the policy direction for urban growth seeks to ensure that urban greenfield development will over time become more compact through setting density targets (Policy 6.15). Policy 6.15 requires 8 – 10 households per hectare for greenfield development in Waikato District's rural villages where sewerage is reticulated. The proposed planning densities for the residential zone are in line with this target and the planned infrastructure for Horotiu supports the zone change direction indicated via the proposed zone change from Country Living to Residential.

### **The Vision and Strategy for the Waikato River**

- 3.11 The Vision and Strategy for the Waikato River is a fundamental aspect of the WRPS that must be given effect to. The overall vision is captured in clause 2.5.1 which is: 'Our vision is for a future where a healthy Waikato River sustains abundant life and

prosperous communities who, in turn are all responsible for restoring and protecting the health and wellbeing of the Waikato river, and all it embraces, for generations to come.

- 3.12 As this evidence supports a the proposed rezoning of land to residential, it does not directly result in physical development and the associated effects, positive and negative. Rather, it qualifies development, with the development form being guided by District Plan provisions, and the future effects being administered by future detailed design and resource consents or alternatively anticipated via existing use rights or permitted activity status (for a new dwelling as an example).
- 3.13 This broad approach is consistent with the Vision, whereby the physical health of the river ('abundant life') sits alongside the non-physical 'prosperous communities' and the shared responsibilities for restoring and protecting it.

**Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan 2017**

- 3.14 The Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan (the Structure Plan) provides guidance regarding the staged release of greenfield land. In particular it provides a strategic and spatial framework for future land uses, open space, transport and utility networks within the six settlements over the next 30 years till 2045.
- 3.15 The Structure Plan projects that the population of Horotiu will grow from 830 in 2015 to 1390 in 2040. The Structure Plan identifies key moves for Horotiu including:
- *Rezone rural land between Horotiu Bridge Road and Washer Road to residential;*
  - *Establish a retirement village near Horotiu;*
  - *Better walking and cycling connectivity through the settlement; and*
  - *Connect new residential to reticulated water and sewage services*
- 3.16 The Structure Plan proposes a fairly limited expansion of Business, Living and Country Living zones within Horotiu. The biggest change proposed for the village is the rezoning of an existing undeveloped area around the primary school from Country Living to Residential. This area includes the subject site. The Structure Plan notes that the reason for the proposed change is to make the zoning more compatible with the existing school and residential lifestyle present in this area. This is even more



compatible with the existing and proposed residential development opposite the primary school. The structure plan also indicates greater landuse for industrial use, more precisely an industrial park for which the proposed zoning will amend predominantly on the north eastern side of Great South Road which is indicated as being used for 'future residential expansion'.

- 3.17 Development of the new residential areas will require extensions to existing water and wastewater reticulation system and consideration of the capacity constraints of the existing reticulation pipes. As there is no current wastewater pipe through the new residential area the Structure Plan confirms that development of this area will depend on the prior completion of the proposed new wastewater pipeline along Horotiu Bridge Road expected between 2018-2020.
- 3.18 The Structure Plan concludes that Development of the new residential areas should be mindful to include provision for good road and footpath connectivity to enable residents to walk through the area to gain access to services and amenities like the school, shop, playground and river. In addition to roadside footpaths a more informal walkway system should be developed where possible along the stream line and other open space areas through the new residential area. All of which can be achieved through the rezoning to residential. The structure plan also notes, importantly that the strategically important industrial area will continue to develop as and when these lots are taken up which I concur with.

#### **4. PLANNING ANALYSIS**

##### Planning Opportunities for Residential Development to the Site

##### **Existing Site Features**

- 4.1 As previously discussed in paragraph 5.2 the site is approximately 5.5669 hectares and is largely flat and relatively free of vegetation. The surrounding land use is gradually transitioning from rural/rural residential to a mixture of urban uses. The proposed Residential Zoning offers an opportunity to consolidate the urbanisation making efficient use of land within the village.
- 4.2 Along the northern boundary of the site are established urban uses including the Horotiu Primary School, which will be more compatible with residential use than the current industrial zoning.

### **Access to Amenities and Employment**

- 4.3 Future residential development within the subject site is well situated to access amenities. The Horotiu Primary School and Playcentre adjoins the northern boundary of the site. There are opportunities with the redevelopment of the site to create new pedestrian and cycle connections to the school. The site is also within 300m of the Te Awa Cycleway (*Te Araroa Trail*) which provides for recreation and access to Hamilton City (south) and Ngaruawahia (north).
- 4.4 Future residents will be able to access employment opportunities within industrial area to the west of Great South Road.
- 4.5 The site will be serviced by existing retail development in Horotiu as well as retail that is being developed as part of the Te Awa Lakes housing development. The Horotiu interchange provides the subject site with access to Hamilton City.

### **Availability of Infrastructure**

- 4.6 Structure Planning has been undertaken for the Horotiu Village to determine the appropriate location and staging of urbanisation. As discussed in 5.3 of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan, development of the new residential areas within Horotiu will require extensions to existing water and wastewater reticulation system. While there is no current wastewater pipe through the new residential area within Horotiu the Structure Plan has confirmed that development of this area can be serviced by the proposed new wastewater pipeline along Horotiu Bridge Road expected to be completed between 2018-2020.

### **Separation between Incompatible Land Uses**

- 4.7 While there is existing industrial development and extensive industrial zoning anticipated in the immediate area along Great South Road there are proposed mechanisms within the plan to manage any reverse sensitivity. In particular residential development on the site is proposed to be subject to the Acoustic Area (Horotiu) Overlay. This overlay requires dwellings to have acoustic insulation to mitigate noise from the Horotiu Industrial Zone.
- 4.8 Furthermore, the Northgate Business park development which is establishing within the Horotiu Industrial Zone is setback from the highway. The setback incorporates landscaping which improves the visual appearance when viewed from the site. The

heavy industrial uses which will have a greater effect on residential amenity are proposed to be located further north of the site in the Heavy Industry zone.

- 4.9 The car parts business which adjoins the site is proposed to be zoned Business. This current use of this site has low visual amenity. The visual amenity effects on future residential development of the subject site can be mitigated through adequate screening and other design responses which will be determined through the subdivision and land use consent process.

#### **Consistency with the Regional Policy Statement and Future Proof**

- 4.10 Of most relevance are of the objectives and policies of the RPS for the Built Environment which are outlined within Paragraph 6.9 to 6.11. The strategic direction of Future Proof is embedded within the RPS objectives and policies for the built environment. The subject site is included within the RPS and Future Proof village limits for Horotiu. Therefore, it is consistent with Policy 6.14 of the RPS. Additionally, the proposed Residential Zoning is consistent with the policy direction of Policy 6.16 as it is a more efficient use of land within the village limits and in close proximity to Hamilton than the application of a Country Living zone as exists at present.

#### **Consistency with the Proposed Waikato District Plan Strategic Direction for Growth**

- 4.11 The strategic objectives and policies seek to consolidate future settlements around existing towns and villages in the district and locate urban growth areas where they are consistent with Future Proof (Objective 4.1.2 Policy 4.13(b)). The strategic policy direction for Horotiu seeks to ensure that future residential development is connected to the existing village, does not affect strategic transport infrastructure or existing local road network, protects the strategic industrial node and ensures development is consistent with the Structure Plan (Policy 4.1.16).
- 4.12 In my view the proposed Residential Zoning of the subject site is consistent with this strategic direction as it will enable future residential development to be consolidated within the existing urban limits of Horotiu.

### **5. Comments on Submissions and further Submissions**

- 5.1 Generally, the submissions received were in support of the proposed zone change. The submissions sight the close proximity of the Horotiu School, services, housing capacity and good connectivity for roading, cycling and pedestrians.

5.2 Given the nature, content and general support shown by the submissions in favour of the change in zone for our subject site, I have not provided further analysis or commentary as they are in line with my clients support for the rezoning of the land to residential.

## **6. CONCLUSION**

6.1 Overall, I consider that the proposed Residential zoning of the site at 6257 Great South Road, Horotiu appropriately achieves the purpose of the RMA, higher order objectives of the RPS and Waikato 2070. The proposed Residential Zoning also gives effect to the NPS UD 2020 and will provide much needed housing capacity for the region.

**Fraser McNutt**

A handwritten signature in black ink, appearing to read 'Fraser McNutt', written in a cursive style.

**February 2021**