

BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED
BY WAIKATO DISTRICT COUNCIL

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

AND

IN THE MATTER of the Proposed Waikato District Plan

BETWEEN Mr S. Upton

Submitter (756)

AND WAIKATO DISTRICT COUNCIL

STATEMENT OF REBUTTAL EVIDENCE OF GRANT ROBERT ECCLES

Dated 03 MAY 2021

INTRODUCTION

1. My full name is Grant Robert Eccles.
2. My qualifications and experience are set out in my Evidence in Chief dated 09 March 2021. For brevity I do not repeat them here.
3. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and I have complied with it when preparing this rebuttal evidence. Other than when I state that I am relying on the advice of another person, this 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 that I express.

Purpose of this evidence

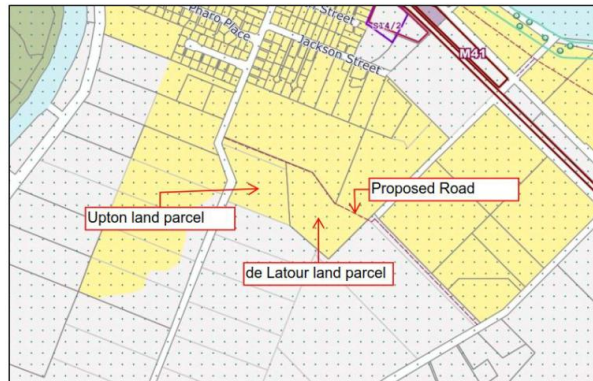
4. This rebuttal evidence responds to recommendations set out in the Zone Extents s42A report dated 16 April 2021 for Ngaruawahia, Horotiu and Taupiri that relate to Ngaruawahia South (section 7 of the s42A report).

The S42A recommendations

5. The s42A report (paragraph 175, page 68) recommends that Mr Upton's submission points requesting an amended residential zone boundary be rejected, and recommends that the submission points made by Waikato District Council (seeking to correct a mistake in the location of the as-notified boundary of the Residential Zone) be accepted. The mistake was that the as-notified zone boundary in the Proposed District Plan did not follow the zone boundary set out in the Ngaruawahia Structure Plan as was the undertaking from Council.
6. While I disagree with the s42A recommendations on Mr Upton's submission points, if the hearings commissioners are minded to agree with the recommendations, it is important that at the very least the zone boundary mistake be properly corrected.
7. Unfortunately, neither the boundary sought in the Waikato District Council submission nor the recommended boundary in the s42A recommendation maps (see paragraph 176 of the s42A report) actually correct the mistake. Appendix A

to my Evidence in Chief sets out graphically where the corrected boundary should run if the mistake is to be properly corrected. That is, the residential zone should not only be removed from the parcel of land owned by the neighbouring landowner Mr de Latour, but also from the parcel of land owned by Mr Upton. I set out below these plans for convenience:

Proposed Waikato District Plan – As Notified Zoning:



Amended Zoning Sought by Waikato District Council Submission Point 697.461



Amended Zoning Sought to also remove Residential Zone from Upton land parcel (in the event that zone boundary set out in Figure 1 of attached evidence is not accepted)



8. I stress that none of the preceding discussion should indicate my acceptance of the s42A recommendations to reject Mr Upton's primary submission points. Even if the zone boundary mistake is finally 100% corrected, that would still see the zone boundary traversing the gully identified as a flood hazard area, and the higher ground that marks the transition to the rural zone to the south and provides visual linkages through to Puke-i-ahua. I maintain my view, for the reasons set out in my Evidence in Chief, that the most appropriate location for the zone boundary is at the top of the bank of the gully system that traverses the area.
9. I also raise a note of caution in terms of the s42A position that paragraph 173 that the site specific constraints of the Saulbery Road residential growth area can be dealt with at the time of subdivision. In my view, and as evidenced by the current consent cancellation issue (now subject to Environment Court proceedings) that Council is facing with the residentially zoned site opposite Puke-i-ahua, the absolute right time to recognise and address constraints is at the zoning stage.

CONCLUSION

10. Supplementary evidence from Mr Davey on his s42A Framework Report was issued on 28th April 2021. While rebuttal on that supplementary evidence is not due until 13 May 2021, I simply note at this point that the supplementary evidence from Mr Davey confirms the:
 - (i) point I made in my evidence in chief that the loss of some as-notified residential zone land from the Ngaruawahia south area (including from Mr Upton's property) will be compensated for and then some should a Medium Density Zone in central Ngaruawahia in the manner sought by Kainga Ora be accepted; and
 - (ii) the overall point that underlies both the evidence of myself and Mr Mansergh, and the representations that will be made at the hearing from Mr Upton, that in the effort to meet

capacity targets required by various higher order planning documents the need to achieve good planning outcomes as required by other higher order documents is equally relevant and should not be lost sight of.

11. I continue to maintain adjustment of the extent of the proposed residential zone, to the location identified in my evidence, will better recognise the natural and physical characteristics of the Saalbrey Road area, the consequences that may arise from retaining the Residential Zone boundary in its as-notified position, and finds a more appropriate balance between what the PWDP itself seeks to achieve, and the need for Council to find greenfield zoning in and around Ngaruawahia to satisfy its obligations under the higher order urban growth related planning documents.

Grant Eccles
MNZPI