

## **Before Independent Hearing Commissioners In Ngāruawāhia**

Under the Resource Management Act 1991 (the Act)

## **Summary Statement of Evidence of Marie-Louise (Miffy) Foley**

for Waikato Regional Council

## **1. Introduction**

1.1. My approach to evidence for this hearing was to set out Waikato Regional Council's (WRC's) overall position in relation to the recommendations made in the s42A report on the Future Urban Zone (FUZ) and Residential Medium Density Zone (MDRZ) and the requested rezonings, having regard to the statutory considerations, such as the National Policy Statement on Urban Development (NPS-UD), the Waikato Regional Policy Statement (WRPS), and policy and best practice considerations. I then provided my position on the specific rezoning requests (see primary evidence).

## **2. Original submission points.**

2.1. Three of WRC's original submission points were included in this hearing. These are:

- 81.15 and 81.17 – The 'live' zoning of new areas of land for urban development is of concern due to lack of certainty regarding infrastructure provision and does not give effect to the WRPS. I support the various s42A report recommendations to use the Future Urban Zone (FUZ) in these situations, which signals land is being considered for urban development but allows time for infrastructure planning and structure planning to be carried out.
- 85.152 – WRC suggested applying a new alternative residential or mixed use zone or overlay to the residential zone to provide a more intensive residential pattern around the business town centre zones at Huntly, Ngāruawāhia, Pokeno, Raglan, Te Kauwhata and Tuakau. I support the various s42A report recommendations for the application of the Medium Density Residential Zone (MDRZ) in these locations.

## **3. Further submission points**

- 3.1. WRC's further submission also opposed a large number of submission points requesting changes to the extent of zones in the notified district plan. My position on specific rezoning requests is set out in my original evidence. For the most part, the s42A report recommendations align with my position.
- 3.2. I am concerned with the focus in much of the evidence supporting rezoning requests being on the capacity aspect of the National Policy Statement on Urban Development (NPS UD) without any discussion or acknowledgement of the need for that capacity to contribute to "well functioning urban environments". Policy 6 of the NPS-UD requires that when decision-makers are making planning decisions that affect urban environments they have particular regard to:

*c) the benefits of urban development that are consistent with well-functioning urban environments*

- 3.3. Any rezoning requests, or release of land for development should address and implement the operative provisions of the WRPS, particularly those in Section 6 that direct district councils to plan for development within the predefined urban limits or where the development meets alternative land release criteria under implementation method 6.14.3.
- 3.4. A detailed spatial planning exercise has been undertaken for the Hamilton-Waikato area which comprises Hamilton City and its neighbouring towns, from Taupiri in the north to Cambridge and Te Awamutu in the south. The resulting Hamilton-Waikato Metro Spatial Plan (MSP) includes areas of the Waikato District such as Horotiu, Ngāruawāhia, Te Kowhai, and Taupiri; decisions on rezoning requests in these areas should be consistent with the outcomes of the MSP.
- 3.5. There is a lack of serviceability and planned infrastructure provision (particularly regarding hard infrastructure requirements and capacity for water and wastewater) in many rezoning request areas. This, along with appropriate flooding and drainage infrastructure, should be considered in a robust and strategic manner.

#### **4. Overall approach to rezoning requests**

- 4.1. While a more holistic strategic approach that defers rezoning requests to a future plan change would best align with WRC's position, in the event that this is not considered favourably by the Panel, I recommend the following approach in my primary evidence:
  - Areas identified in Waikato 2070 for higher densities in town centres should be zoned MDRZ.
  - Land should be live zoned where it is identified in Waikato 2070 and is consistent with the FP Strategy where:
    - the timeframe is 1-3 years, and
    - the timeframe is within 10 years and infrastructure is available or able to be provided within that timeframe.
  - All other areas identified in Waikato 2070 should be FUZ where it can be demonstrated that the alternative land release criteria of the WRPS can be met. This includes provision of infrastructure with the 10 year timeframe of the district plan.
  - Requests for additional country living and village zones should be rejected.

- 4.2. My position on the individual rezoning requests was included in my primary evidence. For the most part I support the s42A report recommendations, other than as set out in my rebuttal evidence as discussed below.

## 5. Rebuttal evidence

### Te Kowhai – Te Kowhai Airfield

- 5.1. WRC's submission raised concerns about the proposed rezoning of the Te Kowhai Airfield on the basis that the proposal represents a departure from the Future Proof settlement pattern and that further assessment was required. I acknowledge that the proposal is one that is unique to New Zealand, and as such, the demand is difficult to gauge. For this reason, in my primary evidence I opposed the rural residential zoning and requested that the rural residential component be removed or reduced until it can be demonstrated that there is a demand for airpark living on large lots at this location.
- 5.2. I also raise a procedural issue. The s42A report author (Mr Clease) references the Te Kowhai Airfield but notes that this is being dealt with through Hearing 17. This is not WRC's understanding of the process. We were advised that Hearing 17 was looking at the provisions that could apply while the merits of the zone itself would be dealt with through this hearing. On this basis, WRC did not participate on Hearing 17 as our concerns related to the application and extent of the zone, not the potential provisions. I respectfully ask the Panel to consider our position outlined in my primary evidence, and expanded on in my rebuttal evidence, when making a decision in relation to the Te Kowhai Airfield zoning.
- 5.3. Further, Mr Clease recommends that two parcels of land that adjoin the airfield at 158 and 176 Limmer Road be zoned for rural residential (submission points 92.1 and 645.1). I disagree with this recommendation. The Framework s42A report sets a clear position on rural residential zonings. The rural residential zoning is only being considered on the land associated with the airfield because it is part of the 'air park' and is a specific style of development that is tied to the airfield. Adding these other two parcels that are straight rural residential with no additional requirements or ties to the airfield is contrary to that position.

### Pokeno – CSL proposal

- 5.4. In my primary evidence I opposed CSL's rezoning request (submission point 89.1). The s42A report author (Mr Mead) has rejected the Country Living Zone (CLZ) which I support, but has

recommended rezoning of the Residential Zone component. I am opposed to the Residential Zone part of the recommendation.

- 5.5. Mr Mead has supported the rezoning of the residential component on the basis that it adjoins the “Munro Block” and will allow for integrated infrastructure planning. The submitter’s evidence and the s42A report acknowledge that there are wastewater capacity and water supply issues that need to be resolved for the live zoned Munro Block (and therefore for this land).
- 5.6. Given that this land has not been identified in Waikato 2070, should the panel support this rezoning, my preference would be for a Future Urban Zone (FUZ) which would signal that the land is being considered for urban development and still allow for integrated infrastructure development. It would also manage expectations as to when the land would be able to be serviced and released, and would allow for a structure plan process to be undertaken.

#### Pokeno Havelock Village – Rural Residential

- 5.7. In my primary evidence, I supported in part the submission relating to Havelock Village (submission number 862). I supported the residential component but expressed concern with the proposed rural residential development. Mr Mead, in the s42A report, supports the rural residential as he considers it would help to restrict the likelihood of urban development ‘spilling over’ Transmission Hill into the south facing slopes.
- 5.8. I disagree that an artificial boundary is needed in this location. The ridgeline, with its significant vegetation, is a natural boundary that provides a clear edge to the urban area. I am still of the opinion that the rural residential should not be supported.
- 5.9. However, I requested that a number of amendments be made should the rural residential rezoning proceed. Mr Mead, in his rebuttal evidence<sup>1</sup>, continues to recommend approval of a rural residential zone in this location but has amended his recommendation include several of my requested amendments which I support.

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<sup>1</sup> Page 14 Hearing 25 Pokeno Rezonings - Section 42A Rebuttal Evidence prepared by David Mead

Tuakau – Kirriemuir Trustee

- 5.10. The s42A Report author (Ms Trenouth) has recommended that an area west of Geraghty's Road (submission number 182) be given a FUZ. I do not support this recommendation on the basis that it does not give effect to the WRPS, particularly Implementation Method 14.2.1.
- 5.11. As the land contains high class soils and has not be identified in Chapter 6 of this Regional Policy Statement or a council-approved growth strategy, rezoning this land to the FUZ is inconsistent with the WRPS.

**6. Conclusion**

- 6.1. I support the majority of the recommendations made in the s42A reports, particularly in relation to requests for rural residential zones, and the application of the MDRZ and FUZ. I disagree with a small number of recommendations as outlined above.