

SECTION 42A REPORT

Rebuttal Evidence

Hearing 25: Zone Extents Tuakau

Report prepared by: Chloe Trenouth

Date: 10 May 2021



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I Introduction

I.1 Background

1. My full name is Chloe Astra Trenouth. I am a consultant planner, contracted to Waikato District Council to provide s42A reporting on the Tuakau Zone Extents in the Proposed Waikato District Plan (PWDP).
2. I am the writer of the original s42A report for Hearing 25: Zone Extents - Tuakau.
3. My qualifications and experience are set out in the s42A report in section I.1, along with my agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 as set out in section I.2.

2 Purpose of the report

4. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:

If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.
5. The purpose of this report is to consider the rebuttal evidence filed by submitters.
6. Rebuttal evidence was filed by the following submitters:

| Submitter | Submission Number |
|---|-------------------|
| Buckland Country Living Zone Landowners Group | 682 |
| CHS Enterprises Ltd | 390 |
| Horticulture New Zealand | 419 |
| Kainga Ora | 749 |
| Kirriemuir Trustee Ltd | 182 |
| Kiwi Green NZ Ltd | 58 |
| Michael Shen | 153 |
| Waikato Regional Council | FS1277 |
| Zikang (James) Lin | 290 |

7. The focus of this report is on the rebuttal evidence received on the zone extents at Tuakau. It should be noted that I have not provided rebuttal commentary on all rebuttal evidence, particularly where either the submitter agrees with the position reached in the s42A report, or where I have a difference in view and there is little more to add. I have reviewed all of the rebuttal evidence. I respond to the points where I consider it is necessary to clarify an aspect of my earlier s42A report, or where I am persuaded to change my recommendation. In all other cases I respectfully disagree with the evidence and affirm the recommendations and reasoning in my s42A report.

8. I have also considered the supplementary evidence of Dr Davey on the Framework Report, addressing development capacity.

3 Consideration of evidence received

3.1 Matters addressed by this report

9. The main topics addressed by this report respond to the submitter rebuttal evidence. Where submitters have an interest in the same areas they are addressed together:
- a. Buckland Landowners Group
 - b. Dominion Road
 - c. Horticulture NZ
 - d. Kirriemuir Trustee Ltd
 - e. Kainga Ora
 - f. Kiwi Green NZ Ltd
8. I have not recommended any further changes to plan text. I have identified recommended changes to mapping within the body of the report.

4 Buckland Landowners Group

4.1 Analysis

10. The Buckland Landowners Group [682] sought Country Living Zone across an area of approximately 400ha on the northern boundary of the district adjoining the Buckland urban growth area. The submission is addressed in section 12 of my s42 report, and I recommended that the submission be rejected.
11. Rebuttal evidence was filed by Ms Sarah Nairn (Planning) and Mr Adam Thompson (Economics). I have read the rebuttal evidence and I consider further the key issues of the role of Country Living and infrastructure.
- Role of Country Living
12. The rebuttal evidence focuses on the demand for Country Living, suggesting that there is insufficient supply to meet this demand. I accept that there is strong demand for Country Living, that is why the WRPS seeks to manage it through Policy 6.17. I acknowledge that to convert the subject land to Country Living may have limited impact on rural productivity because the land is already fragmented.
13. A key issue is the role that Country Living plays in providing for growth in the district. As previously identified in the s42A report, Future Proof 2017 and the WRPS anticipate 20% of the district's growth will be accommodated in the rural area.
14. Mr Thompson highlights that approximately 50% of rural-residential supply is provided in the Rural Zone. I understand that the capacity for rural-residential living in the Rural Zone comprises existing sites of less than 8.000m² that do not contain a dwelling. I consider this to represent latent capacity for rural-residential living that exists rather than being enabled by

the PWDP. I accept that these sites may not be located in areas of high demand for rural-residential living. The fact is that currently development capacity for rural-residential living available under the notified PWDP could deliver almost 50% of the district's anticipated growth, when it is only intended to provide for 20%. Therefore additional Country Living land is not required.

15. I consider there to be plenty of options for people that want rural-residential living throughout the district, whether it is in Country Living, Village or Rural Zones. I am not suggesting that people who want a rural-residential lifestyle should instead locate in urban areas.

Infrastructure

16. The rebuttal evidence states that infrastructure servicing is not an issue for the subject land because water and wastewater will be managed on-site. It is my opinion that a large area of Country Living on the edge of the urban extent of Buckland would increase pressure for reticulated services, better transport connections including public transport, and urban forms of infrastructure e.g. the quality and dimension of a sealed road, footpaths and lighting.
17. The area would essentially function as an outer suburb of Pukehohe and I do not consider the rebuttal evidence adequately addresses the potential impacts of this scale of Country Living (which is a significant land area) in this location. No technical evidence on infrastructure impacts is provided to support the relief sought.
18. I continue to be concerned that the scale and location of Country Living Zone sought by the submitter creates significant demand for infrastructure (including social infrastructure), as discussed in my s42A report. The rebuttal evidence does not change my position on these matters.

4.2 Recommendations

19. The rebuttal evidence does not change my position and I continue to be of the view that the relief sought does not give effect to the WRPS or NPSUD for the reasons previously outlined in the s42A report.

5 Horticulture NZ

6.1 Analysis

20. Horticulture NZ [419.94] opposes the Residential Zone around Buckland Road, and proposes an alternative growth area at the eastern end of Dominion Road. The submission is addressed in sections 11 and 15 of my s42 report and I recommended that the submission be accepted in part.
21. No primary evidence was filed by Horticulture NZ for Hearing 25 in relation to Tuakau. Rebuttal evidence was filed by Ms Lucy Deverall in response to the s42A report. I therefore address her evidence in this rebuttal statement.
22. Ms Deverall's evidence addresses the importance and value of high-class soils for horticultural activities, and that finding suitable sites to relocate horticultural activities is not guaranteed. I accept the rebuttal evidence on the environmental value of soils and food security.
23. I recommended that the submission be accepted in part, recognising that a Future Urban Zone would provide some increased certainty that horticultural activities could continue in the short to medium term. I accept that the recommendation to rezone the Buckland Road area from Residential Zone to Future Urban Zone would not address the relief sought by the submission.

However, I accept that a Future Urban Zone is a clear signal that land will be urbanised and that growers may stop growing earlier than anticipated.

24. While I agree that high-class soils are important and worthy of protection, this must be considered in the context of the statutory framework. The Buckland Road area is identified in both Waikato 2070 and Future Proof 2017 for urban growth, and I address the tension between growth and protection of high-class soils in my s42A report. Ultimately, if the Buckland Road area is not identified for growth, then this will impact on the Council's ability to meet its obligations under the NPSUD to provide sufficient development capacity at Tuakau.
25. I acknowledge that the inclusion of a Medium Density Residential Zone (MDRZ) will increase opportunities for infill development. However, I refer to Dr Davey's supplementary evidence where he discusses the likelihood of development being realised and considered this could be as low as 10% for the MDRZ.¹ Therefore, the MDRZ cannot be relied upon to deliver all the additional residential supply that is needed.

6.2 Recommendations

26. The rebuttal evidence does not change my position and I continue to be of the view that the relief sought does not give effect to the WRPS or NPSUD for the reasons previously outlined in my s42A report.

6 Kirriemuir Trustee Ltd

7.1 Analysis

27. Kirriemuir Trustee Ltd [182] sought to rezone 12, 42, 46, 50, and 54 Geraghtys Road from Rural Zone to Residential Zone. The submission is addressed in section 8 of my s42 report, and I recommended that the submission be accepted. I note that my recommendation should have said accept in part, because I support a Future Urban Zone rather than a live Residential Zone because of infrastructure constraints.
28. Rebuttal evidence was filed by Mr John Olliver (Planning), Mr Siva Balachandran (Transport), and Mr Ben Pain (Water and Wastewater). I have read the rebuttal evidence and consider the key issue being raised is that the land is not identified to be serviced because it has not previously been identified for urban growth. I previously agreed with Mr Olliver that the land is suitable for urbanisation and noted the reasons why it was not previously identified as such was because of concerns regarding reverse sensitivity issues that have now been addressed through this process.
29. Rebuttal evidence was also filed by Ms Miffy Foley for Waikato Regional Council, which does not support the zoning of this land as Future Urban Zone because it contains high-class soils and is not within an identified growth area.
30. I acknowledge Mr Olliver's frustration regarding the circularity of the argument for why the land should not be live zoned. To identify the subject land as Residential Zone would signal that the land was serviceable in the short term and virtually ready for development. However, at this point in time it is evident that there is no funding to service the subject land in the short

¹ Dr Davey, Supplementary Evidence for the Framework Report, paragraphs 39-41.

term and that Watercare Services Ltd consider that further investigations are needed to determine the capacity of water and wastewater networks.²

31. I acknowledge that the funding of infrastructure is somewhat of a circular argument. However, land needs to be first identified for servicing, then funding for infrastructure upgrades identified in the Long Term Plan (LTP), enabling development contributions to be required at the time of subdivision to pay for them. Without the identification of projects in the LTP there is no ability to take development contributions. Identifying the land as Future Urban Zone will enable Watercare Service Ltd to assess the strategic servicing solutions for the wider growth area and identify necessary upgrades in the LTP.
32. The risk of live zoning the land prior to the analysis of any trunk upgrade requirements is that development of the subject land may take away capacity allocated to another area. Therefore other areas may no longer be able to be serviced. Infrastructure servicing is a critical issue for urban development and the sequencing of upgrades will impact on the efficiency and effectiveness of infrastructure. Therefore, I agree that a strategic study is the most appropriate way to address water and wastewater servicing.
33. I acknowledge that it will be less efficient for the landowner to have to do a future plan change apply the Residential Zone. It is more efficient for a coordinated and strategic review of infrastructure servicing and staging to be undertaken to serve the land prior to or as part of future rezoning. The Future Urban Zone will enable this to occur, and therefore I consider it to be the most appropriate method to achieve PWDP Objective 4.1.1 of a liveable, thriving and connected community that is sustainable, efficient and coordinated; and also give effect to the WRPS and NPSUD for the reasons discussed in my s42A report.

7.2 Recommendation

34. The rebuttal evidence does not change my position and I continue to be of the view that the relief sought does not give effect to the WRPS or NPSUD for the reasons previously outlined in my s42A report.

7 Zikang (James) Lin and CHS Enterprises Ltd

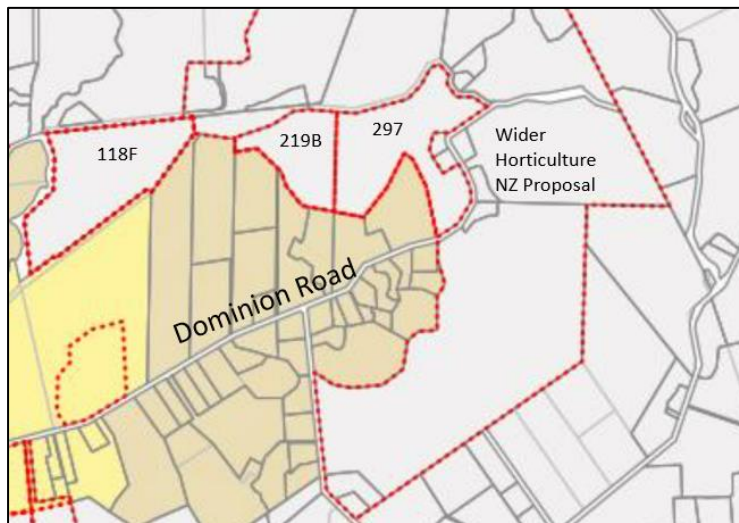
5.1 Analysis

Zikang (James) Lin [290] and CHS Enterprises Ltd [390] seek to rezone 219B and 297 Dominion Road from Rural Zone to Village Zone. The submissions are addressed in section 11 of my s42A report, and I recommended that the submissions be rejected. The sites illustrated in

² Hearing 25 – Tuakau s42A report, Appendix 4 Technical Infrastructure Reviews, Memo for Three Waters-Tuakau, Kirrimuir Estates, page 3.

35. Figure I.

Figure I: Sites seeking rezoning from Rural to Village

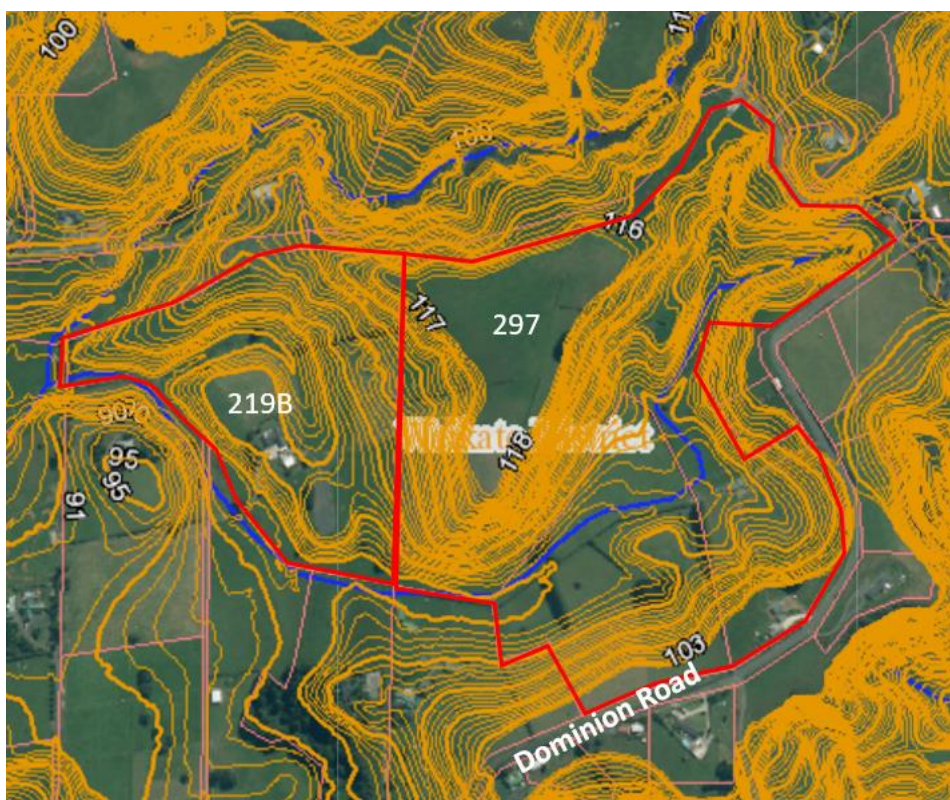


36. Joint rebuttal evidence was filed by Mr Sam Shuker and Mr Nick Hall on behalf of the submitters. I have read the rebuttal evidence. The rebuttal evidence clarifies that rural-residential development is not the outcome sought for 219B and 297 Dominion Road and indicates the Future Urban Zone would be accepted.³
37. The rebuttal evidence identifies that land is sloping and not identified as subject to instability as Category B and C in the Geotechnical Assessment of the Tuakau Structure Plan, also highlighting that other land with similar constraints was identified as Village Zone in the PWDP.
38. I accept that the subject sites would provide a defensible boundary, but I also consider the notified extent of the Village Zone provides a defensible boundary. The submitters proposal essentially relies on the northern property boundary, which generally aligns with the soft ridgeline as demonstrated by the WRC contours information in

³ Mr Shuker and Mr Hall, Joint Rebuttal Evidence, paragraph 24.

39. Figure 2. The notified Village Zone extent uses the natural boundary of the stream/gully, illustrated by the blue line, which also explains why split zoning was applied to 297 Dominion Road.

Figure 2: WRC Contours (1m and 5m LiDAR)



40. I note that the base layer of the WRC Contours identifies the parcel boundaries, and the part of the 297 Dominion Road identified as Village Zone in the PWDP aligns with this parcel information. Therefore, I do not consider the split zoning to have any material impact on how the future development of the site could occur. While not preferable, it is not uncommon for sites to have split zoning to reflect a defensible zone boundary.
41. I accept that applying a Future Urban Zone to the subject sites would enable the structure planning process to determine the suitable level of development for the sites and provide a more defensible boundary. However, given the contours of these sites I continue to be of the opinion that a large-lot residential outcome is most likely.
42. I consider the key issue to be that the sites are not identified within an identified area for future growth, and therefore the relief sought would be inconsistent with Waikato 2070 and Future Proof 2017. The rebuttal evidence addresses this point noting that the sites adjoin the urban growth area and that this is not dissimilar to other sites in the vicinity that are identified as Village Zone in the PWDP.⁴ I accept that the urban growth limits in Future Proof 2017 are identified as indicative.
43. I acknowledge that sites are not subject to high quality soils, significant mineral resources, natural hazard areas, or significant infrastructure and that identifying the sites as Future Urban Zone would enable future structure planning to address the coordination of land use and infrastructure. However, the land is not necessarily easily serviced because it slopes away from the adjoining land to the south. No evidence is provided to support the ability to service the sites in the future, because the intention is that at least initially land would be serviced by on-site water and wastewater. A Future Urban Zone signals an intention to provide reticulated services to enable urbanisation. I do not consider these sites to be equivalent to the other

⁴ Mr Shuker and Mr Hall, Joint Rebuttal Evidence, paragraph 31.

sites zoned Future Urban, where future servicing needs have been identified and are broadly understood but are not yet funded.

44. The rebuttal evidence provides an assessment against the relevant WRPS policies, Policy 6.1 (including the 6A Development Principles), and Policy 6.3. I do not accept the proposition of the rebuttal evidence that Policy 6.17 is not relevant because the relief sought is for residential development. As identified above, I consider the most likely outcome of structure planning would be large-lot residential or a rural-residential type of development given the development constraints and physical characteristics of the site. If it was determined that Policy 6.17 is not relevant, then in my opinion the proposal should be assessed against Policy 6.14 and the alternative land release criteria in Method 6.14.3 because it sits outside the identified growth areas. The rebuttal evidence does not assess this method.

5.2 Recommendations

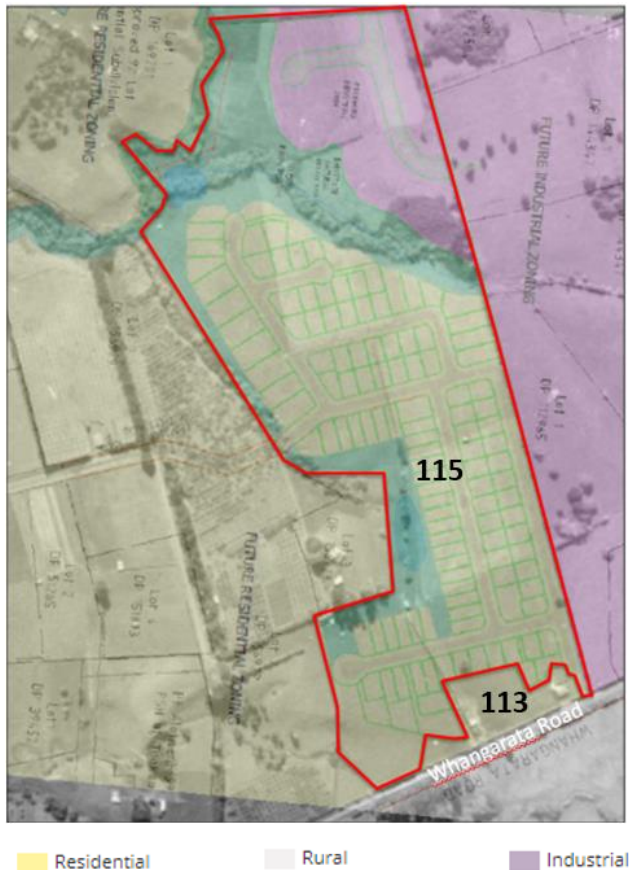
45. The rebuttal evidence does not change my position and I continue to be of the view that the relief sought does not give effect to the WRPS or NPSUD for the reasons previously outlined in the s42A report.

8 Kiwi Green NZ Ltd

8.1 Analysis

46. Kiwi Green NZ Ltd [58.1] seeks to rezone land identified as Industry Zone in the PWDP at 115 Whangarata Road to Residential Zone. The submission is addressed in section 10 of my s42A report, and I recommended that the submission be rejected because of potential reverse sensitive effects on sensitive activities outside the industrial zone, and loss of industrial land.
47. Another submission from Kiwi Green NZ Ltd [58.2] was mis-allocated and therefore it was not specifically addressed in my s42 report. The submission sought amendments to the PWDP to include additional site-specific controls for 115 Whangarata Road that align with the mitigation measures described in the acoustic and air quality reports attached to the submission. I address this submission below under reverse sensitivity effects.
48. Rebuttal evidence was filed by Sir William Birch on behalf of the submitter, which identified that the supplementary evidence of Dr Mark Davey identifies a surplus of greenfield industrial land at Tuakau, and that issues of reverse sensitive on the eastern boundary with the Industry Zone could adequately be addressed at the time of resource consent. I respond to these two key issues in this rebuttal evidence.
49. Firstly, I note that Figure 32 in my s42A report does not accurately reflect the land area sought to be rezoned Residential. I replicate below Figure 3 in Sir William Birch's rebuttal evidence to clarify how the site is proposed to be split between industrial and residential zones.

Figure 3: Area that submission [58.1] sought to rezone from Industrial Zone to Residential Zone



50. Figure 3 only identifies 115 Whangarata Road (outlined in red) and appears to exclude 113 Whangarata Road. The rebuttal evidence does not discuss the outcome for 113 Whangarata Road. The concept plan identified in Figure 33 of my s42A report that was referred to in Mr Oakey's evidence does appear to include 113 Whangarata Road. However, the summary of submission [58.1] only refers to 115 Whangarata Road, and the submission itself clearly states that "the scope of this submission is limited to our clients 23.61ha landholding located at 115 Whangarata Road."⁵ Because 113 Whangarata Road is not included in the rezoning proposal for 115 Whangarata Road, it would remain identified as Industrial Zone as notified. This is an important matter to be addressed because it creates an unusual zoning pattern that does not reflect good planning practice or achieve the objectives of the PWDP.

Reverse sensitivity

I accept that the PWDP currently identifies the Industry Zone adjacent to the Residential Zone and therefore raises similar concerns about reverse sensitivity. However, it was intended through the Tuakau Structure Plan process that a buffer would be established between the two zones to avoid these effects (

⁵ Kiwi Green Ltd Submission, Executive Summary, section 1.2.

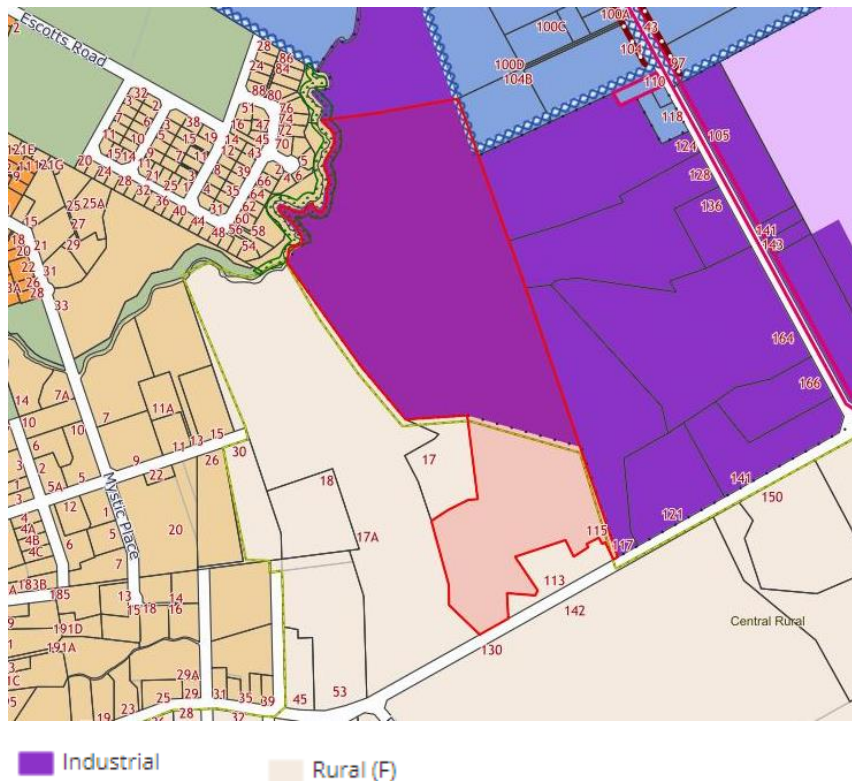
51. Figure 4). I relied on this information when reaching my recommendation. I note that the submitters concept plan (as illustrated in Figure 3) continues to identify this buffer along the western boundary of the site aligned with the stream.

Figure 4 Tuakau Structure Plan - Whangarata Industrial Area



52. The Operative Plan (Franklin Section) applies a split zone to the subject site, the lower portion being Rural and the upper portion Tuakau Industrial (Figure 5). The PWDP seeks to apply a consistent zone across the site and the adjoining site at 113 Whangarata Road, as was proposed in PCI16 (which was withdrawn).

Figure 5: Operative District Plan (Franklin Section) – 115 Whangarata Road



53. The PCI16 summary statutory report identified the rezoning of 113 and 115 Whangarata Road to industrial to be appropriate for the following reasons:

“The proposed zone division in this vicinity properly takes into account:

- (i) *the location of the property at 17 Coles Road on the western side of the Kairoa Stream and its riparian margins*

- (ii) *the well-established shelterbelts currently used for a kiwifruit orchard within the property at 115 Whangarata Road*
- (iii) *the existing title boundaries for both properties at 113 and 115 Whangarata Road and avoiding either of these properties having a split zoning.”⁶*

54. The s32 report for PC16 identified in relation to 113 and 115 Whangarata Road that:

The two abovementioned properties on Whangarata Road have been included following consideration of the existing title boundaries, the location of the Kairoa Stream and shelterbelts, the need to avoid split zonings and the signal in the Franklin District Growth Strategy to eventually zone these two properties for industrial purposes.⁷

55. In my opinion the reasoning for including these sites within the Whangarata industrial area and identifying them as Industrial Zone in the PWDP as articulated in the PC16 s32 and Summary Statutory Report remain sound. The land has been identified since the Franklin Growth Strategy and the Tuakau Structure Plan as being appropriate for industrial development.
56. Although the submission sought site-specific provisions to address reverse sensitivity effects (noise and air quality), the evidence filed does not propose any provisions, nor does it explicitly discuss what provisions may be necessary to resolve or address this issue. The rebuttal evidence refers to the recommended amendments to the Residential Zone provisions, which identify ‘reverse sensitivity’ as a matter of discretion for general subdivision.⁸ I therefore conclude that the submitter no longer considers site-specific provisions to be necessary but expect that they may be comfortable if such provisions were deemed to be necessary to enable the relief sought in terms of rezoning.
57. Reverse sensitivity effects will need to be addressed regardless; either along the residential interface proposed by the submitter, or along the residential interface as notified.
58. I acknowledge that as a matter of discretion, the consideration of and management of reverse sensitivity effects is required at the time of subdivision. This will be the case for both options. Therefore, enabling the implementation of the mitigation measures identified by the submitter’s technical advisors.
59. Identification of the notified Residential Zone extent was based on the expectation that esplanade reserves would be established along the eastern boundary of the zone at the time of subdivision. I consider this approach to provide an effective buffer between land uses in addition to being able to implement any further mitigation measures that may be considered suitable. I therefore consider the Residential Zone extent as notified to be the most appropriate method to achieve PWDP Objective 4.6.6 to protect the amenity values of sensitive activities outside industrial zones from significant adverse effects of industrial activities.

Industrial land supply

60. I remain concerned that while there is an identified surplus of industrial land at Tuakau, that there is insufficient supply across the wider district. I refer to “Working Paper 1: Relative competitive advantage of Waikato” prepared by Mr Derek Kemp for the Council for further guidance around the attractiveness of the Whangarata industrial area and whether a reduction of 19ha will have a material effect.

⁶ PC16 Part A: Summary Statutory Report, page 13.

⁷ PC16, s32 Report, page 16.

⁸ Sir William Birch, Rebuttal Evidence, paragraphs 14-15.

61. The rebuttal evidence refers to the key locational criteria for industrial land, questioning whether the Whangarata industrial area is attractive. I include these below to assist the Panel:
- “Large, flat sites without nearby sensitive land uses (such as residential areas)*
- Ease of access to the regional road network (without passing through urban areas)*
- Ease and affordability of providing water and effluent discharge (for food industries)*
- Geological stability (for Heavy Industry and Wholesaling Land).”⁹*
62. Mr Kemp identifies three scenarios for Waikato’s future economy; Existing Economy, Recent Growth, and High Growth. Although the High Growth Scenario provides for three times more industrial land than the Existing Economy, Mr Kemp indicates that providing for such a level of growth is a ‘minimum regrets’ planning approach that will:
- “Protect ‘Strategically Located Land’ important to attract future industrial land uses*
- Ensure Waikato does not run out of suitable, affordable, well located, cheaply serviced industrial land (if high growth rates eventuate)*
- Ensure future well located, cheaply serviced industrial land is not lost to other activities (such as residential land uses) that have other alternative locations available for development*
- Provide more industrial land than that immediately needed to stop existing land owners tying up the only available industrial land supply (keeping it for higher prices, or insisting on design & build project profits)*
- Recognises that well located Industrial Land will be needed beyond the life of the present plan (at lower growth rates).”¹⁰*
63. I acknowledge that Tuakau is not specifically identified as being attractive for growth of any specific industries like other areas (i.e. Horitiu) and is not the most strategically located land, as it is not directly connected to the State Highway Network. However, the Whangarata industrial area is large and flat, it has reasonable access to the regional road network via Pokeno Road (less than 10km from State Highway 1) and adjoins the NIMT at its northern boundary, has the ability to be serviced easily, and is not subject to geotechnical stability issues.
64. The factors that make land attractive for industrial growth also make it attractive for residential growth, and therefore there is always an inherent tension when identifying industrial land. Mr Kemp’s work highlights the importance of protecting industrial land for industrial growth because it is harder to identify strategically located land suitable for business.
65. The potential opportunities for industrial growth in the Whangarata industrial area may not be fully understood yet. Just because it is vacant land does not mean it not suitable for future industrial development. I acknowledge the anecdotal evidence discussed in the supplementary evidence of Dr Davey that reasons why development has not occurred to date could include location and accessibility. The s32 Report for PC16 also recognised that the Operative District Plan (Franklin Section) framework was acting as a disincentive to industrial development, including a lack of permitted activities resulting in all new development requiring resource consent. As acknowledged in the rebuttal evidence, most recently industrial growth has been attracted to Pokeno but land supply for industrial activities is reaching capacity. Dr Davey identifies that in Pokeno the *“main supply of industrial land is in the Pokeno Industrial Park, much of which has been taken up.”¹¹*

⁹ Derek Kemp, Working Paper 1: Relative competitive advantage of Waikato, section 5.5.

¹⁰ Derek Kemp, Working Paper 1: Relative competitive advantage of Waikato, section 5.2.

¹¹ Dr Davey, Supplementary Evidence for the Framework Report, paragraph 28.

66. Tuakau is one of only two areas in the district that has a supply of industrial land that exceeds demand. I do not agree with the rebuttal evidence that “*several underlying factors are in play such that the attractiveness of the land offerings are suffering.*”¹² It is unclear to me what evidence is available that supports the proposition that there is a decline in demand for industrial land at Tuakau. The original submission included technical reports relating to acoustics and air quality but not economics. While I do accept that the Whangarata industrial area is not necessarily strategically important for the districts employment growth, but it is important as an employment node to support the residential growth that is anticipated at Tuakau. I also acknowledge that the submitter is only seeking to rezone 19ha of this area and that the majority of the industrial node would remain.
67. In terms of industrial land supply it is important to consider whether reduction of the industrial land by 19ha will impact on the attractiveness or opportunities that could occur. If the eastern extent is not a defensible boundary, then there is a risk that further land to the east of the subject site could also be rezoned residential through future private plan changes. As discussed above with regards to reverse sensitivity, I consider the zone extent as notified provides a buffer to industrial land uses and therefore constitutes a defensible boundary that cannot be achieved by the relief sought.
68. The rebuttal evidence provides an assessment against the alternative land release criteria in RPS Method 6.14.3.¹³ I accept that the provision of infrastructure is not an issue in this case. However, I disagree that the relief sought does not propose an alternative timing and I do not consider sufficient evidence has been provided to support a reduction in the industrial land available at Whangarata industrial area.
69. The Council has made a strategic decision to identify a large-scale industrial node at this location. I consider an area of 19ha to be a significant loss of industrial land. While I accept that the WRPS has not yet been updated to reflect the identification of the Strategic Industrial Node at Tuakau, Future Proof 2017 does, and therefore the objectives and policies relating to growth in Future Proof areas do apply as discussed in section 4.2 of my s42A report.

8.3 Recommendation

70. The rebuttal evidence does not change my position and I continue to be of the view that the relief sought does not give effect to the WRPS and the NPSUD; and does not achieve Objectives 4.6.1 and 4.6.6 of the PWDP for the reasons previously outlined in the s42A report.

9 Kāinga Ora

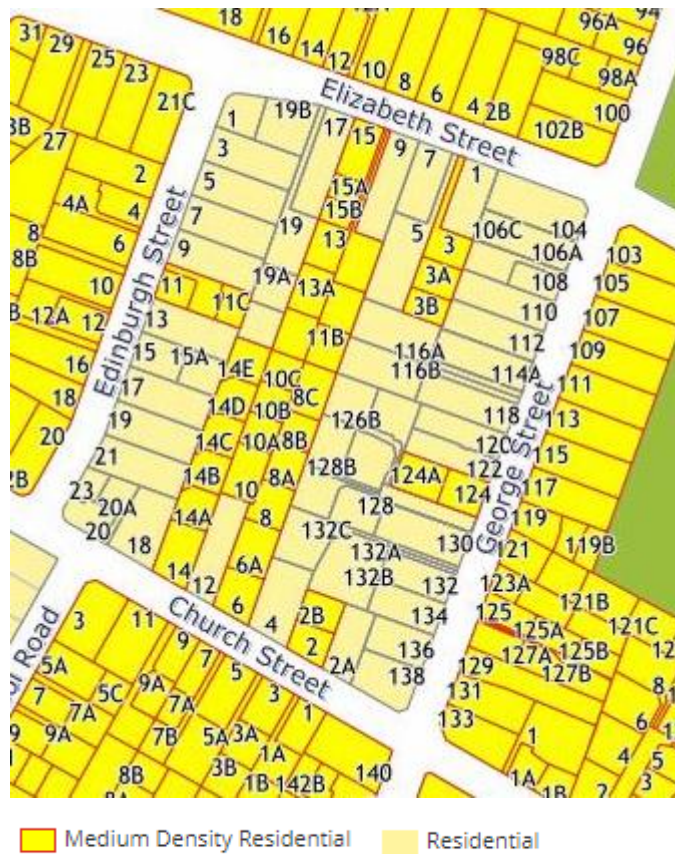
9.1 Analysis

71. I have read the rebuttal evidence of Mr Phil Stickney (Planning) and Mr Cameron Wallace (Urban Design) for Kāinga Ora. The rebuttal evidence raises two outstanding issues with respect to my s42A report:
- a. Mapping errors; and
 - b. Tuakau Primary School Block.
72. Mr Wallace identifies that my recommendation does not align with the recommended map, which excludes the MDRZ across large portions of lots east of the Town Centre (including George, Elizabeth, Church and Edinburgh Streets) see Figure 6 below. Mr Wallace is correct this is a mapping error, which has now been rectified in the PWDP Maps.

¹² Sir William Birch, Rebuttal Evidence, paragraph 20.

¹³ Sir William Birch, Rebuttal Evidence, paragraph 9.

Figure 6: MDRZ mapping error



Rechecking the mapping again, I also note that I had inadvertently missed the block at Madill Street that Kainga Ora recommended by MDRZ (

73. Figure 7) and which I support. This mapping error has also been rectified and the sites are being updated in PWDP Maps.

Figure 7 PWDP compared to Kainga Ora revised submission

PWDP

Kainga Ora Revised Submission¹⁴

Mr Wallace highlights that there are private lots surrounding the Tuakau Primary School, which could be redeveloped consistent with an approach to a “corner lot” development.¹⁵ I note that Tuakau Primary School is designated (C57) and the site at 16A Buckland Road is also designated (M114) for water reservoir purposes, and there are six private sites in the block (

¹⁴ Mr Wallace, Primary Evidence, Appendix 3: Spatial Analysis – 01 Tuakau – Spatial extent comparison

¹⁵ Mr Wallace, Rebuttal Evidence, paragraph 4.5.

74. Figure 8).

Figure 8: Tuakau Primary School Block - private sites and designations



75. Looking further at the six private sites, I note from the Council's records that 14, 14A and 14B Buckland Road were created in 2003 and 2009 and the site sizes are such that they contain little to no development potential in my opinion. I agree that 16 Buckland Road and 33 and 35 Church Road would present potential development opportunities as corner sites.
76. Given the limited development potential in this block I remain of the opinion that there is no point in zoning it MDRZ. I am also of this view because the block is on the edge of the MDRZ sought by Kainga Ora, and as such excluding it doesn't have any implications for consistency and appropriate application of the MDRZ pattern.
77. I have considered Mr Stickney's three reasons for why he disagrees with my recommendation,¹⁶ and they do not change my position.

9.2 Recommendation

78. The rebuttal evidence does not change my position. I do not consider there to be any costs of zoning the school as MDRZ, but nor do I consider there to be any benefits. Therefore, I recommend that Tuakau Primary School Block remain as notified (Residential Zone).
79. The recommended changes to identify sites as MDRZ are mapping errors. My recommendation relies on the s32AA evaluation in my s42A for the MDRZ extent at Tuakau.

¹⁶ Mr Stickney, Rebuttal Evidence, paragraph 5.1(a).