

IN THE MATTER

of the Resource Management Act 1991 ("RMA" or "the Act")

AND

IN THE MATTER

of a submission in respect of the **PROPOSED WAIKATO DISTRICT PLAN** by **KIRRIMUIR TRUSTEE LIMITED** pursuant to Clause 6 of Schedule 1 of the Act

STATEMENT OF REBUTTAL EVIDENCE OF BENJAMIN THOMAS FRASER PAIN

1. INTRODUCTION

Qualifications and experience

- 1.1 My name is Benjamin Thomas Fraser Pain. I am a consultant civil engineer employed by Wood & Partners Consultants Ltd ('Woods').
- 1.2 I am acting for Kirriemuir Trustee Limited in support of that company's submission seeking rezoning of land at Geraghty's Road, Tuakau.
- 1.3 I outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief ('EIC').
- 1.4 I have read the s42A Report; Hearing 25: Zone Extents Tuakau, prepared by Chloe Trenouth and dated 14 April 2021 ('s42A Report') and its relevant related attachments.

Purpose and scope of rebuttal evidence

- 1.5 This statement of rebuttal evidence addresses infrastructure issues raised in the s42A Report. It does not restate matters addressed in my EIC.
- 1.6 Specifically I address the following:
 - (a) Infrastructure Upgrade Design
 - (b) Infrastructure Availability

(c) Funding for Infrastructure

2. INFRASTRUCTURE UPGRADE DESIGN

- 2.1 The s42A report highlights uncertainty on whether there will be sufficient infrastructure available for this site and the Beca reports by Mr R Seyb included in Appendix 4 indicate that further studies need to be completed to determine capacity within the treatment plants and networks to determine whether there is sufficient capacity for the development. This uncertainty led the report writer to preclude a live Residential Zone for the subject site.
- 2.2 Mr R Selb's reports outline that the infrastructure solutions provided in my EIC are technically feasible and realistic.
- 2.3 As part of my engagement with Watercare Waikato for my EIC, Watercare confirmed that:
- (a) the design of the upgrades proposed had not been undertaken and was not planned to be undertaken as part of the current draft LTP; and that
 - (b) the predicted growth for these upgrades were not based on individual subdivisions; and that
 - (c) the implementation of the upgrades would be based on actual growth.
- 2.4 As part of the design of the infrastructure upgrades by Watercare, the proposed and existing networks will be considered and as outlined above, actual growth will be considered ahead of areas that have less certainty.

3. INFRASTRUCTURE AVAILABILITY

- 3.1 There is existing infrastructure adjacent to Geraghty's Road servicing the Dromgools Road block area that can be extended to service the proposed development. Previous discussions as part of my EIC with Watercare confirm that there may be interim servicing available from the existing infrastructure at this location to service part of the development as an interim measure until the upgrades occur.
- 3.2 The existing infrastructure at the Dromgools Road block also requires infrastructure upgrades to accommodate further development and that has yet to be designed.

- 3.3 As part of that design process, and as indicated in Mr R Seybs report, the “new local infrastructure will nearly always be able to be designed and connected to the existing council network” and “upgrades to the WTP and WWTP can presumably be designed to meet additional demand”.
- 3.4 Mr R Seyb notes that there is uncertainty on whether consents for the WTP and WWTP can accommodate growth. While I have not viewed these consents, it is typical that these consents are renewed every 10-15 years and the limits of those consents are adjusted to accommodate anticipated growth as outlined in district planning documents. As growth is anticipated for the Tuakau area, it is reasonable to assume that existing consents for the WTP and WWTP have allowed for the level of growth anticipated for this plan and that when the renewal of the consents is due, additional allowance can be made for growth based on the latest information.
- 3.5 The level of growth in the area will be limited by the available capacity in the existing network and the timing of infrastructure upgrades. Given that there are planned upgrades that can be designed to accommodate growth based on the latest information available at the time of design, any available capacity should be made available to allow actual development, not unnecessarily kept in reserve.
- 3.6 Testing of the existing networks to determine available capacity for interim solutions as part of early stages of the development is something that usually occurs as part of the resource consent phase of development and should not be a prerequisite to zoning.
- 3.7 As noted in Section 2 above, actual development will be implemented ahead of theoretical development, therefore infrastructure should not be a restriction to rezoning.

4. FUNDING FOR INFRASTRUCTURE

- 4.1 Mr R Seyb’s reports outlines that private development that requires upgrades to the existing network can occur “provided appropriate cost sharing can be agreed”.
- 4.2 Mr R Seyb also says “I expect that upgrades to accommodate these additional flows can be designed but they would need to tie with WDC’s programme of upgrades and appropriate cost sharing arrangements agreed.”
- 4.3 The cost sharing of infrastructure in order to advance portions of planned infrastructure upgrades or increase capacity in order to enable development

of land within the developer's programme is a normal part of land development.

- 4.4 It is anticipated and would be budgeted into the project in the form of Infrastructure Growth Charges (IGCs). The costs would be negotiated between the service provider, in this case Watercare, and the developer and agreed in the form of a Developer's Agreement.
- 4.5 As per Section 2, Watercare have confirmed that infrastructure will be built out based on actual development. With the zoning in place, the developer will be motivated to be a source of funding to enable these works to occur within the desired timeframe.
- 4.6 Based on the points above, there should not be any restrictions to rezoning this property due to uncertainty on infrastructure funding.

5. CONCLUSIONS

- 5.1 Infrastructure uncertainty is not a reason to preclude a live residential zoning for the Kirrimuir Trust properties on Geraghty's Road for the following reasons:
 - (a) The infrastructure upgrades for the Tuakau area which enable development elsewhere in the catchment have not yet been designed and that design when it occurs can allow for the subject site.
 - (b) The infrastructure upgrades for the planned growth for the Tuakau area are not based on individual subdivisions and will be implemented based on actual growth.
 - (c) The infrastructure upgrades that are required for Dromgools Road block directly adjacent to the subject site are also required for the development of the subject site. Those restrictions have not affected the zoning at the Dromgools Road block.
 - (d) The timing of infrastructure upgrades with respect to available budgets can be adjusted based on private funding as part of developer agreements and IGC's.

**Benjamin Thomas Fraser Pain
30 April 2021**