

**BEFORE THE HEARINGS COMMISSIONERS FOR THE WAIKATO DISTRICT
COUNCIL**

UNDER

the Resource Management Act 1991

AND

IN THE MATTER

of hearing submissions and further submissions
on the Proposed Waikato District Plan

Hearing 25 – Zone Extents

PARTIES REPRESENTED

**Xikang (James) Lin (#290) and C.H.S
Enterprises Limited (Chris Sorrel)
(#390)**

**JOINT STATEMENT OF PLANNING EVIDENCE BY SAM SHUKER AND
NICK HALL FOR JAMES LIN AND C.H.S ENTERPRISES LIMITED**

3 MAY 2021

MAY IT PLEASE THE PANEL

Introduction

1. This is a joint planning statement of evidence on behalf of Xikang (James) Lin and CHS Enterprises Limited (**Submitters**) relating to providing rebuttal evidence to the Section 42A Hearing Report (**Report**) by Chloe Trenouth (the **Writer**) for Tuakau (Hearing 25). This evidence is for the proposed rezoning of land at 219b and 297 Dominion Road, Tuakau (**Sites**) which are subject to the Proposed Waikato District Plan (**PWDP**).
2. For our qualifications and experience, refer back to the previous evidence we provided.
3. In regard to the expert witness code of conduct, our stance has not changed from the previous evidence provided, we agree to comply with it.

Purpose and Scope of Evidence

4. Our statement of evidence will only address the relevant matters raised in the Report and any further submitter evidence which relates to the Sites.
5. Specifically, we will address the following:
 - a. Tuakau Structure Plan (**TSP**);
 - b. Split Zoning for 297 Dominion Road;
 - c. Access to 219B Dominion Road;
 - d. Defensible Boundary;
 - e. Rural-Residential Development;
 - f. Waikato Regional Policy Statement (**WRPS**) Objectives and Policies;
 - g. National Policy Statement – Urban Development (**NPS-UD**) Objectives and Policies;
 - h. Waikato Regional Council (**WRC**) further submitter evidence; and
 - i. Fundamental Question.

6. For any background information please refer to the original evidence and s32AA evaluations provided for the Sites.

TSP

7. The Writer has relied in part on the TSP and the associated specialist reporting on the Tuakau area when coming to their recommendation to reject the Submitters proposal. The same reliance has been placed on these same documents in our evidence. The resulting assessments/review of these documents is different.
8. With reference to the specialist geotechnical and landscape assessment reports prepared or the TSP, the Writer reports that the sites are more constrained from a landscape and geotechnical perspective (Paragraphs 296, 297 & 304) and have not been identified within the TSP.
9. The geotechnical assessment prepared for the TSP show the Sites within Category A and C. The assessment notes that “Category B and C are applicable to sloping ground which is not affected by wide spread instability”. Additional to this, there is other land located near the Sites which are proposed to be rezoned to Future Urban/Village which is also subject to Category C. Refer to Figure 1 below.

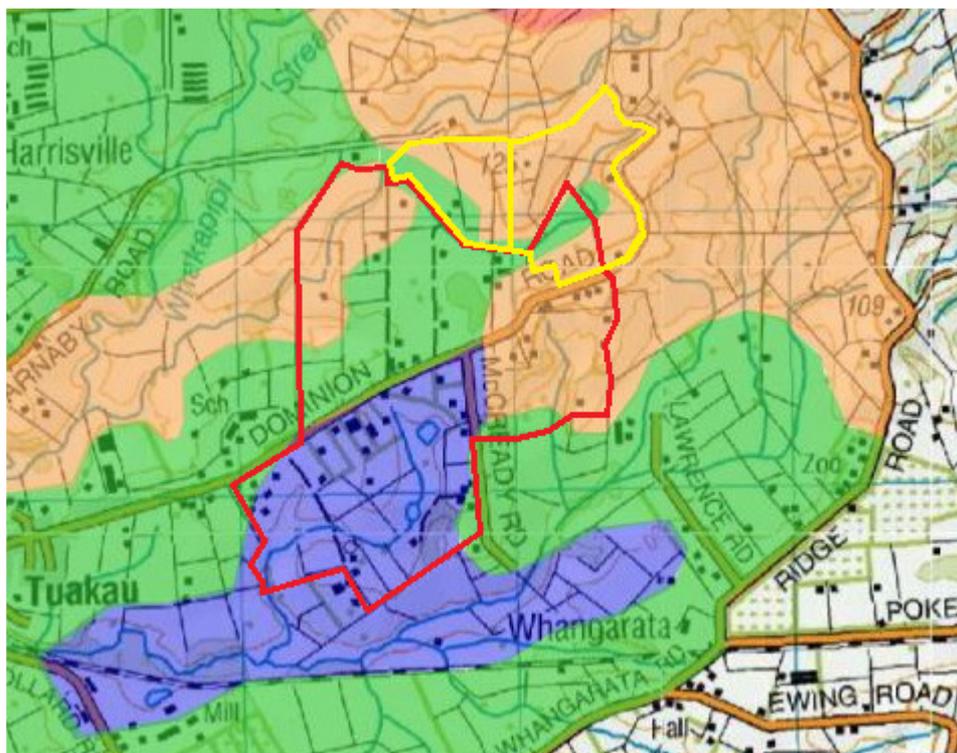


Figure 1: Extract of Land Development Suitability taken from the TSP Geotechnical Report, with the PWDP Future Urban/Village Zone extent in red and the Sites in yellow

10. The Writer has reported (Paragraph 297) that according to the landscape assessment, the Sites are located within the moderate to least suitable for development. However, referring to the Figure 2 below, the majority of 297 Dominion Road is coloured green to yellow which means it is located on moderate to most suitable land. In addition, there is other land located near the Sites proposed to be rezoned to Future Urban/Village which contains similar colouring to the subject Sites.
11. Paragraph 297 of the Report, the Writer has stated that “the landscape assessment only identified the area zoned Village in the PWDP as suitable for large lot residential and did not identify the land beyond that as being suitable for residential growth”. This is incorrect, if you compare the outline in Figure 2 below and Figure 37 from the Report the boundaries of the Large Lot Residential are different to the Village/Future Urban extent, with additional areas being included. Furthermore, there are areas within the Large Lot Residential boundary shown in the landscape assessment which are now proposed to be zoned Residential under the PWDP.



Figure 2: Extract of Landscape - Weighted Analysis Outcome taken from the TSP Landscape Report, with the PWDP Future Urban/Village Zone extent in red and Sites in yellow

12. The Sites are not located within the TSP, however, there is other land located near the Sites which are proposed to be rezoned to Future Urban/Village which is also not located within the TSP. Refer to Figure 3 below.

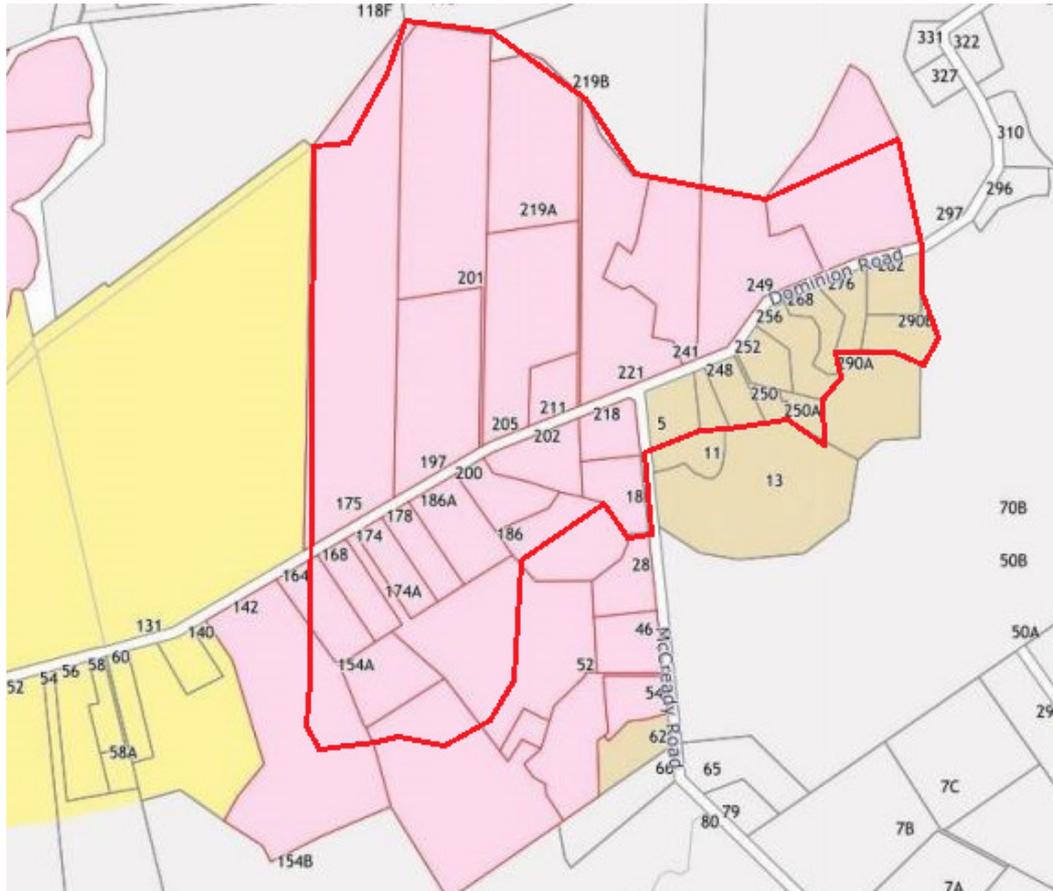


Figure 3: Extract of the Proposed Amended Zoning of north-east Tuakau taken from the Report, with the TSP (Stage 3) boundary outline shown in red

13. Para. 302 of the Report acknowledges the Sites location on the periphery of the extent of the proposed township but considers the land is not suitable for urban development on account of the constrained landscape and geotechnical matters assessed by the Writer following review of the Landscape and Geotechnical Reports for the TSP. We disagree with the Writer as the preceding rebuttal points and assessment of the same TSP reports clearly demonstrates that the Sites provide the same sorts of conditions for urban development to those areas proposed for Future Urban/Village Zoning adjoining and nearby.

14. Although the Site is not identified for urban development in the TSP, many other properties are proposed for urban development under the PWDP that were not previously identified under the TSP. Identifying whether or not the Site is located within the TSP would appear to be less relevant.

Split Zoning for 297 Dominion Road

15. The Report Writer does not consider the issue of split zoning for 297 Dominion Road to be a significant issue to warrant rezoning (Paragraph 306). No assessment or information is supplied for this statement provided.
16. The proposed Future Urban/Village Zone boundary does not currently follow a natural or physical break or divide, such as a road or natural feature that would provide a clear defensible boundary and separation (buffer), thereby contributing to the development and maintenance of the respective zone's, and their character and amenity values. The proposed re-zoning of 297 Dominion Rd will provide a more defensible boundary by following the road boundary where possible.

Access to 219B Dominion Road

17. 219B Dominion Road is in part zoned Rural (PWDP) whilst the property contains frontage to Dominion Road via an access lot zoned Village (PWDP) which is held in the same record of title, and in a 1/2 share ownership with an adjoining property (neighbour) at 219A Dominion Rd, being of similar character and nature, however zoned Future Urban/Village. Left unchanged, 219b will be an isolated rural lot accessed from a future urban location.
18. This complex zoning anomaly has the potential to create issues in future urban development of the land in this location, including future structure planning, given the reasonable expectations for access, services and land uses are vastly different between the urban zones and rural zones. This could restrict integration and development between properties in the future, with 219B Dominion Road requiring access at all times.
19. Rezoning the Site to Future Urban/Village reduces the potential for conflicts in development identified, and enables integration of the urban areas between the other surrounding Future Urban/Village properties. This will allow for more effective development to be achieved.

Defensible Boundary

20. The Report Writer has acknowledged that the sites would provide a more defensible boundary when looking at the planning maps (Paragraph 306). We agree with this statement, and, in addition, have demonstrated in our previous

evidence and in the above mentioned the reasons we consider the Sites will also make a more defensible boundary on the ground.

21. The current Future Urban/Village – Rural boundary as proposed does not aid in establishing a defensible boundary. It currently isolates 219B Dominion Rd as a Rural site amongst Future Urban/Village zoned neighbours, and fails to take advantage of existing public roads or any other such substantial natural or physical break or feature that would provide the separation and buffering anticipated between zones where possible. As it is our assessment that the Sites are suitable for urban development, the ability to establish a more logical and practical defensible boundary is opportune.
22. By including the Sites within the Future Urban/Village Zone, the road and the existing terrain will form a more distinct boundary and will also provide a buffer between the Rural Zone and therefore, make a more defensible zone boundary.

Rural-Residential Development

23. In Paragraph 308 & 309 of the Report, rural-residential development has been mentioned several times. The definition of rural-residential development according to the WRPS is as follows:

Residential development in rural areas which is predominantly for residential activity and is not ancillary to a rural or agricultural use.

24. Our original submissions were to rezone the Sites to a Village Zone which is an urban zoning, albeit a transitional zone from larger residential sites to low-density residential sites, although with the addition of the potential Future Urban Zone, the relief sought includes both Village/Future Urban zoning, depending on what is decided for the Dominion Road location.
25. Rural-residential development is not proposed as the Village Zone is an Urban Zone and therefore provisions for rural-residential development contained within the WRPS are not relevant to this proposal.

WRPS Objective and Policies

26. When preparing our original evidence, we used the guidance of the Framework Report when assessing the WRPS and therefore, only assessed

the relevant points contained within 6.1.8. A full assessment of the relevant parts of the WRPS is provided below.

- a. Policy 6.1 – Planned and co-ordinated subdivision, use and development;*
- b. Implementation Method 6.1.1 – Regional plans district plans and developing planning mechanisms;*
- c. Implementation Method 6.1.2 – Reverse Sensitivity*
- d. Implementation Method 6.1.6 – Growth Strategies*
- e. Implementation Method 6.1.7 – Urban development planning; and*
- f. Policy 6.3 – Co-ordinating growth and infrastructure;*

27. Rezoning the Sites will help to provide better integration of the Future Urban/Village Zone along Dominion Road. This will be done by providing alternative access routes from 297 Dominion Road and eliminating the issue of 219B Dominion Road requiring access through an access lot zoned Village under the PWDP. Better integration between the properties along Dominion Road will help to reduce the potential for cumulative and reverse sensitivity effects.

28. The Sites adjoin an area which has been identified as Village Zone under the PWDP and are not located on high class soils, or near any regionally significant infrastructure, primary production activities, electricity transmission lines, renewable energy sites, etc.

29. The Report is recommending Future Urban zoning to replace the Village zoned land along Dominion Road. If the Sites are included within this area, then a structure plan process (or similar) will be required to help facilitate efficient development of the area which will include managing the infrastructure and roading connections and availability.

30. A structure plan process will make sure the nature, timing and sequencing of new development is co-ordinated with development funding, implementation and operation of transport and other infrastructure. This will help to provide a

more integrated development area along Dominion Road and reduce the need for ribbon development.

31. The Sites are not located within the Future Proof Area (FPA), but adjoin this area. However, there are already a number of sites which are not located within this area and are being proposed as Future Urban/Village Zone under the PWDP. It should be noted that the FPA is similar to the TSP area, so refer to Figure 3 above.

32. Assessment against Section 6.A has been provided below:

General Development Principals:

- a. Support existing urban areas in preference to creating new ones;*
- b. Occur in a manner that provides clear and delineation between urban areas and rural areas;*
- d. Not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;*
- e. Connect well with existing and planned development and infrastructure;*
- h. Be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high-class soils; and*
- o. Not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure.*

33. The Sites directly adjoin areas proposed to be Future Urban/Village Zone, which are connected to the existing urban area of Tuakau.

34. Adopting the Sites to become Future Urban/Village has been assessed and is considered to provide a more defensible boundary for the Future Urban/Village Zone than what currently exists or is proposed. This will create a clear delineation between the urban and rural areas.
35. With the addition of the Sites included as Future Urban/Village Zone, the Sites will contribute to a much larger area along Dominion Road that will be subject to structure planning (or similar) process, that will help to provide integration and provisions for future transport and infrastructure connections, whilst also reducing the need for Ribbon development along Dominion Road.
36. The Sites are not subject to high class soils, significant mineral resources, natural hazard areas, energy and transmission corridor, regionally significant industry or primary production activities on high class soils.

NPS-UD

37. Provided below are the relevant objectives and policies of the NPS-UD which have been referenced by the Report Writer (Paragraph 310 and 55):
- a. *Objective 1 – New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*
 - b. *Objective 6 – Local authorities decisions on urban development that affect urban environments are:*
 - i. *Integrated with infrastructure planning and funding decisions; and*
 - ii. *Strategic over the medium term and long term; and*
 - iii. *Responsive, particularly in relation to proposal that would supply significant development capacity.*
 - c. *Policy 2 – Tier 1, 2 and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term and long term.*

- d. Policy 7 – tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.*
- e. Policy 8 - Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is: a) unanticipated by RMA planning documents; or b) out-of-sequence with planned land release*

38. The Report Writer acknowledges that the Framework report identifies the need to identify additional capacity, and concludes the rezoning would only supply approximately 70 additional dwellings (unserviced). This value appears to form the extent of the Writer's evaluation of lot yields during the assessment's accordance with the NPS-UD. No consideration is made of the site when reticulated services become available, as envisaged by the PWDP.

39. Re-zoning of the Sites should not be considered on its own as to whether it can supply significant development capacity, and should at least be considered in the context of its contribution towards Tuakau's growth in this location under the PWDP. Future Urban/Village Zone land east of the Residential zone land along Dominion Road would increase approximately 23% to 152 hectares, from the current 123.5 hectares (gross area) with the addition of the Sites as Future Urban/Village zone.

40. Although the eventual densities of a Future Urban Zone are unknown, considering the proposed Village/Future Urban zoning of the Sites and neighbouring properties prior to the Report, and using a conservative average gross density target for future proof areas of 8-10 households per hectare (WRPS Policy 6.15), where wastewater reticulation is provided, the proposed sites could add 226 - 280 households to this location.

41. Rezoning of the Sites can contribute to the expansion of Tuakau Township and its functionality by establishment of a defensible rural urban boundary; that can enable improved structure planning and integrated infrastructure planning outcomes in this immediate area, resulting in improved urban

integration including transportation connectivity along Dominion Road, which will help to reduce ribbon development.

42. Tuakau is an identified growth area and will require structure planning to ensure a well-functioning urban environment. The addition of the Sites as Future Urban/Village zone at this stage, enables the consideration and integration of this land for urban development.

43. The WRPS and the Future Proof 2017 predate the NPS-UD. Therefore, housing bottom lines established by these documents may not achieve the requirements of the NPS-UD.

WRC further submitter evidence

44. The issues raised in the WRC evidence are:

- a. The Sites are not within Waikato 2070; and
- b. The Sites do not have any infrastructure or plans for infrastructure.

45. The Sites have not been located within the extents of the Development Plan Maps for Waikato 2070, however with reference to Figure 4 below, the amended Report boundaries clearly show sites which have been identified within the Future Urban/Village Zone under the PWDP which have also not been located within Waikato 2070.

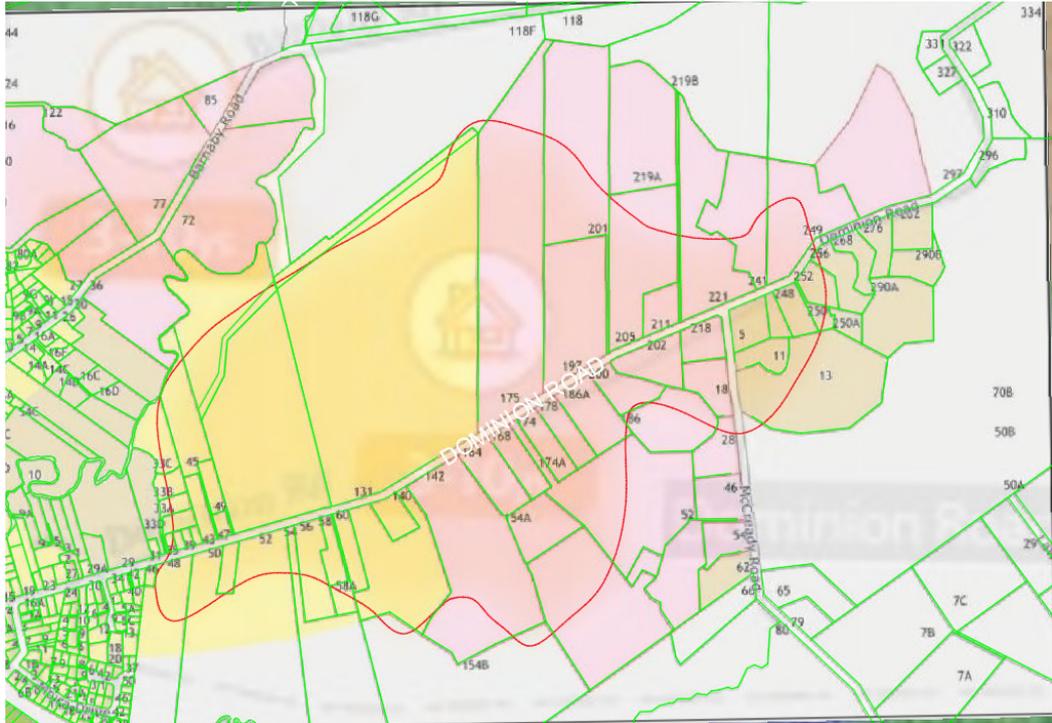


Figure 4: Extract of the Proposed Amended Zoning of north-east Tuakau taken from the Report, with an interpolated Tuakau Development Plan Map from Waikato 2070 - outlined in red

46. Large areas of the Dominion Road location are unserviced. Infrastructure planning, funding and development in conjunction with structure planning will enable the addition of the Sites as Future Urban/Village Zone and ensure they are included in planned infrastructure growth for Tuakau.

Fundamental Question

47. In Paragraph 304 of the Report the Writer raises a fundamental question being whether the land is suitable for urban development. We agree with this statement, however, we do not agree with the Writer's opinion that the Sites are not suitable; and as evidenced in this rebuttal:

48. The landscape and geotechnical features/constraints of the Sites are not dissimilar to other neighbouring areas/sites that have been identified within the Future Urban/Village Zone extent along Dominion Road.

49. Although the sites are located outside the development areas for the TSP, Waikato 2070 and Future Proof 2017 the use of this fact as part justification to reject this proposal is considered of low value when there are clearly other

sites that have been rezoned that are also outside of these development areas.

50. As identified in the earlier submissions for each individual Site and evidence lodged, the addition of these Sites can provide opportunities for improved access by varied transport modes and links to Dominion Road through structure planning, that can help with the urban functioning and connectivity between sites, reduced potential ribbon development and transport effects on Dominion Road.
51. Rezoning 219B Dominion Road, resolves the issue of creating an isolated rural lot accessed from a future urban location
52. Rezoning the Sites utilizes the use of an existing public road and established private access ways, and the natural and physical site features that would contribute to establishing the separation and buffering anticipated between the rural urban boundary, that is not currently provided under the PWDP.
53. In our opinion the land at 219B and 297 Dominion Road is suitable for urban development.

Sam Shuker & Nick Hall
03 May 2021