

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)**
C.H.S Enterprises Limited (Chris Sorrel) (#390)

**SUMMARY OF EVIDENCE (HIGHLIGHT'S PACKAGE)
BY SAM SHUKER AND NICK HALL
FOR JAMES LIN AND C.H.S ENTERPRISES LIMITED**

12 MAY 2021

Overview and Relief Sought

1. Submission #290 and #390 are two individual submissions, on adjacent land holdings at 297 and 219B Dominion Rd, Tuakau (the Sites)
2. Both Sites are split-zoned by the Proposed Waikato District Plan (PWDP); each Site is, in part, zoned Village and Rural Zone.
3. The relief sought by each submitter is a re-zoning of the rural-zoned land on their respective Site's to Village Zone; or, if the land within the Sites is changed from Village Zone to Future Urban Zone, the relief sought will be Future Urban Zone.
4. The relief sought is a change in the zoning and use of the Sites from a rural environment to an urban environment.

Original Submissions and Key Points

5. Original submissions were lodged to the PWDP on 2018 by each Submitter
6. Each Submission presented a Concept Plan showing how the sites could be developed to accommodate development anticipated for the Village Zone (unserved), and presented consideration for access/transport links within the immediate and neighbouring locations that could provide improved urban development outcomes.
7. Each submission identifies that Tuakau is an identified growth area, and that the addition of the Site's to be wholly Village Zone will contribute to the anticipated growth of the town.

Significant Proposed Changes to the Village Zone impacting the Submitters

8. Hearing 6 - Village Zone: The Council s42a Report recommended a significant shift from the notified PWDP in the way subdivision and development of newly proposed Village Zone land in Tuakau is managed, and essentially seeks to adopt a Village Future Urban Density Precinct (VFUDP), that would, in essence, restrict all subdivision of land contained within the VFUDP until reticulated service connections were available and structure planning was complete.
9. Furthermore, the s42a Report for Hearing 25 – Rezoning, goes further, and proposes to re-zone the land within the VFUDP as Future Urban Zone.
10. The significance of these s42a Reports, and the recommended changes to the Village Zone land to Future Urban Zone, indicates that the general location of the Sites is suitable for future residential development, coordinated through structure planning.
11. The significance of these changes to the submissions made are that the proposed zoning relief sought may possibly be different to the eventual zoning on the Sites. Therefore, I reiterate Point 3 and 4 of this summary report.

s32AA Assessments and Evidence Submitted

12. Given the Sites adjoin each other, the relevant assessments of the higher order documents were similar, however in each case, the conclusion drawn was that was that the re-zoning would be efficient and effective in achieving the objectives of the PWDP as the assessment showed general alignment with the relevant objectives of the PWDP, and alignment with the higher order documents

13. In addition, the key evidence submitted includes that;
- a. the Sites are considered suitable for development, as they are comparably located on land with similar limitations to areas identified for urban growth;
 - b. the rezoning of the Sites to Village/Future Urban adjoins the periphery of the town to the west, that is also proposed to be zoned Village/Future Urban Zone;
 - c. the Sites define the catchment and area bound by Dominion Road and a private access way to create a more defensible boundary;
 - d. the rezoning of 219b Dominion Rd prevents the creation of an isolated rural lot accessing from a future urban location, and;
 - e. each Site can contribute to improved integrated infrastructure planning outcomes including transportation/access solutions in the immediate area;
 - f. the Sites are predominantly void of high-class soils;
 - g. the Sites are located 'upstream' of public stormwater and wastewater services allowing efficient gravity-fed reticulation systems;
 - h. the Sites do not contain registered cultural or historical sites of significance;
 - i. the rezoning could contribute around 23% more land to the Village Zone/Future Urban land areas east of the Residential Zone land along Dominion Rd, and an additional 226 - 280 reticulated households (using a conservative average gross density target for future proof areas of 8-10 households per hectare (WRPS Policy 6.15).
 - j. rezoning can coincide with other currently adjoining and zoned rural areas proposed to be rezoned Village/Future Urban, and be developed through Structure Planning to ensure the timing, development funding and implementation is coordinated;

Council Rebuttal Evidence – 10 May 2021

14. We have read rebuttal evidence of the s42a Author (Chloe Trenouth) for Zone Extents – Tuakau, and will address a few key statements of the evidence report.
15. We agree with the Author, and as evidenced in our Submissions, that the Sites:
- will provide a defensible boundary, and
 - are not subject to high quality soils, significant mineral resources, natural hazard areas, or significant infrastructure; and,
 - that applying a Village/Future Urban Zone to the Sites would enable Structure Planning and coordinated development to occur.
16. With regard to split zoning and defensible boundaries, we agree with the comment of the Author that split zoning is not uncommon, but is not preferable.
17. We do not agree with paragraph 39, that states “The notified Village Zone extent uses the natural boundary of the stream/gully, illustrated by the blue line...” as the notified Village Zone

boundary follows the parcel boundary of Lot 2 DP 202306. The stream runs alongside and through this site as demonstrated in Figure 1.



Figure 1: General location of stream relative to boundaries of Lot 2 DP 202306 and the Notified PWDP Village Zone extents. Source: Waikato Regional Council Local Maps – Viewer

18. We disagree with the comment that the PWDP split zoning of the Sites will not have any material impact on how future development can occur. Our evidence minimises the potential for material impacts with future development and is evidenced throughout the submissions to date.
19. We disagree with the opening sentence of Para.42 that the key issue (for the Sites) is that they are not located within the mapped area for future growth, and that therefore the re-zoning of the Sites would be inconsistent with Waikato 2070 and Future Proof 2017.

Although located adjacent to the mapped areas for urban growth, both the Waikato 2070 and Future Proof 2017 describe the urban limits for Tuakau as indicative. Future Proof 2017 adds that these indicative limits should not prevent changes to these limits where appropriate.

20. The s42a Author acknowledges that the urban growth limits as mapped are indicative. We agree with this statement.
21. We disagree with the comment in Para.43 that the Sites are not necessarily easily serviced.

The Sites are located at or above the levels of adjoining land that is currently proposed Village/Future Urban. Therefore, the Sites are located 'upstream' of future public stormwater and wastewater services that should allow efficient gravity-fed reticulation systems and connections to the west.

22. We agree with the opinion of the Author that the resulting density of development by re-zoning in this location will be of a 'large-lot residential' scale, if by the use of the term 'large-lot residential' refers to a range of densities anticipated for the urban growth of Tuakau of between 667m² – 1250m² (8 - 15 households per hectare).

Apparent matters in Dispute

23. Areas located outside of identified mapped areas for Future growth rezoned from Rural to Village/Future Urban: The evidence submitted has demonstrated that the Sites are located beyond the mapped growth areas for the Tuakau Structure Plan (TSP), Future Proof 2017 and Waikato 2070, and that there are also many other sites zoned for urban growth beyond the extents of these indicatively mapped areas.

What appears to remain in dispute is the level to which you can rely on the indicative mapped urban growth areas of higher order documents to define the extent of a particular growth area.

The s42a Author places a reliance of the extents of the mapped urban growth areas as a key issue against the proposal and a reason to reject the Submissions, when there are clearly areas beyond the mapped extents zoned for urban growth.

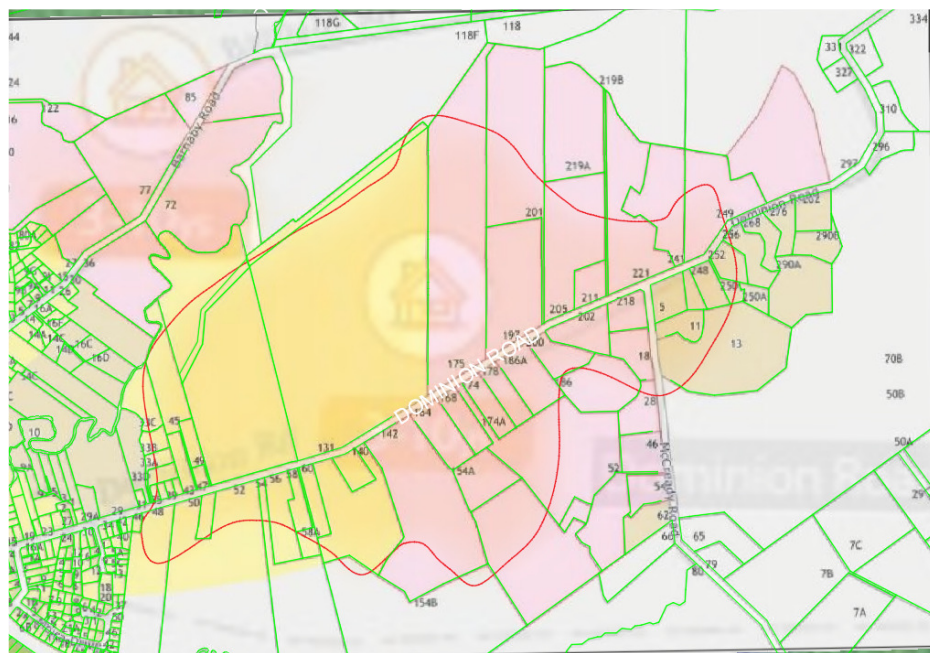


Figure 2: Extract of the Proposed Amended Zoning of north-east Tuakau taken from the s42a Hearing 25 Zone Extents Report, with an interpolated Tuakau Development Plan Map from Waikato 2070 - outlined in red

The indicative nature of the mapped extent of urban growth also helps to explain why there are other sites located beyond these areas that are proposed for urban development under the PWDP.

Our evidence has identified the Sites are in the general location of the mapped urban growth areas. The Sites are considered suitable for development, and are comparable with surrounding sites that have been identified for urban growth. We do not consider the fact that the Sites are located beyond the mapped extents of an urban growth area to be a key reason to reject the Submission.

24. Defensible Boundary: The submissions and evidence submitted have demonstrated that accepting the Sites for Re-zoning will enable a more defensible zone boundary between the rural and urban environments.

The s42a Author also accepts that the Sites would provide a defensible boundary but considers the notified extents of the Village Zone can also provide a defensible boundary.

The apparent matter in dispute is which boundary will provide a more defensible boundary.

Conclusion

25. Both Submissions have sought to re-zone part of their Sites to Village Zone, an urban zone, that was intended to develop into a large-lot residential location at full development.
26. In addition, both Submission Sites are split zoned containing both Rural and Village/Future Urban Zone land, and have evidenced the potential benefits of the entirety of each Site being zoned Village/Future Urban, including the establishment of a more defensible boundary.
27. Despite the imposing changes/recommendations that have developed through Hearings (Village Zone Hearings, Future Urban Zone), and the higher order documents such as the NPD-UD, it is our opinion that the Sites remain suitable for urban growth as evidenced.
28. There are no material concerns by a submitter opposing the proposed re-zoning that have not been addressed in rebuttal throughout this process.
29. Therefore, the re-zoning relief sought should be accepted.

Sam Shuker & Nick Hall

12 May 2021