

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Variation 3 to Waikato Proposed District Plan

**STATEMENT OF EVIDENCE OF ANDREW WOOD (PLANNING)
ON BEHALF OF NEXT CONSTRUCTION
(SUBMITTER 99)
7 July 2023**

Introduction

- 1 My name is Andrew Wood and I am the Development Manager for Next Construction. I have held this role for 2 years and my background is in planning. I have over 17 years' experience in planning and I hold a Bachelor of Science (Resource and Environmental Planning) and a Master of Science (First Class Honours) from the University of Waikato. I was a full member of NZPI for 3 years until 2022.
- 2 Prior to being employed as a Development Manager for Next Construction, I was employed by CKL as the Planning Manager which oversaw a team of approximately seven planners. I was employed as a Planner with CKL for more than 12 years and also have two years' experience in Local Government in the United Kingdom.
- 3 My primary experience is with resource consent applications for all types of land development projects, including residential, commercial, industrial, rural and mixed-use developments. I have worked with the Waikato District Plan since 2007. In particular, for the Waikato District Plan, I have been involved with several District Plan reviews and involved with more than 100 land use and subdivision consent applications for land development and subdivision.
- 4 My experience includes stormwater discharge and resource consents at the Regional Council level for structure plans, new growth cells, greenfield and brownfield land development in the wider Waikato region.
- 5 My planning experience covers the whole ambit of land development from project inception through consenting, construction, management and certification.

Code of Conduct

- 6 I have read and am familiar with the Code of Conduct for Expert Witnesses in section 9 of the Environment Court Practice Note (2023). I have complied with and will follow the Code when presenting evidence. I also confirm that the matters addressed in this Statement of Evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

- 7 This evidence relates to the submission provided by Next Construction, 61 Old Taupiri Limited, Swordfish Projects Limited, 26 Jackson Limited, 99 Ngaruawahia Limited, related to properties 61 Old Taupiri Road, Ngaruawahia, 15 Galbraith Street, Ngaruawahia, 29/33 Galbraith Street, Ngaruawahia, 99 and 99a Ngaruawahia Road, Ngaruawahia.
- 8 This evidence addresses the Urban Fringe Overlay, rezoning for properties that are half residential and half rural zoned and the proposed stormwater maps and provisions.

Executive Summary

- 9 I support the removal of the Urban Fringe qualifying matter and specifically the rezoning of the General Residential Zone in the Proposed District Plan to Medium Density Residential 2 Zone.
- 10 I have refuted the statements in the s42a report that no information exists to support the rezoning of the Rural Zone land at 99A Ngaruawahia Road and 18 Rangimarie Road.
- 11 My statement demonstrates that sufficient information and evidence exists to support the rezoning of the Rural Zone land at 99A Ngaruawahia Road and 18 Rangimarie Road to Medium Density Residential Zone 2.
- 12 The stormwater and flooding work submitted by the Council needs to be considered at a District wide level through a normal Schedule 1 process. Currently, the draft report does not appear to be fit for purpose and is restricted by scope to fit within the extent of Urban Fringe boundary. In my opinion, stormwater and flooding considerations should not be restricted by property or zone boundaries. It should also be subject to public consultation and peer review.

Urban Fringe

- 13 I understand that the Panel considers that Urban Fringe as a qualifying matter does not satisfy the requirements of s77L of the Resource

Management Act 1991.¹ This accords with the original submission's relief sought and the removal of the qualifying matter is supported as identified in the s42a report. This evidence is written with this assumption in place.

- 14 A new zone has been introduced, MRZ2, which is based on the MRZ zone of the decisions version of the Proposed Waikato District Plan (PWDP) with the necessary amendments to incorporate the MDRS provisions.² MRZ2 is sought to be applied to the four towns in the existing General Residential Zones and Medium Density Residential Zones.³
- 15 I understand the boundary of Urban Fringe is being considered under the wider stormwater umbrella, as I discuss further below.

Rezoning

- 16 Next Construction has sought to rezone 99A Ngaruawahia Road and 18 Rangimarie Road (adjoining properties) from Rural Zone to MRZ2 (previously referred to as General Residential Zone) in their entirety. As shown in Attachment 1, the zoning under the PWDP is 'split down the middle'. I understand that the scope of this rezoning will be addressed in legal submissions.

Background to zoning

- 17 The properties have split zoning along an arbitrary parcel extent (not a legal title boundary). The split zoning is a consequence of the PWDP notification process occurring in two stages. Stage 1 of the PWDP was notified in July 2018. Stage 1 changed zoning in the vicinity from Rural to General Residential to be consistent with the 2017 Ngaruawahia Structure Plan (NSP) and Future Proof urban extents. Land that was being considered under Stage 2 of the PWDP was not considered for rezoning. This Residential Zone was retained through the Decisions Version and Appeals Version and is not subject to appeal and is therefore considered operative.

¹ Waikato District Council IPI Interim Guidance 1, 14 March 2023. It is also the recommendation in the s42a report that Urban Fringe be removed as a qualifying matter, page 231, para 592 of the s42a report.

² Page 16, para 31 of the s42a report.

³Page 231, para 590 of the s42a report.

- 18 Stage 2 of the PWDP notification comprised of the planning provisions associated with “Natural Hazards and Climate Change” and was notified in July 2020. This included the flood hazard component of the PWDP affecting the subject sites. Stage 2 of the PWDP did not resolve deferred zoning considerations in the PWDP from Stage 1. Therefore, whilst the “Natural Hazards and Climate Change” provisions were decided upon, zone changes were not within scope to be considered because zone changes affected by Natural Hazards and Climate Change were omitted from Stage 2. The arbitrary zone boundary currently remains as it could not be altered through the PWDP process.
- 19 Following notification of Stage 2 of the PWDP, Council staff advised that they intended to “tidy up” zoning of the sites within Stage 2 to align with the findings of Stage 2 (as the identified Natural Hazard layer found in Stage 2 did not extend over the land intended to be residential) however this did not occur. It was subsequently deemed out of scope.

S42a report

- 20 The s42a author does not support the request for the rezoning on both parcels of land for the following reasons:⁴
- (a) The General Rural Zone area of the site is located within the High Risk Flood Zone and Flood Plain Management Area.
 - (b) No additional information is provided with the submission that supports the rezoning of the site.
 - (c) If this area was to be rezoned, a comprehensive approach is required given the presence of the flood hazard in this location.

Further reports for rezoning

- 21 The s42a report states: “No additional information is provided with the submission that supports the rezoning of the site”.⁵ This is acknowledged based on the information provided in the submission, however this is because the information to support the rezoning exists in the form of

⁴ Page 7, para 7 of the s42A addendum report.

⁵ Page 7, para 7 of the s42A addendum report.

information used to inform “Urban Expansion” within both the 2017 NSP, the 2023 NSP and Future Proof. It is considered sufficient information already exists and was procured by the Council. In particular, the NSP 2017 includes supporting information regarding urbanisation of the subject land as follows:

- a) Built Heritage Assessment Report;
- b) Archaeology Report;
- c) Geotechnical Suitability Report;
- d) Landscape Assessment;
- e) Urban Design Assessment;
- f) Market Assessment;
- g) Water and Wastewater Technical Assessment;
- h) Ground Contamination Assessment;
- i) Transport Assessment; and
- j) Catchment Management Plan.

- 22 Each of the reports listed above supported the identification of the land in the 2017 NSP as “Living (Proposed Residential)”, in particular as Stage N3b of the NSP (refer Appendix 2). I therefore consider that sufficient information exists to support the rezoning of the land to MRZ2.
- 23 In addition to the Council work, the Masterplan in Appendix 4 below demonstrates work undertaken by the submitter that has been used in consultation with WDC, including resource consent strategies for urbanisation under the PWDP. The Masterplan demonstrates a comprehensive approach to urbanisation and factors in the 100 year flood level from the nearby Waipa River (as illustrated on the Masterplan). The Masterplan demonstrates that the elevated flat topography is appropriate for residential development and is located approximately 2 – 3 m (minimum) vertically above the PWDP High Risk Flood Area.
- 24 In summary, I therefore consider that sufficient information exists to consider rezoning the land to MRZ2.

- 25 I consider the land to be “identified for future urban development” based on the transitional definition of Highly Productive Land in the NPSHPL. The basis for this is the work done by the NPS 2017, Future Proof and 2023 NPS. These documents identify the subject land as being for future urban development and within a timeframe of 10 years. It is my assessment that the subject land is therefore excluded from having to consider NPSHPL.

Wastewater for rezoning

- 26 A wastewater pump station under construction by the submitter on the property at 99 Ngaruawahia Road as part of consented development was oversized and deepened to provide additional capacity and infrastructure to service the proposed zone extents.

Flood Risk

- 27 I consider that the land is suitable to be rezoned from Rural to MRZ2 (General Residential) with the following supporting information and evidence. The High Risk Flood Area or Flood Plain Management Area extents that affect the properties as per the decisions of the PWDP are not challenged by the submitter. However, the recent modelling released by Council as appended to the s42a report for Variation 3 is discussed further below.
- 28 The land is identified within the 2017 NSP as “Living (Proposed Residential)” (refer Appendix 2). The PWDP adopted the entire “Living (Proposed Residential)” identified in the NSP in the vicinity as General Residential Zone with the exception of the subject land which was pending consideration in Stage 2 of the PWDP.
- 29 The land is also identified in the 2023 revision of the Ngaruawahia Structure Plan currently being drafted and consulted on by WDC with decisions expected to be public during 2023. All of the subject land in the 2023 Structure Plan is identified as General Residential (refer Appendix 3).
- 30 The land is also identified as “Urban enablement area” within Future Proof which correlates with both the 2017 NSP and the 2023 Structure Plan.

- 31 Each of these documents are supported by independent information and research to inform such decisions and identification of land suitable for urbanisation.
- 32 Based on the NSP, Future Proof, and the 2023 Structure Plan, the submitters have undertaken extensive investigative work on the urban development potential of the land including master planning, engagement with archaeologists, mana whenua, engineers, planners and Council engagement.
- 33 As part of Stage 2 of the PWDP, Council confirmed the extent of the 100 year flood risk area from the Waipa River and adjacent water courses. This area is now published and confirmed, therefore the area between the flood risk area and the PWDP General Residential Zone can be rezoned to align with wider zone changes undertaken as part of the PWDP process.
- 34 The High Risk Flood Area will provide the opportunity for recreation (passive and active) which will complement and support Residential Zoning. Existing lawfully established rural activities can continue, with future urban projects being enabled without policy restriction as if the Rural Zone was retained. For example, the Masterplan prepared anticipates use of the flood risk area through watercourse enhancement, stormwater treatment and attenuation, ecological restoration, passive and active recreation. These activities are likely to be more difficult with an underlying Rural Zoning and policy framework as opposed to a Residential Zoning.
- 35 The s42a report concluded that it is “inappropriate” to rezone the area as “The General Rural Zone area of the site is located within the High Risk Flood Zone and Flood Plain Management Area”⁶. This is an inaccurate statement as approximately 1.3ha (37%) of the land on both subject properties is located within the Flood Plain Management Area and High Risk Flood Area and approximately 2.2ha (63%) of land is outside these hazard areas and appropriate to be rezoned MRZ2.

⁶ Page 7, para 7 of the s42A report.

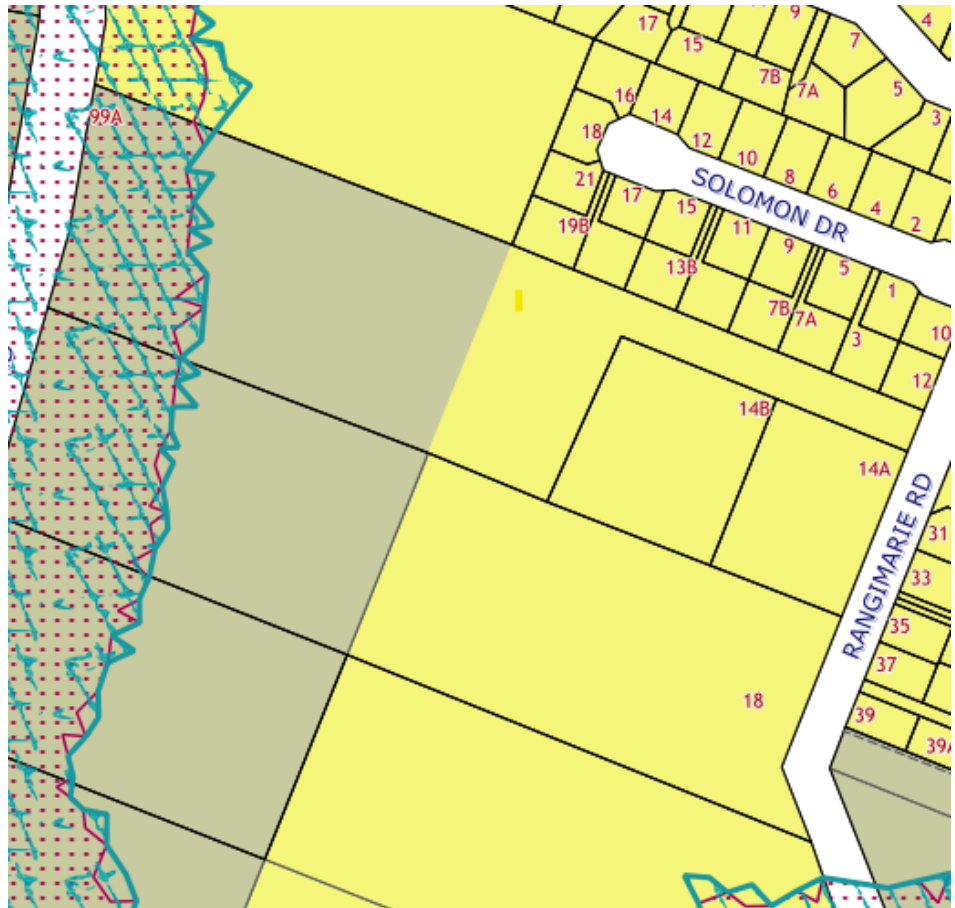


Figure 1: PWDP Rural and Residential zoning with High Risk Flood Area

- 36 I therefore consider it appropriate to rezone the entire area MRZ2 (with retention of the hazard areas in the PWDP) as retaining a Rural Zoning is purposeless and will only place a burden on developing the MRZ2 with an adjoining Rural Zone. Rezoning the area to MRZ2 (subject to hazards) does not enable a premise of urbanisation and certainly not Residential activities. Residential activities with such hazards are identified as Non-Complying Activities in the ODP and PWDP currently. The hazard areas will ensure appropriate restrictions on development without additional Rural Zone policy burdens to urbanisation.
- 37 In my opinion, it is more appropriate to rezone the entire area from Rural to MRZ2 (while retaining the High Risk Flood Area overlay), with appropriate overlays and controls associated with the flood risk remaining over the land. This makes for good planning as opposed to retaining a Rural Zoning under the High Risk Flood Area because these parcels of land are anticipated to ultimately form part of an urban environment and not a rural environment.

Retaining the Rural Zone

- 38 If the Rural Zone were to be retained, the remaining Rural Zone land would be of irregular shape and existing titles would have split zoning. The remaining Rural Zone land would also be wholly located within the High Risk Flood Area which is a natural impediment to most activities, including farming. Therefore, the viability of permitted Rural Zone activities (such as farming) would be further restricted by retaining the Rural Zone.

Stormwater

- 39 The fundamental problem in my opinion is that Council has introduced new information appended to their s42a report that has not previously been part of the PWDP or Variation 3 process. Specifically, Appendix 1, Te Miro Water, "Technical Review: Stormwater DRAFT" ("Te Miro") has been released by the Council.
- 40 I note that expert conferencing has not taken place as I write my evidence and I will be attending the conferencing. My concerns are that the stormwater report:
- a) Has a "draft" stamp applied which implies it is potentially not suitable for the process it is being used;
 - b) Is stated in the evidence of A Boldero (also the author of Te Miro) as not being complete with further work to be undertaken (para 46);
 - c) Introduces a suite of information, notably potential flood risk and overland flow assessments that have not been peer reviewed;
 - d) Introduces a suite of information that has not been consulted on, but potentially places a substantial burden on a large number of properties;
 - e) Doesn't appear to recognise key Council committed projects, recently completed development and consented development (e.g. Infrastructure Acceleration Fund, 61 Old Taupiri Road subdivision, granted resource consents);
- 41 The Te Miro report identifies a flood extent on the properties as below:



Figure 2: Te Miro flood and stormwater extents

Compared to the PWDP:

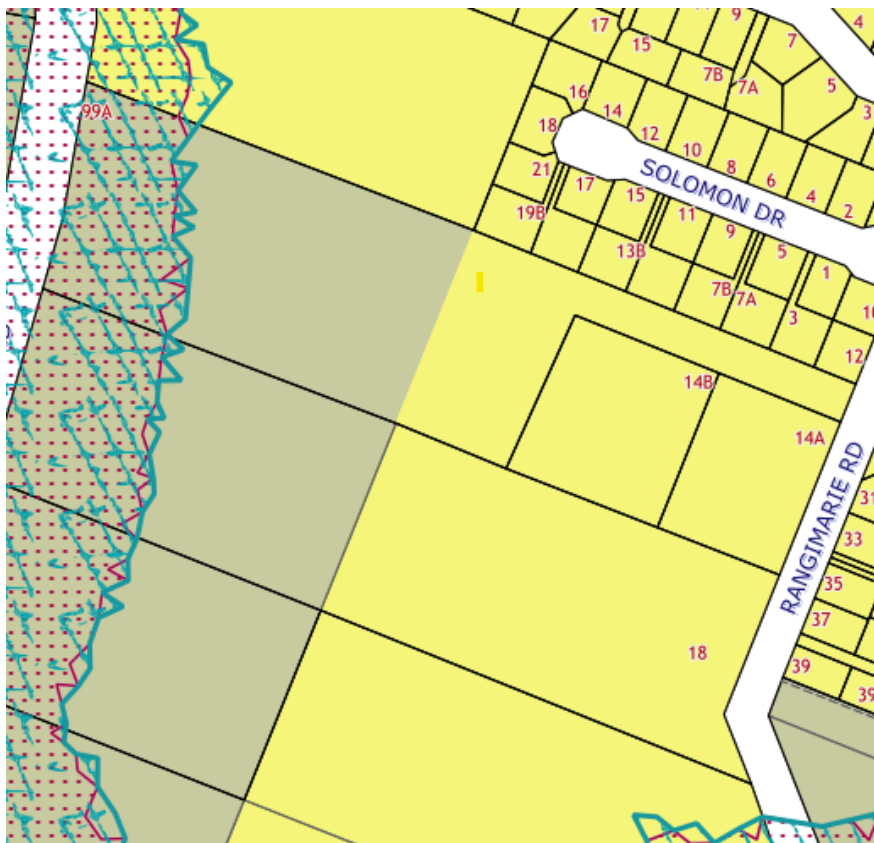


Figure 3: PWDP Flood Hazard Area

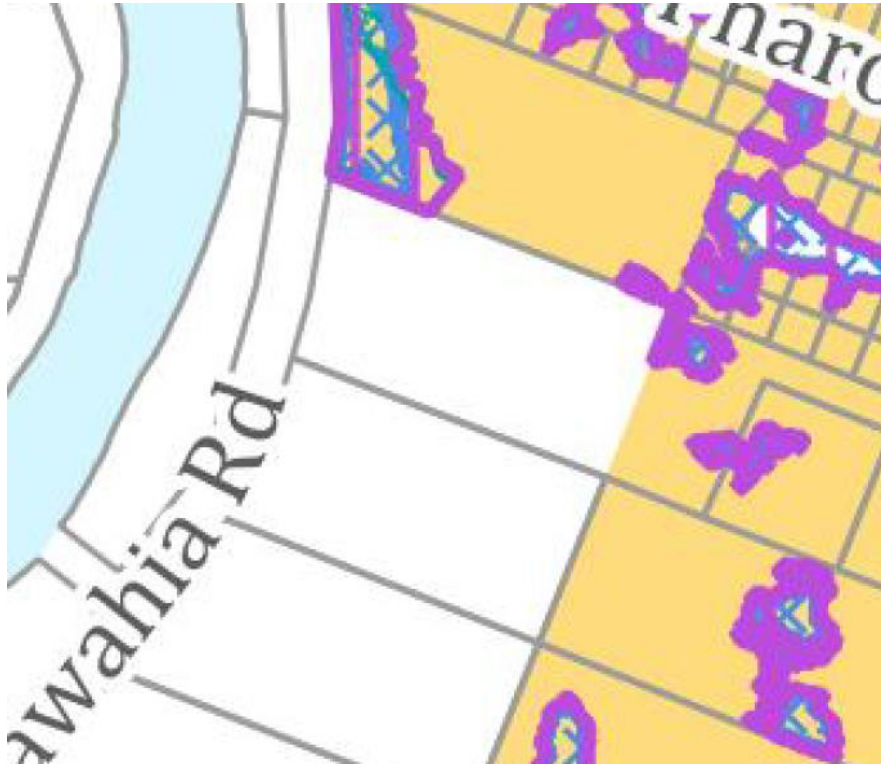


Figure 4: Proposed Stormwater Constraints Overlay (Annexure 2 evidence of K Huls)

Impermeable Surfaces

42 In my opinion, the key factor determining stormwater runoff from a site is the total impermeable surfaces and this appears to correlate with the evidence provided by the Council including the modelling by Te Miro. However, the maximum probable development (MPD) and total impermeable surfaces permitted by both the PWDP General Residential Zone, the PWDP Medium Density Residential Zones, MRDS and Variation 3 all permit a maximum impermeable surface of 70% of a site.⁷ This rule applies irrespective of the density permitted and is also the impermeable surface assumption used in the modelling. Therefore, enabling additional density (i.e., building up) does not create any additional impermeable surfaces. A property is permitted to have a maximum of 70% impermeable surfaces under the current ODP, and PWDP framework, and this does not change under MDRS or Variation 3. The evidence of A Boldero assumes that more houses means more stormwater runoff (para 10). I disagree with this statement as the maximum probable development is 70% for impervious surfaces and this remains the same and thus stormwater runoff in all scenarios and rule

⁷ See rules: GRZ S13, MRZ S7.

frameworks. Any development over 70% impermeable surfaces requires resource consent regardless of the site size or density.

- 43 In my experience, it is standard practice for any development to design stormwater treatment and attenuation based on MPD (70% impermeable surfaces). The maximum stormwater runoff does not change as a result of MDRS and whether zoned for one house or three per site. The resource consent process requires assessment of 100 year events, allowances for climate change, and overland flow paths. Every single development or subdivision I have been involved with has required stormwater to be assessed based on MPD (i.e. 70% impervious surfaces) regardless of the size of the development, due to the permitted impermeable surfaces enabling 70% impermeable surfaces. Therefore, regardless of whether an overland flow path or flood risk exists or not, an appropriately qualified person is required to assess stormwater disposal from a site and cater for MPD. Therefore in my opinion the suggested restrictions on density in the MRZ2 to a single dwelling per site where a possible (noting the draft work completed) overland flow path exists is unjust and does not mitigate any effect as the scale of permitted development and stormwater runoff remains unchanged.
- 44 I note that A Boldero supports the retention of maximum impermeable surfaces at 70% (para 25(d)). The PWDP and Variation 3 require all subdivision to assess and consider stormwater, therefore resource consent is required in all scenarios and has the ability to be assessed accordingly. All development in a High Risk Flood Area requires resource consent and would be assessed and considered accordingly.

Response to Further Submissions

Waikato Regional Council – Further submission

- 45 This submission opposes rezoning on the basis of timing, no assessment to WRPS and Proposed Plan Change 1 (PPC1) to the WRPS. This is acknowledged, however the basis for doing so is due to the NSP 2017 predating PPC1. The land is already identified as urban in the WRPS through Future Proof and I understand this exempts it from considering NPS-HPL.

Ports of Auckland – Further Submission

- 46 This submission opposes the MRDS applying to land, in particular, Horotiu. The MRZ2 should apply to all residential land in accordance with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. I consider that this opposition point is redundant based on the Panel’s findings regarding the Urban Fringe Qualifying Matter (refer para 9) is not applicable and that Horotiu is not identified as an Urban Environment to which MDRS applies.

Te Whakakitenga o Waikato – Further submission

- 47 The submitter opposes the General Residential Zone having the MDRS under Resource Management Act 1991 and the rezoning due to infrastructure.
- 48 Infrastructure has been considered in my evidence at paragraphs 39 – 44. In my opinion, enabling MDRS does not enable any ability to sidestep infrastructure requirements in the PWDP and all development will be required to comply with relevant technical requirements of the PWDP. Further, I note that the introduction of MDRS does not generate any additional demand for housing or infrastructure, it solely enables a wider range of sites on where the demand could be located.

Conclusion

- 49 In my opinion the rezoning of the land at 99A Ngaruawahia Road and 18 Rangimarie Road will better align with the intention of the PWDP, the 2017 NSP, the draft 2023 NSP and effective planning outcomes to remove potential policy burden and achieve a more effective implementation of the RMA, PWDP and Variation 3.
- 50 I have summarised existing information and provided additional evidence to support the rezoning of the subject land from Rural to Medium Density Residential 2 Zone. Variation 3 presents a logical opportunity to resolve the zoning inconsistency resulting from the PWDP Stage 2 process which failed to rezone land not subject to natural hazards but indicated for residential development.

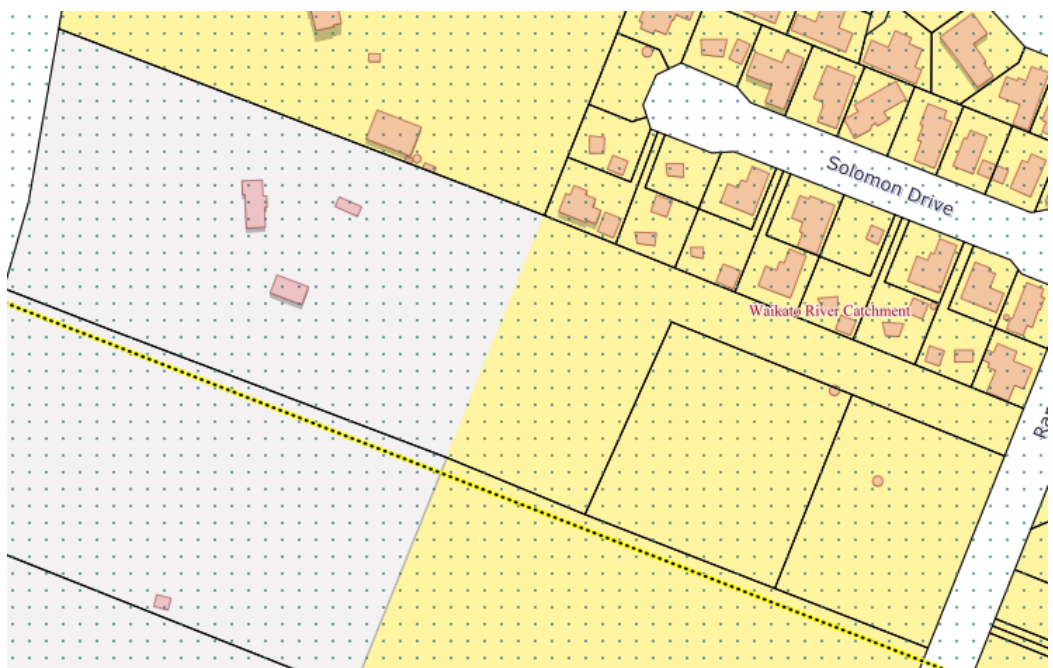
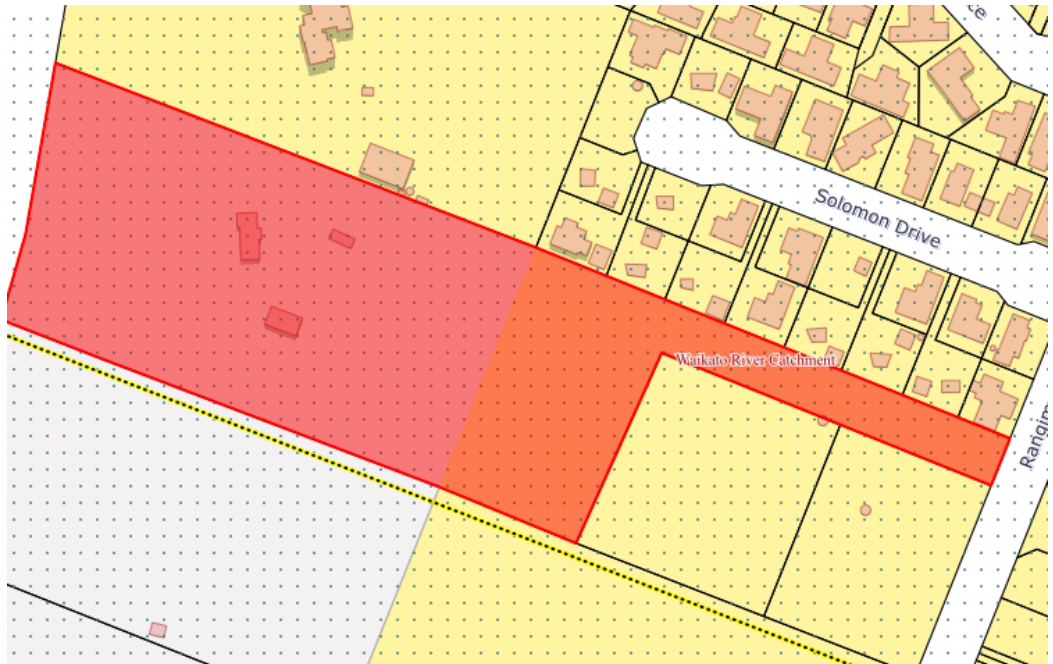
51 Natural Hazards and potential changes to flood risk and stormwater overland flow paths need to be considered on a District wide scale through a Schedule 1 process and not in the piecemeal manner currently proposed the Council through Variation 3. The information submitted by the Council for consideration through this process is not final and not subject to public consultation nor peer review. In my opinion this information is not suitable for the purpose it is being used. It will be more appropriate for the natural hazard components of Variation 3 to be removed from consideration as a result and considered through a more appropriate and inclusive process.

Andrew Wood

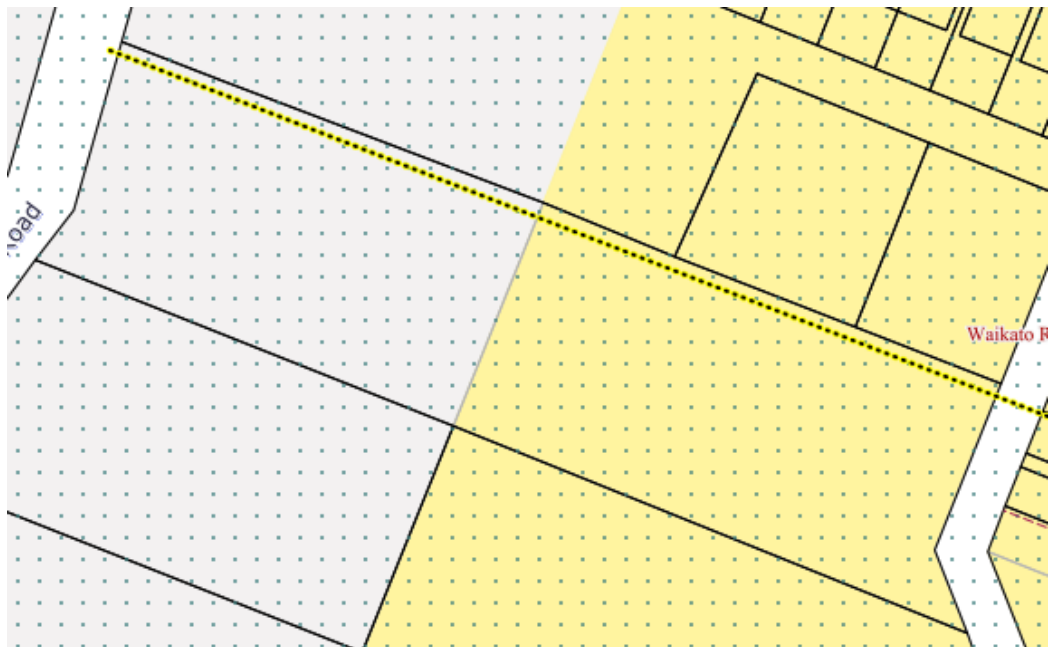
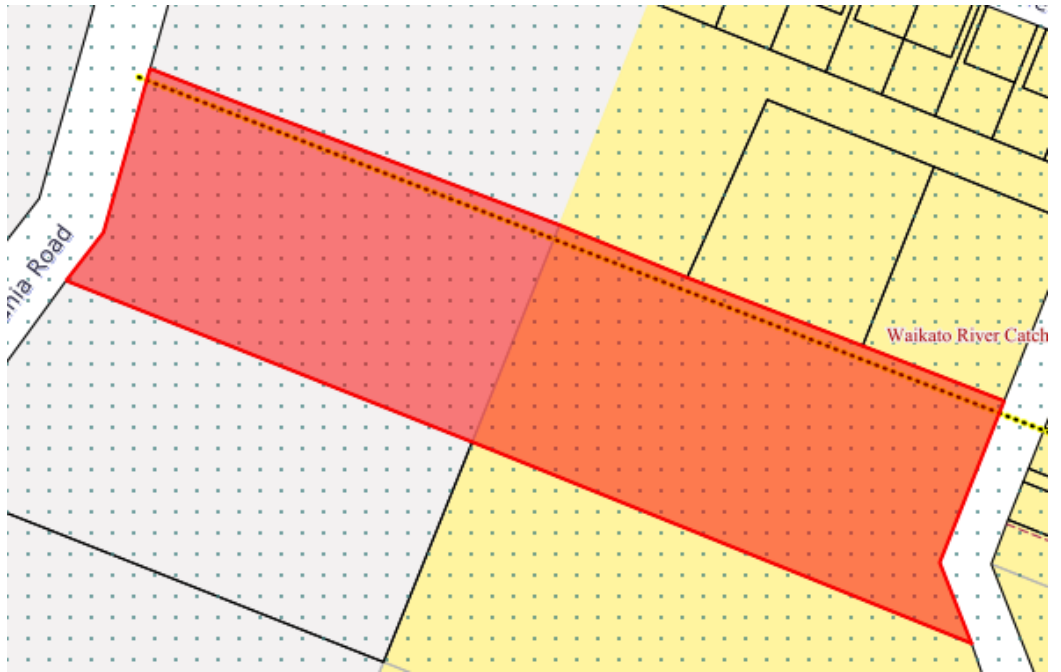
7 July 2023

Appendix 1: 99A Ngaruawahia Road and 18 Rangimarie Road

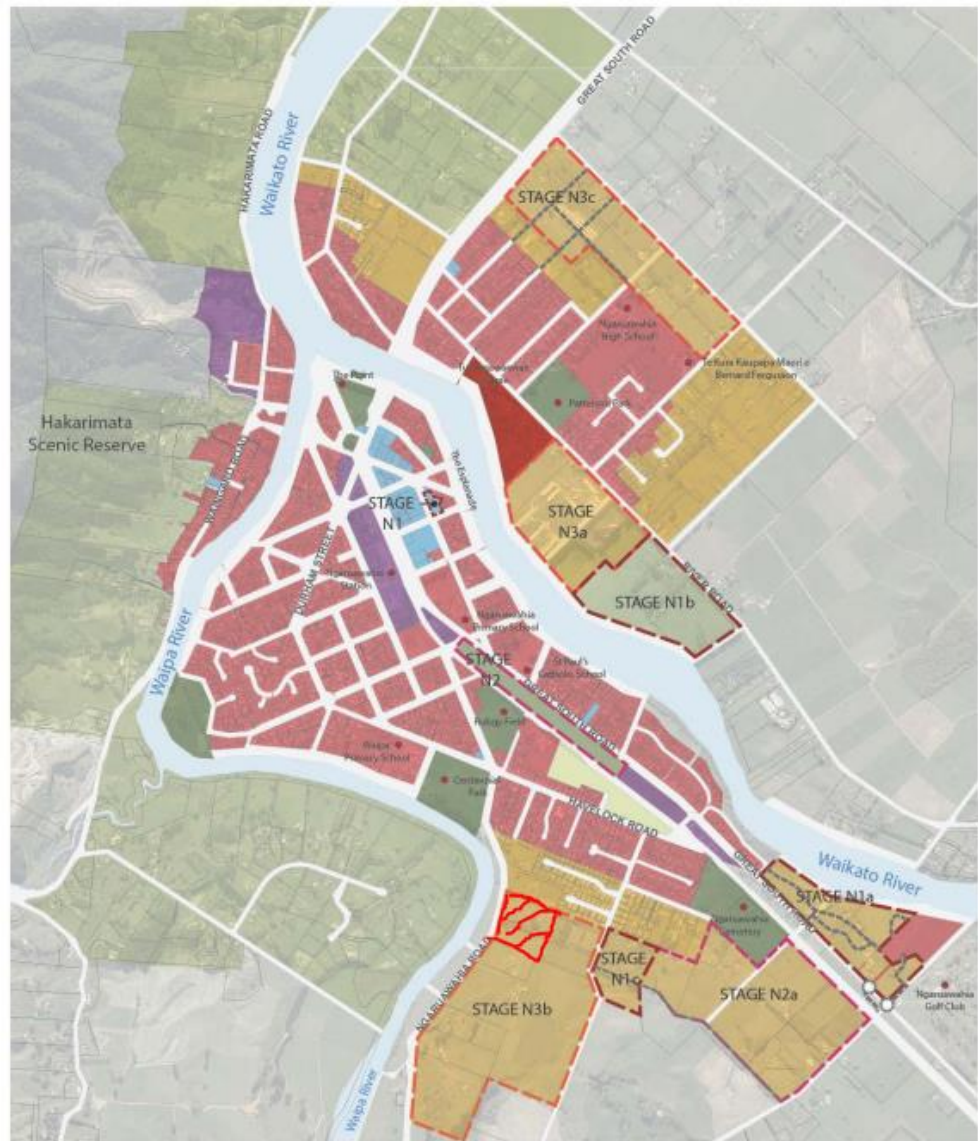
99A Ngaruawahia Road



18 Rangimarie Road



Appendix 2: Ngaruawahia Structure Plan 2017 with subject area in red box/hatch
Figure 21. Development Staging Plan for Ngaruawahia

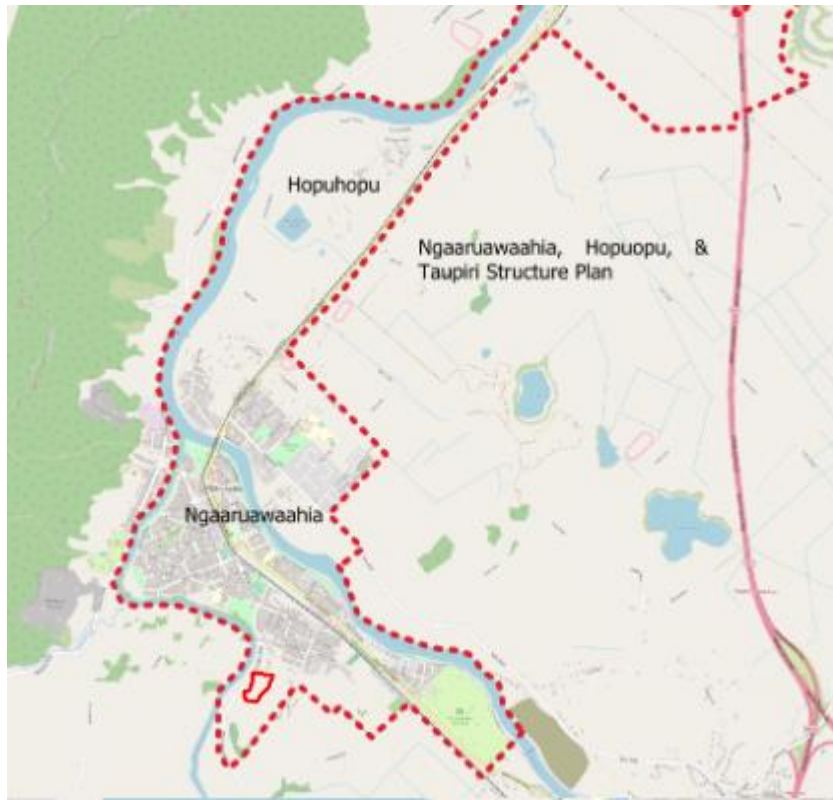


NGARUAWAHIA
 Proposed Land Use Zoning



- | | | |
|-------------------------------|------------------|-----------------------------------|
| Living (Existing Residential) | Business | Stage 1 |
| Living (Proposed Residential) | Heavy Industrial | Stage 2 |
| Country Living | Light Industrial | Stage 3 |
| River & Streams | Industrial Park | Indicative Future Road Connection |
| Recreation / reserves | Pa (Waikato) | Alternative roundabout locations |

Appendix 3: Ngaruawahia Structure Plan 2023 with subject area in red mark up



Appendix 4: Masterplan for 99 & 99A Ngaruawahia Road, 18 Rangimarie Road. The red line demarcates the Rural/Residential Zone



- NOTES**
1. ROAD CORRECTION TO RANGIMARIE ROAD
 2. FUTURE ROAD CORRECTION SOUTH
 3. PROPOSED PUMP STATION LOCATION
 4. LOCALISED FILLING / CONTOURING OF TOP OF BANK TO CREATE OUTDOOR SPACE FOR HIGHER DENSITY LOTS
 5. FUTURE PEDESTRIAN LINKS TO PARK TO CREATE BREAKS IN HOUSING PRODUCT
 6. EXISTING TREES TO BE RETAINED
 7. NEW TREES (INDICATIVE ONLY)
 8. POTENTIAL STORMWATER TREATMENT AREAS

Area left and below red line proposed to be rezoned from Rural to General Residential



WORK IN PROGRESS

NGARUAWAHIA ROAD
Masterplan Concept

Date: 24 March 2021 | Revision A
Drawing Number: 2105_001

Plan prepared by Adapt Studio Ltd for Next Construction Limited