

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

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions to the Waikato District Council Proposed
District Plan by **Vineyard Road Properties Limited**

STATEMENT OF EVIDENCE OF NICK WILLIAMSON

for Vineyard Road Properties Limited

REBUTTAL EVIDENCE ON THE S42A ZONING REPORT – TE KAUWHATA

Dated 3 May 2021

NITRODUCTION

1. My full name is Nicholas Eyre Williamson and I have the qualifications and experience set out in my initial affidavit. This rebuttal is also prepared in accordance with the Code of Conduct for expert witnesses as detailed in my initial affidavit.

SECTION 42A REPORT – ZONE EXTENTS – TE KAUWHATA

2. I have reviewed the s42A Report prepared by Jane Macartney for Hearing 25: Zone Extents Te Kauwhata dated 16 April 2021.
3. The submission by Vineyard Road Properties Ltd is addressed from paragraph 265 of the s42A report. The reporting officer is of the view that the submission should be rejected for the reasons listed at paragraph 277 of the report:

277. I consider that the requested Village zoning, for the Muirlea properties at 122 Vineyard Road and Lot 2 DPS 15234 on Orchard Road, is problematic because:

- (a) Council's data indicates that the existing urban zones within Te Kauwhata provide sufficient capacity to meet the expected demand for growth in the short term, medium term and long term, and therefore Objective 2 and Policy 2 in the NPS-UD are already given effect to.
- (b) A low-density Village Zone at the perimeter of Te Kauwhata's urban limits would not result in integrated land use and infrastructure planning, therefore would not give effect to Policy 10 in the NPS-UD.
- (c) A low-density Village Zone would not give effect to Objective 3.10 in the WRPS, in that the resulting development would not result in the efficient use and development of natural resources.
- (d) A low-density Village Zone would not give effect to Objective 3.12, and Policies 6.1 and 6.3 of the WRPS, in that it would not result in integrated, coordinated, sustainable and planned built development and associated land use.
- (e) It would result in an undesirable 'spot zone', which is not supported by paragraph 161 clause (i) in the s42A framework report.
- (f) It would be inconsistent with Objective 4.1.1 of the PWDP, in that low-density urban development in this location would not achieve liveable, thriving and connected communities that are sustainable, efficient and coordinated.
- (g) It would be inconsistent with Policy 4.12 of the PWDP, in that the resulting 'outside in' low-density urban development would not achieve a consolidated settlement pattern.
- (h) It would be inconsistent with Policy 4.1.12 of the PWDP, which nominates Lakeside as the only area that provides for future growth in the medium term.
- (i) It is inconsistent with the settlement pattern anticipated by Waikato 2070.

(j) The submitter's evidence has not addressed all the above concerns.

4. There is little reference in the s42A report to either the s42A Framework Report or the s42A report for Hearing 6 (Village Zoning). Consequently, the conclusions reached by the reporting planner are inconsistent with those of her colleagues in the earlier reports. Both those earlier reports recognise the need to provide additional growth areas to 'future proof' the provision of infrastructure in Te Kauwhata. In my view the reporting planner has not taken a sufficiently long planning horizon.

CLZ VERSUS VZ

5. The Country Living Zone falls under the Rural Chapter of the PWDP and its purpose (as stated in the s32 Report for the CLZ) is to provide for "*low density residential development*" that has little to no rural land use component. It also provides rural residential living opportunities to alleviate pressure for the subdivision and development of rural land. Why the minimum site size is 5,000m² remains somewhat of a mystery.
6. Also puzzling is why some CLZs are located in or adjacent to urban areas, when their purpose is to alleviate rural growth pressure by providing a supply for 'rural living' demand. In Te Kauwhata, this supply of low density residential development is forecast to be exhausted within three years. If this area was instead zoned VZ at densities more consistent with what is expected in this location within the northern extent of Te Kauwhata's urban footprint, it would be more consistent with the higher order objectives and policies described in the s42A report. This was the effect of the s42A Framework Report which stated in paragraph 'p' on page 5:

Submissions seeking rezoning from 'rural-residential' to 'residential' in areas close to existing towns and villages identified for growth (WRPS and Future Proof Strategy Planning for Growth 2017) and which remain largely undeveloped should be considered favourably. This is to ensure that the long term expansion of existing urban centres is not precluded and that conflicts with existing and planned infrastructure and land use do not occur. This includes, for example, rural-residential zoning on the periphery of Ngaruawahia, Te Kauwhata, Pokeno, and Tuakau. This also includes Te Kowhai (refer to paragraph t).

7. By comparison, the Village Zone ("VZ") provides for subdivision down to 3,000m² where no reticulated services are presently available, and down to 1,000m² in serviced areas. Within the urban footprint of Te Kauwhata, opportunities for reticulated and other services do exist. The undeveloped areas of Vineyard Road owned by the submitter more comfortably fit within the objectives and policies for the urban chapters of the PWDP via a Village Zone than the alternative CLZ as notified and recommended in the s42A Report for Te Kauwhata Zoning. I shall elaborate on this point in the following paragraphs.

RESPONSE TO SPECIFIC CONCERNS

8. The s42A reporting planner does not put forward any substantive resource management arguments that the proposed upzoning cannot or should not occur. Instead, the reporting planner describes the zoning request as “problematic” and that the evidence provided by the submitter does not address the listed “concerns”. To that end, I respond to each item listed in paragraph 277 of the s42A report.

(a) Council’s data indicates that the existing urban zones within Te Kauwhata provide sufficient capacity to meet the expected demand for growth in the short term, medium term and long term, and therefore Objective 2 and Policy 2 in the NPS-UD are already given effect to.

9. At paragraph 49 of the s42A report, it is also suggested that the existing zones located within Future Proof’s ‘indicative urban limits’ is unquestionably urban in character:

49. In terms of clause (a) of this definition, I consider there is no question that Te Kauwhata is predominantly urban in character, given the extent of existing residential, business and industrial zones located within Future Proof’s ‘indicative urban limits’ and the nature of built development within these zones. In addition, there is a primary school and college that support the existing population, a second primary school is planned to cater for the new extensive residential development at Lakeside, and Te Kauwhata is also serviced with reticulated water and wastewater systems.

10. In the following paragraphs, there is some contemplation as to whether Te Kauwhata itself is an urban environment for the purposes of the NPS-UD, but it is concluded at paragraph 51 that this is not hugely significant to the assessment of submissions:

51. Despite this uncertainty, I do not consider that this question of whether Te Kauwhata constitutes an ‘urban environment’ in the context of the NPS-UD is hugely significant to my assessment of submissions in this report. This is because the outcomes sought by the NPS-UD objectives and policies that contain the term ‘urban environment’ are generally addressed elsewhere through sections 5 and 8 of the RMA, and objectives and policies in the WRPS and the PWDP.

11. At paragraph 266 of the s42A Report it is noted that the submitters property is located within the urban limit of Te Kauwhata, and that all of the existing Country Living Zone will be fully taken up within a 1-3 year timeframe:

266. The identified properties are located in the northern part of Te Kauwhata, just inside Future Proof’s indicated urban limits, and they are signalled for Country Living development in Waikato 2070 within a timeframe of 1-3 years.

12. The Proposed Plan does not propose any additional Country Living Zone beyond the three-year planning horizon, nor does it propose any Village Zone in Te Kauwhata. The Future Proof 2020 ‘50 Year Development Plan for Te Kauwhata’ (refer Figure 9 on page 24 of my first statement evidence) identifies the Vineyard Road area as a ‘Residential Activity Zone’ with a ‘lifestyle lots’ building typology.

13. In this respect, it cannot be said that the existing supply of 'lifestyle lots' building typology is sufficient to meet the expected demand in the medium terms within Te Kauwhata's urban footprint. In fact, the Framework Report in my view took a more holistic and longer term approach to making provision for growth in the Waikato District (and in Te Kauwhata in particular) by considering favourably those submissions that sought to rezone from 'rural-residential' to 'residential' to ensure long term expansion of existing urban centres is not precluded.

(b) A low-density Village Zone at the perimeter of Te Kauwhata's urban limits would not result in integrated land use and infrastructure planning, therefore would not give effect to Policy 10 in the NPS-UD.

14. The s42A report suggests that a low-density Village Zone would not give effect to Policy 10 of the NPS-UD because it would not result in integrated land use and infrastructure planning. In my view however, the presently proposed County Living Zone is worse, as it represents a highly inefficient use of land within the urban footprint of Te Kauwhata. On the other hand, the Village Zone requested will achieve minimum densities of 8-10 households per hectare where public reticulated services can be provided. The Framework Report confirmed that there is no practical impediment to services being provided, and that upzoning additional land will serve to further support the economies of scale and affordability of the services.

(c) A low-density Village Zone would not give effect to Objective 3.10 in the WRPS, in that the resulting development would not result in the efficient use and development of natural resources.

15. As I described in paragraph 37 of my first statement of evidence, there are natural boundaries to the north and east of the submitter's Vineyard properties that define the practical extent of Te Kauwhata's urban area. Of course, the objectives and policies of the County Living Zone are contained in the Rural Chapter of the District Plan. This is inconsistent with the higher order planning documents, including the Future Proof 2020 Strategy and the NPS-UD. What we are in fact requesting is that the submitter's properties be zoned Village Zone, and that development within this zone be enabled at the 8-10 dwellings per hectare target envisaged by that zone. The proposed zoning request is more consistent with Objective 3.10 of the WRPS that the existing CLZ:

Objective 3.10 Sustainable and efficient use of resources

Use and development of natural and physical resources, excluding minerals, occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste.

16. Promoting residential densities at 1 dwelling per 5,000m² within the practical extent of Te Kauwhata's urban area does not constitute the efficient use of land. At such low densities, the present rate of development is not occurring in a sustainable way, with the supply predicted to be exhausted in just three years. The requested VZ on the other hand, will enable development of the land down to 8-10 dwellings per hectare

as and when reticulated services become available, thereby future proofing the use and development of the land resource.

(d) A low-density Village Zone would not give effect to Objective 3.12, and Policies 6.1 and 6.3 of the WRPS, in that it would not result in integrated, coordinated, sustainable and planned built development and associated land use.

17. The proposed CLZ seeks to provide rural-residential living and enable development that is compatible with its character and amenity. In the context of the outer perimeter of an urban environment, such 'lifestyle' living is not integrated with the village and provides no coordinated or sustainable level of built development. This is one of the reasons why most of the CLZs are in discrete rural areas of the district. On the other hand, the VZ seeks to provide large lot residential with a rural outlook that is serviced by public reticulation, or on-site services where public reticulation is not available. The proposed VZ gives effect to the WRPS objectives and policies to a far greater degree than the presently proposed CLZ. Objective 3.12 states:

Objective 3.12 Built environment

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

...

(c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;

...

(g) minimising land use conflicts, including minimising potential for reverse sensitivity;

(h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;

18. Allowing the undeveloped areas of Vineyard Road to remain CLZ will compromise the expansion of infrastructure networks to service this area in the future. The 50 year development plan for Te Kauwhata proposes an alternative north-south multi-mode corridor running parallel with the North Island Main Trunk Railway Line. If the area was to be subdivided and developed under the proposed CLZ, the opportunity to provide this corridor would be significantly diminished.

(e) It would result in an undesirable 'spot zone', which is not supported by paragraph 161 clause (i) in the s42A framework report.

19. This is most definitely *not* a 'spot zone' as suggested by the reporting planner. A 'spot zone' typically refers to a small single property with a unique zone. The area in question is an area of nearly 20 hectares over

three large titles that could yield more than 80 dwellings at a 2,500m² minimum lot size. Of the 20 locations where Village Zones are proposed in the PWDP, only five areas are larger than 20 hectares. More than half of the proposed Village Zones have a zoned area of less than 10 hectares. The submitter's three sites on their own contain more land than the entire Village Zoned area of Glen Massey and Mercer.

(f) It would be inconsistent with Objective 4.1.1 of the PWDP, in that low-density urban development in this location would not achieve liveable, thriving and connected communities that are sustainable, efficient and coordinated.

20. Objective 4.1.1 of the PWDP echoes the sustainable, efficient, and coordinated objectives of the WRPS described in paragraph 13 above. The currently proposed CLZ and associated 5,000m² minimum site sizes is a significantly lower density of development that one would typically associate with liveable, thriving and connected communities. The Te Kauwhata Network Plan for the Future Proof Strategy identifies the submitter's property as being the location of an alternative north-south multi-mode corridor along the railway corridor to connect with the Town Centre and railway station. More intensive development along this proposed corridor will provide further support for the provision of network infrastructure and connectivity and help achieve the target densities for the Village Zone. This was the point being made in the s42A Framework Report in paragraph s. on the subject of Infrastructure Servicing:

s. Additional growth into areas which have existing infrastructure networks enable Council to leverage those assets to provide better value for ratepayers. These areas include Raglan, Horotiu, Ngaruawahia, Taupiri, Huntly, Te Kauwhata, Pokeno and Tuakau. In these areas Council already has a network of existing infrastructure assets (roading, waters, community facilities) which either have existing capacity or, with investment, are scalable to support growth. In the case of waters infrastructure, trunk mains and/or headworks already exist in these areas. Outside of these areas, it is inefficient and costly for Council to build new standalone infrastructure networks.

(g) It would be inconsistent with Policy 4.12 of the PWDP, in that the resulting 'outside in' low-density urban development would not achieve a consolidated settlement pattern.

21. Policy 4.12 of the PWDP does not in itself address timing or sequencing of development. It states:

4.12 Objective – Urban growth and development

(a) Future settlement pattern is consolidated in and around existing towns and villages in the district.

22. The CLZ is a final form of development. Once subdivided and built upon, it will be extremely difficult and costly to promote greater intensity and connectivity in the future. The submitter's land lays at the north eastern extent of the urban footprint. In such cases where the outer extent is physically limited, 'outside in' can be a better approach to achieve a consolidated settlement pattern. As development occurs from the outer limits' inwards, there is the ability to increase the intensity of development the closer to the town

centre it goes. The intensity of development of the land in between the outer limits and the village centre can be altered and adapted in a more agile way in response to demand and changing circumstances.

(h) It would be inconsistent with Policy 4.1.12 of the PWDP, which nominates Lakeside as the only area that provides for future growth in the medium term.

23. The Future Proof Strategy envisages that the entire area zoned CLZ will be fully developed within three years. Therein my opinion, there is insufficient capacity for Village Zone densities in the *short* term, which will provide a variety of housing densities in Te Kauwhata as envisaged by Policy 4.1.12(a)(iii):

4.1.12 Policy – Te Kauwhata

(a) Te Kauwhata is developed to ensure:

(i) Development is avoided on areas with geotechnical and ecological constraints;

(ii) Lakeside is the only area that provides for the medium term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and

(iii) A variety of housing densities is provided for.

24. As pointed out in the s42A report, the Lakeside Precinct was a result of an earlier plan change that was subsequently rolled over into the PWDP. The Vineyard Road area is identified in Waikato 2070 as a 'Residential Activity Zone (Lifestyle Lots)' with a development time-frame of 1-3 years. It could in no way be described as "medium term future growth" as described in Policy 4.1.12(a)(ii). In my view the requested upzoning gives effect to Policy 4.1.12(a)(iii).

(i) It is inconsistent with the settlement pattern anticipated by Waikato 2070.

25. The Waikato 2070 Growth & Economic Development Strategy is broad long term view of growth within the district. It provides the indicative extent and timing for future growth cells identified on each of the development plans. The 50 year development plan for Te Kauwhata is set out in Figure 9 on page 24 of my first statement of evidence, and I make multiple references to it in my evidence. The 'key' in the Te Kauwhata Development Plan in fact groups Village Zone and County Living Zone into the same Building Type category of 'Lifestyle Lots'. The s42A planning report does not say how the proposed rezoning is inconsistent with the settlement pattern anticipated in that document. In my view the VZ sought by the submitter is more consistent within the Waikato 2070 than the existing CLZ for the reasons described above.

CONCLUSIONS

26. The proposed Country Living Zone (“CLZ”) of the submitter’s land in Vineyard Road is inappropriate given its location within the existing footprint of Te Kauwhata’s urban environment, and the foreseeable demand and requirements for development and variety of housing choice in this locality.
27. The Village Zone (“VZ”) will provide a much greater efficiency of land use and better achieve the objectives of the Waikato Proposed District Plan (“WPDP”) and higher order planning documents, including the WRPS and Waikato 2070 Growth Strategy.



NE WILLIAMSON

3 May 2021