

**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

## **SUMMARY STATEMENT OF EVIDENCE OF JOHN BLAIR OLLIVER**

### **1. INTRODUCTION**

#### **Qualifications and experience**

- 1.1 My name is John Blair Olliver. I am a planning consultant employed by Bloxam Burnett & Olliver Ltd ('BBO'). I am acting for Kirriemuir Trustee Limited ('KTL') in support of that company's submission (submission No 182) seeking rezoning of land at Geraghty's Road, Tuakau.
- 1.2 I outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief ('EIC') dated 16 February 2021.

#### **Purpose of evidence**

- 1.3 This statement summarises the key points in my EIC, and my Rebuttal evidence dated 30 April 2021.

### **2. SUMMARY of EIC AND REBUTTAL**

- 2.1 The land proposed to be rezoned by the Kirriemuir Trustee Ltd (KTL) submission comprises six properties with a total area of approximately 38ha. The zoning of these properties is Rural in the Proposed Waikato District Plan (PDP). The KTL submission sought that they be rezoned to Residential. The section yield is estimated as 425.
- 2.2 The PDP zoned the land Rural rather than Residential because of some legacy issues related to reverse sensitivity odour effects of industrial uses to the south (Envirofert and Tuakau Proteins). Those issues were apparent at the time of the Tuakau Structure

Plan in 2014. As set out in Mr Curtis' EIC the odour issues have been subsequently resolved, meaning they are no longer a constraint on urban development. Ms Trenouth agrees in her s42A Report.<sup>1</sup>

- 2.3 The assumption of reverse sensitivity led to the site also being largely excluded from subsequent growth planning in Future Proof 2017 and Waikato 2070.<sup>2</sup> Only the Geraghty's Road frontage of the site is included in the Dromgools Road growth cell in Waikato 2070.
- 2.4 As a result of being largely excluded from the growth planning documents the site has also been excluded from water and wastewater investigations undertaken by Watercare Waikato to support PDP rezoning.<sup>3</sup> The relevant Technical Infrastructure Memo on the s42A report confirms that the Dromgools Road growth cell capacity of 1196 additional houses can be accommodated, but the KTL site may not and therefore a strategic study of capacity of water supply and wastewater networks is required.<sup>4</sup>
- 2.5 The s42A report essentially agrees with the merits of the rezoning, but recommends against a live residential zone, resulting in a perverse outcome that the land is seen as unsuitable only because it was excluded from Waikato 2070, for reasons that are now incorrect.
- 2.6 In my opinion this is an unnecessarily inflexible approach; a District Plan review is the time to correct any of these anomalies and fill information gaps, to ensure the most appropriate areas of land are urbanised to meet the demands for additional residential capacity outlined in Mr Norgrove's evidence and in the s42A Framework Report. Without this site, a shortfall of some 160 sections in Tuakau will remain in the medium term.<sup>5</sup>
- 2.7 The approach is also inconsistent as the s42A Report recommends live rezoning of 48-54 Dominion Road although that land is also only partially within the Waikato 2070 growth cell, as a result of legacy reverse sensitivity issues.<sup>6</sup> This is despite the relevant Technical Infrastructure Memo recording similar uncertainty over the capacity of water and wastewater services.<sup>7</sup>
- 2.8 In terms of higher order documents, the proposed rezoning is consistent with the Development Principles in clause 6A of the Waikato Regional Policy Statement ('WRPS').

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<sup>1</sup> s42A report dated 14 April 2021, para 204

<sup>2</sup> Ibid, para 217

<sup>3</sup> Appendix 4 to s42A Report; Technical Infrastructure Memo by Roger Seyb, dated 14 April 2021, page 3

<sup>4</sup> Ibid

<sup>5</sup> Summary statement of Kelvin Norgrove, para 2.3

<sup>6</sup> s42A Report dated 14 April 2021, para 179

<sup>7</sup> Appendix 4 to s42A Report; Technical Infrastructure memo by Roger Seyb dated 16 April 2021, page 3.

Those are principles, not criteria or standards, so should not be treated as a checklist requiring every point to be satisfied.

- 2.9 As with other land on the periphery of Tuakau, the site comprises some high-quality soils. However, I agree with the s42A Report<sup>8</sup> that the site is already compromised by fragmentation into small blocks and parts of it are also identified in the urban growth documents.
- 2.10 The rezoning is consistent with Future Proof 2017 which encourages residential development adjacent to existing towns. The site sits partly within the Tuakau urban limits; Pt Lot 2 DP 13074 of 15ha is within the limits, but the balance of the site is not. However, the urban limits are only indicative and Future Proof 2017 acknowledges that more definitive boundaries are to be determined by local authorities through district planning processes. The position of the urban limits in Future Proof was determined at the time there were concerns about reverse sensitivity.
- 2.11 The rezoning is also consistent with the National Policy Statement on Urban Development ('NPS-UD') as it will contribute to a well-functioning urban environment by connecting well to the existing Tuakau urban area; it shares 320m of road frontage to Geraghty's Road with Residential zoning in the Dromgools growth cell across the road. It will also provide for choice and competitiveness in the housing market. Policy 8 of the NPS-UD provides further support as it requires local authorities to be responsive to zone changes that would add significantly to development capacity but are 'unanticipated by RMA planning documents'. This rezoning is unanticipated as the land was not identified for urban development for the reasons I have outlined above.
- 2.12 The NPS-UD also requires Council's to provide capacity that is 'reasonably expected to be realised'.<sup>9</sup> The KTL land comprises a small number of landowners who as neighbours propose to work together to deliver the proposed structure plan. This contrasts with the Dromgools growth cell on the east of Geraghty's Road that has a highly fragmented pattern of land parcels and multiple landowners, and many paper roads. There is no structure plan for the cell. This will make it more difficult to produce a comprehensive development in a reasonable timeframe, meaning that rezoning that land may not lead to development in the short term as envisaged in the s42A Reports.
- 2.13 As set out in the EIC of Mr Norgrove and the various s42A Reports Tuakau needs additional live zoned Residential land to meet the Council's obligations under the NPS-UD to provide sufficient supply of residential land. The NPS-UD requires that land

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<sup>8</sup> S42A Report dated 14 April 2021, para 243

<sup>9</sup> NPS-UD 2020, clause 3.2 (2) (c)

needed in the medium term (3-10 years) is live-zoned, not placed in a Future Urban Zone.<sup>10</sup> Mr Norgrove's EIC confirms it is needed in the medium term.

### 3. **CONCLUSIONS**

- 3.1 The recommendation in the s42A report to zone the land Future Urban fails to meet the Council's obligations under the NPS-UD, leaving shortfalls in both the 2023-2030 period and the 2030-2050 period.
- 3.2 In my opinion rezoning the site to Residential satisfies the necessary statutory tests in the RMA, and the relevant planning instruments. It can make an important contribution to meeting the shortfall of residential capacity at Tuakau.

**John Olliver**

**14 June 2021**

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<sup>10</sup> NPS-UD 2020, clause 3.4 (1) (b)