

**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 **KIWI GREEN NZ LIMITED (58)**

SUMMARY STATEMENT OF EVIDENCE OF SIR WILLIAM FRANCIS BIRCH

12 May 2021

INTRODUCTION

1. My full name is Sir William Francis Birch. I am a consultant at Birch Surveyors Limited (**BSL**), a consulting firm with surveyors, planners and engineers based in Auckland but with satellite offices in Hamilton, Tauranga and Tairua.
2. I have previously outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct.
3. The purpose of this statement is two-fold:
 - a. to summarise the evidence in chief of Mr James Gilbert Oakley (dated 17 February 2021) (**EIC**). I note that I am familiar with his statement and well-equipped to summarise it; and
 - b. to summarise my own rebuttal evidence (dated 3 May 2021).

STATUTORY FRAMEWORK & ENVIRONMENTAL EFFECTS

4. The thrust of Mr Oakley's EIC was an assessment of the submission against the key statutory documents under the RMA and addressing the primary actual/potential effects that could arise from the rezoning. Reference to separate technical reports commissioned previously both privately and for the Tuakau Structure Plan was made by Mr Oakley.
5. In my rebuttal statement I responded to the key outstanding issues¹ regarding the submission, these being reverse sensitivity and industrial land supply.

COUNCIL REPLY

Reverse sensitivity effects

6. I do not disagree that reverse sensitivity is a legitimate issue for the interface between residential and industrial land. However, I consider that this relationship is manageable in this instance. These interfaces are not uncommon and can be addressed such that reverse sensitivity effects are entirely avoided or sufficiently mitigated/remedied. Furthermore, the adjoining zoning is not Heavy Industry Zone where the activities/effects are (or have the potential to be) significantly more noisome.
7. I also consider that the proposed daylighting of the stream that bypasses through the site would be a sufficient natural buffer. This would be done in conjunction with other

¹ Identified in the s 42A Report for Tuakau.

measures that could be implemented (as evidenced in the technical documentation to support the original submission e.g. acoustic barriers/no-complaints covenants) and other measures like setbacks. This would address the interface with all of the surrounding Industrial Zone land.

8. Ultimately, I consider there is a workable solution that can be found during the resource consenting pathway with Council retaining enough discretion to ensure that the matter was sufficiently addressed. At this stage of identifying land to be rezoned, there is enough certainty that this can be managed to not preclude the rezoning.
9. For the avoidance of doubt and in response to Ms Trenouth's para. 56, no site-specific provisions are sought to be applied. As mentioned above and acknowledged in para. 58, reverse sensitivity can be addressed at resource consent stage.

Industrial land supply

10. On the provision of business/industrial land, the need for this in the District is warranted and I do not dispute this. I do however consider that caution is warranted when identifying where this occurs. In the case of Tuakau, whilst Ms Trenouth is correct in identifying that the Whangarata Business Park meets some of Mr Kemp's criteria for identifying these zonings, that does not explain why there remains a surplus as stated in Dr Davey's Supplementary Evidence.
11. It is my opinion, the reason for this is that the key locational criteria with the most weighting is "ease of access to the regional road network (without passing through urban areas)". As such, an area like Pokeno adjoining the State Highway network is viewed more favourably by businesses looking to establish operations. Ms Trenouth acknowledges the locational constraint/s of Tuakau in para. 63 which I concur with.
12. I also clarify Ms Trenouth's para. 65 that the vacancy of the site means that it is not suitable for future industrial activities. I attribute the vacancy due to the location of the Whangarata Business Park compared to other industrial offerings in the District that have been more successful due to meeting those key criteria (notably the location in relation to the strategic transport network). Simply rezoning additional Industrial Zone land in Tuakau does not change the fundamental fact surrounding the area's location. It is yet to be seen whether a deficit in this zoning District-wide will change the attractiveness of the Tuakau offerings where there is a surplus.

CONCLUSIONS

13. I maintain that the proposed rezoning of the site would be more beneficial for Tuakau compared to full industrial rezoning for the following reasons:

- a. Any reverse sensitivity effects with the Whangarata Business Park can be appropriately managed;
- b. The Residential Zone land would provide additional housing capacity in an area close to the existing centre of Tuakau supporting a compact urban form;
- c. The site is in the existing urban area of Tuakau, is serviceable and is not subject to any known natural hazards or site constraints;
- d. The submission seeks some Industrial Zone land be retained which will contribute to sustained growth/jobs in the Tuakau sector; and
- e. The split zoning follows a natural (and defensible) boundary and would produce ecological benefits by way of daylighting the stream. This would also provide open space for Tuakau residents alongside the stream margins.

14. As previously stated in the EIC and rebuttal, in the alternative to the relief sought, it is noted that the site being zoned entirely Industrial Zone as it is in the PWDP is in my opinion a better zoning for the land than how it is currently split zoned in the OWDP.

Sir William Francis Birch

12 May 2021