

**BEFORE THE HEARING COMMISSIONERS
AT WAIKATO DISTRICT COUNCIL**

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

AND

IN THE MATTER of submissions and further submissions on the Proposed
District Plan

**REBUTTAL STATEMENT OF EVIDENCE OF TRACEY ANNE MORSE FOR
SUBMITTER #947: QUIGLEY FAMILY TRUST
3 May 2021**

INTRODUCTION

- 1 My full name is Tracey Anne Morse, and I am a Senior Planner at CKL Planning | Surveying | Engineering | Environmental. My qualifications are as per my Statement of Evidence of 17th February 2021.
- 2 I reconfirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the current (2014) Environment Court Practice Note. I agree to comply with this Code of Conduct in giving evidence to this hearing and have done so in preparing this written brief. The evidence I am giving is within my area of expertise, except where I state I am relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I understand it is my duty to assist the hearing committee impartially on relevant matters within my area of expertise and that I am not an advocate for the party which has engaged me.
- 3 I acknowledge that I have read the rebuttal statement of evidence of Bevan Houlbrooke for Diamond Creek Farm Limited, Submitter #387. I have adopted parts of it as they relate more generally to the S42A Report.

SCOPE OF REBUTTAL EVIDENCE

- 4 This rebuttal statement of evidence has been prepared to consider the Waikato District Council S42A Report Hearing 25: Zone Extents Rest of District by Catherine Bouton (16th April 2021) (“S42A Report”), specifically in relation to:
 - (a) Recommendations 90(c) and (q) to reject the submissions of Stuart Quigley [947.1 and 947.2] and Quigley Family Trust [989.1] and retain the Rural Zone.
- 5 This rebuttal evidence responds the S42A Report on the following matters:
 - (a) Village Limits;
 - (b) Schedule 6A of the Waikato Regional Policy Statement (“WRPS Schedule 6A”);
 - (c) Consenting History of the Site; and
 - (d) Recommended Amendments to WPDP.

- 6 This rebuttal evidence also responds to the matters raised within the evidence from further submitters to the original submission made on the PWDP by QFT.

VILLAGE LIMITS

- 7 Paragraph 69 of the S42A Report states that the QFT site is not located within an indicative urban or village limit identified in Future Proof, it is not located within the current WRPS urban limits nor is it within Waikato 2070. As such, the S42A Report states that the submission site is not integrated, sustainable or planned as required by Objective 3.12 of the WRPS.
- 8 Firstly, Future Proof only proposed village limits for villages on the Hamilton City periphery. I believe this was a tool to provide a more stringent framework for settlements where growth demands are the highest due to their proximity to Hamilton. Glen Massey is not located on the periphery of Hamilton City and therefore would not be expected to have village limits identified in Future Proof. The scenario for Glen Massey is not dissimilar to the rezoning recently completed by the Waipa District Council (Plan Change 5) which re-zoned several rural villages that do not have village limits identified in Future Proof (Ohaupo, Ngahinapouri, Pirongia, Pukeatu, Te Miro, Karapiro, Rukuhia and Te Pahu).
- 9 Secondly, the decisions on submissions to Future Proof 2017 indicated that all urban limits from Future Proof 2009 were rolled over in response to the many requests that were made. Instead, specific extension requests are to be considered through the relevant district plan. This approach was enabled through the addition of new section added to Future Proof 2017 after the hearings entitled “7.5 - A Responsible Approach to Development”. Some extracts from this section are given below:

“... the maps representing the Future Proof settlement pattern only provide a general indication of the extent of urban areas. More definitive boundaries are to be determined by each territorial authority through robust planning processes, including structure planning and more definitive urban boundaries which will be determined in district plans.”

When considering proposals for change, such as the land uses identified in the settlement pattern or the timing and staging for land development set out in the Future Proof Strategy, it is critical that the guiding principles that underpin the settlement pattern are not compromised. Despite any change in global, national, regional or local circumstances, these guiding principles remain the foundation of strategic growth and development in the sub-region. Therefore when considering any changes to land use or the timing and staging of land development from that set out in the Strategy, they form the basis of any criteria developed to assess the merits of particular proposals.”

- 10 For the S42A Report to conclude that the QFT proposal is not consistent with Objective 3.12 of the WRPS because it is not within an indicative village limit in Future Proof fails to acknowledge that no such limits apply outside of the Hamilton Periphery, and that Future Proof itself acknowledges that there needs to be a flexible and responsive approach to managing growth. For the reasons outlined in my evidence in chief, the rezoning of the QFT can occur in a way that is integrated, sustainable and planned.

WRPS SCHEDULE 6A

- 11 Paragraph 36 of the S42A Report has listed the development principles from Schedule 6A of the WRPS. I note however there are numerical errors when these principles were transposed into the S42A Report:
- General development principles should be listed a) to t), and not a) to z). This is due to j) to n) not being listed as a subset of i).
 - Rural residential development principles should be listed a) to h), and not a) to i). This is due to a repetition of e) and f).
- 12 When responding to matters found to be inconsistent in the S42A Report, I have applied the cross referencing back to that of the WRPS and not those in the S42A Report. I apologise if I have inadvertently responded to the wrong development principle as a result.

13 Paragraph 72 of the S42A Report considers the QFT rezoning request is inconsistent with the general development principles a), b), c), e), and i). I comment as follows in response:

- a) For the reasons outlined in paragraphs 8 and 9 above, Glen Massey would not be expected to have an urban limit because it is a village located outside of the Hamilton Periphery.
- b) The objectives, policies and rule framework for Council Living and Rural zones will ensure there is a clear delineation between urban and rural areas. The nature and scale of development typically anticipated within the Country Living Zone is not enabled in the Rural Zone and as such there is a clear delineation when these zones sit adjacent to each other.
- c) The PDP will provide opportunities for urban intensification and redevelopment. It is not the intention of this development principle to forego all greenfield development in lieu of enabling those infill opportunities exclusively.
- e) The requirement to connect to existing and planned infrastructure in a Country Living Zone is typically limited as subdivision and development in this zone is expected to be more self-sufficient than development that occurs in larger and more densely populated urban centre where services are more easily accessible.
- i) Rural residential development by its form and nature is not necessarily compact. The QFT proposal will promote a compact urban form, albeit at a density that is consistent with that expected for the Country Living Zone.

14 Paragraph 72 of the S42A Report also considers the QFT rezoning request provides insufficient evidence to determine how general development principles j), k), m), and o) are met. I comment as follows in response:

- j) The site is not identified as being subject to any features of cultural or historic significance. The maintenance or enhancement of existing landscape values of the locality from development of the site can be readily addressed through appropriate design during the resource consent process, as noted below in Paragraphs 16 to 18 in relation to the consenting history of the site.

- k) The site is not identified as being subject to any significant natural areas or areas of significant indigenous habitat. The maintenance or enhancement of indigenous biodiversity outcomes for the site from development can be readily addressed through appropriate design during the resource consent process, as noted below in Paragraphs 16 to 18 in relation to the consenting history of the site.
 - m) The potential for development of the site if zoned CLZ to adversely effect hydrological characteristics and processes, soil stability, water quality, and aquatic ecosystems are all able to be readily addressed within the resource consent process. As noted below in Paragraphs 16 to 18, information to previously satisfy Council's concerns on these matters was provided as part of the previous resource consent that was approved by Council in 2007.
 - o) Given the rugged nature of the terrain on the site, it is considered that any lots developed in accordance with the sought rezoning would be located in similar locations to those previously approved by Council in 2007. Those lots all achieved sufficient separation from adjacent properties so as to avoid the potential for reverse sensitivity effects to arise. Nothing in the receiving environment has changed in that regard.
- 15 Information addressing the above matters would be provided as part of any future resource consent application process. This would include:
- An updated three waters assessment to reflect any changes in Council standards for provision of on-site services from those in 2007;
 - An updated site suitability assessment (i.e. natural hazards and geotechnical assessment) to reflect any changes in assessment methodology from 2007;
 - Integrated transportation assessment to reflect any changes to Council and national design standards from those in 2007; and
 - A revised landscape assessment to reflect what, if any changes there have been to either accepted landscape assessment methodologies and/or to the receiving environment.

CONSENTING HISTORY OF THE SITE

- 16 As is noted in greater detail in the appended rebuttal statement of evidence of Mr Stuart Gary Quigley (Appendix 1) and referred to in my evidence in chief, the site had previously obtained relevant resource consents from Council to undertake an 18 lot freehold CLZ-nature development.
- 17 The consent was given effect in relation to just two of the 18 approved lots. There was extensive post-approval correspondence between the Consent Holders (broadly represented by QFT) and Council seeking resolution of various matters with Council regarding the implementation of the consent. There were several periods of this post-approval correspondence that were subject to considerable delays for receipt of response from Council. This was a significant contributing factor to the balance of the approved development not being given effect to prior to the consent lapsing.
- 18 Correspondence from senior staff at Council, mentioned as part of the aforementioned evidence from Mr Quigley (Appendix 1), was provided at the time that the consent lapsed that indicated that Council would be supportive of ensuring the development could be re-consented in the future. This reflected the significant financial investment by the Consent Holders towards giving effect to the full approved development. It was also interpreted by the Consent Holders as an acknowledgement of Council's role in the consented development not being fully given effect to.

RECOMMENDED AMENDMENTS

- 19 Paragraphs 91 to 111 of the S42A Report outline altering the notified WPDP zoning for part of Glen Massey from CLZ to Village Zone. Cynically, this change at such a late stage in the process could be construed as Council attempting to spear-head arguments that the WPDP has not given effect to the National Policy Statement on Urban Development (NPS:UD).
- 20 This approach is contrary to the very reasoning supplied by various S42A reporting officers acting on behalf of Council in relation to rejecting private rezoning requests for around villages such as Glen Massey. This includes the reasonings provided for rejection of most, if not all, private rezoning requests by the author of the S42A Report that this rebuttal evidence is provided for.

- 21 Despite the lack of consistency offered within the S42A Reports in relation to providing higher-density zoning in small pockets around rural villages, QFT is not opposed to this recommended amendment to the zoning of some of the land surrounding Glen Massey village. However, as has been outlined above, it is not considered that the recommended amendment to the zoning for Glen Massey village is sufficient, and the rezoning sought by QFT in submission #947 is still requested.

FURTHER SUBMITTERS EVIDENCE

- 22 A number of further submissions were made in relation to the original submission by QFT. Of those further submitters to this submission, one (Waikato Regional Council, WRC) has provided evidence.
- 23 The further submission from WRC was opposed to the QFT request for rezoning of the site. A statement of evidence has been prepared for WRC by Marie Louse Foley, dated 10 March 2021. This statement of evidence provides comment to some specific rezoning requests, as well as making more general comments in relation to other rezoning requests.
- 24 It is noted that there is no reference to the QFT submission within this statement of evidence beyond a reference within Attachment Two, which lists Rural Residential Submissions that WRC provided further submissions to. The WRC statement of evidence does retain broad opposition to all rezoning requests that seek to change zoning from Rural Zone to Country Living Zone in areas outside of those identified within Future Proof for urban expansion.
- 25 As was noted above in Paragraphs 8 to 10, Future Proof was never intended to be a static and finite indicator of areas appropriate urban expansion and outlined what should be considered by territorial authorities when considering such requests to expand the urban limits. As such, the WRC reliance on Future Proof to oppose this rezoning request is flawed.

CONCLUSION

- 26 This rebuttal evidence has been prepared in relation to Council's S42A Report on the rezoning request made by QFT, including Council's recommendation that the request be rejected.

- 27 QFT has identified the growth potential of part of their farm due to its location adjacent to Glen Massey which is a rural village with existing community facilities, including a primary school.
- 28 The QFT site is well suited to be zoned Country Living and a lapsed resource consent for subdivision consent is suitable to inform future development. The rezoned area is likely to accommodate around 20 dwellings, in addition to access lots.
- 29 This rebuttal evidence has considered Council's S42A Report and considers that the reporting officer has placed too much weight on the veracity of the maps within Future Proof. Further, this rebuttal evidence considers that the S42A Report incorrectly assumes that Future Proof does not enable consideration of any request for extension of village limits. Thus, the reliance of the S42A Report recommendation to reject on a perceived inconsistency of the requested rezoning with Future Proof is in error and the request should therefore be approved.
- 30 The statement of evidence provided by WRC to the QFT submission takes a similar incorrect interpretation of Future Proof as that taken by WDC as reason to oppose the rezoning request.

Date: 3 May 2021



TRACEY ANNE MORSE