

BEFORE the Independent Hearings Panel
IN THE MATTER of the Resource Management Act 1991 (“**RMA**”)
AND
IN THE MATTER of hearing submissions and further submissions in respect of zone extents of Waikato District Proposed District Plan (“**WPDP**”)

STATEMENT OF EVIDENCE IN REBUTTAL

BY BEVAN RONALD HOULBROOKE

ON BEHALF OF GREIG METCALFE

INTRODUCTION

1. My full name is Bevan Ronald Houlbrooke. I am a Director and Planner for CKL. My qualifications and experience are as per my Statement of Evidence of 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.

SCOPE OF REBUTTAL EVIDENCE

3. This rebuttal statement of evidence has been prepared to consider the Waikato District Council S42A Report Hearing 25: Zone Extents Te Kowhai by Jonathan Cleese (16th April 2021) (“S42A Report”), specifically in relation to:
 - a) Infrastructure – three waters servicing
 - b) Zoning status

INFRASTRUCTURE – THREE WATERS SERVICING

4. At paragraph 21 of the s42A report, it is noted that there are currently no planned upgrades of any of the three waters infrastructure for Te Kowhai village in the Long Term Plan (‘LTP’).
5. The draft 2021-31 LTP is currently open for submissions. The LTP identifies two projects relating to wastewater reticulation for Te Kowhai, as outlined in the table below:

Project Description	PR Number	2028/29	2029/30	2030/31
Te Kowhai wastewater reticulation extensions	1WW11273	2,857,747	2,980,630	1,554,399
Te Kowhai wastewater reticulation	1WW12673			1,554,399

6. Upon enquiry with Waikato District Council (email correspondence with Carol Nutt, Waters Contract Relationship Manager) it was explained that during the preparation of the 2021-31 LTP it was identified that the necessary zoning is not currently in an operative plan and therefore these projects were removed from the draft LTP. Furthermore, as these projects would be 100% growth funded (i.e. from Development Contributions), it was not appropriate to collect Development Contributions for something that may not get approved in a District Plan.

7. There is potentially a chicken and egg standoff situation whereby the recommendation in the s42A report is to not provide a live zoning of greenfield areas in Te Kowhai because services are not funded in the LTP, while the LTP does not provide funding because the zoning is not yet in place.
8. The infrastructure memorandum prepared by Beca (Appendix 3 to the s42A report) assesses the options for providing infrastructure to the Metcalfe block and suggests that consultation is required with Watercare to determine the preferred option and develop a development agreement along with appropriate cost sharing arrangements. An initial meeting has been held with WDC and Watercare (15 April 2021) and it is evident their preferred option is the extension of trunk infrastructure from Horotiu in order for Te Kowhai to develop.
9. As outlined in my evidence in chief, Mr Metcalfe is open to advancing a private development agreement with WDC to help fund the borrowing costs in order to bring forward infrastructure investment which will in turn facilitate development at Te Kowhai. Subsequent to the initial meeting with WDC and Watercare, Mr Metcalfe has been in further discussion about next steps for progressing with the strategic infrastructure study.
10. The Te Kowhai wastewater extension costings provided in the draft LTP are close to \$9m, although presumably this includes connection costs for existing houses in the village which are connected to the existing wastewater treatment plan which is due for replacement. The s42A estimates the two large greenfield growth areas in Te Kowhai will yield approximately 835 households. Using this lot yield the cost would be approximately \$11,000 per lot. Based on this figure, the extension of wastewater to Te Kowhai is likely to be a viable development proposition from an economic perspective.

ZONING STATUS

11. At paragraph 125 of the s42A report, Mr Cleese responds to the example I put forward from Waipa District Plan that enables a deferred zone to be uplifted by way of a Council resolution rather than a full plan change process. Mr Cleese is correct that Plan Change 13 is currently being progressed to remove this process. Instead, Plan Change 13 proposes to live zone all pre-2035 future growth areas (i.e. a 14 year window), and any post-2035 growth areas would remain deferred and require a Plan Change to enable a live zoning.
12. At paragraph 127 of the s42A report, Mr Cleese notes the key issue for Te Kowhai is the absence of reticulated services within a short to medium timeframe (assumed to be 3-10 years). He also notes that once provision of such services is confirmed, the block could then be developed to Residential Zone suburban densities, following a plan change process.
13. As outlined already, Mr Metcalfe is keen to progress with the development of his block within a medium timeframe (3-10 years). With approximately 68 ha available for development, the block has a scale which will undoubtedly assist with the economic viability aspects of extending core

infrastructure to Te Kowhai. As a single landowner with large scale, it will also be much easier to coordinate than had the area been made of many small landholdings with differing development horizons.

14. At paragraph 117 of the s42A report for “Future Urban Zone and Residential Medium Density Zone” (Thematic Report), it is noted that certainty as to serviceability needs to be in place prior to areas being rezoned for urban activities. Such certainty is said to be delivered either through demonstrated existing capacity being available, programmed spending for necessary upgrades being included in the LTP within a ten-year timeframe for head works and trunk infrastructure, or confirmation that developer-led funding or provision can be delivered through other methods as part of the plan change process.
15. The chicken and egg standoff between zoning and LTP funding is also contemplated in the Thematic Report. At paragraph 123 it is noted that one of the purposes of Waikato 2070 and the associated demand and capacity modelling is to provide a longer-term direction to inform LTP processes. In respect of the Metcalfe block, it is identified in Waikato 2070 with a potential development horizon of 10-30 years.
16. By the time decisions and appeals are resolved for the WPDP, it is likely the Metcalfe block will be within a 8-28 year development horizon. The lower end of this horizon falls within a medium timeframe, albeit subject to infrastructure provision. Given Mr. Metcalfe’s willingness to engage with WDC and Watercare to fund infrastructure provision outside of existing LTP budgets, it is requested that consideration be given to providing Te Kowhai with a live zoning.
17. I am aware of other urban growth areas which have been given live zoning that do not have programmed spending for necessary upgrades being included in the LTP. In Hamilton for example, this includes the Peacocke growth cell which has a live zoning but was dependent on a bridge over the Waikato River and wastewater infrastructure which at the time of rezoning was unfunded in the LTP. In the case of Peacocke, the District Plan clearly outlines the infrastructure requirements for urban subdivision and development to occur (Rule 23.6.11).

CONCLUSION

18. The recommendation at paragraph 129 of the s42A report to rezone 702 and 730 Horotiu Road from Village to Future Urban Zone is not supported by Mr Metcalfe. As outlined, Mr Metcalfe’s timeframes for development are within the medium term and he is open to developer-led funding or associated provisions to allow this to occur.