

Before an Independent Hearings Panel of the Waikato District Council

Under the Resource Management Act 1991

In the matter of the Waikato IPIs – Waikato District Council Variation 3

**SUMMARY OF SARAH NAIRN ON BEHALF OF GERARDUS AARTS and YVONNE GEMMA
AARTS and GDP DEVELOPMENTS LIMITED (PLANNING)**

2 August 2023

1. INTRODUCTION

1.1 My name is Sarah Nairn and I have been providing planning advice to GDP as part of the appeal by Gerardus Aarts and Yvonne Gemma Aarts (**the Aarts**) to the Proposed Waikato District Plan (**PWDP**) and also in relation to this Variation 3 process. I prepared evidence in this matter dated 4 July 2023.

1.2 I have framed this summary around three key questions:

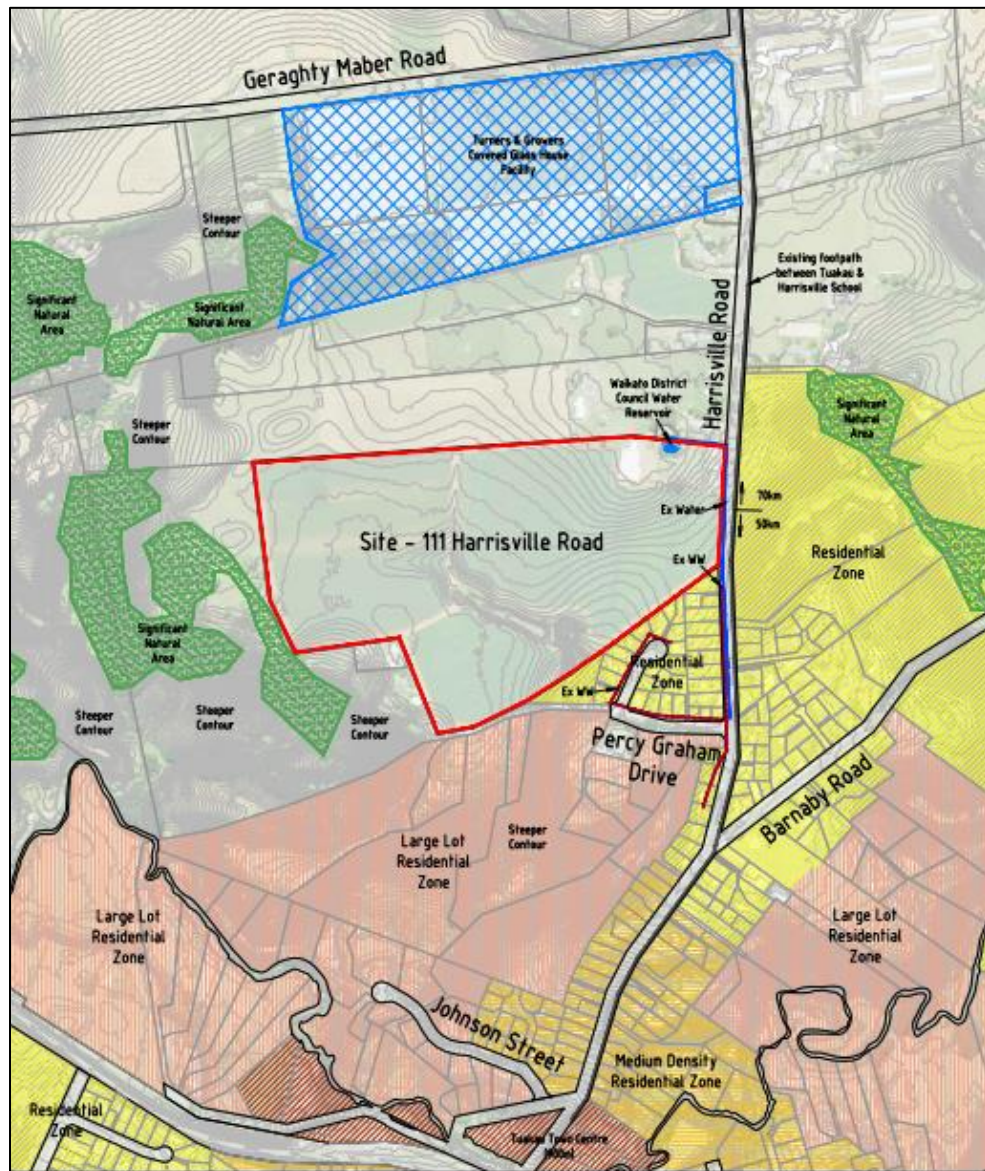
1. Who is GDP and where is the subject site?
2. What is GDP seeking from PWDP appeal and this Variation 3 process?
3. Why is the relief sought (Medium Density Residential 2 zone) a good planning outcome?

I have addressed these questions in turn below.

2. WHO IS GDP AND WHERE IS THE SUBJECT SITE?

2.1 The subject site is owned by the Aarts and is located at 111 Harrisville Road, Tuakau. GDP is a development company which is seeking to buy and redevelop the site, should it be rezoned.

2.2 The map below shows that the site is to the north of the Tuakau township. Existing residentially zoned land adjoins the southern boundary of the site and is also located on the opposite side of Harrisville Road. There is a footpath in front of the subject site that extends south to the Town Centre (900m). There is also a footpath on the opposite side of the road that extends north to Harrisville School (900m). Public water supply extends along the frontage of the site. Wastewater runs along Harrisville Road as far as the neighbouring residential site.



3. WHAT IS GDP SEEKING AS PART OF THE PWDP APPEALS AND VARIATION 3 PROCESSES?

PWDP Process

3.1 Before outlining the relief sought by GDP in this Variation 3 process, it is necessary to set out the background in relation to the PWDP. The notified version of the PWDP zoned the subject site Residential on the basis that it had been identified as being suitable for residential development in the Future Proof Strategy (as contained in the Waikato

Regional Policy Statement) and the Tuakau Structure Plan. Through the deliberation process, the Hearings Panel decided to remove the proposed Residential zone and instead apply the Rural zone. This decision was not particular to the subject site, but was rather a ‘first principles’, blanket decision that all land containing Class 1 and 2 soils should not be rezoned for residential development. The decision was appealed by the Aarts.

3.2 A review of the National Policy Statement on Highly Productive Land (**NPS-HPL**) has clarified that the prior inclusion of the subject site in the relevant growth documents means that it does not fall within the definition of Highly Productive Land in the NPS-HPL.

3.3 In addition to addressing the highly productive land issue, GDP has also prepared a range of specialist reports (traffic, three waters, acoustic) in support of resolving the appeal. I cannot speak for the Council, but I can say that from the appellants’ perspective that the intention is to resolve this appeal (via a consent order) as quickly as possible. That way, the site will be zoned General Residential and will be able to be included in the Variation 3 process (as it will have a relevant residential zone).

Variation 3

3.4 The submission by GDP developments to Variation 3 sought to apply the MDR2 zone to the subject site. I support that relief.

3.5 In addition to applying the MDR2 zone, it is also necessary to consider if any qualifying matters should be applied to limit the density or the level of development enabled by the Medium Density Residential Standards. Whilst I initially considered a qualifying matter was required to address the constraint in the capacity of the wastewater plant at Pukekohe, having read the Section 42A report and evidence provided on behalf of the Council I no longer consider this is the case and I support the

Council's approach of addressing wastewater issues through the subdivision consent process.

3.6 From reading the Council Section 42A Rebuttal evidence (Section 3.3 paragraphs 21 and 22) it seems that all parties agree that if the subject site is rezoned through the PDP appeal process then it should be rezoned to MDR2 as sought in the submission by GDP. It also seems to be an agreed position that a qualifying matter is not required for wastewater.

3.7 Where I disagree with the Council is in terms of the statement in paragraph 21 of Section 3.3 which reads "In my opinion, the qualifying matters should be considered by the Environment Court at the time of rezoning". I consider that qualifying matters can only be applied as part of this Variation 3 process and, therefore, will not be considered at all by the PWDP appeals process.

3.8 I also note the comment in paragraph 22 of Section 3.3 in relation to the potential reverse sensitivity effects on the motorcross track. The specialist reports submitted to the Council in relation to the appeal address the motorcross track and a specific planning provision requiring acoustic attenuation has been proposed. This planning provision can be "pulled through" into the MDR2 zone as an "other related provision". It does not need to be a qualifying matter as it does not affect density or amend the Medium Density Residential Standards.

4. WHY IS REZONING THE SUBJECT SITE TO MDR2 A GOOD PLANNING OUTCOME?

4.1 I consider that rezoning the subject site to the Medium Density Residential 2 zone (**MDR2**) will have three key beneficial outcomes:

(a) Housing Supply

Rezoning the site to MDR2 will increase housing supply by enabling approximately 280 additional residential sites. This is a

significant number of dwellings for a township like Tuakau and, as such, will make a material difference in terms of housing supply.

(b) Well-Functioning Urban Environment

Rezoning the land MDR2 will help to create a well-functioning urban environment as:

- It is logical to rezone the subject land as it is only 900m from the town centre and, therefore, will form a “walkable catchment” where residents live in close proximity to retail, transport and other services. Future residents will also have easy access to the school to the north.
- It is efficient to develop the subject land, given that it adjoins existing residential development and therefore has ready access to infrastructure and amenities such as the school and the existing retail and services in Tuakau. Furthermore, the relatively regular shape of the site and the easy contour means that the site can be used efficiently and thereby create a reasonable yield.
- Future residents on the subject land will have a high level of amenity, derived from the easy access to the school and the amenities within the town centre, but also due to the on-site amenity that will be provided through the pocket park, streetscapes and the relatively spacious sites.

(c) Credibility and Statutory Functions

Both Waikato District Council and the Waikato Regional Council have identified the subject site as being suitable and necessary, for residential development in their growth strategies. Therefore, it is not appropriate for the Council to preclude residential development as this would be contrary to the relevant sections of the Resource Management Act which require district councils to give effect to the Regional

Policy Statement. It will also detract from the Council's credibility, as the District Plan would be contradictory to Council's own strategies.

5. CONCLUSION

- 5.1** The submission by GDP Developments seeks to apply the MDR2 zone to the subject site at 111 Harrisville Road, Tuakau. I support this submission as it makes good planning sense to rezone land for growth, which directly adjoins the existing centre and which will make a material contribution to housing supply in Tuakau (approx. 280 lots). Furthermore, rezoning the subject site will ensure that the Council is fulfilling its duty under s 77G RMA and other statutory functions by giving effect to the district and regional growth strategy documents including the Tuakau Structure Plan, Waikato 2070 and the Future Proof Strategy (as contained in the Waikato Regional Policy Statement).