

BEFORE THE HEARING PANEL

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

AND

IN THE MATTER of of Proposed Variation 3 to the Waikato Proposed
District Plan

**REBUTTAL STATEMENT OF ANDREW WOOD ON BEHALF OF NEXT
CONSTRUCTION**

28 July 2023

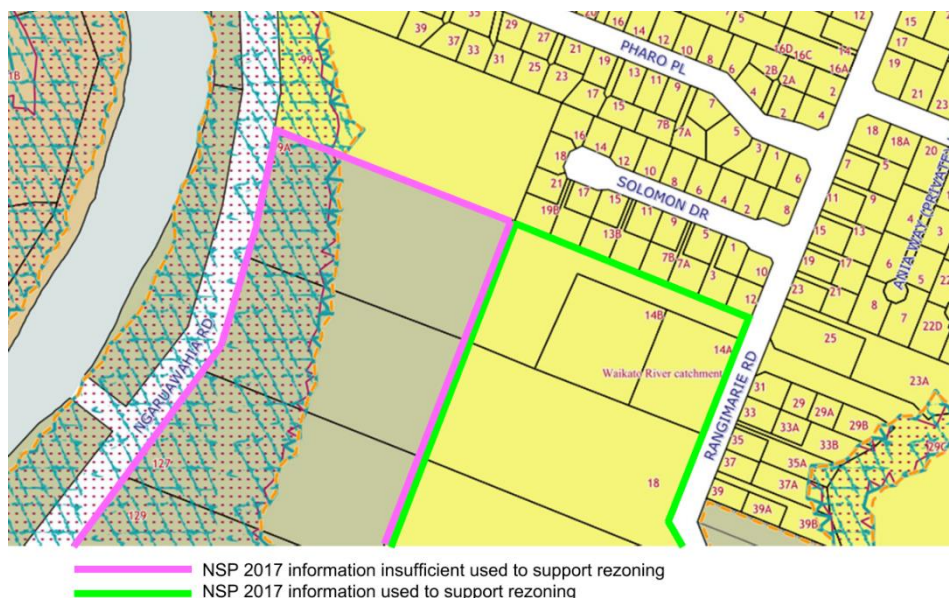
INTRODUCTION

- 1 This rebuttal statement is written to support the Panel through the decision-making process and to ensure accurate and correct information is being considered by the Panel. Following review of the rebuttal evidence from Council, I believe there are points of clarification required to be made regarding the submission points and evidence to rezone land at 99A Ngaruawahia Road and 18 Rangimarie Road.
- 2 In the s42a report addendum regarding the submission to rezone land from rural to MRZ2, the Council stated that the land was inappropriate to be rezoned due to the flood hazard and lack of supporting information.¹ Two primary reasons were identified in the s42a report as to why the submission point was not supported, namely the flood hazard risk and lack of supporting information to rezone land.
- 3 Following my evidence in chief, the Council s42a rebuttal acknowledges that the flood hazard is a more known quantum and is no longer a barrier to rezoning as it is consistent with the PDP approach to rezoning.² The rebuttal also acknowledges the suite of information used to inform the 2017 Ngaruawahia Structure Plan does present supporting information to be considered in the Variation 3 process. However, the rebuttal then proceeds (para 35) to identify additional information requirements considered necessary beyond those identified in the s42a, and those additional reasons are justification as to why rezoning is not supported.³
- 4 The 2017 Ngaruawahia Structure Plan information was used to inform the zone changes made under the PDP (which applied to approximately half the subject land). The s42a rebuttal states that this exact same suite of information is insufficient and inappropriate to rezone land (refer Figure 1). It is clear these two positions are in conflict. The s42a rebuttal considers that additional information (beyond that identified in the s42a addendum report) is required for the Variation 3 process.

¹ Section 42a Report – Addendum 1 (23 June 2023) page 7, at [7].

² Section 42a Report – Rebuttal Evidence (19 July 2023) page 17, at [35].

³ Section 42a Report – Rebuttal Evidence (23 June 2023) page 17, at [35].



- 5 Further information was referred to in my evidence in chief as supporting information. I incorrectly neglected to supply it as I considered it relevant to a resource consent level process as opposed to the Variation process.
- 6 I also note that a resource consent process is Prohibited under the proposed rule framework, so deferring consideration of information to that phase is not possible. Relevant to the properties and available to the Panel are the following:
- a) Tāngata Whenua Statement and Engagement Report (May 2022) supporting the masterplan;
 - b) Preliminary Geotechnical Report (November 2021) concluding “We consider the site to be geotechnically suitable for residential development ...” supporting the masterplan;
 - c) Preliminary Site Investigation Report (February 2022) confirming the absence of contaminated land and enablement of residential development; and
 - d) Preliminary Archaeological Report (September 2021) assessing the archaeological history of the land and information the subsequent process required with Heritage NZ.
- 7 I have now tabled this information because it is unable to be used for a resource consent without land zoned for such purposes. There is more information available now to rezone the land compared to that which was

available through the PDP. I therefore consider that sufficient technical information exists to rezone the land from Rural to MRZ2.

- 8 If the land is rezoned consistently with the 2017 NSP, a subsequent resource consent process will be enabled which would consider more technical details specific to a development proposal. Without rezoning, residential development of the land is a Prohibited Activity.

Andrew Wood

28 July 2023