



## **PLAN CHANGE 13 TO THE WAIPA DISTRICT PLAN**

### **Hearing Presentation Notes**

**Mark Chrisp (on behalf of Greg McCarthy – Submitter 6 and Further Submitter FS7)**

#### **Introduction**

1. My qualifications and relevant experience are set out in Attachment A.
2. I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code in the same way as I would do so when giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

#### **Plan Change 13 (PC13)**

3. Insofar as it relates to the C4 Growth Cell, I support the purpose of PC13 for the reasons stated in the plan change documentation and the s.42A report.

#### **Submission by Kotare Properties Ltd**

4. The submission and evidence on behalf of Kotare Properties Ltd (Kotare) seek changes to the Structure Plan prepared for the C4 Growth Cell. In my opinion, this aspect of Kotare's submission is 'out of scope' and is seeking changes to the C4 Structure Plan in an inappropriate manner.
5. In this regard, PC13 only seeks to include the C4 Structure Plan (previously approved by Council) as an appendix to the Waipa District Plan. PC13 is not an opportunity to debate and amend the contents of the C4 Structure Plan. In my view, the decision for the Commissioner is simply: is the C4 Structure Plan to be included or not? Given the process Council has gone through to get to this point (with the assistance of my firm), there is no reason, in my opinion, why the C4 Structure Plan should not be included in the Waipa District Plan. There has always been, and remains, a process available to Kotare to be able to advance a subdivision and development proposal in a manner that is not 'in general accordance' with the C4 Structure Plan.
6. As noted by Greg McCarthy (in his submission and presentation), Rule 15.4.2.69 of the Waipa District Plan provides a Discretionary Activity resource consent application process to allow any aspects of a proposal that are not 'in general accordance' with the Structure Plan to be considered on their merits and provides an opportunity for all affected landowners to participate in this process.

7. At paragraph 16 of her evidence, Ms Drew states:

“... the original submission on PC13 that I lodged also sought a number of amendments to the C4 growth cell Structure Plan and supporting commentary. That submission was made to achieve alignment between the Structure Plan and the development outcomes being advanced by Kotare in their subdivision consent.” (emphasis added)

8. And at paragraph 16 of her evidence, Ms Drew states that one of the key drivers for the amendments sought to the C4 Structure Plan by Kotare was to:

“Avoid any future issues with consenting development of the site when the alignment differs slightly from the ‘preferred’ Structure Plan layout, including avoiding potential notification risks during the subdivision consent processing.”

9. If the outcome sought by Kotare in the context of PC13 was accepted, then the subdivision consent application currently being advanced by Kotare will be ‘in general accordance’ with the C4 Structure Plan and therefore not trigger the need for a Discretionary Activity resource consent application under Rule 15.4.2.69 of the Waipa District Plan. As is the stated intention set out in Ms Drew’s evidence quoted above, such an outcome would deny my client the opportunity to be identified as an affected party and have the ability to be involved in the application process.

10. The position being advanced by Kotare as to the merits of its proposed amendments to the C4 Structure Plan are based on documentation that forms part of a separate planning process (a subdivision consent application) which is not before the Commissioner (nor my client or other potentially affected parties) in the context of PC13. Therefore, even if it was accepted that the proposed changes were in scope in the context of PC13 (which is denied), neither the Commissioner nor the potentially affected parties are in possession of the documentation that might justify any such changes on their merits. Furthermore, a 10 minute opportunity to present a case in the context of PC13 does not amount to an adequate opportunity for my client to participate in a planning process where the issues that arise from the outcomes sought by Kotare can be properly considered, particularly in the absence the relevant documentation forming part of the process.

11. On the basis of the above, it is my opinion that the changes to the C4 Structure Plan sought by Kotare should be rejected, and the correct process should be followed (i.e. a Discretionary Activity resource consent application under Rule 15.4.2.69 of the Waipa District Plan).

## Attachment A: Mark Chrisp - Qualifications and Experience

1. I am a Director and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016). I am currently serving as the Chairman of the Board of Mitchell Daysh Ltd.
2. In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners.
3. I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 30 years' experience as a Resource Management Planning Consultant.
4. I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.
5. I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.
6. I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry (most recently as the Expert Planning Witness for the Hawke's Bay Regional Investment Company Ltd's proposed Ruataniwha Water Storage Scheme).
7. I have been heavily involved in planning processes focusing on the growth and development of Cambridge over the last three decades. This has included:
  - (a) Assisting Transit New Zealand (now Waka Kotahi) determining the route for the State Highway 1 Bypass of Cambridge (now constructed as part of the Waikato Expressway);
  - (b) Preparing submissions in relation to the initial development of the Waipa District Growth Strategy ("**Waipa 2050**");
  - (c) Preparing submissions (on behalf of a range of clients) in relation to every Proposed Waipa District Plan prepared under the Resource Management Act 1991 ("**RMA**");
  - (d) St Kilda Residential Development – including rezoning the land for residential purposes by way of a Private Plan Change to the Waipa District Plan, and various resource consents including, most recently, for eight residential apartments;

- (e) Rezoning 56 hectares of land at Hautapu (by way of a Private Plan Change) to create the Bardowie Industrial Precinct, facilitating the relocation of APL to Cambridge;
- (f) Securing resource consents for a range of developments in Cambridge including:
  - i. Countdown Supermarket
  - ii. Mobil Service Station
  - iii. Cambridge Medical Centre
  - iv. Professional Farm Services
  - v. Shaws Wire Ropes
- (g) Fonterra Hautapu (various land use consents and regional consents for takes and discharges);
- (h) Assisting Waipa District Council in relation to the preparation of a Structure Plan for the C4 Growth Cell;
- (i) Securing resource consents from Waikato Regional Council for Waipa District Council to be able to discharge stormwater from the C1 and C2/C3 Growth Cells (and an associated outfall structure to the Waikato River);
- (j) A submission on Plan Change 13 to the Waipa District Plan; and
- (k) A compact housing development on Coleridge Street in Leamington.