

BEFORE THE HEARINGS PANEL

UNDER

the Resource Management Act 1991

IN THE MATTER

**of proposed Plan Change 17 to the Waipā District
Plan**

**STATEMENT OF REBUTTAL EVIDENCE OF MARK BULPITT CHRISP ON
BEHALF OF
THE HAUTAPU LANDOWNERS GROUP**

PLANNING

2 JUNE 2023

1. INTRODUCTION

- 1.1 My full name is Mark Bulpitt Chrisp.
- 1.2 My qualifications and experience are set out in my evidence in chief dated 13 March 2023. I reaffirm my commitment to adhere to the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023.
- 1.3 I have been engaged by the Hautapu Landowners Group (“**HLG**”) to present planning evidence in relation to Plan Change 17 (“**PC17**”) to the Waipā District Plan (“**WDP**”). This statement of rebuttal evidence will respond to the evidence of:
- (a) Ms Katrina Andrews on behalf of the Waikato Regional Council; and
 - (b) Ms Christina Walker on behalf of Ms Maria Barrie.

2. NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND

- 2.1 The evidence of Ms Andrews and Ms Walker both raise questions in relation to the proposed rezoning of the HLG land in terms of the National Policy Statement for Highly Productive Land (**NPS-HPL**).
- 2.2 Ms Andrews (at para 50 of her evidence) expresses her opinion that further evidence is required in relation to Clause 3.6(1)(a) of the NPS-HPL to demonstrate that the requested rezoning gives effect to the NPS-HPL. Ms Walker (at para 4.8 of her evidence) expresses a similar opinion.
- 2.3 The rebuttal evidence of Mr Tim Heath (on behalf of the HLG) comprehensively addresses this issue raised by Ms Andrews and Ms Walker.
- 2.4 In addition to the evidence of Mr Heath, from a planning perspective (and with reference to Figure 1 below), I note that the HLG land is of limited value (present or future) in terms of primary production for the following reasons:
- (a) As noted in my supplementary evidence dated 26 May 2023, the land owned by Mr Dean Hawthorne (one of the members of the HLG), comprising 5.5 ha is classified as contaminated land due to it being a former orchard. That situation limits (or potentially prevents) its future use for primary production purposes, particularly for the production of food for human consumption;

- (b) The land owned by Mr Hoyle (HW Industries) comprising 1.9 ha is already consented for commercial / industrial purposes which do not include primary production;
- (c) The balance of the HLG land is significantly fragmented and is currently used for rural residential / lifestyle block purposes which means that it is highly unlikely that any use of the land for primary production purposes would be economic;
- (d) Plan Change 1 to the Waikato Regional Plan (Healthy Rivers) would make it very difficult, if not impossible, to intensify any primary productive land uses on the HLG land (e.g. commercial vegetable production) which would result in an increase in nitrogen, phosphorus, sediment or microbial pathogens entering groundwater and/or the Mangaone Stream; and
- (e) On the basis that Area 6 is rezoned for industrial purposes as a result of PC17, and in combination with the points made above, the future prospect of the HLG land being used for primary productive purposes is very low.



Figure 1: Plan showing the Location and Extent of the HLG Land Holdings

- 2.5 All of the above, particularly the evidence of Mr Heath, adds weight to the conclusion reached by Ms Bolouri that the HLG land meets the requirements of the NPS-HPL. I concur with that conclusion.

3. WAIKATO REGIONAL POLICY STATEMENT

3.1 Ms Andrews states (at para 17 of her evidence):

“I consider that an assessment of the HLG rezoning request is required against the relevant provisions of the WRPS, as well as provisions within Proposed WRPS Change 1, to inform decision-making on this aspect of the HLG submission and demonstrate that the rezoning gives effect to the WRPS as required under the RMA.”

3.2 Ms Andrews correctly points out that section 75(3)(c) of the RMA requires that a district plan must “give effect” to any regional policy statement. However, the reference to a regional policy statement in section 75(3)(c) of the RMA is to an operative RPS. The RMA makes specific distinctions between documents and proposed documents. For example, s.104(1)(b)(v) of the RMA refers to “a regional policy statement or proposed regional policy statement” whereas section 75(3)(c) of the RMA only refers to any “regional policy statement”. Section 43AA of the RMA defines a regional policy statement as (underlining added):

“regional policy statement—

- (a) means an operative regional policy statement approved by a regional council under Schedule 1; and
- (b) includes all operative changes to the policy statement (whether arising from a review or otherwise)

3.3 On that basis, the requirement to “give effect” to a regional policy statement does not include Plan Change 1 to the Waikato RPS (which is still progressing through the First Schedule process and is yet to be made operative).

3.4 In relation to Plan Change 1 to the Waikato RPS, the requirement is to “have regard to” a proposed regional policy statement in accordance with section 74(2)(a) of the RMA. That requires an assessment as to the weight to be placed on the operative versus the proposed provisions relating to the same subject matter.

3.5 In para 54 of her evidence, Ms Andrews quotes what she claims to be “Policy UFD-P11 of the WRPS”.¹ However, the wording of the policy and its various parts do not exist as quoted by Ms Andrews in either the operative Waikato RPS or Plan Change 1 to the Waikato RPS. The policy she has “quoted” reads like an inaccurate “mash-up” of the two versions. Attached to my evidence is

¹ Policies with “UFD” as part of their naming / numbering are new policies being introduced by way of Plan Change 1 to the Waikato RPS.

the operative version of **Policy 6.4 – Adopting Future Proof land use pattern** (as **Attachment A**) and the amended version of the same policy in Plan Change 1 to the Waikato RPS (as **Attachment B**).

- 3.6 Plan Change 1 to the Waikato RPS is being advanced through the First Schedule planning process under the RMA because the current provisions in the Waikato RPS relating to the Future Proof area are out of date and do not reflect the current realities associated with the supply and demand for industrial land. On that basis alone, little weight should be placed on those operative provisions.
- 3.7 I presented evidence at the hearing in relation to Plan Change 1 to the Waikato RPS and pointed out that the policies, including those policies referred to by Ms Andrews, are incapable of interpretation and implementation. That is largely because the policies refer to activities occurring “within” and “outside of” areas without mapping the extent of those areas. The policies therefore provide no guidance for the purposes of any decision being made in respect of PC17 in my opinion.
- 3.8 On the basis of the above and given that no decisions have yet to be released in relation to submissions on Plan Change 1 (i.e., it is still in the early stages of the First Schedule process), very little if any weight should be placed on the policies proposed to be introduced by way of Plan Change 1 to the Waikato RPS.



Mark Chrisp

2 June 2023

Attachment A

Policy 6.14 – Adopting Future Proof land use pattern in the operative Waikato RPS

Policy 6.14 Adopting Future Proof land use pattern

<i>The relevant objectives are:</i>	
3.2	<i>Resource use and development</i>
3.3	<i>Decision making</i>
3.12	<i>Built environment</i>

Within the Future Proof area:

- a) new urban development within Hamilton City, Cambridge, Te Awamutu/Kihikihiki, Pirongia, Huntly, Ngaruawahia, Raglan, Te Kauwhata, Meremere, Taupiri, Horotiu, Matangi, Gordonton, Rukuhia, Te Kowhai and Whatawhata shall occur within the Urban Limits indicated on Map 6.2 (section 6C);
- b) new residential (including rural-residential) development shall be managed in accordance with the timing and population for growth areas in Table 6-1 (section 6D);
- c) new industrial development should predominantly be located in the strategic industrial nodes in Table 6-2 (section 6D) and in accordance with the indicative timings in that table except where alternative land release and timing is demonstrated to meet the criteria in Method 6.14.3;
- d) other industrial development should only occur within the Urban Limits indicated on Map 6.2 (section 6C), unless there is a need for the industry to locate in the rural area in close proximity to the primary product source. Industrial development in urban areas other than the strategic industrial nodes in Table 6-2 (section 6D) shall be provided for as appropriate in district plans;
- e) new industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 6-2 shall not be of a scale or location where the development undermines the role of any strategic industrial node as set out in Table 6-2;
- f) new industrial development outside the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the arterial function of the road network, and on other infrastructure;
- g) where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern; and
- h) where land is required for activities that require direct access to Hamilton Airport runways and where these activities cannot be accommodated within the industrial land allocation in Table 6-2, such activities may be provided for within other land adjacent to the runways, providing adverse effects on the arterial road network and other infrastructure are avoided, remedied or mitigated.

Attachment B

Policy UFD-P11 - Adopting Future Proof land use pattern in Proposed Change 1 to the Waikato RPS

UFD-P11 – Adopting Future Proof land use pattern

Within the Future Proof area:

1. new urban development ~~within Hamilton City, Cambridge, Te Awamutu/Kihikihi, Pirongia, Huntly, Ngāruawāhia, Raglan, Te Kauwhata, Meremere, Taupiri, Horotiu, Matangi, Gordonton, Rukuhia, Te Kowhai and Whatawhata~~ shall occur within the Urban and Village Enablement Areas Limits indicated on Map 43 (5.2.10 Future Proof map (indicative only));
2. new residential (including rural-residential) development shall be managed in accordance with the timing indicated on Map 43 (5.2.10 Future Proof map (indicative only)) or in accordance with the timing provided for within an operative Future Development Strategy for the Future Proof sub-region in accordance with the National Policy Statement on Urban Development 2020) timing and population for growth areas in Table 34 (APP12);
3. new industrial development should predominantly be located in the strategic industrial nodes in Table 35 (APP12) and in accordance with the indicative timings in that table except as set out in clause (7) below; where alternative land release and timing is demonstrated to meet the criteria in UFD-M49;
4. other industrial development should only occur within the Urban Limits Enablement Areas indicated on Map 43 (5.2.10 Future Proof map (indicative only)), unless there is a need for the industry to locate in the rural area in close proximity to the primary product source. Industrial development in urban areas other than the strategic industrial nodes in Table 35 (APP12) shall be provided for as appropriate in district plans;
5. new industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 35 shall not be of a scale or location where the development undermines the role of any strategic industrial node as set out in Table 35;
6. new industrial development outside the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the transport system arterial function of the road network, and on other infrastructure;
7. where alternative ~~industrial and residential~~ urban land release patterns are promoted, either out-of-sequence or unanticipated on Map 43 or in Table 35, including proposals outside of the urban or village enablement areas indicated on Map 43, through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern and particular regard shall be had to the proposed development capacity only where the local authority determines that the urban development proposal is significant, by assessing the proposal for consistency with the responsive planning criteria in APP13; and
8. where land is required for activities that require direct access to Hamilton Airport runways and where these activities cannot be accommodated within the industrial land allocation in Table 35, such activities may be provided for within other land adjacent to the runways, providing adverse effects on the arterial-road transport network and other infrastructure are avoided, remedied or mitigated.