

**Before a Hearings Panel for the Waipa Plan Change  
17 Hautapu Industrial Zones**

**In the matter of** the Resource Management Act 1991 (RMA)

**And**

**In the matter of** Waipa Plan Change 17 Hautapu Industrial Zones

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**SUPPLEMENTARY STATEMENT OF EVIDENCE (PLANNING) OF CHRISTINA WALKER ON  
BEHALF OF MARIA BARRIE**

Dated: 23 May 2023

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## 1 INTRODUCTION

- 1.1 My full name is Christina Jean Walker. My qualifications and experience are set out in my Evidence in Chief (**EiC**) dated 13<sup>th</sup> March 2023.
- 1.2 While this is not an Environment Court hearing, I have read the updated Code of Conduct for Expert Witnesses, outlined in the Environment Court's Practice Note (2023) and have complied with it in preparing this evidence. I also agree to follow the Code when presenting evidence to the Hearing Panel. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from my opinions.
- 1.3 This supplementary evidence has been prepared in response to:
- a) the decision on an objection to the decision on scope relating to the Hautapu Landowner's Group (**HLG**) submission. As a result of that decision the rezoning of the HLG landholdings to deferred industrial zone is now within scope of the Waipa Plan Change 17 Hautapu Industrial Zones (**PC 17**) proceedings; and
- 1.4 In light of the above, this supplementary evidence will address the HGL proposal, including:
- a) The anticipated effects insofar as they relate to Ms Barrie's interests;
  - b) Consideration of Highly Productive Land;
  - c) Consistency with the Waikato Regional Policy Statement; and
  - d) Section 32 requirements and National Policy Statement for Urban Development.

## 2 THE HLG LAND AND PROPOSAL

- 2.1 The HLG land is located to the north of Area 6 of PC 17 and south of the Mangaone Stream and comprises some 16.3ha.
- 2.2 The HLG are seeking to have the land within this area re-zoned to deferred industrial, with the proviso that land will not be 'live zoned' until such time as the Kama Trust Land (Area 6) has been developed to a minimum of 80% or by 31 March 2030, whichever occurs sooner. Further, that a structure plan will be developed/introduced at the time of 'live zoning'.<sup>1</sup>
- 2.3 Expert Evidence in support of the above submission includes:

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<sup>1</sup> Hautapu Landowners Submission, para 5.1

- a) Statement of Evidence by Tim Heath (Economics);
- b) Statement of Evidence by Matthew Dickey (Geotechnical and Three Waters Servicing);
- c) Statement of Evidence by Cameron Inder (Transportation); and
- d) Statement of Evidence by Mark Chrisp (Evidence).

In preparing this supplementary evidence, I have reviewed the above statements of evidence, along with the evidence provided by John Gundesen and Dean Hawthorne.

### **3 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

- 3.1 As noted in my EiC, Maria Barrie has lived at 345 Peake Road since August 2009. The proposed rezoning of the HLG's land will exacerbate the significant adverse amenity effects associated with the rezoning of Area 6 as well as introducing additional traffic effects.
- 3.2 It is noted that the current proposal involves re-zoning the HGL land to 'deferred' rather than 'live' industrial and therefore all details of future development are not yet known. However, I consider it necessary to consider the effects of the eventual use of the land now. These matters are addressed in the following paragraphs.

#### Amenity and Rural Character

- 3.3 My EiC outlined the adverse amenity and rural character effects that would arise from the rezoning of Area 6, these included:
  - a) Visual Amenity;
  - b) Noise; and
  - c) Loss of rural character.
- 3.4 HGL identified much the same adverse amenity effects on their land, stating<sup>2</sup> that the rezoning of the Kama Trust Land (Area 6) would result in:

*Significant adverse effect on the amenity of the properties (including existing dwellings) owned by the Hautapu Landowners Group including as a result of noise, night-time lighting / glare, traffic generation, dust, visual effects and the proposed management of stormwater.*

- 3.5 These effects (including visual amenity, noise and character effects) will not be mitigated to any meaningful extent by the inclusion of the stormwater basin, a bund (of unspecified height) and

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<sup>2</sup> Hautapu Landowners Group Submission, para. 4.2

a planting strip with trees spaced a maximum of 30m apart. The Section 42A report<sup>3</sup> also acknowledges that the planting strip is not, by design, intended to create a buffer, rather it is included to increase visual amenity and to be in keeping with the character of Cambridge.

3.6 The rezoning of HLG's land will only exacerbate these already unacceptable adverse effects for Ms Barrie. Specifically, it will eventually introduce additional industrial activity within close proximity of Ms Barrie's property and remove any remaining rural activities on the opposite side of Peake Road.

3.7 In regard to the noise characteristics, I also wish to address the comment by Mr Moran<sup>4</sup> that:

*Noise is noise, and is controlled by various dBA restrictions within the District Plan. There are no provisions or controls within the District Plan associated with the source of noise.*

3.8 In my view, this ignores that the permitted activity provisions of the rural zone do directly control the types of activities, and therefore the types, duration and timing of noise, that can occur in the rural zone.

3.9 Overall, there will clearly be a reduction in the level of amenity experienced by Ms Barrie.

#### Traffic

3.10 The structure plan for Area 6 provides for an access from Hautapu Road, with no access provided from Peake Road. It appears unlikely that there is any practical means for extending this restriction to the HLG land, given that there is no provision for access through Area 6 on the current structure plan and no other road access to the site.

3.11 Mr Inder's expert evidence notes that<sup>5</sup> even without access to Peake Road, the development of Area 6 will likely result in safety and efficiency effects as traffic congestions lead to traffic seeking alternative routes, including Peake Road. Therefore, the solution proposed<sup>6</sup> is to provide access, through Area 6, to the HLG land, resulting in a greater ability for road upgrades, most notably a dual lane roundabout at the intersection of Hautapu and Victoria Roads and a re-design of stormwater basins.

3.12 In either case it is clear that there will be adverse traffic impacts for Ms Barrie resulting from an increase in heavy traffic on Peake Road. However, in the event the panel was minded to approve the rezoning of the HLG land, the requirement for a linkage to Area 6 would be the preferred option, as this will minimise heavy traffic utilising Peake Road.

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<sup>3</sup> Para 6.1.16

<sup>4</sup> Mr Moran, Rebuttal Evidence – para11

<sup>5</sup> Mr Inder, EIC, para 25-26.

<sup>6</sup> Mr Inder, EIC, para 29

## 4 HIGHLY PRODUCTIVE LAND

- 4.1 The National Policy Statement for Highly Productive Land (NPS-HPL) was published on 20 September 2022 and came into force (commenced) on 17 October 2022. PC17 was notified on 30 September 2022, after the NPS-HPL was published but before it commenced.
- 4.2 Unlike Area 6, the HLG land is caught by the transitional definition of ‘highly productive land’ under the NPS-HPL<sup>7</sup>. This is because it did not form part of the Council lead plan change notified on the 30<sup>th</sup> September 2022, prior to the commencement of the NPS-HPL on the 17 October 2022.
- 4.3 Specifically, the transitional definition, set out in section 3.5(7) of the NPS-HPL requires that:

*Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:*

*(a) is*

*(i) zoned general rural or rural production; and*

*(ii) LUC 1, 2, or 3 land; but*

*(b) is not:*

*(i) identified for future urban development; or*

*(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

- 4.4 The site comprises of LUC 1 soils<sup>8</sup>, a soil type that comprises only 0.7% of land being the most valued and scarce soil resource available nationally<sup>9</sup>. It is also zoned rural and, as noted above, was not subject to a Council initiated plan change for rezoning at the commencement of the NPS-HPL.
- 4.5 Accordingly, in order for re-zoning to occur the circumstances set out in clause 3.6 of the NPS-HPL must be met. Clause 3.6 is reproduced below for ease of reference.

*(a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and*

*(b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and*

*(c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with*

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<sup>7</sup> NPS-HPL, s3.5(7)

<sup>8</sup> LRIS Portal, Landcare Research

<sup>9</sup> Section 32 Assessment – NPS-HPL, (p.22)

*the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

- 4.6 A discussion regarding the Market Economics (2021) report has been included in my evidence in chief and will not be repeated here, except to note that the finding within that report was that:

*“In total the amount of land provided [for industrial use] exceeds demand over the long term [30 years] (231ha provided compared with 108ha demanded).”<sup>10</sup>*

Noting that this study did not include any consideration of Area 6 or the HGL land.

- 4.7 The economic evidence provided by Mr Heath on behalf of the Hautapu Landowners’ Group provides an update to the above projections based on recent Stats NZ Business data and reaches the conclusion that the estimated industrial land provision will be consumed by 2035. However, what is not apparent to me, from the evidence of Mr Heath is:

- a) the extent to which alternative options have been considered. This could include (but not necessarily be limited to):
  - i) alternative methods to encourage release land that is currently zoned for industrial or deferred industrial but is not available to the market (i.e. growth cell C10) and/or whether the current constraints relating to existing industrial land are likely to endure until 2035;
  - ii) the use of industrial land outside of Cambridge (e.g. within the Airport Business Zone, in Te Awamutu or other parts of the Future Proof area).
- b) whether the rate of growth experienced in the period between 2020 and 2022 is necessarily a predictor of the likely rate of growth over the next 30 years.

- 4.8 On the basis of the above and additional discussion provided in my evidence in chief, I consider that there is insufficient evidence to determine if the proposal meets the criteria in clause 3.6 and therefore cannot be considered to be consistent with the NPS-HPL.

## **5 CONSISTENCY WITH THE WAIKATO REGIONAL POLICY STATEMENT**

- 5.1 An assessment of the objectives and policies of the Waikato Regional Policy Statement (**WRPS**) was included in my EiC and that commentary is also relevant for the purposes of considering the HGL Land. As such, the full commentary will not be repeated here, however, I wish to re-iterate the following points:

- a) the vast majority of Area 6 remains in rural use – including cropping and I note that the Boyd’s Asparagus packhouse is consistent with the definition of a “Farming Activity”

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<sup>10</sup> Business Development Capacity Assessment 2021, Market Economics 2021, p.88

under the District Plan. As such, I do not consider the existing resource consents provide adequate justification for re-zoning the entirety of Area 6.

- b) Plan Change 1 would result in adoption of the 2022 version of the Future Proof Strategy. However, the inclusion of Area 6 is not specifically described anywhere in the Future Proof Strategy (no description of the land, location or titles) and is only barely discernible on Map 6 as part of the “short term development” area surrounding Cambridge<sup>11</sup> and the HGL land is not included at all.
- c) Further, no hearings on Plan Change 1 have yet to be held and there are some 24 submissions which address a range of issues, including the protection of highly productive soils and areas for future industrial development. On this basis, limited weight should be given to the direction of Plan Change 1.

5.2 Overall, the proposal to include Area 6 and the HGL land within PC 17 are considered to be inconsistent with the objectives and policies of the WRPS, which seek to ensure the expansion of urban areas is planned and co-ordinated or otherwise justified through robust evidence of need.

## **6 SECTION 32 REQUIREMENTS AND NATIONAL POLICY STATEMENT FOR URBAN DEVELOPMENT**

- 6.1 A discussion of the requirements of the NPS-UD and s.32 of the Resource Management Act 1991 (**the Act**) have been set out in my EIC.
- 6.2 The commentary provided is also relevant for the purposes of consideration of the HGL land and further, I reference my discussion of the economic evidence provided by Mr Heath in paragraph 4.7 for this supplementary evidence.

## **7 CONCLUSIONS**

- 7.1 The addition of the HGL land, will exacerbate the already inappropriate adverse effects on Ms Barrie through a further reduction in amenity effects. Specifically, noise characteristics (including source, frequency, timing and duration of noise) associated with the industrial zone significantly differ from that of the rural zone, regardless of whether the noise level remains the same.
- 7.2 Under the current proposals there is no means of traffic access for the HGL land other than directly from Peake Road, which will significantly increase traffic movements and more specifically, heavy vehicle movements, along Peake Road.
- 7.3 The re-zoning of the HGL land is subject to the NPS-HPL and it is my view that there is insufficient evidence to demonstrate that the proposal to rezone either Area 6 or the HGL Land aligns with the decision-making criteria set out in the NPS-HPL.

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11 Future Proof Strategy, page 61

7.4 Reliance of the section 32 report and Mr Moran's rebuttal evidence<sup>12</sup> on the Future Proof Strategy to justify the inclusion of Area 6 is inappropriate due to the different evidential requirements for a plan change verses a future development strategy.



Christina Walker

23 May 2023

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<sup>12</sup> Moran, Rebuttal Evidence, para.19-20