

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a hearing for Proposed Private Plan Change 20 -
Airport Northern Precinct Extension to the
Operative Waipā District Plan

SUPPLEMENTARY STATEMENT OF EVIDENCE OF KATRINA ROSE ANDREWS

For the Waikato Regional Council

PLANNING (EXCLUDING TRANSPORT)

DATED 16 MARCH 2023

INTRODUCTION

1. My name is Katrina Rose Andrews. I am a Policy Advisor in the Strategic and Spatial Planning Team at the Waikato Regional Council (WRC). My qualifications and experience are set out in my Primary Statement of Evidence dated 7 March 2023.
2. I repeat the confirmation in my Primary Statement of Evidence that I have read and agree to comply with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2023.
3. The purpose of this Supplementary Statement of Evidence is to:
 - Highlight aspects of my Primary Statement of Evidence to be summarised in my appearance at the hearing for Proposed Private Plan Change 20 (PPC20).
 - Respond to matters raised in the Rebuttal Statements of Evidence of the Plan Change applicants' experts.
 - Provide supplementary evidence in relation to the National Policy Statement for Highly Productive Land 2022 (NPS-HPL).
4. This statement does not provide a full summary of matters covered in my Primary Statement of Evidence and is intended to be read in conjunction with that Statement. Where I intend to summarise aspects of my Primary Statement of Evidence in the hearing for PPC20, I have signalled this and will speak to those summaries.

HIGHLY PRODUCTIVE LAND

Summary

5. In the hearing, I summarise Paragraphs 29 to 37 of my Primary Statement of Evidence.

Response to Rebuttal Evidence

6. In paragraph 38 of my Primary Statement of Evidence, I highlighted that the Ministry for the Environment's Guide to Implementation for the NPS-HPL ('the Implementation Guide') refers to demand assessed in a Housing and Business Development Capacity Assessment (HBA) in relation to the test in Clause 3.6(1)(a) of the NPS-HPL.
7. I note that Mr Grala, in his Rebuttal Statement of Evidence, raises issue with this.¹ I disagree with Mr Grala's interpretation of my evidence, as at Paragraph 39 I clearly state that the Panel will ultimately need to consider how the assessment prepared by Insight Economics fits within the requirements of the **NPS-HPL and National Policy Statement on Urban Development 2020 (NPS-UD)**.
8. Turning to Clause 3.6(1)(b) of the NPS-HPL; the applicants' assessments consider options for providing development capacity within the Waipā district.² As explained in my Primary

¹ Rebuttal Statement of Evidence of Nicholas Grala, paragraphs 13-18.

² PPC Request Addendum, prepared by Harrison Grierson, dated January 2023. [01 - Assessment Against NPS-HPL & WRPS - Jan 2023 \(waipadc.govt.nz\)](#), Statement of Evidence of Nicholas Grala, paragraphs 53-55.

Statement of Evidence, I consider there is a disconnect between the applicants' assessment of this clause and sub-clause (1)(a).

9. I note that in his Rebuttal Statement of Evidence, Mr Grala refers to the explanation within the Implementation Guide that the examination of alternative options does not need to be exhaustive.³ I confirm that I did review this section of the Implementation Guide when preparing my Primary Statement of Evidence and agree that a degree of pragmatism is required in the assessment.
10. My concern is however not for the *number* of alternative options assessed by the applicants per se, it relates to the locations explored and the disconnect this creates between the assessments against Clauses 3.6(1)(a) and (1)(b).
11. Sub-clause (1)(b) requires that *"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"*.
12. The conclusions reached by the applicants in relation to sub-clause (1)(a) relate to supply and demand for business land within the Future Proof sub-region, with a focus on Hamilton City as the effective market of the airport. Yet, the assessment against sub-clause (1)(b) is limited to the Waipā district only and does not consider whether there are any reasonably practicable and feasible options for providing the development capacity within Hamilton City.
13. I note that in Paragraph 9 of his rebuttal evidence, Mr Grala opines that an exploration of alternative options within Hamilton City cannot be undertaken because the Hamilton City District Plan does not contain any rural zones. While Clause 3.6(2) of the NPS-HPL includes a list of options to be considered when assessing subclause (1)(b), in my view, this does not preclude the consideration of other options where appropriate.
14. In the following section, I refer to a recent Independent Hearing Panel decision which provides some commentary on the NPS-HPL in the context of proposed urban rezoning.
15. I additionally note in Paragraphs 48 to 51 of my Primary Statement of Evidence that, in my view, the types of land use proposed to be permitted within the Northern Precinct is also a relevant consideration when assessing Clause 3.6(1)(b).

Supplementary Evidence

16. Since I prepared my Primary Statement of Evidence, there has been a decision released on a proposed plan change to the Auckland Unitary Plan - Proposed Private Plan Change 73 (PC73),⁴ which provides some commentary on the NPS-HPL. The decision of the Independent Hearing Panel for PC73 ('PC73 IHP') to decline this plan change was notified on 10 March 2023.
17. Whilst I acknowledge the PC73 decision is not an Environment Court decision and is subject to an appeal period under the Resource Management Act 1991 (RMA), given the relative

³ Rebuttal Statement of Evidence of Nicholas Grala, paragraphs 10-11.

⁴ [PC 73 - Decision \(aucklandcouncil.govt.nz\)](https://www.aucklandcouncil.govt.nz/PC73-Decision)

newness of the NPS-HPL, I consider the commentary within the decision provides a useful example of interpretation of the NPS-HPL in relation to proposed urban rezoning.

18. PC73 proposed to rezone approximately 32.5ha of land near Waiuku from Rural – Mixed Rural Zone to Residential – Mixed Housing Urban Zone. The key provisions of the NPS-HPL identified for PC73 were the same as those for PPC20; being the Objective, Policy 5, and Clause 3.6.
19. The PC73 IHP found that PC73 had not been developed in accordance with the relevant statutory matters relating to protection of prime soils and highly productive land.
20. I encourage the Panel to read this decision in full. My summary of the key findings of the PC73 IHP which I consider useful for the Panel’s consideration of PPC20 is as follows:

- The PC73 IHP considered the policy framework of the NPS-HPL to be directive, especially Policy 5, and found that urban rezoning of highly productive land can only occur where all of the three tests in Clause 3.6 have been met.
- The PC73 IHP considered that Clause 3.6(1)(a) and 3.6(1)(b) are somewhat linked.
- The PC73 IHP found that there is likely to be sufficient capacity within the existing urban area of Waiuku to meet housing demand, while acknowledging that the greenfield development sought by PC73 may achieve faster and more affordable results, at least in the short term. Paragraph 281 of the decision states that:

“while there are challenges to providing for urban development within the existing urban areas of Waiuku, we do not consider these to be insurmountable and if achieved, has the added substantial benefit of avoiding the further loss of productive land. We also acknowledge that the wider locality has [Future Urban Zone] land areas where the opportunities for greenfield development can still be realised. While this may be cold-comfort to the Requestor, it is our view that part of the purpose and likely outcome of the NPS-HPL is that it requires a refocus away from greenfield development as the primary method of enabling growth and a fresh look at existing urban areas. While it may prove more difficult in some aspects, we are of the view that this approach has the potential to also deliver quality urban outcomes while avoiding the further loss of productive land.”

- The PC73 IHP’s view of the words “same locality and market” in Clause 3.6(1)(b) was that the term “same locality” suggests that it is intended to be viewed broader than the extent of an existing urban boundary or urban settlement.
- Ultimately, the PC73 IHP found that *“the clear direction in the NPS-HPL is that the burden of proof necessary to meet Clauses 3.6(1)(a) and (b) is high”* and was not met in the case of PC73.

21. Overall, this decision provides a detailed discussion of Clauses 3.6(1)(a) and (1)(b) of the NPS-HPL. I consider this provides a useful example of an interpretation of the NPS-HPL in relation to proposed urban rezoning.

Conclusion on Highly Productive Land Matter

22. Ultimately, for the reasons outlined above and in my Primary Statement of Evidence, I remain of the view that further evidence is required in order to complete a robust assessment of PPC20 against the NPS-HPL.

PROPOSED CHANGE 1 TO THE WAIKATO REGIONAL POLICY STATEMENT

23. Paragraphs 53 to 64 of my Primary Statement of Evidence relate to Proposed Change 1 - National Policy Statement on Urban Development 2020 and Future Proof Strategy update (Proposed Change 1) to the Waikato Regional Policy Statement (WRPS); I do not intend to repeat these in the hearing.
24. In summary, section 74(2)(a) of the RMA requires that when changing a district plan, a territorial authority shall 'have regard to' any proposed regional policy statement. The key aspects of Proposed Change 1 of relevance to PPC20 are those relating to out-of-sequence and unanticipated developments.

NON-ANCILLARY RETAIL

Response to Rebuttal Evidence

25. As noted in the Joint Witness Statement (Economics and Retailing), the planners agree that it would be preferable for the plan provisions to clearly identify what types of activities are included in the retail gross floor area (GFA) cap. My Primary Statement of Evidence outlines concerns about the clarity of the proposed non-ancillary retail provisions.
26. I acknowledge that in response to amendments sought to the non-ancillary retail provisions in my Primary Statement of Evidence, Mr Grala has proposed a change to Rule 10.4.2.11A to make it clearer which activities the GFA cap applies to.⁵
27. I support the amendment proposed by Mr Grala. To assist plan users, I do however consider the amendments to Rule 10.4.1.1 outlined in my Primary Statement of Evidence to also be necessary. These amendments could be made as consequential amendments to that proposed by Mr Grala (and since accepted by the Section 42A reporting officer) and would both achieve consistency throughout the rule framework and ensure future plan users do not overlook Rule 10.4.2.11A.
28. I also consider the amendment to Rule 10.4.1.5 outlined in Paragraph 80 of my Primary Statement of Evidence is still required for the purpose of clarity. I understand that all non-ancillary retail activities are intended to be confined to the Hub or Retail area identified on the Airport Business Zone Structure Plan. Therefore, I consider that Rule 10.4.1.5 should be

⁵ Rebuttal Statement of Evidence of Nicholas Grala, paragraphs 22-23.

amended to specifically include service stations, cafes, restaurants, takeaway food outlets, licenced premises and building supply outlets, similar to the amendment proposed by Mr Grala to Rule 10.4.2.11A.

BATS AND BAT HABITAT

Summary

29. In the hearing, I summarise Paragraphs 93 to 100 of my Primary Statement of Evidence.
30. After reading the Statements of Evidence and Rebuttal Evidence of the ecologists, I understand there is still some disagreement between Ms Cummings and Ms Thurley in relation to the proposed Bat Habitat Area (BHA).

Response to Rebuttal Evidence

31. I note that Mr Inger has appended an updated version of the Structure Plan as Annexure 1 to his Rebuttal Statement of Evidence, on which the 'Hub' overlay has been removed from the BHA. I support the removal of the 'Hub' from the BHA.

CONCLUSION

32. Overall, I remain of the view that some further evidence is required in order to complete a robust assessment of PPC20 against the NPS-HPL, before the land is rezoned.
33. I support the amendment to Rule 10.4.2.11A proposed by Mr Grala, although I do consider additional amendments to Rules 10.4.1.1 and 10.4.1.5 relating to non-ancillary retail are also required to ensure the rule framework is clear and achieves the intended outcomes.
34. I also remain of the view that there are some remaining uncertainties around the proposed BHA and that in the absence of consensus between the ecologists, I am unable to assess whether PPC20 overall (the proposed Structure Plan in combination with the amended policy and rules) gives effect to the relevant provisions of the WRPS, particularly Policy ECO-P1 and Method ECO-M1.



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Waikato Regional Council

16 March 2023