

BEFORE THE WAIPĀ DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 20 – Airport Northern
Precinct Extension to the Operative Waipā
District Plan

SUMMARY STATEMENT OF NICHOLAS COLYN GRALA

PLANNING (EXCLUDING ECOLOGY)

14 MARCH 2023

Counsel acting:
JR Welsh
ChanceryGreen
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1. My name is Nicholas Colyn Grala. I am employed at Harrison Grierson as the National Planning and Environment Manager. My qualifications and experience are set out in my Statement of Evidence dated 28 February 2023. I have also prepared a Statement of Rebuttal Evidence dated 10 March 2023.
2. In my Primary Statement of Evidence, I noted that PC20 seeks to enable the co-ordinated expansion of the Northern Precinct within the Airport Business zone (the 'ABZ'). It seeks to rezone approximately 89ha of land from Rural to ABZ and will result in the Northern Precinct increasing from the existing 41ha to approximately 130ha of ABZ land. It also seeks to amend the Airport Structure Plan based on the comprehensive and integrated masterplanning that has taken place and amend the supporting planning provisions found within Section 10, 15 and 21 of the District Plan.
3. Several amendments to PC20 have been made since submissions closed late last year. These include the introduction of a Bat Habitat Area (BHA) and strengthening the ecology-based planning provisions. There were also some changes to the provisions as a result of expert conferencing. Amendments to PC20 have been evaluated in the s32AA report annexed to my Primary Statement of Evidence.
4. I concluded in my Primary Statement of Evidence that the Plan Change request has been made in accordance with the provisions of Schedule 1 and Section 32 of the Act, which along with supporting expert evidence, has demonstrated that:
 - (a) PC20 will have positive environmental, social and economic effects;
 - (b) Potential adverse effects arising from PC20 can be managed through the application of amended district plan provisions; and
 - (c) PC20 will achieve the purpose of the Act and will give effect to the relevant National Policy Statements and the WRPS.
5. PC20 provides for a suite of amendments to the WDP provisions. The changes are proposed to:
 - (a) Section 10 (Airport Business Zone);
 - (b) Section 15 (Infrastructure, Hazards, Development and Subdivision);
 - (c) Section 21 (Assessment Criteria); and
 - (d) Appendix S10 (Airport Business Zone Structure Plan).

6. In summary, the proposed amendments are sought to:
- (a) Enable the development of the Northern Precinct in line with the Proposed Structure Plan;
 - (b) Remove the CDP process which may be *ultra vires*;
 - (c) Require specific transport upgrades to be constructed prior to certain stages of development being finalised;
 - (d) Enable and consolidate non-ancillary retail within either the Hub or Retail Area (as delineated on the Proposed Structure Plan). This is supported by the introduction of a non-ancillary retail GFA cap for the Northern Precinct (proposed at 5,000m²) and the retention of the tenancy size restrictions that are already included within Section 10 of the WDP;
 - (e) Require specific landscaping to be established on the boundaries identified on the Proposed Structure Plan. This is supported by the retention of the Building Setback Control that applies to the boundaries identified on the Proposed Structure Plan;
 - (f) Introduce a 5m minimum building setback from the BHA;
 - (g) Require an Ecological Management Plan ('EMP') to be developed for the entirety of the Northern Precinct as part of the first land use or subdivision resource consent application;
 - (h) Introduce lighting rules that apply to the land in and adjoining the BHA;
 - (i) Introduce rules that manage vegetation trimming, pruning and removal within the Northern Precinct;
 - (j) Introduce a rule that requires buildings within the Northern Precinct to be designed in accordance with NZ Fire Service Fire-Fighting Water Supply Code of Practice (SNZ PAS 4509:2008) and achieve at least a FW3 level of service.
7. The key benefits of PC20 in my opinion are:
- (a) The Proposed Structure Plan will result in an urban form that is greatly improved over what would result from the operative Airport Business Zone Structure Plan;

- (b) The adoption of best practice stormwater management for the development of the Northern Precinct will result in a net improvement in the quality of stormwater leaving the site and entering receiving water bodies compared to the sites current rural / pastoral use;
- (c) The expansion of the Northern Precinct will result in additional job creation and employment opportunities within the region;
- (d) The potential for a reduction in commuter distances through the creation of employment opportunities close to the Peacocke growth cell and Tamahere. This will be further supported by the promotion of a walking and cycling connection between Peacocke and the Northern Precinct;
- (e) Including flow-on effects, it is estimated that the development enabled by PC20 could:
 - Generate a one-time boost in regional GDP of \$130 million;
 - Create employment for 2,210 workers (FTE's);
 - Create an annual wages/salaries value of \$154 million; and
 - Annual GDP of \$279 million.
- (f) PC20 will expand an existing urbanised area and will enable agglomeration benefits to occur which arise by increasing economic activities to cluster together. This clustering of economic activity can help to reduce transport costs and lift the average productivity of firms (for example through sharing of labour, specialised assets and ideas);
- (g) TPL and RPL are advancing the development of a MOU/Relationship Agreement with mana whenua to achieve and enhance the positive and effective relationship between the applicants and mana whenua.

8. The s42a report has recommended that PC20 be approved subject to a few amendments. I endorse the recommendation and responded to comments of the landscape reviewer.

9. I also prepared a Rebuttal Statement in which I responded to submitters evidence. In summary:

- (a) Mr Sharman's evidence on behalf of Fire and Emergency NZ recommended an amendment to Rule 10.4.2.12A. Mr Sharman's amended wording is appropriate, and so the provisions have been updated to reflect this.
- (b) Ms Andrews' evidence on behalf of Waikato Regional Council (WRC) considered that inadequate assessment had been made of PC20 against the National Policy Statement – Highly Productive Land ("NPS HPL"), specifically in relation to alternative land release options and development capacity. My rebuttal evidence provides commentary on why I consider it unnecessary to widen the exploration of additional options over and above what has already been undertaken and why I consider the assessment undertaken as part of PC20 in relation to the NPS-HPL is appropriate, robust and sufficient.
- (c) Ms Andrews' evidence also considered the Applicant's assessment against APP13 – Criteria B(a) of Proposed Change 1 to the WRPS (PC1) is insufficient. My rebuttal evidence provided further assessment of the Plan Change against this criterion, demonstrating that the Plan Change will not affect the feasibility, affordability or deliverability of planned growth areas.
- (d) Ms Andrews sought further clarity within the provisions for non-ancillary retail which I have accepted in my rebuttal evidence. The provisions have been updated to reflect this.
- (e) Ms Hansen's evidence on behalf of WRC sought the inclusion of CPTED principles in to be introduced into the policy framework of the Airport Business Zone (ABZ). My rebuttal evidence considered that the suggested objective and policy could not be appropriately implemented into the ABZ.
- (f) Ms Hansen's evidence also sought provision for end of journey facilities within the ABZ. My rebuttal evidence found that the suggested provision would not likely be effective within the Northern Precinct, and that any requested relief should be supported by a s32AA assessment to demonstrate the provisions are effective and efficient.
- (g) Ms Hansen's evidence recommended provision to enable electric vehicle supply equipment within the Northern Precinct which I have accepted. The provisions have been updated to include provision enabling electric vehicle supply equipment.

(h) Mr Govender's evidence on behalf of Hamilton City Council (HCC) requested several changes to the PC20 provisions, which relate to:

- Non-ancillary retail
- Ancillary retail
- Land use (the suggestion that the ABZ provisions should be strengthened to only enable high-value industrial activities)
- The inclusion of an Airside Overlay
- Southern Wastewater Treatment Plant
- Faiping Road shared path.

(i) My rebuttal evidence found that the requested changes are not supported by specific wording of the relief sought or a s32AA evaluation, making it difficult to fully understand the relief sought and why it is appropriate. I didn't support these requests because:

- It would be difficult to distinguish between low value industrial and high value industrial through a District Plan rule framework, and any approach to do so would likely be inefficient and unnecessarily complex for District Plan users to distinguish.
- TPL and Waikato Regional Airport Limited (WRAL) are best placed to determine the use of land within the Northern Precinct that adjoins the runway and applying an overlay to airside land within the District Plan would be unnecessary and ineffective;
- The planners and economists have agreed in the JWS that the focus of determining the extent of retail within the Northern Precinct should be whether it undermines 'the vitality and viability of existing commercial centres' as directed by the WRPS. And Mr Colegrave has provided evidence to demonstrate that the impact of 5,000m² of non-ancillary retail on nearby centres will be immaterial.
- It is not credible to suggest that ancillary retail would impact either existing or planned centres when there is no evidence to suggest this is a possible or likely scenario. It is an even less credible to suggest that ancillary retail will

result in the proliferation of large format retail across the Northern Precinct. This is clearly incorrect as large format retail is already precluded by Rule 10.4.2.12 and would be restricted in its location and quantum by Rules 10.4.1.5(d) and 10.4.2.11A.

- There is no consistent approach to controlling ancillary retail across the country. Some District Plans are extremely constraining and some are extremely enabling.
 - The Northern Precinct needs to be serviced by appropriate wastewater infrastructure but it would be inappropriate for a District Plan to specify exactly how this should be achieved (i.e. requiring a method rather than an outcome).
 - The PC20 provisions already enable a degree of flexibility for the route of the shared walking and cycling pathway along Faiping Road. I noted that Faiping Road is a legal (but in parts unformed) road and utilising it for a shared path is entirely consistent with its purpose. Faiping Road is the most direct, straightest and efficient route between Raynes Road and Peacockes Road.
 - PC20 is unable to require the extension or formation of the shared pathway beyond Peacocke Road because it is not possible for the Waipa District Plan to manage matters that are outside the jurisdiction of the Waipa District.
- (j) Mr Chrisp has provided evidence on behalf of Tabby Tiger suggesting the need for connected thinking for development of land in and around the Airport. Mr Chrisp's evidence includes an amendment to Rule 10.4.2.13A to include an advice note in relation to the roundabout at SH21 and Raynes Road. My rebuttal evidence considered that any future proofing to the Tabby Tiger land should not frustrate development enabled by PC20 from being undertaken. I also noted my aversion to including an advice note within a District Plan rule, especially when it is drafted to be a de facto rule as has been proposed by Mr Chrisp. In my opinion this consideration is better suited to being managed by both Waka Kotahi and Waipa District Council as the relevant road controlling authorities than being included within a District Plan rule as part of PC20.

10. Taking all the above into account, I consider that the Commissioners have sufficient information to decide on PC20 and it is appropriate for the request to be approved.



Nicholas Colyn Grala
Harrison Grierson

14 March 2023