

Before the Kaipara District Council Hearing Panel

Private Plan Change 81 – Dargaville Racecourse

Supplementary Evidence

28 March 2023

1.0 Infrastructure Feasibility

1. It is my understanding that agreement has been reached by both the Applicant and Council that the infrastructure required to provide both wastewater and water servicing in relation to PPC81 is feasible to construct from an engineering perspective, and that the Council is committed to providing it, via a number of possible options.

2.0 Road Connections

Shared Cycle and Pedestrian Link

2. With regard to the shared path, there is agreement that the construction of the path is considered feasible based on the applicant's evidence, and subject to detailed design and approval at the appropriate stage.

SH14/Awakino Point North Road Intersection

3. As noted in the Legal Submissions of Mr Bangma, and as has become apparent throughout the Hearing, there remains a contest on the evidence as to whether an upgrade to a T-intersection or a roundabout should be required at the intersection of SH14 and Awakino Point North Road, given potential sight distance non-compliances and consideration of what is the safest option.
4. In this regard, I note and agree with the Legal Submissions of Mr Bangma that the Hearing Panel must be satisfied that the standard of the upgrade being specified is directly connected to the adverse effects of the proposal, before it can impose a requirement in the provisions of PPC81 requiring the applicant to upgrade the intersection in a certain way.
5. There is no dispute in relation to the fact that servicing of PPC81 through an upgraded intersection is feasible, the issue is whether this intersection treatment should be a T-intersection or a roundabout. The Hearing Panel will need to make a decision based on the evidence.

3.0 Matters raised in my Addendum Concluding Statement

6. Ms Shaw in her supplementary legal submissions yesterday suggested that the addendum to my s42A report raised for the first time issues with regard to the s32 assessment undertaken by the Applicant. This is not correct, I raised it for the first time within my s42A report at paragraphs 77 to 83.

7. As was set out in both paragraph 83 and within my s42A report conclusion there were a wide range of matters that were required to be addressed, and I acknowledge these have been addressed in a number of instances.
8. However, now that the applicant has provided additional information that has addressed the majority of the matters raised, my concerns with the applicants s32 assessment has now come to the fore.

4.0 National Policy Statement for Freshwater Management 2020 (NPS-FM)

9. In my s42A report I identified a concern that there were wetlands within the site that had not been identified by Applicant, this has subsequently been confirmed through the additional evidence supplied by the applicant that there are “six indicative wetlands”. On the basis of the amended “zoning” provided by Ms Anich these are now to be located in either the Hillside Open Space Area or Large Lot Residential Area.
10. I am generally of the opinion that ensuring the “indicative wetlands” are located within the LLRA and Hillside Open Space Area is appropriate.

5.0 National Policy Statement for Highly Productive Land 2022 (NPS-HPL)

11. The Hearing Panel has asked at the outset whether the NPS-HPL is a “showstopper”, with regard to this I note that the NPS-HPL only relates to those portions of the site identified as LUC2 and LUC3 and the balance of the site is not affected.
12. In terms of the part of the site that is identified as LUC2 and LUC3 it is common ground that this can be rezoned to urban only if the requirements of Clause 3.6(4) and (5) are satisfied.
13. Ms Shaw had suggested during her opening legal submission that I may have been unaware of Appendix 7 of Ms Anich’s Addendum where Ms Anich assessed these matters. I would like to advise the Hearing Panel that I had read the Appendix and I was aware of the information contained therein. The point I was trying to make with my addendum was that while the applicant has provided an assessment with regard to demand in Dargaville in general terms, the assessment required within Clause 3.6(4) of the NPS-HPL is very specific.
14. In order to justify the rezoning to urban, of Highly Productive Land the applicant is required to show this is needed to provide the required development capacity for Dargaville under the NPS-UD.
15. The NPS-UD sets out specific methodology for the assessment of development capacity for residential and business land, in general terms this requires:
 - An assessment to be made of the residential and business development capacity required to be enabled for Dargaville;
 - The capacity that is already available;
 - Other reasonably practicable and feasible options for providing the required development capacity and
 - For the applicant to show that the approval of this plan change is required to meet capacity.

16. For that reason I concluded in my addendum that I was unable to say whether the requirements in Clause 3.6(4) had been met.
17. I have subsequently heard the evidence from Ms Dale which covers the existing information already supplied as part of the initial application, but does not provide any additional specific quantification, and did not assess capacity within the existing urban area. I have also considered the additional comments of Ms Anich to the Hearing Panel.
18. At this time, I have not heard anything additional that would cause me to amend my position, insofar as appropriate justification that the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district, as one of the specific requirements of Clause 3.6(4).
19. On balance, it is my opinion at this time that the information and assessment provided by the Applicant does not to my mind satisfy the burden of proof required by way of Clause 3.6(4) of the NPS-HPL.