

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 43 to the Taupo District Plan –
Taupo Industrial Environments

**STATEMENT OF EVIDENCE OF GARETH ELLIOT MORAN ON BEHALF OF TAUPO
INDUSTRIAL ESTATE LIMITED**

(PLANNING)

Dated 7 August 2023

INTRODUCTION

1. My full name is Gareth Elliot Moran. I am a Senior Associate Planner at Barker & Associates Limited (**B & A**) an independent urban and environmental planning consultancy operating throughout New Zealand.
2. My qualifications are a Bachelor of Resource Studies from Lincoln University and I am a full member of the New Zealand Planning Institute.
3. My planning experience has included the preparation and processing various resource consent applications for both Council's and private clients. I have also prepared and processed Plan Changes, made submissions on Plan Changes and on District Plan reviews.

CODE OF CONDUCT

4. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

SCOPE OF EVIDANCE

5. This statement of evidence addresses the following key pivotal points to the Plan Change 43 (**PC43**) progression:
 - a) Background and involvement with proposal
 - b) Executive summary
 - c) Summary of Strategic Documents
 - d) Response to submissions
 - e) Council's Section 42a Report
 - f) Conclusion

INVOLVMENT WITH PROPOSAL

6. The trustees of Taupo Industrial Estate Limited (TIEL) own the area of land identified in PC43 as 'Site 7'. This land is currently zoned 'Rural Environment' and accommodates the existing Westervelt Office facility. The remainder of the site is vacant of any buildings and structures and is currently grassed and unused.

7. I have been engaged by TIEL to prepare the resource consent applications to develop its land and to provide expert planning evidence in relation to PC43.
8. 'Site 7' is subject to a current resource consent (landuse and subdivision) application to establish a mixed-use commercial precinct and associated subdivision. As part of the resource consent package, the cancellation of two Consent Notices registered on the existing Record of Title has also been sought. Both the landuse and subdivision consents are currently on hold via Section 92 of the RMA. Associated earthworks consent from the Waikato Regional Council have also been obtained.
9. The key narrative of my evidence on PC43 will centre around the rezoning of 'Site 7' as that is the area owned by TIEL. I will not comment on the potential re-zoning of the accompanying areas which form part of the wider "Industrial" Plan Change 43.

EXECUTIVE SUMMARY

10. I support PC43 in its entirety, specifically the re-zoning of 'Site 7' from Rural Environment to Taupo Industrial Environment. This re-zoning regularises what I consider to be an existing zoning anomaly in the District Plan. Furthermore, given the time which has passed since the land use consent was granted to the Council for Site 7 (and surrounding area), the anticipated use as a "campus precinct" has not been implemented in the past 15 years since consent was granted in 2008.
11. I support of the facts and findings presented in Council's 42a report.
12. The Plan Change from Rural Environment to Taupo Industrial aligns with Taupo District Council's strategic direction to create additional Industrial Zoned land.
13. I conclude that the proposed zoning, objectives, policies and rules of PC43 are appropriate to optimise the development opportunities, vision and outcomes for the locality.
14. There is an identified shortfall of industrial land within the Taupo area. As such, the potential re-zoning of 'Site 7' will enhance the local economy and accelerate growth through the creation of additional employment opportunities which will supplement residential growth currently occurring within the wider Taupo area
15. Given the development expectations for the site are driven by the Eastern Urban Lands (EUL) Master Plan which identifies the site for commercial/educational activities, the current zoning of 'Site 7' (Rural Environment) does not reflect the intended use of the site.
16. From a transportation perspective, the proposed rezoning of 'Site 7' provides opportunities to maximise the investment value in the existing and planned

transport networks. It allows for the relocation of industrial and 'big box' car-based retail outlets to locate adjacent to the arterial road network, potentially removing these activities and their associated high car use and commercial vehicle needs from the town centre.

17. 'Site 7' has potential to connect to the existing walking and cycling network along the Eastern Taupo Arterial and is well located in relation to other similar activities, existing and planned residential areas to provide employment opportunities as well as some everyday supporting services which reduces people's overall need to travel.
18. 'Site 7' has good accessibility and connectivity to the surrounding arterial road network, including State Highway 1 and Napier Road
19. 'Site 7' can appropriately integrate with the existing and planned future transport network. Suitable infrastructure provisions can be made through subsequent resource consent applications to provide suitable multimodal access to the site.
20. 'Site 7' is owned by one individual landowner which will create efficiencies during the construction and development phase, should the plan change be approved as notified.
21. The re-zoning of 'Site 7' will support the consolidation of industrial activities and proposed growth of industrial activities in Taupo and will subsequently reduce the risk of inappropriate industrial sprawl throughout the rural environment. Controlled industrial growth will ensure the vibrancy of the Taupo town centre is maintained and enhanced.
22. 'Site 7' does not contain any natural features of significance; thus, the proposed rezoning will not contribute to any loss in ecological values.
23. Well-functioning urban environments as required by Policy 1 of the National Policy Statement for Urban Development (NPS-UD), are environments that, as a minimum have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. The rezoning of 'Site 7' aligns with this key directive identified in the NPS-UD.

SUMMARY OF STRATEGIC DOCUMENTS

24. Council's 42a Report has provided a thorough analysis in relation to the following high-level planning documents:
 - National Policy Statement – Urban Development
 - National Policy Statement – Highly Productive Land
 - National Policy Statement – Freshwater

- National Policy Statement – Indigenous Biodiversity
- Waikato Regional Policy Statement (including Plan Change 1)
- Iwi Management Plans

25. I concur with the fact and findings of Council's 42a report that the rezoning of 'Site 7' accords with the above referenced strategic documents.

RESPONSE TO SUBMISSIONS

26. The proceeding section of my evidence will focus on the submissions in opposition to the re-zoning 'Site 7'.

Submission on behalf of Advance Properties Group Limited

27. Submission OS67.1 and further Submission FS208.1 Sub19.1 from Advance Properties Group Limited, authored by Mr Warran Ladbrock are in opposition to the re-zoning of 'Site 7' due to the following reasons which I have summarised below:

- Residential and Industrial landuses are considered to be incompatible; specifically in relation to the underlying Eastern Urban Land (EUL), resource consent and Master Plan.
- The underlying title contains Consent Notices that restricts access onto Napier Taupo Road.

28. I do not comment on the Section 42a Authors discussion points associated with Trade Competition. Counsel for TIEL will address this point in legal submissions.

29. The District Plan contemplates the interface between the Industrial Zone and Residential Zone by way of specific setbacks, landscaping, planting and noise requirements. For example; *Rule 4d.1.5 – Minimum Building Setback*, requires a five-meter wide, landscaped setback to be provided at the interface between the Industrial Environment and any other Environment (such as Residential).

30. To put this setback into perspective; only a three-meter setback is required for a internal Industrial Zone Setback, with the larger setback required on permitter sites adjoining 'other' non Industrial Environments.

31. In addition to the setback requirements, Rule 4h.1.4 provides the following landscaping requirements:

Landscaping must be established and maintained on any industrial site according to the following provisions:

- i. An average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points.
 - ii. On any site boundary fronting the East Taupō Arterial road (to become State Highway 1), a 3 metre wide planted landscaping strip and an average of 1 specimen tree per 10 metres of road boundary, with a minimum of 3 trees per 30 metres.
 - iii. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.
 - iv. Specimen trees must be one of the species listed in [Appendix 7](#) and planted according to the specifications within [Appendix 7](#).
32. Furthermore, the District Plan specifies the following maximum noise levels for the Industrial Environment.

The noise level arising from any activity measured within the boundary of any residential environment site or the notional boundary of any rural environment site shall not exceed the following limits:

7.00am – 10.00pm 55dBA Leq

10.00pm – 7.00am 45dBA Leq and 75dBA Lm

33. The noise levels permitted within the Rural Environment (current zoning) are comparable to the noise levels permitted within the Industrial Environment (proposed future zoning), with the only notable difference being a slightly lower (5dBA) level permitted in the Rural Environment between 10.00pm and 7.00am. This minor increase in permitted night time noise levels, accompanied with the increased boundary setbacks and planting requirements, in my opinion will not generate any adverse effects between the interface of Site 7 and the adjoining land.
34. My above points are further echoed within Council's Section 42a report, (paragraph 167, page 43) as follows:

"I have identified above the respective provisions that are applicable at the interface between the Residential Environment and the Taupō Industrial Environment, including managing effects associated with noise, setbacks and tree planting. I note that there are existing examples in Taupō urban's area of the interface between the Taupō Industrial Environment and the Residential Environment, such as at Totara Street.

I consider that the Operative Plan provisions appropriately contemplate and establish controls at the interface to manage environmental effects generated by development and activities in the Taupō Industrial Environment. Additional controls are not seen as being effective or efficient, and would certainly not warrant declining the rezoning request. "

35. In summary, I conclude that the existing District Plan provisions are appropriate to avoid and or mitigate any potential interfacial effects on the adjoining environments.
36. In terms of the submission point in relation to the existing Consent Notices, I make the following comments.
37. As background context, TDC approved a subdivision consent on 13 May 2016 which involved the separation of the Westervelt Building from the wider site which contains the majority of the land holding within Site 7.
38. Conditions of the subdivision consent required two Consent Notices registered on the new title for Lot 2, which contained the vacant land exclusive of the Westervelt building. The consent notices are identified as follows:
 - *Development including further subdivision, building, and any change of use is required to demonstrate compliance with the approved East Urban Lands consent Masterplan reference 080142 granted on 9 June 2009 for the area described as “The Campus” (Reference 10534555.3); and*
 - *Direct vehicle access onto Napier Road is not permitted.*
39. In terms of the first consent notice, I comment as follows.
40. The Master Plan identifies the ‘Site 7’ as suitable for ‘employment/education’ (Campus Commercial Area) which could include the following types of activities; offices, education facilities, recreation, Industrial, Research and Visitor Accommodation
41. It is my understanding that TDC does not expect the “campus use” to be realised on the Site. Taking a “real world” view, the likelihood and feasibility of a tertiary institute/university or similar on the Site are marginal at best. This is emphasised by the fact that the Site is not owned by TDC.
42. On this basis, the consent notice requiring the site to be developed in accordance with the Master Plan is no longer relevant in my view. In short, the consent notices are no longer appropriate, necessary, or serve a resource management purpose.
43. In terms of the second consent notice; given ‘Site 7’ will not be developed in accordance with the Master Plan, the key traffic safety concerns that were anticipated in 2008 are no longer relevant.
44. As identified in Council’s 42a Report, Consent Notices are subject to a separate regulatory regime under the RMA and are able to be removed pursuant to s221(3)(a) as a Discretionary Activity.
45. For context, it is noted that an application has already been made as part of the background resource consent package to remove both the above referenced Consent Notices. This application was supported by way of an Integrated Traffic

Assessment which concluded that the development of Site 7 for industrial related purposes would not adversely affect the safety and functionality of Napier Taupo Road. The key aspects of the ITA will be further elaborated on within Ms Makinson's Traffic evidence.

46. Furthermore, it is noted that additional traffic effects have not been raised as a point of contention in any submissions or within Council's 42a Report.
47. I therefore conclude, with the findings of Council's 42a Report that the existing consent notices registered on the Records of Title associated with 'Site 7' will not create an impediment towards the approval of the PC as notified.

Submission on behalf of Taupo Climate Action Group

48. Taupo Climate Action Group is in opposition to the re-zoning of 'Site 7' on the basis that the change from Rural to Industrial landuse is inconsistent with Section 2.4, *Strategic Direction Climate Change*. The submitter also raises questions regarding the need for additional industrial supply, potential reverse sensitivity effects and the implications of the existing consent notices registered on the titles.
49. The submission does not contain any specific details outlining how or why the re-zoning of Site 7 will be contrary to the *Strategic Direction Climate Change* as such I am unable to provide any useful commentary in response for the commissioner to consider. Although I do note that the underlying EAU Mater Plan has designated 'Site 7' for 'Campus Activities' which could theoretically result in a similar level of site coverage and permeable surfacing, which are potentially contributing factors to Climate Change, to that which would be permitted within an Industrial Environment as proposed through PC 43.
50. It has been demonstrated within Council's 42a analysis and supporting documentation provided by Property Economics that there is an identified shortfall in Industrial Land, as such the potential re-zoning of 'Site 7' will create additional industrial capacity and will help create positive economic effects and avoid any potential adverse effects arising from insufficient industrial land capacity.
51. I have addressed the matters relating to the existing consent notices in paragraphs 36 to 46 above, so will not repeat again here.
52. In terms of the submitters concerns regarding potential reverse sensitivity effects, I note that effects of this nature could only *potentially* occur once Site 7 is developed; and would only relate to the use and operation of industrial based activities within 'Site 7'. As such the onus will need to be placed on any new industrial activities established within 'Site 7' to ensure they comply with their resource consent conditions and the various District plan provision's, to avoid receiving complaints from adjoining landowners which could potentially disrupt or frustrate the daily use of their businesses.

53. Given the proximity of the potential future residential development, along with existing residential development in the vicinity of Site 7, with the existing industrial use opposite 'Site 7', in my opinion the change to the zone of 'Site 7' will not result in any increase in potential reverse sensitivity effects from what currently exists.
54. Based on my own assessment and the fact and findings presenting in Council's 42a Report, in my opinion the submission from Taupo Climate Action Group in how it relates to the potential re-zoning of 'Site 7', should be rejected.

Submission on behalf of Waikato Regional Council

55. Waikato Regional Council (WRC) has submitted in opposition to PC 43 in its entirety due to the following reasons, which I have summarised as follows:
 - Re-zoning poses potential risks to Significant Natural Areas (SNA) and Significant Geothermal Areas (SGA).
56. In response to this submission point, I'm able to draw the conclusion based on the findings of two independent Geotechnical Report (prepared by HD Geo and WSP) and the characteristics of the site (which is predominantly held in pasture), that the site does not contain any identified SNA's or SGA's.
57. I therefore concur with the fact and findings of Council's 42a Report in that the submission points outlined by WRC should be rejected in how it relates to the potential re-zoning of 'Site 7'.

Submission on behalf of Cheal Consultants

58. The submitter has sought an amendment to the proposed District Plan provisions to mitigate any potential effects associated with the Residential Environment interface.
59. As outlined within Paragraphs 42-47 of my evidence, I conclude that the proposed District Plan provisions will adequately avoid/mitigate any potential adverse effects associated with the interface between Industrial and Residential Environments.
60. My above conclusion is also reinforced within Council's Section 42a Report.

Submission on behalf of New Zealand Transport Agency (NZTA)

61. The submission on behalf of NZTA seeks a further assessment to demonstrate if the re-zoning of 'Site 7' aligns with the Waikato Regional Policy Statement, Plan Change 1, the NZ Emissions Reduction Plan and reduction in vehicle kilometres travelled and the provisions of active and public transport.

62. This submission point has been addressed by Ms Makinson within her Transportation evidence; and thus, has not been repeated.

Submissions in Support

63. I concur that I agree with the submissions in support prepared by Contact Energy Ltd and Manawa Energy Ltd

COUNCILS SECTION 42A REPORT.

64. Council's Section 42A Report makes the following conclusions;

"For the reasons included throughout this report, I consider that the recommended minor amendments to the provisions as otherwise notified within PC43 will ensure that the provisions are the most appropriate way:

a. to implement:

*i. the relevant Policies and achieve the Objectives; and
ii. the outcomes sought by other relevant statutory documents; and*

b. provide the necessary platform for the efficient and effective administration of provisions."

65. I confirm that I am in full support of the facts and recommendations of Council's Section 42A Report.

CONCLUSION

66. Having read Council's s 42A Report and reviewed all the submissions, I confirm that I'm in full support of PC43 as notified.



Gareth Elliot Moran

7 August 2023