

Submission by

Hamilton City Council

PROPOSED WAIKATO DISTRICT PLAN

9 OCTOBER 2018

1.0 INTRODUCTION

- 1.1 Hamilton City Council (HCC) welcomes the opportunity to make a submission to the Proposed Waikato District Plan (WPDP). HCC's submission comprises this cover letter and the **attached** table and associated map.

RELIEF SOUGHT

- 1.2 The **attached** table outlines our submissions in relation to the WPDP, which refers to specific provisions within the WPDP. As per any plan making process, these submissions outline our Council's view on the detail of the WPDP and sets out the relief sought in respect of those provisions. In addition to the amendments sought as set out in the content of the **attached** table, HCC also seeks amendments to the WPDP to enable HCC to have an enhanced level of control and input into strategic land use planning and resource consenting of land uses within a defined area adjacent to the HCC City boundary within Waikato District. That defined area is set out in the **attached** map entitled "Area of Interest Map". The defined area is highlighted in light green and is noted in the map legend as "HCC Area of Interest" (Area of Interest). As part of its relief sought under its submission, HCC seeks that this map be incorporated into the WPDP, and that the map be supported by a series of objectives, policies, rules and methods as outlined below.
- 1.3 This Area of Interest has been determined to be a rough indicator of the area of the City's economic and social influence and represents its various communities of interest. It encompasses areas of potential for an extended urban footprint of Hamilton City in the future. It is critical to the sustainable use of this land resource that development within the Area of Interest be carefully controlled to ensure the transition to the long term urban form is not compromised or undermined.
- 1.4 A finer grained, data driven and evidence-based analysis of the economic and social boundaries of Hamilton City and the possible extended urban boundary is currently underway within HCC, but this work will take some time to complete. In the meantime, this submission is required to be lodged within a 9 October 2018 deadline. Accordingly, the extent of the Area of Interest will be finetuned as the WPDP process moves forward.

- 1.5 Within the WPDP, HCC seeks that this Area of Interest be subject to separate and additional objectives and policies which seek to avoid urban development and subdivision in rural zones, and provide only for rural land uses in that zone. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC's strategic land use plans and urban growth strategies including avoidance of urban sprawl. HCC seeks a supporting set of rules and methods to achieve these objectives and policies, including deploying prohibited activity status for certain non-rural land uses and subdivision.
- 1.6 For other zones within the Area of Interest, HCC seeks that the extent of the zones not be extended beyond the existing zone boundaries, nor that the rural zone be decreased from the existing zone boundaries.
- 1.7 More broadly, within the Area of Interest, HCC seeks objectives and policies which control the nature, extent and rate of development, including in both rural and non-rural zones, so that a consolidated urban form within the existing HCC boundary is prioritised and achieved, and that urban sprawl is avoided, and that the inefficient use of land and infrastructure is avoided. HCC seeks rules and methods to achieve these outcomes.
- 1.8 These objectives, policies, rules and methods may vary within the Area of Interest. For example, HCC seeks a high level of planning control over development adjacent to the existing City boundaries, and within existing development nodes within the Area of Interest, but may seek less control at the outer extremities of the Area of Interest.
- 1.9 One practical mechanism for delivering these outcomes may be an "overlay" technique which corresponds to the geographic extent of the Area of Interest, which replaces and /or adds to zone provisions with a separate set of objectives, policies, and rules. In addition, the current proposed Hamilton Urban Expansion Area, and its associated policy overlay, may be extended or amended to better give effect to the outcomes sought in this submission.
- 1.10 Finally, HCC seeks any further or consequential changes to the WPDP necessary to give effect to the strategic land use outcomes sought by HCC in respect of the Area of Interest as set out above and the submission points in the **attached** table.

2.0 ONGOING COLLABORATION

- 2.1 HCC acknowledges that this submission presents some strategic, practical and even political challenges to both HCC and Waikato District Council (WDC). HCC is committed to working collaboratively with WDC to resolve these issues in an integrated manner, reflecting the fact that our mutual boundaries will be the subject of ongoing change in response to population growth over time. Lessons learned from the past show that if we are to achieve the purpose of the Resource Management Act 1991, being the sustainable management of our land and resources, we are required to take this kind of integrated, cross-boundary approach. This issue is recognised by WDC at section 1.5.3 of the WPDP. HCC endorses this as a significant sub-regional issue to be addressed and supports WDC seeking to address it in the WPDP.
- 2.2 HCC seeks a collaborative approach with WDC and other partners on a Greater Hamilton Growth Strategy. This work aligns with the emerging approach to the Hamilton to Auckland Corridor and the consideration of the future purpose of the Future Proof partnership.
- 2.3 HCC seeks an integrated planning approach to development within the Area of Interest across all local government processes and will make its officers available to work with WDC for that purpose.

3.0 FURTHER INFORMATION AND HEARINGS

- 3.1. Should Waikato District Council require clarification of the points raised in this submission, or further information, please contact Laura Galt on 07 838 6636, email laura.galt@hcc.govt.nz in the first instance.
- 3.2. Hamilton City Council **does wish to speak** to Waikato District Council at the hearings in support of this submission.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'L Vervoort', with a stylized flourish at the end.

Lance Vervoort
DEPUTY CHIEF EXECUTIVE

HAMILTON CITY COUNCIL SUBMISSION POINTS TABLE – WAIKATO DISTRICT PROPOSED DISTRICT PLAN 2018					
	Plan reference	Section Heading	Support/ Oppose/ Support in part	Decision Requested	Reason for decision
General Plan comments					
	Entire Plan - Structure		Support in part	Simplify the structure of the Waikato Proposed District Plan (Proposed Plan) and include a usable cross-referencing system to allow easier use for the reader.	Hamilton City Council (HCC) welcomes the opportunity to submit on the Proposed Plan. HCC supports in general the layout of the Proposed Plan; however, we believe there are further opportunities to refine and amend the layout through further cross-referencing between the objectives, policies and rules.
	Entire Plan – Growth management		Support in part	Amend the Proposed Plan to reflect and relate to sub-regional growth data including the National Policy Statement on Urban Development Capacity (NPS-UDC).	Work by Future Proof (FP) on the Housing and Business Development Capacity Assessment (HBA), as required by the NPS-UDC, is being undertaken presently. HCC believes that there is an opportunity to amend the Proposed Plan to include the recent work on growth projections that has resulted from the HBA and the growth management of the District is articulated in the Proposed Plan.
Section A – Plan Overview and Strategic Directions					
Chapter 1: Introduction	1.2 (c)	What is the purpose of the Waikato District Plan	Oppose	Request that the figure for Hamilton’s population is updated to “ <i>more than 165,000</i> ” (estimation as at 2017).	The figure of 110,000 is out of date and should be updated to reflect the current population figures for Hamilton City, which is now approximately 55,000 higher.
	1.4.3.1 (b)	Rural activities	Support in part	Retain issue in the Proposed Plan and amend to include fragmentation of rural land.	Issue 1.4.3.1 (b) identifies that excessive rural lifestyle development can have adverse effects which should be avoided. Hamilton City Council (HCC) agrees with this approach but as ad-hoc development on the city boundary can also have an adverse effect, requests that fragmentation of future urban areas is also included as an effect.
	1.4.3.2 (b)	Protecting the rural environment	Support	Retain issue in the Proposed Plan.	Issue 1.4.3.2 (b) outlines the need to protect land from subdivision and inappropriate land use. HCC supports this approach, particularly the level of control on subdivision in the Rural and Country Living zones within the ‘Area of Interest’ as identified by the attached map. HCC supports the issue outlining the need to prevent fragmentation of rural land near HCC’s boundary. HCC also supports limiting the extent of non-rural activities within the Rural Zone and requiring the establishment of these activities within existing towns and villages where this growth is anticipated. Ad-hoc development on HCC’s boundary impacts on existing infrastructure and creates demand for unplanned and unfunded infrastructure, which has the potential to compromise efficient use of land through future planned urbanisation.
	1.5.1	Compact urban development	Support in Part	Retain intent of this issue subject to amendments.	HCC supports the approach of ensuring compact urban development. However, 1.5.1 should be amended to provide clarity that the growth in the Waikato District is not intended to be concentrated around Hamilton’s boundaries. The FP Strategy seeks growth to be emphasised in the towns in the District and in selected villages however, there is not the emphasis on the land around Hamilton as is included in the current wording of 1.5.1.
	1.5.1 (a)	Compact urban development	Support in Part	Amend text by deleting the words “ <i>based on concentrating growth in and around Hamilton</i> ”.	The FP Strategy does set out the urban growth patterns and means for a compact urban form regionally, however, HCC considers the existing text of 1.5.1 a) should be amended to explain where growth is anticipated in the Waikato District rather than referencing Hamilton’s growth. It would also be helpful to either list or include a map of those towns and villages.
	1.5.1 (b)	Compact urban development	Support	Retain issue.	Support as the settlement pattern is consistent with FP and the Waikato Regional Policy Statement (RPS).
	1.5.1 (c)	Compact urban development	Support	Retain issue.	HCC is supportive of WDC’s approach to having an integrated approach to growth and the need for greater planning for infrastructure, services, transportation and facilities. HCC would particularly welcome dialogue on how cross boundary services such as public transport and facilities are provided to support residents from the likes of Huntly or Raglan who work in Hamilton can be facilitated to ensure greater management of single car trips are minimised.
	1.5.2	Planning for urban growth	Support	Retain issue.	Support as the settlement pattern is consistent with FP and the Waikato Regional Policy Statement (RPS).

		and development			
	1.5.3	Cross boundary issues	Support	Retain issue.	Working collaboratively is a significant sub regional issue. HCC endorses the approach of 1.5.3 by WDC on this matter.
	1.5.4	Urban growth	Support in part	Retain the intent of this issue subject to amendments.	HCC supports the District's settlement pattern as it is consistent with FP and the RPS.
	1.5.4 (a)	Urban Growth	Oppose	Amend by deleting the text that references <i>"harmonious cross-boundary development"</i> and reword to provide greater clarity on how growth demands will not impact on or be caused by adjoining councils.	HCC is fully supportive of planned, integrated provision of regional services, as well and the sustainable management of effects of development by neighbouring councils through strong and effective planning mechanism under the RMA.
	1.5.4 (b)	Urban Growth	Support	Retain the wording of this paragraph.	HCC fully agrees with the statement "uncoordinated urban growth can adversely affect the quality, character and vitality of urban environments and undermine the efficient provision and utilisation of infrastructure services"
	1.5.4 (c)	Urban Growth	Support	Retain issue.	HCC supports the District's settlement pattern as it is consistent with FP and the RPS.
	1.5.5	Services and general infrastructure	Support in Part	Retain the intent of this issue subject to amendments.	HCC supports the intent of the issue subject to the specific amendments sought below.
	1.5.5 (a)	Services and general infrastructure	Oppose	Clarify what the core services that are anticipated to be shared. Actively work together to discuss intentions and their implications on HCC.	This issue states in 1.5.5 (a) <i>"Development patterns that promote the efficient use of new and existing infrastructure and services across boundaries can contribute significantly to improved cost effectiveness."</i> HCC is concerned about what is implied by this sentence. Separate service agreements and funding mechanisms agreed with HCC would need to be secured if services are to be shared, there should be no assumption that this will occur.
	1.5.5 (b)	Services and general infrastructure	Oppose	Clarify what the core services that are anticipated to be shared. Actively work together to discuss intentions and their implications on HCC.	This issue states in 1.5.5 b) <i>"It is important that the district share the provision of core services with neighbouring council service providers, particularly in the north and south."</i> HCC is concerned about what is implied by this sentence. Separate service agreements and funding mechanisms agreed with HCC would need to be secured if services are to be shared, there should be no assumption that this will occur.
	1.5.5 (c)	Services and general infrastructure	Support	Retain the text of this provision.	HCC supports the paragraphs 1.5.5 (c) as it identifies that there is a need for consistency for infrastructure and the effects of it across territorial boundaries.
	1.5.5 (d)	Services and general infrastructure	Support	Retain the text of this provision.	HCC supports the paragraphs 1.5.5 (d) as it identifies that there is a need for consistency for infrastructure and the effects of it across territorial boundaries.
	1.5.5 (e)	Services and general infrastructure	support	Retain the text of this provision.	HCC also supports paragraph (e) whereby consultation is encouraged between relevant parties when cross-boundary issues are considered.
	1.5.5 (f)	Services and general infrastructure	Support	Retain the intent of this provision with amendments to strengthen when and with whom.	HCC would invite stronger direction being stated to ensure a clear understanding of the importance of having direct dialogue with both lwi and adjoining councils. HCC is specifically seeking direction within the Proposed Plan on when users and potential consent applicants are to engage with the City on proposals within the City's 'Area of Interest'.
	1.5.5 (g)	Services and general infrastructure	Support	Retain the text of this provision.	HCC is supportive of WDC's approach to having an integrated approach to growth and the need for greater planning for infrastructure, services, transportation and facilities. HCC would particularly welcome dialogue on how cross boundary services such as public transport and facilities are provided to support residents from the likes of Huntly or Raglan who work in Hamilton can be facilitated to ensure greater management of single car trips are minimised.
	1.5.6	Transportation and logistics	Support	Retain the intent.	HCC is supportive of the intent of this issue, however considers there could be greater emphasis placed on regional management of transport; HCC supports the statement: <i>"there is a need to promote a more regional and holistic consideration of the interactions between land use and transport infrastructure"</i> .

	1.5.7 (a)	Natural environment	Support in part	Support subject to amendment to provide clarification by deleting “adjoining authorities” and replace it with “Territorial Authorities”.	The paragraph refers to ‘adjoining authorities’ which is ambiguous, and it is not clear who this would involve. The term “adjoining territorial authorities” might provide more clarity.
	1.12.1	Strategic direction	Oppose	Amend section to provide an understanding of the location and forms of development that are sought and how the district will accommodate the growth projected in the NPS-UDC.	This section of the Proposed Plan is one of the key opportunities for Waikato District Council (WDC) to signal how it wishes to manage and grow the District. While there are some general references to the FP Growth Strategy, the need for master planning, and the need to consider the NPS-UDC, this section could be strengthened to help the reader better understand any particular geographical focus and what forms of development the Council wish to foster. In particular, how WDC intends on prioritising growth in its towns and villages; how it intends to accommodate the growth projected in the NPS – UDC work; and in what way it is building in commitments to a compact urban form.
	1.12.3	Built environment	Oppose	Amend by identifying the growth areas and articulate the variety and location of housing types.	The three objectives provide a good starting point relating to a quality, planned built environment. However, they should be strengthened and expanded to better articulate, for example, what variety of housing is sought, where and why. Additionally, to strengthen (c) ‘defined growth areas’, these growth areas could be identified. At present there is the perception that a large variety of villages and towns are all earmarked for growth, which may prove difficult to manage to avoid an ‘anything, everywhere’ built environment.
Section B – Objectives and Policies					
Chapter 3: Natural Environment	3.2.4	3.2.4 Policy – Biodiversity Offsetting	Support in part	Retain policy and add rules within Rural and Country Living Zones.	HCC is very supportive of the concept and use of a biodiversity offsetting tool when in line with the criteria in the RPS and Proposed Plan Appendix 6. However, as flora and fauna are not constrained by District boundaries we consider it appropriate to enable correct placement of offsets and consideration is needed to apply method to address this situation. HCC would welcome dialogue to investigate opportunities between the District, Region and themselves on future potential to consider situations within Hamilton City whereby offsets might be more appropriate to be put in place within the Waikato District rather than within the City. The Rural and Country Living Zone rules need to be amended to include rules for the subdivision of land to provide specifically for offsets, with no minimum lot sizes, access provided, and that any areas subdivided under such a framework are to be restored and protected in perpetuity.
	3.2.6 (a) (iv)	3.2.6 Policy - Providing for vegetation clearance	Oppose	Remove the reference to vegetation removal for domestic firewood.	We do not consider any vegetation clearance is appropriate within Significant Natural Areas (SNA). SNA’s are an area of “significance” and the protection of significant vegetation and significant habitats or indigenous fauna are a matter of national importance and should not be eroded through a harvesting activity.
Chapter 4: Urban Environment	4	Urban Environment	Support in part	Retain chapter subject to ensuring alignment and giving effect to the HCC Area of Interest and supporting objectives, policies, rules and methods. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC’s strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.	Sustainable management requires a cross boundary and integrated approach to these strategic land use issues. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC’s strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.
	4.1	Strategic Direction	Oppose	Amend to create a separate strategic direction for towns, and for villages.	The objective and policy framework within this section does not adequately differentiate between towns and villages. While later in chapter 4 there are some specific objectives and policies for various places, the overall strategic direction for the two different entities (of villages and towns) appear interchangeable and both are the primary focus for growth. It is noted that the proposed Village zoning, despite being included within Chapter 4 – Urban Environment objectives and policies, would result in densities and characteristics more in accordance with a rural setting like the Country Living Zone. The RPS and the FP Strategy are both strong on the need to limit rural residential development in sensitive locations such as the Hamilton periphery. The Village zoning, particularly in Te Kowhai, is essentially creating a greatly enlarged pocket of rural residential development near Hamilton’s boundary and the potential for there to be pressure placed on the City’s infrastructure and services. HCC believes that the strategic direction should be amended to differentiate between the purpose of the town and

					village zone (and consequently separate objectives and policies) as the two zones create two different forms of development with a different range of effects.
	4.1.1(b)	Objective – Strategic	Support in part	Support subject to the amendment of 4.1.1 b) to align with NPS-UDC Medium and Long-Term housing targets with NPS-UDC demand plus buffer during the 2018-2046 period.	HCC supports the intent, however considers that this strategic objective should be amended to meet the requirements of the NPS-UDC. There should also be an objective that sets out the district’s minimum targets for sufficient, feasible development capacity for housing for the medium and long term. The dwelling targets should accommodate the demand plus buffer required for the NPS-UDC.
	4.1.2	Objective – Urban growth and development	Support in part	Support subject to amending 4.1.2 to include a table/map which identifies growth areas.	At present, the plan appears relatively permissive to growth in and around all existing towns and villages in the District. HCC considers that the objective 4.1.2 could be further clarified and strengthened by the inclusion of a map or table which provides some parameters as to where the growth locations are.
	4.1.3(a)	Policy – Location of development	Support in part	Support subject to amending 4.1.3 (a) to provide clarification that growth must be coordinated. Amend 4.1.3. (a) by adding at the end of the existing sentence ‘...in a coordinated manner with other development; and’.	Expanding policy 4.1.3 (a) will also ensure that the Plan recognises that, even if infrastructure can be provided, this should be in the context of all other existing and planned infrastructure investment to ensure that growth is co-ordinated. Both subsections of the policy must be achieved when considering the location of development.
	4.1.3(b)	Policy – Location of development	Support in part	Support subject to amending 4.1.3 (b) by including a table/map identifying the growth areas.	The reference to FP is welcomed however, for ease of use, clarification could be provided as to what the urban growth locations areas are.
	4.1.4	Policy – Staging of development	Support	Retain the policy.	HCC supports the intent of the policy.
	4.1.5	Policy – Density	Support in part	Support subject to amendment the policy by including a greater range of densities, canvas growth in both greenfield and infill areas, and add subsequent changes to subdivision rules.	One of the key principles of the RPS and FP, is the need to accommodate residential growth in existing towns. HCC is very supportive of opportunities to grow the existing towns rather than additional greenfield areas. The inclusion of density targets that align with the RPS is supported. It is also appreciated that the densities listed are a minimum to meet growth projections and housing needs. However, the policy should be amended to respond to the specific residential growth needs of the District, as identified in the HBA, by including a greater range of densities. The proposed densities should reflect not only greenfield growth, but to create infill opportunities within existing towns, including higher density housing in existing centres. This policy, could then lead into subdivision rules and multi-unit standards later in the Proposed Plan.
	4.1.6	Policy – Commercial and industrial activities	Oppose	Amend the text to read as a policy. At present the wording does not provide clear directive to link into the objectives for Urban Environment.	HCC seeks clarity through a well-defined set of policies within 4.1.6 to reflect the difference between Commercial and Industrial activities, the intended locations for such activities, and management of effects.
	4.1.16	Policy - Horotiu	Oppose	Amend the policy to ensure cross boundary impacts are included, particularly infrastructure, and physical and social impacts on Hamilton. Amend the relevant objectives and policies to ensure that land around existing industrial nodes is safeguarded for future industrial uses.	The proposed zoning changes within this village to accommodate additional residential development is opposed because the policy does not recognise Horotiu’s location directly on the boundary with Hamilton, instead the focus is on connections with the existing village, avoiding impacts on the existing road networks and minimising or avoiding reverse sensitivity effects from strategic transport infrastructure does not impact on the existing local road network. The impacts of changing from the existing Country Living to Residential zone in Horotiu as part of this Proposed Plan. Horotiu is one of the Strategic Industrial nodes identified in the RPS and FP and the proposed plan does not appear to provide for any additional industrial land supply. Recent work to satisfy the requirements of the NPS-UDC would suggest that in the longer term additional industrial land will be needed in the Waikato, therefore it may be prudent to safeguard land for future industrial uses around these industrial nodes. <i>Note: The effects of the zoning change will be covered in our submission on Map 26.1.</i>

	4.1.17	Policy – Te Kowhai	Oppose	Amend policy to ensure the type and quantum of growth at Te Kowhai is in accordance with the WRPS and FP and avoids effects on Hamilton.	<p>HCC is concerned that the type and quantum of growth proposed for Te Kowhai is not in accordance with either WRPS or FP requirements. The impact of growth in this area has also not been considered with regards to potential impact on Hamilton’s infrastructure, or how such effects would be mitigated. The policy is referring to residential development in the Village zoning, being with lower density (3000m² sections) serviced by on site non-reticulated wastewater, water and stormwater networks, or higher density (1000m² sections) serviced by public reticulated networks. The policy also refers to the need to maintain open space character and rural landscape, while the village is still a key area of ‘residential growth’.</p> <p>This policy is not supported. In the first instance the policy, with its size requirements, reads more like a rule or implementation method. Secondly, the quantum of potential development increases significantly from the existing plan and introduces a range of new areas including an Air Park subdivision, which were previously either zoned Rural or Country Living. However, we were not able to locate, within either in the Proposed Plan or the accompanying supporting information, what this quantum of new development could be. It would be helpful if WDC could supply data and its understanding as to how much growth will be provided for in this area, which would help us to better understand the impacts of the proposals.</p> <p>The mixed message created by the term ‘residential growth’, when in reality, the proposals appear to create a much bigger Country Living enclave on the outskirts of Hamilton is of concern to HCC. Such large section sizes do not create the densities required for efficient, affordable and practical infrastructure such as reticulated networks or public transport. The lot sizes, even with the desire to control the location of future dwellings, will also not avoid issues with land fragmentation, should the area ever be fully urbanised in the future. The large increase in housing, has not been matched with a policy setting focused on place-making.</p> <p>Similarly, to the comments on Horotiu, the policy framework does not include mention of the need to consider cross-boundary effects, even though the village is very near the boundary with Hamilton.</p> <p>There is a significant difference between the subdivision rules, based on whether sites can or cannot be serviced with public infrastructure. It would therefore be helpful to understand what work the Council has done in terms of providing servicing solutions for 3-waters and what modelling and/or assessment has been undertaken to understand transport/traffic impacts of the two subdivision options. Such an analysis would provide better information as to how much subdivision can be expected in the area.</p>
	4.2.16	Objective – Housing Options	Support	Retain the objective.	HCC is supportive of the focus on a range of housing options within the residential zones.
	4.2.17	Policy – Housing types	Oppose	Amend by introducing a suite of policies, including those on other housing type and high design quality. Subsequent amendments in the wider zone provisions.	<p>As significant growth is identified for the District, HCC seeks to better understand how and where such growth will be accommodated as FP and the RPS settlement patterns seek compact development within the existing towns and villages. The objective and the associated policies are very focused on maintaining the character of the Residential Zone. We understand the need to do this, however there is an opportunity with the Proposed Plan to better facilitate a wider range of housing types such as duplexes or multi-unit development, which although residential in character, may not necessarily maintain the existing status quo.</p> <p>Additional policies would allow the focus on positive changes in terms of affordability, choice and options for the District.</p>
	4.3	Village Zone	Oppose	Amend Proposed Plan to better define the purpose of the Village Zone, which has more alignment with the objectives and policies relating to rural amenity. The Village Zone also needs to better consider cross-boundary impacts of growth.	<p>HCC is concerned that the overall strategic direction of the Proposed Plan directs growth similarly to towns and villages. Preferably there would be a strong objective and policy framework to direct growth opportunities to existing towns, rather than comparatively large lots within the villages which would weaken sub-regional infrastructure planning for public transport and 3-waters. Furthermore, it would create densities that may make accommodating future growth projections difficult.</p> <p>Additionally, policies (e.g. 4.3.2– Character) in Section 4.3 are very similar to the those of section 5.6 Country Living Zone. In many ways, the purpose of these two separate zones are very similar and both, if occurring in the outskirts of Hamilton, cause some concern for HCC. In the past, development within the Country Living Zone has caused cross-boundary issues within Hamilton, including the road networks, provided little impetus to improve passenger transport patronage and placed strain on existing facilities. The new Village Zone, particularly when located in the outskirts of Hamilton, has the potential to have the same cross-boundary issues. Although, given the Village Zone (1000 - 3000m²) accommodates smaller lot sizes than the Country Living Zone (5,000m²), the cross-boundary impacts are arguably exacerbated.</p>

	4.3.3	Policy – Future development – Tuakau and Te Kowhai	Oppose	Oppose the further growth proposed in Te Kowhai.	Growth is not opposed per se, just the type and amount included in the current proposal. The policy encourages future development in Te Kowhai when services are available, however HCC questions if further future growth as identified, is appropriate in Te Kowhai.
	4.6.3	Policy– Maintain a sufficient supply of industrial land	Support	Retain policy.	As signalled in the FP Strategy, industrial land supply for employment and economic benefit should be maintained to support the wider sub-regional needs. Furthermore, the NPS-UDC identifies the potential, in the longer term, that additional industrial land will be needed in the Waikato, therefore it may be prudent to safeguard land for future industrial uses around these industrial nodes.
	4.6.4	Policy 4.6.4 – Maintain industrial land for industrial purposes	Support	Retain policy.	HCC seeks the retention of this policy as it supports the sub-regional need for industrial land to be managed and maintained, and not lost to other non-industrial purposes, such as large format retail.
	4.7	Urban Subdivision and development	Support in part	Retain the intent of objective and policies subject to amendments to other rules.	HCC supportive of the approach set out in 4.7, however, as Council is also submitting on a number of rules that relate directly to the intent of this suite of policies. Accordingly, any changes to the rules may impact on the principles as set out in these policies.
Chapter 5: Rural Environment	5	Rural Environment	Support in part	Retain chapter subject to ensuring alignment and giving effect to the HCC Area of Interest and supporting objectives, policies, rules and methods. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC's strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.	Sustainable management requires a cross boundary and integrated approach to these strategic land use issues. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC's strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.
	5.1.1	Objective – The rural environment	Support in part	Retain objective subject to ensuring alignment and giving effects to the HCC Area of Interest and supporting objectives, policies, rules and methods. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC's strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.	HCC supports the intent of this objective to protect rural land.
	5.2.1	Objective – rural resources	Support	Retain objective.	HCC supports the intent of this objective to protect rural land.
	5.2.2	Policy – High class soils	Support	Retain policy.	HCC supports the intent of this policy to protect rural land.
	5.2.3	Policy – Effects of subdivision and development on soils	Support	Retain policy.	HCC supports the intent of this policy to protect rural land.

	5.3.3	Policy – Industrial and commercial activities	Support	Retain policy.	HCC supports the intent of the policy to protect rural land from industrial and commercial development particularly within HCC’s Area of Interest.
	5.3.8	Policy – Effects on rural character and amenity from rural subdivision	Support	Retain policy.	HCC supports the intent of this policy to protect rural character and amenity.
	5.3.9	Policy – Non-rural activities	Support	Retain policy.	HCC support the intent of the policy to manage non-rural activities in the rural zone, particularly within HCC’s Area of Interest.
	5.5.1	Objective- Hamilton’s Urban Expansion Area	Support	Retain the objective.	HCC supports this objective as it sets out is a key mechanism to ensure the future urban development potential of the land in these identified areas is not compromised.
	5.5.2 (a)	Policy – Activities within Hamilton’s Urban Expansion Area	Oppose	Amend the policy by deleting the word “Manage” and replacing it with “Avoid”.	The current wording of the objective and policy does not provide adequate direction and ability to protect land in the Urban Expansion Area from inappropriate subdivision, development and use which can compromise future urban use. The Urban Expansion Area, with its objectives, policies and activity controls, are key to ensuring a greater development potential in the future to occur in an integrated and functional manner.
	5.6.8	Policy – Non-residential activities	Support	Retain policy.	HCC supports the intent of the policy to limit the establishment of non-residential activities in the Country Living Zone and therefore ensuring that existing commercial centres are maintained.
Chapter 6: Infrastructure	6.4	Infrastructure, Subdivision and Development	Oppose	Amend to include specific objectives and policies for wastewater and water after 6.4.7.	The Proposed Plan currently does not have any specific policies relating to wastewater or water. HCC believes that including policies relevant to water and wastewater will provide certainty to what should be achieved for all of the three waters during subdivision, land use or development.
Chapter 9: Specific Zones	9.2	Te Kowhai Airpark	Oppose	Oppose the objectives and policies for the Te Kowhai Airpark	HCC does not believe the range of activities proposed will provide an appropriate level of development in such an uncertain servicing setting. The range of activities proposed are not adequately justified or controlled by the associated rules.
Section C - Rules					
Chapter 14: Infrastructure and Energy	P1 14.11.1.1 (a) (ii)	Water, wastewater and stormwater – Permitted Activities	Oppose	Amend stormwater systems for new development or subdivision rule to include a higher standard that are aligned with HCC’s requirements.	HCC considers that the attenuation standard (10% Annual Exceedance Probability (AEP)) set out in the Proposed Plan is inadequate. Attenuation to at least 1% AEP of pre-development rates should be used when discharging upstream of a catchment shared with HCC. If there are existing downstream flooding / erosion issues, then further mitigation should be required so as not to compromise HCC’s requirements (e.g. compliance with its Comprehensive Stormwater Discharge Consent).
	P1 14.11.1.1 (a) (iv)	Water, wastewater and stormwater – Permitted Activities	Oppose	Amend to provide clarification and/or definitions to clarify the intention of the terminology “specific to the area”.	HCC seeks clarification as presently written it is unclear whether the terminology “specific to the area” creates a requirement to undertake local rainfall gauging where existing data is not “specific” enough, or whether the intent is to allow for the use of the “most relevant existing rainfall data”.
	P1 14.11.1.1 (a) (v)	Water, wastewater and stormwater – Permitted Activities	Oppose	Amend to clarify how the hierarchical permitted condition will be implemented e.g. what and who determines how the choice of stormwater measures moves down the hierarchy.	Given the use of permitted conditions, HCC questions how WDC will ensure that the stormwater treatment measures being used are appropriate to the particular catchment and its values (e.g. what types of contaminants are an issue and will the treatment measures address them). The policy also needs to allow for the ability to require measures which ensure the protection and enhancement of the Waikato and Waipa Rivers.

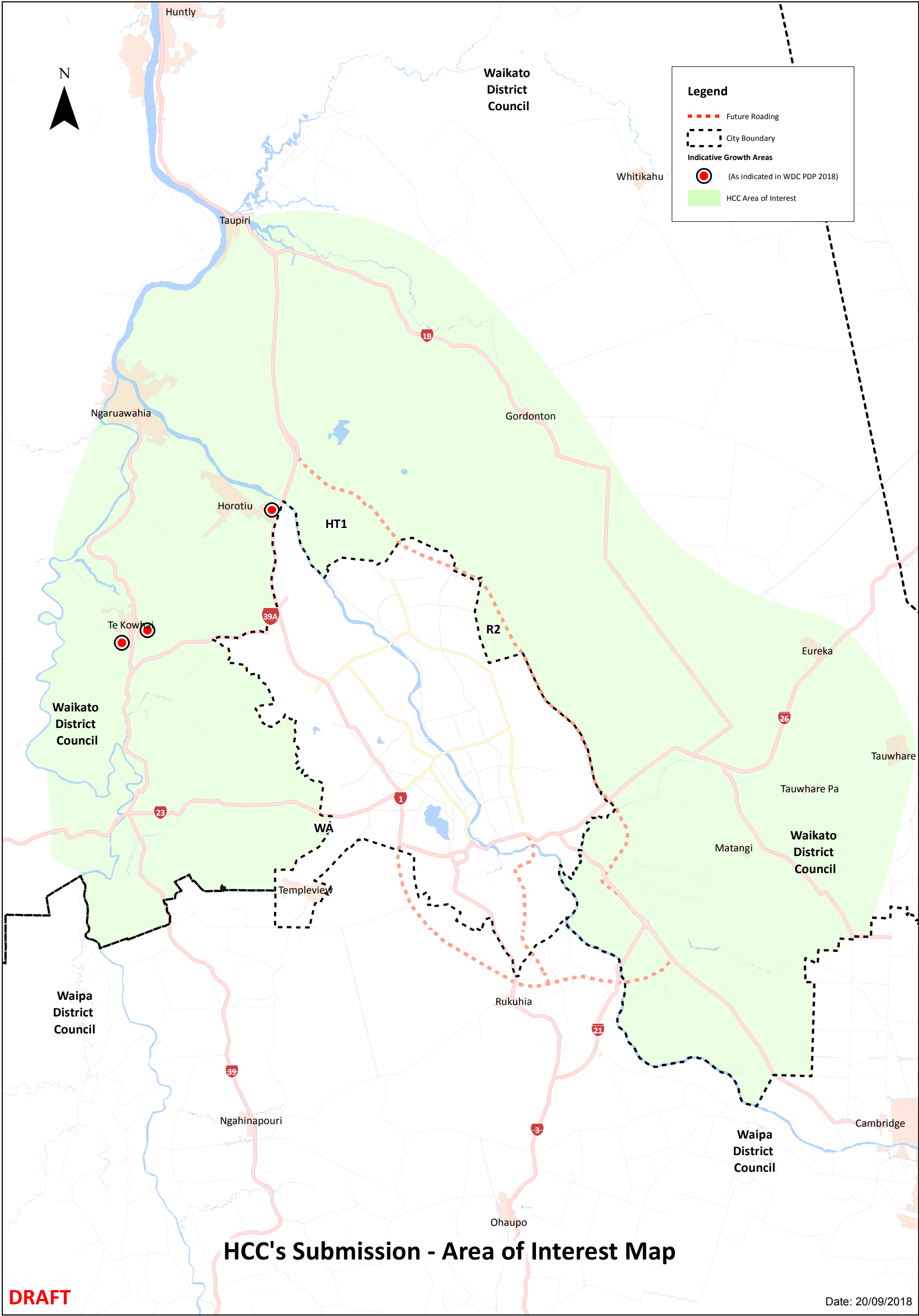
	P3 14.11.1.3	Water, wastewater and stormwater – Permitted Activities	Oppose	<p>Amend P3 to clarify that the options are a hierarchy and (ii) and (iii) are not allowed if (i) is available.</p> <p>Insert an equivalent rule for water servicing.</p>	<p>Amend rule to ensure that if a reticulated wastewater network is available then it should be connected before the other options are permitted.</p> <p>Also, if the development exceeds the capacity of the existing system then upgrades should be required before other options are used.</p> <p>An equivalent rule for water servicing should also be added to the Proposed Plan to ensure clear guidance on water management at the time of subdivision.</p>
	P8 14.11.1.8	Water, wastewater and stormwater – Permitted Activities	Oppose	Amend the rule so it is relevant to the stormwater infrastructure it is trying to control.	The sizing/design of such infrastructure is in response to the need to manage stormwater quantity and quality and should not be constrained by building coverage rules of a zone which have not been developed with infrastructure in mind. It should be clarified how the area is to be calculated. For example, should the surface area of standing water be during normal flow, up to a design level (e.g. 10% AEP), including all slopes/batters etc.
	P8 14.12.1.8 (a) (i)	Transportation – Permitted Activities	Oppose	<ul style="list-style-type: none"> Amend rule to provide for instances where the minimum 2m width is not appropriate. Define or clarify what ‘off-road pedestrian and cycling facilities’ means. 	<p>In some circumstances, off-road pedestrian and cycling facilities should be wider than 2m (e.g. along arterial corridors or when forming, or connecting to, part of a wider network with a wider standard). Shared facilities should be at least 2.5m wide.</p> <p>It is unclear what effect this rule is trying to manage, as off-road pedestrian and cycling facilities could mean only those outside the road corridor or it could also include off-carriageway facilities that are still part of the road corridor.</p>
	P8 14.12.1.8 (a) (iii)	Transportation – Permitted Activities	Oppose	Clarification is required as to what are the actual the effects the proposed rule is managing.	HCC considers that as pedestrian and cycling facilities do not generate bulk or dominance related effects. Having to comply with a zone setback (particularly if off-road facilities includes those within the road corridor) is an inefficient use of land.
	Table 14.12.5.1 and 14.12.5.3	Separation distances; minimum sight distances	Oppose	Amend separation distances and minimum site distances to require compliance with the more onerous provisions of an adjoining District Plan.	The amendment will improve consistency and avoid potential cross-boundary related effects, such as new vehicle accesses in the vicinity of an adjoining local authority.
	Table 14.12.5.6	Road Hierarchy list	Oppose	<ul style="list-style-type: none"> Amend to clarify whether the “Gordonton Road” length identified as a regional arterial is different to or a duplicate of the “Gordonton Road” length identified as an arterial. Various roads form the boundary of HCC and WDC. The hierarchy for these roads should align with that of HCC’s District Plan. The following amendments are needed: <ul style="list-style-type: none"> Add as Arterials: <ul style="list-style-type: none"> Kay Road (River Road to Borman Road (west)) Horsham Downs Road (Kay Road to Waikato Expressway/ HCC boundary) Add as Collectors: <ul style="list-style-type: none"> Exelby Road (SH39 to HCC boundary) Rotokauri Road (Bagurst Rd to HCC boundary) Kay Road (Borman Rd (west) to Horsham Downs Rd) Brymer Rd (Rotokauri Rd to HCC boundary). 	Amending the table to include these roads will ensure consistency with the road hierarchy in Hamilton City.

Chapter 20: Industrial Zone	20.1.2 D6 and D7	Land Use – Activities - Discretionary activities	Oppose	Amend the activity status of D6 – An office and D7 - A retail activity, to Non-Complying in the Industrial Zone.	<p>The relevant objective and policy contained in Chapter 4: Urban Environment are relatively directive that industrial land should not be lost to non-industrial activities, therefore it is more appropriate to match this with a non-complying status in the rules. Commercial activity should be directed to the town centres and business zones.</p> <p>The Hamilton City District Plan has a strong emphasis on keeping Industrial zones for industrial purposes. While it is not the expectation that adjoining districts have matching rules, in this instance, it would be preferable for a similar zoning approach be taken by Waikato District. It would seem appropriate there be some policy alignment to deliver on the RPS and FP principles, by ensuring Hamilton remains the primary commercial hub of the sub-region. In industrial areas in Hamilton, industrial and office activities are non-complying activities to support the ‘centres based’ approach to business areas within the City are not impacted.</p>
Chapter 22: Rural Zone	22	Rural Zone	Support in part	Retain chapter subject to ensuring alignment and giving effect to the HCC Area of Interest and supporting objectives, policies, rules and methods. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC’s strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.	Sustainable management requires a cross boundary and integrated approach to these strategic land use issues. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC’s strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.
	22.1	Land Use - Activities	Oppose	Amend the activity status for non-rural activities within the Urban Expansion Area to have a Prohibited Activity status.	<p>Land within the Urban Expansion Area needs to be protected from incompatible land uses (not just subdivision) that will compromise the future urban development of land.</p> <p>The 2005 Strategic Agreement on Future Urban Boundaries between HCC and WDC sets out the need for the land, and the need to prevent any further fragmentation of the land and non-rural activity use of the land to ensure future urban development can be facilitated in the future.</p> <p>Under the Operative Waikato District Plan, the Urban Expansion Policy Area has a number of prohibited activities to ensure that the future development of the areas is not compromised. During the consultation of the draft district plan, the prohibited activity list was reviewed and amended in consultation with HCC staff, increasing the activity status of some activities to a stricter prohibited activity status within the area. The notified Proposed Plan has not retained the prohibited activity status with the exception of subdivision, where an extra lot is created, with all non-rural activities now either non-complying or discretionary activities.</p> <p>The section 32 offers no sound reasoning as to why the activity status has been changed. HCC strongly disagrees with approach and the assumption for how the different non-rural activities were ‘allocated’ either non-complying or discretionary status. Non-complying activities were because of adverse effects, reverse sensitivity and incompatibility with urban uses in the future. Discretionary activities were applied where the use would be compatible with future urban use. HCC does not consider this approach satisfactory at all because such activities have the potential to impact on the future ability to comprehensively plan for the area as a whole.</p>
	22.2.7	Indigenous vegetation clearance inside a Significant Natural Area	Oppose	Delete the permitted activity status P2 and P6 for the removal of vegetation for domestic firewood purposes.	We do not consider any vegetation clearance is appropriate within Significant Natural Areas (SNA). SNA’s are an area of “significance” and the protection of significant vegetation and significant habitats or indigenous fauna are a matter of national importance and should not be eroded through a harvesting activity.

	22.4.1.1	Prohibited subdivision – PR1	Support	<p>Retain the activity status.</p> <p>Strengthen by amending rule 22.4.1.1 PR1 by adding (b)</p> <p>(a) “Any subdivision within the Urban Expansion Area involving the creation of any additional lot;</p> <p>(b) <i>Any boundary relocation or rural hamlet subdivision”</i></p>	<p>Prohibited activity status is imperative in the UEA area to ensure the objectives and policies for this overlay are achieved.</p> <p>HCC supports prohibiting subdivision which results in the creation of any additional lots as this ensures future urban development of the land is not compromised. However, allowing for boundary relocation and Rural Hamlet Subdivision, while it does not create additional lots, still results in land fragmentation in a way that will impede comprehensive future urban development.</p>
	22.4.1.2	Subdivision – General subdivision	Oppose	Amend rule 22.4.1.2 RD1 (a) (ii) to increase parent lot to 40ha.	Further fragmentation of land particularly near HCC’s boundary, is inappropriate and subdivision can impact on Hamilton’s infrastructure and result in unplanned services. HCC estimates that within the identified ‘Area of Interest’ for Hamilton, using the 20ha parent lot baseline, approximately 254 properties could be further subdivided. If the parent lot was increased to 40ha (as is the case in Waipa) within the same ‘Area of Interest’ the potential number of properties that could be further subdivided would be reduce to approximately 119 properties. HCC considers that increasing the parent lot area to 40ha, and so reducing the extent of additional fragmentation within the Area of Interest would ensure the sustainable management of this area for future urban growth.
Chapter 23: Country Living Zone	23	Country Living Zone	Support in part	Retain chapter subject to ensuring alignment and giving effect to the HCC Area of Interest and supporting objectives, policies, rules and methods. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC’s strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.	Sustainable management requires a cross boundary and integrated approach to these strategic land use issues Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC’s strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.
	23.1.2 D3	Land Use – Activities – Discretionary Activities	Oppose	Amend rule (and consequential changes to relevant policies) to ensure existing commercial centres are maintained.	Commercial activities are provided for as a discretionary activity within this zone. Given that almost all of the Country Living Zone is located near Hamilton or other main towns, to ensure the primacy of these existing commercial centres is maintained, either amend the rules restricting commercial activities in the Country Living Zone or include additional policies/objectives to better direct commercial uses to the appropriate zones.
	23.2.8	Indigenous vegetation clearance inside a Significant Natural Area	Oppose	Delete the permitted activity status P2 and P6 for the removal of vegetation for domestic firewood purposes.	We do not consider any vegetation clearance is appropriate within Significant Natural Areas (SNA). SNA’s are an area of “significance” and the protection of significant vegetation and significant habitats or indigenous fauna are a matter of national importance and should not be eroded through a harvesting activity.
	23.4.1	Prohibited subdivision	Support	Retain the prohibited activity status.	Prohibited activity status is imperative in the UEA area to ensure the objectives and policies for this overlay are achieved.
Chapter 24 Village Zone	24	Village Zone	Support in part	Retain chapter subject to ensuring alignment and giving effect to the HCC Area of Interest and supporting objectives, policies, rules and methods. Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC’s strategic land use plans and urban growth strategies including avoidance of urban sprawl,	Sustainable management requires a cross boundary and integrated approach to these strategic land use issues Objectives and policies are sought which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC’s strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses.

				inefficient use of land and infrastructure and non-rural land uses.	
	24.2.8	Indigenous vegetation clearance inside a Significant Natural Area	Oppose	Delete the permitted activity status P2 and P6 for the removal of vegetation for domestic firewood purposes.	We do not consider any vegetation clearance is appropriate within Significant Natural Areas (SNA). SNA's are an area of "significance" and the protection of significant vegetation and significant habitats or indigenous fauna are a matter of national importance and should not be eroded through a harvesting activity.
	24.4.2	Subdivision – Te Kowhai and Tuakau	Oppose	Oppose the subdivision provisions in relation to Te Kowhai.	<p>The uncertainty about the servicing of these areas, makes quantifying and understanding the effects of the proposals on Hamilton's own infrastructure and the sub-regional land use pattern, difficult. The proposed low densities of the area, may make meeting the District's growth projections difficult.</p> <p>New areas have been included within the Village Zone which were previously zoned Rural or Country Living, without sufficient justification or comfort that the impacts of such development can be managed; or that the built form will deliver best results for delivering sustainable growth with a compact built urban form. Issues have been created in the past for Hamilton City, by the creation of rural residential enclaves on the City boundary - while this particular zone has a different name (i.e. Village Zone), it will still have the same, if not greater impacts across the boundary.</p>
Chapter 27: Te Kowhai Airpark Zone	27	Te Kowhai Airpark Zone	Oppose	Oppose the rules for the Te Kowhai Airpark.	HCC does not believe the range of activities proposed will provide an appropriate level of development in such an uncertain servicing setting. The range of activities proposed are not adequately justified or controlled by the associate rules. (Also refer to the submission point on Chapter 9).
	27.1.1 P31 and P32	Land Use – Activities – Activity Status Table	Oppose	Amend to ensure commercial zoning at the airpark does not increase in scale and risk impacting on established commercial centres within Hamilton City.	<p>Cafes and Restaurants, and Retail (up to 300m² within the four precincts), are provided for as a permitted activity in this zone on the outskirts of Hamilton. HCC questions how this commercial hub fits within Waikato District's own aspirations for the main village of Te Kowhai and how well integrated these will be with the existing community.</p> <p>Furthermore, HCC has concerns about the impact the Commercial zoning at the airpark will have on the nearby established commercial centres, particularly in relation to the permitted activity status of retail in the Airpark. It is also not immediately clear whether this is 300m² in total spread between the 4 precincts, or whether it is 1200m² of retail. Nevertheless, both of the quantum are questioned, but most particularly the larger one. Te Kowhai is not a major commercial centre, and any commercial activities proposed should be of a scale to serve the community within which it is located.</p>
	27.4.2	Subdivision allotment size	Oppose	Amend the proposed subdivision framework to simplify and to provide more certainty as to what the infrastructure implications are, what quantum of development can occur, and what the effects would be for subdivision to occur in this zone.	As this area is located very close to the boundary of Hamilton any subdivision increasing the number of urban lots has a strong potential for cross boundary impacts, particularly to Hamilton's roading, waters and community infrastructures. The proposal to allow a range of allotment sizes, ranging in size from 450m ² , to 1000m ² to 2500m ² and 800m ² (depending on the reticulation available, and the location within the precincts) indicates an intensity that may prove unacceptable when there is difficulty in providing all necessary services to the future intended residential of the area. In addition, and there is no clear way to determine the overall maximum allotment number or what infrastructure would be provided.
Section D					
Chapter 29: Appendices	Appendix 9	Te Kowhai Airfield precincts zoning	Oppose	Delete Appendix 9 for the Te Kowhai Airpark.	<p>The proposal does not appear well connected to the Te Kowhai Village. The s32 mentions that the design has been altered to ensure better connectivity, but this is not immediately obvious from the plans contained within Appendix 9.</p> <p>It would be helpful for the development to better define itself in terms of integration and connectivity with Te Kowhai, particularly from an infrastructure and community services perspective. For example, at present the location of the access to the development potentially lends itself more to connectivity to Hamilton than it does to Te Kowhai.</p>
Chapter 30: Schedules	30.1	Historic Heritage Items		Amend the schedule to include St Paul's Methodist Church.	St Paul's currently listed in Hamilton City District Plan as a Heritage item (H61), is presently located at London Street Hamilton. A resource consent has been granted for its relocation from Hamilton and HCC's jurisdiction to Te Kowhai and under WDC jurisdiction. Due to the heritage significance of the building and to align with the resource consent decision HCC seeks the inclusion of this building, once it is reinstated onto its new location at Te Kowhai, in the Proposed Plan's Historic Heritage Items (Schedule 30.1) as it has regional heritage significance:

					<p><i>St Pauls Methodist Church “was built in 1904 as a simple gabled church with a modest bell tower” in the gothic revival style. In 1914 following the amalgamation of the Primitive Methodist and Wesleyan Methodist church congregations, additions and alterations were made to the church. These were designed by Architects Daniell and Cray, in the Arts and Crafts style. St Paul’s Church is significant as an example of work by Frederick Charles Daniell, who was a key architect in Hamilton and the Waikato region in the early 20th century. Daniell was the architect for several other scheduled buildings in Hamilton, including other churches, residences and commercial premises for example. The additions and alterations designed by Daniell are also a reflection of the organisation of the Methodist Church in Hamilton and New Zealand. “Lead-light windows in the porch and church form part of the 1914 alterations”. The building remains largely intact, incorporating alterations made over its time. (HCC Built Heritage Inventory Record Form)</i></p>
Maps					
	Maps - general		Support	Retain the Country Living zoning as proposed.	HCC supports the amount of land zoned Country Living remaining static.
	Maps – general		Support in part	Support subject to amending maps to include an overlay for the HCC Area of Interest as depicted in the attached map. This map may also be integrated with the proposed Hamilton Urban Expansion Area and if appropriate the mapped UEA can be extended to give effect to the HCC Area of Interest.	HCC seeks the inclusion of HCC’s Area of Interest on the maps to support the objectives, policies and rules sought for this area which ensure that land use within the Area of Interest is controlled and enabled at a rate which is consistent with and prioritises HCC’s strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and inappropriate land uses. The proposed Hamilton Urban Expansion Area could be integrated into the HCC Area of Interest as an efficient method of giving effect to this strategic land use intent.
	Map 26.1	Horotiu	Oppose	HCC opposes the extent of new residential zoning from Country Living Zoning pending the satisfactory resolution of infrastructure implications. and addressing how future industrial growth needs in the southern areas of the Waikato District will be met.	<p>The ‘live’ Residential zoning at Horotiu is of concern to HCC. It is not clear how the new growth will be serviced, and we wish to understand more about the intentions here. The proposed zoning change is directly adjacent to the City boundary and we feel it is appropriate to understand how the area will be serviced with wastewater and water supply, and how stormwater will be managed. The quantum of people living in the town could significantly increase, and given the proximity to the City, could place pressures on the City’s physical and social infrastructure. Additionally, we note that Horotiu is one of the Strategic Employment Nodes in the sub-region, yet there are no plans to include any industrial growth in this location.</p> <p>We acknowledge that the somewhat uncertain planning situation in the adjoining part of Hamilton, being Te Awa Lakes, is probably contributing to some uncertainty for the future planning of Horotiu. While the City has signalled it supports a Special Housing Area at Te Awa Lakes, this has yet to be formally gazetted and a Plan Change process is currently on hold. It is not yet clear how these proposals will progress and over what timeframe.</p>
	Map 26.2	Te Kowhai	Oppose	Oppose the new zoning provisions.	<p>As raised elsewhere in this submission, HCC opposes both the Airpark and Village zoning. The uncertainty about the servicing of these areas, makes quantifying and understanding the effects of the proposals on Hamilton’s own infrastructure and the sub-regional land use pattern, difficult. The proposed low densities of the area, may make meeting the District’s growth projections difficult. The Airpark does not appear well connected to the Village and would relate more to Hamilton than Te Kowhai due to ease of accessibility and connection.</p> <p>New areas have been included within the Village Zone which were previously zoned Rural or Country Living, without sufficient justification or comfort that the impacts of such development can be managed; nor that the built form will deliver best results for delivering sustainable growth with a compact built urban form. Issues have been created in the past for Hamilton City, by the creation of rural residential enclaves on the City boundary - while this particular zone has a different name (i.e. Village Zone), it will still have the same, if not greater impacts across the boundary.</p>
	Map 26	Hamilton Surrounds / Ngaruawahia	Support in part	Support subject to no further growth along the former State Highway.	HCC supports new residential growth within Ngaruawahia, being one of the major towns within the District. However, the town has been gradually stretching and growing along the former State Highway. This has created a situation whereby Ngaruawahia is nearly contiguous with Horotiu, which over time will become contiguous with Hamilton as it grows to its Urban Limit. While not opposing the current Proposed Plan, it is requested that in accordance with the RPS and the FP Strategy, which seek to avoid ribbon development along the road network; and plan for obvious gaps between towns. No further growth along former State Highway 1 should be enabled.



15 July 2019

Gavin Ion
Chief Executive
Waikato District Council
Private Bag 544
Ngaruawahia 3742

Dear Gavin

Further Submissions on the Submissions to the 2018 Waikato Proposed District Plan (Stage 1)

Please find attached Hamilton City Council's (HCC's) further submissions on the Proposed Waikato District Plan submissions. We confirm that under the Resource Management Act Schedule 1, Clause 8, HCC is entitled to make further submissions as we represent a relevant aspect of the public interest and have a greater interest than the general public.

In line with our original submission, our further submissions focus on HCC's area of interest around Hamilton.

HCC is not entirely opposed to the idea of changes that might provide opportunities for urban growth near Hamilton, particularly for some of the large-scale zone change requests. However, we believe that it would be premature to make determinations on possible future growth areas in isolation from the collaborative sub-regional growth management processes currently underway.

We consider that the Hamilton to Auckland (H2A) Corridor and associated Metropolitan Spatial Plan projects are crucial to shaping the future of the sub-region. This work is currently investigating opportunities for growth. It is expected to take shape over the latter half of 2019, with outcomes of the Metropolitan Spatial Plan expected in early 2020; the wider H2A corridor programme continues over several years and contains a range of other initiatives.

We support the decision that your District Plan hearings will be timed to allow for the Metropolitan Spatial Plan outcomes to be available during the preparation for District Plan hearings and subsequent decisions. Delaying the consideration of zoning requests within the area of interest to Hamilton to the end of the hearing schedule will ensure decisions on appropriate zoning are made with a full understanding of sub-regional ambitions, opportunities and considerations. Over time, it may be that HCC is able to withdraw certain submission points if they have been suitably addressed either within the District Plan itself or through sub-regional strategic work.

We also understand that Waikato District Council is reviewing its District Development Strategy, which should also play an important role in guiding the District Plan. Ideally the outcomes of the Development Strategy will be used to guide decisions on the District Plan, including strengthening its strategic section. As outlined in HCC's submission, this section needs to appropriately set the scene for how Waikato District will plan for both future residential and employment land.

We look forward to working closely with your staff in the collaborative sub-regional growth management processes. I am confident we can reach alignment on the appropriateness of potential zoning changes, rule changes and development aspirations within the wider metropolitan area.

Please contact Luke O'Dwyer, City Planning Manager (phone 07 838 6418, email Luke.O'Dwyer@hcc.govt.nz) if you have any questions or seek clarification on any matters raised in this letter or in the attached further submission table.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'L Vervoort', with a stylized flourish at the end.

Lance Vervoort
ACTING CHIEF EXECUTIVE

Hamilton City Council's Further Submissions on the Submissions to the 2018 Waikato Proposed District Plan (Stage 1)

Name of original submitter	Submission number/point	Support or oppose	Reasons for my support or opposition are	I seek that the whole (or part) of the submission be allowed (or disallowed)
Jason Nadin	13.1	Oppose	The submitter seeks a change from the Rural Zone to Country Living Zone (CLZ) near the boundary of Hamilton. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.	Disallow
Steve Cochrane	14.1	Oppose	HCC opposes the relief sought to allow for smaller lot sizes (2,500 sqm) within the Rural Zone of Matangi. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the Future Proof Strategy and the Waikato Regional Policy Statement (WRPS).	Disallow
Corey Belfield	36.1	Oppose	HCC opposes the rezoning from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Geotech Low Ltd	45.1	Oppose	HCC opposes the rezoning of land from Rural Zone to CLZ in the Urban Expansion Area (UEA). HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Schick Trust Company	49.1	Oppose	HCC opposes the rezoning at Te Kowhai from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Gary McMahon	50.1	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Amy Pitcher	79.1	Oppose	HCC opposes the rezoning at Horotiu from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Additionally, it is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
Waikato Regional Council	81.1	Support	HCC supports the submission, which seeks better relationships between the strategic objectives and policies, and the issues. The result would be an easier-to-use, better cross-referenced document.	Allow
Waikato Regional Council	81.113	Support	HCC supports the relief sought by WRC in relation to clarifying that growth occurs only in towns and villages identified in the settlement pattern set out in the Future Proof Strategy and the WRPS, and where there is existing or planned infrastructure.	Allow
Waikato Regional Council	81.12	Support	HCC supports the submission, which seeks cross referencing, as this would aid plan usability and help better justify the Council's intention behind the issues, objectives, policies and rules.	Allow
Waikato Regional Council	81.131	Oppose	HCC opposes the relief sought by the submitter to amend Policy 4.3.3 Future Development – Tuakau and Te Kowhai because HCC, as highlighted in its own submission, opposes the introduction of a Village Zone in Te Kowhai.	Disallow
Waikato Regional Council	81.16	Support	The submission seeks outcomes that more strongly address how subdivision and development activities will be managed where a 'live' zoning approach is now applied. HCC agrees that the Plan should be strengthened in this regard. The submission also seeks to retain the operative plan's rural zoning rules for	Allow

			areas such as Horotiu where infrastructure servicing requirements/provision are unclear. It is important that the outcomes of the Hamilton to Auckland Corridor work is taken into account in the consideration of the zoning changes.	
Waikato Regional Council	81.17	Support	The submission seeks outcomes that more strongly address how subdivision and development activities will be managed where a 'live' zoning approach is now applied. HCC agrees that the Plan should be strengthened in this regard. The submission also seeks to retain the operative plan's rural zoning rules for areas such as Horotiu where infrastructure servicing requirements/provision are unclear. It is important that the outcomes of the Hamilton to Auckland Corridor work is taken into account in the consideration of the zoning changes.	Allow
Waikato Regional Council	81.172	Support	HCC supports WRC in relation to requiring changes to the subdivision rules. HCC opposes plan provisions that increase subdivision opportunities in the Rural or CLZ.	Allow
Waikato Regional Council	81.173	Support	HCC supports WRC in relation to requiring a larger minimum balance lot size. HCC opposes plan provisions that increase subdivision opportunities in the Rural or CLZ. The relief sought will reduce the number of properties that can undertake this type of subdivision and therefore minimise land fragmentation in Hamilton's Area of Interest.	Allow
Waikato Regional Council	81.2	Support	HCC supports the points raised in this submission, as it is considered they would help plan usability and to guide appropriate development and land management.	Allow
Waikato Regional Council	81.203	Support	HCC supports the retention of the policy 4.7.7 that seeks development which achieves sufficient density to support the provision of infrastructure. This policy will result in a planned, co-ordinated approach to subdivision, use, development and infrastructure provision.	Allow
Warren Jonson	92.1	Oppose	HCC opposes the rezoning at Te Kowhai from Rural Zone to Village Zone. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to rezone additional areas (that are within Hamilton's Area of Interest), to Village Zone.	Disallow
Warren Allen	95.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Cameron Allen	96.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
David Hall	103.1	Oppose	HCC opposes the rezoning of properties at Rotokauri from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. While the presence of subdivision in the area is noted, given the significant cross-boundary impacts that further subdivision within the area are likely to have on infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Bruce and Dorothy Chipman	106.7	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Ross & Margery Weir Obo	116.1	Support	HCC supports the relief sought to change the zoning from Village Zone to Rural Zone in Te Kowhai. At this stage, the intention, purpose and infrastructure servicing of the Village Zone is not understood and has not been adequately justified. The previous rural zoning under the Operative District Plan should remain.	Allow
Amanda Shaw	120.1	Oppose	HCC opposes the rezoning properties at Tauwhare from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Mark Fendall	121.1	Oppose	HCC opposes the submission to amend the zoning of properties in Ngaruawahia from CLZ to Village Zone. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone.	Disallow
Mark Fendall	122.1	Oppose	HCC opposes the submission to amend the zoning of properties in Ngaruawahia from CLZ to Village Zone. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone.	Disallow
Trevor Reid	128.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Geoffrey Long	129.1	Oppose	HCC opposes the introduction of new Country Living Zoning at Matangi, in that it would introduce additional impacts on HCC's infrastructure, namely transport, 3 waters and social infrastructure, and would result in further fragmentation of land around Hamilton's boundary. Rural-residential development around the periphery of Hamilton is contrary to the provisions of the WRPS and the Future Proof Strategy.	Disallow
Kathleen Reid	130.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Brownie Investments	131.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Simon Gibson	133.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Michele Gamble	137.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow

Kim Crook	138.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Daniel Miles	142.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Haley Bicknell-McMahon	147.2	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Todd Bewden	151.1	Oppose	HCC opposes the rezoning of land in Horsham Downs from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Karl Crook	155.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
John Baillie	157.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Martin Lynch	161.1	Oppose	HCC opposes the rezoning of land from Rural Zone to CLZ in the Urban Expansion Area (UEA). HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Martin Lynch	161.2	Oppose	HCC opposes the relief sought to delete the prohibited activity status of subdivision in the CLZ within the Hamilton UEA. The prohibited activity status is imperative in the UEA to ensure the objectives and policies for this overlay are achieved. Further fragmentation through subdivision within the UEA will compromise the ability for the area to be fully urbanised in a comprehensive manner in the future, as is anticipated for land within this overlay.	Disallow
Beverage Developments	166.1	Oppose	HCC opposes the rezoning of rural-zoned land at Horotiu to recognise the existing urban housing in the area. There are potentially significant cross-boundary impacts that further development within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Additionally, it is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
Roger Heaslip	167.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Paula Brown	168.1	Oppose	HCC opposes the rezoning of properties at Tauwhare from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Nick Hall	177.1	Oppose	HCC opposes the rezoning of properties at Tauwhare from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Kirriemuir Trustee Ltd	182.5	Oppose	HCC opposes the retention of the suite of objectives and policies in Section 4.1 as notified for the reasons outlined in its original submission.	Disallow
Vera Wennekers	184.11	Oppose	HCC opposes rezoning Residential Zoning that is outside the urban limits. Additionally, it is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of sub-regional planning aspirations.	Disallow
Grant Merelina	185.1	Oppose	HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Derek and Colleen Hartley	196.1	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow

NZ Pork	197.4	Oppose	HCC opposes the relief sought by the submitter to amend Objective 5.1.1 a) with the introduction of additional subclause notated as 5.1.1a)iv). HCC does not support rural-residential or countryside living style development within the Rural Zone, regardless of whether it is close to urban areas or larger towns or villages. HCC opposes fragmentation of rural land; residential-style development should be more appropriately directed into towns and other areas identified for growth.	Disallow
Scott Montagu	216.1	Oppose	HCC opposes the Te Kowhai Air Park as notified, for the reasons set out in its original submission.	Disallow
Scott Montagu	216.2	Oppose	HCC opposes the Te Kowhai Air Park as notified, for the reasons set out in its original submission.	Disallow
Shaun McGuire	243.1	Oppose	HCC opposes the retention of the suite of objectives and policies in Section 4.1 as notified, for the reasons outlined in its original submission and subject to the relief sought.	Disallow
Pam Furguson Charitable Trust	260.11	Oppose	HCC opposes rezoning additional areas in Taupiri from Rural Zone to Residential Zone. Additionally, it is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
Mark Smith	272.1	Oppose	HCC opposes the rezoning of properties within the Tamahere area from Rural Zone to CLZ. While it is noted that there has been considerable subdivision in the area, HCC opposes further expansion of the CLZ. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Ted and Kathryn Letford	276.11	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Ted and Kathryn Letford	276.14	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Planman Consultants	281.12	Oppose	HCC opposes the relief sought, which is to change the activity status of Intensive Farming to a 'permitted use' in the Rural Zone. Within HCC's Area of Interest, there needs to be a level of control on land uses which may be incompatible with current and future land uses.	Disallow
David Yzendoorn	292.1	Oppose	HCC opposes the deletion of the UEA overlay. The purpose of the UEA Overlay is to prevent fragmentation of land that could hinder efficient future urbanisation of the land.	Disallow
David Yzendoorn	292.3	Oppose	HCC opposes the rezoning of properties between Gordonton Road, Greenhill Roads and the Expressway from Rural Zone to Residential Zone. This area is currently zoned rural with the UEA overlay to allow for appropriate development of the area once it becomes part of Hamilton. The purpose of the Rural Zone within the UEA Overlay is to prevent fragmentation of land and more efficiently provide for future urbanisation of the land. The Rural Zoning also helps protect the productive nature of the land, until such time as urbanisation is appropriate. Increased subdivision within this zone, as requested by the submitter, is contrary to the purposes of the UEA. Additionally, it is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
David Yzendoorn	292.4	Oppose	The submitter seeks additional Residential Zone in Gordonton. It is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations. Additionally, such zone changes may result in cross-boundary impacts on HCC.	Disallow
David Yzendoorn	292.5	Oppose	HCC opposes the relief sought to amend Rule 22.3.1 P1 (a), to increase the number of dwellings allowed within the Rural Zone. HCC opposes the relief sought to remove the date from the Rural Zone subdivision rules. This would enable more subdivision than is allowed by the notified plan and will result in unplanned growth and land fragmentation within HCC's Area of Interest.	Disallow
David Yzendoorn	292.6	Oppose	The submitter seeks an additional Residential Zone in Gordonton. It is premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and	Disallow

			other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations. Additionally, such zone changes may result in cross-boundary impacts on HCC.	
Terra Consultants	296.1	Oppose	HCC opposes the retention of the Village Zone at Te Kowhai for the reasons set out in its original submission.	Disallow
Terra Consultants	296.3	Oppose	HCC opposes the rezoning of land between Horotiu and Te Kowhai Roads from Rural Zone to Village Zone. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton's Area of Interest) within the Village Zone.	Disallow
2SEN Ltd & Tuakau Est	299.1	Oppose in part	HCC opposes the retention of the suite of objectives and policies in Section 4.1 as notified, for the reasons outlined in its original submission and subject to the relief sought.	Disallow in part
EnviroWaste New Zealand Limited	302.29	Oppose	HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Envirowaste New Zealand Limited	302.44	Oppose	HCC opposes the submission to allow for commercial and industrial activities in the Rural Zone. This relief would undermine the integrity of the Rural Zone. The policy is important to protect rural land from industrial and commercial development, particularly within HCC's Area of Interest. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Peter Fitzpatrick	306.1	Oppose	HCC opposes the rezoning of land at Matangi from Rural Zone to Village or CLZ. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton's Area of Interest) in the Village Zone. Additionally, HCC opposes the provision of any additional CLZ. The CLZ, when located so close to Hamilton's boundaries, has resulted in significant cross-boundary impacts on HCC.	Disallow
Whaingaroa Raglan Affordable Housing Project	310.15	Oppose	HCC opposes the submission to amend the definition of 'minor dwelling' in Chapter 13 to enable more than one primary dwelling and more than one minor dwelling per site. The definition of 'minor dwelling' is applied across different zones. The proposed amendments have the potential to increase the density of development in the Rural Zone. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow
Paula Dudley	328.5	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Andrew and Christine Gore	330.1	Oppose	HCC opposes the submission to make all subdivision a controlled activity, particularly in the Rural Zone within the UEA and HCC's Area of Interest. The purpose of the Rural Zone within the UEA Overlay is to prevent fragmentation of land and more efficiently provide for future urbanisation of the land. Increased subdivision within this Zone/Overlay is contrary to the purpose of the UEA.	Disallow
Andrew and Christine Gore	330.129	Oppose	The submitter seeks amendments to the Rural Environment section to allow subdivision and development in the UEA Overlay area. Increased subdivision within the Overlay area is contrary to the purpose of the UEA.	Disallow
Andrew and Christine Gore	330.130	Oppose	HCC opposes the amendment of Section 5.2 Productive Versatility of Rural Resources to allow for development where the surrounding land has been modified. Amending this policy could result in unplanned and ad hoc development occurring in rural areas.	Disallow
Andrew and Christine Gore	330.131	Oppose	HCC opposes the amendment to Section 5.3 Rural Character and Amenity to allow for development where it is not possible to continue as productive rural environment. The amendment would apply to all rural-zoned land and could result in unplanned and ad hoc development in rural areas.	Disallow
Andrew and Christine Gore	330.132	Oppose	HCC opposes the amendment of Policy 5.3.4 Density of dwellings and buildings within the rural environment, which would allow urban development in the UEA. The amendment sought would apply to all rural-zoned land; it could result in unintended development in rural areas and would be contrary to the purpose of the UEA.	Disallow
Andrew and Christine Gore	330.133	Oppose	HCC opposes the amendment of Policy 5.3.8 Effects on rural character and amenity from rural subdivision. The requested changes would allow for ad hoc, unchecked and unplanned development in rural areas. It would also result in increased subdivision in the UEA, contrary to the purpose of the UEA.	Disallow
Andrew and Christine Gore	330.135	Oppose	HCC opposes the amendment to Section 5.5 Hamilton's UEA, to allow development in the Rural Zone according to rural rules unless the land is acquisitioned by Hamilton City Council. Land within the UEA and the stronger controls that apply within the area are necessary to ensure the land is protected for future urban development once the land forms part of the city.	Disallow
Andrew and Christine Gore	330.138	Oppose	HCC opposes the amendment of Rule 22.4.1.1 PR1 Prohibited subdivision. Increased subdivision within this overlay is contrary to the purpose of the UEA.	Disallow
Andrew and Christine Gore	330.139	Oppose	HCC opposes the amendment to Rule 22.4.1.2 RD1 General Subdivision, to reflect rural values but supply some urban demand and add provisions to allow for smaller rural lots. This amendment would apply to all rural-zoned land including HCC's Area of Interest and could result in significant development in rural areas. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and	Disallow

			other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the Waikato Regional Policy Statement (WRPS) and Future Proof Strategy.	
Andrew and Christine Gore	330.140	Oppose	HCC opposes amendments to Section 5.1 The Rural Environment, so it does not apply to all rural properties that have already been fragmented from rural land by development. This amendment would apply to all rural-zoned land and could result in unplanned and ad hoc development in rural areas.	Disallow
Andrew and Christine Gore	330.141	Oppose	HCC opposes amendments to allow small land holdings (particularly land that has been fragmented by publicly-driven projects such as the Waikato Expressway) to be developed as CLZ. This would result in ad hoc, unplanned peri-urban development on HCC's boundary.	Disallow
Andrew and Christine Gore	330.142	Oppose	HCC opposes the amendment of Objective 5.1.1 The Rural Environment to not limit urban subdivision in an area that is marked Future Urban. This would result in inappropriate peri-urban development, in close proximity to HCC's boundary, which could impede full urban development in the future, and create cross-boundary impacts, particularly on social and physical infrastructure within Hamilton.	Disallow
Andrew and Christine Gore	330.144	Oppose	HCC opposes the amendment to Rural Zone Rule 22.1.2 Permitted Activities, as they relate to the UEA. Uses in the UEA should be rural, and commercial activities should be tightly controlled. Commercial activities are better directed to towns.	Disallow
Andrew and Christine Gore	330.145	Oppose	HCC is unsure what the definition of 'agribusiness activities' is, and accordingly opposes the request to allow for these to be permitted activities within the Rural Zone Rule 22.1.2 Permitted Activities, in relation to the UEA and HCC's Area of Interest.	Disallow
Andrew and Christine Gore	330.146	Oppose	HCC opposes the amendment of rules that remove the prohibited activity status for subdivision in the UEA. Prohibited activity status is imperative in the UEA to ensure the objectives and policies for this overlay are achieved.	Disallow
Gwyneth & Barrie Smith	332.10	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
Gwyneth & Barrie Smith	332.16	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Willemien Wennekers	335.12	Oppose	HCC opposes rezoning additional areas in Taupiri from Rural Zone to Residential Zone. It is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations in Hamilton's Area of Interest.	Disallow
Tainui Group Holdings	341.1	Oppose	<p>The submitter requests the rezoning of a large tract of rural-zoned land to industrial, to complement the proposed industrial/freight hub within Hamilton and to off-set a possible loss of industrial land within their Hamilton landholdings.</p> <p>Before HCC would be in a position to support this opportunity, further detail would be required, particularly on the infrastructure impacts of such a change, including the transport network, but also importantly the three waters and any associated changes to activities/zones required within Hamilton. At this stage, it is understood that the issue of creating additional industrial land on the other side of the Waikato Expressway is to be explored through the Hamilton to Auckland Corridor project and the Metropolitan Spatial Plan.</p> <p>The Waikato PDP zoning quite rightly reflects the current rural use. In the absence of other supporting work that determines new locations for growth of Hamilton and the wider Metropolitan Area, HCC opposes the submission, while awaiting further detail through other planning processes such as:</p> <ul style="list-style-type: none"> - the Metropolitan Spatial Plan; - possible Strategic Agreements between Hamilton and Waikato District; - infrastructure impacts; - the wider sub-regional industrial land implications of the introduction of more industrial land in the area, given the uncertainty of the future zoning within Hamilton. <p>HCC's preference is that any planning for urbanisation in this area, or in any of the areas around Hamilton, is collectively undertaken by HCC, WDC and Waikato Tainui, along with other Future Proof partners.</p>	Disallow
Tainui Group Holdings Limited	341.5	Oppose	HCC opposes the relief the sought, as it relates to Hamilton's Area of Interest. The addition of Permanent Sawmills and Timber Processing Facilities into the activities listed in the discretionary activities within Rule 22.1.5 would not be appropriate within HCC's Area of Interest. It is anticipated that this type of activity could lead to inappropriate cross-boundary impacts on Hamilton's infrastructure and could result reverse sensitivity if located near urban areas.	Disallow
Burton Family Trust	344.19	Oppose	HCC opposes this submission, which seeks to halve the minimum lot size within the CLZ. Given so much of the CLZ is near the boundary of Hamilton, the requested change would have significant, but as yet untested effects on the infrastructure and environment within Hamilton. Additionally, such low-density growth, but with potential for significant amounts of growth, would be contrary to the WRPS and Future Proof Strategy which direct growth to towns and other areas identified for growth.	Disallow

Burton Family Trust	344.23	Oppose	As highlighted in HCC's original submission, we have concerns relating to the role and function of the proposed Village Zone and the subdivision sizes within it. HCC opposes this submission, which seeks to reduce the minimum lot size, as it would allow for even more development in the Village Zone, without any further infrastructure planning, structure planning or understanding of cross-boundary impacts.	Disallow
Burton Family Trust	344.3	Oppose	HCC opposes the relief sought by the submitter to change the current rural provisions to recognise the urban potential of the land. HCC notes there may be opportunities in the future to investigate the potential of land to the east of the Expressway for urban development. However, the investigation of potential growth areas in and around Hamilton should occur through the Hamilton to Auckland Corridor work, more the specifically the Metropolitan Spatial Plan. Additionally, the WRPS and the Future Proof Strategy will also need to factor in where new growth areas are to be located at a sub-regional level. Any potential zoning changes should wait until further detail through other planning processes is completed, such as: <ul style="list-style-type: none"> - the Metropolitan Spatial Plan - possible Strategic Agreements between Hamilton and Waikato District - infrastructure impacts and considerations of expanding urban areas beyond current planning - additional time to track how the major Ruakura inland port and associated development progresses. Over time, this position may change, but as it stands currently, subdivision in the Rural Zone should be limited and should be of a scale and nature that supports the continued use of the Rural Zone for productive rural activities.	Disallow
Julie Perry	348.1	Oppose	HCC opposes the relief sought, which would result in additional subdivision in the CLZ, for the reasons set out in its original submission.	Disallow
Peter & Janette Middlemiss	354.1	Oppose	HCC opposes the sub-zoning of the Rural Zone. The suggested changes would undoubtedly allow for greater levels of subdivision and development in the Rural Zone. HCC opposes growth in the Rural Zone other than for rural purposes.	Disallow
Peter and Jane Middlemiss	354.3	Oppose	HCC opposes the relief sought to delete the 20ha minimum parent lot size within the Rural Zone, when there is already subdivision less than this size bordering the property. Through its own submission, HCC sought a larger parent lot size of 40ha and does not accept that more lenient subdivision provisions should apply. Such subdivision would result in further fragmentation of the rural area and it would prove difficult to manage and control growth.	Disallow
Robert and Colleen Endicott	356.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS.	Disallow
Linnat Watson (on behalf of S W Ramby)	369.4	Support	The submitter seeks the rezoning of the Te Kowhai Airpark to rural zoning. HCC supports this, as in its original submission, we opposed the Airpark zoning due to the uncertainty about the servicing of this zone and the impacts on Hamilton's own infrastructure.	Allow
Kitty Burton	371.9	Oppose	The submitter requests site-specific special and flexible zoning to allow the development of the site as a historic Business Town Centre, within Matangi. HCC is not opposed to zoning that supports the village of Matangi and to reflect current land uses accurately; however, any proposals to create new town centres or business centres need to be carefully considered in terms of the network of towns and other areas identified for growth and how they operate, particularly so close to Hamilton. It is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. Waikato District Council, other sub-regional partners and a variety of Crown Agencies are all involved in these projects, at this stage. It is expected this work will produce a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
Auckland Council	372.10	Support in part	HCC supports the submission to retain Sections 1.5.5 (f) and (g), subject to the relief sought in HCC's original submission.	Allow in part
Auckland Council	372.5	Support in part	HCC supports the retention of Sections 1.5.1 and 1.5.1(a), subject to the amendments sought in HCC's original submission. HCC seeks clarity and to remove reference to the compact urban development being concentrated around Hamilton's boundaries.	Allow in part
Auckland Council	372.6	Support	HCC supports the submission to retain Section 1.5.2, as the settlement pattern is consistent with the WRPS and Future Proof Strategy.	Allow
Auckland Council	372.9	Support	HCC supports the submission to retain Section 1.5.5(e), which requires consultation between relevant parties when cross-boundary issues are considered.	Allow
Jolene Francis	376.3	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Tangata Whenua Working Group	388.3	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
J and T Quigley Ltd	389.1	Oppose	HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone). The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.	Disallow

J and T Quigley Ltd	389.3	Oppose	HCC opposes the inclusion of ‘childhood activities (daycare)’ in the definition of ‘rural activity’. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone.	Disallow
J and T Quigley Ltd	389.4	Oppose	HCC opposes the subdivision of rural land near Village Zones/CLZ within HCC’s Area of Interest. Fragmentation of rural land undermines the intent of the Rural Zone, regardless of its proximity to other zones.	Disallow
J and T Quigley Ltd	389.7	Oppose	HCC opposes the inclusion of ‘childhood activities (daycare)’ within close proximity to a village or CLZ. HCC seeks objectives and policies ensuring land use within HCC’s Area of Interest aligns with the key purpose of the Rural Zone, to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed into towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone.	Disallow
Bowrock Properties	393.1	Oppose	HCC opposes any further expansion of the CLZ or Village Zone within Hamilton’s Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ/Village Zone (compared to the Rural Zone).	Disallow
Gwenith Sophie Francis	394.1	Oppose	HCC opposes the deletion of 1.4.3.1 c) Rural Activities. The requested deletion would remove the explanation and understanding of how the cumulative effects of subdivision and development would impact on the rural environment.	Disallow
Gwenith Sophie Francis	394.10	Oppose	HCC opposes changes to the plan that enable additional subdivision within the Rural Zone, in HCC’s Area of Interest. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and Future Proof Strategy and can undermine the intent of the zone.	Disallow
Gwenith Sophie Francis	394.12	Oppose	HCC opposes the deletion of Objective 5.3.1 as it is appropriate for achieving the purpose of the Rural Zone and guides the important policies that fall beneath it.	Disallow
Gwenith Sophie Francis	394.16	Oppose	HCC opposes the deletion of Rule 22.4.1.1 Prohibited subdivision, or the removal of those provisions from the CLZ (Rule 23.4.1) for the reasons set out in its original submission, noting that these both relate to the UEA.	Disallow
Gwenith Sophie Francis	394.22	Oppose	HCC opposes any changes to the plan that may result in additional subdivision in Rural Zones. Subdivision in the Rural Zone should be limited and should be of a scale and nature that supports the continued use of the Rural Zone for productive rural activities. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and Future Proof Strategy and can undermine the intent of the zone.	Disallow
Gwenith Sophie Francis	394.9	Oppose	HCC opposes the submission to add an objective that encourages additional subdivision within the Rural Zone of HCC’s Area of Interest. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and Future Proof Strategy and can undermine the intent of the zone.	Disallow
Horotiu Properties Limited	397.1	Oppose	HCC opposes the rezoning of Rural land at Horotiu to either Village, Residential or CLZ. As included in the original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton’s Area of Interest) in the Village Zone. Additionally, HCC opposes the provision of any additional CLZ. The CLZ, when located so close to Hamilton’s boundaries, has resulted in significant cross-boundary impacts on HCC. It is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
Ian Thomas	398.1	Oppose	HCC opposes the rezoning of land at Matangi from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton’s Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Ian Thomas	398.2	Oppose	HCC opposes the rezoning of land at Matangi from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton’s Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Ian Thomas	398.4	Oppose	HCC opposes the rezoning of land at Matangi from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton’s Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Ian Thomas	398.5	Oppose	HCC opposes the rezoning of land in Matangi from Rural Zone to Village Zone or Residential Zone. As included in the original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton’s Area of Interest),	Disallow

			within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone. A Residential Zone would enable further subdivision in an area that has not been planned for this level of development.	
Ian Thomas	398.5	Oppose	The submitter seeks a change from Rural Zoning to a more lenient zoning. While it is noted there has been considerable subdivision of small lots within the area, this is not justification that more should be allowed. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone or CLZ.	Disallow
Tuakau Proteins Limited	402.8	Oppose	HCC opposes the change of Rural Industry from a restricted discretionary activity status to a permitted activity status as requested in this submission, within HCC's Area of Interest. Rule 22.1.3 (1) RD2 of the Waikato PDP includes matters of discretion, which are necessary to control the effects of rural industry.	Disallow
Mowbray Group	404.3	Oppose	The submitter requests site-specific zoning to allow the development of a Business Town Centre within Matangi. HCC is not opposed to zoning which supports the village of Matangi and to reflect current land uses accurately; however, any proposals to create new town centres or business centres need to be carefully considered in terms of the network of towns and villages and how they operate, particularly so close to Hamilton.	Disallow
Mowbray Group	404.5	Oppose	The submitter requests site-specific special and flexible zoning to allow the development of a Business Town Centre within Matangi. HCC is not opposed to zoning which supports the village of Matangi and to reflect current land uses accurately; however, any proposals to create new town centres or business centres need to be carefully considered in terms of the network of towns and villages and how they operate, particularly so close to Hamilton.	Disallow
Mei Libre	407.1	Oppose	HCC opposes the rezoning of properties at Tamahere from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Godfrey Bridger	408.1	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Riki Manarangi	409.1	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Riki Manarangi	409.2	Oppose	HCC opposes rezoning at Ngaruawahia from CLZ to Village Zone. As included in the original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to rezone additional areas (that are within Hamilton's Area of Interest) to Village Zone.	Disallow
Glenys McConnell	417.1	Oppose	HCC opposes the creation of smaller lots in the Rural Zone. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and Future Proof Strategy.	Disallow
Glenys McConnell	417.2	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS.	Disallow
Ethan Findlay	418.9	Oppose	HCC opposes the submission seeking rezoning at Tamahere from Rural Zone to a zone that allows intensification, or amending the Rural Zone rules to allow for intensification of rural lot sizes smaller than 4ha. While it is noted that there has been considerable subdivision of small lots within the area, the extent of the CLZ should not be increased. More lenient subdivision rules will allow for even greater densities in the Hamilton area of influence. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions (compared to the Rural Zone).	Disallow
Horticulture New Zealand	419.38	Oppose	HCC opposes the deletion of the General Subdivision rule in Rule 22.4.1.2 RD1. HCC in its original submission sought a 40ha 'parent lot' to reduce the opportunity for fragmentation. The retention of the provision assists with better plan administration.	Disallow
Horticulture New Zealand	419.92	Support	HCC supports the relief sought to amend Objective 5.1.1. The submitter seeks to direct Countryside Living to tightly defined zones and to avoid the effects of scattered subdivision has on rural production.	Allow
Madsen Lawrie Consultants Ltd	420.2	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	420.3	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	420.5	Oppose	HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Disallow

Madsen Lawrie Consultants Ltd	420.8	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy. Further, HCC is also concerned about the impacts on its infrastructure from such development in the Rural Zone in Hamilton's Area of Interest.	Disallow
Malcolm MacDonald	422.1	Oppose	HCC opposes the rezoning of land in the Greenhill/Puketaha area from Rural Zone to Business Zone with an overlay to allow the establishment of a Motorway Service Centre. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. The development of non-rural activities in an unplanned manner in the Rural Zone can undermine the intent of the zone and compromise future urban development from occurring in a comprehensive manner. There may be opportunities in this location in the future. However, at this stage it is premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
Kim Angelo Libre	426.1	Oppose	HCC opposes the rezoning properties at Tamahere from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Madsen Lawrie Consultants Ltd	434.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Wendy Oliver	438.1	Oppose	As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to rezone additional areas (that are within Hamilton's Area of Interest) to Village Zone. HCC also opposes changes to the CLZ subdivision rules.	Disallow
Madsen Lawrie Consultants Ltd	440.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	440.3	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	440.4	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	441.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	441.2	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy. Further, HCC is also concerned about the impacts on its infrastructure from such development in the Rural Zone in Hamilton's Area of Interest.	Disallow
Madsen Lawrie Consultants Ltd	441.6	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	441.7	Oppose	HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Disallow
Madsen Lawrie Consultants Ltd	444.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	444.2	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	444.6	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	444.7	Oppose	HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Disallow
BTW Company	445.1	Oppose	HCC does not support the amendments sought by the submitter. In particular, HCC does not wish to see residential subdivision around the outside of towns. HCC considers the placement of growth, including the use of urban limits, as a key principle to the effective management of growth and provision of infrastructure, rather than focusing only on avoiding, remedying or mitigating effects.	Disallow

Madsen Lawrie Consultants Ltd	456.2	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	456.6	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	456.7	Oppose	HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Disallow
Madsen Lawrie Consultants Ltd	459.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	459.2	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	459.6	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	459.7	Oppose	HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Disallow
Madsen Lawrie Consultants Ltd	460.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	460.2	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	460.6	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	460.7	Oppose	HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Disallow
Perry Group	464.10	Oppose	HCC opposes the submission, which seeks to delete the minimum lot size for subdivision in the CLZ. Removing the subdivision lot size would effectively increase density around Hamilton, will result in inefficient and ad hoc subdivision near to Hamilton's boundaries, and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, which Hamilton would have no control over.	Disallow
Perry Group	464.12	Oppose	HCC opposes the introduction of additional residential zoning into Horotiu on the basis that this location plays an important role as a strategic industrial node. We also need a wider understanding of the future role and infrastructure impacts/needs of Horotiu from a strategic and sub-regional perspective, prior to determining the appropriateness of zone changes in the area. Additionally, the work currently underway for the Hamilton to Auckland Corridor Plan, in particular the Metropolitan Spatial Plan, will be investigating possible areas for future long-term growth. It would be premature to start rezoning land until the outcomes of such work are understood.	Disallow
Perry Group	464.4	Oppose	HCC opposes the submission, which seeks stronger policy recognition for residential activities in Horotiu. Horotiu is identified as a Strategic Industrial Node within the Waikato RPS and the Future Proof Strategy. HCC, through the Hamilton To Auckland Corridor work, and sub-regional work through Future Proof including an analysis of sub-regional industrial land supply, is keen to explore the future role of Horotiu. At this stage, there is particular interest in the role of the location in providing industrial land above existing Future Proof and Waikato RPS allocation. There is nothing within the NPS UDC that suggests that further residential development in Horotiu is required to meet any projected demand and, given its strategic industrial role, it is premature to facilitate significant amounts of residential growth in the location.	Disallow
Madsen Lawrie Consultants Ltd	467.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
Madsen Lawrie Consultants Ltd	467.11	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy. Further, HCC is also concerned about the impacts on its infrastructure from such development in the Rural Zone in Hamilton's Area of Interest.	Disallow
Madsen Lawrie Consultants Ltd	467.4	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Disallow
CKL	471.14	Oppose	HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow

CKL	471.18	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS.	Disallow
CKL	471.20	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
Ann-Maree Gladding	489.18	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other locations identified for growth.	Disallow
Ann-Maree Gladding	489.4	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Anna Noakes	524.10	Oppose	The submission seeks the deletion of 1.12.1(b) and (c). HCC seeks amendments to these sections as detailed in its original submission, not the deletion of them in their entirety.	Disallow
KR & BC Summerville	544.12	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
KR & BC Summerville	544.13	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
KR & BC Summerville	544.15	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Mark Chrisp	564.1	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Transpower New Zealand Ltd	576.49	Oppose	HCC opposes the deletion of part of 1.4.3.2 (b) for the reasons set out its original submission.	Disallow
Ports of Auckland	578.25	Oppose	The submitter seeks the zoning of more industrial land within an undefined area, south of the Horotiu area. Horotiu is an identified industrial node within the sub-region; it is in an area that appears to have strong land uptake and is well connected to road and rail networks. Before support can be given to this submission, HCC would like to fully understand infrastructure requirements and connections to Hamilton, the overall positioning of other new industrial land within Horotiu and within the broader sub-region. Work is currently underway within the Future Proof partnership which will help HCC clarify a position on the appropriateness of this request. Additionally, the work currently underway for the Hamilton to Auckland Corridor Plan, in particular the Metropolitan Spatial Plan, will be investigating possible areas for future long-term growth. It would be premature to start rezoning land until the outcomes of such work are understood.	Disallow
Pokeno Playcentre	596.2	Oppose	HCC opposes the amendment of childcare from a discretionary activity to a permitted activity in the Rural Zone. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone and compromise future urban development.	Disallow
Withers Family Trust	598.4	Oppose	The submission seeks the retention of Section 1.12.1(a) and deletion of Sections 1.12.1(b) and (c). HCC seeks amendments to these sections, not the deletion of them in their entirety.	Disallow
Greg Metcalfe	602.32	Oppose	HCC opposes the retention of the Village Zone at Te Kowhai for the reasons set out in its original submission.	Disallow
Future Proof Implementation Committee	606.12	Support	Future Proof puts forward some concerns around the 'live zoning' and suggests some alternatives to be considered. HCC supports the concerns and the need for further work about the implications of such a zoning approach.	Allow
Future Proof Implementation Committee	606.17	Support	HCC supports the range of submissions on a variety of parts of the plan relating to cross-boundary integration.	Allow
Future Proof Implementation Committee	606.3	Support	HCC supports the requested change to reflect the updated Future Proof Strategy and the requirements of the NPS UDC.	Allow
Future Proof Implementation Committee	606.4	Support	HCC supports the requested change to signal the current work on the Hamilton to Auckland Corridor Plan.	Allow
Future Proof Implementation Committee	606.5	Support	HCC supports the need to differentiate between towns and villages, with greater growth concentration within towns.	Allow

Future Proof Implementation Committee	606.7	Support	HCC supports the relief sought to review the extent of the Village Zone and the need for collaboration between HCC and Waikato District on the Village Zone within the Hamilton's Area of Interest. Whilst HCC and WDC work closely together through Future Proof and the emerging Hamilton to Auckland Corridor Plan, it is appropriate that more detailed discussions take place on the specifics of the proposed Village Zone.	Allow
Future Proof Implementation Committee	606.8	Support	HCC supports the submitter's opposition of the introduction of additional residential zoning into Horotiu as this village plays an important role as a strategic industrial node. We also need a wider understanding of the future role and infrastructure impacts/needs of Horotiu from a strategic and sub-regional perspective, to determine the appropriateness of zone changes in the area. Additionally, the work currently underway for the Hamilton to Auckland Corridor Plan, in particular the Metropolitan Spatial Plan, will be investigating possible areas for future long-term growth. It would be premature to start rezoning land until the outcomes of such work are understood.	Allow
Stephanie Hooper	607.2	Oppose	HCC opposes the inclusion of childcare as a permitted activity in the Rural Zone. Land use within the Area of Interest should be controlled to avoid inefficient use of land and infrastructure and non-rural land uses. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone and compromise future urban development.	Disallow
CDL Land New Zealand Ltd	612.1	Oppose	HCC opposes the relief sought to delete the prohibited activity status of subdivision in the UEA and allow for subdivision as a discretionary activity. The relief sought would enable further subdivision to occur in the UEA. Increased subdivision within this zone, as requested by the submitter, is contrary to the purposes of the UEA. Further, the purpose of the Rural Zone with the UEA Overlay is to prevent fragmentation of land and to more efficiently provide for urbanisation of the land.	Disallow
CDL Land New Zealand Ltd	612.3	Oppose	HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Nicola Falkner	617.2	Oppose	HCC opposes the inclusion of childcare as a permitted activity in the Rural Zone to ensure that land use within the Area of Interest is controlled to avoid inefficient use of land and infrastructure and non-rural land uses. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone and compromise future urban development.	Disallow
Ken Williamson	622.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Anna Noakes	636.2 (previously 524.1)	Oppose	HCC opposes the deletion of the non-complying default rule. It is not possible for a council to anticipate and list every potential activity for a zone. This rule provides a clear action for such activities and avoids any potential ambiguity.	Disallow
Anna Noakes	636.6 (previously 524.5)	Oppose	HCC opposes the change of 'Intensive Farming' from a Restricted Discretionary Activity to a Permitted Activity status, within Hamilton's Area of Interest. Rule 22.1.3 (1) RD1 of the Waikato PDP lists matters of discretion that are subjective in nature and therefore may be difficult to incorporate as standards that a permitted activity has to comply with.	Disallow
Robert Clear	645.1	Oppose	HCC opposes the rezoning at Te Kowhai from Rural Zone to Village zone. As included in the original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton's Area of Interest), within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone.	Disallow
D & K Miles Limited	647.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
NgaKau Tapatuhi Trust	654.1	Oppose	HCC opposes both the inclusion of Health Facilities as a permitted activity in the Rural Zone, or rezoning land in Tamahere from Rural Zone to Business Zone. HCC wants to ensure that land use within the Area of Interest is controlled and enabled at a rate that is consistent with and prioritises strategic land use plans and urban growth strategies including avoidance of urban sprawl, inefficient use of land and infrastructure and non-rural land uses. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone and compromise future urban development.	Disallow
Blue Wallace Surveyors Ltd	662.15	Oppose	HCC opposes the relief sought to delete the prohibited activity status of subdivision in the UEA and allow for subdivision as a discretionary activity. The relief sought would enable further subdivision to occur in the UEA. Increased subdivision within this zone, as requested by the submitter, is contrary to the purposes of the UEA. Further, the purpose of the Rural Zone within the UEA Overlay is to prevent fragmentation of land and to more efficiently provide for urbanisation of the land.	Disallow
Blue Wallace Surveyors	662.2	Oppose	HCC opposes the relief sought to add a clause to Policy 5.3.3 Industrial and commercial activities. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone.	Disallow in part
Blue Wallace	662.20	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow

Blue Wallace Surveyors	662.27	Oppose	HCC opposes the relief sought to delete the prohibited activity status of subdivision in the CLZ within the Hamilton UEA. The prohibited activity status is imperative in the UEA to ensure the objectives and policies for this overlay are achieved. Further fragmentation through subdivision within the UEA will compromise the ability for the area to be fully urbanised in a comprehensive manner in the future, as is anticipated for land within this overlay.	Disallow
Blue Wallace Surveyors Ltd	662.28	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Blue Wallace Surveyors	662.3	Oppose	HCC opposes the relief sought to amend Policy 5.6.3 Subdivision within the CLZ. It is not appropriate to allow more flexible subdivision provisions within the CLZ (i.e. more subdivision). Reducing the subdivision lot size will result in increased densities of subdivision near Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton.	Disallow
Blue Wallace Surveyors	662.35	Oppose	HCC opposes the relief sought to change Policy 4.1.3 Location of Development. Growth should be directed to occur <i>within</i> towns and other areas identified for growth, rather than <i>around</i> them. The removal of the word "only" in part (b) loosens the intent of the policy, and by not referencing the Future Proof document itself reduces clarity and ease of use for users.	Disallow
Property owners on Galbraith St, Jacobs Lane and Old Taupiri Road	670.1	Oppose	As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to rezone additional areas (that are within Hamilton's Area of Interest) to Village Zone.	Disallow
Jeremy Buxton	671.1	Oppose	HCC opposes the retention of the Village Zone at Te Kowhai for the reasons set out in its original submission.	Disallow
Jeremy Burton	671.2	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Ian and Darienne Voyle	672.1	Oppose	HCC opposes the rezoning of properties in Matangi from Rural Zone to either CLZ, Residential or Village Zone. HCC opposes any further expansion of the Residential, CLZ or Village zone within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ and Village zone (compared to the Rural Zone). Further, HCC opposes the objectives, policies and rules of the Village Zone and therefore opposes requests to include additional areas (that are within Hamilton's Area of Interest) within the Village Zone. Additionally, Residential Zoning should only be considered in the context of the Hamilton to Auckland Corridor Plan, in particular the Metropolitan Spatial Plan. This work will be investigating possible areas for future long-term growth. It would be premature to start rezoning land until the outcomes of such work are understood.	Disallow
Maree Williams	673.1	Oppose	HCC opposes the rezoning at Tauwhare from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, and the loss of land capable of productive rural uses, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Federated Farmers of New Zealand	680.10	Support	HCC supports the submission in so far as we agree that excessive rural lifestyle development has adverse effects on the rural environment.	Allow
Federated Farmers of New Zealand	680.186	Oppose	The submission to make rural contractors' depots a permitted activity is opposed. This activity could create cross-boundary impacts that need to be managed. The subsequent investments and land fragmentation also compromise the ability to comprehensively redevelop land for urban purposes, if located in the UEA and wider Area of Interest.	Disallow
Federated Farmers of New Zealand	680.193	Oppose	The submitter seeks a more lenient activity for intensive farming and extractive industry within the UEA of the Rural Zone. HCC opposes this. Land within the UEA needs to be protected from incompatible land uses that will compromise the ability for comprehensive urban development of the land in the future.	Disallow
Federated Farmers of New Zealand	680.194	Oppose	HCC opposes the deletion of rule 22.1.5 NC5, which captures all unlisted activities and assigns them a non-complying activity status. It is not possible for a council to list all potential activities that people/businesses wish to undertake. It is appropriate to have a level of control over non-listed activities.	Disallow
Federated Farmers of New Zealand	680.218	Oppose	The submission seeks the ability to add additional dwellings on a lot. HCC opposes increased residential dwellings within our Area of Interest. This does not align with the intention to contain residential development within existing towns and areas identified for growth.	Disallow
Federated Farmers of New Zealand	680.234	Oppose	HCC opposes the submission to reduce subdivision in the UEA from a prohibited to discretionary activity status. Prohibited activity status in the UEA is imperative to ensure the objectives and policies for this overlay are achieved. The prohibited activity status ensures future urban development of the land is not compromised.	Disallow
Federated Farmers of New Zealand	680.235	Oppose	HCC opposes any provisions that allow for additional subdivision within the Rural Zone. Rural subdivision can affect the character of the Rural Zone, productivity and can affect elite or high-class soils. Residential development in the Rural Zone can also detract from directing growth to towns and other areas identified for growth.	Disallow
Federated Farmers of New Zealand	680.236	Oppose	HCC opposes the relief sought. As outlined in HCC's original submission, we support a minimum parent lot of 40ha.	Disallow

Federated Farmers of New Zealand	680.237	Oppose	The submitter seeks proposals that do not comply with the general subdivision rule to be discretionary rather than non-complying. As detailed in our original submission, HCC opposes further fragmentation of rural land, and a more permissive activity status will not aid in sufficiently addressing this.	Disallow
Federated Farmers of New Zealand	680.238	Oppose	HCC opposes the relief sought to change the activity status for subdivision, as this has the potential to lead to rural land fragmentation and the creation of smaller rural lots.	Disallow
Federated Farmers of New Zealand	680.55	Oppose	HCC opposes the relief sought by the submitter. HCC considers the proposed wording very enabling and will not protect the rural environment from inappropriate development. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. HCC seeks the inclusion of relief sought in its original submission.	Disallow
Federated Farmers of New Zealand	680.57	Oppose	HCC opposes the relief sought by the submitter to delete Objective 5.2.1 Rural Resources. HCC seek to retain this objective and its protection of rural land.	Disallow
Federated Farmers of New Zealand	680.58	Oppose	HCC opposes the relief sought by the submitter to delete Policy 5.2.2.(b) High Class Soils.. HCC seek to retain this policy and its protection of rural land.	Disallow
Federated Farmers of New Zealand	680.59	Oppose	HCC opposes the relief sought by the submitter to amend Policy 5.2.3(a) and (b) Effects of subdivision and development on soils. HCC seek to retain this policy as notified.	Disallow
Federated Farmers of New Zealand	680.62	Oppose	HCC opposes the relief sought by the submitter, seeking amendment to part (b) of the policy, allowing adverse effects to be “avoided, remedied or mitigated”. HCC considers the policy as notified would result in better outcomes and provide a clearer directive.	Disallow
Federated Farmers of New Zealand	680.65	Oppose	The submitter seeks amendments to part (a) of the policy to recognise a greater need for intensive farming activities. HCC opposes the amendments sought; the policy as notified in the Waikato PDP would result in better outcomes and provide a clearer directive.	Disallow
Federated Farmers of New Zealand	680.68	Oppose	HCC opposes the relief sought by the submitter to delete this policy. HCC considers the intent of this policy to manage non-rural activities in the Rural Zone, within HCC’s Area of Interest, is important to retain. Non-rural uses can alter the character of the zone, can fragment land, and can direct growth away from towns and the city.	Disallow
Federated Farmers of New Zealand	680.75	Oppose	HCC opposes the relief sought. The intent of the UEA is to protect the land around Hamilton’s boundaries for future urban development, while enabling rural activities to continue until such time as comprehensive urban development takes place. The suggested wording by the submitter will not aid in the protection of the land for future urban development.	Disallow
Carolyn Watson	683.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC’s Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
Reid Crawford Farms Limited	686.18	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC’s Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
Reid Crawford Farms Limited	686.19	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC’s Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
Alstra (2012) Limited	693.12	Oppose	HCC opposes the rezoning at Ngaruawahia from Rural Zone to either Residential or CLZ. HCC opposes any further expansion of the CLZ or residential zone within Hamilton’s Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, HCC opposes more lenient subdivision provisions as provided by the CLZ and residential zone (compared to the Rural Zone).	Disallow
Sharp Planning Solutions	695.121	Oppose	HCC opposes the relief sought to change the general subdivision rules to allow for 1000 sq.m sized sections on the outskirts of towns and villages. This relief is likely to result in ad hoc, unchecked growth in a large number of locations, contrary to the principles of the Future Proof Strategy and WRPS, which seek to manage growth and infrastructure provision, and to concentrate growth to identified towns. HCC seeks urban development to locate within existing towns and other areas identified for growth, avoiding urban sprawl and the inefficient use of land and infrastructure.	Disallow
Sharp Planning Solutions	695.138	Oppose	HCC opposes the relief sought to change the subdivision provisions to allow for 1000 sq.m serviced lots on the outskirts of towns providing they are reticulated and 2,500 sq.m lots for non-reticulated lots in Te Kowhai. This relief is likely to result in ad hoc, unchecked growth in a large number of locations, contrary to the principles of the Future Proof Strategy and WRPS, which seek to manage growth and infrastructure provision, and to concentrate growth to identified towns. HCC seeks urban development to locate within existing towns and other areas identified for growth, avoiding urban sprawl and the inefficient use of land and infrastructure.	Disallow
Sharp Planning Solutions	695.141	Oppose	The submitter seeks provision for 1000 sq.m. lots within Matangi. HCC opposes the addition of more lifestyle block living near Hamilton, given the likely impacts on Hamilton in terms of social/physical infrastructure and given such development is contrary to the principles of Future Proof and WRPS, which seek a compact form of growth.	Disallow

Sharp Planning Solutions	695.154	Oppose	HCC opposes the relief sought. The approach to population projections has been agreed through the Future Proof partnership and should be retained. Long-term projections are required to allow infrastructure and land availability to be managed in accordance with the NPS UDC and are critical for LTP planning.	Disallow
Sharp Planning Solutions	695.159	Oppose	HCC opposes the deletion of Section 1.4.3.1(c) Rural activities as it would remove from the PDP the explanation and understanding of how the cumulative effects of subdivision and development of rural land would impact on the rural environment.	Disallow
Sharp Planning Solutions	695.160	Oppose	While HCC does not wish to be involved in the detail of the transferable rural lot subdivisions, the submission is requesting transferable rural lots to be placed in villages and towns. HCC would be concerned as to where such rights would be transferred to. For this reason, HCC opposes the relief sought.	Disallow
Sharp Planning Solutions	695.161	Oppose	HCC opposes the relief sought, which seeks additional growth in lifestyle blocks within the CLZ or the periphery of Hamilton.	Disallow
Sharp Planning Solutions	695.162	Oppose	HCC opposes transferable lot right subdivision as it is unclear where those areas would be.	Disallow
Sharp Planning Solutions	695.50	Oppose	HCC opposes any changes to the Rural Zone subdivision rules that allow for more subdivision in the Rural Zone. Subdivision should only be of a scale and size to support productive rural uses.	Disallow
Sharp Planning Solutions	695.51	Oppose	HCC opposes any changes to the Rural Zone subdivision rules that allow for more subdivision in the Rural Zone. Subdivision should only be of a scale and size to support productive rural uses. HCC opposes the provision for subdivision to be able to locate specifically <i>around</i> existing towns and villages as this would result in urban sprawl around those areas and could impede any further/denser development in those areas. Subdivision should be directed to the urban limits of existing towns.	Disallow
Sharp Planning Solutions	695.52	Oppose	HCC opposes the deletion of Policy 5.3.9 on non-rural activities. HCC supports the intent of the policy as notified, particularly within HCC's Area of Interest. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns. Non-rural activities within the Rural Zone can undermine the intent of the zone and compromise future urban development.	Disallow
Sharp Planning Solutions	695.54	Oppose	HCC opposes greater intensification of the CLZ, particularly within HCC's Area of Interest. This would result in increased densities of subdivision near to Hamilton's boundaries and is likely to impact upon infrastructure within Hamilton.	Disallow
Sharp Planning Solutions	695.96	Oppose	HCC opposes any changes to the Rural Zone subdivision rules that allow for more subdivision in the Rural Zone. Subdivision should only be of a scale and size to support productive rural uses. HCC opposes the provision for subdivision to be able to locate specifically <i>around</i> existing towns and villages as this would result in urban sprawl around those areas and could impede any further/denser development in those areas. Subdivision should be directed to the urban limits of existing towns.	Disallow
Brenda and Gavin Butcher	696.12	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Waikato District Council	697.456	Oppose	HCC is opposed to retirement villages in the Rural Zone, particularly within HCC's Area of Interest. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone. Retirement villages, which tend to create a relatively high density of development, are not rural in nature. Given the significant cross-boundary impacts that higher levels of development within the area can have on infrastructure within Hamilton, HCC opposes the suggested more lenient provisions for retirement villages.	Disallow
Waikato District Council	697.506	Support	HCC supports amendment of the "rural industry" definition as included within the submission. The amended definition removes the overlap between this definition and the definition of "farming activity" and clarifies the exclusion of transport depots and retail services from the definition of "rural industry".	Allow
Waikato District Council	697.556	Support	HCC supports the additional policies related to minor dwellings to ensure appropriate assessment of effects is undertaken.	Allow
Waikato District Council	697.559	Oppose	HCC is opposed to retirement villages in the Rural Zone, particularly within HCC's Area of Interest. The submission seeks for them to be allowed to locate within 800m of towns and villages, which is problematic as they could locate adjacent to HCC's boundary or adjacent to towns or villages within HCC's Area of Interest. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone. Retirement villages are not rural in nature and are normally a type of high density residential development more appropriately located in towns and other areas identified for growth. Given the significant cross-boundary impacts that higher levels of development within the area are likely to have on infrastructure within Hamilton, HCC opposes the suggested more lenient provisions for retirement villages.	Disallow
Waikato District Council	697.748	Oppose	The relief sought would add allow for Residential Activities in the Rural Zone. If Retirement Villages are added to the definition of Residential Activities (as sought by sub 761.13), the consequential result would be that Retirement villages are permitted in the Rural Zone. HCC opposes this outcome, which would undermine the intent of the Rural Zone and direct growth to rural areas.	Disallow
Waikato District Council	697.751	Oppose	HCC is opposed to retirement villages in the Rural Zone by the proposed the addition of a restricted discretionary activity rule, within HCC's Area of Interest. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone. Retirement villages are not rural	Disallow

			in nature and are normally a type of high density residential development more appropriately located in towns and other areas identified for growth. Given the significant cross-boundary impacts that retirement villages within the Rural Zone are likely to have on Hamilton's infrastructure, HCC opposes more lenient development provisions such as provision for retirement villages.	
Waikato District Council	697.760	Oppose	HCC opposes the relief sought to have a more permissive activity status for Rural Industry. As per its original submission, HCC seeks the inclusion of all activities listed as Non-Complying within the UEA to be 'prohibited'. Rural Industry may compromise the ability to undertake comprehensive urban development on rural land within the UEA in the future.	Disallow
Waikato District Council	697.919	Support	HCC supports the amendments within this submission as they provide further clarification to the prohibited activity status rule for subdivision within the CLZ in the UEA.	Allow
Bettley-Stamef Partnership	712.1	Oppose	HCC opposes the rezoning of properties at Matangi/Tamahere from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Matangi Farms Limited	713.1	Oppose	HCC opposes the rezoning of properties in Matangi from Rural Zone to either CLZ, Residential or Village Zone. HCC opposes any further expansion of the Residential, CLZ or Village Zone within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ and Village zone (compared to the Rural Zone). Further, HCC opposes the objectives, policies and rules of the Village Zone and therefore opposes requests to include additional areas (that are within Hamilton's Area of Interest), within the Village Zone. Additionally, Residential Zoning should only be considered in the context of the Hamilton to Auckland Corridor Plan, in particular, the Metropolitan Spatial Plan. This work will be investigating possible areas for future long-term growth. It would be premature to start rezoning land until the outcomes of such work are understood.	Disallow
Tamahere Community Committee	724.15	Oppose	HCC opposes the proposed amendment to reduce the minimum lot size of subdivision in the Rural Zone from 8000 sq.m to 5000 sq.m. Smaller lot sizes are available for rural-residential style development in more suitably zoned areas. The subdivision of rural land down to 5000 sq.m will result in fragmentation and compromise the ability to undertake future urbanisation if this were to occur. This amendment would apply to all rural-zoned land and could result in ad hoc, unchecked and unplanned development in rural areas.	Disallow
Tamahere Community Committee	724.6	Support	HCC supports the submission to retain the general subdivision rule 23.4.3 RD1 in the CLZ which specifies a minimum lot size of 5000 sq.m. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton.	Allow
Cindy and Tony Young	735.2	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Colin Dixon	740.1	Oppose	The submitter seeks the zoning of more industrial land within the Horotiu area. HCC is potentially supportive of the principle of this, given Horotiu is an identified industrial node within the sub-region; it is in an area that appears to have strong land uptake; and is well connected to road and rail networks. However, before full support can be given to the submission, HCC would like to fully understand infrastructure requirements and connections to Hamilton, the overall positioning of other new industrial land within Horotiu and within the broader sub-region. Work is currently underway within the Future Proof partnership that will help HCC clarify a position on the appropriateness of this request. Additionally, the work currently underway for the Hamilton to Auckland Corridor Plan, in particularly the Metropolitan Spatial Plan, will be investigating possible areas for future long-term growth. It would be premature to start rezoning land until the outcomes of such work are understood.	
NZTA	742.2	Support	HCC supports the submission that the 'Strategic' section of the plan should be amended to include reference to the Hamilton-Auckland Corridor Plan, and that there will be consequential changes to the remainder of the plan.	Allow
NZTA	742.51	Support	HCC supports the amendments suggested by the NZTA to better articulate the intention of Policy 6.1.13, which seeks infrastructure to be co-ordinated with future growth areas.	Allow
NZTA	742.80	Support	HCC supports the relief sought by the submitter for the inclusion of a definition for 'rural activities', subject to the particular wording of the term. HCC is interested in the potential effects the definition may have for land uses within Hamilton's Area of Interest. .	Allow
The Village Church Trust	743.2	Oppose	HCC opposes the rezoning of properties from Rural Zone to Village Zone (or another similar zone). As included in the original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone (or other zones more lenient in subdivision or activity provision than Rural).	Disallow

			HCC also opposes the amendment to change community activities to a permitted activity at the properties identified in the submission. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone and compromise future urban development.	
Year 91 Family Trust	745.1	Oppose	HCC opposes the rezoning at Te Kowhai from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
The Surveying Company	746.109	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
The Surveying Company	746.110	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
The Surveying Company	746.120	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
The Surveying Company	746.149	Oppose	HCC opposes the submission that rural land should be developed for rural-residential development if it does not contain prime or elite soils. HCC does not consider ad hoc development of this type should be determined purely based on soil type; there are many other considerations in relation to appropriate locating of rural-residential style development.	Disallow
The Surveying Company	746.65	Oppose	HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Surveying Company	746.76	Oppose	The submission seeks Restricted Discretionary provisions for small scale commercial/retail activities ancillary to rural activities occurring on the site. HCC supports the reasoning behind this submission, as small-scale shops and cafes that are ancillary to the main use can be appropriate. However, HCC opposes the submission, as there is not sufficient detail around the scale of the commercial activities.	Disallow
Housing New Zealand Corporation	749.91	Support	HCC supports amendments to Section 1.5 which seek to give priority to residential intensification in existing urban areas. It is noted that the Plan has very few provisions promoting infill or 'brownfield' development within existing towns.	Allow
Housing New Zealand Corporation	749.92	Support in part	HCC supports in part the retention of the Section 1.12, subject to the amendments sought in its original submission.	Allow in part
Housing New Zealand Corporation	749.94	Support in part	HCC supports the suggested amendment to Section 4.1, as it would relate to HCC's Area of Interest. However, as noted in its original submission, the whole of Section 4.1 as notified requires significant amendment to overcome HCC's concerns.	Allow in part
Chanel Hargrave and Travis Miller	751.35	Oppose	HCC opposes the submission that rural land should be developed as rural-residential, if it does not contain prime or elite soils. HCC does not support urban land development based purely on soil type, as there are many other considerations for the appropriate location of rural-residential style development.	Disallow
Chanel Hargrave and Travis Miller	751.51	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Chanel Hargrave and Travis Miller	751.58	Oppose	HCC opposes the relief sought. Although HCC supports growth within existing centres, it does not consider the rezoning of greenfield land on the edge of existing centres is appropriate, within Hamilton's Area of Interest.	Dissallow
Chanel Hargrave and Travis Miller	751.9	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
Pieter Van Leeuwen	754.2	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Simon Upton	756.1	Oppose	HCC does not oppose the provision of new residential zoning within the existing Urban Limits of Ngaruawahia. However, for growth outside of the Urban Limits, we want to ensure that planning for such growth is done in strategic manner. It is therefore premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. Waikato District Council, other sub-regional partners and a variety of Crown Agencies are all involved in these projects, at this stage. It is expected that this work will produce a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow

Simon Upton	756.7	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Lyndendale Farms Limited	761.10	Oppose	HCC opposes the amendment of the subdivision rules to allow for retirement villages in the Rural Zone. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and the Future Proof Strategy. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.	Disallow
Lyndendale Farms Limited	761.11	Oppose	HCC opposes the amendment of the subdivision rules to allow for a retirement village as a restricted discretionary activity within the Rural Zone, particularly within Hamilton's Area of Interest. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and the Future Proof Strategy. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.	Disallow
Lyndendale Farms Limited	761.12	Oppose	HCC opposes the inclusion of specific provisions to enable the location of retirement villages within the Rural Zone, particularly within Hamilton's Area of Interest. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Unplanned, out of sequence, ad hoc development of non-rural activities locating within the Rural Zone can undermine the intent of the zone. Further, HCC is also concerned about the impacts on HCC's infrastructure from such development in the Rural Zone.	Disallow
Lyndendale Farms Limited	761.13	Oppose	While HCC does not oppose the inclusion of 'retirement villages' into the definition of 'residential activities', HCC is concerned that, in combination with WDC's Submission point 697.748, this submission (761.13), if accepted, is likely to allow for retirement villages as a permitted activity in the Rural Zone.	Disallow
Lyndendale Farms Limited	761.4	Oppose	HCC opposes the inclusion of specific provisions to enable the location of retirement villages within the Rural Zone. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Unplanned, out of sequence, ad hoc development of non-rural activities locating within the Rural Zone can undermine the intent of the zone and compromise future urban development. Further, HCC is also concerned about the impacts on HCC's infrastructure from such development in the Rural Zone in Hamilton's Area of Interest.	Disallow
Lyndendale Farms Limited	761.5	Oppose	HCC opposes the inclusion of specific provisions to enable the location of retirement villages within the Rural Zone. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Unplanned, out of sequence, ad hoc development of non-rural activities locating within the Rural Zone can undermine the intent of the zone and compromise future urban development. Further, HCC is also concerned about the impacts on HCC's infrastructure from such development in the Rural Zone in Hamilton's Area of Interest.	Disallow
Lyndendale Farms Limited	761.6	Oppose	HCC opposes the inclusion of specific provisions to enable the location of retirement villages within the Rural Zone. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. Unplanned, out of sequence, ad hoc development of non-rural activities locating within the Rural Zone can undermine the intent of the zone and compromise future urban development. Further, HCC is also concerned about the impacts on HCC's infrastructure from such development in the Rural Zone in Hamilton's Area of Interest.	Disallow
Tamahere Eventide Home	765.13	Oppose	HCC opposes the relief sought in relation to enabling the further expansion of Tamahere Eventide Home; HCC opposes more lenient development provisions.	Disallow
Tamahere Eventide Home	765.19	Oppose	HCC opposes the proposed new policy in relation to further expansion of Tamahere Eventide Home; HCC opposes more lenient development provisions.	Disallow
Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	765.3	Oppose	While HCC recognises the existing nature of the retirement village, HCC opposes the relief sought, which would allow for its on-going incremental expansion. The relief sought could result in HCC cross-boundary impacts on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Retirement villages are normally a type of high density residential development, which is more appropriately sited in towns and other identified locations for growth, not the CLZ.	Disallow
Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	765.4	Oppose	HCC opposes the relief sought to change the activity status for retirement villages from non-complying to restricted discretionary in the CLZ within the HCC Area of Interest. Retirement Villages are more appropriately sited within towns and other areas identified for growth. Retirement villages tend to create higher density development, than is appropriate within the low density CLZ. Such development, is also likely to impact upon Hamilton's infrastructure.	Disallow
Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	765.5	Oppose	HCC opposes the relief sought to delete the non-complying activity status for retirement villages within the CLZ, in particular within HCC's Area of Interest. Retirement Villages are more appropriately sited in towns and other areas identified for growth. Unchecked development of retirement villages in the CLZ, particularly near Hamilton, is likely to result in significant cross-boundary impacts on infrastructure within Hamilton, namely transport, 3 waters and social infrastructure.	Disallow
Holcim (New Zealand) Limited	766.53	Oppose	HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow

Tamahere Eventide Retirement Village	769.1	Oppose	HCC opposes the rezoning of Rural Zone land to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further development within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	769.4	Oppose	While HCC recognises the existing nature of the retirement village, HCC opposes the relief sought, which would allow for its on-going incremental expansion. The relief sought could result in HCC cross-boundary impacts on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Retirement Villages are normally a type of high density residential development, which is more appropriately sited in towns and other identified locations for growth, not the CLZ.	Disallow
Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	769.5	Oppose	HCC opposes the relief sought to change the activity status for retirement villages from non-complying to restricted discretionary in the CLZ within the HCC Area of Interest. Retirement Villages are more appropriately sited within towns and other areas identified for growth. Retirement villages in comparison to CLZ provisions would result in increased densities, and where this occurs near to Hamilton's boundaries, are likely to impact upon Hamilton's infrastructure, namely transport, 3 waters and social infrastructure.	Disallow
Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	769.6	Oppose	HCC opposes the relief sought to delete the non-complying activity status for retirement villages within the CLZ, in particular within HCC's Area of Interest. Retirement Villages are more appropriately sited in towns and other areas identified for growth. Unchecked development of retirement villages in the CLZ, particularly near Hamilton, is likely to result in significant cross-boundary impacts on infrastructure within Hamilton, namely transport, 3 waters and social infrastructure.	Disallow
Ministry of Education	781.27	Oppose	While HCC supports the work by the Ministry of Education to provide appropriately planned schools for existing and future communities, it is noted the definition of education facilities is very broad, including childcare facilities and specialised training facilities. Given the broad range of uses potentially provided for, HCC opposes the change of activity status of education facilities from discretionary to restricted discretionary activities within the Rural Zone. Key purposes of the Rural Zone include protecting the productive nature of the land and ensuring non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone.	
Ministry of Education	781.4	Oppose	While HCC supports the work by the Ministry of Education to provide appropriately planned schools for existing and future communities, it is noted the definition of education facilities is very broad, including childcare facilities and specialised training facilities. Given the broad range of uses potentially provided for, HCC opposes a policy that is supportive of potentially large scale and commercial operations within the rural zone. Key purposes of the Rural Zone include protecting the productive nature of the land and ensuring non-rural activities are more appropriately directed to towns and other areas identified for growth. Non-rural activities within the Rural Zone can undermine the intent of the zone.	Disallow
Jack Macdonald	782.1	Oppose	HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Jack Macdonald	782.18	Oppose	HCC opposes the relief sought. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton's Area of Interest) within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone.	Disallow
Jack Macdonald	782.3	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
Northgate Developments & Northgate Industrial Park Ltd	790.2	Oppose	The submitter seeks the zoning of more industrial land within the Horotiu area. Horotiu is an identified industrial node within the sub-region; it is in an area that appears to have strong land uptake and is well connected to road and rail networks. However, before full support can be given to the submission, HCC would like to fully understand infrastructure requirements and connections to Hamilton; the overall positioning of other new industrial land within Horotiu and within the broader sub-region. Work is currently underway within the Future Proof partnership which will help HCC clarify a position on the appropriateness of this request. Additionally, the work currently underway for the Hamilton to Auckland Corridor Plan, in particularly the Metropolitan Spatial Plan, will be investigating possible areas for future long-term growth. It would be premature to start rezoning land until the outcomes of such work are understood.	Disallow
Middlemiss Farms Holdings Limited	794.16	Oppose	HCC opposes the amendment to Rule 22.3.1 to allow more than one dwelling on a lot within the Rural Zone, within HCC's Area of Interest. Increasing the number of dwellings will increase the density and could result in residential growth within the Rural Zone. It is a requirement of the WRPS and a fundamental principle of the Future Proof Strategy that residential growth is directed to towns and other areas identified for growth.	Disallow
Middlemiss Farms Holdings Limited	794.19	Oppose	HCC opposes the deletion of Rule 22.4.1.1 Prohibited subdivision, for the reasons set out its submission.	Disallow
Middlemiss Farms Holdings Limited	794.20	Oppose	HCC opposes the deletion of Rule 22.4.1.2 General Subdivision, for the reasons set out in its submission.	Disallow

Middlemiss Farms Holdings Limited	794.21	Oppose	HCC opposes the deletion of Rule 22.4.1.4 Boundary relocation. Subdivision in the Rural Zone should be limited and should be of a scale and nature that supports the continued use of the Rural Zone for productive rural activities.	Disallow
Middlemiss Farms Holdings Limited	794.27	Oppose	HCC opposes any changes to the plan that may result in additional subdivision in Rural Zones. Subdivision in the Rural Zone should be limited and should be of a scale and nature that supports the continued use of the Rural Zone for productive rural activities.	Disallow
Middlemiss Farms Holdings Limited	794.3	Oppose	HCC opposes the amendments sought to section 1.4.3.1 specifically allowing for rural-residential development, as it contradicts the relief sought in HCC's submission seeking strong controls to avoid fragmentation of future urban land. HCC also opposes the removal of 1.4.3.1(c), which identifies the effects that the continued modification of rural land through subdivision and residential and commercial development has on the rural environment. This is an important issue to retain, as ad hoc development within HCC's Area of Interest could lead to cross-boundary impacts on Hamilton's infrastructure and make comprehensive future urbanisation difficult, should it become appropriate.	Disallow
Middlemiss Farms Holdings Limited	794.32	Oppose	HCC opposes any provisions that may result in additional subdivision in Rural Zones. Subdivision in the Rural Zone should be limited and should be of a scale and nature that supports the continued use of the Rural Zone for productive rural activities.	Disallow
Middlemiss Farms Holdings Limited	794.33	Oppose	HCC opposes the submission point seeking changes to Rule 22 Rural Zone. Many of the submitter's requested changes are not in accordance with the main purpose of the Rural Zone – to protect the productive nature of the land and ensure growth is more appropriately directed to towns or other areas identified for growth.	Disallow
Middlemiss Farms Holdings Limited	794.4	Oppose	HCC opposes the amendments sought for section 1.4.3.2, particularly the deletion of the controls on subdivision around Hamilton's boundary. The amendments sought encourage rural-residential style development within the rural environment. The amendments are not aligned with the key purposes of the Rural Zone, to protect the productive nature of the land and ensure non-rural activities are more appropriately directed to towns and other areas identified for growth. The relief sought is likely to lead to significant cross-boundary impacts on Hamilton's infrastructure, including transport, 3 waters and social infrastructure.	Disallow
Fonterra Limited	797.17	Oppose	HCC opposes the proposed amendment to Policy 5.5.2(a), as the intent of the UEA is to protect this area for future urban development. Any reverse sensitivity effects in respect to the Te Rapa Dairy Manufacturing Facility should be considered and incorporated, if appropriate, elsewhere in the Waikato PDP.	Disallow
Fonterra Limited	797.7	Support in part	HCC supports the retention of section 1.5.4, subject to the relief sought in its original submission in relation to section 1.5.4(a).	Allow in part
Howard Lovell and Rudi Van Dam	805.1	Oppose	The submitter requests the ability to enable urban development and growth on land in Taupiri which is currently zoned Rural. HCC opposes any further expansion of the urban zones (Residential, CLZ or Village) within Hamilton's Area of Interest. The work currently underway for the Hamilton to Auckland Corridor Plan, in particularly the Metropolitan Spatial Plan, will be investigating possible areas for future long-term growth. It would be premature to start rezoning land until the outcomes of such work are understood.	Disallow
NZ Poultry Association	821.16	Oppose	HCC opposes the relief sought, which is to change the activity status of Poultry Farming to a 'permitted use' in the Rural Zone. Within HCC's Area of Interest there needs to be a level of control on land uses that may be incompatible with current and future land uses.	Disallow
NZ Steel	827.46	Oppose	HCC opposes the deletion of Policy 5.3.9 Non-rural Activities. The policy as notified will ensure that uses of an appropriate type and scale locate within the Rural Zone.	Disallow
Linda Young	828.1	Oppose	HCC opposes the rezoning of land in Ngaruawahia from Rural Zone to Village Zone. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton's Area of Interest) within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone.	Disallow
Whenua Holdings Waikato Limited	829.4	Oppose	HCC does not oppose the provision of new residential zoning within the Urban Limits of Ngaruawahia. However, for growth outside of the Urban Limits we want to ensure that planning for such growth is done in a strategic manner. It is therefore premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
Whenua Holdings Waikato Limited	829.8	Oppose	HCC does not oppose the provision of new residential zoning within the Urban Limits of Ngaruawahia. However, for growth outside of the Urban Limits we want to ensure that planning for such growth is done in strategic manner. It is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. Waikato District Council, other sub-regional partners and a variety of Crown Agencies are all involved in these projects, at this stage. It is expected this work will produce a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
Hounsell Holdings Limited	832.1	Oppose	HCC opposes the submission which seeks changing the zoning of land in the Te Kowhai/Horotiu area from Rural Zone to Residential zoning. The submission highlights that the land could accommodate approximately 2000 dwellings, just north of Rotokauri. This proposal is a significant zoning change with no	Disallow

			<p>justification of the need for the new housing area; no assessment of the infrastructure impacts and needs – particularly cross boundary. The area is not identified as a growth node and should be retained in rural use.</p> <p>It is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.</p>	
Hounsell Holdings Limited	832.4	Oppose	<p>HCC opposes the submission, which seeks to change the zoning of land in the Te Kowhai/Horotiu area from Rural Zone to Residential zoning. The submission highlights that the land could accommodate approximately 2000 dwellings, just north of Rotokauri. This proposal is opposed in that it is a significant zoning change with no justification of the need for the new housing area; no assessment of the infrastructure impacts, particularly cross-boundary impacts has been undertaken. The area is not identified as a growth node and should be retained in rural use.</p> <p>It is also premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. At this stage, ad hoc development and zoning changes could undermine the achievement of wider sub-regional planning aspirations.</p>	Disallow
Mainland Poultry Limited	833.3	Oppose	HCC opposes the relief sought, which is to change the activity status of Poultry Farming to a ‘permitted use’ in the Rural Zone. Within HCC’s Area of Interest there needs to be a level of control on land uses that may be incompatible with current and future land uses.	Disallow
Mainland Poultry Limited	833.5	Oppose	HCC opposes the relief sought, which is to change the activity status of Poultry Farming to a ‘permitted use’ in the Rural Zone. Within HCC’s Area of Interest there needs to be a level of control on land uses that may be incompatible with current and future land uses.	Disallow
Marshall & Kristine Stead	834.3	Oppose	HCC opposes the retention of the Village Zone at Te Kowhai for the reasons set out in its original submission.	Disallow
Marshall and Kristine Stead	834.4	Oppose	HCC opposes the rezoning of Te Kowhai from Rural Zone to Village Zone. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton’s Area of Interest), within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone.	Disallow
Stuart Seath	837.1	Oppose	The submitter seeks a change from the Rural Zone to CLZ near the boundary of Hamilton. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.	Disallow
Stewart Seath	837.2	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC’s Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.	Disallow
Stewart Seath	837.3	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC’s Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.	Disallow
Madsen Lawrie Consultants	838.17	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton’s boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Mark Woodham	839.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Colette Brown	840.1	Oppose	HCC opposes new residential zoning at Horotiu for the reasons set out in its original submission.	Disallow
Family Jepma Trust Account	846.1	Oppose	HCC opposes the rezoning of land in Matangi from Rural Zone to Village Zone. As included in the original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton’s Area of Interest), within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone.	Disallow
Ian and Helen Gavin	865.1	Oppose	HCC opposes the rezoning of land in Horsham Downs from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton’s Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow

DPI 2014 Limited	875.3	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Turtle Nut Farm Limited	876.2	Oppose	HCC opposes the relief sought to reduce lot sizes within the CLZ. Reducing the subdivision lot size will result in increased densities of subdivision near to Hamilton's boundaries and is likely to result in impacts upon infrastructure within Hamilton, namely transport, 3 waters and social infrastructure. Such development could also detract from growth in towns and other identified locations for growth.	Disallow
Shaw & Hall	877.14	Oppose	The submission seeks Restricted Discretionary provisions for small-scale commercial/retail activities ancillary to rural activities. HCC supports the reasoning behind this submission, as small-scale shops and cafes which are ancillary to the main use can be appropriate. However, HCC opposes the submission, as there is not sufficient detail around the scale of the commercial activities.	Disallow
Leigh Michael Shaw & Bradley John Hall	877.21	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
John Rowe	922.1	Oppose	HCC opposes the relief sought, as would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
John Rowe	922.19	Oppose	HCC opposes the relief sought. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton's Area of Interest), within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone.	Disallow
Waikato District Health Board	923.99	Support	HCC supports the request to amend the planning maps to provide for the Auckland to Hamilton Corridor Plan.	Allow
Neil and Linda Porritt	938.2	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
McCracken Surveys Limited	943.26	Oppose	HCC opposes the relief sought, as would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
McCracken Surveys Limited	943.40	Oppose	HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Disallow
McCracken Surveys Limited	943.54	Oppose	HCC opposes the rezoning in Te Kowhai from Rural Zone to Village Zone. As included in the original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton's Area of Interest), within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone.	Disallow
McCracken Surveys Limited	943.62	Oppose	HCC opposes the rezoning of land in Te Kowhai from Rural Zone to Village Zone. As included in its original submission, HCC opposes the objectives, policies and rules of the Village Zone. Accordingly, HCC opposes requests to include additional areas (that are within Hamilton's Area of Interest), within the Village Zone. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the Village Zone.	Disallow
McCracken Surveys Ltd	943.62	Oppose	HCC opposes the relief sought to rezone land in Te Kowhai from Rural Zone to Village Zone. Although the submitter states that the land is within the Urban Limits as identified by the RPS, the Village Zone is not considered by HCC to be an 'urban' land use. The proposed land use change near the boundary of Hamilton would place pressure on infrastructure within Hamilton and could curtail any possible future urbanisation on the area.	Disallow
McCracken Surveys Limited	943.68	Oppose	HCC opposes the relief sought, as would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Disallow
Stuart Quigley	947.4	Oppose	HCC opposes the subdivision of rural land near Village Zones/CLZ within HCC's Area of Interest. Fragmentation of rural land undermines the intent of the Rural Zone, regardless of its proximity to other zones.	Disallow
Reginald Briggs	966.1	Oppose	HCC opposes the rezoning of Rural land in Horotiu to recognise the more urban environment, for the reasons set out in its original submission.	Disallow
Peter Pavich	967.1	Oppose	HCC opposes the rezoning of land near Horsham Downs from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow

Carol and Gordon Corke	968.1	Oppose	HCC opposes the rezoning of land in the Te Kowhai and Horotiu area from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Debbie McPherson	969.1	Oppose	HCC opposes the rezoning of land near Horsham Downs from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Howard Lovell	974.1	Oppose	HCC does not oppose growth inside of the existing Urban Limits. However, for growth outside of the Urban Limits, we want to ensure that planning for such growth is done in strategic manner. It is therefore premature to consider such zoning change requests, given the work currently underway within the Hamilton to Auckland Corridor Project, more specifically the Metropolitan Spatial Plan. This work involves Waikato District Council, other sub-regional partners and a variety of Crown Agencies. It will put in place a spatial plan and key considerations for the future form and function of the area, and other mechanisms to best support the growth of the wider Hamilton Metropolitan Area. Ad hoc development and zoning changes at this stage could undermine the achievement of wider sub-regional planning aspirations.	Disallow
Amy and Andrew De Langen	977.1	Oppose	HCC opposes the rezoning of land in Matangi from Rural Zone to CLZ. HCC opposes any further expansion of the CLZ within Hamilton's Area of Interest. Given the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone).	Disallow
Koch Farms Limited	985.10	Oppose	HCC opposes the relief sought to change the activity status of uses within the Rural Zone from non-complying to discretionary. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth.	Disallow
Koch Farms Limited	985.5	Oppose	HCC opposes the suggested amendments to Policy 5.3.8 Rural character. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and Future Proof Strategy.	Disallow
Koch Farms Limited	985.6	Oppose	HCC opposes the relief sought to delete the prohibited activity status for subdivision under rules 22.4.1.1 PR1, PR2 and PR3. The prohibition rule of subdivision in the UEA (PR1) and the purpose of the Rural Zone with the UEA Overlay is to prevent fragmentation of land and more efficiently provide for future urbanisation of the land. Increased subdivision is contrary to the purpose of the UEA. HCC does not support a change in activity status from Prohibited for subdivision of land with high class soils (PR2 and PR3), as one of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the Future Proof Strategy and the WRPS.	Disallow
KiwiRail Holdings Limited (KiwiRail)	986.1	Support in part	HCC supports the submission for the retention of sections 1.5.4(a) and (b), however seeks amendments to (a) as detailed in the HCC submission.	Allow in part

ATTACHMENT 2

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 28O: Zoning - Rest of District

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Ms Linda Te Aho

Ms Jan Sedgwick

Ms Janet Gibb

Mr Weo Maag

Contents

1	Table of Contents.....	1
1	Introduction.....	3
2	Hearing Arrangement.....	3
3	Overview of issues raised in Submissions	6
	3.1 Overview of evidence.....	8
4	Panel Decisions.....	31
	4.1 Puketaha.....	31
	4.2 Ruakura	34
	4.3 Tamahere	34
	4.4 Matangi.....	41
	4.5 Glen Massey.....	43
	4.6 Te Uku	45
	4.7 Horotiu	45
	4.8 Rotokauri	47
	4.9 Horsham Downs	48
	4.10 Whatawhata.....	49
	4.11 Gordonton.....	50
	4.12 Extensions to existing settlements	51
	4.13 Isolated Rural Zoned Land	53
	4.14 Te Hoe.....	54
	4.15 Maioro Mining Zone	54
	4.16 Ohinewai.....	54
	4.17 Mangatawhiri.....	57
	4.18 Tauwhare.....	58
	4.19 Waiuku.....	60
	4.20 Onewhero	61
	4.21 Designated Rail Corridor.....	62
	4.22 Retention of notified zones.....	63
5	Conclusion	63

1 Introduction

- 1.1 While Hearing 25 related to all the submissions pertaining to zoning, this decision report addresses the zoning of land not adjoining a town or village and includes the periphery of Hamilton City. This 'Rest of District' area largely encompasses the wider Rural Zone properties that fall outside of the larger Waikato District townships (such as Raglan, Hopu Hopu, Tuakau, Te Kauwhata, TaTa Valley, Kimihia Lakes, Te Kowhai, Horotiu, Ngaruawahia and Taupiri, Mercer and Meremere and Ohinewai). Our decision on Rural Zoned blocks of land immediately adjacent to these townships are considered in the relevant decision reports on these townships. This report should be read along with the Zoning Overview report, which sets out the statutory matters and key principles relating to all submissions pertaining to zoning. By its very nature, this report covers a wide expanse of the District, and many different issues.
- 1.2 In general, the submissions addressed in this decision sought rezoning from Rural Zone to either Country Living or Village Zone, although a number requested alternative zonings such as a Business Zone or Mining Zone. Both the Country Living Zone and the Village Zone are predicated on reticulated services not being available and therefore sites within these zones need to be sufficiently large in order to manage on-site wastewater and stormwater disposal. The change in zoning sought by submitters would create significantly greater density than what is enabled by the Rural Zone provisions of the Proposed Waikato District Plan (PDP).
- 1.3 There were a large number of submissions received from landowners in Tamahere and Matangi. These areas in particular have experienced rapid growth within the last 15 years, which is primarily due to the lifestyle living opportunities they enable within an easy commute to Hamilton. Tamahere is a large rural lifestyle settlement (which includes sites zoned both Rural and Country Living) immediately adjoining the southern boundary of Hamilton City. The Matangi village is located approximately 5km southeast of Hamilton and comprises two short strips of residential development, with a small cluster of local shops on the Matangi Road/Tauwhare Road corner, including the Matangi Dairy Factory site. The Rural Zoned land surrounding the village is a mix of actively farmed rural properties and smaller rural lifestyle blocks that typically range in size from 0.5ha to several hectares.

2 Hearing Arrangement

- 2.1 The hearing was held on Wednesday 9 June and Thursday 10 June 2021 via Zoom. Due to the arrangement of hearings, we heard evidence for the Ohinewai submissions in Hearing 19 from 14-16 September 2020 and submissions allocated to Hearing 28 Other Matters on 12 July 2021, both via Zoom. All of the relevant information pertaining to this hearing including the section 42A report, legal submissions and evidence is contained on the Waikato District Council (Council) website.
- 2.2 We heard from the following parties regarding their submissions on zoning:

Submitter organisation	Attendee at the hearing
------------------------	-------------------------

Council	<p>Susannah Tait (author of the section 42A report focused on the edge of Hamilton)</p> <p>Catherine Boulton (author of the section 42A report addressing rezoning requests for the rest of the District)</p> <p>Chloe Trenouth (author of the section 42A report addressing Hearing 19 Ohinewai Zone Extent)</p> <p>Susan Chibnall (author of the section 42A report addressing rezoning requests that were allocated to Hearing 28 Other Matters)</p>
Ian Thomas	Andrew Wood
Andrew and Christine Gore	In person
Mark Smith	In person
Grant and Merelina	Steve Bigwood
Amy and Andrew De Langen	In person
J and T Quigley Ltd (389)	Leigh Shaw
Ian and Darienne Voyle	Leigh Shaw
Malcom MacDonald	<p>In person</p> <p>Tracey Morse (planning)</p>
Tamara Huaki	In person
Waka Kotahi New Zealand Transport Agency	Mike Wood
David and Barbara Yzendoorn	<p>In person</p> <p>Jacob Robb (planning)</p>

Hamilton City Council	Laura Galt
Waikato Regional Council	Miffy Foley
Martin and Stephanie Lynch	In person
Dinah Robcke	Leigh Robcke
David Hall	In person
Dale Pitcher	In person
Quigley Family Trust	Dr Joan Forret (legal counsel) Stuart Quigley (landowner) Tracey Morse (planning) Judith Makinson (transport) Dave Miller (soil assessment and productivity)
Bowrock Properties Limited	Hannah Palmer (planning)
Dilworth Trust Board	Mark Arbuthnot (planning)
Diamond Creek Farm Limited	Dr Joan Forret (legal counsel) Glen and Abbie Neems (landowners) Bevan Houlbrooke (planning) Dave Mansergh (landscape) Judith Makinson (transport)
Horotiu Properties Limited	Dr Joan Forret (legal counsel) Andrea Simpson (landowner) Tracey Morse (planning)

Ohinewai Lands Limited	Dr Robert Makgill (legal counsel) Sam Hutchings (legal counsel) Tony McLauchlan (land development) Matthew Twose (planning)
David Whyte	Ohinewai Area Committee
Khushwin Limited	In person
Tainui Group Holdings	Douglas Allan (legal counsel)

2.3 Evidence was tabled by:

- a) Mercury Energy New Zealand Limited;
- b) Matangi Community Committee;
- c) John Olliver on behalf of the Village Church Trust;
- d) Nick Smith; and
- e) Noel Smith.

3 Overview of issues raised in Submissions

3.1 Ms Susannah Tait's section 42A report set out the full list of submissions received pertaining to the zoning on the edges of Hamilton. The submissions related to the following geographic areas, as depicted in Figure 1 below:

- a) Puketaha (blue);
- b) Ruakura (yellow);
- c) Tamahere (red); and
- d) Matangi (green).

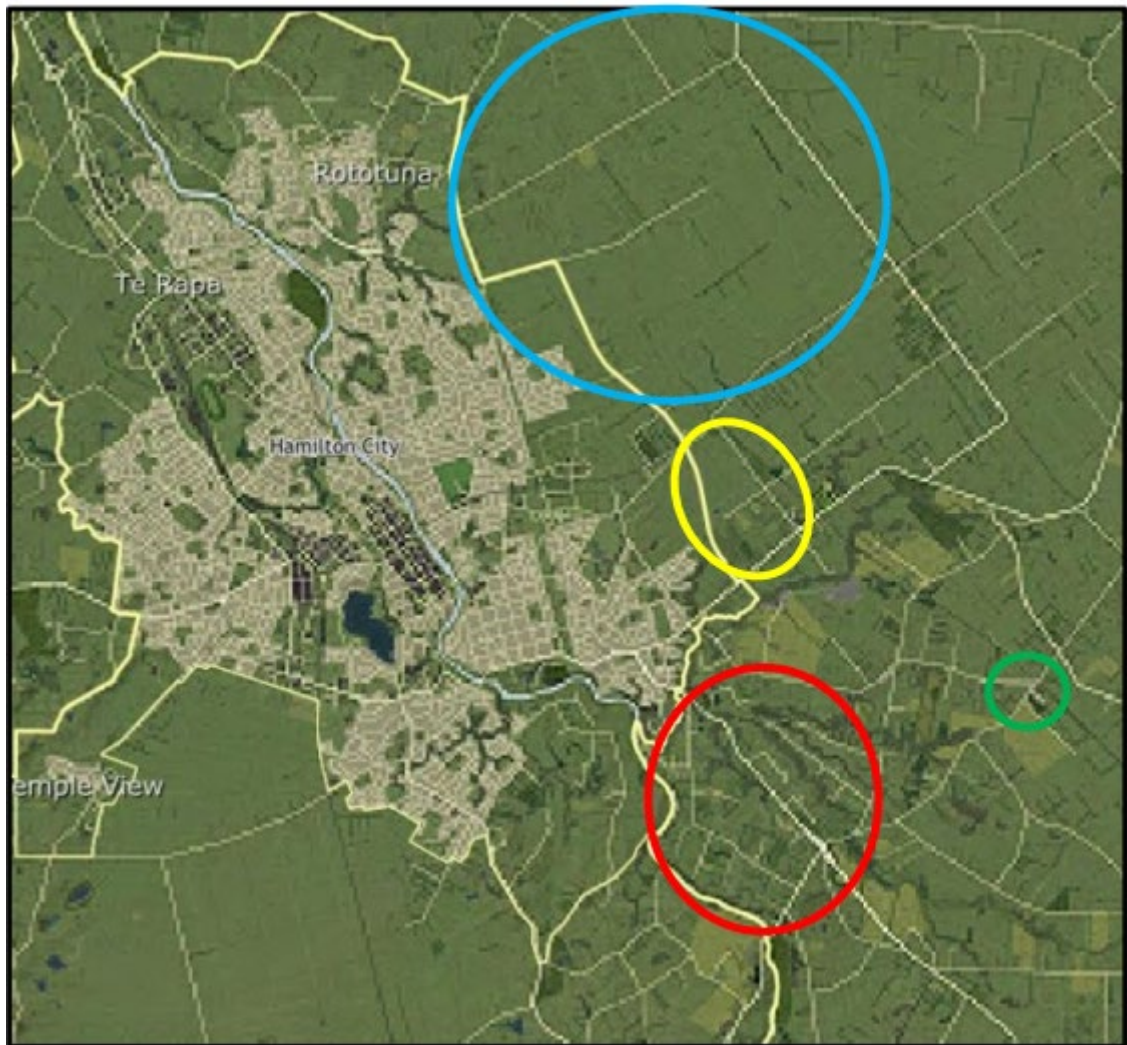


Figure 1: Location of submissions pertaining to zoning on the edge of Hamilton

- 3.2 In Matangi, the submissions generally sought to rezone the Rural zone to a more intensive zone (i.e. Country Living, Village or Residential), while in Tamahere the submissions largely sought a Rural to Country Living Zone change. Ruakura is a single submission from Tainui Group Holdings (TGH) seeking a change from Rural to a large industrial zoning. In Puketaha there are three submissions; one seeking an extensive tract of Future Urban-Zoned land, another seeking a spot Business zoning and the third seeking a rezoning of land within the Waikato Expressway to Residential (all the Puketaha sites are currently zoned Rural).
- 3.3 Ms Boulton organised her section 42A report largely by geographic area and covered the following areas:
- a) Glen Massey;
 - b) Te Uku;
 - c) Maramarua; and

d) Ohinewai.

3.4 We have similarly organised our decision into geographic areas where this is possible.

4 Overview of evidence

Matangi

- 4.1 Mr Andrew De Langen attended the hearing and spoke of the challenges of operating a sport horse training and breeding farm next to the development on the Matangi Dairy Factory site. He therefore sought the rezoning of his site at 436B Tauwhare Road from Rural Zone to Country Living Zone. Mr De Langen expressed concern about the industrial uses expanding on the Matangi Dairy Factory site, and the incompatibility of the industrial uses with training horses. He further explained that he would like to be able to subdivide one of the dwellings on his property onto a separate title, and relocate to somewhere more suitable.
- 4.2 Mr Shaw represented Ian and Darienne Voyle and their request to rezone their 3.78ha property at 436A Tauwhare Road from Rural Zone to either Residential or Village Zone (as clarified in Mr Shaw's evidence). Mr Shaw considered that the property was suitable for Village Zone for the following reasons:
- a) The site abuts residential areas along the north-western and eastern boundaries;
 - b) The site has frontage to Tauwhare Road (90m) and Taplin Road (160m) which will provide for good connection and integration with the existing transportation network;
 - c) The site will also have a good pedestrian connection to the village centre as a new footpath has recently been constructed along the road frontages as part of the residential development to the south of the subject site;
 - d) The site is close to urban amenities and facilities; and
 - e) The existing persimmon orchard does not provide a sustainable livelihood and is becoming a liability and a burden to maintain each year.
- 4.3 Mr Shaw assessed the proposal against the relevant objectives and policies in the PDP. He concluded that the rezoning proposal is supported by the objectives and policies that identify, in general, the suitable locations for urban growth, with the exception of Objective 5.1.1 and its reference to high quality soils. We note that the soils are (high) Class 2s and Class 2w on this site (these are high quality soils with few limitations for agricultural, horticultural or forestry uses). Mr Shaw specifically noted that the site is directly adjacent to an existing Residential Zone, within 120m of the Matangi town centre and less than 400m from the school, all of which promotes a compact urban form. Also,

the site is within the indicative urban limits shown on the maps in the Future Proof Strategy Planning for Growth (Future Proof).¹ Mr Shaw similarly assessed the proposal against the Waikato Regional Policy Statement (RPS) and Future Proof and concluded that it was consistent. We note from Mr Shaw's evidence that the site is within the indicative urban limits shown on the Future Proof maps, however growth in Matangi has not been identified in the Waikato 2070 growth strategy (Waikato 2070). Mr Shaw further assessed the proposal against the National Policy Statement for Urban Development (NPS-UD) and considered that the requested zoning would be supported by the NPS-UD and would enable the requirements of the NPS-UD to be better met.²

- 4.4 A preliminary contaminated site investigation was undertaken on the property, given the existing usage of the site as a persimmon orchard. We note the site was listed on the Waikato Regional Council's (WRC) Selective Land Use Register as Unverified HAIL A10 – Persistent pesticide bulk storage or use, however the preliminary contaminated site investigation report considered this was an error as organochlorines are unlikely to have been used. That assessment also considered the orchard to be too small for the bulk storage of persistent pesticides; and that any potential arsenic, copper and lead concentrations in soil will more than likely be below National Environment Standard residential soil guideline values.
- 4.5 Mr Andrew Wood appeared on behalf of I. and C. Thomas whose submission sought to amend the zoning of the property at 647 Marychurch Road, and the surrounding properties including the properties on the corner of Marychurch Road and Tauwhare Road, from Rural to Country Living Zone (or alternatively Village Zone or Residential Zone). He clarified at the hearing that the land which is the subject of the submission is bounded by the branch railway line, Tauwhare Road and State Highway 1B. Mr Wood described the sites as being approximately 25ha in area and rural residential in character, ranging in size from approximately 0.5ha to 5ha.³ Mr Wood considered that rezoning the land to Country Living Zone will provide more consistency with the sustainable management objectives of the Resource Management Act 1991 (RMA) and the PDP, and is more consistent with the existing environment, and character of Matangi. He further considered that the property is not productive for rural activities and referenced a report from AgFirst which demonstrated that productive use of the land is very unlikely to be able to be achieved. We note that the AgFirst report identified the site as containing high class soils suitable for a range of agricultural and horticulture activities; but considered that the built-up nature of surrounding properties would impose significant complications and constraints to the typical spray programmes required on such horticultural operations. Mr Wood considered that retaining a rural zoning effectively prohibited the ability of the property to be productive.

¹ Evidence in chief of Leigh Shaw on behalf of Ian and Darienne Voyle, Paragraph 21, dated 25 February 2021.

² Ibid, Paragraph 40.

³ Evidence in chief of Andrew Wood on behalf of I & C Thomas, Paragraph 10.

4.6 Mr Wood also undertook an assessment of the proposed rezoning of the site to Country Living Zone against the objectives in the PDP. He concluded that the proposal is not inconsistent with the objective and policy framework of the PDP when considering the limitations on giving effect to the rural zoning on the site, the sites' location and the existing environment.⁴ Mr Wood did not agree with Ms Tait's assessment in the section 42A report with respect to the following matters:⁵

- a) That rural residential zoning (Country Living Zone) will impede any future planning potential for the area to become urban (i.e. residential) should infrastructure provision allow;
- b) The section 42A report recommendation there be "no growth" for Matangi;
- c) The section 42A report fails to acknowledge that the Matangi Dairy Factory rezoning is being supported by the corresponding section 42A author and will create additional employment within Matangi Village;
- d) The statement that a rural residential zoning is contrary to outcomes expected by the NPS-UD;
- e) The reliance on the NPS-UD as a determining factor on whether to provide any rezoning in Matangi given large amounts of policy support in the PDP, the Future Proof and the RPS;
- f) That rural residential zoning is not a suitable outcome for Matangi;
- g) That a possible Future Urban Zone provides expectations on Council to deliver infrastructure to land;
- h) There has been no consideration of the inappropriateness of the existing zoning, including the existing rural residential character of the area; and
- i) The section 42A report states that the Council has "no intentions to expand the service capacity in Matangi" regarding wastewater but does not consider other regional wastewater documented in a recent report which shortlisted wastewater reticulation for Matangi. The section 42A report also does not acknowledge the recommendations in the section 42A report for the Matangi Dairy Factory site that wastewater expansion is possible.

4.7 Mr Wood also drew attention to the report "Hamilton Metro Spatial Wastewater Treatment Feasibility Study (September 20)" where wastewater reticulation for Matangi was one of the options presented.

⁴ Evidence in chief of Andrew Wood on behalf of I & C Thomas, Paragraph 17.

⁵ Rebuttal evidence of Andrew Wood on behalf of I & C Thomas, Paragraphs 5-7.

- 4.8 Mr Thomas' evidence explained that the property was small and unproductive land which, in his opinion, could not make money as a farming operation and therefore runs at a loss.
- 4.9 The Matangi Community Committee submission sought amendments to the PDP to:
- a) Amend the zoning of the properties adjacent to the Matangi village, as identified in the Community Plan 2013, from Rural to Village Zone;
 - b) Include a Council-driven structure plan for Matangi; and
 - c) Reconsider the intent of Matangi and the indicative village limits.
- 4.10 The evidence, including a section 32AA evaluation, clarified that a Village Concept Plan was prepared by the community identifying an area around the village for urban limits in which they would like development to occur. The evidence stated that the community believes growth should be complementary with the existing Matangi Village, continue the close knit feel of the community, enable the community to grow in a way that makes it sustainable and does not adversely impact on the highly productive farm and horticulture surrounding land (in that it provides jobs for the community). As the land surrounding the village is primarily zoned Rural (apart from the Dairy Factory), the Matangi Community Committee considered a change of zone was required and considered that a Village Zone fits with the community's goals and vision. The size of the rezoning sought was approximately 60ha, creating an approximate yield of 140-150 sites.

Horsham Downs

- 4.11 Mr Andrew and Mrs Christine Gore prepared both primary and rebuttal evidence and attended the hearing to speak to their submission which sought rezoning of 295 Kay Road (4.18ha) from Rural Zone to Country Living Zone. Of particular concern to Mr and Mrs Gore were the number of overlays which applied to their site, including Urban Expansion Area, Waikato River catchment and Hamilton Basin Ecological Management Area. They explained that they acquired the site from the New Zealand Transport Agency in 2007, in exchange for their previous property which was required for the Waikato Expressway. Mr and Mrs Gore described the characteristics of the site and their desire to enable appropriate development of it. They also considered that productive rural land uses cannot be supported on the property given its fragmented size and existing development and submitted that it should be rezoned Country Living Zone.⁶ Their reasons for seeking rezoning included:
- a) Continuing to re-establish ecosystems and retain biodiversity;

⁶ Statement of evidence of Andrew and Christine Gore, Paragraph 4.4, dated February 2021.

- b) Retaining the natural environment and topography that exists as much as possible;
- c) Providing choice in the housing market; and
- d) The Country Living Zone is more appropriate given the surrounding environment.

4.12 Mr and Mrs Gore considered that rural residential would be a sensible use of what would otherwise be waste land, until such time as it eventually becomes urban.

Summerfield Lane

4.13 Mr Mark Smith presented evidence in support of his request to have the properties in Pencarrow Road and Summerfield Lane rezoned from Rural Zone to Country Living Zone. He set out the background to the subdivision which created the current pattern of development, resulting in eleven sites ranging between 5218m² and 2.0375ha. Mr Smith considered that this area had the existing characteristics of a Country Living Zone, low quality soils, is satisfactorily serviced by road, telecommunications, power and is within 10km of Cambridge and Hamilton City.⁷ He further considered that releasing the land for development would allow further country living opportunities to be created without encroaching on good quality rural land, and without an extension of the urban fringe. After assessing the proposal against the objectives of the Rural Zone in the PDP, Mr Smith concluded that the properties have none of the characteristics of the activities anticipated in the Rural Zone and are incapable of maintaining productive rural activities. Conversely, he considered that the Summerfield Lane Precinct exactly reflects the description of the Country Living Zone in the PDP, as it provides for low density living in a specific location in a rural area. Mr Smith also stated all of the infrastructure which was either already present or would be needed to support development.

Te Awa Lane

4.14 Mr Steve Bigwood prepared evidence on behalf of Grant and Merelina Burnett in relation to their property at 50 Te Awa Lane, Tamahere. The submitters sought rezoning of the 4.0898ha site from Rural Zone to Country Living Zone. In his evidence, Mr Bigwood described both the site and the surrounding sites which are similarly used for predominantly rural residential living, most of which are between 0.8-1ha in size. He noted that a portion of the site (where it adjoins the Waikato River) is subject to the Significant Amenity Landscape Overlay and a Significant Natural Area. A Maaori pa site near the south-western corner of the site is also identified as being a Maaori Site of Significance in the PDP. Mr Bigwood clarified that the submission only sought rezoning,

⁷ Statement of evidence of Mark Smith, Paragraph A2.

and did not request any changes to the overlays. The main reasons he provided for supporting the rezoning were as follows:

- a) The site is surrounded by properties to the north and east that are zoned Country Living;
- b) The site is legally and physically separated from adjoining Rural Zone lots where a potential for amalgamation would otherwise exist to give effect to sustainable rural land use;
- c) Sustainable rural land uses are dictated by minimum parent lot size in Chapter 22 of the PDP, which does not align with the size of the site; and
- d) Intensive or horticultural rural land use is unlikely due to the high risk of reverse sensitivity effects as the site is immediately surrounded on all boundaries with land use activities that are residential in character.

4.15 In his evidence, Mr Bigwood assessed the proposal against the PDP objectives, policies and strategic direction and concluded that the main areas of tension relate to the objectives that limit urban development to existing defined growth areas and avoiding urban development in rural environments that would result in fragmentation or loss of productive farm land.⁸ Mr Bigwood undertook a similar exercise for the RPS, and concluded that the rezoning proposal (and resultant expected (permitted) development) is generally aligned with, and not contrary to, the objectives and policies of the RPS. He considered that the rezoning of the subject site is consistent with the purpose of the RMA, is consistent with the relevant objectives and policies of the RPS and also aligns with the relevant sections and expectations of the Waikato Tainui Environmental Plan Tai Tumu, Tai Pari, Tai Ao.⁹

4.16 Mr Bigwood also prepared supplementary evidence addressing Ms Tait's recommendation in her section 42A report to reject Mr and Mrs Burnett's submission. Mr Bigwood did not agree that the property was adjacent to Hamilton City Council's (HCC) territorial boundary or that interplay with Hamilton City needed to be considered. He also did not agree with the application of the NPS-UD to the proposal, or Ms Tait's assessment of the proposal against the RPS.

4.17 A geotechnical investigation was undertaken on the subject site by CMW Geosciences. The report stated that the risk of liquefaction and lateral spread is low, and concluded that ground conditions are good, although minor ground improvements and rib raft foundations for any future building platform were recommended. The report also stated that the natural slope of the area on the north-western edge of the site does not meet the required safety factor criteria due to the steepness of the slope. As a result of this,

⁸ Evidence in chief of Steve Bigwood on behalf of Grant and Merelina Burnett, Paragraph 50, dated 12 February 2021.

⁹ Ibid, Paragraph 103.

the report recommended a 10m setback from the top of the slope of the gully or, alternatively, that remedial works be considered.

- 4.18 A Preliminary Site Investigation was also prepared for the subject site by 4Sight Consulting. The investigation drew attention to the presence of lead and asbestos in the soil which exceeded recommended guidelines, but only in selected locations immediately surrounding the shed, with the presumed source being shed cladding materials. Based on that assumption, the report considered that the concentration of potential contaminants in soils across the vast majority of the site were highly unlikely to pose a risk to human health, if the proposed rezoning occurred. The report further considered that subdivision of the site was a permitted activity under Clause 8(4) of the National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health and soil disturbance across the site was a permitted activity under Clause 8(3), provided relevant thresholds were met.
- 4.19 Infrastructure service providers also gave written confirmation that there was infrastructure available within the vicinity of the subject site to supply future potential subdivision / development. They highlighted that there was a Council Rural Zone water supply reticulation that runs along the eastern and southern boundaries of the site, situated within Te Awa Lane. A road capacity assessment was also prepared by Traffic Engineer, Mr Lindsay Boltman which looked at the effects of developing five additional lots (equating to 50 vehicle movements per day (vpd) which would need to be catered for within the existing road network). The technical report considered that Te Awa Lane currently caters for 150 vpd and therefore has plentiful capacity to accommodate additional traffic movements that may result from the proposed rezoning. The report further noted that Te Awa Road is relatively flat, has good access sightlines, very low heavy commercial vehicle use, low vehicle speeds and no evidence of safety issues. The report concluded that it is unlikely an additional 50 vpd due to five additional dwellings would create any serious or significant safety issues.
- 4.20 Mr Warren Gumbley undertook a site inspection to determine the presence and significance of archaeology within the subject site. He identified two areas of Maaori made soils on the property, one on the lower terrace and one on the upper. As the made soils within the lower terrace were near the existing external property boundaries, any future development that complies with the relevant boundary setbacks (12m) would be clear of this area. Regarding the small area of made soils within the upper terrace, Mr Gumbley noted that the area is effectively outside any likely building platform and that any effects of development would be mitigated with a detailed archaeological investigation prior to soil disturbance.

Tamahere Drive

- 4.21 Mr Leigh Shaw prepared evidence on behalf of J and T Quigley who sought rezoning of their 1.9ha property at 25 Tamahere Drive from Rural Zone to either Country Living or Village Zone. He clarified that upon receipt of the section 42A report, the submitters are pursuing the Village Zone in order to meet the future needs of the existing village centre

in Tamahere. Mr Shaw sought consequential amendments to Rule 24.4.2 of the PDP to enable the Village Zone in Tamahere to be subdivided to minimum lot sizes of 1000m². He considered that the property was suitable for village zoning for the following reasons:

- a) The southern boundary is owned by the Crown and the topography falls away to a low-lying gully. As a result, there is no physical connection to any other rural land.
- b) The site is heavily modified and used as an early learning centre for up to 114 children.
- c) The area to the north and west of the site is characterised by country living development dispersed around the Hamilton City periphery.
- d) The site is surrounded by urban development and amenities.

4.22 In his evidence, Mr Shaw assessed the proposal against the relevant objectives and policies in the PDP and concluded that the rezoning proposal is supported by the objectives and policies that identify the suitable locations for urban growth. Specifically, he noted that the site is directly adjacent to an existing urban development, within 200m of a regional bus stop, 500m of the school and 800m of the existing commercial area, which promotes a compact urban form, and the site is within the Hamilton urban area of the Future Proof.¹⁰ Mr Shaw similarly assessed the proposal against the RPS and the Future Proof, concluding it was consistent with both. We note from Mr Shaw's evidence that the site is within the indicative urban limits shown on the Future Proof maps, however growth in Tamahere has not been identified in Waikato 2070. Mr Shaw further assessed the proposal against the NPS-UD and concluded that the rural zoning of the subject site in the notified PDP fails to achieve the requirements of the NPS-UD. He considered that the requested Country Living or Village zoning of the site would be supported by the NPS-UD and enable the requirements of the NPS-UD to be better met.¹¹

4.23 Two technical reports were also appended to Mr Shaw's evidence. The first report was an agricultural impact assessment undertaken by AgFirst which concluded that the proposed rezoning to the Village Zone would have no impact on future agricultural or horticultural potential. The report also identified the site as having LUC 1 and the rezoning was likely to result in a productivity loss of 6 - 10 sheep or 1 yearling beef animal. The second report was a wastewater report undertaken by Ormiston Associates Limited which considered that the site could be adequately serviced via a decentralised on-site wastewater treatment and disposal system.

¹⁰ Evidence in chief of Leigh Shaw on behalf of J and T Quigley, Paragraph 34 dated 25 February 2021.

¹¹ Ibid, Paragraph 53.

Greenhill Road

- 4.24 Mr Malcom MacDonald appeared at the hearing and filed several pieces of evidence to support his submission seeking zoning in order to enable a service centre development on the northern side of Greenhill Road. The rezoning specifically related to 4.5 ha of the 33.7023 ha site, with the area proposed to be rezoned being located immediately adjoining the Waikato Expressway off ramp. Mr MacDonald also filed an indicative layout plan of the site in support of his submission.
- 4.25 Ms Tracey Morse prepared planning evidence for Mr MacDonald's zoning proposal. In her evidence, Ms Morse assessed the rezoning proposal against the RPS and notified PDP objectives, considering that it was consistent with relevant provisions, with the exception of the PDP objectives focused on retention of high quality soils. She also assessed the proposal against the Future Proof principles for rural areas and concluded that the proposal was consistent with these. Ms Morse further concluded that the rezoning proposal is generally consistent with achieving the outcomes sought in the higher-level planning instruments, with the proposal being, most notably, consistent with the general development principles listed in Section 6A of the RPS.¹² She also considered that the rezoning was generally consistent with achieving good planning practice in terms of the application of a new zone.¹³
- 4.26 Ms Morse also provided rebuttal evidence with respect to the section 42A report which recommended that the rezoning proposal be rejected. In that regard, Ms Tait considered that the proposal was contrary to the NPS-UD because it enabled urban development in a rural area. Ms Morse had an opposing opinion and considered that the rezoning request was unrelated to the nearby Hamilton urban environment, and instead reflected the immediate proximity of the site to the on-and off-ramps of the Waikato Expressway. She considered that the rezoning from Rural to Business Zone with a Motorway Service Centre Overlay would have been made irrespective of where this property lay in relation to any existing urban environments.¹⁴ She further noted that the existing motorway service centres at Bombay, Drury and Taupiri have not resulted in additional urban development and have remained focussed on servicing travellers. She considered that the rezoning would not impact on the future development of growth cell R2.
- 4.27 In her section 42A report, Ms Tait considered that a traffic impact assessment and assessment of effects are necessary in order to determine the appropriateness of Mr McDonald's rezoning request. However Ms Morse considered this was more appropriate to consider at the point of resource consent as either a controlled or restricted discretionary activity.¹⁵ Ms Morse also addressed the evidence of HCC and its desire to progress the review of Future Proof and the Metro Spatial Plan before considering

¹² Evidence in chief of Tracey Morse for Malcolm MacDonald, Paragraph 35, dated 17 February 2021.

¹³ Ibid, Paragraph 37.

¹⁴ Rebuttal evidence of Tracey Morse for Malcolm MacDonald, Paragraph 7, dated 3 May 2021.

¹⁵ Ibid, Paragraph 20.

rezoning proposals such as this. Ms Morse considered that if this was in fact the case, then the PDP would not be progressed at all. In response to Mr Wood's evidence on behalf of Waka Kotahi New Zealand Transport Agency (NZTA), Ms Morse considered there was little risk to the safety of road users. This was as development of the site would need an access design that meets all of NZTA's relevant design and safety outcome requirements in order to avoid adverse impacts on the safe and efficient operation of the Waikato Expressway. She considered that the proposal would contribute to traveller safety by preventing unnecessary accidents due to driver fatigue.¹⁶

- 4.28 An agricultural impact assessment was undertaken by AgFirst for the subject site and concluded that the site has Class 2 soils. The report pointed out that the distance to the dairy shed reduces the agricultural productivity for this part of the site, as it prevents effluent application and makes the area reliant on solid fertilisers to maintain pasture production. The report further considered that proximity to the Expressway limits the use for horticulture due to real or perceived contamination from particulate matter and emissions from vehicles. The loss of productivity of the site was calculated as a 3.7% reduction of the current dairy farming operation. Ms Morse addressed this issue in her rebuttal evidence and considered that because the site contains some high-quality soil it does not mean any subdivision, use or development is inherently inappropriate. She observed that the explanation of Policy 14.2 (High class soils) of the RPS is helpful as it advises that the intention of the policy or its methods is not to prevent all development on high class soils.¹⁷ Ms Morse considered that the development did not represent a net loss of productive rural land due to the ability for the wider site to increase productivity in order to accommodate any loss of rural productivity.

Ruakura Road

- 4.29 Ms Tamara Huaki appeared and talked to her concerns about the request by TGH for industrial zoning near her home at 495 Ruakura Road. She spoke of the adverse effects she had experienced from the earthworks already undertaken, including the loss of rural amenity, noise, vibration, flooding, traffic volumes, deterioration in road quality, and the decreasing safety of the roads for all transport modes including pedestrians and cyclists. She expressed concerns that the rezoning sought by TGH was likely to exacerbate these adverse effects. Ms Huaki also spoke about the loss of soil productivity if the rezoning occurred.
- 4.30 TGH filed a legal submission which explained that it had not filed technical or planning evidence to support its submission as it is currently focusing its efforts on the regional strategic planning process of the Metro Spatial Plan. The Metro Spatial Plan identifies the possibility of providing for industrial and inland port-related activities on the eastern side of the Waikato Expressway, as a matter for future investigation. To that end,

¹⁶ Ibid, Paragraph 29.

¹⁷ Rebuttal evidence of Tracey Morse for Malcolm MacDonald, Paragraph 14, dated 3 May 2021.

investigation of alternative land use arrangements for the long-term development of Ruakura, including to the east of the Waikato Expressway, has been identified within the “priority development area” programme for the Central Corridor. The intention is that these investigations take place through Phase 2 of the Future Proof review which is currently underway.

- 4.31 We understand that TGH’s preference is that the Future Proof Phase 2 process be completed prior to any substantive investment in related rezoning and regulatory processes. As the PDP process is progressing ahead of the Future Proof Stage 2 work programme, TGH maintains its submission seeking rezoning and depending on the outcome of the Future Proof Stage 2 work, work will be commenced in accordance with the RMA to progress and support an agreed outcome for the land east of Waikato Expressway.¹⁸
- 4.32 Mr Noel Smith filed evidence opposing TGH’s rezoning request. Mr Smith outlined that the area subject to the submission is currently used for rural and horticultural activities, along with established childcare facilities, cafes / restaurants, bed and breakfasts, a riding centre and other small family enterprises. He disagreed with TGH’s assertion that the site is virtually connected to the land on the western side of the Waikato Expressway, with a separation distance of 160m. Mr Smith expressed concerns about the traffic generation and the loss of quality horticultural soils that would result from an industrial zoning.

Gordonton

- 4.33 Jacob Robb filed evidence on behalf of David and Barbara Yzendoorn which addressed their request to rezone their properties at 1002 and 1012 Gordonton Road from Rural to Residential Zone. In her section 42A report, Ms Boulton supported rezoning of 1002 Gordonton Road but considered that supporting detail was lacking for the rezoning of 1012. Mr Robb addressed this shortfall of information in his rebuttal evidence, in which he spoke to servicing for wastewater, stormwater and fresh water (three waters), transport and connectivity, high class soils, natural hazards and consistency with the RPS. He considered that the requested rezoning was appropriate as the site is relatively small, already developed, abuts Residential Zoned sites of similar size and can serve no productive rural purpose.¹⁹
- 4.34 In his evidence, Mr Robb also addressed the further submission from HCC and its opposition to rezoning before the Metropolitan Spatial Plan and Auckland to Hamilton Corridor Plans were completed. He considered this approach to be too heavy handed and did not give adequate consideration to the existing characteristics of the site and surrounding environment. He further noted that neither of the planning initiatives

¹⁸ Memorandum of Counsel for Tainui Group Holdings Limited, Paragraphs 14-15, dated 17 February 2020.

¹⁹ Rebuttal evidence of Jacob Robb on behalf of David and Barbara Yzendoorn, Paragraph 18 dated 3 May 2021.

specifically related to Gordonton.²⁰ Overall, Mr Robb considered that the site had no real potential to contain additional development that could in any way undermine or impede the implementation of any future spatial planning.

Ohinewai

- 4.35 We heard from several expert witnesses and legal counsel representing Ohinewai Lands Limited (OLL) as part of Hearing 19 Ohinewai Zoning, and then again in Hearing 25. The evidence at Hearing 19 focused on land on the southern side of Tahuna Road, where the submitter sought that a further 39ha growth area be signalled within the Ohinewai Structure Plan. No 'live' zoning was sought at that time by OLL, and the intention was to undertake a plan change at some later date. By the time of Hearing 25, OLL's focus had been extended to include land to the north / north-east of Balemi Road, and Mr Matthew Twose's evidence supported Future Urban Zoning for both of these areas. In his legal submissions Dr Robert Magkill explained that at the time of Hearing 19, the inclusion of a Future Urban Zone in the PDP had not been proposed and was therefore not addressed by OLL, or other submitters, in evidence or legal submissions.
- 4.36 In his evidence on behalf of OLL, Mr Twose assessed a Future Urban Zone over the OLL land against objectives and policies of the notified PDP. He concluded that should the Ambury Properties Limited (APL) land be accepted for urbanisation and the Hearings Panel adopts the introduction of a Future Urban Zone, then the PDP will have an appropriate framework for managing future urban areas such as OLL's, where immediate live zoning is not proposed.²¹ He also concluded that the OLL proposal gives effect to Policy 8 of the NPS-UD and is consistent with the Waikato 2070 strategy. Mr Twose considered that as Waikato 2070 is more recent and cognisant of the significant growth issues the district is now facing, it is more closely aligned with growth management directions contained in the NPS-UD than Future Proof 2009 (although this is the document that is embedded in the RPS).²² In terms of the physical attributes of the sites, he considered that the OLL land to the south of Tahuna Road is well suited to be zoned residential in the future, in conjunction with the land areas proposed by APL. To ensure sufficient land capacity was available to address industrial land supply for the medium and long term, Mr Twose also supported the identification of the OLL land to the north of the APL land areas as part of a Future Urban Zone.²³

²⁰ Ibid, Paragraph 22.

²¹ Evidence in chief of Matthew William Twose on behalf of Ohinewai Lands Limited, Paragraph 30, dated 17 February 2021.

²² Ibid, Paragraph 64.

²³ Ibid, Paragraph 77.

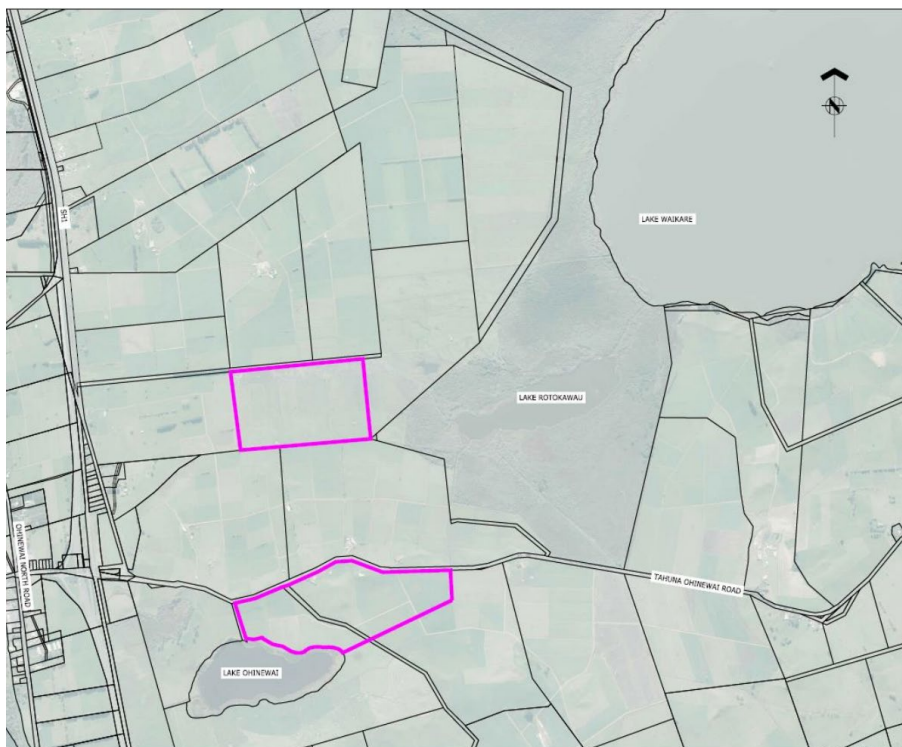


Figure 2: Extent of Future Urban Zone sought by Ohinewai Lands Limited sites as sought in Hearing 25

- 4.37 High level technical assessments focussed on the Tahuna Road site were included in the evidence from OLL, including geotechnical, earthworks calculations and transport assessments. An archaeological assessment undertaken by Mr Gainsford and Mr Gumbley²⁴ also stated that there are no archaeological sites recorded on the OLL sites subject to the rezoning requests. While a pa was identified on the south side of Tahuna Road bordering Lake Ohinewai, and thirteen archaeological sites were identified during the 1983 Foster survey including midden, pit/terrace, a find spot and a historic site, none of these are located within the OLL site.
- 4.38 Preliminary calculations of water and wastewater servicing requirements for the OLL site are contained within the Infrastructure Services Assessment and show a population of 1035 people on the OLL land would equate to water and average wastewater demand of 207m³/day²⁵ and 270m³/day²⁶, respectively. Specific options were not confirmed but were considered to be feasible.
- 4.39 The technical report provided by OLL indicates that the OLL sites contain land subject to flood risk. This includes both surface flooding from watercourses, and flooding in the event of the failure of the Waikato River stopbanks. The majority of the low lying land in the Ohinewai area is prone to flooding and has a high water table, with grazing of the

²⁴ Archaeological assessment of effects, Matthew Gainsford and Warren Gumbley, dated June 2019.

²⁵ Infrastructure Service Assessment, Harrison Grierson, Section 8.2, dated 19 November 2019.

²⁶ Ibid, Section 8.3.

land enabled by drainage schemes and pumping managed by the Waikato Regional Council (WRC). In their evidence, OLL provided flood modelling results demonstrating that future development could reasonably manage flood risks, including consideration for climate change. The potential residential area within the OLL site is relatively elevated compared to some other areas within Ohinewai and this was a key factor in its identification as a potential future growth area. Approximately 7ha (equating to 30%) of the potential residential area is identified as being below the flood level of RL 8m 1% AEP and therefore may require filling to elevate building platforms above the flood risk area. To reduce any increased risk to surrounding properties, OLL suggested that the same amount of material used to fill the OLL site could be removed elsewhere in the floodplain to achieve hydraulic neutrality.

- 4.40 The OLL section 32AA report identified that upgrades will be required to provide safe pedestrian and cycle access across the Waikato Expressway and railway; and to Tahuna Road to provide access for vehicles, pedestrians and cyclists to development on both sides of the road. Based on the anticipated scale of residential development (235 dwellings), traffic generation could be 2,350 vpd. The OLL proposal sought changes to the APL Structure Plan to provide for development on both sides of Tahuna Road. The proposal also noted that upgrades to Tahuna Road would be required in order to provide for vehicles, pedestrians and cyclists as well as access to land to the north (APL site) and south (OLL site) as part of the development of those areas. OLL requested that the APL masterplan be modified to reduce vehicle speed (ideally 50km/h) along Tahuna Road and for a fourth leg to be provided for on the Tahuna Road roundabout to provide future access to its site. OLL also sought inclusion on the APL Structure Plan of the potential access locations from APL's site to the northern land it owned.
- 4.41 In terms of the ecological effects of the OLL development identified in the OLL section 32AA report, the main focus was the retirement of 39ha of land from farming usages, as well as the opportunities to preserve the natural character of Lake Ohinewai and its margins through the retirement of grazing land adjacent to Lake Ohinewai which had the potential to create a new reserve for ecological enhancement and recreation.
- 4.42 Mr David Whyte attended Hearing 19 in support of the submission from Ohinewai Area Committee and described the current Ohinewai community as well as the future of the sites addressed in their submission.

River Road

- 4.43 Mr Martin Lynch spoke to his submission seeking the rezoning of the property at 2044 River Road to Country Living Zone, as it currently is zoned in the Operative District Plan (ODP). He explained how his property had been notified in the PDP as being in the Rural Zone, despite there being a consent for a 5-lot subdivision and explained the progress he has made towards implementation of the subdivision consent. He noted that the property reflects the character and amenity of the neighbouring properties immediately

adjacent to the west, northwest, south east and south of his property, which are all zoned Country Living Zone.

Glen Massey

4.44 Mr Leigh Robcke presented evidence on behalf of Dinah Robcke supporting the rezoning of 16ha of the properties at 859 and 889 Waingaro Road from Rural to Village Zone. He outlined the background to the development and zone pattern of Glen Massey, including the Glen Massey structure plan. We note that the ODP has 48ha of land zoned Country Living Zone, but this was reduced to 31ha in the PDP. Mr Robcke's evidence focused on rezoning the 31ha of land zoned Country Living Zone to Village Zone rather than reinstating the full extent of the Country Living Zone. Mr Robcke considered that the soils in and around Glen Massey do not meet the definition of high class soils and are generally LUC6 or LUC4 in the case of this site.²⁷ Mr Robcke attached the following technical information to his evidence:

- a) An initial investigation of site soil and ground conditions undertaken by a geotechnical engineer which assessed the appropriateness of the site for rural residential development. The report concluded that the soil and ground conditions were inherently stable, surface soils were suitable for wastewater treatment and disposal and considered that no specific earthworks are required. The report also referenced the central gully which could be used as a natural feature and for stormwater attenuation.²⁸
- b) A Tonkin & Taylor report that was commissioned by Council in 2015 which concluded that the ecological, flooding and overall constraints to Glen Massey are low.

4.45 Mr Robcke assessed the proposal against the Future Proof 2017 principles and considered that no issues would be created, or exacerbated, by the rezoning as the proposal would be consistent with it.²⁹ He also assessed the proposal against the relevant objectives and policies in the PDP and concluded that the proposal would not be inconsistent with those either.

4.46 Dr Joan Forret filed legal submissions on behalf of S and K Quigley and Quigley Family Trust who sought rezoning of the property at 233 Wilton Collieries Road, Glen Massey to either Country Living or Village Zone. Her submission stated that the proposal would support the existing Glen Massey village by concentrating residential development; and would be a better option for those seeking a rural lifestyle than allowing for ad hoc and scattered subdivision throughout the rural zone, especially in areas close to Hamilton

²⁷ Evidence in chief of Leigh Robcke on behalf of Dinah Robcke, Paragraph 8.4, dated 19 February 2021.

²⁸ Ibid, Paragraph 10.4.

²⁹ Ibid, Paragraph 11.8.

City. Dr Forret further disagreed with the assessment and recommendation in the section 42A report to reject the submission and considered that Country Living Zone would ensure an efficient use of land resource.³⁰ In her submissions, Ms Forret also noted that a subdivision consent had previously been approved for the site and was only partly implemented.³¹

- 4.47 Ms Morse filed planning evidence on behalf of Quigley Family Trust and described the key features of the previously approved subdivision. She summarised the assessment of various technical experts and concluded that the surrounding road network could accommodate the additional traffic volumes and that access to lots could be provided for in comparable locations to those shown on the previously approved subdivision plan. Ms Morse observed that the site comprises solely of low class (Class 6) soils, and this, combined with the contour and fertility of the soils, provides significant limitations to the agricultural productivity of the site.³²
- 4.48 In her evidence, Ms Morse considered that the rezoning proposal was generally consistent with achieving the relevant objectives of the PDP, as well as being generally consistent with achieving the outcomes sought in the higher-level planning instruments. Ms Morse also drew our attention to consistency with the general and rural-residential development principles contained in Section 6A of the RPS.³³ Overall, Ms Morse concluded that the site was well suited to be zoned Country Living due to its location adjacent to the Glen Massey village with existing facilities. She expressed concern with the assessment in the section 42A report and considered that the reliance on Future Proof to determine areas appropriate for growth was flawed.³⁴
- 4.49 Mr Stuart Quigley filed rebuttal evidence for Quigley Family Trust providing the details of the 18-lot subdivision consent and addressing the delays that occurred with implementation of the consent prior to section 223 approval finally being obtained for 2 lots in February 2011. He explained that the consent had since lapsed due to delays in implementation, some of which have been attributed to roading repairs.³⁵ Mr Quigley also outlined reasons why the site was appropriate to rezone including:
- a) The soil is not productive;
 - b) Enabling other people to enjoy the lifestyle of living in the country and being self-sufficient;

³⁰ Ibid, Paragraph 56.

³¹ Legal submission on behalf of Quigley Family Trust, Paragraphs 5-7, dated 10 February 2021.

³² Evidence in chief of Tracey Morse on behalf of Quigley Family Trust, Paragraphs 14-16, dated 17 February 2021.

³³ Ibid, Paragraph 37.

³⁴ Rebuttal evidence Ms Morse on behalf of Quigley Family Trust, Paragraphs 22-25, dated 3 May 2021.

³⁵ Rebuttal evidence of Mr Quigley on behalf of Quigley Family Trust, Paragraphs 3-24, dated 3 May 2021.

- c) Supporting the Glen Massey school; and
 - d) Providing a diversity of housing options within the Waikato District.
- 4.50 Ms Judith Makinson filed evidence on behalf of Quigley Family Trust regarding transport effects. She outlined the likely number of vehicle movements and considered that the current width of Wilton Collieries Road was sufficient enough for the proposed zone change. Ms Makinson concluded that the transportation effects of the proposed rezoning to the Country Living Zone would be less than minor and that the mitigation measures required as part of the previous 18-lot residential subdivision consent remain applicable.³⁶
- 4.51 Mr Dave Miller filed evidence on behalf of Quigley Family Trust regarding soil types and productivity, concluding that there was no prospect for horticulture on the site due to the soil and topographical limitations (although forestry was an option). He further acknowledged that a shift to Country Living Zoning would result in a modest drop in the carrying capacity of stock but observed that if the property was rezoned, then it was reasonable to assume that a number of the lot owners would continue to run stock of some kind as a means of controlling pasture and weeds.

Rotokauri

- 4.52 Mr David Hall attended the hearing and spoke to his site at 32 O'Brien Road, close to the western edge of Hamilton City. He observed that there are 15 houses on the 500m length of road, as well as a creche, and noted that the area was not rural in character. While the site was currently zoned Rural, Mr Hall wished to be able to subdivide and put more houses on the site (either through rules or a change in zone to Country Living Zone) to enable his children to own property. Due to the small size of sites around his property, Mr Hall observed that it was uneconomic to farm cattle on the land.

Horotiu

- 4.53 Mr Dale Pitcher attended the hearing and addressed his site at 20 Horotiu Bridge Road and his desire to subdivide the 1.5ha site into 3 lots by rezoning it to Country Living Zone. He described the pattern of development that surrounded the site which comprises 5,000m² sections zoned Country Living.
- 4.54 Dr Forret filed legal submissions on behalf of Horotiu Properties Limited (HPL) who requested that its site at Horotiu be rezoned from Rural to Country Living or Village Zone. She outlined the main reason for this request was because the property was too small to be a productive rural property as it was a balance lot resulting from a previous

³⁶ Evidence in chief of Ms Matkinson on behalf of Quigley Family Trust, Section 11, dated 5 February 2021.

subdivision with prominent physical constraints. This meant the property could not grow nor support any practicable rural productive activity.

- 4.55 Ms Morse filed planning evidence on behalf of HPL and clarified that the submitter was seeking Country Living Zone for the 7.54ha property on Sullivan Road which was capable of accommodating 13 dwellings. She described the site and the key features of the structure plan which had been developed. Ms Morse also provided an analysis of the Council's section 42A Framework Report and noted that the proposal was generally consistent with achieving the relevant objectives of the PDP. She considered that Horotiu was an appropriate location for a Country Living Zone as it would enable the consolidation of an existing node and offers an alternative to further fragmentation in the Rural Zone. While Ms Morse acknowledged that there would be some loss of rural land and a change to the existing visual character and amenity of the area, she considered that the site had a number of characteristics that made it ideal for the Country Living Zone. She further considered that the proposal was generally consistent with achieving the outcomes sought in the higher-level planning instruments and, most notably, the proposal was consistent with the general and rural-residential development principles contained in Section 6A of the RPS.³⁷ Ms Morse's evidence also addressed the assessment and recommendations of the section 42A report and outlined the areas in which she disagreed.
- 4.56 Ms Andrea Simpson, the sole director of HPL, filed evidence and provided a background of the history of the site including farming, compulsory land acquisition under the Public Works Act, previous sand mining and the creation of 3 lifestyle lots through subdivision and the requirements of the Hamilton to Ngaruawahia cycleway.³⁸ Ms Simpson's evidence detailed the soil / farming issues pertaining to the site and included a report from AgFirst which concluded that the site was no longer suitable for high value horticulture activities due to the history of sand quarrying.
- 4.57 An archaeological report completed by Opus was also filed as evidence by HPL and stated that any archaeological features that may have once been present on the site are likely to be long gone by now due to the sand mining. Ms Simpson's submissions note that no archaeological features were uncovered during the development of the 3 lifestyle blocks that were established on the southern part of the block, adjoining the Waikato River.³⁹ Ms Simpson concluded that rezoning of the site would:
- a) Result in a more efficient use of the land;
 - b) Provide significant economic benefit to the landowner;
 - c) Enable additional housing in an appropriate location;

³⁷ Evidence in chief Ms Tracey Morse on behalf of Horotiu Properties Limited, Paragraph 33, dated 17 February 2021.

³⁸ Evidence in chief Andrea Simpson on behalf of Horotiu Properties Limited, Paragraphs 3-12, dated 17 February 2021.

³⁹ Ibid, Paragraph 19.

- d) Result in additional development contributions and rates to Council; and
- e) Provide a variety of product onto the housing market in close proximity to the existing Horotiu village.⁴⁰

Mangatawhiri

4.58 Mr Mark Arbuthnot filed evidence on behalf of the Dilworth Trust Board in support of rezoning the property at 500 Lyons Road, Mangatawhiri through the creation of “Specific Area” provisions for activities and facilities of the Dilworth School (Rural Campus). Mr Arbuthnot considered that the notified objectives and policies of the PDP did not support “educational facilities” in the Rural Zone and that there were aspects of the provisions that conflicted with the ongoing use and development of the Rural Campus. He observed that as Dilworth School operates as an independent school, it does not benefit from requiring authority status and cannot rely on a designation to develop its facilities in the same way that other Rural-zoned “educational facilities” can. He considered that requiring all additional development at the Rural Campus to obtain resource consent as a restricted discretionary activity did not “enable” the activity to provide for the social, cultural, and recreational needs of the community. He also included a set of provisions for a “Specific Area” in his evidence which was largely based on the Rural Zone rules.

4.59 While Mr Arbuthnot agreed with the section 42A report assessment on the RPS provisions, he considered that requiring resource consent for any further additions to the school as a restricted discretionary activity was not appropriate. He pointed out that even the most mundane development at the Rural Campus (for example, toilet block extensions or equipment sheds) would need to obtain resource consent, resulting in an unnecessarily inefficient and onerous process.⁴¹ Mr Arbuthnot remained of the opinion that the inclusion of “Specific Area” provisions for the Dilworth Rural Campus was the most appropriate way to achieve the purpose of the RMA, and in particular, the social, cultural and economic well-being of the community.

Te Uku

4.60 Dr Forret filed legal submissions on behalf of Diamond Creek Farm Limited (DCFL) and provided a summary of their proposal which sought the rezoning of 43ha of a 252ha property located north of State Highway 23 at Te Uku, from Rural to Country Living Zone. She described the Te Uku setting, with the main features being a rural community with a primary school, a coffee shop, church and a community hall. She then summarised the supporting technical reports and assessments as well as the applicable statutory framework and case law. Dr Forret disagreed with the assessment of the section 42A report which recommended that the submission be rejected and noted the

⁴⁰ Ibid, Paragraph 25.

⁴¹ Rebuttal evidence Mark Arbuthnot of behalf of Dilworth Trust Board, Paragraphs 2.3-2.5, dated 3 May 2021.

absence of opposition from NZTA.⁴² Dr Forret further noted that the request to rezone has been subject to a comprehensive planning assessment, which included a structure plan, and had significant support from the local community.

- 4.61 Mr Glen and Mrs Abbie Neems filed evidence as directors of DCFL, providing a description and history of the property along with details of the current use of the site as a sheep and beef farm. They also noted issues they faced with respect to the property, observing that farming the site was difficult due to it being split into two by State Highway 23. Mr Gore and Ms Neems considered that development of their property on the northern side of State Highway 23 was an appropriate location for future growth and would help create a more vibrant community.
- 4.62 Mr Bevan Houlbrooke filed planning evidence on behalf of DCFL and described the key features of the structure plan that had been developed to support the rezoning request. Mr Houlbrooke considered that the rezoning proposal was generally consistent with achieving the relevant objectives of the PDP and the outcomes sought in the higher-level planning instruments. He also considered the proposal to be consistent with the general and rural-residential development principles listed in Section 6A of the RPS and generally consistent with achieving good planning practice in terms of the application of a new zone.⁴³ Overall, Mr Houlbrooke considered the site to be well suited to be zoned Country Living.
- 4.63 Mr David Mansergh filed landscape evidence on behalf of DCFL and, after undertaking a landscape assessment, considered the site was well suited to the level of intensification and development that could occur under the proposed Country Living Zone. He outlined the reasons for the key features of the structure plan such as maintaining and enhancing key landscape and ecological features, reinforcing the existing Te Uku Village core as the heart of a rural village and enabling connections to the village centre and school. He further noted that while rezoning would change the rural characteristics of the area, it was appropriate because it enabled the consolidation of an existing node of development in and around Te Uku as well as being an alternative to further fragmentation.⁴⁴ Mr Mansergh considered that the adverse landscape effects lost as a result would be partially offset by the positive effects associated with proposed riparian restoration and gully / wetland enhancement works.⁴⁵
- 4.64 Ms Judith Makinson filed transport evidence on behalf of DCFL. She summarised the findings of the integrated impact assessment and consultation with NZTA, with the key issues being access location and traffic volumes on State Highway 23. She further

⁴² Legal submissions on behalf of Diamond Creek Farm Limited, Paragraphs 36-46, dated 12 May 2021.

⁴³ Evidence in chief of Bevan Houlbrooke on behalf of Diamond Creek Farm Limited, Paragraphs 19-37, dated 17 February 2021.

⁴⁴ Evidence in chief of Dave Mansergh on behalf of Diamond Creek Farm Limited, Paragraph 139, dated 16 February 2021.

⁴⁵ Summary Statement of Evidence Dave Mansergh on behalf of Diamond Creek Farm Limited, Paragraphs 2-3.

described the proposed transport network for the development, including alternative transport modes and connectivity. Ms Makinson concluded that the traffic and transportation elements of the proposed future residential use of 50 to 200 dwellings was consistent with, and supportive of, the relevant objectives and policies of the PDP. She further considered that it would not impede the current NZTA considerations in relation to speed limit and future road safety improvements.⁴⁶

Tauwhare

- 4.65 Ms Hannah Palmer filed evidence on behalf of Bowrock Properties Limited and spoke to its request to rezone 20ha on Tauwhare Road from Rural to Country Living Zone. She considered that rezoning the subject site would be a natural extension of the Country Living Zone on the eastern boundary of the site. Ms Palmer explained that the site cannot be used for traditional rural purposes due to the adjoining rural-residential properties and reverse sensitivity complaints as well as its size not being economically viable in the long term. She summarised the findings of the technical reports which demonstrated that the site was suitable for rezoning and development. She also outlined the main effects and mitigation measures for contamination, three waters servicing, geotechnical, transport, economic, landscape, amenity and character. Ms Palmer considered that these technical reports demonstrate that, subject to appropriate mitigation, there were no site constraints or transport issues that would prevent the site from being developed in accordance with the proposed provisions of the Country Living Zone, or under amendments sought in other hearings.⁴⁷
- 4.66 Ms Palmer concluded that while the subject site did not fit neatly into the policy framework due to it being located outside of an identified growth area, the rezoning to Country Living is a pragmatic solution to the key issues currently being experienced. Furthermore, she considered that the section 32AA report demonstrates that rezoning the site is appropriate and feasible.⁴⁸
- 4.67 Ms Palmer also filed rebuttal evidence addressing the reasons for rejecting the request set out in the section 42A report. In particular, she considered that the reporting officer had placed too much weight on the strategic direction set for urban growth in higher order documents, particularly Future Proof and Waikato 2070 (including Section 6C Map 6-2 in the WRPS), and the overall approach to growth management within the Waikato District. Ms Palmer observed that Future Proof and Waikato 2070 are dynamic rather than static documents noting that and provision exists to consider rezoning proposals outside of these areas, particularly where there is strong evidence to do so.⁴⁹

⁴⁶ Evidence in chief of Judith Makinson on behalf of Diamond Creek Farm Limited, Paragraphs 28-29, dated 17 February 2021.

⁴⁷ Evidence in chief of Hannah Palmer on behalf of Bowrock Properties Limited, Section 8, dated 17 February 2021.

⁴⁸ Ibid, Section 10.

⁴⁹ Rebuttal evidence of Hannah Palmer on behalf of Bowrock Properties Limited, Section 3.34, dated 10 May 2021.

- 4.68 Mr Nick Smith filed a section 32AA analysis in support of his submission to rezone properties at Scotsman Valley to the Country Living Zone. The properties are currently zoned Country Living Zone in the ODP but were notified in the PDP as Rural Zone. Mr Smith advised that landowners in the Country Living Zone at Scotsman Valley have already made plans and investment decisions that reflect the value of the land and subdivision potential of the Country Living Zone. He considered that it was unfair to change the zoning to Rural Zone, as there would be no agricultural production value to the district from rural zoning.

Horsham Downs

- 4.69 Mr John Olliver filed a memorandum on behalf of the Village Church Trust whose submission sought the rezoning of their site on the southern side of Martin Lane from Rural Zone to Village zone (or a suitable alternative zone). The site is bounded by the Waikato Expressway to the south and Resolution Drive / Horsham Downs Link Road to the east, together with neighbouring land. Mr Oliver explained that the primary purpose of the submission was to ensure the future expansion of the Church was reasonably provided for, and he attached preliminary plans for the expansion to his memorandum. He further explained that an alternative solution was to classify 'community activities' as a permitted activity in the Rural Zone by amending Rule 22.1.2. Mr Olliver explained that the recommendations in the section 42A report for the Rural Zone (which were to provide for expansion of the Church as a restricted discretionary activity in the Rural Zone) would satisfy the Village Church Trust. He considered this to be a reasonable compromise and therefore clarified that no rebuttal evidence to the rezoning request was necessary.

Waiuku

- 4.70 Mr Choudhary of Khushwin Limited, the owners of the property at 135 Hull Road, Waiuku, spoke in support of their submission seeking rezoning of 42ha of land from Rural to Living or Country Living Zone. Mr David Lawrie filed a letter describing the site as adjoining the Auckland Council boundary to the north-west which is zoned "Residential – Large Lot". He noted that although the soils are labelled 'versatile' on Council's maps, the soils will be retired to pasture grazing, which will stop any spray and dust problems so close to a residential area. He further explained that cropping is no longer economically viable due to the topography and the land adjoining residential Waiuku (which is under the jurisdiction of the Auckland Council). He stated that the land area was rather small and it was not economically sustainable to crop the land anymore. He considered that the rezoning proposal was not inconsistent with Objective 5.1.1 in the notified PDP as the site would provide an appropriate buffer between residential and rural land and has minimal impacts on the existing rural and urban character of the area because the re-zoning would blend into the existing environment. He considered that the proposal achieved the purpose of the RMA as it promotes the sustainable management of natural and physical resources and avoids any adverse effects of activities on the environment.

District-Wide

4.71 Mr Mike Wood filed evidence on behalf of NZTA and addressed all the rezoning requests that NZTA further submitted on. He helpfully set out his position on each of the requests:

- a) TGH – opposed, as further work is required through Phase 2 of the Future Proof review to further assess the strategic implications of urbanising this area. Until such time as this review is complete, he considered the zoning should remain Rural.
- b) Malcolm MacDonald – opposed, on the basis that unplanned growth beyond urban limits has the potential over time to erode the efficient movement of people and freight along the Waikato Expressway. He considered there was a lack of defensible boundaries and the current access arrangements would impact on safety of the Waikato Expressway.
- c) Ohinewai Lands Limited – opposed, on the basis that the request was inconsistent with the approved Future Proof settlement pattern and because the submission did not consider the adverse effects on the transport network.

4.72 Ms Laura Galt filed evidence on behalf of HCC that addressed all of the rezoning requests that HCC filed further submissions on. In terms of the submissions seeking rezoning from Rural to Country Living Zone (such as the submissions from G & M Burnett, M Smith, HPL, Bowrock Properties, and A & C Gore); Ms Galt opposed any further expansion of the Country Living Zone within Hamilton’s Area of Interest. She considered that there was often a disconnect between the expectation for levels of infrastructure service versus the ability to fund those services. She outlined concerns with cross-boundary impacts on infrastructure within Hamilton, particularly transport, three waters and social infrastructure. She observed that when the Country Living Zone is located adjacent to existing urban areas, it precludes future urban expansion.

4.73 Ms Galt also addressed the request from TGH and clarified that collective planning for this area is being progressed through Future Proof and the Metro Spatial Plan. As an alternative, she supported the area becoming a Future Urban Zone, provided that land uses are limited to industrial activities with appropriate infrastructure and capacity staging triggers. She addressed the request from Malcolm MacDonald in a similar way and considered that rezoning was premature given the progress of the Metro Spatial Plan. Ms Galt continued to oppose the submissions in Matangi seeking rural residential zoning but did accept that these locations are within the Future Proof and RPS urban limits.

4.74 Ms Galt summarised HCC’s overall position as:

- a) Urban rezoning requests outside of the identified growth nodes should not be considered favourably; and

- b) The extent of the Country Living Zone remains static in the Waikato District, particularly in the Urban Expansion Area.

4.75 Ms Miffy Foley filed evidence for WRC and addressed both general matters relating to zone extents and specific submissions / groups of submissions requesting changes to the notified zoning. She expressed concern about the approach to new 'live' zone areas, and in particular the lack of certainty regarding infrastructure provision. She considered such an approach does not give effect to the RPS. Ms Foley also considered that the notified PDP had sufficient short and medium-term capacity for urban development, thus negating the need to include extensive areas of greenfield residential zoned land at this time.

5 Panel Decisions

- 5.1 We note that a large number of primary submission points were received on the zoning across the Waikato District, and these were all considered in comprehensive section 42A reports, rebuttal section 42A reports and closing statements prepared by Ms Tait and Ms Boulton. Where possible, we have grouped our findings on these submission points into geographic areas.

6 Puketaha

Greenhill Road Motorway Service Zone

- 6.1 Having heard from Mr MacDonald and his planning expert Ms Morse, we consider that the proposal has merit and is an efficient use of the land given the immediate proximity of the site to the on-and off-ramps of the Waikato Expressway. We understand the issues raised by Mr Wood on behalf of NZTA regarding safety of the Waikato Expressway and access to the site but consider that these can be addressed through good design and subsequent RMA processes. While we acknowledge that the site is within Hamilton's Urban Expansion Area where the general policy approach is not to allow development, we do not consider development of this site will compromise future urbanisation in the vicinity. Additionally, we agree with Ms Morse that the rezoning of this site will not impact on the future development of growth cell R2, particularly given its unique location on the Waikato Expressway off-ramp.⁵⁰ We also agree with Ms Morse's analysis and conclusion that the rezoning proposal is generally consistent with achieving the outcomes sought in the higher-level planning instruments, including the general development principles listed in Section 6A of the RPS.⁵¹ In this regard we consider that the proposal gives effect to the RPS.

⁵⁰ Rebuttal Evidence of Tracey Morse on behalf of Malcolm MacDonald, Paragraph 16, dated 3 May 2021.

⁵¹ Evidence in chief of Tracey Morse on behalf of Malcolm MacDonald, Paragraph 35, dated 17 February 2021.

- 6.2 While Ms Tait's section 42A report considered that a traffic impact assessment and assessment of effects are necessary to determine the appropriateness of this rezoning request, we agree with Ms Morse that this is more appropriate at the resource consent stage. We further consider that a restricted discretionary activity status is the most appropriate in this respect and will enable such issues to be considered and addressed.
- 6.3 Ms Morse sought the site be zoned as Business Zone with a Motorway Service Area overlay and we agree. The additional provision is included in **Attachment 1**.



Figure 3: Zoning of 133 Greenhill Road

- 6.4 The Burton Family Trust's submission sought rezoning of approximately 500ha of land bounded by the Waikato Expressway, Puketaha Road, Telephone Road and Holland Road as the Future Urban Zone. We note that the site is not identified for growth in either Future Proof 2017 or Waikato 2070 and we did not receive any technical evidence to support the request. We have concluded it would be premature to rezone an area of this

size without a more comprehensive and integrated consideration of the proposal and its effects and have therefore rejected the submission.

- 6.5 David and Barbara Yzendoorn sought to amend the zoning of the properties between Gordonton Road, Greenhill Road and the Waikato Expressway (including 83 Greenhill Road, Puketaha) from Rural to Residential Zone. We agree with Ms Tait's analysis in her section 42A report that the location of this site within the R2 growth cell means it is suitable for urban development, but that rezoning of the area is premature. As this area will be transferred to HCC at some point, we consider that is a more appropriate opportunity to plan this area comprehensively. We have therefore rejected the submission.

7 Ruakura

- 7.1 TGH's submission sought a new Ruakura Industrial Zone to apply to land in Ruakura east of the Waikato Expressway. Given that legal counsel has clarified that TGH were not pursuing the submission through this district plan review process, we accordingly reject the submission.

8 Tamahere

- 8.1 Grant and Merelina Burnett sought that the property at 50 Te Awa Lane be rezoned from Rural to Country Living Zone. We are particularly aware that the surrounding properties are zoned Country Living Zone and see no reason why this property should not be zoned similarly. The rezoning of the property will make a more logical boundary with the adjoining Rural Zone, particularly as it will result in Te Awa Lane forming the boundary between the Rural Zone and the Country Living Zone. We are aware that there is a Maaori Area or Site of Significance on the site so care will need to be taken with the subdivision layout and location of buildings. Having said that, we agree with Mr Bigwood's assessment of the technical evidence that there are no environmental matters that would prevent the site from being developed for country living purposes. We further agree with Mr Bigwood's evaluation that the proposal is generally consistent with the objectives and policies of the PDP and gives effect to the RPS.

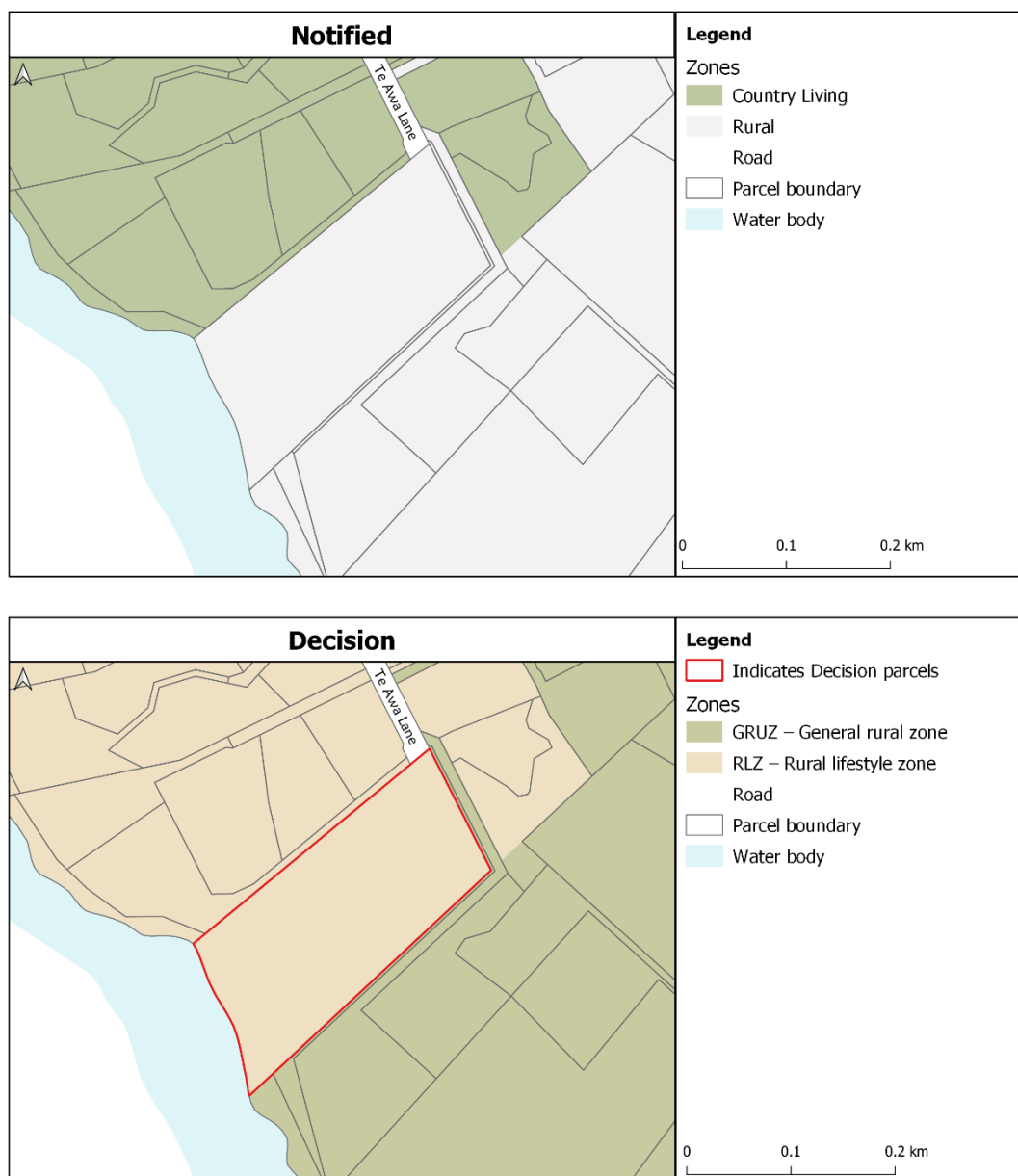


Figure 4: Zoning of 50 Te Awa Lane

- 8.2 Mr Smith sought rezoning of properties in Summerfield Lane, Tamahere from Rural to Country Living Zone. While we acknowledge that these are small sites, we consider that the zoning of this area needs to be considered more comprehensively to enable all the characteristics of the land in question and surrounding area to be evaluated. We are particularly aware of RPS Policy 6.17 which directs that careful management of rural residential development needs to recognise the pressures from, and the adverse effects of, rural residential development, particularly within close proximity to Hamilton City. Policy 6.17 also directs us to consider the potential for adverse effects, conflicts between activities, servicing demands and cross-territorial boundary effects. We consider that accepting this submission would likely result in an undesirable spot zone, created in

isolation of consideration of the most appropriate future development of the wider area. We therefore reject the submission.

- 8.3 Divina Libre, Mel Libre, Kim Angelo Libre and the Bettley-Stamef Partnership sought to amend the zoning for the land located between the Waikato Expressway and the Tamahere Country Living Zone (which includes Yumelody Lane) from Rural to Country Living Zone. We agree with Ms Tait's assessment in her section 42A report that the rezoning of this area would not give effect to the NPS-UD nor the RPS. We are aware that Policy 6.17 of the RPS directs that careful management of rural residential development needs to recognise the pressures from, and the adverse effects of, rural residential development particularly within close proximity to Hamilton City; as well the potential for adverse effects, conflicts between activities, servicing demands and cross-territorial boundary effects. The policy states that rural residential development should have regard to the principles listed in Section 6A of the RPS, and we consider that the rezoning of this area would conflict with the foreseeable long-term needs for the expansion of Hamilton City referenced in principle (b). On balance, we do not consider that the rezoning requests give effect to Objective 3.12, Policy 6.1, Policy 6.3, Policy 6.17 or the Section 6A principles of the RPS, particularly when contemplated through a conservative lens which the RPS signals is necessary for the Hamilton Fringe. We therefore have rejected these submissions.
- 8.4 J and T Quigley sought rezoning of 25 Tamahere Drive from Rural to Village Zone. We agree with Mr Shaw that a Village Zone is appropriate for the reasons he outlined; namely that there is no physical connection to any other rural land, the site is already urban in nature (being used as an early learning centre for up to 114 children), and the Tamahere Commercial Area is directly to the west of the site. We also agree with Mr Shaw's assessment that the rezoning proposal is supported by the PDP objectives and policies that identify the locations that are generally suitable for urban growth. We therefore consider that the rezoning of the site to Village Zone will give effect to the objectives of the PDP by enabling the consolidation of an existing settlement, in accordance with the requirements of Section 32AA of the RMA.

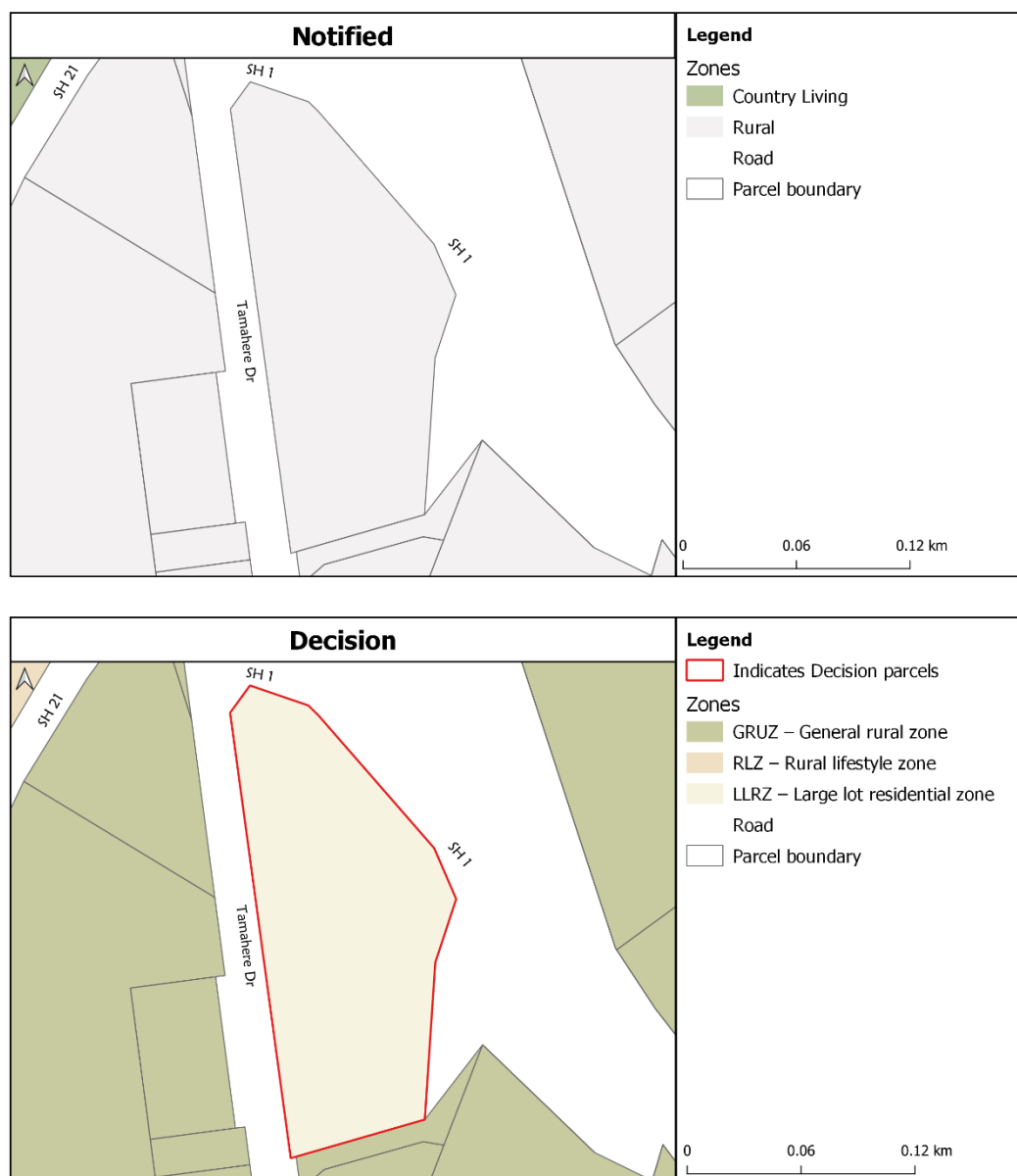


Figure 5: Zoning of 25 Tamahere Drive

- 8.5 Wendy Oliver sought rezoning of the property at 50C Cedar Park Road from Country Living to Village Zone (or to a deferred zone) or, alternatively, to reduce the minimum lot size of the Country Living Zone. We reject the submission as it would result in an inappropriately sited spot zone, that would also increase the potential for reverse sensitivity effects from the adjoining Rural Zone site.
- 8.6 Council sought to correct the erroneous zoning of the following two properties:
- 78 Strawberry Fields Lane from Road Zone to Rural Zone; and
 - 6, 6A and 20 Bates Road from Rural Zone to Country Living Zone.

8.7 We agree and have made the amendments accordingly.



Figure 6: Zoning of 6, 6A and 20 Bates Road



Figure 7: Zoning of 78 Strawberry Fields Lane

- 8.8 Tamahere Eventide Retirement Village (TERV) sought the retention of the Country Living Zone on land at, and immediately adjacent to, 621 and 597 State Highway 1 as per the notified PDP. We see no reason to change the zoning and accept the submission.
- 8.9 TERV also sought rezoning of the sites at 158, 168 and 174 Matangi Road from Rural to Country Living Zone. We agree that this is a logical extension of the Country Living Zone given that the sites are immediately adjoining the Country Living Zone to the west and the Waikato Expressway on the eastern boundary. We consider the Country Living Zone will better achieve the objectives of the PDP while reflecting the current levels of development and existing character in the area.



Figure 8: Zoning of 158, 168 and 174 Matangi Road

8.10 Ngaakau Tapatahi Trust sought to either amend Rule 22.1.2 Permitted Activities to provide for "health facilities" to protect the ongoing operation and development of Tamahere Hospital and Healing Centre at 104A Duncan Road; or, alternatively, rezone the site from the Rural Zone to the Business Zone. Considering that all of the adjoining sites are zoned Rural, we do not consider a spot zoning to be appropriate. Through our consideration of the Rural Zone provisions, we have included a new policy that provides for 'other anticipated activities in rural areas', as well as a restricted discretionary activity rule for community facilities (the definition of which includes health facilities). We consider that the Rural Zone provisions will protect the ongoing use and development of the Tamahere Hospital and Healing Centre. We therefore accept in part the

submission as we have addressed the submitters concerns through provisions rather than rezoning.

9 Matangi

- 9.1 A number of submitters sought that properties in Matangi be rezoned from the Rural to the Country Living or Village Zone (Geoffrey Long, Peter Fitzpatrick, the Matangi Community Committee, Ian Thomas, Ian and Darienne Voyle, Sharp Planning Solutions, Matangi Farms, Ethan Findlay, Amy and Andrew De Langen and Family Jepma). It seems to us that the Matangi Dairy Factory forms the centre of the settlement, with sites zoned located on the western edge of the Matangi Dairy factory as well as along Matangi Road. We gave the future settlement pattern for Matangi considerable thought, particularly given that we are aware that there is a high likelihood of wastewater servicing being provided in the future and the development plans for the Matangi Dairy Factory site. We wish to avoid enabling development now, in circumstances where it could compromise future development and intensification of the settlement. There are a number of sites zoned Residential around the centre of Matangi, and that factor along with the likelihood of reticulated wastewater servicing sets it apart from other areas seeking to be zoned as Village Zone. We consider the Village Zone enables a higher level of development while resulting in sites that are large enough to be further developed to urban densities if / when reticulated wastewater is available. We consider this approach will enable Matangi to grow and transition logically into a more urbanised centre.
- 9.2 It seems to us that the centre of Matangi is the intersection of Tauwhare and Matangi Roads and is framed by the Matangi Dairy Factory site and the commercial area on opposite corners of that intersection. Urban development has occurred only on the western side of the railway line, and we consider the railway line is an appropriate (and defensible) boundary. There is land zoned Residential on Taplin Road and Good Street and we see no reason why the land in between should remain as the Rural Zone. We consider that zoning the properties at 436A and 436B Tauwhare Road as Village Zone will enable a large lot residential form of development that will lend itself to a more intensive urban zone if / when reticulated wastewater is available. We also consider that the rezoning of these two properties will continue to focus residential development around the intersection of Tauwhare and Matangi Roads, rather than letting development sprawl. We further consider that the rezoning of these sites will address some of the reverse sensitivity issues that were raised in evidence by the submitters.
- 9.3 We have rejected all of the other submissions received from landowners in Matangi as they will undermine the compact form of the village as they do not give effect to the RPS or achieve the PDP objectives. Having considered the options open to us and the costs and benefits, we consider the rezoning of the properties at 436A and 436B Tauwhare Road will give effect to the RPS and more appropriately achieve the PDP objectives in accordance with section 32AA of the RMA.



Figure 9: Zoning of 436A and 436B Tauwhare Road

10 Glen Massey

- 10.1 The nineteen submissions requesting rezoning of land within Glen Massey related to two large sites located at 233 Wilton Collieries Road and 859 Waingaro Road. Addressing the site at 859 Waingaro Road first, we are aware that the PDP reduced the extent of the Country Living Zone for this site from 31ha to 48ha, as in the ODP. Having considered Mr Robcke’s planning evidence and the technical assessments, we agree that the 31ha of land at 859 Waingaro Road is more appropriately zoned as the Village Zone. We consider this will enable consistency with the existing Village Zoning and pattern of development on the southern side of Wilton Collieries Road / Waingaro Road.

We consider that the extent of the zone as notified in the PDP is appropriate given the topography of the site and distance from the Glen Massey School. We are also cognisant of Mr Robcke's comments at the hearing about the marginal ability to provide appropriate access to the more southern portion of the site (that is zoned Country Living Zone in the ODP). We consider that a Village Zone at the northern-most portion of the site, immediately adjacent to the existing village, will enable Glen Massey to grow in a sustainable way. This area was identified for future residential growth in the Glen Massey Structure Plan and, after considering all the alternatives open to us, we consider the rezoning of this site is an appropriate method to achieve the relevant objectives in the PDP. We therefore accept the submission.

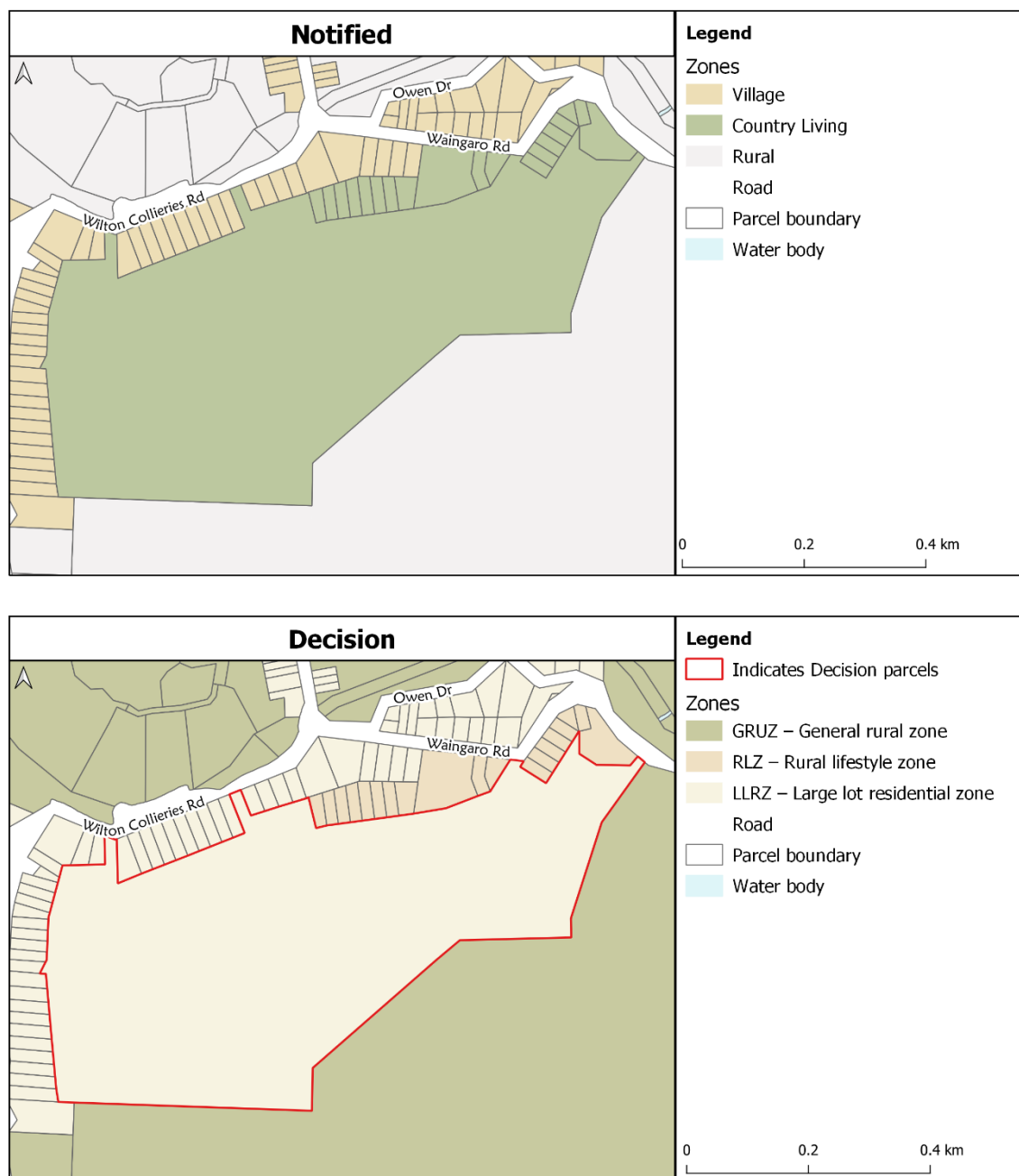


Figure 10: Zoning of 859 Waingaro Road

10.2 Turning to the 28.996 ha site located at 233 Wilton Collieries Road, the submissions received sought the land be zoned as both the Country Living Zone and the Village Zone. While we are aware that an 18 lot staged subdivision consent has previously been approved for this property and that 2 lots have already been created, we were not persuaded by the evidence presented to us. We do not consider this property to be suitable for rezoning, for the reasons set out in the section 42A report, which we adopt.

11 Te Uku

11.1 DCFL sought rezoning of a 43ha rural property on State Highway 23 from Rural Zone to Country Living Zone, however we do not consider the rezoning to be appropriate. This is a substantial development that is not located within an indicative urban or village limit identified in Future Proof 2017, nor is it in Waikato 2070. We agree with the following observations of Ms Boulton in her section 42A report:⁵²

- a) Te Uku is a small rural settlement rather than an existing urban area. The rezoning request therefore does not support an existing urban area, rather the submission seeks to create a new one.
- b) The Landscape and Visual Assessment concludes that the rezoning will affect existing rural character and amenity by enabling greater density of development than that which can be achieved through the Rural Zone rules.
- c) The rezoning request does not promote compact urban form, design and location. While the structure plan provided for the request shows pedestrian walkways and cycleways throughout the site, and a footpath may be located across the frontage of the site as part of a subdivision, there are no connections beyond this for walking and cycling at this time.
- d) The likelihood of reverse sensitivity effects.
- e) The likelihood of positive social consequences in creating more of a community and growing the school in this location.
- f) The property is a productive farm with high class soils.
- g) In terms of Policy 6.17 of the RPS (Rural-residential development in Future Proof), the rezoning request will contribute to pressure to fragment the rural land resource. At Te Uku, this will occur over an area of the rural resource which has not been identified for future urban growth. This therefore creates a pressure to fragment the rural land resource rather than manage it.
- h) This rezoning request does not make use of an opportunity for urban intensification and redevelopment to minimise the need for urban development in greenfield areas.

11.2 We consider that increasing the density to the scale sought would substantially change the rural character and, most significantly, would effectively create a new settlement that would not give effect to the RPS or achieve the objectives of the PDP. For these reasons, we have rejected the submission of DCFL.

⁵² Section 42A report Hearing 25 Zone Extents - Rest of District, Catherine Boulton, Paragraphs 123-124, dated March 2021.

12 Horotiu

- 12.1 Mr Pitcher sought that the property at 20 Horotiu Bridge Road be zoned as the Country Living Zone, while HPL sought that the adjoining property at 27 Sullivan Road be similarly rezoned to the Country Living Zone. Given the proximity to existing land zoned as the Country Living Zone immediately across Horotiu Bridge Road to the east; we consider that the rezoning of both sites to the Country Living Zone will result in an efficient use of land and a consistent character / pattern of development. While we understand the concerns of Ms Galt on behalf of HCC, HT1 is a significant area of land and we do not consider that the development of these sites will undermine the ability to urbanise in the future (if deemed appropriate for this area).
- 12.2 We agree with Ms Morse's assessment that Horotiu is an appropriate location for a (modestly sized) Country Living Zone as it will enable the consolidation of an existing node and offer an alternative to further fragmentation in the Rural Zone. We further agree that the proposal is generally consistent with achieving the outcomes sought in the higher-level planning instruments and, most notably, is consistent with the general and rural-residential development principles listed in Section 6A of the RPS. We found the evidence of Ms Simpson helpful for understanding the history of the site at 27 Sullivan Road and the reason for the lake in the middle of the site. Having considered the options available to us, we consider that the rezoning of the sites will achieve the objectives in the PDP and better reflect the characteristics of the sites. Based on the evidence presented to us by submitters, we accept the submission of Mr and Mrs Pitcher and HPL and rezone both properties as Country Living Zone.

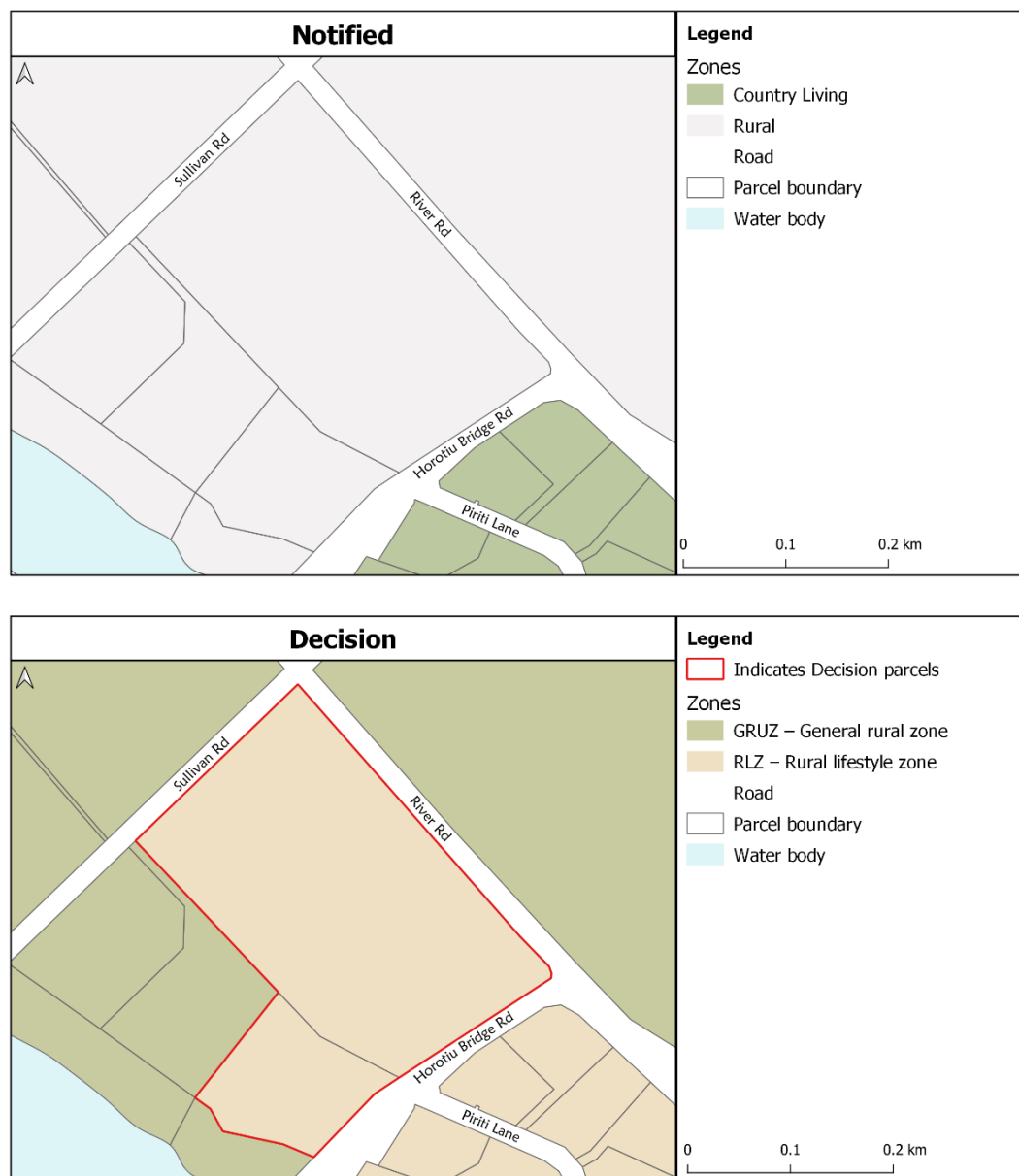


Figure 11: Zoning 20 Horotiu Bridge Road and 27 Sullivan Road

13 Rotokauri

- 13.1 While we had some sympathy for Mr Hall who sought rezoning of land at O'Brien Road from the Rural Zone to the Country Living Zone, this would result in a spot zoning. We agree with Ms Boulton's assessment that the rezoning request is inconsistent with Objective 3.12 and Policy 6.17 of the RPS. We consider that management of rural residential development needs to recognise the pressures from, and the adverse effects of, rural residential development, particularly within close proximity to Hamilton City, as well as the potential for adverse effects, conflicts between activities, servicing demands and cross-territorial boundary effects. Additionally, Policy 6.17 states that regard is to be had to the principles listed in Section 6A of the RPS.

- 13.2 In this particular case, we agree with WRC and HCC that the Country Living Zone is not appropriate and therefore reject Mr Hall's submission.

14 Horsham Downs

- 14.1 Peter Pavich and Debbie McPherson sought to have their 23ha site at 41 Ormsby Rd rezoned from the Rural Zone to the Country Living Zone. Similarly, Ian and Helen Gavin sought that their property at 474 Boyd Road be rezoned to the Country Living Zone. We have rejected these submissions on the basis that they would result in spot zonings that are not contiguous with any other similar zoning or development. We agree with Ms Boulton's assessment that the rezoning requests are inconsistent with RPS Objective 3.12 and consider that they are also inconsistent with the principles listed in Section 6A of the RPS.
- 14.2 The Village Church Trust sought to amend the zoning of properties on the southern side of Martin Lane from the Rural Zone to the Village Zone (or a suitable equivalent zone). We are aware from Mr Olliver's memorandum that the Village Church Trust is satisfied that its submission can be addressed through the Rural Zone provisions which would allow expansion of the Church as a restricted discretionary activity. This seems to us to be a pragmatic solution, rather than rezoning the property which would result in a spot zoning that would not give effect to the RPS or achieve the objectives of the PDP.
- 14.3 Turning to the submission from Mr and Mrs Gore who sought rezoning of the property at 295 Kay Road from the Rural Zone to the Country Living Zone, this site is in the Urban Expansion Area. We are aware that this overlay identifies those areas which will ultimately transfer from the Waikato District to form part of Hamilton City's territorial boundary. The proposed policy framework for the UEA is as follows:
- 5.5.1 Objective – Hamilton's Urban Expansion Area*
(a) Protect land within Hamilton's Urban Expansion Area for future urban development.
- 14.4 We consider that enabling the Country Living Zone in this location will compromise the ability to develop the adjacent area in a well-planned and integrated way. While we acknowledge their past challenges in dealing with the development of the Waikato Expressway, we do not consider the Country Living Zone to be appropriate. We agree with, and adopt, the reasoning in the section 42A report and therefore reject the submission.
- 14.5 Geotec Low Limited and Martin Lynch sought rezoning of the property at 2044 River Road to the Country Living Zone in order to make it the same as it currently is zoned in the ODP. We are satisfied that there was an error in the PDP mapping and consider that the property should revert to the Country Living Zone.



Figure 12: Zoning of 2044 River Road

15 Whatawhata

- 15.1 Stuart Seath sought to have the 44.6ha property located at 679 Whatawhata Road rezoned as the Country Living Zone. We consider that this would result in a spot zoning and we agree with, and adopt, Ms Boulton's assessment that the rezoning request does not give effect to the RPS. We therefore reject the submission from Mr Seath.
- 15.2 GW and PJ Thomson and the Thomson Family Trust sought to amend the zoning of the properties at 111 and 117 Mason Road from the Rural Zone to the Industrial Zone. We are aware that the site is located in relatively close proximity to existing urban zoning, but is separated from it by Rural Zoned land. We have rejected this submission as we

consider that rezoning this land would result in an isolated pocket of land that, at this time, does not form part of a consolidated extension to the existing urban zoned area. We consider a more appropriate approach is to consider this site as part of the wider urban growth considerations for the area as shown in Map 6C of the RPS.

16 Gordonton

- 16.1 David and Barbara Yzendoorn sought to rezone the properties at 1002 and 1012 Gordonton Road from the Rural Zone to a Residential Zone. We agree with Mr Robb that the rezoning is appropriate as the site is relatively small, already developed, abuts Residential Zoned sites, is of a similar size to these abutting sites, and can serve no productive rural purpose. While we note the physical constraints to development of the larger rear site of 1012 Gordonton Road due to low lying wet areas; we consider that the zoning of these two sites will complement the urban development that already exists on either side of the Yzendoorn sites. We also consider that the Residential Zoning will achieve the objectives of the PDP, and give effect to the general development principles listed in Section 6A of the RPS.



Figure 13: Zoning of 1002 and 1012 Gordonton Road to Residential Zone

17 Extensions to existing settlements

17.1 The following submissions sought an extension of the Village Zone within the specific settlements listed:

- Neil and Suzanne Cummings sought rezoning of their property at 1474 Kaiaua Road, Mangatangi;
- Maoro Property Limited sought to rezone the property at 77 Maoro Road, Otua from the Business Zone to the Village Zone; and
- Three submissions were received on the same area at Pukekawa:

- (i) Joanna Clark sought to amend the zoning of the front section (near the road) of the property at 730 State Highway 22, Pukekawa from the Rural Zone to the Village Zone; and
- (ii) Ngati Tamaoho Trust and Ngati Te Ata both sought to amend planning maps for Pukekawa to remove the area included in Plan Change 14. This was so that development was not able to be “up the sides” of the Hill around Pukekawa Pa.

17.2 The sites at Mangatangi and Pukekawa listed above are of a significantly larger scale than the smaller existing settlement properties which they adjoin and as a result, their rezoning would significantly increase the sizes of the settlements. These villages also have not been identified as growth areas through Future Proof 2017, the RPS or Waikato 2070. We have therefore rejected the submissions of Neil and Suzanne Cummings, and Joanna Clark.

17.3 In terms of the extension of Pukekawa up the sides of Pukekawa Pa, we do not consider this is appropriate. We consider that retaining the existing Rural Zone will achieve the PDP objectives more appropriately than allowing increased development on this culturally important site (which is identified in the PDP as a Maaori Site of Significance).

17.4 The request for rezoning of the property at 77 Maioro Road (listed above) is a different situation in that the site is already zoned as Business Zone. We are aware that this site is not currently being used for commercial purposes, and we consider that a Village Zone is more suited to the Otatau settlement. It seems to us that a settlement of the size of Otatau does not need a large area of Business Zoned land, particularly when it is not being used for commercial purposes. Having considered the options and the costs and benefits in accordance with section 32AA of the RMA, we consider that rezoning the site to Village Zone is the most appropriate way to achieve the objectives of the PDP. Overall, rezoning of the site would not result in a degree of change to the community which would then cause significant benefits or costs from an environmental, social, economic, employment and cultural perspective. We therefore accept the submission from Maioro Property Limited and have changed the zone from the Business Zone to the Village Zone.



Figure 14: Zoning of 77 Maoro Road

17.5 Peter Thomson requested that Council consider the rezoning of the township of Maramarua to encourage its development as a service centre for State Highway 2. While the submission may have merit, we have rejected it due to the lack of information or evidence provided. It is for similar reasons that we have rejected the submission from Shelley Munro who sought to extend the urban growth area in the north all the way along State Highway 2.

18 Isolated Rural Zoned Land

18.1 Three submissions sought, what amounts to, spot rezoning from the Rural Zone to the Village Zone for sites that are unconnected to any other Village Zone, namely:

- a) Ben Young for Madsen Lawrie Consultants Limited in relation to the property at 598 Kohanga Road, Onewhero; and
- b) Ben Young for Madsen Lawrie Consultants Limited who sought rezoning of both sides of McKenzie Road, Mangatawhiri; and
- c) Linda Young who sought rezoning of the properties at 2621 and 2619 River Road.

18.2 We have rejected all of these requests and agree with, and adopt, Ms Boulton's assessment that the proposals do not give effect to the RPS, nor achieve the objectives of the PDP. We wish to draw Ms Young's attention to our decision to delete the indicative walkway, cycleway and bridleway notation from the PDP which may address some of her concerns that a reserve may be created which devalues her property.

19 Te Hoe

19.1 Will Phelps sought to amend the zoning of the properties located at 5, 9, 11, 15 and 17 Mangatea Road, Te Hoe so that they retain the ODP zoning of the Living Zone, rather than the proposed Village Zone. We agree with Ms Boulton's assessment that these properties are most appropriately zoned as Village Zone. This area is not serviced for reticulated wastewater, and we consider that the Village Zone reflects the character and realistic development potential for the properties more accurately. We therefore reject the submission from Mr Phelps.

20 Maoro Mining Zone

- 2. New Zealand Steel Holdings Limited sought to rezone the North Head mine site at Port Waikato as the Maoro Mining Zone. It seems that our choices are to either:
 - a) Have a bespoke Maoro Mining Zone (as requested by the submitter); or
 - b) Adopt the PDP approach that applies an "Aggregate Extraction Area" overlay to the site.
- 20.1 We agree with Ms Boulton's assessment in her section 42A report and consider that an Aggregate Extraction Area overlay is a more efficient approach which can be applied to other quarry / mining sites within the Waikato District, while still recognising the significant mining activities that occur on the Port Waikato site. We therefore reject the submission from New Zealand Steel Holdings Limited.

21 Ohinewai

21.1 While the future zoning of Ohinewai was the subject of its own hearing, we chose to focus that decision on the submission from APL,⁵³ simply because we needed to consider the other submissions seeking zones such as the Country Living Zone and the Residential Zone in the wider context of future growth throughout the District. In drafting this decision on the balance of the submissions addressing zoning at Ohinewai, we have also considered the evidence that was presented to us in Hearing 19. This means that we are yet to decide on the following submissions which sought amendments to the zoning near Ohinewai:

- a) Shand Properties Limited;
- b) OLL;
- c) Ohinewai Area Committee;
- d) PLB Construction; and
- e) Ribbonwood Family Trust.

21.2 We now address each of these submissions in turn.

21.3 OLL sought that a further growth area be signalled within the Ohinewai Structure Plan proposed by APL. With respect to this submission, we received considerable evidence on the area to the south of Tahuna Road, but very little information on the Balemi Road site. Based on the information available to us, we agree that the site to the south of Tahuna Road should be zoned as Future Urban Zone, but consider that the site south of Balemi Road should remain as the Rural Zone. We agree with Mr Twose that the change to the Future Urban Zone gives effect to Policy 8 of the NPS-UD and is consistent with the Waikato 2070 strategy. We also agree that the physical characteristics of the land to the south of Tahuna Road are well suited to be zoned Residential in the future, in conjunction with the land areas proposed by APL. However, based on the evidence presented by APL, as well as others, we consider that the extent of the Industrial Precinct identified in our decision on the APL proposal is sufficient at this time and there is no need to identify more on Balemi Road. We again note we received very little evidence for the Balemi Road site in comparison with the Tahuna Road site and in addition to this, we are concerned about the potential flooding of the Balemi Road site given its proximity to Lake Rotokawau.

21.4 While NZTA opposed OLL's submission on the basis that the request was inconsistent with the approved Future Proof settlement pattern and because the submission did not consider the adverse effects on the transport network; we consider that road design can

⁵³ Report and Decisions of the Waikato District Plan Hearings Panel – Report 2 Ohinewai Rezoning, dated 24 May 2021.

be considered at the time of rezoning and/or the subsequent subdivision. From the evidence presented at Hearing 19 Ohinewai Rezoning, it was apparent to us that the Waikato Expressway has the capacity for this.

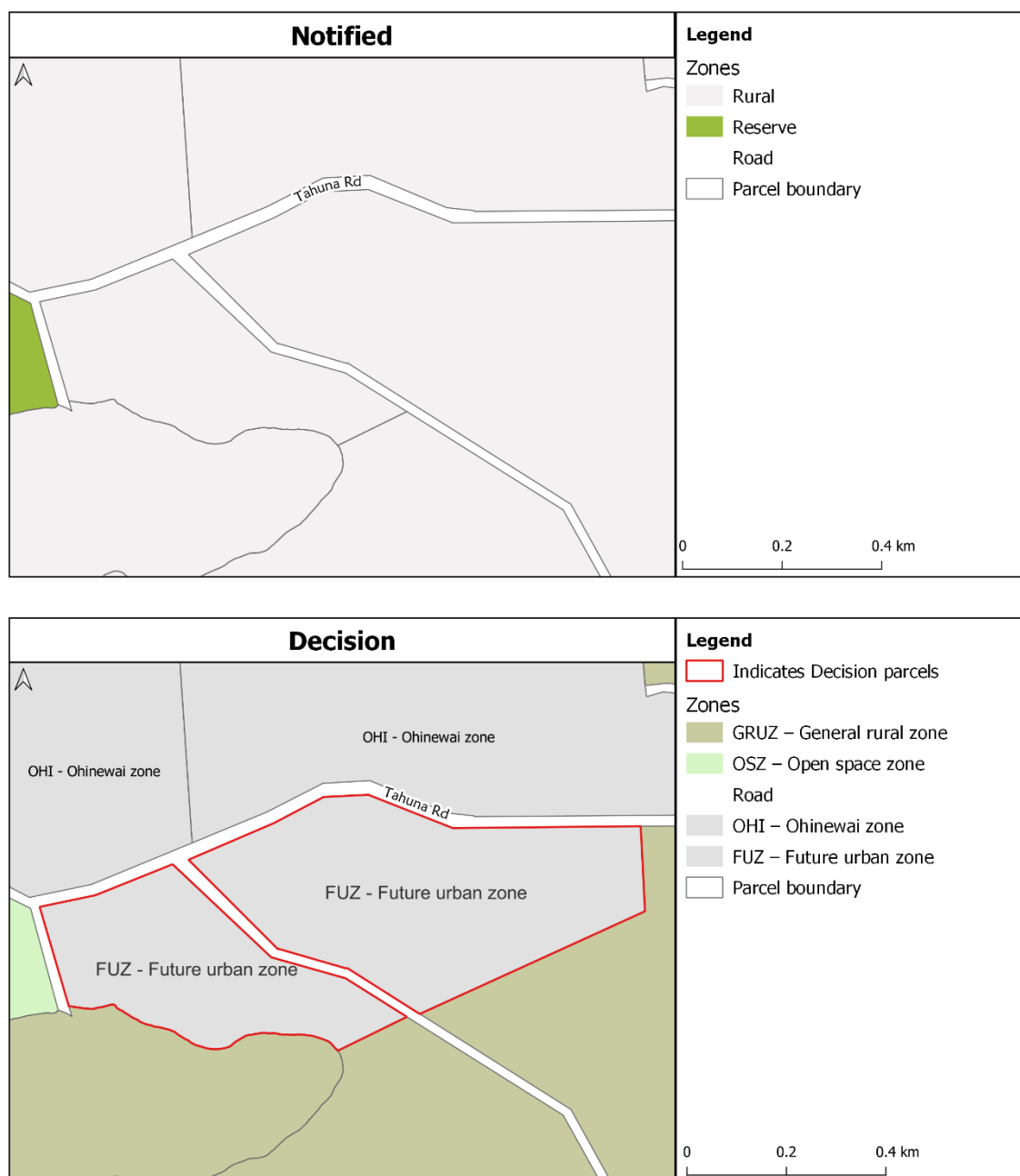


Figure 15: Zoning for the site on Tahuna Road

21.5 Shand Properties and Ribbonwood Family Trust sought that land on the western side of State Highway 1 be rezoned as the Country Living Zone, rather than the Rural Zone. We heard no evidence to support the proposed rezoning of either of these sites, although the submission from Shand Properties did include a number of technical assessments. The further submission received from Future Proof explains why the

Country Living rezoning requests are considered to be inconsistent with the Future Proof settlement pattern and the RPS. In particular, the submission notes that the requests are outside of the indicative growth limits around town centres and villages on Map 6.2 and are contrary to the requirements of RPS Policy 6.17. We agree. In addition to this, this form of development was not envisaged by Waikato 2070 despite the industrial and residential uses being identified on the eastern side of the Waikato Expressway. We are concerned that rezoning on the western side of the Waikato Expressway will result in somewhat of an isolated spot zoning and further spread the development of Ohinewai spatially. Having considered the statutory tests, we reject the submissions from Shand Properties and Ribbonwood Family Trust.

- 21.6 The Ohinewai Area Committee sought rezoning of five properties (being 10, 12, 14, 16 and 18 Ohinewai North Road), from the Business Zone to the Residential Zone in order to reflect current land use. Given we did not hear from the landowners, we are cautious about the rezoning. In addition, given that these sites are not serviced for reticulated wastewater in particular, we do not consider the Residential Zone to be appropriate. Given the type of commercial activities that are likely to develop on the eastern side of Waikato Expressway, we consider that the western side may need some small scale commercial activities to complement it. We agree with Ms Trenouth who considered that the subject land is in a prime location on the main street, and that this land might be best kept as a Business Zone if Ohinewai was to develop in the future into more of an urban centre. For these reasons, we reject the submission from the Ohinewai Area Committee.
- 21.7 The submission from PLB Construction did not explicitly seek rezoning of land, although it did seek amendments to the PDP to indicate that land to the north of Huntly (in and surrounding the Ohinewai area) possesses suitable qualities for it to be rezoned to the Industrial Zone (e.g. its location adjacent to State Highway 1 for transport purposes, the flat topography and being that it is sparsely populated). We consider our decision to include a new Ohinewai Zone in the PDP, and the comprehensive suite of provisions for such a zone, adequately addresses this submission therefore no further amendments are necessary.

22 Mangatawhiri

- 22.1 The Dilworth Trust Board sought rezoning of the property at 500 Lyons Road, Mangatawhiri through the creation of “Specific Area” provisions for the activities and facilities of the Dilworth School. During the hearing, we indicated that we wanted to see some flexibility given in the corresponding rule to enable Dilworth to be able to undertake some additions and alterations to the school without requiring resource consent and asked Mr Arbuthnot to liaise with Ms Boulton. The solution they developed included a permitted activity in the Rural Zone for maintenance, operation, and alterations to Dilworth School, and a maximum total building coverage for the school of 10,000m² (rather than the normal percentage allowance). Mr Arbuthnot and Ms Boulton also agreed on a specific setback for the school of 12m from any site boundary. We agree that this is a pragmatic solution to the issue, and will allow for some further built development to occur on the site, but at a scale which is anticipated to be commensurate with the surrounding rural environment. We consider this approach will provide certainty

for the school, while still achieving the objectives for the Rural Zone. Because we have opted for tailoring the Rural Zone provisions for the school site rather than rezoning, we have accepted the submission from the Dilworth Trust Board in part.

23 Tauwhare

- 23.1 A number of submitters sought that the properties on Scotsman Valley Road be rezoned to the Country Living Zone to match the zoning in the ODP. It was clear to us that a mapping error has occurred whereby the existing Country Living Zone, which is located over sites from 311A – 491 Scotsman Valley Road and 3-24 Scotsvale Drive, Tauwhare, has not been carried over into the notified PDP. We therefore have reinstated the Country Living Zone for these properties.



Figure 16: Zoning of Scotsman Valley Road

23.2 Bowrock Properties Limited sought to rezone 20ha of land on Tauwhare Road from the Rural Zone to the Country Living Zone. We agree with Ms Palmer that rezoning this site would be a natural extension of the Country Living Zone, given that the sites on the adjoining eastern boundary are already zoned as Country Living Zone and have been developed accordingly. Given the length of boundary shared with rural-residential properties, we believe that the site will not be able to be used sustainably for primary production. We agree with Ms Palmer that the rezoning to the Country Living Zone is a pragmatic outcome which will achieve the objectives in the PDP and satisfy the principles listed in Section 6A of the RPS. We therefore accept the submission from Bowrock Properties Limited and have rezoned the site as Country Living Zone.



Figure 17: Zoning Tauwhare Road

24 Waiuku

- 24.1 Khushwin Limited sought to rezone the property at 135 Hull Road, Waiuku from the Rural Zone to the Living Zone or the Country Living Zone. While we appreciate that the site is adjoining a large lot zoned Residential – Large Lot under the Auckland Unitary Plan, the site does contain high quality soils. We are therefore required by section 75(3)(c) of the RMA to give effect to the RPS, which (amongst other things) seeks, in Policy 14.2, to avoid a decline in the availability of high class soils. We agree with, and adopt, the reasoning in the section 42A report and consider that enabling development on this site will not give effect to the RPS, nor achieve the objectives in the PDP (particularly Objective 5.1.1). We therefore reject the submission from Khushwin Limited.

25 Onewhero

- 25.1 Roger and Bronwyn Crawford sought to rezone an additional 6,210m² of their land at 34 Wairamarama Onewhero Road, Onewhero as the Village Zone. They also sought to amend the zoning of a portion of the site which did not retain the ODP's Village Zoning in the notified PDP planning maps. We are aware from Ms Boulton's section 42A report that the submitters do not wish to pursue the more substantive Village Zoning for the site, but still wish the error to be remedied. We agree.



Figure 18: Zoning of Wairamarama Onewhero Road

26 Designated Rail Corridor

- 26.1 KiwiRail New Zealand sought that the zoning which underlies its designations be changed from the Rural Zone to 'unzoned'. It also sought a new condition be added to its existing designations specifying that where designated land is un-zoned, activities not covered by the designation will be subject to the rules of the adjacent zone. KiwiRail clarified that if there are two different zones, the adjacent zone extends to the centre line of the designated land. Mr Clease considered this request in his section 42A report, and we agree with his analysis that an 'un-zoned' approach for roads and rail corridors is not consistent with the National Planning Standards direction.
- 26.2 Our choices regarding this submission are therefore to either create a Special Purpose Zone for the transport corridors, or to determine what the most appropriate alternative zone is from the existing suite of zones available. We agree with Mr Clease's recommendation to zone the rail corridor to whatever the adjacent zone is, measured to the centreline of the corridor in instances where there are different zones on either side of that corridor. We consider that this is a clearer approach than that sought by KiwiRail, but one which will have a similar effect. We further consider that this approach will ensure the effects of new activities associated with rail on larger areas within the rail corridor are able to be considered in relation to the adjoining zone. We have therefore amended the planning maps accordingly.

27 Retention of notified zones

- 27.1 Seven submissions sought retention of zones as notified in the PDP. We accept the following submissions for the reasons outlined in Ms Boulton's section 42A report and consider that the zones for each site are appropriate:
- a) Bruce and Dorothy Chipman who sought that the property at 1689 Miranda Road, Mangatangi remain in the Rural Zone;
 - b) RM and CA Peart who sought that the properties at 224 and 223 Okete Road, Raglan remain in the Rural Zone;
 - c) Gerard Willis who sought that the property at 18 Clark and Denize Road, Pukekawa remain in the Village Zone;
 - d) Livestock Improvement Corporation and Dairy NZ Incorporated who sought that the "Agricultural Research Centre LIC" and the Agricultural Research Centre LIC/DairyNZ Campus remain in the Rural Zone;
 - e) Lyndendale Farms Limited who sought that the property at 180 Horsham Downs Road, Horsham Downs remain in the Rural Zone;
 - f) Holcim (New Zealand) Limited who sought that the property at 611 Ridge Road, Bombay remain in the Industrial Zone; and

- g) Leigh Shaw and Bradley Hall who sought that the property at 58 Puketutu Road remain in the Rural Zone.

28 Conclusion

- 28.1 We accept the section 42A report and the evidence filed by the submitters which collectively form the section 32AA assessment that informed this decision.
- 28.2 Overall, we are satisfied that the zoning pattern in the rural areas of the Waikato District (and the activities / development enabled by those zones) will provide a suitable framework for managing the rural resources for the lifespan of the PDP.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

Attachment 1: New Motorway Service Centre control to be added to COMZ – Commercial Zone

COMZ-R18	Commercial activities within the Motorway service centre specific control
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p><u>Nil.</u></p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) <u>Effects on amenity of the locality;</u> (b) <u>Landscaping;</u> (c) <u>Design and layout;</u> (d) <u>Effects on efficiency and safety of the land transport network, including the Waikato Expressway;</u> (e) <u>Access design; and</u> (f) <u>Potential reverse sensitivity effects.</u> 	<p>(2) Activity status: NC</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Any other activity within the Motorway service centre specific control area.</u> <p><u>Advice note: The other land-use activities listed within the COMZ – Commercial zone do not apply to the Motorway service centre specific control area, however the land-use effects and land-use standards do apply.</u></p>

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 22: Rural Zone

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Mr Weo Maag

Ms Janet Gibb

Contents

1	Table of Contents.....	1
1	Introduction.....	2
2	Hearing Arrangement.....	2
3	Overview of issues raised in Submissions	5
3.1	Overview of evidence.....	6
4	Panel Decisions.....	14
4.1	Overall approach to the Rural Zone provisions.....	14
4.2	Objectives and Policies	15
4.3	Zone Description and Purpose.....	16
4.4	Activities within the Rural Zone	18
4.5	Intensive Farming	19
4.6	Reverse sensitivity and existing Infrastructure.....	21
4.7	Reverse sensitivity and existing industry/ facilities.....	22
4.8	Residential Density	23
4.9	Seasonal Worker Accommodation and Minor Dwellings	25
4.10	Hamilton Urban Expansion Area	26
4.11	Site specific existing facilities	27
4.12	Extractive industry and coal mining	29
4.13	Land use – Effects	30
4.14	Land use – Buildings.....	31
4.15	Subdivision Rules	32
5	Conclusion	32

1 Introduction

- 1.1 Hearing 18 related to all the submissions received by the Waikato District Council (Council) on the Rural Zone provisions within the Waikato Proposed District Plan (PDP). This hearing specifically related to the rural objectives and policies (Chapter 5), and the rules controlling land use activities, land use effects, building form, and subdivision in the Rural Zone (Chapter 22).
- 1.2 A separate decision has been made on the Country Living Zone (whose provisions were located within the Rural Zone Chapters). Separate decisions have likewise been made on matters relating to Outstanding Natural Landscapes, and Significant Natural Areas (the vast majority of which are located within the Rural Zone).
- 1.3 Hearing 28 addressed 'other matters' that covered submission points that had not otherwise been addressed in earlier hearings. We note that a number of these matters related to the rural topic and therefore we have addressed them as part of this decision.

2 Hearing Arrangement

- 2.1 The hearing was held from Tuesday 29 September to Thursday 1 October 2020 via Zoom. All of the relevant information pertaining to this hearing (i.e., section 42A reports, legal submissions and evidence) is contained on Council's website.
- 2.2 We heard from the following parties on the Rural Zone provisions of the PDP:

Submitter organisation	Attendee at the hearing
Council	Jonathan Clease (author of section 42A report on land use) Katherine Overwater (author of section 42A report on subdivision)
Chris Montagna	In person
First Gas	Hywel Edwards
Auckland/Waikato Fish and Game Council	Ben Wilson
The Church in Hamilton	Andrew Hutchison
McCracken Surveys Ltd/ Cheal Consultants Ltd	Phillip Barrett

Hamilton City Council	Laura Gault
Zeala Ltd trading as Aztech Buildings	John Manning
Blue Wallace	Tim Lester
Meremere Dragway Incorporated	Ben Cochrane
Hynds Pipe System Ltd and Hynds Foundation	Dharmesh Chima
Genesis Energy Ltd	Richard Matthews
Neil and Linda Porritt	In person
Anthony Viner	In person
T&G Global Ltd	Rebecca Saunders
NZ National Field Days Society Inc	Peter Nation
Jean Tregida	In person
Synlait Milk Ltd	Nicola Rykers
Department of Conservation	Andrew Riddell
CDL Land New Zealand Ltd	Bevan Houlbrooke
Bruce and Dorothy Chipman	In person
Sharp Planning Solutions	Kevin Sharp
Fulton Hogan	Nevil Hegley
The Surveying Company	Craig Forrester

Federated Farmers of NZ	Hilary Walker
Madsen Lawrie Surveyors	David Lawrie
Andrew and Christine Gore	In person
Tamahere Eventide Home Trust	Louise Feathers
Divina, Mel, and Kim Libre	In person
Mainland Poultry Ltd	Christian McDean
Tripp Andrews Surveyors Ltd	John Roe
Dilworth Trust Board	Anthony Bloomfield
Middlemiss Far Holdings Ltd and Buckland Landowners Group	Peter Fuller
Horticulture New Zealand	Lynette Wharfe Vance Hodgson Lucy Deverall
Waikato Regional Council	Miffy Foley
Simon Upton PC and Bhaady Miller	In person
Lawrence and Audrey Cummings	In person
D&K Miles Ltd	Karen Miles
Hopkins Family	Sir William Birch
Ken and Kelsey Barry	In person

Bathurst Resources Ltd and BT Mining Ltd	Joshua Leckie Craig Piltcher
The Poultry Industry Association of New Zealand	Joan Forret
Lochiel Farmlands Ltd	Kim Robinson
Ethan Findlay	In person

2.3 Although they did not attend the hearing, written material and/or evidence was filed by the following parties:

- a. KCH Trust;
- b. Pouhere Taonga Heritage New Zealand;
- c. New Zealand Pork Industry Board;
- d. KiwiRail;
- e. Meridian Energy Ltd;
- f. DairyNZ;
- g. Fire and Emergency New Zealand;
- h. Transpower Ltd;
- i. Ngaakau Tapatahi Trust; and
- j. Waka Kotahi New Zealand Transport Agency.

3 Overview of issues raised in Submissions

3.1 In the section 42A reports, Mr Jonathan Cleese and Ms Katherine Overwater set out the full list of submissions received pertaining to the rural land use and subdivision provisions respectively. In brief, the key matters of relief sought by the submitters include:

- The degree to which the policy framework provides for ongoing productive rural activity, including the maintenance of the soil resource (especially high-class soils) which underpins such productive activity;
- The degree to which the policy framework should provide for (or limit) community, recreation, and temporary activities that support rural communities;
- The degree to which new housing (and subdivision) should be enabled or limited in the Rural Zone and the related need to ensure the Rural Zone policy framework dovetails with the PDP's strategic urban growth objectives that seek to provide for

urban growth within and adjacent to existing townships, rather than locating in the Rural Zone where there is no functional connection to the rural environment;

- The management of intensive farming, rural industry, and quarrying in rural environments, particularly relating to amenity-related and reverse sensitivity effects;
- Discrete matters relating to maintaining rural character and amenity whilst providing for a range of activities anticipated in rural areas including the rules package; and
- The policy and rules framework relating to a number of long-established facilities including Huntly Power Station, Meremere Dragway, Dilworth School, several retirement villages, and the Mystery Creek Events Centre.

4 Overview of evidence

- 4.1 This section summarises the key matters raised by submitters, in the order in which they appeared during the hearing.
- 4.2 Ms Montagna raised concerns regarding the proliferation of lifestyle blocks and urban sprawl and the impact that this has on rural character and productive farming activities.
- 4.3 Mr Hywel Edwards presented evidence on behalf of First Gas. Mr Edwards stressed the need to protect infrastructure from reverse sensitivity effects generated by the construction of new sensitive activities (such as dwellings) in close proximity to the reticulated gas network. He likewise outlined concerns regarding the potential for physical damage to the network and associated health and safety effects caused by earthworks adjacent to the network, with buffer setbacks sought. He provided examples of where the gas transmission line is located close to a sensitive activity and the difficulties this causes for First Gas's day-to-day operations.
- 4.4 Mr Ben Wilson of Auckland/Waikato Fish and Game Council (Fish and Game) spoke to the need to recognise the construction and use of mai mais in Significant Natural Areas and Outstanding Natural Landscapes¹ (subject to limitations on size and compliance with proposed conditions). He confirmed that Fish and Game generally agreed with the rule package relating to earthworks, as recommended in the section 42A report, albeit that they would prefer no requirements regarding Erosion and Sediment Control Plans for small-scale earthworks.
- 4.5 Mr Andrew Hutchison presented evidence on behalf of The Church in Hamilton, located within the Urban Expansion Area on the outskirts of Hamilton. The Church is currently meeting in a large house and is a permitted activity under the Operative Waikato District Plan. Mr Hutchison sought that permitted status to continue under the PDP provisions and noted the community benefits derived from such community facilities.

¹ The evidence on maimais located within ONL and SNAs was to be considered in Hearing 21, with the submitter appearing once and presenting evidence across both hearing topics.

- 4.6 Mr Phillip Barrett presented evidence on behalf of McCracken Surveys Ltd and Cheal Consultants Ltd. He sought a number of specific amendments to the subdivision rules, including, in particular, the manner in which the proposed boundary adjustment rules interacted with requirements to manage subdivision of land that contained versatile soils.
- 4.7 Ms Laura Gault presented evidence on behalf of Hamilton City Council (HCC). Ms Gault's evidence focussed on the management of rural land within the Hamilton Urban Expansion Area (UEA) and in particular, sought strong controls on both further subdivision and non-rural land uses. She stated that an overly enabling approach for community facilities could prejudice the logical urban expansion of Hamilton in the future and preclude or frustrate the logical placement of future roads and associated urban infrastructure.
- 4.8 Mr John Manning presented evidence on behalf of Zeala Ltd trading as Aztec Buildings, which is a supplier of large-scale rural barns and stock shelter structures. Mr Manning highlighted the significant and growing role that indoor goat rearing played in Waikato District, along with an increasing trend for dairy herds to be housed undercover for at least part of the year. In these examples he noted that stock feed was either imported from off-site or more commonly was grown on site and then cut and carried to the livestock barns. He considered that these newer forms of indoor stock rearing were classified in the PDP as 'intensive farming', which is a term more typically associated with pig and poultry farming. He considered that provided indoor goat rearing was undertaken subject to appropriate management plans and practices, then the amenity-related effects on neighbouring properties could be appropriately managed without the need for extensive building setbacks.
- 4.9 Mr Tim Lester presented evidence on behalf of Blue Wallace Surveyors. Mr Lester raised concerns with the increase in minimum lot size for rural subdivision from 20ha to 40ha as recommended in Ms Overwater's section 42A report and the impact this would have on farmer retirement planning (where smaller lots are created and sold-off to help fund retirement). He noted that the recommended rule change was in response to other submitters rather than being a change proposed in the PDP as originally notified. Given the significance of the recommended amendment, he considered that Council should progress the recommended change in site size via a stand-alone variation to the PDP, rather than as part of the current District Plan Review process.
- 4.10 Mr Ben Cochrane presented evidence on behalf of Meremere Dragway Incorporated. Mr Cochrane informed us of the economic and social significance of the existing dragway facility and sought that the existing activity be appropriately recognised and provided for in the Rural Zone policy and rule framework. His preference was for the activity to be a scheduled activity. Mr Cochrane sought amendments to the definitions and policy relating to the dragway facility in the event that we chose not to schedule the site.
- 4.11 Mr Dharmesh Chima and Mr Adrian Hynds presented evidence on behalf of Hynds Pipe Systems Ltd, which operates a large industrial complex on the outskirts of Pokeno. He

stated that the Aggregate Extraction Zone in the Operative Plan contains rules requiring new sensitive activities (such as housing) to be setback, which in turn also has benefits for protecting the Hynds factory from potential reverse sensitivity effects. He advised that Hynds has acquired much of the land covered by the aggregate extraction area and are separately seeking that part of this Rural-zoned land be rezoned to an Industrial Zone. He noted that other parties were concurrently seeking the rezoning of rural land around the site to residential zoning and that this was to be addressed at other hearings.

- 4.12 Mr Richard Matthews presented evidence on behalf of Genesis Energy Ltd (Genesis). Mr Matthews' evidence focussed on the Huntly Power Station and the need for the Rural zone rule framework to provide for associated coal transport routes and stockpile areas which are located in the Rural Zone. He also sought a setback for new sensitive activities for the power station site and associated infrastructure in order to manage reverse sensitivity risks.
- 4.13 Mr Philip Lang presented evidence on behalf of Mr and Mrs Porritt. Mr Lang focussed his evidence on the subdivision rules and how they worked in with lots for recreation purposes and whether such lots needed to be vested in Council or simply have public access (secured via an easement).
- 4.14 Mr Anthony Limmer spoke about his property (30 Summerfield Lane, Tamahere) and his desire to be able to undertake a subdivision in the future. He sought the removal of the notified 20ha limit minimum lot size and proposed a 5,000m² minimum. Alternatively, Mr Limmer considered a change to either the Country Living or Village zones would better reflect the existing character of both his site and the surrounding area.
- 4.15 Ms Rebecca Saunders presented evidence on behalf of T&G Global Ltd. Ms Saunders noted her general agreement with a number of the recommendations in the section 42A reports and identified two remaining issues of concern. The first was the need to amend the proposed rules relating to rural industry to enable the storage and processing of products brought in from off-site locations in packhouses and coolstores as a permitted activity, with amenity-related effects such as noise, glare, and traffic able to be managed through the standards relating to those matters. Her second concern was the need to better provide for farm worker accommodation, noting that these concerns had been largely addressed in part with the change to 120m² minimum for minor dwellings as recommended in Mr Cleese's rebuttal evidence.
- 4.16 Mr Peter Nation presented evidence on behalf of the NZ National Field Days Society Incorporated (NZ National Field Days), who operate the Mystery Creek events centre. Whilst the centre is located within Waipa District, NZ National Field Days sought the provision of a buffer area to manage new sensitive activities that could potentially be affected by noise generated from events and result in reverse sensitivity effects.
- 4.17 Ms Jean Tregida spoke of the need to incentivise nature conservation activities given the challenges with funding such activities.

- 4.18 Ms Nicola Rykers presented evidence on behalf of Synlait Milk Ltd (Synlait), who operates a large factory complex in Pōkeno. Like their neighbour Hynds, Ms Rykers identified the need for an appropriate buffer to be in place within the Rural Zone to prevent new sensitive activities from locating in close proximity to the Heavy Industrial Zone and subsequently generating the potential for reverse sensitivity effects.
- 4.19 Mr Andrew Riddell and Ms Ullrich presented on behalf of the Department of Conservation. Mr Riddell sought amendments to the earthworks rules to ensure that ecological restoration activities were enabled and that earthworks in close proximity to wetlands were more appropriately managed. He stated that the PDP needed to give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM), which came into force after the PDP was notified² and contains important direction regarding the protection of wetlands.
- 4.20 Mr Bevan Houlbrooke provided evidence on behalf of CDL Land New Zealand Ltd (CDL). Mr Houlbrooke advised us that CDL is a large land development company, with extensive experience delivering comprehensively planned greenfield neighbourhoods. His evidence focussed on the rural land on the fringes of Hamilton and the challenges that companies such as CDL face when agglomerating landholdings to form a large contiguous block that enables comprehensive development to occur. He noted that rural landowners often wished to remain living in the existing dwelling on the property, with the balance of the property on-sold to CDL. To facilitate such an outcome, Mr Houlbrooke raised concerns with the limitations on subdivision within the UEA, especially where a boundary adjustment was not possible due to the property being held in a single title. He acknowledged that the intent of the rules in avoiding further fragmentation of landholdings was appropriate, however, the current drafting would prevent the agglomeration of landholdings which is a necessary prerequisite to the coordinated delivery of new greenfield urban areas. In other words, he was concerned that the notified rules could frustrate the very outcomes which the UEA was intended to achieve.
- 4.21 Mr and Mrs Chipman spoke to the Panel about their current farm, their aspirations to rationalise the various titles and lots within the property to create several smaller lots, the challenges presented with the proposed rule framework and the difficulties faced in amalgamating or adjusting titles on opposite sides of paper (unformed) roads.
- 4.22 Mr Kevin Sharp spoke on behalf of Sharp Planning Solutions Ltd. His presentation focussed on the benefits of transferable development rights (TDRs), where landowners are compensated for protecting land with high ecological values by allowing additional subdivision lots elsewhere. Mr Sharp emphasised that a key element in the success of transferrable development rights was the ability to 'land' the compensatory lots in appropriate locations. He suggested that this should be provided for either in dedicated

² The NPS-FM came into force on 3 September 2020.

Country Living or Village zoned areas, or potentially through the ability to locate a smaller lot (or lots) on the same site that the environmental protection occurred.

- 4.23 Mr Nevil Hegley provided acoustic evidence on behalf of Fulton Hogan Ltd that addressed the drafting of noise rules for quarries and aggregate extraction areas. Mr Hegley confirmed that in the light of the revised provisions as proposed in Mr Clease's rebuttal section 42A report, there now appeared to be agreement between the parties on how the rules should be drafted.
- 4.24 Mr Craig Forrester and colleagues presented evidence on behalf of The Surveying Company Ltd. Mr Forrester focussed on the use of TDRs and the need to be able to 'land' these rights in an appropriate zone such as Country Living or Village zoned areas. In addition to being secured through the protection of existing ecological areas, he also set out the benefits in being able to broaden the qualifying criteria, such that tradable rights could also be secured through the restoration of areas that currently contain low ecological value. He provided examples of areas that are currently comprised as farmland, but that could be restored through fencing and planting of large riparian strips or wetland areas.
- 4.25 Mr Forrester also discussed the need for farm worker accommodation and drew a distinction between such accommodation and the provision of 'minor units'. He directed our attention to the way in which such accommodation is currently provided for through the Franklin Section of the Operative District Plan, which he believed provided a useful model for how this form of housing could be incorporated into the PDP provisions.
- 4.26 Mr Forrester and his colleagues also discussed the definitions and treatment of free-range versus intensive farming and in particular raised concerns that free-range poultry operations could be inadvertently captured by the proposed rules controlling intensive farming. He considered that the rules and associated definitions in the Franklin Section of the Operative Plan provided helpful direction in this regard.
- 4.27 Ms Hilary Walker presented evidence on behalf of Federated Farmers of New Zealand (FFNZ). Ms Walker addressed concerns with having an overly enabling zone framework for non-farming activities and the associated risks of such activities giving rise to reverse sensitivity issues for existing, established farming operations. She noted that there was a diversity of views amongst members regarding subdivision provisions, with some supporting lower minimum lot size requirements to enable the creation of smaller lots, whereas others sought larger minimums to reduce fragmentation of productive farmland and to minimise reverse sensitivity issues that can arise from lifestyle blocks.
- 4.28 She noted that most of their members were operating pasture-based farming systems and not intensive farming operations. She supported the need for clear definitions and to ensure that predominantly pasture-based systems with some indoor elements were not unnecessarily captured by the intensive farming rules. To this end, she supported the exclusion of feed pads from the intensive farming rules. She also considered that limitations on indoor rearing of stock could be better framed as a limit on the length of time that stock was indoors e.g., 3 months, rather than a limit on the number of stock.

- 4.29 Mr David Lawrie provided evidence on behalf of Madsen Lawrie Surveyors. Mr Lawrie spoke to his submission and emphasised the need to retain a 20ha minimum lot size rather than increase it to 40ha as recommended in the section 42A subdivision report. He likewise considered that the minimum size for 'child lots' and boundary adjustments could be reduced to 2,500m². He considered that the conservation lot rule should be made more enabling to further incentivise conservation activities.
- 4.30 Mr and Mrs Gore addressed the challenges they faced with subdividing their property located in the UEA to Country Living densities. They expressed concerns about the uncertainty in the proposed policy framework, and the limits that were being placed on non-farming activities, such as their veterinary clinic.
- 4.31 Ms Louise Feathers provided evidence on behalf of the Tamahere Eventide Home Trust which operates several retirement village facilities east of Hamilton. Ms Feathers was supportive of the recommendations and associated rule amendments set out in Mr Clease's section 42A report regarding the treatment of several specified retirement villages. She noted that the submitter had sought separate relief regarding the zoning of these sites (seeking Country Living Zone) and therefore the need for the recommended Rural Zone provisions turned on our separate decision regarding the most appropriate zoning for these properties.
- 4.32 Mr and Mrs Libre discussed their aspirations for their rural property and the challenges presented by the recommended Rural Zone subdivision rules. They noted their separate relief of the property being rezoned to Country Living as an alternative method to facilitate this outcome. They supported the recommendations in Mr Clease's section 42A report regarding minor dwellings, and in particular the recommendation to remove the requirement that such units can only be occupied by dependent family members.
- 4.33 Mr Christian McDean presented evidence on behalf of Mainland Poultry Ltd. He outlined the importance of the poultry industry in Waikato and addressed concerns with the definitions and rules relating to intensive farming and how these provisions worked for a range of different types of poultry operations.
- 4.34 Mr John Roe for Tripp Andrews Surveyors Ltd provided evidence regarding: support of TDRs; a desire for the minimum lot size for smaller 'child lots' to be reduced from 0.8-1.6ha to between 0.5-1ha; opposing the increase of minimum lot sizes from 20ha to 40ha; the challenges with the proposed rule limiting subdivision of lots containing high class soils; and, seeking side yard requirements for building setbacks to be reduced from 25m to 12m.
- 4.35 Mr Anthony Bloomfield presented evidence on behalf of Dilworth Trust Board which operates Dilworth Boarding School. Mr Bloomfield noted that as a private school the site was not able to be designated for education purposes and was instead reliant on the underlying Rural Zone provisions to manage the ongoing adaption and growth of the school facilities. He sought either a special purpose zoning for the school or, as a less preferred option, a site-specific suite of Rural Zone rules to enable ongoing growth of school facilities without the need for a resource consent.

- 4.36 Mr Fuller (legal counsel) presented for Middlemiss Farm Holdings Ltd and Buckland Landowners Group regarding TDRs. He was accompanied by Mr Adam Thompson (economics), Dr Vaughan Keesing (ecology), Mr Shane Hartley (planning), Mr Robert Pryor (Landscape), and Mr Steven McGowan (company), who all provided evidence. They considered that the locations where such rights could be landed should be within 2km of a school. They further considered that the conservation lot concept could be broadened to also enable compensatory lots to be generated by restoration planting (rather than simply protecting existing areas with high ecological value). They stated that it costs in the order of \$50,000/ha to restore and or replant habitat. As such, restoration planting was significantly more expensive than protection of existing ecological sites which generally just required fencing and surveying. They considered that the size threshold at which a compensatory lot could be allocated should be smaller for restored areas than for protecting existing areas.
- 4.37 Ms Lynette Wharfe, Mr Vance Hodgson, and Ms Lucy Deverall all provided evidence on behalf of Horticulture New Zealand. They addressed a wide range of matters pertaining to the rural provisions. In particular, Ms Deverall and Ms Wharfe addressed the need for better articulation at a policy level of the outcomes sought for rural areas, and the associated determinants of rural character and amenity. They raised concerns with provisions that unduly enabled non-rural activities to establish in rural areas, given both the potential loss of productive land and more importantly the potential for such activities to generate reverse sensitivity effects.
- 4.38 They identified the need to provide for seasonal worker accommodation and addressed its specific characteristics which differentiate it from dwellings or minor units due to its size, seasonal occupancy, and what are typically communal facilities such as shared kitchen and ablution blocks. They noted that seasonal workers may be engaged on the property where the accommodation was based, but likewise were commonly engaged as contractors where they travelled from their accommodation to work on different properties.
- 4.39 They raised separate concerns with the built form rules controlling the size and placement of structures and how such rules provided an uneasy fit with artificial crop protection structures. They outlined the importance of such structures for horticulture and the ways in which such structures differed from typical buildings. They sought a bespoke set of provisions for crop protection structures including definitions, a permitted activity rule, and exemptions from the height, setback, and site coverage rules.
- 4.40 Ms Miffy Foley presented evidence on behalf of Waikato Regional Council (WRC). Her evidence focussed on the management of exotic forestry in areas with high landscape values. In this regard, we noted that the substance of the outcomes sought would be considered in the separate decision on Hearing 21 matters regarding areas with high landscape or ecological value.
- 4.41 Mr Simon Upton PC and Ms Bhaady Miller addressed the proposed approach to rural subdivision, the 40ha minimum lot size recommended in Ms Overwater's section 42A

report, and the approach to enable boundary adjustments to facilitate the consolidation of large landholdings in multiple titles through the creation of small rural hamlets and large balance farm lots.

- 4.42 Mr and Mrs Cummings spoke in support of the conservation lot rule as a method for incentivising the protection of native bush remnants, especially with reference to their farm which includes large areas of bush and several smaller wetland areas.
- 4.43 Ms Karen Miles spoke to her desire for additional subdivision opportunities for her 48ha property on Gordonton Rd, Taupiri. She drew our attention to a detached parcel of land that is part of the main title but is physically separated by an intervening road. Therefore, this parcel would result in minimal effects if it could be subdivided off to form 1-2 lifestyle blocks.
- 4.44 Sir William Birch presented evidence on behalf of the Hopkins Family, who own a large block of land on the outskirts of Pokeno in close proximity to the Hynds and Synlait plants. The Hopkins have separate submissions seeking that their land be rezoned as Country Living Zone with Sir William setting out how such a rezoning would facilitate the provision of additional housing whilst maintaining appropriate buffers and separation from the established industrial sites. He recognised that the substance of the relief sought would be addressed in the separate Hearing 25 process relating to changes in zoning.
- 4.45 Mr and Mrs Barry, assisted by their daughter, spoke to us about the proposed management of high class soils and in particular the prohibited activity rule status for subdivision of land contained such soils. They considered that whilst there was higher order policy direction regarding the importance of high class soils, this direction was not so directive as to require prohibited activity status. They sought a lower activity status to enable a resource consent to be sought and thereby enable the merits of proposals assessed on a case-by-case basis.
- 4.46 Mr Joshua Leckie (legal counsel) and Mr Craig Piltcher (company) addressed us on behalf of Bathurst Resources Ltd and BT Mining Ltd. The company undertakes coal mining operations in Waikato District with some of these operations supplying Huntly Power Station. They were broadly supportive of the approach to mineral and aggregate extraction recommended in Mr Cleese's section 42A report, but also sought that the coal resource be mapped as an Aggregate Extraction Overlay in the PDP and future extractive activities in the Overlay being a restricted discretionary status. They also sought greater controls on new sensitive activities (primarily dwellings) locating in or adjacent to the extraction areas in order to better manage reverse sensitivity risk. They recommended several amendments to the rules controlling exploration and prospecting to make such activities permitted (subject to meeting conditions/activity standards).
- 4.47 The Poultry Industry Association of New Zealand provided a presentation to us. Their evidence focussed on setting appropriate thresholds or definitions for intensive versus extensive farming and noted that the poultry industry is complex and diverse, with different levels of effects generated by different types of poultry farming and the range

in scale of operations. In particular, they identified a difference between the effects that are potentially generated by poultry breeding/hatcheries, and poultry operations targeted at supplying eggs or meat, and also noted a trend for egg producers to move away from cages and towards barns and free-range.

4.48 Mr Kim Robinson presented evidence on behalf of Lochiel Farmlands Ltd which operates an extensive hill country farm in the district. Mr Robinson addressed the earthworks provisions and in particular their impracticality for large farms where total volumes of earthworks could be large across the property, simply as a function of the size of the landholding. In particular, he sought that the earthworks provisions better enable earthworks that routinely occur during normal farming operations such as track maintenance, cultivation, and quarrying of aggregate for on-site use.

4.49 Mr Ethan Finlay spoke to the Panel regarding the rule framework controlling boundary adjustments, rural hamlets and the proposed increase to the minimum lot size to 40ha.

5 Panel Decisions

5.1 The primary submission points received on the Rural Zone provisions were considered in two comprehensive section 42A reports, rebuttal, and associated opening and closing statements prepared by Mr Jonathan Clease (policy framework and land use rules) and Ms Katherine Overwater (subdivision provisions) who recommended a number of amendments. Ms Overwater's report included separate reports as appendices, which addressed economic aspects of rural subdivision (Mr J. Douglas Fairgray), Ecology (Mr John Turner), and soil categorisation (Dr Reece Hill). We have structured our decision into sections which largely reflect the structure of Chapter 5 (objectives and policies) and Chapter 22 (rules), noting that submitter evidence was concentrated across a number of key themes.

5.2 Mr Clease's section 42A report included a substantial number of recommended amendments, especially to the manner in which the policy framework was structured. In general, we noted that there was relatively little evidence raising concerns with the overall restructure recommended by Mr Clease, with evidence instead focusing on refining the recommended wording. In our decision, we therefore reference the numbering used in Mr Clease's section 42A report, rather than the PDP as notified.

5.3 Given the sheer volume of submissions, we do not attempt to address every submission point individually and instead focus on them thematically by reference to the key changes sought by submitters.

Overall approach to the Rural Zone provisions

5.4 This is a substantive section of the PDP, and appropriately so, given that the rural zone covers a large portion of the district. Key overarching themes that emerged from submitter evidence are as follows:

- a) The need to clearly identify the purpose of the Rural Zone, enable rural activities, and manage high-class soils which underpin productive farming and horticulture;
- b) The extent to which non-rural activities should be provided for, and their implications on reverse sensitivity issues for existing activities, and wider implications for urban growth management;
- c) The degree to which additional housing should be provided for to meet the diverse needs of the community, whilst remaining consistent with the higher order strategic planning directions regarding how urban growth is to be managed. This theme is closely linked to the subdivision rule framework controlling minimum lot sizes;
- d) The definition and management of intensive farming in order to provide for such farming systems whilst managing amenity-related effects on neighbours;
- e) The definition and management of aggregate, coal, and mineral extraction activities and the mitigation of amenity-related effects on neighbours;
- f) The management of long-established, non-rural activities and infrastructure and the need for site-specific provisions to provide for these activities; and
- g) The need for rules controlling matters such as earthworks and building size and location to provide for normal farming activities, whilst managing effects on neighbours and strategic infrastructure.

5.5 Definitions were also the focus of a number of submissions, and we have outlined our findings on each as a part of the wider thematic decision set out below.

Objectives and Policies

5.6 All of the objectives and policies relating to the Rural Zone are contained in Chapter 5 'The Rural Environment'. In our consideration of the submissions on the objectives and policies we have paid careful attention to the zone descriptions set out in the National Planning Standards, policy directions set out in the RPS, NPS-FM, the relevant national environmental standards relating to infrastructure and forestry and the National Policy Statement on Urban Development 2020 (NPS-UD). We have also had regard to the relevant provisions of the Waikato-Tainui Environmental Plan and Maniapoto Environmental Management Plan.

5.7 While we have considered every submission in our deliberations; where we have rejected submissions that sought amendments to the objectives or policies, we have not necessarily addressed them individually, but record here that they have been rejected for one or more of the following reasons:

- a) It is not the most appropriate way to achieve the purpose of the RMA (in the case of objectives);
- b) It is not the most appropriate way to achieve the objectives (in the case of policies and/or rules); or

- c) It does not give effect to the relevant national policy statements and/or RPS.

Zone Description and Purpose

- 5.8 The notified PDP does not include general zone descriptions, and while we recognise that such zone descriptions do not in themselves carry statutory weight, we nonetheless consider that they have value because they provide a succinct 'plain English' indication of what the zone is intending to achieve. We have therefore included zone descriptions at the start of each set of zone-specific objectives and policies. We also note that this is consistent with the National Planning Standards.
- 5.9 We recognise that the rural parts of Waikato District comprise of a wide range of topography and farming systems that range from intensive horticulture on high-class soils through to extensive sheep and beef farms in the hill country and that the notified PDP included a single, district-wide Rural Zone. Consequently, we considered whether there was merit in having more than one rural zone in order to better reflect location-specific environments and land uses.
- 5.10 This is an approach we have undertaken in the urban setting, where a Residential Medium Density Zone has been created in some parts of the Residential Zone, but in that case, we had the benefit of submitters (primarily Kāinga Ora) providing a comprehensive set of replacement provisions, along with a detailed section 32 assessment. However, this level of detail and associated evidence was not presented at the Rural Hearing.
- 5.11 After careful evaluation, we have decided to retain a single Rural Zone.
- 5.12 The notified PDP includes a statement at the start of Chapter 5 that 'Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5'. We do not agree with this hierarchical approach applying within the one chapter, and, as we noted in Hearing 25 (considering changes in zone boundaries) Objective 5.1.1 would generate confusion if it was to be directed towards controlling urban growth outcomes. We have separately addressed strategic directions in Decision Report 5: Strategic Directions.
- 5.13 Notwithstanding this, we consider that there is value in having an objective that sets out the key outcomes sought for the Rural Zone. That said, we have amended the title of the objective to make clear that it applies to the Rural Zone, rather than the 'rural environment' and specified that the key outcomes for the Rural Zone are to:
 - a) Enable farming activities;
 - b) Protect high class soils for farming activities; and
 - c) Provide for a range of non-farming activities where they have a need to locate in the rural zone.
- 5.14 We received consistent evidence from a range of submitters regarding the importance that a diverse range of farming and horticulture activities provides to the economy of

Waikato. The importance of high-class soils was emphasised by submitters as being integral to these farming and horticultural activities, as soil forms the underpinning resource upon which farming systems are based. We agree, noting also that the WRC highlighted the direction contained in the RPS regarding the need to manage and protect high-class soils. Whilst yet to be gazetted, we are likewise mindful of the proposed National Policy Statement on Highly Productive Land and the emerging national direction provided on this matter.

- 5.15 We conversely heard relatively little evidence opposing the need to protect high-class soils. The competing priorities created by providing for urban growth and affordable housing on rural land containing such soils in locations adjacent to the district's larger townships is a matter addressed in more detail in our separate decisions on rezoning (see especially our decisions on Tuakau, Pokeno, and Hamilton fringe).
- 5.16 We have therefore maintained clear policy direction through Policy 5.2.2 and Policy 5.2.3 and associated subdivision rules regarding:
- a) the need to retain the primary production capacity of high-class soils in particular;
 - b) the related need to carefully manage the effects of subdivision and land use on rural land fragmentation; and
 - c) the loss of the high-class soil resource.
- 5.17 We note in the event that the proposed National Policy Statement on Highly Productive Land is gazetted as currently drafted, then a further plan change may be necessary to ensure that the District Plan gives effect to any changes in national direction on this matter.
- 5.18 Objective 5.3.1 and Policy 5.3.2 relate to rural character and amenity. The notified provisions were of limited assistance in providing useful guidance on these subjective concepts when applied to Waikato District. Mr Clease recommended the retention of a brief objective seeking to maintain rural character and amenity, complemented by a lengthy policy articulating the elements that make up rural character and amenity in the context of Waikato District. We note that Mr Clease's recommendations on this matter were largely supported in submitter evidence (or at least were not actively opposed). Alternative wording was provided by Horticulture New Zealand which provided a helpful point of comparison regarding alternative policy drafting approaches. We recognise the challenge in clearly articulating policy direction for subjective concepts such as character and amenity, especially in the context of a single Rural Zone that covers considerable diversity of landscape, topology, farming systems, and a range of non-farming activities that nonetheless are typically to be found in rural areas.
- 5.19 We are mindful of the need to provide clear policy direction to help guide decisions on future resource consent applications for activities that will require an assessment of their potential effects on rural character and amenity. As such, Policy 5.3.2 plays an important role in setting out what these matters are and how they should be managed. We have structured this policy so that the first section describes the diversity of character to be

found in the district's rural areas, with the second part containing the various elements and activities that characterise an area as rural (and therefore are to be anticipated in the future as being an appropriate outcome in rural areas).

Activities within the Rural Zone

- 5.20 We heard evidence from a number of submitters, but especially Federated Farmers and Horticulture New Zealand, regarding the economic and social importance of productive farming and horticultural activities to Waikato District. We agree that such activities underpin rural character and are the key business activities undertaken within the rural parts of the district.
- 5.21 Farming activities are addressed in Policy 5.3.3. We consider that such activities should be enabled through both the policy framework and the related zone rules. Enabling these activities in this manner includes an acceptance that such activities can generate amenity-related effects such as noise, dust, and odour. Whilst enablement is not open-ended (and we consider the management of intensive farming in more detail below), likewise such effects need to be anticipated to a reasonable degree. We have therefore recognised that productive rural activities are expected to generate effects as a normal part of the rural environment. We have likewise recognised that there is also the potential for new, non-rural, sensitive activities to generate reverse sensitivity effects on established farming operations. The concept of reverse sensitivity is well-established, and recognition of reverse sensitivity issues forms part of Policy 5.3.3(a)(iii) and Policy 5.3.7.
- 5.22 Activities occurring within rural areas (and therefore anticipated contributory elements to rural character and amenity), fall into two broad categories. The first is productive rural activities discussed above i.e., farming, horticulture, and forestry. The second is non-farming activities that nonetheless are common elements found across rural areas in New Zealand, including, for example, facilities such as schools, churches, sports clubs, conservation and rural tourism activities, infrastructure, rural industry, and aggregate extraction.
- 5.23 Policy 5.3.4 addresses the management of community, emergency services, and tourism and recreation activities. We heard evidence from community facility providers regarding the important role their services made to the wellbeing of rural communities. We conversely heard from Horticulture New Zealand regarding the potential for such activities to give rise to reverse sensitivity effects, and from HCC regarding the potential for such activities to undermine wider urban growth management approaches of consolidating non-rural activities in and around existing urban centres.
- 5.24 We are entirely satisfied that community-related activities play a vital role in providing for the well-being of rural communities and are a long-established part of rural life. Accordingly, the policy and rule frameworks for such activities need to be enabling, albeit not open-ended. Policy 5.3.4 has therefore been framed to recognise that such activities are anticipated and enabled, subject to their scale and location being appropriately managed. This policy direction has then translated into a rule framework that either

permits activities (subject to them meeting activity specific conditions), or as restricted discretionary activities where their effects can be assessed on a case-by-case basis.

- 5.25 Separate from community activities, rural industrial and commercial activities are also common elements in rural areas. There was little evidence before us seeking an enabling approach for industrial or commercial activities that have no nexus for needing to be in a rural location. To the contrary, we heard from HCC and WRC regarding the need for the Rural Zone provisions to dovetail with the strategic urban growth policies directing such activities be located within urban areas.
- 5.26 Given the above, Policy 5.3.5 is now worded so that it provides clear direction that such activities are to be limited where they do not have a functional or operational need to locate within the Rural Zone. Conversely rural-related industrial or commercial activities are to be provided for, subject to managing both their scale and location, the amenity-related effects on neighbouring properties and the effects on infrastructure functioning.
- 5.27 Related to this, we heard from T&G Global regarding the rule framework for packing sheds. The framework recommended in Mr Clease's section 42A report would permit such facilities where they are used for storing or processing produce grown on the subject site. T&G Global sought that this permitted activity status be broadened to also include facilities where produce is brought to the site from other farms. The submitter identified that large-growing operations were often undertaken as a single business covering a number of different sites or blocks, with a single centralised processing facility adding efficiency to the operation. The submitter's evidence was that rather than set a rule framework based on where the produce has come from, a more effective framework would be to control effects through rules on matters such as noise, glare, building size, and traffic generation.
- 5.28 We acknowledge that both site-specific packaging facilities, and centralised facilities receiving produce from a wider area, are both necessary and established elements in rural areas. However, the key matter is the degree to which such facilities should be permitted, versus being able to be assessed on a site-by-site basis through a resource consent process. Generally speaking, on-site facilities are inherently limited in their scale by the size of the immediate landholding that they are servicing and can be readily managed by permitted activity rules. However, facilities servicing a wider area have no such practical limitations, and need to be able to be assessed, on their merits, via a resource consent application.

Intensive Farming

- 5.29 We heard evidence from a number of submitters representing intensive farming interests and the importance of such farming types both economically and in providing cost-effective protein for consumers. We agree that intensive farming is an anticipated activity within the Rural Zone. It can however be very different in character (and effects) from conventional pastoral farming systems.

- 5.30 It is generally accepted that pasture-based farming systems for sheep, cattle, goats, or deer do not constitute 'intensive' farming, because the animals are primarily housed outdoors, and are accepted as a normal status quo farming activity that falls within the permitted pathway for 'farming'. For poultry and pig farming the 'status quo' expectation is reversed, whereby 'normal' poultry or pig farming has traditionally occurred within buildings. 'Free range' terminology is therefore typically only applied to poultry or pig farming, to differentiate pasture-based operations from more traditional intensive building-based models.
- 5.31 We heard evidence that in more recent years pastoral-based operations such as dairy farms can include covered or indoor elements in the form of loafing barns or the indoor rearing of calves for several months of the year. We also heard that barn-based goat farming plays an important and increasing role in the Waikato District. Poultry farming has also diversified in recent years with a shift away from indoor cage-based systems to barns with access to outdoor runs, or large free-range runs that nonetheless incorporate indoor roosting or nesting areas. Hatcheries and chick-rearing was another example presented to us of an activity that occurs indoors, but that generates significantly fewer amenity-related effects due to the hens being much smaller in size.
- 5.32 We have drafted Policy 5.3.6 to specifically address intensive farming. It recognises the need for intensive farming activities to be in a rural location, but managed in such a way that their effects, particularly those relating to the amenity of neighbouring properties, are appropriately managed. In association with the amendments to the policy, we have refined the definition of intensive farming to provide greater clarity as to what it encompasses, and, importantly, what it doesn't. We have included poultry hatcheries in the exclusions from the intensive farming definition, noting that hatcheries are a controlled activity in the Franklin section of the Operative District Plan and do not appear to be giving rise to complaints. We have likewise introduced a new permitted activity rule for free range pig and poultry farming to make explicit that this activity is permitted provided activity specific conditions can be met. Conversely, we consider that intensive farming includes operations where stock are housed primarily indoors, or in outdoor enclosures where stocking densities are such that grass cover cannot be maintained, and where primary feed sources are brought to the stock (rather than pasture-based grazing). We have included a number of exceptions to provide certainty that activities such as horse stables and feed pads are not inadvertently captured by the intensive farming rules.
- 5.33 The key method for managing amenity-related effects is through the use of rules controlling boundary setbacks and through discretionary (or restricted discretionary) activity standards. The notified activity status framework and setback distances are a roll-over from the Operative District Plan (Waikato Section) whereby intensive farms are fully discretionary activities, unless the activity complies with setbacks in which case the activity status is restricted discretionary. We heard from several intensive farming providers that the degree of effects can vary considerably depending on topography, local climatic conditions, and on-site management practices. We consider that this

variability is a good reason to require such activities to be subject to a resource consent. This enables a site-specific assessment to be undertaken which will assess these variable factors and enables good on-site management to be ensured via consent conditions. We were not convinced that simply relying on voluntary industry best practice provided the requisite level of certainty for intensive farming to be a permitted activity. Whilst setbacks are a useful tool for narrowing the range of consent issues in play (such that a shift from full discretionary to restricted discretionary status is appropriate), we were not presented with any evidence that demonstrated that compliance with setbacks would be sufficient to ensure effects on neighbouring properties can be appropriately controlled. As such we consider a site-specific assessment remains necessary for managing this type of farming activity, along with the associated ability to impose conditions and to monitor the effectiveness of those conditions.

- 5.34 We accept that the imposition of 'default' setbacks means that relatively large landholdings are needed, however, the resource consent process will allow site-specific setbacks to be adopted if it can be demonstrated that the effects at the boundary are acceptable and or accepted by neighbours.

Reverse sensitivity and existing Infrastructure

- 5.35 We received evidence from a number of submitters about how new sensitive activities can result in constraints on established farming operations. We also received evidence on reverse sensitivity concerns from both KiwiRail and First Gas (who operate a reticulated gas pipeline network that traverses much of the Rural Zone).
- 5.36 The PDP, as notified, included setback requirements for new sensitive activities from both state highways and the rail corridor through a series of zone-specific setback rules. The network operators lodged submissions seeking an increase in these setbacks. We heard considerable evidence on the management of network infrastructure and reverse sensitivity risk as part of the hearing on the Energy and Infrastructure Chapter. We have likewise considered the important role of strategic and network infrastructure in our separate decision on the Infrastructure Chapter. In summary, we were not convinced that the evidence and associated section 32 assessment provided by KiwiRail was sufficient to justify the potentially onerous effects on landowners resulting from the extensive setbacks sought.
- 5.37 In line with our findings on acoustic-related setbacks, we have likewise not been convinced by the evidence and associated section 32 assessment provided by First Gas that the benefits of the additional regulation sought are sufficient to outweigh the costs on adjacent landowners.
- 5.38 In addition to reverse sensitivity concerns, First Gas also addressed the potential for earthworks to rupture or undermine the pipeline. In our view, the designated gas pipeline corridor and/or the easements over land which provide access are sufficient to protect the pipeline from adjacent earthworks. In relation to designations, we note that section 176(1)(b) of the RMA requires that "*no person may, without the prior written consent of that requiring authority, do anything in relation to the land that is subject to the*

designation that would prevent or hinder a public work to project or work to which the designation relates". We have not been convinced that additional controls on earthworks near the established pipeline corridor added sufficient benefits to justify the costs, in light of alternative methods for control available through the designation process.

- 5.39 In our separate decision on the Infrastructure chapter we address in more detail the management of reticulated and network infrastructure and the need to appropriately protect existing assets.

Reverse sensitivity and existing industry/ facilities

- 5.40 We heard from Hynds and Synlait regarding their industrial facilities in Pōkeno, and from Genesis Energy regarding the Huntly Power Station and adjacent coal handling areas. Whilst these operations are located in Industrial Zones, they abut Rural Zoned areas.
- 5.41 We heard evidence from all three submitters of their desire for reverse sensitivity risks to be managed through the establishment of appropriate setbacks for new sensitive activities from the industrial zone boundaries. Nevertheless, Sir William Birch, representing some of these adjacent landowners in Pokeno, explained their aspiration for their rural properties to be rezoned to residential uses.
- 5.42 We have set out in a Decision Report 28I our findings regarding rezoning in and around Pōkeno. We note that as part of the rezoning hearing we had the benefit of detailed evidence on behalf of the various landowners in and around the Hynds and Synlait plants regarding reverse sensitivity risks and the various ways in which it might be mitigated. In summary, for Pōkeno we have resolved that it is appropriate for the Heavy Industrial Zone adjacent to the Hynds site to be expanded, noting that as part of that proposal planting will occur across some of the balance rural land to provide a buffer between future industry and neighbouring sites. We likewise agreed with the merit in rezoning some of the land in the wider area to Residential and Country Living Zones, with appropriate interface and buffer areas. We do not consider site-specific buffer rules to be necessary in the remaining retained Rural Zone land given our decision to increase the minimum site size to 40ha, which in the context of the Pōkeno industrial area means that there is very limited opportunity for future housing to be located in the rural area in close proximity to existing industrial activities.
- 5.43 For the rural land adjacent to the Huntly Power Station's activities, we were likewise not persuaded that the reverse sensitivity risk of occasional rural dwellings was sufficient to warrant site-specific setback rules. The increase in the minimum lot size to 40ha further helps to reduce the potential for a proliferation of dwellings to occur in the future.
- 5.44 Mystery Creek operate a large events centre located within Waipa District. We understand from their evidence that the Waipa District Plan includes a noise contour around the events centre and an associated set of rules controlling both the noise emissions from the events centre and the construction of new sensitive activities within this buffer area. They sought the extension of the contour and associated rules into Waikato District. We gather that conceptually, the contour forms a circle around the

venue, with a portion of the circle extending over land that is within Waikato District's jurisdiction.

- 5.45 We have addressed this matter in more detail in our decision on the Country Living Zone (as the noise contour covers both the Country Living and Rural Zoned land). For the reasons set out in the Country Living Zone decision, we have decided that the noise contour should be included in the planning maps as an alert layer only, with no rules attached to it.

Residential Density

- 5.46 The manner in which residential dwellings are provided for, through both the land use and subdivision provisions, was a common theme in evidence. This was in itself revealing in that we received more evidence on residential subdivision matters than we did on farming-related issues. The role that the rural area has had in accommodating residential growth was emphasised in Ms Overwater's section 42A report where she identified that nearly half the new dwellings consented over the past decade have been located within the district's rural zones.
- 5.47 We acknowledge that dwellings are an integral element in farming operations, with farms typically including a farmhouse, potentially additional living quarters for on-site farm workers, and a variety of accessory farm buildings. The evidence did not generally focus on the need for farmhouses as an integral element in productive farming operations. Instead, the evidence focused on the ability to create relatively small 'lifestyle blocks', rather than any sort of primary production.
- 5.48 We noted that the Waikato Operative Plan has long provided for a 'child lot' around 1ha in size to be created for every 20ha 'parent lot'. As Ms Overwater explained, this has led to a proliferation of small lots across the district. As a result, she recommended that the minimum size of a parent lot be increased to 40ha, along with 40ha being the minimum lot size.
- 5.49 The contrary perspective, as provided by landowners, was that the ability to create child lots played an important role in both the retirement planning of farming families, and in providing a range of living options to meet the diverse needs of the community.
- 5.50 We have set out our preferred approach to urban growth management and the accommodation of the district's growing population in our decision on strategic directions. We have separately set out how that overarching direction is to be implemented at a township level in our various decisions regarding rezoning. As articulated in these separate decisions, we have determined that growth is to be accommodated primarily through consolidation in and around the district's larger townships so as to enable people to live and work in close proximity to a wider range of services, employment opportunities, and in time public transport options, as well as helping to minimise car journeys and associated carbon emissions.

- 5.51 This approach will also enable growth to be serviced with reticulated infrastructure in a programmed and cost-effective manner. Our decisions on rezoning, combined with the introduction of a Medium Density Residential Zone, have ensured that sufficient capacity is provided for and also exceeds the requirements set out in the NPS-UD. We are also firm in our view that the continuation of the status quo situation, which has resulted in a significant proportion of the district's housing needs being met through sporadic rural lifestyle blocks, is counter to maintaining productive rural land and sound resource management practice. As such we have increased the minimum lot size to 40ha.
- 5.52 We have also carefully considered whether the ability to create small child lots should be removed entirely, with lifestyle block options then being limited to Country Living and Village Zones where services can be provided and where living opportunities closer to townships are enabled. On balance, we consider it appropriate to retain the child lot pathway, being mindful of its long-established use as part of land owners' financial planning. The increase to a 40ha minimum effectively halves the potential for such lots to be created, which we are satisfied is necessary to achieve a more effective balance between providing some housing choice and locational options, whilst keeping the integrity of the Rural Zone intact.
- 5.53 As a separate but related matter, we have retained the ability to undertake boundary adjustments to form small rural hamlets with large balance lots. We are aware that larger farm holdings will often be comprised of multiple lots (and titles). We consider there is merit in enabling such rationalisation as a key method of facilitating ongoing use of land for productive farming activities, where, for example, a 200ha farm in five titles would be better configured as a 195ha farm with 5 x 1ha lots, rather than as 5 x 40ha lots that are too large for purely lifestyle use but too small for sustaining stand-alone farming operations.
- 5.54 We heard evidence from several submitters regarding the benefits of having subdivision rules that facilitate the protection (and restoration) of areas with high ecological value in return for the ability to create compensatory small lots. There were two mechanisms advanced by submitters for achieving such an outcome. The first was a 'conservation lot' whereby an additional lot would be enabled on the same property, in return for protecting or restoring a specified area of bush or wetland. The second method was a regime for TDRs, whereby protection of areas of land with high ecological value on one property generated the right to create smaller compensatory lots on separate sites elsewhere in the district.
- 5.55 We have decided not to pursue either option. We have addressed Significant Natural Areas (SNAs) in a separate decision, whereby there is a clear obligation on landowners to appropriately manage areas of high ecological value. The recent NPS-FM likewise sets out a series of obligations on landowners to maintain the health of waterways and wetlands and provides clear direction that the further loss of wetland extent and values should be avoided. It appears to us that, in many respects, the conservation lot concept would serve to simply reward landowners for doing what they are required to be doing anyway in terms of fencing off waterways, maintaining wetlands, and managing SNAs.

We also struggled with the 'apples and oranges' nature of the concept when it is applied to restoration plantings, where it is challenging to set an appropriate level of 'trade-off' i.e., how much riparian margin or other ecological areas should be restored in exchange for the right to create an undersized lot. There is likewise an apples and oranges challenge with the different effects generated whereby the environmental good created by a restored riparian margin or ecological area is to compensate for the rural character effects of undersized lots and additional housing that would not otherwise be contemplated as being acceptable.

- 5.56 Unlike conservation lots which occur on the same property as the natural area that is being protected or restored, TDRs rely on conservation on one property, with the ability to then 'land' the development rights elsewhere in the district. The landing place is either identified through a dedicated zone or overlay, or alternatively the landing place can occur randomly elsewhere in the Rural Zone. We noted the implementation challenges with the TDRs concept in the ex-Franklin portion of the district, as set out in the section 42A reports, noting that TDRs are not included in the Waikato section of the Operative District Plan. After careful analysis, we are not convinced that either landing scenario was acceptable. If an area (such as a greenfield Country Living Zone) was considered to be appropriate for housing in terms of its proximity to townships, ability to be serviced etc., then it is acceptable; there is no need for compensatory conservation elsewhere. Conversely if it is not acceptable in terms of location or servicing then it should not proceed, regardless of whether bush or wetland areas are being conserved elsewhere.
- 5.57 The alternative approach of compensatory rights being able to be landed randomly in the rural area is equally problematic. Undersized lots are not anticipated as being acceptable in the Rural Zone, reflected through them attracting a non-complying activity status. Neighbouring landowners have a commensurate expectation regarding amenity and rural character outcomes based on the minimum lot size rules in the PDP. A mechanism that enables small lots that would not generally be acceptable to be located in unanticipated locations creates the potential for adverse effects to be generated in one part of the district in compensation for conservation benefits being derived in a separate location. This is neither equitable nor effective in managing growth and the maintenance of the rural environment, especially where conservation activities are undertaken in more remote parts of the district and the 'landing' pressure is concentrated in more desirable locations such as around the fringes of Hamilton or the district's larger townships.

Seasonal Worker Accommodation and Minor Dwellings

- 5.58 Subdivision, and the consequent expectation that each lot can contain a dwelling, is the primary pathway by which additional dwellings can be located in the Rural Zone.
- 5.59 We heard evidence on the separate land use rules regarding two forms of housing that are not dependent on subdivision having occurred. The first of these was 'minor dwellings', whereby an additional dwelling can be provided in tandem with an existing residential dwelling. We understand that the concept has grown out of the Operative

District Plan that provides for 'granny' flats for family members. There were a considerable number of submissions received on the key rules controlling this form of housing seeking the following:

- a) Enabling the units to be occupied by people who are not related to the family residing in the main dwelling;
- b) Increasing the limits on floor area; and
- c) Increasing the distance minor units could be located from the main residential unit.

5.60 Mr Clease made a series of recommendations on these matters in his section 42A report. We noted that the evidence presented to us largely supported and reaffirmed his recommendations which were to enable non-family members to reside in the minor units; to increase the minimum size of the units; and to increase the distance such units could be located from the primary residence. We agree with these recommendations, given that it will increase flexibility for landowners in meeting the need for farm worker accommodation, without adversely affecting the functioning of the Rural Zone, or the amenity of neighbours. The ability to provide a dwelling, plus a minor unit, plus a 'child lot' (with associated minor unit) for every 40ha provides reasonable scope for meeting the usual need for permanent farm worker accommodation.

5.61 The second land use-related form of alternative housing sought in evidence was seasonal worker accommodation. Horticulture NZ identified that in recent years there has been considerable growth of the Recognised Seasonal Employer ('RSE') scheme, with the provision of accommodation typically forming part of the engagement (and worker well-being) process. We understand that seasonal worker accommodation is used to house larger groups of workers than would occur with permanent employees and is typically configured with communal kitchen and ablution blocks. We likewise understand that those workers are not necessarily employed on the site or farm where the accommodation is located but instead move from farm to farm as contract labour to assist with short-term peaks in labour needs such as during harvest periods. We are satisfied that these characteristics differentiate seasonal accommodation from single family dwellings used by long-term farm employees.

5.62 In this regard, Horticulture NZ helpfully provided us with a definition and associated rules for this type of accommodation which has formed the basis for the amendments we have made to the rule framework in order to provide for this specific housing need. Seasonal works accommodation is a permitted activity for up to 12 seasonal workers (subject to meeting conditions), and a restricted discretionary activity for larger proposals. We consider that whilst there is a need for this type of accommodation to meet specific needs, such facilities should be located on sites that are at least 20ha in area to enable reasonable separation from neighbouring sites and to prevent a proliferation of this type of activity on smaller lifestyle sites where workers accommodation is not required.

Hamilton Urban Expansion Area

- 5.63 The UEA covers a discrete series of growth areas located immediately adjacent to Hamilton City, the long-term intention of which is that they will ultimately be transferred into Hamilton City Council's territorial jurisdiction to facilitate expansion of the city. Therefore, the potential of these areas for urbanisation is sought to be protected by preventing subdivision and new activities from establishing that would undermine future urban growth.
- 5.64 Given the importance of this area we have relocated the objective for the UEA so it now forms part of the Strategic Directions. The associated policy remains as part of the Rural Zone provisions.
- 5.65 The difference in view between the recommendations of Mr Cleese and Ms Overwater, and the experts for HCC, has been well-canvassed in evidence. The evidence focussed primarily on the recommended shift of activity status for subdivision in the UEA from prohibited to non-complying. We note that a range of community-related activities such as spiritual, health, and community facilities, are permitted in the Operative District Plan (provided they are contained in buildings smaller than 2,000m²), with the section 42A recommendation being that they shift to a discretionary activity status, thereby making the rule framework more restrictive, while providing a consenting pathway as a non-complying activity for activities that are currently prohibited.
- 5.66 In our assessment the recommended approach of a directive policy framework, combined with non-complying activity status for most land uses,³ and a fully discretionary activity status for a small range of community-related activities,⁴ does not unduly impede logical urban growth, but also recognises that such growth within the UEA may not occur for another 25 years.
- 5.67 CDL Ltd identified the challenges with agglomerating large landholdings as the necessary precursor to delivering comprehensively planned greenfield areas at scale.
- 5.68 We agree that there is a need to limit further land fragmentation or a proliferation of lifestyle blocks within the UEA, in order not to frustrate coherent future urban growth. The evidence and amended rule wording presented by CDL, whilst seeking a mechanism by which small lots can be created, does so while delivering an outcome that is aligned with the wider policy direction that future urbanisation of these areas should be facilitated. We have therefore amended the subdivision rules applicable to the UEA to provide a discretionary consenting pathway in circumstances where additional lots can be created around existing dwellings, subject to appropriate controls or covenants being in place on the balance lot to avoid a proliferation of ad hoc new dwellings prior to these areas being rezoned for residential development.

Site specific existing facilities

³ Rule 22.1.5 (NC4).

⁴ Rule 22.1.4 (D5) (education); Rule 22.1.3 (RD3)(c)(i); and Rule 22.1.4 (D1).

- 5.69 Regarding the evidence from Dilworth School, Meremere Dragway, and several existing retirement villages in the Tamahere area, we accept that these existing facilities all constitute a significant level of investment and provide valued services to the wider community.
- 5.70 All of these submitters sought as part of their original submissions that they be rezoned to either a Residential or Country Living Zone (in the case of the Tamahere retirement villages), or some form of special purpose zone or scheduled activity in the case of Dilworth and Meremere Dragway.
- 5.71 We have addressed the rezoning of the Tamahere Eventide Retirement Village in our separate rezoning decision (Decision Report 28): Zoning – Rest of District). We have decided that the Tamahere Eventide Retirement Village should have a Country Living Zone, and therefore the provisions providing for its ongoing use and development are incorporated into the Country Living Zone provisions. We have retained the Tamahere Hospital and Healing Centre at 104A Duncan Road as Rural Zone, but have included rules and policies in the Rural Zone which provide a framework for community facilities (the definition of community facilities includes health facilities).
- 5.72 We have likewise addressed Dilworth's submission regarding their site having a special purpose zoning and a bespoke series of rules in Decision Report 28O. Across our decisions on various chapters, we have sought to resist the creation of a plethora of special purpose zones. We have likewise chosen to not introduce scheduling as a tool. We have therefore decided that Dilworth School should retain an underlying Rural Zone.
- 5.73 We received correspondence from Dilworth School following the hearings on rezoning.⁵ They confirmed that whilst a special purpose zone remained their preferred relief, in the event that the site retained its Rural Zoning, they had engaged with Ms Catherine Boulton who prepared the section 42A report on rezoning (Rest of District). They have reached an agreed recommendation that the site should be subject to a site coverage limit of 10,000m². Ms Boulton and Dilworth agree that strikes an appropriate balance between enabling a modest amount of expansion of school facilities, whilst maintaining an open space character commensurate with the school's rural location. We agree with this recommendation and have amended the site coverage rules accordingly. We have likewise adopted the amendments provided in Appendix 1 to Dilworth's letter which assist in clarifying the rule structure and site identification. We further note, as set out above, that Policy 5.3.4 now provides for community activities such as education as anticipated elements in the Rural Zone.
- 5.74 We likewise received correspondence from Meremere Dragway confirming that they were comfortable with their site retaining a Rural Zoning, provided appropriate policies and rules were in place. Given the scale and significance of these facilities we support the provision of a specific policy, definition, and rules to enable its ongoing operation.

⁵ Letter dated 12 August 2021 from Mr Mark Arbuthnot.

Extractive industry and coal mining

- 5.75 We consider that aggregate, mineral, and coal extraction are by their nature activities that occur primarily within rural areas. As such they are anticipated as part of the rural environment. They are also inherently only able to occur on sites where the resource to be extracted is located. We are likewise mindful that there are a number of large and long-established extractive industrial sites located throughout the district.
- 5.76 We consider that these existing sites where ongoing extraction is planned should be identified on the PDP maps and be subject to a policy framework that recognises the need for such activities, along with the equally important need for such operations to be appropriately managed to mitigate effects.
- 5.77 Existing quarry and coal mining sites are to be shown as 'aggregate extraction' or 'coal extraction' areas, respectively. There are also discrete sites where extractive activities are consented but have yet to be physically established. These areas are to be shown as 'Extractive Resource Areas'.
- 5.78 We received submissions as part of the 'other matters' Hearing 28 seeking amendments to the geographic extent of these overlays so that they accurately reflect Record of Titles held by quarrying/mining companies and capture the extent of existing operations. In addition to covering existing operations, these areas also often include some scope for expansion. We agree with the amendments recommended in the section 42A report for Hearing 28 regarding these mapping amendments and note that we received no evidence from any parties opposing the amendments sought.
- 5.79 Whilst extractive industry is anticipated in rural areas, large quarries or mines have the potential to give rise to a range of effects such as noise, dust, heavy vehicle movements, and changes in landscape character. We consider that expansion projects within the overlay areas therefore need to be assessed on a case-by-case basis so that their potential effects can be appropriately managed. Because the types of effects are able to be reasonably anticipated, we consider that a restricted discretionary activity status is appropriate. For completeness, we also note that mineral extraction invariably requires a separate suite of consents from WRC.
- 5.80 Outside of the extractive area overlays, we consider that extractive industry should be a fully discretionary activity to enable the full range of potential effects, and, equally importantly, the suitability of the site's location for large quarry/mining activities, to be fully assessed. In areas with high landscape or ecological values identified on the planning maps, we consider that extractive industry should be a non-complying activity, thereby providing clear direction that such activities are not anticipated in areas where such values are present.
- 5.81 We heard from Bathurst Resources Ltd (Bathurst) who sought a substantial expansion of the geographic area covered by the Extractive Resource Area so that this overlay aligns with the extent of the coal resource in the district. A consequence of the overlay would be that any new dwellings within or adjacent would require a resource consent.

5.82 The RPS addresses the management of the built environment to appropriately recognise the effects that such might have on the access to minerals through Policy 6.8. This policy is to be implemented through Method 6.8.1 which seeks to map the location of such resources. The method sets a series of criteria for assessing the significance of the resource, including scarcity, economic contribution, current and potential demands, constraints on extraction, the quality and size of the deposit, importance of the mineral to tangata whenua, and importance for infrastructure development. Of significance, from our reading of the implementation method, there is no requirement to include such mapping within district plans, rather the mapping of such areas is simply a tool to inform PDP provisions. In terms of the coal resource, we note that the maps provided by Bathurst in themselves assist in fulfilling the implementation method, and that the size of the deposits are substantial and therefore coal in north Waikato is not particularly scarce.

5.83 Method 6.8.2 requires district plans to:

- (a) *Include provisions to protect, as appropriate, access to significant mineral resources identified pursuant to Implementation Method 6.8.1; and*
- (b) *May identify areas where new mineral extraction activities are appropriate and areas where new mineral extraction activities should be avoided.*

5.84 In our assessment, the PDP policy and rule framework should only protect access 'as appropriate', and within the context of implementing a policy that has its primary focus on the management of the *built environment* (rather than isolated rural dwellings). The PDP *may* (but does not have to) identify areas where new extraction is appropriate, and likewise *may* identify areas where such activities should be avoided.

5.85 In our view, the policy and rule framework in the PDP does exactly that. It identifies areas where coal mining is anticipated (with these areas recommended to be expanded including the licence or permit areas held by Bathurst and therefore provide for some expansion); the PDP also protects these areas from encroachment from new sensitive activities. The rule framework likewise identifies that extractive activities are non-complying if located within areas with identified high landscape or ecological values.

5.86 Bathurst also sought that mineral exploration and prospecting be permitted, subject to meeting permitted activity specific conditions. We agree that there is merit in explicitly providing for mineral exploration and prospecting as a permitted activity, subject to the activity meeting specified conditions to ensure that the effects of such activities are both modest and temporary. Our decision wording is based on that put forward by Bathurst, with amendments to:

- a) better separate the activity from the conditions;
- b) place permitted activity limits on areas with identified high landscape and ecological values (and where any subsequent extraction would be non-complying); and
- c) limit the hours within which explosives can be used.

Land use – Effects

5.87 Section 22.2 of the Notified PDP contained a suite of rules controlling land use effects such as noise, glare, earthworks, and signs. These provisions attracted a number of submissions seeking that they be amended to provide greater clarity that they were not intended to capture 'normal' farming activities. Mr Clease's section 42A report contained a number of recommendations to provide further clarity and to refine the mechanics of the rules, whilst retaining their overall purpose. Mr Clease's recommendations were generally supported in submitter evidence and appeared to largely address the original concerns expressed in submissions. We agree with these recommendations and in response to Horticulture New Zealand's evidence, have included the ability to bury organisms as part of a biosecurity response within the definition of 'ancillary rural earthworks'.

Land use – Buildings

5.88 A similar situation arose with the rules controlling the size and placement of buildings and structures. In response to submissions, Mr Clease made a series of amendments to improve the workability of these rules, with the recommendations being either supported by submitters or attracting little evidence in opposition.

5.89 Regarding the use of artificial crop protection structures, they are typically comprised of large frames that are covered in shade cloth or similar material for part of the year. Mr Clease had recommended that such structures remain subject to the standard suite of rules controlling building height, boundary setbacks, and daylight admission, noting that he also recommended that the permitted height be increased to 15m (for structures more than 50m from site boundaries), which is generally sufficient for accommodating such structures. He also recommended that such structures be exempt from the site coverage provisions on the basis that they are typically pervious and seasonal.

5.90 Horticulture New Zealand sought that such structures have a separate definition, their own permitted activity rule (subject to meeting conditions), and an exemption from all of the land use building rules.

5.91 We recognise that such structures are an important and increasingly common component of horticultural activities. We also consider that they can be differentiated from other permanent buildings and should be exempt from site coverage controls. Whilst able to be differentiated from typical permanent buildings, such as large barns or packing sheds, we consider that such structures can nonetheless cover extensive areas. We also consider that where such structures are erected close to property boundaries, they have the potential to generate both shading and outlook/visual dominance effects on immediate neighbours. As such, we are not convinced that they warrant their own definition nor a permitted activity pathway.

5.92 We consider that they should remain subject to controls on internal boundary and daylight admission rules. We note that the activity status when these rules are triggered is restricted discretionary, with Council's discretion limited to consideration only on matters relating to shading and outlook. This enables site-specific assessment to be

undertaken and any mitigation such as local topography, intervening shelterbelts, and the sensitivity of the neighbouring receiving environment can all be taken into account.

Subdivision Rules

- 5.93 The key issues raised by submitters regarding the subdivision rules were in relation to the various pathways controlling subdivision and minimum lot sizes and the attendant ability to erect additional dwellings and on-sell smaller lots. We have set out our decisions on density/lot size above.
- 5.94 We heard evidence seeking refinements to the mechanics and detail of a number of the subdivision provisions. These amendments generally sought to improve the workability or clarity of the rules rather than constituting a major change in outcome or purpose. We have made several discrete amendments to the subdivision rule package to assist in improving rule clarity and effectiveness.

6 Conclusion

- 6.1 We accept and or reject the section 42A report and the evidence filed by the submitters for the reasons provided in this Decision, collectively forming the section 32AA assessment informing this Decision.
- 6.2 Overall, we are satisfied that the rural provisions as amended will provide a suitable framework for managing the ongoing use and development of the Rural Zone whilst managing any adverse effects.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

Chapter 5: Rural Environment

~~The following objectives and policies apply to the Rural Zone.~~

In addition to the provisions in this Chapter, additional policies apply to Hamilton's Urban Expansion Area (Objective 5.5.1 and Policies 5.5.1 and 5.5.2) and the following Specific Areas:

- Agricultural Research Centres (Policy 5.3.16);
- Huntly Power Station Coal and Ash Water (Policy 5.3.17);
- Whaanga Coast Development Areas (Policy 5.3.18); and
- Hamilton's Urban Expansion Area (Objective 5.5.1 and Policies 5.5.1 and 5.5.2)

General Rural Zone Description

The GRUZ – General rural zone provides predominantly for primary production activities, including intensive indoor primary production. The zone also provides for occasional community facilities, agricultural produce processing facilities, rural-related commercial and industrial activities, conservation activities, network infrastructure, and quarrying activities. These diverse activities are set within a landscape that is visually dominated by openness and vegetation with significant separation between buildings and where natural character elements such as waterways, wetlands, water bodies, indigenous vegetation, and natural landforms are key contributors to the character of the rural zone.

5.1 The General Rural Environment Zone

~~Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5.~~

5.1.1 Objective – Purpose of tThe zone

~~(a) Subdivision, use and development within the rural environment is provided for where:~~

- ~~(i) High class soils are protected for productive rural activities;~~
- ~~(ii) Productive rural activities, rural industry, network infrastructure, rural commercial, conservation activities, community facilities activities, and extractive activities are supported, while maintaining or enhancing the rural environment;~~
- ~~(iii) Urban subdivision, use and development in the rural environment is avoided:~~
 - (i) Enable farming activities;
 - (ii) Protect high class soils for farming activities;
 - (iii) Provide for rural industry, infrastructure, rural commercial, conservation activities, community facilities, and extractive activities;

- (iv) Maintain rural character and amenity;
- (v) Limit development to activities that have a functional need to locate in the zone.

5.2 Productive Capacity of Soils

5.2.1 – Objective – Productive capacity of soils

The primary productive value of soils, in particular high class soils, is retained.

~~(a) Maintain or enhance the:~~

- ~~(i) Inherent life supporting capacity and versatility of soils, in particular high class soils;~~
- ~~(ii) The health and wellbeing of rural land and natural ecosystems;~~
- ~~(iii) The quality of fresh water and ground water, including their catchments and connections;~~
- ~~(iv) Life supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.~~

5.2.2 Policy – High class soils

- ~~(a) Soils, in particular high class soils, are retained for their primary productive value~~
- (b) Ensure the adverse effects of activities do not compromise the physical, chemical and biological properties of high class soils.

5.2.3 Policy – Effects of subdivision and development on soils

- (a) Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located.
- ~~(b) Subdivision which provides a range of lifestyle options is directed away from high class soils and/or where indigenous biodiversity is being protected.~~

5.3 General Rural Zone Character and Amenity

5.3.1 Objective – rural character and amenity

- (a) Maintain rural character and amenity ~~are maintained.~~

Policy 5.3.2 – Contributing elements to rural character and amenity values

- (a) Recognise that rural character and amenity values vary across the zone as a result of the natural and physical resources present and the scale and extent of land use activities.

Policy 5.3.23 – Productive rural activities

- (a) ~~Recognise and protect~~ Enable the continued operation on-going use of the rural environment zone as a productive working environment by:
 - (i) Recognising that buildings and structures associated with farming and forestry and other operational structures for productive rural activities contribute to rural character and amenity values;
 - (ii) Ensuring productive rural activities are supported by appropriate rural industries and services;
 - (iii) Providing for lawfully-established rural activities and protecting them from sensitive land uses and reverse sensitivity effects;
 - (iv) Recognising the economic, social and cultural benefits that result from use and development of rural resources.

5.3.9 Policy – Non-rural activities

- ~~(a) Manage any non-rural activities, including equestrian centres, horse training centres, forestry and rural industries, to achieve a character, scale, intensity and location that are in keeping with rural character and amenity values.~~
- ~~(b) Avoid buildings and structures dominating land on adjoining properties, public reserves, the coast or waterbodies.~~

5.3.4 Policy – Other anticipated activities in rural areas

- (a) Enable activities that provide for the rural community's social, cultural, and recreational needs, subject to such activities being of a scale, intensity, and location that are in keeping with rural character and amenity values.

5.3.35 Policy – Industrial and commercial activities

- ~~(a) Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone.~~
- (a) Provide for rural industry and rural commercial activities provided they are either dependent on the rural soil resource or have a functional or operational need for a rural location.
- (b) Such activities are to be managed to ensure that:
 - (i) Their scale, intensity, and built form maintain rural character;
 - (ii) They maintain an appropriate level of amenity for neighbouring sites; and
 - (iii) They minimise reverse sensitivity effects on existing productive rural, intensive farming, quarrying, or rural industrial activities.
- (c) Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource.

5.3.6 Policy – Intensive Farming activities

- ~~(a) Enable~~ Provide for intensive farming activities ~~provided where~~ they operate in accordance with industry best practice and the management of adverse effects beyond the site boundaries both on-site and any adjoining sites.

5.3.740 Policy – Temporary events

- (a) Enable temporary events and associated structures, provided ~~any~~ adverse effects ~~on the rural environment~~ are managed by:
 - (i) limiting the timing, and duration of any temporary event;
 - (ii) ~~ensuring~~ limiting noise generated by the temporary events ~~meets to~~ the permitted noise limits for the GRUZ – General Rural Zone.

5.3.811 Policy – Home businesses ~~occupations~~

- (a) ~~support~~ Enable any home businesses ~~occupation to enable flexibility for people to work from their homes,~~ provided that it is of a scale that ~~is consistent with~~ maintains rural the character and amenity ~~of the environment~~.

5.3.912 Policy – Meremere Dragway

- (a) ~~Support~~ Enable the ongoing operation and activities at the Meremere Dragway, provided that its adverse effects are avoided, remedied or mitigated.

5.3.103 Policy – Waste management activities

- (a) ~~Provide~~ Encourage for the rehabilitation of existing quarry sites; ~~including landfill and cleanfill activities, where there is an environmental gain.~~
- (b) Ensure waste management facilities are ~~appropriately~~ located and operated so that to rural amenity and character are maintained and conflict with rural activities are minimised.
- (c) ~~Avoid~~ Waste management facilities located within the following areas are undertaken in a manner that protects the natural values of:
 - (i) An Outstanding Natural Landscape;
 - (ii) An Outstanding Natural Feature;
 - (iii) An Outstanding Natural Character Area.

5.3.116 Policy – Specific area – Agricultural research centres

- (a) ~~Recognise~~ Enable and protect the continued operation and development of Agricultural Research Centres that are an integral part of the agricultural sector.
- (b) ~~Provide for a range of rural activities and agricultural research activities that complement each other.~~

5.3.1217 Policy – ~~Specific area~~ – Huntly Power Station – Coal and ash management ~~water~~

- (a) Recognise and protect facilities that are integral to energy production at Huntly Power Station.
- (b) Provide for specific facilities that ~~include~~ involve the handling, stockpiling, and haulage of coal and the management ~~disposal~~ of coal ash water within identified areas in close proximity to Huntly Power Station.

5.5.1 Objective – Hamilton’s Urban Expansion Area

The provisions notified under this heading are addressed in Decision Report 5: Strategic Directions

5.3.135.2 Policy – Activities within Hamilton’s Urban Expansion Area

The provisions notified under this heading are addressed in Decision Report 5: Strategic Directions

5.3.14 Policy – Reverse sensitivity and separation of incompatible activities

- (a) Contain, as far as practicable, adverse effects within the site where the effect is generated.
- (b) Provide adequate separation of the activity from the site boundaries.
- (b) Ensure that new or extended sensitive land uses achieve adequate separation distances from and/or adopt appropriate measures to avoid, remedy or mitigate potential reverse sensitivity effects on productive rural activities, intensive farming, rural industry, infrastructure, extractive activities, or Extraction Resource Areas.

5.3.7 Policy – Reverse sensitivity effects

- (a) ~~Recognise the following features are typical of the rural environment and the effects are accepted and able to be managed:~~
 - (i) ~~Large numbers of animals being farmed, extensive areas of plants, vines or fruit crops, plantation forests and farm forests;~~
 - (ii) ~~Noise, odour, dust, traffic and visual effects associated with the use of land for farming, horticulture, forestry, farm quarries;~~
 - (iii) ~~Existing mineral extraction and processing activities;~~
 - (iv) ~~Minor dwellings;~~
 - (v) ~~Papakaainga housing developments within Maaori Freehold land.~~
- (b) ~~Avoid adverse effects outside the site and where those effects cannot be avoided, they are to be mitigated.~~
- (c) ~~Mitigate the adverse effects of reverse sensitivity through the use of setbacks and the design of subdivisions and development.~~
- (d) ~~The scale, intensity, timing and duration of activities are managed to ensure compatibility with the amenity and character of the rural environment.~~
- (e) ~~Enable the use of artificial outdoor lighting for night time work.~~
- (f) ~~Ensure glare and light spill from artificial lighting in the rural environment does not:~~
 - (i) ~~Compromise the safe operation of the road transport network; and~~
 - (ii) ~~Detract from the amenity of other sites within the surrounding environment.~~
- (g) ~~Frost fans are located and operated to ensure adverse effects on the surrounding environment are minimised.~~
- (h) ~~Provide for intensive farming activities, recognising the potential adverse effects that need to be managed, including noise, visual amenity, rural character or landscape effects, and odour.~~

~~Policy 5.3.4 – Density of dwellings and buildings within the rural environment~~

- ~~(a) Retain open spaces to ensure rural character is maintained.~~
- ~~(b) Additional dwellings support workers' accommodation for large productive rural activities.~~

Policy 5.3.15 – Density of Residential Units and seasonal worker accommodation

- (a) Maintain an open and spacious rural character by:
 - (i) Limiting residential units and seasonal worker accommodation to those associated with farming and productive rural activities;
 - (ii) Limiting residential units to no more than one per Record of Title, except for particularly large titles where a minimum of 40ha is provided for each residential unit;
 - (iii) Limiting the size, location, and number of minor residential units and requiring such units to be ancillary to an existing residential unit;
 - (iv) Limiting seasonal worker accommodation to no more than one facility per Record of Title that is at least 20ha in area.

Policy 5.3.16 – Retirement Villages

- (a) Provide for alterations and additions to retirement villages existing or subject to a resource consent at 17 January 2022.

~~Policy 5.3.8 – Effects on rural character and amenity from rural subdivision~~

- ~~(a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.~~
- ~~(b) Ensure development does not compromise the predominant open space, character and amenity of rural areas.~~
- ~~(c) Ensure subdivision, use and development minimise the effects of ribbon development.~~
- ~~(d) Rural hamlet subdivision and boundary relocations ensure the following:~~
 - ~~(i) — Protection of rural land for productive purposes;~~
 - ~~(ii) — Maintenance of the rural character and amenity of the surrounding rural environment;~~
 - ~~(iii) — Minimisation of cumulative effects.~~
- ~~(e) Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.~~
- ~~(f) Subdivision, use and development ensures the effects on public infrastructure are minimised.~~

Policy 5.3.17 – Rural Subdivision

- (a) Protect the productive capacity of land and soils in the GRUZ – General Rural Zone; and
- (b) Maintain an open and spacious rural character; and
- (c) Minimise adverse effects on the safe and efficient operation of infrastructure; by:

- (i) Avoiding subdivision that creates lots smaller than 0.8ha;
- (ii) Avoiding the creation of new lots that are wholly located on high class soils. For sites that are partially located on high class soils, new lots are to be located primarily on that part of the site that does not include high class soils;
- (iii) Limiting potential reverse sensitivity effects on productive rural activities, intensive farming, rural industry, infrastructure, or extractive activities by ensuring new lots provide adequate setbacks from potential sensitive activities.
- (iv) Ensuring that the subdivision does not compromise public access to rivers and water bodies or the quality of these environments; and
- (d) Make only limited provision for small rural lifestyle lots, where in addition to the matters set out in (a), (b), and (c), the subdivision:
 - (i) Provides public parks and reserves, located in accordance with a Council Parks Strategy; or
 - (ii) Provides a balance lot greater than 40ha; or
 - (iii) Involves a boundary relocation to create the same number of lots formed as a large balance lot greater than 40ha and a number of small rural lifestyle lots that are clustered to form a hamlet; and
 - (iv) Where (d) (ii) and (iii) applies, avoids ribbon development and the cumulative effects of multiple small rural residential lots locating on the same road frontage.

5.3.184 Policy - Signs

- (a) Manage the scale, location, appearance and number of signs are managed to ensure they do not detract from the compromise visual amenity of the rural environment.
- (b) Ensure signage directed at traffic does not distract, confuse or obstruct motorists, pedestrians and other road users. Ensure that signs directed at or visible to road or rail users do not adversely affect the safety of land transport users.
- (c) Limit the duration of temporary signage.
- (d) Recognise that public information signs provide value to the wider community.
- (e) Provide for appropriate signage on heritage items, notable trees and ~~Māori Sites of Significance~~ Sites and areas of significance to Māori for the purpose of identification or and interpretation.

5.3.195 Policy – Noise and vibration

- (a) Manage the adverse effects of noise and vibration by ~~Adverse effects of noise and vibration are minimised by:~~
 - (i) Ensuring that the maximum sound noise and vibration levels are compatible with the surrounding environment do not compromise rural amenity;
 - (ii) Limiting the timing and duration of noise-generating activities to the extent practicable and appropriate;
 - (iii) Maintaining appropriate buffers separation between high noise environments and noise sensitive activities;
 - (iv) Ensuring frost fans are located and operated to minimise to the extent practicable the adverse noise effects on other sites;
 - (v) Managing the location of sensitive land uses, particularly in relation to lawfully-established activities;

- (vi) Requiring acoustic insulation where sensitive land uses activities are located within high noise environments, including the Airport Noise Outer Control Boundary, Huntly Power Station, and the Gun Club Noise Control Boundary;
- (vii) ~~Managing-Ensuring~~ the adverse effects of vibration ~~from quarrying activities are managed~~ by limiting the timing and duration of blasting activities and maintaining sufficient setback distances ~~from between aggregate extraction activities and dwellings~~ residential units or identified building platforms on another site; and
- (viii) ~~Manage noise to protect existing adjacent activities sensitive to noise effects.~~
Managing noise to minimise as far as practicable effects on existing noise sensitive activities.

5.3.20 Policy – Outdoor lighting

- (a) Enable the use of artificial outdoor lighting for night-time work while minimising to the extent practicable effects on neighbouring sites.
- (b) Ensure glare and light spill from permanently fixed artificial lighting does not:
 - (i) Compromise the safe operation of the road transport network; and
 - (ii) Compromise the amenity of adjacent sites.

5.3.21 Policy –Building scale and location

- (a) Provide for buildings and structures where they are necessary components of farming and rural-related activities including rural industry, rural commercial, and extractive activities.
- (b) Manage the size and location of buildings and structures to:
 - (i) Maintain adequate levels of outlook, daylight, and privacy for adjoining sensitive land uses and public reserves; and
 - (ii) Maintain rural character, amenity, and landscape values, in particular where located in areas with high landscape values, the coastal environment, and adjacent to waterbodies.

5.3.522 Policy – Earthworks activities

- (a) ~~Provide for~~ Enable earthworks ~~where they support~~ associated with rural or conservation activities including:
 - (i) Ancillary rural earthworks; and f
 - (ii) Farm quarries;
 - (iii) The importation of controlled cleanfill material to a site; and
 - (iv) Indigenous biodiversity restoration.
 - ~~(iii) Use of cleanfill where it assists the rehabilitation of quarries.~~
- (b) ~~Manage the effects of~~ earthworks to ensure that:
 - (i) Erosion and sediment loss is avoided or mitigated;
 - (ii) The ground is geotechnically sound and remains safe and stable for the duration of the intended land use;
 - (iii) Changes to natural water flows and established drainage paths are avoided or mitigated;
 - (iv) Adjoining properties and public services infrastructure are protected;

- (v) Historic heritage and cultural values are recognised and protected; and
- (vi) Ecosystem protection, restoration, rehabilitation or enhancement works are encouraged.

5.4 Minerals and Extractive Industries

5.4.1 Objective – ~~minerals and extractive industries~~

- (a) ~~Mineral resource use provides economic, social, and environmental benefits to the district.~~

5.4.1 Objective – Extractive activities

- (a) Recognise the contribution of extractive industries to the economic and social well-being of the Waikato District.

Policy 5.4.2 – ~~Access to minerals and extractive industries~~

Policy 5.4.2 – Management of extractive activities

- (a) Provide for extractive activities provided that ~~Enable extractive industries provided that~~ adverse effects are appropriately avoided, remedied or mitigated; and, where this is not possible, off-set or compensated.
- (b) Protect access to, and extraction of, mineral, aggregate and coal resources by:
 - (i) Identifying on planning maps lawfully-established extractive activities industries in as either Aggregate Extraction Areas and or Coal Mining Areas on planning maps;
 - (ii) Identifying on planning maps the site of a potential extractive activity in an industry within an Aggregate Extractive Resource Area on planning maps;
- (c) Ensure that lawfully-established extractive activities industries are not compromised by new subdivision, use or development;
- (d) Avoid locating the location of any sensitive land uses within specified building setbacks buffer areas which otherwise risks in order to ensure the effective operation of an Aggregate Extraction Area, Coal Mining Area, or Extractive Resource Area lawfully established extractive industry.

5.X.X Objective - Emergency services

Recognise the essential support role of emergency services training and management activities and their important contribution to the health, safety and wellbeing of people.

5.X.X Policy - Emergency services facilities and activities

Enable the development, operation and maintenance of emergency services training and management facilities and activities within the zone.

Definitions

Ancillary rural earthworks	<p>Means any earthworks or disturbance of soil associated with:</p> <ul style="list-style-type: none"> (a) <u>crop cultivation, and associated land preparation (including establishment of sediment and erosion control measures) for planting and growing operations;</u> (b) <u>harvesting of agricultural and horticultural crops (farming) and forests (forestry); and</u> (c) <u>maintenance and construction of facilities typically associated with farming and forestry activities, including, but not limited to, farm/forestry tracks, roads and landings, stock races, silage pits, offal pits, farm drains, farm effluent ponds, feeding pads, fertiliser storage pads, airstrips, helipads, post holes, fencing, drilling bores, stock water pipes, water tanks and troughs, the maintenance of on-farm land drainage networks, and erosion and sediment control measures; and</u> (d) <u>burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u>
<u>Artificial Crop Protection Structure</u>	<p><u>Means structures (excluding greenhouses) and associated covering material used to protect crops and/or enhance plant growth.</u></p>
<u>Dog or cat animal boarding, daycare, breeding or animal training establishment</u>	<p>Means an activity carried out on land or within buildings where board, daycare and lodging, breeding and or training is provided or intended to be provided for more than five <u>domestic dogs or cats</u> animals (excluding offspring up to 3 months of age). This does not include dog kennels, calf rearing sheds, stables and similar shelters for ancillary to private farming or residential activities. use agricultural and horticultural research activities or agricultural research centres.</p>
<u>Extractive Activity Industry</u>	<p>Means taking, winning or extracting by whatever means, the naturally occurring minerals (including but not by whatever means limited to coal, rock, sand, and gravel) and peat from under or on the land surface. This may include one or more of the following: <u>This includes any of the following activities at or near the site where the minerals have been taken, won or extracted:</u></p> <ul style="list-style-type: none"> a) <u>excavation, blasting, processing (crushing, screening, washing, chemical separation and blending);</u> b) <u>the storage, distribution and sale of aggregates, coal or mineral products;</u> c) <u>the removal, stockpiling and deposition of overburden;</u> d) <u>treatment of stormwater and wastewater;</u> e) <u>storage, management and disposal of tailings;</u> f) <u>landscaping and rehabilitation works including cleanfilling;</u> g) <u>ancillary earthworks;</u> g) <u>ancillary buildings and structures, such as weighbridges, laboratories, and site offices;</u> h) <u>internal roads and access tracks; and</u>

	<p>i) <u>quarrying activities.</u></p> <p>The term includes the processing by such means as screening, crushing, or chemical separation of minerals at or near the site, where the minerals have been taken, won or excavated.</p> <p>The term also includes the removal, stockpiling and filling of overburden sourced from the same site.</p> <p>It includes all activities and structures associated with underground coal gasification, including pilot and commercial plants and the distribution of gas. It excludes prospecting and exploration activities.</p> <p><u>It does not include a farm quarry or ancillary rural earthworks.</u></p>
Farm quarry	<p>Means the <u>a location or area used for extraction of minerals or aggregate</u> taken for use ancillary to farming and horticulture, and only used within the property of extraction. No extracted material (including any aggregate) shall be exported or removed from the property of origin and there shall be no retail or other sales of such material. For example, farm quarries include the extraction of material for farm and forestry tracks, access ways and hardstand areas on the property of origin.</p>
Farming noise	<p>Means noise generated by <u>agricultural farming activities, including vehicles, any aircraft used for aerial spraying or fertiliser application (excluding aerodromes), agricultural mobile farming machinery or equipment and farm animals, including farm dogs.</u> It does not include <u>fixed equipment or facilities,</u> bird scaring devices and frost fans.</p>
Farming	<p>Means</p> <p>(a) <u>any agricultural, pastoral, horticultural, aquacultural, or apicultural activity having as its primary purpose the production of any livestock, fish, poultry, or crop using the in-situ soil, water and air as the medium for production; and It includes: includes:</u></p> <p>(b) Ancillary produce stalls;</p> <p>(b) <u>pProcessing, as an ancillary activity of farm produce grown on the same site land, such as cutting, cleaning, grading, chilling, freezing, packaging and storage;</u></p> <p>(c) <u>any land and buildings used for the production of commodities from (a) and used for the initial processing of commodities in (b) and includes greenhouses, indoor hydroponics, pack houses and coolstores;</u></p> <p>(d) <u>loading areas for helicopters and airstrips for top dressing and spraying the same site; and</u></p> <p>(e) <u>on-farm agricultural and horticultural research activities;</u></p> <p>It excluding-excludes:</p> <p>(f) <u>intensive farming; and</u></p> <p>(g) <u>further processing of those commodities into a different product.</u></p>
Forestry	<p>Means the planting and growing of trees and is an integrated land use including land preparation, roading, tree planting and maintenance (i.e. thinning, pruning, noxious weeds and animal control) and harvesting of trees and includes the use of accessory buildings, but not the establishment and/or use of permanent sawmills or other methods of timber processing.</p>

Free range pig or poultry farming	Means the rearing of pigs or poultry where the animals have permanent access to outdoor areas where stocking density is sufficiently low to enable the maintenance of pasture or ground cover. It includes buildings connected to the outdoor areas.
Horse training centre	Means facilities for the housing and training of thoroughbred and standard-bred horses. It and usually may involves some form of training track and arenas (both indoor and outdoor), but does not include any form of racing or show jumping or other activity to which the general public is permitted, whether or not an entrance fee is paid.
Intensive farming	<p>Means farming which is not dependent on the fertility of the soils on which it is located and which may be under cover or within an outdoor enclosure and be dependent on supplies of food produced on and/or off the land where the operation is located.</p> <p><u>Means farming and primary production involving livestock, poultry, or fungi whereby:</u></p> <ol style="list-style-type: none"> (1) <u>It occurs principally within a building; or</u> (2) <u>It occurs within outdoor enclosures or runs where the stocking density precludes the maintenance of pasture or ground cover; and</u> (3) <u>Livestock or poultry feeding is not primarily dependent on the fertility of the soils on which the activity is located and is primarily dependent on supplies of food which is grown or produced elsewhere and transported to the livestock or poultry.</u> <p>It includes:</p> <ol style="list-style-type: none"> (a) Intensive pig farming undertaken wholly or principally in sheds or other shelters or buildings, <u>or outdoor enclosures where stock are housed on a long-term basis and matters (2) and (3) are met;</u> (b) Poultry or game bird farming undertaken wholly or principally within sheds or other in shelters or buildings, <u>or outdoor enclosures where stock are housed on a long-term basis and matters (2) and (3) are met;</u> and (c) <u>Animal feed lots that are barns or covered or uncovered enclosures where stock are housed on a long-term basis and matters (2) and (3) are met.</u> <p>It excludes the following, provided the building is used for the purpose which it was built:</p> <ol style="list-style-type: none"> (a) Woolsheds; (b) Dairy sheds; (c) <u>Indoor rearing or weaning of livestock or under cover wintering accommodation</u> calving pens or wintering accommodation for less <u>no</u> more than 3 months in any calendar year 30 stock (except where stock are being reared for the replacement of breeding stock to be

	<p>used on the same property) or under cover wintering accommodation;</p> <p>(d) <u>Feed pads and stand-off pads ancillary to pasture-based farming;</u></p> <p>(e) <u>Horse stables;</u></p> <p>(f) <u>Poultry hatcheries; and</u></p> <p>glasshouse (g) <u>Greenhouse</u> production or nurseries.</p>
Meremere dragway activity	<p>Means an activity at Meremere Dragway as shown on the planning maps that involves motor propulsion to provide entertainment, education or training for the general public or to an individual participating in the activity; It and includes but is not limited to <u>ancillary non-motorised recreation and commercial activities, driver training or education, police or security training, and vehicle testing, and ancillary facilities such as club rooms/clubhouses, spectator stands, lighting and associated support structures, mechanical workshops and fuel storage and pumps.</u></p>
Mineral	<p><u>Has the same meaning as in section 2 of the Crown Minerals Act 1991.</u></p> <p>Means a naturally-occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals—including coal, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.</p> <p><u>For clarity, mineral for the purpose of the Plan includes coal and aggregate.</u></p>
<u>Motorised sport and recreation</u>	<p><u>Means a facility used for participating in, or viewing of, land-based motor sports. It includes car, truck, go-kart and motorbike racing tracks and ancillary facilities such as club rooms/clubhouses, spectator stands, lighting and associated support structures, mechanical workshops and fuel storage and pumps. It excludes activities located within either the MSRZ – Motorsport and Recreation Zone, or Meremere Dragway.</u></p>
<u>Official sign</u>	<p><u>Means all signs required or provided for under any statute or regulation, or otherwise related to aspects of public safety.</u></p>
<u>Plantation forestry</u>	<p><u>Has the meaning in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p>
Produce stall	<p>Means any land, building or part of any building that is used for the sale of farm and garden produce grown or produced on the site on which the produce stall is sited, <u>or grown or produced on a site owned or leased by the same landowner.</u> It includes the use of a trailer, handcart, barrow or similar structure, whether temporary or permanent. Weighing and packaging is part of the activity of a produce stall.</p>
Rural ancillary earthworks	<p>Means the disturbance of soil associated with cultivation, land preparation (including of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops and forests; and maintenance and construction of facilities typically associated with farming and forestry activities, including but not limited to</p>

	farm/forestry tracks, roads and landings, stock races, silage pits, farm drains, farm effluent ponds, and fencing and sediment control measures.
<u>Rural commercial activity</u>	<u>Means a commercial activity that has a direct functional or operational need to locate in the GRUZ – General Rural Zone or that services productive rural activities. It includes veterinary practices, wineries and wedding venues, adventure tourism, farm tourism, golf courses, gun clubs and firing ranges, and includes ancillary activities. It excludes visitor accommodation.</u>
<u>Rural industry</u>	<p>Means an industry that involves the direct handling or processing to the first stage of manufacture of any raw produce harvested from farming, rural contractors' depots, or any other land-related agricultural activity, but excludes waste disposal, extractive industries and electricity generation.</p> <p><u>Means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u></p>
<u>Seasonal worker accommodation</u>	<u>Means buildings used solely for accommodating the short-term labour workforce required by primary production activities, and which are configured as a series of detached buildings for sleeping quarters, cooking and ablutions.</u>

Chapter 22: GRUZ – General Rural Zone - Rules

- (1) The rules that apply to activities in the GRUZ – General Rural Zone are contained in Rule 22.1 Land Use – Activities, Rule 22.2 Land Use – Effects and Rule 22.3 Land Use – Building.
- (2) The rules that apply to subdivision in the GRUZ – General Rural Zone are contained in Rule 22.4
- (3) The activity status tables and standards in the following chapters also apply to activities in the GRUZ – General Rural zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change
- (4) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) NC Non-complying activity
- (5) The GRUZ – General Rural Zone contains four Specific Areas listed below. These Specific Areas contain rules that are either in addition to, or different from, other rules that apply to the rest of the GRUZ – General Rural Zone.
 - (a) Rule 22.5 Agricultural Research Centre
 - (b) Rule 22.6 Huntly Power Station - Coal and Ash Water
 - (c) Rule 22.7 Whaanga Coast Development Areas
 - (d) Rule 22.8 Lakeside Te Kauwhata Precinct

22.1 Land Use – Activities

Rules 22.1.1 – 22.1.6 – Permitted to prohibited activities

22.1.1 – Prohibited activities

PRI	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7).
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Rule 22.1.2 – Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) Activity-specific standards;
 - ~~(a)~~(b) Land Use – Effects rules in Rule 22.2 (unless the activity rule and/or ~~activity-specific conditions~~ standards identify a ~~condition~~ standard(s) that does not apply); and
 - ~~(b)~~(c) Land Use – Building rules in Rule 22.3 (unless the activity rule and/or ~~activity-specific conditions~~ standards identify a ~~condition~~ standard(s) that does not apply); and

©~~Activity-specific conditions.~~

Activity		Activity specific conditions standards
P7 P1	Farming	Nil
P2	A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	The provisions notified under this heading are addressed in Decision Report 6: Tangata Whenua.
P2 3	A temporary event	<ul style="list-style-type: none"> (a) The event occurs no more than 3 6 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am to 8:30pm Monday to Sunday; (d) Temporary structures are: <ul style="list-style-type: none"> (i) erected no more than 2 days before the event occurs; (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the event; (f) There is no direct site access from a national route or regional arterial road.
P3 4	Cultural event on Maaori Freehold Land containing a Marae Complex	The provisions notified under this heading are addressed in Decision Report 6: Tangata Whenua.
P4 5	A home occupation business	<ul style="list-style-type: none"> (a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home occupation business is <u>either wholly contained within a building, or where outside occupies no more than 100m² of site area and is located where it is not visible from other sites or public roads;</u> (c) No more than 2 people who are not permanent residents of the site are employed at any one time; (d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:300am and before 7:00pm on any day; (e) Machinery may <u>can</u> be operated after 7:30am and up to 9pm 7:00pm on any day; (f) <u>The home business shall not occupy more than 200m² in total within buildings and outdoor storage areas.</u>
P5 6	Meremere Dragway Activity	<ul style="list-style-type: none"> (a) Land Use – Effects in Rule 22.2; and (b) Land Use – Building in Rule 22.3.

P6	Afforestation not in an Outstanding <u>Natural Landscape Area</u> or Outstanding <u>Natural Feature</u>	(a) Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES.
P7	Farming <u>Plantation Forestry</u>	Nil (a) Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES
P8	Forestry	Nil
P9-8	Produce stall	Nil
P10-1	Home stay	(a) <u>Have no more than 5 guests.</u>
P11-2	Equestrian Centre	Nil
P12-3	Horse Training Centre	Nil
P14	<u>Visitors' Accommodation</u>	(a) <u>Have no more than 5 guests; and</u> (b) <u>Be within a building that was existing as at 17 January 2022.</u> (c) <u>Standards (a) and (b) do not apply to occupation of a single residential unit for short term rental.</u>
P15	<u>Residential</u> <u>This includes occupation of a single residential unit for short term rental.</u>	Nil
P16	<u>Emergency services training and management activities</u>	Nil
P17	<u>Conservation activity</u>	Nil
P18	<u>Childcare</u>	(a) <u>Have no more than four non-resident children.</u>
P20	<u>Maintenance, operation, and alterations to:</u> (a) <u>Tamahere Hospital (Section 55 SO 457609);</u> <u>Note: additions to this facility are subject to Rule 22.1.3 RD3</u>	(a) <u>The alterations do not increase net floor area</u>
P21	<u>Educational Facilities including student and staff accommodation at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210936</u>	(a) <u>Land Use – Building in Rule 22.3 except:</u> (i) <u>Rule 22.3.1 (Number of residential units) does not apply;</u> (ii) <u>Rule 22.3.2 (Minor residential units) does not apply;</u> (b) <u>Student or staff accommodation must be ancillary to the educational facilities.</u>
P22	<u>Mineral exploration and prospecting, including:</u>	(a) <u>Shall not be located within all or part of any of the following landscape and natural character areas:</u> (i) <u>Outstanding Natural Feature;</u>

	<p>(a) <u>Sampling by methods involving hand tools;</u></p> <p>(b) <u>Mechanical sampling where there is existing vehicle access to the area to be trenched or sampled;</u></p> <p>(c) <u>Samples taken using explosives;</u></p> <p>(d) <u>Geophysical surveys not using explosives.</u></p>	<p>(ii) <u>Outstanding Natural Landscape;</u></p> <p>(iii) <u>High natural character area;</u></p> <p>(iv) <u>Outstanding Natural Character area.</u></p> <p>(b) <u>All drilling is limited to 150mm in diameter and a density of one drill site per hectare.</u></p> <p>(c) <u>The cumulative length of trenching or sampling does not exceed 50 lineal metres per hectare.</u></p> <p>(d) <u>Where areas are disturbed, topsoil shall be stockpiled and replaced over such areas, and the site shall be rehabilitated and restored generally to its original condition within 1 month of sampling being completed.</u></p> <p>(e) <u>The use of explosives for sampling shall only occur between 7am to 7pm.</u></p>
<u>P23</u>	<u>Free range pig or poultry farming, and poultry hatcheries</u>	<u>Nil</u>
<u>P24</u>	<u>Seasonal worker accommodation</u>	<p>(a) <u>Is used solely for part of the year to meet labour requirements for primary production.</u></p> <p>(b) <u>Comprises of communal kitchen and eating areas and separate sleeping and ablution facilities.</u></p> <p>(c) <u>Accommodates no more than 12 workers.</u></p> <p>(d) <u>Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</u></p>
<u>P25</u>	<u>Recreational hunting and fresh water fishing</u>	<u>Nil</u>
<u>P26</u>	<u>Gardening</u>	<u>Nil</u>
<u>P27</u>	<u>Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018</u>	<p>(a) <u>Within National Grid Yard:</u></p> <p>(i) <u>Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or</u></p> <p>(ii) <u>Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or</u></p> <p>(iii) <u>Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or</u></p> <p>(iv) <u>Non-habitable horticultural buildings; or</u></p> <p>(v) <u>Artificial crop protection and support structures (excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures);</u></p> <p>(vi) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and</u></p>

		<p>(vii) <u>Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</u></p> <p>(b) <u>All buildings or structures permitted by Rule 22.1.2 P27 must:</u></p> <p>(i) <u>Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p>(ii) <u>Locate a minimum 12m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is:</u></p> <p>(1) <u>A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or</u></p> <p>(2) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or</u></p> <p>(3) <u>Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</u></p> <p>(iii) <u>Not permanently physically impede existing vehicular access to a National Grid support structure;</u></p> <p>(c) <u>Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that:</u></p> <p>(i) <u>Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for separation distances from the conductor;</u></p> <p>(ii) <u>Are no higher than 2.5m;</u></p> <p>(iii) <u>Are removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;</u></p> <p>(iv) <u>Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.</u></p>
P28	<u>Construction or alteration of a building for a sensitive land use</u>	<p>(a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u></p> <p>(i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution</u></p>

		<u>or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u> (ii) <u>It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u>
<u>P29</u>	<u>Additions and alterations to an existing emergency service facility</u>	<u>Nil</u>
<u>P30</u>	<u>Construction, demolition, addition, and alteration of a building or structure</u>	<u>Nil</u>

22.1.3 Restricted Discretionary Activities

(I) The activities listed below are restricted discretionary activities.

Activity		Matters of Discretion
RDI	<p>(a) Intensive Farming that meets all of the following conditions <u>standards</u>:</p> <ul style="list-style-type: none"> (i) Land Use – Effects in Rule 22.2 (ii) Land Use – Building in Rule 22.3 (iii) Building coverage does not exceed 3% of the site: <ul style="list-style-type: none"> A. Rule 22.3.6 (Building Coverage) does not apply; (iv) Building height does not exceed 15m; <ul style="list-style-type: none"> A. Rule 22.3.4 (Building Height) does not apply. <p>(b) <u>Intensive farming</u> s not located in:</p> <ul style="list-style-type: none"> (i) An Outstanding Natural Feature; (ii) An Outstanding Natural Landscape; (iii) A Significant Amenity Landscape; (iv) An Outstanding Natural Character Area; or (v) A High Natural Character Area. <p>(c) For <u>intensive</u> pig farming, buildings and adjacent yard areas <u>outdoor enclosures</u> are set back at least:</p> <ul style="list-style-type: none"> (i) 300 metres from any site boundary; (ii) From any boundary of a <u>GRZ – General Residential, MRZ – Medium Density Residential, LLRZ – Large Lot Residential, Village SETZ - Settlement or Country Living RLZ – Rural Lifestyle Zone</u>: <ul style="list-style-type: none"> A. 1200 metres (500 or fewer <u>less</u> pigs); or B. 2000 metres (more than 500 pigs). <p>(d) For free-range poultry farming, buildings and outdoor enclosures are set back at least:</p> <ul style="list-style-type: none"> (i) 100 metres from any site boundary; and (ii) 500 metres from any boundary of a Residential, Village and Country Living Zone; <p>(d) (e) For housed or free-range poultry that meets the definition for intensive farming, and all other intensive farming, buildings and adjacent yard areas <u>outdoor enclosures</u> are set back at least:</p>	<p>(a) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) traffic effects; (ii) effects on amenity values, including odour, visual impact, landscaping; (iii) location, type and scale of development; and (iv) noise effects; (v) <u>odour and dust effects, except where a Certificate of Compliance or resource consent has been obtained from the Waikato Regional Council for air discharges; and</u> (vi) <u>The extent to which the farm will operate in accordance with an approved farm Environment Plan or relevant industry codes of practice.</u>

	<ul style="list-style-type: none"> (i) 300 metres from any site boundary; and (ii) 500 metres from any boundary of a <u>GRZ – General Residential, MRZ – Medium Density Residential, LLRZ – Large Lot Residential, Village SETZ - Settlement or Country Living RLZ – Rural Lifestyle Zone.</u> 	
RD2	<p>(a) <u>Rural Industry, including packhouses and coolstores that handle produce sourced from other sites, feed mills and animal feed production, and rural contractors' depots; that meet the following standards:</u></p> <ul style="list-style-type: none"> (i) <u>Not in an Urban Expansion Area;</u> (ii) <u>Is not an extractive activity.</u> 	<p>(a) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) <u>the extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General Rural Zone;</u> (ii) <u>effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</u> (iii) <u>location, type and scale of development;</u> (iv) waste disposal; (iv) <u>nuisance effects including light spill and glare, odour, dust, noise; and</u> (v) <u>traffic effects.</u>
RD3	<ul style="list-style-type: none"> (a) <u>Child care facility for five or more non-resident children;</u> (b) <u>Educational facilities that are primary or secondary schools not otherwise provided for as a permitted activity by Rule 22.1.2 P21;</u> (c) <u>Community facility.</u> <p><u>Where (a)-(c) meet the following standard:</u></p> <ul style="list-style-type: none"> (i) <u>Not in an Urban Expansion Area.</u> 	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General Rural Zone;</u> (ii) <u>Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</u> (iii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u> (iv) <u>Traffic effects;</u> (v) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities; and</u> (vi) <u>The extent to which the facilities are designed to meet Crime</u>

		<u>Prevention Through Environmental Design outcomes.</u>
<u>RD4</u>	<p><u>Rural Commercial that meet the following standard:</u></p> <p>(i) <u>Not in an Urban Expansion Area</u></p>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General Rural Zone:</u></p> <p>(ii) <u>Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</u></p> <p>(iii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u></p> <p>(iv) <u>Traffic effects; and</u></p> <p>(v) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities.</u></p>
<u>RD5</u>	<u>Emergency service facilities</u>	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>(b) <u>Effects on amenity of the locality.</u></p> <p>(c) <u>Effects on character.</u></p> <p>(d) <u>Road efficiency and safety.</u></p> <p>(e) <u>Building design.</u></p> <p>(f) <u>Site layout and design; and</u></p> <p>(g) <u>Privacy on other sites.</u></p>
<u>RD6</u>	<p><u>Agricultural and horticultural research facilities that meet the following standard:</u></p> <p>(i) <u>Not in an Urban Expansion Area.</u></p> <p><u>Note: For research activities undertaken within an Agriculture Research Centre Specific Area, Section 22.5 applies.</u></p>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>Effects on rural character and amenity;</u></p> <p>(ii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u></p> <p>(iii) <u>Traffic effects;</u></p> <p>(iv) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities;</u></p> <p>(v) <u>The extent to which the scale and nature of the activity is consistent with managing urban growth</u></p>

		<u>through the consolidation of townships.</u>
<u>RD7</u>	<u>An extractive activity or waste management activity located within an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.</u>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>effects on rural character and amenity;</u> (ii) <u>location, type and scale of development;</u> (iii) <u>nuisance effects including dust, noise, vibration, odour and light spill;</u> (iv) <u>industry best practice and use of management plans;</u> (v) <u>traffic effects;</u> (vi) <u>erosion and sediment control; and</u> (vii) <u>rehabilitation and end use including back filling.</u>
<u>RD9</u>	<u>Mineral exploration and prospecting that does not comply with Rule 22.1.2 P21</u>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Separation from sensitive activities;</u> (ii) <u>The visual and amenity effects of stockpiles;</u> (iii) <u>Amenity effects relating to the hours of operation and noise;</u> (iv) <u>Landscape and ecological effects;</u> (v) <u>Effects on waterbodies, riparian margins, and wetlands;</u> (vi) <u>Site restoration; and</u> (vii) <u>Financial contributions towards landscaping, site restoration, and roading.</u>
<u>RD10</u>	<u>Seasonal worker accommodation</u>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>The effectiveness of methods to avoid, remedy, or mitigate the effects on existing activities, including the provision of screening, landscaping, and methods for noise control; and</u> (ii) <u>The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by the Department of Building and Housing 2008.</u>

RD11	<u>Construction or alteration of a building for a sensitive land use that does not comply with 22.1.2 P28</u>	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p><u>a. Effects on the amenity values of the site;</u></p> <p><u>b. The risk of electrical hazards affecting the safety of people;</u></p> <p><u>c. The risk of damage to property;</u> <u>and</u> <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></p>
RD12	<u>Any habitable building inside the 65 dBA L_{dn} contour as shown on the planning maps.</u>	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p><u>a. Acoustic insulation and achievement of internal noise levels; and</u></p> <p><u>b. Design and orientation of habitable building.</u></p>

22.1.4 5 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with <u>one or more of the an activity specific conditions standards</u> in Rule 22.1.2.
D2	Any permitted activity that does not comply with Land Use Effects Rule 22.2 or Land Use Building Rule 22.3 unless the activity status is specified as controlled, restricted discretionary or non-complying activity.
D32	Any activity that does not comply with {Rule 22.1.3 RD1. or RD2}
D43	A waste management facility <u>located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.</u>
D54	Hazardous waste storage, processing or disposal.
D65	(a)An educational facility that is not a primary or secondary school. (b) Educational, child care or community facilities located in an Urban Expansion Area.
D76	A correctional facility.
D87	An extractive-industry activity located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.
D9	A commercial activity, excluding a produce stall
D10	An industrial activity
D118	Travellers' Visitors' Accommodation for 6 or more than 5 people or that is within a building that was constructed after 17 January 2022.
D129	Motorised sport and recreation. activity
D130	Transport depot.

<u>D141</u>	Place of Assembly-Community facility
<u>D152</u>	Afforestation of any part of an Outstanding <u>Natural Landscape or Outstanding Natural Feature</u> , or Natural Character Area or High Natural Character Area .
<u>D163</u>	A dog or cat boarding, <u>daycare</u> , breeding or animal training establishment.
<u>D14</u>	<u>Home stay for 6 or more guests.</u>

22.1.5 Non-Complying Activities

(I) The activities listed below are non-complying activities.

NC1	Construction of a building located on an indicative road <u>prior to that road being constructed and vested in Council.</u>
NC2	(a) An extractive activity industry located within all or part of any of the following <u>landscape and natural character areas</u> : (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High natural character area; <u>or</u> (iv) Outstanding Natural Character area.
NC3	(a) A waste management facility located within all or part of any of the following <u>landscape and natural character areas</u> : (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High Natural Character area; <u>or</u> (iv) Outstanding Natural Character Area.
NC4	(a) <u>The following activities located within the Urban Expansion Area</u> , the following activities : (i) intensive farming; (ii) storage, processing or disposal of hazardous waste; (iii) correctional facility; (iv) extractive activity industry ; (v) industrial activity, including rural industry ; (vi) <u>rural commercial</u> ; (vii) <u>agricultural and horticultural research facilities</u> ; (vi-viii) motorised <u>sport and recreation activity</u> ; <u>or</u> (viii ix) transport depot.
NC5	(a) <u>Industrial activity, excluding a rural industrial activity.</u> (b) <u>Commercial activity, excluding a produce stall or rural commercial activity.</u>
<u>NC56</u>	Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.
<u>NC7</u>	<u>Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018 that do not comply with Rule 22.1.2 P27</u>
<u>NC8</u>	<u>Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard</u>
<u>NC9</u>	<u>Any change of use of an existing building to a sensitive land use within the National Grid Yard</u>
<u>NC10</u>	<u>The establishment of any new sensitive land use within the National Grid Yard</u>
<u>NC11</u>	<u>Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures, or buildings for intensive farming within the National Grid Yard</u>

22.2 Land Use Effects

22.2.1 Noise

- (1) Rules 22.2.1.1 to 22.2.1.3 provide the permitted noise levels for noise generated by land use activities.
- (1) ~~(2)~~ Rule 22.2.1.1 Noise – general provides permitted noise levels in the GRUZ – General Rural Zone.
- (2) ~~(2)~~ Noise levels for specific activities are provided in Rules 22.2.1.2 Noise – Frost Fans and 22.2.1.3 Noise – Construction.
- (3) Noise generated by activities permitted under Rule P1 are not subject to Rules P2-P4.

22.2.1.1 Noise – General

P1	Farming noise, and noise generated by <u>hunting</u> , emergency generators and emergency sirens.
P2	<p>(a) Noise measured at the notional boundary on any other site in the <u>GRUZ – General Rural Zone</u> must not exceed:</p> <ul style="list-style-type: none"> (i) 50dB (LAeq), 7am to 7pm every day; (ii) 45dB (LAeq), 7pm to 10pm every day; (iii) 40dB (LAeq) and 65dB (LAmx), 10pm to 7am the following day. <p>(b) <u>Noise measured within any site in any zone, other than the GRUZ – General Rural Zone, must meet the permitted noise levels for that zone.</u></p> <p>(c) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</u></p> <p>(d) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</u></p>
P3	(a) Noise measured within any site in any zone, other than the Rural Zone, must meet the permitted noise levels for that zone.
P4	<p>(a) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</p> <p>(b) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</p>
D1	Noise that does not comply with Rule 22.2.1.1 P1, P2, P3 or P4.

Rule 22.2.1.2 – Frost Fans

P1	<p>(a) Noise generated by a frost fan must not exceed 55dB (LAeq) when measured at the notional boundary on any site in the <u>GRUZ – General Rural Zone</u> and within any site in the <u>MRZ – Medium Density Residential, LLRZ – Large Lot Residential, Country Living RLZ – Rural Lifestyle Zone, Village SETZ - Settlement Zone or GRZ – General Residential Zone.</u></p> <p>(b) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</u></p>
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	(c) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic- Environmental noise.</u>
RD1	<p>(a) Noise generated by a frost fan that does not comply with Rule 22.2.1.2 PI.</p> <p>(b) <u>Council's discretion is restricted to:</u></p> <ul style="list-style-type: none"> (i) <u>effects on amenity values;</u> (ii) <u>the location and proximity of the fans to sensitive activities;</u> (iii) <u>noise levels;</u> (iv) <u>the adequacy of any mitigation.</u>

22.2.1.3 Noise – Construction

PI	<p>(a) Construction noise generated from a construction site must not exceed <u>meet</u> the limits in New Zealand Standard NZS 6803:1999 (Acoustics – Construction Noise).</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise'.</p>
RD1	<p>(a) Construction noise that does not comply with Rule 22.2.1.3 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) hours and days of construction; (iii) noise levels; (iv) timing and duration; (v) methods of construction.

22.2.1.4 Noise – Extractive activity

PI	<p>(a) <u>Noise generated by extractive activity from a facility existing or operating under resource consent at 17 January 2022, shall be measured at the notional boundary of any residential unit existing at 25 September 2004, or at any site in a GRZ – General Residential, MRZ – Medium Density Residential, LLRZ – Large Lot Residential, SETZ - Settlement or RLZ – Rural Lifestyle Zone;</u></p> <p>(b) <u>Noise generated by new extractive activity located within a Coal Mining Area, Aggregate Extraction Area, or Extractive Resource Area shall be measured at the notional boundary of any residential, or at any site in a Residential, MRZ – Medium Density Residential, LLRZ – Large Lot Residential, SETZ - Settlement or RLZ – Rural Lifestyle Zone;</u></p> <p>(c) <u>Noise generated from extractive activity subject to clause (a) or (b) shall not exceed:</u></p> <ul style="list-style-type: none"> (iv) <u>55dB (L_{Aeq}), 7am to 7pm Monday to Friday;</u> (v) <u>55dB (L_{Aeq}), 7am to 6pm Saturday;</u> (vi) <u>50dB (L_{Aeq}), 7pm to 10pm Monday to Friday;</u> (vii) <u>50dB (L_{Aeq}), 7am to 6pm Sundays and Public Holidays;</u> (viii) <u>45dB (L_{Aeq}) and 70dB (L_{AFmax}) at all other times including Public Holidays;</u> <p>(d) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound";</u></p>
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	(e) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustic – Environmental noise".</u>
DI	Noise that does not comply with Rule 22.2.1.4 PI.

22.2.2 Glare and Artificial Light Spill

PI	<p>(a) Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at the notional boundary on any other site in the <u>GRUZ – General Rural Zone</u>; at any road boundary or within any other site in the <u>GRZ – General Residential</u>, <u>MRZ – Medium Density Residential</u>, <u>LLRZ – Large Lot Residential</u>, <u>Village SETZ - Settlement</u> or <u>Country Living RLZ – Rural Lifestyle Zones</u>;</p> <p>(b) Rule 22.2.2 PI (a) does not apply to vehicles used in farming activities and agricultural equipment;</p> <p>(c) Any artificial lighting from vehicles used in farming activities and agricultural equipment shall be operated so that direct or indirect illumination does not create a nuisance to occupants of adjoining or nearby sites.</p>
RD1	<p>(a) Illumination from glare and artificial light spill that does not comply with Rule 22.2.2 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) <u>effects of</u> light spill levels on other sites; (iii) road safety; (iv) duration and frequency; (v) location and orientation of the light source; (vi) mitigation measures; (vii) location and orientation of the light source.

22.2.3 Earthworks

- (1) Rule 22.2.3.1 – Earthworks General, provides the permitted rules for earthworks in the GRUZ – General Rural Zone. These rules do not apply to earthworks for subdivision or extractive activities.
- (2) There are specific standards for earthworks within rules:
 - (a) Rule 22.2.3.2 – Earthworks - Maaori Sites and Maaori Areas of Significance;
 - (b) Rule 22.2.3.3 – Earthworks - Significant Natural Areas;
 - (c) Rule 22.2.3.4 – Earthworks – within Landscape and Natural Character Areas.
- (3) The National Environmental Standards for Freshwater 2020 also contain rules relating to earthworks and apply in addition to the District Plan rules.

22.2.3.1 Earthworks – General

PI	<p>(a) Except as otherwise specified in Rule 22.2.3.2, Rule 22.2.3.3 or Rule 22.2.3.4 Earthworks for:</p> <ul style="list-style-type: none"> (i) Ancillary rural earthworks; (ii) <u>A farm quarry where the volume of aggregate <u>extracted</u> does not exceed 1000m³ per in any single consecutive 12 month period;</u> (iii) Construction and/or maintenance of tracks, fences or drains;
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	<p>(iii) <u>Earthworks required to form a A-building platform that will be subject to a building consent for a residential activity, including accessory buildings, where undertaken in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development;</u></p> <p>(iv) <u>Earthworks are setback 5m horizontally from any waterway, open drain or overland flow path, unless undertaken in order to construct a building permitted under Rule 22.3.7.5 P2.</u></p> <p><u>(b) Earthworks ancillary to a conservation activity must meet the following standards:</u></p> <p><u>(i) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls.</u></p>
P2	<p><u>With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1</u></p> <p>(a) Earthworks within a site must meet all of the following conditions <u>standards</u>:</p> <p>(i) Do not exceed a volume of more than 1000m³ and an area of more than 2000m² over <u>in</u> any single consecutive 12 month period;</p> <p>(ii) The total <u>combined</u> depth of any excavation (<u>excluding drilling</u>) or filling does not exceed 3m above or below <u>natural</u> ground level;</p> <p>(iii) <u>Take place on land</u> with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Earthworks are setback a <u>minimum of</u> 1.5m from all boundaries;</p> <p>(v) Areas exposed by earthworks are <u>stabilised on completion and any remaining bare ground re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; and</u></p> <p>(vi) Sediment resulting from the earthworks is <u>managed</u> retained on the site through implementation and maintenance of erosion and sediment controls.</p> <p>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
P3	<p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</p> <p>(i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</p>
P43	<p><u>With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1</u></p> <p>(i) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported <u>cleanfill material, concrete or brick or</u> cleanfill <u>must meet all of the following conditions standards;</u></p> <p>(ii) <u>Do</u> not exceed a total volume of 200 <u>500</u>m³ <u>in any single consecutive 12 month period;</u></p> <p>(iii) <u>Do</u> not exceed a depth of 1m <u>above natural ground level;</u></p> <p>(iv) <u>The</u> slope of the resulting filled area in stable ground must <u>does</u> not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(v) <u>Fill</u> material is setback <u>a minimum of</u> 1.5m from all boundaries;</p> <p>(vi) <u>A</u>areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the <u>filling earthworks; and</u></p> <p>(vii) <u>S</u>sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls.</p> <p>(viii) Does not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
RD1	<p>(a) Earthworks that do not comply with Rule 22.2.3.1 P1, P2, <u>or</u> P3 or P4.</p> <p>(b) Council's discretion shall be limited to the following matters:</p>

	<ul style="list-style-type: none"> (i) amenity values and landscape effects; (ii) volume, extent and depth of earthworks; (iii) nature of fill material; (iv) contamination of fill material or cleanfill; (v) location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) compaction of the fill material; (vii) volume and depth of fill material; (viii) protection of the Hauraki Gulf Catchment Area; (ix) geotechnical stability; (x) flood risk, including natural water flows and established drainage paths; (xi) land instability, erosion and sedimentation; (xii) <u>effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u>
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22.2.6 Signs

- (a) Rule 22.2.6.1 Signs – General provides permitted standards for any sign, including real estate signs, across the entire GRUZ – General Rural Zone.
- (b) Rule 22.2.6.2 Signs – effects on traffic apply specific standards for signs that are directed at road users.

22.2.6.1 Signs – General

P1	<ul style="list-style-type: none"> <u>(a) A public information sign erected by a government agency or an official sign.</u> <u>(b) Signs that are located within a building or that are not visible from a road or adjoining site.</u> <u>(c) Signs permitted by (a) or (b) are not subject to P2.</u>
P2	<ul style="list-style-type: none"> (a) A sign must comply with all of the following conditions <u>standards</u>: <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained on the site; (iii) The sign does not exceed 3m²; (iv) The sign height does not exceed 3m; (v) The sign is not illuminated, (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from a state highway and the Waikato Expressway; (viii) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (ix) The sign is not attached to a heritage item listed in Schedule 30.1 (Historic Heritage Items) except for the purpose of identification and interpretation; (x) The sign is <u>is for the purpose of identification and interpretation of</u> not attached to a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance) except for the purpose of identification and interpretation; (xi) The sign relates to: <ul style="list-style-type: none"> A. Goods or services available on the site; or B. A property name sign.

P3	<p>(a) A real estate for sale sign relating to the site on which it is located must <u>comply with all of the following standards:</u> not:</p> <ul style="list-style-type: none"> (i) Have <u>no</u> more than <u>3</u> signs per site agency; (ii) <u>Be</u> The sign is not illuminated; (iii) <u>The sign does not c</u>ontain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (iv) <u>The sign does not exceed 3m²</u>; (v) <u>Any real estate sign shall be removed within 20 working days of the sale or lease being settled.</u> <p>Project into or over road reserve.</p>
P4	<u>Official sign</u>
P5	<u>Signs that are located within a building or that are not visible from a road or adjoining site.</u>
RD1	<p>(a) Any sign that does not comply with Rule 22.2.6.1 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) amenity values; (ii) rural character of the locality; (iii) effects on traffic safety; (iv) effects of glare and artificial light spill; (v) content, colour and location of the sign; (vi) effects on notable trees; (vii) effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (viii) effects on cultural values of any Maaori site of significance; effects on notable architectural features of the building.

22.2.6.2 Signs - effects on traffic

PI	<p>(a) Any sign directed at road users must <u>meet the following standards:</u></p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings <u>and railway crossings</u> any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Contain no more than 40 characters and no more than <u>6 words, symbols, or graphics</u>; (v) Have lettering that is at least 200mm high; and (vi) Where the sign directs traffic to a site entrance, it must be at least: <ul style="list-style-type: none"> A. 175m from the entrance on roads with a speed limit of 80 km/hr or less; or B. 250m from the entrance on roads with a speed limit of more than 80km/hr.
DI	Any sign that does not comply with Rule 22.2.6.2 PI.

22.3 Land Use – Building

22.3.1 Number of ~~dwelling~~ residential units and seasonal worker accommodation within a lot

PI	<p>(a) One dwelling <u>residential unit</u> within a lot <u>Record of Title</u> containing <u>an area</u> less than 40ha;</p>
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	<p>(b) No more than two dwellings Within a lot Record of Title containing an area of 40ha or more, one additional residential unit is permitted for every additional 40ha of area up to a maximum of three residential units;</p> <p>(c) <u>One seasonal worker accommodation shall be located within a Record of Title containing an area of 20ha or more;</u></p> <p>(d) Any dwellings <u>residential unit(s)</u> under Rule 22.3.1 PI (a) and (b), or seasonal worker accommodation under Rule 22.3.1 PI (c) <u>must not be located within any of the following landscape and natural character areas:</u></p> <ul style="list-style-type: none"> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; <u>or</u> (iv) High Natural Character Area.
DI	<p>(a) A dwellings <u>residential unit</u> that does not comply with Rule 22.3.1 PI (a) or (b) and is <u>located within an area listed in (d).</u></p> <p>(b) <u>Seasonal worker accommodation that complies with Rule 22.3.1 PI (c) and is located within an area listed in (d).</u></p>
NCI	<p>(a) <u>A residential unit that does not comply with Rule 22.3.1 PI (a) or (b).</u></p> <p>(b) <u>Seasonal worker accommodation that does not comply with Rule 22.3.1 PI (c).</u></p>

22.3.2 Minor ~~dwellings~~ residential units

PI	<p>(a) One minor residential unit <u>dwellings</u> not exceeding 70 <u>120</u>m² gross floor area (excluding accessory buildings) within a Record of Title lot.</p> <p>(b) <u>The minor residential unit shall be located on the same Record of Title as an existing residential unit and shall:</u> Where there is an existing dwellings located within a lot:</p> <ul style="list-style-type: none"> (i) The minor dwellings must be <u>Be</u> located within 2 <u>100</u>m of the <u>existing residential unit</u> dwellings; (ii) The minor dwellings must <u>Share</u> a single driveway access with the existing <u>residential unit</u> dwellings. <p>(c) <u>Any minor residential unit must not be located within any of the following landscape or natural character areas:</u></p> <ul style="list-style-type: none"> (i) <u>Outstanding Natural Feature;</u> (ii) <u>Outstanding Natural Landscape;</u> (iii) <u>Outstanding Natural Character Area; or</u> (iv) <u>High Natural Character Area.</u>
DI	A minor <u>residential unit</u> dwellings that does not comply with Rule 22.3.2.PI.

22.3.4 Height

- (1) Rule 22.3.4.1 – Height - Building general provides permitted height levels across the entire GRUZ – General Rural Zone for buildings, structures or vegetation.
- (2) The following rules provide height levels for specific activities:
 - (i) Rule 22.3.4.2 – Height - Frost fans;
 - (ii) Rule 22.3.4.3 – Height - Buildings, structures and vegetation within an airport obstacle limitation surface;
 - (iii) Rule 22.3.4.4 - Buildings in a battlefield view shaft.

22.3.4.1 Height – Building General

PI	<p>The maximum height of any building <u>or structure</u> measured from the natural ground level immediately below that part of the structure must not exceed <u>150m</u>, except:</p> <p>(i) <u>The maximum height is 10m where located within 50m of a road or internal boundary;</u></p> <p>(ii) <u>For hose drying towers associated with emergency service facilities the maximum height is 15m.</u></p> <p>(b) <u>Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 17m measured from the natural ground level immediately below the structure, except where located within 50m of a road or internal boundary where the maximum height is 12m.</u></p> <p><u>Note: the height of frost fans is subject to Rule 22.3.4.2</u></p>
P2	The height of any dwelling or building must not exceed 7.5m in a Significant Amenity Landscape.
D1	Any building that does not comply with Rule 22.3.4.1 PI or P2.

22.3.4.2 Height – Frost Fans

PI	<p>(a) The height of the support structure for a frost fan must not exceed 10.5m; and</p> <p>(b) The fan blades must not rotate higher than <u>13.5m above natural ground level.</u></p>
D1	Any frost fan that does not comply with Rule 22.3.4.2 PI.

22.3.4.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

The provisions notified under this heading are addressed in Decision Report 26: Te Kowhai Airpark Zone.

22.3.4.4 Height – Buildings, structures and vegetation in a battlefield view shaft

P1	The maximum height of any building, structure or vegetation within a battlefield view shaft as shown on the planning map must not exceed 5m.
D1	Any building, structure or vegetation that does not comply with Rule 22.3.4.4 P1

22.3.5 ~~Daylight admission~~ Height in relation to boundary

P1	A building <u>or structure</u> (excluding poles or aerials) must not protrude through <u>the height in relation to boundary</u> a height control plane rising at an angle of <u>45</u> 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RD1	<p>(a) A building that does not comply with Rule 22.3.5 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Height of <u>the</u> building;</p> <p>(ii) Design and location of the building;</p> <p>(iii) Admission of daylight and sunlight to the site and other site;</p> <p>(iv) Privacy on <u>any</u> other site; <u>and</u></p> <p>(v) Amenity values of the locality.</p>

22.3.6 Building coverage

PI	(a) The total building coverage must not exceed the larger of :
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	<p>(i) <u>42% of the site area or 500m² (whichever is larger) for sites smaller than 10ha; or</u></p> <p>(ii) <u>500m² for sites larger than 10ha.</u></p> <p><u>Rule 22.3.6 P1(a) does not apply:</u></p> <p><u>(i) To a structure that is not a building; or</u></p> <p><u>(ii) Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u></p> <p><u>(b) No site coverage limit applies to Artificial Crop Protection Structures that meet the following standards:</u></p> <p><u>(i) Green or black cloth shall be used on vertical faces within 30m of the site boundary;</u></p> <p><u>(ii) Green, black or white cloth shall be used on horizontal surfaces.</u></p>
P2	<u>The total building coverage at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210935) must not exceed 10,000m².</u>
D1	A building that does not comply with Rule 22.3.6 P1.

22.3.7 Building setbacks

- (a) Rules 22.3.7.1 to 22.3.7.4 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
- (b) Rule 22.3.7.1 Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any site within the GRUZ – General Rural Zone. Different setback distances are applied based on the type of building, and the site area, and for buildings at Dilworth Rural Campus.
- (c) Rule 22.3.7.2 Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.
- (d) Rule 22.3.7.3 Building setback – water bodies provides permitted setback distances from lakes, wetlands, rivers and the coast.
- (e) Rule 22.3.7.4 Building setback - Environmental Protection Area provide specific setback distances from specified environmental features.

22.3.7.1 Building Setbacks – All boundaries

P1	<p>(a) A habitable building located on a <u>site Record of Title</u> less than 1.6ha must be set back a minimum of:</p> <ol style="list-style-type: none"> (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 25m from the boundary of an adjoining site that is 6ha or more; (iv) 12m from the boundary of an adjoining site that is less than 6ha.
P2	<p>(a) A non-habitable building <u>or structure</u> located on a Record of Title less than 1.6ha must be set back a minimum of:</p> <ol style="list-style-type: none"> (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. <p>(b) <u>This rule does not apply to fences or structures less than 2m in height, retaining walls, poles or aerials.</u></p>

P3	(a) A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of: (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 25m from every boundary other than a road boundary.
P4	(a) A non-habitable building <u>or structure</u> located on a Record of Title 1.6ha or more must be set back a minimum of: (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. (b) <u>This rule does not apply to fences or structures less than 2m in height, retaining walls, poles or aerals.</u>
P5	<u>Any building at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210936) must be set back a minimum of 12m from any site boundary.</u>
RD1	(a) A building that does not comply with Rule 22.3.7.1 P1, P2, P3 or P4. (b) Council's discretion is restricted to the following matters : (i) <u>Effects on rural amenity values;</u> (ii) <u>effects on traffic transport network safety and efficiency;</u> (iii) <u>reverse sensitivity effects;</u> (iv) <u>where the road boundary is with an unformed paper road the likelihood of the road being formed or readily utilised by the public.</u>

Rule 22.3.7.2 – Building setback – sensitive land uses

PI	(a) Any building for a sensitive land use must be set back a minimum of: (i) 5m from the designated boundary of the railway corridor; (ii) 15m from a national route or regional arterial road; (iii) 35m from the designated boundary of the Waikato Expressway; (iv) 200m from an <u>Aggregate Extraction Area or Extractive Resource Area</u> containing a sand resource; (v) 500m from an <u>Aggregate Extraction Area or Extractive Resource Area</u> containing a rock resource, or a <u>Coal Mining Area</u> ; (vi) 100m from a site in the Tamahere Commercial Areas A and C; (vii) 300m from the boundary of <u>buildings or outdoor enclosures used for another site containing an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity;</u> (viii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site; (ix) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; <u>and</u> (x) <u>not be located within the Te Uku wind farm 40 dBA L₉₅ noise contour shown on the planning maps.</u>
DI	Any building for a sensitive land use that does not comply with Rule 22.3.7.2 PI.

22.3.7.4 Building – Noise Sensitive Activities

PI	(a) Construction of, or addition, or alteration to a building containing a noise sensitive activity must comply with Appendix I (Acoustic Insulation) within: <ul style="list-style-type: none"> (i) The Airport Noise Outer Control Boundary; (ii) 350m of the Huntly Power Station site boundary; (iii) The Waikato Gun Club Noise Control Boundary.
RD1	(a) Construction of, or addition, or alteration to a building that does not comply with a condition standard in Rule 22.3.7.4 .PI. (b) Council's discretion is restricted to the following matters : <ul style="list-style-type: none"> (i) internal design sound levels; (ii) on-site amenity values; and (iii) potential for reverse sensitivity effects.

22.3.7.5 Building setback – water bodies

PI	(a) Any building <u>other than provided for under Rules P2 or P3</u> must be set back a minimum of: <ul style="list-style-type: none"> (i) 32m from the margin of any; <ul style="list-style-type: none"> A. <u>Lake with a size of 8ha or more</u>; and B. Wetland; (ii) <u>32m 23m</u> from the bank of any river <u>with an average width of 3m or more</u> (other than the Waikato River and Waipa River); (iii) <u>37m 28m</u> from the banks of the Waikato River and Waipa River; and (iv) <u>12m</u> from the bank of any river <u>with an average width of 3m or less</u>; (v) <u>12m</u> from the margin of any lake <u>with a size of less than 8ha</u>; and (vi) <u>32m 23m</u> from mean high water springs.
P2	A public amenity <u>building, or maimai used for temporary waterfowl hunting purposes</u> , of up to 25m ² in size, and a pump shed within any building setback identified in Rule 22.3.7.5 P1.
P3	A pump shed (public or private) set back a minimum of 5m from any waterbody.
DI RD1	(a) Any building that does not comply with Rule 22.3.7.5 P1, P2 or P3. (b) <u>Council's discretion is restricted to</u> : <ul style="list-style-type: none"> <u>(i) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body;</u> <u>(ii) Adequacy of erosion and sediment control measures;</u> <u>(iii) The functional or operational need for the building to be located close to the waterbody;</u> <u>(iv) Effects on public access to the waterbody;</u> <u>(v) Effects on rural character and amenity.</u>

22.3.7.6 Building setback – Te Kauwhata Environmental Protection Area

PI	Any building must be set back a minimum of 3m from an <u>the Te Kauwhata</u> Environmental Protection Area identified on the planning maps.
DI	Any building that does not comply with Rule 22.3.7.6 PI.

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

22.4 Subdivision - Rules

- (1) Rule 22.4.1.1 lists prohibited subdivision activities in the GRUZ – General Rural Zone.
- (2) The following rules provide for various types of subdivision in the GRUZ – General Rural Zone:
 - (a) Rule 22.4.1.2 - General Subdivision
 - (b) Rule 22.4.1.3 – Subdivision of Maaori Freehold Land
 - (c) Rule 22.4.1.4 - Boundary Relocation
 - (d) Rule 22.4.1.5 - Rural Hamlet Subdivision
 - ~~(e) Rule 22.4.1.6 - Conservation Lot Subdivision~~
 - ~~(f) Rule 22.4.1.7 - Reserve Lot Subdivision.~~
- (3) The following rules apply to the types of subdivision provided for in Rules 22.4.1.2 to 22.4.1.7:
 - (a) Rule 22.4.2 Title boundaries – ~~Existing building s(natural hazard area, contaminated land, significant amenity landscape, notable trees, intensive farming and aggregate extraction areas.~~
 - (b) Rule 22.4.3 Significant Natural Areas, heritage items, Maaori sites of significance, and Maaori areas of significance and notable trees
 - (c) Rule 22.4.4 Road frontage
 - (d) Rule 22.4.5 Subdivision within identified areas
 - (e) Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area
 - (f) Rule 22.4.7 Esplanade Reserve and Esplanade strips
 - ~~(g) Rule 22.4.8 Subdivision of land containing heritage items~~
 - (h) Rule 22.4.9 Subdivision – building platform.
 - (i) 22.4.10 Subdivision within the National Grid Subdivision Corridor

22.4.1.1 Prohibited subdivision

The following activities are prohibited activities. No application for resource consent can be made for a prohibited activity and no resource consent can be granted:

PR1	Any subdivision within the Urban Expansion Area involving the creation of any additional lot.
PR2	<p>(a) Subdivision of <u>land for which a Record of Title was issued prior to 6 December 1997, which results in the land comprised in more than one additional Record of Title</u> lot allotment being located on <u>any</u> high class soil.</p> <p>(b) Exceptions to PR2(a) are where an additional lot <u>allotment</u> is created by any of the following rules:</p> <ol style="list-style-type: none"> (i) The conservation lot subdivision (Rule 22.4.1.6); (i) Reserve lot subdivision (Rule 22.4.1.7); (ii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iii) Subdivision of Maaori Freehold Land (Rule 22.4.1.3); (iv) <u>A boundary relocation (Rule 22.4.1.4, including D2 within the Urban Expansion Area) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates any additional allotments on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.</u>
PR3	(a) Subdivision of <u>land for which a Record of Title was issued after 6 December 1997, which results in the land comprised in any additional</u> lot <u>allotment</u> being located on <u>any</u> high class soil.

	<p>(b) Exceptions to PR3(a) are where an additional lot <u>allotment</u> is created by any of the following:</p> <ul style="list-style-type: none"> (i) Conservation lot subdivision (Rule 22.4.1.6); (i) Reserve lot subdivision (Rule 22.4.1.7); (ii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iii) Subdivision of Maori Freehold land (Rule 22.4.1.3); (iv) <u>A boundary relocation (Rule 22.4.1.4, including D2 within the Urban Expansion Area) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates any additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.</u> <p>(c) Rule PR3(a) does not apply to the following:</p> <ul style="list-style-type: none"> (i) a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rule 22.4.1.4); or (ii) a process other than subdivision under the Resource Management Act 1991.
PR4	<p>(a) <u>Notwithstanding rule PR3(c)(ii) Any proposed subdivision where of any record of title that has been used as a donor lot has been created for the purpose of a transferable rural lot right subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section, except where the historical transfer of any consented environmental lots has not resulted in-situ, by either:</u></p> <ul style="list-style-type: none"> (i) Amalgamation; or (ii) Re-survey <p>(b) <u>Exceptions to PR4(a) are where an additional allotment is created by any of the following:</u></p> <ul style="list-style-type: none"> (i) <u>Reserve lot subdivision (Rule 22.4.1.7);</u> (ii) <u>Access allotment or utility allotment using Rule 14.12 (Transportation);</u> (iii) <u>Subdivision of Maori Freehold land (Rule 22.4.1.3);</u> (iv) <u>A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.</u>

22.4.1.2 General subdivision

RDI	<p>(a) Subdivision must comply with all of the following conditions <u>standards</u>:</p> <ul style="list-style-type: none"> (i) The Record of Title to <u>the allotment to</u> be subdivided must have issued prior to 6 December 1997; (ii) The Record of Title to be subdivided <u>is not a Record of Title created by section 14 of the Land Transfer Act 2017 and must be at least 20 40 hectares in area;</u> (iii) The proposed subdivision must create no more than one additional lot <u>allotment</u>, excluding an access allotment <u>or utility allotment for every complying record of title;</u> (iv) The additional lot <u>allotment</u> must have a proposed area of between 8,000m² and 1.6 ha; (v) <u>Where the land to be subdivided contains</u> high class soil (as determined by a <u>property scale site specific assessment</u> Land Use Capability Assessment-Classification prepared by a suitably qualified person), <u>the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment. must be contained within the boundaries of only two lots as follows:</u> <ul style="list-style-type: none"> A. one lot must contain a minimum of 80% of the high class soil; and B. the other lot may contain up to 20% of high class soil. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout and design including dimensions, shape and orientation of the proposed lot <u>allotment</u>;
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	<ul style="list-style-type: none"> (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity effects;</u> (v) extent of earthworks including earthworks for the location of building platforms and accessways; (vi) <u>Effects on rural productivity and the availability of high class soils;</u> (vii) <u>The provision of infrastructure, including water supply accessible for firefighting;</u> (viii) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks.</u> <p><u>Note: Some subdivision is a prohibited activity in accordance with Rule 22.4.1.1. Subdivision to create a reserve in as set out in Rule 22.4.1.7 is not subject to this rule.</u></p>
<u>D1</u>	<p>(a) Any subdivision within the Urban Expansion Area where the following standards are met:</p> <ul style="list-style-type: none"> (i) <u>The Record of Title to be subdivided must have been issued prior to 18 July 2018;</u> (ii) <u>The Record of Title must be at least 1.6 hectares in area;</u> (iii) <u>The additional Record of Title must contain a lawfully established dwelling existing as of 18 July 2018;</u> (iv) <u>The additional Record of Title must have a net site area between 3,000m² and 1 hectare;</u> (v) <u>A consent notice must be registered on the Record of Title for the balance lot stating that no additional residential units are permitted until such time as the lot has a Residential Zoning.</u>
NC1	General subdivision that does not comply with Rule 22.4.1.2. RD1.
<u>NC2</u>	<u>Any subdivision within the Urban Expansion Area involving the creation of any additional Record of Title, unless subject to Rule 22.4.1.2. D1.</u>

22.4.1.3 Subdivision of Maaori Freehold Land

D1	Subdivision for a full partition of Maaori Freehold Land under Te Ture Whenua Maori Act 1993.
NC1	Subdivision of Maaori Freehold Land not provided for in Rule 22.4.1.3 D1.

22.4.1.4 Boundary relocation

RD1	<p>(a) The boundary relocation must:</p> <ul style="list-style-type: none"> (i) Relocate a common boundary or boundaries between two existing Records of Title. (ii) <u>All Records of Title used in the boundary relocation subdivision must:</u> <ul style="list-style-type: none"> <u>A. contain an area of at least 5,000m²;</u> <u>B. not be a road severance or stopped road;</u> <u>C. not created by section 14 of the Land Transfer Act 2017;</u> <u>D. be able to accommodate a suitable building platform in accordance with Rule 22.4.9 (subdivision rule for building platform) that existed prior to 18 July 2018;</u> (iii) The Records of Title must form a continuous landholding; (iv) Not result in any additional to Records of Title created overall as a result of subdivision; (v) Create one to allotment of at least 8000m² in area;
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	<p>(vi) The proposed allotments, excluding the balance allotment, must not be located on high class soils <u>Where the land to be subdivided contains high class soil (as determined by a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person), any new allotment created by the boundary relocation less than 4ha in area, must not contain more than 15% of its total land area as high class soils within the allotment; and</u></p> <p>(vii) <u>No additional potential for permitted activity residential units and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring.</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout and design including dimension, shape and orientation of the proposed lots <u>allotments</u>; (ii) effects on rural character and amenity values; (iii) effects on landscape values; and (iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through</u> reverse sensitivity effects; (v) <u>Effects on rural productivity and fragmentation of high class soils;</u> (vi) <u>Effects on high class soils, farm management and productivity;</u> (vii) <u>The subdivision layout and design having regard to the operation, maintenance, upgrading and development of existing infrastructure assets.</u>
DI	A boundary relocation that does not comply with Rule 22.4.1.4 RD1
NCI	<u>A boundary relocation within the Urban Expansion Area that is located within areas HTI and WA.</u>

22.4.1.5 Rural Hamlet Subdivision

RD1	<p>(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions <u>standards</u>:</p> <ul style="list-style-type: none"> (i) It results in 3 to 5 proposed lots being clustered together; <u>Land contained within a maximum number of 5 Records of Title may be relocated into a Rural Hamlet resulting in a single cluster of 3 to 4 proposed allotments and one balance allotment;</u> (ii) <u>All Records of Title used in the Rural Hamlet subdivision must:</u> <ul style="list-style-type: none"> <u>A. contain an area of at least 5,000m²;</u> <u>B. not be a road severance or stopped road;</u> <u>C. not be created by section 14 of the Land Transfer Act 2017; and</u> <u>D. be able to accommodate a suitable building platform in accordance with Rule 22.4.9 (subdivision rule for building platform);</u> (iii) <u>All existing Records of Title form one continuous landholding;</u> (iv) <u>Each proposed lot allotment, with the exception of the balance area, has a minimum area of 8,000m²;</u> (v) <u>Each proposed lot allotment, with the exception of the balance area, has a maximum area of 1.6ha;</u> (vi) <u>The proposed balance lot allotment has a minimum area of 240ha; and</u> (vii) <u>It does not create any additional lot Records of Title beyond the number of existing Records of Title; and</u> (viii) <u>Where the land to be subdivided contains high class soil (as determined by a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person), the new allotments created by the rural hamlet subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment.</u> <p>(b) Council's discretion is restricted to the following matters:</p>
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	<ul style="list-style-type: none"> (i) subdivision layout and design including dimension, shape and orientation of the proposed lot <u>allotments</u>; (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through</u> reverse sensitivityeffects⁺; (v) extent of earthworks including earthworks for the location of building platforms and access ways; (vi) <u>Effects on rural productivity and fragmentation of high class soils</u>; (vii) <u>The provision of infrastructure, including water supply for firefighting purposes where practicable, wastewater services and stormwater management; and</u> (viii) <u>The subdivision layout and design having regard to the operation, maintenance, upgrading and development of existing infrastructure assets.</u>
NC1	Subdivision that does not comply with Rule 22.4.1.5 RD1.
NC2	A rural hamlet subdivision within the Urban Expansion Area.

22.4.1.6 Conservation lot subdivision

RD1	<p>(a) The subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The lot must contain a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table 1 below: (ii) The area of Significant Natural Area is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; (iv) The subdivision proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; (v) An ecological management plan is prepared to address ongoing management of the covenant area to ensure that the Significant Natural Area is self-sustaining and that plan: <ul style="list-style-type: none"> A. Addresses fencing requirements for the covenant area; B. Addresses ongoing pest plant and animal control; C. Identifies any enhancement or edge planting required within the covenant area; (vi) All proposed lots are a minimum size of 8,000m²; (vii) All proposed lots excluding the balance lot, must each have a maximum area of 1.6ha; (viii) This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement; <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout and proximity of building platforms to Significant Natural Area; (ii) Matters contained in an ecological management plan for the covenant area; (iii) Effects of the subdivision on rural character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platforms and access ways.
NC1	A conservation lot subdivision that does not comply with Rule 22.4.1.6 RD1.

22.4.1.7 Subdivision to create a reserve and incentive lot

RDI	<p>(a) Subdivision to create a reserve must comply with all of the following conditions <u>standards</u>:</p> <ul style="list-style-type: none"> (i) The lot <u>land</u> being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes; (ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council; (iii) No more than one additional lot <u>allotment</u> <u>in addition to the balance allotment</u> is created, excluding any land vested in Council; (iv) The proposed additional lot <u>allotment</u>, excluding the reserve, has a minimum size of 8,000m². <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Size and location of area for which public access or reserve is secured; (ii) Method of securing public access; (iii) Management of any land remaining in private ownership over which access rights are granted; (iv) Location of <u>the additional lot</u> <u>allotment</u>; (v) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets.</u>
NCI	A reserve lot subdivision that does not comply with Rule 22.4.1.7 RDI.

22.4.2 Title boundaries – ~~Existing Buildings natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas~~

RDI	<p>(a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities or Aggregate Extraction Areas must comply with all of the following conditions:</p> <p>(a) The boundaries of every proposed lot <u>allotment</u> containing existing buildings must demonstrate that existing buildings comply with the Land Use-Building rules in Rule 22.3 relating to:</p> <ul style="list-style-type: none"> (i) Rule 22.3.1 (Number of <u>residential units</u> within a Record of Title); (ii) Rule 22.3.5 (Daylight admission); (iii) Rule 22.3.6 (Building coverage); (iv) Rule 22.3.7 (Building setbacks); (v) <u>Rule 22.3.7.2 (Building setback sensitive land use).</u> <p>(b) Rule 22.4.2 RDI (a)(i) does not apply to any non-compliance with the Land Use-Building rules in Rule 22.3 that existed lawfully prior to the subdivision.</p> <p>(a) The boundaries of every proposed lot must not divide any of the following:</p> <ul style="list-style-type: none"> A. A natural hazard area; B. Contaminated land; C. Significant Amenity Landscape; D. Notable trees. <p>(c) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) landscape values;
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	(ii) amenity values and character; (iii) reverse sensitivity effects; (iv) effects on existing buildings; (v) effects on natural hazard areas; (vi) effects on contaminated land; (vii) effects on any notable trees; (viii) effects on an intensive farming activity; (ix) effects on any Aggregate Extraction Area.
DI	Subdivision that does not comply with Rule 22.4.2 RD1.

22.4.3 Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance

RD1	(a) The boundaries of every proposed lot must not divide any of the following: (i) Significant Natural Areas; (ii) Heritage items as identified in Schedule 30.1 (Historic Heritage Items); (iii) Maaori sites of significance as identified in Schedule 30.3 (Maaori sites of significance); (iv) Maaori areas of significance as identified in Schedule 30.4 (Maaori areas of significance). (b) Council's discretion shall be limited to the following matters: (i) Effects on Significant Natural Areas (SNAs); (ii) Effects on heritage items; (iii) Effects on Maaori sites of significance; (iv) Effects on Maaori areas of significance
DI	Subdivision that does not comply with Rule 22.4.3 RD1.

22.4.4 Subdivision - Road frontage

RD1	(a) Every proposed lot <u>allotment</u> as part of the subdivision with a road boundary, other than proposed lot <u>allotment</u> containing an access or utility allotment, right of way or access leg must have a width along the road boundary of at least 60m. (b) Council's discretion is restricted to the following matters: (i) Safety and efficiency of vehicle access and road network <u>land transport</u> ; (ii) Amenity values and rural character.
DI	Subdivision that does not comply with Rule 22.4.4 RD1.

22.4.5 Subdivision within identified areas

DI	(a) Subdivision of any land containing any of the following areas: (i) High Natural Character Area; (ii) Outstanding Natural Character Area; (iii) Outstanding Natural Landscape; (iv) Outstanding Natural Feature; (v) Significant Amenity Landscape dune; (vi) Coal Mining Area; (vii) Aggregate Resource Area; (viii) Aggregate Extraction Area.
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22.4.6 Subdivision of land containing all or part of an Environmental Protection Area

RD1	(a) Subdivision of land containing all or part of an Environmental Protection Area identified on the planning maps must include the following:
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	<ul style="list-style-type: none"> (i) A planting and management plan is submitted to Council for the Environmental Protection Area prepared by a suitably qualified person, containing exclusively indigenous species suitable to the area and conditions. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) measures proposed in the planting and management plan; (ii) vesting of reserve land in Council if appropriate; (iii) effects on amenity values; (iv) effects on ecological values; (v) effects on stormwater management; (vi) <u>Legal protection if appropriate.</u>
DI	Subdivision that does not comply with Rule 22.4.6 RD1.

22.4.7 Esplanade reserves and esplanade strips

RD1	<ul style="list-style-type: none"> (a) An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas)) is required to be created and vested in Council from every subdivision where the land being subdivided is: <ul style="list-style-type: none"> (i) Less than 4ha and located within 20m of any: <ul style="list-style-type: none"> A. Mean high water springs; B. The bank of any river whose bed has an average width of 3m or more; C. A lake whose bed has an area of 8ha or more; (ii) 4ha or more and located within 20m of any: <ul style="list-style-type: none"> A. Mean high water springs; B. A water body identified in Appendix 4 (Esplanade Priority Areas). (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) the type of esplanade provided - reserve or strip; (ii) width of the esplanade reserve or strip; (iii) provision of legal access to the esplanade reserve or strip; (iv) matters provided for in an instrument creating an esplanade strip or access strip; (v) works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris. (vi) <u>Costs and benefits of acquiring the land.</u>
DI	Subdivision that does not comply with Rule 22.4.7 RD1.

22.4.8 Subdivision of land containing heritage items

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage.

22.4.9 Subdivision - Building platform

RD1	<ul style="list-style-type: none"> (a) Subdivision, other than an access or utility allotment, must provide a building platform on the every proposed lot <u>allotment</u> that <u>meets all of the following standards</u>: <ul style="list-style-type: none"> (i) Has A shape factor being either: <ul style="list-style-type: none"> <u>A. an area of 1,000m² exclusive of boundary setbacks; or</u> <u>B. a circle with a diameter of at least 30m, exclusive of boundary setbacks; and</u> <u>C. containing a building platform being a circle with a diameter of at least 18m.</u> (ii) Has an average gradient not steeper than 1:8; (iii) Is certified by a geotechnical engineer as geotechnically stable <u>and suitable for a building platform</u>; (iv) Has vehicular access in accordance with Rule 14.12 (Transportation)
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	<p>(v) Is not subject to inundation in a 2% AEP storm or flood event;</p> <p>(vi) a dwelling <u>residential unit</u> could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Earthworks and fill material required for building platforms and access;</p> <p>(ii) Geotechnical suitability for building;</p> <p>(iii) Likely location of future buildings and their potential effects on the environment <u>the relationship of the building platform and future residential activities with surrounding rural activities to ensure reverse sensitivity effects are avoided or mitigated;</u></p> <p>(iv) Avoidance of natural hazards;</p> <p>(v) Effects on landscape and amenity;</p> <p>(vi) Measures to avoid storm or flood events.</p>
DI	Subdivision that does not comply with Rule 22.4.9 RDI.

22.4.10 Subdivision of land within the National Grid Corridor

RDI	<p>(a) <u>The subdivision of land within the National Grid Corridor that complies with all of the following standards:</u></p> <p><u>(i) All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u></p> <p><u>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p><u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u></p> <p><u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></p> <p><u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u></p> <p><u>(v) The risk to the structural integrity of the National Grid;</u></p> <p><u>(vi) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.</u></p>
NCL	<u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule 22.4.10 RDI.</u>

22.5 Specific Area – Agriculture Research Centres

22.5.1 Application of Rules

- (a) The rules that apply to a permitted activity are set out in Rule 22.5.2.
- (b) For any other activity not provided in Rule 22.5.2, the following rules in the GRUZ – General Rural Zone apply:
- (i) Rule 22.1 Land Use – Activities
 - (ii) Rule 22.2 Land Use – Effects
 - (iii) Rule 22.3 Land Use – Building; and
 - (iv) Rule 22.4 – Subdivision.

22.5.2 Permitted Activities – Agricultural and Horticultural Research

- (a) The rules that apply to a permitted activity within the Agricultural Research Centres Specific Area as identified on the planning maps are as follows:
- (i) Rule 22.2 Land Use – Effects;
 - (ii) Rule 22.3 Land Use – Building; except for building within a campus:
 - A. Rule 22.3.4.1 Height – Building general will not apply and Rule 22.5.3 will apply instead; and
 - B. Rule 22.3.6 Building coverage will not apply and Rule 22.5.4 will apply instead.

Activity		Activity specific standards
P1	An agricultural or horticultural research activity, including laboratories and administrative facilities	<u>Nil</u>
P2	An educational facility, including conference and teaching facilities that is incidental to agricultural or horticultural research	(a) <u>that is incidental to agricultural or horticultural research.</u>
P3	An industrial activity that is incidental to agricultural or horticultural research	(a) <u>that is incidental to agricultural or horticultural research.</u>
P4	A trade or engineering workshop that is incidental to agricultural or horticultural research	(a) <u>that is incidental to agricultural or horticultural research.</u>
P5	Intensive farming that is incidental to agricultural or horticultural research where an associated building and animal feedlot are located at least 200m inside any boundary of an Agricultural Research Centre site.	(a) <u>that is incidental to agricultural or horticultural research;</u> (b) <u>where an associated building and animal feedlot are located at least 200m inside any boundary of an Agricultural Research Centre site.</u>
P6	The on-site disposal or storage of solid organic waste or cleanfill that is incidental to agricultural or horticultural research where the extracted material is used on the Agricultural Research Centre site.	(a) <u>that is incidental to agricultural or horticultural research;</u> (b) <u>where the solid organic waste or cleanfill is generated on the site.</u>
P7	A staff facility, including: (1) a recreational facility (2) <u>Staff residential units</u> (3) <u>Cafeterias and cafés</u> (4) <u>Social clubs</u>	(a) <u>that is incidental to agricultural or horticultural research.</u> (b) <u>Any dwelling is located at least 200m from the site containing Inghams Feed Mill in Hamilton City Council's jurisdiction</u>

22.5.3 Discretionary Activities – Agricultural and Horticultural Research

- (a) The activities listed below are discretionary activities.

DI	Any activity that does not comply with Rule 22.5.2 P1-P7.
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22.5.4 Building Height – within a Campus

PI	A building or structure within a campus identified on the planning maps must not exceed a height of 15m <u>measured from the natural ground level immediately below that part of the structure.</u>
RDI	<p>(a) A building or structure that does not comply with Rule 22.5.4 PI.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) effects on visual amenity.</p>

22.5.5 Building Coverage – within a Campus

PI	Building coverage must not exceed 70% of a campus identified on the planning maps.
RDI	<p>(a) Building coverage that does not comply with Rule 22.5.5 PI.</p> <p>(a) Council's discretion is restricted to the following matters:</p> <p>(i) effects on visual amenity; and</p> <p>(ii) stormwater management.</p>

22.6 Specific Area - Huntly Power Station - Coal and Ash Management Areas ~~Water~~

22.6.2 Permitted Activities – Huntly Power Station Coal and Ash Management Areas

- (a) ~~In addition to the specific area 22.6 rules,~~ The additional rules that apply to a specific permitted activity within the Huntly Power Station: Coal and Ash Management ~~Water~~ Specific Area as identified on the planning maps are as follows:
- (i) Rule 22.2 Land Use – Effects
 - (ii) Rule 22.3 Land Use – Building, except:
 - A. Rules 22.3.7 Building setbacks do not apply and Rule 22.6.34 applies instead; and
 - B. Rule 22.3.4 Height does not apply and Rule 22.6.45 applies instead.
 - C. ~~Rule 22.6.6 Coal stockpile height, setback and coverage;~~
 - D. ~~Rule 22.6.7 Ash disposal and transport of coal ash water; and~~
 - E. ~~Rule 22.6.87 Energy corridor – transportation of minerals and substances~~

PI	(a) Coal related activities involving: <ul style="list-style-type: none"> (i) stockpiling; (ii) screening and sorting; (iii) use of transportation conveyors; (iv) erection, operation, and maintenance of loading and unloading facilities; and (v) an activity that is ancillary to those listed in (i) – (iv) above.
P2	(a) <u>The management, stockpiling, transportation, and disposal of coal ash and the transport of coal ash water where:</u> <ul style="list-style-type: none"> (i) <u>these materials are transported between the Huntly Power Station and the ash disposal ponds located adjacent to Te Ohaaki Road via the pipeline located within Specific Area 22.6;</u> (ii) <u>they involve the operation and maintenance of the ash disposal ponds located adjacent to Te Ohaaki Road within Specific Area 22.6; and</u> (iii) <u>they involve the transportation of ash from the ash ponds to a long-term disposal facility, provided the heavy vehicle movement are not more than 85 per day.</u>

22.6.3 Restricted Discretionary Activities – Huntly Power Station Coal and Ash Management Areas

- (a) The activities listed below are restricted discretionary activities.

RDI	(a) <u>The management, stockpiling, transportation, and disposal of coal ash and the transport of coal ash water that does not comply with Rule 22.6.7 P+2.</u> (b) <u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> (i) <u>visual amenity; and</u> (ii) <u>traffic effects.</u>
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22.6.34 Discretionary Activities – Huntly Power Station Coal and Ash Management Areas

- (a) The activities listed below are discretionary activities.

DI	An <u>coal-related</u> activity that does not comply with Rule 22.6.2 PI.
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Rule 22.6.45 Building Setback and Location – Huntly Power Station Coal and Ash Management Areas

PI	(a) A building must be: (i) set back at least 20m from every boundary of Specific Area 22.6 where its height exceeds 20m; and (ii) set back at least 10m from every boundary of Specific Area 22.6 where its height is up to 20m; or (iii) located within an energy corridor.
DI	A building that does not comply with Rule 22.6.4 PI.

22.6.56 Building height – Huntly Power Station Coal and Ash Management Areas

PI	(a) A building <u>measured from the natural ground level immediately below that part of the structure</u> must not exceed a height of: (i) 30m within an area of up to 1500m ² ; and (ii) 20m for the balance of Specific Area 22.6.
DI	A building that does not comply with Rule 22.6.5 PI.

22.6.67 Coal stockpile height, setback and coverage – Huntly Power Station Coal and Ash Management Areas

PI	(a) Coal stockpiles must: (i) not exceed a height of 15m; (ii) be set back at least 5m from the boundary of Specific Area 22.6; (iii) not exceed 25% of Specific Area 22.6.
RD1	(a) Coal stockpiles that do not comply with Rule 22.6.6 PI. (b) Council's discretion is restricted to the following matter: (i) visual amenity

22.6.7 Ash disposal and transport of coal ash water

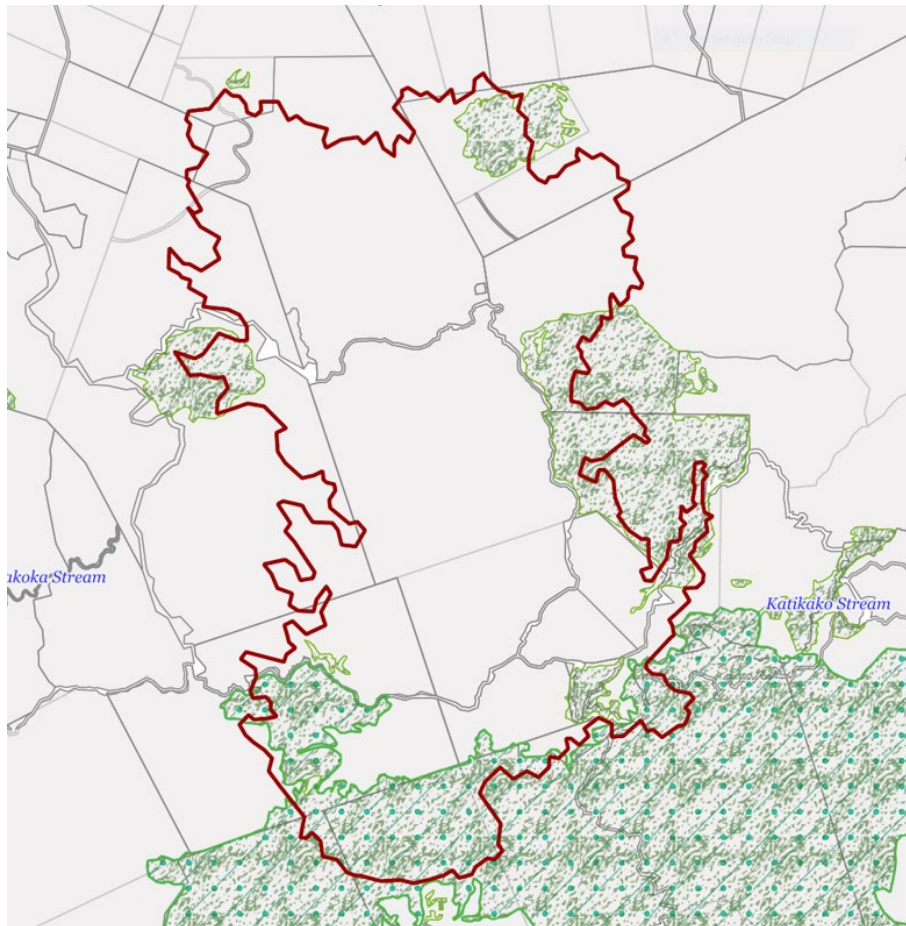
PI	(b) The disposal of coal ash and the transport of coal ash water where: (iv) these materials are transported between the Huntly Power Station and the ash disposal ponds located adjacent to Te Ohaaki Road via the pipeline located within Specific Area 22.6; and (v) they involve the operation and maintenance of the ash disposal ponds located adjacent to Te Ohaaki Road within Specific Area 22.6.
RD1	(c) The disposal of coal ash and the transport of coal ash water that does not comply with Rule 22.6.7 PI. (d) Council's discretion is restricted to the following matters: (iii) visual amenity; and (iv) traffic effects.

22.6.8 Energy corridor - transportation of minerals and substances – Huntly Power Station Coal and Ash Management Areas

PI	<p>(a) The transportation of minerals and substances in an energy corridor must comply with all the following conditions <u>standards</u>:</p> <p>(i) be limited to coal ash, aggregate, overburden, cleanfill, wastewater and other liquids (other than a hazardous substance);</p> <p>(ii) not deposit discernible minerals or dust; and</p> <p>(iii) not result in odour identified outside the energy corridor.</p>
RD1	<p>(a) Any activity that does not comply with Rule 22.6.8 PI.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) adverse amenity effects.</p>

Planning Maps

- 1) Amend the boundaries of the Coal Mining Areas relating to Bathurst's three existing mines at Rotowaro, West Mine, and Maramarua Mine so that they are aligned with the boundary of Bathurst's existing licenses and permits, as shown on Annexure E of their evidence.
- 2) Amend the planning maps to include a 40 dBA L₉₅ noise contour around Meridian Energy's Te Uku wind farm as shown below:



WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 5: Strategic Directions

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Ms Janet Gibb

Ms Jan Sedgwick

Mr Weo Maag

Ms Linda Te Aho

Mr Dynes Fulton

Contents

1	Introduction	2
2	Hearing Arrangement.....	2
3	Overview of issues raised in Submissions.....	5
4	Overview of evidence	5
5	Panel Decisions	26
6	National Planning Standards	26
7	Strategic objectives	27
8	Objectives and policies in other chapters	30
9	Conclusion	32

1 Introduction

1.1 Hearing 3 related to all the submissions received by the Waikato District Council (Council) on strategic objectives and policies within the Waikato Proposed District Plan (PDP). This hearing specifically related to objectives and policies which were not specific to a particular zone and have broad application in the following chapters:

- a) Section 1.12 Strategic directions and objectives for the district;
- b) Chapter 4 Urban Environment;
- c) Chapter 5 Rural Environment; and
- d) Chapter 6 Infrastructure.

2 Hearing Arrangement

2.1 The hearing was held on Wednesday 6 November 2019 and Thursday 7 November 2019 in the Council Chambers at Ngaaruawaahia. All of the relevant information pertaining to this hearing including the section 42A report, legal submissions and evidence is contained on Council's website.

2.2 We heard from the following parties on the strategic provisions of the PDP:

Submitter organisation	Attendee at the hearing
Council	Alan Matheson (author of section 42A Report)
Alstra (2021) Limited	Julia Masters
Burton Trust	Ben Inger Peter Cooney
Future Proof	Ken Tremaine
Hamilton City Council	Lachlan Muldowney (legal counsel) Alice Morris Luke O'Dwyer
Horotiu Properties Limited	Pervinder Kaur and Andrew Simpson (legal counsel)

Horticulture New Zealand	Lynette Wharf Jordyn Landers
Kāinga Ora	Alex Devine Daniel Sadler Claire Kirman
Pokeno Village Holdings Ltd	Christopher Scafton (planning) Colin Botica (corporate)
Havelock Village Limited	Vanessa Evitt (legal counsel) Mark Tollemache
Ta Ta Valley Limited	Vanessa Evitt (legal counsel) Christopher Scafton
Koning Family Trust and Martin Koning	Sam Foster (planning)
Terra Firma Resources Limited	Lucy Smith
Ministry of Education	Keith Frentz
New Zealand Steel	Sarah McCarter
Waka Kotahi New Zealand Transport Agency	Michael Wood Tanya Running
New Zealand Historic Places Trust Pouhere Taonga	Carolyn McAlley
Ports of Auckland	Mark Arbuthnot
Rangitahi Limited	Michael Briggs

Andrew and Christine Gore	In person
Perry Group	Kate Barry-Piceno (legal counsel) Aaron Collier (planning)
Shand Properties	Sam Foster (planning)
Transpower New Zealand Limited	Pauline Whitney
Waikato District Council	Mark Davey
Waikato Regional Council	Miffy Foley
Waikato Tainui	Gavin Donald
Whaingaroa Raglan Affordable Housing Project	Fiona McNabb
Pokeno West	Sir William Birch
Bettley-Stamef Partnership	Peter Stamef Joel Bettley
Geoffrey and Sue Long	In person
Clem and Alison Reeve	In person
Dave and Fransiska Falconer	In person
Fara Kurima Partnership	Emily Brown
Shaun McGuire	In person
Glenys McConnell	M Osmond

2.3 Although these parties did not attend the hearing, evidence was filed by:

- a) Hilary Walker on behalf of Federated Farmers of New Zealand;
- b) Alec Duncan on behalf of Fire and Emergency New Zealand;
- c) Synlait;
- d) Meridian Energy Limited; and
- e) Kiwi Rail Holdings Limited.

3 Overview of issues raised in Submissions

3.1 In the section 42A report, Mr Alan Matheson set out the full list of submissions received pertaining to the strategic provisions. In brief, the key outcomes sought by the submitters include:¹

- a) The need for greater clarity in the strategic directions and strategic objectives;
- b) Recognition of reverse sensitivity effects with respect to infrastructure, rural and industrial activities;
- c) Recognition of Crime Prevention Through Environmental Design and access for emergency services; and
- d) The role of structure plans.

4 Overview of evidence

4.1 Ms Julia Masters filed evidence on behalf of Alstra (2012) Limited (Alstra) and provided the context for its submission. Alstra has two Poultry Farms in the Ngaaruawaahia area and proposes to continue operations at both farms for the foreseeable future under contract with Inghams. She expressed support for protection of Alstra's existing intensive farming activities from reverse sensitivity as per Policy 4.1.15 and appreciated that its operations had been singled out for protection within this policy. Ms Masters considered that such a policy provides clear direction to the potential developers of the new residential areas that existing operations are present and must be protected from reverse sensitivity. She supported the recommendations made in the section 42A report and sought no changes.²

4.2 Mr Ben Inger filed evidence on behalf of Burton Trust and provided an outline of the location of the submitter's property (east of the Hamilton City boundary, with frontage to Puketaha Road, Greenhill Road and Telephone Road). Mr Inger addressed the changes he proposed to the following provisions:

¹ Section 42A Report Hearing 12: Country Living Zones, Paragraph 31, dated 3 March 2020.

² Statement of Evidence by Julia Masters on behalf of Alstra (2012) Limited, 7 October 2019.

- a) Amend Policy 4.1.3(b) to remove the reference to 2017;
 - b) Add a new clause (c) to Policy 4.1.3 to identify and investigate potential options for future growth areas for long term needs. While Mr Matheson recommended rejecting this request, Mr Inger considered that the National Policy Statement for Urban Development Capacity (NPS-UDC) (in force at the time of this hearing) supports district plan provisions that recognise the need for a responsive and coordinated approach to long term planning.³ He considered that the addition of such a clause was necessary to recognise the importance of identifying and investigating future growth areas within the Waikato District;⁴ and
 - c) Amend the planning maps to include both the submitter's land and the surrounding area east of Hamilton City for investigation with respect to future urban growth. Mr Inger considered that this could be addressed by extending the Urban Expansion Policy Area.
- 4.3 Ms Hilary Walker tabled evidence on behalf of Federated Farmers of New Zealand (FFNZ) and addressed three specific provisions. Ms Walker expressed concern that the notified wording of Section 1.12.2 (a) sets a strategic objective for the natural environment which cannot reasonably be achieved. She considered that the proposed amendment as sought by FFNZ would introduce a better balance by acknowledging the value and importance of natural habitats and ecology to the district, without the directions prioritisation regime to 'protect' it.⁵ Ms Walker also supported Mr Matheson's recommendation regarding Section 1.12.8(b).
- 4.4 While Policies 4.1.10 and 4.1.15 protect existing intensive farming and industrial activities in Tuakau and Ngaruawahia from the reverse sensitivity effects of new residential development, Ms Walker sought to have recognition of such effects applied more broadly so as to include rural production activities. She considered that amendments to Policy 4.1.10 and 4.1.15 were required to ensure plan users are made aware of the types of production activities that can be anticipated and expected to take place within the rural / urban boundary.⁶

³ Evidence in chief of Ben Inger on behalf of Burton Trust, Paragraphs 26-2, dated 11 October 2019.

⁴ Ibid, Paragraph 28.

⁵ Evidence in chief of Hilary Walker on behalf of Federated Farmers of NZ, Paragraphs 6-9, dated 14 October 2019.

⁶ Evidence in chief of Hilary Walker on behalf of Federated Farmers of NZ, Paragraph 20, dated 14 October 2019.

- 4.5 Ms Alec Duncan tabled evidence on behalf of Fire and Emergency New Zealand (FENZ), and accepted Mr Matheson's recommendations for Policies 4.7.5, 4.7.2 and 4.7.6.⁷
- 4.6 Mr Ken Tremaine filed evidence on behalf of Future Proof Implementation Committee (FPIC) and provided an overview of Future Proof, the Future Proof Strategy (FPS) and associated Waikato projects such as the Hamilton to Auckland Corridor initiative. He expressed support for the strategic direction and objectives in Section 1.12 of the PDP as they align with the FPS. He also observed that while the strategic direction and objectives are hidden in Chapter 1 (Introduction), there are also strategic objectives and policies contained within other chapters of the PDP which could be moved or reiterated in a separate chapter on strategic directions and objectives. He considered this would provide a strategic overview for the PDP in one place.⁸ While Mr Matheson recommended a separate section within a chapter, Mr Tremaine supported the approach of a separate chapter given the importance of strategic directions and objectives in terms of setting the scene for the whole PDP.⁹
- 4.7 While Mr Tremaine generally supported Section 4.1 (Urban Environment) as it is consistent with the FPS, he noted that the Hamilton-Auckland Corridor Plan had not yet advanced far enough to justify requests for specific amendments.¹⁰ He instead sought amendments to Section 4.1 so that a clearer distinction is made between the growth of towns and the growth of villages, with a greater concentration of growth in townships. He considered that distinguishing between the growth of the towns and the growth of villages is important in terms of aligning with both the Waikato Regional Policy Statement (RPS) and the FPS.¹¹
- 4.8 Mr Lachlan Muldowney opened Hamilton City Council's (HCC) presentation with legal submissions that primarily addressed how strategic land use planning within the Waikato District has had a significant impact on the sustainable management of the natural and physical resources of Hamilton City. He explained that in order to address this cross-boundary issue, HCC sought plan provisions within the PDP which establish an integrated resource management approach between the areas of land either side of the shared territorial boundary. This area of land within Waikato District is described by HCC in its submission as the "HCC Area of Interest". Mr Muldowney drew attention to a number of RPS provisions which supported the concept of cross-boundary alignment. He explained how the HCC Area of Interest is defined and addressed the Urban Expansion Area which is a concept from the Operative Waikato District Plan (ODP) that

⁷ Evidence in chief of Alec Duncan on behalf of Fire and Emergency NZ, 9 October 2019.

⁸ Evidence in chief of Ken Tremaine on behalf of Future Proof, Paragraph 7.1, dated 14 October 2019.

⁹ Ibid, Paragraph 8.1.

¹⁰ Ibid, Paragraph 7.2-7.5.

¹¹ Ibid, Paragraph 8.3.

has been carried into the PDP (with some amendments). Mr Muldowney considered that the PDP significantly weakens the protection for the Urban Expansion Area by altering the activity status of activities from prohibited to non-complying.

4.9 Evidence was presented for HCC by Mr Luke O'Dwyer, whose untimely and tragic passing occurred prior to this decision being issued. The Panel extends its deepest sympathies to Mr O'Dwyer's family and friends and acknowledges his significant contribution to the planning profession generally and to Hamilton City specifically.

4.10 Mr O'Dwyer's evidence supported the identification of an "Area of Interest" as an efficient way to manage the strong interactions occurring within and across territorial authority areas. He considered that cross boundary issues need to be managed not only through collaborative strategic processes but also within the detailed planning at a district plan level. He addressed:

- a) Infrastructure implications;
- b) Benefits of additional controls within the Area of Interest;
- c) Legacy issues;
- d) Relevant higher order directives; and
- e) HCC's interest in the District Plan.¹²

4.11 Mr O'Dwyer considered that the collaborative processes underway for the Hamilton to Auckland Corridor Plan, the Hamilton-Waikato Metropolitan Spatial Plan and Future Proof will ensure the legacy issues he addressed in his submissions are avoided in the future. He also commented on how such collaborative processes will also better place the sub-region in a position to align and integrate its strategic land use planning and infrastructure for the benefit of its communities. Mr O'Dwyer considered that the key outcomes and initiatives of this collaborative work should be imbedded into the PDP, including the recognition of the Hamilton Area of Interest.

4.12 Ms Alice Morris' evidence on behalf of HCC supported the overall approach set out in Chapter 4 – Urban Environment, but sought the inclusion of a set of objectives, policies, rules and methods to manage impacts on neighbouring authorities. She presented and explained a set of strategic objectives that would ensure the PDP could manage growth in a coordinated manner, including a strategic framework that addresses the sustainable management of resources across territorial boundaries.¹³

¹² Statement of evidence Mr O'Dwyer on behalf of Hamilton City Council, Paragraphs 21-57, dated 15 October 2019.

¹³ Evidence in chief of Alice Morris on behalf of Hamilton City Council, Paragraphs 62-64, dated 15 October 2019.

- 4.13 Ms Pervinder Kaur filed legal submissions on behalf of Horotiu Properties Limited and focused on Policy 4.1.5(c). She considered that the current wording does not recognise that development in the Village Zone could be serviced by (community scale) reticulated services that are privately owned and managed. She also considered that the densities for serviced sites should more closely resemble those in the Residential Zone. She outlined amendments to Policy 4.1.5(c) and considered that the word “public” should be removed so that the policy is not limited solely to publicly owned infrastructure networks.¹⁴
- 4.14 Ms Jordyn Landers filed evidence on behalf of Horticulture New Zealand (HortNZ) and provided an outline of the horticulture industry. Ms Landers considered that the way in which the PDP provides for current horticultural operations and enables future rural production could be strengthened through better recognition of reverse sensitivity issues particularly at the urban / rural interface. She outlined the key issues of importance to HortNZ as being:
- a) Protection of highly productive land from inappropriate subdivision, use and development, and expressed concern about the proposed rezoning of a large area of land on the edge of Tuakau and any consequential effects of this on domestic supply of fresh vegetables.¹⁵
 - b) Management of the urban / rural interface, in particular reverse sensitivity for growers and the constraints on the use of horticultural land. She considered that the PDP does not adequately assess the actual and potential reverse sensitivity effects on horticulture and does not provide horticulture the ability to operate efficiently and effectively within the Waikato District.¹⁶
 - c) Management of rural lifestyle development and scattered rural lifestyle development. While Ms Landers supported rural lifestyle development being provided for within a Rural Lifestyle Zone (Country Living Zone) so as to maintain the integrity of the Rural Zone, she observed that urban and lifestyle development within horticultural areas can have negative results. She listed these as increased pressure on crop rotations (for vegetable growing), restrictions on orchard expansion, increases in land prices and an increase in social tension due to complaints from neighbours about horticultural activities. These pressures threaten the productivity of land, and the ability of land to

¹⁴ Statement of evidence Ms Kaur on behalf of Horotiu Properties Ltd, 6 November 2019.

¹⁵ Evidence in chief of Jordyn Landers on behalf of Horticulture NZ, Paragraphs 48-51, dated 21 October 2019.

¹⁶ Ibid, paragraphs 52-55.

produce food.¹⁷

- d) Avoiding the establishment of sensitive activities in rural production areas through a robust policy framework in order to prevent sensitive land uses establishing on rural land.
- e) Rural production activities need to be appropriately provided for within the PDP. She considered there is a need to efficiently manage not only the effects of the activities themselves, but also support infrastructure that are inherent to the various types of growing operations (for example: frost fans, crop protection structures, worker accommodation).¹⁸

4.15 Ms Landers considered that the strategic provisions in the PDP need to be clearly and consistently articulated, but the structure as notified is unclear.¹⁹

4.16 Ms Lynette Wharfe also filed evidence on behalf of HortNZ and addressed the specific provisions associated with the issues as identified by Ms Landers. She considered that changes are needed to give effect to the RPS which has a range of provisions related to integrated management, the built environment and values of soils.²⁰ Ms Wharfe responded to the following matters raised in the rebuttal evidence of other submitters:

- a) The potential for reverse sensitivity effects on growers' operations are significant and she sought to ensure that the planning framework adequately recognises and addresses this matter.
- b) She considered that the draft National Policy Statement for Highly Productive Land assists in providing direction on the relevant provisions to be included in the PDP. However, she recognised that Council does not need to give effect to a National Policy Statement until it is operative and therefore only sought that Council be 'cognisant' of the draft direction.

4.17 Mr Daniel Sadlier presented legal submissions on behalf of Kāinga Ora focussing on the alignment of the PDP with the National Planning Standards. Mr Sadlier considered that the provisions of the PDP should support an efficient urban development model, including urban design guidelines and an urban environment policy framework that most appropriately manages the potential for reverse sensitivity effects. He supported the translation of the PDP into the National Planning Standards through this current plan

¹⁷ Evidence in chief of Jordyn Landers on behalf of Horticulture NZ, Paragraphs 56-58, dated 21 October 2019.

¹⁸ Ibid, paragraphs 61-62.

¹⁹ Ibid, Paragraph 8.

²⁰ Summary Statement of evidence of Lynette Wharfe on behalf of Horticulture New Zealand, Paragraphs 4-6, dated 1 November 2019.

review process rather than deferring to a subsequent process. He also addressed particular strategic provisions that he submitted should be amended, including:

- a) Policy 4.1.3 - amendments are needed to direct that new urban growth areas should be located within existing urban limits, and that urban subdivision, use and development in the rural environment should be avoided. Mr Sadlier considered that where urban growth expands to the outer edges of urban limits (at low densities), this has consequences on the ability for the compact or efficient urban development model to be achieved;
- b) Policy 4.1.5 – proposed amendments to include an additional medium density target of 30 households per hectare;
- c) Reverse Sensitivity and Policies 4.1.10 – 4.1.18 – Mr Matheson’s recommended amendments have resulted in two different approaches to the management of potential reverse sensitivity effects. This appears to have conflated the issue of reverse sensitivity with the issue of incompatible activities / land use.

4.18 Mr Brendon Liggett also filed evidence on behalf of Kāinga Ora providing an overview of Kāinga Ora’s role in the community and its roles and responsibilities. He considered it important that the PDP reduce regulatory constraints and increase housing supply and noted the benefits of Kāinga Ora’s proposed amendments to the PDP in this respect. Mr Liggett submitted that Kāinga Ora’s amendments would provide development capacity for the delivery of significant additional public housing, affordable housing, homes for first-home buyers, and market housing on Kāinga Ora’s land, as well as the delivery of significant market capacity across the Waikato District. He also expressed that an amended planning framework would provide for efficient use of residential land and allow for the evolution of urban environments with greater social and cultural vitality, thereby reducing deprivation in low socio-economic communities. Mr Liggett considered that the amendments sought by Kāinga Ora will enable the delivery of a wider range of typologies not otherwise provided for in the PDP.

4.19 Mr Matthew Lindenberg filed planning evidence on behalf of Kāinga Ora and addressed specific provisions as follows:

- a) He supported improving the distinction between the strategic directions and the strategic objectives of the PDP, clarifying how these two parts of the PDP relate to one another;²¹
- b) The need to reduce the likelihood of urban sprawl and widespread residential growth at low densities which would not achieve compact or efficient urban

²¹ Evidence in chief of Matthew Lindenberg on behalf of Kainga Ora, Paragraphs 5.1-5.3, dated 15 October 2019.

form as prescribed in Policy 4.1.3;

- c) The need to introduce a Medium Density Residential Zone in Policy 4.1.5;²²
- d) Policies 4.1.10 – 4.1.18 Reverse Sensitivity - Mr Lindenberg considered that there needs to be consistent wording in all policies and suggested that the wording in relation to Policy 4.1.10 Tuakau and 4.1.15 Ngaruawahia should be used for consistency;²³
- e) He did not support the need to reflect existing character in Objective 4.1.7 - Character of Towns, particularly given the direction in the National Policy Statement for Urban Development which recognises that character and amenity will change over time.

4.20 Ms Pam Butler filed evidence on behalf of KiwiRail New Zealand Limited (KiwiRail) and expressed support for a number of Mr Matheson's recommendations. However, she sought amendments to various policies in order to provide for the management of reverse sensitivity effects on the transport network in a more appropriate manner. She expressed concern that the amendment sought by Waka Kotahi New Zealand Transport Agency (Waka Kotahi) to replace the words 'strategic transport infrastructure networks' with 'National Routes and Regional Arterials in accordance with Table 14.12.5.6' would effectively exclude the railway, which she did not support.

4.21 The other focus of Ms Butler's evidence was the need for strategic policies addressing the potential reverse sensitivity effects of future urban development on roads and railways in new development locations. She considered it would be inappropriate and unreasonable for regionally significant infrastructure providers (like KiwiRail or Waka Kotahi) to be required to avoid or minimise effects that are not caused by their activities. She considered there are inconsistencies throughout the policy framework in the Urban Environment chapter in relation to reverse sensitivity which could be improved or realigned both for infrastructure and other rural activities.²⁴

4.22 Mr Philip Lang filed legal submissions addressing three policies on behalf of Koning Family Trust and Martin Koning who were the owners of land adjacent to Rangitahi at Raglan. He did not support the removal of the reference to the FPS 2017 in Policy 4.13 and considered that external documents should be accurately referenced. With regards to Policy 4.15, Mr Lang observed that it is not a rule but a policy to be used to guide the rules and the exercise of discretion. He therefore considered that the amendments sought assist in clarifying the broad application of the density targets as identifying the

²² Ibid, Paragraphs 6.1-6.6.

²³ Ibid, Paragraphs 6.1-6.27.

²⁴ Evidence in chief of Pam Butler on behalf of KiwiRail, Paragraph 14, dated 18 October 2019.

outcomes to be achieved over time and as average gross density targets over the specified zones.

- 4.23 Mr Lang further considered that there was an absence of scope in the submission made by Rangitahi Limited to make the amendments to Policy 4.1.18 recommended by Mr Matheson. He outlined recent case law and considered that Policy 4.1.18, which enables growth in a single location owned by a single developer to be the only substantial residential growth area for an expanding town, is inappropriate.²⁵ Mr Lang further discussed the need to give effect to both the NPS-UDC and the RPS and considered that the policy in respect of the restriction of future growth to Rangitahi needs to be amended in order to give effect to both these documents.
- 4.24 Mr Samuel Foster filed planning evidence on behalf of Koning Family Trust and Martin Koning addressing two policies. With regards to Policy 4.1.5 – Density, he considered that the densities stated in the PDP may not always be able to be achieved due to development constraints present on a site. He expressed that such densities are also more difficult to achieve when the PDP seeks to maintain the form and contour of the land and avoid importation of clean fill.²⁶ Mr Foster also considered that Policy 4.1.18 – Raglan unreasonably restricts the medium-term future growth of Raglan to the Rangitahi Peninsula. He considered that the policy takes an overly simplistic view of the RPS and is inconsistent with the intent and directions of the NPS-UDC in that they obstruct competition and restrict the future growth of Raglan, where there has been shown to be a deficit between projected demand and supply.
- 4.25 Ms Lucy Smith filed evidence on behalf of Terra Firma Resources Limited which owns land around Lake Puketirini in Huntly focussing on Policy 4.1.13, which relates to the development of Huntly. She expressed concern that the wording prescribes that the existence of any constraints (no matter how minor) is a barrier to development. She was concerned that this could be interpreted as precluding development on all land in Huntly given that most areas will be subject to geotechnical constraints to some degree (notwithstanding that the geotechnical assessment process identifies constraints that allow building to occur).²⁷ Ms Smith also expressed concern with the use of the term 'hazard' in Policy 4.1.13, because it confuses the presence of a hazard with risk.²⁸ She made reference to the five step risk management processes in the Australian and New Zealand Standard AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines and considered it would be helpful if district plan policies aligned with these principles, rather than introducing terms and concepts that could cause confusion.

²⁵ Legal Submission of P Lang on behalf of Koning family Trust and Martin Koning, Paragraphs 13-16, dated 3 November 2019.

²⁶ Statement of evidence of Mr Foster on behalf of Koning Family Trust and Martin Koning, Paragraphs 2.1-2.2, dated 11 October 2019.

²⁷ Evidence in chief of Lucy Smith on behalf of Terra Firma Resources Limited, Paragraph 2.2, dated 6 November 2019.

²⁸ Ibid, paragraph 2.3-2.4

- 4.26 Ms Christine Foster filed evidence on behalf of Meridian Energy Limited (Meridian) and addressed the provisions that potentially affect Meridian's wind farm interests in the Waikato District, the extent to which the PDP gives effect to the National Policy Statement for Renewable Electricity Generation and section 7(j) of the Resource Management Act 1991 (RMA). Mr Matheson recommended that some objectives be shifted from topic chapters to become 'strategic objectives' in a new plan section 1.13, which would result in Objective 6.1.1 being replaced by 1.13.4 Strategic Objective Infrastructure and Renewable Energy. Ms Foster considered that Objective 6.1.1 is necessary to the meaning, as well as to the structure, of Chapter 6 and should be retained (with its focus on infrastructure).²⁹ She considered that removing Objective 6.1.1 would leave four policies 'orphaned' within Chapter 6.
- 4.27 Mr Keith Frentz filed evidence on behalf of Ministry of Education and focused on ensuring that the provisions and planning tools of the PDP facilitate the development of a range of education facilities within the Waikato District that will enable the community to meet its educational needs. While Mr Frentz accepted Mr Matheson's recommended amendments to Policy 4.1.6 to aid with clarity, he did not agree that the subsequent policies in the PDP provide support for education facilities in the Commercial and Industrial Zones. He proposed a new policy within section 4.1 Strategic Direction to recognise and provide for educational facilities in Commercial and Industrial Zones. This issue was opposed by Mr Arbutnot on behalf of Ports of Auckland Limited who did not consider it appropriate to provide for education facilities within the Industrial and Heavy Industrial Zones. Mr Frentz advised that while it is not common, it is reasonable to expect education facilities in the Industrial Zones because of the convenience for parents, students and industrial activities where the studies provided are industry-related. Such facilities may include schools, trade-related facilities and early childhood education.
- 4.28 Ms Sarah McCarter filed planning evidence on behalf of New Zealand Steel Holdings Limited (NZSH). She provided the background of quarry operations at Waikato North Head (in an area generally known as Maioro) and sought that the PDP should provide for continued activities at the site through the creation of a 'Maioro Mining Zone'. She considered this approach would be consistent with the ODP provisions. While Ms McCarter generally agreed with Mr Matheson's recommendation to rationalise and streamline Chapter 1, she considered that the wording of the strategic direction for the rural environment and the proposal to incorporate Objective 5.1.1 into Chapter 1 effectively introduces further complexity to this chapter.³⁰
- 4.29 Regarding Mr Matheson's other recommendations, Ms McCarter's opinion was that:
- a) Section 1.12.8 are 'strategic directions' rather than 'strategic objectives';

²⁹ Evidence in chief of Christine Foster on behalf of Meridian Energy Ltd, Paragraph 19 dated 9 October 2019.

³⁰ Evidence in chief of Sarah McCarter on behalf of New Zealand Steel Holdings Ltd, Paragraph 19, dated 11 October 2019.

- b) The insertion of an additional Section 1.12.8(vii) to support productive rural activities is helpful, but proposed amendments to ensure consistency with other parts of the PDP;
- c) She did not support the creation of a new Section 1.13.3 and considered these objectives should be retained within their original chapters; and
- d) She considered that references to mineral extraction should be added to both the strategic direction and strategic objective for the Rural Zone.³¹

4.30 Ms McCarter further considered it is important that the PDP recognises the importance of mineral extraction and the challenges that this sector faces. She considered that mineral resources and their extraction should be consistently referenced throughout the PDP, and that mining / mineral extraction should be clearly included as a productive rural activity.³²

4.31 Ms Tanya Running filed evidence on behalf of Waka Kotahi and addressed amendments to a number of policies, including:

- a) Policy 4.1.5(a) Density – needs to be consistent with other sections of the PDP that provide a stronger directive. She considered that in the absence of policy direction and zoning, it could be difficult for Council to direct higher density housing (in particular) to locations with transport networks, employment, community services and open space;
- b) Policy 4.1.10 Tuakau – this policy should include reference that future development in Tuakau needs to be supported by existing or planned infrastructure. She noted that the Tuakau Structure Plan is likely to need updating;
- c) Policy 4.1.11(a) Pokeno – the Policy does not recognise that development in Pokeno needs to be supported by existing or planned infrastructure; and
- d) Objective 5.5.1 Hamilton's Urban Expansion Area and Policy 5.5.2 Activities within Hamilton's Urban Expansion Area – Mr Matheson's recommendation to replace the word "Manage" with "Avoid" is supported as the Waikato Expressway forms the edge of these expansion areas. It is important that future urbanisation of this land is carefully managed.

4.32 Ms Running further expressed concern at the use of the wording "Strategic transport infrastructure networks" as opposed to the use of "regionally significant infrastructure"

³¹ Ibid, Paragraph 20.

³² Ibid, Paragraphs 22 and 24.

as is defined in the RPS. She considers that amendment of this will ensure that regionally significant infrastructure is identified.³³

- 4.33 Ms Carolyn McAlley filed evidence on behalf of Heritage New Zealand Pouhere Taonga (HNZPT) with a focus on ensuring the retention of historic heritage and cultural sites / values. Her amendments sought in relation to Policy 4.7.2 have been addressed in Decision Report 32: Miscellaneous Matters.
- 4.34 Mr Mark Arbuthnot filed evidence on behalf of Ports of Auckland Limited. Mr Arbuthnot supported Mr Matheson's recommended changes to Policy 4.1.6 Commercial and industrial activities and disagreed with evidence submitted by Ministry of Education who sought that the policy provides for education facilities within the Industrial and Heavy Industrial Zones. With regards to Policies 4.1.10 – 4.1.16, he supported replacing "new residential development" with "new sensitive land uses" for consistency with other policies and the RPS. Mr Arbuthnot further agreed with the recommendation to use the word "minimise" (as opposed to avoid) in Policy 4.1.16.³⁴
- 4.35 Mr Michael Briggs filed evidence on behalf of Rangitahi Limited (Rangitahi). He considered that the current wording of Policy 4.1.3(b) does not sufficiently identify the indicative status of the Future Proof growth areas and it should be made more explicit.³⁵ He sought amendments to Policy 4.1.18(iii) to include medium and long-term growth areas to the west of Raglan but observed that the amendments recommended by Mr Matheson are not within the scope of what the submission was seeking. He clarified that the submission states that Rangitahi will only provide for short to medium term growth and identifies that a medium to long term future growth area for Raglan also needs to be identified and planned for.³⁶
- 4.36 Mr Andrew and Mrs Christine Gore (the Gores) filed rebuttal evidence opposing the changes sought by HCC and Future Proof to Chapter 5 Rural Environment to avoid rural subdivision; they did however support Middlemiss Farm Holdings submissions seeking careful management and carefully designed development. The Gores further supported collaboration over land use in the Hamilton Area of Interest and considered that the landowner should be part of the collaboration. They also agreed that the rural productive nature of land should be maintained. The Gores opposed legitimate rural activity being prohibited in the Urban Expansion Area as well as reserving all land on the HCC boundaries for city development.

³³ Summary Statement of evidence of Tanya Running on behalf of Waka Kotahi, New Zealand Transport Agency, Paragraph 7.1, dated 30 October 2019.

³⁴ Summary Statement of evidence Mark Arbuthnot on behalf of Ports of Auckland Ltd, Sections 5-8, dated 14 October 2019.

³⁵ Evidence in chief of Mr Briggs on behalf of Rangitahi Limited, Paragraph 25, dated 11 October 2019.

³⁶ Ibid, Paragraph 27.

- 4.37 Mr Gavin Donald filed evidence on behalf of Waikato-Tainui and focused on improving usability of the PDP as well as ensuring the PDP provides appropriate environmental protections, as sought by the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao.³⁷ He sought objectives from the tangata whenua chapter be provided for across the PDP and also sought greater inclusion of maatauranga Maaori. He supported the promotion of 2.11 Strategic Objective – Tautoko te Whakatupuranga to the Introduction, 1.13.1 Strategic Objective – Tautoko te Whakatupuranga. He observed that the objective provided is very people focused and does not recognise the interconnections Maaori have with the environment. He considered that the amendment proposed by Waikato-Tainui provides for a holistic and integrated approach, that is more consistent with a Maaori world view and better aligns with the RPS.³⁸ He considered further recognition of maatauranga, tikanga, Maaori values and culture is necessary throughout the PDP to reflect the intended holistic approach.³⁹
- 4.38 Ms Fiona McNabb filed evidence on behalf of Whaingaroa Raglan Affordable Housing Project and attached two reports: Raglan Housing Study and Householder Survey Report, and a report from the Waikato Region Housing Initiative which mirrors the concerns and issues in the Raglan Housing Study regarding affordability at a regional level. She considered that the reports support changes to the objectives and Policies 4.1.1 and 4.1.18 with respect to housing affordability in Raglan. She observed that the PDP devolves all medium and long term housing development in Raglan to the Rangitahi development, without any provision within the PDP, or requirements linked to provision, for affordable housing. She considered this results in a monopoly, without the necessary requirements to provide for the full spectrum of income earners within the ward who all require secure, healthy homes.⁴⁰ She supported inclusionary zoning in development consents as seen in Queenstown Lakes District Council where a certain proportion of development must be affordable.
- 4.39 Mr Samuel Foster filed evidence on behalf of Shand Properties Limited and addressed Policy 4.1.13 – Huntly, and in particular the recognition of hazard, geotechnical and ecological constraints. He considered that avoiding development where there are constraints without understanding the magnitude of these constraints is overly onerous, especially where they can be safely managed or mitigated. He observed that geotechnical and hazardous constraints are inherently different to ecological constraints and should be addressed as separate issues. He supported amendments to Policy 4.1.13 Huntly to:

³⁷ Evidence in chief of Gavin Donald on behalf of Waikato Tainui, Paragraph 3.4.

³⁸ Ibid, Paragraph 7.1.

³⁹ Ibid, Paragraphs 5.8-5.9.

⁴⁰ Evidence in chief of Fiona McNabb on behalf of Whaingaroa Raglan Affordable Housing Project, Paragraph 6.

- a) Ensure development of areas where there are hazard or geotechnical constraints is managed to ensure that risks do not exceed appropriate levels;
- b) Ensure development is avoided in areas where hazard and/or geotechnical constraints are unable to be remedied or sufficiently mitigated to achieve an acceptable level of risk;
- c) Ensure ecological values are maintained or enhanced rather than causing the avoidance of development where there are ecological values; and
- d) Acknowledge that the development of areas of significant ecological value should be avoided.

4.40 Ms Nicola Rykers filed evidence on behalf of Synlait regarding Objective 4.1.7 – Character of towns. She described the strategic nature of the Industrial Zone at Pokeno and the development and operation of Synlait along with the importance of the industrial zone provisions in the development and operation of such sites. Ms Rykers expressed concern that character and attractiveness are concepts that will be applied to Industrial and Heavy Industrial Zones in the same way as a Residential, Village or Town Centre Zone, thus resulting in provisions that unreasonably restrict heavy industrial activities or influence future decision-making on industrial uses.⁴¹ She did not consider it appropriate to have a strategic objective which anticipates that the existing character of a town such as Pokeno will continue to be reflected in the future growth of its General Industrial and Heavy Industrial Zones and identified a number of aspects of industries like Synlait which would be inconsistent with other zones in terms of character (i.e., height of towers, 24/7 operations and scale).

4.41 In respect of the Synlait development, she considered it is unable to mask or blend these features to a scale that is reflected in the balance of the Pokeno environment. Ms Rykers considered a more appropriate strategic objective for industrial activities would anticipate and enable industry and heavy industry in locations where the functionality and efficiencies of the industrial activities can be optimised.⁴²

4.42 Ms Pauline Whitney tabled evidence on behalf of Transpower New Zealand Limited (Transpower) and outlined the recommendations she agreed with as well as those she opposed. She did not support the relocation of Objective 6.1.1(a) to Section ‘1.13.4 Strategic Objectives’ and observed that Transpower’s submission point seeking inclusion of “upgrade” of infrastructure (in addition to development, operation and maintenance) was not addressed by Mr Matheson. She considered that Objective 6.1.1(a) is not particularly ‘strategic’ in nature as it concerns just one aspect of

⁴¹ Statement of Evidence of Ms Ryker on behalf of Synlait, Paragraphs 12-14, dated 10 October 2019.

⁴² Evidence in chief of Nicola Ms Ryker on behalf of Synlait, Paragraphs 17 and 22, dated 10 October 2019.

infrastructure, with other objectives in Chapter 6 (which are not recommended for relocation) addressing other infrastructure aspects such as reverse sensitivity and the National Grid. In addition, as notified, Objective 6.1.1(a) has a suite of related policies sitting underneath it and those policies will be divorced from the objective if the objective is relocated.

- 4.43 Dr Mark Davey filed evidence supporting the submission made by Council. He observed that the PDP uses a three tier (cascade) approach to the policy framework with strategic directives that relate to all of Waikato District (contained in Section 1.12 of the Plan), objectives which relate to the 'environments', and objectives and policies which relate to the zones. He considered that the distinction between these hierarchies is unclear due to where they are located in the PDP. He did not support Mr Matheson's recommendation to move objectives into a new section (1.13) in Chapter 1 as this causes further confusion when trying to follow the policy hierarchy through and determine the correct set of objectives and policies which apply.⁴³
- 4.44 Instead, Dr Davey supported creating a new Chapter 2A called 'Strategic Direction' which includes re-worded "1.12 Strategic directions and objectives for the district" into more effective objective statements. He considered that the strategic objectives of Chapter 4, Urban Environment; Chapter 5, Rural Environment; Chapter 6, Infrastructure should remain in their respective sections in the PDP to maintain legibility of the plan / policy hierarchy. He set out rewording of Section 1.12 to form effective strategic objectives, that are clear statements of outcomes that apply district-wide and are not specific to any particular zone or feature.⁴⁴
- 4.45 Ms Miffy Foley filed evidence on behalf of Waikato Regional Council (WRC). She supported clarifying and refining the strategic objectives to ensure that they give effect to the RPS, in particular:
- a) Ensuring a robust framework of objectives, policies and rules / methods through the PDP;
 - b) Urban development being co-ordinated and integrated with the provision of infrastructure; and
 - c) The location, staging, and density of urban development.
- 4.46 While Ms Foley supported many of Mr Matheson's recommendations, she identified a number of objectives and policies that in her opinion needed further consideration. She addressed the following specific provisions in her evidence:

⁴³ Evidence in chief of Dr Davey on behalf of Waikato District Council, Paragraphs 17-19, dated 15 October 2019.

⁴⁴ Evidence in chief of Dr Mark Davey on behalf of Waikato District Council, Paragraph 16, dated 15 October 2019.

- a) Objective 4.1.1 – she considered that further amendments are required to provide a more focused, integrated strategic direction that more explicitly refers to planned growth and development that is integrated with infrastructure development. She sought inclusion of the number of dwellings to be provided within the 10 year timeframe for this district plan (i.e., in the time period 2020 to 2030). She also sought identification of the proportion of growth to be located within Waikato District’s urban environments and drew attention to RPS Table 6-1: Future Proof residential growth allocation and staging 2006-2061 which indicates that during the period of 2021 – 2041, 83 per cent of population growth will be accommodated in Waikato’s towns and villages;
- b) Objective 4.1.2 – she sought explicit recognition of the importance of efficient servicing by appropriate infrastructure, and that urban growth and development will only occur where there is existing or planned supporting infrastructure;
- c) Policy 4.1.3 – she sought amendments to identify which of the PDPs residential zones are to apply in Waikato District’s urban towns and villages and that rural-residential subdivision and development is not to occur in urban areas. She also sought that the policy be amended to require urban residential development to only occur primarily in accordance with the FPS and where infrastructure supporting development of an urban nature is or will be available over the term of the PDP. She further sought identification of which of these locations are classified as priority growth areas for Waikato District (if any) and that development be located so as to take into account high class soils, significant natural areas, outstanding natural features and landscapes, natural character, and natural hazards;
- d) Policy 4.1.4 – Ms Foley sought amendments to refer to the use of planning mechanisms to determine the staging of urban development where there is no existing or planned infrastructure;
- e) Policy 4.1.5 – she sought a higher density of 15 households per hectare in areas adjacent to the Business Town Centre Zone;
- f) Objectives 5.1 and 5.1.1 – she sought protection of peat soils.

4.47 Ms Kate Barry-Piceno filed legal submissions on behalf of Perry Group Limited (Perry). She provided an overview of Perry’s interests and addressed the following key matters of concern:

- a) Statutory Considerations – she described recent case law and addressed the need for the PDP to appropriately recognise future updates to the settlement pattern review under Future Proof and the Central Government initiative around the Corridor Plan;

- b) Reverse Sensitivity – she described the difference between reverse avoidance (as sought by Ports of Auckland Limited), rather than that provided for by the RMA which enables mitigation;
- c) Inclusion of a new clause (g) in Section 1.12.1 (strategic directions) acknowledging the Hamilton to Auckland Corridor Plan; and
- d) Amendment to Policy 4.1.6 which encourages linkages and connections between commercial, industrial and residential activities.

4.48 Ms Barry-Piceno further explained that Perry largely supports the PDP and does not seek to change the high level objectives and policies that Council is promoting. The only changes sought by Perry are in regard to the stance taken on urban growth through rezoning, protection of heavy industrial uses where it affects community amenity expectations, and effectively prioritises heavy industrial. She considered that the PDP needs to accommodate a range of uses outside of the defined townships, if areas suitable for such purpose and nearby such towns are available, and if those uses can be determined as a sustainable management of resources consistent with Part 2 of the RMA.⁴⁵

4.49 Mr Aaron Collier provided rebuttal evidence on behalf of Perry and generally supported the recommendations of Mr Matheson, with the exception of two matters. He sought that Policy 4.7.11 should be amended to acknowledge that reverse sensitivity effects can be mitigated in many circumstances. He expressed concern at the reliance on non-RMA documents (relied on for section 32 purposes) to address urban growth matters and the inclusion of references to documents that have been (or will be) updated, such as Future Proof 2017 in Policy 4.1.3.

4.50 Ms Sue Simons filed legal submissions on behalf of Pokeno Village Holdings Limited (PVHL) and clarified that her client's primary interest in the PDP relates to Pokeno. She described her concerns as:

- a) The absence of any mechanism in the PDP to ensure that growth is properly planned, sequenced and integrated with infrastructure provision;
- b) The failure to carry over the Pokeno Structure Plan into the PDP; and

⁴⁵ Legal Submission of Kate Barry-Piceno on behalf of Perry Group, Paragraphs 31-36, dated 25 October 2019.

- c) The inappropriateness of the minimum density requirement in Policy 4.1.5(b) as it relates to Pokeno.⁴⁶

4.51 Ms Simons described in detail the statutory framework and the requirements of the RMA. She outlined the need for a new objective to provide proper recognition of the importance of infrastructure availability. She supported the inclusion of a Future Urban Zone as a way to effectively manage areas for future growth. She expressed concern that the section 32 analysis does not include any explanation for the failure to incorporate the Pokeno Structure Plan into the PDP, nor any discussion of how the development of Pokeno should be managed. She outlined her concern with including residential densities in Policy 4.1.5 and the fact that this would apply to all residential areas throughout Waikato District, regardless of their particular characteristics.

4.52 Mr Christopher Scafton filed planning evidence on behalf of PVHL on the following issues:

- a) Management of growth – he considered that significant amendments to the strategic direction of the PDP are required to encourage and manage urban growth in the manner required by the higher order planning documents. He considered that additional planning methods such as structure planning is required to enable the appropriate co-ordination of urban development and infrastructure capacity. The introduction of a Future Urban Zone will assist in identifying sufficient development capacity in the long-term and more appropriately give effect to Policy PA1 of the NPS-UDC;⁴⁷
- b) Inappropriateness of Live Zoning at Pokeno West – based on the available technical reporting prepared to support live zoning Pokeno West, he considered that “live zoning” Pokeno West does not give effect to the RPS policies and methods;
- c) Urban growth – he expressed concern about the way the PDP provides for urban growth (specifically in Pokeno) and that it does not make clear that infrastructure needs to be in place or planned before development is enabled;
- d) Pokeno Structure Plan – he questioned why this was not carried over from the ODP and considered that the Pokeno Structure Plan and specific Pokeno provisions should be reintroduced into the PDP as a precinct;⁴⁸ and

⁴⁶ Legal Submission of Sue Simons on behalf of Pokeno Village Holdings Ltd, section 1, dated 1 November 2019.

⁴⁷ Statement of Evidence Mr Scafton on behalf of Pokeno Village Holdings Ltd, paragraphs 3.3-3.11, dated 15 October 2019.

⁴⁸ Ibid, Paragraphs 2.6-2.8.

- e) Density targets for Pokeno – he supported either deleting the density targets in Policy 4.1.5(b) Density or amending them to provide more flexibility.
- 4.53 Mr Colin Botica filed corporate evidence on behalf of PVHL and provided a detailed background and outline of PVHL, the Pokeno Gateway Business Park and the development and vision of the Pokeno Structure Plan. He considered that the Pokeno Structure Plan should be carried over into the PDP as it is the cornerstone of the vision for the growth of Pokeno. He considered that the “live” zoning of additional greenfield land on the edge of the Pokeno urban area on an ad hoc basis is problematic due to the lack of integrated and holistic management of growth in Pokeno.
- 4.54 Ms Vanessa Evitt filed legal submissions on behalf of Havelock Village Limited and TaTa Valley Limited. She considered that the objectives of the PDP are critical as they will set the framework for all the policies and rules that follow, and guide decision-making for future resource consent applications under the PDP. She considered that the formulation and wording used in PDP objectives is important, with directive language being used with caution and only where required. She emphasised the need for a clear policy cascade from issues to directions (if used), to objectives and then to policies and rules. In this regard, she considered that there was confusion and conflicting evidence about the role, status and wording of the proposed objectives, including how they relate to each other and their function in the hierarchy of the PDP. Ms Evitt set out a suggested process for expert conferencing, or alternatively that the strategic directions are deleted entirely and that there are no strategic objectives.
- 4.55 If strategic directions and strategic objectives are to remain in Chapter 1 of the PDP, then Ms Evitt sought the following as a minimum:
- a) Clause 1.12.2(a) be amended to clearly state that directions should be read as a whole and appropriately balanced when informing subsequent plan provisions. The clause should also specifically state that the directions are not relevant for the assessment of resource consent applications;
 - b) Strategic objectives should be renamed as district-wide objectives. A note should be included with these objectives in Chapter 1 that states these “district-wide” objectives should be read alongside the objectives from each other chapter and are not to be given greater weight;
 - c) They are amended in accordance with the changes outlined in Mr Tollemache’s and Mr Scrafton’s evidence; and
 - d) They be aligned as far as practicable with the National Planning Standards.
- 4.56 Mr Mark Tollemache filed evidence on behalf of Havelock Village Limited and focused on the strategic directions relating to growth. He considered that having a framework for

growth required an up-to-date understanding of growth projections and trends in Waikato District, and in particular those locations where significant growth and demand is occurring (such as Pokeno). He considered that the District Growth Strategy (which was being developed at the time of this hearing) would be of assistance in formulating the final version of the strategic objectives associated with growth management. He expressed concern that Objectives 4.1.1 and 4.1.2 can be interpreted as a needing to meet the target rather than enabling greater housing capacity, and that generally the strategic objectives limit growth rather than enable it as required by the NPS-UDC.

- 4.57 Mr Tollemache expressed concern that the PDP is unclear as to the purpose and use of the Strategic Directions and Strategic Objectives in Chapter 1.12. and supported deleting them as they do not provide a significant level of value. He considered there is a lack of clarity as to the role and function of strategic directions and the strategic objectives and how the policy cascade is intended to operate.⁴⁹ He supported recognition of master plans and structure plans as appropriate methods to promote the integration and management of growth and resources.⁵⁰
- 4.58 Mr Tollemache considered that references to density in Policy 4.1.5 are not consistent with the RPS, and Policy 4.1.5 should maintain key language from the RPS Policy 6.15. With regards to Objective 4.1.7 and Policy 4.1.9, he did not consider that it is appropriate to maintain existing character, as this limits consideration to the characteristics of today's communities. He observed that new development, with good urban design outcomes, could significantly improve character and amenity.⁵¹
- 4.59 Mr Tollemache considered that Policy 4.1.11 – Pokeno represents a missed opportunity to provide strategic direction about the growth of the town and the potential for growth in Pokeno.⁵²
- 4.60 Mr Scrafton filed evidence on behalf of TaTa Valley Limited and provided an overview of the vision of the company and the changes sought to the PDP. He questioned the scope of the section 42A report and that it was unclear why certain provisions had been addressed as strategic objectives. He considered that the Strategic Direction section of the PDP needed to be significantly redrafted to ensure an appropriate balance of resource management matters for the Waikato District and to provide further clarity on the role these directions will provide for other parts of the PDP.
- 4.61 Mr Scrafton did not support the use of "strategic" objectives, particularly when they are given an elevated status above other objectives within the PDP and noted that there is no mandatory requirement or rationale in the RMA, the National Planning Standards or

⁴⁹ Summary Statement of Mark Tollemache on behalf of Havelock Village, Paragraphs 1-2.

⁵⁰ Statement of Evidence Mr Tollemache on behalf of Havelock Village, Section 5, dated 15 October 2019.

⁵¹ Ibid, Section 10.

⁵² Summary Statement of evidence Mr Tollemache on behalf of Havelock Village, Paragraph 15.

the section 32 report: Strategic Direction and Management of Growth to elevate the status of strategic direction when assessing resource consent applications.

- 4.62 He provided an analysis of Strategic Objective 5.1.1 The Rural Environment and the need to define “productive rural activities” and recognise that the rural environment is highly diverse. He considered that there is a risk that the term “rural environment” is interpreted as meaning a pristine, quiet natural landscape rather than a working environment where productive activities occur and high levels of amenity or preservation of natural character cannot always be achieved or maintained. He considered that a number of activities that rely on appropriately located other features of the rural environment (such as large areas of open space) should also be supported.
- 4.63 Policy 4.1.3(b) seeks to locate urban growth areas only where they are consistent with the FPS 2017. Due to the uncertainty of the timeframes for an updated version of FPS, Mr Scrafton considered that Policy 4.1.3(b) should be redrafted to reference the FPS 2017 or any subsequent update but only in relation to those areas not covered by the 2009 version of Future Proof which is incorporated into the RPS (i.e., for Franklin only).
- 4.64 Sir William Birch appeared on behalf of Pokeno West and provided background on the planning of Pokeno and illustrated how much of the area has already been developed. Sir William did not support future urban zoning as he considered that it puts the landowners in limbo, because a plan change is needed in order to develop. He spoke about structure plans and considered them to be an essential step to prove feasibility but noted that they do not address the engineering specification or detail. He explained that while Pokeno West has not undertaken a structure plan, there is a detailed masterplan.
- 4.65 Mr Peter Stamef and Mr Joel Bettley appeared at the hearing representing the submission from Bettley-Stamef Partnership regarding the rezoning of 65 hectares of land on the edge of Hamilton around Yumelody Lane. We note that the evidence from Mr Stamef and Mr Bettley is more relevant to zoning and we have addressed their submission in Decision Report 28O: Zoning – Rest of District.
- 4.66 Mr Geoffrey and Mrs Sue Long attended the hearing and expressed their support for some areas close to Hamilton being zoned Country Living Zone, including their site of 2ha in Woodside Road. They considered this was appropriate for zoning of small unproductive lots and sought to expand the areas that are available for urban development. We note that the evidence from Mr and Mrs Long is more relevant to zoning and we have addressed their submission in Decision Report 28O: Zoning – Rest of District.
- 4.67 Mr Clem Reeve attended the hearing and sought rezoning of 243 Pokeno Road on the west of Pokeno adjoining the main trunk railway line to Business Zone. He considered that more focus in Pokeno should be on providing employment and work so that there are more opportunities for people to live and work in Pokeno.

- 4.68 Mr Dave Falconer and Ms Fransiska Falconer attended the hearing and spoke of their desire to rename Huntly back to its Maaori name of Rahui-Pōkeka.
- 4.69 Ms Emily Brown attended the hearing on behalf of Fara Kurima Partnership and spoke to the submission which sought rezoning of a large block of land located at Plantation Road to the west of Te Kauwhata.
- 4.70 Mr Shaun McGuire attended the hearing and spoke about the growth of Tuakau, including the withdrawal of Plan Change 16 and sought a commitment that Council would honour the Franklin District Growth Strategy. Mr McGuire spoke of the constraints and opportunities for developing Tuakau, and in particular the lack of available wastewater servicing on the south side of Tuakau.
- 4.71 Glenys McConnell sought adjustments to Objective 5.1.1 and Policy 5.2.3 to facilitate boundary adjustments to create a smaller sized block within the rural zone.

5 Panel Decisions

- 5.1 We note that 425 primary submission points were received from 109 submitters on the strategic provisions and these were considered in a comprehensive section 42A report, rebuttal and closing statement prepared by Mr Matheson who recommended a number of changes. We have structured our decision into sections which we consider are the key matters, followed by our findings on the remaining provisions. Given the sheer volume of submissions, we do not attempt to address every submission point individually and instead focus on the key changes and our reasons for each section.

6 National Planning Standards

- 6.1 The National Planning Standards were released after the notification of the PDP and the Mandatory Directions in Part 7 set out the contents of a Strategic Directions chapter. The National Planning Standards (NPS) states that if the following matters are addressed in a district plan, they must be located in the Strategic Direction chapter:⁵³
- a) an outline of the key strategic or significant resource management matters for the district;
 - b) issues, if any, and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level;
 - c) policies that address these matters, unless those policies are better located in other more specific chapters; and
 - d) how resource management issues of significance to iwi authorities are addressed in the plan.

⁵³ National Planning Standards 2019, District-wide Matters Standard 7(1).

- 6.2 We are aware that the NPS requires that an Urban Form and Development chapter must be included under the Strategic Direction heading. We have translated our decisions on the PDP into the NPS, which means we have collated the objectives and policies that are of a strategic nature and span multiple zones / overlays into a Strategic Direction chapter. This concept was raised by Mr Tremaine in his evidence where he supported moving the various strategic directions and objectives into a separate chapter and, irrespective of NPS direction, it is helpful to have strategic objectives for the district in one consolidated place.
- 6.3 In our translation to the NPS, we have converted the notified strategic objectives into the Strategic Direction Chapter in Part 2 of the NPS format that applies to District Wide Matters. Thinking ahead to implementation, we consider it is necessary for the PDP to expressly clarify the status of the objectives contained within this chapter in relation to the objectives in all the other PDP chapters. This was a matter raised by Ms Evitt, and while we agree that objectives are a statement of outcome, we consider that there should be a hierarchy. We are mindful of the directions in the NPS that the Strategic Direction chapter contains “objectives that address key strategic or significant matters for the district and guide decision making at a strategic level”. We consider that in order for the objectives to perform that role, there needs to be an explicit hierarchy. For this reason, we have inserted the following text at the start of the Strategic Direction chapter:

This Chapter:

- a. Provides the overarching direction for the District Plan, including for developing the other chapters within the Plan, and its subsequent implementation and interpretation: and*
- b. Has primacy over the objectives and policies in the other chapters of the Plan, which must be consistent with the Strategic Objectives in this chapter.*

7 Strategic objectives

- 7.1 We agree with a number of submitters who expressed concern that the objectives and policies which Mr Matheson addressed as strategic objectives and policies were not framed as objectives at all, much less being strategic objectives to guide the development of the District. We considered the provisions, submissions and evidence before us and concluded that the matters for Waikato District which are strategically important are:
- a) Socio-economic development;
 - b) Tangata whenua;
 - c) Growth targets;

- d) Housing variety;
- e) Integration of infrastructure and land use;
- f) Hamilton's Urban Expansion Area;
- g) Regionally significant infrastructure and industry;
- h) Highly productive soils;
- i) Rural activities;
- j) Reverse sensitivity;
- k) Historic heritage;
- l) Natural environment;
- m) Climate change; and
- n) Urban environment.

7.2 We have derived most of these from the notified strategic objectives but amended and, in many cases simplified, the wording so that they are actually objectives which describe an outcome. Since the PDP was notified, the National Policy Statement for Urban Development 2020 (NPS-UD) has been gazetted and we have included a number of strategic objectives to give effect to this, including SD-O3, SD-O4, SD-O5 and SD-O14. We have not included references to affordable housing however, as in our experience district plans are only one part of the complex puzzle to deliver affordable housing. The only mechanism that the PDP has which will assist in enabling a more affordable product, is housing densities such as smaller lots, and alternative typologies like medium density. We consider this aspect is efficiently addressed by SD-O4 and there is no need for a strategic objective for affordability.

7.3 We are aware that the various documents guiding growth are constantly changing, as demonstrated by Future Proof 2009, Future Proof 2017, the current update of Future Proof and Waikato 2070. With the projections changing so rapidly, we do not see any value in locking the PDP in to a particular growth scenario. We consider that to take that approach would leave the PDP unable to respond to changing information and growth pressures.

7.4 Many submitters sought recognition of the need for integration of infrastructure with land uses and we agree. We consider this is an important strategic issue for the District, and that SD-O5 will give effect to Objective 6(a) of the NPS-UD.

- 7.5 While the Tangata Whenua provisions were the subject of a separate hearing, followed by an extensive collaborative process with submitters that resulted in a comprehensive suite of revised provisions, we agree with Mr Donald that recognising the interconnections Maaori have with the environment is a matter of strategic importance for the District. We therefore have addressed this in SD-O2.
- 7.6 We have included objective SD-O8, which relates to protecting highly productive soils in response to the submission and/or evidence of Federated Farmers, Balle Brothers Group Limited and Horticulture New Zealand. We are particularly aware of RPS Objective 3.25 and Policies 14.1 and 14.2, as well as the NPS-UD Policy 2 (which requires local authorities to provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term).
- 7.7 For the reasons outlined in Ms Landers' evidence, we have strengthened the PDP to recognise as strategic objective SD-O9 the importance of primary production and food supply.
- 7.8 We agree with Ms Landers and Ms Wharfe that the management of reverse sensitivity effects is a significant issue for the District, although we have not limited SD-O10 just to the urban / rural interface. We also consider that it is necessary to make it clear that managing reverse sensitivity effects is a more broadly framed strategic objective for the District.
- 7.9 While HCC sought recognition of an extensive "Area of Interest", we were not persuaded by the evidence presented. While we are aware of our obligations in section 75(2)(c) which requires that we have regard to the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities, we do not consider the approach advocated by HCC is appropriate. We consider it is an over reach by HCC to exert unnecessary planning controls on a significant portion of the neighbouring district that is not justified. However, we are satisfied that the much smaller and well-justified Urban Expansion Area needs to be carefully managed and have therefore retained SD-O6 which addresses development within that area.
- 7.10 We agree with Ms McAlley that historic heritage values are important to the District, and that this is a strategic issue recognised in SD-O11.
- 7.11 In response to the evidence of Mr Matthews and Mr Arbuthnot, we agree that Objective 3.12, Policy 4.4 and Policy 6.6 of the RPS require recognition of the value and long term benefits of regionally significant infrastructure and regionally significant industry. In addition to the Huntly power station which was the focus of Mr Matthew's evidence, there are a number of other key infrastructure assets in District including the Waikato Expressway, National Grid and the gas transmission line. We consider it is appropriate to recognise the importance of regionally significant infrastructure and regionally significant industry as a strategic objective. To avoid future debate regarding what is regionally significant infrastructure or industry, we have included two new definitions which reflect those in the RPS.

- 7.12 Having considered Ms McCarter's evidence, we do not consider it is necessary to include recognition of mineral extraction as a strategic objective, and are satisfied the relevant zoning provisions are sufficient
- 7.13 We understand Ms Walker's concerns that a strategic objective for the natural environment sets an expectation that cannot reasonably be achieved. We have therefore focused SD-12 on aspects of the natural environment which are identified as matters of national importance in section 6(b) and (c) of the RMA and are clearly mapped and identified areas within the PDP.
- 7.14 While the NPS allows policies to be included in the Strategic Directions chapter, we do not see the need. We consider it is more appropriate for the various chapters in the PDP to implement the strategic objectives through zone / overlay-specific objectives, policies and rules.
- 7.15 The notified PDP contained Objective 4.1.7 which sought that development reflects the existing character of towns. This objective was supported by a number of policies which described the various towns in the district. We agree with Mr Lindenberg that there is no need to reflect existing character in Objective 4.1.7 Character of Towns, particularly given the direction in the NPS-UD which recognises that character and amenity will change over time. We have deleted Objective 4.1.7 and Policies 4.1.10-4.1.18 in their entirety as many of the matters identified as being unique for each town and village were duplicates and did not actually reflect the character, amenity or features of each town. We agree with Mr Lindenberg that Objective 4 of the NPS-UD anticipates that urban environments, including their amenity values, will develop and change over time in response to the diverse and changing needs of people, communities, and future generations. There seemed little point in retaining policies which document a snapshot in time when these towns and villages will inevitably change over time. We note in the case of Raglan we have added a new objective and policies relating to its character in Decision Report 19: Raglan.
- 7.16 Similarly, we do not see the need to include policies setting out density targets and consider that these can be embedded into the policies for the zones where this is appropriate.
- 7.17 When undertaking an evaluation of our amendments in accordance with section 32AA (and section 32 to which it refers), it became apparent that most of the strategic direction objectives directly reflect matters identified in sections 5 and 6 of the RMA. We consider that each of the objectives in the Strategic Directions chapter are the most appropriate to achieve the purpose of the RMA.

8 Objectives and policies in other chapters

- 8.1 It seemed to us that the objectives and policies in Mr Matheson's section 42A report were not all of a strategic nature and there were a number of which we consider are more appropriately located in other chapters. We discuss our approach to objectives and policies which are more appropriately located in other chapters below.

Subdivision

8.2 Mr Matheson addressed a number of objectives and policies focused on the design of development subdivision in his section 42A report, including:

- a) Policy 4.1.8 Integration and connectivity;
- b) Policy 4.1.9 Maintaining landscape characteristics;
- c) Objective 4.7.1 Subdivision and land use integration;
- d) Policy 4.7.2 Subdivision, location and design;
- e) Policy 4.7.3 Residential subdivision;
- f) Policy 4.7.4 Lot sizes;
- g) Policy 4.7.5 Servicing requirements;
- h) Policy 4.7.6 Co-ordination between servicing and development and subdivision;
- i) Policy 4.7.7 Achieving sufficient development density to support the provision of infrastructure services;
- j) Policy 4.7.8 Staging of subdivision;
- k) Policy 4.7.9 Connected neighbourhoods;
- l) Policy 4.7.10 Recreation and access;
- m) Policy 4.7.11 Reverse sensitivity;
- n) Policy 4.7.12 Boundary adjustments and relocations;
- o) Policy 4.7.13 Residential Zone - Te Kauwhata Ecological and West Residential Areas; and
- p) Policy 4.7.14 Structure and master planning.

8.3 These are clearly not strategic directions and will be located in the new Subdivision chapter in accordance with the NPS. We therefore have set out our decisions on these provisions in Decision Report 32: Miscellaneous Matters.

Infrastructure

- 8.4 In his section 42A report, Mr Matheson recommended Objective 6.1.1 be a strategic objective. However, we consider this objective is most appropriately located in the Network Utilities chapter and have addressed it in Decision Report 13 on infrastructure. Ms Foster made the point that Objective 6.1.1 is necessary to the meaning, as well as to the structure, of Chapter 6 and should be retained in that location (with its focus on infrastructure) and we agree.

Rural

- 8.5 Mr Matheson addressed Objective 5.1.1 in his section 42A report as a strategic objective, and while we have addressed rural matters in SD-O8 and SD-O9, we consider that Objective 5.1.1 is most appropriately located in the Rural Zone chapter. We have therefore addressed it in our Rural Zone decision.

9 Conclusion

- 9.1 Having undertaken a section 32AA evaluation, we are satisfied that the objectives in the Strategic Directions chapter as amended will provide a suitable framework for guiding the development of the Waikato District and will assist in achieving the purpose of the RMA.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

Strategic Directions

Introduction

This Chapter:

- a. Provides the overarching direction for the District Plan, including for developing the other chapters within the Plan, and its subsequent implementation and interpretation: and
- b. Has primacy over the objectives and policies in the other chapters of the Plan, which must be consistent with the Strategic Objectives in this chapter.

The Strategic Objectives in this chapter are provided in no order of priority.

SD-O1 Socio-economic Advancement

The District has a thriving economy.

SD-O2 Tangata Whenua

Tangata whenua's relationships, interests, including commercial interests, and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga are recognised and provided for.

SD-O3 Growth Targets

4.1.1 Objective—Strategic

- ~~(a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.~~
- ~~(b) National Policy Statement on Urban Development Capacity Minimum Targets~~

~~The minimum targets for sufficient, feasible development capacity for housing in the Waikato District area are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity 2016.~~

The following growth targets are planned for:

	Minimum targets (number of dwellings)		
	Short to Medium 1-10 years 2017-2026	Long term 11-30 years 2027-2046	Total
Waikato District	7,100	12,300	19,400

SD-O4 Housing Variety

A variety of housing types are available to meet the community's housing needs.

SD-O5 Integration of Infrastructure and Land Use

New development is integrated with the provision of infrastructure.

SD-O6 Hamilton's Urban Expansion Area

Land uses within Hamilton's Urban Expansion Area do not compromise its future urban development.

SD-O7 Regionally Significant Infrastructure and Industry

Recognise the importance of regionally significant infrastructure and regionally significant industry.

SD-O8 Highly Productive Soils

High quality soils are protected from urban development, except in areas identified for future growth in the District Plan.

SD-O9 Rural Activities

The rural environment provides for a range of rural activities, including primary production and food supply.

SD-O10 Reverse Sensitivity

Existing activities are protected from reverse sensitivity effects.

SD-O11 Historic Heritage

Historic heritage contributes to the district's sense of place and identity.

SD-O12 Natural Environment

Outstanding natural features and landscapes, and significant indigenous terrestrial flora and fauna are protected.

SD-O13 Climate Change

Land use is planned to recognise, and avoid, remedy or mitigate the potential adverse effects of climate change induced weather variability and sea level rise.

Urban Form and Development

SD-O14 Urban Environment

A compact urban form that provides for connected, liveable communities.

1.12 Strategic directions and objectives for the district

1.12.1 Strategic direction

- ~~(a) Waikato District Council as a Future Proof Partner has made a commitment to the Future Proof Strategy which will manage growth for the next 30 years. Settlement patterns are a key tool used within the Future Proof Strategy. They provide the blueprint for growth and development and aim to achieve a more compact and concentrated urban form over time.~~
- ~~(b) Master plans are an important method for establishing settlement patterns of land use and the transport and services network within a defined area. They can provide a detailed examination of the opportunities and constraints relating to the land including its suitability for various activities, infrastructure provision, geotechnical issues and natural hazards. They should identify, investigate and address the potential effects of urbanisation and development on natural and physical resources.~~
- ~~(c) Master plans should explain how future development will give effect to the regional policy statement and how any adverse effects of land use and development are to be avoided, remedied or mitigated by proposed plan provisions. This will ensure that all the effects of development are addressed in advance of development occurring. A master planning is an appropriate foundation for the plan change process required to rezone land.~~
- ~~(d) The National Policy Statement for Urban Development Capacity 2016 sets monitoring and information requirements for Council to ensure responsiveness and the ability to deliver an adequate supply of development ready land in the right location and at the right time. The intention is to ensure that planning decisions in urban environments are well-informed, timely and responsive to changing population growth demands, market conditions and infrastructure delivery.~~
- ~~(e) It is expected that a comprehensive set of key indicators on growth drivers, growth management, and the spatial distribution of growth will include:
 - ~~(i) Patterns and composition of population change and growth;~~
 - ~~(ii) Balance of growth inside and outside the existing urban area;~~
 - ~~(iii) Shifts in housing preferences, including location and typology;~~
 - ~~(iv) Key bulk infrastructure delivery and funding availability;~~
 - ~~(v) Changes in strategic direction and/or priorities.~~~~
- ~~(f) Progress will be measured against the anticipated growth settlement patterns and targets identified in the Future Proof Strategy as well as the indicative timeframes for master plans and infrastructure provisions, changes in the growth patterns reported in the Future Proof Monitoring Report, National Policy Statement on Urban Development Capacity assessments and monitoring requirements.~~

1.12.2 Natural environment

- ~~(a) A district that protects its natural habitat and ecological values and retains its significant landscape features.~~
- ~~(b) A district that retains the natural character of its rural areas and has public open space available and well used by the community.~~

1.12.3 Built environment

- ~~(a) A district which provides a wide variety of housing forms which reflect the demands of its ageing population and increases the accessibility to employment and community facilities, while offering a range of affordable options.~~
- ~~(b) A district that encourages and celebrates quality design that enhances and reflects local character and the cultural and social needs of the community.~~
- ~~(c) A district that has compact urban environment that is focused in defined growth areas, and offers ease of movement, community wellbeing and economic growth.~~

1.12.4 Ease of movement

- ~~(a) A district which effectively integrates its land use pattern with transport, and encourages the development of an urban form which is less reliant on the private motor vehicle, while reducing the overall effects of transport on the environment.~~

1.12.5 Community wellbeing

- ~~(a) A district that provides a wide range of easily accessible facilities and activities to serve the community which satisfies the diverse social, cultural and economic needs of the community. A high level of pedestrian amenity, personal safety and the potential for crime is recognised in the design of these public places.~~

1.12.6 Employment and economic growth

- ~~(a) A district that is recognised as an ideal business location with access to a well-educated and highly skilled workforce and supported by an infrastructure which allows employment and economic growth to be maximised.~~

1.12.7 Managing change

- ~~(a) — A district that effectively consults with and includes its community in decision making while co-operating with other authorities on regionally strategic policy, A district that manages development with master plans that matches the community, the capacity of the environment and infrastructure and avoids the adverse effects of that infrastructure on communities.~~

1.12.8 Strategic objectives

- ~~(a) The matters set out in paragraphs 4.1.1 — 4.1.7 provide the overarching directions for the development of the objectives, policies and other provisions within the district plan.~~
- ~~(b) In summary, the overarching directions include the following:~~
 - ~~(i) — Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently.~~
 - ~~(ii) — Promote safe, compact sustainable, good quality urban environments that respond positively to their local context.~~
 - ~~(iii) — Focus urban growth in existing urban communities that have capacity for expansion.~~
 - ~~(iv) — Plan for mixed-use development in suitable locations.~~
 - ~~(v) — Encourage community collaboration in urban growth decisions~~
 - ~~(vi) — Protect and enhance green open space, outstanding landscapes and areas of cultural, ecological, historic, and environmental significance.~~

- ~~(c) The objectives and policies that implement the strategic directions are included within Part B of the district plan (where they are relevant) at the beginning of each section. They also assist in providing an objective that encompasses more than one zone (such as Chapter 4 Urban Environment) or a range of matters (such as Chapter 6 Infrastructure).~~

1.13.1 Strategic Objective – Tautoko te Whakatupuranga

- ~~(a) To support Iwi aspirations to grow a prosperous, healthy, vibrant, innovative and culturally strong people~~

4.1.2 Objective – Urban growth and development

- ~~(a) Future settlement pattern is consolidated in and around existing towns and villages in the district.~~

4.1.3 Policy – Location of development

- ~~(a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.~~
- ~~(b) Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.~~

4.1.4 Policy – Staging of development

- ~~(a) Ensure that subdivision, use and development in new urban areas is:~~
- ~~(i) located, designed and staged to adequately support existing or planned infrastructure, community facilities, open space networks and local services; and~~
- ~~(ii) efficiently and effectively integrated and staged to support infrastructure, stormwater management networks, parks, and open space networks.~~

4.1.5 Policy – Density

- ~~(a) Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space.~~
- ~~(b) Achieve a minimum density of 12-15 households per hectare in the Residential Zone.~~
- ~~(c) Achieve a minimum density of 8-10 households per hectare in the Village Zone where public reticulated services can be provided.~~

4.1.6 Policy – Commercial and industrial activities

- ~~(a) Provide for commercial development in the following zones;~~
- ~~(i) Business Town Centre;~~
- ~~(ii) Business;~~
- ~~(iii) Industrial; and~~
- ~~(iv) Heavy Industrial.~~
- ~~(b) Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of:~~
- ~~(i) Tuakau;~~
- ~~(ii) Pokeno;~~
- ~~(iii) Huntly; and~~
- ~~(iv) Horotiu.~~

4.1.7 Objective – Character of towns

- ~~(a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.~~

4.1.8 Policy – Integration and connectivity

4.1.9 Policy – Maintaining Landscape Characteristics

The provisions notified under these headings are addressed in Decision 32: Miscellaneous Matters

4.1.10 Policy – Tuakau

- (a) ~~Tuakau is developed to ensure;~~
 - (i) ~~Subdivision, land use and development in Tuakau's new residential and business areas occurs in a manner that promotes the development of a variety of housing densities, diversity of building styles and a high quality living environment;~~
 - (ii) ~~Existing intensive farming and industrial activities are protected from the effects of reverse sensitivity by considering the location of new residential development; and~~
 - (iii) ~~Future neighbourhood centres, roads, parks, pedestrian, cycle and bridle networks are developed in accordance with the Tuakau Structure Plan.~~

4.1.11 Policy – Pokeno

- (a) ~~Pokeno is developed to ensure;~~
 - (i) ~~Subdivision, land use and development of new growth areas does not compromise the potential further growth and development of the town;~~
 - (ii) ~~Walking and cycling networks are integrated with the existing urban area; and~~
 - (iii) ~~Reverse sensitivity effects from the strategic transport infrastructure networks are avoided or minimised.~~

4.1.12 Policy – Te Kauwhata

- (a) ~~Te Kauwhata is developed to ensure;~~
 - (i) ~~Development is avoided on areas with geotechnical and ecological constraints;~~
 - (ii) ~~Lakeside is the only area that provides for the medium term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and~~
 - (iii) ~~A variety of housing densities is provided for.~~
- (b) ~~Development of the Lakeside Precincts provides for growth, achieves a compact urban form and creates a high level of amenity and sense of place.~~
 - (i) ~~Provides for medium density and higher density housing and including housing for the elderly and a range of housing typology on small lots to assist housing affordability;~~
 - (ii) ~~Manages the balance between creating areas for growth and open space, and retaining an appropriate size and capacity flood plain to assist flood management within the Waikato River system;~~
 - (iii) ~~Implement a high standard of urban design including lot orientation, outlook to Lake Waikare, streetscape design, connection to the open space network, and access to the Lake Waikare foreshore;~~
 - (iv) ~~Creating an Iwi reserve on the eastern most point of the Lakeside development and vesting this land in Iwi;~~
 - (v) ~~Integrating with the Te Kauwhata Town Centre through improved connections to Lakeside and Lake Waikare, particularly walking and cycling;~~
 - (vi) ~~Mitigating the potential adverse effects on noise sensitive activities in the vicinity of the rail corridor arising from the operation of the North Island Main Trunk line (NIMT), including meeting minimum internal noise and vibration standards and improvements at the Te Kauwhata Road rail crossing.~~

4.1.13 Policy – Huntly

- (a) ~~Huntly is developed to ensure;~~
 - (i) ~~Infill and redevelopment of existing sites occurs;~~
 - (ii) ~~Reverse sensitivity effects from the strategic transport infrastructure networks avoided or minimised;~~
 - (iii) ~~Development is avoided on areas with hazard geotechnical and ecological constraints~~

4.1.14 Policy – Taupiri

- (a) ~~Taupiri is developed to recognise;~~
 - (i) ~~The changes that may result from the completion of the Waikato Expressway including the increased demand for housing;~~
 - (ii) ~~Future roads, parks, pedestrian and cycle networks are developed in accordance with the Taupiri section of the *Ngaaruawahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan*;~~
 - (iii) ~~The future development area of Taupiri is to the south of the existing village;~~
 - (iv) ~~Infill and redevelopment of existing sites occurs;~~

4.1.15 Policy – Ngaruawahia

- (a) ~~Ngaruawahia is developed to ensure:~~
 - (i) ~~Existing intensive farming and industrial activities are protected from the effects of reverse sensitivity when locating new residential development;~~
 - (ii) ~~That future residential development is not located within the intensive farming setbacks from the two operating poultry farms until such time that the two poultry farms within the residential growth areas of Ngaruawahia cease to exist;~~
 - (iii) ~~Areas marked for future business expansion are managed so that the existing adjoining residential amenity is not compromised;~~
 - (iv) ~~Future neighbourhood centres, roads, parks, pedestrian and cycle networks are developed in accordance with the Ngaruawahia section of the *Ngaaruawahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan* and~~
 - (v) ~~Infill and redevelopment of existing sites occurs.~~

4.1.16 Policy – Horotiu

- (a) ~~Horotiu is developed to ensure:~~
 - (i) ~~Future residential areas are connected to the existing village;~~
 - (ii) ~~Future residential development does not impact on the existing local road network;~~
 - (iii) ~~Reverse sensitivity effects from the strategic transport infrastructure networks are avoided or minimised;~~
 - (iv) ~~The strategic industrial node is protected by having an acoustic overlay on neighbouring sensitive land uses;~~
 - (v) ~~Future roads, parks, pedestrian and cycle networks are developed in accordance with the Horotiu section of the *Ngaaruawahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan*.~~

4.1.17 Policy – Te Kowhai

- (a) ~~The scale and density of residential development in the Te Kowhai Village Zone achieves;~~
 - (i) ~~lower density (3000m² sections) where the development can be serviced by on-site non-reticulated wastewater, water and stormwater networks; or~~
 - (ii) ~~higher density (1000m² sections) where the development can be serviced by public reticulated wastewater, water and stormwater networks;~~
- (b) ~~Open space character, feeling of spaciousness and connections to the rural landscape and walkways that are maintained and extended to new areas.~~
- (c) ~~Placement of dwellings to protect the future ability to increase density should public reticulated wastewater and water networks become available.~~

- ~~(d) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Te Kowhai section of the Ngaaruwaaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan.~~

4.1.18 Policy – Raglan

- ~~(a) Raglan is developed to ensure:~~
- ~~(i) Infill and redevelopment of existing sites occurs;~~
 - ~~(ii) A variety of housing densities is provided for;~~
 - ~~(iii) Rangitahi is the only area that provides for the medium term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and~~
 - ~~(iv) There are connections between the town centre, the Papahua Reserve and Raglan Wharf.~~

4.7.1 Objective – Subdivision and Land Use Integration

4.7.2 Policy – Subdivision location and design

4.7.3 Policy – Residential subdivision

4.7.4 Policy – Lot sizes

4.7.5 Policy – Servicing requirements

4.7.6 Policy – Co-ordination between servicing and development and subdivision

4.7.7 Policy – Achieving sufficient development density to support the provision of infrastructure services

4.7.8 Policy – Staging of subdivision

4.7.9 Policy – Connected neighbourhoods

4.7.10 Policy – Recreation and access

4.7.11 Policy – Reverse sensitivity

4.7.12 Policy – Boundary adjustments and relocations

4.7.13 Policy – Residential Zone – Te Kauwhata Ecological and West Residential Areas

4.7.14 Policy – Structure and master planning

The provisions notified under these headings are addressed in Decision Report 32: Miscellaneous Matters

5.5 Hamilton's Urban Expansion Area

5.5.1 Objective – Hamilton's Urban Expansion Area

- ~~(a) Protect land within Hamilton's Urban Expansion Area for future urban development.~~

5.5.2 Policy – Activities within Hamilton's Urban Expansion Area

~~Manage~~ Avoid subdivision, use and development within Hamilton's urban expansion area to ensure that future urban development is not compromised.

Definitions

Regionally significant industry – means an industry which is identified in regional or district plans as a regionally significant industry, or which is demonstrated to have socio-economic or cultural benefits that are significant at a regional or national scale.

Regionally significant infrastructure – includes, but is not limited to:

- (a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
- (b) infrastructure required to permit telecommunications as defined in the Telecommunications Act 2001;
- (c) radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;
- (d) the national electricity grid, as defined by the Electricity Industry Act 2010;
- (e) a network (as defined in the Electricity Industry Act 2010);
- (f) infrastructure for the generation and/ or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);
- (g) significant transport corridors as defined in Map 6.1 and 6.1A;
- (h) lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;
- (i) municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems and municipal supply;
- (j) dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure;
- (k) flood and drainage infrastructure managed by Waikato Regional Council; and
- (l) Hamilton International Airport.

ATTACHMENT 3

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