

In the Environment Court of New Zealand

Auckland Registry

I Mua I Te Koti Taiao O Aotearoa

Ki Tamaki Makaurau

Under	the Resource Management Act 1991 (the Act)
In the matter of	an appeal under Clause 14(1) of the First Schedule of the Act
And	
In the matter of	a decision by Waikato District Council in respect of the proposed Waikato District Plan to rezone land at Hopuhopu
Between	Te Whakakitenga o Waikato Incorporated Appellant
And	Waikato District Council Respondent

Notice of appeal by Te Whakakitenga o Waikato Incorporated

Dated 28 February 2022

Notice of appeal to Environment Court against decision on proposed plan

To: The Registrar
Environment Court
Auckland

1. Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) appeals part of the decision of the Waikato District Council (the Respondent) on the following matter:
 - The rezoning of the Hopuhopu Special Purpose Zone in response to Waikato-Tainui's submission in respect of the Proposed Waikato District Plan.
2. Waikato-Tainui made a submission to the Proposed Waikato District Plan in relation to the land at Hopuhopu.
3. Waikato-Tainui is not a trade competitor for the purposes of section 308D of the Act.
4. Waikato-Tainui received notice of the decision on 17 January 2022.
5. The decision was made by an Independent Hearing Panel for the Respondent.

Provisions being appealed

6. Waikato-Tainui appeals against particular aspects of the Hopuhopu Special Purpose Zone provisions as set out in Appendix 1 of this appeal.

General reasons for the appeal

7. The general reasons for this appeal are that, in the absence of the relief sought, the Respondent's decisions:
 - a. Will not promote the sustainable management of natural and physical resources;
 - b. Do not represent the most appropriate way of exercising the Respondent's functions, having regard to the efficiency and effectiveness of other reasonably practicable options, and are therefore not appropriate in terms of section 32 and other provisions of the RMA.

Reasons for appeal of particular provisions

8. Without limiting the generality of paragraph 7, Waikato-Tainui's reasons for appealing the particular aspects of the Hopuhopu Special Purpose Zoning provisions are as set out in Appendix 1 of this appeal.
9. Waikato-Tainui seeks the following relief:
 - a. the relief set out in Appendix 1 to this notice of appeal or;
 - b. any alternative relief of like effect and;

- c. any consequential or incidental amendments to the Proposed Waikato District Plan necessary to achieve the relief sought in Appendix 1 to this notice of appeal.

The following documents are attached to this notice of appeal

1. A copy of the specific reasons for the appeal and the relief sought by Waikato-Tainui (Appendix 1);
2. A copy of Waikato-Tainui's submission on the Proposed Waikato District Plan (Appendix 2);
3. A copy of the decision (Appendix 3); and
4. A list of names and addresses of persons to be served with this notice of appeal (Appendix 4).

Waikato-Tainui agrees to participate in mediation or other alternative dispute resolution mechanism.



Name: Marae Tukere

Position: Acting CE

Dated 28 February 2022

Address for service of the Appellant:

GMD Consultants Ltd

Level 5/127 Alexandra Street, Hamilton 3204

Telephone 027 594 4161

Email susan.henderson@gmdconsultants.co.nz

Contact person: Susan Henderson

Advice to recipients of copy of notice of appeal

How to become party to proceedings:

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the part of the decision appealed.

These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix 1:

Specific reasons for appeal and the relief sought by Waikato-Tainui

Plan provision	Change sought by Waikato-Tainui	Reasons for the change sought
<p>Definition of visitor accommodation</p>	<p>Insert a new definition for visitor accommodation in Hopuhopu as follows:</p> <p><u>Visitor Accommodation (Hopuhopu): means land and/or buildings used for accommodating visitors, and includes any ancillary activities which may or may not include a tariff.</u></p> <p>Or alternative relief of like effect.</p>	<p>Whilst the Panel have accepted the provisions put forward in the s42a report in relation to the appropriate location for Visitor Accommodation on the Hopuhopu site, the Panel have adopted the Planning Standards definition of visitor accommodation being: <u>“Means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities”</u>. Waikato-Tainui often accommodate visiting dignitaries or manuhiri who may not necessarily pay a tariff. As such, there is concern that this may limit the ability for Waikato-Tainui to provide visitor accommodation in the way intended by the Respondent’s decision.</p>
<p>Definition of marae complex and its use within the Hopuhopu Special Purpose Zone</p>	<p>Insert definitions for individual components of the marae complex definition, and identify the precincts within which these activities may occur, as set out in the provisions of the Hopuhopu Special Purpose Zone provided in evidence provided to the Waikato District Council Hearings Panel and adopted by the s42A author.</p> <p>Or alternative relief of like effect.</p>	<p>The approach taken by Waikato-Tainui in evidence presented to the Waikato District Council Hearings Panel was to separate the component parts of the ‘marae complex’ definition so as to be clear where on the site certain activities can occur. New definitions were developed and put forward in the s42A report in order to provide for distinct cultural activities in specific Hopuhopu Precincts rather than enabling entire marae complexes in potentially inappropriate locations. There was also a general concern that the interpretation of the ‘marae complex’ definition for Hopuhopu may present difficulties in future as it is not</p>

		<p>clear whether the Hopuhopu site is itself a 'marae complex'. In the notified version of the Waikato PDP there was also an issue because the 'marae complex' definition referred to Maaori freehold land and therefore did not apply to Hopuhopu which is Te Wherowhero title.</p> <p>By reverting to the marae complex definition, the decisions-version of the PDP now limits the locations of certain activities, such as tuaahu and urupaa, which were, under the s42A version of the Hopuhopu Zone, allowable in all precincts. It also makes it unclear and subject to interpretation as to whether each of the component elements of the marae complex definition can occur independently across the site. Hopuhopu is not a 'marae' in the traditional sense and therefore there is concern that it may be interpreted that individual elements within the marae complex definition may not be able to be undertaken on the Hopuhopu site.</p> <p>By separating the component parts of the marae complex definition, and allowing for these within certain defined locations within the Hopuhopu Special Purpose Zone, this will provide certainty as to where these activities can occur and avoid issues of unclear interpretation in the future.</p>
<p>Definition of papakaainga</p>	<p>Add a new definition of papakaainga (Hopuhopu) as put forward in the s42A report which was: <u>Papakaainga (Hopuhopu): Means, in the Special Purpose Zone – Hopuhopu, a residential development to provide</u></p>	<p>A specific definition of papakaainga for Hopuhopu would more clearly articulate the type of development sought for Hopuhopu.</p>

	<p><u>residential accommodation and to support traditional Maaori cultural living for members of the iwi or hapū group or organisation.</u></p> <p>Or alternative relief of like effect.</p>	
Definitions of Organised recreation (Hopuhopu) and Indoor recreation (Hopuhopu)	<p>Insert the following two new definitions as follows:</p> <p><u>Organised recreation (Hopuhopu): Any active sports or games or recreational pursuits for participants and spectators but excludes motorised vehicle sports.</u></p> <p><u>Indoor recreation (Hopuhopu): Recreational activities within a building. Includes courts, swimming pools and gyms, with ancillary facilities such as changing rooms.</u></p> <p>Or alternative relief of like effect.</p>	<p>These definitions are used in the Hopuhopu Special Purpose Zone rules but are not defined. It is unclear if this was an error or a deliberate omission in the decisions-version of the Proposed District Plan, but it would be clearer if the definitions proposed for these activities in the s42A report were added to the Proposed District Plan.</p>
Definition of home business	<p>Insert the following new definition as follows:</p> <p><i><u>Home business (Hopuhopu): Means a commercial activity that is:</u></i></p> <p><i><u>(a) undertaken or operated by at least one resident of the associated residential unit; and</u></i></p> <p><i><u>(b) incidental to the use of the residential unit for a residential activity.</u></i></p> <p>Or alternative relief of like effect.</p>	<p>Because Hopuhopu is one large site which is not to be subdivided, the definition in the decisions-version of the Proposed District Plan could potentially mean that only one home business could occur across the whole site, rather than as intended - that home businesses could occur within individual residential units or tenancies.</p>
Activity status of Educational facility within PREC11 – the Hopuhopu Open Space Precinct	<p>Within PREC11 – the Hopuhopu Open Space Precinct, make Educational facilities a restricted discretionary activity with council’s discretion being restricted to the following matters:</p> <p>(i) effects on traffic;</p>	<p>The decisions-version of the Proposed District Plan does not list this activity in PREC11 and therefore it would potentially become a discretionary activity. This was proposed as a restricted discretionary activity, being an anticipated use in the precinct, but allowing consideration of</p>

	<p>(ii) site design, layout and amenity; (iii) the degree to which the development would be compatible with the open space character and amenity of the Precinct.</p> <p>Or alternative relief of like effect.</p>	<p>its effects given it is not proximate to the main education precinct on the site.</p>
<p>Earthworks provisions</p>	<p>Amend the earthworks provisions to make it clear that minor ancillary earthworks will be permitted within the 1.5 metre setback from the site or zone boundary. This may include things such as earthworks associated with gardening, fencing and driveways.</p> <p>Or alternative relief of like effect.</p>	<p>The decisions version of the Hopuhopu earthworks rule EW-R48 reads as follows:</p> <p>"Earthworks are setback a minimum of 1.5m from all site and zone boundaries". It is unclear how this will apply within the Hopuhopu site. Earthworks associated with minor works such as gardening, fencing and driveways should not have to setback 1.5m from site and zone boundaries.</p>

Appendix 2:

Copy of Waikato-Tainui's submission to the Proposed Waikato District Plan



**SUBMISSION: WAIKATO DISTRICT COUNCIL – LONG TERM
PLAN 2018-2028 To: Waikato District Council**

This Submission is from:

Te Whakakitenga o Waikato Incorporated

C/o Waikato Raupatu River Trust

PO Box 481

Hamilton

TABLE OF CONTENTS

INTRODUCTION	3
SUMMARY OF POSITION	5
TAI TUMU, TAI PARI, TAI AO – WAIKATO-TAINUI ENVIRONMENTAL PLAN	6
WHAKATUPURANGA WAIKATO-TAINUI 2050	6
TE TURE WHAIMANA WAIKATO RIVER VISION AND STRATEGY	7
CROWN IWI ACCORDS	8
JOINT MANAGEMENT AGREEMENTS (JMAs)	8
SPECIFIC WAIKATO-TAINUI FEEDBACK	
TANGATA WHENUA SECTION	10
OUTSTANDING NATURAL FEATURES AND LANDSCAPES AND NATURAL	
CHARACTER	10
HOPUHOPU ZONING	13
CONCEPT MANAGEMENT PLANS FOR MAAORI FREEHOLD LAND	14
MAAORI LAND	15
STRUCTURE PLANS	16
EARTHWORKS AND THE WAIKATO RIVER	17
PROTECTING AREAS OF SIGNIFICANCE TO MAAORI	17
INDIGENOUS BIODIVERSITY	18
LOW IMPACT DESIGN	19
LIVE ZONING	19
INFRASTRUCTURE AND ENERGY	20
NATURAL HAZARDS	21
GENETIC MODIFIED ORGANISMS (GMOS)	21
CONCLUSION	22

1 INTRODUCTION

1. Waikato-Tainui provide the following submission to the Proposed Waikato District Plan, recognising the significant amount of time and effort that has gone into this proposed district plan. Waikato-Tainui also recognise the challenges faced by Waikato District Council, given the growth pressures, large area covered by the district, proximity to the fast-growing Hamilton City and limitations on funding available.
2. Waikato-Tainui submit in general support for the direction that Waikato District Council has taken in the development of the proposed district plan. Waikato-Tainui also see parts of the plan that can be improved, with a particular focus on those areas that effect WaikatoTainui people.
3. Waikato-Tainui provide this submission to provide potential amendment and clarity of thought as to why a suggestion or amendment has been proposed. Waikato-Tainui have deliberately provided this submission focused on 'high level' issues to allow for greater consistency of thought throughout the proposed plan. In addition, some submission points may require further work by council staff to support the proposed district plan direction and improve understanding for the community in general.
4. Waikato-Tainui raises a number of concerns in this submission, most seek amendment or clarification. However, the concerns raised around the omission of a Hazards Chapter has resulted in a recommendation of withdrawal or placing the proposed district plan review process on hold. As explained below, Waikato-Tainui are of the opinion that this omission means the proposed district plan can't be assessed to the fullest extent. Given the numerous natural hazards in the district, Waikato-Tainui are to some degree surprised that the plan has been notified without this chapter.
5. From a Waikato-Tainui perspective, the proposed district plan should provide a document framework that is simple to understand and can be used by all. Every effort should be made to reduce the amount of time required by Waikato-Tainui staff and the community in general to understand the plan and the implications for development. Waikato-Tainui staff face ever increasing requests for their inputs into projects and would support every opportunity for the planning process to become more streamlined and less time consuming where possible.

2 SUMMARY OF POSITION

6. Waikato-Tainui supports and promotes a co-ordinated, co-operative and collaborative approach to natural resource and environmental management, restoration, responsibilities and care within the Waikato Tainui rohe.
7. Mana whakahaere embodies the authority that Waikato Tainui have established in respect of our environment and we view the holistic integrated management of all elements of the environment such as flora and fauna, land, air and water as of utmost importance. Waikato Tainui are responsible for protecting and nurturing the mauri of all living things in accordance with tikanga (values, ethics and norms of conduct). Therefore, when exercising mana whakahaere we recognise the intricate balance and integral relationship between all natural resources in the Waikato Tainui rohe. Accordingly, we strive to ensure these tikanga values (including responsibilities) are inherent in all of our actions.
8. Waikato-Tainui has developed a range of formal resource management relationships with different central and local government agencies. For example, our multiple joint management arrangements with local authorities within the Waikato River catchment area, which recognise and provide for Te Ture Whaimana o te Awa o Waikato – The Vision and Strategy for the Waikato River (the Vision and Strategy). Waikato-Tainui welcomes the Waikato District Long-Term Plan that is intended to align and integrate the resource management system to enhance iwi and hapuu participation. We also welcome the Waikato District Long-Term Plan that provides robust and durable planning and environmental outcomes.
9. Equally, Waikato-Tainui opposes any legislative and policy development that may undermine participation in resource management processes that we have achieved to date, either as a result of Treaty settlement legislation or as a function of our relationships.
10. In particular, in respect of the Waikato River, Te Ture Whaimana / the Vision and Strategy for the Waikato River is of paramount importance and must continue to prevail over other planning instruments. Equally, in order to ensure that the Vision and Strategy is properly given effect, Waikato Tainui participation in planning processes relating to the Vision and Strategy must not be diluted.
11. Waikato-Tainui is affected by a number of aspects of the Waikato District Long-Term Plan, and we address specific provisions enabling those aspects below.
12. Waikato-Tainui are tangata whenua of the Waikato and Auckland regions including West Coast Harbours (Manukau, Whaingaroa, Aotea and Kawhia) the coastal areas of these regions.
13. Waikato-Tainui are recognised as kaitiaki of our environment and view the holistic integrated management of all elements of the environment such as flora and fauna, land, air and water as of utmost importance.

14. Waikato-Tainui seeks to ensure that all plans and policies aligns with the outcomes of important tribal documents:

- Tai Tumu, Tai Pari, Tai Ao – Waikato-Tainui Environmental Plan
- Whakatupuranga Waikato-Tainui 2050 – Strategic Plan

TAI TUMU, TAI PARI, TAI AO – WAIKATO-TAINUI ENVIRONMENTAL PLAN

15. This Waikato-Tainui Environmental Plan, Tai Tumu Tai Pari Tai Ao (the 'Plan'), is developed out of Whakatupuranga 2050. The Plan is designed to enhance Waikato-Tainui participation in resource and environmental management. The maimai aroha of Kiingi

Taawhiao is the key driver and indicator of environmental health and wellbeing in this Plan. Waikato-Tainui aspires to the restoration of the environment to the state that Kiingi Taawhiao observed when he composed his maimai aroha.

16. The Plan is also intended as a tool to provide clear high-level guidance on Waikato-Tainui objectives and policies with respect to the environment to resource managers, users and activity operators, and those regulating such activities, within the Waikato-Tainui rohe. Waikato-Tainui recognises that the successful achievement of the objectives in this Plan is a team approach that requires input and support from these external agencies.

17. Waikato-Tainui acknowledges that there may be more than one agency involved in the successful achievement of the Plan's objectives due to the different mandate, legislation, drivers, and motivation across external agencies. Waikato-Tainui encourages and advocates for external agencies to do what they can to achieve the Plan's objectives.

18. Waikato-Tainui supports and promotes a coordinated, co-operative, and collaborative approach to natural resource and environmental management, restoration, and care within the Waikato-Tainui rohe. Through this Plan Waikato-Tainui seeks to achieve a consistent approach to environmental management across the Waikato-Tainui rohe. This Plan is a living, evolving, working document that will be monitored, revised and updated to ensure it remains relevant and provides a framework for continuous improvement.

WHAKATUPURANGA WAIKATO-TAINUI 2050

19. Whakatupuranga Waikato-Tainui 2050 is the strategic plan blue print for the cultural, social and economic advancement of Waikato-Tainui. Its vision is to grow a prosperous, healthy, vibrant, innovative and culturally strong iwi. Its mission is for the iwi to grow, prosper and sustain.

20. The strategic objectives of the plan are:

- To retain our historical role as Kaitiaki o te Kiingitanga
- To ensure Kiingitanga remains an eternal symbol of unity
- To preserve our tribal heritage, reo and tikanga
- To grow our tribal estate and manage our natural resources
- To succeed in all forms of education and training
- To be global leaders in research excellence
- To grow leaders
- To develop self-sufficient marae
- To advance the social development of our people
- To develop and sustain our economic capacity

22. The Whakatupuranga Waikato-Tainui 2050 priorities for 2015-2017 are highlighted in Appendix 2.

TE TURE WHAIMANA WAIKATO RIVER VISION AND STRATEGY

23. Te Ture Whaimana is intended to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the River.

24. Te Ture Whaimana has certain status and prevails over any inconsistencies in other policies, plans, or processes affecting the Waikato River. Relevant policies, plans, and processes cannot be amended so that they are inconsistent with Te Ture Whaimana and must be reviewed and amended, if required, to address any inconsistencies.

25. Resource management, use, and activities within the Waikato River catchment in the Waikato-Tainui rohe is to be consistent with Te Ture Whaimana.

CROWN IWI ACCORDS

26. The Accords reflect a commitment between the Crown and Waikato-Tainui to enter a new era of co-management over the Waikato River with the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations.

27. The Accords set out how Waikato-Tainui and the Accord partners will establish and maintain a positive, co-operative and enduring relationship regarding the matters set out in the Accords that directly impact the health and wellbeing of the Waikato River in the specified Accord areas.
28. The Accords also ensure that the Crown, through the respective Accord partners, will recognise the exercise of Mana Whakahaere by Waikato-Tainui in relation to the Waikato River.
29. The following Accords are:
- Local Government Accord
 - Crown Land Accord
 - Land Information Accord
 - Environmental Accord
 - Energy Accord
 - Agriculture, Forestry & Biosecurity Accord
 - Agriculture, Forestry & Biosecurity Accord – Director General
 - Maaori Affairs Accord
 - Taonga Tuku Iho Accord
 - Fisheries Accord
 - Conservation Accord
 - Kiingitanga Accord
 - Pouherenga Taonga Memorandum of Understanding

JOINT MANAGEMENT AGREEMENTS (JMAs)

30. The Waikato River Settlement provides for the establishment of Joint Management Agreements (JMAs) between local authorities and Waikato-Tainui.
31. The settlement requires the Waikato Regional Council and territorial authorities, Hamilton City Council, the Waikato District Council and the Waipaa District Council and Waikato-Tainui to enter into a JMA with respect to the Waikato River and activities within its catchment affecting the river.

32. The JMAs provide Waikato-Tainui the opportunity to sit at the table with local authorities and participate in the local government activities so far as they relate to the Waikato River.

SPECIFIC WAIKATO-TANUI FEEDBACK

TANGATA WHENUA SECTION

33. Waikato-Tainui support the introduction of a specific Chapter addressing Tangata Whenua concerns, issues and opportunities. It is important that Tangata Whenua issues are not simply addressed in this Tangata Whenua chapter but throughout the proposed plan, to ensure a holistic approach is taken to resource management, consistent with the principles of whakapapa, whanaunatanga, tangata whenuatanga, and kaitiaki. These principles are not simply words on a page to the people of Waikato-Tainui but a way to interact and behave with the environment, by including these principles in the Proposed District Waikato Plan;

Waikato District Council is committing to observe and work consistently with these principles.

34. The Tangata Whenua chapter discusses statutory responsibilities that are required of the Treaty of Waitangi, The Waikato River Settlement Act 2010 and the Resource Management Act amongst others. It is important to Waikato-Tainui that this recognition of responsibilities and commitments that the crown has made, are acknowledged throughout the plan and how it is implemented. To this point, Waikato-Tainui acknowledge the inclusion of Concept Management Plans, which are addressed below. These Concept Management Plans are but one process that Waikato District Council can assist in the development of Maaori owned land.

35. Waikato-Tainui expect beyond the clear statutory responsibilities that Waikato District Council has in implementing Treaty settlements discussed above, Waikato District Council will having greater regard to the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao than has occurred in the notified version. This statutory document provides significant information to provide council staff and the community in general an understanding of the expectations upon resource users in this rohe. In particular but not limited to, Waikato-Tainui consider that greater weight and consideration should have been given to Chapter 7 of the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao which discusses

Environmental Enhancement. At its core this chapter requires resource users not to simply mitigated adverse effects on the environment, but to act in a manner that enhances an environment for the betterment of the natural resource.

36. Waikato-Tainui would expect that Waikato District Council would be looking to Maatauranga Maaori to remedy adverse effects of development. Mautauranga Maaori is increasingly being used as conditions of resource consents and in the identification of restoration projects as an

alternative to engineering solutions. The proposed plan should signal and provide for greater opportunities to utilise Maatuaranga Maaori for the benefit of the environment.

37. There may be future opportunities for Waikato-Tainui and Waikato District Council, to develop initiatives and programmes of work where marae and Maaori owned land is better utilised for the benefit of the land owners.

Relief Sought:

- 1. Ensure that the objectives, policies, principles and intent of the Tangata Whenua Chapter is provided for across the plan and how it is implemented.**
- 2. Amend the proposed district plan to allow for greater use of Maatuaranga Maaori.**
- 3. Engage with Waikato-Tainui to ensure that the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao has been included in the Waikato District Plan.**

OUTSTANDING NATURAL FEATURES AND LANDSCAPES AND

NATURAL CHARACTER

38. Waikato-Tainui support Waikato District Council in their efforts to identify areas of high and outstanding natural character and outstanding natural features and landscapes. Waikato-Tainui also support the efforts to engage experts in this field and with mana whenua. However, Waikato-Tainui do not support the assessment of, and the non-inclusion of the Waikato River as an Outstanding Natural Features and / or Landscape in its entirety. It is also of concern that no natural character assessment has been undertaken for the Waikato River. Waikato-Tainui beyond the discussion below, fundamentally do not believe that parts of the Waikato River can be cut into sections and not viewed holistically.

39. The assessment of the Waikato River as an Outstanding Natural Feature and Landscape is both a historic and contemporary issue. Beyond the rich history of the Waikato River pre and post European settlement, a variety of legislative and policy directions have been developed; that support the identification of the Waikato River as an Outstanding Natural Feature and Landscape.

40. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, talks of the significance and holistic nature that the Waikato River is viewed. Part 2, Settlement redress through legislation (8) Statement states:

(3) The Waikato River is our tupuna (ancestor) which has mana (spiritual authority and power) and in turn represents the mana and mauri (life force) of Waikato-Tainui. The Waikato River is a single indivisible being that flows from Te Taheke Hukahuka to Te Puuaha o Waikato (the mouth) and includes its waters, banks and beds (and all minerals under them) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation, flood plains, wetlands, islands, springs, water column, airspace, and substratum as well as its metaphysical being. Our relationship with the Waikato River, and our respect for it, gives rise to our responsibilities to protect te mana o te Awa and to exercise our mana whakahaere in accordance with long established tikanga to ensure the wellbeing of the river. Our relationship with the river and our respect for it lies at the heart of our spiritual and physical wellbeing, and our tribal identity and culture.

41. This acknowledgment by the Crown, that the Waikato River should be considered in its entirety and not divided, as it has been assessed in the proposed district plan, provides what the river settlement legislation was seeking.

42. The Vision and Strategy for the Waikato River, the key tool in restoring and protecting the Waikato River, was required to be included without amendment in the Waikato Regional Policy Statement (RPS). This occurred in the RPS (operative 2016) review which also included an assessment of Outstanding Natural Features and Landscapes at a regional level. The Waikato River was deemed an ONFL and then removed on several occasions and ultimately in the decision's version. Waikato Regional Council staff recommended in their s42A report to the hearing panel that the Waikato River should be included as an ONFL. The hearing panel concluded that the Waikato River had been modified too significantly, in particular the part of the river flowing through Hamilton City had been modified too significantly by human activity to be deemed an ONFL. Also, that the necessary assessments and understanding of the cultural significance had not been undertaken to support the rivers inclusion, at a regional level.

43. Fast forward to the current situation where Waikato District Council are assessing the river at a more detailed district level, that does not include Hamilton City. In addition, Waikato District Council have a greater understanding of the cultural significance of the Waikato River to Waikato-Tainui through engagement processes.

44. The proposed plan and maps provide for the Waikato River as an ONF, only from the river Delta to inside the river mouth. Waikato-Tainui are of the opinion that for numerous reasons, the Waikato River is an Outstanding Natural Feature in its entirety and the reasons for it not attaining regionally significance was based on interpretation and a lack of work on behalf of those researching the cultural significance of the river. This iconic river, the most recognisable landscape in the region, is recognised by statute and is the subject of a previously unique authority that funds the restoration and protection of it annually by more than 7 million dollars, alone this legislative weight potentially

justifies its status as an ONFL at district level. But of more importance, than the identifiable nature of the river landscape or the funds available for projects; is the cultural connection that Waikato-Tainui have with the Waikato River. Whilst, the landscape assessment attached to the proposed plan does not support the entire river being included, it does as a starting point provide justification as to how the assessment was made in its final Appendix 3 stating:

‘CULTURAL AND HERITAGE VALUES

Cultural legibility is a vital component of many overseas landscapes where many centuries of human endeavour can be unravelled through study of the present landscape. In New Zealand this aspect of landscape has received only limited and belated attention. Waikato

District with its rich history and a multitude heritage layers includes both Maaori and European history, as well as more recent multi-cultural influences such as those from Polynesia, Asia and Africa. Maaori heritage values are often associated with significant natural features, that are in many cases now highly modified, such as former wetlands and swamps, as these places were important for mahinga kai (traditional food species and gathering) and supported associated kaainga (villages) and paa (fortified villages). The methodology for gathering information relating to these values are described further below.....

The developing awareness of complexity of the ‘indigenous cultural landscape’ of tangata whenua is covered under the tangata whenua evaluation criterion below. This increased understanding of the value of landscape as a living record of social change, adds to the increasing significance attached to the legibility of our landscapes.

TANGATA WHENUA VALUES

There are a variety of natural features and landscapes that are clearly special or widely known and influenced by their connection to tangata whenua and the associated Maaori values inherent in these places. These landscapes (or the parts of them that remain) have been identified as having particular regional importance to tangata whenua. This input has been provided the various representatives of the Waikato District Plan Iwi Reference Group. These values can only be appropriately addressed by tangata whenua. To identify values and/or sites of cultural landscape significance to tangata whenua within Waikato a desktop review of relevant planning and historical documents.

Outstanding Test: For a feature or landscape to score highly for Associative Values, the feature or landscape will need to contain exceptional and/or very high shared and recognised and cultural (including tangata whenua) and heritage values. There is a difference between an acknowledged area of value such as a reserve, and an association with an area due to it having been written about or painted. Therefore, the measure of integrity is useful to differentiate those landscapes that currently demonstrate shared and recognised values through various forms of functioning protection and management such as legislative or voluntary systems. For heritage values, the measurement and extent to which the landscape has been modified with consideration to whether the key characteristics of the historic period have been retained will be crucial. In terms of tangata whenua values, integrity refers to the manner in which the area fully embodies their culture and beliefs and in particular the spiritual connection between the Maaori community and their environment’

45. Waikato-Tainui understand that cultural and heritage values do not neatly fit into the specific feature or landscape assessment criteria, however engagement with iwi and understanding the districts identity should have seen the Waikato River included as an Outstanding Natural Feature or Landscape or both. The lines that are blurred on the margins of the Waikato River, by wetlands, tributaries, islands and river use in general only add to the rivers significance. It should be considered that because the Waikato River does not sit neatly as a Outstanding Natural Feature or an Outstanding Natural Landscape that it should be considered both and afforded the highest protection rather than defaulting to a partial categorisation that undermines its significance.

46. Furthermore, the assessment criteria used, would appear to isolate features or places rather than taking a more holistic approach. If this had been the case Waikato-Tainui assume that the Waikato River would have been deemed Outstanding; both as a landscape and a feature.

Relief Sought:

- 1. The proposed district plan and maps be amended to include the Waikato River in its entirety as both an Outstanding Natural Feature and an Outstanding Natural Landscape.**
- 2. Undertake a natural character assessment for the Waikato River to determine if there are any areas of high or outstanding natural character.**

HOPUHOPU ZONING

47. Waikato- Tainui seek to clarify and remedy an administrative error that has seen 333 Old Taupiri Road and 467 Hakarimata Road, both referenced under the same property description and title number SA57C/456. The Hakarimata Road address was a pre-1900 paa site, the Old Taupiri Road site (Hopuhopu) was not. This places overly restrictive controls on this site and no historical Pa site zoning should apply or whatever the new definition or zoning is applied to this site.

48. To remove the above confusion and to provide clarity around future uses, Waikato-Tainui consider that providing for a Hophopu Zone is appropriate. The variety of activities that currently occur at Hopuhopu and the future aspirations for the site, demand greater clarity. 49. Waikato-Tainui consider that sufficient time will be available pre-hearing, that a Hopuhopu Zone can be drafted and presented to commissioners. This should be developed as a partnership between Waikato District Council and Waikato-Tainui.

Relief Sought:

- 1. AMEND the description of 333 Old Taupiri Road to remove the incorrect reference to a Paa site.**

2. AMEND the Proposed Waikato District Plan to include a specific Hopuhopu Zone for 333 Old Taupiri Road.

CONCEPT MANAGEMENT PLANS FOR MAAORI FREEHOLD LAND

50. The introduction of Concept Management Plans is generally supported by WaikatoTainui, the ability of marae or trusts to develop Maaori freehold land has historically proven challenging and any initiative that remedies this, is generally supported.

51. Waikato-Tainui, having had further discussion with Waikato District Council as to the process that the plans will be developed by, wish to seek additional information as to the implementation of the plans. Whilst the introduction of Concept Management Plans and the potential for reduced regulation is positive, Waikato-Tainui want to ensure that the development of these plans is not overly onerous. Waikato-Tainui do not want to see individual marae or Maaori freehold land owners required to provide a Concept Management Plan and then still require further resource consents applications to satisfy district plan requirements.

52. Waikato-Tainui are of the opinion that the development and process of Concept Management Plans requires greater explanation in the proposed district plan. Whilst Waikato-Tainui support ease of development on marae and Maaori freehold land, the potential still remains for a lengthy consenting process. Further to this point, Waikato-Tainui would also seek greater clarification in the proposed plan, as to the application of the plan zoning when a Concept Management Plan is not developed. It is presumed that this means that the underlying zoning will apply, this could create issues for those located in residential and rural zones. Waikato-Tainui understand that marae and papakainga housing will default to Discretionary Activity status without an approved Concept Management Plan. This would appear to be a restrictive activity status for what could be small scale development.

53. Aside from the RMA issues around Concept Management Plans, Waikato-Tainui understand the key benefits being the development of papakainga housing and the ability to futureproof in some situations future land use. This is supported provided additional resource consents are not required to satisfy district plan requirements.

Relief Sought:

- 1. Provide greater clarity as to what information must be provided when developing a Concept Management Plan.**
- 2. Provide further information as to how Concept Management Plans will be implemented as part of a Resource Management Act process.**
- 3. Provide greater clarity as to the application of the plan if a Concept Management Plan is not developed.**

4. **Amend the proposed plan, to ensure consistency of wording in the rural and residential zones, in relation to the approval process for a Concept Management Plan.**
5. **Provide greater clarity as to who resources the development of Concept Management Plans and what council information and assistance will be provided to marae and /or trusts.**

MAAORI LAND

54. Waikato-Tainui consider a more effective and efficient method of providing for the use and development of Maaori land in accordance with maatauranga and tikanga is by way of a district-wide Maaori land chapter. This would provide; specific objectives and policy framework, a wider range of activities relevant to Maaori land, such as urupaa and koohanga (could be specifically identified rather than just covered under the definition of Marae Complex) and this chapter would apply district wide and ensure the benefits are not limited to certain zones. The use of the proposed Concept Management Plans could provide for Permitted Activities, should the clarification of the Concept Management Plans sought from this submission occur.

55. In addition to the practical benefits, this would ensure that the Tangata Whenua Chapter as notified is brought through the entire plan, not simply a heading at the beginning of the proposed plan. This approach has been successfully implemented in the Auckland Unitary Plan.

56. Waikato-Tainui also seek the definitions that apply to Maaori land are clarified. Some definitions remain undefined and very broad. Waikato Tainui seek greater clarity of these definitions.

Relief Sought:

1. **AMEND the proposed district plan to provide for a new district-wide Maaori land chapter.**
2. **AMEND the definition Marae Complex to read: *Means a group of buildings that constitutes a marae and can be made up of a wharenuui (meeting house), wharekai (eating house), an aatea (courtyard area in front of the wharenuui), urupaa (graveyard), tuaahu (sacred place for ritual practices), waharoa (archway entrance at the entrance to the aatea), and other buildings, (church, hauora (health clinic), koohanga (pre-school), conference centre and facilities, waananga (education facility), recreation facilities, places of cultural significance, a papakaainga/papakaainga building and utility services.***

3. **AMEND the definition of Maaori Freehold Land within Chapter 13 to ensure consistency with section 129(2)(b) of the Te Ture Whenua Maaori Act 1993.**
4. **AMEND the definition of Maaori Customary Land within Chapter 13 to ensure consistency with section 129(2)(a) of the Te Ture Whenua Maaori Act 1993.**

STRUCTURE PLANS

57. Waikato-Tainui are pleased to see that structure plans were referenced in various parts of the proposed district plan, however there appears to be an absence of structure plans when attempting to locate them in the plan. Following discussions with staff, Waikato-Tainui understand a 'Blueprinting' exercise is currently underway and will provide the basis for any future structure plans. Whilst Waikato-Tainui support this initiative, especially considering the growth challenges that the district faces in the north; Waikato-Tainui consider that the timing of this process is unfortunate and would have been more effective if the process had been undertaken pre the notification of the is proposed district plan. The concern for WaikatoTainui is the Blueprinting exercise and potential structure plans will require plan change processes to implement as part of the district plan. Locations such as Huntly, Mercer and Pokeno are in need of high-level planning assessment and it is disappointing that resource and time be required to get these guiding plans part of the district plan.

58. Waikato-Tainui are also of the opinion that any structure plans or Blueprinting exercises should recognise Waikato-Tainui tikanga and Maatauranga Maaori, to reflect the districts rich Maaori heritage.

Relief Sought:

1. **The district plan review process be put on hold so that the outcomes of the blueprinting exercise can be accommodated in the District Plan, including the development of structure plans.**
2. **The blueprint and structure plan processes should recognise tikanga and Maatauranga Maaori.**

EARTHWORKS AND THE WAIKATO RIVER

59. The proposed Waikato District Plan provides for Earthworks in specific zones. The concern for Waikato-Tainui, is the earthworks setbacks do not adequately protect water ways and fail to be consistent with the notified Proposed Plan Change 1 to the Waikato Regional Plan. This plan change process, triggered by the need to give effect to the Vision and Strategy for the Waikato River, requires a minimum set back of 5m from a waterway (for cropping only) to be considered a permitted activity.

The Proposed Waikato District Plan allows for a 1.5m setback in the residential zone and appears to have no setbacks at all for earthworks in the rural zone.

60. Waikato-Tainui do not believe that this lack of setback for earthworks from a waterway is appropriate and has failed to have regard to the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan. As a minimum it would be anticipated that the Proposed District Plan change would be consistent with Proposed Plan Change 1 to the Waikato Regional Plan.

Relief sought:

- 1. Amend the proposed Waikato District Plan to provide setbacks from waterways that are consistent with Proposed Plan Change 1 to the Waikato Regional Council and gives effect to the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan**

PROTECTING AREAS OF SIGNIFICANCE TO MAAORI

61. Earthworks on Maaori Sites of Significance and Maaori Areas of significance are a restricted discretionary activity. Waikato-Tainui support this as early warning when such activities are being undertaken is desirable.

Relief sought:

- 1. Retain earthworks on Maaori Sites of Significance and Maaori Areas of significance as a restricted discretionary activity**

INDIGENOUS BIODIVERSITY

62. The Proposed Waikato District Plan provides for the clearance of indigenous vegetation (both within identified significant natural areas and outside of significant natural areas) on Maaori Freehold Land or Maaori Customary Land for the purpose of a Marae complex (1500m²), dwellings (500m² per dwelling) and a papakainga building (500m²), as a permitted activity. If provisions cannot be complied with then a resource consent for a discretionary activity (clearance of indigenous vegetation within a significant natural area) or restricted discretionary activity (clearance of indigenous vegetation outside of a significant natural area) is required. However, it appears that earthworks within significant natural areas and associated with Marae, papakainga and dwellings are not afforded the same permitted status as vegetation clearance, they would be a restricted discretionary activity. Only the maintenance of existing tracks, fences or drains are permitted within certain parameters. There seems little point in providing for a permitted indigenous vegetation clearance for these activities but then requiring a resource consent for any earthworks. As currently drafted a resource consent for a restricted discretionary activity would potentially need to be obtained to establish building platforms and access.

63. Waikato-Tainui support the ability to clear indigenous vegetation for the purpose of establishing these activities on Maaori Freehold Land or Maaori Customary Land. However, Waikato-Tainui seek that provision be made in the earthworks in Significant Natural Areas rules to allow earthworks associated with Marae, papakaainga and dwellings as a permitted activity.

Relief sought:

- 1. Retain the activity status and clearance thresholds for indigenous vegetation clearance for Marae, dwellings and papakaainga on Maaori Freehold Land or Maaori Customary Land.**
- 2. Provide for earthworks in significant natural areas that are for the establishment of Marae, papakaainga, dwellings and associated access, parking and manoeuvring as a permitted activity.**

64. The Proposed District Plan also provides for indigenous vegetation clearance associated with the gathering of plants in accordance with Maaori customs and values as a permitted activity. This is supported.

LOW IMPACT DESIGN

65. Waikato-Tainui seek that the proposed district plan utilise Low Impact Design in all new developments. Waikato-Tainui seeks clarification as to why WDC would not be seeking best practice low impact design for the management of stormwater to reduce the demand and load on existing infrastructure. The language currently used references low impact design 'where appropriate', understanding of where it would not be appropriate is sought by Waikato-Tainui. An example of this is in 14.11 Water, wastewater and stormwater.

Relief sought:

- 1. AMEND Policy 4.7.3 Residential subdivision, Clause (xvi) to refer to low impact stormwater design, this would improve consistency with Policy 6.4.7 Stormwater which does mention low impact design being adopted where appropriate.**
- 2. Clarify situations where low impact design is not appropriate, as provided for in the Proposed District Plan.**

LIVE ZONING

66. The Proposed Waikato District Plan 'live zones' or assigns Residential Zoning to areas of land that were previously Rural Zoned/ Future Urban/ Deferred Zones. For most of this land there is uncertainty around infrastructure timing and funding and structure planning is yet to be undertaken. Given the wastewater issues that the WDC currently have and are facing in the future, it seems almost impossible that WDC infrastructure will be able to cope with the live zoning of the district.

67. Waikato-Tainui are concerned that live zoning will create an expectation, that the Waikato River will be absorb greater volumes of wastewater and stormwater discharge, an expectation that is contrary to and does not give effect to the Vision and Strategy for the Waikato River. Waikato-Tainui strongly oppose this proposition and believe deferred zoning is required in most if not all locations that cannot be catered for through existing infrastructure.

Relief sought:

- 1. AMEND the proposed District Plan to re instate deferred zoning to a point in time when WDC have clarity around their wastewater infrastructure and are not reliant on outdated technology that is currently causing negative environmental outcomes.**

INFRASTRUCTURE AND ENERGY

68. Chapter 14 Infrastructure and Energy states in the first paragraph that the zone chapters and their associated overlays, objectives, policies and rules do not apply to infrastructure and energy activities unless specifically referred to within the Infrastructure and Energy Chapter. In other words, Chapter 14 is largely designed to be self-contained and standalone.

69. Waikato-Tainui seek clarity as to what activity status and provisions would apply to infrastructure and energy activities proposed on Maaori Areas of Significance or Maaori Sites of Significance. Throughout the Chapter the terminology 'identified areas' is used. This term is not defined in Chapter 13 Definitions and therefore it is unclear if this is intended to capture Maaori Areas of Significance or Maaori Sites of Significance.

70. Without clear provisions regarding infrastructure and energy activities in Maaori Areas of Significance or Maaori Sites of Significance there is a risk that these areas and sites may be adversely effected by activities with very few checks and balances in place. It is important to note that not all Areas of Significance to Waikato-Tainui are listed or public knowledge, this is well understood by all parties. For this reason, concerns exist that if infrastructure development was occurring, site disturbance could occur at sites of significance without the knowledge of Waikato-Tainui or the infrastructure provider.

Relief sought:

- 1. Amend Chapter 14 to provide clear provisions to manage the effects of infrastructure and energy activities on Maaori Areas of Significance and Maaori Sites of Significance. This may include making amendments to the activity status, rules and defining terms such as 'identified areas'.**

NATURAL HAZARDS

71. Waikato-Tainui are concerned that the Natural Hazards Chapter has been omitted from the notified proposed district plan. It is very challenging to consider a proposed district plan without a natural hazards chapter and how a future inserted natural hazards chapter will relate to other chapters in the plan. Given the vast array of natural hazards in the Waikato District, Waikato-Tainui are of the opinion that it is not realistic to progress the plan without this chapter being considered in tandem with the all other chapters of the plan. Waikato-Tainui consider that this is a major flaw in the process and to ensure consistency and integration across the plan, the plan review should be placed on hold to allow for the Hazards Chapter to be considered in conjunction with all other proposed chapters of the district plan.

Relief sought:

- 1. WITHDRAW or PLACE ON HOLD the Proposed Waikato District Plan Review Process to allow for the Hazards Chapter to be developed, integrated and considered as part of a thorough district plan review process.**

GENETIC MODIFIED ORGANISMS (GMOs)

72. Waikato-Tainui are concerned about the potential risks posed by releasing GMOs into the environment. It considers that the science is unproven and the risk of biological and ecosystem harm is too great not to include precautionary provisions for GMOs under local plans.

73. Equally important is the risk to social, economic, and cultural wellbeing, even if the Waikato District Council considers that GMOs pose no biological or ecosystem risks. This is because GMO contamination could have significant adverse effects on the economic markets, and way of life, for both organic and non-GMO food producers, and the mauri and tikanga of tangata whenua.

74. The Waikato Tainui Environmental Plan takes a precautionary approach to GMOs. It specifies that applications for new organisms and GMOs must demonstrate that there are no risks to humans, indigenous ecosystems, indigenous species, or primary production.

75. The Draft Maniapoto Environment Plan also takes a precautionary approach to GMOs. It specifies that any applications for the introduction of new or GMOs into the environment must ensure that there is no risk to indigenous flora and fauna, ecosystems, or to the health and wellbeing of Maniapoto Iwi.

76. A number of councils around New Zealand have been moving to protect their primary producers and communities by introducing precautionary or prohibitive policies. Auckland Council, Far North District Council, Whangarei District Council and Hastings District Council have all included

provisions in their planning documents to regulate the outdoor use of genetically modified organisms. All four councils have prohibited the release of GMOs on land and made field trials a discretionary activity with performance standards in regards to liability and the posting of bonds.

Relief Sought:

- 1. Adopt clear provisions to include precautionary policies to regulate the outdoor use of genetically modified organisms, and to prohibit the release of GMOs on land and to make field trials a discretionary activity with performance standards in regard to liability and the posting of bonds.**

3 CONCLUSION

77. This submission outlines the views, concerns and recommendations of Waikato-Tainui regarding the Waikato District Council Long Term Plan 2018-28.

77. There needs to be further consideration given to ensuring District Plans are progressed in an integrated and holistic way. It is particularly important that changes intended to promote residential economic development are balanced and do not undermine the existing environmental principles of the freshwater management regime.

78. Waikato-Tainui would like to be heard on this matter.

DATED: 28 July 2016

WAIKATO TAINUI TE WHAKAKITENGA O WAIKATO INC

By its Project Environmental Advisor;



Lorraine Dixon

Address for Services: C/- Lorraine Dixon
Waikato-Tainui Te Whakakitenga o Waikato Inc
Private Bag 3344 Hamilton

Telephone: 07-858 0400

Fax: 07-839 2536

Email: Lorraine.Dixon@tainui.co.nz



**Addendum
to the
Waikato-Tainui Submission
on the
Proposed Waikato District Council
Long Term Plan
Submission to the Waikato District Council**

Submission on Proposed Waikato District Plan - Hopuhopu

The decision sought: Amend the proposed district plan by adding provisions to enable land in Te Wherowhero title at Hopuhopu to be planned for, developed and used in accordance with their mandate, by including these provisions, or provisions to like effect:

Chapter 2 Tangata Whenua

Add to 2.5 Understanding Maaori Land Ownership, after (a):

(b) Other land is held in Te Wherowhero title, created under the Waikato Raupatu Claims Settlement Act 1995. Te Wherowhero title land is held by Custodian Trustees for the benefit of all Waikato. The former Hopuhopu military base, now the site of WaikatoTainui College for Research and Development and other activities, is in Te Wherowhero title. The district plan addresses this land differently from other Maaori land. Business and Residential zoned areas at Hopuhopu are subject

to the plan provisions that apply to those zones. The remainder of Hopuhopu is a specific site in the Rural Zone.

Add to 2.6 Powers to set aside Maaori Land for special purposes, after (a):

- (b)** The district plan adopts a different approach to land at Hopuhopu in Te Wherowhero title. Rural Zoned land is identified as a specific site, enabling a range of activities appropriate to the aspirations of the Waikato Raupatu Claims Settlement Act 1995 and the Deed creating the Waikato Raupatu Lands Trust (1995.) Business and Residential zoned areas at Hopuhopu are subject to the plan provisions that apply to those zones.

Add to 2.8 Concept Management Plan, after (b):

- (c)** At Hopuhopu, a concept management plan is required for some permitted activities. The concept plan for Hopuhopu is not subject to Maori Land Court approval.

Add to 2.13.1 Policy Tangata Whenuatanga (utilisation by landowners), after 3:

4. That the Te Wherowhero title at Hopuhopu can be sustainably used and developed

Chapter 5 Rural Environment

Add new policy, after 5.3.17:

5.3.18 — Policy — Specific Area - Hopuhopu

- (a)** Provide for a range of activities on the land in Te Wherowhero title at Hopuhopu to plan for, develop and use the land in accordance with the mandate of the title, including the Waikato-Tainui College for Research and Development and associated facilities, sports facilities, hauora, marae complexes and associated facilities, and papakainga housing development according to customs and practices.

Chapter 22 Rural Zone

Add new section to Chapter 22, after 22.8:

"22.9 Specific Area — Hopuhopu

22.9.1 Application of Rules

(a) The rules that apply to the Hopuhopu specific area as identified on the planning maps are as follows:

- (i) Rule 22.1 Land Use — Activities, and the additional permitted and discretionary activities identified in rules 22.9.2 and 22.9.3;
- (ii) Rule 22.2 Land Use - Effects;
- (iii) Rule 22.3 Land Use — Building; and
- (iv) Rule 22.4 — Subdivision.

"22.9.2 Permitted Activities — Hopuhopu

(a) Additional permitted activities at Hopuhopu:

Activity		Activity specific conditions
P1	Education facilities	A concept management plan is provided.
P2	Marae complex	
P3	Papakaainga Housing Development and Papakaainga building	
P4	Place of assembly	
P5	Hauora	
P6	Recreational facility	
P7	Cultural events	Nil
P8	Sports	Nil
P9	Informal recreation	Nil
P10	Water bulk storage infrastructure and associated easements.	Nil

"22.9.3 Discretionary Activities — Hopuhopu

(a) The activities listed below are discretionary activities.

DI	Any permitted activity that does not comply with an activity specific condition in Rule 22.9.2."
----	--------------------------------------------------------------------------------------------------

Planning maps

ADD:

Map identification of the Hopuhopu Specific Area.

Chapter 13 Definitions

ADD:

Hopuhopu specific area means the area shown on the planning maps.

Reasons for the above submission:

These changes to the proposed Waikato District Plan are to enable the land at Hopuhopu to be planned for, developed and used in accordance within the mandate of the Te Wherowhero title. This submission addresses a gap in the proposed plan. Hopuhopu will not get the benefit of the proposed new rules that confer additional permitted activities on Maaori freehold land, because Hopuhopu is in special Te Wherowhero title created under the Waikato Raupatu Claims Settlement Act 1995. At the same time, the removal of the Pa Zone results in Hopuhopu losing some permitted activities under the operative plan. The majority of Hopuhopu is in the Rural Zone, and the best approach for the district plan is to identify the rural part of Hopuhopu as a specific area in the Rural Zone, with appropriate rules. This fits the existing plan structure, which provides for some rural sites to be managed as specific areas, including agricultural research centres and Huntly power station facilities. Under the submitted rules, Hopuhopu will enjoy the permitted activities given to Maaori freehold land by the proposed plan, and restore some permitted activities lost from the Pa Zone.

The submitter raises no objection to areas of Hopuhopu in the Residential and Business Zones being managed under the ordinary rules of those zones, continuing the approach of the operative district plan.

Signed by

Date

Tipa Mahuta 9/10/2018 Deputy Chair — Te Whakakitenga oo Waikato Inc.

Appendix 3:

Decision

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 28B: Zoning - Hopuhopu Special Development

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Councillor Janet Gibb

Mr Dynes Fulton

Ms Linda Te Aho

Mr Weo Maag

Contents

1 Introduction	35
2 Hearing	35
3 Overview of issues raised in Submissions.....	36
4 Overview of evidence Presented at the Hearing	37
5 The Rezoning Proposal	37
6 Section 42A report analysis and recommendations	40
7 Criteria for a special purpose zone	40
8 Higher order documents	41
9 Infrastructure.....	45
10 Site suitability.....	47
11 Panel decision	48
12 Draft plan provisions	48
13 Conclusion	49
Attachment 1: Amendments to Chapters 13.....	51
Attachment 2: New Special Purpose Zone - Hopuhopu	51

4 Introduction

1.1 This Decision report addresses the request received by Waikato District Council (Council) to change the zoning at Hopuhopu to special purpose zone and to insert new plan provisions in relation to the zone within the Proposed Waikato District Plan (PDP). This report should be read along with the overarching Hearing 25 Rezoning Extents report, which sets out the statutory matters and key principles relating to all rezoning submission requests.

5 Hearing

2.1 The hearing was held on 23 June 2021 by Zoom. All of the relevant information pertaining to this hearing (i.e., Section 42A report, legal submissions and evidence) is contained on Council's website.

2.2 The Panel heard from the following parties on the Hopuhopu proposal:

Council	Betty Connolly, author of Section 42A Report on Zone Extents Special Purpose Zone - Hopuhopu.
Waikato-Tainui	<ul style="list-style-type: none">• Susan Henderson – planning evidence• Gavin Donald – overview evidence• Shane Solomon - oral evidence• Chris Dawson - oral evidence
Waikato Regional Council	<ul style="list-style-type: none">• Miffy Foley – Planning evidence

6 Overview of issues raised in Submissions

3.1 The key issue addressed in this decision is whether the 138ha Hopuhopu site should be rezoned from the rural, business and residential zones in the PDP as notified, to a special purpose zone divided into precincts, with new plan provisions for land use activities, buildings, amenity effects and subdivision.

3.2 A brief history of the site is that it was gifted to by hapuu to the Anglican Church in the nineteenth century for the establishment of a Native School. The land was taken by the Crown under the Public Works Act in 1920 for the establishment of a military base and used by the army until 1989. In 1993 the land and improvements were returned to Waikato-Tainui by the Crown. Waikato-Tainui established a complex including the Waikato-Tainui College for Research and Development (also known as the Endowed College) along with residential, administrative, business, sports and other activities.

3.3 The land is held in Te Wherowhero title, created as part of the Waikato Raupatu Claims Settlement Act 1995. Mr Donald said that Te Wherowhero titled whenua constitutes the tribal estate of Waikato as whenua papatupu, for the benefit of all Waikato. This land is unable to be sold or leased without the approval of Kiingi Tuheitia and two other custodial trustees. Te Wherowhero title was created to activate the tribal catch-cry – “I riro whenua atu me hoki whenua mai - As land was taken so land should be returned.”

3.4 The PDP as notified placed the Hopuhopu land into three standard zones: rural, business and residential. Submissions from Waikato-Tainui request special zoning to better enable their aspirations for the future use and development of the land.

3.5 Four submissions from Waikato-Tainui relating to Hopuhopu and seven further submissions are addressed in this decision.¹ The submissions contend that new provisions are necessary as the PDP rules for development on Maaori land in Maaori Freehold Title do not apply to Hopuhopu, which is in Te Wherowhero title. The submissions request:

- a) Enable the land at Hopuhopu to be planned for, developed and used in accordance with the mandate of the Te Wherowhero title;
- b) Rezone the site to a special purpose Hopuhopu Zone, with plan provisions to be developed; and

¹ Waikato-Tainui [286.1, 286.2, 286.3, 286.17]. Five further submissions were noted in the section 42A report para 52, and two more in Betty Connolly's rebuttal para 8. Submission [286.1] was also discussed in hearing H4 Tangata Whenua.

- c) Retain areas of Hopuhopu in the Residential and Business zones being managed under the ordinary rules of those zones.

3.6 Further submissions in support were received from Pareoranga Te Kata and Perry International Trading Group Limited. Waikato Regional Council lodged a further submission opposing the submission relating to the proposed development within the mandate of Te Wherowhero title.

7 Overview of evidence Presented at the Hearing

4.1 Gavin Donald for Waikato-Tainui gave overview evidence of Waikato-Tainui's aspirations for Hopuhopu, including its recent history as a former army base and subsequent transfer to Waikato-Tainui as part of its Treaty settlement. Mr Donald described the context of Hopuhopu and the basis for the specific Hopuhopu Special Purpose Zone request. Mr Donald supported the proposals, which he said would restore what was previously available for the site under the Operative Waikato District Plan, with updates to better align with the planned and intended use of the site.

4.2 Susan Henderson for Waikato-Tainui provided planning evidence supporting a special zone for the whole site, divided into five precincts, with draft plan provisions developed jointly with Council staff. Ms Henderson said that Hopuhopu is a brownfield site with existing urban zoning. The PWDP zones as notified (mainly Rural, with smaller Business and Residential zones) gave Hopuhopu less ability to undertake future activities (including cultural activities) on the site as a permitted activity. There was limited certainty as to the resource consent process given that the Rural Zone does not specifically provide for a site such as Hopuhopu. She said Hopuhopu is not Maaori freehold land or Maaori customary land and therefore is not covered by district-wide rules enabling development of land that is held in those titles.

4.3 Shane Solomon spoke about the history and current use of the site including the Endowed College. His evidence included a video about development proposals for Hopuhopu.

4.4 Chris Dawson of Bloxham, Burnett and Olliver consultants gave oral answers to questions about infrastructure.

4.5 Miffy Foley for Waikato Regional Council gave evidence as part of its general evidence on rezoning matters. Ms Foley said Waikato Regional Council supports Waikato-Tainui's aspirations on the Hopuhopu site.² She also stated that Waikato Regional Council's further submission opposed the rezoning only to the extent that the risks of alligator weed and flood hazards on the site would be managed appropriately.

8 The Rezoning Proposal

5.1 At the hearing, Waikato-Tainui did not pursue its submissions seeking retention of the notified Residential Zone and Business Zone at Hopuhopu. The proposal as put forward in evidence is to rezone the Hopuhopu site (138 hectares) as a special purpose zone to be called Hopuhopu Special Purpose Zone. Map 1 (next page) compares the land with the zoning notified in the PDP with the proposed new zone divided into five precincts.

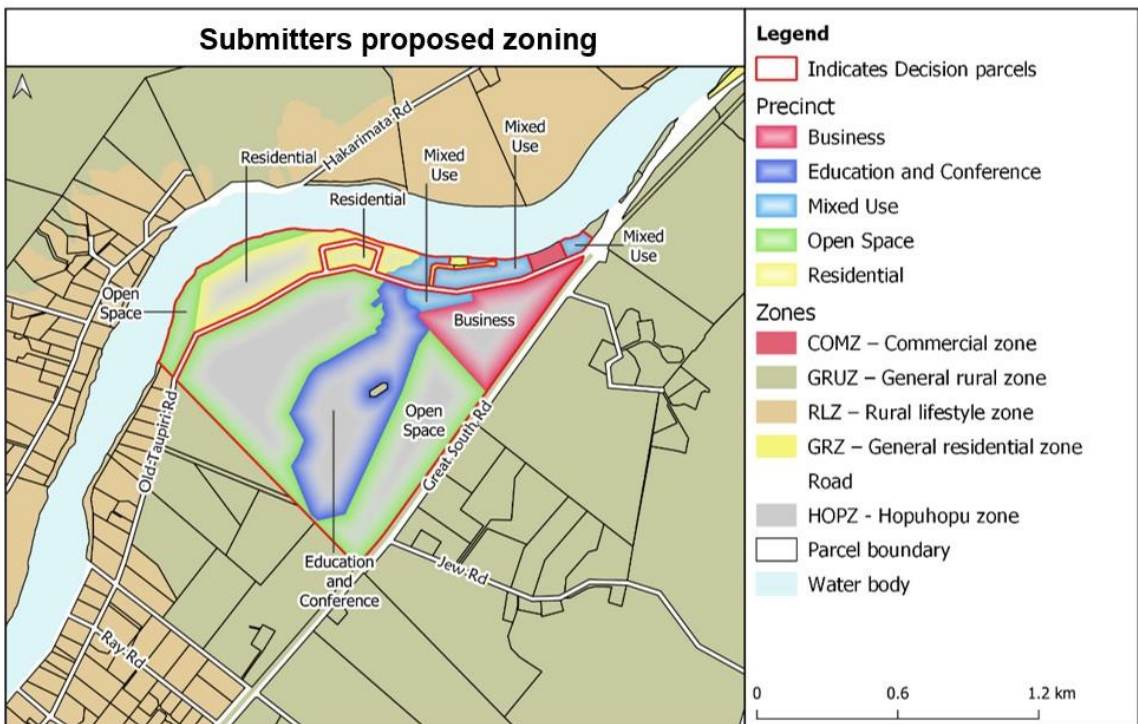
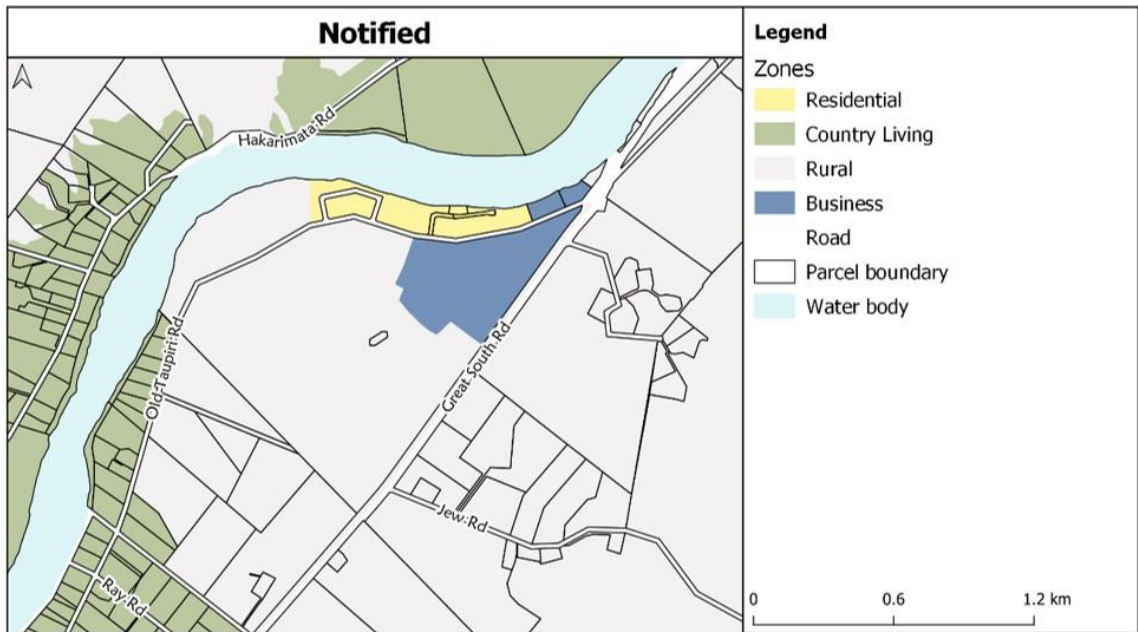
² Evidence of Miffy Foley, para 25.1

5.2 The activities intended for the five precincts are summarised from the evidence as follows:³

- a) Precinct 1 – Residential (16ha) provides for residential uses at an average density up to one residential unit per 450m², and includes papakainga and kaumaatua housing, rest home and hospital facilities.
- b) Precinct 2 - Education and Conference (29ha) covers the Endowed College site and is focussed on activities related to the college. This area is in the Operative Pa Zone, which allows commercial, business and light industry uses. These uses are now directed towards the Business and Mixed Use precincts.
- c) Precinct 3 – Business (15ha) allows for office and commercial activities as well as trade and industry training activities and light industry. A new definition of ‘light industrial’ activities for the Hopuhopu site would mean that such activities would be generally of a small scale and would need to be located predominantly indoors so as to ensure they are unlikely to give rise to adverse effects beyond the site.
- d) Precinct 4 - Open Space (70ha) provides for rural activities, sports fields, events, plant nursery, carvers’ workshop, and environmental education facility.
- e) Precinct 5 - Mixed Use (9ha) provides for a mix of residential (primarily kaumaatua housing), cultural (Whare Taonga/museum), educational, and administrative uses (Waikato Tainui headquarters and offices), along with potential for a small convenience retail and café.

³ Evidence of Susan Henderson section 11.

Map I



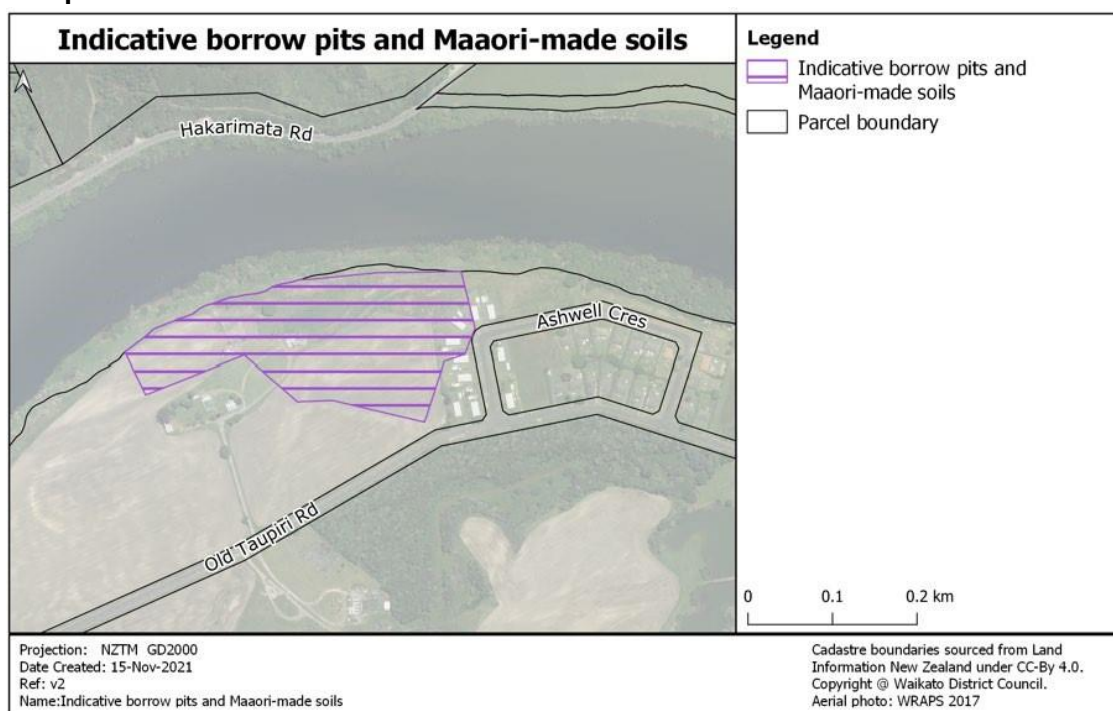
5.3 In summary, it is noteworthy that some 100ha is allocated to open space and the existing Endowed College, out of the total site area of 138ha. The balance of the site is proposed for urban uses, most of which is already zoned for such uses. The limited scale of the proposed urban zoning is a consideration that we will return to later in this decision.

5.4 Draft objectives, policies and rules for the zone and precincts were presented in evidence. These were developed collaboratively between the submitter's consultant and Council staff. We analyse those later in this decision.

5.5 An archaeological site of borrow pits and Maori-made soils was also shown on the map submitted in evidence. The archaeological site is included on the Planning Maps for

information and referred to in an advice note in the plan text. We sought clarification after the hearing on the extent of this area. Map 2 shows the revised area of the archaeological site.

Map 2



9 Section 42A report analysis and recommendations

6.1 The section 42A report recommended acceptance of the proposed special purpose zone, with the PDP being amended to include the draft plan provisions and maps produced in evidence.

6.2 The report included analysis of the related issues, which we will elaborate on in the following sections, along with the relevant evidence.

10 Criteria for a special purpose zone

7.1 The National Planning Standards set criteria for the creation of a special purpose zone. The proposed land use activities or anticipated outcomes of the additional zone must be:

- significant to the district, region or country;
- impractical to be managed through another zone; and
- impractical to be managed through a combination of spatial layers.⁴

7.2 The section 42A report concluded that these criteria are met. Mr Donald's evidence emphasised the uniqueness of the site, including these points:

⁴ National Planning Standards, Zone framework standard 8.3.

- a) The land was returned to Waikato-Tainui through the treaty settlement process and is held in Te Wherowhero title (named after the first Maaori King);
- b) The land is unable to be sold or leased without the approval of Kiingi Tuheitia and two other custodial trustees; and
- c) The intent is to retain the land for future generations and develop it for the good of Waikato-Tainui people.

7.3 A video was shown at the hearing indicating a vision for the development of the land for a range of business, residential including papakainga, educational and open space uses, all targeted to improve the wellbeing of Waikato-Tainui people.

7.4 We are satisfied by the evidence that that this social and cultural vision is significant to the district and impracticable to be delivered through another zone or spatial layers, particularly as Waikato-Tainui intend to manage the whole site according to cultural practices and not to subdivide or alienate any of the land. The proposed zone would enable a comprehensive approach to managing the development of the site, recognise the unique nature of the Hopuhopu site, and the current and anticipated future uses.

7.5 We find that and the proposed special purpose zone complies with the Natural Planning Standards criteria, and we now proceed to consider the proposal in more detail.

11 Higher order documents

8.1 The first consideration is to test the rezoning proposal against higher order documents.⁵ We have described these documents in detail in other decisions. In this decision we will reference the documents only so far as is relevant to our conclusions here.

8.2 The section 42A report and submitter evidence listed these documents as relevant to this decision:

- a) National Policy Statement for Urban Development 2020 (NPS-UD);
- b) Vision and Strategy for the Waikato River;
- c) Waikato Regional Policy Statement (WRPS);
- d) Future Proof 2017;
- e) Waikato 2070;
- f) Waikato-Tainui Environmental Plan (Tai Tumu, Tai Pari, Tai Ao); and
- g) Proposed District Plan Policy Direction - Framework s42A report.⁶

National Policy Statement for Urban Development 2020

8.3 The NPS-UD primarily requires councils to plan for well-functioning urban environments and to ensure the adequate provision of developable land. It requires district

⁵ Section 42A Framework Report - 19 January 2021, introduces the higher order documents

⁶ Listed in section 42A report para 50; evidence of Susan Henderson para 9.1.

plans to enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which certain criteria apply.

8.4 The section 42A report author stated that NPS-UD is not particularly relevant to Hopuhopu because Hopuhopu is not an urban environment. She noted that the Hopuhopu proposal would comply with some aspects of the NPS-UD policies.⁶ We agree there are aspects of Hopuhopu that might contribute to meeting the council's obligations under the NPS-UD, but we do not see it as a comprehensive response to the NPS-UD.

8.5 We consider that the NPS-UD does not constrain our decision on Hopuhopu rezoning. We understand that the NPS-UD is aiming to improve the functioning of urban areas and not concerned with development at places like Hopuhopu. Hopuhopu is not an urban environment area as defined in the NPS-UD.⁷ We consider that the proposed Hopuhopu rezoning would not adversely affect the functioning of urban areas elsewhere because of its modest scale.

Vision and Strategy for the Waikato River

8.6 The Vision and Strategy (Te Ture Whaimana) for the Waikato River aims to enable positive outcomes and prevent adverse outcomes for the river. The adverse effects of land use and development at Hopuhopu beside the river are obvious risks. We accept that those risks would be adequately addressed in draft policies and rules for Hopuhopu that were mentioned by Ms Henderson in her evidence.⁸ Beyond that, we observe that Waikato-Tainui is the owner and future developer of Hopuhopu. We have heard strong advocacy for the Vision and Strategy from Waikato-Tainui at other hearings and we have no doubt that the requirements of the Vision and Strategy will be met at Hopuhopu.

Waikato Regional Policy Statement

8.7 The WRPS provisions relevant to our decision on Hopuhopu are those calling for positive outcomes for Maaori, and provisions restricting urban development and rezoning.

8.8 Ms Henderson identified several WRPS provisions calling for positive outcomes for Maaori. She considered that the Hopuhopu development would give effect to these.⁹ Ms Henderson stated that the proposed development would enhance the ability of Waikato-Tainui to exercise kaitiakitanga over this tribal land.

8.9 Similar to our reasoning in relation to the Vision and Strategy, we agree that the WRPS policies which call for positive outcomes for Maaori will be given effect to at Hopuhopu. We conclude that this aspect of the WRPS does not constrain our decision on Hopuhopu rezoning.

8.10 Chapter 6 of the WRPS concerns the Built Environment and requires councils to consider section 6A principles when reviewing district plans. The WRPS states that these principles are not absolutes, and it is recognised that some developments will be able to support certain principles more than others. In some cases, certain principles may need to be traded off against others. However, all principles are to be appropriately considered.

⁶ Section 42A report para 51a.

⁷ "Urban environment" definition, NPS-UD 1.4

⁸ Evidence of Susan Henderson, para 9.29

⁹ Evidence of Susan Henderson, page 14

8.11 The principles particularly relevant to Hopuhopu are:

a) support existing urban areas in preference to creating new ones:

...

c) minimise the need for greenfield urban development;

d) not compromise existing and planned infrastructure;

e) connect well with existing and planned infrastructure;

f) identify water requirements and ensure availability;

...

i) promote compact urban form, design and location to: ... minimise private motor vehicle use;

...

p) be appropriate with respect to projected climate change;

q) consider effects on tangata whenua relationships, values, aspirations, roles and responsibilities;

r) support the Vision and Strategy for the Waikato River.

8.12 Principles d), e) and f) regarding infrastructure, and q) and r) outcomes for Maaori and the Vision and Strategy, are supported, as discussed in other parts of this decision.

8.13 Regarding principle a), Ms Henderson sought to emphasise that the current Hopuhopu zoning is “urban” and that Hopuhopu rezoning could be said to support an existing urban area rather than creating a new one.¹⁰ For the purposes of Principle a), we accept that Hopuhopu qualifies as “urban” as a non-agricultural village within the WRPS definition:

“Urban” – a concentration of residential, commercial and/or industrial activities, having the nature of a city, town, suburb or a village which is predominantly non-agricultural or nonrural in nature.¹²

8.14 Regarding principles c) and i), the requested Hopuhopu rezoning includes greenfield development and does not promote compact urban form. It relies on schools, shops, facilities and services in other locations. While Hopuhopu has a bus service, future development will be largely dependent on the use of private vehicles. We have weighed these considerations in light of the WRPS’s intentions around the principles. We note that they are titled “General Principles” and whilst relevant, are not directive in nature.

8.15 We conclude that overall, the Hopuhopu rezoning is acceptable in terms of the WRPS principles. Our reasons are that the rezoning satisfies some of the principles and we give greater weighting to these than we give to the principles that are not as strongly supported, noting that the expansion of existing residential and business areas will be of modest scale and will not unduly impact urban areas elsewhere.

¹⁰ Evidence of Susan Henderson para 7.1, 8.1, 9.15, ¹² WRPS Glossary – “urban”

Future Proof

- 8.16 Future Proof 2009, which is adopted by the WRPS, and Future Proof's 2017 revision, (collectively, Future Proof) are discussed in detail in the Framework Report and other decisions.¹¹ Ms Henderson saw no inconsistency between Future Proof 2009 and 2017. Ms Henderson acknowledged that Hopuhopu is outside of the indicative village/urban limits identified in the 2009 and 2017 strategies, but is a site already zoned for urban uses. Ms Henderson then highlighted the Future Proof provisions which promote positive outcomes for Maaori.¹²
- 8.17 There is no doubt that that the proposal promotes positive outcomes for Maaori, including by providing for marae and papakainga in terms of WRPS Policy 6.4. However, we still need to consider other aspects of Future Proof, which direct urban development into identified locations and constrain urban development in all other places. Hopuhopu is not one of the favoured locations.
- 8.18 The Hopuhopu proposal includes the conversion of an area currently in the Rural Zone to urban uses. District plans can consider an alternative residential or industrial land release if criteria in WRPS Method 6.14.3 are satisfied. The key criterion is that industrial land release is to be "justified through robust and comprehensive evidence (including but not limited to, planning, economic and infrastructural/servicing evidence.)" We received little direct evidence in regard to the proposed light industrial zoning, but we are satisfied that the criteria are met, given the modest scale of the additional development which is contemplated.
- 8.19 Ms Henderson stated in relation to light industrial uses:
- This is to provide for opportunities for new business start-ups and incubators which may include workshops as an example. A new definition of 'light industrial' activities for the Hopuhopu site would mean that such activities would be generally of a small scale and would need to be located predominantly indoors so as to ensure they are unlikely to give rise to adverse effects beyond the site.¹³
- 8.20 We have concluded that the Hopuhopu rezoning gives effect to the WRPS. We consider that the WRPS is sufficiently responsive and flexible to admit this development, particularly given the alternative land release criteria in Method 6.14.3. The proposed scale and intensity of the residential, business and light industrial activities were a key consideration. Later in this decision, we assess the draft plan provisions to ensure these outcomes are attained.

Waikato 2070

8.21 We are required to "have regard" to Waikato 2070, which is the district's growth and economic development strategy adopted in 2020.¹⁴ It encourages partnering with iwi to help realise their social, cultural, economic and environmental aspirations. The strategy includes the Ngaaruawahia Development Plan in which Hopuhopu is identified as a Special Activity Precinct with a development timeframe of 1-3 years and also includes a Hopuhopu Business Park.

¹¹ Frameworks Report para 115-122; Ohinewai Decision

¹² Evidence of Susan Henderson para 9.15

¹³ Evidence of Susan Henderson, para 11.15

¹⁴ s42A Zone Extents Framework Report, para 123-139; RMA s74(2)

8.22 We note that the Framework Report lists Growth Cells from Waikato 2070. Included in the Ngaruawahia Growth cell is a Hopuhopu Business Park 2030-2050 adjacent to the site being considered in this decision. We received little evidence about this future

business park.¹⁵ However, it appears to us that the proposal will be compatible with an indicated business park.

8.23 We conclude that the proposed Hopuhopu rezoning is consistent with Waikato 2070, strengthening our view that it is aligned with the NPS-UD and WRPS.

Waikato-Tainui Environmental Plan (Tai Tumu, Tai Pari, Tai Ao)

8.24 The section 42A report author concluded that the proposal is consistent with the Waikato-Tainui Environmental Plan objectives, saying that the proposed development will enhance the education and training already occurring, support papakainga development and allow urban and rural development to occur. We agree.

Conclusion on higher order documents

8.25 We conclude that the Hopuhopu rezoning proposal gives effect to the NPS-UD and WRPS. We have had regard to the other relevant higher order documents and consider that the proposal is consistent with these other planning instruments. Our reasons are set out above and we also adopt the reasoning of the section 42A report.¹⁶

12 Infrastructure

Three waters

9.1 We received evidence about infrastructure at the hearing from several sources. The Framework Report contains information about council plans for infrastructure development.¹⁷ The section 42A report author, Betty Connolly, provided details specific to Hopuhopu.²⁰ Submitter evidence on infrastructure came from planners, but we did not receive written expert evidence.

9.2 Ms Henderson stated that Waikato-Tainui had commissioned site investigations by technical consultants in relation to the future development of the site. These investigations included traffic and transport, three waters, geotechnical, archaeological, ecological, contamination and alligator weed.²¹

9.3 Ms Henderson summarised the conclusions from the reports. Chris Dawson of Bloxham, Burnett and Olliver, the consultancy that reported on traffic and three waters, attended the hearing and answered our questions.

9.4 In relation to stormwater, freshwater and drinking water services(three waters), Ms Henderson stated that Bloxham Burnett and Olliver engineers met with Watercare Services Limited (Watercare) to discuss the proposal. Watercare did not indicate any concerns with the capacity of the nearby Council wastewater treatment plant to service

¹⁵ Section 42A report page 24 (business park in relation to 3 waters); Section s32AA evaluation para it briefly at para

¹⁶ Section 42A report, para 82

¹⁷ s42A Zone Extents Framework Report, Appendix 5: Assessment of Growth Cell Servicing

²⁰ Betty Connolly, section 42A report, para 77 ²¹ Evidence Susan Henderson, section 12.

the Hopuhopu development given the type of development proposed, being a brownfield site with no proposals for wet industry. At the hearing, Mr Dawson confirmed the meeting with Watercare conveyed a clear understanding that water and wastewater capacity will be available, and connections will be provided for in the proposed development.

9.5 Stormwater management proposals were also outlined by Ms Henderson. Stormwater treatment will need to be provided for three catchments. Stormwater management for the proposed development will achieve water quality treatment and be in general accordance with Council's and Waikato Regional Council's respective requirements.

9.6 As mentioned above, Ms Henderson advised that Hopuhopu is a brownfield site with existing urban zoning, and existing services to the site, including three waters. While we accept that, we also note that areas of the site are to be redeveloped more intensively and it is important to consider whether infrastructure's capacity can be expanded to service that future development.

9.7 We sought further assurance regarding three waters. We received a memorandum from Anna Fraser, an Associate Civil Engineer employed by Beca Ltd, who reviewed the information contained in Ms Henderson's evidence on three waters. Ms Fraser recommended the following:

- a) Confirmation be sought that the wastewater network, pump stations and treatment plant have sufficient long-term capacity in the next stage of design;
- b) The high-level assessment completed by Bloxam Burnett and Olliver on three waters should be reviewed to confirm assumptions for the site; and
- c) Confirmation be sought from Watercare regarding the capacity of the water supply for the proposed rezoning.

9.8 We have not received further confirmations as suggested by Ms Fraser. However, we consider the residual issues can be adequately addressed in plan provisions that ensure three waters are available prior to any development commencing. Bearing in mind the proximity of the site to existing Council infrastructure, we consider that standard engineering solutions should be feasible. We have amended the draft policies to ensure that these are implemented.

Traffic and roading

9.9 In relation to traffic Ms Henderson summarised an initial traffic effects assessment undertaken by Bloxham, Burnett and Olliver. This assessment concluded that the overall transportation effects on the adjoining road network with the introduction of the proposed Hopuhopu rezoning are expected to be moderate but able to be managed and mitigated to an acceptable level. The northern Great South Road/Old Taupiri Road intersection is expected to operate at acceptable levels of service and safety, but the southern intersection of those roads is expected to deteriorate over time and capacity upgrades may be required.

9.10 We are satisfied that the development can be satisfactorily serviced for transport by the existing road network. Traffic growth is able to be managed and effects mitigated to an acceptable level through plan provisions and development contributions. We note that provision has been made in the draft zone provisions for walking and cycle paths throughout the zone, which should help to reduce vehicle trips within the site.

13 Site suitability

10.1 In relation to geotechnical matters, Ms Henderson said that an initial geotechnical investigation by CMW Geosciences had assessed liquefaction risk as insignificant to mild for the residential areas of the site and mild to moderate for the business areas. Suitable foundations and specific building setbacks were recommended. Earthworks were expected to be relatively standard but would require specific designs at the consent stage.

10.2 Flooding in a 1% AEP event will affect parts of the site. This has been considered and all development will be accommodated outside of this extent.

10.3 An archaeological site of probable and possible borrow pits and cultivated soils was identified.¹⁸ The area has been shown on the draft zoning map as an 'Indicative Borrow Pit and Maori-Made Soils Overlay.' An advisory note was included in the draft zone text to highlight the archaeological site requirements under the Heritage New Zealand Pouhere Taonga Act 2014 in relation to this area.

10.4 In relation to possible contamination at the site, 4-Sight Consulting Ltd has identified a range of activities on the Hazardous Activities and Industries List (HAIL) that are known to have been undertaken or are considered likely to have been undertaken within the site. Consent will likely be required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and section 5.3 of the Waikato Regional Plan.

10.5 Alligator weed is present on the site and will be required to be managed in accordance with the Waikato Pest Management Plan 2014-2024, and an advisory note was included in the draft zone text to highlight this requirement.

10.6 We are satisfied that site development would not be materially constrained by geotechnical, natural hazards, archaeological contamination or pest issues, and none of these rule out rezoning.

Additional locational criteria for industry

10.7 The Framework Report identifies the following additional considerations for the location of industry:¹⁹

- a. large, flat sites;
- b. ease of access to the regional road network (without passing through town and village centres or through residential areas);
- c. ease and affordability of providing for water and wastewater (especially for wet industries);
- d. geological stability to provide sound foundations; and
- e. good buffering from residential and environmental areas and other areas likely to be sensitive to magnetic radiation, noise and vibration.

10.8 We consider that the proposed precinct for light industrial activity meets those requirements, subject to the applicable plan provisions. Any future extension of light

¹⁸ Site noted on NZAA register S14/394

¹⁹ S42A Zone Extents Framework Report para 162

industry to other precincts would need to be assessed by reference to appropriate objectives and policies, which we discuss further below.

- 10.9 Policy 4.1.6 of the PDP limits the location of industrial activities within the district. The draft plan provisions submitted in evidence propose to amend that policy to include Hopuhopu. We have adopted that suggestion, amending the wording to enable light industrial in Hopuhopu Special Purpose Zone Precinct 3.

Other good practice planning approaches

- 10.10 The section 42A report identified four other considerations relevant to Hopuhopu.²⁰ Our assessment of them is as follows:

- a) *Economic costs and benefits*: this is a unique site that has the ability to provide extensive economic benefits for Waikato-Tainui despite the costs involved.
- b) *Site features*: the site is well suited for the development of a Special Purposes Zone. It is flat, has access to infrastructure, and existing development including the Endowment College, housing and other buildings used for Waikato-Tainui's administration.
- c) *Defensible zone boundaries*: Hopuhopu is clearly defined on the south-eastern boundary by the main trunk line and Great South Road, the northern boundary by the river and the south-western boundary by a property boundary bordering Council's wastewater plant and privately-owned land. Te Wherowhero title cannot be extended to the surrounding land.
- d) *Spot zoning*: the guidance generally suggests there should not be spot zones, but anticipates that this may be appropriate on occasion. It is appropriate here given Hopuhopu's special features and the overall PDP objectives.

10.11 We agree with the s42A report author's conclusion that Hopuhopu satisfies the above considerations.

14 Panel decision

- 11.1 Our decision is to accept the submissions for the Hopuhopu Special Purpose Zone rezoning proposal. Our reasons are that the proposal as described in evidence meets the criteria for the creation of a special purpose zone, gives effect to the national and regional policy statements, supports the other relevant high-level policy documents, and complies with good planning practice.

11.2 We accept the draft planning maps, including the five precincts with their boundaries as presented in evidence. The archaeological site of borrow pits and Maaori-made soils will be shown on the map for information and explained in an advice note in the PDP text. The pest plants in the archaeological area, as mentioned in the Waikato Regional Council's further submission, are not mapped but referred to in a second advice note.

15 Draft plan provisions

12.1 Draft plan objectives, policies, rules and maps were provided in evidence.²¹ We have examined these and this section summarises our findings as well as the changes which we have made.

²⁰ The section 42A report para 84

²¹ Evidence of Susan Henderson, appendices 1-6

12.2 At several points of this decision, we noted that the Hopuhopu rezoning is acceptable because of the limited scale of the urban development. In Section 8, we considered that giving effect to the national and regional policy statements depended upon the urban development not exceeding the current proposal. In Section 9, we noted that residual issues around infrastructure could be addressed in plan provisions that ensure three waters are available prior to the proposed development.

12.3 We have amended some of the draft plan provisions to manage the scale of urban activities outside the precincts identified for such development and to ensure provision of infrastructure. These are set out in Attachments 1 and 2.

12.4 We have generally reviewed and amended the draft plan provisions for consistency across the PDP. We have also carefully considered one particular aspect of consistency concerning the site boundary, which is the usual reference point for many land use controls. For example, effects such as noise and light spill are usually measured at site boundaries, as are building setbacks and height control planes. This approach generally works well to manage effects between small urban sites under separate ownership. However, the Hopuhopu Special Purpose Zone comprises a single 138ha parcel of land. If the site boundary is taken to mean the zone boundary, then many standard controls will not be sufficient to mitigate adverse effects between the different land uses within the site.

12.5 The draft rules presented by the submitter contain rules providing for noise, light spill and the height control plane to be measured only at the zone boundary. The draft rules required building setbacks only from roads, railway, the Waikato River and the boundaries of adjoining sites. We do note that some of the outcomes of a building setback will however be attained by a rule that caps the total number of residential units in Precinct 1 (Residential) at one residential unit per 450m². However, there are no equivalent density controls on other activities in the zone.

12.6 On a large site such as this, those rules will not mitigate effects evenly within the site. We have concluded that this approach is acceptable in the special Hopuhopu context. The relevant features of Hopuhopu for these purposes are: the single, indivisible ownership; the nature of the Te Wherowhero title designed for the benefit of all WaikatoTainui; and the specific purposes of the zone. In this context, we have decided that the management of internal amenity is appropriately left to be managed by the landowner and land users. Accordingly, we have decided to keep the rules as submitted, subject to minor changes.

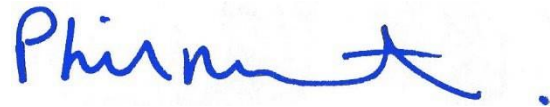
12.7 A number of the draft definitions have been amended or deleted for simplification and consistency across the PDP. The draft included an "Introduction" section, which we retitled as "Issues" for consistency with the National Planning Standards.

16 Conclusion

13.1 We accept and/or reject the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this Decision.

13.2 Overall, we are satisfied that the amendments to the PDP as notified, as well as the new Hopuhopu Special Purpose Zone provisions, respectively appended as "Attachment 1" and "Attachment 2", will provide a suitable framework in the PDP for land use and development within the Hopuhopu site.

For the Hearings Panel

A handwritten signature in blue ink, appearing to read "Phil Mitchell", followed by a period.

Dr Phil Mitchell, Chair

Dated: 17 January 2022

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.

Decision Report 28B: Zoning – Hopuhopu Special Development Report and Decisions of the Waikato District Plan Hearings Panel

Attachment 1: Amendments to Chapters 13

Chapter 13 Definitions

<p><u>Kaumaatua housing (Hopuhopu):</u></p>	<p><u>Means, in the HOPZ – Hopuhopu zone, one or more residential units for the purpose of providing housing specifically for kaumaatua and may include:</u> <u>(a) services and facilities, including rest homes and hospitals, for the care and benefit of the residents;</u> <u>(b) activities, pavilions and/or other recreational facilities or meeting places for the use of residents of that complex and visitors of residents.</u></p>
<p><u>Light industrial activity</u></p>	<p><u>Means small scale manufacturing, warehouse, storage, service and repair activities which do not involve the use of heavy machinery, are carried out indoors with no adverse effects (such as noise, odour, dust, fumes and smoke) on residential activities sensitive to these effects.</u></p>
<p><u>Plant nursery (Hopuhopu):</u></p>	<p><u>the use of land and/or buildings for the propagation, display, storage and wholesale sale of plants where production is not dependent on the soils of the site, and may include ancillary offices, and ancillary buildings such as sheds, glasshouses, and shade houses.</u></p>

Attachment 2: New Special Purpose Zone - Hopuhopu

HOPZ – Hopuhopu zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The Hopuhopu site comprises 138ha. This land, a former army base, was returned to Waikato-Tainui in 1993 by the Crown. The site is held in Te Wherowhero title for the benefit of all Waikato-Tainui. Waikato-Tainui established a complex including the Waikato-Tainui College for Research and Development (also known as the endowed college) along with residential, administrative, business, sports and other activities. This significant resource has historic, symbolic, and cultural importance to Waikato-Tainui, who wish to develop the land as a tribal hub for the benefit of all their people. Issues for development include limitations on three waters infrastructure and the capacity of the road network.

Objectives

HOPZ-O1 Purpose of the zone.

Waikato-Tainui are able to promote their spiritual, educational, cultural, social, economic, and environmental interests, well-being, and associations in accordance with tikanga Maaori, in a tribal hub within a place of historic, symbolic, and cultural importance to Waikato-Tainui in the zone.

HOPZ-O2 Role of Hopuhopu.

The role of Hopuhopu as the headquarters of Waikato-Tainui and the site of the Waikato-Tainui Endowed College is recognised and strengthened.

HOPZ-O3 Development.

Development of the zone is of a character and scale that reflects its river setting and is compatible with the special nature of Hopuhopu as the headquarters of Waikato-Tainui.

HOPZ-O4 Use and development.

The use and development of the Hopuhopu site for a range of activities is facilitated and enabled whilst ensuring adverse effects of activities are avoided, remedied, or mitigated.

HOPZ-O5 Te Wherowhero.

Recognise the special nature of Te Wherowhero title as treaty settlement land which is held for the benefit of all Waikato-Tainui.

HOPZ-O6 Infrastructure.

Infrastructure to support development is provided in an integrated and comprehensive manner and in place at the time of development.

Policies

All precincts

HOPZ-PI Hopuhopu precincts.

- (I) Provide for a range of compatible activity types in appropriate locations by defining specific precincts within the zone, being:
 - (a) PREC8 – Hopuhopu residential precinct providing for predominantly residential activities;
 - (b) PREC9 – Hopuhopu education and conference precinct providing for predominantly educational and conference facilities
 - (c) PREC10 – Hopuhopu business precinct providing for predominantly business activities;
 - (d) PREC11 – Hopuhopu open space precinct providing for predominantly open space, used for recreational and rural activities; and

- (e) PREC12 – Hopuhopu mixed use precinct providing for predominantly mixed use activities

HOPZ-P2 Built form.

- (l) Promote well-designed built form that:
 - (a) Responds to the characteristics and qualities of the area and provides for tikanga Maaori;
 - (b) Promotes development that is sympathetic to and celebrates cultural and historic values;
 - (c) Provides for a highly-connected network of pedestrian and cycle ways within each precinct and linking to the wider Hopuhopu area;
 - (d) Promotes vehicle and pedestrian safety
 - (e) Creates strong visual and physical links to the Waikato River.

HOPZ-P3 Cultural activities.

Provide for a range of cultural activities to occur.

HOPZ-P4 Character.

Encourage attractive character with generous on-site open space, landscaping, screening and street planting.

HOPZ-P5 Cultural events and temporary events.

Enable cultural events, and temporary events and associated temporary structures provided any adverse effects are managed.

HOPZ-P6 Servicing.

Require habitable buildings to connect to public reticulated network networks for wastewater and potable water with adequate capacity; and require all development to provide land drainage and stormwater disposal either through a reticulated network or in accordance with the EIT – Energy, infrastructure and transport section.

HOPZ-P7 Adverse effects.

- (l) Minimise adverse effects on the environment and surrounding area by:
 - (a) Identifying defined precincts as a means of separating incompatible activities;
 - (b) Ensuring that height, bulk and building scale are in keeping with the amenity values of the area;
 - (c) Maintaining the amenity values of neighbouring zones and sites through mechanisms such as setbacks from boundaries and height limits;
 - (d) Requiring the bulk and location of development to maintain sunlight access and privacy, and to minimise visual dominance effects on adjoining sites;

- (e) Requiring that noise levels measured within any other site in any other zone must meet the permitted noise levels for that zone;
- (f) Requiring that any signage is compatible with the Precinct within which it is located, does not detract from the visual amenity of the surrounding environment, and does not distract, confuse or obstruct motorists, pedestrians and other road users;
- (g) Minimising the adverse effects of sediment and stormwater runoff from earthworks;
- (h) Ensuring the safe and efficient operation and functioning of the transport network and internal access to facilities;
- (i) Ensuring there is sufficient open space in each precinct to provide for landscaping and on-site stormwater disposal;
- (j) Ensuring that the design of buildings supports good urban design, particularly when visible from Old Taupiri Road and the Waikato River.

HOPZ-P8 Industrial development.

Avoid industrial development in precincts: PREC8, PREC9, PREC11 and PREC12.

HOPZ-P9 Land use transport integration.

Provide for the integration of land use with transport infrastructure.

PREC8 – Hopuhopu residential precinct policies

PREC8-P1 Use and development.

Provide for the use and development of land for a range of residential and cultural activities.

PREC8-P2 Design of residential units.

Allow for flexibility in the layout and design of residential units and activities to enable tikanga Maaori to be incorporated.

PREC8-P3 Building form and layout.

(l) Building forms and layout of residential development:

- (a) Provides for a highly-connected network of pedestrian and cycle ways linking to the wider Hopuhopu area;
- (b) Creates a distinct neighbourhood that reflects the special nature of Hopuhopu;
- (c) Provides for a range of types and densities of residential units, up to one unit per 450m²;
- (d) Provides for good street outlook/surveillance to contribute to safety;
- (e) Promotes vehicle and pedestrian safety;
- (f) Promotes development that is sympathetic to and celebrates cultural and historic values.

PREC8-P4 Non-residential activities.

Limit non-residential activities to a scale that is compatible with residential amenity.

PREC9 – Hopuhopu education and conference precinct policies

PREC9-P1 Activities.

Provide for the use and development of a range of educational facilities, community facilities, conference facilities and ancillary activities, recognising and strengthening the role of the Endowed College as a Waikato-Tainui academic and research college drawing on maatauranga Maori and indigenous knowledge systems, within a national and international community of scholars.

PREC9-P2 Health facilities.

Enable the use and development of health facilities including in a way which recognises tikanga Maori.

PREC9-P3 Accommodation.

Provide for the use and development of visitor accommodation and other accommodation ancillary to educational, community and conference activities.

PREC9-P4 Commercial activities.

Limit commercial activities to activities ancillary to a community facility, an educational facility, or a conference centre.

PREC9-P5 Building form and layout.

Building forms and layout of development promotes development that is sympathetic to local amenity and celebrates cultural and historic values. *PREC10 – Hopuhopu business precinct policies*

PREC10-P1 Development.

Development of commercial activities, light industrial activities, and offices is carried out in a way and at a scale that complements and supports the role of business and industrial centres in the District, whilst meeting needs of the Waikato-Tainui community.

PREC10-P2 Employment opportunities.

Provide for employment opportunities through a range of activities.

PREC10-P3 Recreational and health facilities.

Enable the use and development of recreational and health facilities including in a way which recognises tikanga Maori.

PREC10-P4 Visitor accommodation.

Provide for the use and development of visitor accommodation.

PREC11 – Hopuhopu open space precinct policies

PREC11-P1 Open space character.

Maintain the predominant open space character of PREC11 – Hopuhopu open space precinct in the scale, design, type and location of any development.

PREC11-P2 Use and development.

Enable the use and development of facilities for farming activities including plant nurseries; and recreation, educational and industry training activities compatible with the open space character of PREC11 – Hopuhopu open space precinct.

PREC11-P3 Commercial, office, and industrial activities

Avoid commercial, office, and industrial activities in PREC11 – Hopuhopu open space precinct, except for activities ancillary to farming activities, plant nurseries, recreation, educational and industry training.

PREC11-P4 Residential activities.

Avoid residential activities in PREC11 – Hopuhopu open space precinct.

PREC11-P5 Reverse sensitivity.

Avoid activities that will result in reverse sensitivity effects and/or conflict with permitted activities outside the precinct, including motorised recreation.

PREC12 – Hopuhopu mixed use precinct policies

PREC12-P1 Use and development.

(l) Enable the use and development of mixed use activities and for kaumaatua housing, in a way which:

- (a) Ensures the exercise of tikanga Maaori, including in the design and layout of buildings, facilities and activities; and
- (b) Enhances the Waikato-Tainui relationship with the Waikato River.

PREC12-P2 Commercial activities and offices.

Development of commercial activities and offices is limited, to retain space for other enabled activities in PREC12 – Hopuhopu mixed use precinct, and is carried out in a way and at a scale that complements and supports the role of business and industrial centres throughout the District, whilst meeting needs of the Waikato-Tainui community.

PREC12-P3 Retail.

Provide for small-scale retail activities.

TEMP-Px Cultural events and temporary events in the HOPZ – Hopuhopu zone.

Enable cultural events, and temporary events and associated temporary structures provided any adverse effects are managed.

SUB-Px Subdivision in the HOPZ – Hopuhopu zone.

Avoid subdivision except where it is necessary for infrastructure, utilities, reserves, or road vesting.

Rules

Advice note:

Additional consent may be required for subdivision and change of use where contaminated soil is reasonably likely to harm human health, under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Land use – activities

HOPZ-R1	<u>Places of cultural significance</u>	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
HOPZ-R2	<u>Cultural event</u>	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
HOPZ-R3	<u>Informal recreation</u>	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
HOPZ-R4	<u>Conservation activity</u>	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
HOPZ-R5	<u>Construction or alteration of a building for a sensitive land use</u>	

<p>(1) Activity status: PER Activity-specific standards:</p> <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 or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u></p> <p>(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></p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) <u>Effects on the amenity values of the site;</u></p> <p>(b) <u>The risk of electrical hazards affecting the safety of people;</u></p> <p>(c) <u>The risk of damage to property; and</u></p> <p>(d) <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

HOPZ-R6	Construction, demolition, addition, and alteration of a building or structure
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
HOPZ-R7	Hazardous waste storage, processing or disposal
Activity status: DIS	
HOPZ-R8	Transport depot
Activity status: DIS	
HOPZ-R9	Intensive farming
Activity status: DIS	
HOPZ-R10	Rural industry
Activity status: DIS	
HOPZ-R11	Correctional facility
Activity status: DIS	
HOPZ-R12	Any activity that is not listed as permitted, restricted discretionary or discretionary
Activity status: DIS	

Land use – activities for PREC8 – Hopuhopu residential precinct

PREC8-R1	<u>Residential activity</u> This includes occupation of a single residential unit for short term rental.
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC8-R2	Papakaainga, and Papakaainga building
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

PREC8-R3	<u>Kaumaatua housing (Hopuhopu)</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC8-R4	<u>Home business</u>
(1) Activity status: PER Activity-specific standards: (a) <u>It is wholly contained within a building except as provided for in (c) below;</u> (b) <u>The storage of materials or machinery associated with the home business is either wholly contained within a building, or where outside occupies no more than 100m² per residential unit and is located where it is not visible from public roads;</u> (c) <u>No more than 2 people who are not permanent residents of the residential unit are employed at any one time;</u> (d) <u>Unloading and loading of vehicles or the receiving of customers or deliveries may only occur between 7:30am and 7:00pm on any day;</u> (e) <u>Machinery may only be operated between 7.30am and 9.00 pm on any day.</u>	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) <u>Duration and frequency;</u> (b) <u>Effects on traffic;</u> (c) <u>Effect on amenity values of nearby residential properties;</u> and (d) <u>Scale of the activity.</u>
PREC8-R5	<u>Homestay</u>
(1) Activity status: PER Activity-specific standards: (a) <u>No more than 4 temporary residents in a residential unit.</u>	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:
	(a) <u>Duration and frequency;</u> (b) <u>Effects on traffic;</u> (c) <u>Effect on amenity values of nearby residential properties;</u> (d) <u>Number of temporary residents;</u>
<i>Land use – activities for PREC9 – Hopuhopu education and conference</i>	
PREC9-R1	<u>Visitor accommodation</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC9-R2	<u>Marae complex</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC9-R3	<u>Community facility</u>

(1) Activity status: PER Activity-specific standards: <u>achieved: n/a</u> Nil.	where compliance not Activity-specific
PREC9-R4	<u>Educational facility including waananga, koohanga reo and kura kaupapa</u>
(1) Activity status: PER Activity-specific standards: <u>achieved: n/a</u> Nil.	where compliance not Activity-specific
PREC9-R5	<u>Conference centre and facilities</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC9-R6	<u>Health facility including hauora</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a

Land use – activities for PREC10 – Hopuhopu business precinct

PREC10-R1	<u>Visitor accommodation</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R2	<u>Marae complex</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R3	<u>Organised recreation (Hopuhopu)</u>

(1) Activity status: PER Activity-specific standards: (a) The activity does not involve motorsport	(2) Activity status where compliance not achieved: DIS
PREC10-R4	<u>Indoor recreation (Hopuhopu)</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R5	<u>Community facility</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R6	<u>Whare taonga (museum)</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R7	<u>Conference centre and facilities</u>

(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R8	Trade and industry training activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R9	Light industry
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R10	Commercial activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R11	Office
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R12	Health facility including hauora
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R13	Public transport facility
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a

Land use – activities for PREC11 – Hopuhopu open space precinct

PREC11-R1	Organised recreation (Hopuhopu)
(1) Activity status: PER Activity-specific standards: (a) <u>The activity does not involve motorsport.</u>	(2) Activity status where compliance not achieved: DIS
PREC11-R2	Indoor recreation (Hopuhopu)
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC11-R3	Trade and industry training activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC11-R4	Crafting and carving workshop

(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC11-R5 Plant nursery	
(1) Activity status: PER (2) Activity status standards: achieved: n/a Nil.	where compliance not Activity-specific
PREC11-R6 Plant nursery	
(1) Activity status: PER Activity-specific standards: (a) <u>Any retail sales to the public occur from a single building limited to 50m² of gross dedicated retail floor area.</u>	(2) Activity status where compliance not achieved: RDIS <u>Council's discretion is restricted to the following matters:</u> (a) <u>Effects on traffic;</u> (b) <u>Hours and days of operation;</u> (c) <u>Noise levels; and</u> (d) <u>Site design, layout and amenity.</u>
PREC11-R7 Farming	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a

Land use – activities for PREC12 – Hopuhopu mixed use precinct

PREC12-RI Kaumaatua housing (Hopuhopu)	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R2 Marae complex	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R3 Community facility	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R4 Whare taonga (museum)	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R5 Conference centre and facilities	
(1) Activity status: PER (2) Activity status standards: achieved: n/a Nil.	where compliance not Activity-specific
PREC12-R6 Commercial activity	

<p>(1) Activity status: PER (2) Activity status Activity-specific standards: achieved: DIS (a) <u>The activity occurs within PREC12 – Hopuhopu mixed use precinct and the combined total area of all retail activities in the Precinct does not exceed 400m² of gross dedicated retail floor area</u></p>	<p><u>where compliance not</u></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------

PREC12-R7	<u>Office</u>
------------------	---------------

<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
-------------------------------------------------------------------------------------------	----------------------------------------------------------------------

PREC12-R8	<u>Health facility including hauora</u>
------------------	-----------------------------------------

<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
-------------------------------------------------------------------------------------------	----------------------------------------------------------------------

Land use – effects

HOPZ-S1	<u>Outdoor storage</u>
----------------	------------------------

<p>(1) Activity status: PER Where: (a) <u>Outdoor storage in all precincts except that in PREC10 – Hopuhopu business precinct and PREC12 – Hopuhopu mixed use precinct:</u></p>	<p>(2) Activity status where compliance not achieved: RDIS <u>Council’s discretion is restricted to the following matters:</u> (a) <u>Visual amenity;</u> (b) <u>Size and location of storage area;</u> (c) <u>Measures to mitigate adverse effects;</u></p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>(i) <u>Outdoor storage of goods or materials must comply with all of the following standards:</u> (1) <u>HOPZ-S3 (Height) and HOPZ-S6 (Height in relation to boundary); and</u> (2) <u>Be fully screened from view from any:</u> (3) <u>Public road;</u> (4) <u>Public reserve; and</u> (5) <u>Adjoining site in another zone.</u></p>	<p>(d) <u>Effects on loading and parking areas.</u></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------

Land use – building

HOPZ-S2	<u>Number of residential units</u>
----------------	------------------------------------

<p>(1) Activity status: PER Where: (a) <u>The total number of residential units in PREC8 – Hopuhopu residential precinct does not exceed a residential unit yield equivalent to one residential unit 450m² ac per ross the entirety of PREC8 Hopuhop =</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------

<p style="text-align: center;"><u>u</u> residential precinct;</p>	
<p>HOPZ-S3</p>	<p>Height - building general</p>
<p>(1) Activity status: PER Where: (a) <u>The maximum height of any building or structure, measured from the natural ground level immediately below that part of the structure, must not exceed:</u> (i) <u>8m above ground level in PREC8 – ab opu residential precinct;</u> <u>Hopu above ground level in PREC9 –</u> (ii) <u>12m above ground level in PREC10 – opu education and conference a ct;</u> <u>Hopu above ground level in PREC10 – precin opu business precinct;</u> (iii) <u>12m above ground level in in PREC11 Hopu hopu open space precinct; and</u> (iv) <u>15m above ground level in PREC12 – Hopu opu mixed use precinct.</u> (v) <u>12m a Hopu</u></p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) <u>Height of the building;</u> (b) <u>Design and location of the building;</u> (c) <u>Extent of shading on an adjoining site;</u> (d) <u>Privacy on adjoining sites.</u></p>
<p>HOPZ-S4</p>	<p>Height – floodlight</p>
<p>(1) Activity status: PER Where:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>(a) <u>Any floodlight must not exceed a maximum height of 12m, measured from the natural ground level.</u></p>	
<p>HOPZ-S5</p>	<p>Height of fences or walls</p>

<p>(1) Activity status: PER Where: (a) Fences and walls along any zone, boundary, road boundary, boundary of adjoining sites, or within building setbacks under HOPZ-S7 – HOPZ-S8 on a site, measured from the natural ground level immediately below that part of the structure, must be no higher than: solid: f (i) 1.2m if the fence is: (ii) 1.8m visually permeable for the full (1) Vision height of the fence or wall: 1.8 or solid up to 1.2m and visually (2) Solid permeable between 1.2 and 1.8m. per</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Building materials and design; (b) Effects on amenity; (c) Public space visibility.</p>
<p>HOPZ-S6</p>	<p>Height in relation to boundary</p>
<p>(1) Activity status: PER Where: (a) A building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the zone boundary, a road boundary, or es boundary of adjoining sites.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Height of the building; (b) Design and location of the building; (c) Admission of daylight and sunlight to the site and other site; (d) Privacy on any other site; (e) Amenity values of the locality</p>
<p>HOPZ-S7</p>	<p>Building setbacks – All boundaries</p>
<p>(1) Activity status: PER Where: (a) A building must be set back a minimum of: (i) 3m from a road or zone boundary; (ii) 3m from the boundary of an adjoining site. (b) HOPZ-S7(1) does not apply to a structure that is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Height, design and location of the building relative to the boundary; (b) Impacts on the privacy for adjoining site(s); (c) Impacts on amenity values, including main living areas, outdoor living space of adjoining land; (d) Landscaping and/or screening; and (e) Road network safety and efficiency.</p>
<p>HOPZ-S8</p>	<p>Building setback - sensitive land use</p>

<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building for a sensitive land use set back (i) 15m must from: a minimum of:</p> <p>(ii) 300m part from a regional arterial road; or treat from oxidation ponds that are</p> <p>(iii) 30m from a municipal wastewater treatment facility on another site; or treat from a municipal wastewater</p> <p>(iv) 300m treatment facility where the enclosure process is fully farmed; or not enclosed; or on the site from buildings or farmland (b) outdoor areas used for an HOPZ-S intensive activity. This structure setback does not apply to sensitive activities located on the same site as the intensive activity.</p> <p>(1) does not apply to a building that is not a building.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>HOPZ-S9 Building setback – water bodies</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building, other than provided for under HOPZ-S9(1)(b), must be set back a minimum of:</p> <p>(i) 32m from the margin of any wetland;</p> <p>(ii) 12m from the bank of any river with an average width of less than 3m;</p> <p>(iii) 32m from the bank of any river with an average width of 3m or more (other than the Waikato River);</p> <p>(iv) 28m from the banks of the Waikato River in PREC8 – Hopuhopu residential precinct;</p> <p>(v) 37m from the banks of the Waikato River in PREC10 – Hopuhopu business precinct and PREC12 – Hopuhopu mixed use precinct;</p> <p>(vi) 10m from any artificial wetland.</p> <p>(b) A public amenity building, or maimai used for temporary waterfowl hunting purposes, of up to 25m² in size;</p> <p>(c) A pump shed (public or private) set back a minimum of 5m from any waterbody; and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The size of the adjacent waterbody and the landscape, ecological, cultural and recreational values associated with it;</p> <p>(b) Erosion and sediment control measures;</p> <p>(c) The functional or operational need for the building to be located close to the waterbody; and</p> <p>(d) Effects on public access to the waterbody.</p>

(d) <u>HOPZ-S9(1) does not apply to a structure that is not a building.</u>	
-----------------------------------------------------------------------------	--

<u>EW-R47</u>	<u>Earthworks – general</u>	
<u>HOPZ – Hopuhopu zone</u>	<p><u>(1) Activity status: PER</u> <u>Where:</u></p> <p>(a) <u>Except as otherwise specified in Advice note 1 and 2 below:</u></p> <p>(i) <u>Ancillary rural earthworks;</u></p> <p>(ii) <u>A farm quarry where the volume of aggregate extracted does not exceed 1000m³ in any single consecutive 12 month period;</u></p> <p>(b) <u>Earthworks ancillary to a conservation activity must meet the following standard:</u></p> <p>(i) <u>Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls.</u></p>	<p><u>(2) Activity status where compliance not achieved: RDIS</u> <u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>Amenity values and landscape effects;</u></p> <p>(b) <u>Volume, extent and depth of earthworks;</u></p> <p>(c) <u>Nature of fill material;</u></p> <p>(d) <u>Contamination of fill material or clean fill;</u></p> <p>(e) <u>Location of the earthworks to waterways, significant indigenous vegetation and habitat;</u></p> <p>(f) <u>Compaction of the fill material;</u></p> <p>(g) <u>Volume and depth of fill material;</u></p> <p>(h) <u>Geotechnical stability;</u></p> <p>(i) <u>Flood risk, including natural water flows and established drainage paths;</u></p> <p>(j) <u>Land instability, erosion and sedimentation;</u></p> <p>(k) <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</u></p> <p>(l) <u>Proximity to underground services and service connections.</u></p>
<u>EW-R48</u>	<u>Earthworks – general</u>	
<u>HOPZ – Hopuhopu zone</u>	<p><u>(3) Activity status: PER</u> <u>Where:</u></p> <p>(m) <u>With the exception of earthworks for the activities listed in EW-R47 and EW-R49, earthworks across the whole of the HOPZ – Hopuhopu zone must meet all of the following standards:</u></p> <p>(i) <u>Cumulatively, do not exceed a volume of more than</u></p>	<p><u>(3) Activity status where compliance not achieved: RDIS</u> <u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>Amenity values and landscape effects;</u></p> <p>(b) <u>Volume, extent and depth of earthworks;</u></p> <p>(c) <u>Nature of fill material;</u></p> <p>(d) <u>Contamination of fill material or clean fill;</u></p>

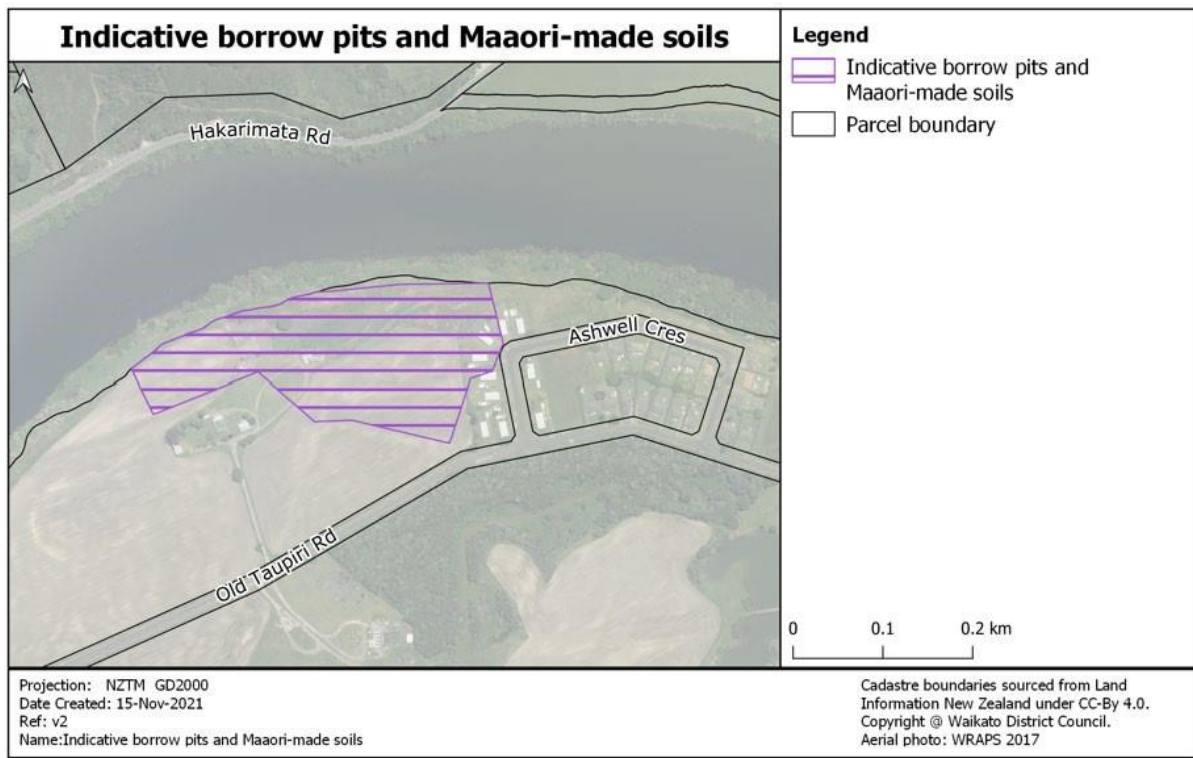
	<p><u>2000m³ and an area of more than 4000m² over any single consecutive 12 month period of which imported fill material or cleanfill does not exceed a total volume of 1,000m³ in any single consecutive 12 month period;</u></p> <p>(ii) <u>The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level;</u></p> <p>(iii) <u>Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);</u></p> <p>(iv) <u>Earthworks are setback a minimum of 1.5m from all site and zone boundaries;</u></p> <p>(v) <u>Earthworks are setback 5m horizontally from any waterway, open drain or overland flow path;</u></p> <p>(vi) <u>Areas exposed by earthworks are stabilised to avoid runoff within 1 month and any remaining bare ground re-vegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks or finished with a hardstand surface;</u></p> <p>(i) <u>Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls;</u></p> <p>(ii) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths;</u></p> <p>(iii) <u>Earthworks must not result in the site being unable to be serviced by gravity sewers.</u></p>	<p>(e) <u>Location of the earthworks to waterways, significant indigenous vegetation and habitat;</u></p> <p>(f) <u>Compaction of the fill material;</u></p> <p>(g) <u>Volume and depth of fill material;</u></p> <p>(h) <u>Geotechnical stability;</u></p> <p>(i) <u>Flood risk, including natural water flows and established drainage paths;</u></p> <p>(j) <u>Land instability, erosion and sedimentation;</u></p> <p>(k) <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</u></p> <p>(l) <u>Proximity to underground services and service connections.</u></p>
EW-R49	Earthworks – general	

<p><u>HOPZ – Hopuhopu zone</u></p>	<p>(4) Activity status: PER Where:</p> <p>(a) <u>Earthworks for the purpose of creating a building platform (including the use of imported fill material) that is:</u></p> <p>(i) <u>Subject to an approved building consent;</u></p> <p>(ii) <u>The earthworks occur wholly within the footprint of the building;</u></p> <p>(iii) <u>For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall; and</u></p> <p>(iv) <u>For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.</u></p>	<p>(5) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) <u>Amenity values and landscape effects;</u></p> <p>(b) <u>Volume, extent and depth of earthworks;</u></p> <p>(c) <u>Nature of fill material;</u></p> <p>(d) <u>Contamination of fill material or clean fill;</u></p> <p>(e) <u>Location of the earthworks to waterways, significant indigenous vegetation and habitat;</u></p> <p>(f) <u>Compaction of the fill material;</u></p> <p>(g) <u>Volume and depth of fill material;</u></p> <p>(h) <u>Geotechnical stability;</u></p> <p>(i) <u>Flood risk, including natural water flows and established drainage paths;</u></p> <p>(j) <u>Land instability, erosion and sedimentation;</u></p> <p>(k) <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</u></p> <p>(l) <u>Proximity to underground services and service connections.</u></p>
------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Advice notes: Hopuhopu Archaeological Site

Advice Note 1: The Hopuhopu Archaeological Site map below indicates an area which contains Maaorimade soils and possible borrow pits. Heritage New Zealand Pouhere Taonga should be contacted regarding development in this area and an archaeological assessment to determine the need for an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.

Advice Note 2: The 'Indicative Borrow Pit and Maaori-Made Soils' area also coincides with an area known to have contained alligator weed. The Waikato Regional Pest Management Plan 2014-2024 contains rules which relate to the management of alligator weed.



LIGHT-R6	Glare and artificial light spill	
<ul style="list-style-type: none"> • <u>HOPZ – Hopuhopu zone</u> 	<p>(6) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at the zone boundary;</u> (b) <u>LIGHT-R6(1)(a) does not apply to vehicles used in farming activities and agricultural equipment.</u> 	<p>(7) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) <u>Effects on amenity values;</u> (b) <u>Light spill levels on other sites;</u> (c) <u>Road safety;</u> (d) <u>Duration and frequency;</u> (e) <u>Location and orientation of the light source;</u> (f) <u>Mitigation measures.</u>

TEMP-Rx	<u>Temporary event</u>
----------------	------------------------

<p><u>HOPZ – Hopuhopu zone</u></p>	<p>(4) Activity status: PER Where: (a) <u>The event occurs no more than 15 times per consecutive 12 month period;</u> (i) <u>The duration of each event is less than 72 hours;</u> (ii) <u>It may only operate between 7.30am to 8:30pm Monday to Sunday;</u> (iii) <u>Temporary structures are:</u> (1) <u>Erected no more than 7 days before the event occurs;</u> (2) <u>Removed no more than 3 days after the end of the event;</u> (iv) <u>The site of the event is returned to its previous condition no more than 3 days after the end of the event; and</u></p>	<p>(5) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) <u>Duration and frequency;</u> (b) <u>Effects on traffic;</u> (c) <u>Traffic safety; and</u> (d) <u>Effects on amenity values.</u></p>
	<p>(v) <u>There is no direct site access from a national route or regional arterial road.</u></p>	

<p>NOISE-Rx</p>	<p><u>Noise – general</u></p>	
<p><u>HOPZ – Hopuhopu zone</u></p>	<p>(8) Activity status: PER Where: (a) <u>Farming noise, crowd noise, and noise generated by hunting, emergency generators and emergency sirens.</u></p>	<p>(9) Activity status where compliance not achieved: n/a</p>
<p>NOISE-Rx</p>	<p><u>Noise – general</u></p>	

<p><u>HOPZ – Hopuhopu zone</u></p>	<p>(1) Activity status: PER Where:</p> <p>(a) <u>Noise generated within the HOPZ – Hopuhopu zone when measured at the zone boundary must meet the permitted noise levels for the neighbouring zone.</u></p> <p>(b) <u>Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound; and</u></p> <p>(c) <u>Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 Acoustic- Environmental noise.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------

<p>SIGN-R45 <u>Signs – general</u></p>		
<p><u>HOPZ – Hopuhopu zone</u></p>	<p>(3) Activity status: PER Where:</p> <p>(a) <u>A sign must comply with all of the following standards:</u></p> <p>(i) <u>The sign is wholly contained on the site;</u></p> <p>(ii) <u>The sign is not illuminated,</u></p> <p>(iii) <u>The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</u></p> <p>(iv) <u>The sign relates to:</u></p> <p>(I) <u>Goods or services available on the site; or</u></p>	<p>(4) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Amenity values;</u></p> <p>(b) <u>Character of the locality;</u></p> <p>(c) <u>Effects on traffic safety;</u></p> <p>(d) <u>Effects of glare and artificial light spill;</u></p> <p>(e) <u>Content, colour and location of the sign;</u></p> <p>(f) <u>Effects on notable trees;</u></p> <p>(g) <u>Effects on the heritage values of any Historic heritage item due</u></p>

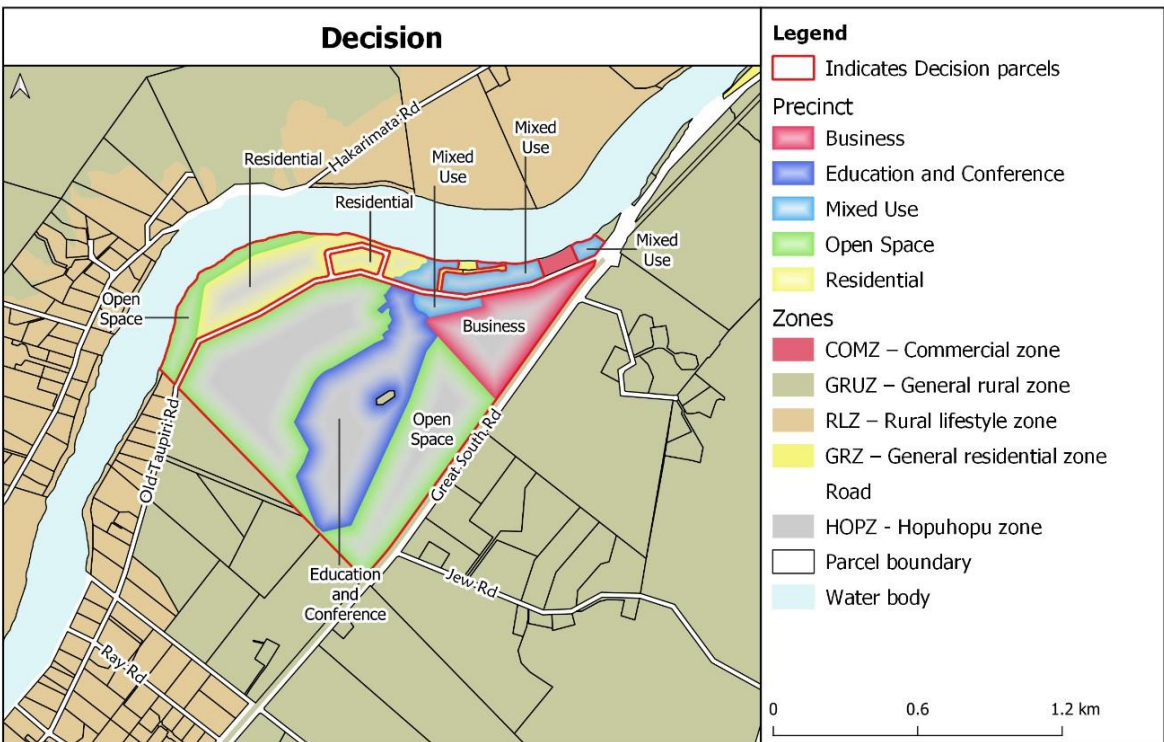
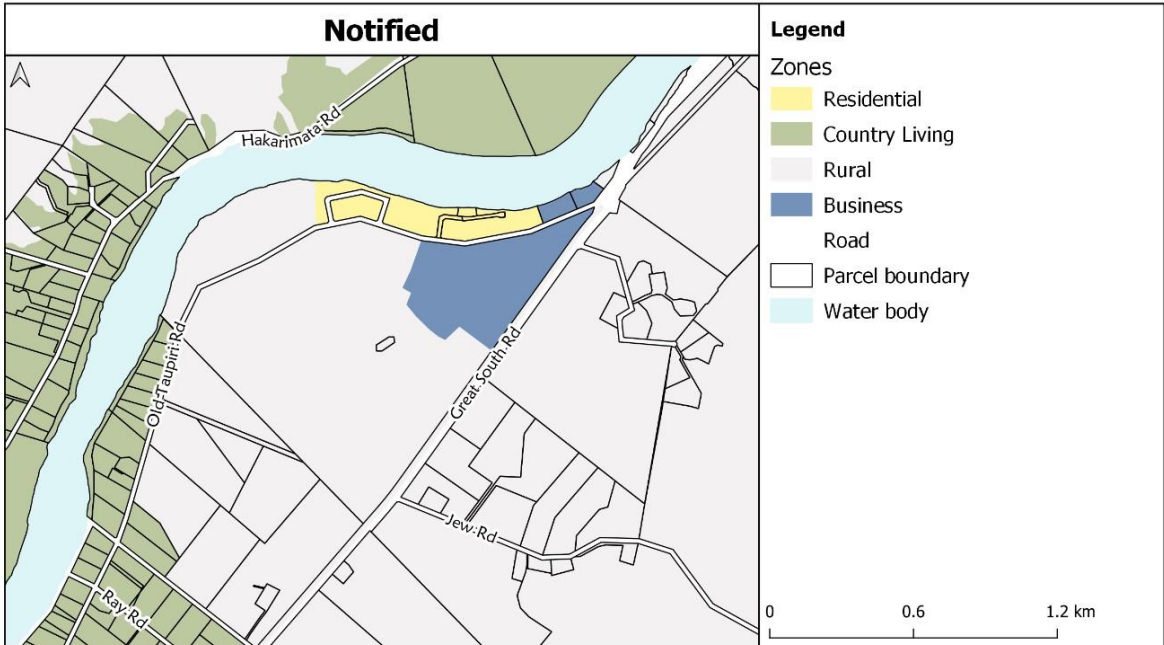
	<p>(2) <u>A property name sign.</u></p> <p>(b) <u>In PREC8 – Hopuhopu residential precinct, PREC9 – Hopuhopu education and conference precinct, PREC11 – Hopuhopu open space precinct, PREC12 – Hopuhopu mixed use precinct:</u></p> <p>(i) <u>The sign does not exceed 3m²; and</u></p> <p>(ii) <u>The sign height does not exceed 3m;</u></p> <p>(c) <u>In PREC10 – Hopuhopu business precinct:</u></p> <p>(i) <u>The sign height must not exceed 10m;</u></p> <p>(ii) <u>Where the sign is attached to a building, it must:</u></p> <p>(1) <u>Not extend more than 300mm from the building wall; and</u></p> <p>(2) <u>Not exceed the height of the building;</u></p> <p>(iii) <u>Where the sign is a freestanding sign, it must:</u></p> <p>(1) <u>Not exceed an area of 3m²; and</u></p> <p>(2) <u>Be set back at least 5m from the zone boundary.</u></p>	<p><u>to the size, location, design and appearance of the sign;</u></p> <p>(h) <u>Effects on cultural values of any SASM – Sites and areas of significance to Maori;</u></p>
SIGN-R46	Signs – effects on traffic	
HOPZ – Hopuhopu zone	<p>(5) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Any sign directed at land transport users must meet all of the following standards:</u></p> <p>(i) <u>Not imitate the content, colour or appearance of any traffic control sign;</u></p> <p>(ii) <u>Be located at least 60m from controlled intersections, pedestrian crossings and level crossings;</u></p> <p>(iii) <u>Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing;</u></p>	<p>(6) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Effects on traffic safety;</u></p> <p>(b) <u>Glare and artificial light spill; and</u></p> <p>(c) <u>Content, colour and location of the sign.</u></p>

	<p>(iv) <u>Contain no more than 40 characters and no more than 6 words, symbols, or graphics;</u></p> <p>(v) <u>Have lettering that is at least 200mm high; and</u></p> <p>(vi) <u>Where the sign directs traffic to a site entrance, it must be at least:</u></p> <p>(vii) <u>175m from the entrance on roads with a speed limit of 80 km/hr or less; or</u></p> <p>(viii) <u>250m from the entrance on roads with a speed limit of more than 80km/hr.</u></p>	
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Subdivision

<u>SUB-Rxxx</u>	Any subdivision in the HOPZ – Hopuhopu zone except as provided for in <u>Rule AINF-Rxx (subdivision to create a utility allotment for accommodating infrastructure)</u>
<u>HOPZ – Hopuhopu zone</u>	(I) Activity status: NC

Decision Zoning



Appendix 4:

List of names of persons to be served

1. Pareoranga Te Kata, 10B Kepler Street, Ngaruawahia, 3720 pt4@students.waikato.ac.nz
2. Perry International Trading Group Ltd c/0- Alec Duncan, Beca Ltd PO Box 448, Hamilton, 3240 alec.duncan@beca.com
3. Waikato Regional Council, c/0- Miffy Foley, Waikato Regional Council, Private Bag 3038, Hamilton 3240 miffy.foley@waikatoregion.govt.nz