

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TAMAKI MAKAUROA

Decision [2024] NZEnvC 327

IN THE MATTER OF

appeals under clause 14 of Schedule
One to the Resource Management
Act 1991

BETWEEN

R VAN DAM

(ENV-2022-AKL-000057)

ST ISADORE COMPANY
LIMITED

(ENV-2022-AKL-000080)

Appellants

AND

WAIKATO DISTRICT COUNCIL

Respondent

Court: Environment Judge S M Tepania

Date of Issue: 11 December 2023

CORRIGENDUM

Introduction

[1] This corrigendum relates to appeals by Rudy van Dam and St Isadore Company Ltd against part of the decisions of the Waikato District Council in respect of the Proposed Waikato District Plan.

[2] In an email dated 6 December 2024, counsel for the Council advised the Registrar that some pages were missing from **Appendix B** to the Order.¹

¹ NZEnvC 215 [2024].



Correction

[3] In accordance with s 278 of the RMA and Rule 11.10 of the District Court Rules 2014, the Court has the power to correct errors including accidental slips or omissions. Rule 11.10 is set out as follows:

11.10 Correction of accidental slip or omission

- (1) A judgment or order may be corrected by the court or the Registrar who made it, if it—
 - (a) contains a clerical mistake or an error arising from an accidental slip or omission, whether or not made by an officer of the court; or
 - (b) is drawn up so that it does not express what was decided and intended.
- (2) The correction may be made by the court or the Registrar, as the case may be,—
 - (a) on its or his or her own initiative; or
 - (b) on an interlocutory application.

[4] I am satisfied that an error has occurred resulting in the accidental omission of some three pages from Appendix B to the Order, which is inconsistent with what was originally provided by the parties.

[5] I correct Appendix B to the Order to include the omitted pages.

[6] A complete version of the Order with the correction to Appendix B is attached.



S M Tepania
Environment Judge | Kaiwhakawā i te Kōti Taiao



IN THE ENVIRONMENT COURT
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I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision [2024] NZEnvC 215

IN THE MATTER OF appeals under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN

R VAN DAM

(ENV-2022-AKL-000057)

ST ISADORE COMPANY LIMITED

(ENV-2022-AKL-000080)

Appellants

AND

WAIKATO DISTRICT COUNCIL

Respondent

Court: Environment Judge S M Tepania sitting alone under s 279 of the
Act

Last case event: 19 July 2024

Date of Order: 2 September 2024

Date of Issue: 2 September 2024

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the
Environment Court, by consent, orders that:



- (1) The planning map is to be amended in accordance with **Appendix A** attached to this order: Amend zoning map to show the St Isadore Block (legally described as Lot 2 Deposited Plan 491528 and Section 1-2 Survey Office Plan 474326, Lot 2 DP 532631 and Deposited Plan 26625) identified as a combination of General residential, Large lot residential and General industrial zones and delineate the Taupiri East Precinct;
- (2) A new Taupiri East Precinct chapter is to be inserted into Part 3: Area specific matters / Precincts (multi-zone) of the PDP decisions version in accordance with **Appendix B** attached to this order. The Taupiri East Precinct chapter includes the Taupiri East Precinct Structure Plan as Figure 1; and
- (3) The appeals are resolved in their entirety.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order relates to identical appeals by Rudy van Dam and St Isadore Company Ltd (together referred to as **the Appellants**) against part of the decisions of the Waikato District Council (**Respondent**) in respect of the Proposed Waikato District Plan (**PDP**). Specifically, the Appellants have appealed the zoning decision relating to their land in south-east Taupiri.

Background

[2] St Isadore Company Ltd, of which Rudy van Dam is a shareholder and director, owns 44.3 ha of land in south-east Taupiri, legally described as Lot 2 Deposited Plan 491528 and Section 1-2 Survey Office Plan 474326, Lot 2 DP 532631 and Deposited

Plan 26625 (**the St Isadore Block**). When the PDP was notified, the St Isadore Block was zoned Rural.

[3] Mr van Dam and Mr Howard Lovell made a joint submission on the PDP seeking that Council extend the proposed urban expansion locations within the Taupiri Village urban limits under the PDP (currently earmarked within the Futureproof urban growth strategy) to an area south-east of Taupiri, collectively identified in the submission as the Taupiri Village Expansion Area (**TVEA**). The TVEA includes the St Isadore Block as well as the contiguous properties owned by Mr Lovell (**the Lovell land**).¹

[4] St Isadore Company Ltd lodged a further submission in support of the joint submission by Mr van Dam and Mr Lovell.

[5] During the PDP hearings, planning evidence was presented on behalf of Mr van Dam and Mr Lovell. Mr van Dam also presented evidence in support of the submission, including a concept plan for the St Isadore Block which clarified that a suite of zones is sought including residential, commercial and industrial.²

[6] In Decision Report 28M: Zoning – Taupiri, the Independent Hearing Panel (**IHP**) agreed that the TVEA should be urbanised, consistent with the higher order planning documents. The IHP rezoned the Lovell land to General Residential zone (**GRZ**) but was not satisfied that sufficient technical evidence had been presented at the hearing to determine which zonings should be applied to the St Isadore Block. It considered that a Future Urban zone (**FUZ**) would allow for further development and consideration of the concept plan presented by Mr van Dam during the hearing.³

[7] The decisions version of the PDP therefore rezoned the Lovell land to GRZ and the St Isadore Block to FUZ (**the Decision**).

¹ Lot 7 Deposited Plan 524455 and Lot 3 Deposited Plan 24220, Lot 303 Deposited Plan 584085 and Lot 302 Deposited Plan 584085.

² Decision Report 28M: Zoning – Taupiri, at [3.7].

³ Decision Report 28M: Zoning – Taupiri, at [4.2]- [4.5].

Appeal

[8] On 28 February 2022, both Mr van Dam and St Isadore Company Ltd appealed the Decision with respect to the St Isadore Block under clause 14 of Schedule 1 to the Act (**the Appeals**). The Appeals are identical in nature, and both seek the following relief:

- (a) Amendment of the relevant PDP planning maps for Taupiri to apply the zonings requested in the further submission to the St Isadore Block (being GRZ, Commercial/Industrial zone, and Country Living zone (renamed Rural Lifestyle zone (**RLZ**) under the NPS);
- (b) In the alternative to the relief in (a), amendment of the relevant PDP planning maps for Taupiri by applying the zonings requested in the joint submission to the St Isadore Block, being a different configuration of the proposed Commercial/Industrial, RLZ and General Residential zones);
- (c) Inclusion of a Structure Plan for the TVEA in the PDP; and
- (d) Addition of appropriate subdivision and development rules to the PDP requiring development of the TVEA be carried out in accordance with the Structure Plan.

[9] Mr Lovell has given notice of an intention to become a party to the Appeals under section 274 of the Act.

Agreement reached between the parties

[10] Following discussions between the parties, the parties to the Appeals have reached an agreement to rezone the St Isadore Block to a combination of GRZ, Large Lot Residential (**LLRZ**) and General Industrial (**GIZ**) zones and apply a precinct to guide development within the St Isadore Block. This agreement would resolve the Appeals in their entirety.

[11] The agreement proposes the following changes to the PDP:

- (a) rezoning of the St Isadore Block to a combination of General Residential, Large Lot Residential and General Industrial zones and delineating the Taupiri East Precinct (**TEP**) by amending the planning map as shown in **Appendix A** as attached to this order; and
- (b) inclusion of a new Taupiri East Precinct chapter (**TEP chapter**) to Part 3 Area specific matters / Precincts (multi-zone) of the PDP, to provide for subdivision and development within the TEP in accordance with **Appendix B** attached to this order. The TEP chapter includes the Taupiri East Precinct Structure Plan (**Precinct Structure Plan**) as Figure 1.

[12] In combination, the plan provisions in the TEP chapter and the Precinct Structure Plan include:

- (a) a description of the TEP and an explanation that all relevant zone and district-wide chapters apply in addition to the provisions in the TEP chapter;
- (b) Objectives and Policies relating to:
 - (i) the requirement for subdivision and development within the TEP to implement the elements shown in the Precinct Structure Plan (which is included within the TEP chapter) including the general road layout, a green network with walking and cycling connections, a potential neighbourhood centre and a combination of industrial and residential land uses;
 - (ii) the protection and enhancement of natural features within the TEP, including streams and wetlands;
 - (iii) the development of an integrated transport network which supports development and manages conflict between residential traffic and freight traffic and applies thresholds to manage effects on the surrounding transport network; and

- (iv) the management of the interface between industrial and residential land uses to minimise the potential for reverse sensitivity effects;
- (c) Rules and standards that require:
- (i) new buildings and/or development to comply with the transport infrastructure upgrade thresholds;
 - (ii) new buildings containing commercial activities to be located within the identified Neighbourhood Centre; and
 - (iii) landscaped frontages and setback requirements for non-residential buildings that interface with a residential zone;
- (d) Any subdivision within the TEP is a Restricted Discretionary Activity subject to implementation of:
- (i) the public/pedestrian cycle connections shown on the Precinct Structure Plan included within the TEP chapter;
 - (ii) the primary road network shown on the Precinct Structure Plan;
 - (iii) listed transport infrastructure upgrades; and
 - (iv) green corridors and the neighbourhood park;
- (e) The TEP chapter includes the Precinct Structure Plan which shows:
- (i) the primary road network including potential road connections to adjoining properties to the north, south and west;
 - (ii) the potential roundabout connection to Gordonton Road;
 - (iii) an indicative neighbourhood location for a park within the General residential area of the St Isadore Block;
 - (iv) the green corridor and green laneway buffer between zones; and
 - (v) cycling and pedestrian connections.

[13] The parties agree that the proposed new objectives, policies, rules and standards in the TEP chapter (including the Precinct Structure Plan), address the IHP's concerns with the proposed rezoning of the St Isadore Block as there is now sufficient technical evidence to support the rezoning of the site.

Section 32AA evaluation

[14] Section 32AA of the Act requires a further evaluation for any changes to the proposal since the initial s 32 evaluation report and the decision. A full s 32AA evaluation is contained in **Appendix C**.

[15] Each proposed objective must be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act. The agreed amendments introduce four new objectives into the PDP by way of the new TEP chapter. These objectives are considered the most appropriate way to achieve the purpose of the Act as described in **Appendix C**.

[16] In summary, the s 32AA evaluation concludes that:

- (a) The proposed method is considered to be the most efficient and effective means of achieving the objectives of the TEP as it will:
 - (i) enable the Council to fulfil its statutory obligations, including s 31 of the RMA;
 - (ii) achieve the relevant Part 2 Matters, namely ss 7(b), 7(c), and 7(f) of the RMA;
 - (iii) achieve the objective of the proposal without the need for wide-reaching changes to the PDP by applying a land-specific structure plan and set of precinct provisions; and
 - (iv) enable the Council to effectively administer its district plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner;

- (b) The benefits of the agreed amendments largely relate to:
- (i) the ability to develop the site in a comprehensive and integrated manner;
 - (ii) the contribution to housing supply and choice;
 - (iii) the benefits of a comprehensive and planned layout for transport through the roading network;
 - (iv) the inclusion of provisions for a small community neighbourhood centre to support the convenience retail needs of the future residents;
 - (v) the provision for increased opportunities for open space, passive recreation and environmental enhancements; and
 - (vi) facilitation of land development at this time will enable enhancements in relation to water quality, riparian areas and at source treatment through the provisions that will apply;
- (c) The costs of the agreed amendments largely relate to:
- (i) the costs relating to seeking resource consents to enable the development; and
 - (ii) the costs relating to the transport infrastructure upgrades needed to support the development.

[17] In summary, the parties consider that the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives of the TEP.

Consideration

[18] In making this order the Court has read and considered:

- (a) the notices of appeal dated 28 February 2022; and
- (b) the Joint Memorandum of the parties dated 9 July 2024.

[19] The Court has made a few very minor changes (tracked) to ensure sense and consistency to the following provisions:

- a) TEP-S1(1)(a)(ii)
- b) TEP-R2(1)(a), (e) and numbering formatting.

[20] The Court is satisfied that the agreement reached is one that represents the various interests of the parties. It is clear the parties have considered other reasonably practicable options, the risk of acting or not acting, and assessed costs and benefits. The change of zoning agreed will continue to provide for the effective and efficient administration of the plan provisions. I conclude the parties have taken a considered and balanced approach, and the agreed rezoning is the most appropriate way to achieve the purpose of the Act and the objectives in the PDP. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

[21] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

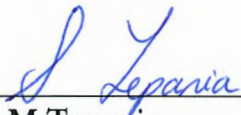
- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

Order

[22] The Court orders, by consent, that:

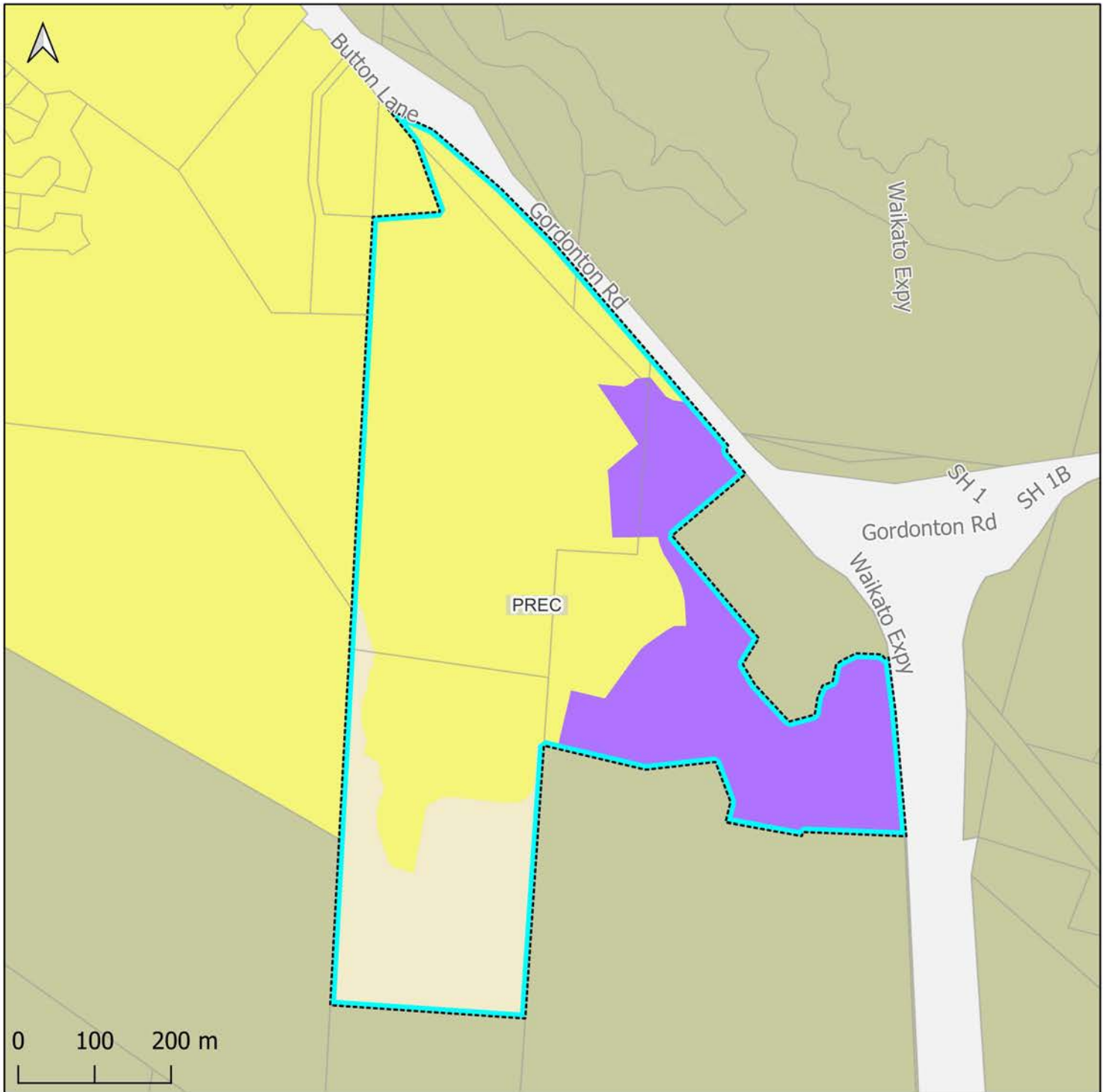
- (a) The planning map be amended in accordance with **Appendix A** to this order to include the rezoning of the St Isadore Block and the introduction of a new precinct titled "Taupiri East Precinct";

- (b) A new Taupiri East Precinct chapter to be inserted into Part 3: Area specific matters / Precincts (multi-zone) of the PDP decisions version in accordance with **Appendix B**. The Taupiri East Precinct chapter includes the Taupiri East Precinct Structure Plan as Figure 1;
- (c) The appeals are otherwise dismissed; and
- (d) There is no order as to costs.




S M Tepania
Environment Judge











Legend

 Taupiri East Precinct

Zone

-  GRZ - General residential zone
-  GIZ - General industrial zone
-  LLRZ - Large lot residential zone
-  GRUZ - General rural zone
-  Road
-  Parcel boundary

Appendix B: New Taupiri East Precinct chapter to be inserted into Part 3 of the PDP decisions version

TEP – Taupiri East Precinct

The Taupiri East Precinct applies to the land identified on the planning maps as the Taupiri East Precinct. The Taupiri East Precinct is supported by the Taupiri East Precinct Structure Plan (Structure Plan) included as Figure 1 in this Chapter. The relevant zone and district-wide chapters apply in addition to the precinct provisions in this Chapter (unless specified otherwise).

Objectives

- TEP-O1** **Subdivision and Development**
Subdivision and development within the Taupiri East Precinct delivers the elements shown in the Structure Plan, including:
- (a) The green network, landscape buffers and neighbourhood park;
 - (b) The layout of the primary road network;
 - (c) Walking and cycling connections;
 - (d) The neighbourhood centre; and
 - (e) A mixture of residential and light industrial land uses.
- TEP-O2** **Natural features**
The natural features within the Taupiri East Precinct are enhanced and protected.
- TEP-O3** **Transport network**
Development within the Taupiri East Precinct provides an integrated transport network as a result of:
- (a) Coordinating the necessary transport upgrades with subdivision and development; and
 - (b) Managing potential conflicts between residential traffic and freight traffic.
- TEP-O4** **Land uses**
The interface between industrial and residential land uses minimises the potential for reverse sensitivity effects.

Policies

- TEP-PI** **Development outcomes**
- (I) Development within the Taupiri East Precinct achieves the following outcomes:**

- (a) Creates a sense of place with park edge roads, planted buffers, connection to wetland areas, views to Taupiri Maunga and Hakarimata Scenic Reserve.
- (b) Integrates with the wider area through the provision of roading, walking and cycling connections to promote a safe and legible environment;
- (c) Residential lots fronting Gordonton Road must:
 - (i) provide for vehicle access from the internal precinct road network, while enabling pedestrian access to/from Gordonton Road; and
 - (ii) include a landscape buffer to provide for onsite residential amenity and separation from Gordonton Road.
- (d) Separation of industrial and residential land uses is achieved through the location of roads and laneways, setback and planting requirements, and the green network layout.

TEP-P2 Natural features and green corridors

- (1) Incorporate existing streams and wetland features into an open space green network that accommodates walking and, where practical, off-road cycling routes in locations identified on the Structure Plan.
- (2) Wetland and stream riparian margins located within green corridors identified on the Structure Plan (excluding any road crossings) are planted and managed to maintain and enhance natural ecosystems, contribute to land stability and restore habitat for indigenous flora and fauna.
- (3) Require that landscape planting along streets and public open spaces incorporates native species to contribute to habitat for local indigenous fauna.
- (4) Enable the creation of a neighbourhood park in the location identified on the Structure Plan.

TEP-P3 Taupiri East Precinct Neighbourhood Centre

- (1) Commercial activities in the General residential zone:
 - (a) Are located within the Neighbourhood Centre identified on the Structure Plan; and
 - (b) Do not undermine the role and function of the Taupiri village town centre.

TEP-P4 Transport network

- (1) An integrated transport network is designed and implemented in accordance with the Structure Plan that:
 - (a) Prioritises pedestrian and cycle routes to ensure safety for all road users; and

- (b) Reduces as far as practicable, industrial-related traffic movements through residentially-zoned areas.
- (2) Thresholds apply within the Taupiri East Precinct to manage effects on the surrounding transport network. Thresholds require that:
- (a) Residential development is limited to 65 dwellings accessed from Button Lane, unless direct access is provided from Gordonton Road into the precinct.
- (b) The operation of industrial and/or commercial activities does not occur until direct access is provided from Gordonton Road into the precinct.
- (c) Upgrades to walking and cycling facilities along Button Lane and the intersection with Te Putu Street, are required to ensure the safe and efficient operation of both the road and alternative transport (walking and cycling) network, providing access to the precinct.

Rules

Land use – buildings

In addition to the standards listed below, permitted activities must also comply with all relevant zone-based Land-use effects standards and Land-use building standards in Part 3 / Area-specific matters / Zones, as well as the standards in Part 2 / District-wide matters. For the avoidance of doubt, all zone and district-wide chapters apply to this precinct in addition to the rules below.

TEP-RI	<u>New buildings</u>
<p>(1) Activity status: PER</p> <p><u>Activity specific standards:</u></p> <p>(a) <u>Compliance with the relevant 'building effects standards' within the GRZ – General residential zone, GIZ – General industrial zone, and LLRZ – Large lot residential zone that apply within the Taupiri East Precinct; and</u></p> <p>(b) <u>Compliance with TEP-S1 and TEP-S2; and</u></p> <p>(c) <u>Buildings containing commercial activities must be located within the Neighbourhood Centre identified on the Structure Plan.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p>(a) <u>Consistency with the relevant objectives and policies of the Taupiri East Precinct; and</u></p> <p>(b) <u>The matters of discretion that apply to any infringed standard.</u></p>

Land use – effects

TEP-S1	<u>Transport thresholds and upgrades</u>
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <p>(a) <u>Where:</u></p> <p>(i) <u>development within the Taupiri East Precinct exceeds 65 dwellings; and/or</u></p> <p>(ii) <u>industrial and/or commercial activities are proposed;</u></p> <p><u>vehicle access must be provided directly from Gordonton Road prior to the operation of those activities and/or issuance of s224(c) certificates.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Effects on the safe and efficient operation of the road networks providing access to and from the Taupiri East Precinct;</u></p> <p>(b) <u>Alternative design solutions to the upgrades otherwise required by this standard, which will achieve the same outcome; and</u></p> <p>(c) <u>The relevant objectives and policies of the Taupiri East Precinct.</u></p>
TEP-S2	<u>Landscaped frontage and setback requirements for non-residential activities</u>
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <p>Where:</p> <p>(a) <u>Any non-residential building on a record of title that adjoins or is only separated by a road from a residential zone must:</u></p> <p>(i) <u>provide landscaping along the extent of the road boundary (excluding access/egress points) to a minimum depth of 5m measured from the road boundary; and</u></p> <p>(ii) <u>be landscaped to comprise a mixture of native shrubs and trees, with trees planted a maximum of 1.5m apart and a minimum expected growth height of 1.5m.</u></p> <p><i>Note: In the case of the GIZ – General industrial zone, TEP-S2(1)(a) applies in addition to the requirements under GIZ-S1 for side and rear boundaries.</i></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Type, density and scale of landscape plantings;</u></p> <p>(b) <u>Effects on the streetscape; and</u></p> <p>(c) <u>The extent to which the amenity of the adjoining GRZ – General residential zone is maintained.</u></p>

Subdivision

In addition to the standards listed below, activities must also comply with all relevant standards in Part 2 / District-wide matters. For the avoidance of doubt, all zone and district-wide chapters apply to this precinct in addition to the rules below.

TEP-R2	Subdivision within the Taupiri East Precinct
<p>(1) Activity status: RDIS</p> <p><u>Activity specific standards:</u></p> <p>(a) <u>Public pedestrian/cycle connections within the Taupiri East Precinct must be provided and located in accordance with the Structure Plan;</u></p> <p>(b) <u>All roads within the Taupiri East Precinct must be located in accordance with the Structure Plan. This does not include Secondary roads and laneways;</u></p> <p>(c) <u>Compliance with TEP-SI – Transport thresholds and upgrades;</u></p> <p>(d) <u>Prior to the occupation of dwellings or granting of s224(c) certificates for any lots to contain dwellings accessed from Button Lane, the following upgrades (developed in consultation with Council) are required to be implemented to ensure Button Lane provides safe and efficient conveyance of cyclists and pedestrians:</u></p> <ul style="list-style-type: none">a. <u>the extension of Button Lane into the Taupiri East Precinct;</u>b. <u>the upgrade of Button Lane to provide for pedestrian and cycling connection to Te Putu Street; and</u>c. <u>the upgrade of walking and cycling facilities at the intersection of Te Putu Street and Button Lane. This may include (but is not limited to) raised safety platforms to reduce vehicle speeds.</u> <p>(e) <u>Green Wetland and stream riparian margins located within green corridors identified in the Taupiri East Precinct ‘features plan’ (excluding any road crossings, walking and cycling connections identified on the Structure Plan) are planted to a minimum 10m average</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>

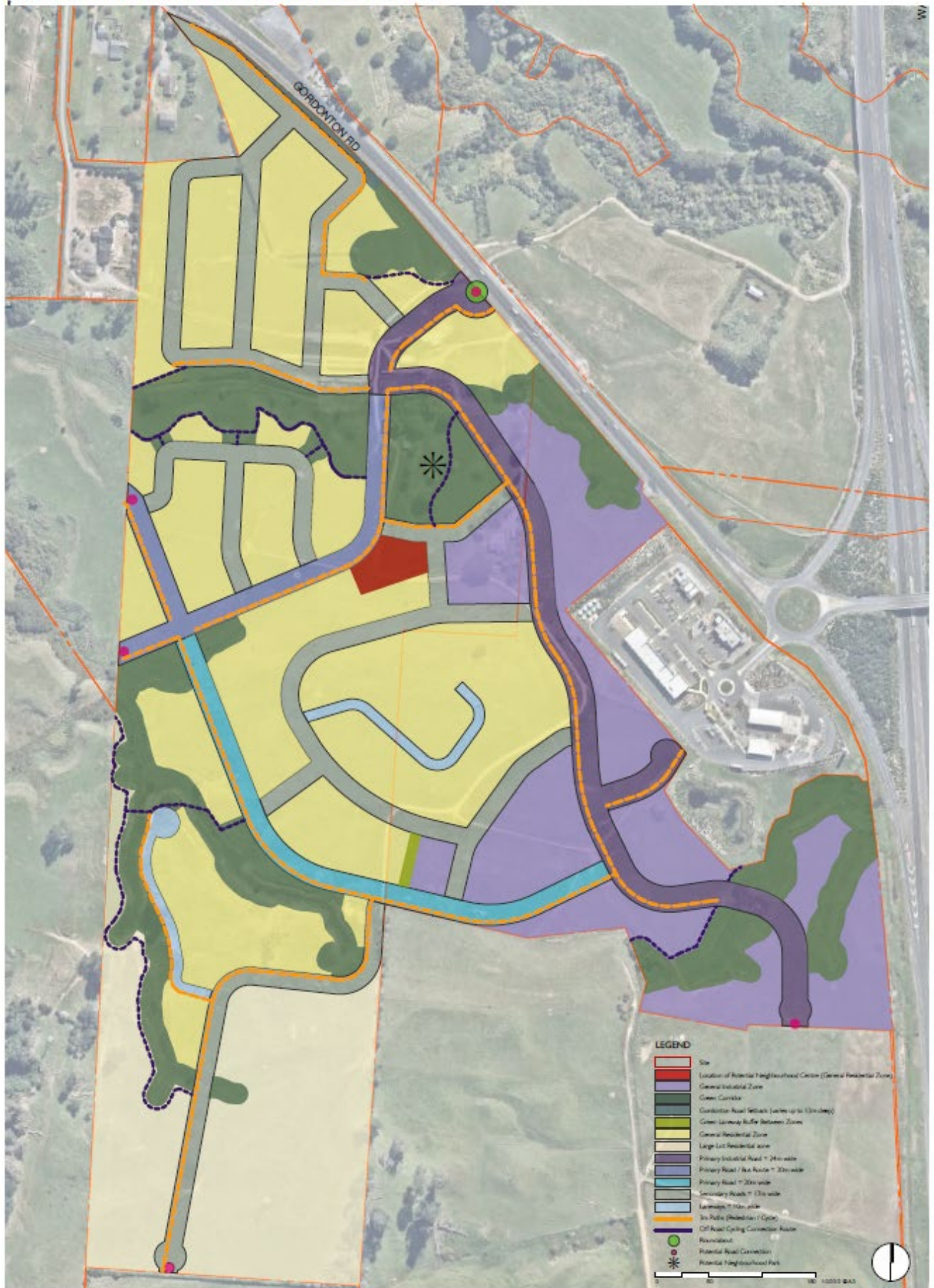
width with eco-sourced native vegetation; and

- (f) All planting within green corridors, the neighbourhood park and the required Gordonton Road setback must be eco-sourced native vegetation and undertaken in accordance with an approved planting plan prior to the issue of s224(c) certificates (under the Resource Management Act 1991) for the relevant subdivision area or stage.

Council's discretion is restricted to the following matters:

- (a) Consistency with the relevant objectives and policies of the Taupiri East Precinct;
- (b) Subdivision and development staging;
- (c) Design and construction of the roads and pedestrian / cycling networks and connections servicing the Taupiri East Precinct;
- (d) The design, location, timing and potential effects on, the safe and efficient operation of the intersections of:
- (i) Button Lane and Te Putu Street; and
 - (ii) Gordonton Road and the new intersection providing access to the Taupiri East Precinct (identified on the Structure Plan).
- (e) Passive surveillance and activation of public spaces, including roads, green corridors and pedestrian / cycling connections; and
- (f) Landscaping and planning within green corridors, roads and the neighbourhood park.

FIGURE 1: Taupiri East Precinct Structure Plan



Appendix C: Section 32AA analysis

REZONING OF LAND OWNED BY ST ISADORE COMPANY LIMITED – RUDY VAN DAM

Section 32AA analysis on-appeal

Introduction

This assessment under section 32AA of the Resource Management Act 1991 ('RMA') is undertaken in reference to an appeal to the Hearings Panel decision to rezone existing Rural land held by the St Isadore Company¹ ('the land') to Future Urban Zone land ('FUZ'), where residential and commercial zones were sought through submissions and subsequent evidence.

Following the submission of the appellant's proposed documentation, the respondent and s274 party have agreed on the zoning and a set of provisions as set out in **Attachment 1** (hereafter, **the proposal**).

Section 32AA(1)(a) specifies that a further evaluation is required "only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes)". Section 32AA(3) defines "proposal" as meaning a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act. The last section 32AA evaluation undertaken for this site was in the decision of the Independent Hearing Panel. As such, the starting point for this assessment and further analysis in accordance with s32AA(1)(c) is the FUZ zone identified in the appeals version of the PWDP². From a practical perspective, there are two 'options' for assessment through the appeal:

- Option 1 – Status Quo– maintain the FUZ zoning on the land; or
- Option 2 – Rezone the land as-sought in the 'proposal' and apply a precinct structure plan and precinct provisions.

While a further option is to consider an alternative zoning proposal, this has not been explored as the long-term zoning pattern is clearly established within the Waikato 2070 strategy and reflected in Future Proof 2022.

Meaning of terms used in Section 32 RMA:

Section 32(6) sets out the meaning of '*proposal*', '*objectives*', and '*provisions*' under s32 RMA.

- In this case, the **proposal** is to rezone land identified as Future Urban Zone Land under the Proposed Waikato District Plan ('PWDP') to a mixture of General residential, Large lot residential and General industrial zoned land, with future development of the land to be managed through a set of provisions and associated structure plan contained within the 'Taupiri East Precinct Provisions'.
- The **objectives** of the proposal are those proposed within the Taupiri East Precinct Provisions, and the PWDP objectives of those zones sought to be applied under the proposal.
- The **provisions** are the policies, rules and other methods that would apply.

Scale and Significance of the Effects:

Further evaluation reports of this nature are required by the RMA to be undertaken at a level of detail that corresponds to the scale and significance of the change proposed³. The scale and significance of the proposal has been determined by a qualitative assessment of relevant factors, as recorded in **Attachment 2**.

In summary, the scale and significance of the proposed Taupiri East Precinct provisions, supporting structure plan and associated rezoning are considered as low. The supporting technical information is of an appropriate level of detail for assessment of the proposed rezoning – particularly where the application of the FUZ through the hearing process has already determined the appropriateness of the land for future urban development, and the General residential zone (GRZ) was applied to the western extent of Taupiri Village Expansion Area (TVEA) as part of the joint submission under the Proposed Waikato District Plan process (PWDP). As noted in the overall assessment, the level of detail is

¹ Submitter 805.

² There are no other appeals to rezone 'the land' from Rural Zone to Future Urban Zone.

³ Section 32AA(1)(c).

commensurate with the objectives of the proposal which are to apply urban zoning to the land and has informed the structure plan layout proposed in accordance with s32AA(1)(c). Future development within the land would necessarily require a range of resource consents to authorise development, and the relevant provisions of the PWDP would apply to the land.

Evaluation steps required under Section 32 RMA:

The evaluative exercise under Section 32 includes the following broad sequential steps:

- **Step 1:** examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.
- **Step 2:** examine whether the provisions in the proposal are the most appropriate way to achieve the objectives, having regard to the requirements under s32(2).

Each of those different options, including the proposal, must then be assessed in terms of its efficiency and effectiveness in achieving the objectives. That assessment must consider the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. If practicable, those benefits and costs should be quantified, and the assessment the risks of acting or not acting should be assessed where there is uncertain or insufficient information about the subject matter of the provisions.

Section 32 clarifies that “objectives” can mean the purpose of the proposal.⁴ In this case, the purpose of the proposal is to rezone land identified as Future Urban Zone Land under the Proposed Waikato District Plan (‘PWDP’) to a mixture of General Residential Zone, Large Lot Residential and General Industrial zoned land, with future development of the land to be managed through a set of provisions and associated structure plan contained within the ‘Taupiri East Precinct Provisions’.

Step 1 – Are the Objectives the Most Appropriate Way to Achieve the Purpose of the RMA?

The key objectives to be assessed are those additional to the existing objectives of the relevant zones and district-wide provisions which are also sought apply to the site. The existing objectives have been well tested under section 32 as part of their inclusion within the PWDP. That analysis is not repeated here but it is still relevant to the proposal.

The objectives of the proposal are the proposed objectives of the Taupiri East Precinct, which are as follows:

TEP-O1 Subdivision and Development

Subdivision and development within the Taupiri East precinct delivers the elements shown in Structure Plan, including:

- (a) The green network, landscape buffers and neighbourhood park
- (b) The layout of the primary road network
- (c) Walking and cycling connections
- (d) The neighbourhood centre; and
- (e) A mixture of residential and light industrial land uses.

TEP-O2 Natural features

The natural features within the Taupiri East precinct are enhanced and protected.

TEP-O3 Transport network

Development within the Taupiri East precinct provides an integrated transport network as a result of:

- (f) Coordinating the necessary transport upgrades with subdivision and development; and
- (g) Managing potential conflicts between residential traffic and freight traffic.

TEP-O4 Land uses

⁴ RMA s32(6)

The interface between Industrial and residential land uses minimises the potential for reverse sensitivity effects.

The proposal has been informed by a wide-ranging technical review through the appeal-process. This review has identified the key elements the site and the surrounding environment, and the objectives will deliver social and economic wellbeing while protecting important environmental factors and respecting the key cultural elements of the site. The objectives are intended to provide a framework for development and use of the site (in accordance with the supporting structure plan) that will facilitate sustainable management in accordance with the purpose of the RMA. The objectives find the appropriate balance between enabling development while protecting the natural and physical resources.

This is reflected by the objectives, which:

- Consider the Council’s growth strategy, which provides for the sustainable management of land in the region (Future Proof 2022). The growth strategy has recently been updated from the former 2017 version (which was considered at the time of the PWDP hearings) and is referenced within the Waikato Regional Policy Statement (‘WRPS’) as well as ‘Change 1’ to the WRPS which was prepared in response to the National Policy Statement on Urban Development 2020 (‘NPSUD’). This section 32 analysis has taken full account of those strategies, and it is considered that the objectives will assist to give effect to the relevant higher order growth strategies and hence the purpose of the RMA. The proposal is also found to be consistent with the ‘out of sequence’ criteria for urban land rezoning under Future Proof 2022.
- It is noted that the S42A report originally considered urbanised zoning of the ‘land’ to be inconsistent with the Future Proof 2017 strategy, being an area indicatively ‘outside’ to the village limits of Taupiri. Future Proof 2022 as outlined above, and the Waikato 2070 strategic document has since brought the land into the urban limits as outlined in Figure 1 below:



Figure 1: Waikato 2070 land use - Taupiri

- Provides the greatest opportunity for cohesive and integrated development across the originally-proposed Taupiri Village Expansion Area (‘TVEA’) as-sought in the submission/s on the PWDP. This will ensure the most-efficient use of the land by enabling the potential for cooperation between the respective land owners and efficiencies through land development in a similar timeframe, rather than precluding such a possibility through the retention of Future Urban zoning. As it is shown in the Urban Design report, there is significant opportunity for a comprehensive and structured approach to development across the TVEA, consistent with Policy 6.1 of the WRPS⁵, which will not be realised were the FUZ to remain. The proposed zoning layout and ‘spread’ of land uses across the land aligns with the Future Proof 2022 and Waikato 2070 land use patters demonstrated in Figure 1 above.
- Avoids the adverse effects associated with the ‘status quo’, which presently enables the largest area of greenfield land within Taupiri to be developed by a single landowner/developer. Live zoning across the overall TVEA will ensure that the positive social and economic effects of market-competition are realised. This is wholly consistent with Objective 2 of the NPSUD which seeks to ensure that ‘planning decisions improve housing affordability by supporting competitive land and development markets’. A consequence of this will be the potential for increased housing choice and diversity that will “enable people and communities to provide for their social wellbeing” as referred to in section 5 of the RMA.
- Provides for additional business zoned land consistent with the land use pattern identified within the WRPS and Waikato 2070 strategy, while avoiding the need for an entirely separate Schedule 1 plan change process were FUZ to be retained. This will enable a greater range of employment opportunities to support increased population growth through residential development and the land already zoned as residential within the TVEA, and will accordingly “enable people and communities to provide for their social, economic and cultural wellbeing” as referred to in section 5 of the RMA. As expressed within the supporting economic assessment:

⁵ This observation was noted by the S42A reporting planner ‘Hearing 25: Zone extents Ngaaruawaahia, Horotiu & Taupiri’, para. 222.

- *The 2022 Future Proof Strategy⁶ identifies Taupiri as a key growth area within the Future Proof sub-region, which is expected to experience significant growth in the near future. In addition, the H2A Plan & Implementation Programme⁷ identifies Taupiri as a priority development area. The plan shows Taupiri as one of the primary housing and employment growth clusters within the proposed Hamilton-Waikato Metro Area, an interconnected network of urban and rural areas with Hamilton CBD at its centre. The metro area is expected to provide significant economic function, with links to Auckland, Bay of Plenty, and the wider Waikato region. Taupiri is considered a future strategic industrial node, due in part to its proximity to the expressway, as well as having land available to support clean industrial production⁸.*
- *[...] we consider Taupiri's growth prospects to be far greater than estimated in the HCA, which suggests that a lot more land should be earmarked for imminent development to meet demand. Further, we consider that land in high states of readiness should be prioritised over others to ensure timely and meaningful contributions to market supply.*
- In terms of appropriateness of zoning choice, is fully aligned with the identified Residential and Industrial land uses within the Waikato 2070 strategy which will ensure long-term consistency with the planned future growth of the wider Taupiri village area. The intensity of residential activities enabled by the proposed General Residential Zone (GRZ) is aligned with the existing residential zoning to the north and west of the land. A higher-intensity residential land use would not be appropriate (i.e. the Medium Density Residential zone) due to the location of the land relative to the existing Taupiri Village, strategic objectives of the PWDP to achieve a compact urban form, and would be inconsistent with the existing spatial extent of GRZ that is presently operative. The general Industrial Zone (GIZ) is also considered the most-appropriate zone as it provides for a range of less-intensive industrial uses that would be better-accommodated in proximity to residential land (separated by roading as-proposed), and consistent with the identified land use pattern under Waikato 2070.
- Focuses growth adjacent to good transport networks (SH1) with an emphasis on walkable and active transportation choices to the nearby Taupiri centre, with access to adequate infrastructure, and is integrated with open space development opportunities that can accommodate existing streams and features on the land. The provision of further growth in this location, well supported by services and amenities, achieves the purpose of the RMA insofar as it makes the best use of the physical resources comprised in the land, the transport system, and infrastructure.
- Recognise and protect the ecological values of existing streams and habitats (elaborated on below), thereby safeguarding the life-supporting capacity of water and ecosystems.

Overall, the proposal constitutes sustainable management of natural and physical resources in accordance with s5(1) of the RMA as the site offers a unique opportunity due to its proximity to the Waikato Expressway Taupiri interchange. Given that the volumes of traffic on the Waikato Expressway are predicted to continue to increase, the proposal will support future generations of travellers in accordance with s5(2)(a) of the RMA. The objectives set out a clear anticipated outcome and purpose for the site. Enabling the development will support the social and economic well-being of the community by enabling a space for social interaction as well as additional employment opportunities through great industrial zoned land, in accordance with section 5(2) of the Act.

The above addresses the requirements of section 32AA(1)(a), in respect of the purpose of the RMA (section 5). For completeness, the following examines the contribution the objectives of the proposal make to achieving the principles of the RMA (sections 6-8). In this respect, the objectives:

- Seek the efficient use and development of natural and physical resources as noted in section 7(b) of the RMA. This will be achieved by enabling development within land that is identified for future urban development, on a site with good access and potential future connections to the Waikato Expressway and Taupiri Village. Urbanisation of the land in accordance with a clear set of objectives (and associated precinct provisions) that require implementation of the supporting structure plan, will support the ongoing growth and vitality of Taupiri.
- Provide for the maintenance and enhancement of both amenity values and the quality of the environment as noted in section 7(c) of the RMA. While the landscape and streams within this area are not outstanding natural environments that would fall within Section 6 (relating to matters of national importance), these features are of local amenity and would fall within the Section 7 (other matters) by providing for the enhancement of amenity values of this area. As outlined in the supporting technical reports and Structure Plan documentation, those features can be accommodated within the area for future development in a manner that will contribute to the overall amenity values of future development as well as support management of stormwater.
- As noted above, the ecological values of the existing water features and their margins will be protected from inappropriate subdivision, use, and development and water quality of existing streams will be enhanced from the site as a result of the existing provisions within the PWDP. The land is intended to be developed in a manner consistent with those provisions and seeks to reduce as far as practicable, effects on existing habitats and waterbodies by incorporating them into the proposed structure plan layout and road network.
- Seek outcomes that would recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as required by section 6(e). Those matters will necessarily be worked through in greater detail as future development planning takes place, in accordance with the requirements of the provisions of the PWDP.
- For the reasons outlined above and with the supporting technical documentation; provides for the maintenance and enhancement of amenity values as noted in section 7(c) of the RMA.

⁶ <https://futureproof.org.nz/the-strategy/>

⁷ <https://futureproof.org.nz/assets/FutureProof/H2A/Final-H2A-Plan-November-2020.pdf>

⁸ <https://www.waikatodistrict.govt.nz/docs/default-source/your-council/plans-policies-and-bylaws/plans/blueprints/waikato-district-blueprint-2019.pdf>

- Achieve an appropriate balance between providing for development and protecting the landscape and streams. In addition, the inclusion of Industrial and business land around the existing SH1 interchange and established non-residential land uses at the Taupiri off-ramp junction, will contribute to greater commercial opportunities and employment in the area while also providing a transition from residential land. Existing provisions in the PWDP will manage potential reverse sensitivity effects in that regard (i.e., acoustic requirements, separation and buffers between zones and the National Grid Corridor etc) and will be appropriately responded to through the necessary future resource consent processes. As such, the objectives address section 7(b) dealing with the efficient use and development of the natural and physical resources, while also achieving the section 7(f) outcomes in ensuring maintenance and enhancement of the quality of the environment.

Overall, it is considered that the objectives are the most the most appropriate way to achieve the purpose of the RMA. Application of the requested zones to the land represents sustainable management as such zoning can (demonstrably) manage the natural and physical resources of the site in a way that enables the Taupiri community to provide for their social, economic and cultural wellbeing, while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.

Step 2: Whether the provisions in the proposal are the most appropriate way to achieve the objectives

	Option 1 – Do Nothing (retain FUZ on the land)	Option 2 – Rezone land identified as Future Urban Zone Land under the Proposed Waikato District Plan ('PWDP') to a mixture of General Residential Zone, Large Lot Residential, and General Industrial zoned land; supported by a structure plan and precinct provisions.
Option description	<p>This option would retain the FUZ that has been applied to the land through PWDP hearing process.</p> <p>Under Option 1, development in accordance with the provisions of the FUZ are enabled within the land, which is generally summarised by the purpose statement for that zone which is: <i>"The FUZ – Future urban zone identifies areas suitable for urbanisation in the future and provides for activities that are compatible with and do not compromise potential future urban use"</i>. As such, the zone only provides for a range of activities that would retain rural character and land uses, residential unit density and character as anticipated in the GRUZ – General rural zone.</p>	<p>This option is the 'proposal' which is to rezone land identified as Future Urban Zone Land under the Proposed Waikato District Plan ('PWDP') to a mixture of General Residential Zone, Large Lot Residential General Industrial zoned land. This is shown in the proposed structure plan.</p> <p>The land would be supported by a structure plan which is sought to be included within the PWDP to ensure that proposed zone transitions align with the intended roading and development layout. The structure plan has been prepared in accordance with guidance contained within the Subdivision chapter of the PWDP and WRPS (including Change 1 w/Future Proof Requirements and assessment).</p> <p>Under Option 2, both residential and industrial land use outcomes are enabled and would be subject to the provisions of the PWDP and those within the proposed Taupiri East Precinct.</p>
Appropriateness <i>Whether the provisions of the proposal are the most appropriate way to achieve the objectives (s32(1)(b))</i>	<p>Option 1 would enable residential development on the site but in a manner consistent with the existing rural character present by virtue of the underlying rural zone <i>provisions</i> that would apply to FUZ land. Housing could not be provided at the level of intensity envisaged by the objectives.</p> <p>The absence of a neighbourhood commercial centre to serve this community would also require the use of motor vehicles for the majority of convenience shopping trips, which would contribute to unnecessary use of fossil fuels and pollution. Residential development in the location without access to community and commercial facilities would impact on the ability of the community to provide for its environmental, social, economic and cultural wellbeing.</p> <p>This option would not achieve the objectives of the proposal. It would not allow the site to be developed to its fullest potential and, in the context of an otherwise-constrained land supply within existing urban areas, would not be an efficient use of an existing physical resource – particularly where land to the West has an effective-monopoly of greenfield development. Option 1 would not contribute to competitive land markets as-required under the NPS-UD.</p> <p>As outlined within the supporting economic assessment, there is a need for further urban land to be bought forward at this time, particularly as ongoing development pressure</p>	<p>Option 2 would enable residential development in accordance with the planned outcomes for the zones being sought under the proposal. This would be consistent with the objectives of the proposal and the existing urbanised environments to the north, as well as the development potential now enabled to the western extent of the original TVEA.</p> <p>As such, the <i>provisions</i> are those policies and rules proposed within the Taupiri East Precinct (refer Attachment 1) along with those existing provisions that apply to the zones being sought.</p> <p>Unlike those areas, this option uses an appropriate tool (precinct provisions and a structure plan) as provided for by the PWDP, that enables the recognition of the unique characteristics of the land and seeks to establish an over-arching framework for the roading and (green) infrastructure network. The proposed zoning layout is informed by the structure plan and the wide-ranging supporting technical information that accompanies the proposal. There are no identified constraints to the land which would make urban rezoning inappropriate. Existing ecological corridors, hazards, environmental features and infrastructure (including the National Grid Corridor Overlay) can be accommodated by future development and are reflected within the structure plan, with anticipated outcomes clearly referenced in the objectives and policies of the precinct.</p> <p>The precinct provisions and associated structure plan are considered to be an appropriate mechanism to support the proposal at this time, particularly where there are transitions between residential and industrial zonings that are defined by roads rather than cadastral boundaries. Future development would be subject to the provisions of the PWDP, and the supporting analysis referred to above has not identified an inconsistency with the provisions that would apply in respect of the proposed zones being sought. The site will be able to be developed without more than minor adverse effects on the environment whilst at the same time realising the full development potential of the land resource.</p>

	Option 1 – Do Nothing (retain FUZ on the land)	Option 2 – Rezone land identified as Future Urban Zone Land under the Proposed Waikato District Plan ('PWDP') to a mixture of General Residential Zone, Large Lot Residential, and General Industrial zoned land; supported by a structure plan and precinct provisions.
	<p>within Hamilton and changing lifestyles and working habits place additional demand on more-affordable housing options.</p> <p>This option would not be the most appropriate way to achieve the objectives of the proposal.</p>	<p>It is considered that there is better land efficiency from the proposed zoning at this time, and that the location is wholly appropriate. Option 2 is fully aligned with the identified Residential and Industrial land uses within the Waikato 2070 strategy which will ensure long-term consistency with the planned future growth of the wider Taupiri village area. The intensity of residential activities enabled by the proposed General Residential Zone (GRZ) is aligned with the existing residential zoning to the north and west of the land. A higher-intensity residential land use would not be appropriate (i.e., the Medium Density Residential zone) due to the location of the land relative to the existing Taupiri Village, strategic objectives of the PWDP to achieve a compact urban form, and would be inconsistent with the existing spatial extent of GRZ that is presently operative.</p> <p>The GRZ provides for neighbourhood centres that are identified within structure plan areas, to enable a level of 'convenience' amenities. This is identified on the proposed structure plan layout at the key entrance point to the site at the intersection with Gordonton Road. This is considered an appropriate location as such non-residential activities are able to accommodate the effects associated with road user noise along this route. The area also adjoins identified non-residential land uses (industrial) in accordance with the Waikato 2070 strategy and those sought through the proposal. It is not considered appropriate to apply a 'commercial' zone to this area as it is limited in extent, and the Commercial zone would enable a range of 'bulk retail' type land uses that are at-odds with the intended primacy of Taupiri Village.</p> <p>The general Industrial Zone (GIZ) is also considered the most-appropriate zone as it provides for a range of less-intensive industrial uses that would be better-accommodated in proximity to residential land (separated by roading as-proposed), and consistent with the identified land use pattern under Waikato 2070.</p> <p>The application of LLRZ is considered appropriate and acts as a transition in character to existing rural areas to the south and to mitigate potential reverse sensitivity effects associate with the southern National Grid Corridor. While the GRZ could be applied to this area, for the reasons above that is not considered an appropriate outcome. The zone also ensures a range of lot sizes, housing typologies and lifestyle options for future development, thereby delivering housing 'choice'. Due to the presence of the National Grid Corridor overlay, a more-intensive zone such as the GRZ has not been sought to be applied in this location.</p> <p>Overall, it is considered that this option is the most appropriate way to achieve the objectives of the proposal. The proposed provisions will result in the protection and enhancement of a number of existing features on the site, which also provide for the efficient use of land, without compromising the amenity of surrounding sites to a significant extent.</p>
<p>Efficiency and effectiveness <i>Whether the provisions are the most efficient and effective means of achieving the objectives of the proposal (s32(1)(b)(ii))</i></p>	<p>Option 1 would not be efficient or effective in achieving the objectives of the proposal, as the FUZ would remain which does not enable residential and industrial development on the land, nor deliver the identified benefits associated with Option 2.</p> <p>While the FUZ would enable residential development to a degree, this would be a low-density 'rural' character of residential development. This is considered an inefficient land use intensity at this time, as the balance of originally-sought TVEA land already benefits from the urban zoning through the PWDP process. The proposal aligns with strategic growth planning for Taupiri Village and thus is able to be undertaken with the district's long- term urban growth strategy (Waikato 2070). The live zoning of the land at this time will allow for ongoing planning of infrastructure delivery and funding, noting that the delivery timeframe for the land within the above strategies is not significantly far away when development planning and lead-in times are taken into consideration (being a combination of 3-10 and 10-30 years under Waikato 2070).</p> <p>Retaining the FUZ will foreclose any opportunity for strategic infrastructure planning and investment across the overall TVEA, as well as comprehensive development planning. Contributions to infrastructure and local investment through Development Contributions and rates will also be lost, which will assist infrastructure asset owners and the Council in</p>	<p>Option 2 would provide for the scale and nature of development that is sought under the proposed objectives and would more accurately reflect structure-planning, technical assessments, and consultation that has been undertaken for the site.</p> <p>The supporting structure plan will ensure comprehensive and coordinated development on the land and ensure that the proposed zones are aligned with the intended road layout – particularly where a zone boundary is proposed. This would be the most effective and efficient way to achieve the objectives of the proposal. It would enable the comprehensive development of the site to its fullest potential whilst protecting and enhancing the identified ecological, landscape and amenity values of the site. The objectives and policies of the precinct seek to identify the key outcomes sought to be achieved within the precinct, while utilising as far as practicable the existing provisions within the PWDP which manage the range of potential effects that have been identified through the supporting technical reports and planning report. Utilisation of the precinct objectives and policies as the basis for assessment is an effective and efficient approach in light of the above. This avoids the need for extensive bespoke provisions that would merely add duplication to the existing effects-management regime. Development that does not adhere to the structure plan is a discretionary activity which enables an assessment of all relevant objectives and policies of the PWDP.</p> <p>This option would provide for the social wellbeing of both future residents and the surrounding residents through the provision of generous green spaces and recreation areas and the identification of a small neighbourhood centre that is enabled under the GRZ provisions where such use is identified within a structure plan. The proposal will protect and enhance water quality and will ensure the protection of key water features on the site as part of the overall stormwater management network while also</p>

	Option 1 – Do Nothing (retain FUZ on the land)	Option 2 – Rezone land identified as Future Urban Zone Land under the Proposed Waikato District Plan ('PWDP') to a mixture of General Residential Zone, Large Lot Residential, and General Industrial zoned land; supported by a structure plan and precinct provisions.
	<p>local infrastructure investments (notwithstanding those aspects of local infrastructure that the developer would necessarily need to construct and fund privately).</p> <p>Option 1 is not considered to be the most effective and efficient option in giving effect to the proposed objectives for the site.</p>	<p>utilising these areas for the benefit of the amenity of future residents. Such outcomes would be secured through future resource consent processes and assessment under the provisions of the PWDP that would apply.</p> <p>The proposal would be sensitive to the interfaces of adjoining sites through the provisions of the PWDP that will necessarily apply, while also introducing the LLRZ as a way to ensure an appropriate transition in character to existing rural areas to the south and to mitigate potential reverse sensitivity effects associate with the southern National Grid Corridor. Where such potential effect cannot be mitigated through the northern National Grid Corridor (where potential undergrounding is either cost-prohibitive or not approved) then the existing setback requirements of the PWDP and restriction on subdivision within the National Grid Corridor overlay will apply.</p> <p>This option effectively contributes to the achievement of the objectives of the proposal to the greatest extent, while taking into account the characteristics of the site and the neighbouring activities.</p> <p>Option 2 is considered to be the most effective and efficient option in giving effect to the proposed objectives for the site.</p>
<p>Benefits <i>Assessment of benefits of the anticipated environmental, economic, social, and cultural effects of the provisions, including economic growth and employment (s32(2)(a) and (b))</i></p>	<p>Option 1 would enable residential development on the site but in a manner consistent with the existing rural character present by virtue of the underlying rural zone provisions that would apply to FUZ land.</p> <p>This option retains a lower scale of development which, from a social effects perspective, may be more acceptable for some people as the existing character of Taupiri changes over time as a result of growth and ease of access to Auckland and Hamilton as a result of the SH1 Bypass to the east.</p> <p>This option would avoid environmental effects associated with land development at this time, to the levels otherwise sought by option 2, which could be seen as a benefit in the short-medium term.</p> <p>There is not considered to be an uncertainty of information that would suggest a 'benefit' of Option 1 is greater time to plan for future development.</p>	<p>Option 2 would enable residential and industrial development in a form that is consistent with strategic growth planning for Taupiri Village and thus is able to be undertaken with the district's long- term urban growth strategy (Waikato 2070). The live zoning of the land at this time will allow for ongoing planning of infrastructure delivery and funding, noting that the delivery timeframe for the land within the above strategies is not significantly far away when development planning and lead-in times are taken into consideration (being a combination of 3-10 and 10-30 years under Waikato 2070).</p> <p>This option provides the greatest opportunity for cohesive and integrated development across the originally-proposed Taupiri Village Expansion Area ('TVEA') as-sought in the submission/s on the PWDP. This will ensure the most-efficient use of the land by enabling the potential for cooperation between the respective landowners and efficiencies through land development in a similar timeframe, rather than precluding such a possibility through the retention of Future Urban zoning.</p> <p>There is significant opportunity for a comprehensive and structured approach to development across the TVEA, consistent with the policy outcomes of both the PWDP and WRPS (including the Plan Change 1 out of sequecy criteria formulated under Future Proof), which will not be realised were the FUZ to remain.</p> <p>This option avoids the adverse effects associated with the 'status quo', which presently enables the largest area of greenfield land within Taupiri to be developed by a single landowner/developer. Live zoning across the overall TVEA will ensure that the positive social and economic effects of market-competition are realised. This is wholly consistent with Objective 2 of the NPSUD which seeks to ensure that 'planning decisions improve housing affordability by supporting competitive land and development markets'. A consequence of this will be the potential for increased housing choice and diversity that will "enable people and communities to provide for their social wellbeing" as referred to in section 5 of the RMA.</p> <p>The proposal would have a range of other benefits including:</p> <ul style="list-style-type: none"> ▪ Provides for the comprehensive and integrated redevelopment of the site. ▪ Will contribute to housing supply and choice. As outlined within the supporting economic assessment, there is a need for further urban land to be bought forward at this time, particularly as ongoing development pressure within Hamilton and changing lifestyles and working habits place additional demand on more-affordable housing options. ▪ Provides a comprehensive and planned layout for transport through the roading network, ensuring that transportation-related effect on Gordonton Road can be appropriately managed at future development stages. ▪ Will enable a small community commercial area (identified on the structure plan as required by the GRZ provisions) to support the residential community both on the site and for the surrounding neighbourhood, while not undermining the role, function and viability of existing centres nearby. This will provide for increased economic and social wellbeing.

	Option 1 – Do Nothing (retain FUZ on the land)	Option 2 – Rezone land identified as Future Urban Zone Land under the Proposed Waikato District Plan ('PWDP') to a mixture of General Residential Zone, Large Lot Residential, and General Industrial zoned land; supported by a structure plan and precinct provisions.
		<ul style="list-style-type: none"> ▪ Provides increased opportunities for open space, passive recreation and environmental enhancements. This includes the incorporation of existing streams as open space areas into the structure plan, for the benefit of future residents and to ensure a comprehensive approach to stormwater management within the land. ▪ Facilitation of land development at this time will enable enhancements in relation to water quality, riparian areas and at source treatment through the provisions that will apply. Those opportunities would not be possible where the existing rural land uses is maintained for grazing and agricultural purposes. ▪ Identifies aspirations for a highly walkable and multi-modal community with ease of access to Taupiri Village. ▪ The location of the Taupiri Village and access on to the section of Waikato Expressway, ensures a highly connected and strategically-located urban development are that will thereby reduce potential transport effects on the wider network. This provides ease of access for commuting to employment centres of Auckland and Hamilton – particularly where there is good access to rail services providing access to those centres through the Huntly station and Te Huia service. ▪ Enabling further residential and business activity growth in the Site will provide incentives for local service and product providers to invest in the area and within the commercial land use that that has been strategically identified in the eastern extent of the TVEA (Waikato 2070). Such economic incentives will further enhance employment opportunities to the local area(s) – inclusive of Huntly and Ngaaruawaahia. <p>Overall, the proposed provisions will create greater certainty of consenting outcome as they will be considered against the framework provided by the structure plan and precinct provisions that apply to the land. This will ensure consistent and coordinate land development and require that eventual development responds to the substantial planning-resources that have already been invested by the landowner to support this process and the structure plan. The structure plan incorporates existing landforms, streams and areas of ecological habitat into the future development. Those outcomes will be secured through this process as a result of the precinct provisions sought.</p> <p>No substantive amendments to the objective and policy direction of the PWDP will be required as a result of accepting the sought rezoning, other than incorporation of the revised zones into the planning maps and structure plan. A bespoke set of precinct provisions (objectives and policies) will ensure that the structure plan is appropriately triggered for consideration in conjunction with future development, and clearly expresses the anticipated outcomes for the land. The benefits associated with this are that the time and costs otherwise incurred through a separate Schedule 1 Private Plan Change process are dramatically reduced for the landowner, and can be suitably addressed through this appeal process.</p>
<p>Costs <i>Assessment of costs of the anticipated environmental, economic, social, and cultural effects of the provisions, including economic growth and employment (s32(2)(a) and (b))</i></p>	<p>Option 1 has limited costs as the existing environment is essentially maintained. However, this option will not provide for market-competition in the land market, as the western extent of the TVEA will be the largest urban greenfield area with a single landowner. This will not enable people to provide for the economic and social wellbeing. As outlined within the supporting economic assessment, there is a need for further urban land to be bought forward at this time, particularly as ongoing development pressure within Hamilton and changing lifestyles and working habits place additional demand on more-affordable housing options.</p> <p>There is also an opportunity cost associated with not live-zoning the land at this time, as the landowner is in discussion with third parties for development, and retention of FUZ would foreclose any possibility of cooperation and comprehensive planning across the overall TVEA.</p> <p>There will be substantial costs associated with the need to pursue a Schedule 1 Private Plan Change process at a later date, in addition to those costs that have already been incurred by the land owner (to achieve a similar outcome as Option 2) through the PWDP process to-date.</p>	<p>The proposed precinct plan will result in significant changes to the existing planned outcomes for the site. This may result in changes for the surrounding residents from a social effects perspective, however the technical assessments undertaken as part of this plan change have concluded that, subject to the provision of appropriate standards and assessment criteria within the precinct plan, any adverse effects arising from future development can be suitably managed by the provisions of the PWDP that will apply to future development in-line with the proposed zones sought.</p> <p>Whilst there will be costs associated with the processing of the private plan change, these are necessary to ensure that the statutory planning regime on the site accurately reflects the development and future potential of the site.</p> <p>Overall, the costs associated with this option are negligible, can be managed through detailed further-assessment a resource consent stages, and are outweighed by the benefits.</p>

	Option 1 – Do Nothing (retain FUZ on the land)	Option 2 – Rezone land identified as Future Urban Zone Land under the Proposed Waikato District Plan ('PWDP') to a mixture of General Residential Zone, Large Lot Residential, and General Industrial zoned land; supported by a structure plan and precinct provisions.
Risk <i>Assessment of the risk of acting or not acting if there is uncertain or insufficient information about the provisions (s32(2)(c))</i>	<p>There is no uncertain information or insufficiency of information about the subject matter of the provisions, and no identified risks arise as a consequence.</p> <p>The risk of acting on option 1 is that development across the originally-sought TVEA, and as identified in Waikato 2070, will not occur in a comprehensive, integrated and planned manner. This may result in an inefficient land use outcome as well as introduce a lack of competitiveness to the local housing and land development market.</p> <p>There is an identified demand for development capacity on the land (as outlined within the supporting Economic assessment) and an opportunity to proactively progress development at this time due to a willingness on the part of the land owner. Such opportunity may be lost were the 'proposal' not to be pursued.</p>	<p>There is no uncertain information or insufficiency of information about the subject matter of the provisions, and no identified risks arise as a consequence.</p> <p>The risk of not acting on option 2 is that development across the originally sought TVEA, and as identified in Waikato 2070, will not occur in a comprehensive, integrated and planned manner. This may result in an inefficient land use outcome as well as introduce a lack of competitiveness to the local housing and land development market.</p> <p>There is an identified demand for development capacity on the land (as outlined within the supporting Economic assessment) and an opportunity to proactively progress development at this time due to a willingness on the part of the landowner. Such opportunity may be lost were the 'proposal' not to be pursued.</p> <p>In the event the land is not rezoned as sought, providing vital business zoned land within the Taupiri Village growth node will be compromised whereby residential dwelling yields will be reduced given the undersupply of business land and local employment opportunities.</p>
Summary	Option 1 is not the preferred option for these reasons.	Option 2 is the preferred option for these reasons.

Reasons for deciding on the provisions

The proposed provisions are considered to be the most efficient and effective means of achieving the objectives of the PWDP;

- enable the Council to fulfil its statutory obligations, including section 31 of the RMA;
- achieves the relevant Part 2 Matters, namely sections 7(b), 7(c), and 7(f) of the RMA;
- achieve the objective of the proposal without the need for wide-reaching changes to the PWDP by applying a land-specific structure plan and set of precinct provisions; and
- enable the Council to effectively administer its district plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner.

CONCLUSION

Pursuant to s32 of the RMA, the proposed objectives of the proposal to apply urban zones to the land with through a set of provisions and associated structure plan contained within the 'Taupiri East Precinct Provisions, have been analysed against Part 2 of the RMA and are considered to be the most appropriate way to achieve the purpose of the RMA.

The proposed provisions have been compared against reasonably practicable options. The provisions are considered to represent the most appropriate means of achieving the proposed objectives, as well as the objectives in the PWDP.

ATTACHMENT 2 – Scale and Significance Assessment

The matrix below has been used to inform the assessment of the proposal's scale and significance.

Criteria	Scale/Significance			Comment
	Low	Medium	High	
Addresses a resource management issue	X			<ul style="list-style-type: none"> The proposal relates to Council's functions under s31(1)(a), s31(1)(aa) and s31(2) of the RMA. Implements higher order direction from national and regional planning instruments. Enables efficient use and development of natural and physical resources under s7 of the RMA, to be provided for through a resource consent process. The proposed structure plan and precinct provisions are in response to the issues identified on the decision of the independent Hearings Panel for the PWDP.
Addresses a matter that relates to human health or the protection of life and property	X			<ul style="list-style-type: none"> The proposal does not directly relate to a human health matter or the protection of life or property. Application of relevant national, regional and district rules (for example, relating to the handling and remediation of contaminated land, or the potential impacts of natural hazards and climate change) will afford appropriate protections irrespective of the proposal.
Degree of shift from the status quo		X		<ul style="list-style-type: none"> The provisions only relate to development within the proposed Taupiri East Precinct and land owned by the appellant. The provisions maintain the same starting activity status' as those that apply within the PWDP zones being sought. However, the proposed provisions within the precinct apply additional objectives, policies and methods to ensure a consistent and structured approach to development within the precinct. This achieves a more efficient and effective outcome that is specific to the land.

Who and how many will be affected/ geographical scale of effect/s	X		<ul style="list-style-type: none"> The geographical scale of the proposal is land- specific. The corresponding scale of effects will be relatively minor and limited to the land and local vicinity. Methods relating to wider transportation related effects will ensure the future resource consent processes manage those effects.
Degree of impact on or interest from iwi/ Māori	X		<ul style="list-style-type: none"> Iwi were consulted by the Council in the formative stages of the PWDP. No iwi authority has joined as a s274 party to the appeal. Additional engagement with iwi is anticipated under the PWDP at resource consent stage for future development of the site.
Degree of likely community interest		X	<ul style="list-style-type: none"> No opposing submissions were made on the zoning of the site by the local community. Only Mr Lovell has joined as a s274 party to the appeal. As outlined above, additional engagement with iwi is anticipated under the PWDP at resource consent stage for future development of the site.
Likelihood of resulting in major financial impact on households / community due to compliance or administrative costs	X		<ul style="list-style-type: none"> The proposal is not anticipated to result in any increased compliance costs beyond those incurred by the landowner. The development will generate significant development contributions that will contribute to any public expenditure on servicing for water, wastewater, and stormwater over and above the direct costs for such infrastructure internal to the precinct, that will necessarily be borne by the developer.
Implications for servicing and transport networks	X		<ul style="list-style-type: none"> With any necessary upgrades and measures being applied at subdivision stage through the applicable regional and district rules, as well as those specific rules within the proposed Taupiri East Precinct, the proposal can be accommodated within the existing transport network, and will neither constrain nor compromise existing or

				planned infrastructure.
Type of effect/s	X			<ul style="list-style-type: none"> • The provisions will more comprehensively manage any adverse effect of the proposal including: <ul style="list-style-type: none"> ○ Economic effect on the Taupiri's village centre ○ Three waters servicing ○ Effects on the transport network ○ Reverse sensitivity effects ○ Visual effects • Opportunities to enhance biodiversity will be enabled through the development of the site. • The proposal will have no effect on wider commercial centres due to the limited additional commercial activities sought. • The proposal will contribute to an identified need for further industrial land within the Waikato region, in an area with good accessibility to the Waikato Expressway (SH1).
Likelihood of significantly reducing development opportunities or land use options	X			<ul style="list-style-type: none"> • The provisions will enable development opportunities within the land.
Degree of risk and uncertainty	X			<ul style="list-style-type: none"> • There is a high level of information to inform decision-making on the proposal, and a correspondingly low risk associated with the proposed provisions.
OVERALL ASSESSMENT	X			For the above reasons, the proposal is assessed as having a low overall scale and significance.