

# **WAIKATO DISTRICT COUNCIL**

## **Hearings of Submissions on the Proposed Waikato District Plan**

### **Report and Decisions of Independent Commissioners**

---

#### **Decision Report 28G: Zoning - Huntly**

**17 January 2022**

---

#### **Commissioners**

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Ms Jan Sedgwick

Ms Janet Gibb

Mr Weo Maag

## **Contents**

<b>1</b>	<b>Table of Contents.....</b>	<b>1</b>
<b>2</b>	<b>Introduction.....</b>	<b>2</b>
<b>3</b>	<b>Hearing Arrangement.....</b>	<b>2</b>
<b>4</b>	<b>Strategic direction for Huntly .....</b>	<b>4</b>
<b>5</b>	<b>Overview of issues raised in submissions.....</b>	<b>6</b>
	5.1 Overview of evidence.....	8
<b>6</b>	<b>Panel Decisions.....</b>	<b>18</b>
	6.1 Puketirini Block .....	18
	6.2 Weavers Crossing.....	19
	6.3 Huntly North Areas 1 and 1A.....	21
	6.4 Huntly North Area 6.....	23
	6.5 Medium Density Residential Zone.....	25
	6.6 Great South Road and Jackson Road.....	27
	6.7 Other submissions .....	28
<b>7</b>	<b>Conclusion .....</b>	<b>29</b>

## 1 Introduction

- 1.1 While Hearing 25 related to all the submissions relating to zoning, this decision report specifically addresses the zoning of Huntly. This report should be read along with the overarching Decision Report 28: Zoning Overview, which sets out the statutory matters and key principles relating to all submissions pertaining to zoning.
- 1.2 Huntly is home to over 10,000 people and is located between the major cities of Auckland to the North and Hamilton to the south. The completion of the Huntly section of the Waikato Expressway in 2020, has taken State Highway 1 (SH1) east of Huntly town. Huntly is located between Te Kauwhata to the north and Taupiri to the south.
- 1.3 Huntly East is predominantly zoned Residential. A pocket of Business zoned land southeast of Lake Hakanoa forms the Huntly Town Centre.
- 1.4 To the east of the Waikato River, Huntly South is predominantly zoned Industrial, with some pockets of Residential. To the west, there is a considerable extent of Residential zoned land that surrounds Lake Puketirini and reserve. The majority of land south of Rotowaro Road is zoned Rural.
- 1.5 Huntly West is characterised by a predominance of Rural land, large pockets of vegetation around Lake Waahi and to the north, a sizeable portion of land zoned Heavy Industrial, which contains the Huntly Power Station.

## 2 Hearing Arrangement

- 2.1 The hearing was held on Tuesday 6<sup>th</sup> July 2021 via Zoom. All of the relevant information pertaining to this hearing (i.e., section 42A report, legal submissions and evidence) is contained on the Waikato District Council (Council) website.
- 2.2 We heard from the following parties regarding their submissions on the zoning in Huntly:

Submitter organisation	Attendee at the hearing
Council	Lily Campbell (author of section 42A Report) John Warrington – geotechnical
Genesis Energy Limited	Richard Matthews
Terra Firma Resources Limited	Craig Smith – corporate Lucy Smith – planning Michael Carter – geotechnical Hayden Vink – three waters infrastructure Lincoln Smith – geotechnical

Shand Properties Limited	Lachlan Muldowney – legal counsel  Jacqueline Rogers – developer  Warren Gumbley – archaeology  Andrew Blayney – ecology  Kenneth Read – geotechnical  Constantinos Fokianos – stormwater  Philip Pirie – three waters infrastructure  Rhulani Baloyi – transport  Christopher Dawson – planning
Waikato Regional Council (presented at the hearing on 1 June 2021)	Miffy Foley
Kāinga Ora (presented at the hearing on 24 June 2021)	Alex Devine and Douglas Allan – legal counsel  Brendan Liggett – corporate  Phil Stickney – planning  Cameron Wallace – urban design  John Parlane – transport  Phil Osborne – economics

- 2.3 Although they did not attend the hearing, a memorandum of counsel was also filed by Ms Catherine Somerville-Frost and Ms Jo Pereira on behalf of Mercury NZ Limited, and planning evidence was filed by Mr Michael Wood on behalf of Waka Kotahi.

### 3 Strategic direction for Huntly

- 3.1 In her section 42A report Ms Campbell explained that Huntly is within the Future Proof area on Map 6C of the Waikato Regional Policy Statement (RPS) and is one of the six towns that 80% of the Waikato District's growth is to be accommodated within. The Future Proof 2017 indicative urban limits for Huntly are shown on Figure 1 below.

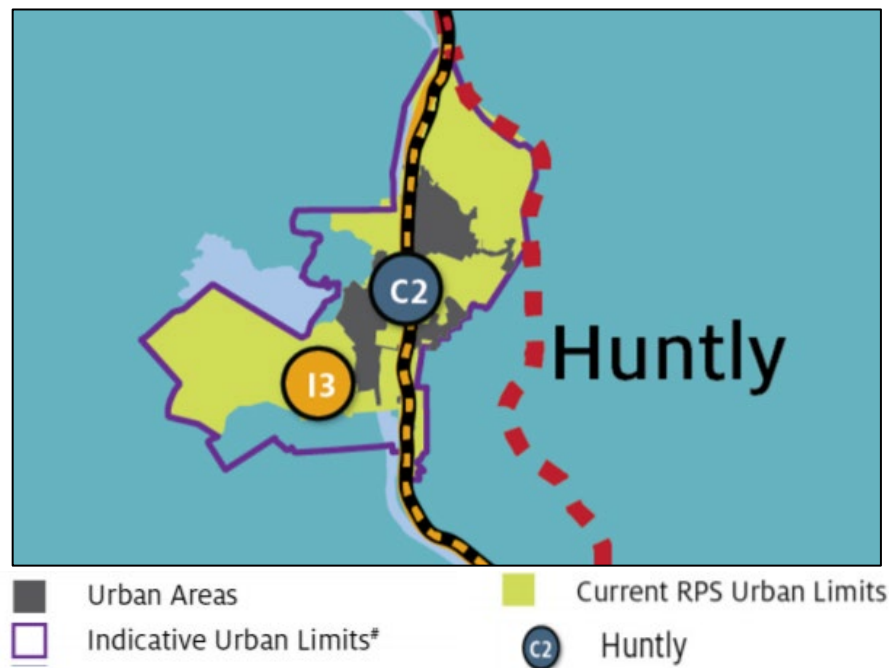
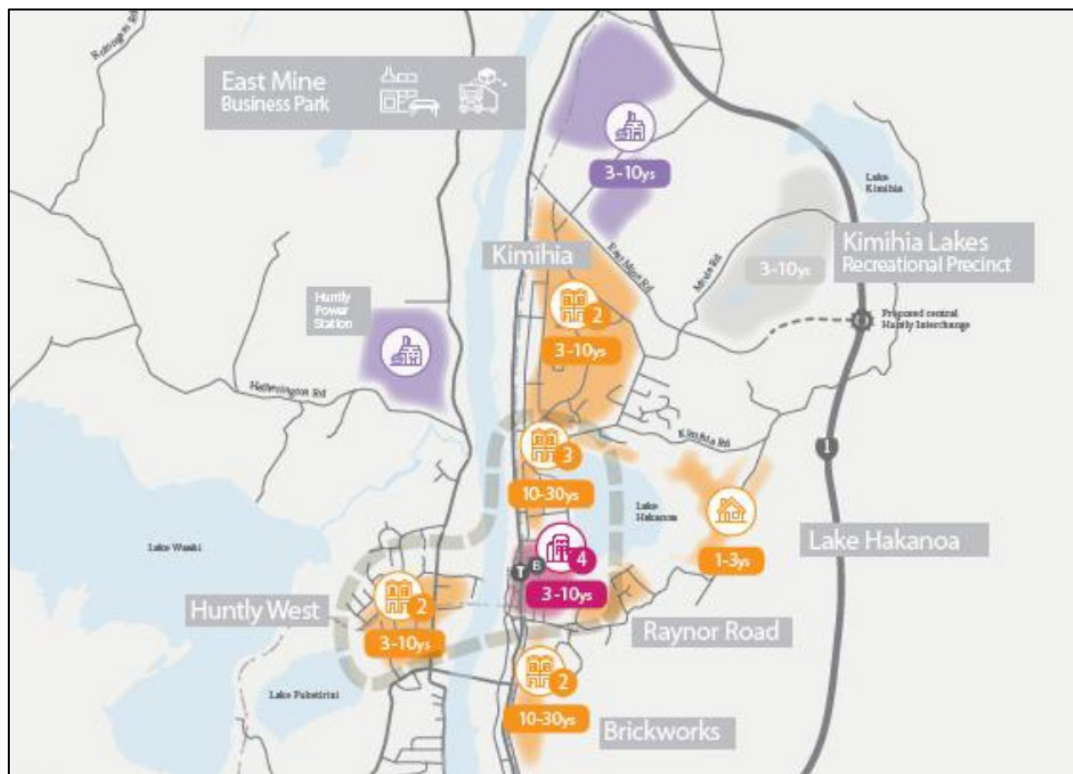


Figure 1: Future Proof 2017 indicative urban limits (purple) – Huntly

- 3.2 More recently, Waikato 2070 indicated growth areas for Huntly as shown in Figure 2 below and also provided a more detailed town centre plan as shown in Figure 3.
- 3.3 Huntly meets the National Policy Statement for Urban Development (NPS-UD) definition of 'urban environment' because it is predominantly urban in character, is part of the housing and labour market for people working in Hamilton, and the township of Huntly itself is intended to be part of a housing and labour market of at least 10,000 people. Huntly is subject to the NPS-UD directions that apply to Tier 1 urban environments.
- 3.4 By way of context, Waikato 2070 refers to a 'possible future population' of 13,500 people. Dr Mark Davey estimated the likely growth for Huntly in the section 42A Framework Report based on the NPS-UD demand (medium projection +20%) against total dwelling supply. He estimated that 5,268 dwellings were required in Huntly by 2030, compared to an estimated total supply of 6,096 dwellings, thereby meeting NPS-UD supply requirements. However, over the short term (1-3 years), he estimated that there was likely to be a shortfall of dwellings (128).



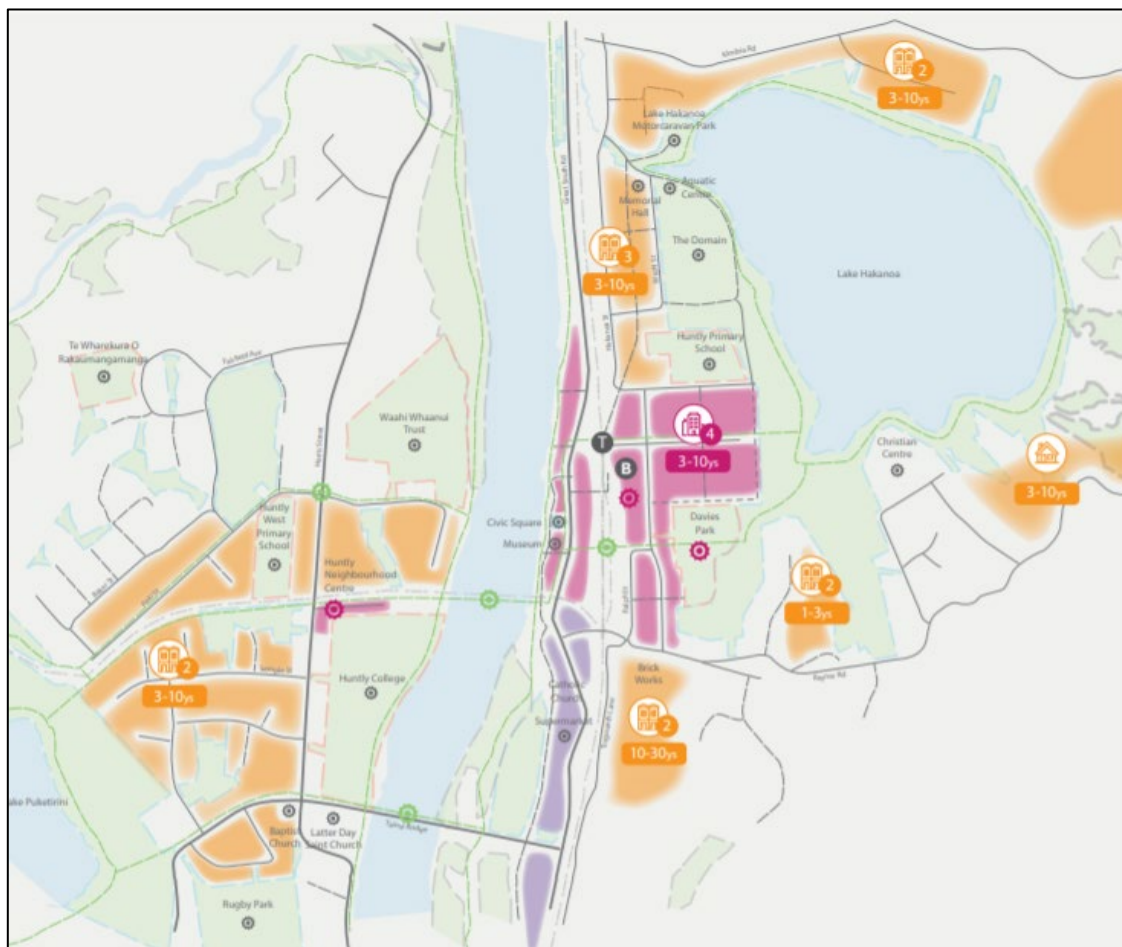


Figure 3: Huntly Town Centre Plan from Waikato 2070

#### 4 Overview of issues raised in submissions

- 4.1 In the section 42A report, Ms Campbell set out the full list of submissions received which pertained to the zoning at Huntly. The submissions related to the geographic areas shown in Figure 4 and described in Table 1 below.

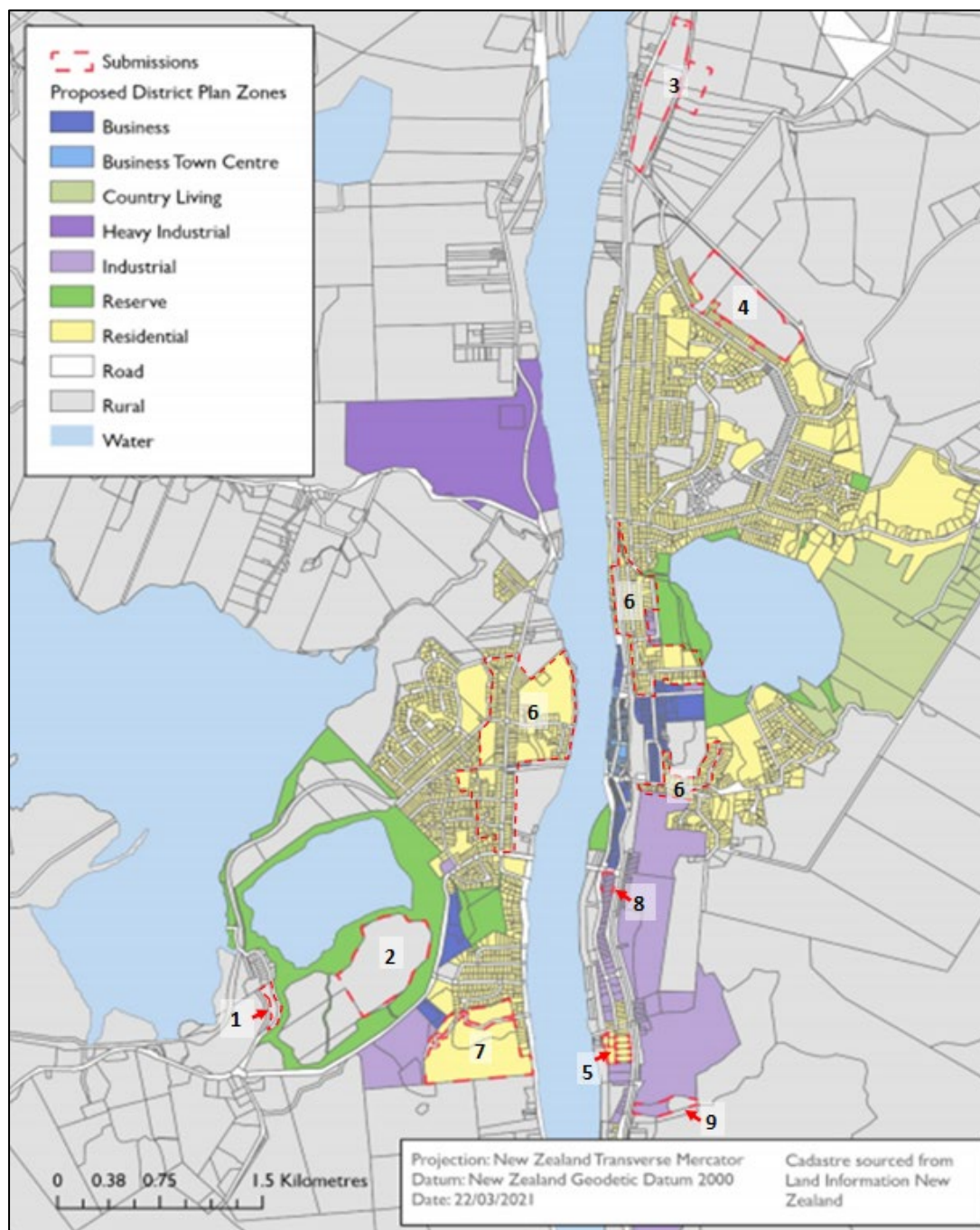


Figure 4: Spatial location of submissions seeking rezoning

Table 1: Submitter reference for Figure 4

Map No.	Submitter	Notified Zone	Zone sought
1	Terra Firma Resources Limited [732.1]	Rural	Residential or Village
2	Terra Firma Resources Limited [732.2]	Rural	Residential
3	Shand Properties Limited [778.2]	Rural	Industrial
4	Shand Properties Limited [778.3]	Rural	Residential
5	Paul Arnesen (on behalf of Planning Focus Limited) [937.1]	Residential	Industrial
6	Kāinga Ora [749.154]	Residential	MDRZ



Map No.	Submitter	Notified Zone	Zone sought
7	Eastside Heights Limited [699.1]	Residential	Residential
8	Z Energy Limited [589.6]	Industrial	Industrial
9	Cody Hata [214.1]	Industrial	Industrial
10	Te Wananga o Aotearoa [15.1]	Business	Submission withdrawn

## 5 Overview of evidence

### Terra Firma Resources

5.1 Terra Firma Resources Limited (TFR) presented an amended rezoning proposal from its original submission, seeking:

(a) the rezoning of the north-east (NE) part only of the Puketirini Block from Rural Zone to 19ha of Residential Zone and a 1ha Business Zone; and

(b) the rezoning of Weavers Crossing from Rural Zone to Village Zone.

5.2 The rezoning proposal is shown on Figure 5 below.

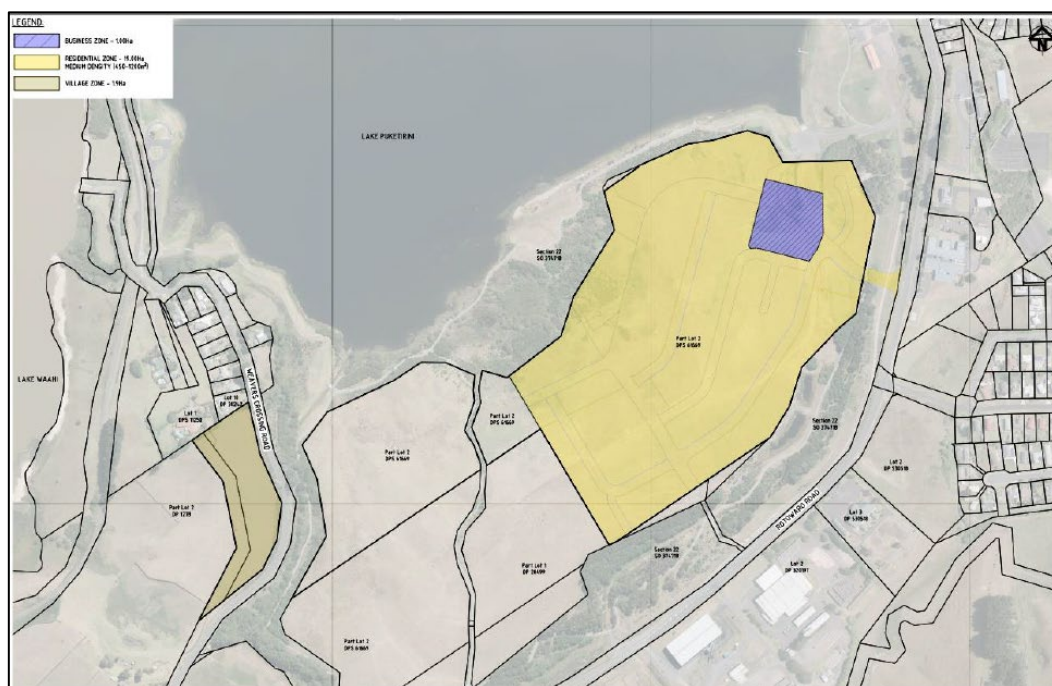


Figure 5: Weavers Crossing (beige) and north-east Puketirini Block (yellow and blue site)

5.3 Mr Craig Smith, Director of TFR, described TFR's belief that the NE Puketirini Block and Weavers Crossing sites have the potential to be hugely attractive residential land. He stated that TFR was of the opinion that developing the land for residential use would result in cultural and environmental uplift of the land and the surrounding Puketirini recreational reserve.

5.4 Mr Smith acknowledged that the rehabilitated (former mining) land within the NE Puketirini Block presented geotechnical uncertainties that needed to be well understood and managed. However, he explained that a requirement to carry out further testing

ahead of the land being rezoned presented prohibitive financial risk. He considered that it was reasonable and appropriate for TFR to carry out a full geotechnical assessment of the NE Block upon subdivision, that would comprehensively determine the appropriate residential limits and foundation treatment.

- 5.5 Mr Smith's primary evidence also attached an Integrated Transport Assessment prepared by CKL Surveyors Limited and a Preliminary Site Investigation by CSI.<sup>1</sup> These reports concluded that the proposed rezoning can be accommodated from a transport perspective, and there is unlikely to be a risk to human health from soil contamination.
- 5.6 Ms Lucy Smith presented planning evidence on behalf of TFR. She accepted that further geotechnical assessment needed to be undertaken prior to development occurring on the Puketirini Block but disagreed with Mr Warrington and Ms Campbell that this needed to be undertaken before the land could be rezoned. Her preference for the NE Puketirini Block was a live Residential zoning with site-specific subdivision criteria requiring geotechnical investigations to be completed. She also acknowledged the potential for a Future Urban Zone (FUZ) to be applied but sought that it be tailored to this site so that it addressed the geotechnical aspects.
- 5.7 In respect of Weavers Crossing, Ms Smith sought that a reduced subdivision site size of 1,500-2,000m<sup>2</sup> be applied instead of the standard Village Zone site size, to reflect the lot sizes of the existing enclave of residential properties at Weavers Crossing. Ms Smith had undertaken a section 32AA evaluation and considered that the rezoning requests were consistent with the PDP and overarching higher order policy documents.
- 5.8 Mr Hayden Vink presented freshwater, wastewater and stormwater (three waters) evidence on behalf of TFR. He identified that reticulated water supply was available in proximity to both sites. Onsite wastewater servicing would be required for the Weavers Crossing site, while a wastewater extension would be needed to service the Puketirini Block. Onsite stormwater management and treatment would be required for both sites. Mr Vink concluded that the sites can be feasibly serviced for three waters, while preventing any adverse effects on the receiving environment of the adjacent Lake Puketirini.
- 5.9 Mr Michael Carter presented geotechnical evidence on behalf of TFR and described the initial assessments that he had carried out on the TFR land. He explained that the scope of those assessments was to identify any fundamental constraints that would indicate residential/commercial development was not feasible and related to bearing capacity and groundwater influence. Mine debris stability had not yet been investigated, as it would require settlement monitoring over a longer time period. Mr Carter concluded that the Puketirini site will be found to be suitable for residential construction with a 75% degree of certainty and was of the view that the project is worth pursuing.
- 5.10 Mr Lincoln Smith also presented geotechnical evidence on behalf of TFR. He considered that the combination of Mr Carter's preliminary findings and other background knowledge on the construction and engineering of the Puketirini site gave sufficient confidence for rezoning, with the ongoing gathering of more geotechnical information

---

<sup>1</sup> Primary evidence of Craig Smith for TFR, Attachments 8 and 9, dated 17 February 2021.

providing confidence that there is no residual settlement and data for the ultimate foundation design. He stated that engineering solutions are able to be used to address variable ground and reduce and mitigate subsidence risk.

Waikato Regional Council

5.11 Ms Miffy Foley presented evidence on a number of different localities at the Raglan rezoning hearing on 1 June 2021, and we address the Huntly-related aspects here. Her evidence identified that Waikato Regional Council's (WRC) further submission originally opposed the TFR submission to rezone the Puketirini Block, as the Hamilton 2 Auckland Corridor Plan had not yet been completed. She explained that she now provisionally supported the reduced residential area proposed, provided that the geotechnical report confirms that the land is suitable for residential development and effects on water quality in Lake Puketirini are managed. Ms Foley supported the exclusion of the south-west block from residential development due to geotechnical concerns.

Shand Properties Limited

5.12 Mr Lachlan Muldowney presented legal submissions on behalf of Shand Properties Limited (Shand) and explained how the proposal has evolved since the original submission was made. Shand now sought to rezone two areas in north Huntly as follows:

- (a) Areas 1 and 1A (16.776ha) between Great South Road and the North Island Main Trunk Railway (NIMT) from Rural Zone to General Industrial Zone (Figure 6); and
- (b) Area 6 (17.46ha) south of East Mine Road from Rural Zone to Residential Zone (Figure 7).

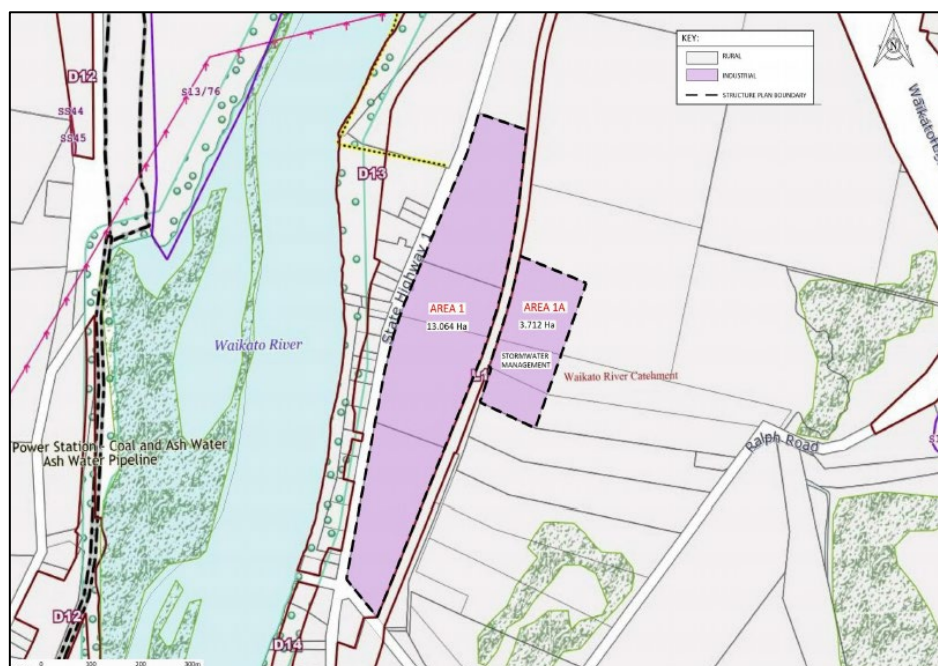


Figure 6: Shand Areas 1 and 1A

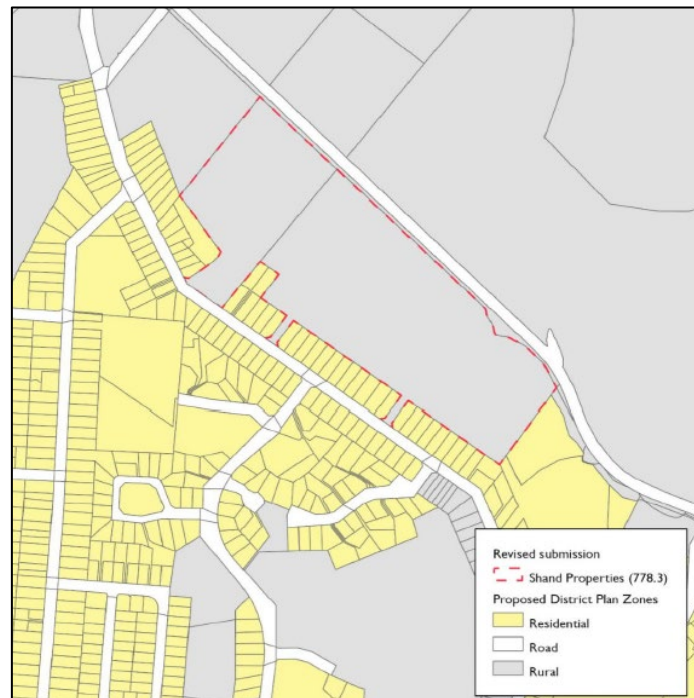


Figure 7: Shand Area 6

- 5.13 Mr Muldowney stated that the rezoning requests aligned with Waikato 2070 and, in his view, would also compliment the strategic growth direction for Huntly given the nearby Ohinewai rezoning decision. He understood that stormwater and flooding issues raised in the section 42A report had now been resolved between Ms Campbell and the submitter, and the only remaining issue not agreed was the appropriate zoning of Area 6, in light of ecological values there. Mr Muldowney submitted that the incorporation of an additional subdivision matter of discretion into PDP Rule 16.4.1 could appropriately manage ecological values, was likely to be within the scope of submissions and was in line with the requirement to give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM) and the National Environmental Standards for Freshwater 2020 (NES-F).
- 5.14 Mr Andrew Blayney presented ecological evidence focusing on the wetland located in Area 6. He had plotted the edges of the 1.84ha wetland (see Figure 8) and described that it was dominated by non-native vegetation and assessed to have medium ecological value. Mr Blayney assessed that residential development within 100m of the wetland would involve a discharge of water to, or diversion of water away from, the wetland (a non-complying activity under the NES-F). However, he considered that such a discharge could align with the intent of the NPS-FM and result in no loss of extent or values of the wetland. No wetlands were identified within Area 1.



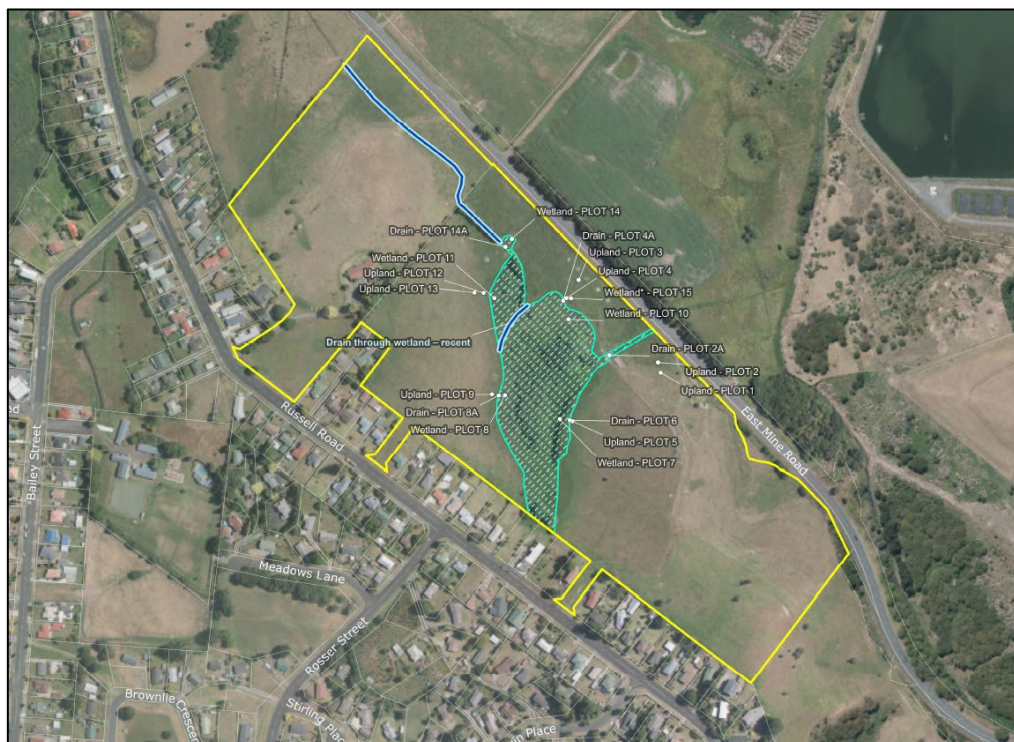


Figure 8: Wetland delineation within Area 6<sup>2</sup>

- 5.15 Mr Constantinos Fokianos prepared stormwater evidence on behalf of Shand and stated he had undertaken a high-level stormwater management plan for the proposed zones which demonstrated the feasibility of developing the sites. As the sites are within the Defended Area overlay (i.e are protected by the Waikato River stopbanks), the stormwater report included a stop bank assessment. In Mr Fokianos' view, detailed investigation of the identified stormwater issues could be conducted at the subdivision stage of the future development, with suitable conditions imposed as part of any subdivision resource consent. Residual flood risk could be avoided in the proposed Residential Zone, and mitigated in the proposed industrial area, through the establishment and implementation of an emergency evacuation plan.
- 5.16 Mr Philip Pirie prepared three waters infrastructure evidence on behalf of Shand. He stated that upgrades of the Huntly Wastewater Treatment Plant (planned for 2028) would be needed before there was capacity to take wastewater flows from Area 1, and that pressure upgrades to the Kimihia Reservoir (expected in 2026), as well as further localised upgrades, would be required for potable water supply. For Area 6, Mr Pirie stated that this also requires the Kimihia Reservoir project for its water supply servicing, but not the Huntly Wastewater Treatment Plant upgrades.
- 5.17 Ms Rhulani Baloyi prepared transport evidence on behalf of Shand and had undertaken an Integrated Transport Assessment to support the proposed rezonings. She concluded that the effects on the adjoining transportation network were expected to be no more

<sup>2</sup> Primary evidence of Andrew Blayney for Shand Properties Limited, Appendix 6, dated 17 February 2021.

than minor, and the performance and safety of the local road network was unlikely to be adversely affected. A Level Crossing Safety Impact Assessment would be conducted as part of a future subdivision consent to assess the operation of the NIMT level crossings on East Mine Road and Fletcher Street.

- 5.18 Mr Warren Gumbley provided archaeological evidence on behalf of Shand and identified that Area 1 contained a recorded archaeological site described as a Maaori horticulture site. He considered that any adverse effects from the development of Area 1 may be effectively mitigated by the preservation of a representative part of the site containing borrow pits and by undertaking an archaeological investigation of the balance of the archaeological deposits to record the nature and history of the archaeology to be destroyed. A proposed preservation area had already been identified. No archaeological sites had been recorded within, or adjacent to, Area 6.
- 5.19 Mr Kenneth Read prepared geotechnical evidence which addressed mining-associated risks to the proposed Shand developments and concluded that there is a low risk of mining subsidence affecting the developments. With respect to geotechnical hazards and risks, Mr Read concluded that there were no major geotechnical risks that could not be managed, and/or mitigated against, at reasonable cost. He considered that further detailed geotechnical investigation of these identified matters could be conducted at the subdivision stage of the future development, with suitable conditions imposed as part of any subdivision resource consent.
- 5.20 Ms Jacqueline Rogers, a director and shareholder of Shand, described Shand's aspirations to contribute to the economic and social revival of the community. She stated that Shand has the resources, drive, and commitment to ensure that the development of the land serves to enhance the town by providing housing and employment opportunities for the people of Huntly, for the community now, and for future generations.
- 5.21 Lastly, Mr Christopher Dawson presented planning evidence on behalf of Shand emphasising that the Shand land was within the Future Proof indicative urban limits, aligned with Waikato 2070, able to be serviced and adjoining existing development in Huntly. He supported the rezoning of Areas 1 and 1A to General Industrial Zone with the amendment recommended by Ms Campbell (i.e. the addition of activity-specific conditions to land use activities in the Huntly North Structure Plan Area so that flood risk could be assessed in the Defended Area for land uses that may be established without subdivision). He also recommended that the development of Areas 1 and 1A be in accordance with the Huntly North Structure Plan attached to his evidence, showing the locations of stormwater management and access to the site.
- 5.22 In respect of Area 6, Mr Dawson was not in favour of a split zone in order to zone the wetland and Defended Area as Rural, as recommended by Ms Campbell. In his view, the most elegant and appropriate solution was to rezone the entire Area 6 to Residential Zone and include the additional subdivision matter of discretion suggested by Ms Campbell into PDP Rule 16.4.1. With this addition, he considered that the ecological and NPS-FM matters would be suitably addressed.

*Waka Kotahi*

- 5.23 Waka Kotahi's further submission opposed the Shand rezoning proposals. Following a review of the submitter's evidence, Mr Michael Wood filed planning evidence and identified that Waka Kotahi no longer opposed the proposals.

Kāinga Ora

- 5.24 Kāinga Ora presented evidence at the hearing on 24 June 2021 on the Medium Density Residential Zone (MDRZ), which it sought to apply in multiple locations across the Waikato District, including Huntly. The revised extent of the MDRZ sought by Kāinga Ora in Huntly is shown in Figure 9.

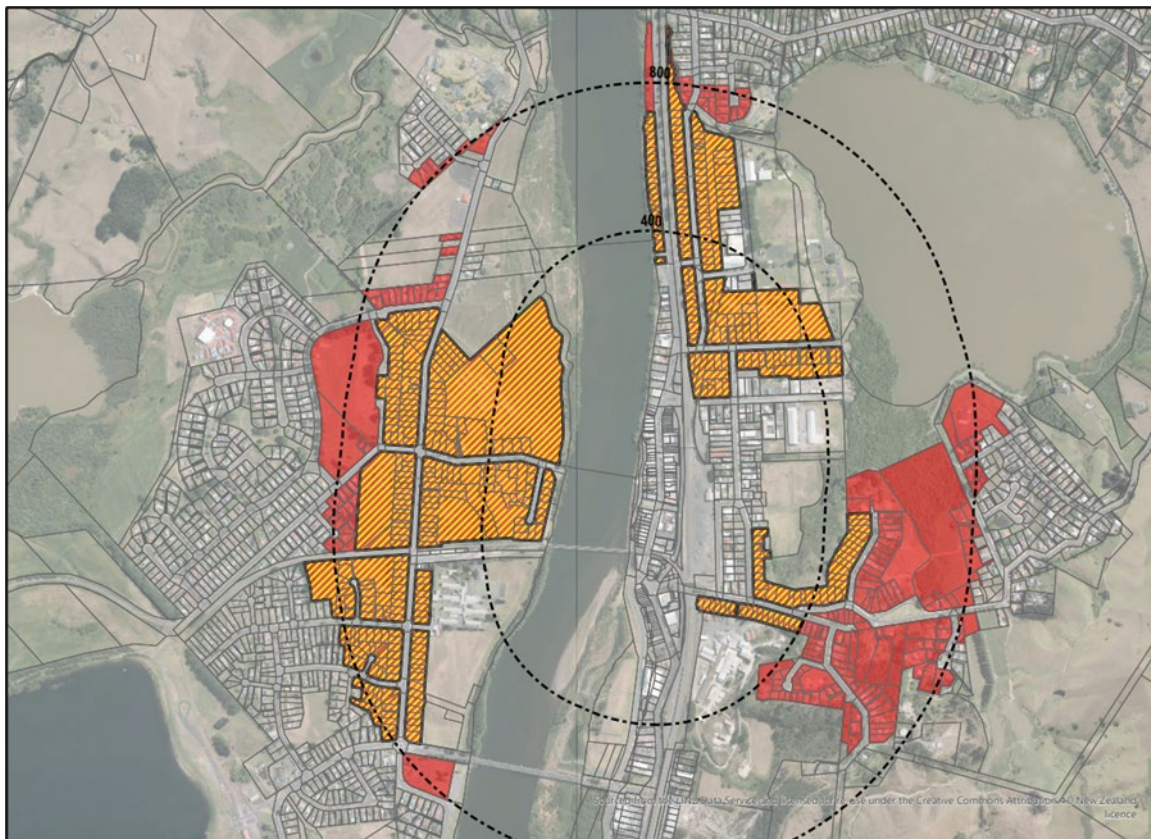


Figure 9: Kāinga Ora revised MDRZ sought for Huntly (yellow stripes)

- 5.25 Ms Campbell's section 42A report recommended the exclusion of a few discrete MDRZ areas in Huntly, specifically Harris Street Heritage Precinct, Huntly Primary School and a large site in Huntly West partially within the High Risk Flood Overlay. She also recommended the addition of a new area of MDRZ east of Dudley Avenue, due to its development potential and walkability from the town centre.
- 5.26 In response, Mr Phil Stickney and Mr Cameron Wallace (planning and urban design evidence for Kāinga Ora respectively) agreed with Ms Campbell's recommendations to include the Dudley Avenue sites within the MDRZ. They continued to support the inclusion of the three other identified areas within the MDRZ. Mr Stickney acknowledged that the exclusion of Heritage Precinct rules within the MDRZ was an oversight and he had amended the provisions accordingly, which he now considered would suitably protect the values of the Harris Street Heritage Precinct. He considered the Huntly



Primary School was well suited for MDRZ in the event that it was surplus to education requirements.

- 5.27 As the site affected by the High Risk Flood Overlay was of a significant scale, and only about 50% covered by the overlay with development able to occur on the balance of the site, Mr Stickney favoured avoiding a split zoning and allowing the overlay to effectively manage the hazard issue upon the development of the site. In his experience, these overlays were subject to redefinition over time and could sometimes reduce in their extent.

#### Genesis Energy

- 5.28 Mr Richard Matthews presented evidence on behalf of Genesis Energy (Genesis) particularly in relation to the extent of the MDRZ sought by Kāinga Ora within Huntly. Mr Matthews identified a particular area of the proposed MDRZ north of Bell Crossing Street between Great South Road and the Waikato River (see Figure 10 below), that he considered would increase the potential for reverse sensitivity effects on the Huntly Power Station. He supported amendments to the PDP provisions to make residential intensification in this area a restricted discretionary activity, with Council discretion restricted to options for mitigating reverse sensitivity effects on the Huntly Power Station. Mr Matthews also supported adjustments to Huntly-specific Policy 4.1.13 to address reverse sensitivity effects on regionally significant infrastructure, and supported the inclusion of reverse sensitivity provisions within the MDRZ subdivision provisions, as recommended by Mr Cleese.<sup>3</sup>

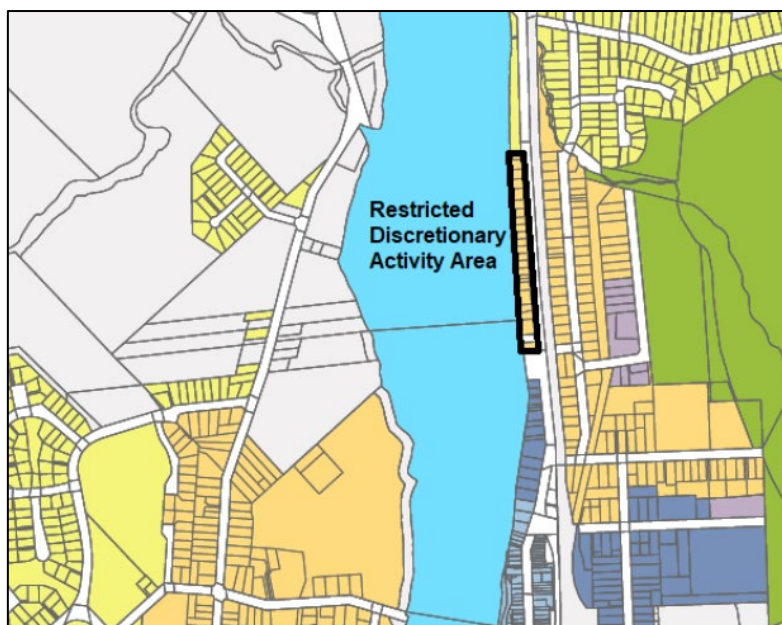


Figure 10: MDRZ sought by Genesis to be subject to restricted discretionary status<sup>4</sup>

<sup>3</sup> Evidence in Chief of Richard Matthews for Genesis Energy, Paragraphs 36-37, dated 10 March 2021.

<sup>4</sup> Ibid, Appendix 1.



- 5.29 Mr Matthews also clarified that the distance to the Huntly Power Station from the properties in question was at least 1km, but that he expected the wide body of water (Waikato River) in between would carry noise across.

*Mercury NZ Limited*

- 5.30 The memorandum of counsel filed by Ms Somerville-Frost and Ms Pereira on behalf of Mercury NZ Limited (Mercury) expressed concern that decisions on land use change and intensification should be based on an accurate understanding of flooding risks. They noted that if Mercury's proposed changes to the natural hazards provisions are accepted, this may result in land being subject to greater controls to address flooding risk.

## **6 Panel Decisions**

- 6.1 We note that 10 primary submission points were received on the zoning of Huntly, and these were considered in a comprehensive section 42A report and rebuttal prepared by Ms Campbell.

*Puketirini Block*

- 6.2 We accept that the NE Puketirini Block is suitable for urban development from strategic growth planning, transport, three waters infrastructure and contamination perspectives.
- 6.3 There was a high level of agreement between experts on the geotechnical uncertainties applying to this land and the need for further in-depth investigations to occur. While we appreciate that such investigations would require considerable investment, we are not satisfied that the land should be zoned Residential without these having been completed. We are mindful that the geotechnical investigations will take a number of years, and that the results of those investigations may influence the appropriate extent of urban zoning. Under section 32AA of the Resource Management Act 1991 (RMA), we consider there is insufficient information available, such that the risk of live zoning the land in the PDP is too high.
- 6.4 As a result, we have determined that the NE Puketirini Block should be rezoned to FUZ and consider this is within the scope of the relief sought by the submitter. Under RMA section 32AA, we consider that the FUZ is the most efficient and appropriate zone for the land, as it provides for longer term urban expansion at such time as technical constraints have been adequately addressed. Compared to the Rural Zone, the FUZ gives greater certainty as to the future appropriateness of residential and commercial development on this block.
- 6.5 We have therefore amended the PDP maps as follows:



### Weavers Crossing

- 6.6 Unlike the Puketirini Block, the Weavers Crossing site is not subject to geotechnical uncertainties. It is within the Future Proof indicative urban limits and adjoins existing Village-type development. We agree with the section 32AA evaluations undertaken by Ms Smith and Ms Campbell in respect of this site (with the Settlement Zone now being the applicable zone under the National Planning Standards). We consider that the Settlement Zone is the most appropriate zone to achieve the PDP objectives alongside the existing zoning and uses, compared to other options.
- 6.7 The Settlement Zone provisions will ensure that onsite servicing can be accommodated on the new sites, as Mr Vink identified was required. We have not reduced the minimum lot size for subdivision from the Settlement Zone requirements, as requested by Ms Smith. We consider it appropriate for smaller lot sizes to be considered on their merits, through a discretionary activity resource consent process.

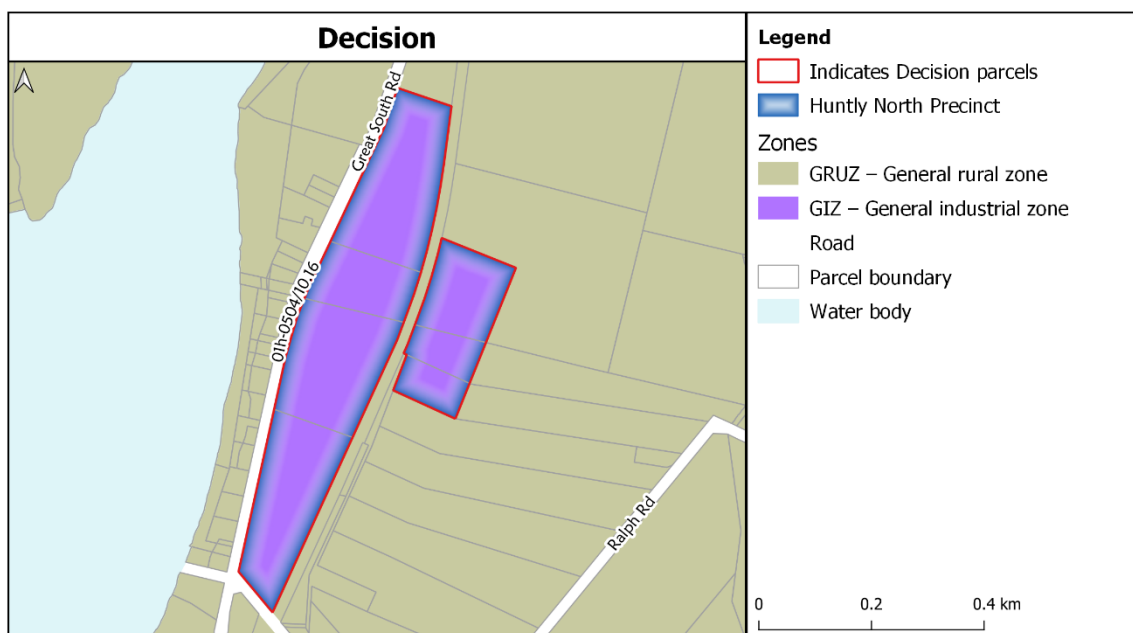
6.8 We therefore make the following amendments to the PDP maps:



#### Huntly North Areas 1 and 1A

6.9 We note that there was no specific submitter opposition remaining on the rezoning of Shand's Areas 1 and 1A to General Industrial Zone, and it was supported by Ms Campbell. We agree with Ms Rogers that the provision of additional employment land would benefit the town of Huntly.

- 6.10 We acknowledge that there will likely be a delay in servicing this site, particularly for wastewater, but we are comfortable that servicing is feasible and that the PDP subdivision provisions will ensure appropriate integration of infrastructure provision with the future land uses on the site. Based on the evidence of Mr Fokianos, we consider that the flooding and stormwater constraints for the site do not preclude its rezoning and can be appropriately addressed at the subdivision stage.
- 6.11 We are satisfied that the Heritage New Zealand Pouhere Taonga Act 2014 requires the consideration of the archaeological site on Area 1 and the appropriate mitigation of the effects of development on this site.
- 6.12 In respect of transport effects of the rezoning, we accept the evidence of Ms Baloyi that these will be no more than minor. We also accept the evidence of Mr Read that the site is geotechnically suitable for development.
- 6.13 Ms Campbell and Mr Dawson were in agreement that in addition to the PDP subdivision rules, a land use activity condition was required to address flood risk from a stop bank breach. We support the intent of the changes to the General Industrial Zone chapter recommended by Ms Campbell but have amended these to take a simpler approach. We have applied a Huntly North precinct over Areas 1 and 1A and inserted a precinct-specific standard in relation to the stop bank breach assessment. Our amended precinct provisions also require subdivision to take place in general accordance with the layout plan provided by Mr Dawson, showing the locations of stormwater management and vehicle access to the site.
- 6.14 In conclusion, we agree with Mr Dawson's section 32AA assessment that a General Industrial Zone for Areas 1 and 1A is the most appropriate way to meet the objectives in the PDP, and we have amended the zoning of these sites accordingly, with a Huntly North precinct. The amended planning map is shown below, and the changes to the plan provisions are included in **Attachment 1**. This includes the addition of the Huntly North Concept Plan.



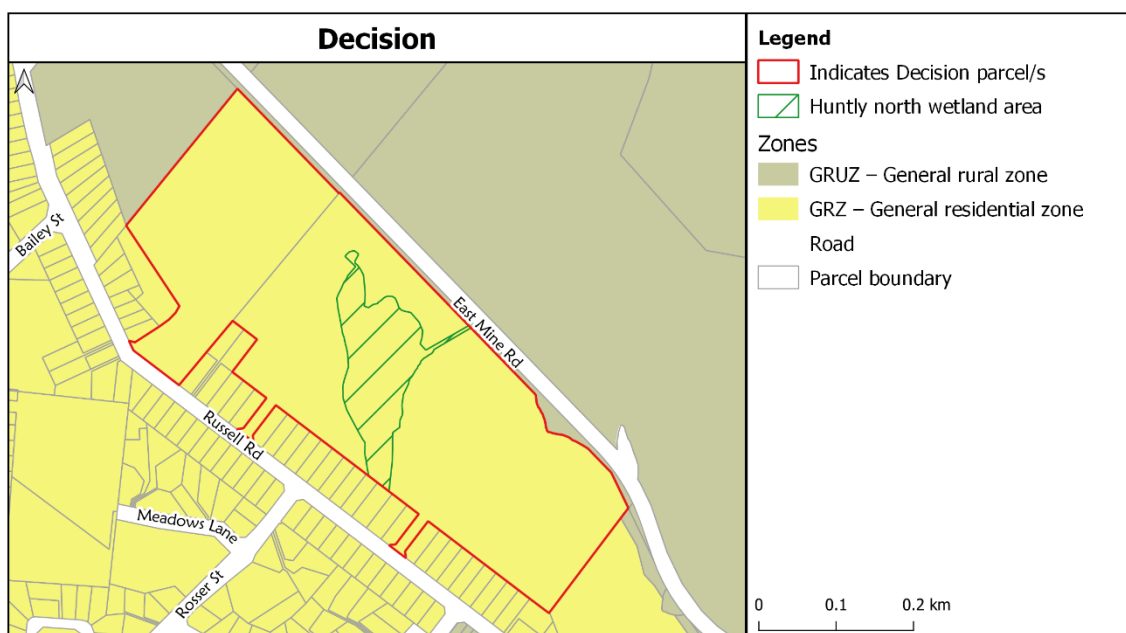
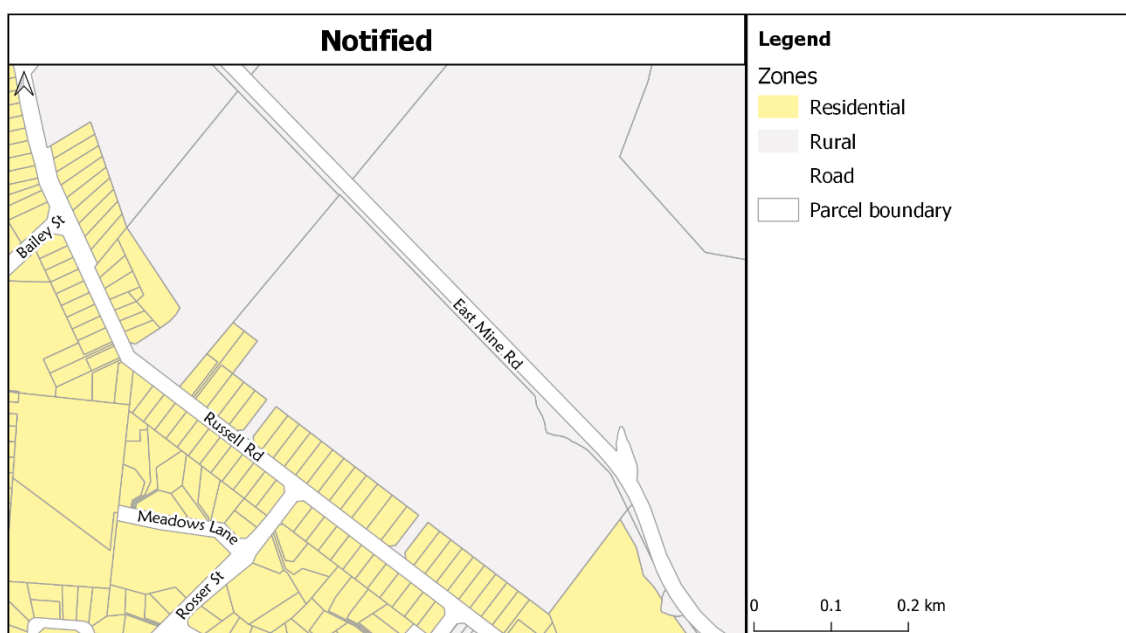
### Huntly North Area 6

- 6.15 The only outstanding issue for Shand's Area 6 at the conclusion of the hearing was the appropriate response to the presence of the wetland onsite. We accept the evidence of Mr Blayney that Area 6 can be developed without compromising the wetland's values. We also accept the position of the planners that, in respect of this site, amendments to the PDP will be required to give effect to the NPS-FM and respond to the presence of the wetland on this site and throughout the Waikato District. In this case, we have elected to apply a Specific Area over the defined extent of the wetland which makes any development a non-complying activity. We consider this to be a more efficient option than split zoning the site and creating two different zoning regimes for future

development. It also avoids any issues of scope associated with amending the subdivision criteria in Rule 16.4.1.

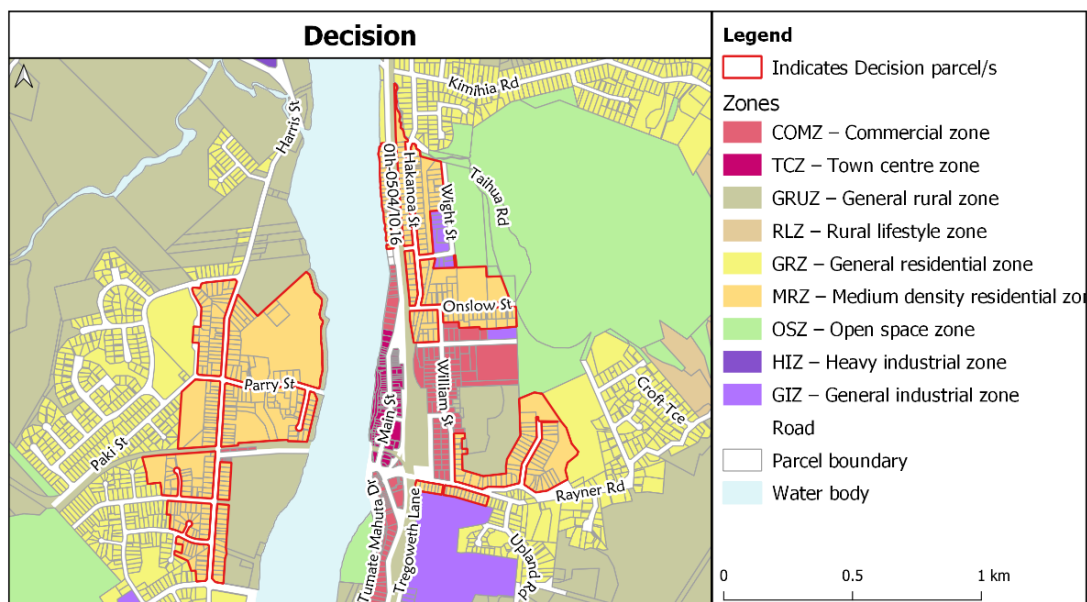
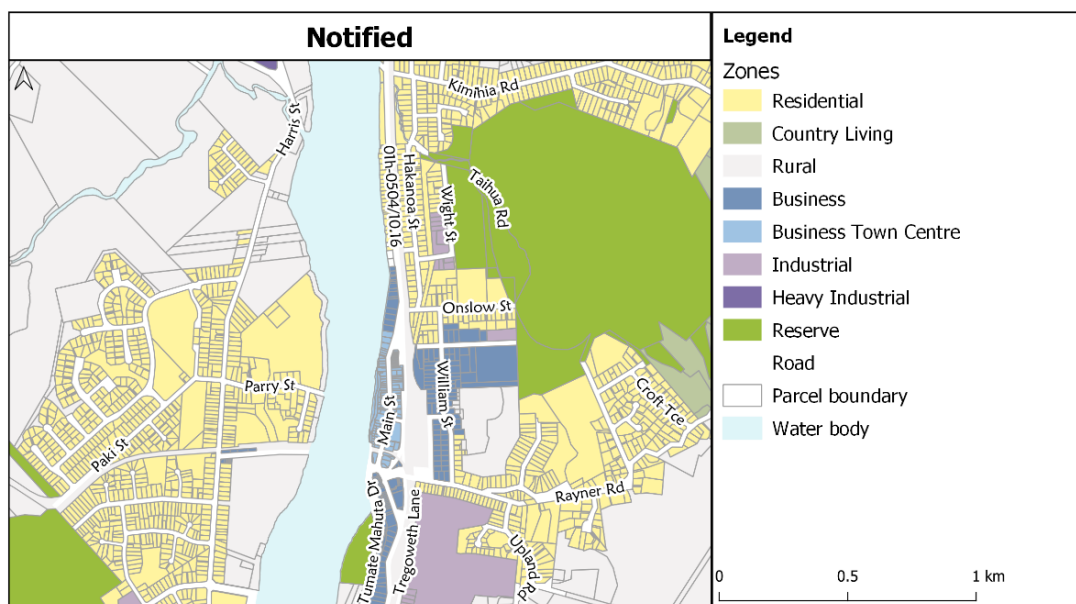
6.16 As for Areas 1 and 1A, we are satisfied that infrastructure servicing of Area 6 is feasible and the subdivision provisions will ensure servicing is provided to the residential lots. We are also comfortable with stormwater and flooding effects, noting that the residential development will be able to avoid the floodplain. An acceptable level of transport effects and the geotechnical suitability of the site have both been demonstrated.

6.17 Overall, we agree with Mr Dawson's section 32AA analysis concluding that Area 6 is most appropriately zoned Residential Zone and have amended the plan accordingly. The text changes associated with the Specific Area are included in **Attachment 1**. The amendments to the planning maps are shown below:



**Medium Density Residential Zone**

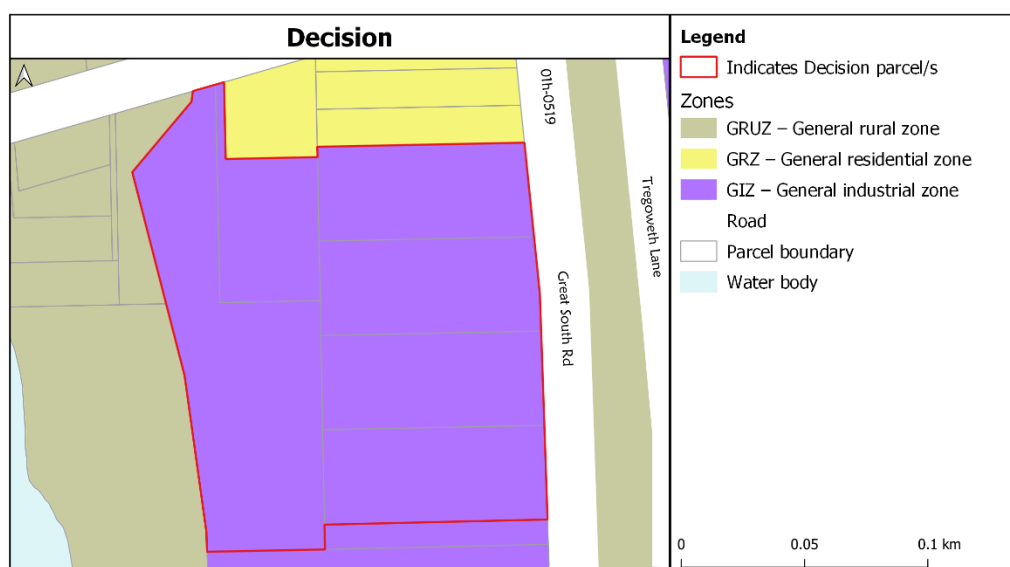
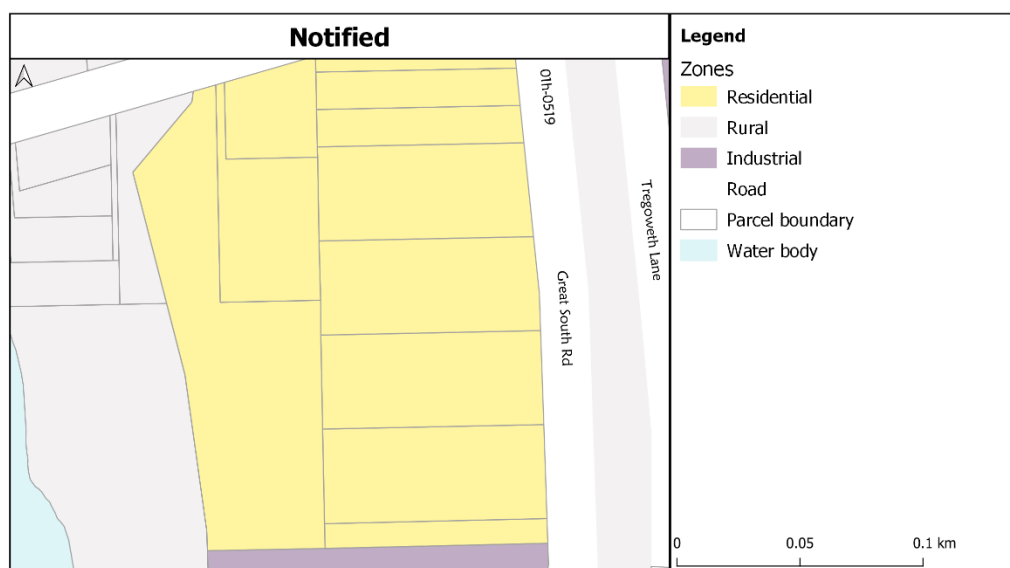
- 6.18 Kāinga Ora sought the introduction of a new Medium Density Residential Zone and identified Huntly as being suitable. Having considered the submission, evidence and section 42A recommendations we consider that the MDRZ is appropriate in parts of Huntly, given the growth projections and demand for accommodation there. The MDRZ will enable more housing stock, provide lifestyle choice and give effect to NPS-UD Policies 3 and 4, which seek to improve land flexibility in existing urban boundaries through enabling and providing for higher density development in appropriate locations.
- 6.19 We now turn to consider the appropriate location of the MDRZ in Huntly. Ms Campbell recommended some reductions to the extent of the zone sought in Mr Stickney's evidence; however, the Harris Street Heritage Precinct has now been addressed through the inclusion of provisions in Mr Stickney's rebuttal evidence. We do not consider that there is any need to exclude the Huntly Primary School from the MDRZ and are satisfied that there is still merit in applying the MDRZ to this site. We also prefer Mr Stickney's evidence that the large site in Huntly West, partially within the High Risk Flood Overlay, can be zoned MDRZ in full rather than being a split zone, as we consider that the overlay will appropriately inform the development layout and manage the flood risk upon development.
- 6.20 We do not see a need to apply additional controls for the row of sites along the Waikato River as sought by Genesis Energy, on the basis of the generous distance between the Huntly Power Station and this area, and a lack of specialist noise evidence to demonstrate the extent of any noise or reverse sensitivity effects. Further, we consider no associated policy changes on reverse sensitivity matters are required.
- 6.21 We agree with the section 32AA evaluation undertaken by Mr Stickney and consider that MDRZ for these sites is the most appropriate way to meet the objectives in the PDP. We therefore accept the submission from Kāinga Ora in respect of Huntly, and amend the planning maps in the following way:



### Great South Road and Jackson Road

6.22 Paul Arnesen on behalf of Planning Focus sought to rezone five properties at Great South Road and Jackson Road from Residential Zone to General Industrial Zone and did not provide any evidence. The proposed change was reflective of the Builtsmart Plan Change 22, which has since been approved to rezone these sites Light Industrial under the Operative District Plan. Industrial development of the sites has been completed. We agree with Ms Campbell's analysis and recommendation to rezone these sites, and make the following change to the planning maps:





### Other submissions

6.23 Three submissions sought to retain the notified zones and did not present any evidence. We agree with Ms Campbell's analysis and recommendations in respect of those submissions and accept all three submissions. No changes have been made to zoning at the relevant addresses:

- (a) Eastside Heights Limited (6 Waugh Lane) – retain Residential Zone;
- (b) Cody Hata (163 Tregoweth Lane) – retain (split) Industrial Zone; and
- (c) Z Energy Limited (392 Great South Road) – retain Industrial Zone.

6.24 We also agree with making the minor mapping error corrections identified in section 4.7 of Ms Campbell's section 42A report in response to Council's submission.

## **7 Conclusion**

- 7.1 We accept the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this decision.
- 7.2 Overall, we are satisfied that the zoning pattern in Huntly (and the activities / development enabled by those zones) will provide a suitable framework for managing growth within Huntly for the lifespan of the PDP.

**For the Hearings Panel**



**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**

## Attachment 1 - Amendments to General Residential Zone

### Chapter, and General Industrial Zone Chapter in relation to Huntly zoning decisions

#### General Residential Zone

Amend the Land use – activities rules to add the following:

Any new building within the Huntly North Wetland specific area – Non-Complying

#### General Industrial Zone

Add the following:

#### 20.6 Huntly North Precinct

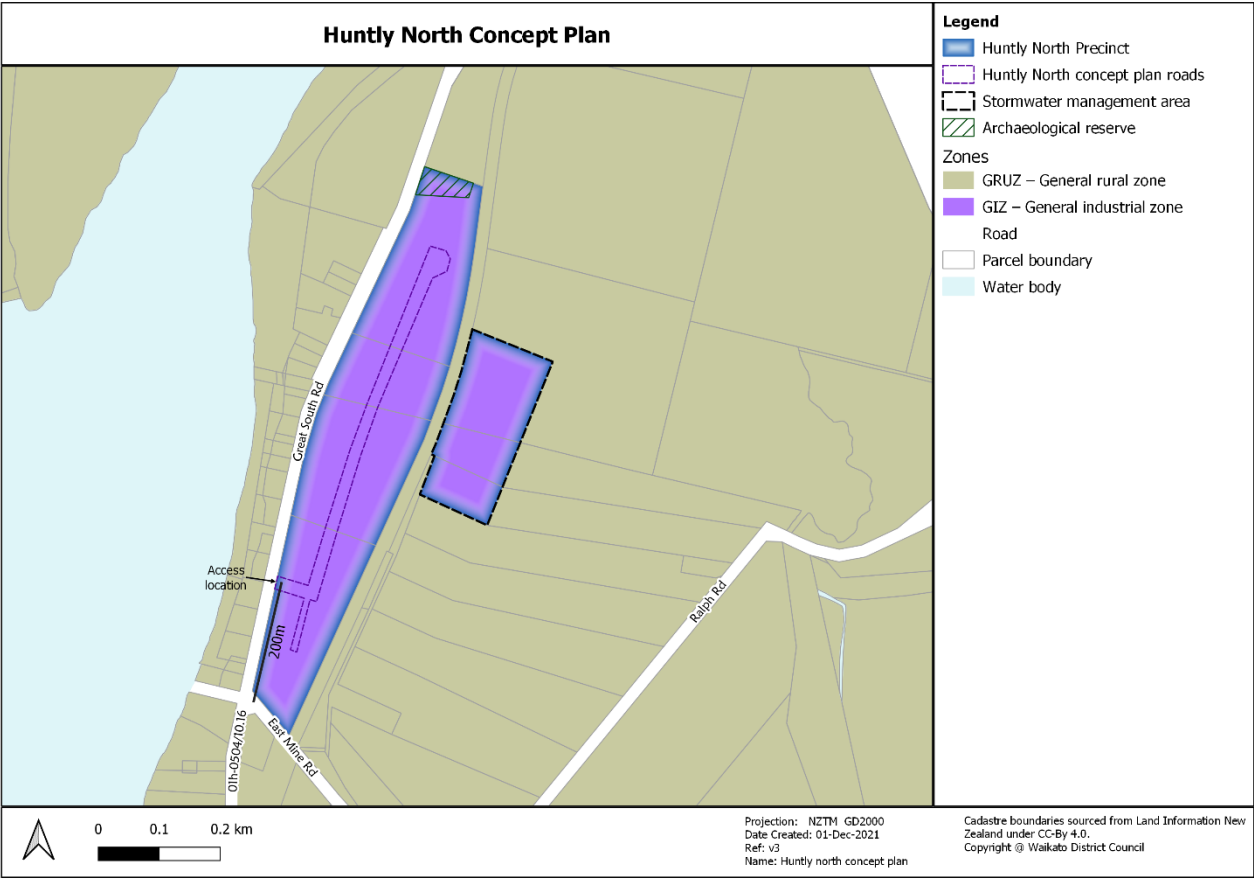
##### 20.6.2 Land Use – Effects

PI	<p>(a) <u>Any land use activity where it is on a site that:</u></p> <p>(i) <u>was created by a subdivision consent decision that had regard to a stop bank breach assessment; and</u></p> <p>(ii) <u>the stop bank breach assessment assessed risk to the site and future development on the site; and</u></p> <p>(iii) <u>all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.</u></p>
RDI	<p>(a) <u>Any land use activity that does not comply with Rule 20.6.2 PI.</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>The avoidance and mitigation of flooding hazards; and</u></p> <p>(ii) <u>Preparation of, and responses to recommendations in, a stop bank breach assessment.</u></p>

##### 20.6.3 Subdivision

RDI	<p>(a) <u>Subdivision within the Huntly North Precinct.</u></p> <p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <p>(i) <u>Consistency with the Huntly North Concept Plan (Figure X)</u></p>
-----	---

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.



**Figure X:** Huntly North Concept Plan