

# **WAIKATO DISTRICT COUNCIL**

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

**Report and Decisions of the Waikato District Plan Hearings Panel**

---

**Overview Report**

**17 January 2022**

---

## **1 Introduction**

1. Stage 1 of the Proposed Waikato District Plan (PDP) was notified on 18 July 2018. This included the review of the Operative Waikato District Plan, which was split into two sections, by the previous Franklin and Waikato districts<sup>1</sup>.
2. Stage 2 of the PDP was separately notified on 27 July 2020. Stage 2 included provisions relating to the management of natural hazard risks, including: flooding, coastal erosion and inundation, mine subsidence, liquefaction and climate change.
3. The Waikato District Council (Council) received a total of 989 submissions and 423 further submissions on Stage 1, and 189 submissions and 34 further submissions on Stage 2.
4. In accordance with section 34A(1) of the Resource Management Act 1991 (RMA), the Council appointed<sup>2</sup> a seven-member panel of Independent Commissioners (the Panel) to hear and make decisions on submissions on the PDP. The following Panel members were appointed:
  - Dr Phil Mitchell (Chair);
  - Mr Paul Cooney (Deputy chair);
  - Councillor Jan Sedgwick;
  - Councillor Janet Gibb;
  - Mr Dynes Fulton;
  - Ms Linda Te Aho; and
  - Mr Weo Maag.
5. The purpose of this Overview Report is to:
  - Provide a summary of the key issues facing the district, and how the PDP, as amended by the Panel, responds to those issues (refer to section 2 of this Report);
  - Set out the procedural background to the PDP and the legal framework for the consideration of all aspects of the PDP (refer to Appendix 1 for a full summary);
  - Outline the structure of the Panel's topic-based Decision Reports (refer to section 3 of this Report); and

---

<sup>1</sup> In 2010, the southern portion of the former Franklin District was amalgamated with Waikato District. As a result of the local government re-organisation, the Operative Waikato District Plan consists of two sections: the Franklin section and the Waikato section. The Franklin section became operative in 2000 and the Waikato section became fully operative in 2013.

<sup>2</sup> On 10 September 2018 and 10 December 2018

- Outline the Panel's approach to implementing the National Planning Standards (refer to section 5 of this Report).

## **2 Overview**

6. This section is intended to serve as an overview of key matters raised during the hearing process and discussed in the various topic-based Decision Reports. Given this, the individual Decision Reports should be referred to with respect to specific matters raised in submissions, evidence or at the hearings.
7. After the PDP was notified in July 2018, the National Planning Standards were released which standardises the structure, defined terms and mapping of district and regional plans. Although the PDP was not structured in the National Planning Standards format, we agreed with the submissions seeking implementation of the National Planning Standards. Therefore our decision looks very different from that which was notified in terms of structure, zone names, defined terms and appearance of the planning maps. We discuss this translation to the National Planning Standards in more detail below.
8. The purpose of the PDP is to manage the use, development, and protection of natural and physical resources in a way which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. In doing this, it is necessary to anticipate what the Waikato District will look like in 10 years' time, the life span of this Plan, and what pressures may be faced by the District.
9. Having considered all the submissions and evidence presented, the strategically important issues for the District became very clear to us. Accordingly, we have amended the strategic directions of the PDP to succinctly set out overarching objectives for the District. These objectives have primacy over the objectives and policies in the other chapters of the PDP, which must be consistent with the strategic objectives.
10. To assist with this, national policy direction has been provided on a number of matters. More recently, this has involved the need for planning decisions to improve housing affordability by supporting competitive land and development markets.
11. Throughout the hearing process, it was clear to us that the zone framework included in the notified plan was not sufficient to enable development to respond to further population growth. In addition to this, we considered that a variety of housing types should be enabled to meet the community's housing needs.
12. We found the evidence of Kāinga Ora-Homes and Communities compelling in that the notified zones are likely to perpetuate an outcome of single level detached dwellings.

We have included the new medium density residential zone in the PDP and have applied this zone adjoining town centres to provide for a gradation in built form, between the town centres, medium density residential zone and general residential zone.

13. By enabling and providing for growth in the PDP, we must balance development needs and aspirations with the management of amenity values. The notified plan included prescriptive design guidance which were to be used when assessing resource consent applications. We fully accept the need to ensure that good design outcomes are achieved, but consider that rigid design guidance will limit innovation and fails to recognise that amenity values develop and change over time in response to the diverse and changing needs of people and communities. Accordingly, we have removed the design guidance statements. We have instead focused on including appropriate permitted activity standards and matters over which discretion is restricted when consent applications are evaluated, which both enable growth and manage amenity values.
14. In terms of providing for the vitality and functionality of the district's towns, the business zones, as notified, were refocused during the hearing process. A number of submitters considered that the Business Zone should only provide for larger commercial activities, whereas smaller scale activities should be encouraged to locate in an adjoining Business Town Centre Zone. This had the unintended consequence of requiring resource consents for small-scale commercial activities in towns where the Business Zone was the only commercial zone. To address this, we have introduced a Local centre zone and applied this to smaller towns. The zone was selected from the suite of zones prescribed by the National Planning Standards, and introduces a hierarchy of centres into the PDP, being the Town centre zone, Local centre zone and Commercial zone (when all the zone names are amended to be consistent with the National Planning Standards).
15. With respect to industrial activities, we heard evidence that the supply of industrial land is becoming scarce and potentially being compromised by the encroachment of residential development. To better protect industrial land for industrial purposes, we have amended the provisions in the PDP to recognise the strategic importance of industrial activities in the District. Furthermore, we have focused the provisions on making a clear distinction between the heavy and general industrial zones.
16. We have simplified the hazardous substances provisions and refocused these to manage significant hazardous facilities rather than the use of chemicals for every day and farming uses. We also heard evidence for and against including provisions for Genetically Modified Organisms, and decided not to include any such provisions.

17. A further tension raised in the hearings concerned the Village Zone. It appeared to us that the notified Village Zone was confused and provided differing subdivision standards based on the availability of servicing. It was also spatially applied to the periphery of larger towns, which are likely to experience future growth (that would be compromised by surrounding the existing towns with low density village development), as well as smaller settlements which are not expected to see the same level of growth. To resolve this, we have split the zone into the Large lot residential zone and Settlement zone, and appropriately applied these zones in place of the Village Zone.
18. In addition, we received evidence on the inclusion of a Future urban zone, as an alternative to live zoning, in circumstances where provision for servicing was uncertain or not yet available. We have included a Future urban zone in the PDP as we consider that it is an effective tool for identifying areas that are appropriate in principle for urban development, but where servicing is not currently available and the area would benefit from structure planning. We consider this to be a more useful mechanism than either live zoning (and hoping that servicing can ultimately be provided) or retaining a rural zoning until such time as these matters are addressed. Identifying land as Future urban zone will serve to confirm that urbanisation is anticipated in the future and will ensure future plan change decisions on rezoning requests are integrated with infrastructure planning and funding decisions.
19. Where urban rezoning requests could demonstrate that infrastructure provision was feasible, they have generally been accepted, provided that land development was not unduly constrained technically, and technical evidence demonstrated that environmental effects were acceptable. This applies across the District, but most notably in Pokeno and Tuakau where a large number of submissions and evidence was received.
20. With respect to Raglan, submissions sought to recognise the special character of the Raglan Town Centre. We requested further engagement between Council staff and submitters to explore what the special character of Raglan entails and how it might be addressed in the PDP. Following this we decided to include precinct provisions in the PDP which apply to the Raglan urban area, and which seek to maintain the key characteristics and attributes that define or support the character of Raglan.
21. We heard that it was impractical to manage a number of activity-specific or location-specific land-use activities through the suite of notified zones. Given this, submitters sought the inclusion of special purpose zones in the PDP for their respective activities. This included a Corrections zone; Hopuhopu zone; Kimihia Lakes zone; Mercer Airport zone, Matangi zone and TaTa Valley zone. The Panel generally agreed with these submissions, and we have included these new zones in the PDP.

22. Whilst a significant number of submissions were received on the urban provisions of the PDP, it was clear to us that the PDP needed to protect the productive capacity of rural zoned land across the District. In reviewing the District Plan as a whole, we have set out to ensure that there is a clear delineation in managing use and development to provide for growth within urban zones and protecting productive uses in rural areas.
23. In response to this, a key change we have made to the rural zone provisions is that subdivision is restricted to a minimum site size of 40 hectares. Furthermore, transferrable development provisions have not been included in the PDP. We have recognised the importance of supporting the farming sector by enabling worker accommodation in rural areas.
24. With respect to the growth proposed in and around Tuakau, we were not prepared to rezone, for residential uses, areas containing LUC Class 1 and 2 “elite” soils. We found the evidence in support of this approach compelling and has resulted in a number of areas being rurally zoned in order to protect the productive capability of the elite soils.
25. In terms of Outstanding Natural Landscapes and Features, we have amended the plan to include the Waikato River and its immediate margins as an Outstanding Natural Landscape, as we see the river as fundamentally a landscape that should be managed within the ambit of section 6(b) of the RMA. We have also added a schedule of Outstanding Natural Features which includes important geological formations. We have deleted Significant Amenity Landscapes as we consider that the priority should be landscapes that are outstanding.
26. Concerns were raised in submissions with respect to the accuracy of the data used to map Significant Natural Areas (SNA) in the notified plan. A key matter was the SNA definition and whether it should apply to those areas identified as an SNA on the district plan maps, or whether it should include any indigenous vegetation that meets specified criteria.
27. We accepted the approach to identify SNAs on the planning maps and have amended the provisions so that the rules for SNAs relate explicitly to those mapped sites. In turn, we deleted any SNAs identified in the notified plan where there was insufficient evidence to support their inclusion as an SNA. As a direct consequence we have strengthened the rules relating to the clearance of indigenous vegetation outside an identified SNA. We also made changes to the earthworks rules to recognise the risk of Kauri dieback disease.
28. We heard submissions and evidence which sought to strengthen the notified historic heritage and notable trees provisions. During the hearing, it was clear to us that the

spatial extent of protection afforded by the rules was unclear and created uncertainty. To remedy this, we have included *extent of setting* areas on the planning maps around scheduled historic heritage items which clearly delineate this.

29. The natural hazard and climate change provisions were notified separately from the remainder of the PDP, and separate submissions and further submissions were received. However, we have considered the natural hazard provisions along with the provisions for the rest of the PDP as one integrated package across the whole District.
30. During the hearings it became apparent to us that the issues raised by Waikato-Tainui on the tangata whenua provisions in the notified plan required further koorero in a different forum to the hearing, so as to enable more collaborative discussions between Council and submitters. These hui were well attended by submitters and Council staff, and we appreciated the open and constructive koorero. This was a very valuable process and led to the development of a comprehensive set of provisions which were filed on behalf of the workshop participants via a memorandum. We have largely adopted this set of provisions as our Decision.
31. Overall, we are satisfied that the PDP provisions, as amended by us, will provide a suitable framework for enabling land use and development whilst protecting important natural and physical resources and managing adverse effects on the environment. Furthermore, we would also like to acknowledge the support of submitters and Council staff in moving to online hearings during the COVID-19 pandemic.

### **3 Procedural matters and the structure of the Panel's Decision**

32. Taking into account the requirements for decisions on matters raised in submissions, as outlined in clause 10 of Schedule 1 of the RMA, our approach to the structure of our Decision is set out below.
33. Our overall Decision consists of four parts:

**Part A: Panel's Decision Reports.** These reports have been arranged into chapters and topics. These contain our record of each hearing, the evidence heard and our decisions. In addition to our topic-based decisions and reasons, these reports include tracked changes to the notified PDP provisions. While the tracked change provisions are not our decision per se, we produced these documents to help submitters understand our changes to each of the notified provisions;

**Part B: Decisions Version of the PDP provisions** in the National Planning Standards structure. For avoidance of doubt, these are the provisions which have legal standing as our decision going forward;

**Part C: Submission point accept and reject tables** organised by submitter; and

**Part D: A Decisions Version of the PDP maps**, presented in the GIS Viewer ([Link](#)).

34. To assist with navigating our Decision, we have produced a table which sets out all of the submission points and which report the topic of the submission is generally addressed in. This table can be found on the Council website [here](#).
35. Given the number of submissions (and individual submission points), and the large volume of evidence presented in the hearings, we have decided to produce succinct topic-based Decision Reports which provide the reasons for our decisions in accordance with clause 10(2)(a) of Schedule 1 of the RMA. For the purposes of our Decision, we have grouped all submissions into hearing-specific topics. As there were over 9,700 individual submission points, it is not possible, nor necessary, to address each submission point individually. As such, we do not refer to individual submissions (or points), but rather set out the reasons for our Decision, focused on key matters raised in the submissions and evidence.
36. Our Decision is broken down into the following reports:
  - Decision Report 1: Raglan beacon (already notified on 25 January 2021);
  - Decision Report 2: Ohinewai (already notified on 24 May 2021);
  - Decision Report 3: Overview;
  - Decision Report 4: Introduction;
  - Decision Report 5: Strategic Directions;
  - Decision Report 6: Tangata Whenua;
  - Decision Report 7: Maaori Sites and Areas of Significance;
  - Decision Report 8: Historic Heritage;
  - Decision Report 9: Significant Natural Areas;
  - Decision Report 10: Landscapes;
  - Decision Report 11: Hazardous Substances and Contaminated Land;
  - Decision Report 12: Genetically Modified Organisms;
  - Decision Report 13: Infrastructure;
  - Decision Report 14: Residential Zone;
  - Decision Report 15: Medium Density Residential Zone;

- Decision Report 16: Te Kauwhata Lakeside;
- Decision Report 17: Village Zone;
- Decision Report 18: Country Living Zone;
- Decision Report 19: Raglan;
- Decision Report 20: Business Zones;
- Decision Report 21: Industrial Zones;
- Decision Report 22: Rural Zone;
- Decision Report 23: Reserves;
- Decision Report 24: Future Urban Zone;
- Decision Report 25: Hampton Downs Motorsport and Recreation Zone;
- Decision Report 26: Te Kowhai Airpark Zone;
- Decision Report 27: Rangitahi Peninsula Zone;
- Decision Report 28: Zoning Overview;
  - Decision Report 28A: Zoning – Raglan;
  - Decision Report 28B: Zoning - Hopuhopu Special Development;
  - Decision Report 28C: Zoning - Matangi Dairy Factory;
  - Decision Report 28D: Zoning – Tuakau;
  - Decision Report 28E: Zoning – Te Kauwhata;
  - Decision Report 28F: Zoning – TaTa Valley;
  - Decision Report 28G: Zoning – Huntly;
  - Decision Report 28H: Zoning – Kimihia Lakes;
  - Decision Report 28I: Zoning – Pokeno;
  - Decision Report 28J: Zoning – Te Kowhai;
  - Decision Report 28K: Zoning – Horotiu;
  - Decision Report 28L: Zoning – Ngaruawahia;
  - Decision Report 28M: Zoning – Taupiri;
  - Decision Report 28N: Zoning – Mercer and Meremere;
  - Decision Report 28O: Zoning – Rest of District;

- Decision Report 29: Natural Hazards and Climate Change – General;
    - Decision Report 29A: Natural Hazards and Climate Change – Objectives, Policies, and General Submissions;
    - Decision Report 29B: Natural Hazards and Climate Change – Flood Hazards, and Defended Areas;
    - Decision Report 29C: Natural Hazards and Climate Change – Coastal Hazards;
    - Decision Report 29D: Natural Hazards and Climate Change – Subsidence, Liquefaction and Other Hazards;
    - Decision Report 29E: Natural Hazards and Climate Change – Fire, Climate Change and Definitions;
  - Decision Report 30: Definitions;
  - Decision Report 31: Designations; and
  - Decision Report 32: Miscellaneous Matters
37. Each of the reports includes the following:
- Hearing arrangements and submitters who attended the hearing;
  - Key issues raised in evidence or at the hearing;
  - The Panel's decisions and reasons;
  - Tracked change provisions against the notified version of the PDP (These provisions have no legal standing and have only been included for ease of reference for submitters);
38. We have considered our obligations in terms of section 32 of the RMA. Where the notified version of the plan is amended as a result of our Decision, these amendments have been specifically considered in terms of our obligations, arising under section 32AA, to undertake a further evaluation of the changes, at a level of detail that corresponds to the scale and significance of the changes.
39. The approach we have undertaken in respect of our obligations under sections 32 and 32AA within our Decision, is as follows:
- (a) Where we prefer the provisions of the notified PDP, the section 32 analysis underpinning those provisions is considered to be sufficient, and no further analysis is required under section 32AA;
  - (b) Where we prefer the amendments to the PDP resulting from the recommendations of the authors of the section 42A reports, the section 32AA analysis accompanying those reports are adopted by us, and as such, no further section 32AA analysis is required; and

(c) Where we prefer additional changes to the PDP that are beyond the changes recommended by the authors of the section 42A reports, the section 32AA analysis consists of both the evidence presented to us, and our discussion of the matter in the relevant topic Decision Report. For that reason we have not produced a separate section 32AA evaluation report, however further analysis has been included in the respective Decision Report where appropriate.

#### 4 Hearing process

40. During the hearing process New Zealand was placed into Alert Level 4, a restrictive lockdown, in response to the COVID-19 pandemic. Given these restrictions it was not possible to hold hearings in person at Alert Level 3 or 4. After careful consideration, we decided to proceed with the hearings, albeit over the Zoom video conferencing platform.
41. We completed the majority of the remaining hearings over Zoom, and we consider that this has been a success. We note that this allowed hearings to be convened safely whilst New Zealand and individual regions moved up and down through the Alert Levels.
42. We thank submitters for their co-operation in moving the hearings to the Zoom platform.

#### 5 National Planning Standards

43. The National Planning Standards (NPS) were approved by the Minister for the Environment and published in April 2019, after the PDP was notified. The National Planning Standards seek to provide a standard format for district plans across New Zealand.
44. In response to submissions<sup>3</sup> which sought that the NPS be implemented through this hearings process, we have decided to amend the notified PDP structure and provisions in accordance with the Standards.
45. To assist submitters, we set out below how the zones have been translated into the NPS structure:

**Table 1: PDP zones and NPS equivalent**

<b>PWDP zone</b>	<b>NPS zone</b>
Village Zone	LLRZ – Large lot residential zone; and SETZ – Settlement zone
Residential Zone	GRZ – General residential zone; and

<sup>3</sup> Submissions of the Property Council New Zealand, Kainga Ora, The Surveying Company, TaTa Valley Limited, Pokeno Village Holdings, Zeala Limited, Anna Noakes, Heritage NZ, Withers Family Trust, Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited

	MRZ – Medium density residential zone
Rural Zone	GRUZ – General rural zone
Country Living Zone	RLZ – Rural lifestyle zone
Business Zone	COMZ – Commercial zone; and LCZ – Local centre zone
Business Town Centre Zone	TCZ – Town centre zone
Industrial Zone	GIZ – General industrial zone
Industrial Zone Heavy	HIZ – Heavy industrial zone
Reserve Zone	OSZ – Open space zone
Business Zone Tamahere	BTZ – Business Tamahere zone
Hampton Downs Motor Sport and Recreation Zone	MSRZ – Motorsport and recreation zone
Rangitahi Peninsula Zone	RPZ – Rangitahi Peninsula zone
Te Kowhai Airpark Zone	TKAZ – Te Kowhai airpark zone
<i>New zone</i>	CORZ – Corrections zone
<i>New zone</i>	FUZ – Future urban zone
<i>New zone</i>	HOPZ – Hopuhopu zone
<i>New zone</i>	KLZ – Kimihia lakes zone
<i>New zone</i>	MAZ – Mercer airport zone
<i>New zone</i>	MTZ – Matangi zone
<i>New zone</i>	OHI – Ohinewai zone
<i>New zone</i>	TTZ – TaTa Valley zone

46. We acknowledge that the implementation of the National Planning Standards has significantly changed the structure of the PDP. This is a key reason why we have, for submitters' reference, included our Decision tracked against the notified PDP provisions in each of the Decision Reports.
47. We reiterate, the NPS version is the Decisions Version of the PDP and has legal standing going forward. The tracked change provisions against the notified plan have no legal status and have only been included in our Decision for reference. Where there are inconsistencies between the two versions, the provisions of the National Planning Standards version prevail.

## 6 Conclusion

48. We would like to acknowledge the efforts of all submitters, the section 42A report authors and Council staff during the hearing process. It has been a challenging time for all given the uncertainties associated with the COVID-19 pandemic and the large scale of an all-of-plan review. However, the co-operation of submitters and Council

staff has resulted in a successful hearing process and a decision that we consider establishes a framework for delivering a prosperous and sustainable future for the Waikato District.

**Dated: 17 January 2022**



**Dr Phil Mitchell, Chair**



**Paul Cooney, Deputy Chair**



**Councillor Jan Sedgwick**



**Councillor Janet Gibb**



**Dynes Fulton**



**Linda Te Aho**



**Weo Maag**

## **APPENDIX 1: Procedual background to the Proposed Waikato District Plan review**

1. This section sets out both the legal framework for the consideration of all aspects of the PDP, and the arrangements put in place by the Waikato District Council (the Council) for the hearing and consideration of the submissions.
2. In 2010, the southern portion of the former Franklin District was amalgamated with Waikato District. As a result of the local government re-organisation, the Operative Waikato District Plan consists of two sections: the Franklin section and the Waikato section. The Franklin section became operative in 2000 and the Waikato section became fully operative in 2013.
3. The Council resolved to undertake a comprehensive review of the Operative Waikato District Plan to provide a single consolidated District Plan for the Waikato District.

### **District Plan review process**

4. We are aware that the District Plan review process started off as full review under section 79(4) of the RMA. However, the Council's resolution of 12 March 2018 resolved to undertake a rolling review of the District Plan pursuant to sections 79(1) to (3) of the RMA<sup>4</sup>. This resulted in the District Plan review being split into two stages, being:
  - Stage 1, which encompassed the review of all provisions of the Operative Waikato District Plan, except natural hazards and climate change matters; and
  - Stage 2, which encompassed the review of the objectives, policies and rules framework relating to the management of natural hazards, including flooding, coastal erosion and inundation, Huntly mine subsidence risk, liquefaction and climate change matters.
5. Despite the rolling review methodology, our Decision comprehensively encompasses both Stage 1 and Stage 2 collectively.

### **Notification**

6. The PDP (Stage 1) was publicly notified on 18 July 2018. The closing date for submissions was 9 October 2018. Council received a total of 989 submissions, with 9,766 individual submission points.
7. In accordance with clause 7 of Schedule 1 to the RMA, the summary of decisions requested was publicly notified on 29 April 2019. On 15 August 2019, Council publicly notified a correction to the summary of decisions requested. The closing date for further submissions was 16 July 2019. The Council received 423 further

---

<sup>4</sup> Waikato District Council, Resolution No. WDC 1803/11.

submissions from individuals and organisations, resulting in 13,908 individual further submission points.

8. Stage 2 of the PDP review was notified on 27 July 2020. The closing date for the submissions was 23 September 2020. Council received a total of 189 submissions. The summary of decisions requested was publicly notified on 30 November 2020. The closing date for further submissions was 14 December 2020. The Council received 34 further submissions from individuals and organisations.

### **Panel Appointment**

9. In accordance with section 34A(1) of the RMA, the Council appointed a seven-member Hearings Panel (the Panel) to hear and make decisions on the submissions on the PDP. By the resolutions of the Council on 10 September 2018, 10 December 2018 and 8 April 2019<sup>5</sup>, the following Panel members were appointed:

- Dr Phil Mitchell (Chair);
- Mr Paul Cooney (Deputy chair);
- Councillor Jan Sedgwick;
- Councillor Janet Gibb;
- Mr Dynes Fulton;
- Ms Linda Te Aho; and
- Mr Weo Maag.

10. The Panel was given the following delegation by the Council:

“The Proposed Waikato District Plan Hearings Panel is delegated all powers, duties and functions under the Resource Management Act 1991 to consider, hear and decide on submissions on the Proposed Waikato District Plan Stage 1 and 2.

The chair of the Hearings Panel is delegated all powers, duties and functions under the Resource Management Act 1991 to determine the composition of the Hearings Panel for specific topics and/or individual hearings of submissions on the Proposed Waikato District Plan Stage 1 and 2”.

### **Potential conflicts of interests**

11. In order to ensure that we exercised our functions independently and objectively, and to ensure confidence in the integrity of the hearing process, a “Register of Commissioner Interests, Relationships with Submitter Parties and Actions Proposed

---

<sup>5</sup> Waikato District Council, Resolution Numbers WDC1809/14; WDC1812/08; WDC1904/07 and WDC1904/08.

in Respect of Them” (the Register) was placed on the Council website. The responsibility was placed on individual Panel members to identify and declare any potential conflicts of interests.

12. Where Panel members declared a potential conflict of interest on a specific topic, the Register identified the actions proposed to be undertaken in respect of that matter. Based on the extent/nature of the specific relationships, the proposed actions ranged from simply noting the relationship’s existence through to the relevant Panel members excusing themselves from participating in the hearing or deliberations process on the relevant topic/submissions. Submitters expressed no concerns with this approach, nor the specific actions proposed.

### Hearing process

13. The hearings were organised based on the key topics of the PDP and conducted on the dates sets out in Table 4.

**Table 4: Hearing schedule**

Hearing Number	Date	Hearing Topic
1	Tuesday 8 October 2019	Chapter 1 Introduction
2	Monday 14 and Tuesday 15 October 2019	All of Plan Matters and Plan Structure
3	Wednesday 6 and Thursday 7 November 2019	Strategic Objectives
4	Monday 18 November 2019	Tangata Whenua, Whaanga Coast and Maaori Freehold Land
5	Tuesday 10 December 2019	Definitions
6	Monday 16 December 2019	Village Zone
7	Tuesday 21 January 2020	Industrial and Heavy Industry Zone
8A	Tuesday 28 January 2020	Hazardous Substances and Contaminated Land
8B	Thursday 30 January 2020	Genetically Modified Organisms
9	Monday 17 February 2020	Business and Town Centre Zones

10	Tuesday 25 and Wednesday 26 February 2020	Residential Zone
11	Friday 20 March 2020	Lakeside Te Kauwhata
12	Tuesday 7 April 2020	Country Living Zone
13	Thursday 9 April 2020	Hampton Downs Motor Sport Zone
14	Tuesday 28 July 2020	Historic Heritage
15	Monday 20 April 2020	Designations
16	Tuesday 2 June 2020	Raglan
17	Monday 8 March, Friday 9 April and Friday 7 May 2021	Te Kowhai Airpark Zone
18	Tuesday 29 September 2020	Rural Zone
19	Monday 14 September 2020	Ohinewai (rezoning and development)
20	Monday 3 August 2020	Maaori Areas and Sites of Significance
21A	Friday 20 November 2020	Significant Natural Areas
21B	Thursday 29 October 2020	Landscapes
22	Tuesday 20 and Wednesday 21 October 2020	Infrastructure objectives, policies and rules
23	Monday 7 December 2020	Rangitahi
24	Monday 16 October 2020	Reserve Zone
25	From Friday 12 March 2021 to 9 June 2021	Rezoning
27	From Monday 10 May to Wednesday 12 May 2021	Natural Hazards and Climate Change
28	Monday 12 July 2021	Other Matters

14. All evidence and other material relating to the hearing has been uploaded to the Waikato District Council website.

15. For some hearings, a reduced Panel was convened. Details of which Panel members sat on which hearings are set out in each of the Decision Reports.

### **Procedural directions**

16. During the course of the hearings process, we issued several procedural minutes and directions. These are all set out on the Council website along with communications to the Panel from submitters.

### **Site visits**

17. We undertook site visits, where possible, throughout the duration of the hearings process. The site visits assisted us in understanding the matters raised in the submissions in context of the overall environment of the District.
18. The site visits were undertaken independently, without the involvement of submitters or the section 42A authors.

### **Extensions to the timeframes**

19. Pursuant to clause 10(4)(a) of Schedule 1 of the RMA, our Decision was originally required to be publicly notified by 18 July 2020. Given that the hearing process was split over two stages, we sought approval from the Minister for the Environment to extend the timeframe for the notification of our Decision to 25 September 2021. This request was approved on 4 November 2019
20. Furthermore, as we implemented the National Planning Standards as part of our Decision, we sought approval from the Minister for the Environment to further extend this timeframe through to 17 January 2022. This request was approved on 21 September 2021.

### **Statutory framework**

21. The legal framework for preparing or changing a District Plan sits within a comprehensive framework under the RMA. This is detailed in the Opening Legal Submission by Ms Bridget Parham, Counsel for the Waikato District Council<sup>6</sup>. For completeness, a brief overview of the statutory framework is set out below.
22. Under section 74(1) of the RMA, Council must change its district plan in accordance with:
  - (a) Its functions under section 31;
  - (b) The provisions of Part 2;

---

<sup>6</sup> Opening Legal Submission by Counsel for Waikato District Council, dated 23 September 2019.

- (c) A Ministerial direction (not applicable in this instance);
  - (d) Its obligations to prepare an evaluation report in accordance with section 32;
  - (e) Its obligations to have particular regard to an evaluation report prepared in accordance with section 32;
  - (f) A national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
  - (g) Any regulations.
23. Under section 74(2), when changing a district plan, Council must have regard to:
- (a) Any proposed regional policy statement (not applicable as the Waikato Regional Policy Statement is operative);
  - (b) Any proposed regional plan;
  - (c) Any management plans and strategies prepared under other Acts;
  - (d) Any relevant entry on the New Zealand Heritage List required by the Heritage New Zealand Pouhere Taonga Act 2014;
  - (e) Any fisheries regulations to the extent that their content has a bearing on resource management issues in the district; and
  - (f) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
24. Under section 74(2A), Council must take into account any relevant planning document recognised by an iwi authority.
25. Under section 74(3), Council must not have regard to trade completion or the effects of trade competition when changing a district plan.
26. Pursuant to section 75(3), a district plan must give effect to:
- (a) Any national policy statement;
  - (b) Any New Zealand coastal policy statements;
  - (c) A national planning standard; and
  - (d) Any regional policy statement.
27. Under section 75(4), a district plan must not be inconsistent with:
- (a) A water conservation order; or
  - (b) A regional plan for any matter specified in section 30(1).
28. Under section 75(1), a district plan must implement objectives while any rules must implement the policies. Section 76(1) requires rules to achieve the objectives and

policies of the plan. In making a rule, Council must have regard to actual or potential effect on the environment of activities, including any adverse effect.

29. For the reasons set out in detail in each of the topic-based decision reports, we are satisfied that the PDP, as amended in response to submissions and evidence, gives effect to the higher order planning instruments.
30. Overall, we conclude that the Decisions Version of the PDP will enable the people and communities of the Waikato district to provide for their social, economic and cultural well-being, while ensuring that any potential adverse effects can be avoided, remedied or mitigated by the plan provisions.