

# **WAIKATO DISTRICT COUNCIL**

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

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

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#### **Decision Report 5: Strategic Directions**

**17 January 2022**

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#### **Commissioners**

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Ms Janet Gibb

Ms Jan Sedgwick

Mr Weo Maag

Ms Linda Te Aho

Mr Dynes Fulton

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## **1 Introduction**

- 1.1 Hearing 3 related to all the submissions received by the Waikato District Council (Council) on strategic objectives and policies within the Waikato Proposed District Plan (PDP). This hearing specifically related to objectives and policies which were not specific to a particular zone and have broad application in the following chapters:
- a) Section 1.12 Strategic directions and objectives for the district;
  - b) Chapter 4 Urban Environment;
  - c) Chapter 5 Rural Environment; and
  - d) Chapter 6 Infrastructure.

## **2 Hearing Arrangement**

- 2.1 The hearing was held on Wednesday 6 November 2019 and Thursday 7 November 2019 in the Council Chambers at Ngaaruawaahia. All of the relevant information pertaining to this hearing including the section 42A report, legal submissions and evidence is contained on Council's website.
- 2.2 We heard from the following parties on the strategic provisions of the PDP:

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

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

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

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

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

### **3 Overview of issues raised in Submissions**

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

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

### **4 Overview of evidence**

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

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

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

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

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

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

<sup>4</sup> Ibid, Paragraph 28.

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

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

- 4.5 Ms Alec Duncan tabled evidence on behalf of Fire and Emergency New Zealand (FENZ), and accepted Mr Matheson's recommendations for Policies 4.7.5, 4.7.2 and 4.7.6.<sup>7</sup>
- 4.6 Mr Ken Tremaine filed evidence on behalf of Future Proof Implementation Committee (FPIC) and provided an overview of Future Proof, the Future Proof Strategy (FPS) and associated Waikato projects such as the Hamilton to Auckland Corridor initiative. He expressed support for the strategic direction and objectives in Section 1.12 of the PDP as they align with the FPS. He also observed that while the strategic direction and objectives are hidden in Chapter 1 (Introduction), there are also strategic objectives and policies contained within other chapters of the PDP which could be moved or reiterated in a separate chapter on strategic directions and objectives. He considered this would provide a strategic overview for the PDP in one place.<sup>8</sup> While Mr Matheson recommended a separate section within a chapter, Mr Tremaine supported the approach of a separate chapter given the importance of strategic directions and objectives in terms of setting the scene for the whole PDP.<sup>9</sup>
- 4.7 While Mr Tremaine generally supported Section 4.1 (Urban Environment) as it is consistent with the FPS, he noted that the Hamilton-Auckland Corridor Plan had not yet advanced far enough to justify requests for specific amendments.<sup>10</sup> He instead sought amendments to Section 4.1 so that a clearer distinction is made between the growth of towns and the growth of villages, with a greater concentration of growth in townships. He considered that distinguishing between the growth of the towns and the growth of villages is important in terms of aligning with both the Waikato Regional Policy Statement (RPS) and the FPS.<sup>11</sup>
- 4.8 Mr Lachlan Muldowney opened Hamilton City Council's (HCC) presentation with legal submissions that primarily addressed how strategic land use planning within the Waikato District has had a significant impact on the sustainable management of the natural and physical resources of Hamilton City. He explained that in order to address this cross-boundary issue, HCC sought plan provisions within the PDP which establish an integrated resource management approach between the areas of land either side of the shared territorial boundary. This area of land within Waikato District is described by HCC in its submission as the "HCC Area of Interest". Mr Muldowney drew attention to a number of RPS provisions which supported the concept of cross-boundary alignment. He explained how the HCC Area of Interest is defined and addressed the Urban Expansion Area which is a concept from the Operative Waikato District Plan (ODP) that

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

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

<sup>9</sup> Ibid, Paragraph 8.1.

<sup>10</sup> Ibid, Paragraph 7.2-7.5.

<sup>11</sup> Ibid, Paragraph 8.3.

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

- 4.9 Evidence was presented for HCC by Mr Luke O'Dwyer, whose untimely and tragic passing occurred prior to this decision being issued. The Panel extends its deepest sympathies to Mr O'Dwyer's family and friends and acknowledges his significant contribution to the planning profession generally and to Hamilton City specifically.
- 4.10 Mr O'Dwyer's evidence supported the identification of an "Area of Interest" as an efficient way to manage the strong interactions occurring within and across territorial authority areas. He considered that cross boundary issues need to be managed not only through collaborative strategic processes but also within the detailed planning at a district plan level. He addressed:
- a) Infrastructure implications;
  - b) Benefits of additional controls within the Area of Interest;
  - c) Legacy issues;
  - d) Relevant higher order directives; and
  - e) HCC's interest in the District Plan.<sup>12</sup>
- 4.11 Mr O'Dwyer considered that the collaborative processes underway for the Hamilton to Auckland Corridor Plan, the Hamilton-Waikato Metropolitan Spatial Plan and Future Proof will ensure the legacy issues he addressed in his submissions are avoided in the future. He also commented on how such collaborative processes will also better place the sub-region in a position to align and integrate its strategic land use planning and infrastructure for the benefit of its communities. Mr O'Dwyer considered that the key outcomes and initiatives of this collaborative work should be imbedded into the PDP, including the recognition of the Hamilton Area of Interest.
- 4.12 Ms Alice Morris' evidence on behalf of HCC supported the overall approach set out in Chapter 4 – Urban Environment, but sought the inclusion of a set of objectives, policies, rules and methods to manage impacts on neighbouring authorities. She presented and explained a set of strategic objectives that would ensure the PDP could manage growth in a coordinated manner, including a strategic framework that addresses the sustainable management of resources across territorial boundaries.<sup>13</sup>

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

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

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

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

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

<sup>16</sup> Ibid, paragraphs 52-55.

produce food.<sup>17</sup>

- d) Avoiding the establishment of sensitive activities in rural production areas through a robust policy framework in order to prevent sensitive land uses establishing on rural land.
  - e) Rural production activities need to be appropriately provided for within the PDP. She considered there is a need to efficiently manage not only the effects of the activities themselves, but also support infrastructure that are inherent to the various types of growing operations (for example: frost fans, crop protection structures, worker accommodation).<sup>18</sup>
- 4.15 Ms Landers considered that the strategic provisions in the PDP need to be clearly and consistently articulated, but the structure as notified is unclear.<sup>19</sup>
- 4.16 Ms Lynette Wharfe also filed evidence on behalf of HortNZ and addressed the specific provisions associated with the issues as identified by Ms Landers. She considered that changes are needed to give effect to the RPS which has a range of provisions related to integrated management, the built environment and values of soils.<sup>20</sup> Ms Wharfe responded to the following matters raised in the rebuttal evidence of other submitters:
- a) The potential for reverse sensitivity effects on growers' operations are significant and she sought to ensure that the planning framework adequately recognises and addresses this matter.
  - b) She considered that the draft National Policy Statement for Highly Productive Land assists in providing direction on the relevant provisions to be included in the PDP. However, she recognised that Council does not need to give effect to a National Policy Statement until it is operative and therefore only sought that Council be 'cognisant' of the draft direction.
- 4.17 Mr Daniel Sadlier presented legal submissions on behalf of Kāinga Ora focussing on the alignment of the PDP with the National Planning Standards. Mr Sadlier considered that the provisions of the PDP should support an efficient urban development model, including urban design guidelines and an urban environment policy framework that most appropriately manages the potential for reverse sensitivity effects. He supported the translation of the PDP into the National Planning Standards through this current plan

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

<sup>18</sup> Ibid, paragraphs 61-62.

<sup>19</sup> Ibid, Paragraph 8.

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

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

- a) Policy 4.1.3 - amendments are needed to direct that new urban growth areas should be located within existing urban limits, and that urban subdivision, use and development in the rural environment should be avoided. Mr Sadlier considered that where urban growth expands to the outer edges of urban limits (at low densities), this has consequences on the ability for the compact or efficient urban development model to be achieved;
  - b) Policy 4.1.5 – proposed amendments to include an additional medium density target of 30 households per hectare;
  - c) Reverse Sensitivity and Policies 4.1.10 – 4.1.18 – Mr Matheson’s recommended amendments have resulted in two different approaches to the management of potential reverse sensitivity effects. This appears to have conflated the issue of reverse sensitivity with the issue of incompatible activities / land use.
- 4.18 Mr Brendon Liggett also filed evidence on behalf of Kāinga Ora providing an overview of Kāinga Ora’s role in the community and its roles and responsibilities. He considered it important that the PDP reduce regulatory constraints and increase housing supply and noted the benefits of Kāinga Ora’s proposed amendments to the PDP in this respect. Mr Liggett submitted that Kāinga Ora’s amendments would provide development capacity for the delivery of significant additional public housing, affordable housing, homes for first-home buyers, and market housing on Kāinga Ora’s land, as well as the delivery of significant market capacity across the Waikato District. He also expressed that an amended planning framework would provide for efficient use of residential land and allow for the evolution of urban environments with greater social and cultural vitality, thereby reducing deprivation in low socio-economic communities. Mr Liggett considered that the amendments sought by Kāinga Ora will enable the delivery of a wider range of typologies not otherwise provided for in the PDP.
- 4.19 Mr Matthew Lindenberg filed planning evidence on behalf of Kāinga Ora and addressed specific provisions as follows:
- a) He supported improving the distinction between the strategic directions and the strategic objectives of the PDP, clarifying how these two parts of the PDP relate to one another;<sup>21</sup>
  - b) The need to reduce the likelihood of urban sprawl and widespread residential growth at low densities which would not achieve compact or efficient urban

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

- form as prescribed in Policy 4.1.3;
- c) The need to introduce a Medium Density Residential Zone in Policy 4.1.5;<sup>22</sup>
  - d) Policies 4.1.10 – 4.1.18 Reverse Sensitivity - Mr Lindenberg considered that there needs to be consistent wording in all policies and suggested that the wording in relation to Policy 4.1.10 Tuakau and 4.1.15 Ngaruawahia should be used for consistency;<sup>23</sup>
  - e) He did not support the need to reflect existing character in Objective 4.1.7 - Character of Towns, particularly given the direction in the National Policy Statement for Urban Development which recognises that character and amenity will change over time.
- 4.20 Ms Pam Butler filed evidence on behalf of KiwiRail New Zealand Limited (KiwiRail) and expressed support for a number of Mr Matheson's recommendations. However, she sought amendments to various policies in order to provide for the management of reverse sensitivity effects on the transport network in a more appropriate manner. She expressed concern that the amendment sought by Waka Kotahi New Zealand Transport Agency (Waka Kotahi) to replace the words 'strategic transport infrastructure networks' with 'National Routes and Regional Arterials in accordance with Table 14.12.5.6' would effectively exclude the railway, which she did not support.
- 4.21 The other focus of Ms Butler's evidence was the need for strategic policies addressing the potential reverse sensitivity effects of future urban development on roads and railways in new development locations. She considered it would be inappropriate and unreasonable for regionally significant infrastructure providers (like KiwiRail or Waka Kotahi) to be required to avoid or minimise effects that are not caused by their activities. She considered there are inconsistencies throughout the policy framework in the Urban Environment chapter in relation to reverse sensitivity which could be improved or realigned both for infrastructure and other rural activities.<sup>24</sup>
- 4.22 Mr Philip Lang filed legal submissions addressing three policies on behalf of Koning Family Trust and Martin Koning who were the owners of land adjacent to Rangitahi at Raglan. He did not support the removal of the reference to the FPS 2017 in Policy 4.13 and considered that external documents should be accurately referenced. With regards to Policy 4.15, Mr Lang observed that it is not a rule but a policy to be used to guide the rules and the exercise of discretion. He therefore considered that the amendments sought assist in clarifying the broad application of the density targets as identifying the

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<sup>22</sup> Ibid, Paragraphs 6.1-6.6.

<sup>23</sup>Ibid, Paragraphs 6.1-6.27.

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

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

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

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

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

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

<sup>28</sup> Ibid, paragraph 2.3-2.4

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

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

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

- b) The insertion of an additional Section 1.12.8(vii) to support productive rural activities is helpful, but proposed amendments to ensure consistency with other parts of the PDP;
  - c) She did not support the creation of a new Section 1.13.3 and considered these objectives should be retained within their original chapters; and
  - d) She considered that references to mineral extraction should be added to both the strategic direction and strategic objective for the Rural Zone.<sup>31</sup>
- 4.30 Ms McCarter further considered it is important that the PDP recognises the importance of mineral extraction and the challenges that this sector faces. She considered that mineral resources and their extraction should be consistently referenced throughout the PDP, and that mining / mineral extraction should be clearly included as a productive rural activity.<sup>32</sup>
- 4.31 Ms Tanya Running filed evidence on behalf of Waka Kotahi and addressed amendments to a number of policies, including:
- a) Policy 4.1.5(a) Density – needs to be consistent with other sections of the PDP that provide a stronger directive. She considered that in the absence of policy direction and zoning, it could be difficult for Council to direct higher density housing (in particular) to locations with transport networks, employment, community services and open space;
  - b) Policy 4.1.10 Tuakau – this policy should include reference that future development in Tuakau needs to be supported by existing or planned infrastructure. She noted that the Tuakau Structure Plan is likely to need updating;
  - c) Policy 4.1.11(a) Pokeno – the Policy does not recognise that development in Pokeno needs to be supported by existing or planned infrastructure; and
  - d) Objective 5.5.1 Hamilton's Urban Expansion Area and Policy 5.5.2 Activities within Hamilton's Urban Expansion Area – Mr Matheson's recommendation to replace the word "Manage" with "Avoid" is supported as the Waikato Expressway forms the edge of these expansion areas. It is important that future urbanisation of this land is carefully managed.
- 4.32 Ms Running further expressed concern at the use of the wording "Strategic transport infrastructure networks" as opposed to the use of "regionally significant infrastructure"

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<sup>31</sup> Ibid, Paragraph 20.

<sup>32</sup> Ibid, Paragraphs 22 and 24.

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

- 4.33 Ms Carolyn McAlley filed evidence on behalf of Heritage New Zealand Pouhere Taonga (HNZPT) with a focus on ensuring the retention of historic heritage and cultural sites / values. Her amendments sought in relation to Policy 4.7.2 have been addressed in Decision Report 32: Miscellaneous Matters.
- 4.34 Mr Mark Arbuthnot filed evidence on behalf of Ports of Auckland Limited. Mr Arbuthnot supported Mr Matheson's recommended changes to Policy 4.1.6 Commercial and industrial activities and disagreed with evidence submitted by Ministry of Education who sought that the policy provides for education facilities within the Industrial and Heavy Industrial Zones. With regards to Policies 4.1.10 – 4.1.16, he supported replacing "new residential development" with "new sensitive land uses" for consistency with other policies and the RPS. Mr Arbuthnot further agreed with the recommendation to use the word "minimise" (as opposed to avoid) in Policy 4.1.16.<sup>34</sup>
- 4.35 Mr Michael Briggs filed evidence on behalf of Rangitahi Limited (Rangitahi). He considered that the current wording of Policy 4.1.3(b) does not sufficiently identify the indicative status of the Future Proof growth areas and it should be made more explicit.<sup>35</sup> He sought amendments to Policy 4.1.18(iii) to include medium and long-term growth areas to the west of Raglan but observed that the amendments recommended by Mr Matheson are not within the scope of what the submission was seeking. He clarified that the submission states that Rangitahi will only provide for short to medium term growth and identifies that a medium to long term future growth area for Raglan also needs to be identified and planned for.<sup>36</sup>
- 4.36 Mr Andrew and Mrs Christine Gore (the Gores) filed rebuttal evidence opposing the changes sought by HCC and Future Proof to Chapter 5 Rural Environment to avoid rural subdivision; they did however support Middlemiss Farm Holdings submissions seeking careful management and carefully designed development. The Gores further supported collaboration over land use in the Hamilton Area of Interest and considered that the landowner should be part of the collaboration. They also agreed that the rural productive nature of land should be maintained. The Gores opposed legitimate rural activity being prohibited in the Urban Expansion Area as well as reserving all land on the HCC boundaries for city development.

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

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

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

<sup>36</sup> Ibid, Paragraph 27.

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

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<sup>37</sup> Evidence in chief of Gavin Donald on behalf of Waikato Tainui, Paragraph 3.4.

<sup>38</sup> Ibid, Paragraph 7.1.

<sup>39</sup> Ibid, Paragraphs 5.8-5.9.

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

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

- 4.40 Ms Nicola Rykers filed evidence on behalf of Synlait regarding Objective 4.1.7 – Character of towns. She described the strategic nature of the Industrial Zone at Pokeno and the development and operation of Synlait along with the importance of the industrial zone provisions in the development and operation of such sites. Ms Rykers expressed concern that character and attractiveness are concepts that will be applied to Industrial and Heavy Industrial Zones in the same way as a Residential, Village or Town Centre Zone, thus resulting in provisions that unreasonably restrict heavy industrial activities or influence future decision-making on industrial uses.<sup>41</sup> She did not consider it appropriate to have a strategic objective which anticipates that the existing character of a town such as Pokeno will continue to be reflected in the future growth of its General Industrial and Heavy Industrial Zones and identified a number of aspects of industries like Synlait which would be inconsistent with other zones in terms of character (i.e., height of towers, 24/7 operations and scale).
- 4.41 In respect of the Synlait development, she considered it is unable to mask or blend these features to a scale that is reflected in the balance of the Pokeno environment. Ms Rykers considered a more appropriate strategic objective for industrial activities would anticipate and enable industry and heavy industry in locations where the functionality and efficiencies of the industrial activities can be optimised.<sup>42</sup>
- 4.42 Ms Pauline Whitney tabled evidence on behalf of Transpower New Zealand Limited (Transpower) and outlined the recommendations she agreed with as well as those she opposed. She did not support the relocation of Objective 6.1.1(a) to Section ‘1.13.4 Strategic Objectives’ and observed that Transpower’s submission point seeking inclusion of “upgrade” of infrastructure (in addition to development, operation and maintenance) was not addressed by Mr Matheson. She considered that Objective 6.1.1(a) is not particularly ‘strategic’ in nature as it concerns just one aspect of

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

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

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

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

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

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

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

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

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

- b) Reverse Sensitivity – she described the difference between reverse avoidance (as sought by Ports of Auckland Limited), rather than that provided for by the RMA which enables mitigation;
  - c) Inclusion of a new clause (g) in Section 1.12.1 (strategic directions) acknowledging the Hamilton to Auckland Corridor Plan; and
  - d) Amendment to Policy 4.1.6 which encourages linkages and connections between commercial, industrial and residential activities.
- 4.48 Ms Barry-Piceno further explained that Perry largely supports the PDP and does not seek to change the high level objectives and policies that Council is promoting. The only changes sought by Perry are in regard to the stance taken on urban growth through rezoning, protection of heavy industrial uses where it affects community amenity expectations, and effectively prioritises heavy industrial. She considered that the PDP needs to accommodate a range of uses outside of the defined townships, if areas suitable for such purpose and nearby such towns are available, and if those uses can be determined as a sustainable management of resources consistent with Part 2 of the RMA.<sup>45</sup>
- 4.49 Mr Aaron Collier provided rebuttal evidence on behalf of Perry and generally supported the recommendations of Mr Matheson, with the exception of two matters. He sought that Policy 4.7.11 should be amended to acknowledge that reverse sensitivity effects can be mitigated in many circumstances. He expressed concern at the reliance on non-RMA documents (relied on for section 32 purposes) to address urban growth matters and the inclusion of references to documents that have been (or will be) updated, such as Future Proof 2017 in Policy 4.1.3.
- 4.50 Ms Sue Simons filed legal submissions on behalf of Pokeno Village Holdings Limited (PVHL) and clarified that her client's primary interest in the PDP relates to Pokeno. She described her concerns as:
- a) The absence of any mechanism in the PDP to ensure that growth is properly planned, sequenced and integrated with infrastructure provision;
  - b) The failure to carry over the Pokeno Structure Plan into the PDP; and

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

- c) The inappropriateness of the minimum density requirement in Policy 4.1.5(b) as it relates to Pokeno.<sup>46</sup>
- 4.51 Ms Simons described in detail the statutory framework and the requirements of the RMA. She outlined the need for a new objective to provide proper recognition of the importance of infrastructure availability. She supported the inclusion of a Future Urban Zone as a way to effectively manage areas for future growth. She expressed concern that the section 32 analysis does not include any explanation for the failure to incorporate the Pokeno Structure Plan into the PDP, nor any discussion of how the development of Pokeno should be managed. She outlined her concern with including residential densities in Policy 4.1.5 and the fact that this would apply to all residential areas throughout Waikato District, regardless of their particular characteristics.
- 4.52 Mr Christopher Scrafton filed planning evidence on behalf of PVHL on the following issues:
- a) Management of growth – he considered that significant amendments to the strategic direction of the PDP are required to encourage and manage urban growth in the manner required by the higher order planning documents. He considered that additional planning methods such as structure planning is required to enable the appropriate co-ordination of urban development and infrastructure capacity. The introduction of a Future Urban Zone will assist in identifying sufficient development capacity in the long-term and more appropriately give effect to Policy PA1 of the NPS-UDC;<sup>47</sup>
  - b) Inappropriateness of Live Zoning at Pokeno West – based on the available technical reporting prepared to support live zoning Pokeno West, he considered that “live zoning” Pokeno West does not give effect to the RPS policies and methods;
  - c) Urban growth – he expressed concern about the way the PDP provides for urban growth (specifically in Pokeno) and that it does not make clear that infrastructure needs to be in place or planned before development is enabled;
  - d) Pokeno Structure Plan – he questioned why this was not carried over from the ODP and considered that the Pokeno Structure Plan and specific Pokeno provisions should be reintroduced into the PDP as a precinct;<sup>48</sup> and

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

<sup>47</sup> Statement of Evidence Mr Scrafton on behalf of Pokeno Village Holdings Ltd, paragraphs 3.3-3.11, dated 15 October 2019.

<sup>48</sup> Ibid, Paragraphs 2.6-2.8.

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

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

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

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

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

<sup>51</sup> Ibid, Section 10.

<sup>52</sup> Summary Statement of evidence Mr Tollemache on behalf of Havelock Village, Paragraph 15.

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

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

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

## **5 Panel Decisions**

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

## **6 National Planning Standards**

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

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

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

This Chapter:

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

## 7 Strategic objectives

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

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

- 7.2 We have derived most of these from the notified strategic objectives but amended and, in many cases simplified, the wording so that they are actually objectives which describe an outcome. Since the PDP was notified, the National Policy Statement for Urban Development 2020 (NPS-UD) has been gazetted and we have included a number of strategic objectives to give effect to this, including SD-O3, SD-O4, SD-O5 and SD-O14. We have not included references to affordable housing however, as in our experience district plans are only one part of the complex puzzle to deliver affordable housing. The only mechanism that the PDP has which will assist in enabling a more affordable product, is housing densities such as smaller lots, and alternative typologies like medium density. We consider this aspect is efficiently addressed by SD-O4 and there is no need for a strategic objective for affordability.
- 7.3 We are aware that the various documents guiding growth are constantly changing, as demonstrated by Future Proof 2009, Future Proof 2017, the current update of Future Proof and Waikato 2070. With the projections changing so rapidly, we do not see any value in locking the PDP in to a particular growth scenario. We consider that to take that approach would leave the PDP unable to respond to changing information and growth pressures.
- 7.4 Many submitters sought recognition of the need for integration of infrastructure with land uses and we agree. We consider this is an important strategic issue for the District, and that SD-O5 will give effect to Objective 6(a) of the NPS-UD.

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

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

## **8 Objectives and policies in other chapters**

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

**Subdivision**

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

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

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

Infrastructure

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

Rural

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

**9 Conclusion**

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

**For the Hearings Panel**

*Phil Mitchell*

**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**

# Strategic Directions

## Introduction

This Chapter:

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

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

### **SD-O1 Socio-economic Advancement**

The District has a thriving economy.

### **SD-O2 Tangata Whenua**

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

### **SD-O3 Growth Targets**

#### **4.1.1 Objective Strategic**

~~(a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.~~

~~(b) National Policy Statement on Urban Development Capacity Minimum Targets~~

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

The following growth targets are planned for:

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

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### **SD-O4 Housing Variety**

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

### **SD-O5 Integration of Infrastructure and Land Use**

New development is integrated with the provision of infrastructure.

### **SD-O6 Hamilton's Urban Expansion Area**

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

### **SD-O7 Regionally Significant Infrastructure and Industry**

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

### **SD-O8 Highly Productive Soils**

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

### **SD-O9 Rural Activities**

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

### **SD-O10 Reverse Sensitivity**

Existing activities are protected from reverse sensitivity effects.

### **SD-O11 Historic Heritage**

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

### **SD-O12 Natural Environment**

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

### **SD-O13 Climate Change**

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

## **Urban Form and Development**

### **SD-O14 Urban Environment**

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

#### I.12 Strategic directions and objectives for the district

##### I.12.1 Strategic direction

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

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#### **I.I2.2 Natural environment**

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

#### **I.I2.3 Built environment**

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

#### **I.I2.4 Ease of movement**

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

#### **I.I2.5 Community wellbeing**

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

#### **I.I2.6 Employment and economic growth**

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

#### **I.I2.7 Managing change**

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

#### **I.I2.8 Strategic objectives**

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

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

#### **4.1.3.1 Strategic Objective – Tautoko te Whakatupuranga**

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

#### **4.1.2 Objective – Urban growth and development**

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

#### **4.1.3 Policy – Location of development**

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

#### **4.1.4 Policy – Staging of development**

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

#### **4.1.5 Policy – Density**

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

#### **4.1.6 Policy – Commercial and industrial activities**

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

#### **4.1.7 Objective – Character of towns**

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

#### **4.1.8 Policy – Integration and connectivity**

#### **4.1.9 Policy – Maintaining Landscape Characteristics**

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

#### **4.1.10 Policy – Tuakau**

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

#### **4.1.11 Policy – Pokeno**

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

#### **4.1.12 Policy – Te Kauwhata**

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

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#### **4.1.13 Policy – Huntly**

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

#### **4.1.14 Policy – Taupiri**

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

#### **4.1.15 Policy – Ngaruawahia**

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

#### **4.1.16 Policy – Horotiu**

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

#### **4.1.17 Policy – Te Kowhai**

- (a) The scale and density of residential development in the Te Kowhai Village Zone achieves:
- (i) lower density ( $3000\text{m}^2$  sections) where the development can be serviced by on-site non-reticulated wastewater, water and stormwater networks; or
  - (ii) higher density ( $1000\text{m}^2$  sections) where the development can be serviced by public reticulated wastewater, water and stormwater networks;
- (b) Open space character, feeling of spaciousness and connections to the rural landscape and walkways that are maintained and extended to new areas.
- (c) Placement of dwellings to protect the future ability to increase density should public reticulated wastewater and water networks become available.

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

#### **4.1.18 Policy – Raglan**

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

#### **4.7.1 Objective – Subdivision and Land Use Integration**

#### **4.7.2 Policy – Subdivision location and design**

#### **4.7.3 Policy – Residential subdivision**

#### **4.7.4 Policy – Lot sizes**

#### **4.7.5 Policy – Servicing requirements**

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

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

#### **4.7.8 Policy – Staging of subdivision**

#### **4.7.9 Policy – Connected neighbourhoods**

#### **4.7.10 Policy – Recreation and access**

#### **4.7.11 Policy – Reverse sensitivity**

#### **4.7.12 Policy – Boundary adjustments and relocations**

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

#### **4.7.14 Policy – Structure and master planning**

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

#### **5.5 Hamilton's Urban Expansion Area**

#### **5.5.1 Objective – Hamilton's Urban Expansion Area**

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

#### **5.5.2 Policy – Activities within Hamilton's Urban Expansion Area**

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

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## Definitions

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

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

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