

SECTION 42A REPORT

Reply Evidence

Hearing 25: Zone Extents Huntly

Report prepared by: Lily Campbell

Date: 10 May 2021



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I Introduction

I.1 Background

1. My name is Lily Campbell, and I am a planning consultant at Kāhu Environmental Limited (formerly Perception Planning Limited).
2. I am the writer of the original s42A report for Hearing 25: Zone Extents Huntly (Huntly s42A report).
3. My qualifications and experience are set out in the s42A report in section I.1, along with my agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 as set out in section I.2.
4. Amendments to the recommendations in my Huntly s42A Report are set out in Appendix 1.
5. Further recommended amendments to Chapter 20: Industrial Zone in relation to the North Huntly Structure Plan Area as a result of this rebuttal evidence are set out in Appendix 2. Changes that are a result of the original Huntly s42A report are shown in red, with changes arising from this rebuttal evidence shown in blue.
6. Technical Specialist Reviews that were not available when the Huntly s42A Report was being prepared are set out in Appendix 3.

2 Purpose of the report

7. In the directions of the Hearings Panel dated 12 May 2020, it is stated that:
 - (e) Any rebuttal evidence by the proponents and opponents of the rezoning is to be filed no later than 10 working days prior to the commencement of the hearing.
 - (f) The Council is to prepare Reply section 42A reports to address matters arising in the evidence of the parties, no later than 5 working days prior to the commencement of the hearing¹.
8. The purpose of this report is to consider the rebuttal evidence filed by submitters.
9. Evidence was filed by the submitters shown in Table 1 below:

Table 1 Submitters that filed rebuttal evidence in relation to the Hearing 25: Zone Extents Huntly

Submitter	Submission number	Evidence prepared by
Shand Properties Limited	778.2	Chris Dawson (planning)
	778.3	Constantinos Fokianos (stormwater)
Kāinga Ora	749.154	Cameron Wallace (urban design)
		Phil Stickney (planning)

10. This report identifies a number of further submission points that I omitted to make recommendations for in the Huntly s42A Report. These are addressed at section 5 of this report.

¹ Paragraph 12

11. This report also addresses the advice provided in a Technical Specialist Review prepared by John Warrington (WSP New Zealand Ltd) that was not available when the Huntly s42A Report was being prepared (see Appendix 3).

3 Response to submitter evidence

12. Rebuttal evidence was only received by two submitters:

- a. Shand Properties Limited, and
- b. Kāinga Ora.

3.1 Shand Properties Limited (778)

13. The rebuttal evidence received by Shand Properties Limited (Shand Properties) relates to two submission points:

- a. the request for industrial rezoning (778.2), and
- b. the request for residential rezoning (778.3).

14. Both of these submission points were recommended to be accepted in part in the Huntly s42A Report, with amendments.

15. This rebuttal evidence addresses the recommended industrial rezoning first, followed by the residential rezoning.

3.1.1 Industrial rezoning

16. For the site recommended to be rezoned Industrial, Chris Dawson focuses his planning rebuttal evidence on:

- a. Flood risk assessment and stop bank breach assessment / residual risk investigations, and
- b. The recommendation to make a number of industrial activities Restricted Discretionary in the proposed Huntly North Structure Plan Area.

17. Chris Dawson states that he agrees with the recommendation under paragraph 312 of the Huntly s42A report to the extent that Area I and IA are rezoned from Rural Zone to Industrial Zone. However, he disagrees with the recommendation to amend the provisions of Chapter 20: Industrial Zone. He considers the new section '20.6.2 Restricted Discretionary Activities' and Restricted Discretionary criteria added to Chapter 20 will result in 'unnecessary duplication and cost without providing any additional benefit'.

18. In his rebuttal evidence, Chris Dawson draws attention to the fact that Rule 15.6.2 makes subdivision in the Defended Area a Restricted Discretionary activity. In paragraph 14 he states:

'A comprehensive assessment will need to be undertaken at the time of seeking land use and subdivision consent to fully address the matters raised by proposed Rule 15.6.2'

19. While I agree that Rule 15.6.2 adequately provides for assessment of flood risk for subdivision activities in the Defended Area, I disagree with Chris Dawson's statement that this rule provides for such an assessment with respect to land use activities.

20. Chris Dawson takes the approach that all necessary investigation will be undertaken at the time of subdivision. Under paragraph 16 he considers that it is:

...unnecessary to require the new owner of each title to repeat the investigation process when they come to develop their Industrial lot for one of the activities listed under proposed new Rule 20.6.2 in the s42A report'.

21. Chris Dawson is correct in that as currently recommended, Rule 20.6.2 (as drafted in Appendix 6 of the s42A Report) creates a scenario where a resource consent and a stop bank breach assessment is required for land use activities, even when a stop bank assessment has already been done for that site during the subdivision consent process.
22. However, Chris Dawson is referring to the scenario in which subdivision of the North Huntly Structure Plan Area occurs *before* the establishment of any industrial activities on the site. Under the notified land use rules of Chapter 20, it is possible for industrial activities with permitted activity status to be established on the site before the land is subdivided.
23. I therefore consider that it is important for Chapter 20 to contain provisions that require any new land use activities in the North Huntly Structure Plan Area to show that they have adhered to the recommendations contained in a stop bank assessment.
24. In order to avoid a duplication of efforts and costs, I have amended Appendix 6: Recommended amendments to Chapter 20: Industrial Zone in relation to the North Huntly Structure Plan Area. These recommended amendments are attached to this rebuttal evidence as Appendix 2.
25. I note that these recommended amendments have been shared with Shand Properties, and the comments received indicate that the submitter is comfortable with them.

3.1.1.1 Recommendations

26. For the reasons outlined above, I recommend that the Hearings Panel:
 - a. Amend the provisions of Chapter 20: Industrial Zone, as shown in Appendix 2 of this rebuttal evidence.

3.1.2 Residential rezoning (submission 778.3)

27. In relation to the site recommended to be rezoned Residential, Chris Dawson agreed with the Waikato Regional Policy Statement (WRPS) direction that natural hazard risks must be mitigated. However, he states:

'I disagree with the recommendation to reduce the area of the site that is zoned to Residential Zone to just those parts of the site that are outside the Defended Area.'
28. Chris Dawson noted that, as shown on the Indicative Scheme Plan provided as part of his preliminary evidence, some of the stormwater treatment wetlands and their maintenance access roads, and the existing wetland, all lie within the part of the site covered by the Defended Area overlay. He stated his opinion that:

'...it would be poor planning practice to create a split zoned site which would require some public infrastructure aspects of the residential development to be located within the Rural Zoned portion of the site while enabling the residential development itself to proceed on the adjacent Residential Zoned land.'
29. In his evidence, Chris Dawson stated that a 'more appropriate planning regime' for this site would be to rezone the entire site Residential (as requested by the submitter) and retain the Defended Area overlay.
30. He has not provided any discussion of why applying a Residential Zone over the areas of the site covered by the Defended Area overlay would provide any further benefit than retaining it as Rural Zone, except to say that to create a split-zone is 'poor planning practice'. I have studied Chapter 22: Rural Zone and have not identified any provisions that hinder the ability to provide for the infrastructure referred to by the submitter in the Rural Zone, that are more stringent than the provisions of Chapter 16: Residential Zone. Stormwater systems for new subdivision

development are a Permitted Activity (provided it meets the activity specific conditions) district-wide, under Rule 14.11.1.

3.1.2.1 Recommendations

31. For the reasons outlined above, I recommend that the Hearings Panel:

- a. Adopt the recommendation set out in paragraph 392 of the Huntly s42A Report.

3.2 Kāinga Ora

32. Kāinga Ora provided two pieces of rebuttal evidence on the Huntly s42A Report, prepared by Cameron Wallace and Phil Stickney.

33. Both Cameron Wallace and Phil Stickney acknowledged that the Huntly s42a Report has largely adopted the revised MDRZ extent as proposed by Kāinga Ora, but noted that the exceptions to this are:

- a. an extension in the vicinity of Dudley Avenue
- b. the exclusion of Huntly Primary School
- c. the exclusion of the Harris Street Heritage Precinct, and
- d. realignment of the MDRZ boundary to align with flood hazard overlay boundaries.

34. Cameron Wallace and Phil Stickney stated that they agree with the Huntly s42A Report recommendation to include the additional sites on Dudley Avenue, but disagree with the other recommendations noted above.

3.2.1 Huntly Primary School

35. In the rebuttal evidence provided by Kāinga Ora, its authors considered that the Huntly Primary School site should be included within the MDRZ. Under paragraph 5.1 of his rebuttal evidence, Phil Stickney outlined his justification for the inclusion of land currently used for educational purposes in the MDRZ:

(i) Rezoning will not impede on the ongoing operation of a school but sets up a planning framework which enables potential medium density housing in that location if the opportunity arises in the future.

(ii) In the context of the implementation of intensification strategies under the NPS-UD 2020, I am not convinced that the presence of a school on an appropriate site should be considered as a “qualifying matter” to the extent that such a zoning cannot be implemented.

(iii) I am therefore of the view that school sites should be rezoned where a site is well suited to the application of MDRZ in the event that the site (or parts of it) are deemed surplus to education requirements.

36. I agree with the evidence provided by Kāinga Ora that applying the MDRZ over the Huntly Primary School will not impede the ongoing operation of the school, but it will enable potential medium density housing in the future.

37. I note that the school is under Designation C17, and is therefore subject to the rules of that designation, until a time in which it is removed.

3.2.1.1 Recommendation

38. For the reasons above, I recommend that the Hearings Panel:

- a. **Include** the Huntly Primary School within the recommended MDRZ extent.

3.2.2 Harris Street Heritage Precinct

39. Paragraph 580 of the Huntly s42A Report discusses the reasons for excluding the Harris Street Heritage Precinct from the recommended MDRZ extent in Huntly; namely the absence of land use rules that manage activities in Heritage Precincts.
40. In their rebuttal evidence, both Cameron Wallace and Phil Stickney acknowledged the omission of these rules from the revised provisions provided in their original evidence package. An amended set of MDRZ provisions was appended to their rebuttal evidence, that includes Heritage Precinct rules (incorporated from Appendix 4 - Zone Rules - Revised Recommended Amendments from the Hearing 14 Historic Heritage and Notable Trees report).
41. This would make the construction of a new building in the Huntly Heritage Precinct a Restricted Discretionary Activity, with Council's discretion restricted to:
- a. Effects on historic heritage amenity values and character of the precinct
 - b. Building height, side setbacks, scale, form, materials, and architectural style to be consistent with the relevant part of Appendix 3.5 (Huntly Heritage Precinct Design Guide), and
 - c. Setback from road boundaries.
42. In the Huntly s42A Report, I noted that if the precinct were to be rezoned MDRZ, the introduction of provisions applicable to Heritage Precincts would provide adequate protection of the heritage values. On further reflection, I consider the intent of the MDRZ to be fundamentally incompatible with intent of the Huntly Heritage Precinct, which is directed by Appendix 3.5: Huntly Heritage Precinct Design Guide.
43. The provisions that accompany the MDRZ as sought by Kāinga Ora provide for up to three residential dwellings per site and buildings 11 metres in height, as permitted activities. To the contrary, the Huntly Heritage Precinct Design Guide directs new dwellings to be single storey, and requires 'generous setbacks' that provide for:
- '... sense of repose and calm quite different from high-density residential housing typical of most recent urban developments'.*
44. Kāinga Ora have not demonstrated how medium density development may be undertaken in a way that it is consistent with the design guidelines, and therefore I do not see the benefit to applying the MDRZ over this site, given the inconsistency in the directions of the overlay, and the newly proposed zone.
45. I therefore maintain my recommendation that the MDRZ should not apply to the properties 33, 35, 37, 39, 41, 43, 45, and 47 Harris Street, contained within the Heritage Precinct overlay.

3.2.2.1 Recommendation

46. For the reasons outlined above, I recommend that the Hearings Panel:
- a. Adopt the recommendation set out in paragraph 591 of my s42A Report.

3.2.3 Flood Hazards

47. Under paragraph 582 of the Huntly s42A Report, I identified a considerably sized area in Huntly West that Kāinga Ora seek to be rezoned MDRZ, that is within the Stage 2 High Risk Flood Area and Flood Plain Management Area.

48. I recommended that this area was excluded from the MDRZ, on the basis that there is strong policy direction that rezoning and development should generally not occur in High Risk Flood Areas.
49. In their rebuttal evidence, Cameron Wallace, and Phil Stickney both consider the use of overlays to manage natural hazards as more appropriate tool than via a zone. Cameron Wallace notes that:
- ‘... there are often engineering solutions available to enable safe levels of development to occur. This is likely to be possible primarily at the edges of flood overlay.’*
50. While I acknowledge the role of overlays and their associated provisions in managing effects, I emphasise the strong direction that is provided in the Proposed Waikato District Plan (PWDP) that new subdivision, use and development should be avoided in the High Risk Flood Area, and that rezoning should be provided for outside High Risk Flood areas. The Waikato Regional Policy Statement (WRPS) also requires new development to be directed away from natural hazards areas, and requires district plans to control subdivision in areas of intolerable risk (such as high risk flood zones).
51. For these reasons, I maintain my position that applying the MDRZ over the area covered by the High Risk Flood Area overlay is inappropriate.

3.2.3.1 Recommendation

52. For these reasons, I recommend that the Hearings Panel:
- a. Adopt the recommendation set out in paragraph 591 of my s42A Report.

4 Technical review of submitter evidence

53. At paragraph 191 of the s42A Report, I noted that:

‘A number of submitters provided evidence in relation to their submissions, some of which have, or are planned to be peer reviewed by Council. Where recommendations are made below that are based on expert evidence provided by submitters, and it has been outlined that Council are awaiting peer review of this expert evidence, these recommendations are therefore provisional. Once technical input and peer reviews have been completed, I will review these recommendations, if necessary.’

54. A number of recommendations made in the s42A Report were therefore provisional. These are shown in Table 2 below.

Table 2 Provisional recommendations made in the Hearing 25: Zone Extents Huntly s42A Report

Submitter	Submission number	Provisional recommendation
Shand Properties Ltd	778.2	Provisionally accept
NZ Transport Agency	FS1202.124	Provisionally reject
Waikato Regional Council	FS1277.53	Provisionally reject
Mercury NZ Limited	FS1387.1187	Provisionally reject
Allen Fabrics Ltd	FS1349.2	Provisionally accept
Perry Group Limited	FS1313.13	Provisionally accept
Shand Properties Ltd	778.3	Provisionally accept

NZ Transport Agency	FS1202.125 and FS1202.126	Provisionally reject
Waikato Regional Council	FS1277.53	Provisionally reject
Mercury NZ Limited	FS1387.1187	Provisionally reject
Allen Fabrics Ltd	FS1349.3	Allen Fabrics Ltd
Terra Firma Resources Ltd	732.1	Provisionally accept
Waikato Regional Council	FS1277.47	Provisionally reject
Mercury NZ Limited	FS1387.810	Provisionally reject
Terra Firma Resources Ltd	732.2	Provisionally accept
Waikato Regional Council	FS1277.48	Provisionally reject
Mercury NZ Limited	FS1387.811	Provisionally reject

55. Since the preparation of the Huntly s42A Report, two Technical Specialist Reviews of geotechnical evidence have been prepared by John Warrington (WSP New Zealand Ltd), in relation to the rezoning requests by the submitters listed above.
56. I will address the Technical Specialist Review in relation to the rezoning requests by Shand Properties Ltd (778.2 and 778.3) first, followed by Terra Firma Resources Ltd (732.1 and 732.2). These reviews are appended to this report as Appendix 3.1 and 3.2, respectively.

4.1 Shand Properties Ltd

57. In his Technical Specialist Review (see Appendix 3.1), John Warrington agreed with the evidence of Kenneth Read, that in Area 1, 1A and Area 6, the risk of subsidence/collapse of mine workings can be considered low. He also agreed that the risk of gas migration impacting on the development of the sites is minimal.

4.1.1 Industrial rezoning

58. John Warrington noted that within Area 1 and 1A, the ground investigations identified the presence of liquefiable soils beneath the site. He agreed with the submitter that:

'... development within this area will require consideration of this and the adoption of appropriate foundation types with ground improvement to mitigate the impact of settlements due to liquefaction'.

4.1.2 Residential rezoning

59. John Warrington noted that in Area 6 the development is proposed to be primarily restricted to the higher ground, where the soils have been recorded as being 'firm to stiff'. He agreed with the evidence of Kenneth Read that development of the site's upland areas can take place with appropriate consideration of slope stability.

4.1.3 Recommendation

60. The Technical Specialist Review by John Warrington concluded that:

'The reports presented have been written to a high standard and have considered all key aspects considered as being relevant to the assessment of geotechnical issues and risks pertaining to the potential development of the areas under review'.

61. For these reasons, I recommend that the Hearings Panel:

Accept the submission by Shand Properties (778.2) to rezone Area I and IA from Rural to Industrial, with amendments to Chapter 20: Industrial Zone (shown in Appendix 2 of this report)

Accept in part the submission by Shand Properties (778.3) to rezone Area 6 from Rural to Residential, with amendments as outlined under paragraph 393 of the Huntly s42A Report.

4.2 Terra Firma Resources Ltd

4.2.1 Weavers Crossing

62. In his Technical Specialist Review (see Appendix 3.2), John Warrington stated that in relation to the sites ground conditions and geotechnical assessment, the information submitted is considered to be 'acceptable for this stage of planning for the development'.

63. He noted that surface water run-off from the site towards the east is likely a significant contributor to the erosion of the exposed cutting along Weavers Crossing Road. He advised that future development at the site should include measures for the management of surface water run-off and stabilisation/protection of the exposed cut slope.

64. He concluded that:

'The submitted information relating to the Weavers Crossing area has been reviewed and considered to be acceptable in support of the re-zoning of the area from Rural to Village or Residential Zone.'

'Consideration will be required with regard to the stabilisation and prevention of erosion of the cutting for the Weavers Crossing Road present to the east side of the site beyond the site boundary.'

4.2.2 Puketirini Block

65. John Warrington noted that the ground investigation and geotechnical assessment report prepared by the submitter clearly indicates:

'... the variability of the soil materials present at shallow depth within the site area, this being as a result of the coal extraction methodology, unsystematic deposition, and uncontrolled compaction of placed fill materials'.

66. He states that the material can be classified as a 'non-engineered fill', due to having a variable matrix of constituents and properties.

67. John Warrington noted that the submitters evidence identified an area considered to be a 'softer zone' of soils over the western half of the site, which was subsequently excluded from the rezoning request. However, his review of the Vane Penetrometer and Scala Penetrometer test results indicates that there is softer ground present within the eastern half of the site as well. He stated that:

'...the limited scope of testing undertaken is insufficient to be able to quantify the extent of these areas.'

68. He concluded that:

'The submitted information relating to the Puketirini Block area has been reviewed and it is considered that additional investigations and assessment are needed in order to support the re-zoning of the area from Rural to mixed Residential and Business Zones.'

4.2.3 Recommendation

69. For the reasons outlined above, I recommend that the Hearings Panel:

Accept the submission by Terra Firma Resources (732.1) to rezone the site at Weavers Crossing Road, from Rural Zone to Village Zone.

Reject the submission by Terra Firma Resources (732.2) to rezone the Puketirini Block from Rural Zone to Residential (and Business) Zone.

5 Omitted recommendations in s42A Report

70. As I mentioned earlier in this report, I omitted to make a recommendation for a number of further submission points in the Huntly s42A Report.

71. These further submission points are listed in Table 3 below, with an accompanying recommendation.

Table 3 Further submissions omitted from the Hearing 25: Zone Extents Huntly s42A Report in error, and accompanying recommendation

Further submitter	Submission number	Relevant original submission	Recommendation
Waikato Regional Council	FSI277.47	732.1	Provisionally reject
	FSI277.48	732.2	Provisionally reject
Mercury NZ Limited	FSI387.810	732.1	Provisionally reject
	FSI387.1557	937.1	Reject
Perry Group Limited	FSI313.13	778.2	Provisionally accept

6 Conclusion

72. As a result of the rebuttal evidence and Technical Specialist Reviews received, I make the following changes:

- a. Amend my recommendations as per Appendix 1, and
- b. Amend the provisions of Chapter 20: Industrial Zone, as shown in Appendix 2 of this Reply evidence.

73. Regarding the remainder of the rebuttal evidence received, I maintain my recommendations provided in the Huntly s42A report.

Appendix I Amendments to recommendations in the Huntly s42A Report

Submitter	Submission number	Recommendation in s42A report	Revised recommendation
Terra Firma Resources Ltd	732.1	Provisionally accept	Accept
Waikato Regional Council	FS1277.47	Provisionally reject	Reject
Mercury NZ Limited	FS1387.810	Provisionally reject	Reject
Terra Firma Resources Ltd	732.2	Provisionally accept	Reject
Waikato Regional Council	FS1277.48	Provisionally reject	Accept
Mercury NZ Limited	FS1387.811	Provisionally reject	Accept
Shand Properties Ltd	778.2	Provisionally accept with amendments	Accept with revised amendments
NZ Transport Agency	FS1202.124	Provisionally reject	Reject
Waikato Regional Council	FS1277.53	Provisionally reject	Reject
Mercury NZ Limited	FS1387.1187	Provisionally reject	Reject
Allen Fabrics Ltd	FS1349.2	Provisionally accept	Accept
Perry Group Limited	FS1313.13	Provisionally accept	Accept
Shand Properties Ltd	778.3	Provisionally accept with amendments	Accept with amendments
NZ Transport Agency	FS1202.125 and FS1202.126	Provisionally reject	Reject
Waikato Regional Council	FS1277.53	Provisionally reject	Reject
Mercury NZ Limited	FS1387.1187	Provisionally reject	Reject
Allen Fabrics Ltd	FS1349.3	Provisionally accept	Accept

Appendix 2 Further recommended amendments to Chapter 20: Industrial Zone in relation to the North Huntly Structure Plan Area

Changes that are a result of the original s42A report are shown in red, with changes arising from this rebuttal evidence shown in blue.

Chapter 20: Industrial Zone

- (1) The rules that apply to activities in the Industrial Zone are contained in Rule 20.1 Land Use – Activities, Rule 20.2 Land Use – Effects and Rule 20.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Industrial Zone are contained in Rule 20.4.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Industrial Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) NC Non-complying activity
- (5) The Industrial Zone contains a Specific Area that is Nau Mai Business Park. Rule 20.5 manages all land use, building and subdivision in this location. Rule 20.5.1 sets out how to apply rules to Nau Mai Business Park that are either different from, or are in addition to, other rules that apply to the rest of the Industrial Zone.
- (6) The Industrial Zone contains a Structure Plan Area, Huntly North Structure Plan Area. Rule 20.6.1 sets out how to apply rules to the area subject to the Huntly North Structure Plan that are in addition to any other relevant rules of the Industrial Zone.

20.1 Land Use – Activities

20.1.1 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:

- (a) Land Use – Effects rules in Rule 20.2 (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);
- (b) Land Use – Building rules in Rule 20.3 (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);
- (c) Activity specific conditions.

	Activity	Activity specific conditions
P1	Industrial activity <u>(except in the North Huntly Structure Plan Area)</u>	Nil
P2	Trade and industry training activity <u>(except in the North Huntly Structure Plan Area)</u>	Nil
P3	Truck stop for refuelling <u>(except in the North Huntly Structure Plan Area)</u>	Nil
P4	Office ancillary to an industrial activity <u>(except in the North Huntly Structure Plan Area)</u>	(a) Less than 100m ² gfa; or (b) Does not exceed 30% of all buildings on the site.
P5	Food outlet <u>(except in the North Huntly Structure Plan Area)</u>	(a) Less than 200m ² gfa.
P6	Ancillary retail <u>(except in the North Huntly Structure Plan Area)</u>	Does not exceed 10% of all buildings on the site.

20.1.2 Discretionary Activities

- (a) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with an activity specific condition in Rule 20.1.1.
D2	Any activity that does not comply with Land Use - Effects Rule 20.2 or Land Use - Building Rule 20.3 unless the activity status is specified as controlled, restricted, discretionary or non-complying.
D3	A waste management facility
D4	Hazardous waste storage, processing or disposal
D5	An extractive industry
D6	An office
D7	A retail activity
<u>D8</u>	<u>Any activity that does not comply with the rules in 20.6.2; meet the any of the following activity specific conditions under Rule 20.6.2:</u> (a) <u>P4 (a) or (b).</u>

	<p>(b) P5 (a), or</p> <p>(c) P6 (a).</p>
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20.3 Land Use - Building

- (1) Rule 20.3.1 provides permitted heights for buildings.
- (2) Rule 20.3.2 provides permitted heights for a building in an Outstanding Natural Feature, Outstanding Natural Landscape or Significant Amenity Landscape.
- (3) Rule 20.3.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface provides height limits for specific activities within this area.

20.3.1 Building height

PI	<p>(a) The maximum height of a building (except in the North Huntly Structure Plan Specific Area) must not exceed:</p> <ol style="list-style-type: none"> (i) 15m; or (ii) 10m if located on Tregoweth Lane and within 50m of the Residential Zone in Huntly.
P2	<p>(a) In the North Huntly Structure Plan Area:</p> <ol style="list-style-type: none"> (i) The maximum height of a building must not exceed 15m, and (ii) The building is on a site that: <ol style="list-style-type: none"> 1. was created by a subdivision consent decision that had regard to a stop bank breach assessment; and 2. the stop bank breach assessment assessed risk to the site and future development on the site; and 3. all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.
RD1	<p>(a) Any building that does not comply with Rule 20.3.1 P1.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <ol style="list-style-type: none"> (i) effects on amenity
RD2	<p>(a) Any building that does not comply with Rule 20.3.1 P2 (a)(i).</p> <p>(b) Council's discretion is restricted to the following matter:</p> <ol style="list-style-type: none"> (i) Effects on amenity.
RD23	<p>(a) The maximum height of a building in the North Huntly Structure Plan Area must not exceed:</p> <ol style="list-style-type: none"> (i) 15m. <p>(a) Any building that does not comply with Rule 20.3.1 P2 (a)(ii).</p>

	<p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <p>(i) <u>the avoidance and mitigation of flooding hazard</u></p> <p>(ii) <u>Preparation of, and responses to recommendations in, a stop bank breach assessment.</u></p>
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20.6 Huntly North Structure Plan Area

20.6.1 Application of rules

- (1) The activity rules in 20.1.1 (Permitted Activities) do not apply within the North Huntly Structure Plan Area and the activity rules in 20.6.2 (Permitted Activities) and 20.6.3 (Restricted Discretionary Activities) apply instead.
- (2) The activity rules in 20.1.2 (Discretionary Activities) and 20.1.3 (Non-complying Activities) apply within the North Huntly Structure Plan Area.
- (3) Rule 20.2 (Land Use – Effects), Rule 20.3 (Land Use – Building) and Rule 20.4 (Subdivision) apply within the North Huntly Structure Plan Area.

20.6.2 Permitted Activities

- (1) The activities listed below are Permitted activities, if they meet all the following:
- (a) Land Use – Effects rules in Rule 20.2 (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);
- (b) Land Use – Building rules in Rule 20.3 (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);
- (c) Activity specific conditions.

<u>Activity</u>		<u>Activity specific conditions</u>
<u>P1</u>	<u>Industrial activity in the North Huntly Structure Plan Area</u>	<p>(a) <u>Must be on a site that:</u></p> <p>(i) <u>was created by a subdivision consent decision that had regard to a stop bank breach assessment; and</u></p> <p>(ii) <u>the stop bank breach assessment assessed risk to the site and future development on the site; and</u></p> <p>(iii) <u>all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.</u></p>
<u>P2</u>	<u>Trade and industry training activity in the North Huntly Structure Plan Area</u>	<p>(a) <u>Must be on a site that:</u></p>

		<ul style="list-style-type: none"> (i) <u>was created by a subdivision consent decision that had regard to a stop bank breach assessment; and</u> (ii) <u>the stop bank breach assessment assessed risk to the site and future development on the site; and</u> (iii) <u>all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.</u>
<u>P3</u>	<u>Truck stop for refuelling in the North Huntly Structure Plan Area</u>	<p>(a) <u>Must be on a site that:</u></p> <ul style="list-style-type: none"> (i) <u>was created by a subdivision consent decision that had regard to a stop bank breach assessment; and</u> (ii) <u>the stop bank breach assessment assessed risk to the site and future development on the site; and</u> (iii) <u>all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.</u>
<u>P4</u>	<u>Office ancillary to an industrial activity in the North Huntly Structure Plan Area</u>	<p><u>Must:</u></p> <ul style="list-style-type: none"> (a) <u>Be less than 100m² gfa; or</u> (b) <u>Not exceed 30% of all buildings on the site.</u> (c) <u>Be on a site that:</u> <ul style="list-style-type: none"> (i) <u>was created by a subdivision consent decision that had regard to a stop bank breach assessment; and</u> (ii) <u>the stop bank breach assessment assessed risk to the site and future development on the site; and</u>

		<p><u>(iii) all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.</u></p>
<u>P5</u>	<u>Food outlet in the North Huntly Structure Plan Area</u>	<p><u>Must:</u></p> <p><u>(a) Be less than 200m² gfa.</u></p> <p><u>(b) Be on a site that:</u></p> <p><u>(i) was created by a subdivision consent decision that had regard to a stop bank breach assessment; and</u></p> <p><u>(ii) the stop bank breach assessment assessed risk to the site and future development on the site; and</u></p> <p><u>(iii) all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.</u></p>
<u>P6</u>	<u>Ancillary retail in the North Huntly Structure Plan Area</u>	<p><u>Must:</u></p> <p><u>(a) Not exceed 10% of all buildings on the site.</u></p> <p><u>(b) Be on a site that:</u></p> <p><u>(i) was created by a subdivision consent decision that had regard to a stop bank breach assessment; and</u></p> <p><u>(ii) the stop bank breach assessment assessed risk to the site and future development on the site; and</u></p> <p><u>(iii) all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.</u></p>

20.6.23 Restricted Discretionary Activities

(1) The activities listed below are Restricted Discretionary activities.

RD1	<p><u>Any activity that does not meet any of the relevant activity specific conditions under Rule 20.6.2:</u></p> <p>(a) <u>P1,</u> (b) <u>P2, or</u> (c) <u>P3.</u></p>	<p><u>Council's discretion is restricted to:</u></p> <p>(i) <u>the avoidance and mitigation of flooding hazard,</u> (ii) <u>Preparation of, and responses to recommendations in, a stop bank breach assessment.</u></p>
RD2	<p><u>Any activity that does not meet any of the relevant activity specific conditions under Rule 20.6.2:</u></p> <p>(a) <u>P4 (c),</u> (b) <u>P5 (b), or</u> (c) <u>P6 (b).</u></p>	<p><u>Council's discretion is restricted to:</u></p> <p>(i) <u>the avoidance and mitigation of flooding hazard,</u> (ii) <u>Preparation of, and responses to recommendations in, a stop bank breach assessment.</u></p>

RD1	<p><u>Industrial activity in the North Huntly Structure Plan Specific Area</u></p>	<p><u>Council's discretion is restricted to:</u></p> <p>(iii) — the avoidance and mitigation of flooding hazard, (iv) — Preparation of, and responses to recommendations in, a stop bank breach assessment.</p>
RD2	<p><u>Trade and industry training activity (except in the North Huntly Structure Plan Specific Area)</u></p>	<p><u>Council's discretion is restricted to:</u></p> <p>(i) — the avoidance and mitigation of flooding hazard, (ii) — Preparation of, and responses to recommendations in, a stop bank breach assessment.</p>
RD3	<p><u>Truck stop for refuelling (except in the North Huntly Structure Plan Specific Area)</u></p>	<p><u>Council's discretion is restricted to:</u></p> <p>(i) — the avoidance and mitigation of flooding hazard, (ii) — Preparation of, and responses to recommendations in, a stop bank breach assessment.</p>

RD4	Office ancillary to an industrial activity (except in the North Huntly Structure Plan Specific Area)	<p>Must:</p> <ul style="list-style-type: none"> (i) Be less than 100m² gfa; or (ii) Not exceed 30% of all buildings on the site. <p>Council's discretion is restricted to:</p> <ul style="list-style-type: none"> (i) the avoidance and mitigation of flooding hazard; (ii) Preparation of, and responses to recommendations in, a stop bank breach assessment.
RD5	Food outlet (except in the North Huntly Structure Plan Specific Area)	<p>Must:</p> <ul style="list-style-type: none"> (i) Be less than 200m² gfa. <p>Council's discretion is restricted to:</p> <ul style="list-style-type: none"> (i) the avoidance and mitigation of flooding hazard; (ii) Preparation of, and responses to recommendations in, a stop bank breach assessment.
RD6	Ancillary retail (except in the North Huntly Structure Plan Specific Area)	<p>Must:</p> <ul style="list-style-type: none"> (i) Not exceed 10% of all buildings on the site. <p>Council's discretion is restricted to:</p> <ul style="list-style-type: none"> (i) the avoidance and mitigation of flooding hazard; (ii) Preparation of, and responses to recommendations in, a stop bank breach assessment.

Appendix 3 Technical Specialist Reviews

Appendix 3.1 Technical Specialist Review on geotechnical evidence by John Warrington (WSP New Zealand Ltd) for Shand Properties (778.2 and 778.3)

Appendix 3.2 Technical Specialist Review on geotechnical evidence by John Warrington (WSP New Zealand Ltd) for Terra Firma Resources Ltd (732.1 and 732.2)