

Opening Statement

Hearing 25: Zone Extents Huntly

Prepared by: Lily Campbell

Date: 2 July 2021



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I Introduction

1. Good morning Chair, Commissioners and Submitters. My name is Lily Campbell, and I am the s42A reporting officer for the Huntly Zone Extents topic. My qualifications and experience are set out in the s42A report at page 4. I also confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and have complied with it when preparing this report.

I.1 Overview of Huntly

2. Huntly is home to over 10,000 people¹ and is located between the major cities of Auckland to the north, and Hamilton to the south. The completion of the Huntly section of the Waikato Expressway in 2020, has taken State Highway 1 (SH1) east of Huntly town. Huntly is located between the Waikato district towns of Te Kauwhata to the north, and Taupiri to the south (see Figure I below).



Figure I Location of Huntly and neighbouring towns Te Kauwhata and Taupiri

¹ Statistics NZ Census 2018, Huntly East, Huntly West, and Huntly Rural

1.1.1 Notified zoning pattern

3. Huntly East (Map 20.2), is predominantly zoned residential. A pocket of Business zoned land south east of Lake Hakanoa is forms the Huntly Town Centre (Map 20.4).
4. On the true right of the Waikato River, Huntly South (Map 20.3) is predominantly zoned Industrial, with the some pockets of Residential. On the true left, there is a considerable extent of Residential zoned land that surrounds Lake Puketirini and reserve. The majority of land south of Rotowaro Road is zoned Rural.
5. Huntly West (Map 20.1) is characterised by a predominance of Rural land, large pockets of vegetation around Lake Waahi and to the north, a sizeable portion of land zoned Heavy Industrial, which contains the Huntly Power Station.
6. The notified zoning of Huntly is illustrated in Figure 2 below.

1.1.2 Operative zoning pattern

7. Figure 3 shows the Operative Waikato District Plan (OWDP) zones in Huntly. The key differences between the proposed and operative zoning patterns of relevance to this report are shown in Table I below:

Table I Key differences between proposed and operative zoning patterns

Area	Zone	
	Operative District Plan	Proposed District Plan
Land that surrounds Lake Puketirini	Recreation	Rural
163 Tregoweth Lane	Rural	Split zoned Industrial Rural
6 Waugh Lane	Split zoned Rural and New Residential	Residential in its entirety
113 Rotowaro Road	Split zoned Heavy Industrial and Rural	Business
107 Rotowaro Road	Split zoned Rural and Business	Residential in its entirety
137 and 137A Rotowaro Road	Split zoned Rural and Heavy Industrial	Industrial in their entirety

8. The only additional land zoned Residential though the PWDP is the land at 6 Waugh Lane (for which subdivision consent has been granted since notification of the PWDP) and at 107 Rotowaro Road.

1.1.3 Infrastructure

9. The Huntly wastewater treatment plant is due to be upgraded after being granted a replacement resource consent, which expires in 2029. Water supply treatment plant and reticulation renewals are planned district-wide, and stormwater reticulation upgrades are also planned across the district (Waikato District Council, Long Term Plan 2018-28).



Proposed Waikato District Plan Zones
Over the town of Huntly

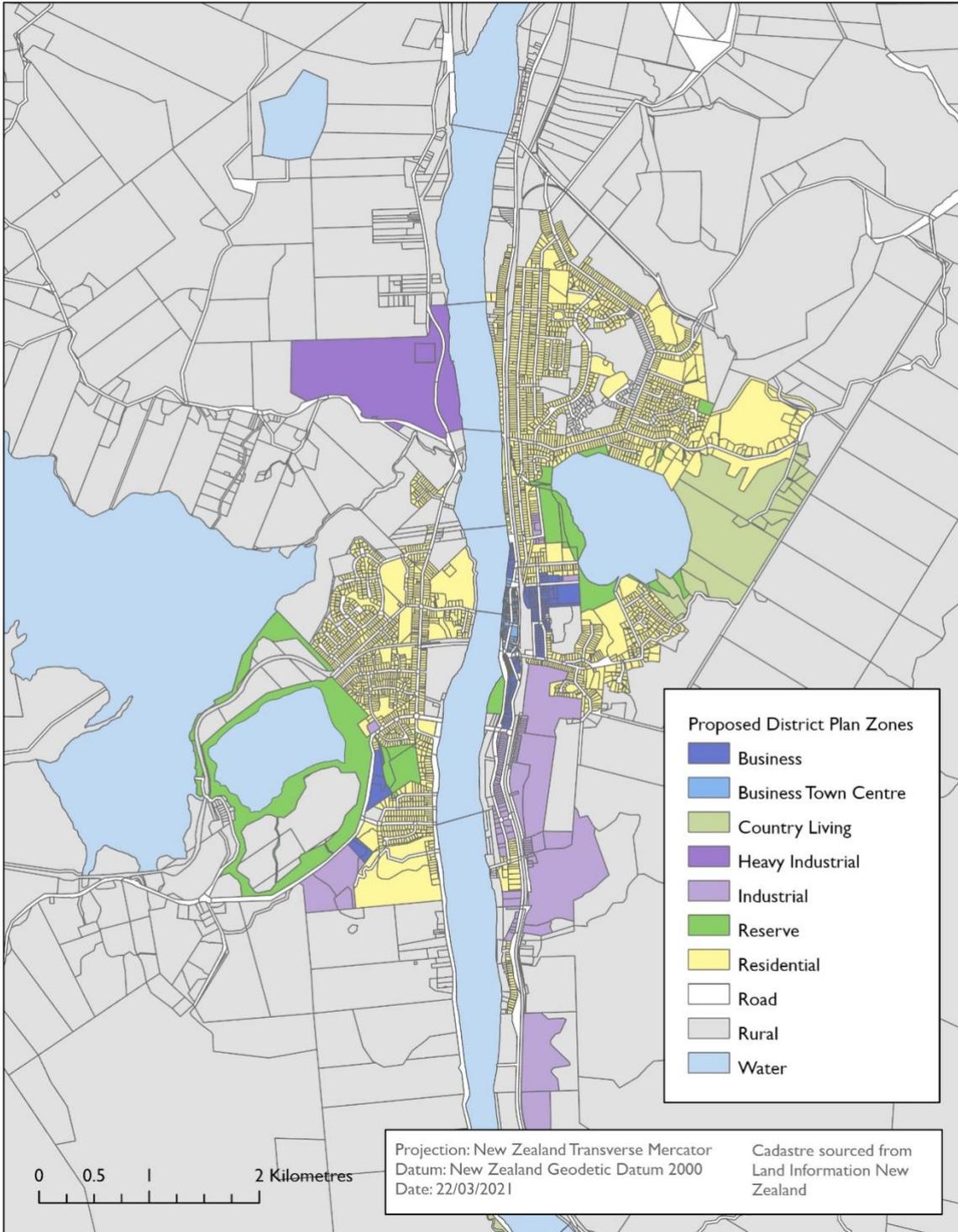


Figure 2 Proposed Waikato District Plan notified zones over Huntly



Operative Waikato District Plan Zones
Over the town of Huntly

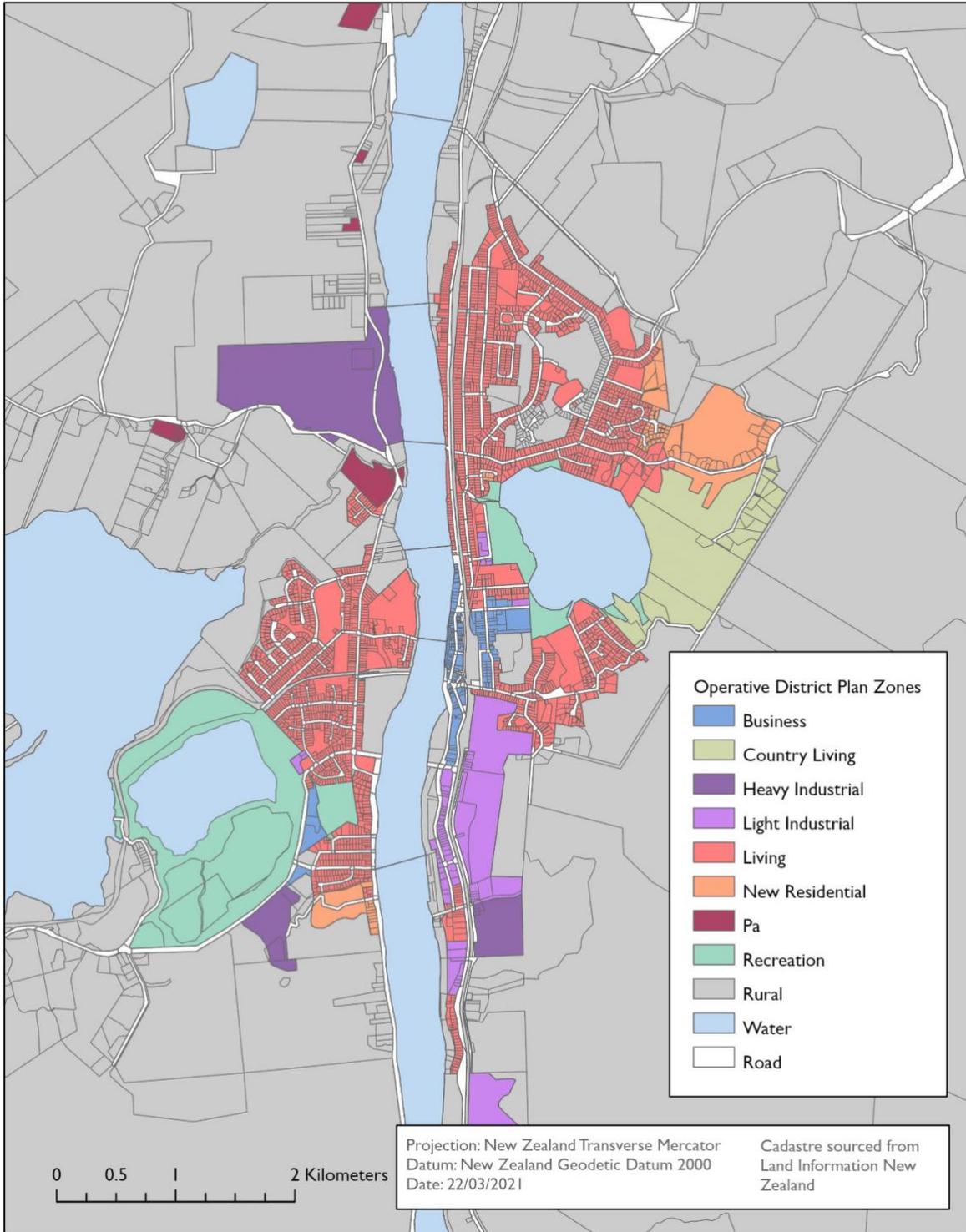


Figure 3 Operative Waikato District Plan zones over Huntly

2 Submissions summary

10. Ten submissions on the zoning in Huntly were received, four of which were in support of the notified zoning and six of which were in opposition and/or neutral but seeking amendments. The relief sought by submitters can be divided into requests to:
- a. Support and retain the Business Zone as notified
 - b. Support and retain the Residential Zone as notified
 - c. Support and retain the Industrial Zone as notified
 - d. Oppose Rural Zone and seek Residential Zone
 - e. Oppose Rural Zone and seek Village Zone
 - f. Oppose Rural Zone and seek Industrial Zone
 - g. Oppose Residential Zone and seek Industrial Zone
 - h. Rezone land in Huntly to a new 'Medium Density Residential Zone' (MDRZ)

3 Overview of statutory framework

3.1 NPS-UD

3.1.1 *Urban environment*

11. Paragraphs 55-61 of my s42A provide an explanation as to how Huntly meets the definition of 'urban environment' under the NPS-UD.
12. Consequently, the objectives and policies of the NPS-UD that refer to 'urban environments' are applicable and should be given effect to. It requires that Councils must:
- a. Achieve urban environments that are 'well-functioning' and enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future², and
 - b. Make planning decisions that improve housing affordability by supporting competitive land and development markets, and in relation to urban development, are integrated, strategic, and responsive³.
13. The Waikato District Council is a Tier 1 local authority, and the NPS-UD requires the PWDP to provide sufficient development capacity across the Waikato District.

3.1.2 *Residential capacity*

14. The land use capacity model prepared by Waikato District Council (the Council), has identified that in the short term, residential capacity will not meet household growth projections, nor will it meet NPS-UD supply requirements (which requires an additional 20% of supply above projections).
15. Therefore, there is a need to identify additional residential growth in Huntly to give effect to the NPS-UD in the short term.

² NPS-UD Objective 1

³ NPS-UD Objective 2 and Objective 6

3.2 Future Proof 2017

16. The Future Proof Strategy 2017 defines Huntly as a 'town centre' and identifies it as one of the key growth areas which make up the settlement pattern. It sets indicative urban limits for Huntly, which are shown in Figure 4 below.

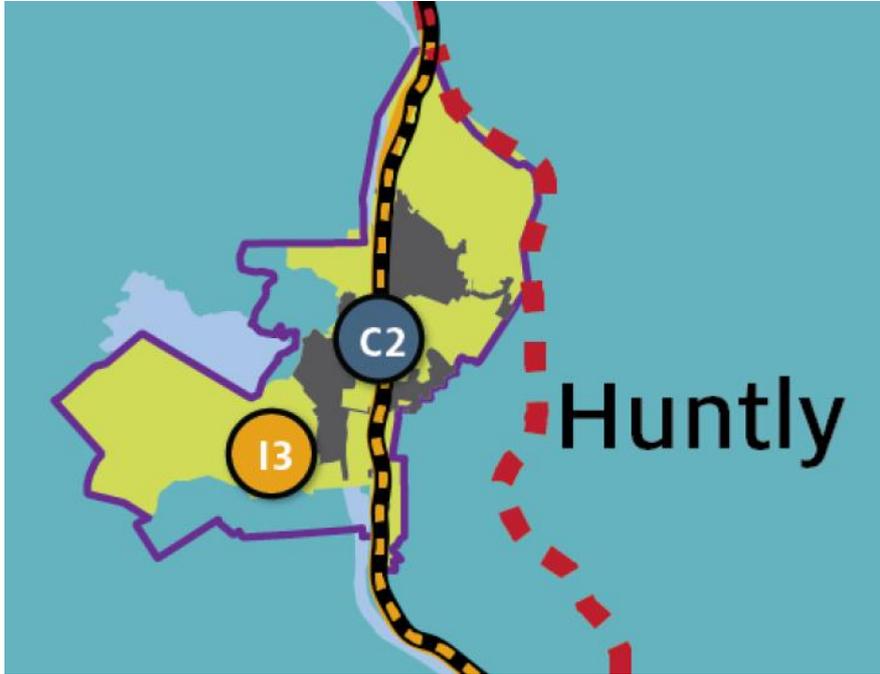


Figure 4 Indicative urban limits for Huntly from Future Proof Strategy 2017

3.3 Waikato 2070

17. The Waikato 2070 Growth and Economic Development Strategy (Waikato 2070) includes a Development Plan (see Figure 5 below) and Town Centre Plan for Huntly, both prepared for the 50+ years' time frame.

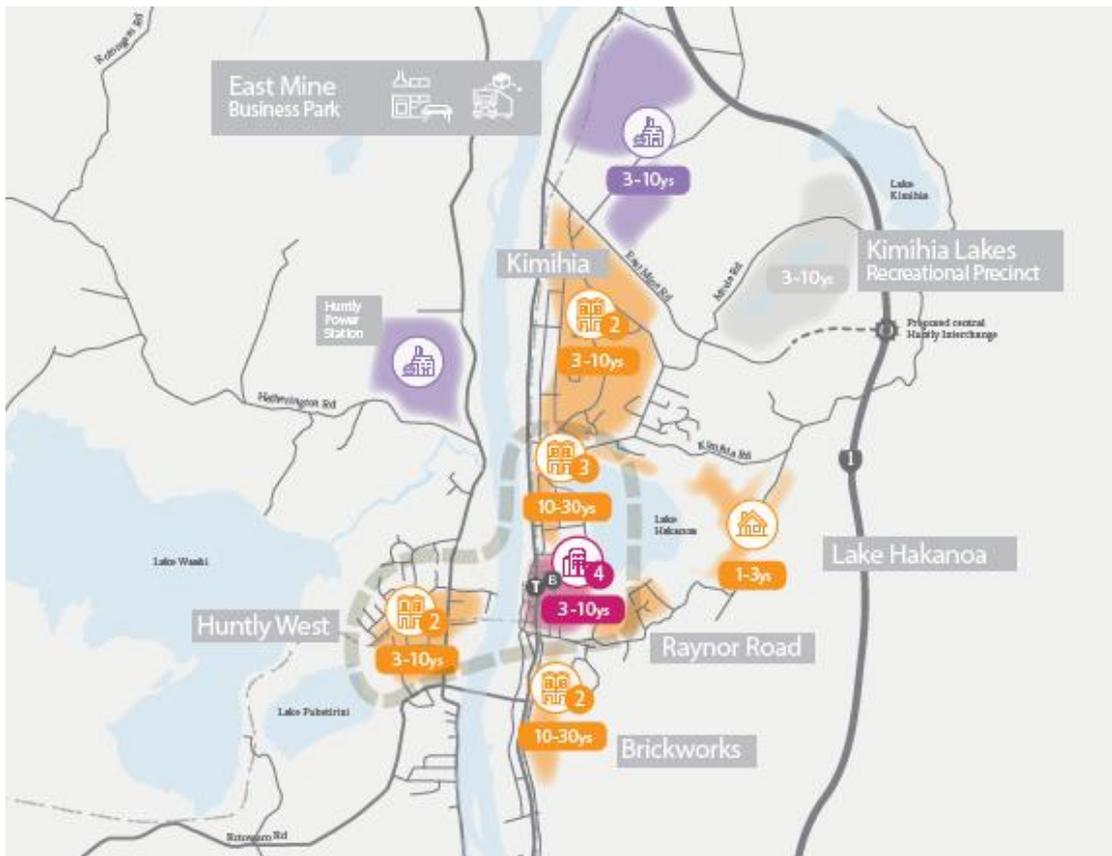


Figure 5 Development Plan for Huntly from Waikato 2070

18. A number of growth cells are identified for Huntly, each with indicative timing for their release. These are:
- East Mine Business Park (2023-2030)
 - Kimihia Lakes Recreational Precinct (2023-2030)
 - Kimihia (2023-2030)
 - Lake Hakanoa (2020-2023)
 - Raynor Road (2030-2050)
 - Brickworks (2030-2050)
 - Huntly West (2023-2030)
 - Huntly Lakeside (2030-2050), and
 - Town Centre (2023-2030).
19. Land subject to submissions which falls within a growth cell, includes:
- North Huntly, Industrial Area I and IA (Shand Properties Ltd, 778.2)
 - North Huntly, Residential Area 6 (Shand Properties Ltd, 778.3)
 - The majority of the MDRZ extent (Kāinga Ora, 749.154)
20. The remainder of land in Huntly that is subject to a submission does not falls within a growth cell.
21. My understanding is that Council's position is that if a site is not situated within a Waikato 2070 growth cell, this should not preclude its rezoning for development. Within the Huntly

Urban Limits outlined in the Future Proof Strategy, I understand there is either existing or planned additional infrastructure capacity.

4 Key recommendations

4.1 s42A Report

22. The recommended changes to zoning made in my s42A Report are illustrated below.
23. It is important to note that four of the recommendations made in my s42A Report were provisional, while I awaited peer review of submitter expert evidence. The provisional recommendations made were:
 - a. Terra Firma Resources Ltd (732.1) to rezone Weavers Crossing from Rural to Village Zone
 - b. Terra Firma Resources Ltd (732.2) to rezone the Puketirini Block from Rural to Residential Zone
 - c. Shand Properties Ltd (778.2) to rezone Area 1 and 1A from Rural to Industrial Zone, and
 - d. Shand Properties Ltd (778.3) to rezone Area 6 from Rural to Residential Zone.

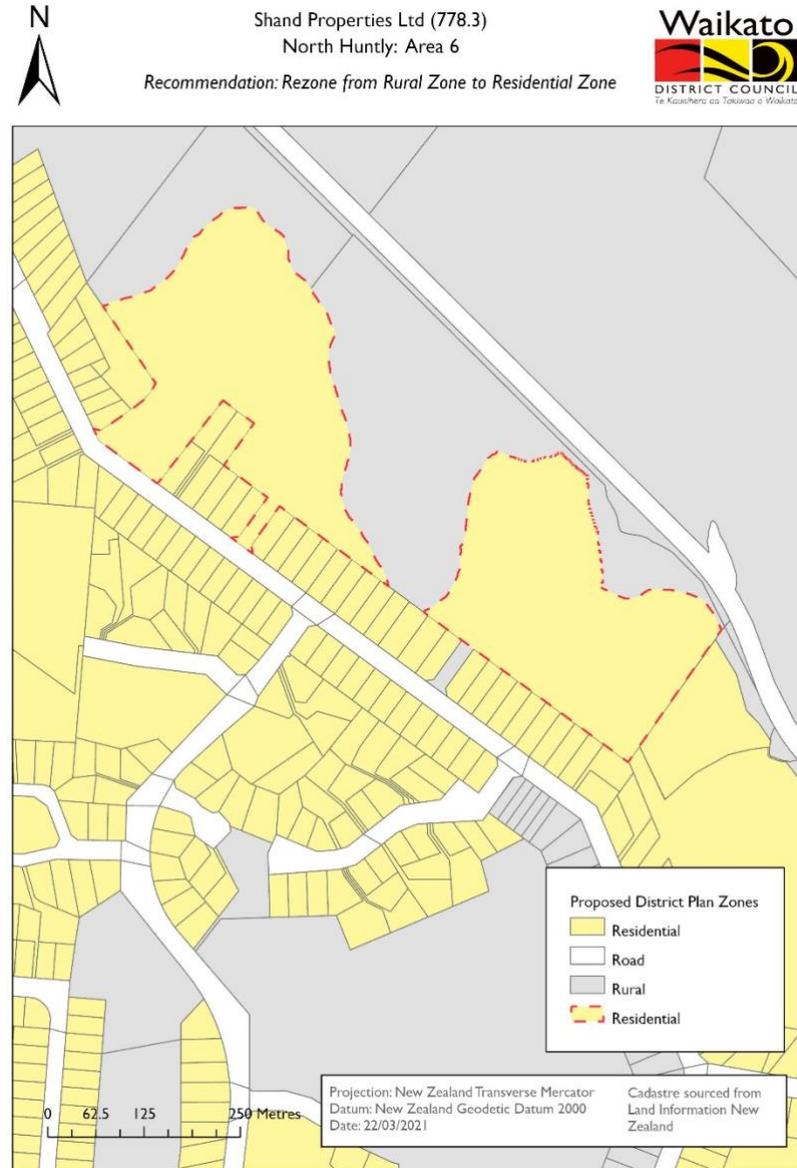
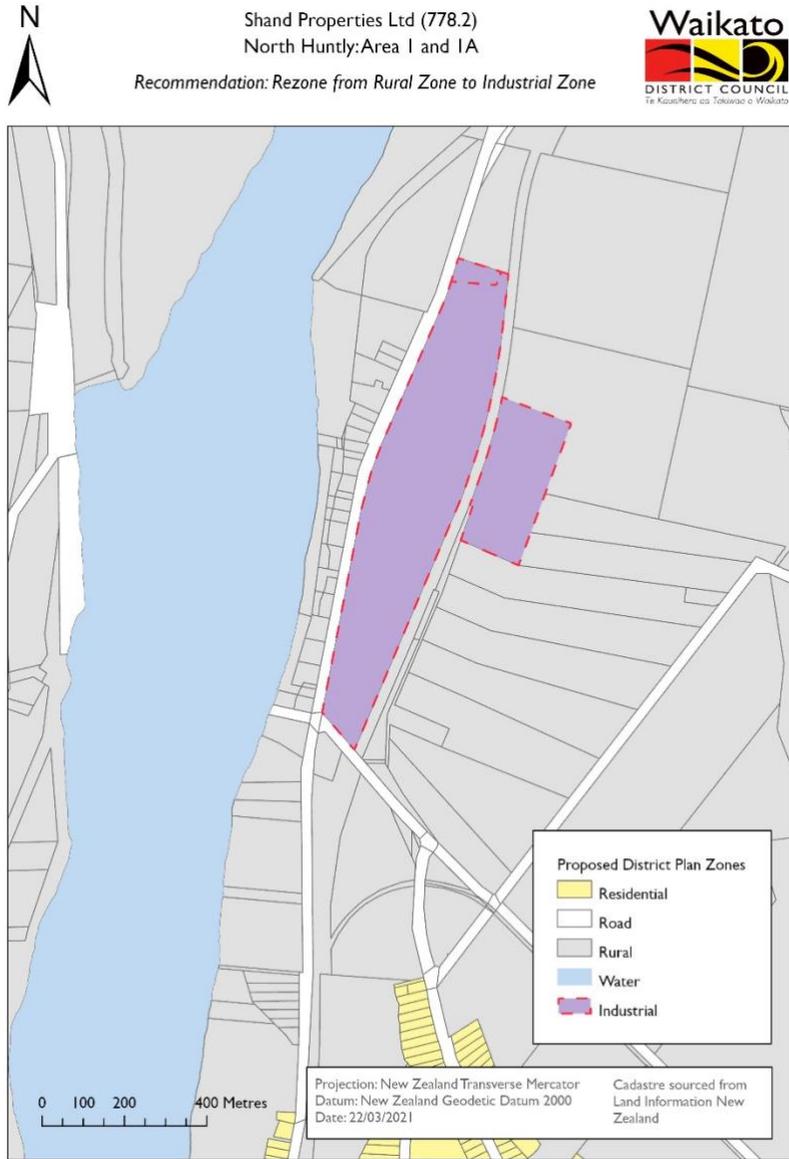


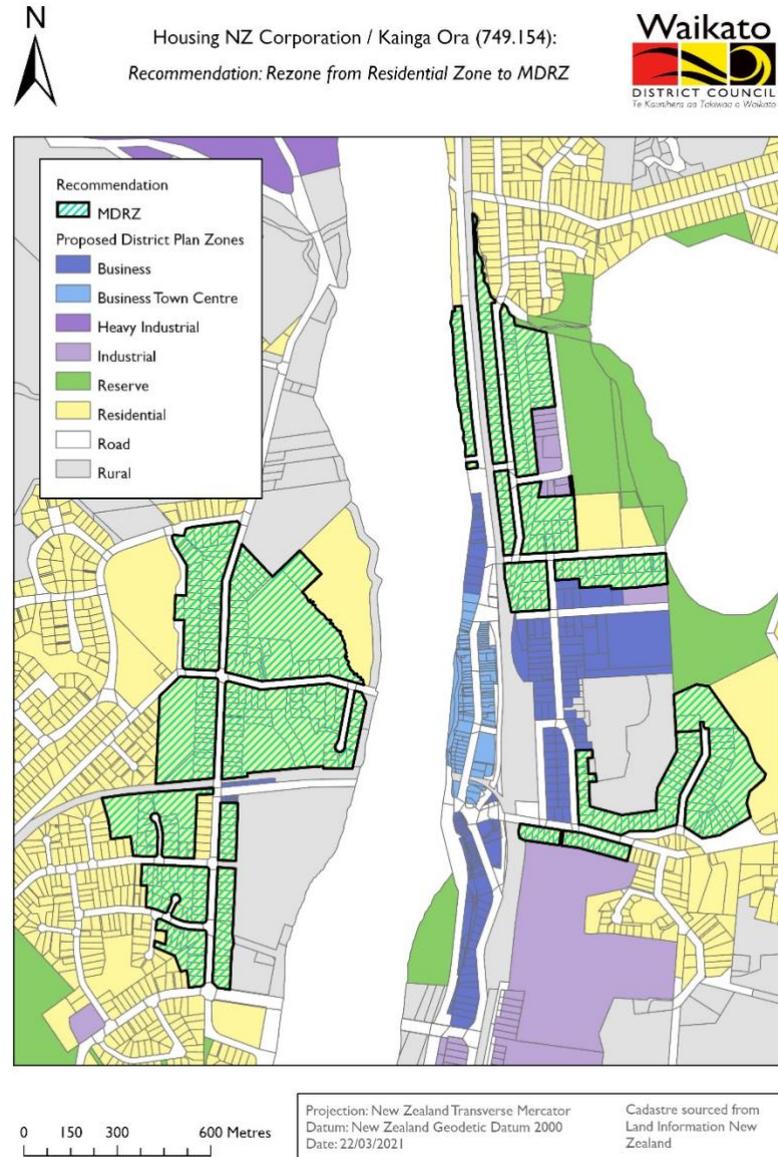
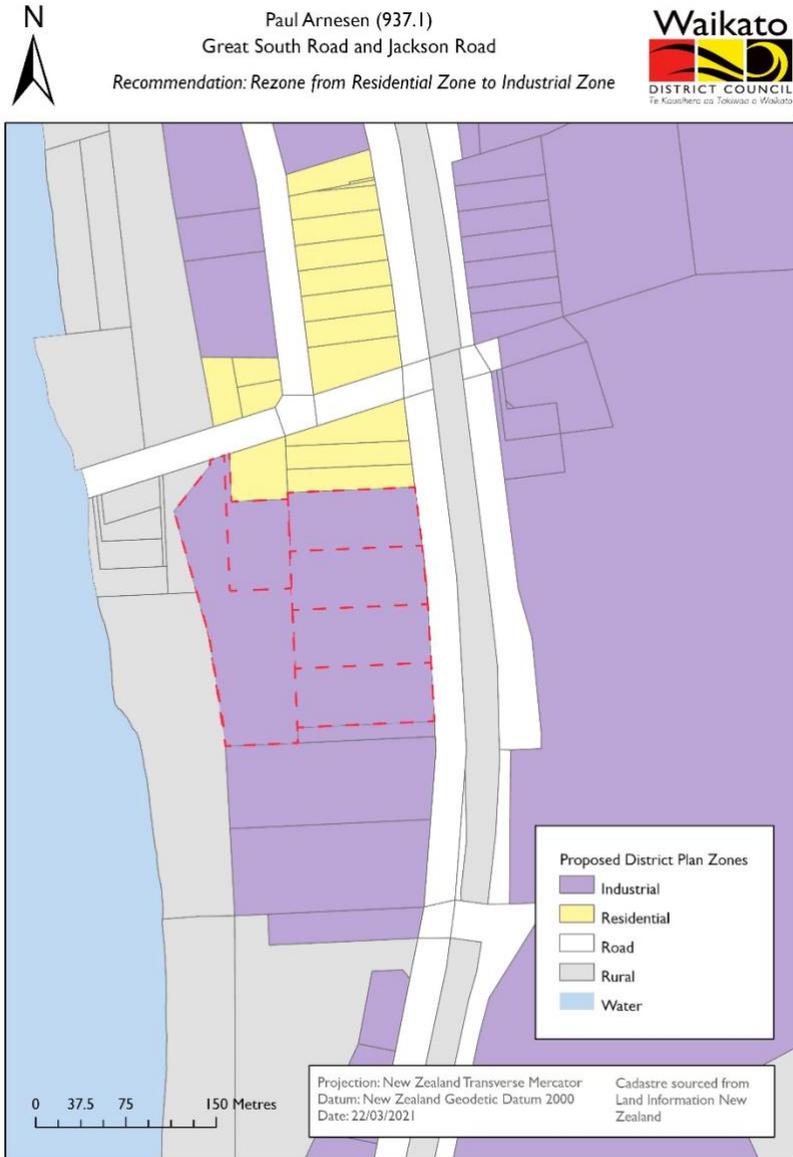
Terra Firma Resources Ltd (732.1):
Weavers Crossing
Recommendation: Rezone from Rural Zone to Village Zone



Terra Firma Resources Ltd (732.2):
Puketirini Block
Recommendation: Rezone from Rural Zone to Residential Zone







4.2 Reply evidence

24. As a result of the submitter rebuttal evidence and Technical Specialist Reviews received, I made the following changes:
- Amended my recommendations per Appendix 1 of my Reply evidence
 - Amended the provisions of Chapter 20: Industrial Zone, as shown in Appendix 2 of my Reply evidence
25. The table from Appendix 1 of my Reply evidence is provided below for ease of reference, and has been amended to highlight the changes to my recommendations to result from consideration of information received (see Table 2).

Table 2 Amendments to recommendations in the Huntly s42A report (as presented in Appendix 1 of my Reply evidence)

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

26. In the next section of this opening statement I will touch on the reasoning behind the changes to my recommendations in response to new information, with respect to:

- a. Amend the provisions of Chapter 20: Industrial Zone, in relation to the Huntly North Structure Plan Area proposed by Shand Properties Ltd as part of the request for industrial rezoning (778.2)
- b. Revise my recommendation in relation to Terra Firma Resources Ltd request for residential rezoning (732.2) from provisionally *accept*, to *reject*.

5 Remaining matters of contention

5.1 Shand Properties Ltd (778)

27. In the Highlights Package prepared by Shand Properties Ltd, Chris Dawson outlines two key issues in contention:

Issue in contention 1: duplication of the stormwater breach assessment

Issue in contention 2: exclusion of low-lying area from rezoning of Area 6

5.1.1 Issue in contention 1

28. In his rebuttal evidence, Chris Dawson drew attention to the fact that Rule 15.6.2 makes subdivision in the Defended Area a Restricted Discretionary activity. At 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’

29. At paragraph 19 of my Reply evidence, I agreed that Rule 15.6.2 adequately provides for assessment of flood risk for subdivision activities in the Defended Area, but disagreed with Chris Dawson’s statement that this rule provides for such an assessment with respect to land use activities. 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.

30. To resolve this, and prevent a duplication of efforts and costs, I recommended amendments to Chapter 20 to make land use activities in the Huntly North Structure Plan Area permitted activities, provided that they meet the activity specific conditions:

(a) Must be on a site that:

- i. was created by a subdivision consent decision that had regard to a stop bank breach assessment; and
- ii. the stop bank breach assessment assessed risk to the site and future development on the site; and
- iii. all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.

31. Land use activities that do not meet the permitted activity standards, are then restricted discretionary activities, with:

Council’s discretion restricted to:

- i. the avoidance and mitigation of flooding hazard,
- ii. Preparation of, and responses to recommendations in, a stop bank breach assessment.

32. In the Highlights Package, Chris Dawson acknowledges the amendments to Chapter 20 recommended in my Reply evidence intended to resolve the issue of duplication that he highlighted in his rebuttal evidence.

- 33. He indicated that Shand Properties Ltd support this amendment, but noted in the drafting a: *'false distinction in Restricted Discretionary Rule 20.6.3: RD1 & RD2'*
- 34. On reflection, I agree that the recommended Rules 20.6.3 RD1 and RD2 (as shown in Appendix 2 of my Reply evidence) could be combined to form a single rule for improved readability.
- 35. Therefore, I recommend further amendments to Chapter 20: Industrial Zone to reflect this (see Appendix 1 of this opening statement).

5.1.2 Issue in contention 2

- 36. In his rebuttal evidence, Chris Dawson generally concurs with the analysis and recommendations of my s42A report to rezone an area of the Shand Properties Ltd land to Residential Zone, but disagrees 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.
- 37. He referred to the Indicative Scheme Plan prepared by Shand Properties (see Figure 6 below), noting that all of the houses and roads for the housing development are located outside the known flood plain, yet some of the stormwater treatment wetlands, and their maintenance access roads and the existing wetland all lie within that part of the site covered by the Defended Area overlay.

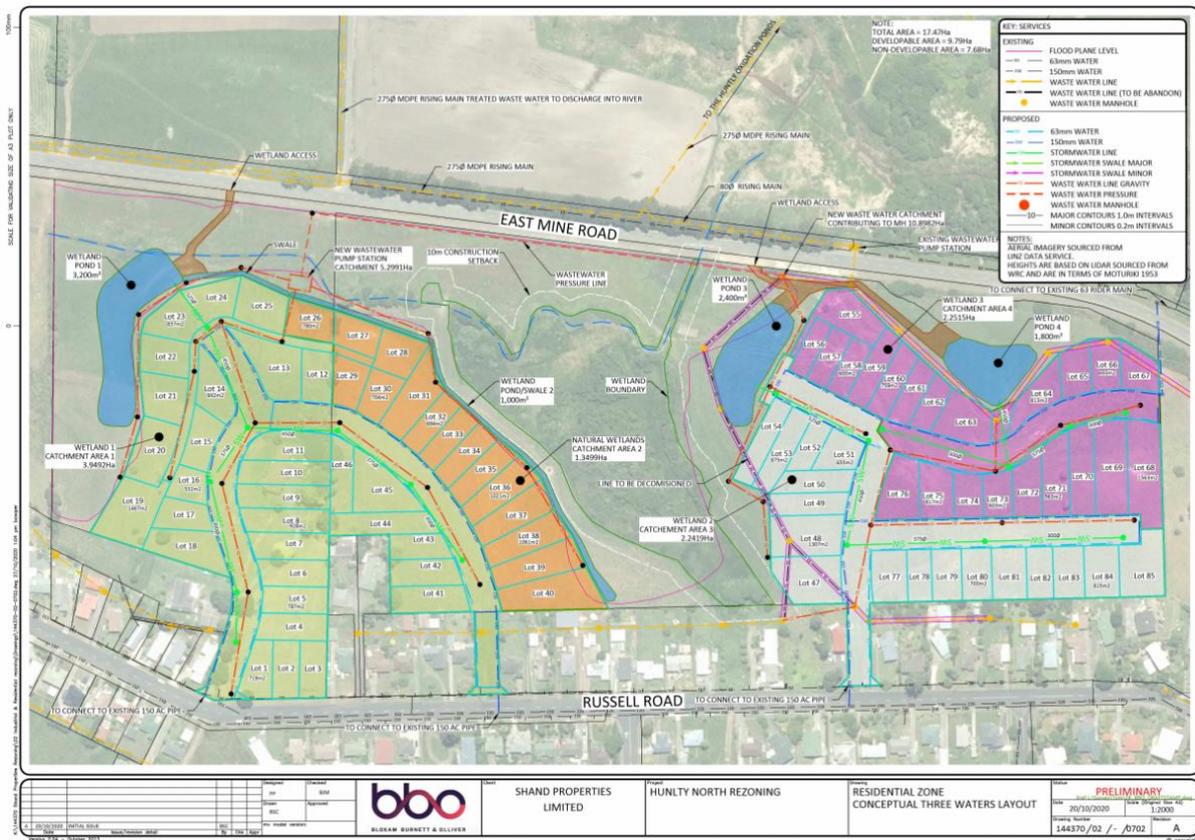


Figure 6 Indicative Scheme Plan for the residential development of Area 6 as suggested by Shand Properties Ltd (778.3) in their primary evidence

- 38. Chris Dawson stated that he considered it 'poor planning practice' to create a split zoned site in which some infrastructure would be located within the Rural Zoned portion of the site, while the residential aspect of the development would be situated on the Residential Zoned land. He noted that:

'the subdivision of any land within the Defended Area overlay will require a detailed assessment of a number of factors associated with flooding risk'.

39. Chris Dawson is correct that subdivision within the Defended Area overlay is a requires resource consent, with councils discretion is restricted to a number of factors including flood and residual risk.
40. I am satisfied that the Restricted Discretionary activity status for subdivision under the Residential Zone and the Natural Hazards chapters of the District Plan, and the associated matters of discretion, are able to adequately manage flood and residual risk. This is consistent with Policy 15.2.1.10 of the District Plan, and WRPS Implementation Method 13.2.7 which direct that subdivision, use and development in defended areas is controlled.
41. Despite this, I have concerns in regard to wetland feature identified by Andrew Blayney in his expert evidence for Shand Properties Ltd. He considered the 1.84 ha wetland met the definition of 'natural inland wetland' in the National Policy Statement for Freshwater Management (NPS-FM) and the National Environmental Standards for Freshwater (NES-FW).
42. Figure 7 shows the wetland feature in the context of my recommended zoning.
43. The NES-FW prescribes standards for natural wetlands, and requires resource consent, as a Non-Complying activity, for:
- a. vegetation clearance within, or within a 10 m setback from a natural wetland
 - b. earthworks within, or within a 10 m setback from a natural wetland
 - c. the taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from a natural wetland⁴.
44. Despite meeting the definition of 'natural inland wetland', this wetland is not identified or mapped as a Natural Environment overlay in the District Plan. Subpart 1, section 3.5 of the NPS-FM requires that territorial authorities include provisions in their district plans to promote positive effects, and avoid, remedy, or mitigate adverse effects of:
- '...urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments'*

⁴ Regulation 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020



Shand Properties (778.3) Area 6
Area recommended to be rezoned from Rural to Residential
and aerial imagery of natural inland wetland



Figure 7 Area recommended to be rezoned Rural to Residential and aerial imagery of identified natural inland wetland

45. I do not consider that the matters of discretion in Rule 16.4.1 of Chapter 16: Residential Zone provide sufficient scope for Council officers to consider potential effects of the development and land use on the freshwater ecosystems and receiving environments, such as this natural inland wetland. With respect to s32, I consider the risk of acting and rezoning the entire site Residential as requested by Shand Properties Ltd, is that assessment of the potential adverse effects of development on the natural inland wetland will be neglected. This would not assist the District Plan to give effect to the NPS-FM.
46. Retention of the Rural Zone over the low-lying portion of the site covered by the Defended Area overlay and containing the natural inland wetland feature, means that subdivision and development of the site as proposed by Shand Properties Ltd would be a Non-Complying activity (the site is less than 20 ha, and more than one additional lot is proposed). This would provide Council officers the full discretion to assess the potential adverse effects of the development and land use on freshwater ecosystems and receiving environments.
47. Retention of the Rural Zone over the lower portion of the site is likely to result in better outcomes for the natural inland wetland, than if the entire site were to be rezoned Residential.
48. I do not consider relying on the Non-Complying activity status for subdivision under the Rural Zone to be the best way to ensure potential effects on the natural inland wetland features are assessed, but I believe that within the scope of submissions received, it is the most effective and efficient means in which to achieve the objectives of the Proposed Waikato District Plan.
49. If there was scope to do so, I consider the most effective and efficient means of achieving the purposes of the Act, through consideration of potential adverse effects on the natural environment, while contributing urban development capacity, would be an amendment to the Chapter 16: Residential Zone subdivision Rule 16.4.1 to include a matter of discretion to be require assessment of:
- ‘Potential effects to result from the subdivision, development and resultant land use on the natural features and values, which includes freshwater ecosystems and receiving environments’*
50. In the absence of such a consideration, and for the reasons outlined above, I maintain my recommendation set out in my reply evidence on the submission by Shand Properties Ltd (778.3), to rezone only part of Area 6 from Rural to Residential Zone.

5.2 Terra Firma Resources Ltd

51. Following the Technical Specialist Review under taken by John Warrington (WSP New Zealand Ltd) in relation to the Puketirini Block, I revised my recommendation in my Reply evidence to reject the submission by Terra Firma Resources Ltd (732.2) to rezone the land from Rural to Residential Zone.
52. In the Technical Specialist Review (see Appendix 3 of my Reply evidence), John Warrington concluded that:
- ‘...it is considered that additional investigations and assessment are needed in order to support the re-zoning of the area’.*
53. In his rebuttal evidence for Terra Firma Resources Ltd, Lincoln Smith addressed the Technical Specialist Report prepared by John Warrington and outlined points of agreement and disagreement. He also provided a rationale for proceeding with the rezoning proposal.
54. Lincoln Smith disagreed with John Warrington’s comments with respect to:
- a. The classification of materials as ‘non-engineered fill’
 - b. Slope stability (he noted that the undisturbed base of the former coal mine is benched to restrict the down-slope displacement of hard fill over the sloping surface)

- c. Groundwater at depth (he noted the presence of engineered ‘chimneys drains’ to allow ground water to escape)
 - d. The requirement for additional investigations prior to rezoning.
55. After the receipt of this rebuttal evidence by Terra Firma Resources Ltd, an initial pre-hearing meeting was held on Tuesday 22 June to discuss the geotechnical matters of contention.
56. John Warrington has reviewed the Rebuttal Evidence of Lincoln Smith and provided his response in writing (see Appendix 2 of this opening statement) in which he addressed the points of contention. He concludes that:
- ‘The rationale for proceeding with re-zoning will need to be undertaken in consideration of the requirement for deep intrusive geotechnical site investigation locations required for planning purposes, as defined by the MBIE/ NZGS guidance documentation’.*
- ‘Using the information obtained from the deep intrusive geotechnical site investigations and associated laboratory testing, a stability assessment of the ‘Bund No. 8’ earth slope structure formed by the submerged clay bund and mine excavation arisings backfill will then need to be undertaken’.*
57. A secondary discussion was held on Wednesday 30 June. The key outcome of this pre-hearing discussion was acknowledgment by all parties that further investigations are required as a pre-requisite for rezoning of the site.
58. Therefore, based on the advice provided in John Warrington’s Reply evidence, I maintain my recommendation to reject the submission by Terra Firma Resources Ltd (732.2).

5.3 Genesis Energy

59. Paragraph 552 of my s42A Report outlines the submission by Housing NZ Corporation (749.154), now referred to as Kāinga Ora, to include a Medium Density Residential Zone (MDRZ) for a number of settlements in the Waikato District, which includes Huntly.
60. I accepted in part the submission by Kāinga Ora (749.154) and recommended the inclusion of a MDRZ in Huntly at paragraph 591 of my s42A Report.
61. In my s42A Report, I omitted to consider and make a recommendation on the further submission by Genesis Energy Ltd (1345.118), which opposed further intensification in Huntly where such could result in a reverse sensitivity issue for Huntly Power Station.
62. I consider this submission, and primary evidence by Genesis Energy Ltd now.

(vii) For any site north of Bell Crossing Road and between Great South Road and the Waikato River in Huntly, provision of options to mitigate potential reverse sensitivity effects on the Huntly Power Station.

66. I have reflected on the evidence of Genesis Energy Ltd, but do not consider it provides sufficient detail in regard to potential effects, to make a recommendation on the amendments proposed to the provisions of Chapter 16. The amendments proposed by Genesis Energy Ltd impose additional restrictions on development in the MDRZ, and may act to impede the purpose of the proposed zone.
67. There may also be a potential issue relating to scope for the changes to the rules requested by Genesis, as those changes are not requested in an original submission, and instead derived from a further submission, which can only support or oppose an original submission and cannot increase its scope.
68. In the event that further evidence on the potential reverse sensitivity effects on the specified area in Huntly is provided, and the issue of scope is addressed, I would happily reconsider my recommendation.
69. Based on the information before me, I recommend that the further submission by Genesis Energy Ltd (1345.118) is rejected.

6 Conclusion

70. This concludes my opening statement of the Huntly rezoning extents.
71. I look forward to hearing evidence presented by submitters and welcome any questions that the Panel may have.

Appendix I 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**, and changes arising from the reply evidence are shown in **blue**. Changes that are a result of this opening statement are shown in **green**.

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:

I4 Infrastructure and Energy;

I5 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
D8	<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>

	<p>(a) P4 (a) or (b),</p> <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) <u>Any building that does not comply with Rule 20.3.1 P2 (a)(ii).</u></p> <p>(b) <u>Council's discretion is restricted to the following matter:</u></p> <p style="padding-left: 40px;">(i) <u>the avoidance and mitigation of flooding hazard</u></p> <p style="padding-left: 40px;">(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>PI</u>	<u>Industrial activity in the North Huntly Structure Plan Area</u>	<p>(a) <u>Must be on a site that:</u></p> <p style="padding-left: 40px;">(i) <u>was created by a subdivision consent decision that had regard to a stop bank breach assessment; and</u></p> <p style="padding-left: 40px;">(ii) <u>the stop bank breach assessment assessed risk to the site and future development on the site; and</u></p> <p style="padding-left: 40px;">(iii) <u>all flood hazard mitigation measures recommended</u></p>

		<u>in the stop bank breach assessment are in place.</u>
<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> <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>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> <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>P4</u>	<u>Office ancillary to an industrial activity in the North Huntly Structure Plan Area</u>	<p><u>Must:</u></p> <p>(a) <u>Be less than 100m2 gfa; or</u></p> <p>(b) <u>Not exceed 30% of all buildings on the site.</u></p> <p>(c) <u>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>P5</u>	<u>Food outlet in the North Huntly Structure Plan Area</u>	<p><u>Must:</u></p> <ul style="list-style-type: none"> (a) <u>Be less than 200m² gfa.</u> (b) <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> (iii) <u>all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.</u>
<u>P6</u>	<u>Ancillary retail in the North Huntly Structure Plan Area</u>	<p><u>Must:</u></p> <ul style="list-style-type: none"> (a) <u>Not exceed 10% of all buildings on the site.</u> (b) <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</u>

		<p><u>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>
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20.6.23 Restricted Discretionary Activities

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

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

RD1	Industrial activity in the North Huntly Structure Plan Specific Area	<p>Council's discretion is restricted to:</p> <ul style="list-style-type: none"> (iii) — the avoidance and mitigation of flooding hazard; (iv) — Preparation of, and responses to recommendations in, a stop bank breach assessment.
RD2	Trade and industry training activity (except in the North Huntly Structure Plan Specific Area)	<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.
RD3	Truck stop for refuelling (except in the North Huntly Structure Plan Specific Area)	<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.
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> <p>(i) Be less than 200m² gfa.</p> <p>Council's discretion is restricted to:</p> <p>(i) the avoidance and mitigation of flooding hazard,</p> <p>(ii) Preparation of, and responses to recommendations in, a stop bank breach assessment.</p>
RD6	Ancillary retail (except in the North Huntly Structure Plan Specific Area)	<p>Must:</p> <p>(i) Not exceed 10% of all buildings on the site.</p> <p>Council's discretion is restricted to:</p> <p>(i) the avoidance and mitigation of flooding hazard,</p> <p>(ii) Preparation of, and responses to recommendations in, a stop bank breach assessment.</p>

Appendix 2 Statement of Evidence of John Warrington (Geotechnical): Reply to Rebuttal by Lincoln Smith