

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan

Hearing 25: Zone Extents Huntly

Report prepared by: Lily Campbell

Date: 15 April 2021



TABLE OF CONTENTS

1	Introduction	4
2	Scope of Report.....	6
3	Statutory framework	26
4	Submissions	38
5	Conclusion	174
	Appendix 1: Table of submission points.....	175
	Appendix 2: Recommended amendments	178
	Appendix 3: Technical Specialist Reviews.....	182
	Appendix 4: Record of communication with submitters	183
	Appendix 5: Checklist in Appendix I to the Opening Legal submissions by Counsel for WDC, dated 23 September 2019	185
	Appendix 6: Recommended amendments to Chapter 20: Industrial Zone in relation to the North Huntly Structure Plan Area.....	188
	Appendix 7: Proposed Plan Change 22 Builtsmart Expansion, Part B: Section 32 Analysis	192
	Appendix 8: Decision of Commissioners on Private Plan Change 22 Builtsmart Expansion	193

List of submitters and further submitters addressed in this report

Original Submitter	Submission number
Arnesen, Paul (on behalf of Planning Focus Limited)	937.1
Eastside Heights Ltd	699.1
Hata, Cody	214.1
Shand Properties Limited	778.2
	778.3
Terra Firma Resources Ltd	732.1
	732.2
Te Wananga o Aotearoa	15.1
Z Energy Ltd	589.6
Housing New Zealand Corporation	749.154

Further Submitter	Submission number
Allen Fabrics Ltd	FSI349.2
	FSI349.3
Blue Wallace Surveyors Ltd	FSI287.34
Builtsmart Property Partnership Limited & PLB Construction Group Limited	FSI196.1
Janif, Mohammed	FSI177.1
Kumar, Sangeeta	FSI077.1
Mercury NZ Ltd	FSI386.12
	FSI386.276
	FSI387.782
	FSI387.810
	FSI387.811
	FSI387.1186
	FSI387.1187
	FSI387.1557
Morris, Bryan	FSI309.6
New Zealand Transport Agency	FSI202.124
	FSI202.125
	FSI202.126
Perry Group Limited	FSI313.13
Shand Properties Limited	FSI141.2
Terra Firma Mining Ltd	FSI285.2
Waikato Regional Council	FSI277.47
	FSI277.48
	FSI277.52
	FSI277.53

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My name is Lily Campbell, and I am a planning consultant at Perception Planning Limited.
2. I have a Bachelor of Applied Science (major in Environmental Management and minor in Geographical Information Systems) with First Class Honours from the University of Otago. I am an associate member of the New Zealand Planning Institute.
3. I have three years' experience in resource management and planning. My particular areas of expertise are regional and district plan review and development, including s42A preparation, s32 evaluation, and drafting regional and district plan provisions.

I.2 Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the hearings commissioners.

I.3 Conflict of Interest

6. I can confirm that I have no real or perceived conflict of interest.

I.4 Preparation of this report

7. I am the author of this s42A report.
8. The scope of evidence relates to evaluation of submissions and further submissions received in relation to Huntly rezoning.
9. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
10. In preparing this report I rely on expert advice from:
 - a. Submitter evidence, namely:
 - i. Hayden Vink, in relation to three waters (Terra Firma Resources, 732)
 - ii. Michael Carter, in relation to geotechnical assessment (Terra Firma Resources, 732)
 - iii. Lucy Smith, in relation to planning analysis (Terra Firma Resources, 732)
 - iv. Phil Stickney, in relation to planning analysis (Kāinga Ora, 749)
 - v. Cam Wallace, in relation to Urban Design (Kāinga Ora, 749)
 - vi. Chris Dawson, in relation to planning analysis (Shand Properties Ltd, 778)
 - vii. Rhulani Baloyi, in relation to transport (Shand Properties Ltd, 778)

- viii. Andrew Blayney, in relation to ecology (Shand Properties Ltd, 778)
 - ix. Kenneth Read, in relation to geotechnical assessment (Shand Properties Ltd, 778)
 - x. Warren Gumbley, in relation to archaeology (Shand Properties Ltd, 778)
 - xi. Constantinos Fokianos, in relation to stormwater (Shand Properties Ltd, 778), and
 - xii. Philip Pirie, in relation to three waters (Shand Properties Ltd, 778).
- b. Technical Specialist Reviews, namely:
 - i. Roger Seyb (Beca Ltd) in relation to three waters, and
 - ii. Skip Fourie (Beca Ltd) in relation to transport.
 - c. Technical reports, namely:
 - i. Proposed Plan Change 22 Builtsmart Expansion, Part B: Section 32 Analysis, and
 - ii. Decision of Commissioners on Private Plan Change 22 Builtsmart Expansion.
11. In preparing this report I also rely on information in the Framework Report s42A prepared by Mr Davey, as well as the s42A report on the Medium Density Housing Zone and Future Urban Zone prepared by Mr Cleese. I have also read the evidence filed by submitters/ further submitters.

2 Scope of Report

2.1 Matters addressed by this report

12. This report is prepared in accordance with section 42A of the RMA. This report considers submissions on the Waikato Proposed District Plan on the zoning of land in Huntly.

2.2 Overview of Huntly

13. The town 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.
14. Huntly is located between the Waikato district towns of Te Kauwhata to the north, and Taupiri to the south (see Figure 1 below).

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



Figure 1 Location of Huntly and neighbouring towns Te Kauwhata and Taupiri

15. Huntly extends over both sides of the Waikato River, with Huntly West to the true left of the river (Proposed District Plan Map 20.1), and Huntly East to the true right (Proposed District Plan Map 20.2). Below the Rotowaro Branch Railway Line, which traverses the Waikato River, is Huntly South (Proposed District Plan Map 20.3). South west of Lake Hakanoa is the Huntly Town Centre (Proposed District Plan Map 20.4).

2.2.1 Notified zoning pattern

16. Huntly East (Map 20.2), is predominantly zoned residential. There is a large pocket of reserve and Industrial zoned land south east of Lake Hakanoa, and a pocket of Business which is referred to as the Huntly Town Centre (Map 20.4).
17. On the true right of the Waikato River, Huntly South (Map 20.3) is predominantly zoned Industrial, with the exception of pockets of Residential to the west of Great South Road, alongside the river. On the true left, there is a considerable extent of Residential zoned land northeast, east and southeast of Lake Puketirini. The majority of land south of Rotowaro Road (where it intersects with Weavers Crossing Road and Hillside Heights Road) is zoned Rural.
18. Huntly West (Map 20.1) is characterised by a large area of Residential land, 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. The notified zoning of Huntly is illustrated in Figure 2 below.



Proposed Waikato District Plan Zones
Over the town of Huntly

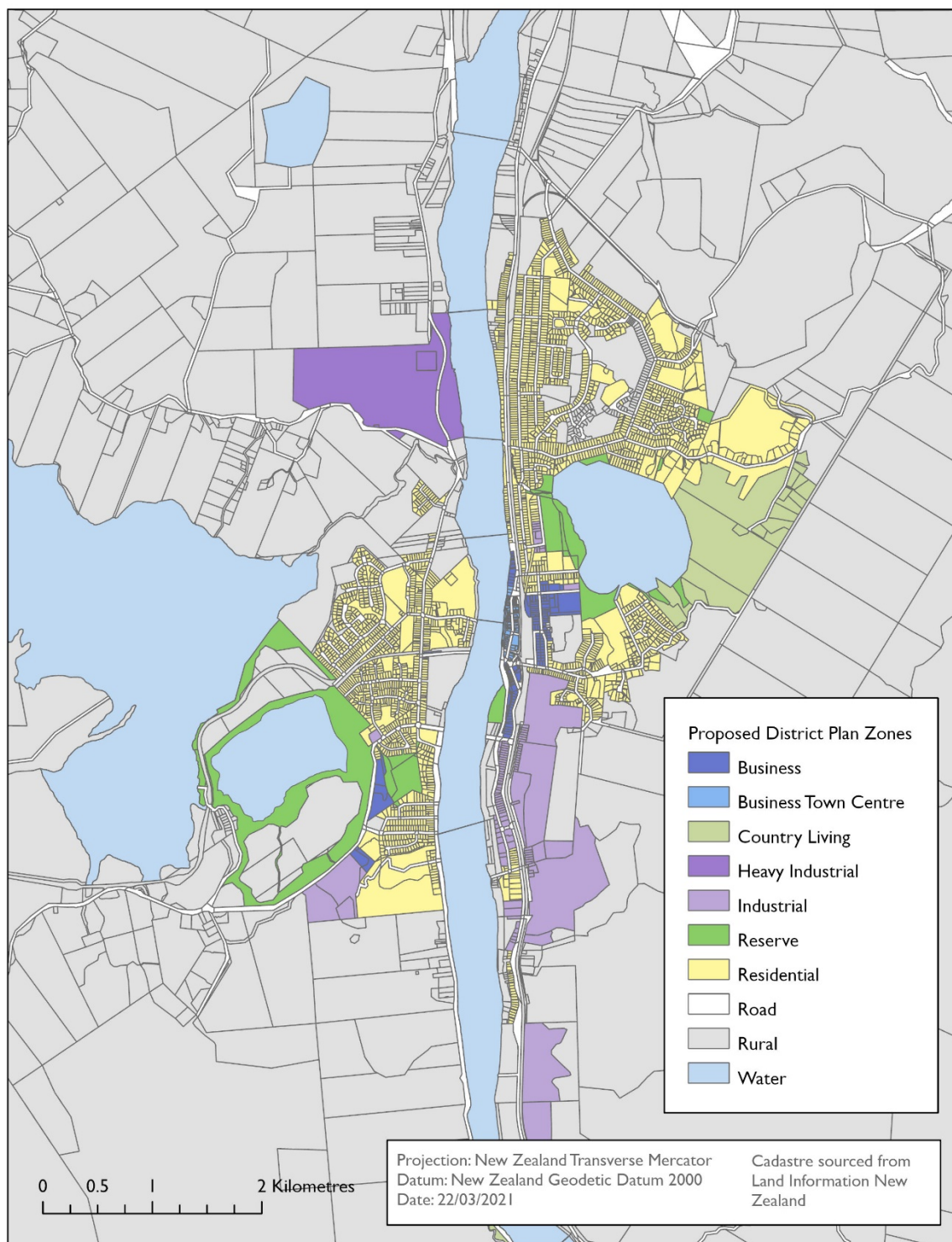


Figure 2 Proposed Waikato District Plan notified zones over Huntly

2.2.2 Operative zoning pattern

19. 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

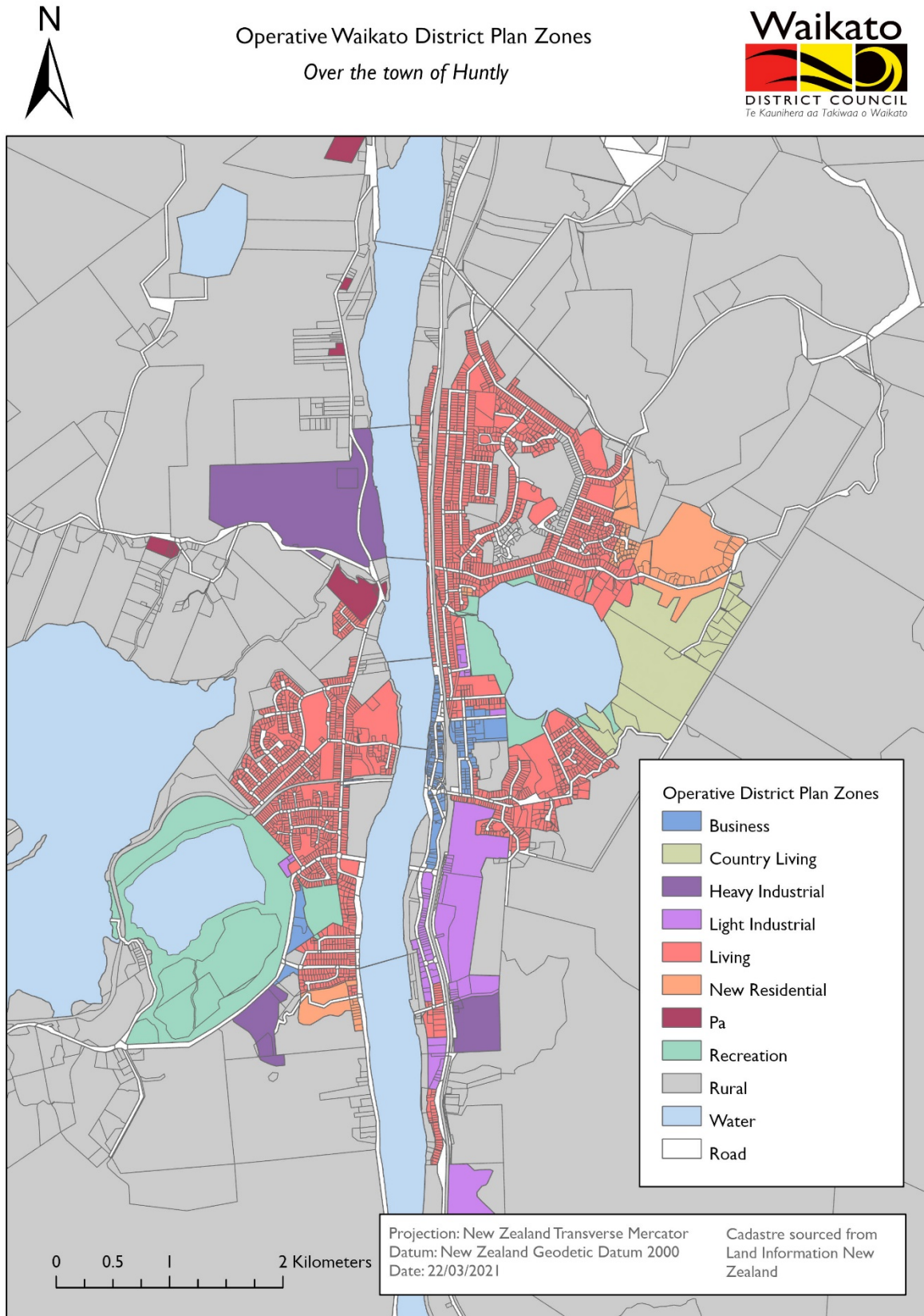


Figure 3 Operative Waikato District Plan zones over Huntly

2.2.3 Planning history – zoning and structure plans

20. No structure plans exist for Huntly. Structure plans exist for the nearby towns of Ngaruawahia and Tuakau, and there is a non-statutory design guide for the main street of Pokeno.
21. Private Plan Change 22 – Builtsmart (PC22) was lodged in September 2019 and approved in March 2020. This resulted in 2.45 hectares of land in Huntly South being rezoned from the operative Living Zone, to Light Industrial. PC22 was comprised of the following properties:
 - a. 492 Great South Road
 - b. 486 Great South Road
 - c. 478 Great South Road
 - d. 4 Jackson Road, and
 - e. 2B Jackson Road.
22. Figure 4 shows the properties which were the subject of PC22 and the resultant OWDP zones.

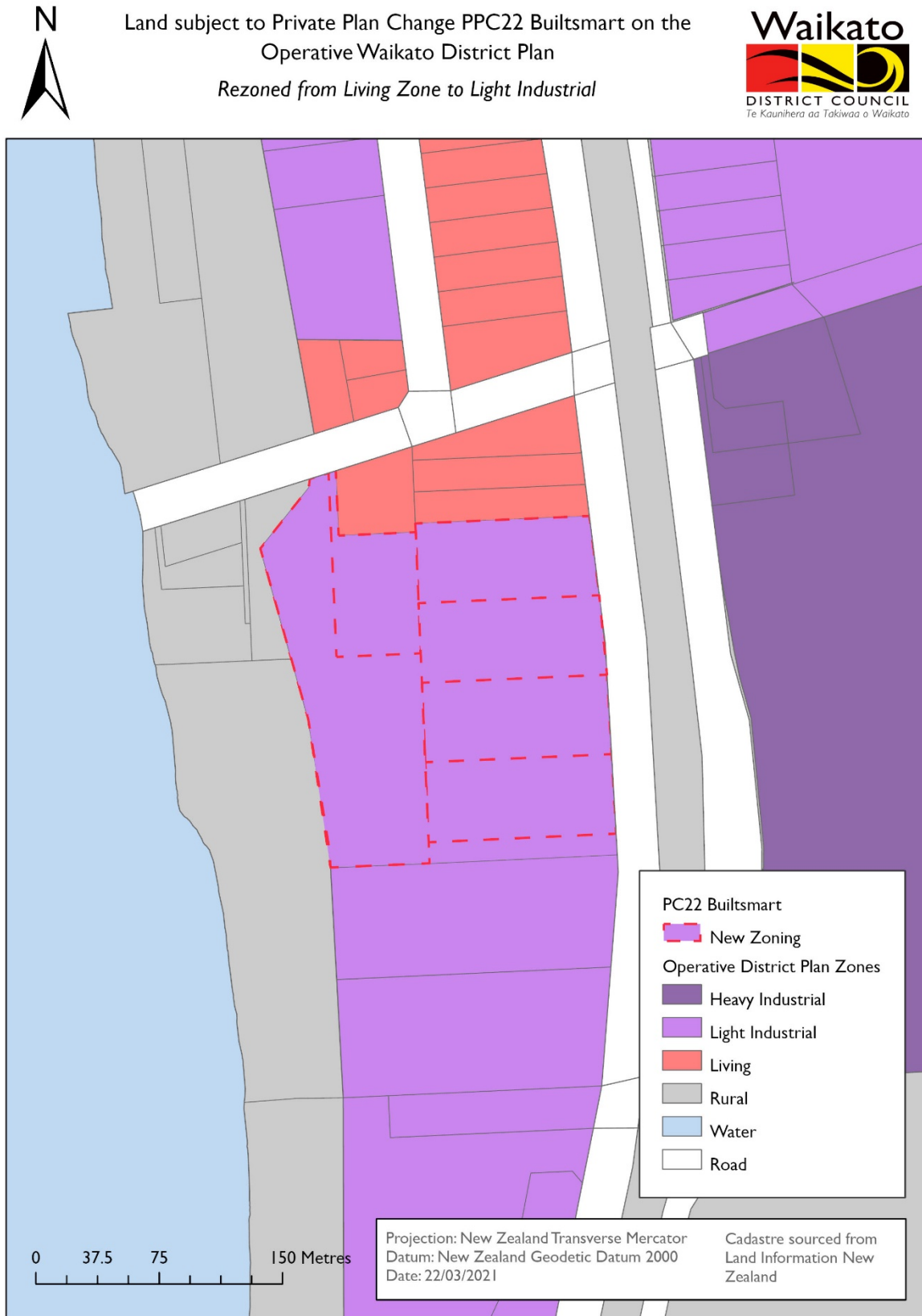


Figure 4 Land subject to PC22 Builtsmart and new zoning under Operative Waikato District Plan

2.2.4 Population growth

23. The Waikato district has seen considerable growth over the last 10 years, with an increase of just under 20,000 people. Over that time, the township of Huntly (which includes the rural hinterland) has increased in population from just over 8,900 to over 10,000 people (Census, 2018).
24. The Future Proof Strategy 2017 provides an overview of population and household demand, based on University of Waikato projections². In 2016, the population of Huntly was 7491. An increase in population of between 313 to 523 (low and medium scenarios, respectively) was projected for 2016 to 2025. The Huntly and Ohinewai Development Plan (50+ years) in Waikato 2070, refers to a 'possible future population' of 13,500 people,

2.2.5 Notified overlays / key features

25. There are a number of notified overlays and key features relevant to Huntly:
 - a. There are two Aggregate Extraction Area overlays in the Huntly area, over the quarry on Riverview Road, and on Tregoweth Lane.
 - b. Significant Amenity Landscapes cover a considerable extent of the margins of the Waikato River, as does the Significant Natural Area (SNA) overlay.
 - c. The National Grid runs through Huntly West parallel to Waikato River, and also extends westwards, just north of Lake Waahi.
 - d. A Heritage Precinct is located in West Huntly, on Harris Street.
 - e. There are a number of designations over the Huntly area for a range of purposes which include soil conservation and river control, recreation and drainage reserves, education, substations, and railway lines (North Island Main Trunk and Rotowaro Branch).
 - f. A substantial portion of land just north of Lake Hakanoa, and west of the now decommissioned Huntly East Mine, is identified as being within the Mine Subsidence Risk Area.
 - g. The margins of Lake Waahi are for the most part within the Flood Ponding Area, and the banks and margins of the Waikato River are covered by the High Risk Flood Area and Flood Plain Management Area overlays. As a consequence, a considerable extent of Huntly's developed land is within the Defended Area overlay.
 - h. Huntly contains parcels of highly productive land, in the form of Class 1 and 2 LUC soils.
26. Figures 5, 6 and 7 below show a number of these features relevant to Huntly.

² Future Proof Strategy 2017. Appendix I Allocation and Staging of Growth – Detailed Tables.



Proposed Waikato District Plan
flood overlays as notified
Over the township of Huntly

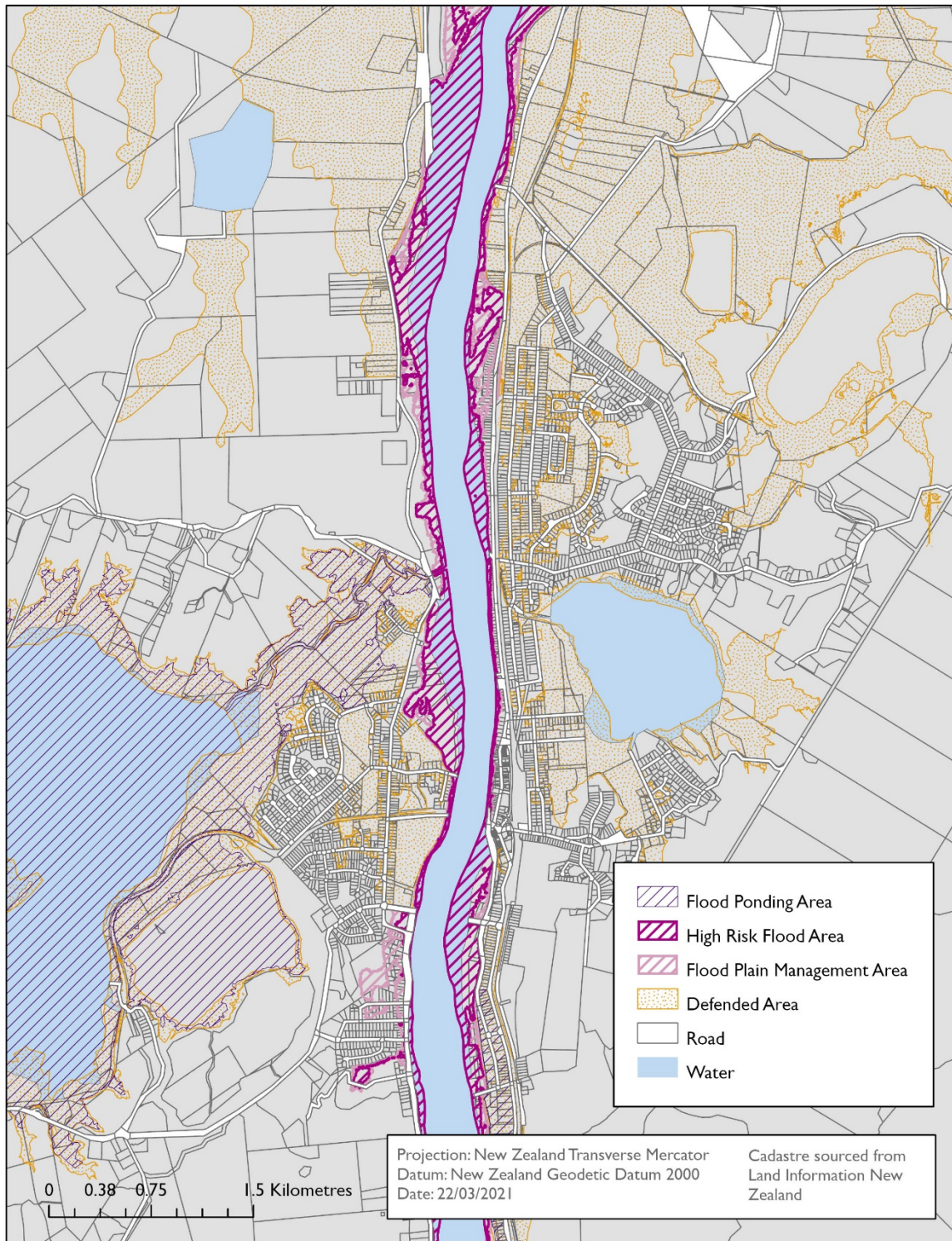


Figure 5 Proposed Waikato District Plan flood overlays over the township of Huntly



Proposed Waikato District Plan natural environment,
heritage, and infrastructure overlays as notified
Over the township of Huntly

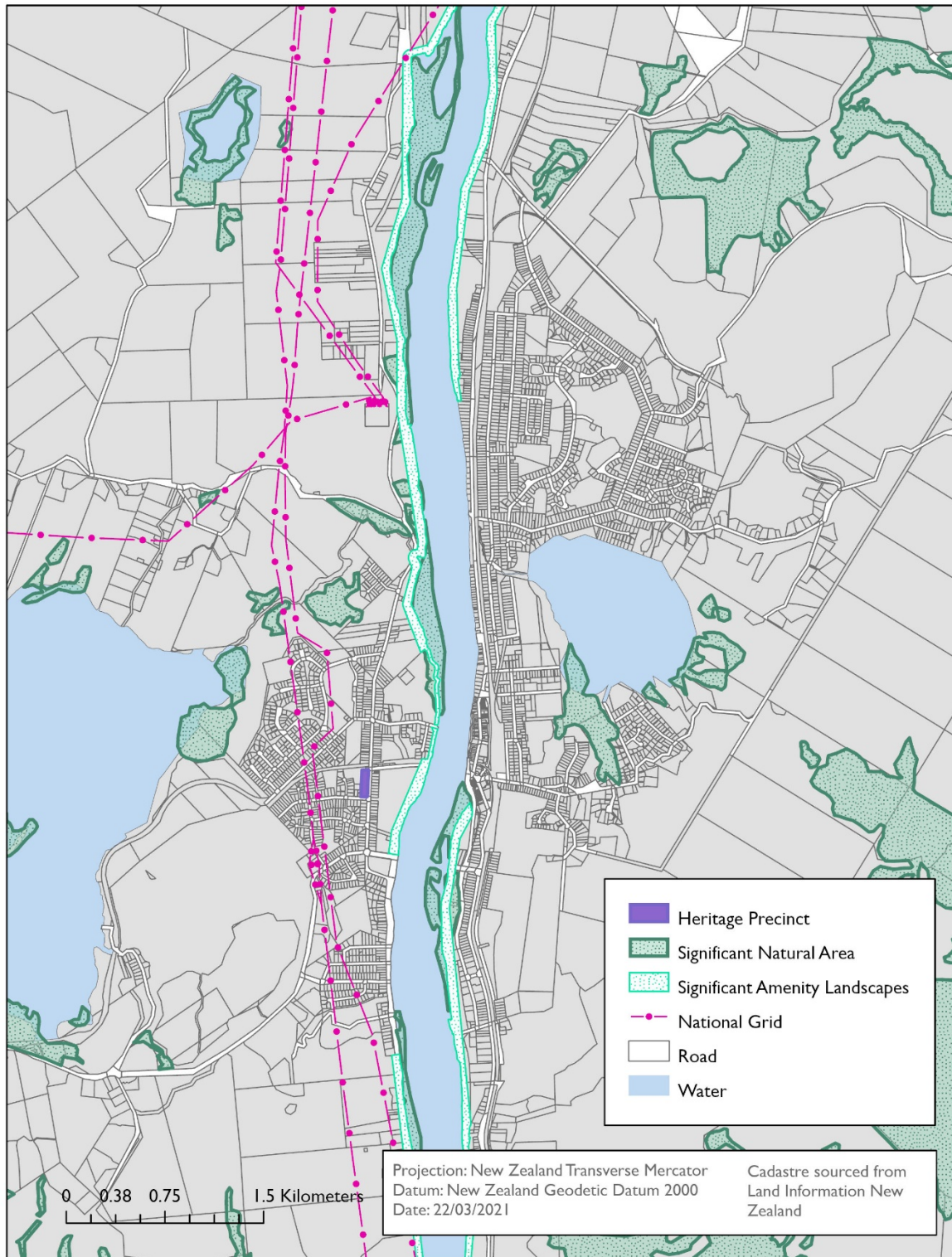


Figure 6 Proposed Waikato District Plan natural environment, heritage, and infrastructure overlays over the township of Huntly



Highly Productive Land in Huntly
Based on the LUC system

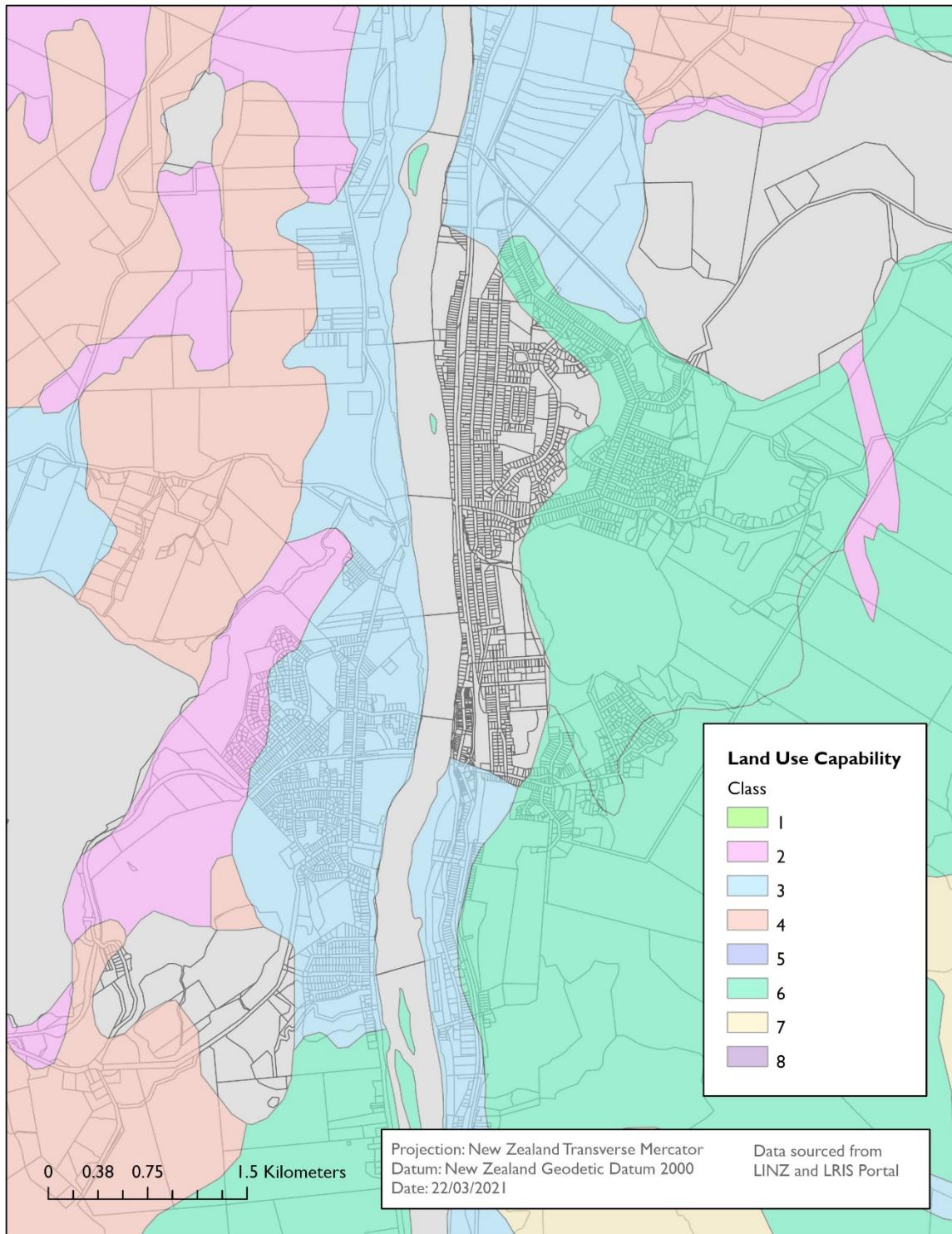


Figure 7 Highly Productive Land in Huntly, based on the LUC system

2.2.6 Key industry

27. Huntly has had a very long history of coal mining, with both open cast and underground mines operating or having operated here. Commercial coal mining began in 1874. The Weavers Coal Mine was disestablished in 1993, subsequently rehabilitated and is now Lake Puketirini (formerly known as Weavers Lake). The land that borders Lake Puketirini to the south is the subject of a submission by Terra Firma Resources (732.2), which is addressed in this report. Huntly East Mine was closed in 2015 and is the subject of a submission by Allen Fabrics Ltd (584.1) who propose redeveloping the mine into a recreational site. This submission is addressed in a separate s42A report, for the Kimihia Lakes Special Recreation Zone.
28. The Huntly Power Station, owned and operated by Genesis Energy Limited, is a regionally significant industry located in the Heavy Industrial zone. It is a distinctive landmark next to the Waikato River, built between 1973 and 1983, which draws primarily on coal (as well as gas) to generate power. The Huntly Power Station operates under a number of resource consents and is not designated, but contains Designations K3 Huntly Outdoor Switchyard, and Q3 Huntly Point of Supply. Genesis do not seek any rezoning of the Huntly Power Station, but have lodged submissions seeking to ensure that its ongoing operation, maintenance, and upgrading is not compromised through sensitive activities in the Residential Zone.

2.2.7 Infrastructure

29. Prior to the completion of the Huntly (Bypass) Section of the Waikato Expressway, State Highway 1 (SH1) used to run through the centre of Huntly on the true right of the Waikato River. It now travels east of Huntly town, over lowlands, streams, and the Taupiri Range. As a result of the Huntly section of the Waikato Expressway's completion, SH1 is in the process of being transferred into the management of Waikato District Council.
30. The North Island Main Trunk Railway Line runs through Huntly (parallel to Great South Road/Thermal Explorer Highway), with the Huntly Train Station located in the Huntly Town Centre (Map 20.4). This provides connection for freight. A new passenger rail service 'Te Huia' that connects Waikato to Auckland commenced on 6 April 2021.
31. Key roading projects planned for Huntly over the next 10 years include central interchange/local road connections (Waikato District Council, Long Term Plan 2018-28).
32. Upgrades to the Huntly wastewater treatment plant are due 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).
33. Changes to the Huntly transfer station are proposed in 2022 to improve the recovery of materials and reduce volume going to landfill (Waikato District Council, Long Term Plan 2018-28).
34. Other key projects planned in Huntly over the next 10 years include the Community Centre and Resource Recovery Centre.

2.3 Overview of submissions

35. Ten submissions were received in relation to the zoning in Huntly, 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)
36. The land subject to submissions that requested rezoning is located from as far north as East Mine Road, to a little south of the Huntly Mine.
37. The PWDP zones as notified, and the land subject to submissions as revised by submitter evidence (with the exception of the MDRZ requested by Kāinga Ora) is shown in Figure 8.
38. The extent of the MDRZ sought by Kāinga Ora, as revised by their evidence, is shown in Figure 9.



Proposed Waikato District Plan Zones and
overview of submissions in Huntly:

Revised as a result of submitter evidence

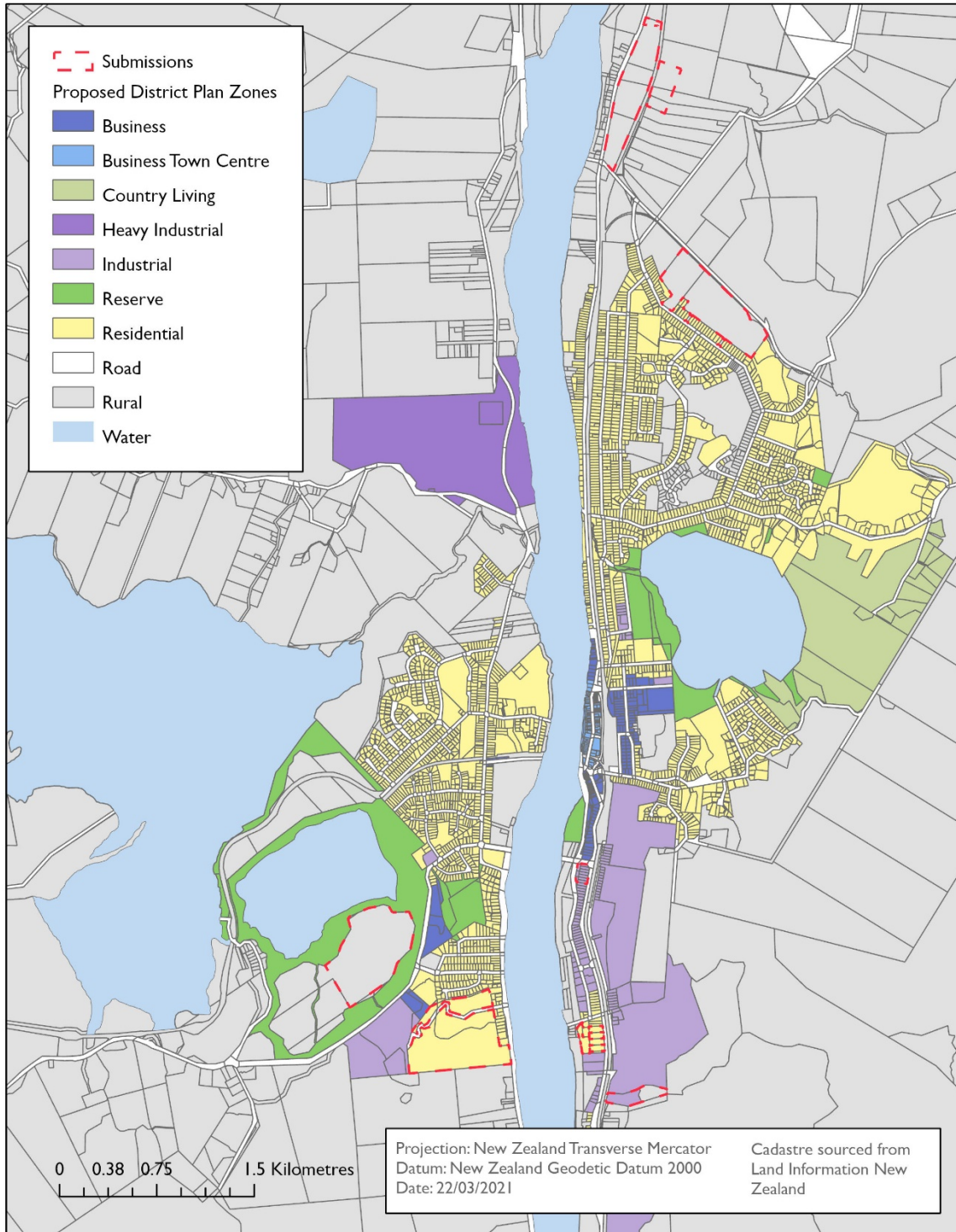


Figure 8 Land subject to submissions and Proposed Waikato District Plan notified zones



Housing NZ Corporation / Kainga Ora (749.154):

*Proposed MDRZ extent in Huntly as revised
by evidence and PWDP zones*

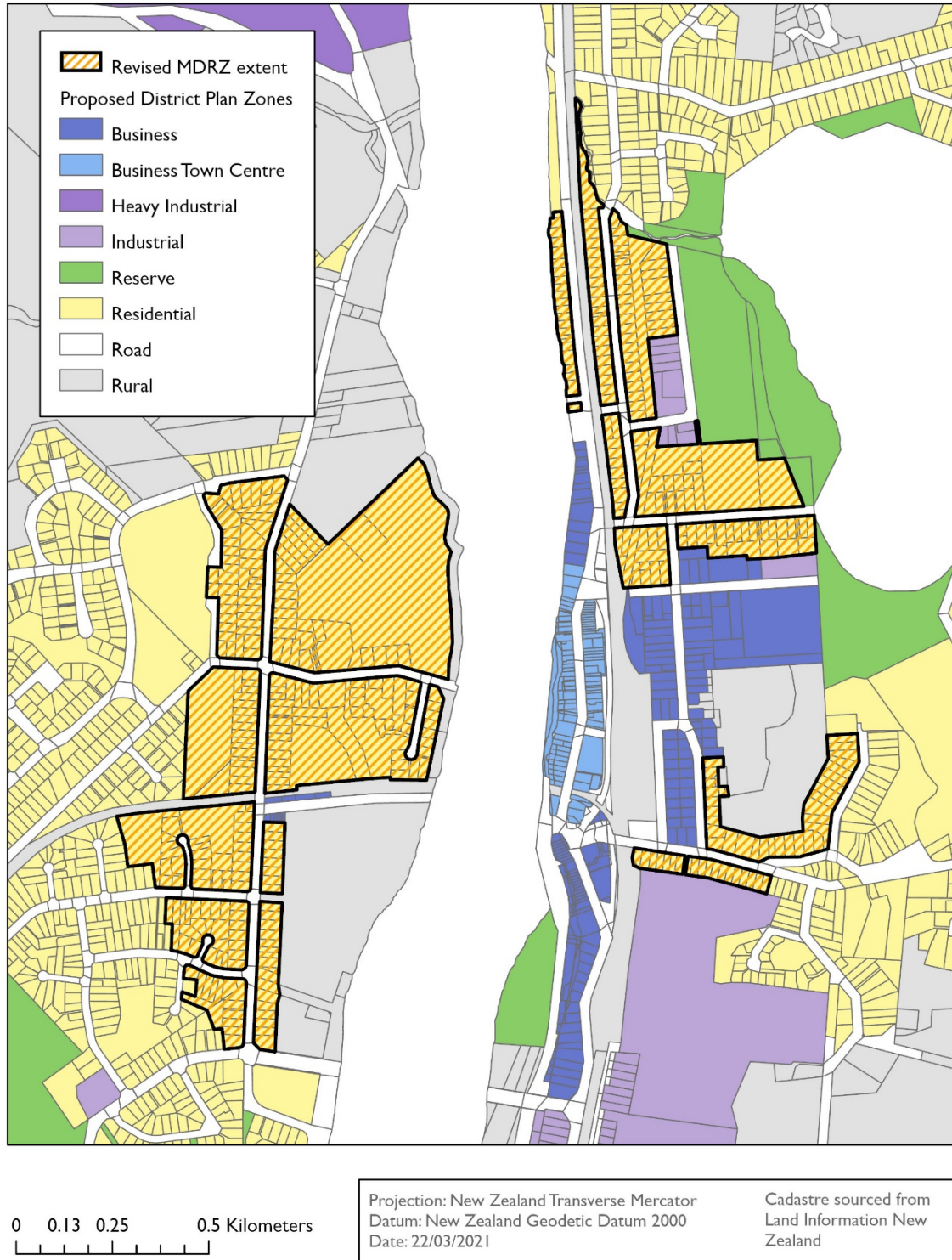


Figure 9 PWDP zones and MDRZ extent in Huntly sought by Kāinga Ora as revised by their evidence

39. Table 2 below provides a summary of original and further submissions received, and my recommendation on each submission is provided at the outset of this report for convenience. I have accepted all of the primary rezoning requests (some with modifications).

Table 2 Summary of submissions and recommendations

Original Submitter	Further submitter	Submission number	Decision requested	Recommendation
Arnesen, Paul		937.1	Amend the zoning of land at 472, 474, 476, 478, 486, and 492 Great South Road, and 2B, 4 and 6 Jackson Road, from Residential to Industrial.	Accept and amend the zone from Residential to Industrial (over the revised submission extent)
	<i>Sangeeta Kumar</i>	FSI077.1	Oppose submission 937.1 and seek that the Residential zoning is retained as notified.	
	<i>Mohammed Janif</i>	FSI177.1	Oppose submission 937.1 and seek that the Residential zoning is retained as notified.	
	<i>Builtsmart Property Partnership Limited & PLB Construction Group Limited</i>	FSI196.1	Support submission 937.1 and seek that the land is rezoned Industrial.	
	<i>Mercury NZ Limited</i>	FSI387.1557	Opposes submission 937.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Eastside Heights Ltd		699.1	Support and retain Residential zoning at 6 Waugh Lane as notified	Accept and retain the Residential Zone as notified
	<i>Terra Firma Mining</i>	FSI285.2	Opposes submission 699.1 and the extent of the proposed Residential Zone which adjoins an existing Industrial Zone to the west	
	<i>Blue Wallace Surveyors Ltd</i>	FSI287.34	Supports submission 699.1 and seeks that the Residential zoning at 6 Waugh Lane is retained as notified	
	<i>Mercury NZ Limited</i>	FSI387.782	Opposes submission 699.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Hata, Cody		214.1	Support and retain Industrial zoning at 163 Tregoweth Lane as notified	Accept and retain the Industrial Zone as notified
	<i>Mercury NZ Limited</i>	FSI386.276	Oppose submission 214.1 on the basis that natural hazard provisions	

			and flood maps were not available at time of notification.	
Housing New Zealand Corporation		749.124	Add a new chapter that provides for a 'Medium Density Residential Zone' (MDRZ). Amend the Proposed District Plan to enable consequential amendments to give effect this.	Accept and add a new MDRZ over Huntly, as requested by the submitter (with a number of amendments)
Shand Properties Limited		778.2	Amend the zoning of land between Great South Road and East Mine Road (Areas 1 and 2) from Rural to Industrial.	Accept and amend the zone from Rural to Industrial (over the revised submission extent, referred to as Area 1 and 1A)
	<i>Allen Fabrics Ltd.</i>	FS1349.2	Support submission 778.2 and seek that the Industrial zoning is retained as notified.	
	<i>Waikato Regional Council</i>	FS1277.52	Oppose submission 778.2 and seek that the Rural zoning is retained as notified.	
	<i>Perry Group Limited</i>	FS1313.13	Support submission 778.2 and seek that the Industrial zoning is retained as notified.	
	<i>New Zealand Transport Agency</i>	FS1202.124	Oppose submission 778.2 and seek that the Rural zoning is retained as notified.	
	<i>Mercury NZ Limited</i>	FS1387.1186	Oppose submission 778.2 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Shand Properties Limited		778.3	Amend the zoning of land south of East Mine Road (Area 3) from Rural to Residential.	Accept and amend the zone from Rural to Residential (over revised submission extent referred to as Area 6, with amendments)
	<i>Allen Fabrics Ltd.</i>	FS1349.3	Support submission 778.3.	
	<i>Waikato Regional Council</i>	FS1277.53	Oppose submission 778.3 and seek that the Rural zoning is retained as notified.	
	<i>New Zealand Transport Agency</i>	FS1202.125 and FS1202.126	Oppose submission 778.3 and seek that the Rural zoning is retained as notified.	
	<i>Mercury NZ Limited</i>	FS1387.1187	Oppose submission 778.3 on the basis that natural hazard provisions and flood maps were not available at time of notification.	

Terra Firma Resources Ltd		732.1	Amend the zoning of the block of land referred to as 'Weavers Crossing' from Rural to Residential or Village Zone.	Accept and amend the zone from Rural to Village Zone
	Waikato Regional Council	FS1277.47	Oppose submission 732.1 and seek that the Rural zoning is retained as notified.	
	Mercury NZ Limited	FS1387.810	Oppose submission 732.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Terra Firma Resources Ltd		732.2	Amend the zoning of the land referred to as the 'Puketirini Block' from Rural to Residential, or Village, or a combination of the two. Include two smaller Business Zones.	Accept in part and amend the zone from Rural to Residential Zone (over the revised submission extent)
	Mercury NZ Limited	FS1387.811	Oppose submission 732.2 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Te Wananga o Aotearoa		15.1	Support and retain Business and Residential zoning at 113 Rotowaro Road as notified	This submission has been withdrawn.
	Mercury NZ Limited	FS1386.12	Oppose submission 15.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Z Energy Ltd		589.6	Support and retain Industrial zoning at 392 Great South Road as notified	Accept and retain the Industrial Zone as notified

2.4 Structure of this report

40. In relation to recommendations on submissions, I have structured this report as follows:

- a. Requests to retain the notified zoning
- b. Requests to amend the notified zoning
- c. Requests to add a new 'Medium Density Residential Zone' (MDRZ) over land in Huntly

41. The appendices are as follows:

- a. Appendix 1: Table of submission points
- b. Appendix 2: Recommended amendments
- c. Appendix 3: Technical Specialist Reviews
- d. Appendix 4: Record of communication with submitters

- e. Appendix 5: Checklist in Appendix I to the Opening Legal submissions by Counsel for WDC, dated 23 September 2019
- f. Appendix 6: Recommended amendments to Chapter 20: Industrial Zone in relation to the North Huntly Structure Plan Area
- g. Appendix 7: Proposed Plan change 22 Builtsmart Expansion, Part B: Section 32 Analysis
- h. Appendix 8: Decision of Commissioners on Private Plan Change 22 Builtsmart Expansion.

2.5 Procedural matters

- 42. I carried out a site visit to Huntly on 24 February 2021, where I visited each of the sites that I make a recommendation on (the exception being the parcels subject to the submission that seeks a MDRZ).
- 43. I have kept a record of contact with submitters and their representatives, which is attached as Appendix 4.
- 44. Te Wananga O Aotearoa (15.1) submitted in support of the notified zoning of business and Residential Zone at the property at 113 Rotowaro Road, Huntly. During the preparation of this report, the submitter notified Council that it would like to withdraw its submission on the Proposed District Plan zoning. The submission has been withdrawn, and this submission, and its associated further submission, will not be assessed in this s42A report.

3 Statutory framework

45. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45). In particular Appendix I to the opening legal submissions summarises the relevant statutory tests to which I have applied to my analysis.
46. As a result of the direction of the PWDP Hearings Panel in May 2020, the Hearing 25 Zone Extents Framework Report (Framework Report) was prepared by Mark Davey in January 2021. This report sets out a framework for s42A authors and submitters to follow for assessing zoning submissions on the PWDP. It is important to note that the Panel issued further minutes and directions³ after a pre-hearing conference was held in March 2021, and directed that the Framework Report is a guide only. There was also consensus that the checklist in Appendix I to the Opening Legal submissions by Counsel for WDC, dated 23 September 2019 (Appendix I Checklist) is the correct approach for assessing plan provisions, which include rezoning proposals. The Appendix I Checklist is appended to this report as Appendix 5, and I follow this framework in this report.
47. This report also relies on the recommendations of the Hearing 25 Zone Extents – Future Urban Zone and Residential Medium Density Zone (FUZ and MDRZ s42A Report) prepared by Jonathan Clease in January 2021.
48. The following sections identify statutory documents with particular relevance to this report.

3.1 Part 2 of the RMA

49. The fundamental purpose of preparing, implementing, and administering a district plan is to assist the Council to carry out its functions in order to achieve the purpose of the RMA (Section 72).
50. The purpose and principles are set out in Part 2 of the RMA, and comprise:
 - a. the purpose of the RMA (Section 5)
 - b. Matters of National Importance (Section 6)
 - c. Other Matters that require particular regard be given to in achieving the purpose of the Act (Section 7), and
 - d. Treaty of Waitangi (Section 8).

3.2 National Policy Statement for Urban Development

51. Section 75(3) of the RMA requires that the District Plan gives effect to any National Policy Statement (NPS) and any New Zealand coastal policy statement. The NPS of particular relevance to this report is the National Policy Statement for Urban Development 2020 (NPS-UD).

³ Minute and Directions of from the Hearing Commissioners following pre-hearing conference. 15 March 2021.

52. Since the preparation of opening legal and planning submissions, and commencement of the hearings process in September 2019, the NPS-UD has replaced the NPS for Urban Development Capacity 2016 (NPS-UDC), coming into effect on 20 August 2020.
53. The NPS-UD sets out the objectives and policies for providing for urban development under the RMA. 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 future⁴, 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 responsive⁵.
54. I generally rely on the Framework Report for discussion on the relevant provisions of the NPS-UD.
55. The provisions of the NPS-UD refer to ‘urban environments’, which are defined as:
- any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*
- (a) is, or is intended to be, predominantly urban in character; and*
 - (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.*
56. Huntly meets the criteria in (a), as the town is predominantly urban in character.
57. With respect to (b), Huntly is characterised by Statistics NZ as a Functional Urban Area, because it includes an urban core with more than 5,000 residents, and is surrounded by a rural hinterland where at least 40% of workers commute to the urban core⁶ (see Figure 10).

⁴ NPS-UD Objective 1

⁵ NPS-UD Objective 2 and Objective 6

⁶ Statistics New Zealand Functional Urban Areas



The urban environment of Huntly
Statistics NZ Functional Urban Area

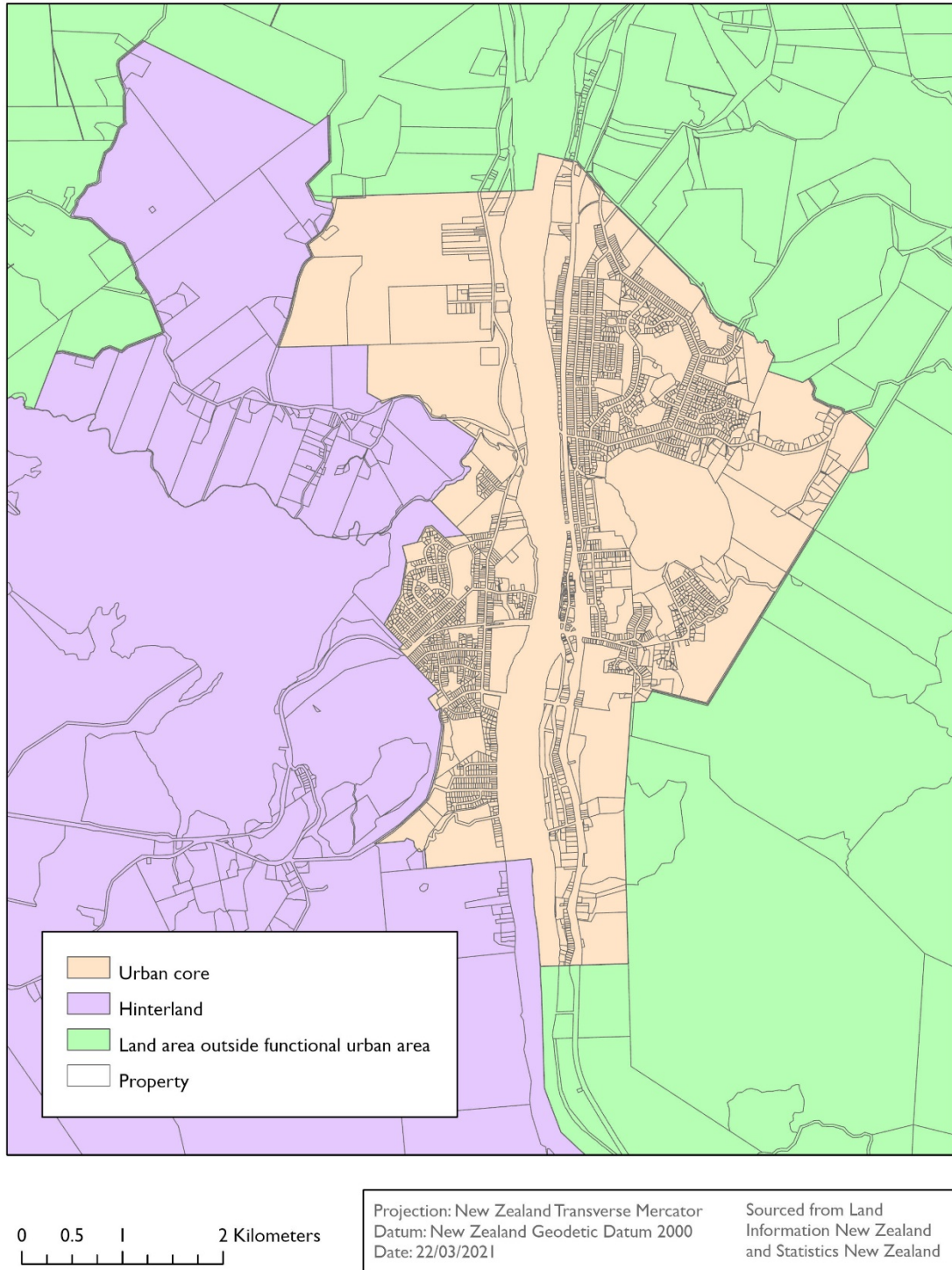


Figure 10 The urban environment of Huntly, Statistics New Zealand Functional Urban Area

58. As of 2020, the existing population of Huntly, which includes both the urban core and the rural hinterland, is 10,005 (Cameron, 2020).
59. While the urban core of Huntly has not yet reached 10,000 people, there is clear direction that the town is 'intended to be' part of a housing and labour market of this size. Strategic planning documents such as the Future Proof Strategy and Waikato 2070 identify Huntly as a key growth area, and as able to provide opportunities for affordable housing and employment. The Huntly and Ohinewai Development Plan in Waikato 2070 refers to a 'possible future population' of 13,500 people.
60. In addition, Huntly forms part of the housing and labour market for people working in Hamilton, due to its close proximity, which far exceeds a population of 10,000. Huntly could also be considered to form part of the labour market for Auckland, with people commuting north daily, in addition to the new Te Huia passenger train service that commenced on 6 April 2021. For these reasons, I consider that Hamilton and Auckland are relevant, and contribute to clause (b) of the NPS-UD definition of urban environment.
61. Therefore, I consider that Huntly meets the NPS-UD definition of 'urban environment' because it is predominantly urban in character, is part of the housing and labour market for people working in Hamilton, and the township of Huntly itself is intended to be part of a housing and labour market of at least 10,000 people. Because Huntly is not listed in 'Appendix: Tier 1 and Tier 2 urban environments and local authorities' of the NPS-UD, it is defined as a 'Tier 3 urban environment'.
62. Table 3 below, shows the existing zoned area under (ha) for Huntly under the Proposed Waikato District Plan, as notified.

Table 3 Existing zoned area in Huntly under the PWDP as notified (with the exception of the Rural Zone)

PWDP Zone	Area (ha)
Residential	371
Country Living	71
Business	18
Business Town Centre	4.3
Industrial	73.18
Heavy Industrial	66
Reserve	19

63. The Framework Report identifies the anticipated demand for growth, based on Waikato District Council's land use capacity model. Capacity vs household projections for each town, by growth cell, are provided in Appendix 9.
64. I repeat this information with respect to Huntly for ease of reference, in Table 4 below.

Table 4 Huntly Growth Cell Capacity and Timing vs. Household Projection

Growth Cell	2020-2023 (1-3 years)	2023-2030 (3-10 years)	2030-2050 (10-30 years)	2050+ (30+ years)
Brickworks			511	511
Rayner Road			136	136

Town Centre		1092	1092	1092
Kimihia		628	628	628
Huntly West		474	474	474
Huntly Lakeside		33	33	33
Lake Hakanoa	534	534	534	534
Infill	302	302	302	302
Existing Households	3063	3063	3063	3063
Total Supply	3063	6096	6773	6773
NPS Requirements (Medium +20%)	3191	5268	5990	6588
Under / Over NPS	-128	828	783	185

65. Table 4 illustrates that while there is capacity identified across a number of growth cells, this will not meet household projections, nor will it meet NPS-UD supply requirements (additional 20%) in the short term. Therefore, there is a need to identify additional growth in Huntly to give effect to the NPS-UD in the short term.
66. Table 4 also shows that there is sufficient capacity in the Huntly growth cells, over the medium and long term. However, the Framework Report states that when determining required residential and employment zoned land, this should be 50 to 100% greater than the actual number of dwellings required, in order to provide a redundancy factor. This acknowledges that not all zoned land will be developed to the point of yielding a new household or accommodating a business activity. Applying a 50-100% redundancy factor would require further growth in Huntly in the short, medium, and long terms.

3.3 The Vision and Strategy for the Waikato River

67. Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy, is incorporated in the Waikato Regional Policy Statement and required to be given effect to by district plans.
68. PWDP objectives most relevant to rezoning and the Vision and Strategy are outlined in the Framework Report.
69. Key objectives for the Waikato River, relevant to land development, include:
- The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River⁷

⁷ Objective (f) of the Vision and Strategy for the Waikato River

- b. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River⁸, and
- c. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities⁹.

3.4 Waikato Regional Policy Statement

70. When preparing a district plan, territorial authorities shall:

- a. give effect to any operative regional policy statement¹⁰.

71. I rely on the Framework Report's identification of the relevant WRPS objectives and policies for rezoning for the overall direction on the management of growth. I discuss these further in the next section.

3.4.1 Relevant WRPS provisions

72. Policy 6.1.1 of the WRPS requires that subdivision, use and development of the built environment occurs in a planned and co-ordinated manner, which has regard to the principles in section 6A. Implementation Method 6.1.1 directs that local authorities must have regard to these principles when changing district plans. These development principles include direction for new development to support existing urban areas, connect well with existing and planned development and infrastructure, and promote compact urban form, design, and location.

73. Implementation Method 6.1.8 states the information that should be provided to support new urban development and subdivision.

74. In relation to submissions which seek land to be rezoned, key information includes:

- a. the type and location of land uses that will be provided for
- b. infrastructure required to service the area
- c. transport links and connectivity
- d. how present values (such as amenity, landscape, natural character, ecological and heritage values) and features (water bodies and high class soils) will be managed, and
- e. potential natural hazards and how the related risks will be managed.

75. Policy 6.3 requires the management of the built environment to co-ordinate growth and infrastructure. This policy seeks to optimise the efficient and affordable provision of infrastructure and ensure new development does not occur until necessary infrastructure to service the development is in place.

76. Policy 6.14 directs that within the Future Proof area, new urban development shall occur within the Urban Limits, and shall be managed in accordance with the timing and population for growth areas in Table 6-1. All the submissions dealt with in this report are within both the Urban Limits as identified in Map 6-2 of the WRPS, and identified on Map 2 of the Appendix to the Future Proof Strategy 2017.

⁸ Objective (g) of the Vision and Strategy for the Waikato River

⁹ Objective (h) of the Vision and Strategy for the Waikato River

¹⁰ S75(3)(c)

77. In addition, new industrial development should predominantly be located in the strategic industrial nodes in Table 6-2, and in accordance with the indicative timings (except where alternative land release is demonstrated to meet the criteria in Method 6.14.3). Huntly (and Rotowaro) is identified as a strategic industrial node in Table 6-2 of the WRPS. This is relevant to this report, as submissions by Paul Arnesen (937.1) and Shand Properties Ltd (778.2) seek to rezone land to Industrial, and are within the strategic industrial node of Huntly.
78. Other industrial development is directed to only occur within the Urban Limits indicated on Map 6.2, unless there is a need for the industry to locate in the rural area. Industrial development in urban areas other than the strategic industrial nodes shall be provided for as appropriate in district plans.
79. The population estimates and industrial land allocation for Huntly, from Table 6-1 and Table 6-2 of the WRPS are:

Table 5 Residential population projections for Huntly, from Table 6-1 of the WRPS

Residential population in Huntly			
2006	2021	2041	2061
6915	8940	10925	12275

Table 6 Future Proof industrial land allocation in Huntly and Rotowaro, from Table 6-2 of the WRPS

Industrial land allocation in Huntly and Rotowaro (ha)		
2010 to 2021	2021 to 2041	2041 to 2061
8	8	7

80. Policy 6.15 outlines the density targets for the Future Proof area, which for greenfield development in Huntly, is to be 12 – 15 households per hectare.
81. Policy 6.17 directs that management of rural-residential development within the Future Proof area addresses:
- the potential adverse effects from the high demand for rural-residential development
 - the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities
 - the additional demand for servicing and infrastructure created by rural-residential development
 - the potential for cross-territorial boundary effects with respect to rural-residential development, and
 - regard is had to the principles in section 6A.
82. This policy is relevant in that the submission by Terra Firma Resources (732.1) seeks that land currently zoned Rural, is rezoned Village, inside the Future Proof Urban Limits.
83. Objective 3.12 requires that:
- ‘development of the built environment occurs in an integrated, sustainable, and planned manner, which enables positive environmental, social, cultural, and economic outcomes... by minimising land use conflicts, including minimising potential for reverse sensitivity’.*

84. Implementation Method 6.1.2 requires local authorities to have particular regard to the potential for reverse sensitivity, and 6A development principle (o) directs new development to not result in incompatible adjacent land uses (which includes those that may result in reverse sensitivity effects) such as industry, rural activities and existing or planned infrastructure.
85. Policy 14.2 directs that a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development, is avoided. In the WRPS, 'high class soils' are defined as:

Those soils in Land Use Capability Classes I and II (excluding peat soils) and... Class IIIeI and IIIe5...

86. This is relevant to this report, as Huntly contain parcels of Class soil 2, as shown on Figure 7 in section xxx. The town is not comprised of any Class I, 3eI or 3e5 soils.

3.5 Iwi Environmental Management Plans

87. When preparing a district plan, a territorial authority must take into account any relevant planning document recognised by an iwi authority¹¹.
88. The relevant iwi management plans in the Waikato District are outlined below.

3.5.1 Waikato-Tainui Environmental Plan: Tai Tumu, Tai Pari, Tai Ao

89. Section 25 of the Waikato-Tainui Environmental Plan discusses land use and development issues in the rohe, and provides a number of objectives, policies, and methods to address these. A summary of policies and methods relevant to Huntly are shown in Table 7 below.

Table 7 Waikato-Tainui Environmental Plan policies and methods relevant to rezoning in Huntly

Policy 25.3.1.1	Encourages development principles to be applied to land use and developments and, in particular, development in new growth cells, that enhance the environment.
Policy 25.3.2.1	Urban and rural development is well planned, and the environmental, cultural, spiritual, and social outcomes are positive.
Method 25.3.2.1(a)	Where possible and practicable, avoid development or subdivision of land where there are high quality and versatile soils.
Policy 25.3.3.1	To ensure that land use and development, particularly new land use and development, has positive environmental and cultural effects.

3.5.2 Maniapoto Environmental Management Plan: Ko Ta Maniapoto Mahere Taiao

90. Section 18 of the Maniapoto Environmental Management Plan discusses land use and development, and provides a number of objectives, policies, and methods to address these. A summary of policies relevant to Huntly are shown in Table 8 below.

Table 8 Maniapoto Environmental Management Plan policies relevant to rezoning in Huntly

Policy 18.3.1.1	Land management and land use is sustainable and the mauri of land is protected and enhanced.
Policy 18.3.1.3	Urban planning and development is conducted in accordance with best practice principles, and infrastructure services provide for the

¹¹ S74(2A)

	environmental, social, economic, and cultural needs of Maniapoto within the financial capacity of the community.
Policy 18.3.3.2	Land use prioritises the protection and restoration of the mauri of land and its resources.

3.6 Future Proof 2017

91. The Future Proof Strategy 2017 defines Huntly as a 'town centre' and identifies it as one of the key growth areas within the sub-region (Waikato District, Hamilton City, and Waipa District) which make up the settlement pattern.
92. The key features of the Huntly growth area are identified as:
 - a. Opportunities for redevelopment and growth
 - b. Accessibility to Auckland and Hamilton
 - c. Existing and future opportunities for affordable housing, with established community facilities and significant sub-regional employment
 - d. Better public transport and improved opportunities for walking and cycling
 - e. Economic development interventions aimed at stimulating positive economic and social outcomes
 - f. Industrial and residential aspirations could provide an employment alternative to coal mining, and
 - g. Potential to provide services and employment opportunities for surrounding areas, including Te Kauwhata.
93. The Future Proof Strategy has set general residential density targets, which for greenfield development in Huntly is directed to achieve 12-15 households per hectare.
94. A strong demand for business and industrial land is identified in Huntly, and the Future Proof Strategy directs that the growth of defined rural towns and villages is supported in order to meet this.
95. Table 9 below provides a summary of the allocation tables in Appendix I of Future Proof, as they relate to Huntly.

Table 9 Allocation tables for Huntly, from Appendix I of the Future Proof Strategy 2017

Decade 1: Years 1 – 10, 2016 - 2025					
UoW Low Projections			UoW Medium Projections		
Household Demand	Household Supply / Capacity	Supply Deficit or Carry over	Household Demand	Household Supply / Capacity	Supply Deficit or Carry over
333	300	-33	412	300	-112

Decade 2: Years 11 – 20, 2026 – 2035					
UoW Low Projections			UoW Medium Projections		
Household Demand	Household Supply / Capacity	Supply Deficit or Carry over	Household Demand	Household Supply / Capacity	Supply Deficit or Carry over

333	643	310	247	564	316
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Decade 3: Years 21 – 30, 2036 – 2045					
UoW Low Projections			UoW Medium Projections		
Household Demand	Household Supply / Capacity	Supply Deficit or Carry over	Household Demand	Household Supply / Capacity	Supply Deficit or Carry over
57	310	253	67	316	249

96. In both the low and medium projection scenarios in Decade 1, there would be insufficient capacity in Huntly. There is projected to be sufficient capacity for Decades 2 and 3, in both a low or medium scenario.

3.7 Waikato 2070

97. The Waikato 2070 Growth and Economic Development Strategy (Waikato 2070) includes a Development Plan for Huntly and Ohinewai, and a Huntly Town Centre Plan, both prepared for the 50+ years' time frame. Huntly is one of only two areas in the District to have a town centre plan developed, because it was deemed a high priority. Its aim is to help inform future zoning and in turn support re-development opportunities and improved urban form outcomes in the town centre.
98. The Hearings Panel is required to have regard to Waikato 2070, pursuant to Section 74(2)(b)(i) of the RMA.
99. Waikato 2070 describes Huntly as an area in need of re-development to support the social, cultural, and economic wellbeing of the community. 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).
100. The timings in Waikato 2070 provide an indication of when infrastructure services for these growth cells are anticipated to be provided for by Council.
101. Land subject to submissions which falls within a growth cell, includes:
- North Huntly, Industrial Area 1 and 1A (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)

102. The remainder of land in Huntly that is subject to a submission does not falls within a growth cell.
103. Council's 2018 Development Contributions Policy takes a 'user pays' approach to new infrastructure provision. The Framework Report outlines that:
- Additional zoning for urban land uses in and around existing towns... can be serviced by existing and planned infrastructure networks.*
104. The Framework Report describes how additional investment required in the infrastructure networks to accommodate growth will be informed by demand projections, and the provisions and zone extents of the PWDP. Development in areas where there is already a network of existing infrastructure assets which either have existing capacity or, with investment, are scalable to support growth (which includes Huntly), means that Council is able to leverage those existing assets.
105. 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. Moreover, in the case of Huntly, within the Urban Limits outlined in the Future Proof Strategy, I understand there to be either existing or planned infrastructure capacity. An example of this, is the anticipated upgrade of the Huntly Wastewater Treatment Plant between 2026 and 2030, outlined in the Draft LTP 2021-2031.
106. I apply this understanding, when assessing submissions against their consistency with higher order documents such as the NPS-UD, WRPS, Future Proof and Waikato 2070 objectives and policies in this s42A report.

3.8 Proposed District Plan policy direction

107. The Framework Report outlines the 'strategic directions and objectives for the district' (section 1.12) and provides direction on planning for urban development (section 1.5.1 and 1.5.2) in Chapter 1. I adopt that analysis.

3.8.1 Urban environment

108. Chapter 4 comprises strategic direction, and objectives and policies for the Urban Environment, which are discussed in the Framework Report. Key to this report, are:
- a. Objective 4.1.2 – which directs the future settlement pattern to be consolidated in and around existing towns and villages in the district, and
 - b. Policy 4.1.3 – which directs:
 - i. subdivision and development to occur within towns and villages where infrastructure and services can be efficiently and economically provided, and
 - ii. urban growth areas to be located only where they are consistent with the Future Proof Strategy 2017.
109. Policy 4.7.5 requires that urban subdivision and development can be serviced, and Policy 4.7.6 requires that it be located where infrastructure capacity exists. Policy 4.7.11 addresses reverse sensitivity effects.
110. Policy 4.1.13 provides specific direction for 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.*

3.8.2 Rural environment

111. As discussed in the Framework Report, Objective 5.1.1 has primacy over all other objectives in Chapter 5. The strategic objective reads:

- (b) *Subdivision, use and development within the rural environment where:*
 - (i) *high class soils are protected for productive rural activities*
 - (ii) *productive rural activities are supported, while maintaining or enhancing the rural environment*
 - (iii) *urban subdivision, use and development in the rural environment is avoided.*

112. Key objectives and policies relevant to this report include:

- a. Policy 5.2.2 – which seeks the retention of high class soils
- b. Policy 5.2.3 – which directs that subdivision, use and development minimises the fragmentation of productive rural land, and
- c. Policy 5.3.8 which directs urban subdivision and development to within the boundaries of towns and villages, in order to protect productive rural areas.

3.8.3 Infrastructure

113. Chapter 6 comprises objectives and policies which address issues such as three waters, transport, and the National Grid. Objective 6.4.1 requires that infrastructure is provided for, and integrated with, subdivision, use and development.

4 Submissions

4.1 Requests to retain zoning as notified

114. Four submissions were made requesting that the notified zoning is retained. These were accompanied by four further submissions, three in opposition, and one in support (see Table 10 below).

Table 10 Summary of submissions that request the zoning be retained as notified

Original Submitter	Further submitter	Submission number	Decision requested
Eastside Heights Ltd		699.1	Support and retain Residential zoning at 6 Waugh Lane as notified
	<i>Terra Firma Mining</i>	FS1285.2	Opposes submission 699.1 and the extent of the proposed Residential Zone which adjoins an existing Industrial Zone to the west
	<i>Blue Wallace Surveyors Ltd</i>	FS1287.34	Supports submission 699.1 and seeks that the Residential zoning at 6 Waugh Lane is retained as notified
	<i>Mercury NZ Limited</i>	FS1387.782	Opposes submission 699.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.
Hata, Cody		214.1	Support and retain Industrial zoning at 163 Tregoweth Lane as notified
	<i>Mercury NZ Limited</i>	FS1386.276	Oppose submission 214.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.
Te Wananga o Aotearoa		15.1	Support and retain Business and Residential zoning at 113 Rotowaro Road as notified
Z Energy Ltd		589.6	Support and retain Industrial zoning at 392 Great South Road as notified

4.1.1 6 Waugh Lane

4.1.1.1 Submission

115. Eastside Heights Ltd submitted in support of the notified Residential zoning of at 6 Waugh Lane, Huntly, seeking that it be retained.

4.1.1.2 Further submissions

116. Terra Firma Mining Limited (FS1285.2) and Mercury NZ Limited (FS1387.782) submitted in opposition. Blue Wallace Surveyors (FS1287.34) submitted in support.
117. Figure 11 shows the land which is the subject of this submission, and the notified zoning that was requested to be retained.

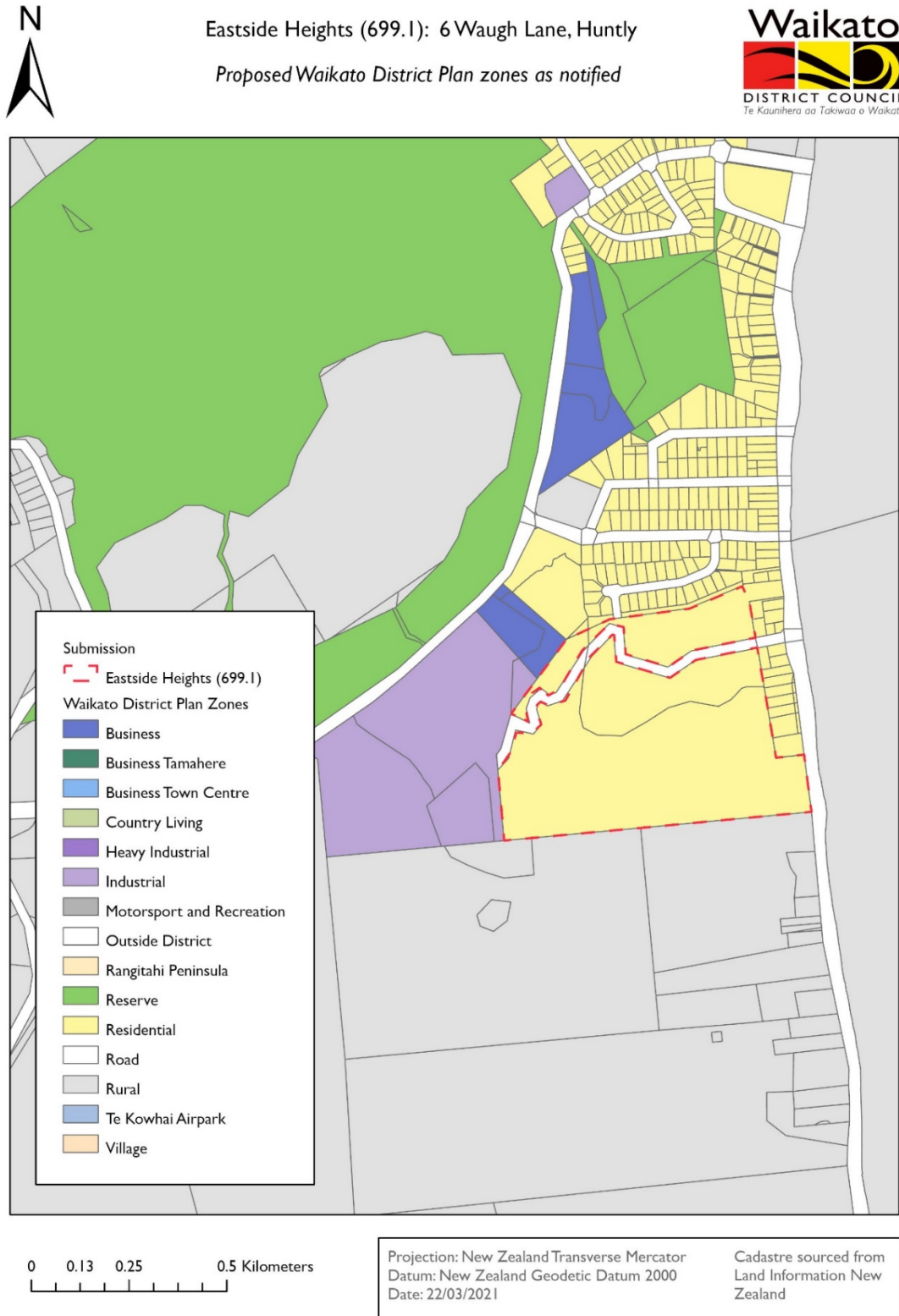


Figure 11 Land which is the subject of the submission by Eastside Heights Ltd (699.1) and PWDP zoned as notified

4.1.1.3 Scope

118. It is my understanding that in relation to this site, scope is limited to the Proposed District Plan Residential Zone, on the basis that no original submissions were made seeking amendments to this. Therefore, any further submissions seeking to return to the Operative Waikato District Plan Rural Zone are outside of scope.

4.1.1.4 Background information

4.1.1.4.1 Consent history

- 119. Under the Operative District Plan, 6 Waugh Lane, Huntly was split zoned New Residential and Rural. The Proposed District Plan as notified, rezoned the remainder of the Rural land to Residential (see Figure 12 below).
- 120. The Waikato District Council s32 Report for Strategic Direction and Management of Growth did not provide site specific evaluation with respect to changes in zoning, and therefore the justification behind this change from Rural to Residential is unclear.

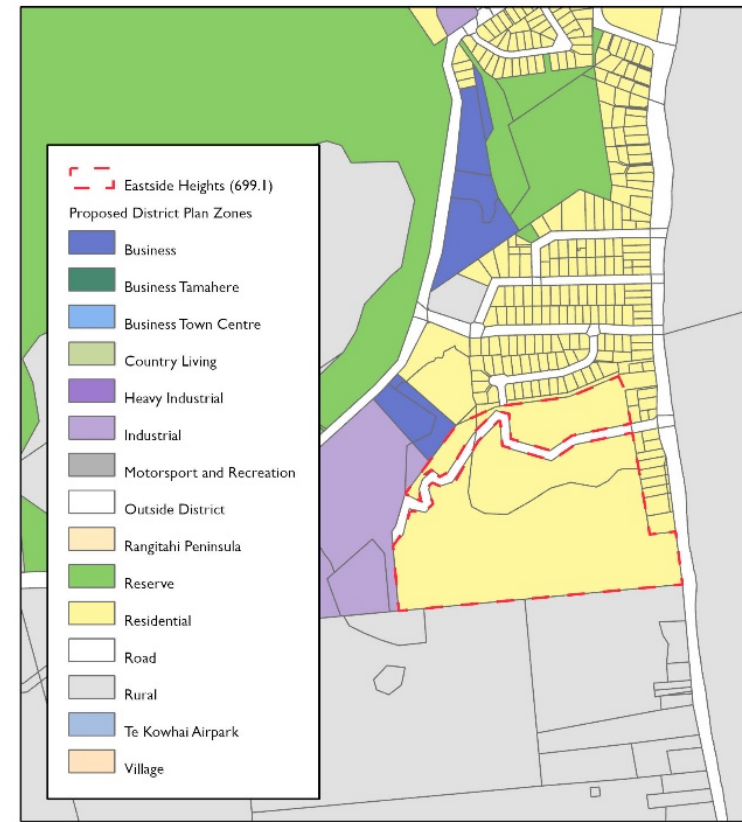
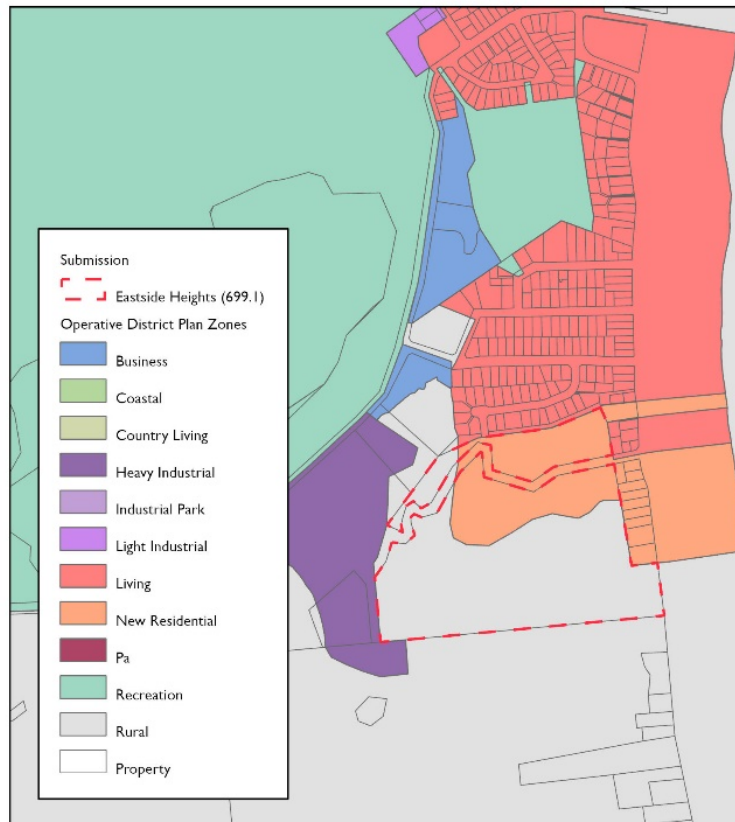


Eastside Heights (699.1): 6 Waugh Lane, Huntly



Operative Waikato District Plan zones

Proposed Waikato District Plan zones



Cadastre sourced from Land Information New Zealand
Date: 22/03/2021

0 0.3 0.6 1.2 Kilometers

Projection: New Zealand Transverse Mercator
Datum: New Zealand Geodetic Datum 2000

Figure 12 Land which is the subject of the submission by Eastside Heights Ltd (699.1) and OWDP and PWDP zoning

121. The submitter noted in their submission that they had recently lodged a subdivision consent to create three residential lots on the north eastern part of the site. Subdivision consent was granted for one lot in the north eastern corner of the lot in May 2019 (SUB0133/19).
122. A combined subdivision and land use consent was granted for 38 lots, with 3 reserve lots and a road to vest in November 2019 (SUB0022/20 & LUC0077/20).
123. A variation to amend consent conditions for SUB0022/20 and LUC0077/20 was granted in February 2020. The applicant applied to change the configuration of the consented allotments to facilitate the staged release of allotments within the development, and to facilitate the more appropriate use of land given topographical constraints.
124. Most recently in March 2021, an application to change the conditions of consent SUB0022/20.02 to provide for the amended stormwater management plan and to amend the staging, was recommended to be approved.
125. Figure 13 shows the latest approved scheme plan for the site.

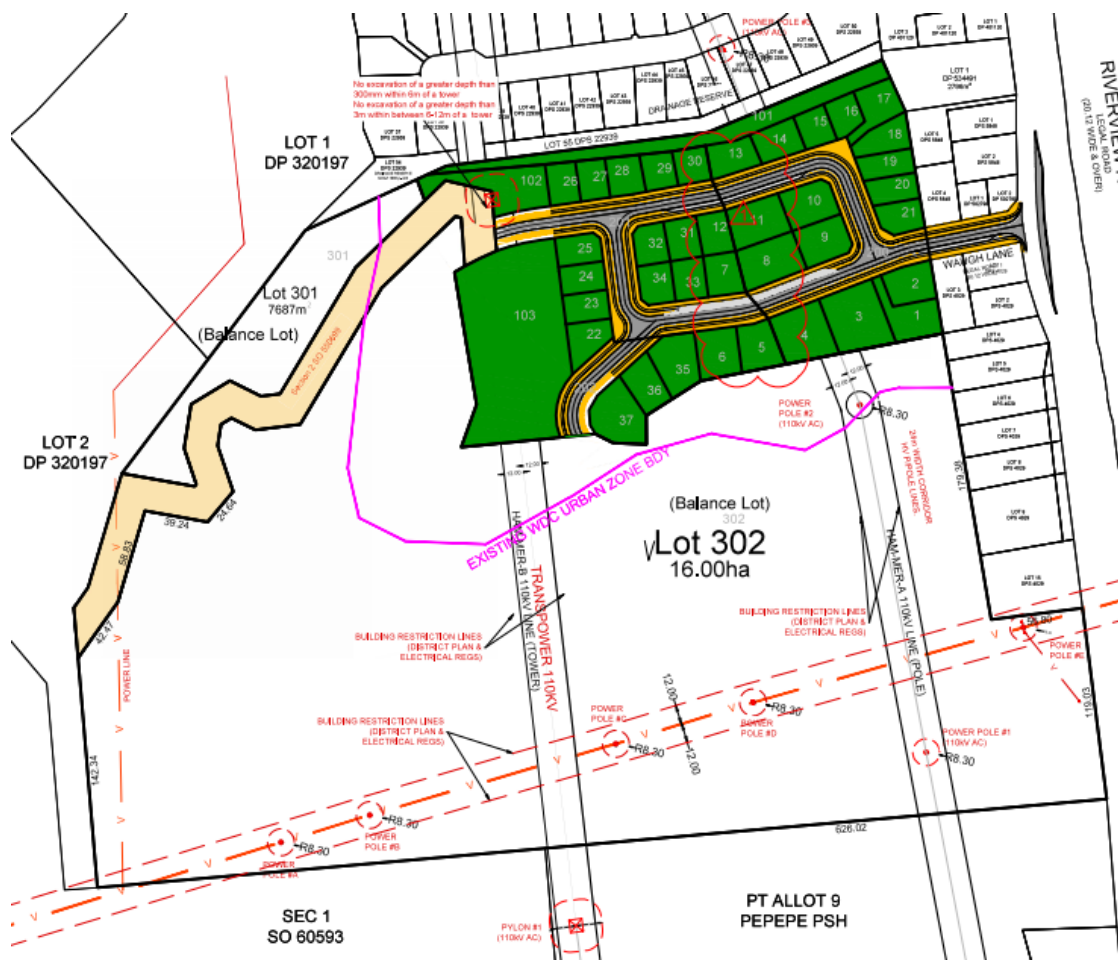


Figure 13 Latest approved scheme plan for subdivision and development of 6 Waugh Lane

4.1.1.4.2 Surrounding environment

126. Immediately north west of the site is a parcel of land zoned Business, currently occupied by Te Wananga O Aotearoa education facility. To the west, the land is zoned Industrial, and is occupied by warehousing for the supply of construction equipment (the Porter Group) and the Huntly Coal Screening Plant, and other industrial uses. Directly south of the site is zoned

Rural. The land that adjoins the site to the east is also zoned Residential, with an existing pattern of residential settlement.

4.1.1.4.3 Relevant overlays

127. The notified overlays relevant to the site are:

- a. The National Grid (traverses the site in two places)
- b. Significant Amenity Landscape (covers a small portion of the site on its south eastern boundary)

128. The National Grid Yard and National Grid Corridor establish buffer distances for the management of land use development and subdivision near the National Grid. Chapter 6 directs that sensitive land uses, and buildings and structures are excluded from the National Grid Yard, where they may compromise the National Grid. Likewise, there is direction for subdivision to be managed within the National Grid Corridor.

129. Chapter 3 directs that where subdivision, land use and development occurs, adverse effects on Significant Amenity Landscapes are managed through appropriate subdivision design, and buildings and structures are integrated into the landscape to minimise visual impacts.

130. Both of these overlays are considered to be only a minor constraint, that do not preclude residential zoning.

4.1.1.4.4 Stage 2 Hazards

131. The Stage 2 Hazards relevant to the site are:

- a. High Risk Flood Area (over small portion at the northern extent of the site)
- b. Flood Plain Management Area (over a small portion at the northern extent of the site, extends just below Waugh Lane).

4.1.1.4.5 Infrastructure

132. In the north east part of the site, the Utilities map shows a water main, and a wastewater line extending as far as the sealed portion of Waugh Lane. A wastewater manhole is located at the end of this sealed road. In the north west part of the site, a water main runs parallel to the site for circa 150 metres.

4.1.1.5 Submitter evidence

133. The submitter Eastside Heights Ltd have not provided any evidence in relation to their submission (699.1).

134. Further submitter Terra Firma Mining Limited (FSI285.2) provided evidence maintaining their opposition to the notified Residential zoning of the site, and seek that the extent of the Residential Zone on the subject site is limited to the area of the New Residential Zone shown on Operative District Plan maps (see Figure 12).

135. Terra Firma Mining Limited oppose the zoning on the basis that reverse sensitivity effects have not been adequately considered, and that it will result in the inefficient use of the neighbouring Industrial Zone, as it may constrain existing activities to operate within that zone.

4.1.1.6 Analysis

4.1.1.6.1 National Policy Statements

136. As outlined earlier in this report, the NPS-UD requires urban development policy that is responsive and strategic, and that will support competitive land and development markets.

137. Retention of the Residential Zone at this site, as notified, will provide for subdivision and development of the site under Chapter 16 of the PWDP. While not within any of the Waikato 2070 growth cells, the notified zone will contribute to achieving the NPS-UD development capacity requirements within Huntly, and the wider district.

4.1.1.6.2 *Waikato Regional Policy Statement*

138. The notified Residential zoning over the land is consistent with the 6A development principles and Policy 6.14 of the WRPS, as it is situated in an existing urban area, within the Urban Limits, where there is infrastructure capacity (existing or planned).
139. In their further submission (1285.2) and evidence, Terra Firma Mining oppose the Residential zoning on the basis of reverse sensitivity issues. As outlined earlier in this report, the WRPS contains direction for managing reverse sensitivity effects (Implementation Method 6.1.2), directs land use conflicts to be minimised (Objective 3.12), and new development not to result in incompatible adjacent land uses, which may result in reverse sensitivity effects (6A Development Principles).
140. Subdivision consent was granted for 38 lots on the northern portion of the site in 2019, which indicates that any potential adverse effects associated with that particular area were considered by the council and deemed to be able to be avoided, remedied, or mitigated.
141. The southern portion of 6 Waugh Lane that is proposed Residential Zone (previously zoned Rural under the OWDP) borders the Industrial Zone to the west. The notified zoning therefore has the potential to generate reverse sensitivity effects, and is to some extent, inconsistent with the direction in the WRPS relating to reverse sensitivity.

4.1.1.6.3 *Iwi Management Plans*

142. The Maniapoto Environmental Management Plan and the Waikato-Tainui Environmental Plan seek that new development is well planned, and results in positive environmental and cultural outcomes. I consider that this can be achieved at the site, under the proposed Residential Zone as notified.

4.1.1.6.4 *Future Proof and Waikato 2070*

143. As shown in Figure 14 below, the site is within the Urban Limits outlined in the Future Proof Strategy 2017.
144. The site is not within any of the Waikato 2070 growth cells for Huntly.



Eastside Heights (699.1): 6 Waugh Lane, Huntly

Future Proof and Waikato 2070

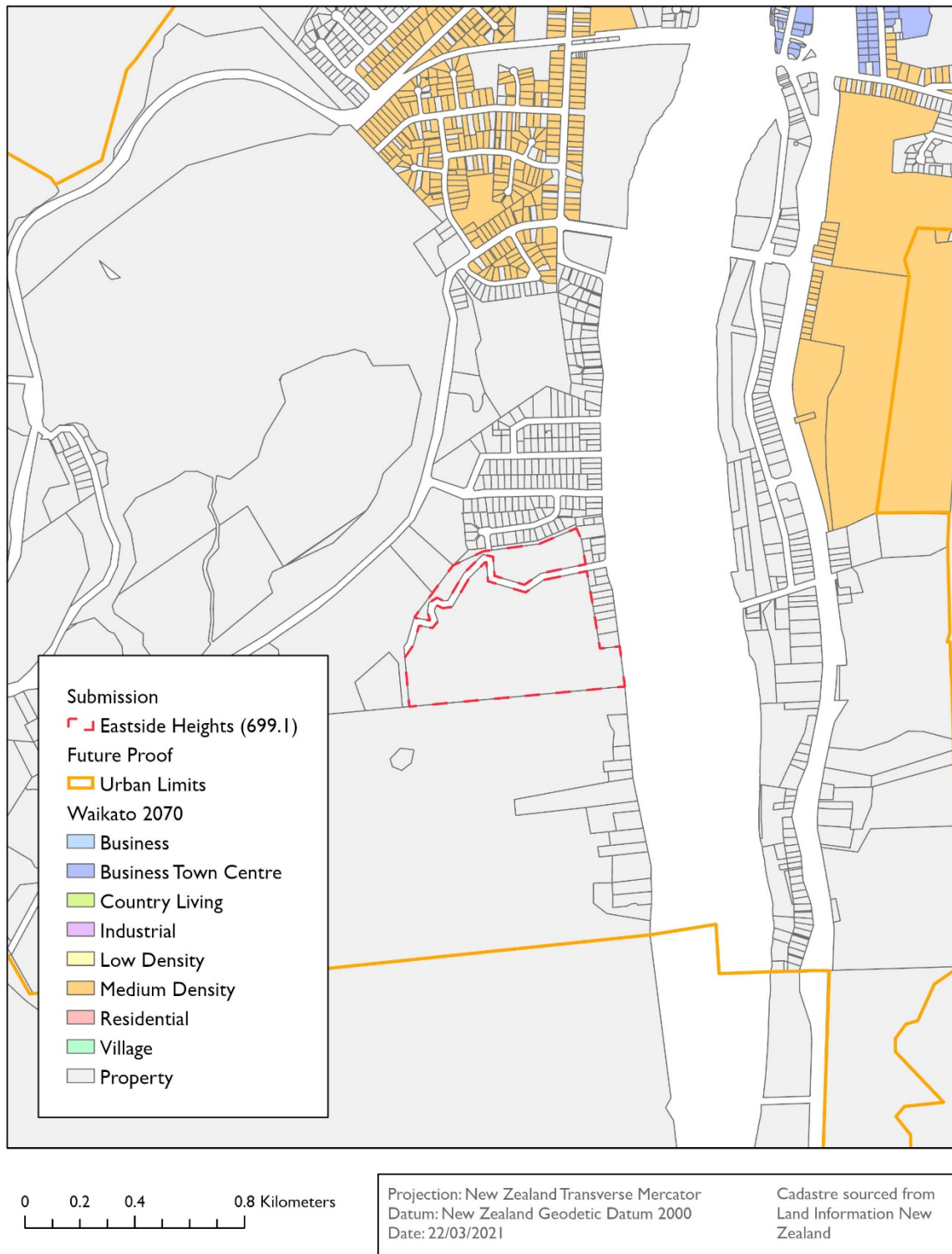


Figure 14 Land which is the subject of the submission by Eastside Heights Ltd (699.1) and Future Proof Urban Limits and Waikato 2070 growth cells

4.1.1.6.5 Vision and Strategy of the Waikato River

145. The site is located in the Waikato River Catchment, and is in very close proximity to the Waikato River itself. As described earlier, subdivision consent was granted for the northern portion of the site in 2019, which indicates that any adverse effects on the river and its catchment were deemed to be able to be avoided, remedied, or mitigated. I am satisfied that in relation to the southern portion of the site, the provisions of the PWDP and associated consenting process can adequately manage the effects of residential land development.

4.1.1.6.6 Proposed Waikato District Plan

146. Table 11 below provides an assessment of the submission to rezone against the relevant objectives and policies of the Proposed Waikato District Plan.
147. Under the Operative District Plan, 6 Waugh Lane, Huntly was split zoned New Residential and Rural. The Proposed District Plan as notified, rezoned the remainder of the Rural land to Residential (see Figure 12 above).
148. As outlined in the Framework Report:

‘submissions on zoning should be assessed against the relevant as notified objective and policy frameworks. The notified objectives and policies were developed, and evaluated under s32’

149. This submission seeks to retain the Residential Zone over the site, as notified, and therefore the strategic objectives in relation to the Rural Zone, are not relevant.

Table 11 Preliminary analysis of submission by Eastside Heights Ltd (699.1) against the relevant objectives and policies of the PWDP

Relevant PWDP Objectives and Policies	Preliminary analysis
Growth occurs in defined growth areas 1.5.2(a)	It is my understanding that when assessing a proposal against provision 1.5.2(a), s42A officers considering rezoning requests should interpret ‘defined growth areas’ to mean those outlined in the Future Proof Strategy. The submission site, 6 Waugh Lane is within the Indicative Urban Limits as defined by the Future Proof Strategy, so therefore is consistent with this direction.
Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently 1.12.8(b)(i)	6 Waugh Lane is taking place in an area identified for the purpose of urban development, the Residential Zone. The subject site adjoins an existing residential settlement, with water and wastewater services located in the vicinity. A 38-lot subdivision consent was also granted in November 2019, which indicates that infrastructure is able to be provided to the site in an efficient manner. It is my understanding from Council, that within the Urban Limits, there is either existing or planned infrastructure capacity in Huntly. The proposal is therefore consistent with this strategic objective.
Promote safe, compact sustainable, good quality urban environments that respond positively to their local context 1.12.8(b)(ii)	The area is contiguous with the existing urban areas to the north and east of the site (residential activity on around Porritt Avenue and on Riverview Road) and as a result, contributes to a more compact urban environment.

<p>Focus urban growth in existing urban communities that have capacity for expansion</p> <p>I.12.8(b)(iii)</p>	<p>6 Waugh Lane is located within the existing urban community of Huntly, which has the capacity for expansion.</p> <p>The site is suitable for development in that it is not characterised by any outstanding natural features or landscapes, natural character, significant natural areas, or amenity areas. The site is not an identified area of significance to Maaori, nor does it contain any heritage items that I am aware of.</p> <p>The topography at the site is steep in places, but the landscape lends itself well to development due to its north facing slopes. The site is well connected to the existing pattern of residential development to the north, and is a short distance from the town centre, where there are opportunities for employment, education, and the provision of public facilities.</p> <p>It is my understanding from Council, that there is infrastructure capacity in Huntly (either existing or planned) inside the town's urban limits, in which 6 Waugh Lane is situated.</p>
<p>Plan for mixed-use development in suitable locations</p> <p>I.12.8(b)(iv)</p>	<p>The Proposed District Plan only refers to the promotion and provision of mixed use development in Chapter 4, under Business and Business Town Centre Zones. This strategic objective is therefore not intended to apply to the Residential Zone, and is not relevant to this submission.</p>
<p>Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance</p> <p>I.12.8(b)(vi)</p>	<p>The notified Residential Zone provides for a level of urban development which can result in the loss of open space.</p> <p>Subdivision consent for residential subdivision of 6 Waugh Lane was granted in 2019.</p> <p>The current state of the site is modified, as residential development of the site has commenced in accordance with a granted subdivision consent. The notified zoning reflects the existing environment taking into account the granted subdivision consent, so will have minimal additional impact on green open space. The site does not comprise any outstanding landscapes, or any areas of cultural, ecological, historic, or environmental importance.</p> <p>The submission to retain the Residential Zone as notified at the site, is considered consistent with this strategic objective.</p>
<p>Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas'</p> <p>I.5.1(b) I.12.3(a) I.12.3(c) 4.1.2(a) 5.3.8</p>	<p>The site is situated within the existing town of Huntly, which is a key growth area, and is within the Indicative Urban Limits, as identified in the Future Proof Strategy 2017.</p> <p>The submission is therefore consistent with strategic objectives, in that the Residential zoning of the site contributes:</p> <ol style="list-style-type: none"> to expanding an urban environment within a defined growth area to the protection of rural areas by focusing urban development inside the Huntly town boundary, and additional housing capacity in a location that is accessible to both employment and community amenities.
<p>Urban growth areas are consistent with Future Proof Strategy for Growth 2017</p> <p>4.1.3(b)</p>	<p>The site is located within the Indicative Urban Limits, as identified in the Future Proof Strategy 2017.</p>

<p>Infrastructure can be efficiently and economically provided</p> <p>4.1.3(a)</p>	<p>The site is not located within any of the Huntly Growth Cells, as identified in Waikato 2070. It is however, within the Indicative Urban Limits, as defined in the Future Proof Strategy 2017. It is my understanding from Council that within the Urban Limits, there is either existing or planned infrastructure capacity in Huntly.</p> <p>The subject site adjoins an existing residential settlement, with water and wastewater services located in the vicinity.</p> <p>As described earlier, a 38-lot subdivision consent was granted in November 2019, which indicates that infrastructure is able to be provided to the site in an efficient manner.</p>
<p>Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport, and open space</p> <p>4.1.5(a)</p>	<p>The Residential Zone has a minimum site size of 450m², permits one dwelling per site, and provides for multi-unit development as a Restricted Discretionary activity.</p> <p>Retention of the Residential Zone as notified over the subject site, is therefore consistent with this strategic direction, as it gives the opportunity to provide for higher density housing in a location close to the town centre.</p>
<p>Huntly is developed to ensure:</p> <ul style="list-style-type: none"> (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. <p>4.1.13 Policy – Huntly</p>	<p>The subject site does not have any known geotechnical or ecological constraints, and its position between Waugh Lane and Riverview Road will not result in any reverse sensitivity effects on the strategic transport infrastructure network.</p>
<p>(a) Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment</p> <p>4.7.11(a) Policy – Reverse sensitivity</p> <p>(a) The adverse effects of noise on residential amenity are minimised by:</p> <ul style="list-style-type: none"> (i) Managing the location of sensitive land uses, particularly in relation to lawfully-established high noise generating activities <p>4.4.2(a)(i) Policy – Noise</p>	<p>The proposed Residential Zone as notified borders the Industrial Zone to the west, with the addresses 137 and 137A Rotowaro Road, Huntly directly adjacent.</p> <p>The industrial land to the west of the site is comprised of:</p> <ul style="list-style-type: none"> • an engineering workshop • mechanised firewood splitting • storage containers • mechanical equipment and heavy vehicles • earthmoving machinery and a parts warehouse, and • the Huntly Coal Screening Plant. <p>These land uses are likely to generate effects, such as noise and dust, which are anticipated in the Industrial Zone.</p> <p>The establishment of sensitive land uses (such as residential activity) on land that adjoins the Industrial Zone may result in reverse sensitivity effects, such as visual impacts associated with structures and outdoor storage, noise, dust, odour, and transport. As such, I</p>

<p>A. Recognise and provide for a range of industrial and other compatible activities that can operate in close proximity to more sensitive zones due to the nature and relatively limited effects of these activities.</p> <p>4.6.2(a)(i) Policy – Provide Industrial Zones with different functions</p>	<p>do not consider the proposed rezoning to be consistent with this policy.</p> <p>Appendix 3 of the Framework Report, describes the need for adequate separation between incompatible land uses. Edge and reverse sensitivity effects can be mitigated to some extent by rules in the plan, however, first preference will usually be to avoid creating adjoining incompatible zones. Therefore, the Residential zoning of the site is inconsistent with this direction to some extent.</p> <p>However, Policy 4.6.2, requires recognition and provision for a range of industrial and other compatible activities that can operate in close proximity to sensitive zones due to the nature and relatively limited effects of these activities.</p> <p>Subdivision in the Residential Zone is a Restricted Discretionary activity (Rule 16.4.1). One of the matters in which Council's discretion is restricted to is:</p> <ul style="list-style-type: none"> <i>(i) Subdivision layout</i> <i>(ii) Shape of lots and variation in lot sizes</i> <i>(iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building</i> <i>(iv) Likely location of future buildings and their potential effects on the environment</i> <i>(v) Avoidance or mitigation of natural hazards, including liquefaction risk and fire risk (refer to Chapter 15)</i> <i>(vi) Amenity values and streetscape landscaping</i> <i>(vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines)</i> <i>(viii) Vehicle and pedestrian networks</i> <i>(ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves, and neighbourhood centres</i> <i>(x) Provision of infrastructure.</i> <p>While the matters of discretion do not explicitly refer to reverse sensitivity, I consider that they, in particular clause (iv), provide scope to consider it as an effect, and as a result, the consenting process can adequately mitigate any potential reverse sensitivity effects to arise from development of the site.</p>
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4.1.1.7 Recommendation

150. For the reasons above I recommend that the Hearings Panel:

Accept the submission by Eastside Heights (699.1) to the extent that the site at 6 Waugh Lane, Huntly remains Residential Zone, as notified

Accept the further submission by Blue Wallace Surveyors Ltd (FS1287.34)

Reject the further submissions by Terra Firma Mining (FSI285.2) and Mercury NZ Limited (FSI387.782)

4.1.2 Recommended amendments

151. No amendments are recommended:

Retain the Residential Zone as notified.

152. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

4.1.3 163 Tregoweth Lane

4.1.3.1 Submission

153. Cody Hata (214.1) submitted in support of the notified split zoning of Rural and Industrial at 163 Tregoweth Lane, Huntly, seeking that it be retained.

4.1.3.2 Further submissions

154. There was one further submission in opposition by Mercury NZ Limited (FSI386.276), for the reason that at the time the submission was lodged, neither natural hazard flood provisions nor adequate flood maps were available. Mercury considered it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework.

155. Figure 15 shows the land which is the subject of this submission, and the notified zoning that was requested to be retained.

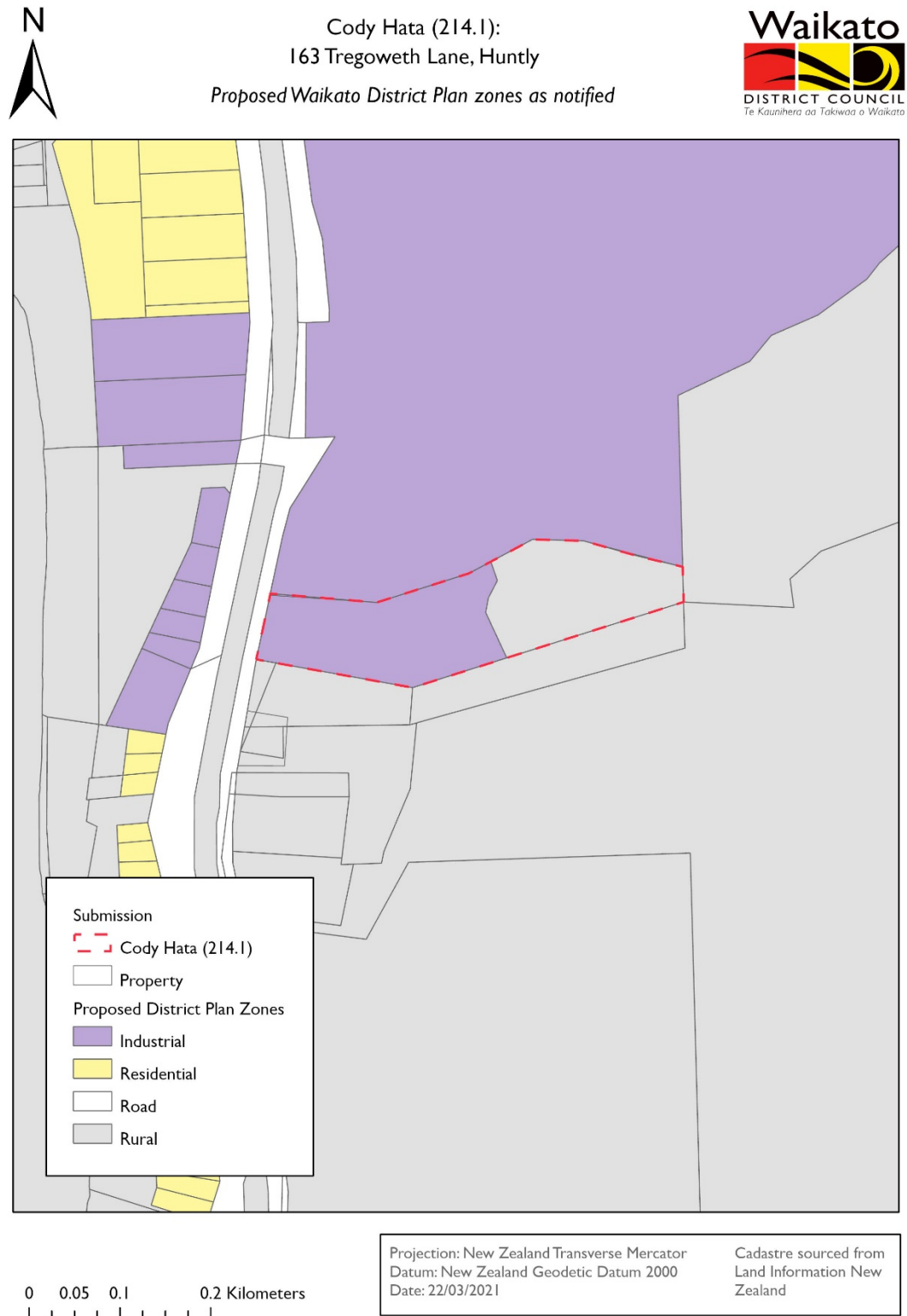


Figure 15 Land which is the subject of the submission by Cody Hata (214.1) and PWDP zones as notified

4.1.3.3 Scope

156. It is my understanding that in relation to this site, scope is limited to the Proposed District Plan split zoning of Industrial and Rural, on the basis that no original submissions were made seeking amendment to this.

4.1.3.4 Background information

4.1.3.4.1 Consent history

157. The site contains an existing consented Transport Depot, over the portion of the site zoned Industrial. Resource consent was recently granted in 2021 for the conversion of an existing dwelling to an office in association with the Transport Depot, and construction of a new dwelling and associated earthworks.

4.1.3.4.2 Surrounding environment

158. Directly north of the site, the land is zoned Industrial. It contains the Huntly Quarry and is covered by the Aggregate Extraction Area. To the east and south of the site, the land is zoned Rural, however there is a scattering of residential activity to the east that fronts on to Tregoweth Lane. To the west of the site is Tregoweth Lane, which runs parallel to Great South Road.

4.1.3.4.3 Relevant overlays

159. There are no notified overlays over the site.

4.1.3.4.4 Stage 2 Hazards

160. The site is in the Defended Area, which covers the front portion of the site (zoned industrial) (see Figure 16). This indicates that the area could normally flood in a 1% AEP flood event but is protected by a flood protection scheme managed by the Waikato Regional Council, the Waikato District Council, or the Crown.



Cody Hata (214.1):
163 Tregoweth Lane, Huntly

Proposed Waikato District Plan Stage 2 Hazards

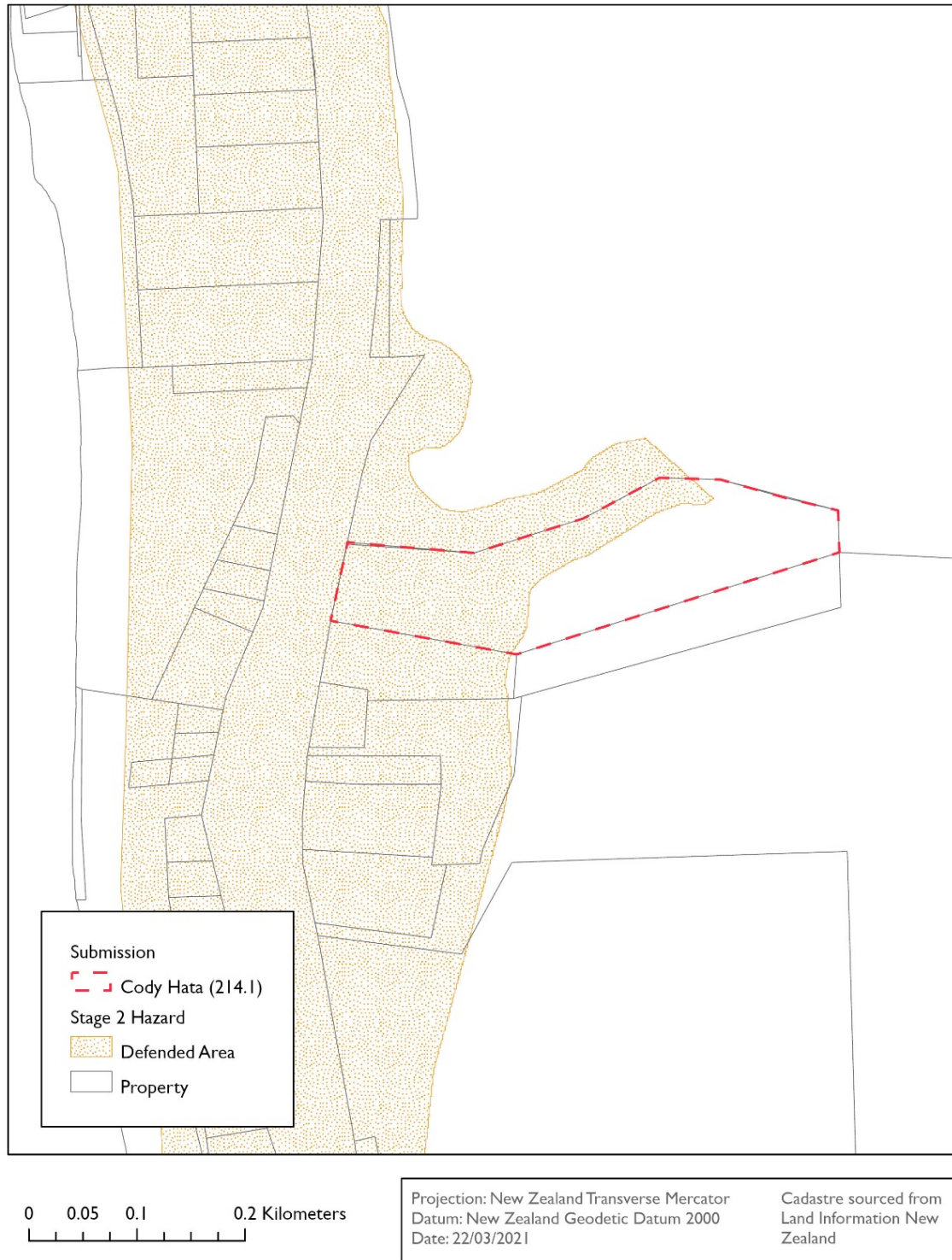


Figure 16 Land which is the subject of the submission by Cody Hata (214.1) and PWDP Stage 2 Hazards

4.1.3.4.5 *Infrastructure*

161. The Utilities map shows a water main line runs down Tregoweth Lane, and services 163 Tregoweth Lane. A wastewater gravity main enters neighbouring property 165 Tregoweth Lane, before it traverses to provide service to the subject site. There is no stormwater infrastructure to the east of Tregoweth Lane, where the site is located.

4.1.3.5 **Submitter evidence**

162. The submitter Cody Hata did not provide any evidence in relation to their submission (214.1). Nor did further submitter Mercury NZ Limited (FSI386.276).

4.1.3.6 **Analysis**

4.1.3.6.1 *National Policy Statements*

163. The submission to retain the Industrial Zone over the subject site is consistent with Policy 1 and 2 of the NPS-UD, on the basis that it contributes to the:
- a. achievement of an urban environment with a variety of sites that are suitable for different business sectors, and
 - b. requirement for business land capacity that is plan-enabled and infrastructure-ready.

4.1.3.6.2 *Waikato Regional Policy Statement*

164. The retention of the Industrial Zone over the subject site is consistent with Policy 6.14 of the WRPS in that Huntly is identified as a strategic industrial node, and is within the Indicative Urban Limits on Map 6-2.
165. The submission is also consistent with Implementation Method 6.3.1(d) in that the site is well-connected to strategic transport networks, and in close proximity to road and rail hubs.

4.1.3.6.3 *Iwi Management Plans*

166. The Maniapoto Environmental Management Plan and the Waikato-Tainui Environmental Plan seek that land use has positive environmental and cultural effects, and acts to enhance and protect the holistic functioning and interconnected relationships of the natural environment. I consider that this can be achieved at the site, under the proposed split zoning of Industrial and Rural as notified.

4.1.3.6.4 *Future Proof and Waikato 2070*

167. As shown in Figure 17 below, the site is within the Urban Limits outlined in the Future Proof Strategy 2017.
168. The site is not situated in the Industrial Activity Zone shown on the Huntly and Ohinewai Development Plan in Waikato 2070.



Cody Hata (214.1): 163 Tregoweth Lane
Future Proof and Waikato 2070

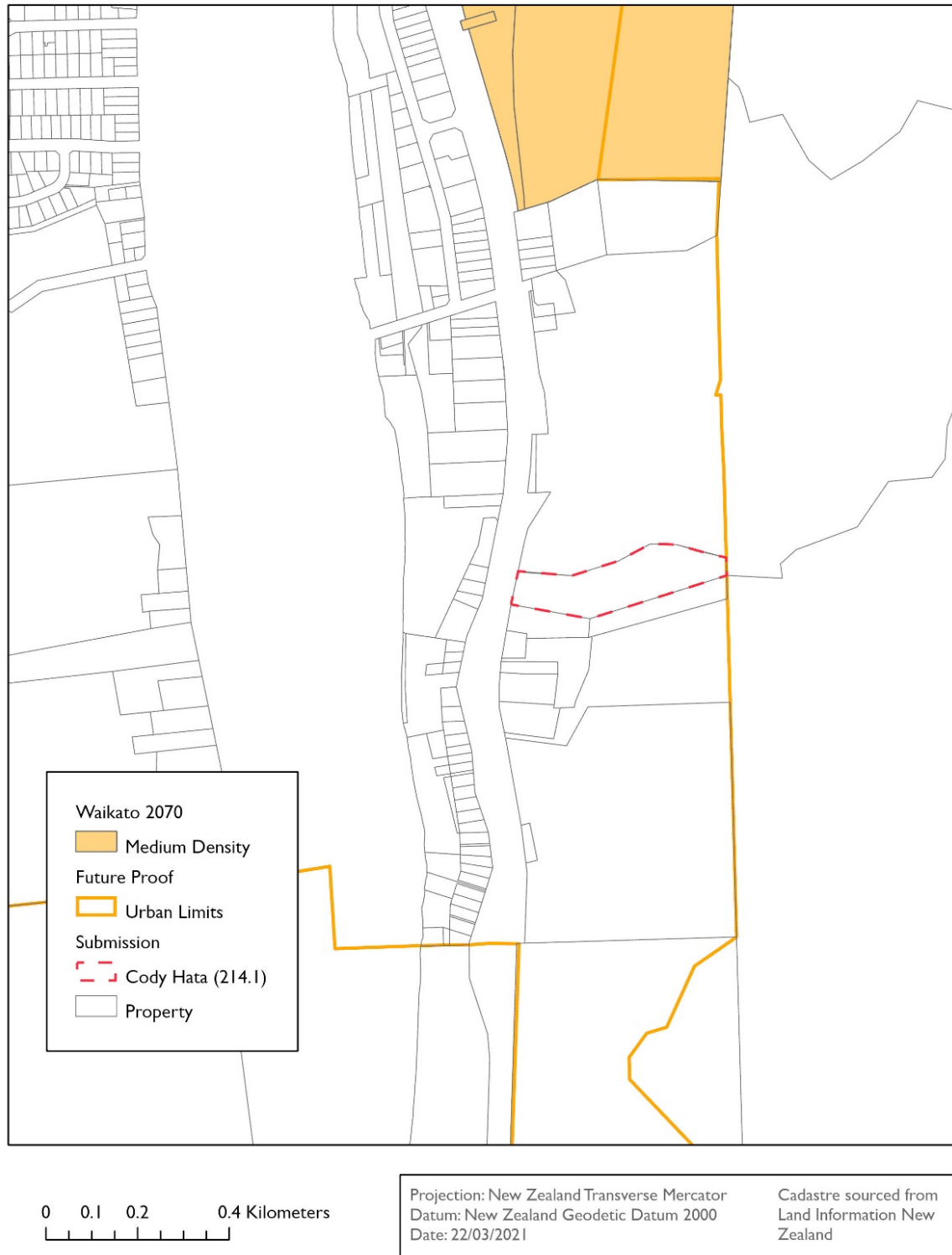


Figure 17 Land which is the subject of the submission by Cody Hata (214.1) and Future Proof and Waikato 2070

4.1.3.6.5 Vision and Strategy of the Waikato River

169. The site is located in the Waikato River Catchment, and is in close proximity to the Waikato River itself. As described earlier, the site contains an existing Transport Depot which is consented. This indicates that any adverse effects on the river and its catchment were deemed to be able to be avoided, remedied, or mitigated.

4.1.3.6.6 Proposed Waikato District Plan

170. Table 12 below provides an assessment of the submission to rezone against the relevant objectives and policies of the Proposed District Plan.

Table 12 Preliminary analysis of submission by Cody Hata (214.1) against the relevant objectives and policies of the PWDP

Relevant PWDP Objectives and Policies	Preliminary analysis
Growth occurs in defined growth areas 1.5.2(a)	<p>The site is split-zoned Industrial and Rural, as notified. The Industrial Zone is an urban environment zone under the PWDP, which is considered a 'defined growth area'.</p> <p>It is my understanding that when assessing a proposal against provision 1.5.2(a), s42A officers considering rezoning requests should interpret 'defined growth areas' to mean those outlined in the Future Proof Strategy.</p> <p>The submission site, 163 Tregoweth Lane is within the Urban Limits as defined by the Future Proof Strategy, therefore is consistent with this direction.</p>
Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. 1.12.8(b)(ii)	<p>The front portion of the site is contiguous with the existing industrial area to the north, containing a consented Transport Depot.</p> <p>The connected nature of this Industrial zoning to the rest of the urban environment, contributes to a more compact urban environment.</p> <p>The back portion of the site is zoned Rural and adjoins the existing rural environment.</p>
Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance. 1.12.8(b)(vi)	<p>The Industrial Zone provides for a range of industrial activities, which can result in adverse effects. These are anticipated and can be managed in the zone. The loss of green open space is therefore expected.</p> <p>The Rural Zone is characterised by a predominance of open space and rural character and amenity. The retention of the Rural Zone over this site as notified, will contribute to the protection and enhancement of green open spaces.</p> <p>163 Tregoweth Lane does not contain any outstanding landscapes, or areas of cultural, ecological, historic, and environmental importance, that I am aware of.</p> <p>The site is covered by the Stage 2 Hazards Defended Area overlay. The provisions of</p>

	<p>Chapter 15 Natural Hazards and Climate Change manage any residual risk associated with the defended area, and therefore I do not consider this overlay to be a constraint that would preclude Industrial zoning of the site.</p> <p>This submission to retain the split zoning of Industrial and Rural over the site is therefore considered to be consistent with this strategic objective. In my view this addresses the further submission by Mercury Energy.</p>
<p>Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas'</p> <p>1.5.1(b)</p> <p>1.12.3(a)</p> <p>1.12.3(c)</p> <p>4.1.2(a)</p> <p>5.3.8</p>	<p>The site is situated within the existing town of Huntly, which is a key growth area, and is within the Indicative Urban Limits, as identified in the Future Proof Strategy 2017.</p> <p>The submission is consistent with strategic objectives, in that the Industrial and Rural zoning of the site contributes to:</p> <ol style="list-style-type: none"> Focusing urban growth of an industrial nature to within defined growth areas, within an existing town The protection of rural areas by locating industrial development within the Huntly town boundary, and Providing additional business land capacity in an existing town.
<p>Urban growth areas are consistent with Future Proof Strategy for Growth 2017</p> <p>4.1.3(b)</p>	<p>The site is located within the Urban Limits, as identified in the Future Proof Strategy 2017.</p>
<p>Industry is only to be located in identified Industrial Zones and industrial strategic growth nodes:</p> <ol style="list-style-type: none"> Tuakau Pokeno Huntly Horotiu <p>Policy 4.1.6</p>	<p>The submission to retain the Industrial Zone, as notified, over 163 Tregoweth Lane is consistent with Policy 4.1.6, on the basis that the site is:</p> <ol style="list-style-type: none"> Located in Huntly, which is identified as a key industrial strategic node Comprised of an industrial activity (a consented Transport Depot) Contiguous with the existing industrial area to the north, which forms the largest continuous area of industrial zoned land in Huntly.
<p>Maintain sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial zones</p> <p>4.6.3(a)</p>	<p>The retention of the Industrial Zone over the front portion of 163 Tregoweth Lane, as notified, is consistent with Policy 4.6.3.</p>

<p>Infrastructure can be efficiently and economically provided</p> <p>4.1.3(a)</p>	<p>As described earlier, 163 Tregoweth Lane is serviced by public reticulated water supply and the wastewater network, and therefore the submission is consistent with Policy 4.1.3.</p>
<p>Subdivision, use and development within the rural environment where:</p> <ul style="list-style-type: none"> (i) high class soils are protected for productive rural activities; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment (iii) urban subdivision, use and development in the rural environment is avoided. <p>5.1.1 Objective – The rural environment</p> <ul style="list-style-type: none"> (a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages (b) Ensure development does not compromise the predominant open space, character, and amenity of rural areas (c) Ensure subdivision, use and development minimise the effects of ribbon development. (d) Rural hamlet subdivision and boundary relocations ensure the following: <ul style="list-style-type: none"> (i) Protection of rural land for productive purposes; (ii) Maintenance of the rural character and amenity of the surrounding rural environment; (iii) Minimisation of cumulative effects. (e) Subdivision, use, and development opportunities ensure that rural character and amenity values are maintained (f) Subdivision, use, and development ensures the effects on public infrastructure are minimised. <p>5.3.8 Policy</p>	<p>The retention of the Rural Zone over the back portion of the site is consistent with Objective 5.1.1 and Policy 5.3.8, as this signals that the land is not intended for urban development and subdivision, and provides for the protection of productive rural areas, high class soils, the predominance of open space, and rural character and amenity values.</p> <p>The retention of the Rural Zone over the back portion of the site is also consistent with Policies 5.3.1 and 5.3.4, as it provides for the retention of open space, and maintenance of rural character and amenity values.</p>
<p>Rural character and amenity are maintained</p> <p>5.3.1</p> <p>5.3.4</p>	

4.1.4 Recommendation

171. For the reasons above I recommend that the Hearings Panel:

Accept the submission by Cody Hata (214.1) to the extent that the site at 163 Tregoweth Lane, Huntly remains split-zoned Industrial and Rural, as notified

Reject the further submission by Mercury NZ Limited (FSI 386.276)

4.1.5 Recommended amendments

172. No amendments are recommended:

Retain the split-zones of Industrial and Rural, as notified.

173. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

4.1.6 392 Great South Road

4.1.6.1 Submission

174. Z Energy Ltd (589.6) submitted in support of the notified Industrial zoning of at 392 Great South Road, Huntly, seeking that it be retained.

175. There were no further submissions, either in support or opposition, and Z Energy Ltd did not provide any evidence in relation to their submission.

176. Figure 18 shows the land which is the subject of this submission, and the notified zoning that was requested to be retained.



Z Energy Ltd (589.6): 392 Great South Road, Huntly

Proposed Waikato District Plan zones as notified



Figure 18 Land which is the subject of the submission by Z Energy Ltd (589.6) and PWDP zones as notified

177. As Z Energy Ltd simply seek to retain the notified zoning at the site, and no submissions or further submissions were received, the submission is not under challenge. This means that the zoning of the property must be treated as operative, pursuant to s86F. As such, no assessment is required to be undertaken.

178. For the avoidance of doubt, I have provided a brief analysis below.

4.1.6.2 Scope

179. It is my understanding that in relation to this site, scope is limited to the Proposed District Plan Industrial Zone, on the basis that no submissions were made seeking amendments to this.

4.1.6.3 Analysis

4.1.6.3.1 National Policy Statements

180. The submission to retain the Industrial Zone over the subject site is consistent with Policy 1 and 2 of the NPS-UD, on the basis that it contributes to the:

- a. achievement of an urban environment with a variety of sites that are suitable for different business sectors, and
- b. requirement for business land capacity that is plan-enabled and infrastructure-ready.

4.1.6.3.2 Waikato Regional Policy Statement

181. The retention of the Industrial Zone over the subject site is consistent with Policy 6.14 of the WRPS in that Huntly is identified as a strategic industrial node, and is within the Indicative Urban Limits on Map 6-2.

182. The submission is also consistent with Implementation Method 6.3.1(d) in that the site is well-connected to strategic transport networks, and in close proximity to road and rail hubs.

4.1.6.3.3 Iwi management plans

183. I consider that positive environmental and cultural effects can be achieved at 392 Great South Road under the proposed zoning of Industrial, as directed by the Maniapoto Environmental Management Plan and the Waikato-Tainui Environmental Plan.

4.1.6.3.4 Future proof and Waikato 2070

184. The site is within the Urban Limits outlined in the Future Proof Strategy 2017, but is not situated in the Industrial Activity Zone shown on the Huntly and Ohinewai Development Plan in Waikato 2070.

4.1.6.3.5 Vision and Strategy of the Waikato River

185. The site is located in the Waikato River Catchment, and is in close proximity to the Waikato River itself. The Industrial Zone of the PWDP provides for a number of industrial activities, which includes service stations, anticipates an array of potential adverse effects, and includes measures to manage these activities and their effects.

4.1.6.3.6 Proposed Waikato District Plan

186. Table 13 below provides an assessment of the submission to retain the Industrial Zone, against the relevant objectives and policies of the Proposed District Plan.

Table 13 Preliminary analysis of submission by Z Energy Ltd (589.6) against the relevant objectives and policies of the PWDP

Relevant PWDP Objectives and Policies	Preliminary analysis

<p>Growth occurs in defined growth areas</p> <p>1.5.2(a)</p>	<p>The site is zoned Industrial, as notified under the PWDP. The Industrial Zone is an urban environment zone under the PWDP, which is considered a 'defined growth area'.</p> <p>It is also my understanding that when assessing a proposal against provision 1.5.2(a), s42A officers considering rezoning requests should interpret 'defined growth areas' to mean those outlined in the Future Proof Strategy.</p> <p>The submission site, 392 Great South Road is within the Indicative Urban Limits as defined by Future Proof, in addition to being an urban environment zone of the PWDP.</p> <p>For these reasons, the submission is considered consistent with this direction.</p>
<p>Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. 1.12.8(b)(ii)</p>	<p>The site is contiguous with the Industrial Zone to the south and east, which is a considerably sized expanse of continuous industrial land.</p> <p>The retention of the notified Industrial Zone over 392 Great South Road contributes to the maintenance of a compact urban environment in Huntly, whereby industrial land uses are focused within the existing urban area.</p>
<p>Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance.</p> <p>1.12.8(b)(vi)</p>	<p>The Industrial Zone provides for a range of industrial activities, which can result in adverse effects. These are anticipated and can be managed in the zone. The absence of green open space is therefore expected.</p> <p>392 Great South Road does not contain any outstanding landscapes, or areas of cultural, ecological, historic, and environmental importance, that I am aware of.</p> <p>The site is covered by the Stage 2 Hazards Defended Area overlay. The provisions of Chapter 15 Natural Hazards and Climate Change manage any residual risk associated with the defended area and therefore I do not consider this overlay to be a constraint that would preclude Industrial zoning of the site.</p>
<p>Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas'</p> <p>1.5.1(b)</p> <p>1.12.3(a)</p> <p>1.12.3(c)</p> <p>4.1.2(a)</p> <p>5.3.8</p>	<p>The site is situated within the existing town of Huntly, which is a key growth area, and is within the Indicative Urban Limits, as identified in the Future Proof Strategy 2017.</p> <p>The submission is consistent with strategic objectives, in that the Industrial zoning of the site contributes to:</p> <ul style="list-style-type: none"> a. Focusing urban growth of an industrial nature to within defined growth areas, with an existing town b. The protection of rural areas by locating industrial development within the Huntly town boundary, and c. Providing additional business land capacity in an existing town.
<p>Urban growth areas are consistent with Future Proof Strategy for Growth 2017</p> <p>4.1.3(b)</p>	<p>The site is located within the Urban Limits, as identified in the Future Proof Strategy 2017.</p>

<p>Industry is only to be located in identified Industrial Zones and industrial strategic growth nodes:</p> <ul style="list-style-type: none"> v. Tuakau vi. Pokeno vii. Huntly viii. Horotiu <p>4.1.6</p>	<p>The submission to retain the Industrial Zone, as notified, over 392 Great South Road is consistent with Policy 4.1.6, on the basis that the site is:</p> <ul style="list-style-type: none"> a. Located in Huntly, which is identified as a key industrial strategic node b. Comprised of an industrial activity (a service station) c. Contiguous with the existing industrial area to the south, which forms a considerably sized continuous area of industrial zoned land in Huntly.
<p>Maintain sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial zones</p> <p>4.6.3(a)</p>	<p>The retention of the Industrial Zone over 392 Great South Road is consistent with Policy 4.6.3, in that it contributes industrial capacity within the key industrial node of Huntly.</p>
<p>Maintain activities within specific sites containing lawfully established industrial activities that are not immediately adjacent to towns or villages</p> <p>4.6.5(a)</p>	<p>The submission to retain the Industrial Zone as notified is consistent with Policy 4.6.5, as 392 Great South Road contains an existing service station, which is a lawfully established industrial activity.</p>
<p>Infrastructure can be efficiently and economically provided</p> <p>4.1.3(a)</p>	<p>As described earlier, the subject site is serviced by public reticulated water supply and the wastewater network, and therefore the submission is consistent with Policy 4.1.3.</p>

4.1.7 Recommendation

187. For the reasons above I recommend that the Hearings Panel:

Accept the submission by 154. Z Energy Ltd (589.6) to the extent that the site at 392 Great South Road, Huntly remains Industrial Zone, as notified

4.1.8 Recommended amendments

188. No amendments are recommended:

Retain the Industrial Zone as notified.

189. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

4.2 Requests to amend the zoning as notified

190. Five submissions were made requesting that the notified zoning be amended. These were accompanied by four further submissions, three in opposition, and one in support (see Table 14 below).

Table 14 Summary of submissions that requested amendments to the notified zoning

Original Submitter	Further submitter	Submission number	Decision requested
Arnesen, Paul		937.1	Amend the zoning of land at 472, 474, 476, 478, 486, and 492 Great South Road, and 2B, 4 and 6 Jackson Road, from Residential to Industrial.
	<i>Sangeeta Kumar</i>	FS1077.1	Oppose submission 937.1 and seek that the Residential zoning is retained as notified.
	<i>Mohammed Janif</i>	FS1177.1	Oppose submission 937.1 and seek that the Residential zoning is retained as notified.
	<i>Builtsmart Property Partnership Limited & PLB Construction Group Limited</i>	FS1196.1	Support submission 937.1 and seek that the land is rezoned Industrial.
	<i>Mercury NZ Limited</i>	FS1387.1557	Opposes submission 937.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.
Housing New Zealand Corporation		749.154	Add a new chapter that provides for a 'Medium Density Residential Zone' (MDRZ). Amend the Proposed District Plan to enable consequential amendments to give effect this.
			<i>Refer to the Hearing 25 Zone Extents Future Urban Zone and Residential Medium Density Zone s42A report for the list of further submitters.</i>
Shand Properties Limited		778.2	Amend the zoning of land between Great South Road and East Mine Road (Areas 1 and 2) from Rural to Industrial.
	<i>Allen Fabrics Ltd.</i>	FS1349.2	Support submission 778.2 and seek that the Industrial zoning is retained as notified.
	<i>Waikato Regional Council</i>	FS1277.52	Oppose submission 778.2 and seek that the Rural zoning is retained as notified.
	<i>Perry Group Limited</i>	FS1313.13	Support submission 778.2 and seek that the Industrial zoning is retained as notified.
	<i>New Zealand Transport Agency</i>	FS1202.124	Oppose submission 778.2 and seek that the Rural zoning is retained as notified.
	<i>Mercury NZ Limited</i>	FS1387.1186	Oppose submission 778.2 on the basis that natural hazard provisions and flood maps were not available at time of notification.
Shand Properties Limited		778.3	Amend the zoning of land south of East Mine Road (Area 3) from Rural to Residential.
	<i>Allen Fabrics Ltd.</i>	FS1349.3	Support submission 778.3.

	<i>Waikato Regional Council</i>	FS1277.53	Oppose submission 778.3 and seek that the Rural zoning is retained as notified.
	<i>New Zealand Transport Agency</i>	FS1202.125 and FS1202.126	Oppose submission 778.3 and seek that the Rural zoning is retained as notified.
	<i>Mercury NZ Limited</i>	FS1387.1187	Oppose submission 778.3 on the basis that natural hazard provisions and flood maps were not available at time of notification.
Terra Firma Resources Ltd		732.1	Amend the zoning of the block of land referred to as 'Weavers Crossing' from Rural to Residential or Village Zone.
	<i>Waikato Regional Council</i>	FS1277.47	Oppose submission 732.1 and seek that the Rural zoning is retained as notified.
	<i>Mercury NZ Limited</i>	FS1387.810	Oppose submission 732.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.
Terra Firma Resources Ltd		732.2	Amend the zoning of the land referred to as the 'Puketirini Block' from Rural to Residential, or Village, or a combination of the two. Include two smaller Business Zones.
	<i>Mercury NZ Limited</i>	FS1387.811	Oppose submission 732.2 on the basis that natural hazard provisions and flood maps were not available at time of notification.

191. 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.

4.3 Great South Road and Jackson Road

192. Paul Arnesen, on behalf of Planning Focus Ltd (937.1) submitted in opposition of the notified Residential Zone at 472, 474, 476, 478, 486, and 492 Great South Road, and 2B, 4 and 6 Jackson Road, and requested the sites be rezoned from Residential to Industrial.
193. The properties at 495, 486 and 478 Great South Road, and 4 and 2B Jackson Road, are owned, or leased, by Builtsmart Properties Ltd (Builtsmart). The remainder of the properties are in private ownership.
194. Three further submissions were received in opposition, from Sangeeta Kumar (FS1077.1), Mohammed Janif (FS1177.1) and Mercury NZ Limited (FS1387.1557). The first two, who are the owners of 476 and 474 Great South Road (respectively) opposed the submission on the basis that they intend to reside at their properties in the long term, with plans for further residential development.
195. Mercury NZ Limited opposed on the basis that at the time the submission was lodged, natural hazard flood provisions nor adequate flood maps were available. Mercury considered it necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework.

196. Figure 19 shows the Proposed District Plan zoning as notified over the sites.



Figure 19 Land which is the subject of the submission by Paul Arnesen (937.1) and PWDP zones as notified

4.3.1 Scope

197. It is my understanding that in relation to this site, scope is limited to either the notified Residential Zone, or the Industrial Zone, which was requested.

4.3.2 Background information

4.3.2.1 Land use and consent history

198. At the time of submissions, Builtsmart occupied 494 Great South Road (the existing Builtsmart Properties site). Since that time, Builtsmart purchased (or entered an agreement to lease) several properties to the north of the existing site, which include 492, 486 and 478 Great South Road, and 4 and 2B Jackson Road.
199. As described above, Builtsmart (via Paul Arnesen on behalf of Planning Focus Ltd) lodged a submission (937.1) on the PWDP seeking that the properties to the north of the existing Builtsmart site (now owned or leased by Builtsmart) site be rezoned from the Residential Zone to the Industrial Zone.
200. Because decisions on the PWDP were still some time away, and given their desire to expand the business and site in a timely manner, Builtsmart Property Partnership lodged a Private Plan Change request in 2019 ('Plan Change 22 Builtsmart'). The request was to rezone 2.45 hectares of land from Living Zone to Light Industrial Zone to enable the expansion of their transportable homes business.
201. At that time, Planning Focus sought to refine their submission, and stated that the partial withdrawal of the submission had been acknowledged by the Council. The rezoning request is therefore refined to the following properties (which were the subject of the Private Plan Change request):
- a. 492 Great South Road
 - b. 486 Great South Road
 - c. 4 Jackson Road
 - d. 478 Great South Road, and
 - e. 2 B Jackson Road.
202. The decision on Plan Change 22 Builtsmart only rezoned the land under the Operative District Plan. The submission on the PWDP (which has now been narrowed through evidence) seeks to reflect the Plan Change 22 zoning in the PWDP.
203. The refined submission extent is shown on Figure 20 below. Three narrow lots to the North have been removed.
204. These are the only properties that I address in my analysis and recommendations.



Paul Arnesen (937.1):
Great South Road and Jackson Road - revised extent
Proposed Waikato District Plan zones as notified

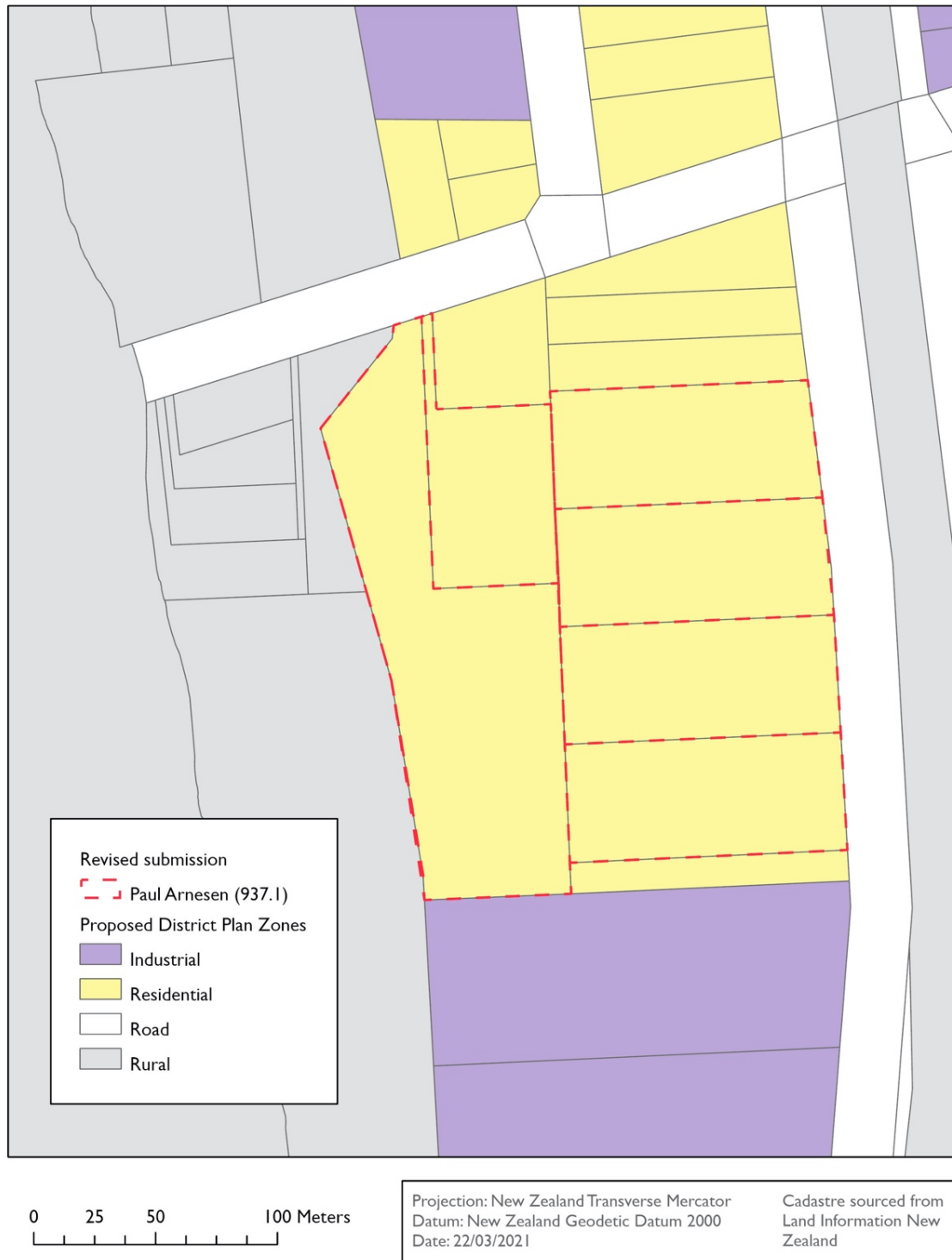


Figure 20 Land which is the subject of the submission by Paul Arnesen (937.1) that has been revised and PWDP zones as notified

205. In March 2020, the Plan Change 22 Builtsmart was approved. In April, a land use consent was granted to Builtsmart Properties Limited, to authorise earthworks and filling within the Builtsmart Expansion area. Later in the year in October, consent was granted for the existing Builtsmart site, 494 Great South Road. This was for the expansion of the existing industrial activity (which involves the construction of transportable homes), an office extension, and an associated stormwater pond.
206. A site visit to the property revealed that industrial development of the site had either been completed, or was close to completion. From the Great South Road and Jackson Road boundaries of the site, it was clear that the land use had been modified, from residential and pastoral, to predominantly industrial.

4.3.2.2 Surrounding environment

207. Immediately south of 492 Great South Road and 2B Jackson Road (the southernmost of the subject properties), the land is zoned Industrial, and is occupied by transportable homes company, Builtsmart Properties, and PLB Construction Group Limited.
208. To the east of 492, 486, 476, 474 and 472 Great South Road, is the Huntly Quarry, zoned Industrial and covered by the Aggregate Extraction Area overlay.
209. To the west of 2B Jackson Road, alongside the Waikato River the land is zoned Rural, and contains a shared pedestrian cycleway, which is covered by the Significant Amenity Landscape Area overlay.
210. North of the 472 Great South Road and 6 Jackson Road (the northernmost of the subject properties) the land is also zoned Residential. However, directly north of 2B Jackson Road is the Huntly Water Treatment Plant, where the land is zoned Rural, and is covered by Waikato District Council Designation M25.

4.3.2.3 Relevant overlays

211. There are no notified overlays over the site.

4.3.2.4 Stage 2 Hazards

212. The Stage 2 Hazards relevant to the site are:
- a. Flood Ponding Area
 - b. Defended Area
213. See Figure 21.



Paul Arnesen (937.1): Great South Road and Jackson Road

Proposed Waikato District Plan Stage 2 Hazards

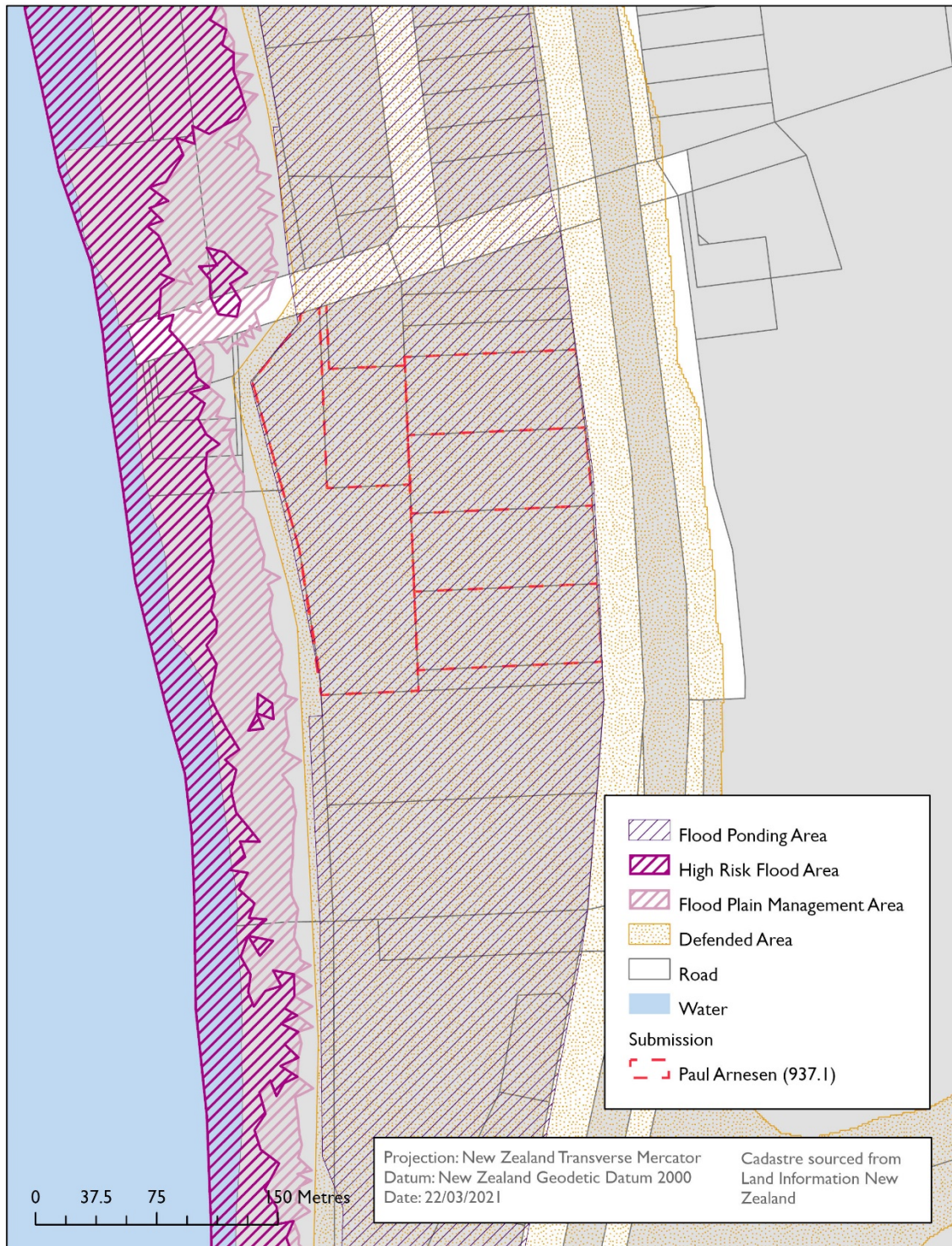


Figure 21 Land which is the subject of the revised submission by Paul Arnesen (937.1) and relevant Stage 2 Hazards

4.3.2.5 Infrastructure

214. The subject sites are serviced by a water main which runs the length of the eastern boundary of the site along Great South Road, and another that extends down Jackson Road. A wastewater gravity main runs down Jackson Road, before it turns to traverse 2B Jackson Road, parallel to Great South Road. A stormwater gravity main crosses 472, 474, 476, 478 and 486 Great South Road, before transitioning into a sub soil drain.

4.3.3 Submitter evidence

215. The submitter did not provide any evidence in relation to their submission. I assume the submitter is relying on the fact the land has been recently rezoned Industrial in the Operative Plan via Plan Change 22 Builtsmart and their expectation is that this rezoning will be carried over into the PWDP. The decision to rezone the land would have been comprehensively assessed against the statutory tests by the independent commissioners who determined Plan Change 22 Builtsmart. The main change that has occurred since the decision was released is that the NPS-UD has now come into force (September 2020), and the Waikato 2070 Growth Strategy has been adopted (May 2020).

4.3.4 Analysis

216. The analysis undertaken in this report is in relation to the revised submission extent, and as shown on Figure 20 above. The revised subject site is comprised of:
- a. 492 Great South Road
 - b. 486 Great South Road
 - c. 4 Jackson Road
 - d. 478 Great South Road, and
 - e. 2 B Jackson Road.

4.3.4.1 National Policy Statement

217. I consider that the submission to rezone the site from Residential to Industrial Zone, and provide for the expansion of the Builtsmart transportable homes business, is consistent with Objective 3(b) and Policy 1(c) of the NPS-UD. My reasons for this, are that the site is well connected to the existing transportation network, and is serviced by the public wastewater and water supply networks.
218. As mentioned earlier, industrial development of the site has already occurred. Based on the current state of the site, which is now considered an industrial land use, it is unable to contribute any additional industrial development capacity, nor is it able to provide any further employment opportunities for the town of Huntly, with flow on social and economic benefits.
219. As a result, the submission does not contribute to achieving Objective 1 and Policy 2 of the NPS-UD, but is not considered contrary, as the submission seeks to rezone the land Industrial, so that it is consistent with the established use of the site.

4.3.4.2 Waikato Regional Policy Statement

220. The submission is consistent with Policy 6.14 of the WRPS, in that Huntly is identified as a strategic industrial node, and is within the Indicative Urban Limits on Map 6-2.
221. I consider that the proposal is also consistent with Implementation Method 6.3.1(d) in that the site is well-connected to strategic transport networks, and in close proximity to road and rail hubs.

222. Objective 3.12 of the WRPS requires that development of the built environment occurs in an integrated, sustainable, and planned manner, which includes by integrating land use and infrastructure planning. I consider that the request to rezone the subject site Industrial is consistent with this direction, in that the site is:
- a. a logical extension of an existing industrial activity
 - b. contiguous with the Industrial Zone to the south and east
 - c. serviced by the public water supply and wastewater networks, and
 - d. is already used for industrial purposes.

4.3.4.3 Iwi Management Plans

223. The Maniapoto Environmental Management Plan and the Waikato-Tainui Environmental Plan direct that land use and development result in positive environmental and cultural outcomes. I consider that the provisions of the PWDP Industrial Zone can appropriately manage any potential adverse effects associated with the industrial activity.

4.3.4.4 Future Proof and Waikato 2070

224. As shown in Figure 22 below, the site is not located within any of the Waikato 2070 growth cells. Huntly is however identified as a Strategic Industrial Node, and the site is within the Urban Limits, as outlined in the Future Proof Strategy 2017.
225. The expectation of the Future Proof Strategy is that land developed inside of the urban limits will be urban in nature, comprised of a concentration of residential, commercial and/or industrial activities. Development of an industrial nature within the urban limits, is therefore consistent with this direction.



Paul Arnesen (937.1):
Great South Road and Jackson Road - revised extent
Future Proof and Waikato 2070

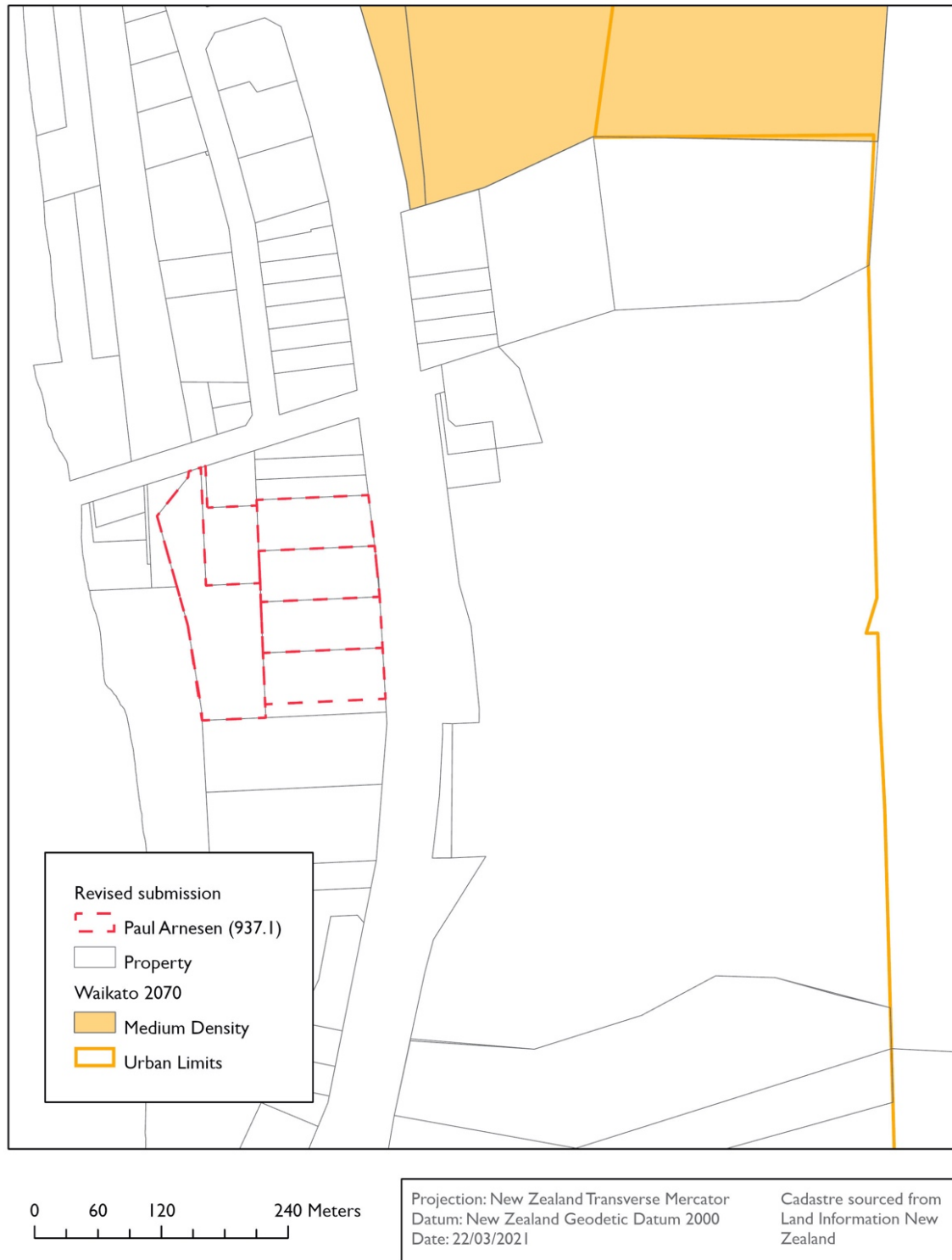


Figure 22 Land which is the subject of revised submission by Paul Arnesen (937.1) and Future Proof and Waikato 2070

4.3.4.5 Vision and Strategy for the Waikato River

226. When Plan Change 22 was approved in March 2020, the Decision of the Commissioners found the proposal to give effect to, or be consistent with, relevant higher order documents, which included the Vision and Strategy of the Waikato River. For the reasons stated in that decision, I am satisfied that any potential effects on the river and its catchment are able to be managed by the provisions of the Industrial Zone.

4.3.4.6 Proposed Waikato District Plan

227. Table 15 below provides an assessment of the submission to rezone the subject sites from Residential to Industrial, against the relevant objectives and policies of the Proposed District Plan.

Table 15 Preliminary analysis of the revised submission by Paul Arnesen (937.1) against the relevant objectives and policies of the PWDP

Relevant PWDP Objectives and Policies	Preliminary analysis
Growth occurs in defined growth areas I.5.2(a)	<p>It is my understanding that when assessing a proposal against provision I.5.2(a), s42A officers considering rezoning requests should interpret 'defined growth areas' to mean those outlined in the Future Proof Strategy.</p> <p>The submission site is within the Indicative Urban Limits as defined by Future Proof, in addition to being within an Industrial Activity Zone of Waikato 2070.</p> <p>For these reasons, the submission is considered consistent with this direction.</p>
Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently I.12.8(b)(i)	The submission is consistent with this strategic direction, in that the proposed industrial form of urban development will be taking place where it is serviced by existing reticulated infrastructure, and in an area identified for its purpose; an urban environment zone.
Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. I.12.8(b)(ii)	The rezoning of the site from Residential to Industrial will result in development that is contiguous with the existing Industrial Zone. This helps contribute to the achievement of a compact and sustainable urban environment.
Focus urban growth in existing urban communities that have capacity for expansion I.12.8(b)(iii)	<p>The subject land is located within Huntly, which is characterised as an existing urban community.</p> <p>The approval of Plan Change 22 in March 2020 indicates that the suitability of the site for industrial development has been considered and deemed appropriate.</p> <p>I agree that the site is suitable for industrial development, on the basis that it is well-located in respect to the transport network, serviced by existing infrastructure, and surrounded by existing industrial land uses.</p>
Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance.	The Residential Zone provides for a level of urban development which can result in the loss of open space, as does the Industrial Zone, albeit to a greater degree. This is however, anticipated in both zones.

<p>1.12.8(b)(vi)</p>	<p>The current state of the site is modified, as industrial development of the site has commenced in accordance with approved Plan Change 22 and the associated land use consent that was granted shortly thereafter. The proposed Industrial zoning will therefore have minimal impact on green open space. The site does not comprise any outstanding landscapes, or any areas of cultural, ecological, or historic importance.</p> <p>The site is covered by the Stage 2 Hazard Flood Ponding Area and Defended Area overlays. The Decision of Commissioners stated their satisfaction in relation to stormwater and flood-related natural hazard matters, noting the support of Waikato Regional Council in relation to the flood/stormwater attenuation design presented at the PC hearing. I am therefore satisfied that these environmental matters have been addressed, and consider the Industrial zoning of the site consistent with this strategic direction. In my view this addresses the concerns raised in Mercury Energy's further submission.</p>
<p>Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas'</p> <p>1.5.1(b) 1.12.3(a) 1.12.3(c) 4.1.2(a) 5.3.8</p>	<p>The site is situated within the existing town of Huntly, which is a key growth area, and is within the Indicative Urban Limits, as identified in the Future Proof Strategy 2017.</p> <p>The submission is consistent with strategic objectives, in that the Industrial zoning of the site contributes to:</p> <ul style="list-style-type: none"> a. Focusing urban growth of an industrial nature to within defined growth areas, with an existing town b. The protection of rural areas by locating industrial development within the Huntly town boundary, and c. Providing additional business land capacity in an existing town.
<p>Urban growth areas are consistent with Future Proof Strategy for Growth 2017</p> <p>4.1.3(b)</p>	<p>The site is located within the Urban Limits, as identified in the Future Proof Strategy 2017.</p>
<p>Industry is only to be located in identified Industrial Zones and industrial strategic growth nodes:</p> <ul style="list-style-type: none"> ix. Tuakau x. Pokeno xi. Huntly xii. Horotiu <p>4.1.6</p>	<p>The submission to rezone the subject site from Residential to Industrial Zone is consistent with Policy 4.1.6, on the basis that the site is located in Huntly, which is identified as a key industrial strategic node.</p> <p>228.</p> <p>While the site is currently zoned Residential, industrial development of the site has already commenced, in accordance with Plan Change 22 and associated resource consents.</p>
<p>Maintain sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial zones</p> <p>4.6.3(a)</p>	<p>The request to rezone the site from Residential to Industrial Zone is consistent with Policy 4.6.3, in that it maintains industrial capacity within the key industrial node of Huntly.</p>

Maintain activities within specific sites containing lawfully established industrial activities that are not immediately adjacent to towns or villages 4.6.5(a)	As mentioned earlier in this report, Plan Change 22 was approved in March 2020, with the granting of subsequent resource consents in relation to the expansion of the Builtsmart transportable homes business. The submission to rezone the subject site from Residential to Industrial is therefore consistent with Policy 4.6.5, in that the site contains a lawfully established industrial activity.
Infrastructure can be efficiently and economically provided 4.1.3(a)	The site is serviced by existing water supply and wastewater infrastructure. In addition, it is my understanding from Council, that within the Urban Limits, there is either existing or planned infrastructure capacity in Huntly.
In the Residential Zone: a. Maintain residential character b. Maintain amenity values within and around dwellings and site Objective 4.2.1 and 4.2.9	As described earlier in this analysis, industrial development of the site has commenced, and the resulting current environment is extremely modified, with little to no residential character or amenity values present at the site. The rezoning of the site to Industrial will therefore not result in additional loss of residential character and amenity.
The health and well-being of people, communities and the environment are protected from the adverse effects of land use and development. Objective 4.4.1	The Industrial zoning and development of this site will inevitably result in effects, such as noise, on the surrounding environment. I note that Plan Change 22 adopted the PWDP interface noise rules, and provided a reasonable internal separation buffer for residential dwellings from the expanded industrial activity. Other potential effects to arise from industrial activity such as dust nuisance and transport effects, were outlined in the Decision of Commissioners to be minor, and to be addressed at the consent stage. I am satisfied that the rezoning request is consistent with Objective 4.4.1, in that the provisions of the PWDP and associated consenting process can adequately manage the effects of industrial land development.

4.3.5 Recommendation

229. For the reasons above I recommend that the Hearings Panel:

Accept the submission by Paul Arnesen (937.1) to the extent that the sites at 478, 486, and 492 Great South Road, and 2B and 4 Jackson Road, are amended to be zoned Industrial Zone

Accept the further submission by Builtsmart Property Partnership Limited & PLB Construction Group Limited (FS1196.1), and

Reject the further submissions by Sangeeta Kumar (FS1077.1) and Mohammed Janif (FS1177.1).

4.3.6 Recommended amendments

230. The following amendments are recommended:

Amend the zoning of 478, 486, and 492 Great South Road, and 2B and 4 Jackson Road from Residential Zone to Industrial Zone, as shown in Figure 23.



Paul Arnesen (937.1)
Great South Road and Jackson Road

Recommendation: Rezone from Residential Zone to Industrial Zone

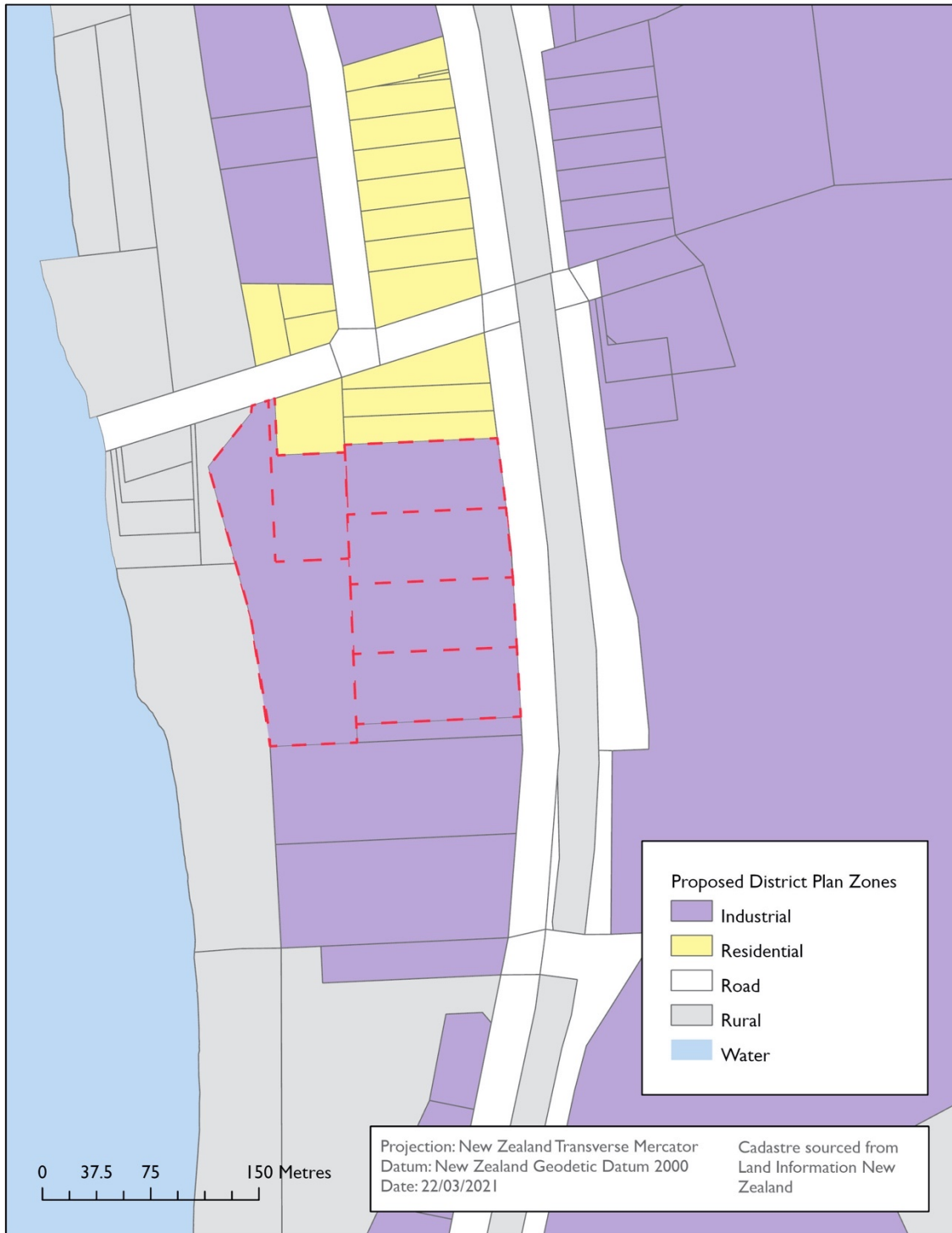


Figure 23 Recommendation to rezone land which is the subject of the revised submission by Paul Arnesen (937.1) from Residential Zone to Industrial Zone

4.3.7 S32AA evaluation

231. As described earlier, the submitter did not provide any evidence, nor did they prepare a s32AA evaluation in relation to their submission to rezone the subject site from Residential, to Industrial. The scale and significance is local, and considered minor, on the basis that the land use has already changed as a result of approved Plan Change 22 and subsequent granted resource consents.
232. I note that the Plan Change 22 request (appended to this report as Appendix 7) included a s32 evaluation against the Operative Waikato District Plan, and that the Decision of the Commissioners states their satisfaction with this report and its ability to achieve the requirements of s32 of the RMA. This s32 analysis remains relevant for the purpose of this report and I therefore adopt that detailed evaluation. Nevertheless I have also provided an updated evaluation below.

4.3.7.1 Other reasonably practicable options

233. The reasonably practicable options in relation to this site, include:
- a. The notified Residential Zone (status quo), and
 - b. The Industrial Zone (as requested by Paul Arnesen 937.1, and the recommended amendment in this report).
234. Based on the implementation of Plan Change 22 and subsequent consents, I consider that the option of retaining the Residential Zone to be inappropriate. The status quo would result in a zone that does not reflect the current land use. The option of rezoning the land Industrial is considered the most suitable option for this reason.

4.3.7.2 Effectiveness and efficiency

235. I consider that the recommended zoning of Industrial over the subject site, is the most effective and efficient way in which to achieve the objectives of the Proposed Waikato District Plan, by enabling industrial development, for the reasons set out above.

4.3.7.3 Costs and benefits

236. There are no additional costs associated with the rezoning from Residential to Industrial, as the land use has already been modified to Industrial as a result of Plan Change 22 and subsequent consents.
237. The benefit associated with amending the notified zone, is that the PWDP zoning will reflect, and not be inconsistent with, the existing land use at the site.

4.3.7.4 Risk of acting or not acting

238. There are no additional risks in acting.
239. The risk of not acting, and retaining the Residential Zone over the site, is that the PWDP zone will be inconsistent with the existing land use.

4.3.7.5 Decision about most appropriate option

240. For the reasons above, the amendment to the zoning at 478, 486, and 492 Great South Road, and 2B and 4 Jackson Road is considered to be the most appropriate way to achieve the objectives of the PWDP.

4.4 North Huntly

4.4.1 Area bound by Great South Road and Ralph Road

241. Shand Properties Ltd (778.2) submitted in opposition of the notified Rural Zone over circa 74 hectares in Huntly, between Great South Road and East Mine Road (see Figure 24). The submitter sought to rezone the land Industrial.



Shand Properties Ltd (778.2):
Area bound by Great South Road and Ralph Road

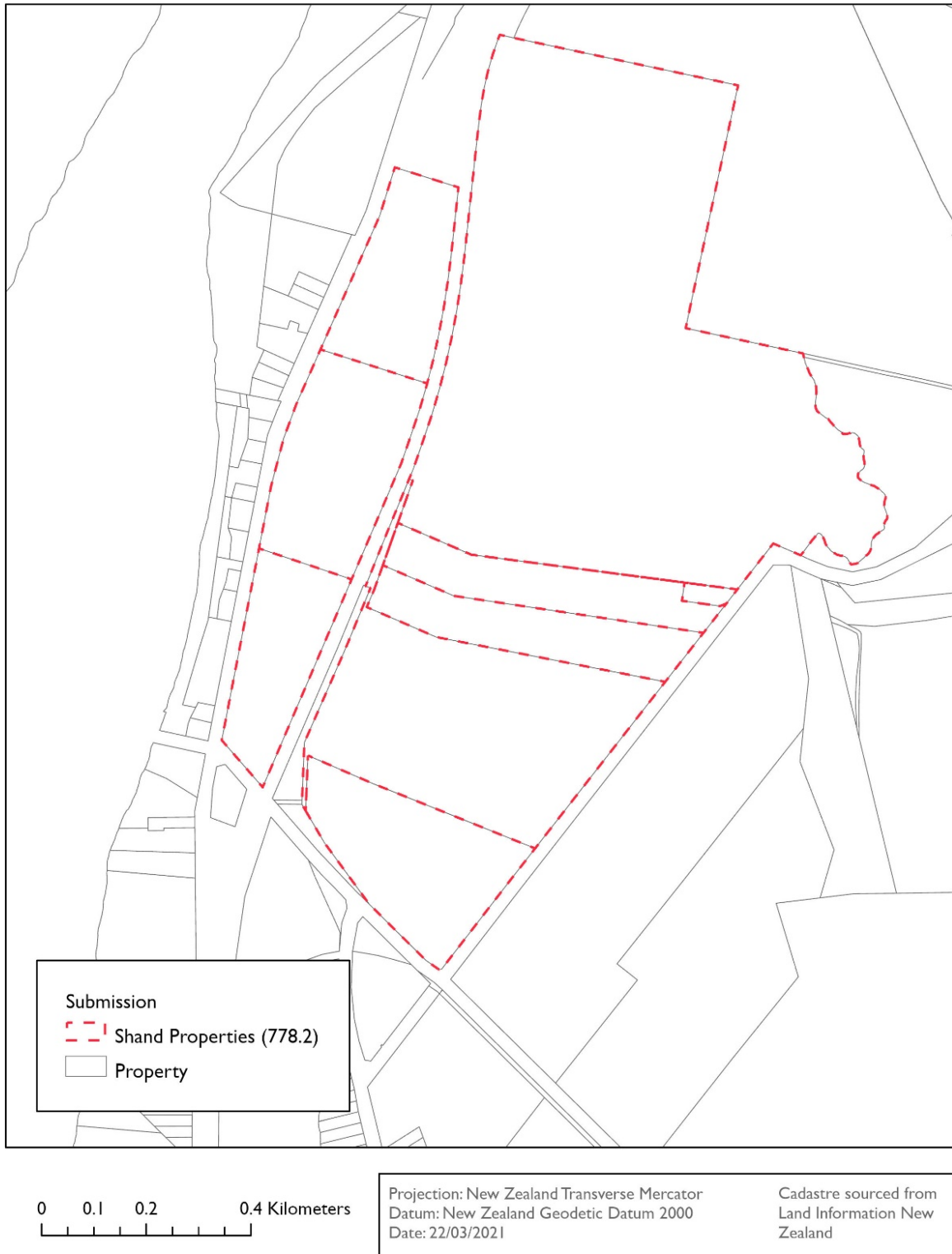


Figure 24 Land which is the subject of the submission by Shand Properties Ltd (778.2)

- 242. Five further submissions were received in relation to the Shand Properties Ltd request, three in opposition and two in support.
- 243. Allen Fabrics Ltd (I349.2) submitted in support, on the basis that they considered the land to be of only marginal use for rural purposes, and its location ideal for industrial use.
- 244. Perry Group Limited (FSI313.13) also supported the request, its reasons being that there is projected demand for Industrial land in Huntly, and the proposal will meet the requirements of the NPS-UD and provide for the social, economic, and cultural wellbeing of the Huntly community.
- 245. The NZ Transport Agency (FSI202.12) opposed the submission because they considered that the effects upon surrounding transport infrastructure from the rezoning had not been addressed. In its statement of evidence, NZ Transport Agency revised their position, and stated that they do not oppose the submission, but have a neutral position on the requested rezoning.
- 246. Waikato Regional Council (FSI277.52) opposed the submission, on the basis that decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete. It is important to note however, that in their evidence Waikato Regional Council have stated their provisional support for the submission.
- 247. Mercury NZ Limited (FSI387.1186) also submitted in opposition, on the basis that at the time submission was lodged, natural hazard flood provisions nor adequate flood maps were available. Mercury considered it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. They have not filed evidence in relation to this particular rezoning.
- 248. Figure 25 below shows the land which is the subject of this submission, and the notified zoning that was requested to be changed.



Shand Properties Ltd (778.2):
Area bound by Great South Road and Ralph Road
Proposed Waikato District Plan zones as notified

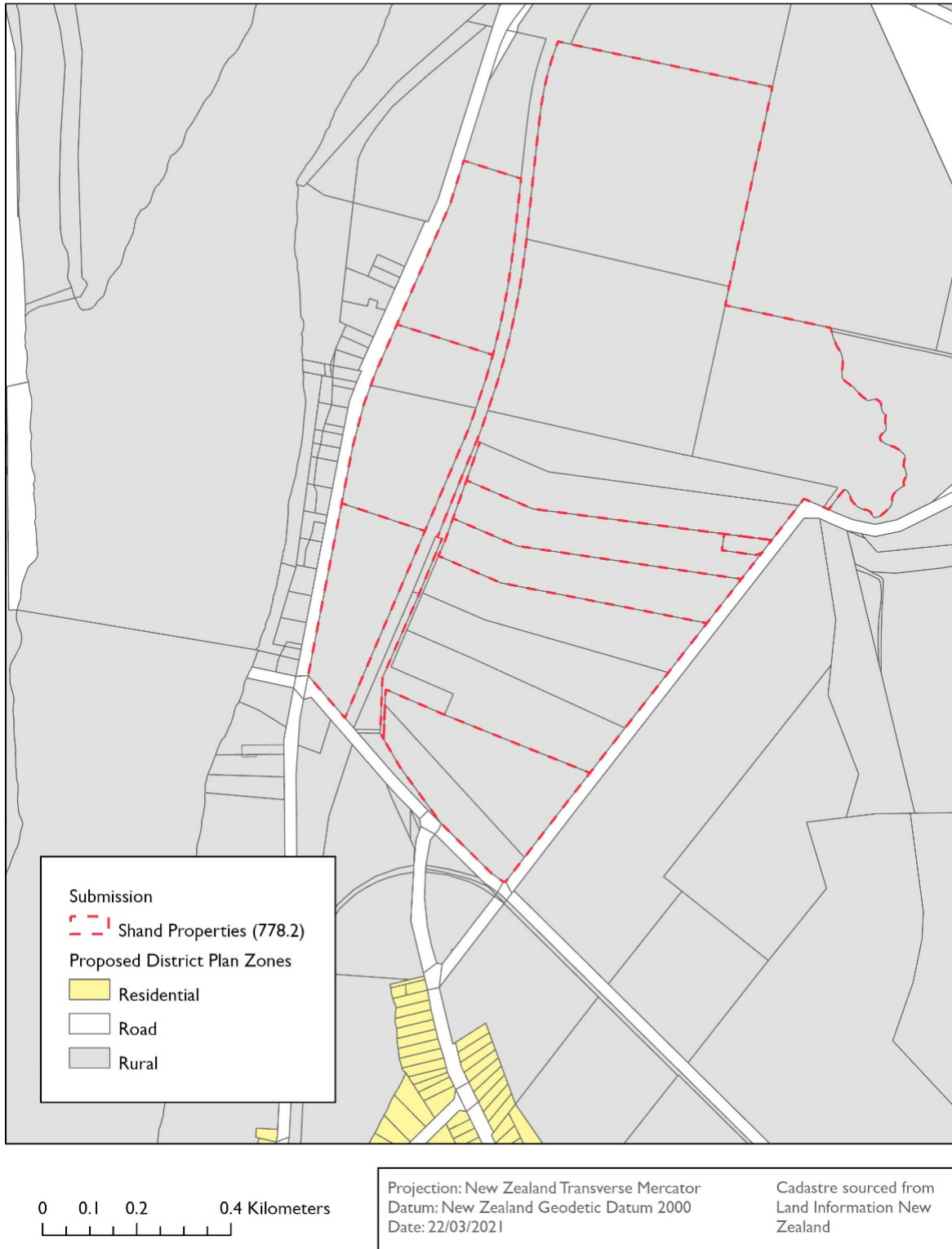


Figure 25 Land which is the subject of the submission by Shand Properties (778.2) and PWDP zones as notified

4.4.1.1 Scope

249. It is my understanding that in relation to this site, scope is limited to the Proposed Waikato District Plan Rural Zone as notified, or the Industrial Zone (as requested).

4.4.1.2 Background information

4.4.1.2.1 Surrounding environment

250. As shown in Figure 25 above, the site is bound by Great South Road to the west, East Mine Road to the south and Ralph Road to the west. The immediate surrounding environment is zoned Rural in its entirety.
251. Northeast of the northernmost boundary of the site is the Huntly section of the Waikato Expressway, which is designated by NZ Transport Agency as J19.

4.4.1.2.2 Relevant overlays

252. The notified overlays relevant to this site are:
- a. Significant Natural Area (SNA), and
 - b. Designation J19.
253. There are two areas within the site that are covered by a SNA overlay, in the south eastern corner, and at the easternmost extent of the site. The North Island Main Trunk Railway (Designation L1) traverses the site, parallel to Great South Road (see Figure 26 below).

4.4.1.2.3 Stage 2 Hazards

254. The only Stage 2 Hazard relevant to the site is the Defended Area, which covers almost the entirety of the site.
255. This indicates that the area could normally flood in a 1% AEP flood event but is protected by a flood protection scheme managed by the Waikato Regional Council, the Waikato District Council, or the Crown.

4.4.1.2.4 Infrastructure

256. The Utilities Map shows a wastewater rising main that traverses behind the properties situated west of, and that front onto, Great South Road. This line extends northwards for approximately 650 metres from the intersection of Great South Road and East Mine Road. A wastewater rising main also runs the length of the subject site along East Mine Road.
257. A water supply main extends from the intersection of Great South Road and East Mine Road to the intersection of East Mine Road and Russel Road.
258. There are no stormwater services in proximity to the site.



Shand Properties Ltd (778.2):
Area bound by Great South Road and Ralph Road
Proposed Waikato District Plan overlays as notified

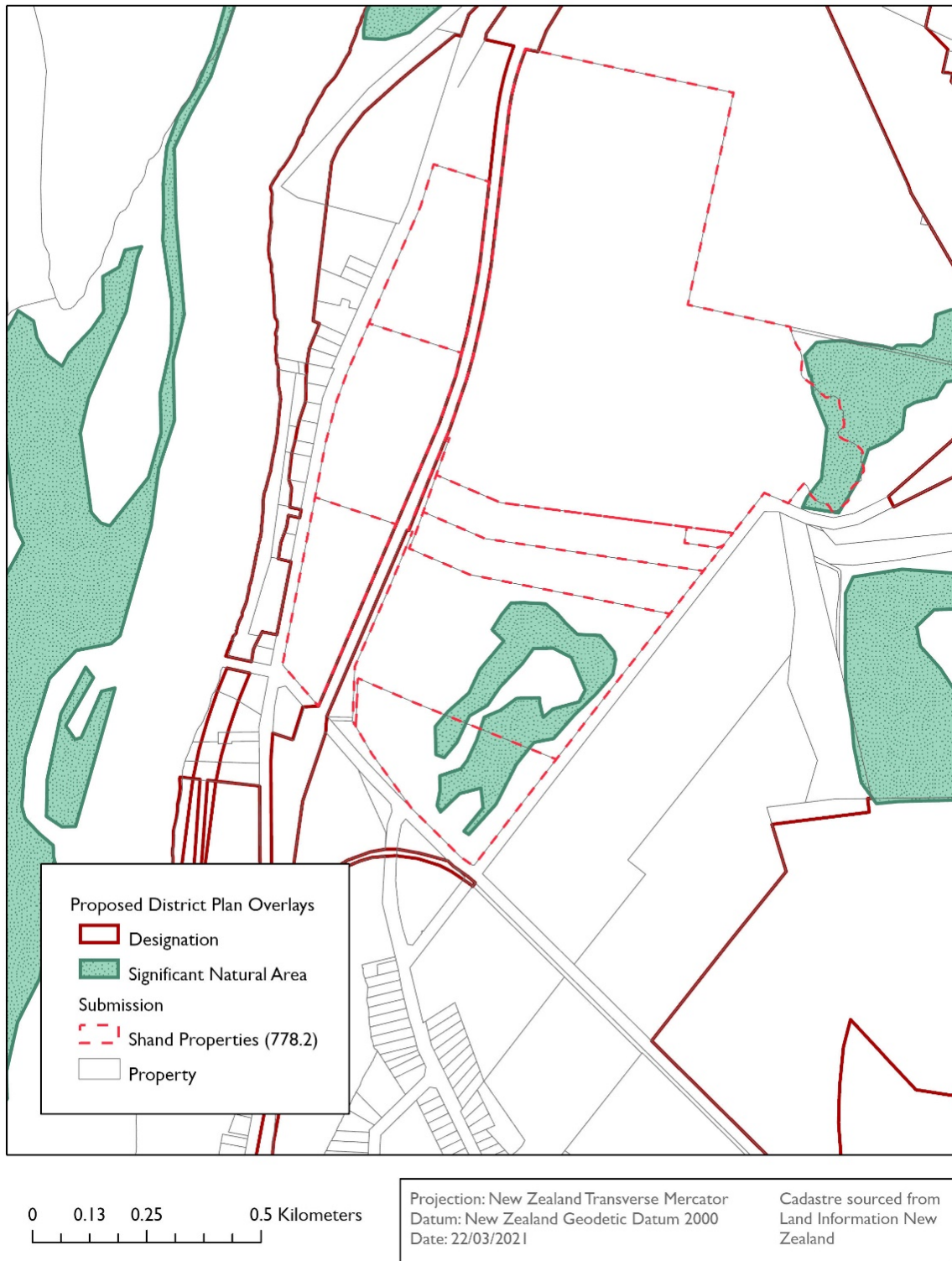


Figure 26 Land which is the subject of the submission by Shand Properties Ltd (778.2) and relevant PWDP notified overlays

4.4.1.3 Submitter evidence

4.4.1.3.1 Planning

259. In his statement of evidence, Chris Dawson stated that as a result of further investigation into stormwater disposal and flood management, Shand Properties Ltd seek to reduce the area that is requested to be zoned Industrial. The area of land that is requested to become Industrial Zone has been reduced from 74.06 ha to 16.776 ha. I consider this addresses the concerns of Mercury Energy.
260. The revised extent of the submission is shown in Figure 27, with the submission area now referred to as Area I and IA.
261. As a result of the Shand Properties Ltd evidence, my analysis and recommendation in relation to the submission seeking Industrial zoning is only in relation to the revised extent, referred to as Area I and IA.
262. Chris Dawson states that in order to ensure that the area to the east of the railway (Area IA) is utilised for stormwater detention/treatment purposes only, he recommends that a structure plan for the development is inserted into the District Plan (see Figure 28 below).
263. He considered that to enable the insertion of a structure plan, amendments to the PWDP are required. He recommended that Chapter 20: Industrial Zone be amended, as shown below (insertions in red underline):
- (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.
- ...
- (6) The Industrial Zone contains a Structure Plan Area, Huntly North Structure Plan. Any subdivision and or development undertaken in this location shall be in accordance with the Huntly North Structure Plan contained in 20.6. Note that the requirements of the structure plan are in addition to any other relevant rules of the Industrial Zone.
264. I agree that a structure plan is an appropriate means of ensuring that industrial development of the site is undertaken in a way that is consistent with the objectives and policies of the PWDP and higher order documents such as NPS-UD and WRPS.



Shand Properties (778.2) Area I and IA
Revised submission extent and PWDP zones as notified

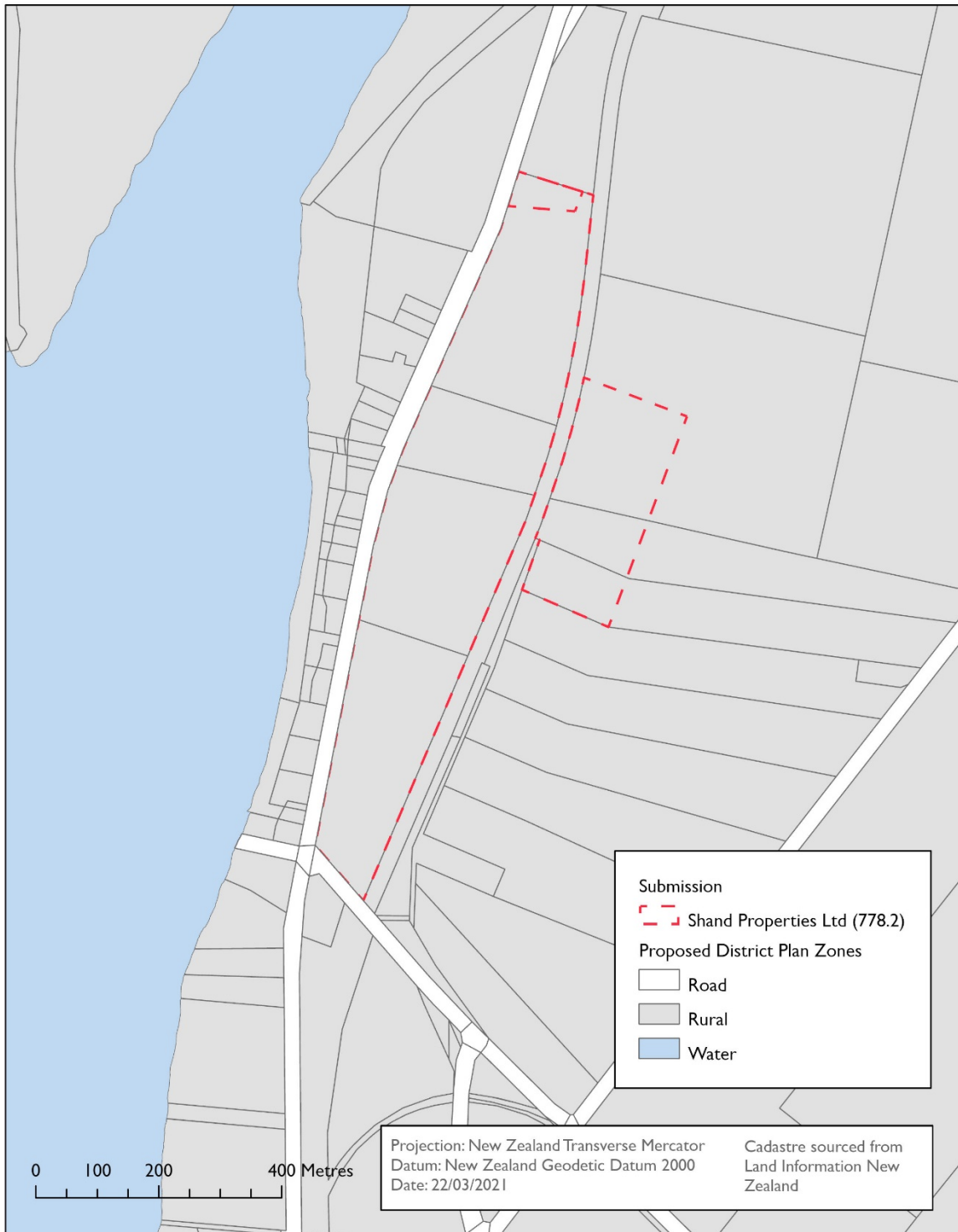


Figure 27 Land which is the subject of the submission by Shand Properties (778.2) revised by evidence

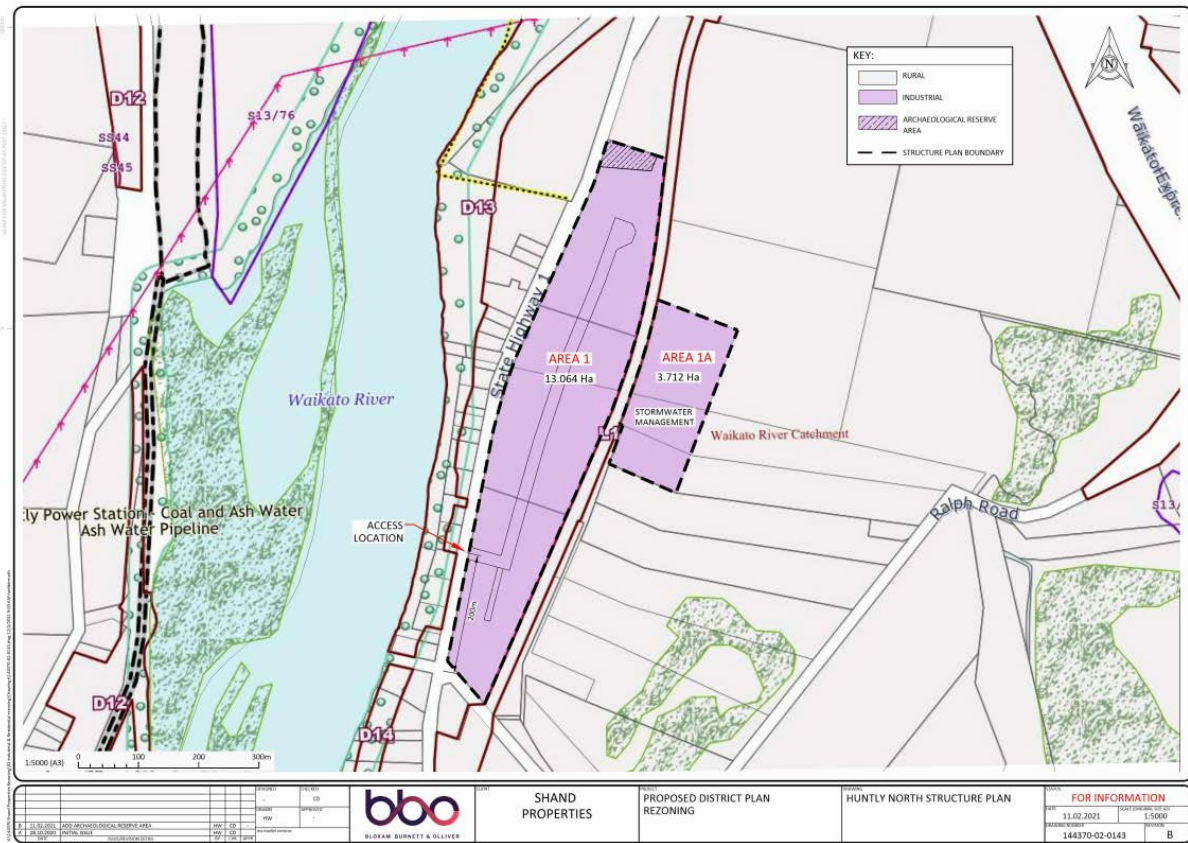


Figure 28 Huntly North Structure Plan for Area 1 and 1A proposed in the evidence of Shand Properties Ltd (778.2)

265. A summary of the proposed stormwater measures is provided below in section 4.4.1.3.4 of this report.

4.4.1.3.2 Geotechnical

266. In his statement of evidence, Kenneth Read, addressed the results of a:

- a. High level, desk study assessment of mining risk, and
- b. Intrusive ground investigation undertaken to identify and assess other potential geotechnical hazards and risks.

Mining risk

267. Kenneth Read outlined the risks to the development associated with past mining activities to be settlement and deformation of the ground surface caused by collapse of mine workings at depth, and migration of mine gases to the ground surface.

268. Kenneth Read concluded that there is a low risk of mining subsidence affecting the proposed developments, and that these risks are manageable using conventional engineering solutions.

Geotechnical hazards

269. Kenneth Read described the area proposed to be rezoned Industrial, in the low-lying land north of East Mine Road, to be underlain by geologically younger sediments of a predominantly sandy nature. He described the investigation to find:

These soils have low shear strengths and there is a shallow groundwater level. Low foundation bearing strength, unacceptable foundation settlements and potential liquefaction are the primary geotechnical risks associated with development in this area.

270. He also stated that:

The liquefaction hazard in the proposed industrial development area is moderate, and that associated risks and poor foundation conditions can be practically mitigated and managed.

271. With respect to geotechnical hazards and risks, the findings presented in the Geotechnical Investigation Report led Kenneth Read to conclude that there are no major geotechnical risks that cannot be managed and/or mitigated against at reasonable cost.

4.4.1.3.3 Water supply and wastewater

272. In his statement of evidence, Philip Pirie addressed water supply and wastewater for the area proposed to be rezoned Industrial.

273. In regard to water supply, reticulation is available on the southern side of East Mine Road which adjoins the southern boundary of Area I. Philip Pirie stated that there are currently issues with the filling rate for the Huntly water reservoir and that network upgrades will be required for any additional development in the Kimihia Reservoir catchment. This work is currently included in the Council's draft LTP to occur in 2026. In order to service the land so that it can meet firefighting requirements, Philip Pirie states that either a reservoir with fire pumps or upgrading the pipes on East Mine Road is required.

274. With respect to wastewater, Philip Pirie concluded that:

Upgrades of the Huntly Wastewater Treatment Plant (WWTP) which are planned to occur in 2028, will be needed before there is capacity to take the wastewater flows from Area I.

4.4.1.3.4 Stormwater

275. In his statement of evidence, Constantinos Fokianos refers to the Stormwater Management Report he prepared to assess the stormwater aspect of the proposal.

276. He explained the key challenge that the proposed Industrial Zone faces in relation to stormwater is the availability of a discharge point:

In its current condition, the area is flat, and a local depression forces it to drain towards the north. Currently there is no identified watercourse of concentrated flow such as a draining channel or stream. The runoff eventually drains across the railway through a culvert that is located further north, and away from the zoning boundaries.

277. Constantinos Fokianos proposes addressing stormwater by introducing a new culvert (1050mm in diameter) under the railway, that will discharge into a new stormwater treatment and attenuation wetland on the western side of the railway. The treated and attenuated flows can then be discharged into the existing Kimihia rural drainage network through a new channel (of which are both located on land owned by Shand Properties Ltd). He describes how the proposed layout has been modelled, and shows the capability to attenuate the development flows down or even lower than the pre-development runoff.

278. Constantinos Fokianos concludes that the areas sought in the submission are suitable to be zoned for industrial activity. He notes that:

Detailed investigation of the identified stormwater issues can be conducted at the subdivision stage of the future development, with suitable conditions imposed as part of any subdivision resource consent.

4.4.1.3.5 Archaeology

279. In his statement of evidence, Warren Gumbley noted that Area I contains an archaeological site recorded in the New Zealand Archaeological Association (NZAA) database as S13/159, described as a Maaori horticulture site. He describes the archaeology identified within Area I as 'nationally distinctive' and what he refers to as the Waikato Horticultural Complex. He states:

In simple terms, this is characterised by borrow pits from which sand and gravel alluvium was quarried from the substrate, and then transported forming gardens for the cultivation of kūmara and taro.

280. Warren Gumbley stated that Area I of the proposed development contains archaeological remains recorded as clusters of borrow pits (S13/160 and S13/161 in the NZAA database). He considered that any adverse effects from development in Area I may be effectively mitigated by:

- a. preserving a representative part of the site containing borrow pits, and
- b. undertaking an archaeological investigation of the remainder of the archaeological deposits to record the nature and history of the archaeology to be destroyed.

281. The proposed preservation area is located at the northern end of Area I, shown on Figure 28.

4.4.1.3.6 Ecology

282. In his statement of evidence, Andrew Blayney described the vegetation cover of Area I to be restricted to improved pasture, with no wetlands. He states that:

The proposed future development of Area I does not give rise to any ecological issues under the NESFW, or the NPSFW.

4.4.1.3.7 Transport

283. In his statement of evidence, Rhulani Baloyi presented the findings of an Integrated Transport Assessment (ITA). Key findings included:

- a. The Industrial zoning of Area I is anticipated to potentially generate 2,900 trips per day and 575 trips during the peak hour
- b. Access to Area I is proposed via a new intersection (a T intersection with right turn bay on Great South Road)
- c. Future traffic associated with this proposal is unlikely to adversely affect the performance and safety of the local road network, and
- d. Existing local area intersections will continue operating at good levels of service with the rezoning traffic added, with safety and capacity improvement works not likely to be required.

284. Rhulani Baloyi concluded that overall, transportation effects on the adjoining road network of the proposal are expected to be no more than minor, provided that the recommendations of the ITA are implemented.

4.4.1.3.8 Developer

285. In her statement of evidence, Jacqueline Rogers shared her aspirations for the land referred to as Area I, describing how:

Shand envisioned establishing an Industrial Park on the land. With rail returning to the area, industrial development is an even more attractive prospect for potential tenants, increasing the potential for greater job opportunities for the town.

286. She emphasised her support for the Shand Properties Ltd submission (778.2).

4.4.1.4 Further submitter evidence

287. Further submitter Waikato Regional Council (FS1277.52) provided evidence revising their position after having considered the evidence submitted by Shand Properties Ltd. They stated their support, on the basis that they consider the rezoning consistent with Future Proof urban limits, Huntly is identified as a strategic industrial node in the WRPS, and they agree with the reduction in area to exclude SNAs.

288. NZ Transport Agency (FS1202.12) made a further submission in opposition of Shand Properties Ltd proposal. In his statement of evidence, Michael Wood stated that he and the traffic expert for NZ Transport Agency had reviewed the ITA prepared by the submitter, and that the proposal is unlikely to have a detrimental impact on the Waikato Expressway.

289. Michael Wood stated that:

I do not oppose these submissions and have a neutral position on the rezoning.

4.4.1.5 Peer review of expert evidence

290. I have requested peer reviews of the expert evidence prepared by:

- a. Philip Pirie, in relation to three waters (17 February 2021)
- b. Constantinos Fokianos, in relation to stormwater (17 February 2021)
- c. Kenneth Read, in relation to a geotechnical assessment (17 February 2021), and
- d. Rhulani Baloyi, in relation to transport (17 February 2021).

291. A Technical Specialist Review on three waters was prepared by Roger Seyb (Beca Ltd) for Waikato District Council, in relation to rezoning requests by Shand Properties Ltd (778.2 and 778.3). This review is appended to this report as Appendix 3.1.

292. In his review, Roger Seyb concluded that:

In general the outcomes of the water supply and wastewater assessment appear reasonable and it appears likely that an engineering solution can be found to water and wastewater servicing the land. Consideration of staging will need to occur to tie in with the required network, WWTP and reservoir upgrades.

293. In relation to the sites location with the Defended Area, and potential flood risk, he concluded that:

I have a number of questions about the flood assessments for the local catchment and breach of the Waikato River stop banks. At this stage, I have significant uncertainty about the extent of effects that the area would be subject to and I do not support the re-zoning.

The stop banks are intended to protect rural land but conversion of that land to urban uses has a significantly different risk profile that needs to be carefully considered. I suggest the decision to rezone the land needs to consider whether the Councils are committed in the long term to defending the area within which the proposed re-zoning occurs. Should there be such a commitment to defend the land for urban purposes, careful consideration needs to be given to how to manage the flooding risks in the long term.

294. Following the receipt of this Technical Specialist Review, I made contact with Waikato Regional Council to confirm if the risk associated with industrial land use is significantly greater than the current rural land use, and the capacity of the defended area to withstand industrial use, without the need for upgrades to the stop bank.

295. Waikato Regional Council responded, stating that industrial development of the site would be, in general, okay from a risk perspective. They noted that:

The site is currently protected to 1% AEP and a lower level of service is generally required for industrial than for residential. However, we would like to see provisions identifying that a stop bank breach assessment is required for resource consent.

296. *The current defended area already includes residential areas and dwellings. So by default the Waikato Regional Council stop bank schemes will need to meet the appropriate level of services for the existing risk in the future*

It should be noted that the cost of improvements and upgrades to the flood protection infrastructure will come back to landowner in the form of targeted rates, and the development would need to bear the cost of mitigating against residual risk for that site.

297. In order to mitigate this potential flood risk associated with rezoning the land for industrial purposes, I consider that the inclusion of provisions that require a stop bank breach assessment, as suggested by Waikato Regional Council, to be an effective means of achieving the objectives and policies of the PWDP, and of higher order documents seeking the mitigation of natural hazard risk. I consider this will also give effect to s76(3) of the RMA, which states that actual and potential effects must be taken into account. For these reasons, I consider amendments to Chapter 20: Industrial Zone are appropriate, which are appended as Appendix 6.

291. A Technical Specialist Review on transport was prepared by Skip Fourie (Beca Ltd) for Waikato District Council, in relation to rezoning requests by Shand Properties Ltd (778.2 and 778.3). This review is appended to this report as Appendix 3.3.

292. In his review, Skip Fourie concluded that:

The statement of evidence provides a good general summary of the traffic and transport considerations pertinent to the proposal with appropriate technical analysis.

I generally agree with the findings of the ITA and statement of evidence and the submitter's recommendations.

298. I am awaiting the completion of peer review of the geotechnical evidence. Until that peer review is completed, I rely on the expert evidence prepared by Kenneth Read, and my recommendation on this submission is provisional.

4.4.2 Analysis

4.4.2.1 National Policy Statements

299. The submission to rezone Area 1 and 1A from Rural to Industrial Zone is consistent with Objective 1 of the NPS-UD, in that it will contribute new industrial land that can provide employment opportunities for the town of Huntly, enabling people to better provide for their social, economic, and cultural well-being.

300. I consider that the Shand Properties Ltd submission (778.2) is also consistent with Policy 1 and 2 of the NPS-UD, on the basis that:

- a. It will contribute new sites that are suitable for different business sectors

- b. The site is well connected to the existing transportation network, and can be serviced by extensions to existing wastewater and water supply infrastructure, and
- c. It will provide industrial capacity in Huntly to help meet the current and future demand for business land.

4.4.2.2 Waikato Regional Policy Statement

- 301. Objective 3.12 of the WRPS requires that development of the built environment occurs in an integrated, sustainable, and planned manner. An example of how this can be achieved is by integrating land use and water planning.
- 302. I consider the submission to rezone Area I to Industrial to be consistent with this direction, on the basis that the submitter's evidence has demonstrated that sufficient water can be supplied to the site, once improvements have been made to the network. The proposed stormwater wetland is an example of low impact design which can address flood risk, and contribute positively to environmental outcomes.
- 303. Objective 3.24 (b) of the WRPS requires that the effects of natural hazards on people, property and the environment are managed by reducing the risks from hazards to acceptable or tolerable levels. I consider the amendments that I have recommended to Chapter 20: Industrial Zone above, address the natural hazard risk associated with the site, and the rezoning request is therefore consistent with the direction.
- 304. The submission is consistent with Policy 6.14 of the WRPS, because Huntly is identified as a strategic industrial node, and is within the Indicative Urban Limits on Map 6-2.
- 305. I consider that the proposal is also consistent with Implementation Method 6.3.1(d) as the site is well-connected to strategic transport networks, and in close proximity to road and rail hubs. WRC's support for the rezoning demonstrates consistency with the relevant RPS provisions.

4.4.2.3 Iwi Management Plans

- 306. The Maniapoto Environmental Management Plan and the Waikato-Tainui Environmental Plan direct that land use and development result in positive environmental and cultural outcomes. They also provide particular direction with respect to natural hazards, seeking to ensure that land use and activities avoid areas that may be at risk of significant damage from natural hazards, and that land use does not increase the risk or magnitude of a natural hazard event, and does not increase the risk or effects on human life or activity.
- 307. I consider that this can be achieved at the subject site, with the recommended amendments to the provisions of Chapter 20: Industrial Zone.

4.4.2.4 Future Proof and Waikato 2070

- 308. As shown in Figure 29 below, the site (which includes both Area I and IA) is within the Urban Limits outlined in the Future Proof Strategy 2017. This has been confirmed in WRC's evidence.
- 309. The site is also within the Industrial Activity Zone shown on the Huntly and Ohinewai Development Plan in Waikato 2070, referred to as 'East Mine Business Park' growth cell.



Shand Properties (778.2) Area I and IA
Revised submission extent and Waikato 2070 Growth Cells

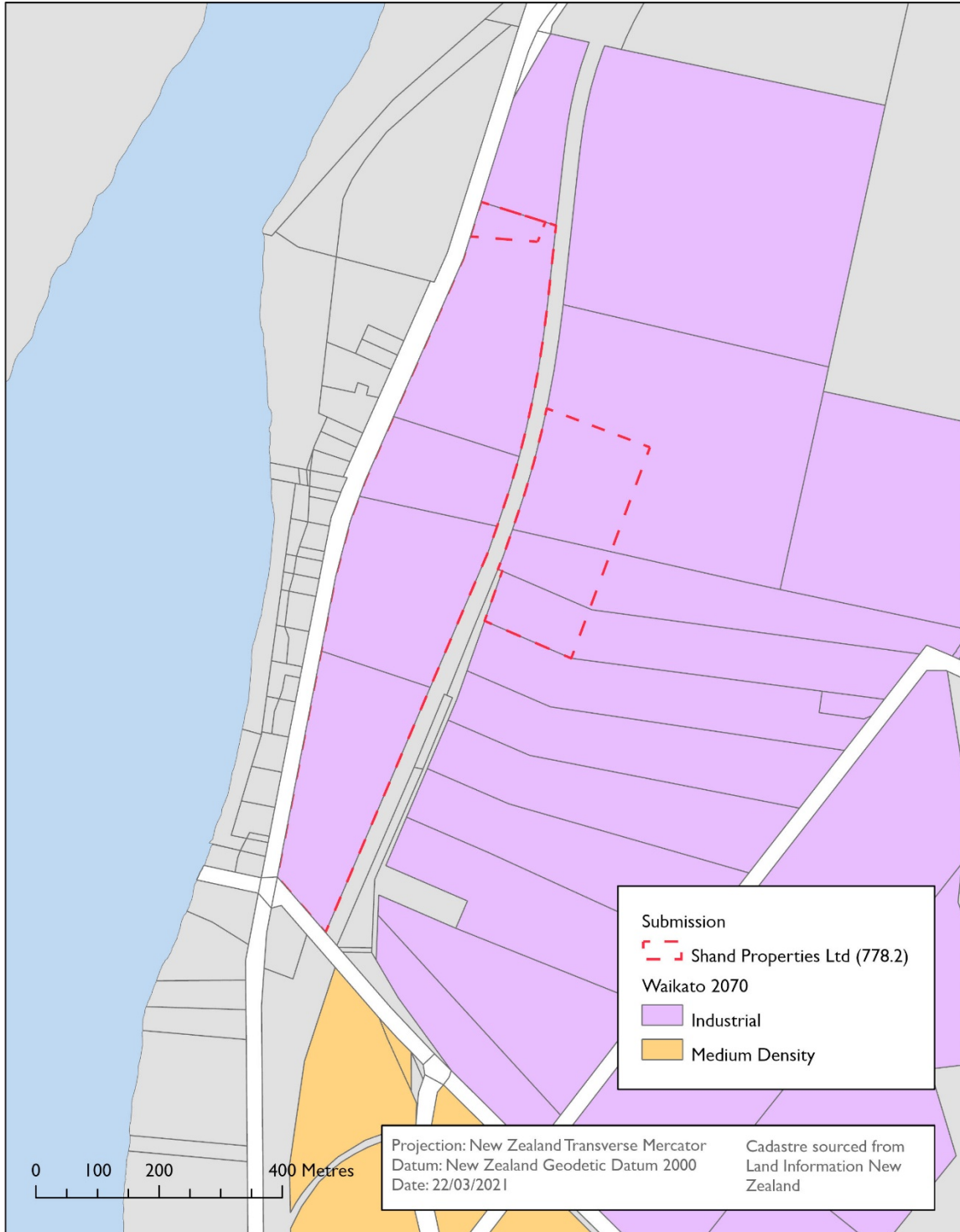


Figure 29 Land which is the subject of the revised submission of Shand Properties (778.2) and Waikato 2070

4.4.2.5 Vision and Strategy of the Waikato River

171. The site is located in the Waikato River Catchment. I agree with the evidence of Chris Dawson, that any potential adverse effects to result from future development at the site can be appropriately managed through the proposed District Plan provisions, resource consent conditions and infrastructure standards, to ensure that the mauri of the Waikato River is protected and enhanced. I note no concerns are raised by Waikato Regional Council in its evidence.

4.4.2.6 Proposed Waikato District Plan

310. Table 16 below provides an assessment of the submission to rezone Area I and IA from Rural to Industrial, against the relevant objectives and policies of the Proposed District Plan.

Table 16 Preliminary analysis of the revised submission by Shand Properties Ltd (778.2) against the relevant objectives and policies of the PWDP

Relevant PWDP Objectives and Policies	Preliminary analysis
Growth occurs in defined growth areas 1.5.2(a)	<p>It is my understanding that when assessing a proposal against provision 1.5.2(a), s42A officers considering rezoning requests should interpret 'defined growth areas' to mean those outlined in the Future Proof Strategy.</p> <p>The submission site is within the Indicative Urban Limits as defined by Future Proof, in addition to being within an Industrial Activity Zone of Waikato 2070.</p> <p>For these reasons, the submission is considered consistent with this direction.</p>
Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. 1.12.8(b)(ii)	<p>The site is currently isolated from the existing urban environment of Huntly, not connected to any existing urban land uses, and the surrounding land is zoned Rural.</p> <p>However as mentioned earlier, the site is identified within an Industrial Activity Zone in Waikato 2070, over the 3-10 year timeframe. This indicates that industrial development is directed to occur, and anticipated in this area, in the short term.</p> <p>In addition, the area south of East Mine Road (the subject of Shand Properties submission 778.3) is signalled for future development; identified as a Residential Activity Zone also in the 3-10 year timeframe.</p> <p>Development of Area I and IA in accordance with Waikato 2070, would therefore result in development that is contiguous with the existing functional urban core of Huntly in the short term. This contributes to the achievement of a compact and sustainable urban environment.</p>

<p>Focus urban growth in existing urban communities that have capacity for expansion</p> <p>1.12.8(b)(iii)</p>	<p>The submitter's evidence has demonstrated the presence of existing and planned infrastructure with capacity for expansion. The technical reports that cover three waters, stormwater, transport, ecology, and archaeology have concluded that Area 1 and 1A are suitable for, and have the capacity to accommodate industrial development, provided that certain solutions and recommendations are implemented.</p>
<p>Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance.</p> <p>1.12.8(b)(vi)</p>	<p>The revised site of the rezoning request (Area 1 and 1A) does not contain any outstanding landscapes, or areas of ecological and environmental importance, that I am aware of.</p> <p>The evidence of Warren Gumbley has indicated that Area 1 contains archaeological remains recorded as clusters of borrow pits. He considered that potential adverse effects could be mitigated at the consent phase by:</p> <ul style="list-style-type: none"> a. preserving a representative part of the site containing borrow pits, and b. undertaking an archaeological investigation of the remainder of the archaeological deposits. <p>I consider that these measures are appropriate to mitigate potential adverse effects on these areas that hold historical and cultural value, and that the consent process is an appropriate means to address these.</p>
<p>Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas'</p> <p>1.5.1(b)</p> <p>1.12.3(a)</p> <p>1.12.3(c)</p> <p>4.1.2(a)</p> <p>5.3.8</p>	<p>The site is situated within the existing town of Huntly, which is a key growth area, and is within the Indicative Urban Limits, as identified in the Future Proof Strategy 2017.</p> <p>As mentioned above, the site is also identified within an Industrial Activity Zone in Waikato 2070, over the 3-10 year timeframe.</p> <p>The submission is consistent with strategic objectives, in that the Industrial zoning of the site contributes to:</p> <ul style="list-style-type: none"> a. Focusing urban growth of an industrial nature to within defined growth areas, with an existing town b. The protection of rural areas by locating industrial development within the Huntly town boundary, and c. Providing additional business land capacity in an existing town.
<p>Urban growth areas are consistent with Future Proof Strategy for Growth 2017</p> <p>4.1.3(b)</p>	<p>The site is located within the Urban Limits, as identified in the Future Proof Strategy 2017.</p>

<p>Industry is only to be located in identified Industrial Zones and industrial strategic growth nodes:</p> <ul style="list-style-type: none"> xiii. Tuakau xiv. Pokeno xv. Huntly xvi. Horotiu <p>4.1.6</p>	<p>The submission to rezone the subject site from Rural to Industrial Zone is consistent with Policy 4.1.6, on the basis that the site is:</p> <ul style="list-style-type: none"> a. Located in Huntly, which is identified as a key industrial strategic node, and b. Identified within an Industrial Activity Zone in Waikato 2070, as part of the East Mine Business Park.
<p>Maintain sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial zones</p> <p>4.6.3(a)</p>	<p>The request to rezone the site from Rural to Industrial Zone is consistent with Policy 4.6.3, in that it contributes additional industrial capacity within the key industrial node of Huntly.</p>
<p>Infrastructure can be efficiently and economically provided</p> <p>4.1.3(a)</p>	<p>It is my understanding from Council, that within the Urban Limits in Huntly, there is either existing or planned infrastructure capacity.</p> <p>In his evidence, Philip Pirie stated that upgrades are required to the Huntly wastewater treatment plant before there is capacity to take wastewater flows from the site. I note that upgrades are planned for between 2026 and 2030, as outlined in the Draft LTP 2021-2031.</p> <p>In his Technical Specialist Review, Roger Seyb stated that:</p> <p style="padding-left: 40px;"><i>The outcomes of the water supply and wastewater assessment appear reasonable and it appears likely that an engineering solution can be found to water and wastewater servicing the land.</i></p> <p>For the reasons above, I consider that the submission is therefore consistent with Policy 4.1.3.</p>
<p>Subdivision, use and development within the rural environment where:</p> <ul style="list-style-type: none"> (i) high class soils are protected for productive rural activities; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment (iii) urban subdivision, use and development in the rural environment is avoided. <p>5.1.1 Objective – The rural environment</p> <ul style="list-style-type: none"> (a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages 	<p>The Framework Report discusses the tensions that exist between Policy 5.1.1 and other policies in the PWDP and WRPS, which seek to enable growth around existing towns within the Future Proof Urban Limits, in addition to direction from the NPS-UD. The Framework Report reached the position that:</p> <p><i>Urban development in rural environments should only occur around existing towns which are identified in the WRPS and within the boundaries set by the Future Proof Strategy Planning For Growth 2017.</i></p> <p>While the rezoning from Rural to Industrial is inevitably contrary to Objective 5.1.1, in particular clause (iii), it aligns with the District's intention for future development, as demonstrated by the Future Proof Strategy and Waikato 2070.</p> <p>The submission is broadly consistent with clause (ii) of Objective 5.1.1 and (a) of Policy 5.3.8, on the</p>

<p>(b) Ensure development does not compromise the predominant open space, character, and amenity of rural areas</p> <p>(c) Ensure subdivision, use and development minimise the effects of ribbon development.</p> <p>(d) Rural hamlet subdivision and boundary relocations ensure the following:</p> <ul style="list-style-type: none"> (i) Protection of rural land for productive purposes; (ii) Maintenance of the rural character and amenity of the surrounding rural environment; (iii) Minimisation of cumulative effects. <p>(e) Subdivision, use, and development opportunities ensure that rural character and amenity values are maintained</p> <p>(f) Subdivision, use, and development ensures the effects on public infrastructure are minimised.</p> <p>5.3.8 Policy</p>	<p>basis that providing for industrial development within the boundaries of the existing Huntly urban environment, means that adverse effects on the rural environment are able to be minimised.</p> <p>The rezoning proposal is inconsistent with policies 5.3.1(a), 5.3.4(a) and 5.3.8(b) because the establishment of an Industrial Zone over the site will unavoidably and unsurprisingly, result in a loss of open green space, rural character, and amenity. However I consider this is outweighed by the provisions that the proposal is consistent with.</p>
<p>Rural character and amenity are maintained</p> <p>5.3.1</p> <p>5.3.4</p>	

4.4.3 Provisional recommendation

311. For the reasons above I recommend that the Hearings Panel:

Accept the submission by Shand Properties (778.2) to the extent that the site referred to as Area I and IA , is rezoned from Rural to Industrial

Accept the further submission by Allen Fabrics Ltd (FS1349.2)

Reject the further submissions by NZ Transport Agency (FS1202.125 and FS1202.126), Waikato Regional Council (FS1277.53) and Mercury NZ Limited (FS1387.1187)

4.4.4 Provisional recommended amendments

312. The following amendments are recommended:

Amend the zoning of Area I and IA from Rural Zone to Industrial Zone, as requested by the submitter, as shown on Figure 30.

Amend the provisions of Chapter 20: Industrial Zone, as shown in Appendix 6.



Shand Properties Ltd (778.2)
North Huntly: Area I and IA

Recommendation: Rezone from Rural Zone to Industrial Zone

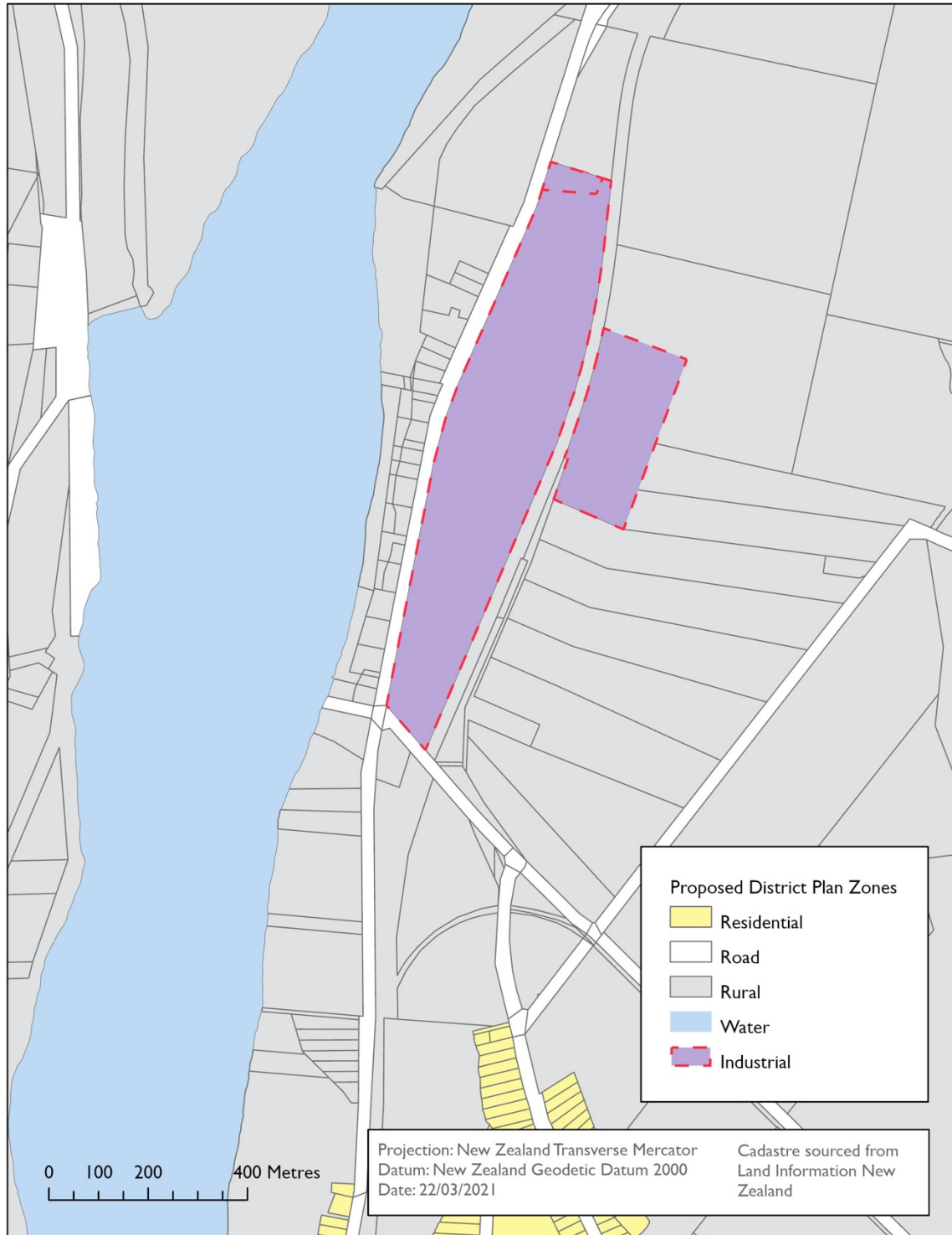


Figure 30 Recommendation to rezone land which is the subject of the revised submission by Shand Properties (778.2) from Rural Zone to Industrial Zone

4.4.5 S32AA evaluation

313. The submitter provided a s32AA evaluation in relation to their submission to rezone the subject site from Rural to Industrial, as part of their suite of evidence. The scale and significance is local, and considered minor, on the basis that the proposal relates to a distinct area of land in the town of Huntly.

4.4.5.1 Other reasonably practicable options

314. In his evidence, Chris Dawson identified the reasonably practicable options in relation to this site, to be:
- a. The notified Rural Zone (status quo), and
 - b. The Industrial Zone and suggested amendments to the PWDP to enable the insertion of a structure plan (as requested by Shand Properties 778.2, and the recommended amendment in this report).
315. I concur with these options, but note that I have recommended further amendments to Chapter 20: Industrial Zone to change the activity status of activities in the North Huntly Structure Plan Area, and to require the avoidance and mitigation of flooding hazard, and the preparation of, and response to recommendations in, a stop bank assessment
316. The option of retaining the Rural Zone over the site (status quo) would mean that resource consent would need to be sought in order for industrial development to occur at the site. Any industrial activity would be assessed against the Rural zone objectives and policies, which is not efficient or effective.

4.4.5.2 Effectiveness and efficiency

317. I consider that the recommended zoning of Industrial over the subject site, is the most effective and efficient way in which to achieve the objectives and policies of the Proposed Waikato District Plan, by enabling industrial development to occur within the Urban Limits identified in Future Proof 2017. I consider the introduction of a rule that requires consideration of flood risk through the resource consent process, to be the most effective, and efficient option.

4.4.5.3 Costs and benefits

318. I agree with the analysis of the submitter, that the status quo would result in no further benefits, with the exception that the retention of rural character may be preferred by some in the community. There are no benefits to the scenario by which resource consent is required to enable industrial development.
319. In his evidence, Chris Dawson has outlined a number of costs with the options, of which I agree with, that include:
- a. Loss of an immediate opportunity to provide for additional industrial development capacity to meet demand (status quo), and
 - b. Industrial activity would be contrary to Rural Zone, and the risk of a resource consent application is high (seek resource consent for industrial development).

4.4.5.4 Risk of acting or not acting

320. The risk of not acting in relation to this proposal, would be the loss of an opportunity for land to be rezoned in an appropriate manner to directly contribute industrial capacity to meet demand in Huntly.

321. There is risk associated with rezoning the subject site Industrial, in the absence of amendments to the provisions in Chapter 20: Industrial Zone (as I have recommended). The actual and potential effects of the rezoning must be taken into account under s76(3) of the RMA, and therefore I consider that the recommended amendments are necessary to achieve this, and the objectives and policies of the PWDP, and higher order documents.

4.4.5.5 Decision about most appropriate option

322. I concur with s32AA assessment made by Shand Properties Ltd, that rezoning of Area I and IA to Industrial is considered the most appropriate option, as it will:
- *Enable choice and competitiveness in the industrial land market*
 - *Give effect to the direction of higher level planning documents, in particular the requirement under the NPSUD for district plans to enable greater levels of development capacity to meet the different needs of people and communities.*
323. For the reasons above, the rezoning of Area I and IA from Rural to Industrial, and the associated recommended amendments to Chapter 20: Industrial Zone, are considered to be the most appropriate way to achieve the objectives of the PWDP.

4.4.6 Area south of East Mine Road

324. Shand Properties Ltd (778.3) submitted in opposition of the notified Rural Zone over circa 22 hectares in Huntly, between East Mine Road and Russel Road. The submitter sought to rezone the land Residential.
325. Four further submissions were received in relation to Shand Properties Ltd request, three in opposition and one in support.
326. The NZ Transport Agency (FSI202.125 and FSI202.126) opposed the submission because they considered that the effects upon surrounding transport infrastructure from the rezoning had not been addressed. In their evidence, NZ Transport Agency stated they now have a neutral position on the rezoning.
327. Waikato Regional Council (FSI277.53) opposed the submission, on the basis that decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete. In their evidence Waikato Regional Council revised their position, and stated their support for the submission.
328. Mercury NZ Limited (FSI387.1187) also submitted in opposition, on the basis that at the time the submission was lodged, neither natural hazard flood provisions nor adequate flood maps were available. Mercury considered it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. Mercury has not filed any evidence.
329. Allen Fabrics Ltd (FSI349.3) submitted in support of the submission.
330. Figure 31 shows the land which is the subject of this submission requesting rezoning and the notified zoning.



Shand Properties (778.3) Area 6
Proposed Waikato District Plan zones as notified

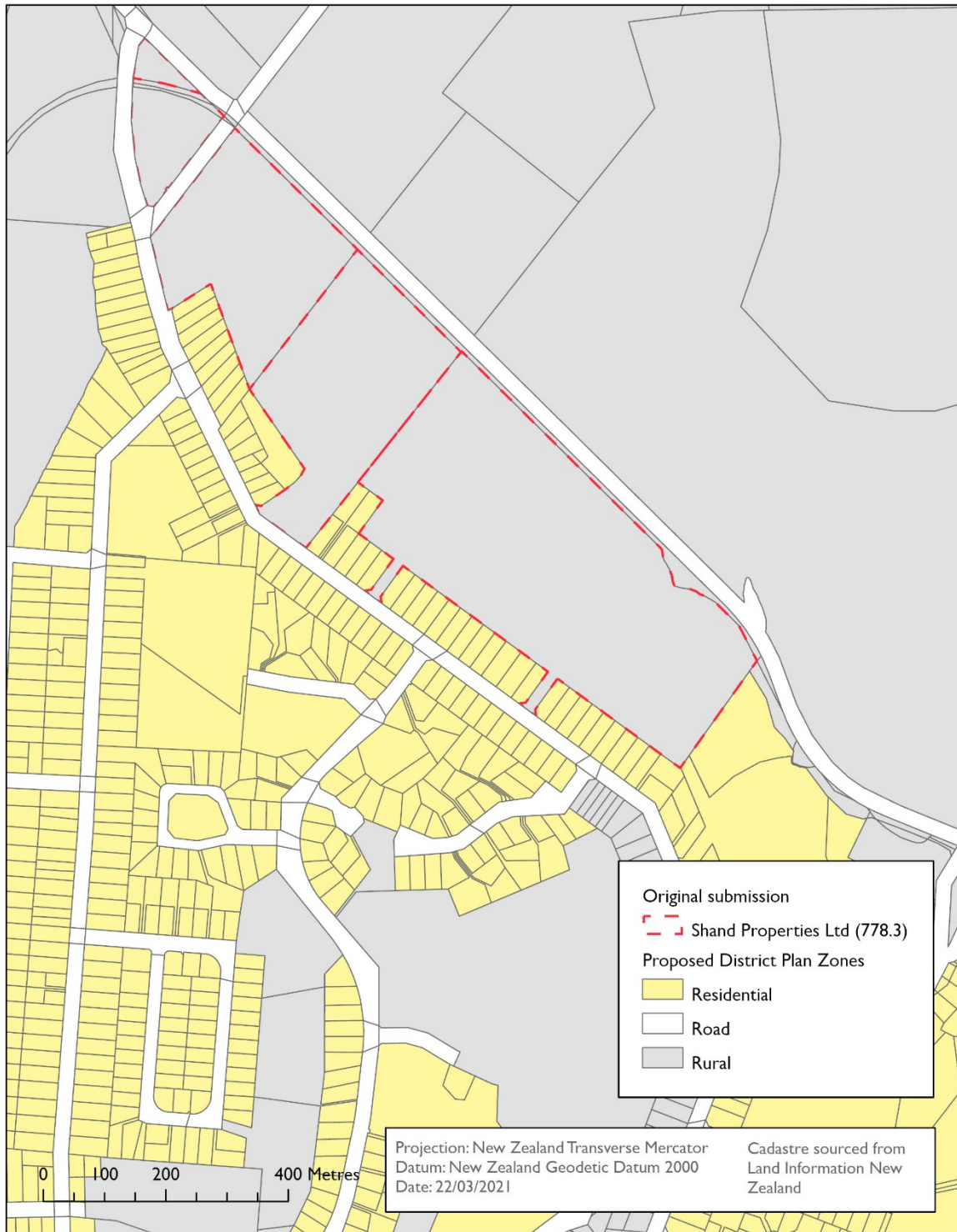


Figure 31 Land which is the subject of the original submission by Shand Properties Ltd (778.3) and PWDP zones

4.4.6.1 Scope

331. It is my understanding that in relation to this site, scope is limited to the Proposed District Plan Rural Zone as notified, or the Residential Zone (as requested).

4.4.6.2 Background information

4.4.6.2.1 Surrounding environment

332. As shown on Figure 31 above, the site is bound by East Mine Road to the north, beyond which the land is zoned Rural in its entirety. The site is bordered by the Residential Zone to the south, where for the most part, a row of parcels front onto, and run the length of Russell Road.

4.4.6.2.2 Relevant overlays

333. There are no notified overlays relevant to this site.

4.4.6.2.3 Stage 2 Hazards

334. The Stage 2 Hazards relevant to this site (shown on Figure 32) are:

- a. Mine Subsidence Risk Area, and
- b. Defended Area.



Shand Properties Ltd (778.3):
Area bound by East Mine Road and Russell Road
Proposed Waikato District Plan Stage 2 Hazards

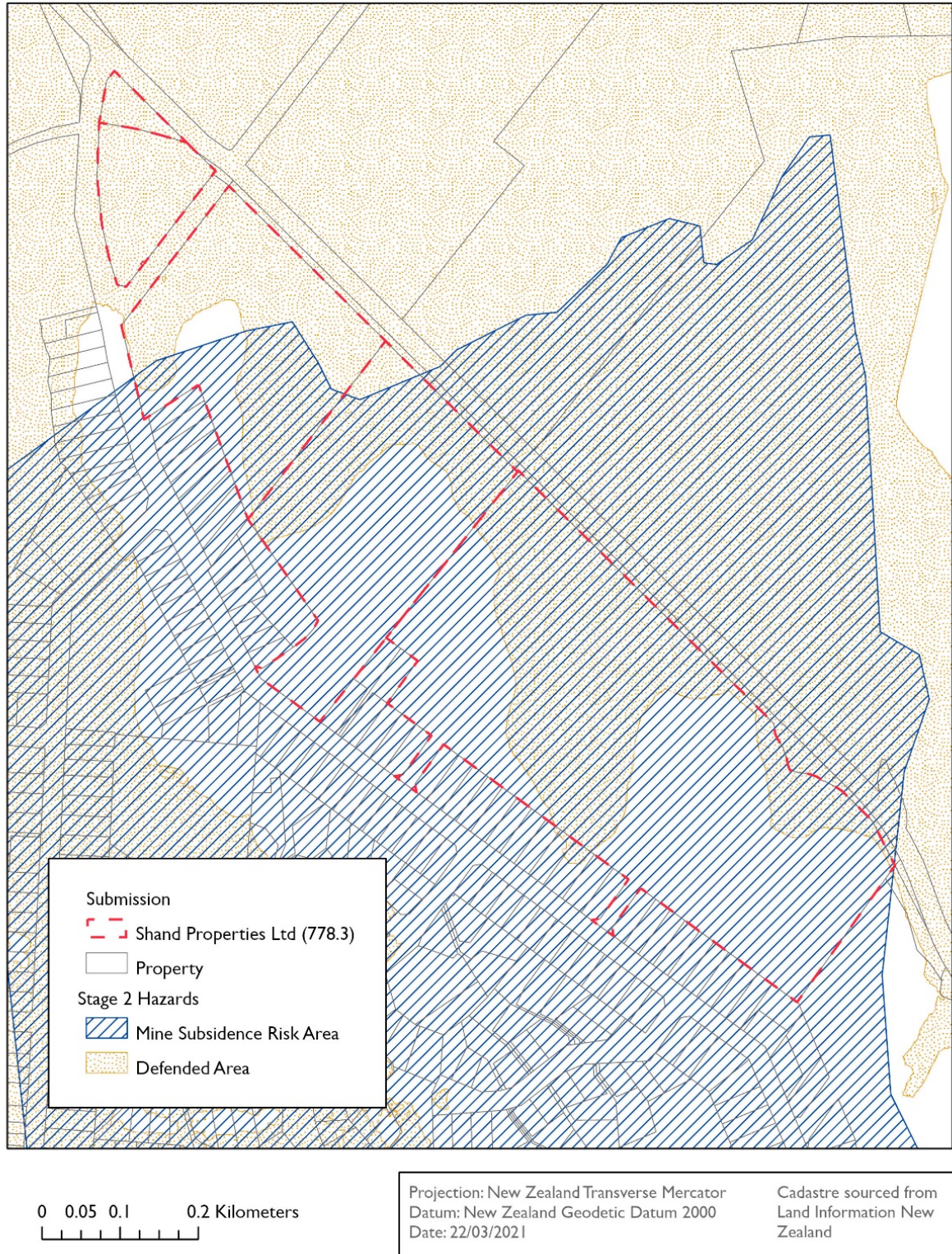


Figure 32 Land which is the subject of the submission by Shand Properties Ltd (778.3) and Stage 2 Hazards

- 335. The Defended Area overlay indicates that the area could normally flood in a 1% AEP flood event but is protected by a flood protection scheme managed by the Waikato Regional Council, the Waikato District Council, or the Crown.
- 336. The Mine Subsidence Risk Area covers land that is currently at risk of surface subsidence as a result of historic underground coal mining operations.

4.4.6.2.4 Infrastructure

- 337. The Utilities Map shows a wastewater rising main traverses the entire length of East Mine Road as it relates to the subject site, and down Condon Road. The residential properties that front on to Russell Road are serviced by wastewater gravity mains that traverse the site to connect to the rising mains on Condon Road and East Mine Road.
- 338. A water supply main extends the length of Russel Road, as it relates to the subject site.
- 339. There are no stormwater services in proximity to the site.

4.4.6.3 Submitter evidence

4.4.6.3.1 Planning

- 340. In his statement of evidence, Chris Dawson noted a parcel of land that is owned by Te Whakakitenga o Waikato Incorporated (Tainui), bisects the land owned by Shand Properties Ltd on the southern side of East Mine Road. The submitter stated that:

Correspondence has been had with Tainui in regard to its involvement in this rezoning request, however, no response has been received to date.

- 341. As a result, Shand Properties Ltd seek to reduce the area that is requested to be zoned Residential to exclude this parcel of land (and the isolated parcel owned by Shand properties bound by Russel Road, East Mine Road and Condon Road). The area of land that is requested to become Residential Zone has been reduced from 22.95 ha to 17.46 ha, and is referred to by the submitter as Area 6.
- 342. Figure 33 shows the land which is the subject of this submission requesting rezoning (refined by evidence) and the notified zoning.

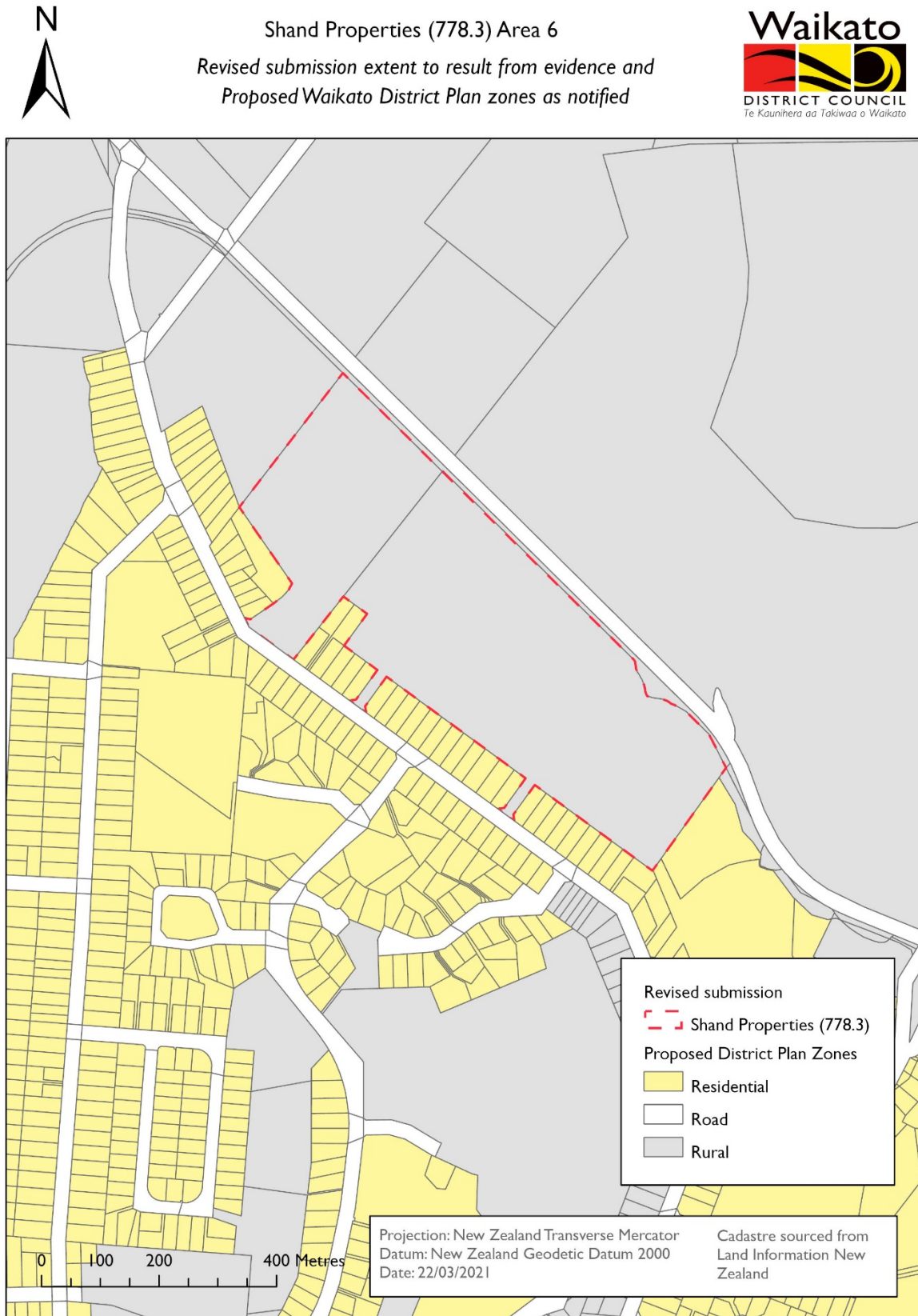


Figure 33 Land which is the subject of the revised submission by Shand Properties (778.3) and PWDP zones

343. In his evidence, Chris Dawson states that of the 17.46 ha of land proposed to be rezoned Residential, only approximately 7.59 ha of this will be utilised for developing residential lots,

as circa 2.2 ha is required to establish a roading network, and the remainder is deemed undevelopable (due to slope, the existing wetland, and servicing needs). Based on the WRPS and Future Proof density target of 12-15 households per hectare, between 91 and 113 dwellings is expected on an area of this size. Shand Properties have prepared an indicative scheme plan which proposes 85 dwellings (see Figure 34 below).

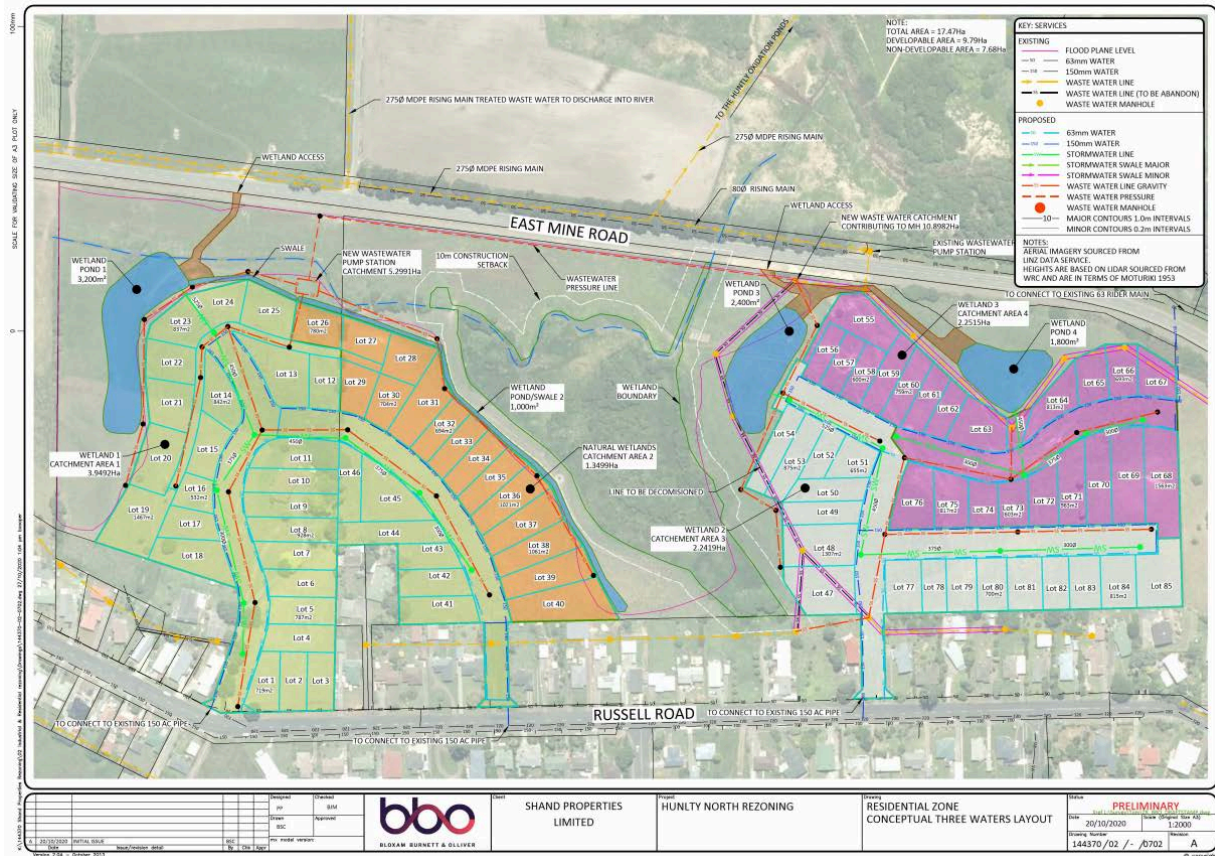


Figure 34 Indicative Scheme Plan for the residential development of Area 6 as suggested by Shand Properties Ltd (778.3) in their evidence

4.4.6.3.2 Geotechnical

344. In his statement of evidence, Kenneth Read, addressed the results of a:

- a. High level, desk study assessment of mining risk, and
- b. Intrusive ground investigation undertaken to identify and assess other potential geotechnical hazards and risks.

Mining risk

345. Kenneth Read outlined the risks to the development associated with past mining activities to be settlement and deformation of the ground surface caused by collapse of mine workings at depth, and migration of mine gases to the ground surface.

346. He concluded that there is a low risk of mining subsidence affecting the proposed developments, and that these risks are manageable using conventional engineering solutions.

Geotechnical hazards

347. Kenneth Read described the area proposed to be zoned Residential as situated across elevated, moderately steep slopes, formed in stiff clay soils. He noted that:

Potential instability of those slopes was considered the primary geotechnical risk for this development. The findings of the investigation undertaken indicate that the slopes have a satisfactory level of stability and development can be undertaken following conventional earthworks and construction practice.

348. With respect to geotechnical hazards and risks, the findings presented in the Geotechnical Investigation Report led Kenneth Read to conclude that there are no major geotechnical risks that cannot be managed and/or mitigated against at reasonable cost.

4.4.6.3.3 Water supply and wastewater

349. In his statement of evidence, Philip Pirie addressed water supply and wastewater for the area proposed to be rezoned Residential.
350. In regard to water supply, reticulation is available on the southern boundary of this site from Russell Road.
351. Similar to Area I and IA, which are the subject of Shand Properties submission to rezone land Industrial, this site is also serviced by the Kimihia Reservoir. As noted earlier in this report, there are currently issues with the filling rate for the Huntly water reservoir and network upgrades will be required for any addition development in the Kimihia Reservoir catchment. This work is currently included in the Council's draft LTP to occur in 2026.
352. With respect to wastewater, Philip Pirie noted that there is reticulation available at WWPS 65, however available capacity would need to be confirmed at the time of consent, due to undeveloped residential land within its catchment. He concluded that:

The re-zoning of Area 6 will have a negligible effect on available capacity at the Huntly WWTP.

4.4.6.3.4 Stormwater

353. In his statement of evidence, Contantinos Fokianos refers to the Stormwater Management Report he prepared to assess the stormwater aspect of the proposal.
354. Contantinos Fokianos noted that the proposed residential area (as shown on the indicated scheme plan above) is situated on higher ground, and an existing watercourse can be used as a discharge point for the post-development treated and attenuated runoff.
355. He stated that the runoff from the residential road network is expected to be drained through kerb and channel and captured via catchpits, and a stormwater reticulation network will convey the captured runoff to the treatment devices. He also noted that:

The rest of the residential area's runoff will be drained in the form of sheet flow towards the lower areas. It is proposed that cut-off drains and/or swales are built on the downstream boundaries of the residential lots to intercept and convey the sheet flow to the stormwater devices. This will protect the downstream areas against erosion due to the increased flows.

356. He described the major challenge to be the sites:

... proximity to an existing wetland and how the development stormwater management layout can be implemented to improve the wetland.

357. In the Stormwater Management Report, Contantinos Fokianos describes how the proposed Residential Zone can be serviced by several stormwater treatment devices, which include reticulation, swales, and cut-off drains. He stated that the existing wetland would be protected, and there would be an improvement in the quality of stormwater runoff as a result of the proposed treatment devices. He concluded that:

Detailed investigation of the identified stormwater issues can be conducted at the subdivision stage of the future development, with suitable conditions imposed as part of any subdivision resource consent.

4.4.6.3.5 Archaeology

358. In his statement of evidence, Warren Gumbley stated that he undertook an archaeological survey of proposed Area 6, however only the hill aspect was examined, as prospecting methods are limited and generally ineffectual on swampy soils such as those in the area. He noted that the proposed residential development, as shown on the indicative scheme plan avoids the swampy, low-lying areas of the site, and concluded that no evidence of archaeology was identified in the area proposed to be rezoned for residential development.

4.4.6.3.6 Ecology

359. An ecological assessment of Area 6 was carried out. In the statement of evidence of Russell Blayney, the presence of a natural inland wetland feature of 1.84 ha was noted, dominated by non-native vegetation, with medium ecological value.

360. In his evidence, Russel Blayney concluded:

As any residential development surrounding a wetland will either have to discharge or divert stormwater, a non-complying resource consent will likely be required under the NESFW.

However, I have considered the likely effects of a stormwater discharge from residential development and in my opinion an appropriately managed discharge would have a neutral or positive effect on the wetland assuming the volume and flow rates are equivalent to baseline condition and water quality is of equal or better quality than baseline.

4.4.6.3.7 Transport

361. In his statement of evidence, Rhulani Baloyi presented the findings of an Integrated Transport Assessment (ITA). Key findings included:

- a. The Residential zoning of Area 6 is anticipated to potentially generate 710 trips per day and 60 trips during the peak hour
- b. Access to Area 6 is proposed via three new T-intersections on Russell Road
- c. Future traffic associated with this proposal is unlikely to adversely affect the performance and safety of the local road network
- d. Existing local area intersections will continue operating at good levels of service with the rezoning traffic added, with safety and capacity improvement works not likely to be required, and
- e. The site is ideally located in close proximity to the regional bus service, as well as the Huntly passenger rail station.

362. Rhulani Baloyi concluded that overall, the transportation effects of the proposal on the adjoining road network are expected to be no more than minor, provided that the recommendations of the ITA are implemented.

4.4.6.3.8 Developer

363. In her statement of evidence, Jacqueline Rogers described how the proposed Residential Zone will help:

To ease the housing shortage and assist with housing affordability in the greater Waikato area.

364. She emphasised her support for the Shand Properties Ltd submission (778.3).

4.4.6.4 Further submitter evidence

365. Further submitter Waikato Regional Council (FSI277.53) provided evidence revising their position after having considered the evidence submitted by Shand Properties Ltd. They stated their support, on the basis that they consider the rezoning consistent with Future Proof urban limits.

366. NZ Transport Agency (FSI202.125 and FSI202.126) made a further submission in opposition of Shand Properties Ltd proposal. In his statement of evidence, Michael Wood stated that he and the traffic expert for NZ Transport Agency had reviewed the ITA prepared by the submitter, and that the proposal is unlikely to have a detrimental impact on the Waikato Expressway.

367. Michael Wood stated that:

I do not oppose these submissions and have a neutral position on the rezoning.

4.4.6.5 Peer review of expert evidence

368. I have requested peer reviews of the expert evidence prepared by:

- a. Philip Pirie, in relation to wastewater and water supply (17 February 2021)
- b. Constantinos Fokianos, in relation to stormwater (17 February 2021)
- c. Kenneth Read, in relation to a geotechnical assessment (17 February 2021), and
- d. Rhulani Baloyi, in relation to transport (17 February 2021).

369. A Technical Specialist Review was prepared by Roger Seyb (Beca Ltd) for Waikato District Council, in relation to rezoning requests by Shand Properties Ltd (778.2 and 778.3). This review is appended to this report as Appendix 3.1.

370. In his review, Roger Seyb concluded that:

In general the outcomes of the water supply and wastewater assessment appear reasonable and it appears likely that an engineering solution can be found to water and wastewater servicing the land. Consideration of staging will need to occur to tie in with the required network, WWTP and reservoir upgrades.

371. In relation to the sites location with the Defended Area, and potential flood risk, he concluded that:

I have a number of questions about the flood assessments for the local catchment and breach of the Waikato River stop banks. At this stage, I have significant uncertainty about the extent of effects that the area would be subject to and I do not support the re-zoning.

The stop banks are intended to protect rural land but conversion of that land to urban uses has a significantly different risk profile that needs to be carefully considered. I suggest the decision to rezone the land needs to consider whether the Councils are committed in the long term to defending the area within which the proposed re-zoning occurs. Should there be such a commitment to defend the land for urban purposes, careful consideration needs to be given to how to manage the flooding risks in the long term.

372. A Technical Specialist Review on transport was prepared by Skip Fourie (Beca Ltd) for Waikato District Council, in relation to rezoning requests by Shand Properties Ltd (778.2 and 778.3). This review is appended to this report as Appendix 3.3.

292. In his review, Skip Fourie concluded that:

The statement of evidence provides a good general summary of the traffic and transport considerations pertinent to the proposal with appropriate technical analysis.

I generally agree with the findings of the ITA and statement of evidence and the submitter's recommendations.

4.4.6.6 Analysis

4.4.6.6.1 National Policy Statements

373. I consider the rezoning request to be consistent with Objective 1, 2 and 3 of the NPS-UD, on the basis that the:

- a. Residential development of the Area 6 will contribute to achieving a well-functioning urban environment in Huntly, by providing new homes with a variety of sizes
- b. Proposal will support competitive land and development markets and assist in improving housing affordability, and
- c. Rezoning will enable more people to live in the urban environment of Huntly which has a high demand for housing, at a site that is contiguous with the urban existing urban environment and close to public transport routes.

374. Further to the above, I consider that the submission is consistent with Policy 1. My reasons for this are that site is easily accessible to the Huntly town centre, places of employment and community services, and natural and open spaces (such as the Waikato River, Lake Kimihia and Lake Hakanoa). The development also intends to provide for active modes of transport via pedestrian footpaths and a shared pedestrian and cycling path.

375. I agree with the evidence of Chris Dawson, that the additional ~ 85 lots proposed for this development will contribute significant development capacity to the East Mine Business Park growth cell and the township of Huntly, and is therefore consistent with Policy 2 of the NPS-UD.

4.4.6.6.2 Waikato Regional Policy Statement

376. I consider that the submission is consistent with Objective 3.12, Policy 6.1 and the 6A development principles, on the basis that the request to rezone proposed Area 6 to Residential supports the existing urban area of Huntly, is contiguous with existing residential settlement, and the evidence of Philip Pirie has revealed that three waters servicing can be achieved at the site, once planned upgrades to the Kimihia Reservoir and wastewater plant have been undertaken.

377. The submission is also consistent with Policy 6.14, in that the site is within the Urban Limits.

378. Objective 3.1 requires that natural and physical resources are managed in a way that recognises the values of water body catchments, riparian areas, and wetlands, and the inter-relationship of natural resources with the built environment. Objective 3.12 directs that development of the built environment enables positive outcomes, which includes by preserving and protecting natural character, and integrating land use and water planning.

379. With respect to these directions, I consider the evidence of Warren Gumbley (archaeology), Contantinos Fokianos (stormwater), and Russel Blayney (ecology). In his statement of

evidence, Warren Gumbley noted that the proposed residential area, as shown on the indicative scheme plan, avoids the 'swampy, low-lying areas of the site'. In his evidence, Contantinos Fokianos noted that a considerable amount of the runoff from the proposed residential area will be drained in the form of sheet flow, towards the low-lying areas.

380. Based on this evidence, in addition to the Stage 2 Hazards Map that shows the lower areas to be covered by the Defended Area overlay, I consider that the application of a Residential Zone over the low-lying areas of the site would be inconsistent with the direction in the WRPS.
381. I recommend that the spatial extent of the Residential Zone as requested by the submitter is reduced, so that its northern boundary follows the border of the Stage 2 Defended Area overlay, as shown in Figure 35 below.



Shand Properties Ltd (778.3)
North Huntly: Area 6

Recommendation: Rezone from Rural Zone to Residential Zone

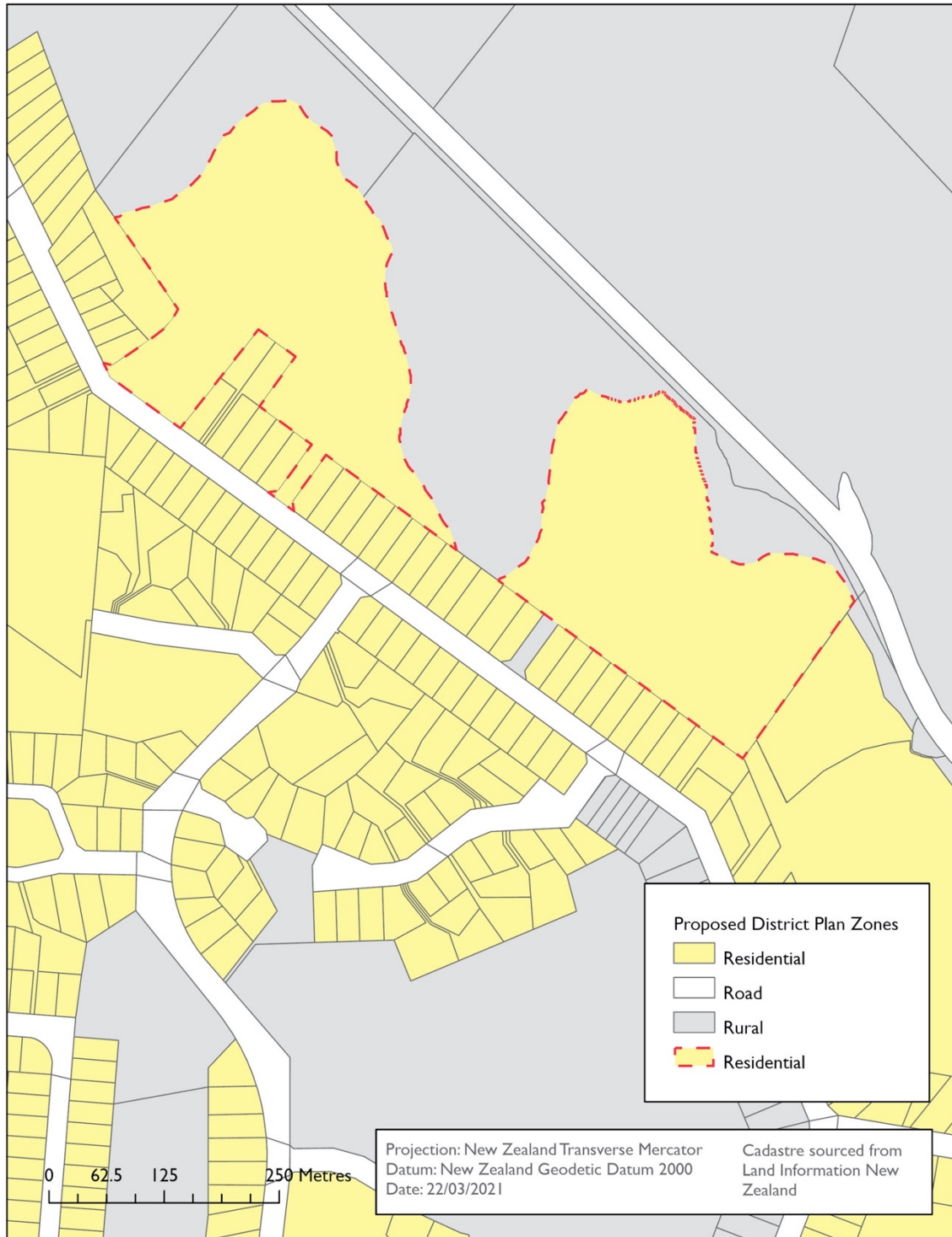


Figure 35 Recommendation to rezone land which is the subject of the revised submission by Shand Properties (778.3) with amendments, from Rural Zone to Residential Zone

382. This is consistent with the advice in the Technical Specialist Review by Roger Seyb. He raised concerns in relation to the Defended Area, that he noted is intended to protect rural land, with urban use being characterised by a 'significantly different risk profile'. It is important to note however, that I consider his concern alleviated to some extent, by the advice of Waikato Regional Council, who stated that in the subject area:

The defended area already includes residential areas and dwellings. So by default, the Waikato Regional Council stop bank schemes will need to meet the appropriate level of services for the existing risk in the future.

4.4.6.6.3 Iwi Management Plans

383. The Maniapoto Environmental Management Plan and the Waikato-Tainui Environmental Plan seek that land use has positive environmental and cultural effects, and acts to enhance and protect the holistic functioning and interconnected relationships of the natural environment.
384. Relevant direction from the Waikato-Tainui Environmental Plan with respect to wetlands include:

Policy 20.3.1.1

To encourage improvements to local hydrology (where possible) to support healthy wetland function, and restoration of locally appropriate wetland biodiversity within local planning and land management practice.

Policy 20.3.1.2

To ensure that all land use practices that have the potential to impact on wetlands have efficient sediment, drainage, discharge, fertiliser application, and riparian buffer control practices in place to ensure that adverse impacts on wetlands are prevented.

385. The submitter did not address the Maniapoto Environmental Management Plan in their evidence. This plan also contains direction around wetlands:

Objective 15.3.2

To enhance and protect natural wetlands to produce an overall net gain in wetland area in the rohe as wetlands are restored.

Policy 15.3.3.1

Adjacent land-use practices do not impact negatively on wetlands.

386. Based on the evidence of Russel Blayney, I am satisfied that with appropriate stormwater management measures in place, potential adverse effects of stormwater discharge on the wetland can be mitigated. He notes that appropriately managed discharge would have a neutral or positive effect on the wetland, which is consistent with the direction from the iwi environmental management plans identified above.
387. The iwi environmental management plans also provide particular direction with respect to natural hazards, seeking to ensure that land use and activities avoid areas that may be at risk of significant damage from natural hazards, and that land use does not increase the risk or magnitude of a natural hazard event, and does not increase the risk or effects on human life or activity. I consider that my recommendation to reduce the spatial extent of the Residential Zone so that it avoids the low lying swampy areas of the site (covered by the Stage 2 Defended Area overlay) will ensure that these natural hazard risks are addressed.

4.4.6.6.4 *Future Proof 2017 and Waikato 2070*

388. As shown in Figure 36 below, the site is within the Urban Limits outlined in the Future Proof Strategy 2017.
389. The site is also within the Residential Activity Zone and growth cell shown on the Huntly and Ohinewai Development Plan in Waikato 2070, referred to as 'Kimihiā'. This area is earmarked for medium density (townhouse/duplex/terrace) development over the 3-10 year timeframe.



Shand Properties (778.3) Area 6
Revised submission extent and Waikato 2070 Growth Cells

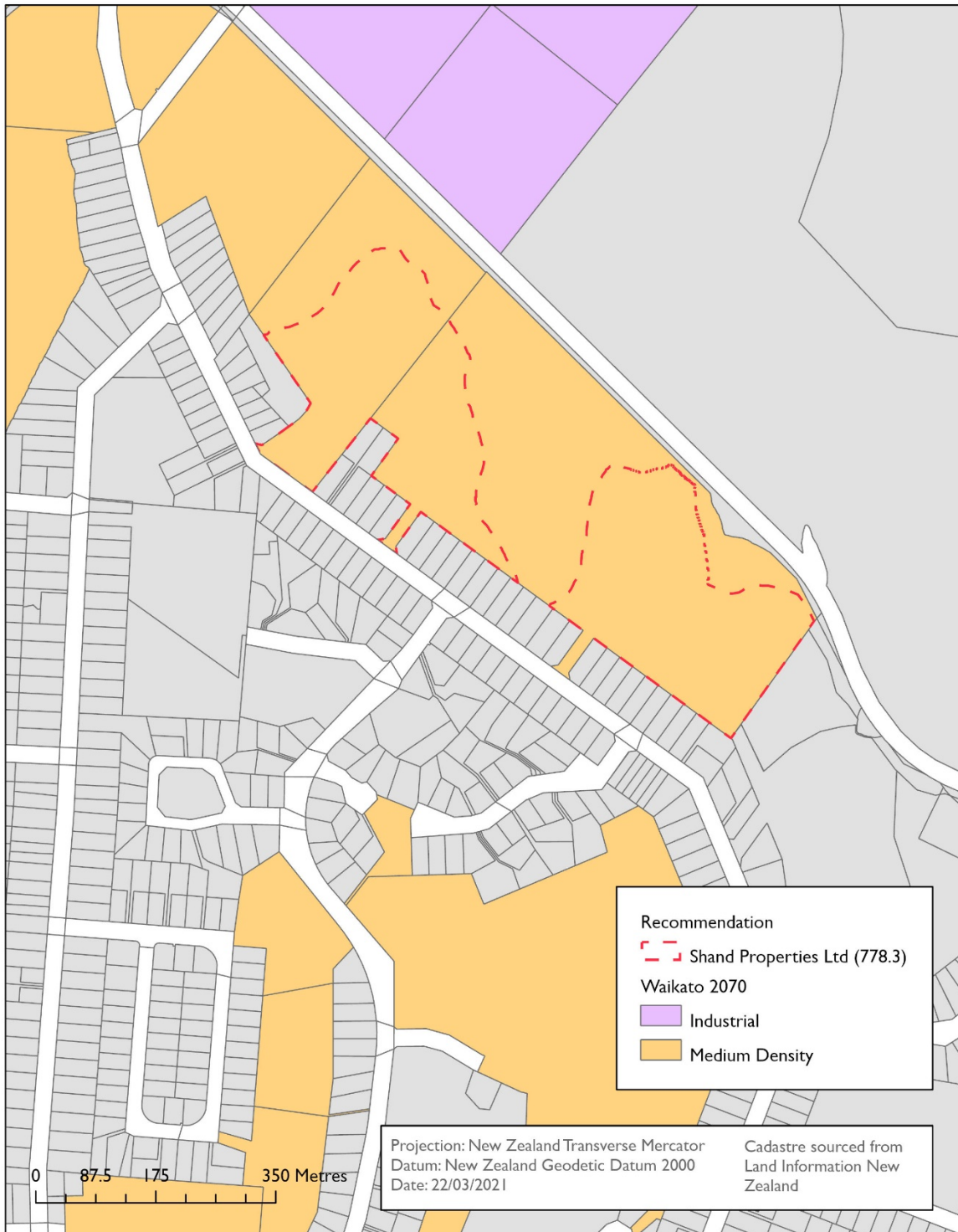


Figure 36 Land which is the subject of the submission by Shand Properties Ltd (778.3) with recommended amendments and Future Proof and Waikato 2070

4.4.6.6.5 Vision and Strategy of the Waikato River

390. The site is located in the Waikato River Catchment. I agree with the evidence of Chris Dawson, that any potential adverse effects to result from future development at the site can appropriately be managed through the proposed District Plan provisions, resource consent conditions and infrastructure standards, to ensure that the mauri of the Waikato River is protected and enhanced.

4.4.6.6.6 Proposed Waikato District Plan

391. Table 17 below provides an assessment of the submission to rezone Area 6 from Rural to Residential, against the relevant objectives and policies of the Proposed District Plan.

Table 17 Preliminary analysis of the revised submission by Shand Properties Ltd (778.3) against the relevant objectives and policies of the PWDP

Relevant PWDP Objectives and Policies	Preliminary analysis
Growth occurs in defined growth areas 1.5.2(a)	<p>It is my understanding that when assessing a proposal against provision 1.5.2(a), s42A officers considering rezoning requests should interpret 'defined growth areas' to mean those outlined in the Future Proof Strategy.</p> <p>The submission site is within the Indicative Urban Limits as defined by Future Proof, and is therefore considered consistent with this direction.</p>
Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently 1.12.8(b)(i)	<p>The subject site is zoned Rural under the Proposed District Plan, and is therefore not taking place in an area identified for the purpose of urban development. However, it is within the Urban Limits where growth is directed to occur.</p> <p>The District Plan directs future growth to be accommodated in urban environment zones, however failure to provide for growth outside of these areas would result in the PWDP not being able to meet development capacity requirements, and thus give effect to the NPS-UD.</p> <p>The submitter has provided evidence which has shown that three waters servicing can be achieved at the site, once planned upgrades to the Kimihia Reservoir have been undertaken, and that residential development of Area 6 can occur prior to completion of the planned Huntly WWTP upgrades.</p> <p>In general, the Technical Specialist Review by Roger Seyb concurs with these conclusions made in the submitters three waters evidence.</p> <p>For these reasons, I consider that the proposal is therefore consistent with this strategic objective.</p>
Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. 1.12.8(b)(ii)	<p>The subject site is contiguous with the existing urban environment to the south, and I agree with the evidence of Chris Dawson, that development of the site is a logical extension of the existing Residential Zone.</p> <p>The site is well connected to the existing transportation network.</p>

<p>Focus urban growth in existing urban communities that have capacity for expansion</p> <p>I.12.8(b)(iii)</p>	<p>Area 6, proposed to be rezoned Residential, is located within the existing urban community of Huntly, which has the capacity for expansion.</p> <p>The site is suitable for development in that it is not characterised by any outstanding natural features or landscapes, or significant natural areas.</p> <p>The original extent of the rezoning request by Shand Properties Ltd, included land owned by Te Whakakitenga o Waikato Incorporated. The revised rezoning extent provided in the submitter's evidence excludes this land. The site is not an area of significance to Maaori, nor does it contain any heritage items that I am aware of.</p> <p>The site is contiguous with the existing pattern of residential development, and is a short distance from the town centre, where there are opportunities for employment, education, and the provision of public facilities.</p> <p>As described earlier, it has been demonstrated that three waters servicing can be achieved at the site.</p> <p>The submission is therefore consistent with this strategic direction.</p>
<p>Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance.</p> <p>I.12.8(b)(vi)</p>	<p>As described above, the subject site does not contain any outstanding landscapes, or areas of cultural or historic importance that I am aware of.</p> <p>The site is covered by the Mine Subsidence Area overlay. However, in the evidence of Kenneth Read, it was concluded that there is a low risk of mining subsidence affecting the proposed development, and that the risks are manageable using conventional engineering solutions.</p> <p>The presence of a natural inland wetland feature was identified within the subject site. The evidence of Andrew Blayney has stated that appropriately managed stormwater discharge would have a neutral or positive effect on the wetland, assuming the volume and flow rates are equivalent to baseline condition and water quality is of equal or better quality than baseline.</p> <p>I am satisfied that development can take place in a manner in which potential adverse effects on the wetland are avoided, remedied, and mitigated, and that this can be addressed at the subdivision phase of development.</p> <p>As described earlier in this report, the low-lying areas of the site have been characterised as 'swampy', and the evidence of Contantinos Fokianos has outlined that runoff from the residential area, as shown on the indicative scheme plan, will drain in the form of sheet flow towards the low-lying areas of the site. Based on this evidence, I do not consider that to rezone the low-lying areas of the site to be consistent with the strategic directions of the Proposed District Plan.</p> <p>The site is currently used as grazed pasture, and therefore can be characterised as 'green open space'.</p>

	<p>The residential development of the site would inevitably mean a reduction in green open space, which is contrary to the strategic direction.</p> <p>The submission is therefore only consistent with this strategic direction, <i>in part</i>.</p>
<p>Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas'</p> <p>1.5.1(b)</p> <p>1.12.3(a)</p> <p>1.12.3(c)</p> <p>4.1.2(a)</p> <p>5.3.8</p>	<p>The site is situated within the existing town of Huntly, which is a key growth area, and is within the Indicative Urban Limits, as identified in the Future Proof Strategy 2017.</p> <p>The submission is consistent with these strategic objectives, in part, as it contributes:</p> <ol style="list-style-type: none"> to expanding an urban environment within a defined growth area (Urban Limits) to the protection of rural areas by focusing urban development inside the Huntly town boundary, and additional housing capacity in a location that is accessible to both employment and community amenities. <p>The proposal to rezone Area 6 from Rural to Residential Zone is for the most part inconsistent with Policy 5.3.8, for the reason that the predominant open space, character, and amenity of the rural area may be compromised.</p>
<p>Urban growth areas are consistent with Future Proof Strategy for Growth 2017</p> <p>4.1.3(b)</p>	<p>The site is located within the Urban Limits, as identified in the Future Proof Strategy 2017.</p>
<p>Infrastructure can be efficiently and economically provided</p> <p>4.1.3(a)</p>	<p>It is my understanding from Council, that within the Urban Limits of Huntly, there is either existing or planned infrastructure capacity in Huntly.</p> <p>In addition, the submitter has provided evidence which has shown that three waters servicing can be achieved at the site, once planned upgrades to the Kimihia Reservoir have been undertaken, which has been confirmed by the Technical Specialist Review undertaken by Roger Seyb.</p>
<p>Subdivision, use and development within the rural environment where:</p> <ol style="list-style-type: none"> high class soils are protected for productive rural activities; productive rural activities are supported, while maintaining or enhancing the rural environment urban subdivision, use and development in the rural environment is avoided. <p>5.1.1 Objective – The rural environment</p> <ol style="list-style-type: none"> Protect productive rural areas by directing urban forms of 	<p>As described earlier in this report, in relation to Objective 5.1.1, the Framework Report reached the stance that urban development in rural environments should only occur around existing towns (within the Urban Limits). The site is within the Urban Limits.</p> <p>While the rezoning from Rural to Residential is inevitably contrary to Objective 5.1.1, in particular clause (iii), it aligns with the District's intention for future development, as demonstrated by the Future Proof Strategy and Waikato 2070.</p> <p>The submission is broadly consistent with clause (ii) of Objective 5.1.1 and (a) of Policy 5.3.8, on the basis that providing for residential development within the boundaries of the existing Huntly urban environment,</p>

<p>subdivision, use, and development to within the boundaries of towns and villages</p> <p>(h) Ensure development does not compromise the predominant open space, character, and amenity of rural areas</p> <p>(i) Ensure subdivision, use and development minimise the effects of ribbon development.</p> <p>(j) Rural hamlet subdivision and boundary relocations ensure the following:</p> <p style="padding-left: 40px;">(i) Protection of rural land for productive purposes;</p> <p style="padding-left: 40px;">(ii) Maintenance of the rural character and amenity of the surrounding rural environment;</p> <p style="padding-left: 40px;">(iii) Minimisation of cumulative effects.</p> <p>(k) Subdivision, use, and development opportunities ensure that rural character and amenity values are maintained</p> <p>(l) Subdivision, use, and development ensures the effects on public infrastructure are minimised.</p> <p>5.3.8 Policy</p>	<p>means that adverse effects on the rural environment are able to be minimised.</p> <p>The rezoning proposal is inconsistent with policies 5.3.1(a), 5.3.4(a) and 5.3.8(b) because the establishment of a Residential Zone over the site will unavoidably and unsurprisingly, result in a loss of open green space, rural character, and amenity.</p>
<p>Rural character and amenity are maintained</p> <p>5.3.1 and 5.3.4</p>	

4.4.7 Recommendation

392. For the reasons above I recommend that the Hearings Panel:

Accept in part the submission by Shand Properties (778.3) to the extent that the site referred to as Area 6, is rezoned from Rural to Residential (with amendments that I have recommended)

Accept in part the further submission by Allen Fabrics Ltd (FS1349.3)

Reject the further submissions by NZ Transport Agency (FS1202.125 and FS1202.126), Waikato Regional Council (FS1277.53) and Mercury NZ Limited (FS1387.1187)

4.4.8 Recommended amendments

393. The following amendments are recommended:

Amend the zoning of Area 6 from Rural Zone to Residential Zone, as requested by the submitter, but amended in accordance with Figure 37, so that the low lying areas (in the Defended Area overlay) are excluded



Shand Properties Ltd (778.3)
North Huntly: Area 6

Recommendation: Rezone from Rural Zone to Residential Zone

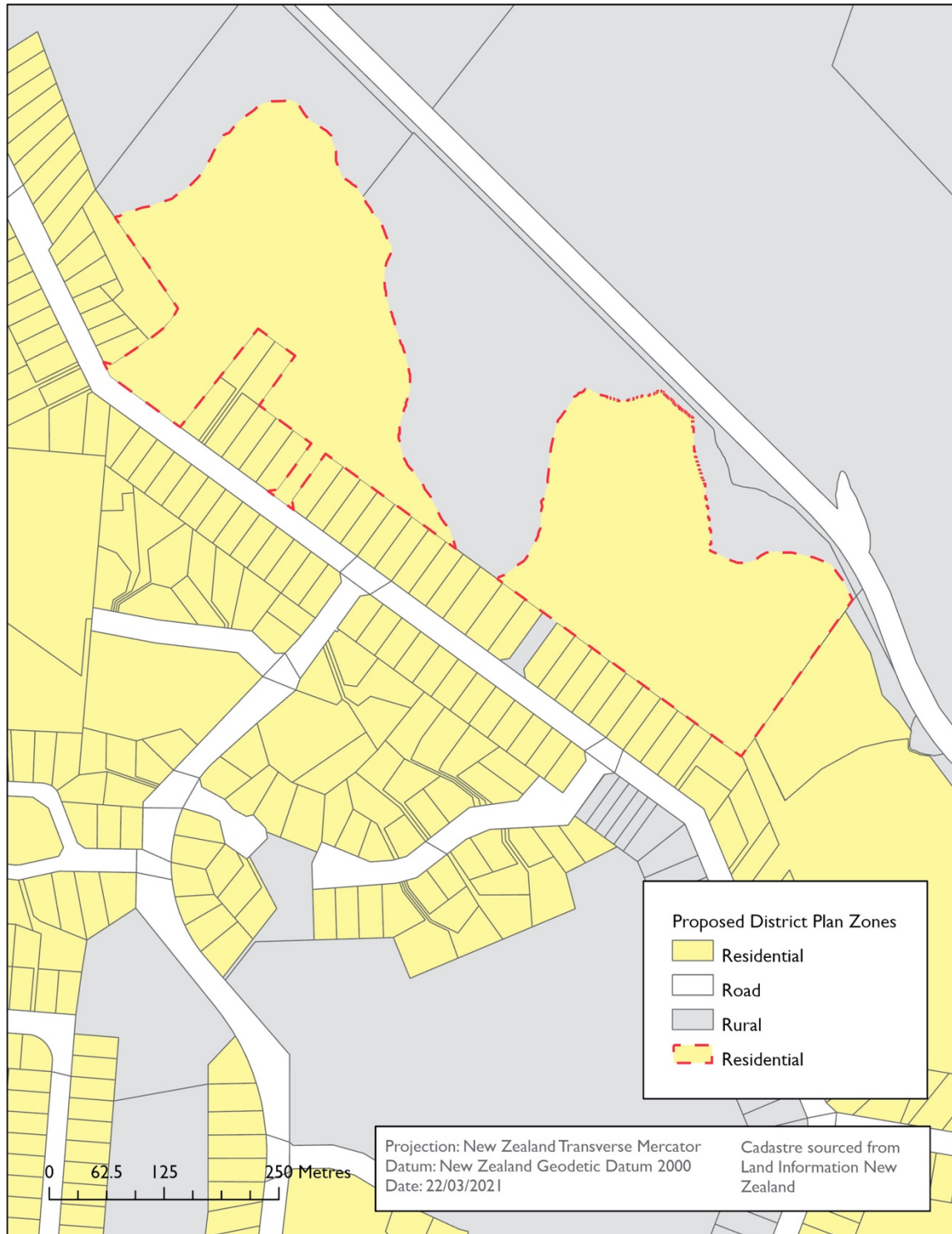


Figure 37 Recommendation to rezone land which is the subject of the revised submission by Shand Properties (778.3) with amendments, from Rural Zone to Residential Zone

4.4.9 S32AA evaluation

394. The submitter provided a s32AA evaluation in relation to their submission to rezone the subject site from Rural to Residential, as part of their suite of evidence. The scale and significance is local, and considered minor, on the basis that the proposal relates to a distinct area of land in the town of Huntly.

4.4.9.1 Other reasonably practicable options

395. In his evidence, Chris Dawson identified the reasonably practicable options in relation to this site, to be:
- a. The notified Rural Zone (status quo), and
 - b. The Residential Zone (as requested by Shand Properties 778.3, and the recommended amendment in this report).
396. The option of retaining the Rural Zone over the site (status quo) would mean that resource consent would need to be sought in order for residential development to occur at the site.

4.4.9.2 Effectiveness and efficiency

397. I consider that the recommended zoning of Residential over the subject site (as per the submitter's request, but amended to a reduced extent), is the most effective and efficient way in which to achieve the objectives of the Proposed Waikato District Plan, by enabling residential development to occur, where appropriate.

4.4.9.3 Costs and benefits

398. I agree with the analysis of the submitter, that the status quo would result in no further benefits, with the exception that the retention of rural character may be preferred by some in the community. There are no benefits to the scenario by which resource consent is required to enable residential development.
399. In his evidence, Chris Dawson has outlined a number of costs with the options, of which I agree with, that include:
- a. Loss of an immediate opportunity to provide for additional residential development capacity to meet demand (status quo), and
 - b. Residential activity would be contrary to Rural Zone, and the risk of a resource consent application is high (seek resource consent for residential development).

4.4.9.4 Risk of acting or not acting

400. The risk of not acting in relation to this proposal, would be the loss of an opportunity for land to be rezoned in an appropriate manner to directly contribute residential development capacity to meet demand in Huntly.

4.4.9.5 Decision about most appropriate option

401. I concur with s32AA assessment made by Shand Properties Ltd, that rezoning of Area 6 to Residential (as amended by my recommendation) is considered the most appropriate option, as it will:

Give effect to the direction of higher level planning documents, in particular the requirement under the NPSUD for district plans to enable greater levels of development capacity to meet the different needs of people and communities.

402. For the reasons above, the amendment to the zoning of Area 6 from Rural to Residential is considered to be the most appropriate way to achieve the objectives of the PWDP.

4.5 Lake Puketirini

- 403. Terra Firma Resources submitted in opposition of the notified Rural zoning over two areas in the vicinity of Lake Puketirini, referred to as Weavers Crossing Road (732.1) and the Puketirini Block (732.2) shown in Figure 38.
- 404. Figure 39 shows the Proposed District Plan zoning as notified over the two sites.
- 405. This section will deal first with the submission for the Weavers Crossing site, before moving on to the Puketirini Block.



Terra Firma Resources (732.1 and 732.2):
Weavers Crossing and the Puketirini Block

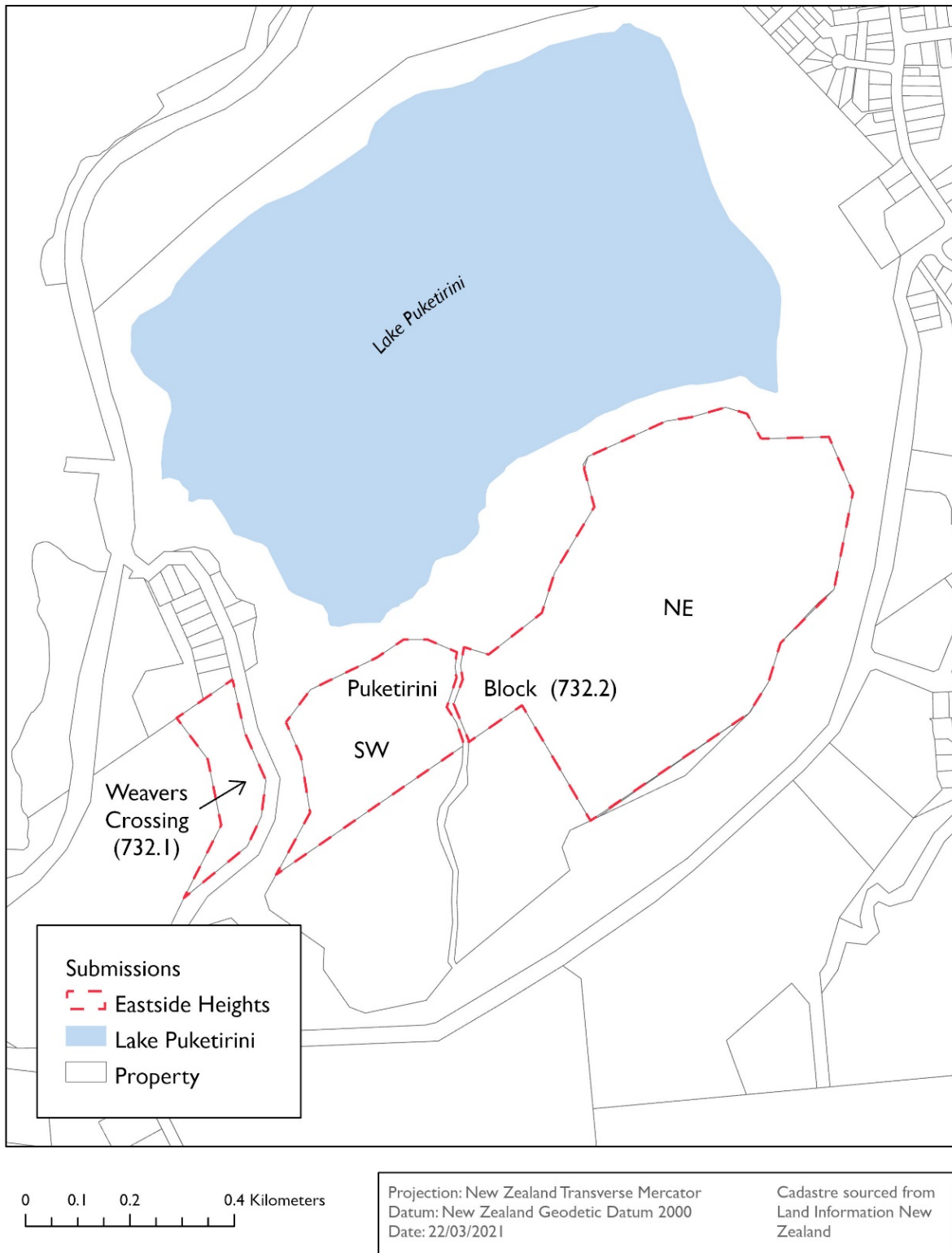


Figure 38 Location of land which is the subject of the submissions by Terra Firma Resources (732.1 and 732.2)



Terra Firma Resources (732.1 and 732.2):
Weavers Crossing and Puketirini Block
Proposed Waikato District Plan zones as notified

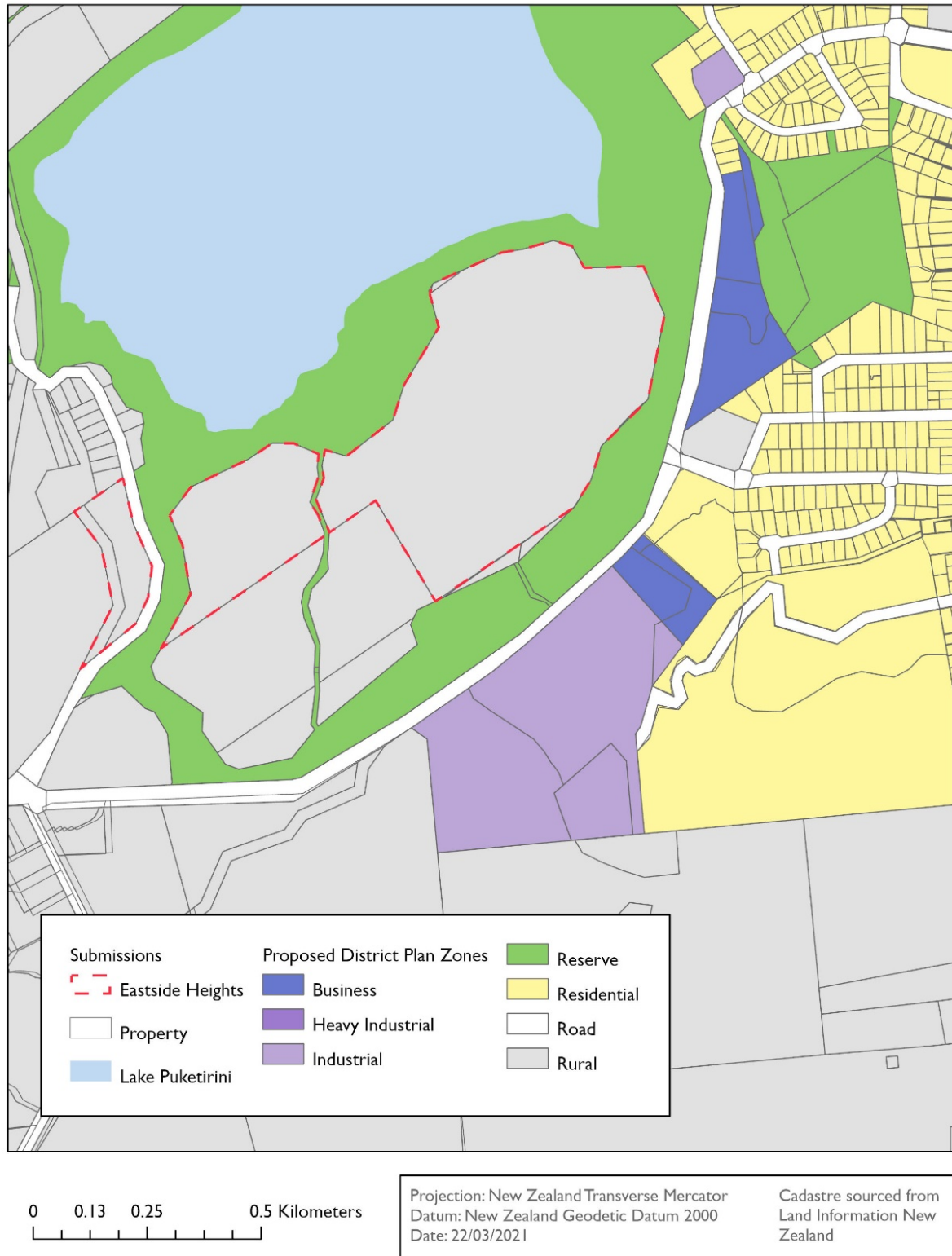


Figure 39 Land which is the subject of the submissions by Terra Firma Resources (732.1 and 732.2) and PWDP zones

4.5.1 Weavers Crossing

4.5.1.1 Submission

- 406. Terra Firma Resources (732.1) submitted in opposition of the notified Rural zoning on Weavers Crossing Road, which has no street address, but is legally described as Allotment 9C Pepepe Parish 50 34206 and Lot 1 DPS 61669.
- 407. The submitter requested the property at Weavers Crossing be rezoned to either Village Zone or Residential Zone, its reason being that the site is suitable for medium or high density residential development.

4.5.1.2 Further submissions

- 408. Waikato Regional Council (FS1277.47) made a further submission in opposition, on the basis that decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete. It is important to note that in their evidence, Waikato Regional Council stated their provisional support for the submission.
- 409. Mercury NZ Limited (FS1387.810) made a further submission in opposition, on the basis that at the time that the further submission was lodged, neither natural hazard flood provisions nor adequate flood maps were available. Mercury considered it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. No evidence has been filed by Mercury in respect of this rezoning.

4.5.1.3 Scope

- 410. It is my understanding that in relation to the Weavers Road site, scope lies on a continuum between the Proposed District Plan Rural Zone as notified, and Village or Residential Zone. A Country Living Zone or even a Future Urban Zone falls within this continuum. Since the s42A Report on Future Urban Zone was released, there has been no approach by the submitter requesting a Future Urban Zone. Therefore, I have excluded that option from my consideration of the submission and focussed on the live Village zoning as requested in the submitter's evidence.
- 411. I consider the newly proposed Medium Density Residential Zone to be outside of scope as this is more intensive than what is sought in the submission.

4.5.1.4 Background information

4.5.1.4.1 Land use history

- 412. The site is approximately 2 ha in size.

4.5.1.4.2 Surrounding environment

- 413. The site is situated to the west of Weavers Crossing Road, and sits between two lakes (Lake Puketirini to the northeast, and Lake Waahi to the northwest). It is surrounded by land zoned Rural in every direction, with the exception being to the east, over Weavers Crossing Road, the land is zoned Recreation under the Proposed Waikato District Plan.
- 414. The surrounding land use is predominantly rural in nature, consisting of grazed pasture. To the north of the site, there is an existing enclave of residential activity. The majority of these residential lots are circa 0.1 ha in size, the largest just under 1 ha.

4.5.1.4.3 Relevant overlays

- 415. There are no notified overlays over the site.
- 416. To the south of the site, on the east side of Weavers Crossing Road, there is a ribbon of indigenous vegetation, which is covered by a SNA overlay.

417. Nearly 120 metres from the site is the Rotowaro Branch Railway Line, described as Designation L4.

4.5.1.4.4 Stage 2 Hazards

418. There are no Stage 2 Hazards relevant to the site.

4.5.1.4.5 Infrastructure

419. A water main runs almost the length of the western boundary of the site from Weavers Crossing Road to the existing residential enclave, as shown on the Utilities Map. Circa 30 metres north of the site boundary is a water hydrant.
420. An open stormwater drain also runs along the majority of the western boundary. The reticulated wastewater network does not service the site.

4.5.1.5 Submitter evidence

421. The submitter Terra Firma Resources lodged five statements of evidence in relation to their submission (732.1), which included a geotechnical assessment, three waters engineering assessment, a s32AA Evaluation Report, and evidence from Lucy Smith and Craig Smith, both directors of the company Terra Firma Resources.
422. In her statement of evidence, Lucy Smith confirmed that the Weavers Crossing site is proposed to be rezoned to Village Zone (in the submission the Residential Zone was presented as an option). She acknowledged that the 'spot-zoning' of Village Zone at the site is not best practice, but considered it the most appropriate to achieve the objectives alongside the existing zoning.
423. It is therefore my understanding, that the Residential Zone is no longer sought by the submitter.
424. Development of the site is proposed to comprise lots ranging from 1500m² to 2000m², which is a density that Lucy Smith has stated in her evidence as 'in keeping with the rural-residential nature of Weavers Crossing'. This is smaller than the lot size currently anticipated by the notified rules for Village Zone (3000 m² for non-reticulation). She noted that a new Village Zone subdivision rule will be required to provide for lots of this size, as a restricted discretionary activity.
425. The proposed lot sizes are also smaller than the lot size recommended in the s42A Report for Hearing 6: Village Zone – Subdivision (prepared in November 2019). In that report, Jonathan Clease recommended that Rule 24.4.1 RDI be amended to reduce the minimum lot size for subdivision from 3000m² to 2500m². Lot sizes of 1500m² to 2000m² will be a Discretionary activity. I do not assess this rule in my s42A report.

4.5.1.5.1 Geotechnical

426. In his statement of evidence, Michael Carter (from Raglan Geotech) summarised that:

My interpretation is that this site is comprised of soils considered suitable for residential construction, with minimal requirement for specific engineering design of foundations.

427. He also commented that slow-rate retreat of an embankment on Weavers Crossing Road could impact the property over a 50-year time period. Aside from this, which he recommended be investigated, he concluded that:

There are no compelling geotechnical or environmental restraints in relation to the proposed development.

4.5.1.5.2 Three waters

428. In his statement of evidence, Hayden Vink (from Wainui Environmental) concluded:

Overall, the subject site area is considered to present feasible opportunities for three waters services to enable the planned residential development.

429. In relation to stormwater, he stated that there is the potential for discharge effects, based upon the high recreational and amenity values attributed to the Lake Puketirini receiving environment, however there is reduced potential at the Weavers Crossing site, because of the reduced development catchment area and reduced development densities, when compared to the Puketirini Block.
430. Surface flows from the site are collected in the Weavers Crossing Road open drain, which discharge via an existing culvert under the road to a tributary stream just upstream of where it enters Lake Puketirini.
431. Hayden Vink noted that stormwater management at the site is expected to use private, on-site stormwater management measures, typical of this kind of development, which includes provision of a treatment swale device for accessway runoff and onsite attenuation tanks/re-use systems for lot surfaces.
432. With respect to water supply, he commented that numerous existing water supply lines extend in proximity to the development site, and that consultation with Watercare Services Ltd did not identify any concerns or constraints in regard to connection to the existing water supply network. Despite this potential supply option, Hayden Vink explained that the preferred supply for these larger rural residential lots comprises private roof water tank with potential for metered trickle feed top up from the adjacent network.
433. In relation to wastewater, Hayden Vink stated that there is no municipal connection in proximity to the Weavers Crossing site that presents a feasible option for extension/connection to this area, and hence the Village Zone development lots being sought for the site will be required to implement on-site wastewater treatment/disposal methods.

4.5.1.5.3 Traffic

434. The statement of evidence by Craig Smith included an Integrated Transportation Assessment prepared by CKL Surveyors Ltd.
435. The assessment confirmed that site traffic volumes can be accommodated without adversely affecting the operation of the network.
436. It found that access to the site would not meet the required sight distance of 250 metres for a speed limit of 100km/h, however it was noted that:

In practice, the operating speed in this area is lower due to the existing topography and road alignment. The available distances of 115m and 170m are appropriate for up to 60km/h and 78km/h, respectively. This is assessed as adequate for the proposed land use and the existing environment.

437. The assessment recommended that a new intersection on Weavers Crossing Road is included as part of the development.
438. The assessment concluded that with measures in place (such as the new intersection proposed above), and the relevant District Plan Zone rules applied at the time of subdivision, which include a suitably focused Integrated Transportation Assessment:

The anticipated traffic effects arising from rezoning of the land from Rural... to Village Zone can be accommodated by the surrounding transportation network with no loss of function or safety.

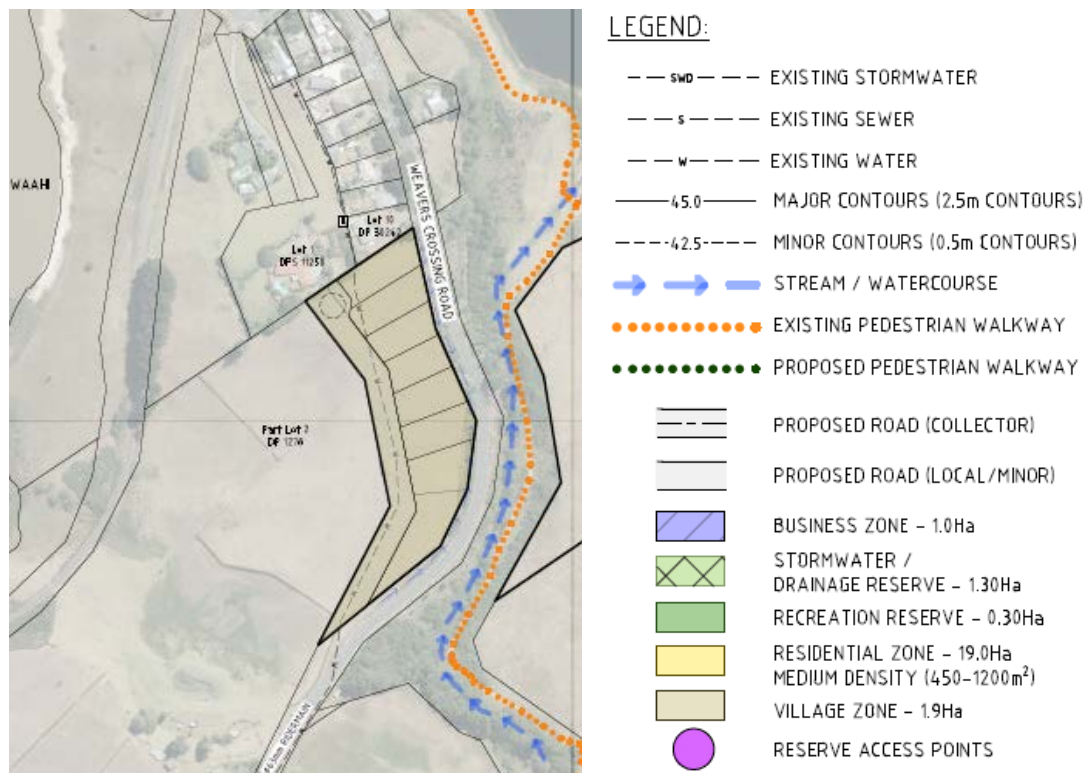
4.5.1.5.4 Contaminated land

439. The statement of evidence by Craig Smith included a Preliminary Site Investigation prepared by Contaminated Site Investigation (CSI). A historical appraisal of activities on the site and an on-site assessment and concluded that:

There is a low risk to human health and the environment, as there are no identified potential contaminants or hazards and, it is highly unlikely that there will be a risk to human health if the site is developed into the more sensitive land use of residential.

4.5.1.5.5 Lucy Smith and Craig Smith

440. In her statement of evidence, Lucy Smith notes the potential for reverse sensitivity effects, due to an increased number of residents in the rural area, where existing legitimate rural activities are present. She also raises the potential for precedent effects, as a result of the spot zoning of the site.
441. In his statement of evidence, Craig Smith provided a preliminary concept plan, an extract of which is relevant to the Weavers Crossing site, is shown below.



442. A Kaitiaki Environmental Impact Assessment, prepared by Norman Hill on behalf of the Waahi Whaanui Trust, was included within the statement of evidence by Craig Smith. The assessment stated that the Waahi Whaanui Trust 'does not oppose' the proposal by Terra Firma Resources, and noted that:

TFR has the potential to improve the local landscape and ecological value and respond to cultural values present in this location.

4.5.1.6 Further submitter evidence

443. Further submitter Waikato Regional Council (FS1285.2) provided evidence revising their position after having considered the evidence submitted by Terra Firma Resources. They stated their provisional support, on the basis that they consider the rezoning consistent with Future Proof urban limits. They support the proposal, provided that the geotechnical report confirms that the land is suitable for residential development and effects on water quality in Lake Puketirini are managed.

4.5.1.7 Peer review of expert evidence

444. I have requested peer reviews of the expert evidence prepared by:
- a. Hayden Vink, in relation to stormwater, wastewater and water supply (29 January 2021), and
 - b. Michael Carter, in relation to geotechnical evidence (10 February 2021).
445. I am awaiting the completion of peer review of the geotechnical evidence. Until that peer review is completed, I rely on the expert evidence prepared by Michael Carter, and my recommendation on this submission is provisional.
446. A Technical Specialist Review was prepared by Roger Seyb (Beca Ltd) for Waikato District Council, in relation to rezoning requests by Terra Firma Resources (732.1 and 732.2). This review is appended to this report as Appendix 3.2.
447. In his review, Roger Seyb stated that:

In terms of stormwater infrastructure there are limited issues. Appropriate methods for water quality management are available and can be developed through future stages of consenting and design.

It is likely that an engineering solution can be developed to allow servicing by water... networks subject to appropriate staging and agreement of funding for the development's contribution to network...

With respect to the Weavers block, on site wastewater disposal is suggested for sites of around 1000m². Further assessment of on-site treatment capacity and the size of houses proposed is required to determine if this is feasible.

448. He concluded:

The development is likely to be able to be serviced for the Three Waters subject to further assessment...

4.5.2 Analysis

4.5.2.1 National Policy Statements

449. I agree with the evidence of Lucy Smith, that the proposed rezoning is consistent with Objective 3 of the NPS-UD, in that Huntly is located in close proximity to both Auckland and Hamilton (Tier 1 urban environments), and Huntly is a town centre¹² in itself, with many employment opportunities. The area is in the vicinity of public transport routes (an approximately 30 minute walk to the Tainui Bridge bus stop, on the Northern Connector

¹² Table 4: Future Proof and RPS hierarchy of major commercial centres, Future Proof Strategy 2017.

route of the regional bus service). The Huntly township is also subject to considerable housing demand.

450. The proposed rezoning from Rural Zone to Village Zone is consistent with Objective 6, in that it is in line with strategic direction from the Future Proof Strategy, situated within the Urban Limits, and is responsive in providing development capacity. In respect to urban development decisions being integrated with infrastructure planning and funding decisions, as outlined earlier in this report, infrastructure in the Waikato District is primarily driven by demand, and developer-funded. The submitters evidence has demonstrated that the site can be serviced by the reticulated water supply, and that wastewater disposal can be provided on site. This has been confirmed by Roger Seyb. Therefore, on the basis that Huntly has existing infrastructure capacity, or is scalable to support development, and that the submitter has proposed onsite wastewater disposal that has been confirmed as feasible, the submission is consistent with this aspect of Objective 6 of the NPS-UD.
451. Policy 1 of the NPS-UD requires well-functioning urban environments that have good accessibility between housing, jobs, community services, natural spaces, and open spaces, which includes by way of public or active transport. It also directs that planning decisions support competitive land and development markets. The proposal is consistent with this policy, as the site is near to the Huntly town centre (a circa 5 minute drive, or 15 minute cycle journey) and is in close proximity to a number of natural and open spaces (such as Lake Puketirini and reserve and Lake Waahi). I consider that greenfield zoning such as proposed by the submitter removes a barrier to development, and helps drive competitive land markets.
452. The NPS-UD 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 term¹³. In addition, they must provide a competitiveness margin of 20% in the short and medium terms, and 15% in the long term¹⁴. The rezoning of the subject site from Rural Zone to Village Zone, will provide additional development capacity (about 8 new lots) and therefore assist the Council to give effect to Policy 2 of the NPS-UD.
453. In her evidence, Lucy Smith emphasises the importance of Policy 6 (b), stating that the proposed rezoning will involve significant changes. She noted that:
- Such changes may detract from the amenity values appreciated by some residents, but will contribute to the appreciation of others, including future generations, who may be grateful for the available housing options, and the benefits of the site's proximity to Huntly and Lake Puketirini.*
454. I agree with Lucy Smith that the direction from Policy 6 should be taken into consideration when considering rezoning requests and potential effects to result from land use change.

4.5.2.2 Waikato Regional Policy Statement

455. I consider the submission to be consistent with Objective 3.12, Policy 6.1 and the 6A development principles, on the basis that the request to rezone Weavers Crossing to Village Zone, supports the existing urban area of Huntly, is contiguous with existing residential settlement, and the evidence of Hayden Vink has revealed that three waters servicing can be achieved at the site, with onsite wastewater treatment/disposal.

¹³ Policy 2 of the NPS-UD.

¹⁴ Subpart 5, 3.22 of the NPS-UD.

456. The Village Zone sought by Terra Firma Resources is consistent with Policy 6.14, in that the site is within the Urban Limits.
457. Policy 6.17 (c) directs that management of rural-residential development within the Future Proof area addresses the additional demand for servicing and infrastructure created by rural-residential development. As demonstrated from the evidence of Terra Firma Resources, and confirmed by Roger Seyb in his Technical Specialist review, the site is able to be serviced for water supply, and on site wastewater disposal is feasible option at the Weavers Crossing site. I acknowledge that this rezoning place further demand on the reticulated infrastructure, but note that Huntly has been confirmed to have existing, or planned capacity for residential development.
458. Objective 3.14 of the WRPS requires that the mauri and values of freshwater bodies are maintained and enhanced. I am satisfied from the evidence of Hayden Vink, and Technical Specialist Review of Roger Seyb, that any potential adverse effects on water quality and the mauri of freshwater bodies (namely Lake Puketirini, the receiving environment) can be adequately mitigated, with details stormwater mitigation measures confirmed during the consenting process.

4.5.2.3 Iwi Management Plans

459. I consider that positive environmental and cultural effects can be achieved at the Weavers Crossing site if rezoned to Village Zone, as directed by the Maniapoto Environmental Management Plan and the Waikato-Tainui Environmental Plan. The iwi environmental management plans provide specific direction in relation water quality, seeking that water quality is such that fresh waters within their rohe are drinkable, swimmable, and fishable, that the mauri of the water is enhanced, and that Te Mana o Te Wai is protected. I consider that the measures proposed by the submitter, in particular in relation to stormwater, can appropriately mitigate any potential adverse effects on the receiving environment of Lake Puketirini, and its mauri and unique values can be protected.

4.5.2.4 Future Proof and Waikato 2070

460. As shown in Figure 40 below, the site is within the Urban Limits outlined in the Future Proof Strategy 2017.



Terra Firma Resources (732.1): Weavers Crossing
Future Proof and Waikato 2070

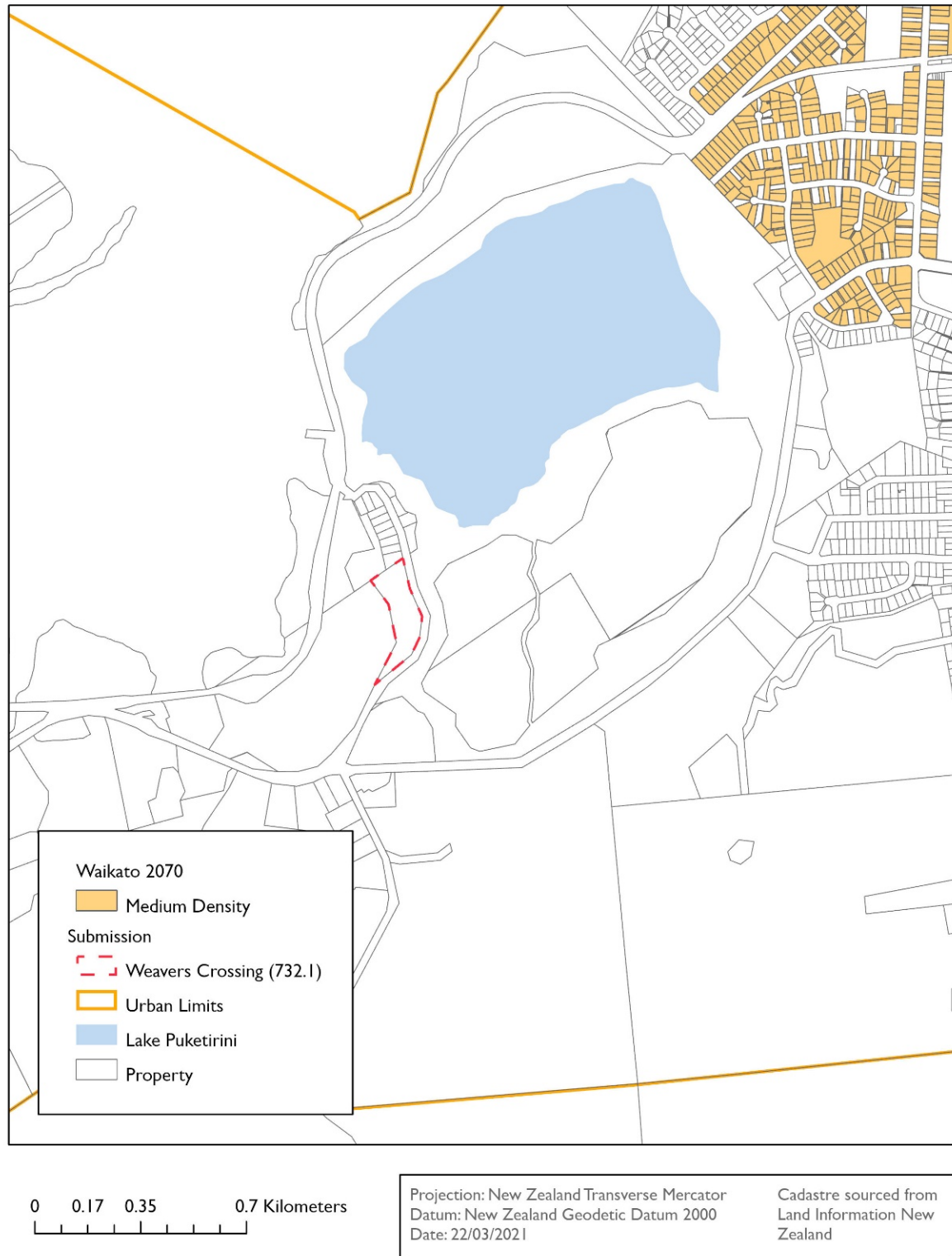


Figure 40 Land which is the subject of the submission by Terra Firma Resources Ltd (732.1) and Future Proof and Waikato 2070

461. As can be seen in Figure 40 above, the site is not within any of the Waikato 2070 growth cells for Huntly.

4.5.2.5 Vision and Strategy of the Waikato River

462. The site is located in the Waikato River Catchment. As described in the evidence of Hayden Vink, surface flows from the Weavers Crossing site are collected, and discharge via an existing culvert under the road to a tributary stream, that enters Lake Puketirini. However, the submitter has noted that the proposed developments receiving environment, Lake Puketirini, discharges into Lake Waahi, which in turn discharges to the river.
463. I am satisfied from the submitter's evidence, in particular the stormwater management measures proposed, that future development of the site can be managed in a way that will not result in significant adverse effects on the Waikato River.

4.5.2.6 Proposed Waikato District Plan

464. Table 18 below provides an assessment of the submission to rezone against the relevant objectives and policies of the Proposed District Plan.

Table 18 Preliminary analysis of submission by Terra Firma Resources Ltd (732.1) against the relevant objectives and policies of the PWDP

Relevant PWDP Objectives and Policies	Preliminary analysis
Growth occurs in defined growth areas 1.5.2(a)	<p>It is my understanding that when assessing a proposal against provision 1.5.2(a), s42A officers considering rezoning requests should interpret 'defined growth areas' to mean those outlined in the Future Proof Strategy.</p> <p>The submission site on Weavers Crossing Road is within the Indicative Urban Limits (as shown on Figure 40) as defined by the Future Proof Strategy, therefore is consistent with this direction.</p>
Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently 1.12.8(b)(i)	<p>The areas identified for urban development are the zones discussed in Chapter 4 Urban Environment: Residential, Village, Business and Industrial.</p> <p>The Weavers Crossing site is zoned Rural under the Proposed District Plan, and is therefore not taking place in an area identified for the purpose of urban development.</p> <p>The District Plan directs future growth to be accommodated in urban environment zones, however failure to provide for growth outside of these areas would result in the PWDP not being able to meet development capacity requirements, and thus give effect to the NPS-UD.</p> <p>As demonstrated from the evidence of Terra Firma Resources, and confirmed by Roger Seyb in his Technical Specialist review, the site is able to be serviced for water supply, and on site wastewater disposal is feasible option at the Weavers Crossing site.</p>

	<p>I consider that the proposal is therefore consistent with this strategic objective.</p>
<p>Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. I.12.8(b)(ii)</p>	<p>The site is not adjacent to any existing urban environment zones, due to its physical constraints (it is situated between two lakes).</p> <p>The site is contiguous with an existing enclave of residential activity to the north, however this area is not considered to be urban in nature, but instead is characterised as the hinterland that surrounds the Huntly urban core (see Figure 10 of Stats NZ Functional Urban Areas).</p> <p>In the current context, the submission is not consistent with this direction, as it does not contribute to a more compact, well-connected urban environment.</p> <p>However, I note that Terra Firma Resources have also submitted requesting the rezoning of the Puketirini Block just east of the site (732.2). If this land was to be rezoned for residential purposes, then this would mean that development at Weavers Crossing would be contiguous with, and connected to the existing urban environment.</p>
<p>Focus urban growth in existing urban communities that have capacity for expansion</p> <p>I.12.8(b)(iii)</p>	<p>The Weavers Crossing site is located within the existing urban community of Huntly, which has the capacity for expansion.</p> <p>The site is suitable for development in that it is not characterised by any outstanding natural features or landscapes, natural character, significant natural areas, or amenity areas. The site is not an area of significance to Māori, nor does it contain any heritage items that I am aware of.</p> <p>The site is not contiguous with the existing pattern of residential development (with the exception of the small residential enclave to the north of the site), however it is a short distance from the town centre, where there are opportunities for employment, education, and the provision of public facilities.</p> <p>As described earlier, the site is able to be serviced by the reticulated water network, and wastewater disposal can be provided on-site.</p> <p>The submission is therefore consistent with this strategic direction in part, as the site is not contiguous with the existing residential area.</p>
<p>Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance.</p> <p>I.12.8(b)(vi)</p>	<p>As described above, the subject site does not contain any outstanding landscapes, or areas of cultural, ecological, historic, or environmental importance. This site is not covered by any hazard overlays.</p>

	<p>The site is currently zoned Rural and is used for producing haylage. The residential development of the site would inevitably mean a reduction in green open space, which is contrary to the strategic direction.</p> <p>The submission is therefore only consistent with this strategic direction, <i>in part</i>.</p>
<p>Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas'</p> <p>1.5.1(b)</p> <p>1.12.3(a)</p> <p>1.12.3(c)</p> <p>4.1.2(a)</p> <p>5.3.8</p>	<p>As described earlier, it is my understanding that 'defined growth areas' should be interpreted to mean those identified in the Future Proof Strategy, rather than the PWDP urban environment zones (Residential, Village, Business and Industrial).</p> <p>This avoids the scenario in which all submissions that have requested rezoning from Rural to some form of residential, are considered inconsistent with strategic objectives, because they are not within a PWDP urban environment zones.</p> <p>The site is situated within the existing town of Huntly, which is a key growth area, and is within the Indicative Urban Limits, as identified in the Future Proof Strategy 2017.</p> <p>The submission is consistent with these strategic objectives, <i>in part</i>, as it contributes:</p> <ul style="list-style-type: none"> a. to expanding an urban environment within a defined growth area (Urban Limits) b. to the protection of rural areas by focusing urban development inside the Huntly town boundary, and c. additional housing capacity in a location that is accessible to both employment and community amenities. <p>The proposal to rezone the Weavers Crossing site from Rural to Village Zone is for the most part inconsistent with Policy 5.3.8, for the reason that the predominant open space, character, and amenity of the rural area may be compromised.</p>
<p>Urban growth areas are consistent with Future Proof Strategy for Growth 2017</p> <p>4.1.3(b)</p>	<p>The site is located within the Urban Limits, as identified in the Future Proof Strategy 2017.</p>
<p>Infrastructure can be efficiently and economically provided</p> <p>4.1.3(a)</p>	<p>The site is not located within any of the Huntly Growth Cells, as identified in Waikato 2070. It is however, within the Indicative Urban Limits, as defined in the Future Proof Strategy 2017.</p> <p>In addition, the evidence of Hayden Vink, and Technical Specialist Review by Roger Seyb, has demonstrated that there are feasible options available for three waters servicing of the Weavers Crossing site, with wastewater disposal to be provided on-site.</p>

<p>Subdivision, use and development within the rural environment where:</p> <ul style="list-style-type: none"> (vii) high class soils are protected for productive rural activities; (viii) productive rural activities are supported, while maintaining or enhancing the rural environment (ix) urban subdivision, use and development in the rural environment is avoided. <p>5.1.1 Objective – The rural environment</p> <ul style="list-style-type: none"> (m) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages (n) Ensure development does not compromise the predominant open space, character, and amenity of rural areas (o) Ensure subdivision, use and development minimise the effects of ribbon development. (p) Rural hamlet subdivision and boundary relocations ensure the following: <ul style="list-style-type: none"> (i) Protection of rural land for productive purposes; (ii) Maintenance of the rural character and amenity of the surrounding rural environment; (iii) Minimisation of cumulative effects. (q) Subdivision, use, and development opportunities ensure that rural character and amenity values are maintained (r) Subdivision, use, and development ensures the effects on public infrastructure are minimised. <p>5.3.8 Policy</p>	<p>As described earlier in this report, in relation to Objective 5.1.1, the Framework Report reached the stance that urban development in rural environments should only occur around existing towns (within the Urban Limits). It is within the Urban Limits.</p> <p>While the rezoning from Rural to Village Zone is inevitably contrary to Objective 5.1.1, in particular clause (iii), it aligns with the District's intention for future development, as demonstrated by the Future Proof Strategy.</p> <p>The submission is broadly consistent with clause (ii) of Objective 5.1.1 and (a) of Policy 5.3.8, on the basis that providing for residential development within the boundaries of the existing Huntly urban environment, means that adverse effects on the rural environment are able to be minimised.</p> <p>The rezoning proposal is inconsistent with policies 5.3.1(a), 5.3.4(a) and 5.3.8(b) because the establishment of a Village Zone over the site will unavoidably and unsurprisingly, result in a loss of open green space, rural character, and amenity.</p>
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4.5.3 Provisional recommendations

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

Accept the submission by Terra Firma Resources (732.1) to the extent that the site at Weavers Crossing Road, is amended to be zoned Village Zone.

4.5.4 Provisional recommended amendments

466. The following amendments are recommended:

Amend the zoning at Weavers Crossing Road from Rural to Village Zone, as shown in Figure 41.



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

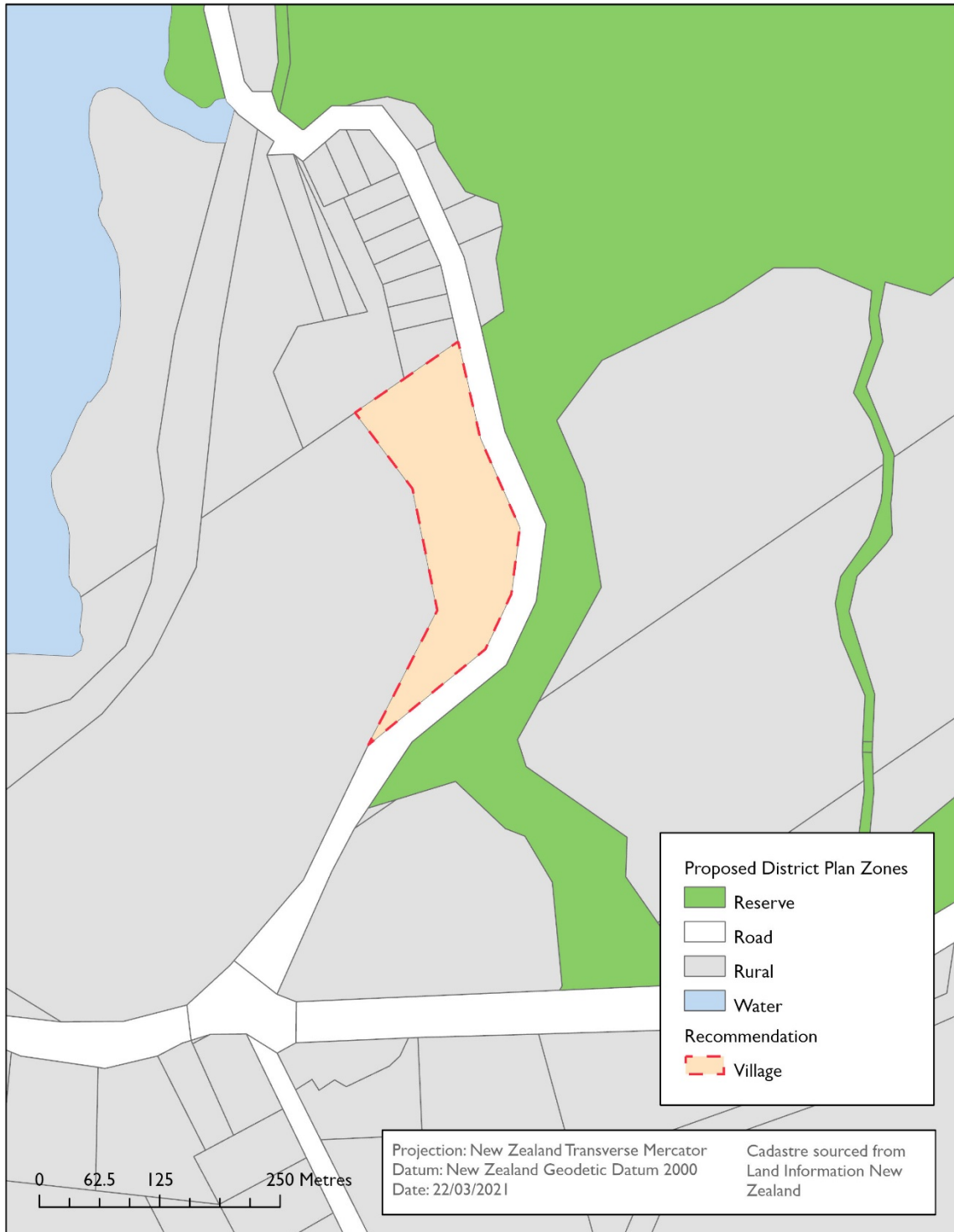


Figure 41 Recommendation to rezone land which is the subject of the submission by Terra Firma Resources Ltd (732.1) from Rural Zone to Village Zone

4.5.4.1 S32AA evaluation

467. The submitter provided a s32AA evaluation report as part of their evidence.

468. The scale and significance is local, and considered minor to moderate.

4.5.4.1.1 Other reasonably practicable options

469. The reasonably practicable options, as identified by the submitter in their s32AA evaluation, in relation to this site, include:

- a. Rural Zone (status quo)
- b. Country Living Zone
- c. Village Zone (the recommended amendment in this report)
- d. Residential Zone
- e. Medium Density Residential Zone (MDRZ)
- f. Future Urban Zone (FUZ)

470. I agree with the analysis undertaken by the submitter, that the options of Village Zone, or retaining Rural Zone (and seeking resource consent for residential development), present the most practicable options. I do not consider the Country Living Zone to be a viable option based on the strong direction from higher order documents to avoid rural-residential type development.

4.5.4.1.2 Effectiveness and efficiency

471. I consider that the Village Zone, as recommended, is the most effective and efficient way in which to achieve the objectives of the Proposed Waikato District Plan, by enabling residential development within the Urban Limits.

4.5.4.1.3 Costs and benefits

472. I agree with Terra Firma Resource's analysis, that the Village Zone will contribute development capacity, and make a positive contribution to the well-functioning urban environment of Huntly.

473. The costs of Village zoning over the site include the potential for landscape and amenity effects, precedent effect in relation to the 'spot zoning' of the site, and for the preclusion of intensive residential development in the future. The option of retaining the Rural Zone over the site which will require resource consent for development, does not contribute development capacity, nor does it provide certainty for the community or housing market.

474. Both the Village Zone, and the Rural Zone are characterised by the cost of providing wastewater disposal services on-site, as well as mitigation measures at the subdivision consenting stage, to address the three waters or geotechnical matters raised in evidence.

4.5.4.1.4 Risk of acting or not acting

475. In their s32AA assessment, the submitter has outlined the key risk of acting in respect to the Village Zone, to be the potential for precedent effect for the establishment of other Village 'spot zones'. In his evidence, Michael Carter also noted the potential influence from slow rate retreat of the Weavers Crossing embankment.

476. The risk of not acting is that the Proposed District Plan does not sufficiently provide for housing capacity in Huntly, however this risk is considered low, due to the smaller land area at Weavers Crossing.

4.5.4.1.5 Decision about most appropriate option

477. I concur with Terra Firma Resource's s32AA evaluation that the option of Village Zone is considered the most appropriate option, in that it is in keeping with the smaller lot, unserviced existing development at Weavers Crossing, and will provide additional housing capacity to help meet the demand currently being experienced in Huntly and the wider district.
478. For the reasons above, the amendment to the zoning at the Weavers Crossing site is considered to be the most appropriate way to achieve the objectives of the PWDP.

4.5.5 Puketirini Block

479. Terra Firma Resources (732.2) submitted in opposition of the notified Rural zoning of what is referred to as the 'Puketirini Block', legally described as Pt lot 2 DPS 61669 and Pt Sec 1 SO 58281 (but excluding the 154m² triangle of land to the east of Weavers Crossing Road).
480. Figures 38 and 39 earlier in this report, show the land which is the subject of this submission and the Proposed Waikato District Plan zoning, as notified.
481. The submitter requested Puketirini Block be rezoned to either Village Zone or Residential Zone, or a combination of the two. It also requested that in either of these scenarios, the rezoning is also to include two smaller Business Zones to enable the establishment of compatible activities, such as a cafe.

The reasons provided by the submitter were that the site is suitable for medium or high density residential development.

482. Two further submissions were received in opposition to Terra Firma Resources (732.2) rezoning proposal. Mercury NZ Limited (FS1387.811) opposed the submission on the basis that at the submission was lodged, neither natural hazard flood provisions nor adequate flood maps were available. Mercury considered it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework.
483. Waikato Regional Council (FS1277.48) also submitted in opposition, because they considered that decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete. However, in their evidence Waikato Regional Council stated their provisional support for the submission.

4.5.5.1 Scope

484. It is my understanding that in relation to part of the site that was requested to be zoned Residential or Village Zone, scope is considerably expansive, between the Proposed District Plan Rural Zone as notified (which includes the Country Living Zone), and any notified urban zone (Village Zone or Residential Zone).
485. For the parcel identified to be rezoned Business Zone, scope is limited to either the Rural Zone as notified, or the Business Zone, as requested by the submitter.

4.5.5.2 Background information

4.5.5.2.1 Land use history

486. The Puketirini Block is part of the site of the former Solid Energy Mine (previously named Weavers Opencast Mine). The mine closed in 1993 and the rehabilitation process included

contouring and soil placement on the overburden dumps, riparian planting, and filling of the final pit void to create Lake Puketirini. The lake has been used for recreation since 2003.

487. During the previous District Plan Review in 2004, the Puketirini Block was zoned from Rural to Recreation. Solid Energy Ltd requested that the land be rezoned back to Rural, as the operative zoning of Recreation meant that it was not possible to sell the land to anyone other than the District Council¹⁵.
488. In May 2017, Solid Energy completed a geotechnical report (desktop assessment) to inform potential future use of the site¹⁶. The assessment found that Area 3, which contains the Puketirini Block, is unsuitable for subdivision or building development, due to the history of mining disturbances.
489. As a result, in June 2017, the General Manager Strategy and Support recommended to the Strategy and Finance Committee that the land be rezoned from Recreation to Rural Zone in the current District Plan review, as this was deemed the only suitable zoning for the site due to the geotechnical constraints.

4.5.5.2.2 *Surrounding environment*

490. The Puketirini Block is entirely surrounded by the Reserve Zone, which is comprised of a network of trails and extensive vegetation and planting. The subject site is intersected by a sliver of land zoned Reserve, which contains a planted path from the south of the site, towards the lake.
491. Beyond the Reserve Zone, the site is bound by Rotowaro Road to the south and east, Lake Puketirini to the north, and Weavers Crossing Road to the west. Southwest of Rotowaro Road the land is zoned Rural, while southeast is zoned Industrial, Business and Residential (at the intersection with Porritt Avenue). Northeast of the site is for the most part, zoned Residential.

4.5.5.2.3 *Relevant overlays*

492. There are no relevant notified overlays over the site.

4.5.5.2.4 *Stage 2 Hazards*

493. The only Stage 2 Hazard relevant to the Puketirini Block is the Defended Area, which covers a minimal portion of the site, over the northeast corner.

4.5.5.2.5 *Infrastructure*

494. The Puketirini Block is not currently connected to the existing water supply and wastewater network.
495. The Utilities Map shows a water main to extend as far as 71 Rotowaro Road, adjacent to the north east corner of the site. In the vicinity, water mains and wastewater lines service the properties on Blundell Place, Porritt Avenue, Mary Street and Alexandra Street. A water main line also traverses to industrial properties at 113 and part of 137 Rotowaro Road.

¹⁵ Recommendation from General Manager Strategy and Support on rezoning of Solid Energy Lake Puketirini

¹⁶ Solid Energy NZ Ltd geotechnical report on Lake Puketirini

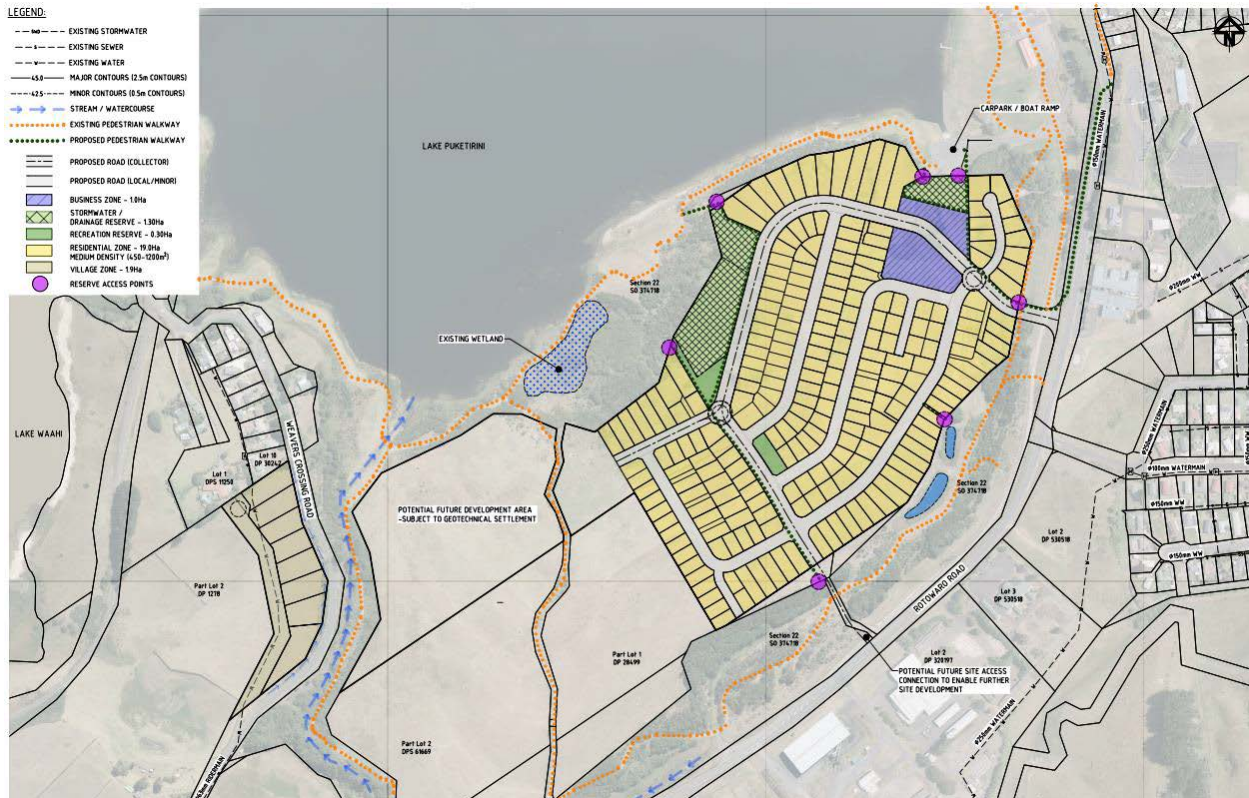


Figure 43 Terra Firma Resources proposed Concept Plan for the Puketirini Block

498. In addition to the evidence of Lucy Smith and Craig Smith (both directors of the company Terra Firma Resources), the submitter lodged five statements of evidence in relation to their submission (732.2). This included: a geotechnical assessment, three waters engineering assessment, an Integrated Transport Assessment, Preliminary Site Investigation, and a s32AA Evaluation Report.

4.5.5.3.1 Geotechnical

499. In his statement of evidence, Michael Carter (representing Raglan Geotech) concluded that based on ultimate bearing capacity:

- a. In the north east sector of the site, approximately 70% of the total area is considered adequate for the construction of residential buildings, and
- b. In the south west sector of the site, specific engineering of building foundations would be required.

500. As described earlier, this was primarily the cause for the revision of the rezoning extent for the Puketirini Block.

4.5.5.3.2 Three waters

501. In his statement of evidence, Hayden Vink (representing Wainui Environmental) concluded:

Overall, the subject site area is considered to present feasible opportunities for three waters services to enable the planned residential development.

502. With respect to stormwater, he recommended a stormwater management system for the main residential development site in the Puketirini Block, comprising capture and diversion of all urban runoff via a reticulated piped network discharging into two stormwater treatment

wetlands. Hayden Vink considered this method to be appropriate in ensuring that any potential adverse water quality effects within Lake Puketirini are avoided.

503. In relation to wastewater, the existing WDC municipal water and wastewater networks extend close by to the development site, with opportunity for these networks to be extended to service the development area. Hayden Vink stated that confirmation of these service connections will be subject to further consultation and assessment with Watercare Services Ltd, to confirm the preferred service connection points and any potential downstream network constraints which may require upgrading to accommodate the additional development demands.
504. Hayden Vink stated that the development intends to establish water connection via an extension of the public supply network, which currently extends to the western outskirts of Huntly in proximity to the site. He concluded that:

Initial consultation with Watercare Services Ltd did not identify any concerns or constraints in regard to connection to the existing water supply network. However, further investigations will be required to determine an appropriate water supply connection point for the development and any potential network capacity restrictions.

4.5.5.3.3 Traffic

505. The statement of evidence by Craig Smith included an Integrated Transportation Assessment (ITA) prepared by CKL Surveyors Ltd, which concluded that:

... site traffic volumes, combined with assumed 2% per annum growth from other sources to the year 2033, can be accommodated without adversely affecting the operation of the network.

506. The ITA recommended that a new intersection is established as part of the development on Rotowaro Road, and that an existing unformed access is recommended to be retained for emergency access to serve the rezoned land.
507. It also recommended a number of infrastructure upgrades to support the development of the land, which included:
- a. *A new collector road network providing access to the rezoned area from Rotowaro Road, supported by a network of local roads and laneways within the rezoned area.*
 - b. *As a minimum, a priority t-intersection should be provided between a collector road and Rotowaro Road approximately 140 m north of Porritt Avenue. Depending on the future intensity and staging of development, this intersection may need to be a small urban roundabout and consideration may need to be given to providing a second access intersection further to the south.*
 - c. *Provision of an appropriate walking and cycling network within the rezoned land and connecting the site with urban Huntly. Options exist to utilise either Rotowaro Road or the existing reserves and the details of this can be confirmed at subdivision consent stage.*
 - d. *In consultation with Waikato District Council, a review of the speed environment along Rotowaro Road with a view to extending the existing 50km/h zone approximately 700m further west.*
508. The ITA concluded that with these measures in place, the anticipated traffic effects arising from development of the land from Rural to Residential, with supporting commercial activities, can be accommodated by the surrounding transportation network with no loss of function or safety. The delivery of the above infrastructure can be governed through the subdivision

consenting process and it is not considered necessary to provide any specific zone rules around infrastructure delivery.

4.5.5.3.4 Contaminated Land

509. The statement of evidence by Craig Smith included a Preliminary Site Investigation prepared by Contaminated Site Investigation (CSI). A historical appraisal of activities on the site and an on-site assessment and concluded that:

There is a low risk to human health and the environment, as there are no identified potential contaminants or hazards and, it is highly unlikely that there will be a risk to human health if the site is developed into the more sensitive land use of residential.

4.5.5.3.5 Lucy Smith and Craig Smith

510. In his statement of evidence, Craig Smith noted that the Puketirini Block has good connectedness to Huntly township via the Tainui Bridge, which is only 900 metres from the eastern corner of the site. He stated that:

The main Huntly shops are approximately 1.5 km away, and it is feasible that residents could walk or cycle to and from the town.

The commuter rail system connecting Hamilton and Huntly to Auckland will further enhance Huntly... The Puketirini Block is ideally suited to help meet this market.

511. In the statement of evidence by Lucy Smith, she outlined the features of the intended development of the Puketirini Block to include:

- a. a variety of lot sizes, ranging from 450m² to 1,200m²
- b. a total of approximately 200 lots
- c. stormwater treatment wetlands on the northern fringe
- d. reticulated water and wastewater supply
- e. a new accessway off Rotowaro Road
- f. additional pedestrian and cycle access to the reserve.

512. Lucy Smith stated that the proposed rezoning of the Puketirini block will require a new Residential Zone restricted discretionary rule specifically for subdivision of this land, prescribing a minimum lot size of 450m² and the development of a structure plan to support a subdivision consent application. She proposed that the new area created by the rezoning is referred to as the 'Puketirini Residential Zone'.

513. She proposed that the structure plan process and associated provisions, supports the subdivision consent application.

4.5.5.4 Peer review of expert evidence

514. I have requested peer reviews of the expert evidence prepared by:

- a. Hayden Vink, in relation to stormwater, wastewater and water supply (29 January 2021), and
- b. Michael Carter, in relation to geotechnical evidence (10 February 2021).

515. I am awaiting the completion of peer review of the geotechnical evidence. Until that peer review is completed, I rely on the expert evidence prepared by Michael Carter, and my recommendation on this submission is provisional.

516. A Technical Specialist Review was prepared by Roger Seyb (Beca Ltd) for Waikato District Council, in relation to rezoning requests by Terra Firma Resources (732.1 and 732.2). This review is appended to this report as Appendix 3.2.

517. In his review, Roger Seyb stated that:

In terms of stormwater infrastructure there are limited issues. Appropriate methods for water quality management are available and can be developed through future stages of consenting and design.

It is likely that an engineering solution can be developed to allow servicing by water and wastewater networks subject to appropriate staging and agreement of funding for the development's contribution to network and treatment plant upgrades.

It is unknown whether the development site has already been included with Watercare's projections for the Huntly water treatment and wastewater treatment plants and therefore confirmation of this is required and if necessary appropriate staging identified.

518. He concluded:

The development is likely to be able to be serviced for the Three Waters subject to further assessment...

4.5.5.5 Analysis

4.5.5.5.1 National Policy Statements

519. I consider the rezoning request to be consistent with Objective 1, 2 and 3 of the NPS-UD, on the basis that the:

- d. Residential development of the Puketirini Block will contribute to achieving a well-functioning urban environment in Huntly, by providing new homes with a variety of sizes, and new business sites
- e. Proposal will support competitive land and development markets and assist in improving housing affordability, and
- f. Rezoning will enable more people to live in the urban environment of Huntly which has a high demand for housing, at a site that is contiguous with the urban core and close to public transport routes.

520. I also consider that the submission is consistent with Policy 1. My reasons for this are that the site is easily accessible to the Huntly town centre, places of employment and community services, and natural and open spaces (such as Lake Puketirini and reserve, and Lake Waahi). The development also intends to provide active modes of transport via a pedestrian and cycle path.

521. The additional ~ 200 lots proposed for this development will contribute significant development capacity to the town of Huntly, and is therefore consistent with Policy 2 of the NPS-UD.

522. I agree with the evidence of Lucy Smith, that the proposal is consistent with Objective 6, in that accepting the rezoning is a responsive decision, as the proposal enables significant development capacity. The decision to rezone the subject site from Rural to Residential and

Business is also considered strategic, as it aligns with the direction from the Future Proof Strategy.

4.5.5.2 Waikato Regional Policy Statement

523. Objective 3.12 directs that development of the built environment occurs in an integrated, sustainable, and planned manner, and Policy 6.1 states that this must happen in a way in which regard is had to the principles in 6A. These principles include direction for new development to support existing urban areas, connect well with existing and planned development and infrastructure, and promote compact urban form, design, and location. The submission is consistent with these provisions, in that it supports the existing urban area of Huntly, is adjacent to existing residential settlement, and the evidence of Hayden Vink states that there are feasible opportunities for three waters services to enable the planned residential development.
524. Objective 3.14 of the WRPS requires that the mauri and values of freshwater bodies are maintained and enhanced. I am satisfied from the evidence of Hayden Vink, and Technical Specialist Review of Roger Seyb, that any potential adverse effects on water quality and the mauri of freshwater bodies (namely Lake Puketirini, the receiving environment) can be adequately mitigated, with details stormwater mitigation measures confirmed during the consenting process.
525. The proposal is considered to be consistent with Implementation Method 6.1.8, in that the submitter has provided evidence which has clarified:
- a. the type and location of residential development
 - b. that the site presents feasible opportunities for three waters servicing
 - c. discussions with Watercare Services Ltd indicate that the proposed development can be serviced, in principle through extension of the existing network (further assessment is required)
 - d. multi-modal transport links and connectivity can be achieved
 - e. stormwater treatment methods can avoid impacts on the water quality of Lake Puketirini
 - f. Subdivision design, and retention of the Rural Zone over the south west block, can help to maintain rural character and amenity values of the area
 - g. The site is unlikely to present a risk to human health or the environment as a result of residential development (in relation to contaminated land)
 - h. Further geotechnical investigation is justified, and
 - i. Waahi Whaanui Trust do not oppose the proposal, as outlined in the Kaitiaki Environmental Impact Assessment.
526. The submission is also consistent with Policy 6.14, in that the site is within the Urban Limits.
527. Policy 6.16 directs commercial development is provided for within the Future Proof area, primarily through the encouragement and consolidation of activities in existing commercial centres. It requires that commercial development is managed to 'support and sustain the vitality and viability of existing commercial centres'.
528. I consider that the rezoning request is inconsistent with this direction, as the creation of a Business Zone over this 1 ha site has the potential to draw business away from the centre. It

is also isolated from the existing commercial centre of Huntly. For these reasons, I recommend that a Business Zone is not created in the Puketirini Block as proposed by the submitter, but that the entirety of the site is zoned Residential.

4.5.5.5.3 *Iwi Management Plans*

529. I consider that positive environmental and cultural effects can be achieved at the Puketirini Block if rezoned to Residential Zone, as directed by the Maniapoto Environmental Management Plan and the Waikato-Tainui Environmental Plan. The iwi environmental management plans provide specific direction in relation water quality, seeking that water quality is such that fresh waters within their rohe are drinkable, swimmable, and fishable, that the mauri of the water is enhanced, and that Te Mana o Te Wai is protected. I consider that the measures proposed by the submitter, in particular in relation to stormwater, can appropriately mitigate any potential adverse effects on the receiving environment of Lake Puketirini, and its mauri and unique values can be protected.

530. I consider the submission to be consistent with the directions in these plans.

4.5.5.5.4 *Future Proof and Waikato 2070*

531. As shown in Figure 44 below, the site is within the Urban Limits outlined in the Future Proof Strategy 2017.

532. The Future Proof Strategy directs that commercial and industrial development supports existing commercial centres, and is located so that it does not undermine the sub-regional areas of influence, which include Huntly. The relief sought by the submitter is inconsistent in respect to this direction, as the Business zoning sought is detached from, and has the potential to undermine, the existing commercial centre in Huntly.

533. The site is not within any of the Waikato 2070 growth cells for Huntly, and the submission is therefore inconsistent with that aspect of the strategy.



Terra Firma Resources Ltd (732.2): Puketirini
Future Proof and Waikato 2070

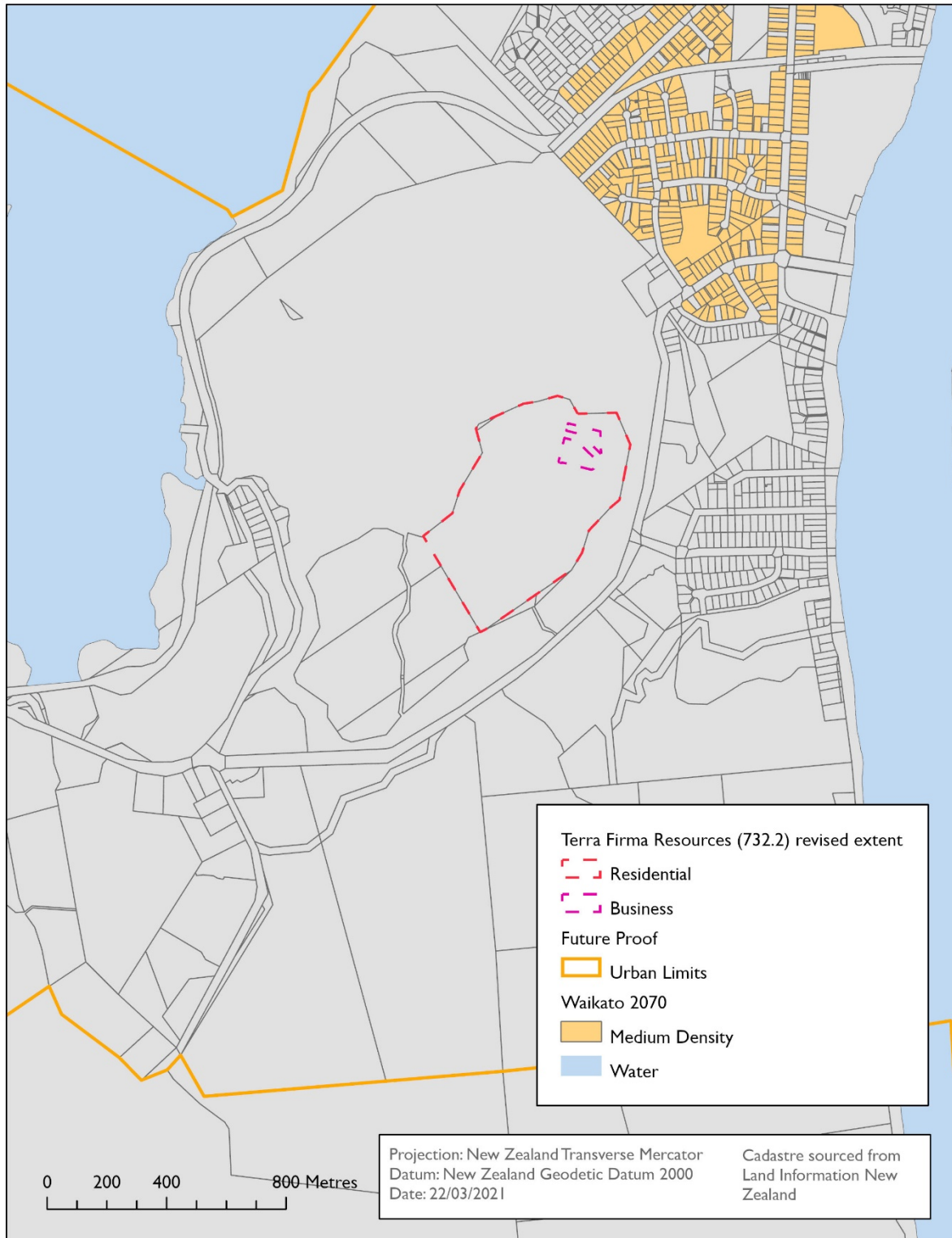


Figure 44 Land which is the subject of the revised submission by Terra Firma Resources (732.2) Future Proof and Waikato 2070

4.5.5.5.5 Vision and Strategy of the Waikato River

534. The site is located in the Waikato River Catchment. The submitter has noted that the proposed developments receiving environment, Lake Puketirini, discharges into Lake Waahi, which in turn discharges to the river.
535. I am however satisfied from the submitter's evidence, in particular the stormwater management measures proposed, that future development of the site can be managed in a way that will not result in significant adverse effects on the Waikato River.

4.5.5.5.6 Proposed Waikato District Plan

536. Table 19 below provides an assessment of the submission to rezone the Puketirini Block against the relevant objectives and policies of the Proposed District Plan.

Table 19 Preliminary analysis of submission by Terra Firma Resources Ltd (732.2) against the relevant objectives and policies of the PWDP

Relevant PWDP Objectives and Policies	Preliminary analysis
Growth occurs in defined growth areas I.5.2(a)	<p>It is my understanding that when assessing a proposal against provision I.5.2(a), s42A officers considering rezoning requests should interpret 'defined growth areas' to mean those outlined in the Future Proof Strategy.</p> <p>The submission site is within the Indicative Urban Limits as defined by Future Proof, and is therefore considered consistent with this direction.</p>
Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently I.12.8(b)(i)	<p>The District Plan directs future growth to be accommodated in urban environment zones, however failure to provide for growth outside of these areas would result in the PWDP not being able to meet development capacity requirements, and thus give effect to the NPS-UD.</p> <p>The submitter has provided evidence which has shown that there are feasible opportunities for three waters servicing.</p> <p>As demonstrated from the evidence of Terra Firma Resources, and confirmed by Roger Seyb in his Technical Specialist review, the site presents feasible opportunities for three waters services to enable the planned residential development. As described earlier in this report, upgrades to Huntly WWTP are planned for between 2026 and 2030. Further discussion will be undertaken with Watercare on whether the existing network infrastructure requires upgrading to meet the new water supply demand and can receive the increased wastewater discharge, which can be undertaken during the subdivision consenting stage.</p> <p>I therefore consider the proposal to be consistent with this strategic objective.</p>
Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. I.12.8(b)(ii)	<p>The Puketirini Block is within the rural hinterland (see Figure 10 of Stats NZ Functional Urban Areas) yet is contiguous with the existing urban environment of Huntly, with residential activity adjacent to the north east and east of the site.</p>

<p>Focus urban growth in existing urban communities that have capacity for expansion</p> <p>I.12.8(b)(iii)</p>	<p>The Puketirini Block is located within the existing urban community of Huntly, which has the capacity for expansion.</p> <p>The site is suitable for development in that it is not characterised by any outstanding natural features or landscapes, or significant natural areas. The site is not an area of significance to Maaori, nor does it contain any heritage items that I am aware of.</p> <p>The site is characterised by rural character, and the Lake and surrounding reserve provide important amenity value to the community of Huntly. However, I do not consider that the presence of these values should preclude development, as potential adverse effects can be addressed through the subdivision consent process.</p> <p>The site is contiguous with the existing pattern of residential development, and is a short distance from the town centre, where there are opportunities for employment, education, and the provision of public facilities.</p> <p>As described earlier, the site presents feasible opportunities for three waters services, with further assessment to be undertaken at the subdivision consenting stage.</p> <p>The submission is therefore consistent with this strategic direction.</p>
<p>Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance.</p> <p>I.12.8(b)(vi)</p>	<p>The site does not contain any outstanding landscapes, or areas of cultural or historic importance that I am aware of. The site is not covered by any hazard overlays.</p> <p>Lake Puketirini is a natural feature of ecological and environmental importance, and development in close proximity to the water body has the potential to result in adverse effects on the lake's values.</p> <p>I note that the matters that Council's discretion is restricted to when assessing a subdivision application in the Residential Zone, includes the 'likely location of future buildings and their potential effects on the environment' and the 'avoidance or mitigation of natural hazards'. I am therefore satisfied that development can take place in a manner in which potential adverse effects are avoided, remedied, and mitigated, and that this can be addressed at the subdivision phase of development.</p> <p>The Puketirini Block is currently used as grazed pasture, and therefore can be characterised as 'green open space'. The residential development of the site would inevitably mean a reduction in green open space, which is contrary to the strategic direction.</p> <p>The submission is therefore only consistent with this strategic direction, <i>in part</i>.</p>

<p>Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas'</p> <p>1.5.1(b)</p> <p>1.12.3(a)</p> <p>1.12.3(c)</p> <p>4.1.2(a)</p> <p>5.3.8</p>	<p>The site is situated within the existing town of Huntly, which is a key growth area, and is within the Indicative Urban Limits, as identified in the Future Proof Strategy 2017.</p> <p>The submission is consistent with these strategic objectives, in part, as it contributes:</p> <ul style="list-style-type: none"> d. to expanding an urban environment within a defined growth area (Urban Limits) e. to the protection of rural areas by focusing urban development inside the Huntly town boundary, and f. additional housing capacity in a location that is accessible to both employment and community amenities. <p>The proposal to rezone the Puketirini Block from Rural to Residential Zone is for the most part inconsistent with Policy 5.3.8, for the reason that the predominant open space, character, and amenity of the rural area may be compromised.</p>
<p>Urban growth areas are consistent with Future Proof Strategy for Growth 2017</p> <p>4.1.3(b)</p>	<p>The site is located within the Urban Limits, as identified in the Future Proof Strategy 2017.</p>
<p>Business town centres are maintained as the primary retail, administration, commercial service, and civic centre for each town</p> <p>4.5.3(a)(i)</p> <p>Discourage small scale retail activities, administration and commercial services within the Business Zone.</p> <p>4.5.8(ii)</p>	<p>The scale of the Business Zone sought by the submitter means that the Business Town Centre will remain the primary civic centre in Huntly.</p> <p>In her evidence, Lucy Smith outlines that Business Zone sought by Terra Firma Resources is intended to be a 'neighbourhood hub' and contain a café and office buildings. This is inconsistent with the direction of Policy 4.5.8, which seeks to discourage small scale activities such as this.</p>
<p>Infrastructure can be efficiently and economically provided</p> <p>4.1.3(a)</p>	<p>It is my understanding from Council, that within the Urban Limits of Huntly, there is either existing or planned infrastructure capacity in Huntly. In addition, the evidence of Hayden Vink has demonstrated that there are feasible options available for three waters servicing of the Puketirini Block, confirmed by Roger Seyb in his Technical Specialist Review.</p>
<p>Subdivision, use and development within the rural environment where:</p> <ul style="list-style-type: none"> (x) high class soils are protected for productive rural activities; (xi) productive rural activities are supported, while maintaining or enhancing the rural environment (xii) urban subdivision, use and development in the rural environment is avoided. 	<p>As described earlier in this report, in relation to Objective 5.1.1, the Framework Report reached the stance that urban development in rural environments should only occur around existing towns (within the Urban Limits). The block is within the Urban Limits</p> <p>While the rezoning from Rural to Residential is inevitably contrary to Objective 5.1.1, in particular clause (iii), it aligns with the District's intention for future development, as demonstrated by the Future Proof Strategy and Waikato 2070.</p> <p>The submission is broadly consistent with clause (ii) of Objective 5.1.1 and (a) of Policy 5.3.8, on the basis that</p>

<p>5.1.1 Objective – The rural environment</p> <ul style="list-style-type: none"> (s) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages (t) Ensure development does not compromise the predominant open space, character, and amenity of rural areas (u) Ensure subdivision, use and development minimise the effects of ribbon development. (v) Rural hamlet subdivision and boundary relocations ensure the following: <ul style="list-style-type: none"> (i) Protection of rural land for productive purposes; (ii) Maintenance of the rural character and amenity of the surrounding rural environment; (iii) Minimisation of cumulative effects. (w) Subdivision, use, and development opportunities ensure that rural character and amenity values are maintained (x) Subdivision, use, and development ensures the effects on public infrastructure are minimised. <p>5.3.8 Policy</p>	<p>providing for residential development within the boundaries of the existing Huntly urban environment, means that adverse effects on the rural environment are able to be minimised.</p> <p>The rezoning proposal is inconsistent with policies 5.3.1(a), 5.3.4(a) and 5.3.8(b) because the establishment of a Residential Zone over the site will unavoidably and unsurprisingly, result in a loss of open green space, rural character, and amenity.</p> <p>In her statement of evidence, Lucy Smith noted that the development is consistent with Policy 6 of the NPS-UD which directs that decision makers have particular regard to the fact that change can improve the amenity values appreciated by other people and by future generations, and also that change is not in itself an adverse effect.</p> <p>I have taken this into consideration when carrying out my assessment and recommendations.</p>
<p>.Rural character and amenity are maintained</p> <p>5.3.1 and 5.3.4</p>	

4.5.5.6 Provisional recommendation

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

Accept in part the submission by Terra Firma Resources (732.2) to the extent that the Puketirini Block is amended from Rural Zone to Residential Zone (as revised in evidence)

Reject in part the submission by Terra Firma Resources (732.2) to the extent that a Business Zone is created in the Puketirini Block

Reject the further submissions by Mercury NZ Limited (FS1387.811)

4.5.5.7 Provisional recommended amendments

538. The following amendments are recommended:

Amend the zoning at the Puketirini Block from Rural Zone to Residential Zone, as requested by the submitter, as shown in Figure 45 below.



Terra Firma Resources Ltd (732.2):
Puketirini Block

Recommendation: Rezone from Rural Zone to Residential Zone



Figure 45 Recommendation to rezone land which is the subject of the submission by Terra Firma Resources Ltd (732.2) from Rural Zone to Residential Zone

4.5.5.8 S32AA evaluation

539. The submitter provided a s32AA evaluation report as part of their evidence.
540. The scale and significance is local, and considered minor, on the basis that the rezoning proposal applies to a distinct area in Huntly.

4.5.5.8.1 Other reasonably practicable options

541. The reasonably practicable options, as identified by the submitter in their s32AA evaluation, in relation to this site, include:
- a. Rural Zone (status quo)
 - b. Country Living Zone
 - c. Village Zone
 - d. Residential Zone (the recommended amendment in this report)
 - e. Medium Density Residential Zone (MDRZ)
 - f. Future Urban Zone (FUZ)
 - g. Combination of FUZ and Residential Zone
 - h. Commercial Zone
542. Each of these options also includes the 1 ha Business Zone, as requested by Terra Firma Resources.
543. As described earlier in this report, the Rural Zone was justified on the basis that it was the only suitable option for zoning of the site, based on desktop geotechnical assessment of Lake Puketirini, which was the best information available at the time. Since notification of the PWDP, the submitter has commissioned a geotechnical assessment which included both a desktop analysis and direct field investigations, and concluded that the Puketirini Block is suitable for residential development of the Puketirini Block, for the most part (the submission extent was revised to reflect this).
544. Based on this evidence, and three waters evidence provided, I agree with the analysis undertaken by the submitter, that the options of zoning Residential, or FUZ, present the most practicable options. However, as described earlier in this report, I do not consider the spot zoning of Business within the site to be a viable option because it is inconsistent with the policy direction in the WRPS, Future proof, Waikato 2070 and PWDP.

4.5.5.8.2 Effectiveness and efficiency

545. I consider that the Residential Zone, as recommended, is the most effective and efficient way in which to achieve the objectives of the Proposed Waikato District Plan, by enabling residential development within the Urban Limit.

4.5.5.8.3 Costs and benefits

546. I agree with Terra Firma Resources' analysis, that Residential rezoning will contribute development capacity and make a positive contribution to the urban environment of Huntly. The application of FUZ over the site will have similar benefits, but considerably delayed.
547. The costs of Residential zoning over the site include the potential for landscape and amenity effects. I am satisfied from the evidence of Hayden Vink, and that through the subdivision

consent process, any potential adverse effects on Lake Puketirini can be avoided, remedied, or mitigated.

4.5.5.8.4 *Risk of acting or not acting*

548. In their s32AA assessment, the submitter has outlined the key risk of acting in respect to the Residential Zone, to be that development is delayed due to infrastructure not having been planned and provided for in the LTP.
549. I agree with the submitter's analysis, that the risk of not acting is that the Proposed District Plan does not sufficiently provide for housing capacity in Huntly. The approximately 200 lots signalled for the Puketirini Block provides a significant contribution to meeting NPS-UD requirements.

4.5.5.8.5 *Decision about most appropriate option*

550. For the reasons above, the amendment to the zoning at the Puketirini Block is considered to be the most appropriate way to achieve the objectives and the PWDP.

4.6 Request to rezone to Medium Density Residential Zone

551. As outlined in the Hearing 25 Zone Extents Future Urban Zone and Medium Density Residential Zone s42A Report (FUZ and MDRZ s42A report), eight submissions were received seeking the inclusion of a Medium Density Residential Zone (MDRZ). Eighteen further submissions were received in support of these primary submissions, and six further submissions were received in opposition. Please refer to the FUZ and MDRZ s42A for details of these submission.
552. Housing NZ Corporation (749.154), now referred to as Kāinga Ora, were one of the key submitters requesting the introduction of a MDRZ. They requested a MDRZ be added to the PWDP maps for the settlements of Huntly, Ngaruawahia, Pokeno, Raglan, Taupiri, Te Kauwhata, and Tuakau.
553. Figure 46 shows the proposed district plan zoning as notified, and Figure 47 below shows the land which is the subject of the original Kāinga Ora submission requesting rezoning in Huntly.

Proposed Waikato District Plan Proposed zoning (as notified)

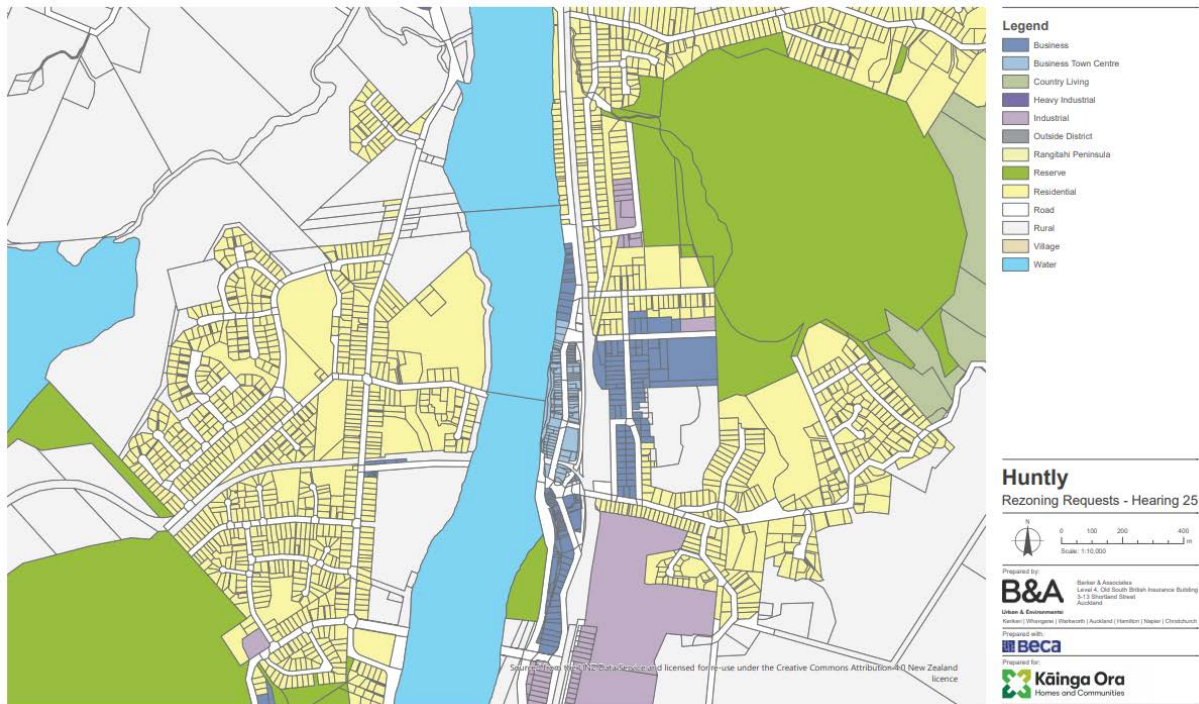


Figure 46 Proposed Waikato District Plan zoning as notified

Proposed Waikato District Plan Original MDR Zone request

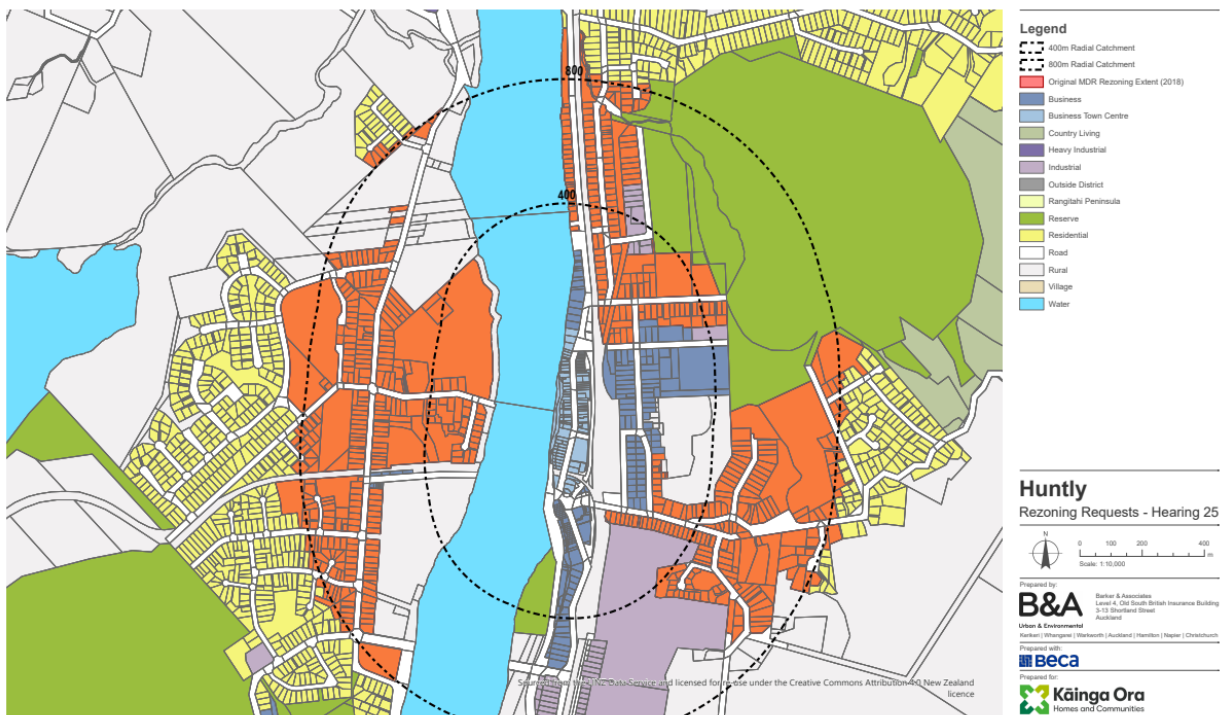


Figure 47 Land which is the subject of the original Kāinga Ora submission and PWDP zones as notified

554. The submission by Kāinga Ora is primarily addressed in the FUZ and MDRZ s42A report. In that report, Jonathan Cleave recommends that a MDRZ is introduced into the District Plan,

and that Huntly is suitable for intensified residential activity and expanded business development. He clarifies what is meant by 'medium density', which he defines as 2-3 storey townhouses, terraces, and low-rise apartments.

555. This report reviews the spatial extent of the zone as it relates to Huntly.

4.6.1 Submitter evidence

556. After feedback from the Panel was received as part of Hearing 10 on the Residential Chapter, Kāinga Ora provided a draft set of MDRZ provisions. A further refined set of MDRZ provisions was presented in their evidence.

557. The submitter revised the spatial extent proposed to be zoned MDRZ in their evidence, a reduction in area from the original submission. This was adjusted through the use of ground truthing, slope analysis, walking catchment analysis, natural hazard analysis, and intensification was sought by Kāinga Ora close to town centres, strategic transport corridors and in proximity to community services / amenities.

558. Figure 48 shows the revised extent of MDRZ sought in Huntly by Kainga Ora.

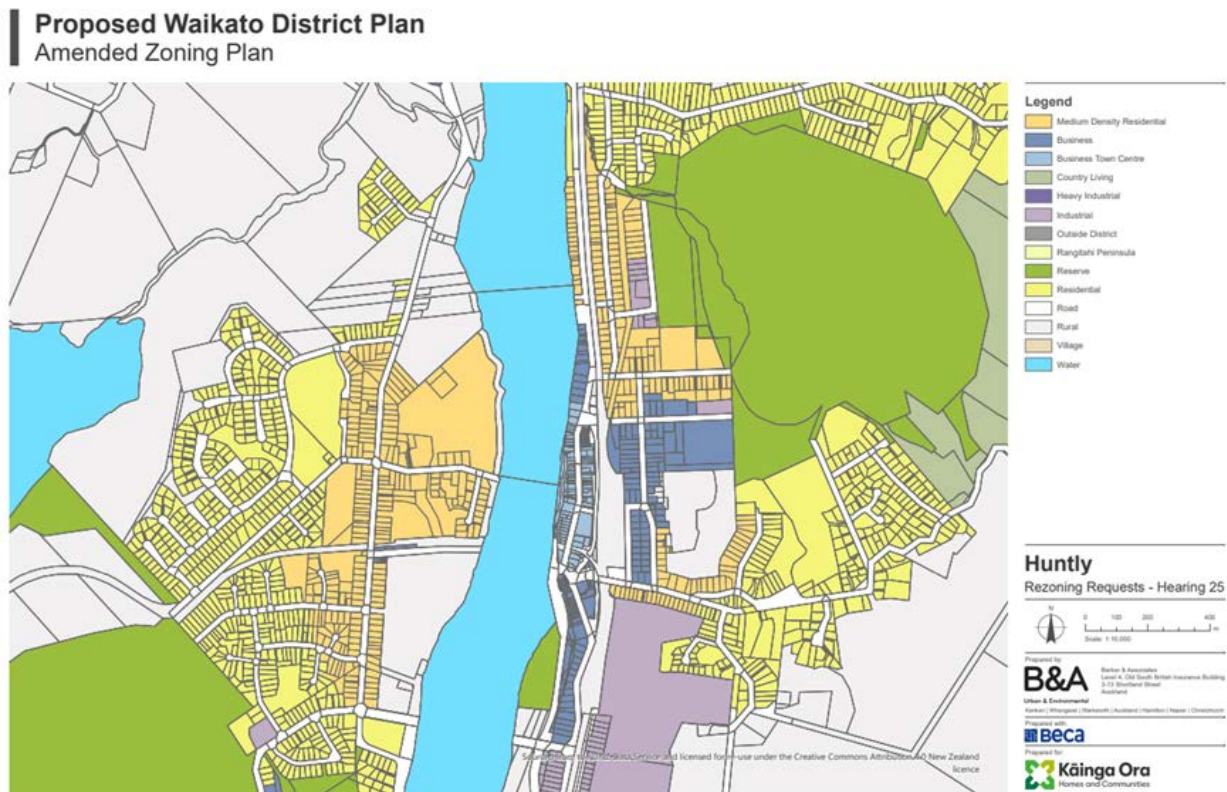


Figure 48 Land which is the subject of the Kāinga Ora submission, revised by their evidence, and PWDP zones as notified

559. In their evidence for Hearing 25, Kāinga Ora provide a Zone Extent Methodology and Assessment of the proposed MDRZ. The report describes there to be a clear policy framework from NPS-UD and the Waikato Regional Policy Statement to promote and enable residential intensification of existing urban areas. I agree with this statement, and that there is a particular focus on intensification taking place in areas that support the use of active modes of transport, reduce private vehicle use and contribute to more vibrant, well-functioning centres.

560. The spatial extent of MDRZ sought by Kāinga Ora is based on the use of an 800 metre walk catchment from the Business Town Centre Zone. Cam Wallace outlined how the catchment analysis resulted in a reduced area proposed for MDRZ in Huntly from 92.81 ha to 55.31 ha.
561. Major barriers to walkability, such as rail corridors, the Waikato River, and steep topography were considered. In the case of Huntly, the Waikato River significantly reduces the effective catchment. Natural hazards were identified, and described as an additional guide as to determining an appropriate spatial extent for more intensive residential zoning.
562. An amenity heat map which identified areas well accessible to a range of commercial services and community facilities was produced by Kāinga Ora. Huntly West was identified as a smaller neighbourhood centre characterised by a concentration of activities.
563. I agree with the analysis undertaken in the Zone Extent Methodology and Assessment, and the evidence of Cam Wallace.

4.6.2 Scope

564. It is my understanding that in relation to the request for a MDRZ over Huntly, scope is limited to the zoning extent provided in Kāinga Ora's original submission. The submitter has acknowledged this in their evidence, noting that the MDRZ as refined, is limited to within the extent of their original submission.

4.6.3 Analysis

4.6.3.1 Determining the geographic extent

565. In the FUZ and MDRZ s42A report, Jonathan Cleese outlines the direction in higher order documents such as the NPS-UD, WRPS and Waikato 2070, to support the concept of medium density development, and I agree with his analysis. He noted that intensification is directed to be provided for in locations that are:
- a. *Within a walkable catchment of the commercial centres of the larger townships (generally no more than 800m)*
 - b. *In townships where there is the potential for rapid public transport (which in a Waikato context is primarily the potential for a future regular Hamilton to Auckland commuter rail service)*
 - c. *In townships where existing network infrastructure capacity exists*
 - d. *As a component of greenfield master planned developments that achieve the required WRPS density targets and where the provision of communal open space or natural features such as wetlands or waterways can provide an amenity 'trade-off' for smaller private gardens*
 - e. *Able to avoid areas with high landscape, ecological, heritage or cultural values*
 - f. *Able to avoid areas where natural hazard risk (typically flooding) cannot be readily mitigated*
 - g. *Able to avoid areas that would give rise to significant reverse sensitivity issues with existing industry, regionally significant infrastructure, or other established activities that cannot be readily mitigated.*
566. Therefore, when making a recommendation on the submission to rezone areas of Huntly MDRZ, these are the matters that I have considered.

4.6.3.1.1 Walkable catchment of commercial centres

567. The majority of the land proposed to be rezoned MDRZ in Huntly by Kāinga Ora is within the 800 metre walking catchment from the Business Town Centre.
568. An exception to this is a large area of land in Huntly West. I agree with the evidence of Cam Wallace, that the area is well suited to intensification, due to the flat topography and concentration of amenities in this area (which include multiple schools, public open spaces, commercial services, and community facilities), as shown in Figure 49 below.

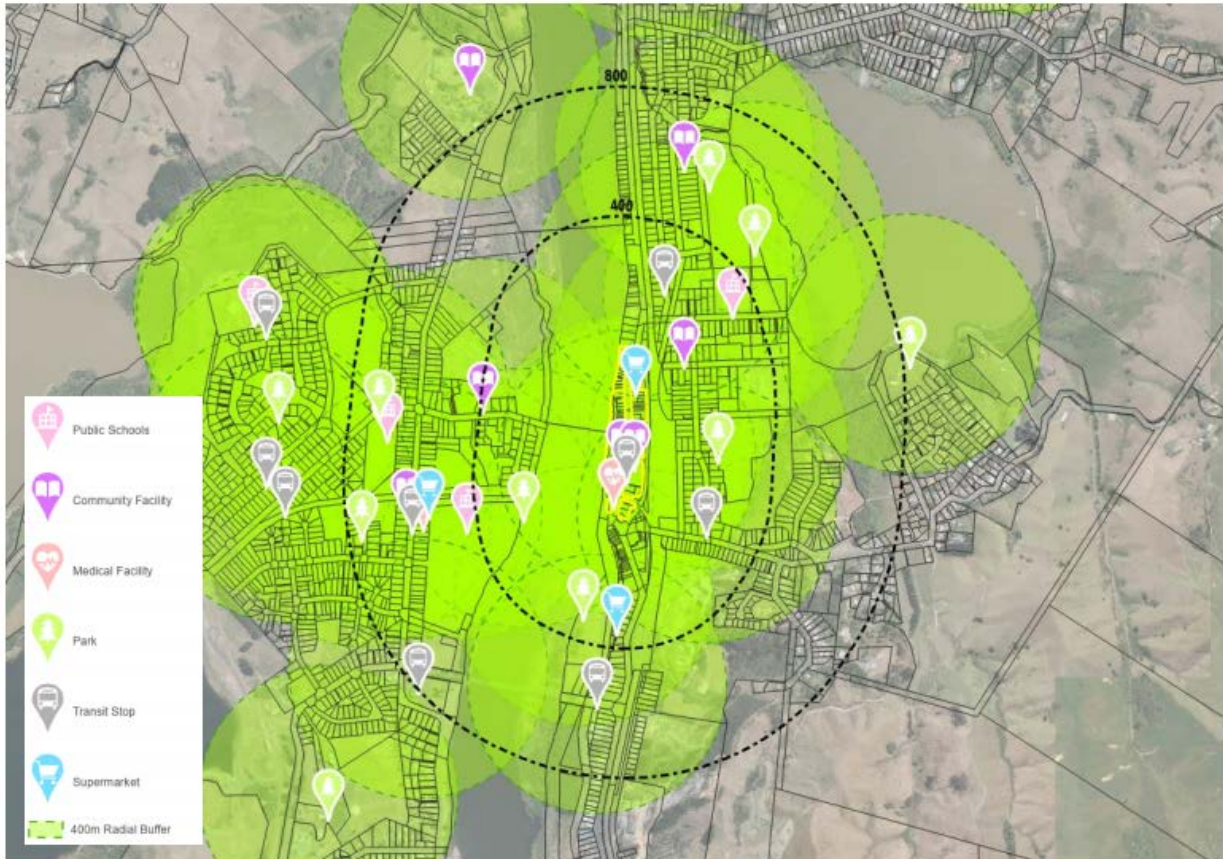


Figure 49 Amenities heat map presented in Kāinga Ora's evidence

569. In the south east of Huntly, an area within the 800 metre walking catchment was not included within Kāinga Ora's proposed MDRZ. In his evidence, Cam Wallace describes steeply rising topography to create a challenging walking environment, and considered:
- The ridgeline over which Rayner Road and Dudley Avenue extend provides a logical termination point for the MDRZ.*
570. While I agree with the submitter that the steep terrain does impact walkability, I consider that the MDRZ should extend to include the properties east of Dudley Avenue, with the area of native vegetation covered by a SNA overlay to the east providing a natural border for the MDRZ (see Figure 50).
571. My reasons for this, are that I do not consider these properties to be unduly constrained by the topography, so as to preclude their intensification. They are within the ~ 500 metre walking catchment, with reasonably simple access to the Huntly Town Centre. This area is also identified as within a Residential Activity Zone in Waikato 2070, for medium density (townhouse/duplex/terrace) development over the 3-10 year timeframe.



Housing NZ Corporation / Kainga Ora (749.154):
*Proposed MDRZ extent as revised by evidence, PWDP zones and
 recommended extension of MDRZ over the Dudley Avenue area*

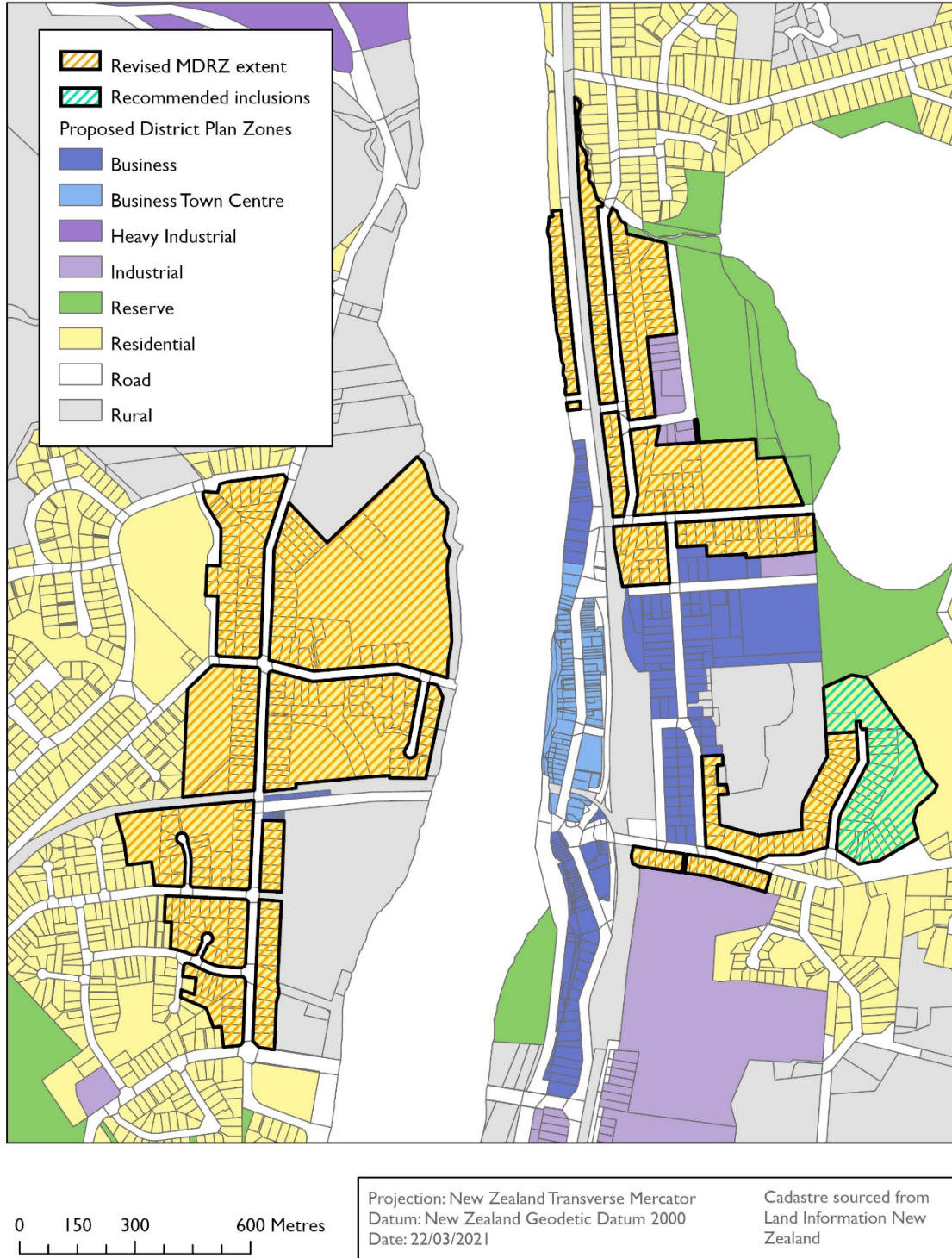


Figure 50 Proposed MDRZ extent as revised by evidence, PWDP zones as notified, and recommended extension to the MDRZ over the Dudley Avenue area

4.6.3.1.2 *Potential for rapid public transport*

572. The Te Huia passenger train service connecting Waikato to Auckland has recently launched, which stops at the Huntly Train Station. Based on direction from the higher order documents, Huntly is therefore ideally located for intensification, as it can maximise opportunities to support, and take advantage of a high quality public transport service.

4.6.3.1.3 *Existing network infrastructure capacity*

573. It is my understanding from Council, that in the case of Huntly, within the Urban Limits as defined in the Future Proof Strategy, there is either existing or planned infrastructure capacity.
574. In addition, many of the properties proposed by Kāinga Ora for rezoning to MDRZ are within a Waikato 2070 Medium Density Activity Zone, earmarked for development over the 3-10 year timeframe (Huntly West and Kimihia). This provides further indication that there is, or will be, infrastructure to enable this development.

4.6.3.1.4 *Communal open space or natural features*

575. As shown on Figure 49 above, there are a number of parks located in Huntly, distributed relatively evenly across the town. I agree with the analysis undertaken in the Zone Extent Methodology and Assessment, in relation to the identification of key amenities required to support intensified residential activity, which includes parks and open space. I consider that the MDRZ sought by Kāinga Ora is consistent with the direction to provide for communal open space and natural features.

4.6.3.1.5 *High landscape, ecological, heritage or cultural values*

576. As outlined by Jonathan Cleese in the FUZ and MDRZ s42A report, higher order documents direct that intensified development only occurs in locations where it is able to avoid areas with high landscape, ecological, heritage or cultural values.
577. A number of Heritage Items (some of which are designated) are located in the MDRZ extent being sought by Kāinga Ora, scattered around Huntly. I note that provisions of Chapter 16A: Medium Density Residential Zone sought by the submitter include a replica of the Historic Heritage provisions in the PWDP Residential Zone, with the exception of provisions relating to Heritage Precincts. I consider that these standards will be adequate to avoid significant adverse effects on Heritage Items.
578. A Heritage Precinct has also been identified within Kāinga Ora's proposed MDRZ in Huntly West, which contains the properties 33, 35, 37, 39, 41, 43, 45, and 47 Harris Street. As noted above, the provisions of Chapter 16A: Medium Density Residential Zone sought by Kāinga Ora do not include standards that apply to Heritage Precincts. I am unsure as to whether this was intentional.
579. Policy 7.1.4 seeks to:
- a. *Ensure the design of new buildings and structures and external alterations or additions to buildings are compatible with the setting, scale, detailing, style, materials, and character of the precinct and protect Heritage values within:*
 - i. *Matangi Heritage Precinct*
 - ii. *Huntly Heritage Precinct.*
580. In the absence of land use rules that manage activities in Heritage Precincts (such as the construction and alteration of buildings and signs), I consider that the application of the MDRZ over this Heritage Precinct has the potential to have adverse effects on heritage values. For

these reasons, I consider 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.

581. If standards applicable to Heritage Precincts are to be included within the provisions sought by Kāinga Ora, I consider that this would provide adequate protection of the heritage values within the precinct, and that a MDRZ over the site would be appropriate.

4.6.3.1.6 Natural hazard risk

582. A considerably sized area in Huntly West that Kāinga Ora seek to be rezoned MDRZ, is within the Stage 2 High Risk Flood Area and Flood Plain Management Area (see Figure 51 below).

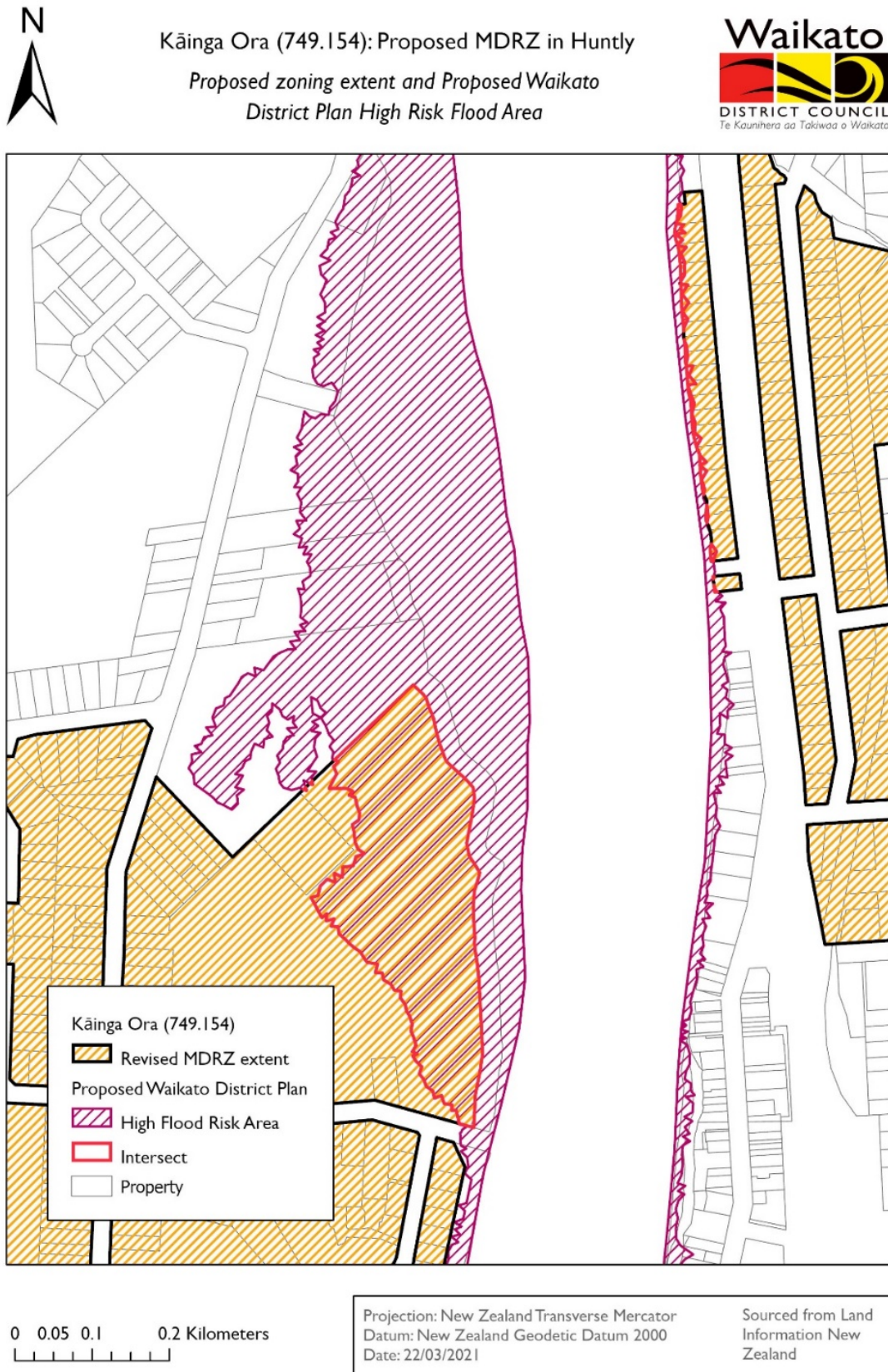


Figure 51 Proposed MDRZ extent as revised by the evidence of Kāinga Ora and PWDP High Risk Flood Area

583. The Stage 2 provisions of the PWDP provide strong direction that development should generally not occur in High Risk Flood Areas (Policy 15.2.1.1 and 15.2.1.6). Within the High

Risk Flood Area, subdivision, and the construction of a new building, are both non-complying activities.

584. In the Zone Extent Methodology and Assessment, Cam Wallace notes that:

Where additional constraints may exist on a site which impact on the ability to deliver new dwellings, the site should only be included within the zoning if there is sufficient developable land outside any constraint that could accommodate anticipated building forms within the zone. It is noted that the more stringent provisions of relevant overlays will apply in any event, thus discouraging or managing potential intensification on those parts of the site subject to identified constraints (e.g. flooding).

34. In Cam Wallace's evidence, he puts forward that zone boundaries should be aligned to existing cadastral boundaries, therefore avoiding split zoning. This is also the position taken in the Framework Report.
585. Based on the direction from higher order documents, and the objectives and policies of the PWDP, that intensification should avoid areas where natural hazard risk cannot be readily mitigated, and that development should generally not occur in High Risk Flood Areas, I consider that application of the MDRZ over the High Risk Flood Area overlay, as sought by Kāinga Ora, is inappropriate.
586. However, the parcel bound by Harris Street, Parry Street, and the Waikato River (as shown on Figure 51) is approximately 4 ha in size, has considerably flat topography, is in close proximity to a number of amenities in Huntly West, and is within a circa 500 metre walking catchment of the Business Town Centre. The site is therefore well suited to intensified residential development, and if zoned MDRZ, could provide a considerable contribution of development capacity for the town of Huntly.
587. For these reasons, I recommend that the land covered by the High Risk Flood Area overlay is excluded from the proposed MDRZ, and that the south west boundary of the High Risk Flood Area provides an edge to the zone over this site.

4.6.3.1.7 Reverse sensitivity issues

588. I do not consider there to be any reverse sensitivity issues that would preclude rezoning to MDRZ in Huntly, to the extent that Kāinga Ora have sought.

4.6.3.1.8 Additional constraints

589. In Huntly, Kāinga Ora's proposed MDRZ extent includes Huntly Primary School. I consider that the area bound by Park Avenue, Taihua Road and Onslow Street which contains the school should be excluded from the rezoning (see Figure 52).



Housing NZ Corporation / Kainga Ora (749.154):

Proposed MDRZ extent as revised by evidence, PWDP zones and recommended exclusion of the MDRZ from Huntly Primary School

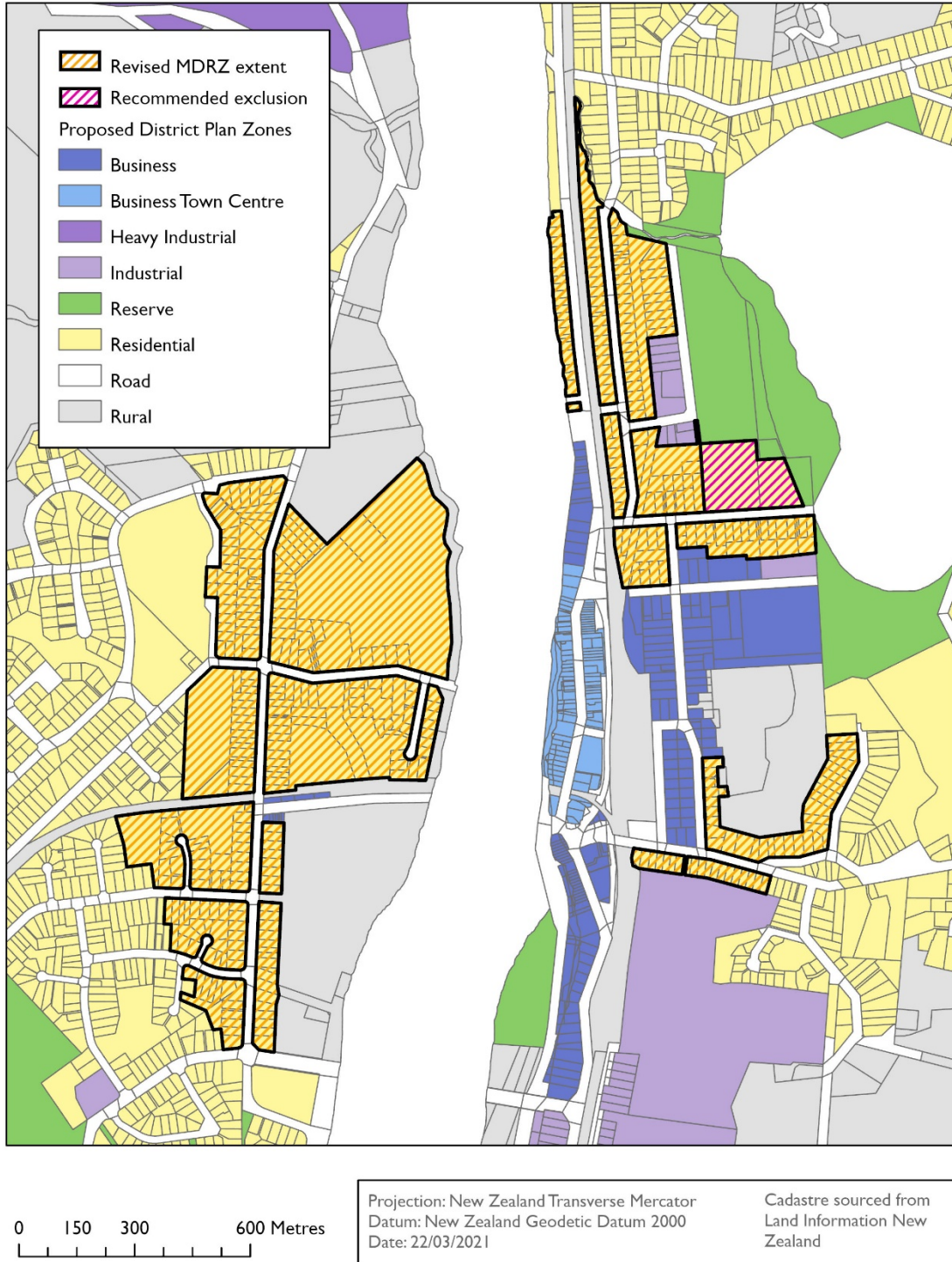


Figure 52 Proposed MDRZ extent as revised by evidence, PWDP zones and recommended exclusion of the MDRZ from Huntly Primary School

4.6.4 Recommendations

590. For the reasons above, I recommend that the hearings Panel:

Accept in part Kainga Ora [749.154]: to apply a Medium Density Residential Zone at Huntly.

4.6.5 Recommended amendments

591. The following amendments are recommended, as shown on Figure xxx:

Add a new Medium Density Residential Zone in Huntly, as per the evidence presented by Kainga Ora (749.154), but amend the extent proposed by the submitter so that:

- a. The Huntly Primary School is **excluded**
- b. The area between Harris Street and Parry Street, covered by the High Risk Flood Area is **excluded**
- c. The Heritage Precinct on Harris Street is **excluded**, and
- d. The properties along Dudley Avenue are **included**



Housing NZ Corporation / Kainga Ora (749.154):
 Recommendation: Rezone from Residential Zone to MDRZ

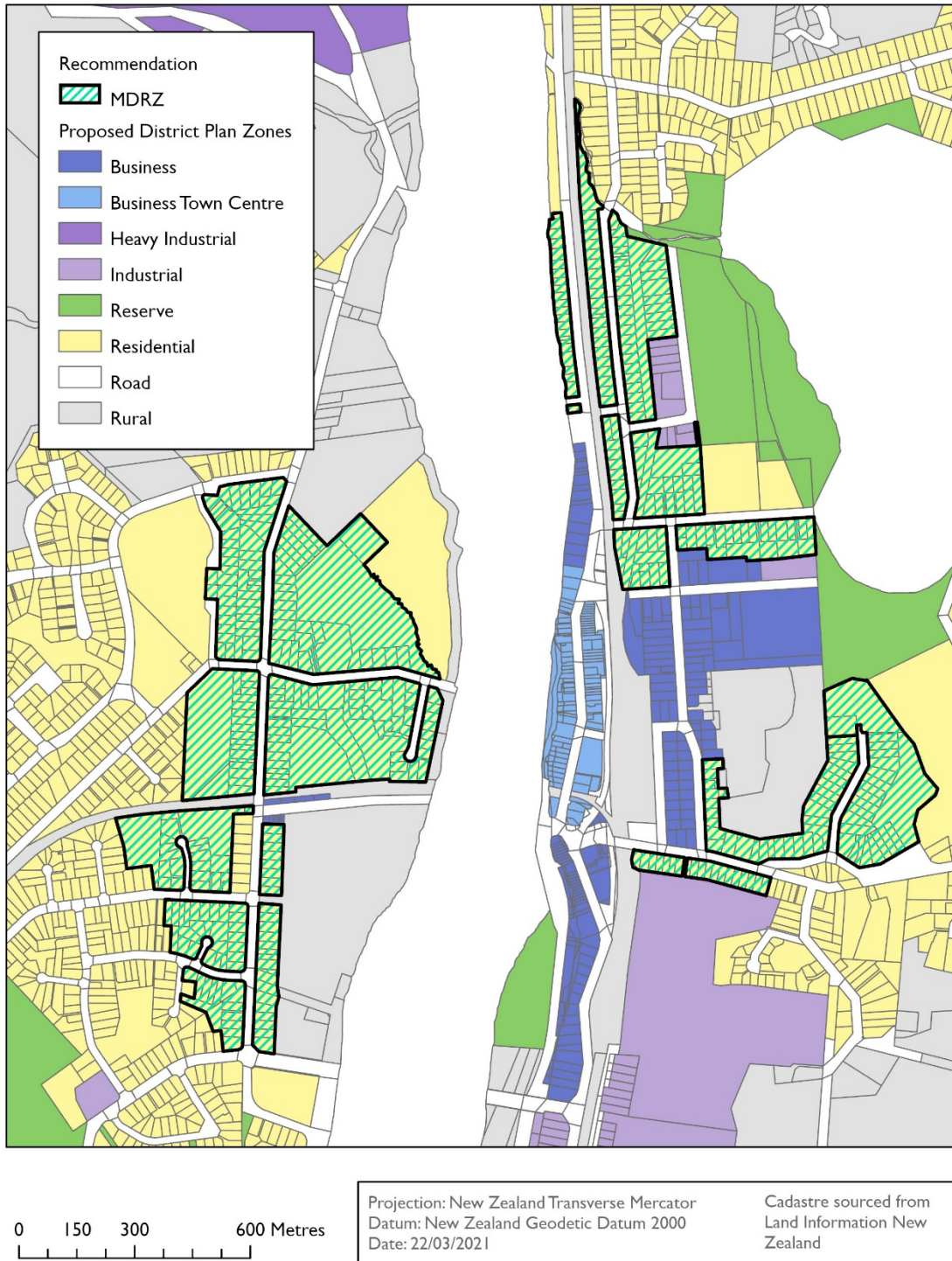


Figure 53 Recommendation to rezone land which is the subject of the submission by Kainga Ora (749.154) from Residential Zone to MDRZ

4.6.6 S32AA evaluation

592. The evidence from Kāinga Ora provides a comprehensive analysis of options under section 32AA and for the most part, I adopt that assessment. The recommendation set out above revises the extent of rezoning sought by the submitter. The assessment that follows highlights those points where I have recommended a different outcome to that of Kāinga Ora.

4.6.6.1 Other reasonably practicable options

593. The alternative option involves:

- a. Exclude Huntly Primary School from the rezoning
- b. Exclude the area between Harris Street and Parry Street, covered by the High Risk Flood Area
- c. Exclude the Heritage Precinct on Harris Street, and
- d. Include the properties along Dudley Avenue.

4.6.6.2 Effectiveness and efficiency

594. The recommended option recognises that intensified residential development is not appropriate in areas at high risk of flooding. It also recognises that without appropriate controls in place to protect heritage values, the placement of a MDRZ over a Heritage Precinct is not suitable, due to the potential for adverse effects within the precinct.

4.6.6.3 Costs and benefits

595. I do not consider there to be any 'costs' from not rezoning land in High Risk Flood Areas, or within a Heritage Precinct. The land recommended not to be rezoned is unlikely to see development that is medium density in nature, due to the associated constraints, and therefore it is not likely that there will be a reduction in feasible capacity. In any event, the costs of zoning such areas outweigh the benefits relating to additional capacity.

596. The benefit associated with amending the extent of the MDRZ as I have recommended, are that the zoning will not anticipate a level of density that is not practicably or feasibly achievable at the site.

4.6.6.4 Risk of acting or not acting

597. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the rezoning.

4.6.6.5 Decision about most appropriate option

598. For the reasons above, the amendment to the rezoning is considered to be the most appropriate way to achieve objectives of the PWDP.

4.7 Requests to correct errors in the zone maps

4.7.1 Submission

599. The cover letter to the submission made by the Waikato District Council (submitter 697) on the Proposed Waikato District Plan, requested that errors in the maps and zoning be corrected.

600. Under this submission, I consider there is scope to amend the zone of:

- a. Parcel 4530283 and 4576875, from No Zone to Road (see Figure 54), and

- b. Parcel 4507508, from Residential to Industrial (see Figures 55 and 56).



Figure 54 Parcel 4507508 recommended to be rezoned from Residential to Industrial



Figure 55 Parcel 4530283 recommended to be rezoned from No Zone to Road

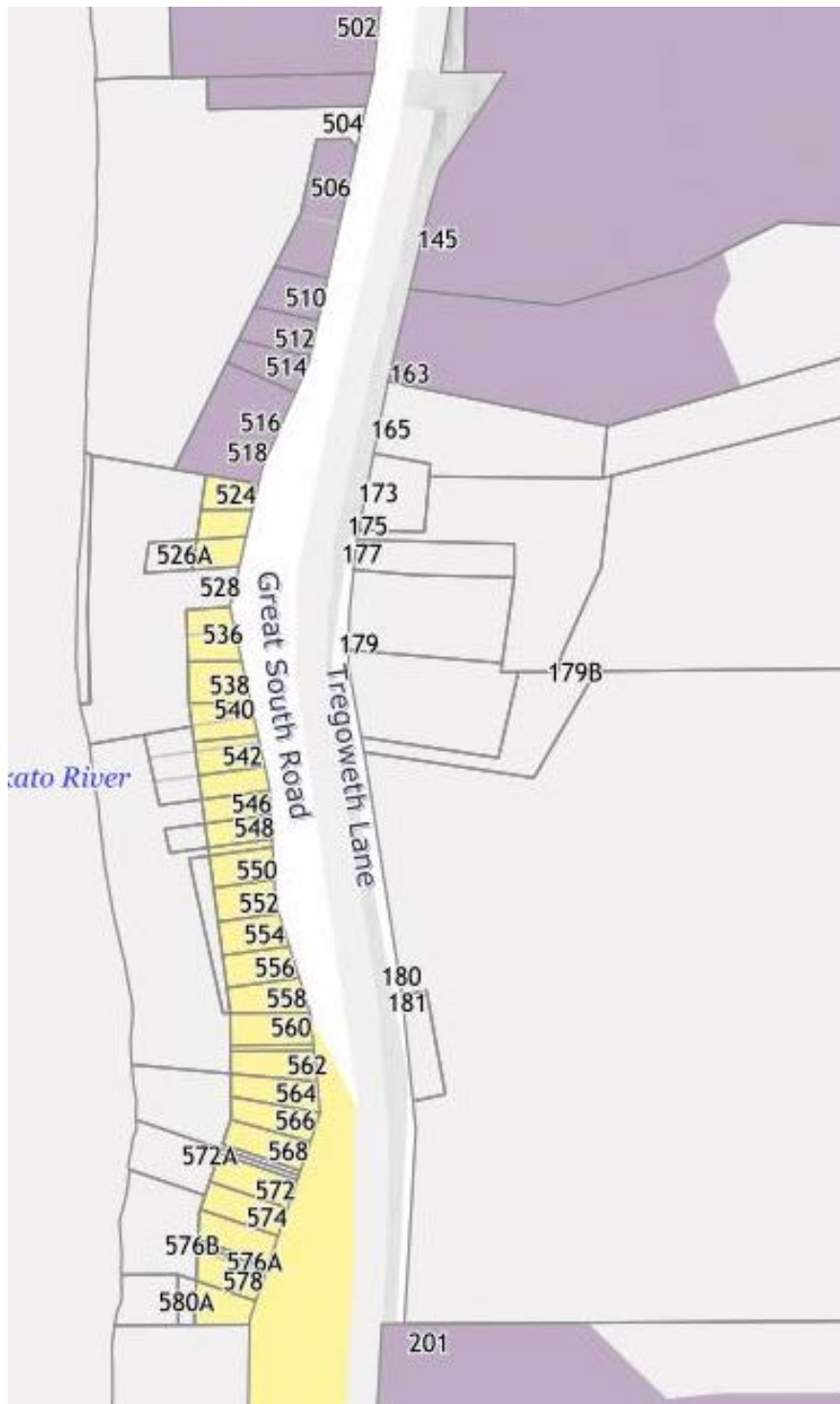


Figure 56 Parcel 4576875 recommended to be rezoned from No Zone to Road

4.7.2 Recommendation

601. For the reasons above, I recommend that the hearings Panel:

Accept the submission by Waikato District Council (697) to the extent that the errors shown in Figures 54, 55 and 56 are corrected.

4.7.3 Recommended amendments

602. The following amendments are recommended:

- a. **Amend** Parcel 4530283 and 4576875, from No Zone to Road (see Figure 54), and
- b. **Amend** Parcel 4507508, from Residential to Industrial (see Figures 55 and 56).

5 Conclusion

603. The recommended changes are summarised as follows:

- a. Rezone 478, 486, and 492 Great South Road, and 2B and 4 Jackson Road from Residential Zone to Industrial Zone
- b. Rezone an area in North Huntly, referred to as Area 1 and 1A) from Rural to Industrial and amend the provisions of Chapter 20: Industrial Zone to provide for the introduction of a structure plan and require the avoidance and mitigation of flooding hazard, and the preparation of, and response to recommendations in, a stop bank assessment
- c. Rezone an area in North Huntly, referred to as Area 6 from Rural to Residential
- d. Rezone an area on Weavers Crossing Road from Rural to Village Zone
- e. Rezone an area south of Lake Puketirini, referred to as the Puketirini Block, from Rural to Residential Zone, and
- f. Rezone land within 400-800m of amenities from Residential to Medium Density Residential Zone to support intensification of the township.

604. These recommendations to rezone land for urban uses make a significant contribution to meeting the NPS-UD capacity requirements as they relate to Huntly, providing increased development capacity in a number of Huntly growth cells, which include Huntly West, Raynor Road, Kimihia and the East Mine Business Park.

605. I consider that the recommended rezoning will assist Council to carry out its functions, particularly under s31(1)(aa) so as to achieve the purpose of the Act.

606. I consider that the submissions on this chapter should be accepted, accepted in part, or rejected as set out in **Appendix 1** for the reasons set out above.

607. **Appendix 2** contains recommended amendments to the District Plan maps.

608. **Appendix 3** contains technical reports.

609. **Appendix 4** contains a record of communication with submitters.

610. **Appendix 5** contains the checklist in Appendix 1 to the Opening Legal submissions by Counsel for WDC, dated 23 September 2019.

611. **Appendix 6** contains recommended amendments to Chapter 20: Industrial Zone in relation to the North Huntly Structure Plan Area.

612. **Appendix 7** contains Proposed Plan change 22 Builtsmart Expansion, Part B: Section 32 Analysis.

613. **Appendix 8** contains the Decision of Commissioners on Private Plan Change 22 Builtsmart Expansion.

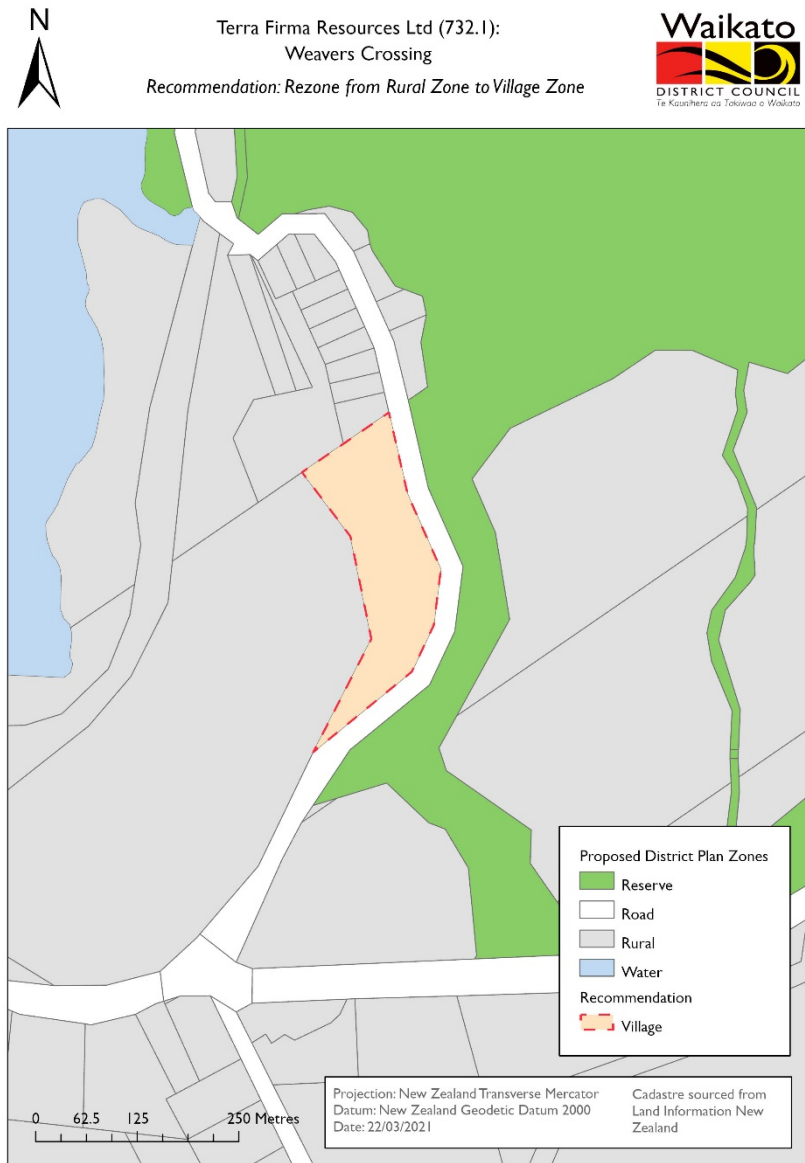
Appendix I: Table of submission points

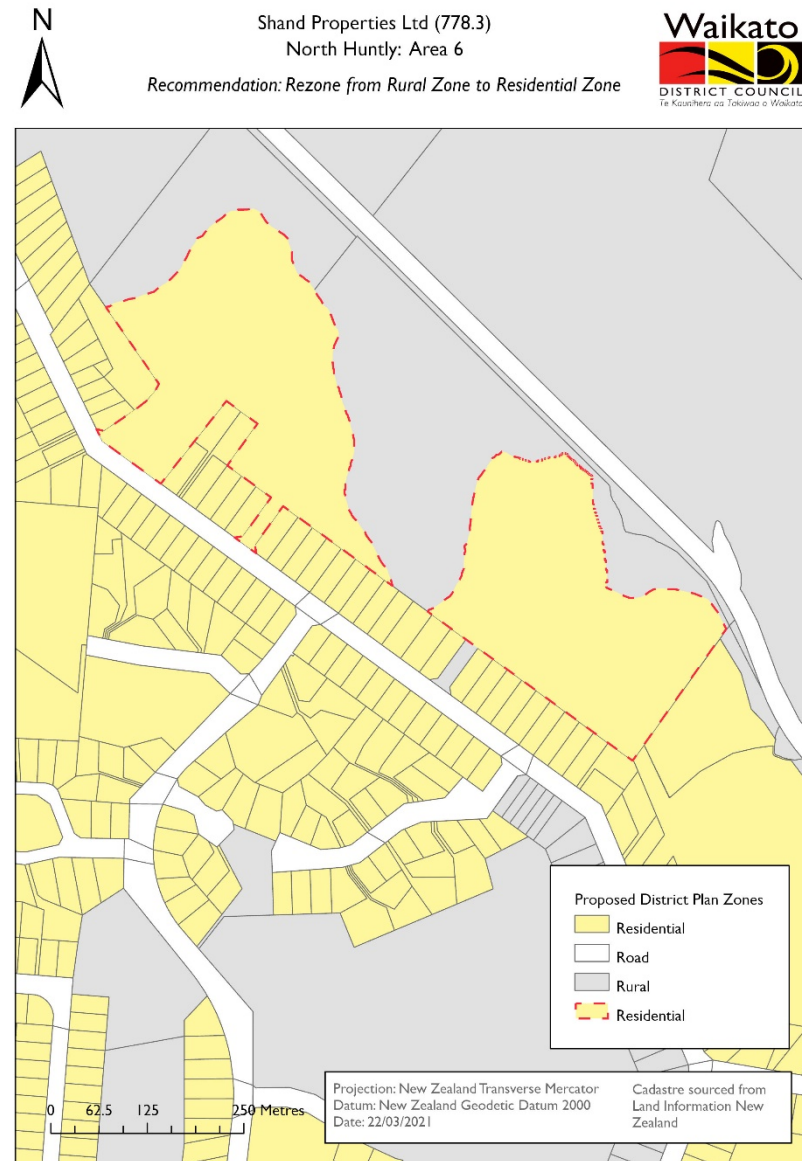
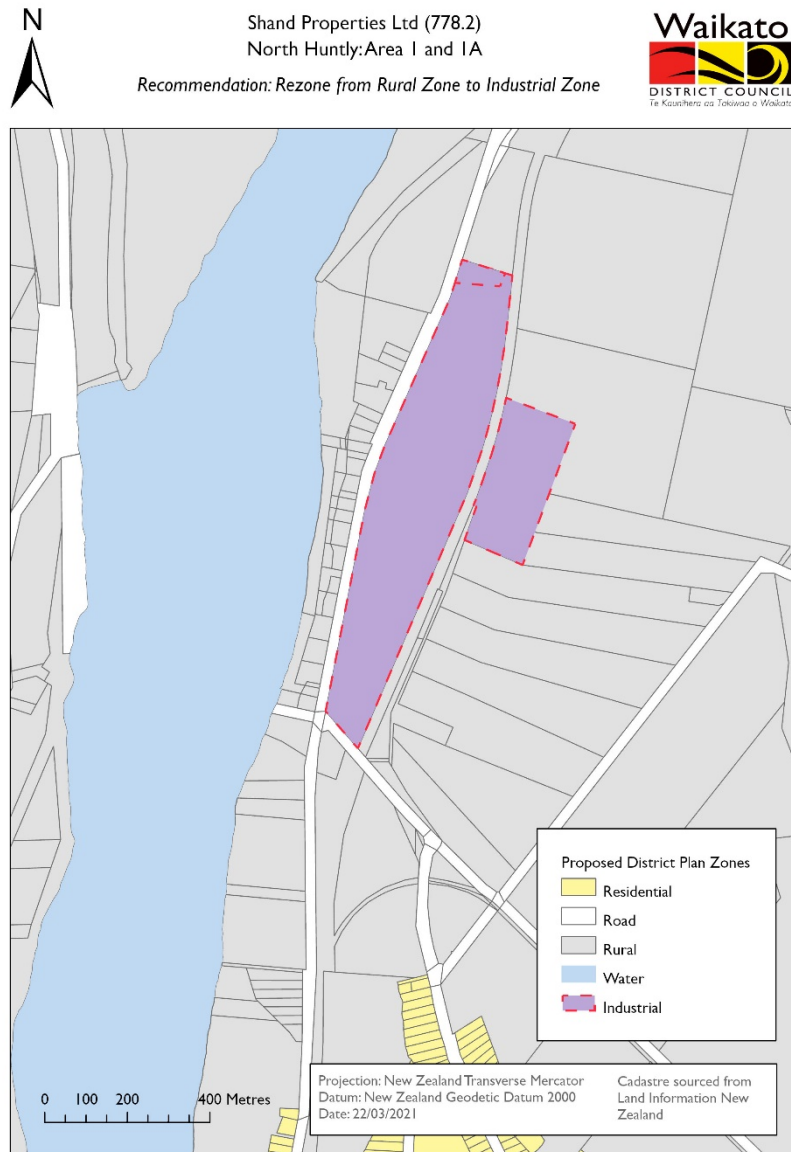
Original Submitter	Further submitter	Submission number	Decision requested	Recommendation
Arnesen, Paul		937.1	Amend the zoning of land at 472, 474, 476, 478, 486, and 492 Great South Road, and 2B, 4 and 6 Jackson Road, from Residential to Industrial.	Accept and amend the zone from Residential to Industrial (over the revised submission extent)
	<i>Sangeeta Kumar</i>	FS1077.1	Oppose submission 937.1 and seek that the Residential zoning is retained as notified.	
	<i>Mohammed Janif</i>	FS1177.1	Oppose submission 937.1 and seek that the Residential zoning is retained as notified.	
	<i>Builtsmart Property Partnership Limited & PLB Construction Group Limited</i>	FS1196.1	Support submission 937.1 and seek that the land is rezoned Industrial.	
	<i>Mercury NZ Limited</i>	FS1387.1557	Opposes submission 937.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Eastside Heights Ltd		699.1	Support and retain Residential zoning at 6 Waugh Lane as notified	Accept and retain the Residential Zone as notified
	<i>Terra Firma Mining</i>	FS1285.2	Opposes submission 699.1 and the extent of the proposed Residential Zone which adjoins an existing Industrial Zone to the west	
	<i>Blue Wallace Surveyors Ltd</i>	FS1287.34	Supports submission 699.1 and seeks that the Residential zoning at 6 Waugh Lane is retained as notified	
	<i>Mercury NZ Limited</i>	FS1387.782	Opposes submission 699.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.	

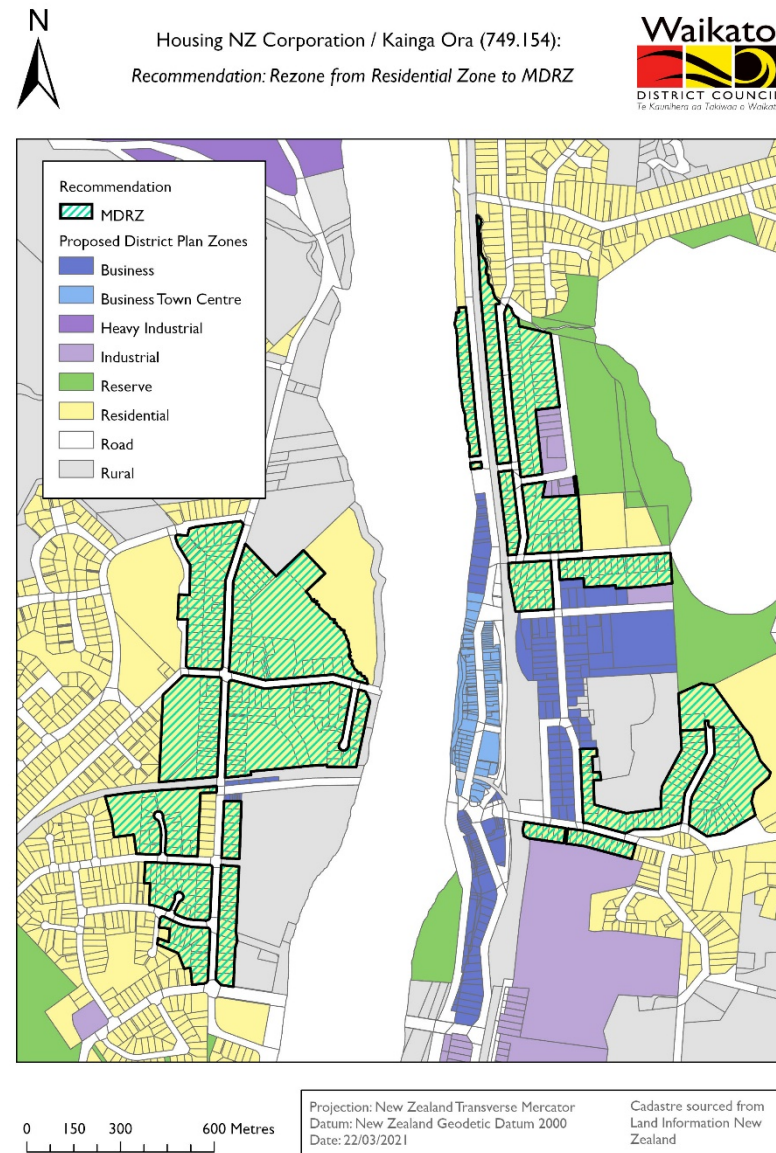
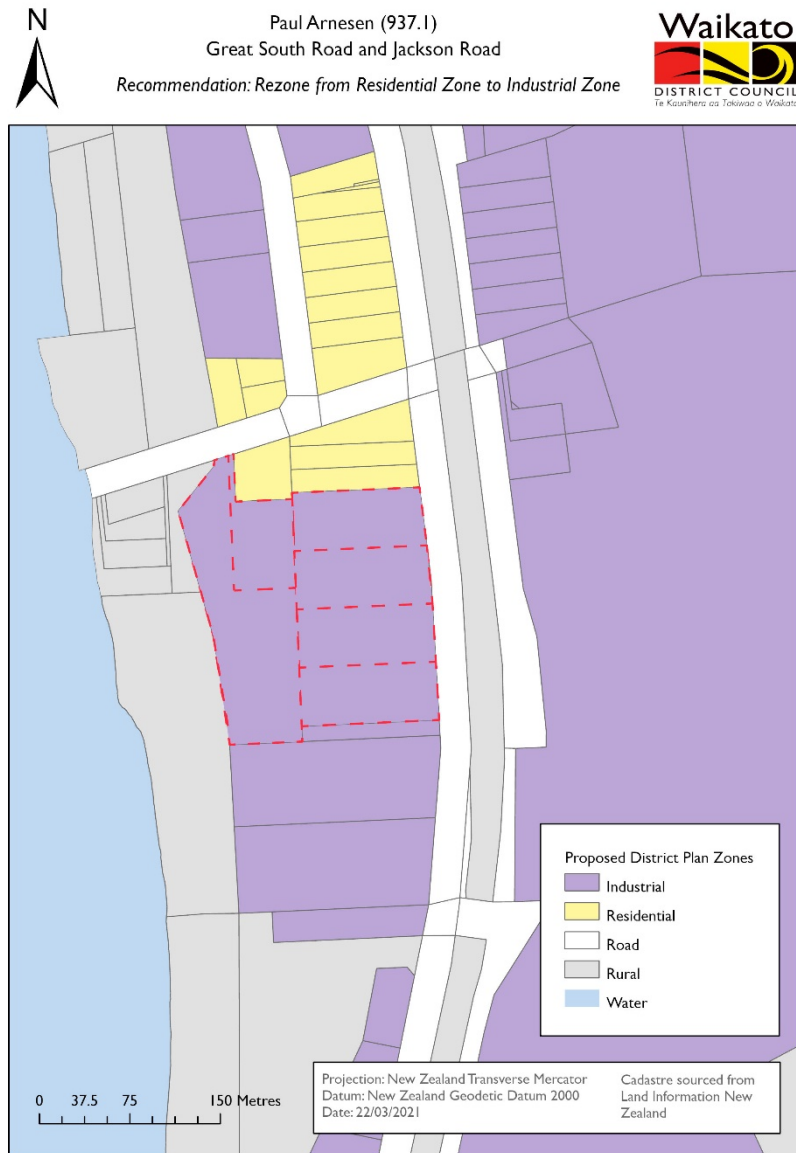
Hata, Cody		214.1	Support and retain Industrial zoning at 163 Tregoweth Lane as notified	Accept and retain the Industrial Zone as notified
	<i>Mercury NZ Limited</i>	FS1386.276	Oppose submission 214.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Housing New Zealand Corporation		749.124	Add a new chapter that provides for a 'Medium Density Residential Zone' (MDRZ). Amend the Proposed District Plan to enable consequential amendments to give effect this.	Accept and add a new MDRZ over Huntly, as requested by the submitter (with a number of amendments)
Shand Properties Limited		778.2	Amend the zoning of land between Great South Road and East Mine Road (Areas 1 and 2) from Rural to Industrial.	Accept and amend the zone from Rural to Industrial (over the revised submission extent, referred to as Area 1 and 1A)
	<i>Allen Fabrics Ltd.</i>	FS1349.2	Support submission 778.2 and seek that the Industrial zoning is retained as notified.	
	<i>Waikato Regional Council</i>	FS1277.52	Oppose submission 778.2 and seek that the Rural zoning is retained as notified.	
	<i>Perry Group Limited</i>	FS1313.13	Support submission 778.2 and seek that the Industrial zoning is retained as notified.	
	<i>New Zealand Transport Agency</i>	FS1202.124	Oppose submission 778.2 and seek that the Rural zoning is retained as notified.	
	<i>Mercury NZ Limited</i>	FS1387.1186	Oppose submission 778.2 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Shand Properties Limited		778.3	Amend the zoning of land south of East Mine Road (Area 3) from Rural to Residential.	Accept and amend the zone from Rural to Residential (over the revised submission extent, referred to as Area 6, with amendments)

	<i>Allen Fabrics Ltd.</i>	FS1349.3	Support submission 778.3.	
	<i>Waikato Regional Council</i>	FS1277.53	Oppose submission 778.3 and seek that the Rural zoning is retained as notified.	
	<i>New Zealand Transport Agency</i>	FS1202.125 and FS1202.126	Oppose submission 778.3 and seek that the Rural zoning is retained as notified.	
	<i>Mercury NZ Limited</i>	FS1387.1187	Oppose submission 778.3 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Terra Firma Resources Ltd		732.1	Amend the zoning of the block of land referred to as 'Weavers Crossing' from Rural to Residential or Village Zone.	Accept and amend the zone from Rural to Village Zone
	<i>Waikato Regional Council</i>	FS1277.47	Oppose submission 732.1 and seek that the Rural zoning is retained as notified.	
	<i>Mercury NZ Limited</i>	FS1387.810	Oppose submission 732.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Terra Firma Resources Ltd		732.2	Amend the zoning of the land referred to as the 'Puketirini Block' from Rural to Residential, or Village, or a combination of the two. Include two smaller Business Zones.	Accept in part and amend the zone from Rural to Residential Zone (over the revised submission extent)
	<i>Mercury NZ Limited</i>	FS1387.811	Oppose submission 732.2 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Te Wananga o Aotearoa		15.1	Support and retain Business and Residential zoning at 113 Rotowaro Road as notified	This submission has been withdrawn.
	<i>Mercury NZ Limited</i>	FS1386.12	Oppose submission 15.1 on the basis that natural hazard provisions and flood maps were not available at time of notification.	
Z Energy Ltd		589.6	Support and retain Industrial zoning at 392 Great South Road as notified	Accept and retain the Industrial Zone as notified

Appendix 2: Recommended amendments







Appendix 3: Technical Specialist Reviews

Appendix 3.1 Technical Specialist Review on three waters by Roger Seyb (Beca Ltd) for Shand Properties (778.2 and 778.3)

Appendix 3.2 Technical Specialist Review on three waters by Roger Seyb (Beca Ltd) for Terra Firma Resources Ltd (732.1 and 732.2)

Appendix 3.3 Technical Specialist Review on transport by Skip Fourie (Beca Ltd) for Shand Properties (778.2 and 778.3)

Memorandum

To: District Plan – Resource Management Policy Team, Waikato District Council
Date: 16 April 2021
From: Roger Seyb, Beca Ltd
Our Ref: 4214056-1680710091-12
Copy: Carolyn Wratt, WDC Consultant Planner
Subject: Technical Specialist Review, Three Waters – Shand, Huntly

Experience and Qualifications

My name is Roger Morgan Seyb.

I am a Senior Technical Director in the Water Resources and Civil Engineering fields employed by Beca Ltd.

I hold a Bachelor of Civil Engineering degree from the University of Auckland. I am a Chartered Engineer and a Chartered Member of Engineering New Zealand.

I have been working in the civil engineering field since 1990, predominately in New Zealand, and have carried out a wide range of civil engineering, water infrastructure and environmental projects during that time.

1. Introduction and purpose

The purpose of this report is to provide a view as to whether:

- a) Sufficient and appropriate information has been included in the assessment;
- b) The assumptions are sound and reasonable;
- c) The proposed solutions are technically feasible and realistic;
- d) The timeframes for upgrades or connections are realistic; and
- e) There are any potential or actual issues that the planner and Hearings Panel need to be aware of.

2. Documents considered

Document reviewed:
Shand Properties Ltd

Statement of Evidence of Constantinos Fokianos, 17 February 2021, including:

- Huntly North Rezoning Stormwater Management Report, Oct 2020
- Kimihia Overall Catchment Stormwater memo to WRC, Oct 2020
- Residual Flood Risk Memo to WRC, Oct 2020

Statement of Evidence of Philip Stephen Pirie, 17 February 2021, including:

- Three Waters Infrastructure Assessment for Rezoning Proposal, Nov 2020.

2.1 Limitations

This review is a limited desk top review carried out by reading the above documents and providing general comment on the suitability of the information to be relied upon and recommendations made at the Proposed Waikato District Plan hearing. No site visit has been undertaken and the information referred to in the documents and calculations have not been verified.

Memorandum

3. Overview of technical matters

Flooding

The submitter seeks to rezone 30.5 ha of rural land to industrial and residential.

The land to be rezoned and developed is defended by a stop bank during times of flood in the Waikato River. A flood gate in the stop bank is closed to prevent flooding from the River but also means stormwater within the local Kimihia catchment cannot escape and builds up behind the stop bank.

The submitter has carried out a flooding analysis in the local catchment to determine 100 year flood levels for the purpose of setting freeboard and floor levels while the flood gate is closed.

The submitter has also considered some cases of a breach in the stop bank when the River is in flood but while there is no flooding due to rainfall in the local catchment.

Both of these issues are appropriate to consider and the methodology adopted is reasonable at the local scale (although the specific scenarios considered may require more detailed work).

However, the appropriateness of the development also needs to be considered in a longer term and wider spatial context. The stop banks largely protect rural land but conversion of the lower lying rural land to urban uses has a significantly different risk profile that needs to be carefully considered. Key questions include, does the defended area have a long term future and are Waikato District Council (WDC) and Waikato Regional Council (WRC) committed to the funding, operation and maintenance of the stop banks and drainage system for urban development purposes, particularly in light of increasing climate change impacts and any further upstream land use changes? How will these risks be managed should flooding or a breach of the stop banks occur?

Wastewater

The effects of the development have been assessed using a model of the wastewater network. The level of assessment is considered appropriate for this stage of planning the development - although further work will be required prior to detailed design and the industrial development may need to be staged to tie in with required upgrades to the Wastewater Treatment Plant (WWTP).

Water Supply

The effects of the development have been assessed using a model of the water supply network. The level of assessment is considered appropriate for this stage of planning the development - although further work will be required prior to detailed design and there are key upgrades required in the wider pipe network and at the reservoir and development will again need to be staged to suit.

4. Assessment undertaken

Developable Area

The submitter seeks to rezone some 30.5 ha from rural to industrial (13 ha) and residential (17.5 ha).

Flooding

The approach adopted to assess the potential flooding in the local catchment is reasonable. Namely, no outflow is assumed and stormwater from the full rainfall event accumulates with freeboard then provided above this.

However, I recommend that both the local catchment assessment and the Waikato River flooding are assessed further. Further consultation with WRC is also recommended.

Memorandum

Initial questions regarding the local catchment assessment are:

- While the proposed new development floors would be protected against local flooding, the effects of adopting the flood management approach on existing land, drainage systems, water bodies/groundwater and buildings is unknown. Allowing the development may exacerbate and "lock in" hydrological effects in the local catchment for the long term.
- The assumptions around further development in the local catchment are unclear. For example, the Kimihia Lakes development submission identifies an initial phase of development but also flags the possibility of further residential development in the longer term. If it is decided to continue to defend the area of development, the local catchment analysis needs to consider the long term extent and intensity of development in the whole local catchment.
- What is the frequency and duration of local flooding due to the flood gates being closed and what are the effects of this? For example, access to property.
- What is the frequency and effect of less extreme events on local flooding? I note that the 10 year Waikato River flood level (RL 9.87) is above the local catchment 10 year flood levels (RL 9.1 excl CC). This means a 10 year event in the local catchment could be prevented from discharging in a smaller event in the River and infers the duration of local flooding could be for an extended period.
- Once flooding occurs, how will the effects be managed? E.g. getting people to safety, access to property, potential contamination of water due to industrial materials and wastewater.
- Industrial land use often requires materials and plant to be stored outside. If the area was flooded, materials and plant can exacerbate hazards by blockage of drainage systems and contamination.

Initial questions regarding the Waikato River flooding and the modelled breach scenarios are:

- The stop banks were originally constructed for rural land protection. Their fitness of purpose and risk profile for protection of urban development and resilience to increased future flood levels should be considered.
- The local catchment cannot discharge until the flood gate is opened - which is dependent upon the River level being low enough to allow this (including periods well below full flood stage). If the River is elevated for extended periods the local catchment's flood water sits behind the stop banks with any low lying buildings flooded and access being impeded. Identification of the range of periods when the gates would be closed and consideration of the resulting effects is needed.
- A constant river level in the Waikato is assumed. The flooding report author considers this conservative because it is expected that the river will only be in flood for a short to medium duration. This is not backed up by any hydrographs for river flooding.
- A constant river level is assumed, without justification of potential changes due to factors such as climate change and upstream land use. That is, the River level could increase in the long term which would increase the risk of stop banks being breached and also the frequency of less extreme events which could require the flood gates to be closed for longer at lower stages.
- The breach of stop bank scenarios assumed a fixed width of stop bank breach – whereas a breach will initially consist of high velocity flows or piping of the stop bank, resulting in erosion which will widen the breach and increase the incoming flow rate of water. These factors reduce the time for peak flood levels to occur and the available time for emergency response.
- The depth and velocity of water at the breaches indicates a high hazard for the movement of people and vehicles in some places. How would this be managed?

Memorandum

Wastewater

The effects of the development have been assessed using a model of the wastewater network. The level of assessment is considered appropriate for this stage of planning the development - although further work will be required.

The assessment does not appear to have considered future demands of other development on the network. In particular, assumptions the modeller made about connections/flows to a key line near the proposed industrial development were discounted as the properties along the river frontage were not currently connected.

Consultation with Watercare was carried out and connection points to the network were identified. Watercare identified that there was no capacity for large industrial flows such as from wet industries. The wastewater treatment plant was identified as a constraint to the industrial development, with a proposed upgrade to the plant planned for approximately 2025 to 2030. I understand also that the existing consent expires in 2029 and a new WWTP consent will be required for the upgrade to operate.

WSL has identified no significant concerns with these development proposals at a strategic level, assuming wet industry is not proposed. However, they will likely want to review the modelling and may have specific network constraints to be addressed.

Water Supply

The effects of the development have been assessed using a model of the water supply network. The level of assessment is considered appropriate for this stage of planning the development - although further work will be required.

The assessment does not appear to have considered future demands of other development on the network.

Consultation with Watercare was carried out. Watercare identified that there was no capacity for large industrial flows such as from wet industries.

Upgrades to some key lines and the reservoir in the wider network are required to facilitate the development. A programme for network upgrades and funding contributions for the development need to be agreed with Watercare on behalf of WDC. The required reservoir upgrade is not currently programmed to occur until 2026.

There is a potential wider long term issue with water supply from the Huntly scheme. The long term water supply to the Ohinewai development to the north is dependent upon a new mid Waikato supply being consented. If this were not to occur, supply would likely need to come from Huntly.

WSL has identified no significant concerns with these development proposals at a strategic level, assuming they are not for wet industry. However, they will likely want to review the modelling and may have specific network constraints to be addressed.

5. Adequacy of assessment

In general, the approach used by the submitter to demonstrate that the site itself can be serviced for water supply and wastewater is appropriate and reasonable. The programme for the development needs to be considered alongside proposed network, wastewater treatment plant and water supply reservoir upgrades.

WSL has identified no significant concerns with the development proposals assuming no wet industry is proposed.

The approach to assessing the flood risk from the local catchment is reasonable at a high level but there are a number of questions and issues to be worked through with more detail and information required.

Memorandum

6. Conclusions

In general the outcomes of the water supply and wastewater assessment appear reasonable and it appears likely that an engineering solution can be found to water and wastewater servicing the land. Consideration of staging will need to occur to tie in with the required network, WWTP and reservoir upgrades.

At this stage, there is significant uncertainty about the extent of effects (such as; security of the defended area, the frequency and duration of flooding, effects on existing land and drainage, depth/velocity risks for vehicles and people, contamination with wastewater, access to properties, management of flood effects) that the area would be subject to and I do not support the re-zoning.

The stop banks predominately protect rural land but conversion of that land to urban uses has a significantly different risk profile that needs to be carefully considered. I suggest the decision to rezone the land needs to consider whether the Councils are committed in the long term to defending the area within which the proposed re-zoning occurs. Should there be such a commitment to defend the land for urban purposes, careful consideration needs to be given to how to manage the flooding risks in the long term.

I recommend that the views of Waikato Regional Council Land Integrated Catchment Section and Land Drainage team are sought on the proposed zoning change as they have a number of relevant responsibilities including; the local Kimihia drainage scheme, the operation and maintenance of the stop banks and management of the river in flood.

Memorandum

To: District Plan – Resource Management Policy Team, Waikato District Council
From: Roger Seyb, Beca Ltd
Copy: Carolyn Wratt, WDC Consultant Planner
Subject: Technical Specialist Review, Three Waters – Terra Firma Resources, Huntly, Lake Puketirini

Date: 16 April 2021
Our Ref: 4214056-1680710091-12

Experience and Qualifications

My name is Roger Morgan Seyb.

I am a Senior Technical Director in the Water Resources and Civil Engineering fields employed by Beca Ltd.

I hold a Bachelor of Civil Engineering degree from the University of Auckland. I am a Chartered Engineer and a Chartered Member of Engineering New Zealand.

I have been working in the civil engineering field since 1990, predominately in New Zealand, and have carried out a wide range of civil engineering, water infrastructure and environmental projects from conception to construction during that time.

1. Introduction and purpose

The purpose of this report is to provide a view as to whether:

- a) Sufficient and appropriate information has been included in the assessment;
- b) The assumptions are sound and reasonable;
- c) The proposed solutions are technically feasible and realistic;
- d) The timeframes for upgrades or connections are realistic; and
- e) There are any potential or actual issues that the planner and Hearings Panel need to be aware of.

2. Documents considered

Documents reviewed:

Statement of Evidence of Hayden Vink on behalf of Terra Firma Resources Ltd, 17 Feb 2021

Lake Puketini Residential Development – Waikato District Plan Rezoning, Feb 2021

2.1 Limitations

This review is a limited desk top review carried out by reading the above documents and providing general comment on the suitability of the information to be relied upon and recommendations made at the Proposed Waikato District Plan hearing. No site visit has been undertaken and the information referred to in the documents and calculations have not been verified. Detailed knowledge of the constraints within the network was not available - further discussion with the network operator would be required to identify and address any specific constraints within the network.

3. Overview of technical matters

The proposed development involves rezoning 26.1 ha and 1.94 ha near Lake Puketirini from rural/recreation to residential zoning. About 45 lots on the larger eastern block of 450 to 600m² are proposed while the smaller western block sites will be larger.

Memorandum

To: District Plan – Resource Management Policy Team, Waikato District Council
From: Skip Fourie, Beca Ltd
Copy: Carolyn Wratt, WDC Consultant
Subject: Technical Specialist Review, Transport – Shand Properties, Huntly
Date: 13 April 2021
Our Ref: 4214056-1680710091-12

Experience and Qualifications

My full name is Gideon Jacobus Scheepers (Skip) Fourie.

I am an Associate Transportation Planner employed by Beca Ltd (Beca), a multi-disciplinary professional services consultancy firm based in New Zealand.

I hold a Bachelor (Honours) of Town and Regional Planning (2007) and a Masters degree specialising in Transportation Planning (2014) from the University of Pretoria in South Africa.

I have a total of 12 years' experience in the field of transportation planning and traffic engineering gained through 6 years of employment in South Africa, 2 years of employment in Dubai, United Arab Emirates and 4 years in New Zealand.

I have wide-ranging experience in traffic and transportation engineering fields, ranging from transport assessments, traffic modelling, safety audits, parking strategies, feasibility studies and business case writing.

1. Introduction and Purpose

Beca has been engaged by Waikato District Council (WDC) to review statements of evidence filed with the Council accompanying submissions seeking a change in zoning under the District Plan. This review provides high level commentary on the suitability of the information and recommendations to be relied upon at the Proposed Waikato District Plan (PWDP) hearing.

The purpose of this assessment is to consider the following aspects of the application:

- a. Has sufficient and appropriate information has been included in the assessment
- b. Are the assumptions sound and reasonable
- c. Are the proposed solutions technically feasible and realistic
- d. Are the timeframes for upgrades or connections realistic; and
- e. Are there any potential or actual issues that the planner and Hearings Panel need to be aware of.

2. Documents Considered

- Statement of Evidence of Rhulani Matshepo Baloyi, Dated: 17 February 2021, Waikato District Plan Review Submission
- Integrated Transport Assessment (ITA), dated 9 December 2020, prepared by BBO.

Memorandum

Limitations

As per the agreed scope, this desktop review has been carried out by reading the above documents and providing comment on the suitability of the information and recommendations to be relied upon at the Proposed Waikato District Plan hearing.

No site visits have been undertaken and the information referred to in the documents and calculations has not been verified in detail.

This is not a peer review of the ITA, modelling and recommendations. Further assessment may be required.

3. Overview of Technical Matters

Proposal Overview

The applicant seeks to change the zoning of two parcels of land located in Huntly North from the current rural zoning to industrial and residential zoning to enable the development of 13.07 ha of industrial land and approximately 17.46 ha of residential. The two sites are located to the north of the current urban boundary of Huntly township.

The proposed rezoning sites are anticipated to generate up to 3,830 vehicle trips per day and 675 trips during the peak hour.

Four new road intersections are likely to be required to service the future developments, including one new T-intersection on Great South Road located approximately 200 m north of the East Mine Road T-intersection to service the Industrial site and three new T-intersections on Russell Road to service the Residential site.

Integrated Transport Assessment

The applicant has submitted an ITA that provides assessment on the following traffic and transport topics:

- Introduction and Site Location
- Existing Transport Environment
- Road Safety Environment
- Proposed Rezoning & Structure Plan
- Predicted Trip Generation
- Assessment of Effects
- Construction Traffic management
- Travel Demand Management
- Strategy and Policy Assessment
- Conclusions and Recommendations.

Scope of evidence

The applicant has provided specific commentary in their statement of evidence on the transport and traffic effects of the proposed rezoning. In general, the evidence covers:

- The transport characteristics of the rezoning proposal
 - The potential effects of the proposal on the transport environment
 - The mitigation measures that I recommend addressing the potential adverse effects
-

Memorandum

- Any other measures proposed to ensure a safe and efficient transport network for pedestrians, cyclists, motorists and public transport commuters.
- Summary of the ITA report and the conclusions reached.

Transportation Effects Assessment and Proposed Mitigation Measures

Transport Effects Summary

The overall transportation effects of the rezoning proposals on the adjoining network are expected by the submitter to be no more than minor, particularly given the significantly reduced traffic volume on Great South Road (which has been revoked to WDC as a district road) since the opening of the Huntly section of the Waikato Expressway (WEX).

Capacity assessments for existing road corridors and intersections within the vicinity of the rezoning sites show that the future traffic associated with this proposal is unlikely to adversely affect the performance and safety of the local road network. A network of internal local roads has been designed at a concept level to demonstrate how the two sites could be serviced.

The anticipated public transport demand will be serviced by the existing public transport services within Huntly. Both sites are located in close proximity to the regional bus services operated by the Waikato Regional Council, as well as the future Huntly passenger rail station for connection to and from Auckland.

Based on the existing mode share for public transport, walking and cycling trips in Huntly East, approximately 45 commuter bus and 60 walking and cycling trips per day are anticipated to be generated by the land use activities allowed for within the proposed rezoning sites. A bus stop facility could potentially be provided on both sides of Great South Road to serve the industrial site, Russell Road is served by the existing public transport services within Huntly.

A network of footpaths (with cyclists sharing the traffic lane) has been recommended as part of future road cross-sections within the rezoning sites to service the anticipated walking and cycling trips. The proposed footpaths will connect the sites to the existing on-road walking and cycling facilities along the surrounding road network.

Recommendations and Mitigation Proposed in Evidence

The following recommendations and mitigations are proposed by the applicant:

- Access
 - Four new road intersections: one new T-intersection on Great South Road and three new T-intersections on Russell Road
 - A right-turn bay treatment is recommended at the intersection on Great South Road
 - If the new road intersection is approved at the proposed location, the gated 70/100 km/h speed threshold treatment that is currently located approximately 40 m north of the proposed intersection location would have to be removed
- Active Modes
 - 1.8 m wide footpaths are proposed on both sides of the proposed local road network within both rezoning sites consistent with the PDP standards.
 - It is proposed that the existing pedestrian footpath on the western side of Great South Road be extended to the proposed pedestrian crossing facility
 - It is also proposed that, as part of any future urbanisation upgrade works along Great South Road13, painted cycle lanes to and from Huntly CBD be provided within the existing sealed shoulder.

Memorandum

■ Safety

- To improve night-time visibility and safety of the intersection, it is recommended that street lighting be incorporated into the intersection design and integrated with the existing lighting already provided on Great South Road
- While it is anticipated that the rezoning traffic will not adversely affect the safe operation of the NIMT level crossings on East Mine Road and Fletcher Street, KiwiRail have requested that a Level Crossing Safety Impact Assessment (LCSIA) be conducted as part of the future subdivision consents to assess any potential safety effects of the additional traffic and walking and cycling trips on the existing level crossings.

Conclusion

The applicant considers that, on the basis of the assessments carried out, the overall transportation effects of the Huntly North rezoning proposal on the adjoining road network are likely to be negligible to no more than minor in scale given the low volumes of traffic that presently exists in the area and the close proximity of the rezoning sites to existing public transport services, and walking and cycling facilities.

4. Comment on Assessment Undertaken

The statement of evidence provides a good general summary of the traffic and transport considerations pertinent to the proposal with appropriate technical analysis. I note the following observations from my review of the evidence.

- The operating speed on Great South Road is recorded as being above 80km/h within the 70km/h speed limit area. There may be safety concerns with the proposed pedestrian crossing in this speed environment and I recommend the proposal is subject to a full safety audit at the appropriate stage.
- I note that a separate submitter (Allen Fabrics) is proposing to rezone land accessed via East Mine Road that would enable development of an outdoor recreation and education park (Kimihi Lakes Zone). This proposal could generate 1,200 vehicle trips per day on East Mine Road. There is a risk that the cumulative effect of both proposals could require upgrades to the intersection or level crossing.
- I note the submitter has assumed 5% of vehicles accessing the industrial land will be heavy commercial vehicles in the SIDRA traffic modelling analysis. I recommend that justification for this proportion is provided, and that the submitter confirm what impact a higher proportion of heavy goods vehicle movements would have on the findings of the ITA.

5. Conclusions

I generally agree with the findings of the ITA and statement of evidence and the submitter's recommendations.

The following points should be addressed / clarified:

- That a safety audit would be completed for the proposed pedestrian crossing and that the applicant would adopt recommendations of the audit to provide a safe crossing facility.
- That the submitter comment on the potential cumulative effects of other developments on East Mine Road and the ability of the road, intersection and level crossing to safely accommodate the additional traffic volumes

Memorandum

- That the submitter comment on the appropriateness of the 5% commercial vehicle proportion in the traffic modelling and whether a higher proportion of goods vehicles would change the findings of the assessment.

From a traffic and transportation perspective, beyond the matters identified above, I have not identified any additional potential or actual issues that the planner and Hearings Panel need to be aware of in considering the application for live zoning.

Memorandum

In terms of stormwater infrastructure there are limited issues. Appropriate methods for water quality management are available and can be developed through future stages of consenting and design.

It is likely that an engineering solution can be developed to allow servicing by water and wastewater networks subject to appropriate staging and agreement of funding for the development's contribution to network and treatment plant upgrades. It is unknown whether the development site has already been included with Watercare's projections for the Huntly WTP and WWTP and therefore confirmation of this is required and if necessary appropriate staging identified.

With respect to the Weavers block, on site wastewater disposal is suggested in the report for sites of around 1000 m². Further assessment of on-site treatment capacity and the size of houses proposed is required to determine if this is feasible. `

4. Adequacy of assessment

Stormwater

Mr Vink proposes a stormwater management approach with two constructed wetlands to provide water quality treatment. He notes no attenuation is required.

I generally agree with the proposed approach, although any on site controls may be constrained by space due to the lot sizes proposed.

There is no discussion of flood hazard issues or maximum lake levels – this is unlikely to be an issue for the majority of sites but should be understood before minimum floor levels near the lake can be set.

Water Supply and Wastewater

The ability of water and wastewater infrastructure to cope with the proposed rezoning needs to be considered at different scales:

- Whether new local infrastructure can be designed and connected to the council's public network;
- Whether the existing network infrastructure between the connection point and the treatment plant requires upgrading to meet the new water supply demand and can receive the increased wastewater discharge; and
- Whether the existing or planned bulk water take(s)/ treatment plant (WTP) and wastewater treatment plant (WWTP) discharge can cater for the increased demand depends upon the existing/planned capacity of the plants and the consents held by WDC.

In general, new local infrastructure will nearly always be able to be designed and connected to the existing council network and a developer would be responsible for appropriately designing and constructing this and vesting it to council as new public network.

There is no assessment of the nearby reticulation and whether it can service the development or whether wider upgrades or on-site interventions (e.g water storage, booster pumps, attenuation of wastewater discharges) might be required. The Three Waters report notes that Terra Firma are willing to work with Watercare to model the networks to identify a sustainable solution. I note that this would include agreeing a suitable staging programme and cost sharing arrangement for any off-site infrastructure upgrades required. I agree with the point made about providing sufficient wastewater storage at the pump station to mitigate the potential for wastewater overflows into the lake – I expect that storage would be more than the standard volume given that it is close to a high value recreational asset.

I have had initial discussions with Watercare regarding the development. They have not identified any significant concerns with the proposal at a strategic level. However, I note that specific review of network capacity constraints will be required and at that stage, Watercare will likely want to review the modelling and may have specific network constraints to be addressed. This may include staging and funding issues associated with wider network and supply / treatment plant upgrades.

Memorandum

5. Conclusions

My conclusion is that the development is likely to be able to be serviced for the Three Waters subject to further assessment as follows:

- Assessment of specific network capacity constraints and further discussion with Watercare (on behalf of WDC)
- Controls on the size of development sites should be subject to further investigation if on site wastewater management is proposed.

Appendix 4: Record of communication with submitters

Original submitter	#	Communication	Notes
Te Wananga o Aotearoa	15.1	Sent email clarifying what parcel of land submission relates to.	Louise Feathers responded, noting that she is unsure if the submitter actually want to proceed, and that she will forward my email to the property team to ask the question.
		I have sent another follow up email to check on this.	Louise responded to state that Te Wananga O Aotearoa would like to withdraw their submission (15.1).
Cody Hata	214.1	Sent email to confirm submitter is in support of both the proposed Industrial zoning at the front of the site, as well as the retention of Rural zoning at the back of the site.	Cody Hata replied saying that yes, he agrees with the zoning over the site in its entirety.
Z Energy	589.6	No communication was had with this submitter.	
Eastside Heights Ltd	699.1	Sent email: <ul style="list-style-type: none"> clarifying what parcel of land submission relates to, and requesting access to the site. 	Have emailed, and spoken to Phil Leather on the phone. He is happy for us to access the site, and will call on the morning of the site visit if he can think of anything further that we need to be aware of.
		I sent an email to Jade Shepherd, seeking clarification on the status of the subdivision consent that was referred to in the submission, and any further subdivision or land use consents that have since been lodged or granted at this site.	Jade Shepherd responded via email, noting that since the submission was lodged, CKL have not had any further involvement with the submission for this site. She directed me to contact Phil Leather, Robyn Healey or Kaylene Meyer relating to this query.

Original submitter	#	Communication	Notes
		I emailed Kaylene Meyer from Blue Wallace Surveyors, and requested the latest scheme plan for the subdivision of Waugh Lane.	Kaylene Meyers responded to my email, with the latest approved scheme plan attached.
Terra Firma Resources Ltd	732.1 and 732.2	Sent email requesting access to the site.	I have spoken to Lucy Smith and Craig Smith, directors of Terra Firma Resources Ltd. I have been given the contact number of Craig Smith, who I will call 20 minutes prior to arriving at the entrance of Lake Puketirini/reserve, where he will meet us to give us access to the site/show us the area.
		I contacted Lucy Smith, and requested a shapefile of the revised spatial extent of the submission, as shown in her evidence.	Lucy responded, noting that she will send this to me by 6/4/21.
Shand Properties Limited	778.2 and 778.3	Sent email asking for permission to access site.	Chris Dawson responded (via phone call) and noted that access to the site is permitted. He noted that he and the land owner (Jackie Rogers) would like to meet us, and requested that we give them 20 minutes notice before we arrive at the site, so that they can meet us at the site.
		Sent email asking for a google maps screenshot which identifies the access point (where it is appropriate to park) for Areas 1, 2 and 3.	Chris responded with images that show how to access and park at the site.
		I contacted Chris Dawson, and requested a shapefile of the revised spatial extent of the submission, as shown in his evidence.	Chris responded with the relevant shapefiles.
Paul Arnesen on behalf of Planning Focus Limited	937.1	No communication was had with this submitter.	

Appendix 5: Checklist in Appendix I to the Opening Legal submissions by Counsel for WDC, dated 23 September 2019

APPENDIX 1

Updated and re-ordered checklist post *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55 (incorporating recent amendments to the RMA) for Hearing 20: Zone Extents.

The rezoning proposal:

1. **must give effect** to¹⁷ any national policy statement, New Zealand Coastal Policy Statement, national planning standard and Waikato Regional Policy Statement¹⁸.
2. **must have regard to** any proposed regional policy statement;¹⁹
3. **must not be inconsistent** with an operative regional plan for any matter specified in section 30(1) or a water conservation order;²⁰
4. **must have regard to** any proposed regional plan on any matter of regional significance etc.²¹
5. **must have regard to** any relevant management plans and strategies under other Acts, and to any relevant entry in the *Heritage List/Rarangi Korero* and to various fisheries regulations²² to the extent that their content has a bearing on resource management issues of the district; and to consistency with plans and proposed plans of adjacent territorial authorities;²³
 1. **must take into account** any relevant planning document recognised by an iwi authority;²⁴
 2. **must not have regard** to trade competition²⁵ or the effects of trade competition;
6. **must have regard to** the actual or potential effect of activities on the environment.²⁶

¹⁷ Section 75(3).

¹⁸ Section 75(3)(a to (d)

¹⁹ Section 74(2)(a)(i).

²⁰ Section 75(4).

²¹ Section 74(2)(a)(ii). This includes Proposed Plan Change I Heathy Rivers to the Waikato Regional Plan

²² Section 74(2)(b).

²³ Section 74(2)(c).

²⁴ Section 74(2A).

²⁵ Section 74(3).

²⁶ Section 76(3).

7. **must be in accordance with**²⁷ — and assist the territorial authority to **carry out** — its functions²⁸ (including its function under s31(1)(aa)) so as to achieve the purpose of the Act.²⁹
8. **must be in accordance** with the provisions of Part 2 RMA³⁰

If a change from the notified proposed district plan is being recommended, a section 32AA further evaluation must be undertaken in accordance with section 32(1) to (4)³¹

A. Objectives [the section 32AA test for objectives]

9. Each new/amended objective **is to be evaluated** by the extent to which it is the most appropriate way to achieve the purpose of the Act.³²

B. Policies and methods (including rules) [the section 32AA test for policies and rules]

10. The policies are to **implement** the objectives, and the rules (if any) are to **implement** the policies;³³

11. *Each new/amended policy or new/amended method (including each rule) is to be examined, as to whether it is the most appropriate method for achieving:*

*(a) the new/amended objectives of the district plan;*³⁴

(b) the notified objectives to the extent those objectives are relevant to the changes and would remain if the changes were to take effect;

by:

*(i) Identifying other reasonably practicable options for achieving the objectives;*³⁵ *and*

*(ii) Assessing the **efficiency and effectiveness** of the provisions in achieving the objectives by;*³⁶

- *Identifying and assessing the benefits and costs of the environmental, economic, social, and cultural effects that are*

²⁷ Section 74(1) .

²⁸ Section 31.

²⁹ Sections 72 and 74(1).

³⁰ Section 74(1)(b)

³¹ Section 32AA(1)(a) and (b)

³² Section 74(1), section 32(1)(a) and section 32(3)(a)

³³ Section 75(1)(b) and (c).

³⁴ Section 32(3)(a).

³⁵ Section 32(1)(b)(i)

³⁶ Section 32(1)(b)(ii).

anticipated from the implementation of the proposed policies and methods (including rules), including the opportunities for:

- (i) economic growth that are anticipated to be provided or reduced;³⁷ and*
- (ii) employment that are anticipated to be provided or reduced³⁸.*
- *If practicable, quantify the benefits in costs referred to above.³⁹*
- *Assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods;⁴⁰*
 - (iii) Summarising the reasons for deciding on the provisions;⁴¹*
 - (iv) If a national environmental standard applies and the proposed rule imposes a greater or lesser prohibition or restriction than that, then whether that greater or lesser prohibition or restriction is justified in the circumstances.⁴²*

³⁷ Section 32(2)(a)(i).

³⁸ Section 32(2)(a)(ii).

³⁹ Section 32(2)(b).

⁴⁰ Section 32(2)(c).

⁴¹ Section 32(1)(b)(iii)

⁴² Section 32(4).

Appendix 6: Recommended amendments to Chapter 20: Industrial Zone in relation to the North Huntly Structure Plan Area

(Insertions in red underline)

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
D8	<u>Any activity that does not comply with the rules in 20.6.2.</u>

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	(a) The maximum height of a building <u>(except in the North Huntly Structure Plan Specific Area)</u> must not exceed: (i) 15m; or (ii) 10m if located on Tregoweth Lane and within 50m of the Residential Zone in Huntly.
RD1	(a) Any building that does not comply with Rule 20.3.1 PI. (b) Council's discretion is restricted to the following matter: (i) effects on amenity
<u>RD2</u>	(a) <u>The maximum height of a building in the North Huntly Structure Plan Area must not exceed:</u> (i) <u>15m.</u> (b) <u>Council's discretion is restricted to the following matter:</u> (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>

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 (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 Restricted Discretionary Activities

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

<u>RD1</u>	<u>Industrial activity in the North Huntly Structure Plan Specific Area</u>	<u>Council's discretion is restricted to:</u> (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>
<u>RD2</u>	<u>Trade and industry training activity (except in the North Huntly Structure Plan Specific Area)</u>	<u>Council's discretion is restricted to:</u> (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>
<u>RD3</u>	<u>Truck stop for refuelling (except in the North Huntly Structure Plan Specific Area)</u>	<u>Council's discretion is restricted to:</u> (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>
<u>RD4</u>	<u>Office ancillary to an industrial activity (except in the North Huntly Structure Plan Specific Area)</u>	<u>Must:</u> (i) <u>Be less than 100m² gfa; or</u> (ii) <u>Not exceed 30% of all buildings on the site.</u> <u>Council's discretion is restricted to:</u> (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>
<u>RD5</u>	<u>Food outlet (except in the North Huntly Structure Plan Specific Area)</u>	<u>Must:</u> (i) <u>Be less than 200m² gfa.</u> <u>Council's discretion is restricted to:</u> (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>
<u>RD6</u>	<u>Ancillary retail (except in the North Huntly Structure Plan Specific Area)</u>	<u>Must:</u> (i) <u>Not exceed 10% of all buildings on the site.</u> <u>Council's discretion is restricted to:</u> (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>

Appendix 7: Proposed Plan Change 22 Builtsmart Expansion, Part B: Section 32 Analysis

Appendix 8: Decision of Commissioners on Private Plan Change 22 Builtsmart Expansion