

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

**LEGAL SUBMISSIONS ON BEHALF OF SHAND PROPERTIES LIMITED
HEARING 25: ZONE EXTENTS - HUNTLY**

Dated 12 May 2021

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INTRODUCTION

1. These submissions are provided on behalf of Shand Properties Limited (**Shand**) in support of its submissions on the Proposed Waikato District Plan (**PWDP**).
2. Shand made a submission (#778)¹ and a further submission (#1141)² in relation to the Zone Extents topic. Shand also made a submission (#3020) in relation to Stage 2 of the PWDP³ which is not addressed in this topic.
3. The Shand family has been an integral part of the Huntly community since 1914⁴. Founding River Mill Bakeries in Huntly, it became a major employer in the town until it was sold in 2007. In addition, the Shand family has been active in the community for many years, including in assisting with providing land or funds for a local church, the Huntly Lodge, the Polo Club, and various other projects.
4. Shand seeks relief through the PWDP process that will enable it to contribute to the economic and social revival of the Huntly community, and the development of the Auckland/Hamilton corridor, through the development of land for the establishment of industrial and residential activities. The proposed plan provisions that Shand seeks reflect those aspirations.

PROPOSAL

5. Shand owns land in the northern part of Huntly, bound by Great South Road and Ralph Road and located in the Rural Zone under the Operative Waikato District Plan (**ODP**). The notified PWDP retains the Rural zoning of

¹ Dated 9 October 2018.

² Dated 27 May 2019.

³ Dated 23 September 2020.

⁴ Statement of evidence of Jacqueline Rogers dated 17 February 2021.

the land. Shand submitted in opposition to the notified Rural Zone over 97.01ha of its land located between Great South Road and East Mine Road. Within this area of land, Shand seeks to rezone two land parcels to Industrial, and another land parcel to Residential.

Residential

6. The land Shand seeks to rezone Residential is a 17.46ha parcel of land south of East Mine Road, shown in Figure 2 at paragraph 18 of Mr Dawson's evidence (**Area 6**). Of the 17.46ha of land, only 7.59ha will be utilised for developing residential lots, as 2.2ha is required for roading network, and the remainder is deemed undevelopable (due to slope, the existing wetland, and servicing needs). 85 dwellings are proposed to be established in Area 6.
7. Area 6 is bisected by a parcel of land owned by Te Whakakitenga o Waikato Incorporated (**Tainui**). Shand has reached out to Tainui in regard to their involvement in this rezoning request, however, no response has been received to date. As a result, the land owned by Tainui and the small parcel of land owned by Shand to the west, is not requested to be rezoned. Due to the exclusion of the Tainui land, the area of land that is requested to be rezoned Residential has been reduced from 22.95ha to 17.46ha in total area.
8. Shand's intention is that the proposed residential development in Area 6 will help to ease the housing shortage and assist with housing affordability in the greater Waikato area.

Industrial

9. The land Shand seeks to rezone Industrial is a 13.064ha parcel of land between State Highway 1 and the North Island Main Trunk Railway (**NIMT**)

(**Area 1**) and an area of 3.712ha of Area 2 (east of the NIMT) (**Area 1A**), a total of 16.776ha. 27 lots are proposed to be included in Area 1. Area 1A is intended to be utilised for stormwater detention/treatment purposes only.

10. This is a reduction from the 74.06ha area that Shand originally sought to rezone Industrial in its submission. The decision to reduce the area proposed to be rezoned follows further investigation in relation to stormwater disposal and flooding, and the exclusion of the Tainui owned land and the areas identified in the PWDP as Significant Natural Area.
11. Shand's vision is to establish an Industrial Park on Area 1. With rail returning to the area, industrial development is an even more attractive prospect for potential tenants, increasing the potential for greater job opportunities in Huntly.

FURTHER SUBMISSIONS

12. Five further submissions were received in relation to Shand's submission, as follows:
 - a) In support, Allen Fabrics Limited (#1349.2), on the basis that it considered the land to be of marginal use for rural purposes and Area 1 an ideal location for industrial use.
 - b) In support (confined to Shand's request for Industrial rezoning only), Perry Group Limited (**Perry Group**) (#1313.13), as there is projected demand for industrial land in Huntly, and the proposal will meet the requirements of the National Policy Statement on Urban Development 2020 (**NPS-UD**) and provide for the social, economic, and cultural well-being of the Huntly community.

- c) In opposition, New Zealand Transport Agency/Waka Kotahi (**Waka Kotahi**) (#1202.12), as it considered that the effects upon surrounding transport infrastructure from the rezoning had not been addressed.
 - d) In opposition, Waikato Regional Council (**WRC**) (#1277.52), as it 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.
 - e) In opposition, Mercury NZ Limited (**Mercury**) (#1387.1186), as natural hazard flood provisions or adequate flood maps were available at the time the submission was made.
13. In evidence filed in relation to Hearing 25, both Waka Kotahi and WRC revised their positions on Shand's zoning requests to neutral and provisional support respectively, having considered the evidence provided by Shand. Mercury has not filed evidence in relation to the Shand submission. However, the author of the s 42A report on Hearing 25: Zone Extents Huntly dated 15 April 2021 (**s 42A Huntly report**) states at paragraph 259 that she considers the reduction in the area requested to be rezoned industrial addresses Mercury's concerns.
14. In relation to Areas 1 and 1A⁵, the s 42A Huntly report recommends that the submissions by Shand, and further submission by Allen Fabrics Ltd, be accepted. It also recommends that the further submissions by Waka Kotahi, WRC, and Mercury be rejected.
15. In relation to Area 6, the s 42A Huntly report recommends that the submissions by Shand, and further submission by Allen Fabrics Ltd, be

⁵ The report omits to make a recommendation in relation to the Perry Group submission.

accepted in part, subject to amendments. It also recommends that the further submissions by Waka Kotahi, WRC, and Mercury be rejected.

EVIDENCE

16. On 17 February 2021, Shand filed statements of evidence from:
 - a) Ms Jacqueline Rogers (developer/submitter);
 - b) Mr Warren Gumbley (archaeology);
 - c) Mr Andrew Blayney (ecology);
 - d) Mr Kenneth Read (geotechnical);
 - e) Mr Constantinos Fokianos (stormwater);
 - f) Mr Philip Pirie (three waters);
 - g) Ms Rhulani Balyoi (transport); and
 - h) Mr Christopher Dawson (planning).
17. Subject to some further investigation of identified matters at the subdivision stage of the future development, with suitable conditions imposed as part of any subdivision consent, Shand's technical evidence confirms that Shand's rezoning requests can be incorporated into the PWDP.
18. On 3 May 2021, Shand filed supplementary planning and stormwater evidence from Mr Dawson and Mr Fokianos respectively, which addresses issues raised in the s 42A Huntly report as described further below.

STATUTORY PLANNING FRAMEWORK

19. The evaluation of Shand’s submission is subject to a range of provisions in the Resource Management Act 1991 (**RMA or Act**), including the Purpose and Principles in Part 2 (sections 5 – 8) of the Act, sections 31 (functions of territorial authorities), 32 and 32AA (requirement for evaluation reports), 74 (matters to be considered) and Part 1 of Schedule 1 (requirements relevant to process). These matters are assessed in detail in the planning evidence of Mr Dawson and, except for the s 32AA evaluation, are not repeated in these submissions.
20. In his s 32AA analysis, Mr Dawson⁶ concludes that the rezoning is the most appropriate option because:⁷
- a) It enables choice and competitiveness in the industrial land market; and
 - b) It gives effect to the direction of higher-level planning documents, in particular the requirement under the NPS-UD for district plans to enable greater levels of development capacity to meet the different needs of people and communities, where it will contribute to well-functioning urban environments.
21. He further states that:⁸

The proposal achieves the purpose of the RMA through the provision of growth and development in the Huntly area to cater for the needs of current and future generations while ensuring the protection and enhancement of the natural and physical resource. The proposal will provide for the efficient use of the land for residential and industrial purposes without extensive loss of rural production land, in a location

⁶ Statement of Evidence of Christopher Dawson dated 17 February 2021, Appendix 1.

⁷ Statement of Evidence of Christopher Dawson dated 17 February 2021, Appendix 1, Table 4.

⁸ Statement of Evidence of Christopher Dawson dated 17 February 2021, Appendix 1, Table 4.

that is well placed to enable the compact growth of an existing urban area.

22. Mr Dawson concludes that the proposed rezoning will be efficient and effective in achieving the objectives of the PWDP as:⁹
- a) It provides for growth in a manner that will enable a compact urban form of development for both Residential and Industrial activities around the existing Huntly township.
 - b) It will not reduce the availability of high-quality soils for rural production purposes.
 - c) It will enable the PWDP to give better effect to the objectives and requirements of higher order planning documents.
23. The s 42A Huntly report author agrees with Mr Dawson's s 32AA assessment, and his conclusion that the rezoning proposal is the most appropriate way to achieve the objectives of the PWDP¹⁰.

STRATEGIC GROWTH CONSIDERATIONS

24. Notably, Shand's proposal is consistent with the District's key strategic growth documents which the Hearing Panel is required to have regard to in accordance with s 74(2)(b)(i). In particular, the land proposed to be rezoned has been identified as being suitable areas for urban growth, being close to the existing urban centre and near existing infrastructure.

⁹ Statement of Evidence of Christopher Dawson dated 17 February 2021, Appendix 1, Table 4.

¹⁰ At pages 99-100, 121.

Waikato 2070

25. Waikato 2070 is the most up to date growth strategy that specifically addresses Huntly. Waikato 2070 describes Huntly as an area in need of re-development to support the social, cultural, and economic wellbeing of the community. Development of a town centre plan under Waikato 2070 was deemed a high priority. Accordingly, Huntly is one of only two areas in the Waikato District to have one.
26. Waikato 2070 identifies Areas 1 and 1A and Area 6 as being within a growth cell intended to accommodate long-term residential and industrial growth in Huntly. The Development Plan for Huntly identifies Area 6 as being a future Residential Zone within the next 3-10 years. Area 1 is identified as being a future commercial/industrial activity zone within the next 3-10 years. The Shand submission delivers on these strategic outcomes.

Future Proof

27. The Future Proof Strategy as it relates to the Waikato District aims to achieve around 80% of growth in the towns of Pokeno, Tuakau, Te Kauwhata, Huntly, Ngaruawahia, Raglan, and various villages.
28. Under this strategy, Huntly has been identified as an area with potential to provide employment opportunities outside of coal mining in addition to providing employment opportunities for surrounding areas such as Te Kauwhata. The Strategy also identifies that there is a strong demand for industrial land throughout the Waikato District, including Huntly.
29. Rezoning indicates future development and as such it allows for infrastructure to be planned and for associated funding decisions to be made. Mr Dawson states in his evidence that the area proposed for residential zoning has good accessibility to the existing township, including

ready access to the existing roading network and services (water and wastewater reticulation).

30. Stage 2 of the Future Proof Review is currently underway and will seek to address the requirements of the NPS-UD, update the settlement pattern and incorporate new government policy, initiatives and directions. With a large focus on ensuring adequate supply for urban growth and an emphasis on the Auckland to Hamilton Corridor (in which Huntly is located), there is a wider focus on enabling future development to occur in this area of the district. It is anticipated that the growth that will result from the requested rezoning will align with this update.

Hamilton to Auckland Corridor Plan

31. The intent of the Hamilton to Auckland Corridor Plan (**Corridor Plan**) is to promote integrated development whereby infrastructure leads growth. It is essentially an integrated land use and transport plan that aims to unlock the potential to connect communities and provide access to jobs in Auckland and Waikato towns along the corridor. Huntly forms an important part of this corridor and is identified in the plan as being a housing and employment growth cluster. Increasing the urbanisation of Huntly provides further opportunity to increase employment and housing in the Waikato District.
32. The proposed rezoning and development that will result from the rezoning is consistent with the intent of the Corridor Plan, given that it will contribute to some development along the corridor, increasing employment opportunities, growth, and connectivity to Auckland through the provision of housing to the north of Hamilton.

SECTION 42A REPORTS

Section 42A Framework report

33. WDC released a Framework s 42A report dated 19 January 2021 (**s 42A Framework report**). The scope of the s 42A Framework report, among other things, was to provide a framework for submitter evidence. The s 42A Framework report establishes that:

- a) The Waikato District, and in particular specific townships (including Huntly), is experiencing high levels of growth.¹¹ Factors such as the COVID-19 pandemic and the proximity of the District to major populations centres (Auckland and Hamilton) mean that the levels of growth are anticipated to continue.¹²
- b) The growth targets in the PDP as notified are out of date, as a result of ongoing growth and new requirements introduced by the NPS-UD, which came into effect post the PDP being notified.¹³ As it stands, the PDP does not give effect to the requirements of the NPS-UD.¹⁴ To meet demand (and the requirements of the NPS-UD), the PDP needs to consider zoning additional areas.¹⁵
- c) In particular, the NPS-UD requires that WDC provide sufficient development capacity to meet expected demand, plus 20 percent, to support choice and competitiveness in the housing market. The nature of the District and its dispersed small scale of the towns means that a more nuanced approach will be required than that

¹¹ At paragraph 173.

¹²At paragraphs 177 – 186.

¹³ At paragraph 188.

¹⁴ At paragraph 93.

¹⁵ At paragraph 92.

currently adopted by the PDP, by providing for at least two growth areas around existing towns to ensure competitive markets.¹⁶

34. Shand's rezoning proposal will provide additional development capacity to accommodate the projected growth in Huntly described in the s 42A Framework report. Mr Dawson's primary planning evidence considered this and confirmed that the proposal will meet the requirements of the NPS-UD and provide for the social, economic, and cultural well-being of the Huntly community.

Section 42A Huntly report

35. Shand's submissions and evidence are evaluated in the s 42A Huntly report. It recommends that Shand's submission be accepted, subject to amendments.
36. The s 42A Huntly report author agrees with Mr Dawson's evidence 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 planning documents¹⁷. She accepts the amendments proposed by Mr Dawson to the preamble to Chapter 20: Industrial Zone.
37. Concerning Shand's other technical evidence, the author sought peer reviews of Shand's geotechnical, three waters, and transport evidence. No issues were raised in the peer review reports of Shand's evidence on transport or potable water and wastewater matters. At the time of writing the s 42A Huntly report, the peer review of Mr Read's geotechnical evidence was not yet available.

¹⁶ At paragraph 189.

¹⁷ At paragraph 264.

38. Subsequently, a Technical Specialist Review by Mr John Warrington, Principal Geotechnical Engineer from WSP was released dated 10 May 2021.
39. Mr Warrington states that Mr Read's geotechnical reports have been written to a high standard and have considered all key aspects relevant to the assessment of geotechnical issues and risks pertaining to the potential development of the areas under review. He agrees with Mr Read that the risk of subsidence/collapse of mine workings within the areas of interest can be considered as being low. He also agreed that the risk of gas migration impacting on the development of the sites is minimal. Mr Warrington concludes that:

Within Areas 1 And 1A, presence of liquefiable soils beneath the site will necessitate the adoption of appropriate foundation solutions to mitigate the impact of settlements due to liquefaction.

Within Area 6 the development of the upland areas within the site can take place with appropriate consideration of slope stability.

Areas 1 and 1A

40. Issues were raised in the s 42A Huntly report in relation to stormwater and planning matters. The peer review of Shand's three waters evidence was undertaken by Mr Roger Seyb of Beca Ltd. In relation to the Defended Area overlay, within which the land proposed to be rezoned sits, Mr Seyb said:

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.

41. Mr Seyb's report was provided to WRC. Its response is recorded in the s 42A Huntly report as follows:

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.

42. The author of the s 42A Huntly report agreed with WRC and concluded:

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.

43. On that basis, she recommended amendments to the Industrial Zone provisions in Chapter 20 in relation to the North Huntly Structure Plan Area, including to the Activity table for permitted activities and the inclusion of a new Section 20.6.2 Restricted Discretionary Activities included in Appendix 6 to the s 42A Huntly report. The effect of the amendments is to give Restricted Discretionary activity status to industrial activities, trade and industry training activities, truck stops, ancillary offices, food outlets and ancillary retail activities. WDC's discretion is then restricted to (i) the avoidance and mitigation of flooding hazard, and (ii) preparation of, and responses to recommendations in a stop bank breach assessment.

Area 6

44. In relation to Area 6, the s 42A Huntly report author said:

380. ...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...

45. In effect, the author recommends excluding the low-lying areas in the Defended Area overlay from the area to be rezoned Residential.

SUPPLEMENTARY EVIDENCE

Recommendations for Areas 1 and 1A

46. In his supplementary stormwater evidence dated 3 May 2021, Mr Fokianos responds to a series of questions/comments posed by Mr Seyb in his peer review report. It is submitted that Mr Fokianos' supplementary evidence clarifies matters so as to remove any uncertainty about the extent of the effects of the proposal. Fundamentally, Mr Fokianos confirms that his Stormwater Management Report has comprehensively assessed flood and stop bank breach risk and recommended mitigation. On the basis of the assessment, he considers that the risks of flooding can be appropriately managed. Further, he confirms that there is no stormwater management reason why the proposed plan provisions should not be approved.
47. In his supplementary planning evidence dated 3 May 2021, Mr Dawson considers the recommended amendments to Chapter 20: Industrial Zone in the s 42A Huntly report. Noting that all of the proposed Industrial Zone land is located within a Defended Area (Residual Risk) under Stage 2 (Natural Hazards) of the PWDP, Mr Dawson states that "the addition of a Restricted Discretionary criteria and new section 20.6.2 will result in unnecessary duplication and cost without providing any additional benefit"¹⁸.

¹⁸At paragraph 11.

48. Mr Dawson takes the approach that all necessary investigation will be undertaken at the time of subdivision:¹⁹

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

49. Rule 15.6.2 requires that subdivision in the Defended Area be assessed as a restricted discretionary activity, and that within the matters of discretion is an assessment of the stormwater defences and associated risks arising from a breach of those defences.

50. And in paragraph 16 he considers that it is:

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

51. Accordingly, Mr Dawson requested that the Activity Table on page 189 of Appendix 6 not be amended to alter the status of the listed activities, that Rule 20.3.1 not be amended to alter the status of the listed activities, that Rule 20.3.1 not be amended to introduce new Rule 20.3.1 RD2 and that proposed Rule 20.6 Huntly North Structure Plan Area not be inserted into the PWDP.

Recommendations for Area 6

52. In his supplementary evidence, Mr Dawson disagrees with the recommendation to exclude from the rezoning, the parts of Area 6 that are outside the Stage 2 Defended Area. Mr Dawson notes that all of the houses and roads for the housing development are located outside the known flood plane. However, some of the stormwater treatment wetlands, and

¹⁹ At paragraph 14.

their maintenance access roads and the existing wetland all lie within the Defended Area.

53. Mr Dawson's evidence is that a split zoned site which requires some public infrastructure aspects of the residential development to be located within the Rural Zoned portion of the site, while enabling the residential development itself to proceed on the adjacent Residential Zoned land, is poor planning practice. Mr Dawson states that a more appropriate planning regime for this site is to rezone the entire site Residential and retain the Defended Area overlay.

SECTION 42A REBUTTAL

Areas 1 and 1A

54. On 10 May 2021, Council released a s 42A report for Hearing 25: Zone Extents responding to submitters' rebuttal evidence (**s 42A rebuttal**).
55. In relation to Areas 1 and 1A, it records the author's agreement that Rule 15.6.2 adequately provides for assessment of flood risk for subdivision activities in the Defended Area. However, she observes that this rule does not adequately address risks arising when land use precedes subdivision. She notes:

21. Chris Dawson is correct in that as currently recommended, Rule 20.6.2 (as drafted in Appendix 6 of the s42A Report) creates a scenario where a resource consent and a stop bank breach assessment is required for land use activities, even when a stop bank assessment has already been done for that site during the subdivision consent process.

22. However, Chris Dawson is referring to the scenario in which subdivision of the North Huntly Structure Plan Area occurs *before* the establishment of any industrial activities on the site. Under the notified land use rules of Chapter 20, it is possible for industrial activities with permitted activity status to be established on the site before the land is subdivided.

23. I therefore consider that it is important for Chapter 20 to contain provisions that require any new land use activities in the North Huntly Structure Plan Area to show that they have adhered to the recommendations contained in a stop bank assessment.
 24. In order to avoid a duplication of efforts and costs, I have amended Appendix 6: Recommended amendments to Chapter 20: Industrial Zone in relation to the North Huntly Structure Plan Area. These recommended amendments are attached to this rebuttal evidence as Appendix 2.
 25. I note that these recommended amendments have been shared with Shand Properties, and the comments received indicate that the submitter is comfortable with them.
56. In terms of the amendments she makes to address this duplication, Chapter 20 now presents a series of permitted land use activities which must meet the following performance standards:
- (a) Must be on a site that:
 - (i) was created by a subdivision consent decision that had regard to a stop bank breach assessment; and
 - (ii) the stop bank breach assessment assessed risk to the site and future development on the site; and
 - (iii) all flood hazard mitigation measures recommended in the stop bank breach assessment are in place.
57. Under recommended Rule 20.6.2, land use activities on a site created by a subdivision which, at the time of subdivision consent, assessed stormwater risks associated with a stop bank breach, will be a permitted activity. Where that same land use activity occurs on a site not created by such a subdivision consent, it will be assessed as a Restricted Discretionary activity under Rule 20.6.3.

Area 6

58. In relation to Area 6, the s 42A rebuttal author notes at paragraph 30 that Mr Dawson has not provided any further analysis of the reasons why a split zoning across the proposed Residential Zoned site is not appropriate, except that it is poor planning practice. She confirms her recommendation

to exclude from the rezoning the low-lying areas that are in the Defended Area.

SHAND'S RESPONSE TO THE S 42A REBUTTAL

Areas 1 and 1A

59. The s 42A rebuttal author's response to Shand's concerns regarding duplication of the stormwater breach assessment is welcomed. Shand supports the planning approach of setting up a distinction between activities that are permitted in the zone if located on a site within a subdivision which examined these risks at the time of subdivision, and activities located on sites where the risk assessment has not yet been done.
60. One minor point arises, which relates to the Restricted Discretionary Rule 20.6.3 which identifies two types of restricted discretionary activity, RD1 and RD2. There is no reason for the distinction given that the matters of discretion are identical.

Area 6

61. Shand remains of the view that it is more appropriate to retain the Residential Zoning over the whole of Area 6. This will enable the entire area to be seen as an integrated whole as opposed to a split-zone with two very different suites of Objectives and Policies controlling land use. This would not assist with coordinated planning for the site or assist in the long-term future management of the site. The prospect of a Rural Zone across the low-lying northern flats may also mean the potential for reverse sensitivity effects arising from the rural activities being undertaken directly adjacent to Residential activities. The application of a Residential Zone across the entire site means that amenity expectations set by the Zone objectives and policies will be consistent for all parts of the site, reducing

the potential for conflicting amenity outcomes. Restrictions can be placed on the location of residential lots so that none occur in the low-lying area identified for stormwater management. The predominantly restricted discretionary activity status of land uses in the Defended Area will protect against inappropriate land uses in this low-lying area of the proposed Residential Zone.

CONCLUSION

62. Shand's position and the position of the s 42A author are closely aligned and Shand is grateful for the careful consideration WDC staff have given to the submission. The minor areas of disagreement remaining are:
- a) The drafting of Rule 20.6.3 and what appears to be a false distinction between RD1 and RD2; and
 - b) The s 42A author's recommendation to exclude the low-lying areas from the rezoning of Area 6 to Residential, effectively creating a split-zone. Shand considers its approach of a single zone to be more efficient and effective in s 32 terms and therefore should be preferred.
63. Overall, the proposed rezoning will provide for more efficient and sustainable development outcomes consistent with the overall purpose of the RMA. It will provide for development that broadly aligns with the Future Proof Growth Strategy, the Hamilton to Auckland Corridor Plan, the objectives and policies of the NPS-UD and the WRPS and the intentions of the NPSFW and the NESFW. In addition, the proposal fits into the existing objectives and policies for the Industrial and Residential Zones.
64. The technical evidence provided by Shand confirms that the proposed rezoning can be serviced within the local, regional, and national

requirements. In our submission, there are no remaining issues that have not been adequately answered in the evidence, and the purpose of the RMA is best served by the Hearings Panel approving the plan provisions proposed by Mr Dawson.

Dated 12 May 2021



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