

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of the hearing (Stage 1) by the  
Waikato District Council on the  
Proposed Waikato District Plan

---

**STATEMENT OF EVIDENCE BY LUCY SMITH**

**Terra Firma Resources Limited**

**17 February 2021**

---

## 1.0 INTRODUCTION

1.1 My full name is Lucy Catherine Smith and I am a Director of Terra Firma Mining Ltd, a business I own and manage with my husband Lincoln. I have a Bachelor of Technology in Biotechnology and Bioprocess Engineering from Massey University and a Post Graduate Diploma in Resources and Environmental Planning from the University of Waikato. I have had more than 15 years' experience as an Environmental Planner.

1.2 I represent Terra Firma Resources Ltd (TFR), a business owned by my husband's family, and for whom I provide planning advice and services. TFR owns approximately 27 hectares immediately south of Lake Puketirini in Huntly (the "Puketirini block"), and a further approximately 2 hectares on Weavers Crossing Road (the "Weavers Crossing site"). TFR (Submitter 732) has submitted to the Proposed Waikato District Plan (PDP) to rezone this land for residential purposes.

1.3 The Puketirini block is zoned Recreational in the Operative District Plan (ODP) and is proposed to be zoned Rural in the PDP. TFR seeks that the bulk of this land is zoned Residential with a small Business Zone, with the balance rezoned to Rural as per the PDP.

1.4 The Weavers Crossing site is zoned Rural in both the ODP and the PDP. TFR seeks that this land is rezoned to Village Zone.

### **Purpose and Scope of Evidence**

1.5 My evidence will address the following matters:

- Features of TFR's development concept plan;
- Proposed changes to the District Plan to give effect to the rezoning;
- Assessment of environmental effects;
- Key findings from the s32AA evaluation report;
- Assessment against other documents;

- Assessment against the RMA;
- Outcome of stakeholder consultation;
- Response to further submitters; and
- Concluding comments.

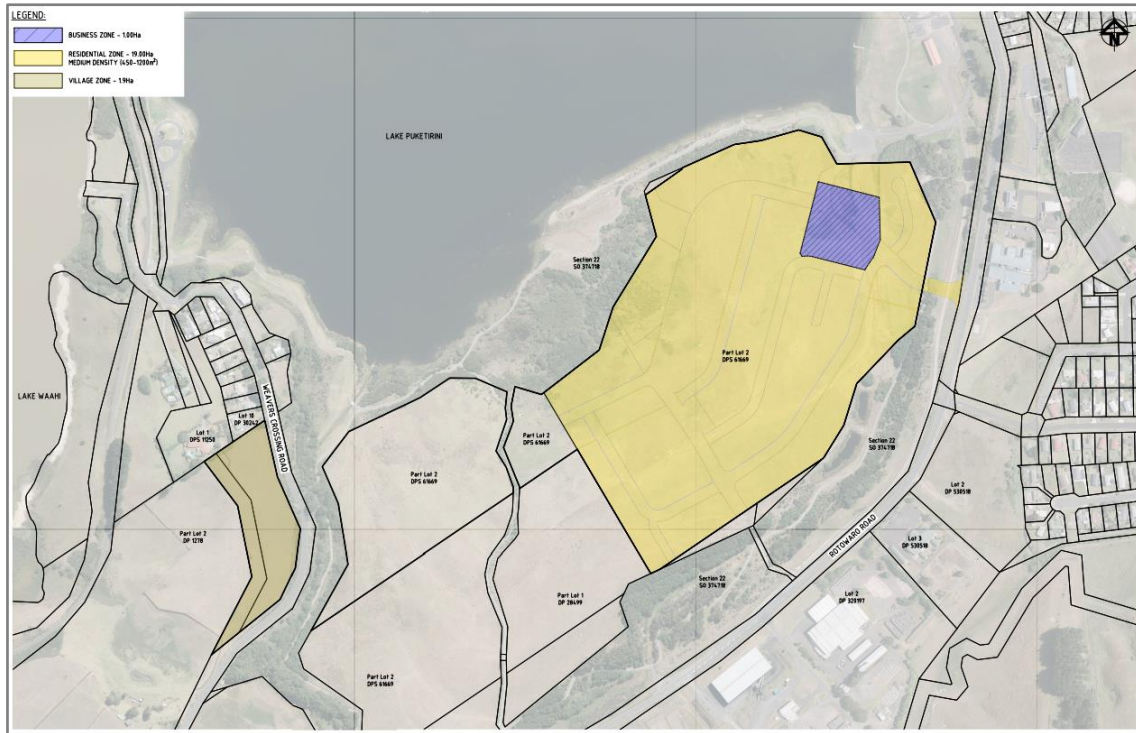
1.6 I have read the s42A Hearing 25 Zone Extents Framework Report prepared by Dr Mark Davey in preparing the Section 32AA report for the rezoning proposal, which was submitted to Council along with this evidence. As per Mr Davey's suggestion, my evidence focuses on the areas concerning policy alignment and matters of likely contention.

#### **Code of Conduct**

1.7 I have read the Environment Court's Code of Conduct for Expert Witnesses and agree to comply with it. My qualifications and experience as an expert are set out above. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

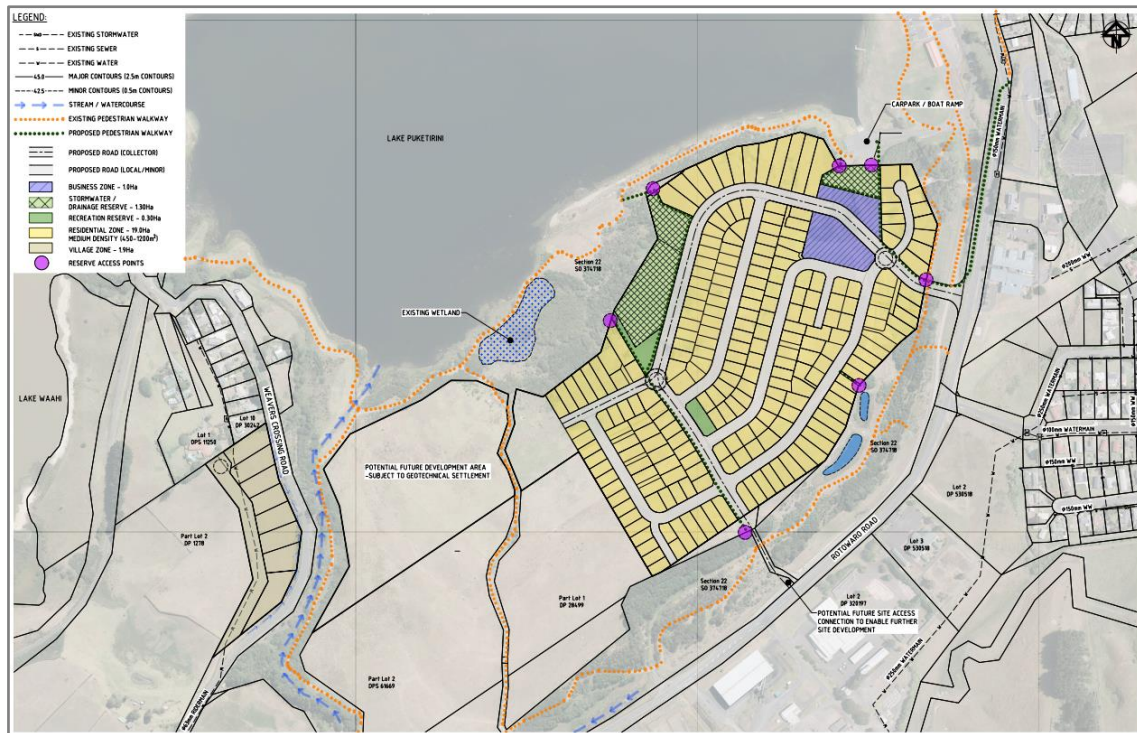
## **2.0 REZONING PROPOSAL**

2.1 As Mr Smith has outlined, TFR proposes that its land be rezoned as per **Figure 1** below.



**Figure 1: Proposed Rezoning Plan**

2.2 On the Puketirini block, the rezoning comprises 19 hectares Residential Zone and 1 hectare Business Zone, with 7 hectares in the west to be retained as Rural Zone. The Weavers Crossing site is proposed to be rezoned to Village Zone. Once rezoned, TFR proposes to develop the land approximately as indicated in the concept plan shown in **Figure 2**.



**Figure 2: Proposed Concept Plan**

**2.3 Features of the intended development of Puketirini block include:**

- a variety of lot sizes, ranging from 450m<sup>2</sup> to 1,200m<sup>2</sup>, a total of approximately 200 lots.
- stormwater treatment wetlands on the northern fringe;
- reticulated water and wastewater supply;
- a new accessway off Rotowaro Road; and
- additional pedestrian and cycle access to the reserve.

**2.4 Development of the Weavers Crossing site is proposed to comprise lots ranging from 1500m<sup>2</sup> to 2000m<sup>2</sup> with on-site servicing of water, wastewater and stormwater, with trickle-feed top up.**

**3.0 PROPOSED DISTRICT PLAN AMENDMENTS**

**3.1 A number of amendments to the PDP are required to implement the proposed rezoning and facilitate the future development. These are summarised below, with detail provided in the s32AA evaluation report.**

- 3.2 The proposed rezoning of the Puketirini block will require amendments to the planning maps in accordance with **Figure 1** and a new Residential Zone restricted discretionary rule specifically for subdivision of this land, prescribing a minimum lot size of 450m<sup>2</sup> (amongst other parameters) and the development of a structure plan to support a subdivision consent application. It is suggested that the new area created by the rezoning is referred to as the “Puketirini Residential Zone”.
- 3.3 Rezoning of the Weavers Crossing site will require amendments to the planning maps as per Figure 1 and a new Village Zone subdivision rule to permit lots ranging from 1,500m<sup>2</sup> to 2,000m<sup>2</sup> (amongst other constraints) as a restricted discretionary activity.
- 3.4 TFR has also sought amendments (addressed in previous hearings) to Residential Zone rules in relation to community activities and to ensure current farming activities at Puketirini can continue until residential development commences.

#### 4.0 **ASSESSMENT OF ENVIRONMENTAL EFFECTS**

##### **Social and economic**

- 4.1 The proposed rezoning and subsequent development of both sites will open up the Puketirini area and contribute to meeting the strong demand for housing capacity and business land in Huntly with associated social and economic benefits.
- 4.2 Although infrastructure capacity has not been modelled at this stage, the proximity of the Puketirini block to existing water and wastewater networks is likely to enable the efficient use of this infrastructure. Watercare Services has advised they are not aware of any network constraints but modelling will reveal if this is the case.

- 4.3 Employment opportunities include development construction and at businesses located within the new Business Zone. Other opportunities will arise from the need to service the new community.
- 4.4 As Mr Smith has noted, TFR is proposing to develop a range of housing typologies that will encourage a strong and varied community. The application of good urban design will help foster a sense of community and create a safe living environment. More broadly, TFR envisages a development that is compatible with the reserve and its users and contributes to raising the reserve's profile and patronage. It is anticipated that increased community stewardship of the area will help to discourage unsocial behaviour at the reserve.
- 4.5 Public access to the reserve will be enhanced through the development of multiple new walkway and cycleway connections.

#### **Infrastructure Servicing and Three Waters**

- 4.6 As Mr Vink has outlined, both the Weavers Crossing site and the Puketirini block can be serviced for three waters in accordance with statutory requirements and design standards. Existing water and wastewater services are in proximity to the development, which provides opportunity for connection. Further investigation is required to confirm potential constraints, design requirements and appropriate connection points, and these are appropriate considerations for the structure plan process. On-site servicing is appropriate for the larger Weavers Crossing lots, with on-site water supply supplemented by trickle-feed town supply.
- 4.7 Of key importance is the management of stormwater runoff to maintain the high water quality of Lake Puketirini. Mr Vink has advised that constructed wetlands are an appropriate management method suited to the size of the Puketirini block and will provide a multitude of benefits in addition to stormwater treatment.

### **Traffic**

- 4.8 Mr Smith has discussed the key findings of the integrated traffic assessment prepared by CKL, which concludes that proposed development can be accommodated, with appropriate upgrades in the case of the Puketirini block, by the existing road network.
- 4.9 The need for a second access to Rotowaro Road depending on development density has not been determined as this is an appropriate matter to address during the structure plan process.

### **Geotechnical considerations**

- 4.10 In his evidence, Mr Carter has advised that the Weavers Crossing site comprises soils appropriate for residential development with minimal requirement for specific engineering design of foundations.
- 4.11 Mr Carter has confirmed that based on his assessment, the Puketirini block comprises approximately 70% of what can be defined as “good ground” in the northeast suitable for residential development. As Mr Smith has explained, TFR has sufficient confidence in Mr Carter’s preliminary findings to propose a Rural Zone-Residential Zone boundary.
- 4.12 Following rezoning, TFR will undertake detailed geotechnical investigations to confirm site characteristics and inform foundation engineering design. The surface monitoring programme has commenced and will investigate the full Puketirini block.

### **Visual and amenity**

- 4.13 TFR has not commissioned a landscape and visual assessment to support the proposed rezoning however it is possible to make some general observations about visual effects and amenity.



- 4.14 Development of the Puketirini block will change the character within the site from rural to urbanised through the reduction in green space and the presence of buildings and roads in a conventional street form. This change may detract from the amenity values appreciated by neighbours and reserve users. However, the National Policy Statement on Urban Development 2020, (NPS-UD), Policy 6, directs decision makers to also 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.
- 4.15 Retaining the balance of the Puketirini block as Rural Zone provides a buffer between the proposed residential activities and the nearest dwelling at Weavers Crossing which is approximately 350m distant to the west.
- 4.16 TFR envisages a development that maintains the reserve amenity and has an enduring and positive relationship with the reserve and lake. Following the rezoning, the company intends to commission a landscape and visual assessment to support a subdivision consent application. This will inform covenants and other measures to control the visual elements of the development including boundary plantings, house colour and fence design.
- 4.17 The proposed stormwater wetlands on the reserve boundary, in addition to new reserve areas, will increase open space and improve amenity values. Multiple new walkways and cycleways to connect the site with the reserve will also have a positive amenity effect.

#### **Noise**

- 4.18 The proposed rezoning will contribute to noise at the time of construction and when residential and commercial activities are established, however relevant noise standards for the zones will be able to be met.

### **Ecological Effects**

- 4.19 Notwithstanding that TFR has not commissioned an ecological assessment, it is possible to make general observations about the proposed rezoning and the positive ecological effects that will result from the subsequent development.
- 4.20 The predominant feature of the Puketirini block is grazed pasture, reflecting decades of farming practices. There are no wetlands or permanent watercourses on the land although patches of reeds exist in the north, possibly as a result of seepage.
- 4.21 The proposed stormwater wetlands will have a positive effect on the terrestrial and aquatic ecological values of the site and provide connectivity to the existing wetland located in the reserve, north of the boundary. The main function of the wetlands is to treat the stormwater runoff to maintain the high water quality of Lake Puketirini, and by doing so, will protect the lake ecology and avoid the eutrophication issues that plague shallower Waikato lakes.
- 4.22 Proposed exotic and native plantings throughout the development will further improve the ecological values of the site by providing habitat for birds and invertebrates, and this will improve on the pastoral monoculture that dominates at present.

### **Cultural Effects**

- 4.23 As noted by Mr Smith, consultation has commenced with Waikato-Tainui via the Waahi Whaanui Trust, and the parties have discussed matters including the potential environmental and cultural uplift, ecological enhancement and benefits to the community. The Kaitiaki Environmental Impact Assessment considers that TFR has the potential to improve the local landscape and ecological value and respond to cultural values in the location and concludes that Waahi Whaanui does not oppose the proposed development. TFR is committed to continuing to work with Waahi Whaanui as the project progresses.

### **Reverse Sensitivity**

- 4.24 The rezoning and creation of a rural residential subdivision at Weavers Crossing will bring more residents into a rural area, increasing the potential for complaints about legitimate rural activities.
- 4.25 There is potential for reverse sensitivity effects when residential activities establish at the Puketirini block in relation to farming activities on the western part of the block, industrial activity to the south and lake and reserve users. However, farming activities are likely to be reduced post-development, and limited to cutting and haylage. The industrial zone on Rotowaro Road is considered sufficiently distant and topographically separated from the residential area for a low likelihood of reverse sensitivity issues to arise. In my opinion the residential area currently under development off Waugh Ave is more to result in these issues.
- 4.26 The use of motor boats on Lake Puketirini is an established activity and subject to the rules of the Puketirini Reserve Management Plan. This activity may be a source of complaints from new residents and so there will need to be careful management of residents' expectations.
- 4.27 Regardless of future scenarios, there is currently conflict between reserve users and farming activities on the Puketirini block. Incidents include off-lead dogs mauling cattle, damaged fences and stolen farming equipment. While this is more anti-social behaviour than reverse sensitivity, these events highlight the issues of farming close to the urban centre.

### **Flood risk**

- 4.28 None of TFR's land is in an area identified as being at significant risk from natural hazards including a High Risk Flood Area. TFR has submitted on Stage 2 of the PDP to oppose a defended area notation on the northeast corner of the Puketirini block. Regardless of the notation, this land could be built up through during construction to ensure it was above the defended area level. Flood risk is considered to be low.

### **Precedent Effects**

- 4.29 Rezoning the Weavers Crossing block to Village Zone has potential to create a precedent for future rezoning changes in this area. I consider this to be unlikely, given that each application must be assessed on its own merits, and Council holding discretion on accepting a proposed rezoning.

### **Recreational Effects**

- 4.30 The proposed development will have positive effects on recreation values. In addition to residents having ready access to the reserve, the development will help draw attention to Puketirini as a desirable destination for passive and active recreation. This is likely to increase reserve patronage and provide more opportunities for sporting and social events.

## **5.0 S32AA EVALUATION REPORT**

- 5.1 I am the author of the s32AA evaluation report for the rezoning proposal and have prepared it in accordance with the s42A Framework Report recommended 'three lens' outline to address relevant PDP provisions, consistency with higher order documents, and an assessment against best practice.

### **Relevant PDP provisions**

- 5.2 The proposed rezoning is consistent with relevant PDP provisions with the exception of two objectives.
- 5.3 Objective 5.1.1(a)(iii) seeks that urban subdivision, use and development in the rural environment is avoided. Due to the absolute wording, the proposal is not, and cannot, be consistent with this provision, and this is the case for all requests to develop rural land. There is clear tension between Objective 5.1.1(a)(iii) and other more enabling PDP provisions including Objective 4.1.1 (b), which implements minimum targets for the National Policy Statement on Urban Development Capacity

(2016), and Objective 4.1.2 (a) seeking that future settlement pattern is consolidated in and around existing towns and villages.

- 5.4 In addition, Objective 4.1.13(i) seeks to avoid development on areas where “*the geotechnical risk, ecological risk and the risk from any other hazards cannot be appropriately managed or mitigated*”. This wording doesn’t align with established risk management terminology and approaches, and is the reason that TFR is seeking amendment. This matter was addressed in TFR’s evidence for Hearing 3. I consider it likely that the wording of Objective 4.1.13(i) will be corrected in line with conventional terminology and that proposed rezoning will be consistent with the amended provision.

#### **Higher Order Documents**

- 5.5 An assessment against higher order documents found that the proposed rezoning is consistent with the Waikato Regional Policy Statement, the Waikato-Tainui Environmental Plan, Future Proof, the National Policy Statement on Urban Development 2020, and the Vision and Strategy for the Waikato River.
- 5.6 The proposal is assessed as inconsistent with Waikato 2070, as it is not located within an identified growth cell for Huntly. However, this is not surprising given the lack of information available at the time of its preparation. TFR is addressing that information gap through the PDP hearings and this process is considered the appropriate mechanism for rezoning as it provides a more robust and consistent approach to considering potential growth cells. Waikato 2070 was adopted prior to gazetting of the NPS-UD and does not reflect the increased urgency of that directive. It is reasonable to speculate that the size and location of growth cells will be updated when Waikato 2070 is reviewed in approximately 2023.
- 5.7 In addition, Section 5.2 of Waikato 2070 requires a structure plan to be developed prior to rezoning, to ensure clear direction and planning for the development of the growth cell. TFR proposes that the structure plan process follows rezoning, to

support the subdivision consent application. I consider that this timing is justified and as it allows additional input e.g. from the community and is likely to lead to better outcomes that reflect the current and changing market. The Framework Report allows this approach, stating that *“there is no pre-requisite for a structure plan to be prepared in order for a submission on zoning to be considered, nor is a structure plan required for the s42A author to recommend the submission on zoning be accepted.”*

### **Policy Alignment**

- 5.8 The absolute wording of Policy 5.1.1(a)(iii) makes it impossible for the proposed (and indeed, any) development to be entirely consistent with current PDP policy framework. However, it is my view that the NPS-UD directives clearly outweigh the no-go intention of this policy, and give more weight to the remaining development provisions.
- 5.9 Similarly, Waikato 2070 does not reflect the intensified focus of the NPS-UD on increasing residential capacity. It is a snapshot of the best intentions at the time of its development, which have been superseded. The absence of Puketirini as a growth cell and the Waikato 2070 requirement for a structure plan in advance of zoning are not reasons for declining the proposal.

### **Best Practice**

- 5.10 The s32AA report found that the proposal is generally consistent with best practice criteria, with the exception of the proposed spot-zoning of the Weavers Crossing site. However, while this approach is not best practice, I note that it has occurred elsewhere in the District. Weavers Crossing zoning and activities are an anomaly in the District Plan. So too is TFR’s site, which was originally taken for mining purposes and is now stranded as an uneconomic parcel. There does not appear to be a more appropriate alternative than Village Zone for this site.

### **Alternative Options**

- 5.11 A number of alternative options to achieving TFR's objectives of residential development are considered in the s32AA report. Further evaluation was undertaken on the application of a Future Urban Zone (FUZ) on the Puketirini block, and either a Country Living Zone or a rural subdivision process for the Weavers Crossing site. These options were considered as part of the costs and benefits analysis and in the assessment of other criteria.

### **Costs and Benefits**

- 5.12 The costs and benefits (environmental, social, general economic, economic growth employment and cultural) of the proposal and alternative options were assessed as part of the s32AA evaluation. Overall, the benefits of adopting the proposal are considered to outweigh the costs.
- 5.13 In relation to the Puketirini block, the rezoning will make a significant contribution to increasing Huntly's residential capacity and allow Council to give effect to the strong NPS-UD directives at the earliest opportunity. The proposed business zone will also help to meet the demand for commercial land in Huntly and will provide a neighbourhood focus. Improved housing and business opportunities will contribute to the general uplift of Huntly West and improve patronage and community "ownership" of Puketirini Reserve.
- 5.14 Compared to the current farming practices, proposed stormwater wetlands will improve the water quality discharged to the lake, and have positive effects on ecosystem values. Although modelling has yet to be undertaken, connection to existing infrastructure nearby is considered likely to be straightforward. A structure plan process will enable community input to the proposed development, particularly in regard to amenity considerations.
- 5.15 From the work undertaken to date, it is considered that intensification is able to occur with minor environment effects. The future structure plan process will allow

further investigation of effects such as geotechnical issues and amenity and allow for community input. This process will also include infrastructure modelling to inform planning and provision and ensure that timing meets the needs of the various development stages.

- 5.16 The proposed Village Zone at Weavers Crossing is considered the best fit to create the proposed unserviced lots, which, although a more intensive land use, are assessed to have minor adverse environmental effects, including amenity effects. Adopting this option will also contribute to giving effect to the NPS---UD.
- 5.17 The spot-zoning of a Village Zone, while not best practice, is considered the most appropriate to achieve the objectives alongside the existing zoning and uses compared to other options. Precedent effects are possible, which may lead to more applications for intensified zonings at Weavers Crossing but each case must be considered on its own merits, and in the context of relevant policy including the NPS-UD.

#### **Further evaluation – Puketirini Block**

- 5.18 Further evaluation was undertaken to assess the proposed rezoning and alternatives, with the proposed rezoning being the preferred option overall. Key points of the findings are as follows.
- 5.19 The proposed rezoning is the most appropriate use of a small non-productive farm block in a lakeside setting, and a logical extension to Huntly and the existing nearby infrastructure. It enables Council to give effect to the NPS-UD and will give certainty to the community as to the intended use of the land. Development can occur in a way that avoids, remedies or mitigates environmental effects.
- 5.20 Adopting the proposed rezoning through the PDP process is an efficient and effective means of achieving the outcomes sought by TFR. Council has invested a lot in the PDP process to ensure that rezoning matters will be considered in a robust and



methodical fashion and this is the appropriate time for that decision to be made, especially with the urgency for action in the NPS-UD. By contrast, a future urban zone for the Puketirini block may effectively repeat the process with additional cost and time delays, and may not be sufficient to provide for an oversupply of Huntly housing capacity that will ensure supply keeps pace with demand.

- 5.21 A potential risk of acting is that the provision of required infrastructure will not occur in time for the various development stages, and this will be looked at further in the structure plan stage. Whilst the community has not had full input to the process, they can be involved in the structure plan process.
- 5.22 Some may consider that a rezoning risk is that future development is affected by geotechnical instability. However, preliminary evidence is that settlement has occurred in the subject site, and further work will be conducted to determine the engineering constraints that are required prior to subdivision (as is the case for any site).
- 5.23 A risk of not acting, aside from Council potentially being unable to give effect to the NPS-UD is that TFR permanently abandons its development intentions or future land pressures lead to a rezoning and subsequent high intensity development that is less compatible with the lake environment.

#### **Further evaluation – Weavers Crossing Site**

- 5.24 Village zoning at the Weavers Crossing site is considered a more appropriate alternative to Rural Zone subdivision or a Country Living Zone, based on likely lot sizes, the nature of the surrounding land uses and the policy framework. Neither Rural Zone subdivision nor CLZ are consistent with the PDP framework.
- 5.25 While there is little risk of not acting to rezone this site, doing so will add housing capacity in line with the NPS-UD.

### **Scale and Significance**

- 5.26 My assessment across a range of parameters is that the rezoning proposal is of low to medium significance. Although it represents a moderate change in land use from rural to residential, rural residential and business zones, the proposal is of local significance and only a relatively small number of people are directly affected by due to the topography and unique location within the reserve. Community interest is assessed as moderate given low numbers of directly affected parties.

## **6.0 ASSESSMENT AGAINST OTHER DOCUMENTS**

- 6.1 In addition to the documents assessed in the Section 32AA report, there are other documents relevant to the rezoning proposal, which are discussed as follows.

### **National Environmental Standard for Freshwater Management 2020**

- 6.2 The National Environmental Standard for Freshwater Management (NES-FM) came into effect in September 2020 and sets out the objectives and policies for freshwater management under the Resource Management Act 1991. At its core is the concept of Te Mana o te Wai which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment and the mauri of the wai. Six principles of responsibility underpin the concept
- 6.3 The primary objective of the NPS-FM is:
- 2.1 Objective*
- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
- (a) first, the health and well-being of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

6.4 The proposed rezoning is consistent with Objective 2.1 as subsequent development will maintain the health and well-being of Lake Puketirini whilst allowing the Huntly community to provide for its social economic and cultural well-being.

6.5 The relevant policies that underpin Objective 2.1 are as follows:

*Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.*

*Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*

*Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*

*Policy 9: The habitats of indigenous freshwater species are protected.*

*Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.*

*Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.*

6.6 The proposed rezoning is consistent with these policies. In particular it is noted that there are no natural inland wetlands (as defined in the NPS-FM) on the site.

**National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011**

6.7 The report by Contaminated Site Investigations and discussed by Mr Smith, has been prepared in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011. The report concludes

it is highly unlikely there will be a risk to human health if the site is developed for residential use.

### **The Waikato Plan**

- 6.8 The Waikato Plan is the overarching strategic plan for the whole region, developed in collaboration between Waikato Councils, Central Government and other public and private organisations, and adopted in August 2017. It provides an action plan to support the integrated development of the region for the next 30 years.
- 6.9 The Waikato Plan sets out a number of priority areas, with two that are most relevant to the proposed rezoning. Priority 1: People (Planning for population change) is based around identifying future residential, employment and industrial areas, and the key infrastructure needs. Priority 5: Economy (Advancing regional economic development) recognises the need for sufficient, well-located business land to support business growth and community needs.
- 6.10 The proposed rezoning is consistent with these priorities in that it provides a clear pathway for future residential development in Huntly and enables business growth that is compatible with the community that will establish.

### **Proposed Waikato District Plan – Stage 2**

- 6.11 Council notified Stage 2 of the Proposed Waikato District Plan (Natural Hazards and Climate Change in July 2020). TFR lodged a submission in relation to Stage 2, in relation to two points. Firstly, TFR supports the risk-based approach that underpins Stage 2, as this is a well-understood and accepted means of managing actual risks posed by any hazard, including a natural hazard. Secondly, TFR seeks the deletion of a defended area notation that is proposed on an area in the northeast of the Puketirini block, as this area is not defended by stopbanks or a flood protection scheme.

6.12 It should be noted that the proposed development is not in an area considered significant risk. Relevant proposed Chapter 15 provisions are as follows:

*Objective 15.2.1 Resilience to natural hazard risk*

*A resilient community where the risks from natural hazards on people, property, infrastructure and the environment from subdivision, use and development of land are avoided or appropriately mitigated.*

*Policy 15.2.1.6 Managing natural hazard risk generally*

*Provide for rezoning, subdivision, use and development outside High Risk Flood, High Risk Coastal Hazard Inundation and High Risk Coastal Hazard (Erosion) Areas where natural hazard risk has been appropriately identified and assessed and can be adequately avoided, remedied or mitigated and does not transfer or exacerbate risk to adjoining properties.*

*Policy 15.2.1.19 Development on land subject to instability or subsidence*

*Avoid locating new subdivision, use and development, including rezoning, on land assessed as being subject to, or likely to be subject to, instability or subsidence, unless appropriate mitigation is provided and the activity does not increase the risk to people, property or infrastructure.*

*Policy 15.2.1.21 - Stormwater management in areas subject to risk of land instability or subsidence*

*Avoid discharge of stormwater directly to ground on land that is potentially at risk of land instability or subsidence unless:*

- (i) an assessment has been undertaken by an appropriately-qualified geotechnical specialist, indicating that the site is suitable for the proposed discharges; and*
- (ii) any adverse effects on the site and receiving environment can be appropriately mitigated.*

- 6.13 Policy 15.2.1.19 seeks to avoid rezoning land likely to be subject to instability or subsidence unless appropriate mitigation is provided and the activity does not increase the risk to people, property or infrastructure. The proposal is considered consistent with this policy. The extent of any instability will be determined through the TFR's post-zoning investigations, and the response will be mitigation of an order that manages risk to an appropriate level. The proposal is consistent with the other policies.

### **Puketirini Management Plan**

- 6.14 Waikato District Council obtained Puketirini under the Public Works Act 1981. Although it is not a reserve under the Reserves Act 1977, Council followed a reserve management plan process in preparing the Puketirini Management Plan (2009) which sets out the future development, management and use.
- 6.15 The stated vision for Puketirini is *"to protect and enhance the health and well-being of Puketirini, and develop Puketirini for community use."*
- 6.16 This vision for Puketirini is underpinned by a suite of objectives and policies, covering environmental quality, recreational opportunities, safety, noise control, facility development, cultural and historical significance, signage and funding. Land outside of Puketirini is not covered by this plan and is therefore not subject to these policies, however TFR's development plans align with the vision and with Objective 1, which prescribes that the *"lake remains suitable for contact recreation, and Puketirini ecological values are protected and developed."*

## **7.0 ASSESSMENT AGAINST THE RMA**

### **Section 6**

- 7.1 With respect to the matters of national importance outlined in Section 6 of the RMA, Lake Puketirini is a man-made lake and so while it has character involving natural features, this is not considered natural character as per s6(a). Public access to the

lake will be maintained and enhanced (s6(d)). Significant risk from geotechnical hazards can be managed (s6(h)).

## **Section 7**

- 7.2 Relevant other matters under Section 7 of the RMA are (b) the efficient use and development of natural and physical resources, (c) the maintenance and enhancement of amenity values, (d) intrinsic values of ecosystems and (f) maintenance and enhancement of the quality of the environment.
- 7.3 The proposed development is an efficient use of the site, which is currently only marginal for farming, and represents the last step in a decades-long cycle of land uses. The landscape created by mining rehabilitation is ideally suited to residential development, being elevated, north facing and with lake views in places. The site is assessed as highly unlikely to present a risk to human health or the environment as a result of residential development.
- 7.4 The proposed stormwater wetlands will ensure a high quality of discharge to the lake and will themselves have value as extensions to the existing wetland ecosystem on the reserve.

## **Section 8**

- 7.5 With respect to s8, TFR has commenced consultation with the Waahi Whaanui Trust, who have expressed that they don't oppose the proposal. TFR will continue to progress the relationship as the development proceeds.

## **Section 5 – Achieving the purpose of the act.**

- 7.6 The objective of the proposal (i.e. to rezone land for residential/commercial/rural residential purposes) must be assessed as to whether it is the most appropriate way to promote the sustainable management of natural and physical resources, as per the purpose of the RMA (s5).

7.7 The proposed rezoning will have economic and social benefits for the Huntly community through additional housing capacity, employment, and establishment of a new suburb, all of which will enable them to provide for their social, economic and cultural well-being and for their health and safety. This can be achieved whilst meeting the requirements of s5(a) to (c):

*a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

7.8 Specifically, the use of the land for growth meets a clearly identified need to provide housing for future generations, the urgency for which is articulated in the NPS-UD.

7.9 As set out in Section 4 of this report, the effects of development can be avoided, remedied or mitigated. Of particular interest in this location is the water quality of Lake Puketirini, and development of the Puketirini block will include a variety of mechanisms to safeguard this receiving environment, including a reticulated wastewater network and stormwater treatment wetlands. The latter will enhance ecosystem function in the lake environment and overall the proposal will safeguard the life-supporting capacity of air, water, soil and ecosystems.

7.10 Accordingly, it is my conclusion that the proposal objective is the most appropriate to meet the purpose of the Act.

## 8.0 **STAKEHOLDER CONSULTATION**

8.1 In addition to the parties Mr Smith has discussed, Waikato Regional Council and Watercare Services Ltd have also been consulted.



### **Waikato Regional Council**

- 8.2 I met with policy and resource use staff at Waikato Regional Council in October 2020. We discussed the relevance of Part 6 of the Regional Policy Statement, the matter of hazards including geotechnical hazards, the timing of the Metro Spatial Plan / Corridor Plan and the River Communities Spatial Plan, when this was developed. Attention was drawn to the NES-FM and the strict requirements for work within a wetland.
- 8.3 From an operational perspective, water quality was considered a primary issue for TFR to address, and staff were comfortable with the proposed stormwater treatment wetlands.

### **Watercare Services Ltd**

- 8.4 I met with the Infrastructure Delivery Manager and GIS staff at Watercare Services in October 2020.
- 8.5 Staff advised there are engineering solutions to supplying wastewater and water networks for the full development of the Puketirini block, but more detailed assessment is needed. Connection is theoretically possible and there are various options available, depending on pipe sizes and levels, locations and capacities of existing pump stations.
- 8.6 Watercare advised there were no capacity issues in the Huntly WTP. They are tasked with planning for anticipated growth so if Puketirini is part of the growth, it'll be serviced.

### **9.0 RESPONSE TO FURTHER SUBMITTERS**

#### **Mercury Ltd**

- 9.1 Mercury Ltd opposes TFR's submission (and many others) and seeks that the PDP process is put on hold until the natural hazard provisions are developed for

consideration. If the natural hazard provisions are delayed to Stage 2 of the PDP, then Council must revisit all the urban growth and land use intensification provisions at that time.

- 9.2 The proposed rezoning has been caught in Mercury's wide net due to its location in the Waikato River catchment. However, the site has a low flood risk, and can be contoured to address the small defended area notation in Stage 2 of the PDP, should this prove to be relevant. In my opinion, there is no justification for a delay on the rezoning decision.

### **Waikato Regional Council**

- 9.3 Waikato Regional Council has opposed TFR's submission on the grounds that rezoning decisions with the Hamilton-Auckland (H2A) corridor should be deferred until the relevant component of the corridor plan is complete, to avoid undermining the strategic planning process.
- 9.4 The H2A Corridor Plan and Implementation Programme was released in November 2020, and identifies Waikato river communities, including Huntly, as one of the three geographical focus areas. The plan refers to Waikato District Council's strategic approach to growth and notes that growth in a number of the river communities is still under consideration through the district plan process. The Plan is identified as being a living document that will be updated when the district plan process is complete.
- 9.5 Accordingly, I believe there are no grounds to delay a rezoning decision in relation to H2A planning.

### **10.0 CONCLUSION**

- 10.1 Investigations to date indicate TFR's development can proceed in a way that avoids, remedies or mitigates environmental effects, and the level of detail is considered sufficient to allow Council to accept the proposed rezoning.

- 10.2 The proposed rezoning is consistent with all relevant PDP provisions with the exception of the boldly stated Policy 5.1.1a)(iii), which in my opinion should be given less weight consistent with the higher level directives of the NPS-UD.
- 10.3 Adopting the proposal will enable Council to give effect to the NPS-UD and is consistent with other higher order documents, including Future Proof 2017 as it is located within the growth development pattern indicated for Huntly. The absence of a Puketirini growth cell in Waikato 2070 or a supporting structure plan are not reasons to decline the rezoning.
- 10.4 The proposed rezoning i.e. Village Zone for Weavers Crossing site, Residential and Business Zones for the Puketirini block has been assessed against alternatives and evaluated as the preferred option to achieve TFR's development objectives. It is the most appropriate to meet the purpose of the RMA.

Signed: LC Smith

Lucy Smith, 17/02/2021