

SECTION 42A REPORT

Rebuttal Evidence

Hearing 25: Zone Extents Pokeno

Report prepared by David Mead

Date: 10th May 2021



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1 Introduction

1.1 Qualifications and experience

1. My full name is David William Arthur Mead. I am employed by Waikato District Council as a contractor to provide s42A reporting on Pokeno zoning submissions in the Proposed Waikato District Plan (PWDP).
2. I am the writer of the original s42A report for Hearing 25: Rezoning – Pokeno, dated 14 April 2021.
3. My qualifications and experience are set out in the s42A report in section 1.1, along with my agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 as set out in section 1.2.
4. The text changes to the recommended PWDP as a result of this rebuttal evidence are set out in Appendix 2.

2 Purpose of the report

5. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:
If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.
6. The purpose of this report is to address the rebuttal evidence filed by submitters, where that evidence raises new points that I had not had the opportunity to take into account in my s42A report, and/or where those points lead me to amend my recommendations.
7. The fact that I do not respond to all rebuttal evidence provided does not mean that I agree with all the points raised in that evidence. I concentrate on those areas where my analysis and recommendations are amended.
8. In addition to responding to the rebuttal evidence, I also address a number of submissions that were not included in the s42A report, as well as the implications of Council's modelling of housing capacity, based on the rezoning recommendations in the s42A report.

3 Submissions Missed in S42A Report

9. The following submission point (and associated further submissions) was missed in the s42A report. This submission should have been included in Section 4: General Growth Spatial Planning of the report.

Submission Point	Submitter	Decision Requested
524.34	Anna Noakes	Amend Map 07 Tuakau/Pokeno and Environs, to examine all zoning options for growth within land in Pokeno and surrounds to provide for the required level of Residential for the next 30 year period as detailed within the Future Proof Strategy; AND Delay zoning the land until new legislative planning requirements, and revised regional growth strategies have been determined.

FS1202.97	New Zealand Transport Agency	Support
FS1261.33	Annie Chen	Oppose
FS1281.22	Pokeno Village Holdings Limited	Support
FS1297.36	CSL Trust & Top End Properties Limited	Oppose
FS1108.190	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FS1377.124	Havelock Village Limited	Oppose
FS1388.633	Mercury NZ Limited for Mercury E	Oppose

3.1 Analysis

10. The matters raised by Anna Noakes [524.34] are similar to those raised by NZ Transport Agency [742.15], Auckland Transport [FS1273.82], Watercare [FS1176.253], Waikato Regional Council [FS1277] and Pokeno Village Holdings [386.3] regarding live zoning prior to any structure planning having occurred. Paragraphs 81 to 89 of my s42A report address the matters raised by Anna Noake's submission and consistent with the recommendations in the s42A report, I recommend no changes.

3.2 Recommendation

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

(a) **Reject** Anna Noakes [524.34]

3.3 Recommended amendments

12. No amendments are recommended.

3.4 Section 32AA Evaluation

13. No further evaluation is required.

4 Capacity Modelling

14. Supplementary evidence on the Framework Report has been prepared by Dr Mark Davey, dated 28th April 2021. That report provides estimates of the capacity to be provided by the rezoning recommendations set out in Council's s42A rezoning reports. At a district-wide level, there is sufficient housing capacity provided to meet the terms of the National Policy Statement for Urban Development¹, although the report notes that the gap between supply and demand is slim. The report highlights that there is a risk of not meeting the broader policy intent of the National Policy Statement for Urban Development (NPS-UD) with respect to allowing sufficient supply for competitive land markets to exist (particularly in and around each town). However, the report notes that the capacity from Future Urban Zone areas has not been factored into the 'supply' analyses.

¹ Hearing 25: Framework report: Supplementary Evidence Report, Dr Mark Davey, 28 April 2021, paragraph 12

15. In relation to employment activities, the conclusion is that there is insufficient supply of employment land being put forward for zoning to meet demand in either the as-notified PWDP or s42A recommendations².
16. At the level of Pokeno, the analysis of housing capacity versus demand shows an excess of capacity taking into account market feasibility of supply. When consideration of whether development is reasonably likely to occur is included, then supply is somewhat less than demand. See Figure 1 below (which is Figure 15 from the report).

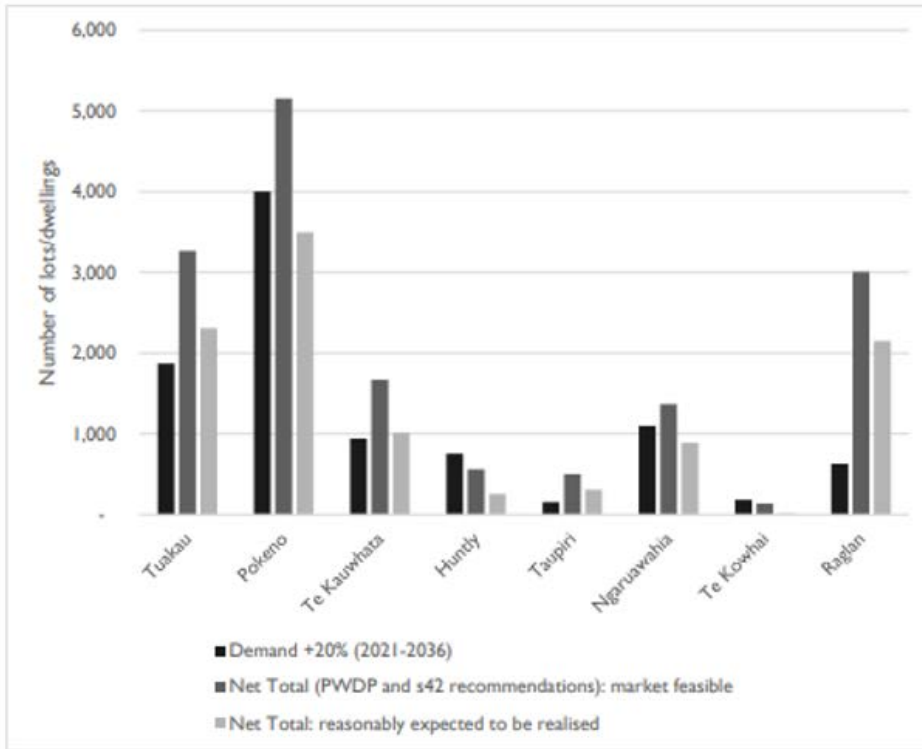


Figure 1: Township housing analysis: demand vs market feasible vs likely to be realised³

17. Taking into account the Future Urban Zone proposed for part of East Pokeno, the capacity increases and matches expected demand, but with no 'head room'. See Figure 2 (Figure 16 from the report).

² Hearing 25: Framework report: Supplementary Evidence Report, Dr Mark Davey, 28 April 2021, paragraph 69

³ Hearing 25: Framework report: Supplementary Evidence Report, Dr Mark Davey, 28 April 2021, Figure 15

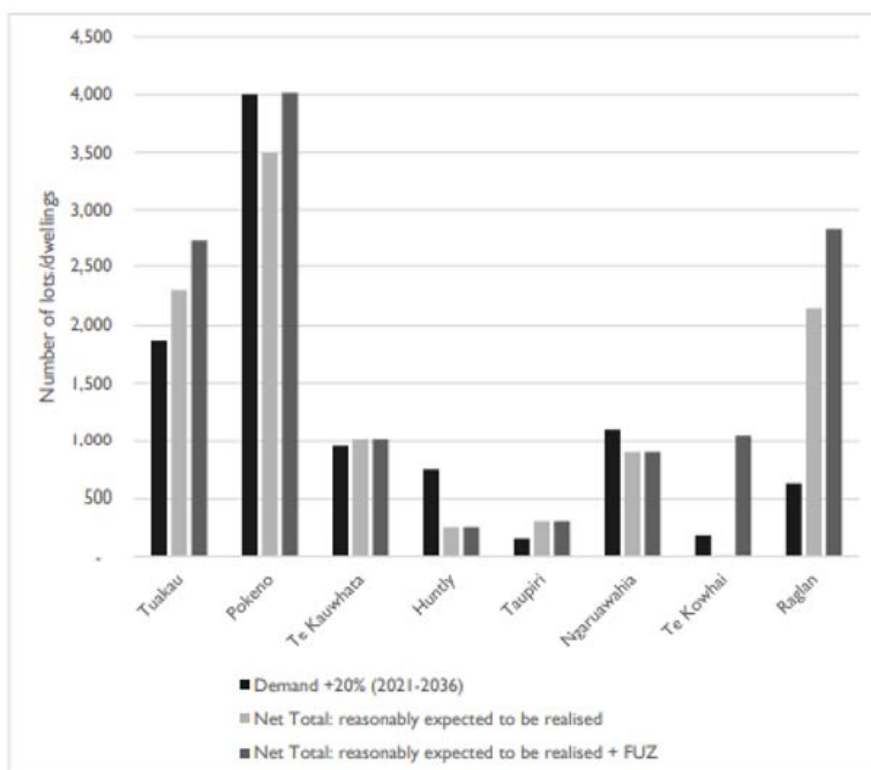


Figure 2: Township housing analysis: demand vs likely to be realised vs likely to be realised + FUZ⁴

18. The report notes the range of assumptions that go into determining capacity, particularly around market feasibility and whether capacity is reasonably likely to be taken up. In addition, the report looks out to 2036 (i.e. a 15 year time period), when the PWDP has a 10 year life span.
19. Having reviewed the report, I see no need to 'add' more capacity to Pokeno. That is, I maintain the recommendations set out in my report of 18 April 2021 from a capacity point of view. I do note that submitter calls to reduce capacity (such as calls to maintain Rural zonings) need to be considered in the context of the above capacity figures.
20. Rebuttal evidence was received that continues to question assumed growth rates and capacity requirements. Having reviewed that evidence, I consider that the supplementary report by Dr Davey provides a reasonable picture of demand and supply. Importantly, Dr Davey's report shows that there is no room to remove housing capacity from the zoning recommendations as to do so may breach NPS-UD requirements.

5 Rebuttal Evidence.

21. Evidence relating to Pokeno rezonings was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel, or by authorised extension.

Submitter	Submission Number
Waikato Regional Council	697
Pokeno West Ltd	97
CSL Trust & Top End Properties	89

⁴ Hearing 25: Framework report: Supplementary Evidence Report, Dr Mark Davey, 28 April 2021, Figure 16

Pokeno Village Holdings	386
Stephen and Teresa Hopkins	451
Z Energy	589
Kainga Ora	749
Havelock Village	862
Thorntree Orchards and Cindy and Tony Young	54
Ngati Tamaoho	FS 1369
Ngati Te Ata	FS 1248
Hynds Pipe Systems and Hynds Foundation	FS 1341

6 Response to Submitter Evidence

6.1 Z Energy [589 and FS1029]

22. Z Energy in its primary submission sought the rezoning of the existing Z Truck Stop on Great South Road, Pokeno from Business Town Centre Zone to Business Zone. Alternatively, Z Energy sought that if the Business zoning was retained amendments are made to the relevant standards to recognise the operational and potential redevelopment needs of the Truck Stop.
23. Ms Georgina McPherson's rebuttal evidence on behalf of Z Energy contends that the alternative relief sought was not sufficiently addressed in the s42A report. In short, what I took from the rebuttal evidence is that the effect of maintaining the relevant town centre zone standards is that the Truck Stop may not be able to be upgraded / expand, and this may harm economic wellbeing. In Ms McPherson's view, this effect was not adequately addressed.
24. I confirm that the above matters were taken into account in my assessment of appropriate zonings and I maintain my position. Even if the issues raised by Ms McPherson were given greater weight, I still maintain that the future environment and amenity of the town centre is a more important consideration than maintaining the current activity. I also maintain that the resource consent process is open to applicants to put forward alternative outcomes. For example, in this regard it is my understanding, based on Council's s42A Report – Section 89 – Chapter 18: Business Town Centre Zone – rule 18.3.5 Verandahs; that non-compliance with the verandah standard is a restricted discretionary activity, with one of the matters of discretion being:
- (iv) The functional requirements of the activities that the buildings are intended to accommodate.*
25. My recommendation in my s42A report has not changed in light of Ms McPherson's rebuttal evidence.

6.2 Pokeno Village Holdings [386]

26. Pokeno Village Holdings provided rebuttal evidence in relation to transport and planning matters. My review of this evidence is that it does not raise any new issues of substance over and above their primary evidence.
27. Mr Chris Scrafton's evidence on capacity and structure plans reiterates points he has already made. The transport rebuttal evidence of Mr Wes Edwards provides a helpful table of his assessment of whether there is sufficient evidence around transport effects to justify rezonings.

I note that his text state that an ‘amber’ rating means that “further investigation is required, but it is probable that the necessary transport infrastructure could be provided, or there are issues in providing sufficient transport infrastructure that are currently unresolved”.⁵

28. The two main growth areas that I have recommended to be accepted (compared to the notified plan) – being Havelock Village and CSL / Top End Properties - both have an ‘amber’ rating. I consider this analysis supports my recommendation that rezoning of these two areas is appropriate, with specific details of transport upgrades to be determined through the subdivision and development process and Local Government Act processes relating to development contributions.

6.3 Pokeno West Ltd and CSL / Top End Properties

29. Pokeno West Ltd and CSL and Top End Properties (CSL site) have produced joint and separate rebuttal evidence. The two sites abut each other and were considered collectively in the s42A report as the western expansion area of Pokeno. The evidence of Sir William Birch raises a new point as to the potential for environmental enhancement of the steeper slopes on the CSL land to address landscape concerns. Evidence from Mr Rob Pryor supports this from a landscape perspective.
30. Sir Birch in his rebuttal evidence seeks the reconsideration of the Country Living Zone on the western portion of the CSL site. This area is shown in green within Figure 3 below. Sir Birch notes the ability of subdivision to further protect ecological resources in the area, including an existing stand of Kahikatea trees that are currently being damaged by cattle grazing. Sir Birch has also offered the creation of Environmental Protection Areas (EPAs) across the site to further ecological restoration outcomes and create a transition between town and country.

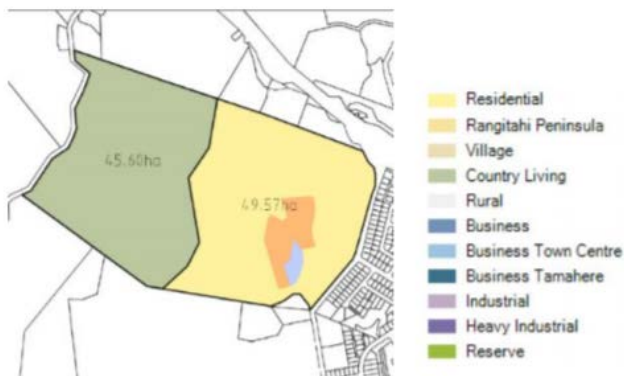


Figure 3: Zoning sought, rebuttal evidence is in regard to the green (Country Living zone) area.

31. Ms Jennifer Shanks also provides ecological rebuttal evidence in relation to the western portion of the CSL site. Ms Shank’s evidence identifies areas of naturally rare habitat (cliff vegetation on volcanic tuff) within the western portion of the site as well as various stream tributaries that have been severely impacted by livestock grazing and movement. Ms Shanks also discusses kahikatea, totara and broadleaved podocarp forests that would benefit from what is described as a ‘low impact Country Living zone’ on the site (including the subsequent removal of livestock effects). Ms Shank’s evidence provides a map of the key ecological areas in Appendix 2 of her rebuttal evidence; these tend to be located within the eastern portion of the site (recommended to be rezoned to Residential Zone) as well as being located in wetlands and significant natural areas, both of which are afforded protection regardless of zoning.

⁵ Statement of rebuttal evidence of Wesley Edwards on behalf of Pokeno Village Holdings Limited, 3 May 2021, paragraph 3.4

32. The potential for EPAs to be identified in the western part of the site (on the steeper land) to protect and expand existing ecological areas is noted. As discussed in the s42A report in relation to rezoning proposals put forward elsewhere, such enhancement of the landscape and of the natural resources present can help off-set the adverse landscape consequences of countryside living development. In the case of the CSL / Top End site, the land does have particular landscape sensitivities as part of the northern rural backdrop to the township. The proposed form of countryside living put forward in rebuttal evidence does not appear to require a clustered approach to housing development, where the majority of the land is to be replanted and retired and housing is located in the less obtrusive areas of the land. This is an important distinction to the proposal put forward by Havelock Village (which is also located in a different visual catchment). The rebuttal evidence provided by Ms Shanks and Sir Birch has not changed my opinion in relation to a Rural zoning of the western portion of the CSL site being the more appropriate zone, and my recommendation in the s42A report stands.
33. I note that while still seeking zoning for a neighbourhood centre and medium density housing, Mr Ian Munro accepts that these outcomes can still be achieved, once the land is zoned Residential Zone.

6.4 Havelock Village Limited [386] and Hynds [FS1341]

34. In this section I respond where necessary to the evidence of Havelock Village Limited (HVL) and Hynds as they relate to two issues:
- a. the interface between the existing Heavy Industrial Zone and the proposed Residential rezoning of land controlled by Havelock Village from rural to residential.
 - b. land above RLI00m.
35. I note that the rebuttal evidence for HVL also covers amendments to their recommended plan provisions that address a number of the issues that I raised in the s42A report. I discuss, where necessary, these amendments in the next section of this report.

6.4.1 Reverse sensitivity

36. The rebuttal evidence of Mr Jon Styles suggests agreement is likely between the noise experts for Havelock Village and Yashilli as to how to manage noise issues. The approach set out in Mr Styles' evidence appears to refine the position advanced in my s42A report. Dependent upon the final outcome, I am likely to support any modifications that they propose to the recommendation set on in my 42A report.
37. The main issue between HVL and Hynds is in relation to what may be termed 'amenity reverse sensitivity effects'.
38. I continue to maintain that the avoidance of (reverse sensitivity) noise issues is to be secured, but other reverse sensitivity effects should be mitigated. Rebuttal evidence from HVL may suggest that I consider amenity-based reverse sensitivity effects include visual amenity and outlook. As set out in the s42A report, I do not consider that visual outlook over an industrial activity is a reverse sensitivity effect that needs to be avoided. To my mind, the relevant issue is that visual interaction heightens potential for sensitivity to other effects like lighting, odours, dust and other discharges, but a view of an existing factory cannot be taken as an adverse reverse sensitivity effect in and of itself. My reading of the PWDP policies is that these 'other' reverse sensitivity effects should be mitigated (not avoided).
39. The rebuttal planning evidence of Mr Dharmesh Chhima and Ms Sarah Nairn for Hynds suggests alternative methods to manage these other reverse sensitivity effects in relation to the Havelock

Village site to those set out in my report. In summary they involve an enlarged buffer (to that proposed by Havelock Village) and a preference for this buffer to be vested as open space. I proposed a mix of buffer and lot and building design to address reverse sensitivity concerns.

40. Ms Rachel de Lambert evidence supported an enlarged buffer. The premise of this buffer is that it covers HVL land that is presumed to have a visual interaction with the heavy industrial zoned land. I note that the lighting evidence for HVL (Mr Bryan King) contains an analysis of the extent of direct line of sight to the Synlait Plant, given the topography of the HVL land. His assessment is that there will not be a substantial number of dwellings within the line of site.⁶ His figure on page 6 of his rebuttal evidence shows only a small area where there is a direct line of sight to Synlait, at the foot of a central stream gully to Synlait. However, I accept that there may be oblique views from the slopes either side of the stream, further up the small valley.
41. I recommended an enlarged buffer in the south eastern corner of the HVL site, as this corner is close to the zone boundary. While the land may be outside the final agreed noise contours, it is physically close to the Synlait site, at a high elevation and has an eastern outlook over the southern portion of the Hynds site. On this basis, I support the area identified by Ms de Lambert (area 1) being included in the buffer (see Figure 4 below).



Figure 4: Areas to be included within buffer to Industrial Land (snapshot taken from Ms de Lamberts evidence – Figure 1)

42. As for the larger addition to the north proposed by Hynds (area 2 on Ms De Lambert’s map, in Figure 4 above), this land mostly has a different profile to the land to the south. The landform involves a stream gully which is to be retained. The land is more orientated north-south, rather than having an outlook to the east. The ‘bend’ in the boundary of the noise contour/proposed buffer reflects this profile. I understand that near the foot of the gully, wetlands or other forms of stormwater management will be required to be installed, likely involving landscaping. In my

⁶ Rebuttal Evidence of Bryan King on Behalf Of Havelock Village Limited, 3 May 2021, paragraph 5.7

assessment, the land in this area could be profiled so that outlook is towards and north and south, thereby helping to minimise the potential for reverse sensitivity effects to be generated.

43. In this area I maintain that the design of the eventual subdivision can help to minimise the potential for reverse sensitivity effects to arise. I do not consider that the potential reverse sensitivity effects require a larger buffer in this area (taking into account that noise effects will be addressed).
44. In my s42A report I proposed a number of amendments to the HVL submission to ensure that reverse sensitivity effects are addressed at subdivision stage. The evidence of Mr Chhima and Ms Nairn question the effectiveness of these proposed amendments, stating that they are not 'hard and fast'.
45. I still consider that the matters identified are best addressed at subdivision and development stage. This may involve specific earthworks profiles, larger lots and landscape treatment. In terms of housing design, I referred to this in relation to appropriate noise insulation. While I agree that there is a degree of flexibility over outcomes that such provisions allow for, I consider that this remains the most efficient method of enabling housing while managing (non noise) reverse sensitivity concerns.
46. For HVL, Mr Mark Tollemache and Mr Ian Munro maintain that the buffer proposed by HVL is sufficient to manage reverse sensitivity issues. They do not accept that visual interaction is an adverse effect that needs to be managed. I reiterate my point that it is not a view of the buildings which is of concern; rather it is views of lighting, air discharges and the like that can generate concern from future residents, and hence generate calls for tougher standards on industrial activities.

Recommendations in relation to reverse sensitivity

47. I proposed the following amendments to the HVL proposed provisions in my s42A report:
Proposed policy.
"Subdivision and development shall minimise the potential for reverse sensitivity effects to arise on the Havelock Village Precinct's eastern boundary with Heavy Industrial and Industrial zoned land through a combination of physical separation, lot size and orientation, landscape treatment and building design".
48. In response to the submitter's rebuttal evidence, I recommend including the words "lot size' in the policy (as highlighted grey and double underlined). This Policy should be inserted into Chapter 4.1.11 – Pokeno, as proposed by Mr Tollemache.
49. In the s42a report, I proposed the following matter of discretion:
Subdivision
(vi) Design of earthworks (contours), lots size and orientation and landscape treatment to reduce reverse sensitivity effects on near-by Heavy Industrial Zoned activities including through limiting direct visual interaction from building platforms and associated future dwellings and outdoor living areas.
(vii) Ownership and on-going management of the Environmental Protection Area identified on the eastern edge of the residential area as a 'no-build' area.

50. I recommended that this should be added to the new section to the PWDP to be introduced by Havelock Village - 16.4.18 (b) Subdivision Havelock Village Precinct Plan Area. Upon reflection, I suggest the following amended wording:

(vi) Design of earthworks (contours and aspect), lots size and orientation, fencing and landscape treatment to reduce possible reverse sensitivity effects on near-by Heavy Industrial Zoned activities including through limiting potential for direct visual interaction from-future dwellings and outdoor living areas to industrial activities, for lots located between the Pokeno Industrial Buffer and the 45 dBLAeq noise contour.

51. The above recommended wording was not adopted by Mr Tollemache. While I acknowledge that subdivision cannot control subsequent building design, the size and orientation of lots has a large bearing on the layout of future houses, especially as section sizes reduce. The presence of the industrial activities to the east is clear to future lot purchases. So long as there is the option for future homeowners to orientate housing to the north or south, then it is their choice if they instead wish to overlook the industrial activities to the east. The assessment matters introduce a degree of discretion, but in my view it is only through a detailed 'finger print' type design exercise of contours, lot size and orientation can the appropriate response to the non-noise issues present be determined.
52. In addition to the above, I support the amendment proposed by Mr Chhima and Ms Nairn to 16.4.18 (a) (iii) to read as follows:

16.4.18 (a) (iii)The proposal must include the provision of the Hilltop Park and the creation of the Pokeno Industry Buffer / EPA area (as identified on the planning maps).

RL 100

53. The evidence of Ms de Lambert continues to express concern about the landscape effects of development above the RL 100 level on the Havelock Village site, stating that development should be below this contour line (as is proposed generally for the ridgeline to the north of Pokeno).
54. I note that on the HVL site, there is only relatively small areas of elevated land above RL100 (compared to the northern hills which rise considerably above RL100). The limited area above RL 100 on the HVL land means that future housing, street lighting and vegetation in streets and yards are likely to dominate the view from the town to the hills and may obscure much of the land that is at or above RL100m, even if development is kept off this area. In my view, a preferable outcome is that proposed by HVL whereby Transmission Hill is retained and supported as a landmark.
55. Below is a photo snipped from the evidence of Mr Pryor for HVL (dated 17 February 2021).



Viewpoint 2: Ascension Lane

Figure 5: Photo taken from Ascension Lane as provided in evidence of Mr Pryor

56. This photo shows the ‘saddle’ nature of the RL 100 ridgeline on the HVL site and two high points at either end, being Transmission Hill to the left and another high point to the right, near the end of Potter Road (sometimes called “Potters Hill”) It would be of assistance to understand if the western high point is part of the HVL site and how it is to be managed (given limited contour information). I note that on the original structure plan prepared by Construct (but now superseded) that this hill was noted as being “prominent”, and a potential lookout.

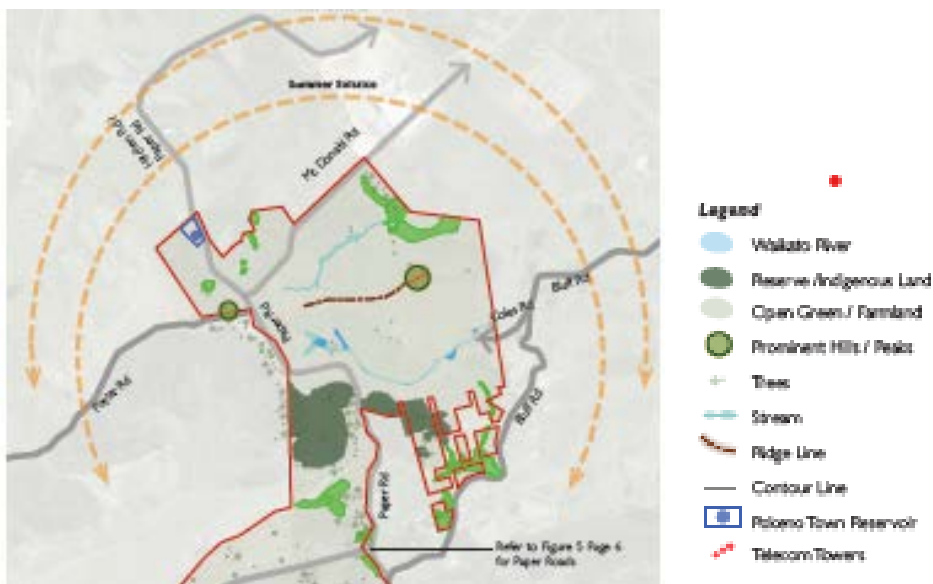


Figure 6: Masterplan from Havelock Village Holdings Master Plan by Construct (now superceded)

57. Having reviewed the evidence provided, I would support retention of Potters Hill as a landscape feature, along with Transmission Hill, in preference to all land above the RL100m.

HVL: Other Amendments

58. Mr Tollemache has proposed a number of amendments to the HVL provisions that respond to evidence provided. I agree with the changes made, subject to the modifications to the 'reverse sensitivity' matters set out above.
59. In particular, I accept that the new provision limiting the height of housing on the edge of the Transmission Hill reserve will assist in securing the landmark role of this feature.
60. Ms Miffy Foley for the Waikato Regional Council [FS 1277] raised concerns in relation to the Country Living Zone recommended for the Havelock Village site. Ms Foley recognises the potential environmental benefits of the rural residential development but considers that the Country Living zone should be removed and replaced with a Rural zoning. However, if the Country Living Zone is to be retained, Ms Foley seeks amendments to include appropriate planning mechanisms to ensure no further subdivision of the EPAs, promote coordinated pest management of the areas and ensure the identification of locations for suitable on-site effluent disposal at the time of subdivision.
61. In regard to the further subdivision matter, Ms Foley seeks the underlying zoning of the EPAs to be Rural Zone to ensure that no further subdivision occurs. I see this method as creating a very fragmented zoning layout for the site. However, I do agree with Ms Foley about her concerns over long term retention and management of the EPA. I therefore amend my recommendation for the Havelock Village area to include a requirement for some form of legal protection of the EPA areas (for example by way of consent notice, covenant or vesting to Council) to be included as part of the subdivision consent process.
62. Ms Foley seeks that ecological planting and pest management be a requirement for EPA management plans. This is a matter that Mr Tollemache agrees with and has included in his amended provisions.
63. In terms of Ms Foley's concern regarding the identification of areas for on-site effluent disposal at the time of subdivision, I note that the general matters of discretion for subdivision require the assessment of the provision of infrastructure. This by default includes assessment of on-site effluent disposal requirements. The PWDP already captures the concerns of Ms Foley, therefore I make no further comment nor change my recommendations in relation to this matter.

Recommendation

64. I recommend an amendment to proposed new rule 23.4.2A: Subdivision: Havelock Village Precinct Plan as follows:

The Council's discretion is restricted to the following matters:

.....

Legal mechanisms to retain in perpetuity Environmental Protection Areas and prevent further subdivision of them (such as appropriate covenants, consent notice or vesting in Council).

6.5 Ngaati Te Ata [FS 1248]

65. In rebuttal evidence received from Ngaati Te Ata, Mr Karl Flavell outlined his opposition to the Havelock Village Ltd. rezoning. The following effects are noted:
 - a. Adverse effects on cultural values, relationships to Pokeno and the cultural landscape, the Paa maunga (transmission hill) and the Waikato River (and associated catchment);

- b. Visual and physical effects on view shafts from the maunga and river to surrounding Paa, landscaped and natural features;
 - c. Archaeological significance of the area (stone processing areas) as well as proximity to burials and urupa. The history of the military road (Ara Paatu)
 - d. Visual effects of new residential areas on a significant ridgeline. In particular, development above RLI00.
 - e. Creation of an “island site” which is disconnected from existing services and amenities that is car dependent.
 - f. Reverse sensitivity issues with the Industrial areas of Pokeno
66. Ngaati Te Ata provided a further submission on HVL’s original submission. The rebuttal evidence now provided contains a substantial amount of new information and it would have been beneficial to have received it earlier in order to address the matters raised through the s42A process.
67. In relation to cultural values, the archaeological assessment provided by HVL as part of its original submission on the PWDP (prepared by Rod Clough, October 2018) notes two recorded archaeological sites. One (R12/1119) is a group of middens on the southern slopes (in the proposed Countryside Living zone), the other remnants of the original Great South Road. This assessment also notes that the project area may also contain a historic site referred to as the Signal Station and Pa of Wiremu Te Wheoro. It is thought that this is located on Transmission Hill, although it may also be located on the western hill top (Potters Hill). If archaeological remains exist, then the area would require recording as an archaeological site and would be subject to the NZHPTA.
68. Mr Flavell discusses archaeological features on the site, as well as the proximity to burials and urupa. I note that there are no sites of significance to Maori recorded as being located on the northern side of site where urban development is proposed (although this does not necessarily preclude the presence of such sensitive features). Mr Flavell does discuss the Paa on Transmission Hill. I would support further discussion between both Havelock Village and Ngaati Te Ata as to how the “Hill Top” park could possibly afford some protection to this feature, if present. As for the wider cultural landscape values raised, I note my recommendation for a larger buffer area on the south-western flank for Transmission Hill and ensuring that the Hill Top park has some visual presence when viewed from afar. As discussed above in relation to landscape issues, I would also recommend that Potters Hill be retained as open space.
69. As for other visual, landscape and reverse sensitivity effects, these are matters that have been canvassed in previous sections of this report. Mr Flavell raises concerns about the creation of an “island site” however, I think this is unsubstantiated given the site while on the periphery of Pokeno, is still contiguous with the urban area and will be connected to it.

6.6 Ngati Tamaoho [FS 1369]

70. Ngati Tamaoho have raised similar concerns to Ngaati Te Ata regarding the cultural significance of the area affected by the HVL rezoning. Generally, my assessment of the Ngaati Te Ata evidence above is relevant. Matters are also raised in relation to a number of general issues of concern and I consider that these can be managed at the subdivision and land use consent stage.

6.7 Kainga Ora

71. I have reviewed the evidence of Mr Stickney and Mr Wallace, and do not change my position on areas to ‘upzone’ for MDRZ. I maintain that the better, long term outcome for the town centre environment is for the existing residential zonings in the town centre area to be reassessed,

rather than identified as Medium Density Housing now. In this regard, I note that the updated Framework Report on capacity identifies the need for additional employment land. I would support a mixed-use approach to development around the town centre and remain of the view that a comprehensive approach is preferable to the upzoning of what are in effect scattered, residual residential parcels.

72. I maintain my position on retaining the notified Residential zoning of the school site and recently developed sections and houses on the basis that rezoning of these areas to MDRZ is an ineffective method of securing additional capacity. My estimate would be that the recently developed sites are unlikely to be redeveloped within the next 50 years.

6.8 Stephen and Theresa Hopkins [451]

73. Rebuttal evidence received from Sir Birch in regard to Stephen and Teresa Hopkin's submission to seek rezoning of their site (located on Pioneer Road) from Rural Zone to Country Living Zone proposes a new EPA overlay as part of an amended approach. The inclusion of an EPA is beneficial, but the proposed planting appears to have a strong 'amenity' focus, rather than an ecological purpose. It also does not propose a clustered form of development that protects larger areas of landscape. As a result, the amended proposal does not result in a change to my recommendation in the s42A report to retain the rural zoning of the site. In addition, my concerns over connectivity to Pokeno remain.

7 Recommended Amendments

74. Based on this rebuttal evidence, I have recommended some amendments to the PWDP provisions that would apply to the HVL land. These changes are set out in Appendix One, using as a base the provisions proposed by Mr Tollemache for HVL in his rebuttal evidence. That evidence adopted many of the points that I raised in my s42A report.
75. In terms of a s32AA evaluation of the further amendments identified in this rebuttal statement, my assessments in the s42A report stand, with the amendments proposed through this rebuttal evidence being clarifications.

Annexure 1 - Havelock Village Ltd amendments to Chapter 16 Residential Zone, Chapter 23 Rural Lifestyle Zone and Consequential Amendments

HVL amendments dated 17 February in [blue track changes](#).

HVL amendments dated 3 May responding to Evidence and Section 42A Report in [green track changes](#).

Other amendments ([red track changes](#)) are recommendations from s42A reports for Topics 10 and 12.

Amendments arising from Council's rebuttal evidence in [purple, double underlined bold](#)

Amendments to Chapter 16 Residential Zone

(i) 16.3.9.2 Building setback – Sensitive land use

P1	(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: (i) 5m from the designated boundary of the railway corridor; (ii) 15m from the boundary of a national route or regional arterial; (iii) 25m from the designated boundary of the Waikato Expressway; (iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and (v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and . (vi) <u>300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaruawahia.</u>
<u>P2</u>	(a) <u>Any new building or alteration to an existing building for a Sensitive land use must be located outside the Pokeno Industry Buffer illustrated on the planning maps.</u>
D1	Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P1 or <u>P2</u> .
<u>NC1</u>	<u>Any building for a Sensitive land use that does not comply with Rule 16.3.9.2. P2.</u>

(ii)
Area

16.3.9.3 Building Design – Sensitive land use – Havelock Precinct Plan

<p><u>P1</u></p>	<p>(b) <u>Any new building or alteration to an existing building for a sensitive land use located outside the Pokeno Industrial Buffer but within the 40 dB LAeq noise contour illustrated on the planning maps must:</u></p> <p><u>(i) be designed and constructed so that internal noise levels do not exceed 25 dB LAeq in all habitable rooms;</u></p> <p><u>(ii) where compliance with clause (a)(i) above requires all external doors of the building and all windows of these rooms to be closed, the design and construction as a minimum must:</u></p> <ul style="list-style-type: none">• <u>Be mechanically ventilated and/or cooled to achieve an internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1°C and wet bulb 20.1°C. Mechanical cooling must be available for all habitable rooms provided that at least one mechanical cooling system shall service every level of a dwelling that contains a habitable room; or</u>• <u>Provide a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:</u><ul style="list-style-type: none">- <u>6 air changes per hour for rooms less than 30% of the façade area glazed;</u>- <u>15 air changes per hour for rooms with greater than 30% of the façade area glazed;</u>- <u>3 air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.</u>• <u>Shall be provided with relief for equivalent volumes of spill air.</u>• <u>Where mechanical ventilation and / or cooling systems are installed, they must be individually controllable across the range of airflows and temperatures by the building occupants in the case of each system.</u> <p><u>(iii) be certified by a suitably qualified and experienced person as meeting that standard prior to its construction; and</u></p> <p><u>(b) Compliance with (a) shall be confirmed as part of any building consent application.</u></p>
<p><u>D1</u></p>	<p><u>Any building or alteration to an existing building for a sensitive land use that does not comply with Rule 16.3.9.3. P1</u></p>

16.3.3.5 Height – Buildings or structures adjoining Hilltop park – Havelock Precinct Plan Area

<u>P1</u>	<u>The maximum height of a building or structure must not exceed 5m above ground level where it is located within 50m (horizontal distance) of the boundary of the Hilltop park identified on the Havelock Precinct Plan.</u>
<u>D1</u>	<u>A building or structure that does not comply with Rule 16.3.3.5 P1.</u>

16.3.9.5 Setback and Buildings – Hilltop park – Havelock Precinct Plan Area

<u>P1</u>	<u>A building must be set back a minimum of 9m from the boundary of the Hilltop park identified on the Havelock Precinct Plan.</u>
<u>D1</u>	<u>A building that does not comply with Rule 16.3.9.5 P1.</u>
<u>NC</u>	<u>A residential activity within the Hilltop park identified on the Havelock Precinct Plan.</u>

(iii) 16.4 Subdivision

(1) Rule 16.4.1 provides for subdivision ~~density and apply across~~ within the Residential Zone, subject to compliance with the following:

- (a) Rule 16.4.7 Subdivision – Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;
- (b) Rule 16.4.8 Title boundaries – Significant Natural Areas;
- (c) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance;
- (d) Rule 16.4.10 Subdivision of land containing heritage items;
- (e) Rule 16.4.11 Subdivision – Road Frontage;
- (f) Rule 16.4.12 Subdivision – Building Platform;
- (g) Rule 16.4.3 Subdivision creating reserves;
- (h) Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;
- (i) Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and
- (j) Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.

(2) Rule 16.4.1 Subdivision – General does not apply where the following specific areas and/or activities rules apply:~~The following rules apply to specific areas and/or activities:~~

- (a) Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area;
- (b) Rule 16.4.3 - Subdivision - Te Kauwhata West Residential Area); and
- (c) Rule 16.4.4 (Subdivision – Multi-Unit development);
- (d) Rule 16.4.5 Subdivision – Boundary adjustments; and
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.

[\(f\) Rule 16.4.17 – Subdivision – Havelock Slope Residential Area](#)

(3) The following rules apply to specific areas and/or activities:

- (a) [Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area \(refer to Rule 16.4\(4\)\)](#);
- (b) [Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area \(refer to Rule 16.4\(4\)\)](#);
- (c) [Rule 16.4.4 Subdivision – Multi-unit development](#);
- (d) [Rule 16.4.5 Subdivision – Boundary adjustments](#);
- (e) [Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold](#);
- (f) [Rule 16.4.7 Subdivision – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas](#);
- (g) [Rule 16.4.8 Title boundaries - Significant Natura Areas, heritage items, archaeological sites, sites of significance to Maaori](#);
- (h) [Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of significance](#);
- (i) [Rule 16.4.10 Subdivision of land containing heritage items](#);
- (j) [Rule 16.4.13 – Subdivision reserves](#);
- (k) [Rule 16.4.14 – Subdivision esplanade reserves and esplanade strips](#);
- (l) [Rule 16.4.15 – Subdivision of land containing mapped off-road walkways; and](#)
- (m) [Rule 16.4.16 – Subdivision of land containing Environmental Protection Area](#)
- (n) [Rule 16.4.17– Subdivision – Havelock Slope Residential Area](#)
- (o) [Rule 16.4.18 – Subdivision Havelock Precinct Plan area](#)

(4) Rule 16.4.4 Subdivision – Multi-unit development does not apply in the following areas:

- (a) [Rule 16.4.2 – Subdivision – Te Kauwhata Ecological Area; and](#)
- (b) [Rule 16.4.3 – Subdivision – Te Kauwhata West Residential Area.](#)
- (c) [Rule 16.4.17 – Subdivision – Havelock Slope Residential Area](#)

(iv) 16.4.12 Subdivision - Building platform

RD1	<p>(a) Every proposed lot, other than one designed specifically for access, <u>or is a</u> utility allotment must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</p> <ul style="list-style-type: none">(i) a circle with a diameter of at least 18m exclusive of yards; or
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	<p>(ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of allotments;</p> <p>(iii) Ability of allotments to accommodate a practical building platform;</p> <p>(iv) Likely location of future buildings and their potential effects on the environment;</p> <p>(v) Avoidance or mitigation of natural hazards;</p> <p>(vi) Geotechnical suitability for building; and</p> <p>(vii) Ponding areas and primary overland flow paths.</p>
RD 2	<p>(a) Every proposed lot, other than one designed specifically for access, or is a utility allotment must be capable of containing a building platform complying with Rule 16.4.12 RD1 located outside the Pokeno Industry Buffer illustrated on the planning maps.</p> <p>(b) The Council discretion shall be restricted to the following matters:</p> <p>(i) The discretions of Rule 16.4.12 RD1</p>
D1	Subdivision that does not comply with Rule 16.4.12 RD1.
NC1	Subdivision that does not comply with Rule 16.4.12 RD2.

16.4.17 Subdivision of land in the Havelock Slope Residential Area

RD1	<p>(a) Proposed lots, except where the proposed lot is an access allotment, utility allotment or reserve to vest, within the Havelock Slope Residential Area must comply with all of the following conditions:</p> <p>(i) Be a minimum net site area of 2500m²;</p> <p>(ii) Be connected to public-reticulated water supply and wastewater;</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Ability of lots to accommodate a practical building platform, including geotechnical stability for building;</p> <p>(ii) Likely location of future buildings and their potential effects on the environment;</p> <p>(iii) Avoidance or mitigation of natural hazards;</p> <p>(iv) Amenity values and streetscape landscaping;</p> <p>(v) Landscaping of steeper slopes to manage erosion and stability;</p> <p>(vi) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines);</p> <p>(vii) Vehicle and pedestrian networks;</p>
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	(viii) Consistency with the Havelock Precinct Plan; and (ix) Provision of infrastructure, including water supply for firefighting purposes.
D1	Subdivision that does not comply with 16.4.17 RD1

16.4.18 Subdivision: Havelock Precinct Plan Area

RD1	<p>(a) All subdivision within the Havelock Precinct Plan area (Appendix XX), must comply with all of the following conditions:</p> <p>(i) The first subdivision to create residential lots must include the indicative road connections as a road to vest, from Hitchen Road and Yashili Drive.</p> <p>(ii) The proposal must include the indicative roads as roads to vest, provided that this can be constructed and vested in stages.</p> <p>(iii) The proposal must include the provision of the Hilltop Park, and the creation of the Pokeno Industry Buffer/EPA area (as identified on the planning maps).</p> <p>(iv) Either prior to or concurrent with subdivision in Lot 2 DP199997, an acoustic barrier (being a bund, building or structure, or any combination thereof) must be constructed within the Havelock Precinct Plan’s Light Industry Zone to mitigate noise from the adjoining Light Industry Zone (Lots 3 and 4 DP 492007) to achieve noise levels no greater than 45 dB L_{Aeq} between 10pm and 7am in the Havelock Precinct Residential Zone. The application shall be accompanied by an acoustic design report to address compliance with this rule, including the design and location of the acoustic barrier. The design of the acoustic barrier shall be based on the noise levels from the Lots 3 and 4 DP 492007 complying with the noise limits in 20.2.2.1A Noise in Pokeno. The sources of noise used in the noise modelling shall be as follows:</p> <p>A point source located centrally on each lot, approximately two metres high, and with a sound power level of L_w 111dBZ. The spectrum shall be as follows:</p> <table border="1" data-bbox="296 1525 1410 1697"> <thead> <tr> <th>Frequency (Hz)</th> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1000</th> <th>2000</th> <th>4000</th> <th>8000</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Lw[dBZ]</td> <td>79.1</td> <td>89.1</td> <td>105.1</td> <td>106.1</td> <td>104.1</td> <td>103.1</td> <td>97.1</td> <td>87.1</td> <td>111.0</td> </tr> </tbody> </table>	Frequency (Hz)	63	125	250	500	1000	2000	4000	8000	Total	Lw[dBZ]	79.1	89.1	105.1	106.1	104.1	103.1	97.1	87.1	111.0
Frequency (Hz)	63	125	250	500	1000	2000	4000	8000	Total												
Lw[dBZ]	79.1	89.1	105.1	106.1	104.1	103.1	97.1	87.1	111.0												
	<p>(b) Council’s discretion is restricted to the following matters:</p> <p>(i) Consistency with the Havelock Precinct Plan;</p> <p>(ii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines);</p> <p>(iii) Design and construction of the indicative roads and pedestrian networks;</p>																				

	<p>(iv) <u>Design, location and timing of construction of the acoustic barrier within the Havelock Precinct Plan’s General Industry Zone.</u></p> <p>(v) <u>The design of, and potential effects on the safe and efficient operation of the intersection of the Havelock Precinct Plan’s Collector Road and Yashili Drive, including the design to accommodate safe vehicle access and egress for activities in the adjacent General Industrial Zone.</u></p> <p>(vi) <u>Design of the Hilltop Park and adjoining roads;</u></p> <p>(vii) <u>Potential effects on the safe and efficient operation of Bluff and Pioneer Roads (including where these intersect with State Highway 1) from roading connections to Cole Road.</u></p> <p>(viii) <u>The design of, and potential effects on, the safe and efficient operation of the intersections of:</u></p> <p style="padding-left: 40px;">a. <u>Yashili Drive and Gateway Park Drive;</u></p> <p style="padding-left: 40px;">b. <u>Gateway Park Drive and Hitchen Road; and</u></p> <p style="padding-left: 40px;">c. <u>Gateway Park Drive and McDonald Road.</u></p> <p>(ix) <u>Potential effects on the safe and efficient operation of the McDonald Road railway crossing.</u></p> <p>(x) <u>Accessible, safe and secure pedestrian and cycling connections within the Precinct and to the existing transport network and public facilities.</u></p> <p>(xi) <u>Provision within the Precinct design for future public transport.</u></p> <p>(xii) <u>Ownership and ongoing management of the Environmental Protection Area on the eastern edge of the residential area as a ‘no-build’ area</u></p> <p>(xiii) <u>Design of earthworks (contours and aspect), lot size, and orientation, fencing and landscape treatment to reduce possible reverse sensitivity effects on nearby Heavy Industrial Zoned activities, including through limiting potential for direct visual interaction from future dwellings and outdoor living areas to industrial activities, for lots located between Pokeno Industrial Buffer and the 45 dBLAeq noise contour</u></p>
<u>D1</u>	<u>Subdivision that does not comply with Rule 16.4.18(a)(i) – (iii) RD1.</u>
<u>NC1</u>	<u>Subdivision that does not comply with Rule 16.4.18(a)(iv) RD1.</u>

(v) Consequential amendment to Rules 20.2.2.1A.P2.(b) and Rule 21.2.2.1A P2.(b) from the Council Section 42A Report Reply Version from Hearing 7:

(b) Noise measured within any site in any zone, other than the General Industrial and Heavy Industrial Zone, that does not exceed the permitted noise limits for that zone. For sites adjoining the Havelock Precinct (Appendix XX), the permitted noise must not exceed 55dB (LAeq) 7am to 10pm every day, 45 dB (LAeq) 10pm to 7am every day and 75 dB (LAFmax) 10pm to 7am every day measured from the western edge of the Pokeno Industry Buffer illustrated on the planning maps (compliance with the noise standard must not be measured from the Residential Zone boundary for this Precinct).

Insert new Policy in Chapter 4 as follows:

Policy 4.1.11 Policy - Pokeno

(iv) Subdivision and development shall minimise the potential for reverse sensitivity effects to arise on the Havelock Precinct's eastern boundary with Heavy and Industrial zoned land through a combination of physical separation, **lot size and orientation**, landscape treatment and building design.

Amendments to Chapter 23 Rural Lifestyle Zone

23.4 Subdivision rules

~~(1) Rule 23.4.1 lists Prohibited Subdivision in the Country Living Zone.~~

(1) Rule 23.4.2 provides for General Subdivision in the ~~Country Living~~ Rural Lifestyle Zone and is subject to the following specific rules:

- (i) Rule 23.4.3 - Subdivision within identified areas
- (ii) Rule 23.4.4 - Title Boundaries – contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities and aggregate extraction areas
- (iii) Rule 23.4.5 - Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori
- (iv) Rule 23.4.6 - Subdivision of land containing heritage items
- (v) Rule 23.4.6B- Subdivision of land within the National Grid Corridor
- (vi) ⁷Rule 23.4.7 - Subdivision - Road frontage
- (vii) Rule 23.4.8 - Subdivision Building platform
- (viii) Rule 23.4.9 – Subdivision for a Reserve
- (ix) Rule 23.4.10 - Subdivision of land containing mapped off-road walkways
- (x) Rule 23.4.11 - Subdivision of land containing all or part of an Environmental Protection Area
- (xi) Rule 23.4.12 - Esplanade reserves and esplanade strips

In the Havelock Rural Lifestyle Precinct Plan area, subdivision is subject to Rule 23.4.2A (as a replacement to the General Subdivision standards in 23.4.12) and is subject to the specific rules in 23.4.3 to 23.4.12 (as identified above), with the exception that Rule 23.4.8 – Building Platform has a specific standard for the Havelock Rural Lifestyle Precinct Plan (RD2).

23.4.2A Subdivision: Havelock Rural Lifestyle Precinct Plan

<u>RD1</u>	<u>(a) Subdivision within the Havelock Rural Lifestyle Precinct Plan area (Appendix XX) must comply with all of the following conditions:</u> <u>(i) The number of lots, whether in a single or several applications, must not exceed a total of 55 and must not exceed the maximum number identified in each cluster (Appendix XX).</u>
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	<p><u>(ii) All proposed lots must have a net site area of at least 2500m² (which may include land within the Environmental Protection Area) and the building platform located entirely within the cluster (Appendix XX).</u></p> <p><u>(iii) The proposal must include the indicative road as a road to vest, provided that this can be constructed and vested in stages to provide the connection to Bluff Road.</u></p> <p><u>(iv) The proposal must offer the provision of the walkway (complying with Rule 23.4.10), provided that this can be constructed in stages.</u></p> <p><u>(v) The proposal must include a 5m planted landscape yard adjoining any road or indicative road.</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <p><u>(i) Consistency with the Precinct Plan</u></p> <p><u>(ii) Adverse effects on amenity values;</u></p> <p><u>(iii) The provision of infrastructure, including water supply for firefighting where practicable;</u></p> <p><u>(iv) Standard of design and construction of the walkway;</u></p> <p><u>(v) Standard of design and construction of the indicative road;</u></p> <p><u>(vi) Measures proposed for planting and management. Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area.</u></p> <p><u>(vii) Provision of planting and management plans to mitigate and offset the landscape and ecological effects earthworks and vegetation removal associated with road construction.</u></p> <p><u>(viii) Legal mechanisms to retain in perpetuity Environmental Protection Areas and prevent further subdivision of them (such as appropriate covenants, consent notice or vesting in Council)</u></p>
<u>D1</u>	<u>Subdivision that does not comply with Rule 23.4.2A(a)(iv) and (v) RD1.</u>
<u>NC1</u>	<u>Subdivision that does not comply with Rule 23.4.2A(a)(i) to (iii) RD1.</u>

23.4.8 Subdivision - Building platform

RD1	<p>(a) Subdivision, other than an access allotment or utility allotment, must provide a building platform on every the proposed lot that: <u>The building platform must meet all of the following conditions:</u></p> <p>(i) has an area of 1000m² exclusive of boundary setbacks;</p>
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	<ul style="list-style-type: none"> (ii) has an average gradient no steeper than 1:8; (iii) has vehicular access in accordance with Rule 14.12.1 P1; (iv) is certified by a geotechnical engineer as geotechnically stable; <u>and suitable for a building platform;</u> (v) is not subject to inundation in a 2% AEP storm or flood event; (vi) a dwelling could be built on as a permitted activity in accordance with Rule 23.3. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Earthworks and fill material required for building platform and access; (ii) Geotechnical suitability for a building; (iii) Avoidance or mitigation of natural hazards; (iv) Effects on landscape and amenity; (v) Measures to avoid storm or flood events.
RD2	<p>(a) <u>Subdivision in the Havelock Rural Lifestyle Precinct Plan area, other than an access allotment or utility allotment, must provide a building platform on every proposed lot. The building platform must meet all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) <u>has an area of 500m² exclusive of boundary setbacks;</u> (ii) <u>has an average gradient no steeper than 1:8;</u> (iii) <u>has vehicular access in accordance with Rule 14.12.1 P1;</u> (iv) <u>is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform;</u> (v) <u>is not subject to inundation in a 2% AEP storm or flood event;</u> (vi) <u>a dwelling could be built on as a permitted activity in accordance with Rule 23.3.</u> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Earthworks and fill material required for building platform and access;</u> (ii) <u>Geotechnical suitability for a building;</u> (iii) <u>Avoidance or mitigation of natural hazards;</u> (iv) <u>Effects on landscape and amenity;</u> (v) <u>Measures to avoid storm or flood events.</u>
D1	Subdivision that does not comply with Rule 23.4.8 RD1 <u>and RD2.</u>