

BEFORE AN INDEPENDENT HEARINGS PANEL

THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

UNDER of the Resource Management Act 1991
(the Act)

IN THE MATTER
OF Hearing 25: Zone Extents

STATEMENT OF EVIDENCE OF HANNAH OLIVIA PALMER FOR
BOWROCK PROPERTIES LIMITED (PLANNING)
DATED 17 FEBRUARY 2021

1. INTRODUCTION

- 1.1 My full name is Hannah Olivia Palmer. I am an Environmental Consultant at Place Group Ltd (Place Group); a specialist resource management planning consultancy based in Hamilton. I have been in this position since May 2017.
- 1.2 I hold the qualification of Postgraduate Diploma in Resource and Environmental Planning obtained in 2011 from the University of Waikato. I also hold a Postgraduate Diploma in Earth Science and a Bachelor of Science from the University of Waikato. I am an Associate member of the New Zealand Planning Institute.
- 1.3 I have 9 years' planning experience and have previously held planning positions at Opus International Consultants, Latitude Planning Limited, and Southland District Council. I have been involved in a range of resource management projects including preparation of evidence for the Proposed Auckland Unitary Plan, Proposed Waikato District Plan, preparation and processing of resource consents, policy analysis and processing of plan changes.
- 1.4 I am authorised to present this evidence on behalf of Bowrock Properties Limited (BPL), in support of its primary submission¹ and further submissions² on the Proposed Waikato District Plan (PWDP). I was not involved in the preparation of the primary submission made to the PWDP.
- 1.5 In preparing this statement of evidence I have considered the following:
- a) Operative and Proposed Waikato District Plans and Maps
 - b) Waikato District Council's Section 42A Framework Report for Hearing 25 – Zone Extents
 - c) Technical reports appended to the section 32AA further evaluation which assess the suitability and feasibility of the requested zone change
 - d) Submissions received on BPL's proposal
 - e) National Policy Statement on Urban Development 2020
 - f) Waikato Regional Policy Statement 2016 (Te Tauāki Kaupapa here ā-Rohe)

¹ Submission #393

² Further submissions #1197

- g) Vision and Strategy for the Waikato River
- h) The Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao
- i) Non-Statutory Growth Strategies - Future Proof (2009 & 2017), Waikato 2070

1.6 My evidence addresses planning related elements of the request by BPL for rezoning from Rural to Country Living and does not seek to repeat information already put forward on behalf of BPL as part of Hearing 12, except where necessary to aid understanding.

2. CODE OF CONDUCT

2.1 I can confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. OVERVIEW OF BPL SUBMISSION, FURTHER SUBMISSIONS & EVIDENCE FOR HEARING 12

3.1 PAUA Architects lodged a primary submission on behalf of BPL on the PWDP seeking to rezone the parcel of land owned by BPL (located at Lot 3 DP 325499 and Lot 32 DP 81580 on Tauwhare Road) from Rural to Country Living Zone. Following release of the summary of submissions by Council, Place Group Limited lodged a further submission on behalf of BPL. The further submission supported those submitters seeking a reduction to the minimum lot size in the Country Living Zone.

3.2 Evidence was presented on behalf of BPL at Hearing 12: Country Living Zone, in support of their request for rezoning to Country Living. This evidence focussed on the objectives, policies, and rules for the Country Living Zone as they relate to minimum lot size and retention of character, amenity, and productive capacity of land. Relief sought by BPL centred around an amendment to Policy 5.6.3 as follows (amendments in blue):

a) *Subdivision, ~~building and development~~ within the Country Living Rural Lifestyle Zone ensures that:*

(i) *The creation of undersized lots is avoided ~~where character and amenity are compromised~~, **except***

where it can be demonstrated that productive capacity of land can be retained;

- (ii) *New lots are of a size and shape to enable sufficient building setbacks from any boundary;*
- (iii) *Building platforms are sited to maintain the character of the Country Living Rural Lifestyle Zone and are appropriately positioned to enable future development;*
- (iv) *Existing **and planned**³ infrastructure ~~and-planned~~ is not compromised;*
- (v) *Character and amenity are not compromised.*

3.3 The full reasoning and justification for this proposed amendment is set out in my planning evidence presented in Hearing 12; however, briefly the proposed amendment to Policy 5.6.3 in my opinion better supports Objectives 5.1.1 and 5.6.1 of the PWDP, gives effect to the RPS in regard to protecting the productive capacity of soil, and serves to potentially reduce fragmentation of rural type land by allowing consideration of alternative subdivision proposals where productive capacity of land is retained.

3.4 This evidence for Hearing 25 builds on evidence presented in Hearing 12 and should be read in conjunction with the section 32AA further evaluation report and supporting technical reports which form part of this evidence package. The key focus of this evidence is to demonstrate the suitability of the subject site for rezoning.

4. SCOPE OF EVIDENCE

4.1 My evidence addresses the following:

- a) Overview of Request
- b) Site Description and History
- c) Key issues with the current Rural zoning
- d) Suitability of the site for rezoning to Country Living
- e) The Section 42A Framework Report and Lens Assessment

³ Re-worded for greater clarity.

- f) Concluding remarks

5. OVERVIEW OF RELIEF SOUGHT

- 5.1 BPL are seeking to rezone approximately 20ha of land from Rural to Country Living Zone on Tauwhare Road, just outside Tauwhare Village to allow the subject site to be put to its best and highest use, and to address issues experienced with the current Rural Zoning. Rezoning the subject site would be a natural extension of the Country Living Zone which is presently on the eastern boundary of the site.
- 5.2 BPL are also seeking an amendment to Policy 5.6.3 as outlined in paragraphs 3.2 and 3.3 above. However, in the event that this policy amendment is not accepted, relief in the form of rezoning is still sought.
- 5.3 No other changes are sought to facilitate this proposed zone change.
- 5.4 The subject site is currently zoned Rural under the Operative Waikato District Plan (OWDP), and the PWDP rolls this zoning over. PWDP Planning Maps 28 and 28.1 show the subject site as being within the Hamilton Basin Ecological Management Area and located outside of the Urban Expansion Area. The subject site is not within any flood plain/risk area identified as part of Stage 2 of the PWDP.

6. SITE DESCRIPTION & HISTORY

- 6.1 The Section 32AA Further Evaluation Report and appended technical reports provide a detailed description of the subject site and its history, as well as the surrounding area. In summary, the key points to note are:
- a) The subject site is comprised of two contiguous parcels of land (Lot 32 DP 81580 and Lot 3 DP 325499) located on Tauwhare Road, Tauwhare, which together comprise approximately 20ha (0.4791ha and 19.676ha respectively). Each of these Lots are in separate Certificates of Title.
 - b) Creation of this small rural landholding has been the result of legacy subdivision under the Operative District Plan and the District Plan prior.
 - c) The overall topography is gently rolling. A naturally low lying area on the subject site has been used to create a wetland feature which has been planted with native vegetation, with future provision for boardwalk areas should the site be developed.

- d) Initial checks of soil and land use capability maps show soils on the subject site to be mostly classes 2 and 3 (high class).
- e) The subject site abuts on the eastern boundary Glen Ida Estate, a rural-residential subdivision comprising approximately thirty 5000m² (more or less) lots, most of which have been developed. Glen Ida Estate is currently zoned Country Living, and this zoning remains unchanged in the PWDP. A mix of smaller sized residential and larger agricultural properties adjoin the subject site to the west, south and north-east.
- f) Complaints from surrounding residential properties have been received in previous years when the subject site has been used for traditional permitted rural purposes. The subject site is now used for maize cropping and bailage to limit reverse sensitivity effects; however this is not an economically viable use of the land long term.

7. KEY ISSUES WITH RETAINING RURAL ZONING FOR THE SUBJECT SITE

7.1 Reasons why the existing proposed Rural zoning, and proposed policy direction in Policy 5.6.3 (in relation to subdivision in the notified proposed Country Living Zone) for the subject site are not appropriate include the following:

- a) The subject site cannot be used for traditional rural purposes as a result of legacy planning decisions, which has seen the creation of a small rural landholding located adjacent to rural-residential properties. Previous agricultural uses on the subject site have resulted in complaints from neighbouring residences (reverse sensitivity) limiting the potential of the subject site for traditional rural uses. The current lease of the land for maize and bailage is also not economically viable in the long term (see Appendix B – Economic Assessment of the Section 32AA Report).
- b) Under the proposed Rural Zoning, subdivision is prohibited due to the potential presence of High Class Soils⁴ (Proposed Rule 22.4.1.1 PR3). However, the potential of these soils is not accessible due to the site being of a size where it is not able to be farmed as an economically viable unit. Both potential rural and residential uses

⁴ This would need to be confirmed by onsite assessment as the maps used to provide the initial indication are not site specific.

of the land under the current proposed rural zoning are therefore limited which also limits the economic potential of the land.

- c) Presently, in the notified version of the proposed Country Living Zone there is strong policy direction to avoid the creation of undersized lots (Policy 5.6.3). Retention of the 5000m² minimum lot size with no scope within the policy framework to consider alternative subdivision proposals has the potential to result in highly inefficient use of land. This has been observed in existing Country Living Zones within the District where it is common to see large houses and expansive lawns with limited productive use of the Lots (notable examples being Tamahere and Tauwhare). Amending this policy to allow for more flexible subdivision design, where it can be demonstrated that some productive capacity can be retained, would, in my opinion, help to preserve this resource whilst balancing housing development needs.

- 7.2 Section 6.3 of the Section 32AA Further Evaluation Report outlines the scale of development of the subject site that would be allowed under permitted activity rules if the Rural zoning were to be retained as put forward under the notified version of the PWDP (one dwelling and one minor dwelling).

8. SUITABILITY OF THE SITE FOR REZONING TO COUNTRY LIVING

- 8.1 As part of the Section 32AA Further Evaluation, several technical reports were commissioned to investigate the feasibility and suitability of rezoning the subject site to Country Living. These reports are appended to the Section 32AA Report and include:

- a) Landscape & Amenity Assessment – PAUA Architects
- b) Economic Assessment – Insight Economics Ltd
- c) Preliminary Site Investigation for Contamination – HDGeo
- d) Three Waters Assessment – Harrison Grierson
- e) Preliminary Transportation Assessment – Stantec
- f) Preliminary Geotechnical Assessment – HDGeo

- 8.2 To assist the technical experts with their assessments, two concept plans for potential subdivision of the subject site were drawn up, based on rezoning of the site to Country Living (figure 1). Concept A (left-hand side) shows the arrangement of up to twenty-five 5000m² lots in accordance with the proposed subdivision rules for the Country Living Zone (as notified), and

Concept B (right-hand side) shows how the same number, but slightly smaller lots could be clustered to enable the retention of productive use of land should Policy 5.6.3 be amended.

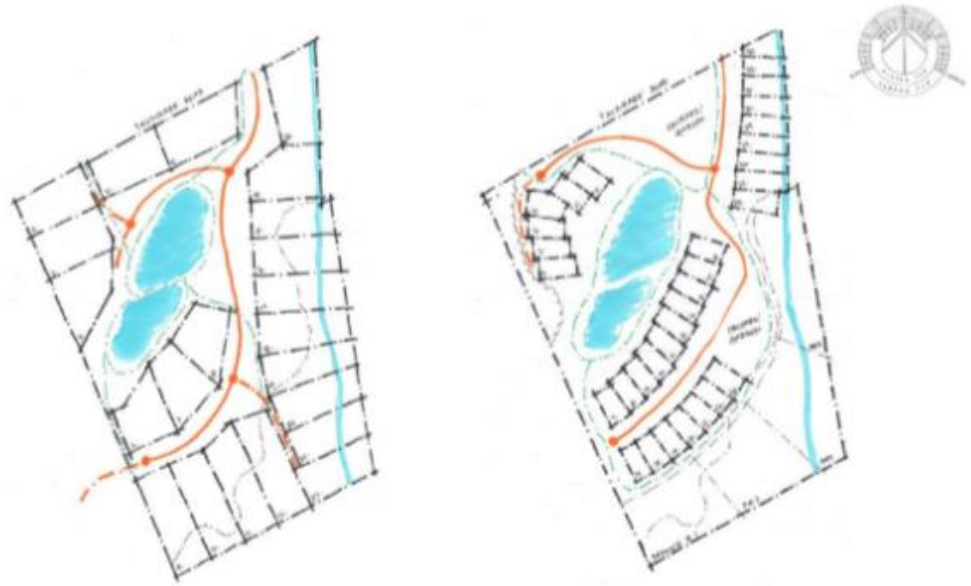


Figure 1: Concept sketches – LHS 5000m² lots, RHS alternative layout with clustered smaller lots to retain some productive capacity of the subject site.

8.3 These technical reports demonstrate that the subject site is suitable for rezoning and development subject to consideration of the key recommendations and/or mitigation measures presented in each of these technical reports. These recommendations are briefly summarised below. For further detailed information, please see the appendices to the section 32AA Further Evaluation Report.

8.4 Contamination - (for further information see Appendix C of Section 32AA Report)

- a) HDGeo undertook a preliminary Site Investigation of the subject site (including soil sampling) in regard to potential contamination. This investigation has revealed that five near-surface and 2 shallow subsurface soil samples were above the NESCS cadmium guideline value for rural-residential land use (0.8 mg/kg). This is not unusual or unexpected for land in a rural area and is often the result of superphosphate fertiliser application.
- b) When cadmium is present above guideline values, action is required. HDGeo Limited have identified several mitigation options, which include (but are not limited to):

- completing additional sampling to better delineate the cadmium concentrations across the site and evaluate native ground pH to determine if the pH can be adjusted.
 - situate the residences on the site to avoid areas which have elevated cadmium present.
 - treating the soil with lime to raise the pH, as cadmium toxicity decreases with higher soil pH and develop a long-term management plan for retesting every 10 years.
 - removing the top ~250 mm of soil from a 2 m lateral extent around the house to remove impacted soil. The removed soil can be disposed of at a licensed landfill. On-site disposal may be possible, but the soil may not be placed in an area where produce would be grown.
 - tilling and mixing the soil to reduce cadmium concentrations.
 - placing a “tag” on the title which calls for produce to be grown only in raised beds with imported topsoil.
- c) The preliminary Site Investigation undertaken by HDGeo demonstrates that viable options for mitigating contamination on the site exist. Consent is likely to be required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 for change of use, however given feasible mitigation options exists, in my opinion this is not a constraint to developing the site for residential purposes.

8.5 Three Waters – (for further information see Appendix D of Section 32AA Report)

- a) Harrison Grierson assessed the subject site to determine feasibility of development following rezoning in regard to three-waters infrastructure. Their key findings/recommendations are outlined below.
- b) **Domestic Water Supply:** The subject site falls within the Southern Districts rural supply zone – this is a Restricted Water Supply Area. The water supply and storage requirements need to comply with the Waikato District Council Bylaw 2014.

As a rural subdivision, each lot is required to have a rainwater tank with a minimum size of 22,000L or the equivalent of at least 48 hours

storage, whichever is greater. A 22,000L tank is expected to provide 22 days storage for a five person household.

A backup supply may be provided with a restricted flow connection to the 100mm diameter water main within the Tauwhare Road reserve.

Based upon the use of roof water supply with the backup of restricted flow reticulated water supply; water supply is not considered a constraint for development under either of the options.

- c) **Stormwater management:** On-lot stormwater management using roof-tanks and dispersal trenches, and hardstand stormwater management provided by treatment swales, rain gardens and the additional option of utilising the existing constructed wetland area means that stormwater management is not considered a constraint for development under either of the options.
- d) **Wastewater:** Onsite wastewater treatment and disposal will need to be provided for each lot by way of septic tank and disposal fields. This is a viable option for addressing the wastewater management needs of the development, however the area requirements for the disposal systems (allowing for reserve areas and setbacks) mean that careful consideration of building size and placement will be required for lots smaller than 5000m².
- e) The Three Waters report undertaken by Harrison Grierson concludes that suitable three-waters infrastructure solutions for the proposed development of the subject site (including the reduced lot size option) exist and are technically feasible. Furthermore, the solutions put forward in the report comply with the Waikato District and Regional requirements, and there are no constraints to development regarding three-waters.

8.6 Geotechnical – (for further information see Appendix F of Section 32AA Report)

- a) HDGeo undertook a preliminary geotechnical assessment of the subject site. The site is divided into two terrain types based on geomorphology – Hills Terrain and Plains Terrain. This report concluded that the site is geotechnically suitable for subdivision following rezoning, subject to mitigating the following hazards:
- b) **Hills Terrain:**

- Steep slopes and potential instability
- Slightly to moderately expansive soils

Recommendation: The ground conditions as tested within the Hills Terrain typically consist of stiff to hard, low to moderate plasticity ash deposits. For this development outside of 'steep' slope areas, shallow foundations designed to tolerate slightly to moderately expansive soils are expected to be suitable.

Options include:

- NZS3604 foundations modified to tolerate the expected movements (typically deepened and/or strengthened)
- Raft type foundations designed to tolerate the expected movements
- Specific design within 'steep' slope areas

c) **Plains Terrain:**

- Liquefaction
- High groundwater
- Low bearing
- Lateral spreading near the open-drain

Recommendation: The test results show that the strength requirements for 'good ground' in accordance with NZS3604:2011 are not achieved in the top 1.0 m across the Plains Terrain.

Standard foundations are not appropriate, given the potential for liquefaction and low strength soils. The design of the foundations will need to consider the low bearing and potential effects from liquefaction. Raft type foundation systems are likely to be appropriate for the site.

d) **Earthworks**

Recommendation: It is anticipated that cut and fill may be needed to create level or near level building platforms. The soils encountered across the site included ash soils which are typically good earthworks materials. It is likely that the materials will be wet of optimum moisture content and conditioning will be required. Laboratory

testing of the materials and an earthworks specification will be required.

It is recommended any proposed cut/fill plans are reviewed by a geotechnical engineer before finalising.

e) **Pavements**

Recommendation: Road grading design has not been completed and subgrade levels are therefore not known. Subgrades in the ash hill material encountered in the Hills Terrain will typically have a CBR⁵ of 3 to 5 and standard pavements with some undercutting are likely to be appropriate.

The material strength below the topsoil in the Plains Terrain was very loose to dense (1 to 9 blows per 100 mm) to a tested depth of 1.0 m below ground level. Testing showed variable conditions and it is recommended that a CBR of 2 is adapted for design. During construction, testing will be needed to confirm the subgrade and low strength areas may need undercutting.

Once the design of the subdivision is complete, testing should be undertaken, and the pavement requirements confirmed.

8.7 Transportation (for further information see Appendix E of Section 32AA Report)

- a) The proposed rezoning of the subject site could enable up to 25 rural residential dwellings. These dwellings could generate up to 253 vehicle movements per day on Tauwhare Road, including up to 35 vehicle movements per hour during peak periods of the day.

To support the integration of the rezoned land in the Tauwhare transport network, the following supporting measures would be required and are recommended by Stantec:

- Extension of the existing 50km/h village speed limit to a point approximately 230m further west and reinstatement of the gated speed threshold on Tauwhare Road at this point.
- Construction of a new access road approximately where the speed limit threshold is currently located, including a right turn bay, or painted central median on Tauwhare Road and left turn lane shoulder widening. The preferred design should

⁵ California Bearing Ratio

be determined in consultation with WDC at the time of subdivision.

- Construction of a new 3m wide shared user path on the south side of Tauwhare Road, from east of the new access, to join the existing path.
 - Widening of the existing path to a 3m (desirable) or 2.5 (minimum) width and a change in designation to shared path, to better support local walking and cycling between the site and Tauwhare School.
- b) The existing transport network, including the Tauwhare Road/Scotsman Valley Road intersection currently operates at a good level of service. It is expected to be able to accommodate the likely 4-7% increase in traffic movements associated with the change in zoning.

With the supporting measures described in place, Stantec has concluded the rezoning proposal can be appropriately integrated into the surrounding transport network.

8.8 Landscape, Amenity and Character (for further information see Appendix A of Section 32AA Report)

- a) The landscape amenity assessment undertaken by PAUA Architects concludes that rezoning of the subject site would be a natural progression of the existing Country Living Zone which would in essence enlarge the existing Tauwhare Village. Their assessment shows that overall, development of the subject site would have a 'very low' effect on the character of the residential village within the wider rural setting.
- b) Development in accordance with Concept Plan A would have a lower effect on the landscape, amenity and character of the area than development in accordance with Concept Plan B; however Concept B may offer increased scope to mitigate reverse sensitivity effects, due to clustering of dwellings and retention of a buffer area, and individual dwellings may have improved amenity as a result.
- c) To ensure any effects on landscape, character and amenity can be appropriately mitigated, PAUA Architects have made the following recommendations should the subject site be developed for residential purposes:

- The wetland is a key feature of the site and offers a high degree of amenity to a new residential development. The wetland provides an attractive outlook and also an outdoor space for exercise and leisure. Residential development should not restrict views of the wetland, or access to its perimeter. Maintaining views to the wetland will mitigate the potential effect arising from a loss of visual connection to this feature.
- The design of a new neighbourhood should be designed to suit the existing contour rather than seek to modify the existing landform. The gently rolling topography and in particular the ridge extending through the site should be used as a primary axis for residential development on the subject site. Maintaining the natural landforms will mitigate the effect the proposal may have on the legibility of the natural landforms.
- The subject site has an elevated position providing extensive views to the surrounding district and foothills. The design of a new neighbourhood should allow future dwellings to enjoy these views. View shafts to significant landforms beyond the site should be maintained. View corridors should be established by open space or road reserves when developing the masterplan, to fulfil the policies for the proposed zoning.
- The amenity and quality of the proposed neighbourhood may be improved by undertaking a comprehensive development. Dwellings on the site should be site specific designs that responds to the constraints and opportunities of any particular lot.
- It is expected that a comprehensive development plan would be prepared to address these matters as part of an application for land use and subdivision consent.

8.9 Economic Assessment - (for further information see Appendix B of Section 32AA Report)

- a) Insight Economics Ltd undertook an assessment of the economic impact of the proposal to rezone the subject site from Rural to Country Living to enable the eventual development of up to 25 rural-residential dwellings. Their assessment concluded that:

- Signs of land shortages are being shown within the district’s housing market and that this has likely contributed to significant ongoing growth in district house prices.
- Rural productive uses are rare on local rural land, and therefore the loss of this activity as a result of rezoning is unlikely to have much of an effect. Furthermore, the viability of the most likely use of the subject site (maize cropping) is marginal at best.
- Adjacent land in the Country Living Zone is worth eight times more than rural land around the subject site. The proposal for rezoning indeed enables the highest and best use of the land to emerge over time, and in doing so, the proposal will allow economic efficiency to be achieved in the district’s land market.
- Rezoning the subject site will enable potential one-off economic impacts of future construction activity. These impacts have been estimated to be:
 - i. A boost to regional GDP by over \$11 million;
 - ii. Provision of full-time employment for 26 people for 5 years; and
 - iii. Generation of household incomes of \$5.7 million.
- Given the positive economic effects of the proposal and noting the absence of any notable economic detriment via foregone rural productive uses, Insight Economics strongly support the proposal on economic grounds.

8.10 In summary, these technical reports conclude that subject to appropriate mitigation, there are no site constraints that would prevent the subject site from being developed in accordance with the proposed provisions of the Country Living Zone, and that development in accordance with the proposed amendment to Policy 5.6.3 is also technically feasible and may produce favourable outcomes in terms of mitigating reverse sensitivity from the surrounding rural land use and increased amenity for dwellings on the subject site.

8.11 Furthermore, development of the subject site as proposed can be appropriately integrated with the surrounding transport network, and

rezoning allows the land to be put to its best and highest use supporting the economic wellbeing of BPL.

9. THE SECTION 42A FRAMEWORK REPORT

- 9.1 I have reviewed the Hearing 25: Zone Extents s42A Framework Report and note the reporting officer's recommendations to assess rezoning requests using a "three-lens approach", and for submitters to focus evidence on areas where alignment with the policy tests is unclear or likely to be a matter of debate.
- 9.2 Whilst the proposal by BPL does not meet all of the relevant objectives and policies referred to in the matrix attached to the s42A Framework Report as part of Lens One (see Appendix A for an assessment), I consider there is merit for the proposal to rezone the subject site for the reasons outlined in sections 7 and 8 above and in the section 32AA report. The following sections provide an assessment of the proposal under the three lens approach.
- 9.3 **Lens One – Assessment of proposal against relevant PWDP objectives and policies**
- 9.4 The assessment of the proposed rezoning against the relevant objectives and policies (identified in the matrix provided in the section 42A framework report) is outlined in Appendix A of this evidence. This assessment shows that rezoning of the subject site meets eight, partially meets six, and does not meet two of the 16 relevant objectives/policies. The two main areas of contention centre around the rezoning of rural land to country living not meeting the general intent of the PWDP and Waikato Regional Policy Statement which is to direct subdivision and development away from rural land; and the subject site not being within an area identified for growth in the PWDP. These areas are discussed below, and detailed commentary on how the proposed rezoning does or does not meet each of the relevant objectives and policies is provided in Appendix A.
- 9.5 It is noted that the s42A Framework Report states that the *"PWDP policy frameworks generally preclude additional rural-residential subdivision and development in the rural environment that would result in the fragmentation and loss of productive farm land or high class soils, and that submissions seeking rural-residential zoning will generally run contrary to the intent of the PWDP and the WRPS."* I believe it is important to note the reference to 'fragmentation or loss of **productive** farmland'. A key driver for these objectives and policies is to retain high class soils for productive rural purposes. The term **productive** is not defined in the PWDP, however the Oxford English Dictionary defines it as *"producing or able to produce large amounts of goods, crops, or other commodities"*. As previously stated, the

subject site is not of a size that is economically viable to be productively farmed (due to legacy planning decisions) to produce an income, and traditional rural uses have resulted in reverse sensitivity effects for surrounding rural-residential neighbours. Given these constraints, accessing the value of the high class soils on the subject site is limited and these soils are therefore not utilised for productive use at a rate that is economically viable.

- 9.6 In recognition of the value of high class soils, the proposed amendment to Policy 5.6.3 outlined in my evidence for Hearing 12 would provide an avenue to consider smaller lot sizes in exchange for maintaining some productive capacity of the site. This policy amendment would allow for the likes of an area of the site to be set aside to serve the dwellings within the subdivision through the creation of a community garden or orchard, thereby supporting the purpose of the Resource Management Act 1991 (the Act).
- 9.7 The village of Tauwhare is not identified in the PWDP or Future Proof Growth Strategy 2017 as a growth area, and this is the key reason for the proposal not being able to meet all of the Lens One test. However, it is noted that the s42A Framework Report states that *“given the increase in demand since the PWDP was notified (18 July 2018), further opportunities (within the scope of submissions) should be considered to leverage increased supply and to support competitive land markets in and around the District’s towns (in accordance with new NPS-UD policy). This can be achieved through a mix of greenfield zoning coupled with up-zoning in existing residential areas and up-zoning in undeveloped or proposed rural-residential areas on the periphery of the District’s towns”*.
- 9.8 The proposed rezoning supports the general intent of the above commentary, and the demand for housing in the Waikato only continues to rise. The subject site is within easy commute of Hamilton City (25 minutes), is within zone for all levels of schooling making Tauwhare an attractive area to live. The key considerations for the identification of growth areas in the PWDP appear to centre around the provision of services and infrastructure. The technical reports appended to the section 32AA report and the assessment presented in this evidence demonstrate that service is not a constraint to development of the subject site.
- 9.9 Although the proposal does not fit neatly into the PWDP policy framework (due to it being located outside of an identified growth area) when considering the merit of the proposal in the context of the use of the subject site and the surrounding mix of land uses, it is in my opinion worthwhile considering the proposal against higher order policy documents and strategies.

9.10 **Lens Two – Assessment of proposal against higher order policy documents and strategies**

The section 42A Framework Report identifies the following higher order documents as being of relevance when considering requests for rezoning. An assessment of the proposal against each of these is provided below and is commensurate with the scale of the proposal.

The National Policy Statement on Urban Development 2020 (NPS-UD)

- 9.11 The overall intent of the NPS-UD is to provide well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and sufficient development capacity to meet the different needs of people and communities.

As a Tier 1 Local Authority, WDC are required under the NPS-UD to implement responsive planning. Guidance on this matter states that *“The NPS-UD requires councils to respond to out-of-sequence development proposals. Councils will need to review their policies relating to unplanned and out-of-sequence development and in some cases, their policies will need to change to implement the NPS-UD. For example, a hard rural urban boundary without the ability to consider change or movement of that boundary would not meet the requirements of the responsive planning policy.”*⁶

Responsive planning is implemented through Subpart 2 section 3.8 of the NPS-UD, which centres on plan changes that provide significant development capacity, to fulfil Objective 6(c) and Policy 8 of the NPS-UD. Key to this policy and method is incorporation of criteria into the WRPS which will assist councils in determining what constitutes ‘significant’. Whilst the size and scale of any subsequent development on the subject site is not likely to be considered ‘significant’⁷, in the absence of criteria in the WRPS it is difficult to conclusively make this assessment. However, regardless of scale, in my opinion the proposal for rezoning supports the overall intent of the NPS-UDC for the reasons outlined below.

The Population, Household and Land Capacity Report (December 2020) which supports the s42A Framework Report indicates ongoing growth within the

⁶ <https://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/Responsive-Planning-Factsheet.pdf>

⁷ Part 3, subpart 2, clause 3.8(3) of the NPS-UD requires regional councils to include criteria in their regional policy statements to determine what plan changes will be treated as adding significantly to development capacity for the purpose of implementing Policy 8. Changes to regional policy statements must be made as soon as practicable. It is noted that the WRPS has not yet provided criteria around what is to be termed ‘significant’.

district is expected, and that there is likely to be a shortfall in supply of sufficient, zoned, infrastructure ready and market feasible land for development. The proposed rezoning of the subject site would contribute to the supply of developable land assisting the Council in meeting this shortfall, as well as providing country lifestyle living that supports Policy 1 of the NPS-UD in *“enabling a variety of homes that meet the needs, in terms of type, price, and location, of different households.”*

The Vision and Strategy for the Waikato River

- 9.12 The subject site falls outside of the Waikato River Catchment and therefore the Vision and Strategy for the Waikato River does not apply. Despite this, adequate mitigation measures are able to be employed to ensure any effects resulting from the development of the subject site do not impact on the mauri of wai, or on the health and wellbeing of waterways that may flow to the Waikato River, ensuring that the ability of the Waikato River to sustainably support the economic, social, cultural, and environmental aspirations of Waikato-Tainui and the community is not compromised by this request for rezoning. These mitigation measures are outlined in the Preliminary Three Waters Assessment appended to the section 32AA report. The proposal is not considered to be inconsistent with the Vision and Strategy for the Waikato River.

The Waikato Regional Policy Statement

- 9.13 It has already been determined that given the strong stance in the PWDP (which gives effect to the WRPS) around directing additional residential growth away from high class soils and to be within identified growth areas, that the proposed rezoning will run contrary to the WRPS in respect of these matters. However, given the reasons why the current rural zoning of the subject site is no longer appropriate, it is in my opinion pragmatic to assess the proposal for rezoning against the development principles in section 6A of the WRPS, and the list outlined in paragraph [100] of the section 42A Framework Report which refers to implementation method 6.1.8 of the WRPS.
- 9.14 In regard to the general development principles set out in section 6A of the WRPS (see Appendix B), taking into account the small-medium scale of potential development possible on the subject site and the information presented in the section 32AA technical reports, it is considered that the proposed rezoning of the site can meet these principles with the exception of (c) and (h). Development principle (c) relates to minimising the need for greenfield development. The scale of the rezoning request means that greenfield development will be minimised on the site. Development principle

(h) references development being directed away from high class soils. This cannot be avoided on the subject site, however the effect of losing the high class soils on this site is considered to be less than minor, for reasons previously outlined.

- 9.15 Section 6A of the WRPS also sets out specific development principles relating to rural-residential development. It is considered that these specific development principles can be met, as evidenced by the section 32AA and appended technical reports. Specific commentary in respect of principle (e) has not been covered off in the section 32AA and is provided below:

Principle (e): recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes.

Bus 22 Paeroa-Hamilton stops at Platt Road near SH26 which is a 4 min drive or 13-minute cycle from the subject site. This is a return bus service that has provision to carry bicycles and operates Monday – Friday seeing passengers disembark at the Hamilton Transport Centre at approximately 8.20am having been collected approximately 20 minutes prior and returning to Platt Road at approximately 6pm having left the transport centre at 5.15pm.⁸ This service is conducive to commuting, and its proximity to the subject site serves to reduce fuel consumption which supports this development principle.

- 9.16 An assessment of the proposal to rezone the subject site against the list outlined in implementation method 6.1.8 of the WRPS is provided in Appendix B. This assessment concludes that the proposal to rezone the subject site can meet the relevant requirements of the matters outlined.

The Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao

- 9.17 The vision of the Environmental Plan is not only to maintain the environment, but also to restore or enhance the quality of natural and physical resources. The goal of Waikato-Tainui is to ensure that the needs of present and future generations are provided for in a manner that goes beyond sustainability towards an approach of environmental enhancement. Section B, Chapter 6 sets out the consultation and engagement expectations of Waikato-Tainui in reference to plan changes and resource consents. Given that no further submissions from Waikato-Tainui were received on BPL's submission for rezoning, and that subdivision and land-use consents would still be required if the rezoning proposal is successful, it is considered consultation with Waikato-Tainui would be more valuable at this point in the process should

⁸ <https://www.busit.co.nz/regional-services/morrinsvillepaeroa/>

they be deemed by Council to be an affected party, as this is when detailed design will be drawn up.

- 9.18 It is however prudent to assess the proposal against Section D of the Plan which addresses specific elements of natural resources and the environment and sets out specific issues, objectives, policies, and methods for specific environmental areas, to determine the degree of alignment. Appendix C sets out a table commenting on the relevant aspects of Tai Tumu, Tai Pari, Tai Ao. Overall, the proposed rezoning is not considered inconsistent and is in general accordance with the Waikato-Tainui Environmental Plan.

Future Proof & Waikato 2070

- 9.19 For reasons previously outlined, this proposal is not consistent with either version of Future Proof (2009 and 2017). However it is noted in the Section 42A Framework Report *“that flexibility is allowed to adopt alternative approaches that are justified by evidence”*. Equally, the proposed rezoning does not fit with the approach outlined in Waikato 2070. Of key consideration, however, is that this is not a proposal for rezoning that is driven by growth, but rather a request by BPL to address reverse sensitivity effects caused by legacy planning decisions and a chance to put the site to its best and highest use, given its inability to be productively farmed.

- 9.20 **Lens Three – Assessment of proposal against good planning practice zoning criteria**

- 9.21 Appendix D provides an assessment against the good planning practice zoning criteria outlined in Appendix 3 of the section 42A Framework Report. In summary, the proposal to rezone the subject site to Country Living is considered consistent with good planning practice.

10. CONCLUDING REMARKS

- 10.1 Although the subject site does not fit neatly into the policy framework due to it being located outside of an identified growth area, in my opinion rezoning this site to Country Living is a pragmatic solution to the key issues currently being experienced. Furthermore, the section 32AA report demonstrates that rezoning the subject site is appropriate and feasible.
- 10.2 Thank you for your consideration, and we look forward to presenting our evidence in Hearing 25.

Hannah Palmer

Hannah Olivia Palmer

17/02/2021

Appendix A – Lens One Assessment

Relevant PWDP Objectives and Policies (from Matrix in S42A Framework Report)	Guidance notes	Proposal meets objective/policy?	Assessment of proposal
1. Growth occurs in defined growth areas (1.5.2(a))	<i>Defined growth areas are 'urban environment' zones under the PWDP</i>	No	The subject site is not within an identified growth area.
2. Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently. 1.12.8(b)(i)	<i>For the purposes of this objective development permitted in zones in PWDP chapter 4: residential, business, industrial and village 'areas identified' means zones 'most efficiently' means where there is existing infrastructure assets or planned assets identified in a Long Term Plan which support 'urban'</i>	No	As above. The subject site is not within an area identified for planned assets which support 'urban'. However, the reports appended to the section 32AA report demonstrate that servicing the site is achievable and this can be addressed via way of developer contribution at the time of consent.
3. Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. 1.12.8(b)(ii)	<i>This should be interpreted to mean rezone requests to expand an urban area are contiguous with existing urban areas, and for rezoning requests which seek to change an existing zone in an urban environment, the density of activity is increasing (i.e., compact)</i>	Yes	The subject site adjoins the existing Country Living Zone (Glen Ida Estate) and would be a natural extension of this zone to a site that is located between the urban form of Glen Ida Estate and surrounding agricultural/lifestyle properties. The landscape and amenity assessment appended to the section 32AA Report demonstrates that development of the subject can be undertaken in such a way the promotes good quality urban form and responds to the local context.
4. Focus urban growth in existing urban communities that have capacity for expansion. 1.12.8(b)(iii)	<i>Existing 'urban communities' should be interpreted as Tuakau, Pokeno, Te Kauwhata, Huntly, Taupiri, Ngaruawahia, Horotiu, Te Kowhai, Raglan. Capacity for expansion should consider at a high level the suitability of land for development (e.g., topography/landscape, cultural, ecology), transport connectivity, availability of employment, social infrastructure (incl. public facilities) and infrastructure</i>	Partially	The subject site is located in Tauwhare, which is not a town identified in the guidance notes in column 2 of this table as an 'urban community', however the technical reports appended to the section 32AA report demonstrate that the subject site is suitable for rezoning to Country Living and considers those criteria outlined in column 2 of this table in reaching this conclusion.
6. Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance. 1.12.8(b)(vi)	<i>Rezoning requests must assess for these characteristics across their site, identify where applicable and demonstrate how the requested zone extent and/or policy overlay meets this objective. Stage 2 of the PWDP should be used for the purposes of identifying natural hazard and ecological areas</i>	Yes	Options for development presented in this evidence (and in the landscape and amenity assessment) demonstrate how green open space can be protected and enhanced should the site be re-zoned. Creation of a wetland feature on the subject site has already contributed to an increase in biodiversity and is intended to be a key feature of any subsequent development. The subject site is located

			<p>in the Hamilton Basin Ecological Management Area⁹, however there are no peat lakes on the site, nor indigenous vegetation (other than what has been planted by BPL), which are key features of this overlay. The subject site is not identified as being part of an outstanding natural landscape or an area of cultural or historical significance and is not in a natural hazard area identified on the stage 2 PWDP planning maps.</p> <p>The requested zone change is therefore considered to meet this objective.</p>
7. Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas' (1.5.1(b); 1.12.3(a); 1.12.3(c); 4.1.2(a); 5.3.8)	<i>If re-zoning for 'settlement' takes place it must occur in and around existing towns and villages and in defined growth areas 'settlement' defined as somewhere people come to live and make homes</i>	Yes	Rezoning the subject site would be a natural extension of the Tauwhare Village and the existing Country Living Zone.
8. Urban growth areas are consistent with Future Proof Strategy for Growth 2017 (4.1.3(b))	<i>If re-zoning takes place it must be consistent with the Future Proof Strategy for Growth (2017)</i>	Partially	The subject site is not within a growth area identified in the Future Proof Strategy for Growth (2017) and sits outside of the Hamilton Area of Influence. However, Future Proof identifies that within the Waikato District 80% of anticipated growth will be directed towards defined areas, and that there needs to be some flexibility and agility around the settlement pattern to respond to change and provide an ability to capitalise on new opportunities that have potential to contribute significant economic, social or cultural benefits to communities. Both household and population growth within the Census Area Unit of Tamahere - Tauwhare is expected under the UoW Low and Medium projections in all three decades presented in the Future Proof Strategy (2017). The proposed rezoning would help in meeting the required capacity to house this growth in population. In addition the reports appended to the section 32AA report provide support and confidence that rezoning the subject site will not compromise the guiding principles of the Future Proof Growth Strategy. In respect of the proposal representing an opportunity for economic and social opportunities, the Economic Assessment by Insight Economics appended to the section 32AA provides further

⁹ Information on the Hamilton Basin Ecological Management Area has been obtained from Waikato Regional Council Technical Report 2017/36 (<https://www.waikatoregion.govt.nz/assets/WRC/WRC-2019/TR201736.pdf>). This report identifies this area as a Significant Natural Area, however this has not been area has not been afforded the same status in the PWDP planning maps.

			commentary on these matters and concludes that developing the site would provide a boost to regional GDP by over \$11 million.
13. Infrastructure can be efficiently and economically provided (4.1.3(a))	<p><i>Principally, this should be focused on roading and water and wastewater infrastructure. Appendix 5 provides a high -level analysis of water and wastewater infrastructure/growth cell as identified in Waikato 2070. Areas outside of these growth cells are not intended to be serviced.</i></p> <p><i>For areas not currently serviced evidence would need to be provided to demonstrate that this policy can be met.</i></p>	Yes	The subject site is located in an area that is not currently serviced. However, the Three Waters and Transport assessments appended to the section 32AA report demonstrate that this policy can be met.
15. (a) Subdivision, use and development within the rural environment where: (i) High class soils are protected for productive rural purposes; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment; (iii) urban subdivision use, productive rural activities are supported and development in the rural environment is avoided (5.1.1(A)(i)(ii)(iii); 5.3.8)	<i>Subdivision and development in the rural zone are avoided: the rural environment being areas identified as the rural zone in the PWDP</i>	Partially	Rezoning the site to Country Living would run contrary to the intent expressed in this objective. However as previously outlined in evidence rezoning the site allows the land to be put to its best and highest use. Furthermore, the subject site has already been fragmented as a result of legacy subdivision, and the site lends itself well to being rezoned as it is adjacent to the Country Living Zone and within the bounds of Tauwhare village. The proposed amendment to Policy 5.6.3 would also provide an avenue for assessing subdivision proposals that can demonstrate retention of productive use of the land where there are high class soils and, in my opinion, would be in-keeping with Objective 5.1.1.
16. Rural character and amenity are maintained 5.3.1 (a), 5.3.4 (a) (b)		Partially	Changing the zoning of the subject site would change the existing rural character, however character would be in-keeping with the adjacent Country Living Zone and therefore would not be unanticipated for the area. Furthermore, retention of some productive use of the subject site in accordance with proposed amendments to PWDP Policy 5.6.3, would also serve to support the general rural character of the area.
17. Effects on rural character and amenity from rural subdivision (a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages. (5.3.8(a))		Partially	The productive potential of the subject site has already been compromised by legacy subdivision under the OWDP and previous district plans, with the site being too small to farm as an economically viable unit. However, should the site be re-zoned there is opportunity to design the subdivision (through master planning) in such a way that would provide for future residents of the subdivision e.g. through a community orchard/garden, thereby

			maintaining some productive potential – this is further supported by the proposed change to Policy 5.6.3. As previously mentioned, although Tauwhare is not a village identified for future growth in the WRPS or Future Proof, rezoning of the site would be a natural progression of an existing village. For these reasons, the proposal for rezoning is considered to partially meet this policy.
18. (b) Ensure development does not compromise the predominant open space, character and amenity of rural areas. (5.3.8(b))		Yes	This is addressed in the landscape and amenity assessment appended to the section 32AA report, it is considered that development of the site can be undertaken in such a way that meets this policy.
19. Ensure subdivision, use and development minimise the effects of ribbon development. (5.3.8(c))		Yes	Commentary around avoiding ribbon development is provided in the preliminary transportation assessment appended to the section 32AA report. In brief, subdivision and development of the site can be undertaken in a way that avoids ribbon development by providing a single point of access from Tauwhare Road.
20. Subdivision, use and development opportunities ensure that rural character and amenity values are maintained. (5.3.8(e))		Yes	The landscape and amenity assessment appended to the section 32AA report demonstrates that development of the site can maintain the rural character and amenity of the area.
21. Subdivision, use and development ensures the effects on public infrastructure are minimised. (5.3.8(f))		Yes	The three waters assessment appended to the section 32AA report demonstrates that suitable on-site three-waters infrastructure solutions for the proposed development of the subject site (including the reduced lot size option) exist and are technically feasible, thereby minimising effects on public infrastructure. Furthermore, the preliminary transport assessment appended to the section 32AA demonstrates that any effect of rezoning and subsequent development of the site on the surrounding roading network would be less than minor and the capacity, safety or efficiency of the existing roading network would not be compromised.
22. Meets district wide rules and any relevant overlays		Partially	The district wide rules are contained within chapters 14 (Infrastructure and Energy) and 15 (Natural Hazards and Climate Change) of the PWDP. In considering the proposed rules in these chapters, the following commentary is provided:

			<p>It is possible to assess vehicle movements per day (vmpd) based on the potential number of lots (and therefore dwellings) the subject site could cater for. This has been assessed as up to 253vmpd which exceeds the permitted activity level of 100 vehicle movements per day outlined in PWDP Rule 14.12.14 (P4) for the Country Living Zone. However, the preliminary transportation assessment has demonstrated that rezoning and subsequent development of the site (subject to recommended mitigation measures) will not affect the safe and efficient function of the roading network.</p> <p>The relevant district wide rules and overlays will be taken into account during detailed subdivision design following rezoning. Although this detailed design work has not yet been undertaken, the technical reports appended to the section 32AA report conclude that three waters, geotechnical and transportation requirements are not a constraint to development for this site. Given the proximity of the subject site to Glen Ida Estate, the assumption has been made that telecommunications and power can be provided to the boundary of the subject site.</p> <p>In respect of overlays, the site is contained within the Hamilton Basin Ecological Management Area. Reference to this area is assumed to be contained within Chapter 3 Natural Environments of the PWDP, however there is no mention within this chapter of this overlay, or elsewhere in the plan (apart from the PWDP planning maps).</p>
--	--	--	---

6A Development principles

General development principles

New development should:

- a) support existing urban areas in preference to creating new ones;
- b) occur in a manner that provides clear delineation between urban areas and rural areas;
- c) make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;
- d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;
- e) connect well with existing and planned development and infrastructure;
- f) identify water requirements necessary to support development and ensure the availability of the volumes required;
- g) be planned and designed to achieve the efficient use of water;
- h) be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, **regionally significant industry**, high class soils, and primary production activities on those high class soils;
- i) promote compact urban form, design and location to:
 - i) minimise energy and carbon use;
 - ii) minimise the need for private motor vehicle use;
 - iii) maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;
 - iv) encourage walking, cycling and multi-modal transport connections; and
 - v) maximise opportunities for people to live, work and play within their local area;
- j) maintain or enhance landscape values and provide for the protection of historic and cultural heritage;
- k) promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;
- l) maintain and enhance public access to and along the coastal marine area, lakes, and rivers;
- m) avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);
- n) adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;
- o) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;
- p) be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;
- q) consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua connections within an area should be considered;
- r) support the Vision and Strategy for the Waikato River in the Waikato River catchment;
- s) encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and
- t) recognise and maintain or enhance ecosystem services.

Principles specific to rural-residential development

As well as being subject to the general development principles, new rural-residential development should:

- a) be more strongly controlled where demand is high;
- b) not conflict with foreseeable long-term needs for expansion of existing urban centres;
- c) avoid open landscapes largely free of urban and rural-residential development;
- d) avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;
- e) recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;
- f) minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;
- g) be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and
- h) be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.

Matters in WRPS implementation method 6.1.8 (outlined in para [100] of s42A Framework Report)	Assessment of proposal
<i>District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following:</i>	
<i>a) the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;</i>	Proposed use will be rural-residential in accordance with the Country Living Zone, and provision has been made for boardwalks around the created wetland. Scale of development is anticipated to be within what is provided for under the PWDP in this zone which equates to approximately 25 lots on this landholding. Given that development of the site will be small-medium in scale, staging and trigger requirements are not considered necessary.
<i>b) the location, type, scale, funding and staging of infrastructure required to service the area;</i>	This would be determined at the time of detailed design, however the section 32AA technical reports have demonstrated that the provision of infrastructure is not considered to be a constraint to development of the site.
<i>c) multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;</i>	Commentary is provided in the Preliminary Transportation Assessment appended to the section 32AA report in respect of this matter. Development of the site is considered to be able to meet these requirements.
<i>d) how existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;</i>	Commentary on these matters is provided in the Landscape and Amenity Assessment appended to the section 32AA report. It is considered that development of the site can be undertaken in such a way that is sympathetic to these matters.
<i>e) potential natural hazards and how the related risks will be managed;</i>	Commentary on natural hazards is provided in the Preliminary Geotechnical Assessment appended to the section 32AA report.
<i>f) potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be managed;</i>	Not applicable.
<i>g) how stormwater will be managed having regard to a total catchment management approach and low impact design methods;</i>	The Preliminary Three Waters Assessment appended to the section 32AA report addresses the management of stormwater on the subject site and concludes that suitable management options exist. It is considered that the specific requirements of this matter are more appropriately covered off at the time of subdivision and land use consent when detailed design for stormwater will be submitted.
<i>h) any significant mineral resources (as identified through Method 6.8.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;</i>	Not applicable

<p><i>i) how the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been recognised and provided for;</i></p>	<p>This will be addressed at the time of resource consent. However, no further submissions on BPL's submission to rezone the subject site were received from iwi, the PWDP planning maps do not indicate that there are any cultural sites of significance located on the site and given the nature of the site it is not anticipated that rezoning of the site will affect Maori interests.</p>
<p><i>j) anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply;</i></p>	<p>The Preliminary Three Waters Assessment appended to the section 32AA report addresses drinking water supply.</p>
<p><i>k) how the design will achieve the efficient use of water;</i></p>	<p>This will be addressed at the time of resource consent, however the Preliminary Three Waters Assessment appended to the section 32AA report concludes that three waters are not a constraint to rezoning the site.</p>
<p><i>l) how any locations identified as likely renewable energy generation sites will be managed;</i></p>	<p>Not applicable.</p>

Appendix C – Assessment of proposal against the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao (Lens 2)

Environmental Element Chapter	Assessment of proposal
<i>Te Wai Maori – Fresh Water</i>	Provision for three waters is expected to be able to be provided in a manner that is compliant with the relevant standards. Any sediment runoff resulting from development will be managed through consent conditions, protecting the constructed wetland and open drains on site. Changing land use from rural to rural-residential will also potentially reduce any fertiliser runoff.
<i>Nga Repo - Wetlands</i>	As previously described, the site contains a constructed wetland which the owners of BPL have invested time and money into creating a habitat where biodiversity can flourish including taonga species and indigenous vegetation.
<i>Whenua - Land</i>	All development will be managed by best practice erosion and sediment control measures. There is some soil contamination on the site relating to previous super-phosphate use, and this will be managed or removed using best practice. Proposed rezoning offers the opportunity to provide environmental enhancement through the constructed wetland and community orchard/gardens for residents of the subdivision.
<i>He Mahinga Ika - Fisheries</i>	As the only waterways on the site are the constructed wetland and artificial drains, effects on fisheries are considered limited. However, the constructed wetland drains intermittently into the Tauwhare Road drains, and the road drain connects to the farm drain that runs through the property from the south-eastern corner flowing north into the Waihou River. Therefore investigations of drains may be required at resource consent stage.
<i>Te Ararangi - Air</i>	The only issue relating to air will be potential dust discharges during construction. These will be managed through resource consent conditions.
<i>Nga Whakaritenga Moo Nga Whenua O Waikato-Tainui – Land Use Planning</i>	The overall development of the site will provide opportunities for environmental enhancement as outlined in ‘Whenua’ above. The development can be designed in accordance with ‘enhancement principles’ - Te Whakapakari i Te Taiao, for example the use of on-site wastewater and stormwater treatment. Rezoning the site also has land use planning benefits by increasing the range of housing opportunities.
<i>Waihanga Matua - Infrastructure</i>	The provision of infrastructure will be a component of the development as this is a greenfield site, but it is adjacent to existing development in Glen Ida Estate. Generally infrastructure will be provided for onsite (Three Waters), and minor upgrading to Tauwhare road would occur.

Appendix D – Assessment against guidance for selection of zones and zone boundaries (Lens 3)

Best Practice Planning considerations	Commentary
<i>Economic costs and benefits are considered</i>	Appendix B of the section 32AA report provides a high level economic assessment which covers costs and benefits of rezoning the subject site. Given the positive economic effects of the proposal and noting the absence of any notable economic detriment via foregone rural productive uses, this analysis strongly supports the proposal on economic grounds.
<i>Changes should take into account the issues debated in recent plan changes</i>	There are no known plan changes that are considered relevant to the subject site and context of the proposal.
<i>Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints</i>	The Hamilton Basin Ecological Management Area overlay is not incompatible with the proposed rezoning of the subject site and subsequent rural-residential development. No other constraints are shown on the planning maps.
<i>Changes should take into account features of the site</i>	<p>Site features as discussed in paragraphs [22] – [32] of Appendix 3 of the section 42A Framework Report have been taken into consideration and discussed in the section 32AA and appended technical reports, with the exception of archaeological sites. A check of the New Zealand Archaeological Association's Archaeological Site Recording Scheme website has not recorded any archaeological sites located on the subject site. In addition the subject site does not contain any prominent natural features and waterways that indicate that the site may be of cultural significance to mana whenua.</p> <p>All technical reports support the feasibility of rezoning.</p> <p>There is no significant indigenous biodiversity on the site, and loss of high class soils has been previously addressed in this evidence.</p>
<i>Zone boundary changes recognise the availability or lack of major infrastructure</i>	Servicing requirements of the subject site have been discussed in the Three Waters Assessment appended to the section 32AA report. It is recognised that there is a lack of major infrastructure in this area, however lots are able to be serviced by onsite water, stormwater, and wastewater solutions.
<i>There is adequate separation between incompatible land uses</i>	The proposal seeks to align like for like zoning (extension of Country Living Zone) to reduce existing reverse sensitivity effects resulting from current incompatible zoning.
<i>Zone boundaries need to be clearly defensible</i>	Extension of the Country Living Zone to the subject site would follow the State Highway 26 on the northern boundary and would be in line with the existing boundary of the Country Living Zone to the south. These boundaries are considered to be clearly defensible.
<i>Zone boundaries should follow property boundaries</i>	The proposed rezoning follows property boundaries.

<i>Generally, no "spot zoning"</i>	The proposal is an extension of the operative Country Living Zone and is not considered to be 'spot zoning'.
<i>Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account</i>	This is not considered relevant in this instance.
<i>Roads are not zoned</i>	This is not considered relevant in this instance.