

**BEFORE THE HEARING COMMISSIONERS
AT WAIKATO DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of submissions and further submissions on the Proposed
District Plan

**STATEMENT OF EVIDENCE OF TRACEY ANNE MORSE FOR SUBMITTER
#397: HOROTIU PROPERTIES LIMITED
17 February 2021**

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INTRODUCTION

- 1 My full name is Tracey Anne Morse and I am a Senior Planner at CKL Planning | Surveying | Engineering | Environmental.
- 2 I have been employed in resource management and planning related positions in local government and the private sector for 11 years. During this time, I have provided technical and project leadership on a number of small and large development proposals. My work is largely focused on greenfield and brownfield land development and rural and urban subdivision and land use planning.
- 3 I hold a Bachelor of Science (Earth Science) and a Bachelor of Social Sciences (Resource & Environmental Planning) with Honours from the University of Waikato.
- 4 I am a Full Member of the New Zealand Planning Institute (MNZPI).
- 5 I have read the code of conduct for expert witnesses contained in the Environment Court's Practice Note 2014 and agree to comply with it. I have complied with it when preparing my written statement of evidence.

SCOPE OF EVIDENCE

- 6 This evidence provides a planning assessment in relation to the submission by Horotiu Properties Ltd ("**HPL**") and addresses the Section 42A Framework Report provided by the Waikato District Council ("**WDC**") in relation to zone extents of the Proposed District Plan ("**WPDP**").
- 7 The submission by HPL requested that their site at Horotiu (legally described below) is re-identified on WPDP Planning Maps from Rural Zone to Country Living Zone or Village Zone:
 - (a) Lot 5 DP 513666 (7.5364 ha)
- 8 Upon receipt of the s42A Framework Report, HPL made the decision to focus on pursuing a Country Living zone. Notwithstanding that, HPL would support any decision in relation to submissions at Hearing 12 (Country Living Zone) that reduces the minimum lot size in the Country Living Zone as this would enable a more efficient use of land.

SUMMARY OF REZONING PROPOSAL

- 9 HPL is seeking to rezone all of its 7.54 ha property to the south of River Road to Country Living Zone. The area proposed to be rezoned is located on the opposite side of the Waikato River from Horotiu village where there is a primary school, store, gift shop, and several large industrial premises. By road Horotiu is located 5 km (5 minutes) from the northern edge of Hamilton City and 6 km (6 minutes) to the centre of Ngaruawahia. Horotiu is a node for a rural and industrial community and provides for rural, rural-residential, and residential activities in addition to the industrial and community activities in the village itself.
- 10 To support the re-zoning request, a draft Structure Plan has been prepared for the site (attached as Appendix A). Key features of the Proposed Structure Plan are as follows:
- (a) Road access to the site from the individual lots that front Sullivan Road and one shared access point from River Road.
 - (b) Internal access via a main spine right of way access with local roads and rights of way access to developable areas.
 - (c) Alternative road connection opportunities to the west (Sullivan Road) and east (Horotiu Bridge Road).
 - (d) 13 lots in accordance with the 5000 m² minimum lot size requirements of the Country Living Zone.

SUPPORTING REPORTS AND ASSESSMENTS

- 11 HPL have provided several supporting documents in relation to this submission. These include the following:
- (a) Written evidence prepared by representatives of HPL outlining their knowledge of the site's history, both prior to their purchase of it and during their ownership of it;
 - (b) A Draft Structure Plan, showing an indicative subdivision layout that broadly achieves compliance with the Country Living Zone provisions; and
 - (c) An archaeological assessment prepared for the site in relation to a previous subdivision that created the three rural residential properties that adjoin the southern boundary of the current site.

LENS 1: ASSESSMENT OF RELEVANT OBJECTIVES AND POLICIES IN THE WPDP

12 The Framework Report outlines the first lens for considering a rezoning request is to undertake an assessment of the submission against the relevant PWDP objectives and policies that have been identified within the matrix provided in Appendix 2 of the Framework Report. The submission by HPL relates to the “Rural Zone to Country Living Zone” scenario and an assessment of the relevant objectives and policies of the WPDP is provided in the table below.

1.5.2 (a)	<i>Growth occurs in defined areas</i>
Comment	<p>The agreed Future Proof settlement pattern for urban growth and development is to avoid unplanned encroachment into rural land and is to be contained within defined urban areas to avoid rural residential fragmentation.</p> <p>The proposed rezoning at Horotiu is for planned encroachment into rural land centered around an existing rural node. It is acknowledged that Future Proof seeks to implement defined urban areas, and one of the key tools for achieving this is through adopting urban limits. Within the Waikato District, indicative village limits have been proposed for those villages on the Hamilton City periphery (Taupiri, Gordonton, Te Kowhai, Matangi, Tamahere and Horotiu). Presumably, this is to provide greater control on the scale and type of urban development in locations where the demand is highest.</p> <p>For Horotiu, this is represented in a change of zoning, from Country Living to Residential, on the southern side of the Waikato River. No additional rural land has been identified as being either Country Living, Village, or Residential.</p> <p>The subject site is small in size, with roads forming three of the four boundaries, and existing rural residential development adjoining the fourth boundary. As noted within the accompanying evidence prepared by representatives of HPL, the site was subject to historic sand mining between the 1970s and 1991. As a result of this, the substrate and topsoil on the site has been considerably degraded, preventing use of the site for productive rural purposes.</p> <p>The rezoning proposal provides additional area for rural residential growth around an existing rural node on land that is not otherwise suitable for productive rural purposes. Enabling additional growth within a defined area at Horotiu will reduce the demand for rural residential development elsewhere in the area adjacent to the northern end of Hamilton City. In doing so, the proposed rezoning seeks to avoid further fragmentation of rural land holdings in the Rural Zone.</p>
Consistency	<p>Consistent: Horotiu is an existing rural node and the purpose of the Country Living Zone is for a planned encroachment into rural land for rural-residential development.</p>

1.12.8(b)(i)	<i>Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently</i>
Comment	In context of this objective, the Country Living Zone does not constitute urban development as it is part of the Rural Environment (Chapter 5) of the WPDP. The scale of the proposed rezoning (yielding approximately 13 lots) along with generous lot sizes (5000 m ²) would ensure the activities enabled by the proposed rezoning would be rural in nature rather than urban. Notwithstanding this, Horotiu is an existing small rural node with some existing industrial and community facilities including a school, general store, and gift shop that can be utilised by future residents.
Consistency	Neutral: Rural residential development is not considered urban.
1.12.8(b)(ii)	<i>Promote safe, compact, sustainable, good quality urban environments that respond positively to their local context</i>
Comment	In the context of this objective, the Country Living Zone does not constitute urban development as it is part of the Rural Environment (Chapter 5). The scale of the proposed rezoning (yielding approximately 13 lots) along with generous lot sizes (5000m ²) would ensure the activities anticipated by the proposed rezoning would be rural in nature rather than urban. The proposed structure plan for the area to be rezoned demonstrates how the land could be developed in a way that provides a good quality environment for future residents and that responds positively to its context.
Consistency	Neutral: Rural residential development is not considered urban.
1.12.2.8(b)(iii)	<i>Focus urban growth in existing urban communities that have capacity for expansion</i>
Comment	In context of this objective, the Country Living Zone does not constitute urban development as it is part of the Rural Environment (Chapter 5) of the WPDP.
Consistency	Neutral: Rural residential development is not considered urban.
1.12.8(b)(vi)	<i>Protect and enhance green open space, outstanding natural landscapes, and areas of ecological, historic and environmental significance.</i>
Comment	The land subject to the rezoning request includes a pond that formed as a result of natural spring that was encountered during the historic sand mining on the site. The proposed structure plan shows this as being protected from development. This area would be able to be enhanced by planting and public access opportunities. A pre-European archaeological site is noted on the New Zealand Archaeological Association's website as being located on or in close proximity to the subject site. Opus undertook an archaeological assessment of the country living development of 3 lots adjoining the Waikato River, to the south of the site. This assessment found that there had been substantial soil and subsoil disturbance during and shortly after the sand mining activities. The Archaeologist's observations and conclusion regarding the recorded archaeological site, as well as any adjacent unrecorded sites, were that they had been destroyed by the sand mining activities.

	<p>There are no known outstanding natural landscapes or areas of significance that will be adversely affected by the rezoning.</p>
Consistency	<p>Consistent: There are enhancement opportunities for the pond and lack of surviving archaeological / historical values.</p>
1.5.1 (b)	<p><i>Urban forms of residential, industrial, and commercial growth in the district will be focused primarily into towns and villages, with rural-residential development occurring in Country Living Zones. Focusing urban forms of growth primarily into towns and villages, and encouraging a compact form of urban development, provides opportunity for residents to “live, work and play” in their local area, minimises the necessity to travel, and supports public transport opportunities, public facilities and services.</i></p>
Comment	<p>The proposed rezoning will focus rural-residential development into the Country Living Zone where it is anticipated. By concentrating development in this location, pressure is reduced on surrounding rural areas, which help preserve wider surrounding rural character values and fragmentation of rural land elsewhere.</p> <p>Notwithstanding that rural-residential is not an urban form in the context of this objective of the WPDP, there are locational advantages to Horotiu in that it is an existing small rural village with amenities including a school, store, and extensive employment opportunities within the industrial activities that provide future residents with some live, work and play opportunities.</p> <p>Horotiu is also serviced by public transport by way of bus services to Ngaruawahia and Hamilton. These services operate multiple daily runs in each direction.</p>
Consistency	<p>Consistent: Rezoning will encourage rural residential development in the Country Living Zone adjacent to an existing rural village.</p>
1.12.3(a)	<p><i>A district which provides a wide variety of housing forms which reflect the demands of its ageing population and increases the accessibility to employment and community facilities, while offering a range of affordable options.</i></p>
Comment	<p>The rezoning proposal will contribute to the variety of housing forms available in the Waikato District. Demand for rural-residential properties has traditionally been high in the Waikato District and the rezoning will alleviate some of the demand in the wider Horotiu and Hamilton City-adjacent area.</p> <p>Horotiu village itself provides some community facilities (school, general store, and gift shop) and is located less than 10km of both Hamilton and Ngaruawahia. This provides accessibility to additional employment and community facilities from those currently within the village. The proposed structure plan shows the rezoned area could potentially accommodate 13 new homes.</p>
Consistency	<p>Consistent: Rezoning will provide additional housing options accessible to employment and community facilities.</p>

1.12.3(c)	<i>A district that has compact urban environment that is focused in defined growth areas, and offers ease of movement, community wellbeing and economic growth.</i>
Comment	The Country Living Zone does not form part of the urban environment in the context of this objective of the WPDP.
Consistency	Neutral: Rural residential development is not considered urban.
4.1.2(a)	<i>Future settlement pattern is consolidated in and around existing towns and villages in the district.</i>
Comment	The rezoning proposal consolidates rural residential growth around an existing village. Horotiu comprises a school, general store, gift shop and a number of industrial premises.
Consistency	Consistent: Horotiu is an existing rural village.
5.3.8(a)	<i>Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.</i>
Comment	Rural residential development is not urban in the context of the WPDP. Notwithstanding this, the proposed rezoning at Horotiu will remove approximately 7.54 ha of land from production. The site is unable to reasonably be utilized for productive rural activities, due to being cut off from other adjacent rural properties by Sullivan Road, River Road, and Horotiu Bridge Road as well as having degraded soils following historic sand mining. Directing rural residential development to the Country Living Zone however will assist with reducing demand pressures on other more productive rural land in the wider Horotiu area.
Consistency	Neutral: Rural residential development is not considered urban.
5.3.8(b)	<i>Ensure development does not compromise the predominant open space, character and amenity of rural areas.</i>
Comment	<p>The proposed zone change will affect existing rural character and amenity by enabling a type and particular density of development to occur within an existing rural area that differs from what can currently be achieved under the Rural Zone.</p> <p>While the proposed change in zoning will enable an overt change in character of the site and surrounding area, from an urban planning perspective, the change in zoning is appropriate. It enables the consolidation of an existing node and is an alternative to further fragmentation. Further, the site has unique features lending it towards rural residential development, while not setting a precedent for similar development on adjacent properties:</p> <ul style="list-style-type: none"> • It is relatively small, making it difficult to operate rural activities at a large enough scale to be economically productive; • It is cut off on all boundaries from other rural productive land (by roads on the western, northern, and eastern boundaries and on the southern boundary by existing rural residential properties), making it difficult to farm as part of a larger, more economic and productive operation; and • The site has had its productivity potential considerably compromised by the historic sand mining activities.

Consistency	Neutral: Although there will be a change in rural character and loss of open space, the character and amenity will be maintained as the rezoning adjacent to an existing village will more likely be perceived as appropriate.
5.3.8(c)	<i>Ensure subdivision, use and development minimises the effects of ribbon development.</i>
Comment	The proposed structure plan for the area subject to rezoning shows how a subdivision could be achieved that avoids ribbon development. This involves the establishment of road connections from River Road and Sullivan Road, with internal road access via a right of way access to developable areas.
Consistency	Consistent: Ribbon development will not occur.
5.3.8(e)	<i>Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.</i>
Comment	Refer to assessment of 5.3.8(b) above
Consistency	Neutral: Although there will be a change in rural character and loss of open space, the character and amenity will be maintained as the rezoning adjacent to an existing village will more likely be perceived as appropriate.
5.3.8(f)	<i>Subdivision, use and development ensures the effects on public infrastructure are minimised</i>
Comment	Lots and development in the Country Living Zone at Horotiu on the northern side of the Waikato River would be self-sufficient in terms of wastewater and stormwater infrastructure. The site is currently serviced by public water mains, however should there be capacity issues for the additional demand, any future development in the Country Living Zone would be able to accommodate on-site water supply tanks.
Consistency	Consistent
4.1.3(b)	<i>Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.</i>
Comment	The Country Living Zone does not form part of the urban environment in the context of the WPDP.
Consistency	Neutral
4.1.3(a)	<i>Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.</i>
Comment	The Country Living Zone does not form part of the urban environment in the context of the WPDP.
Consistency	Neutral

5.1.1(a)	<i>Subdivision, use and development within the rural environment where:</i> <i>(i) high class soils are protected for productive rural activities;</i> <i>(ii) productive rural activities are supported, while maintaining or enhancing the rural environment;</i> <i>(iii) urban subdivision, use and development in the rural environment is avoided.</i>
Comment	<ul style="list-style-type: none"> i) The area subject to the rezoning proposal comprises degraded soils as a result of the historic sand mining activity. ii) As previously noted, the site has been subject to historic sand mining activities. The evidence provided by representatives of HPL includes detail of their (unsuccessful) attempts to undertake productive rural activities within the site. iii) The Country Living Zone does not form part of the urban environment in the context of the WPDP.
Consistency	Consistent: Will protect high class soils, as well as consistent in the wider context for the District.
5.2.1(a)	<i>(a) Maintain or enhance the:</i> <i>(i) Inherent life-supporting capacity and versatility of soils, in particular high class soils;</i> <i>(ii) The health and wellbeing of rural land and natural ecosystems;</i> <i>(iii) The quality of surface fresh water and ground water, including their catchments and connections;</i> <i>(iv) Life-supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.</i>
Comment	<ul style="list-style-type: none"> i) The area subject to the rezoning proposal comprises degraded soils that are no longer viable for rural productive activities. By concentrating development in this location adjacent to an existing settlement, development pressure is reduced on surrounding rural areas, which help preserve high quality soils. ii) The site is located adjacent to the Waikato River, and contains a pond fed by a spring. Currently, HPL is getting little economic return from the land due to the degraded state of the soils as a result of historic sand mining. Economic returns from development of the site in accordance with Country Living Zone provisions will enable HPL to provide landscaping around the pond within the site. Future lots within the site would be self-contained, and thus any stormwater and wastewater discharges will be required to be managed to prevent effects on on-site, adjacent, and downstream waterbodies. iii) Refer ii) above iv) Refer ii) above
Consistency	Consistent: Regarding protecting high class soils, as well as in the wider context for the District. Consistent in terms of enhancing rural land and natural ecosystems and the quality of fresh water and ground water.
5.3.1(a)	<i>Rural character and amenity are maintained</i>
Comment	Refer to assessment of 5.3.8(b) above
Consistency	Neutral overall as although there will be a change in rural character, the amenity will be maintained as the rezoning adjacent to an existing rural node will more likely be perceived as appropriate.

5.3.4(a)	<i>Retain open spaces to ensure rural character is maintained.</i>
Comment	Refer to assessment of 5.3.8(b) above
Consistency	Neutral overall as although there will be a loss of open space, the character will be maintained as the rezoning adjacent to an existing rural node will more likely be perceived as appropriate.
<i>Meets district wide rules and any other relevant overlays</i>	
Comment	The site subject to rezoning is subject to the following overlays or policy areas: <ul style="list-style-type: none"> • Waikato River Catchment • Hamilton Basin Ecological Area Refer to assessment of 5.2.1(a)(ii) above with regards to how the proposed rezoning will impact on these policy areas.
Consistency	Consistent

- 13 In summary and in connection to the first lens, it is considered that the rezoning proposal by HPL is generally consistent with achieving the relevant objectives of the WPDP. Horotiu is an appropriate location for a Country Living Zone as it will enable the consolidation of an existing node and offers an alternative to further fragmentation in the rural zone.
- 14 While the proposal will result in some loss of rural land and a change to the existing visual character and amenity of the area, the site has a number of characteristics making it ideal for Country Living Zone. The site is physically separated by larger, productive rural properties by public roads and existing rural residential development. Further, it is not able to support productive rural activities due to historic degradation of the soil and substrate as a result of historic sand mining on the site.
- 15 Taking a district wide perspective the rezoning is appropriate as it will assist with focusing rural residential development to an appropriately located Country Living Zone and will reduce development pressures in other rural areas that do not have the locational advantages of Horotiu nor the level of existing industrial and community facilities.

LENS 2: ALIGNMENT AND CONSISTENCY WITH HIGHER ORDER DOCUMENTS

16 The Framework Report outlines the second lens for considering a rezoning request is to undertake an assessment of higher order statutory planning instruments to which the WPDP must either give effect or have regard. These higher order instruments are considered below.

Waikato Regional Policy Statement

17 The objectives and policies of the WRPS relevant to the proposed rezoning have been reviewed and they relate to a broad range of matters in a regional context. The following analysis is a summary of the key provisions which are most relevant to the changes sought by HPL.

3.1.2	<p><i>Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:</i></p> <ul style="list-style-type: none"> <i>a) promoting positive indigenous biodiversity outcomes;</i> <i>b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;</i> <i>c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;</i> <i>d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;</i> <i>e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;</i> <i>f) protecting access to identified significant mineral resources;</i> <i>g) minimising land use conflicts, including minimising potential for reverse sensitivity;</i> <i>h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;</i> <i>i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;</i> <i>j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and</i> <i>k) providing for a range of commercial development to support the social and economic wellbeing of the region.</i>
Comment	A Country Living Zone is the preferred form for Horotiu in order to complement the existing local community. Such an approach would be

consistent with the positive environmental, social, cultural and economic outcomes which Objective 3.12 seeks to achieve.

In terms of Objective 3.12(a) and (b) the potential exists for positive biodiversity outcomes to be achieved and for natural character to be maintained through the creation of a reserve containing the spring and associated pond.

Country Living development is largely self-sufficient in terms of infrastructure requirements. The multiple road frontages available to the site provide a unique opportunity to ensure that access onto the public road network can be designed to have the best possible transportation outcome.

Development standards in the WPDP manage potential reverse sensitivity issues between rural and rural residential activities. This includes building setbacks in both zones.

Consistency Consistent

6.14

Within the Future Proof Area:

- a) *new urban development within Hamilton City, Cambridge, Te Awamutu/Kihikihi, Pirongia, Huntly, Ngaruawahia, Raglan, Te Kauwhata, Meremere, Taupiri, Horotiu, Matangi, Gordonton, Rukuhia, Te Kowhai and Whatawhata shall occur within the Urban Limits indicated on Map 6.2 (section 6C);*
- b) *new residential (including rural-residential) development shall be managed in accordance with the timing and population for growth areas in Table 6-1 (section 6D)*
- c) *...*
- g) *where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern; and*
- h) *...*

Comment

- a) The subject site is not within the urban limits for Horotiu in Map 6-2 of the WRPS.
 - b) Table 6-1 sets out the Future Proof residential growth allocation and staging between 2006 and 2061. The following provisions are relevant to consideration of growth at Horotiu:
 - Allocated growth for “Waikato Rural Villages” is from 6,725 residents in 2006 to 15,775 residents in 2061.
 - Allocated growth for Ngaruawahia is from 5120 residents in 2006 to 15875 residents in 2061.
 - Allocated growth for Waikato Rural is from 22,400 residents in 2006 to 29,800 residents in 2061.
- The modest residential growth proposed at Horotiu (13 lots with approx. 34 residents) is anticipated to be within the expectations of Table 6-1. Policy 6.14(g) requires where alternative residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern. Implementation Method 6.14.3 refers to the criteria for alternative land release (see below).

Consistency Not inconsistent

<p>6.14.3</p>	<p><i>District plans and structure plans can only consider an alternative residential or industrial land release, or an alternative timing of that land release, than that indicated in Tables 6-1 and 6-2 in section 6D provided that:</i></p> <ul style="list-style-type: none"> <i>a) to do so will maintain or enhance the safe and efficient function of existing or planned infrastructure when compared to the release provided for within Tables 6-1 and 6-2;</i> <i>b) the total allocation identified in Table 6-2 for any one strategic industrial node should generally not be exceeded or an alternative timing of industrial land release allowed, unless justified through robust and comprehensive evidence (including but not limited to, planning, economic and infrastructural/servicing evidence);</i> <i>c) sufficient zoned land within the greenfield area or industrial node is available or could be made available in a timely and affordable manner; and making the land available will maintain the benefits of regionally significant committed infrastructure investments made to support other greenfield areas or industrial nodes; and</i> <i>d) the effects of the change are consistent with the development principles set out in Section 6A.</i>
<p>Comment</p>	<p>The proposed rezoning of land at Horotiu is not considered an alternative land release as an additional 34 residents is not of a scale that is inconsistent with Table 6-1. Notwithstanding that the effects of the change are consistent with the principles set out in Section 6A – refer below.</p>
<p>Consistency</p>	<p>Not inconsistent</p>
<p>6.1.7</p>	<p><i>Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the sub-region, and particularly in areas within easy commuting distance of Hamilton and:</i></p> <ul style="list-style-type: none"> <i>a) the potential adverse effects (including cumulative effects) from the high demand for rural-residential development;</i> <i>b) the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities;</i> <i>c) the additional demand for servicing and infrastructure created by rural-residential development;</i> <i>d) the potential for cross-territorial boundary effects with respect to rural-residential development; and</i> <i>e) has regard to the principles in section 6A.</i>
<p>Comment</p>	<ul style="list-style-type: none"> a) Horotiu is located within the Waikato Basin where demand for rural residential development is strongest due to its proximity to Hamilton City and easy commuting distances. Establishment of a Country Living Zone however will assist with reducing demand pressures on other productive rural land in the wider Horotiu area. b) State Highway 1 is existing infrastructure adjacent to the area to be rezoned. Potential conflicts can be avoided through the provision of access onto the lower order road/s of the three that the site has frontages onto. c) The rural residential lots will be largely self-sufficient in terms of 3 waters infrastructure. Access lots and footpaths/cycleways can be provided by the developer at the time of development. Horotiu village

provides existing infrastructure/amenities such as a school, general store, gift shop, and industrial activities.

- d) There are likely to be cross-territorial boundary effects as Horotiu is located close to another territorial boundary (Hamilton City Council). These are likely to be at least partially mitigated by the scale of the area proposed to be rezoned, the existing provision for municipal water supply from within the Waikato District (i.e. not from Hamilton City Council mains), and nature of existing rural residential amenities (including employment opportunities) within Horotiu.
- e) Refer to assessment of Section 6A principles (see below).

Consistency

Consistent with a)-c) and e), inconsistent with d).

6.1.8

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:

- 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;*
- b) *the location, type, scale, funding and staging of infrastructure required to service the area;*
- 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;*
- 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;*
- e) *potential natural hazards and how the related risks will be managed;*
- 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;*
- g) *how stormwater will be managed having regard to a total catchment management approach and low impact design methods;*
- 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) *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;*
- 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;*
- k) *how the design will achieve the efficient use of water;*
- l) *how any locations identified as likely renewable energy generation sites will be managed;*

- m) the location of existing and planned renewable energy generation and consider how these areas and existing and planned urban development will be managed in relation to one another; and*
- n) the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or corridor, including how sensitive activities will be avoided in the rural grid.*

Comment

Rural residential development is considered “urban” in the context of the WRPS. This differs from the WPDP which provides for the Country Living Zone as a subset of the Rural Environment (Chapter 5).

- a) A Draft Structure Plan has been prepared to guide future development within the area to be rezoned (Appendix A). The structure plan shows development areas for rural residential lots along with an access lot and reserve area to be vested. Approximately 13 lots are anticipated.
- b) The primary infrastructure requirement for the rezoning is the provision of roading which will be constructed by the subdivider and at their cost. Country Living lots are able to be self-sufficient in terms of water and wastewater and stormwater will be managed within the subdivision site.
- c) The primary means of access for the rezoned area will be via a shared access lot onto one of the three roads that the site has frontage to, as well as potentially individual vehicle crossings for some lots onto either Sullivan Road or Horotiu Bridge Road. Horotiu is also serviced by public transport in the form of the Hamilton-Raglan bus service which operates five times per day in each direction.
- d) The proposed zone change will affect existing rural character and amenity by enabling a type of and particular density of development to occur within an existing rural area that differs from what can currently be achieved. The change however is considered appropriate because it enables efficient use of unproductive land adjacent to an existing node of development. Ecological values of the existing spring and associated pond on the site will be enhanced through retirement from grazing. The HPL site was subject to historic sand mining, which degraded the soil and subsoil resource. As such, the loss of rural land in this instance is not significant in terms of primary production activities.
- e) There are no known significant natural hazard issues on the area to be rezoned. A detailed geotechnical assessment will be required at the time of subdivision/development and this will inform lot layout and location of infrastructure in a way that avoids natural hazards. The site is elevated above the banks of the nearby Waikato River, however a detailed flood risk assessment could also be provided at the time of subdivision/development, and thus influence the layout of lots and infrastructure.
- f) The rezoning does not involve hazardous substances or known contaminated sites. Detailed assessments will be required at the time of subdivision.
- g) Stormwater will largely be managed on-site using rainwater detention and reuse. Stormwater from roads is anticipated to be managed through treatment and soakage areas.

- h) There are no known significant mineral resources on the land subject to rezoning. The site had historically been subject to sand mining, as an aggregate, although the mining activities ceased prior to the early 1990's. As such, it is considered that the extent of this resource within the site was exhausted.
- i) The site was noted as potentially containing pre-European archaeological sites (namely borrow pits). An archaeological assessment prepared for an earlier subdivision that created the adjoining rural residential properties, which found that the historic sand mining activities has likely destroyed the archaeological sites.
- j) A Waikato District Council water mains is located within the road reserve adjoining the site. However, should there be insufficient capacity or water pressure within the mains to accommodate future development, water can be supplied via rainwater harvesting undertaken on each individual lot.
- k) Rainwater harvesting is considered an efficient use of water.
- l) The site subject to rezoning is not identified as a likely renewable energy generation site.
- m) The site subject to rezoning is not located within proximity to any existing or anticipated future renewable energy generation sites.
- n) The site proposed to be rezoned is not located near any electricity transmission network or national grid corridor.

Consistency Consistent

6A

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.

Comment

- a) Horotiu is an existing urban area, consisting of a primary school, general store, gift shop, and industrial activities.
- b) In respect of a Country Living Zone, the proposed zone boundary will provide a clear delineation between rural residential and rural areas. This is because the boundary aligns with physical features on all boundaries. These features being Sullivan Road, River Road, Horotiu Bridge Road, and, on the opposite side of the adjoining rural residential properties, the Waikato River.
- c) The rezoning does not provide for urban intensification and redevelopment.
- d) The rezoning, although adjacent to three roads, will not compromise the safe, efficient and effective operation of the roads. Sullivan Road is a short cul-de-sac road that is less than 500m long. The adjoining sections of River Road and Horotiu Bridge Road are technically classified as 100kmh environments. However, vehicles are likely to be travelling at much slower speeds due to the proximity of each to the roundabout intersection between the two roads on the north-eastern corner of the site.

- e) The rezoning area is adjacent to Horotiu village and will be connected to existing development and social infrastructure by road, cycleway and footpaths. There is existing water supply infrastructure, however no wastewater or stormwater infrastructure in the vicinity. Future development will be self-sufficient with regards to these services.
- f) Water requirements for a future subdivision of the HPL site will most likely be met by either connection to public water supply or rainwater harvesting on a lot-by-lot basis.
- g) Efficient use of water can be achieved by rainwater collection and reuse and low flow fittings.
- h) Refer Implementation Method 6.1.8 above.
- i) A Country Living zoning of the HPL site would promote a compact urban form, design and location. This is because Horotiu is located on a public transport route (Ngaruawahia to Hamilton buses); there are existing live, work and play opportunities including a school, general store, gift shop, and industrial activities.
- j) While the change in zoning will enable an overt change in landscape character of the site and will affect existing views across the rural landscape, from an urban planning perspective, the change in zoning is appropriate because it enables the consolidation of an existing node of development in and around Horotiu. By concentrating development in this location, pressure is reduced on surrounding rural areas, which help preserve wider surrounding rural character values.
- k) The proposal will promote positive indigenous biodiversity outcomes as it will encompass the maintenance and enhancement of the spring and associated pond within the site.
- l) The site is not located adjoining any substantial waterbodies requiring esplanade provision.
- m) LIUDD principles will be adopted where possible/practicable.
- n) Sustainable design technologies will be adopted where possible and practicable.
- o) The interface between rural and residential activities is effectively managed by performance standards in the WPDP. Rural and rural activities are not incompatible.
- p) Any future development will be designed to comply with the Regional Technical Specifications and the Building Code which takes account of climate change.
- q) There will be an opportunity for tangata whenua involvement, including potential for visual recognition in the subdivision design features and road names.
- r) The site is located within the Waikato River catchment area. The provision of appropriate per lot wastewater management and stormwater management practices will ensure that the future development achieves outcomes consistent with the Vision and Strategy for the Waikato River in the Waikato River catchment.
- s) Waste minimization and efficient use of resources will be considered at the time of development.
- t) The proposal is not expected to affect ecosystem systems.

Consistency

Consistent

6A

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*

Comment

- a) Horotiu is located within the Waikato Basin where demand for rural residential development is strongest due to its proximity to Hamilton City. By enabling development in this location, pressure is reduced on surrounding rural areas, which help preserve wider surrounding rural character values and primary production.
- b) The rezoning of this site will not conflict with the foreseeable long term needs for expansion of Horotiu. Growth for Horotiu is identified as in strategic planning documents (e.g. Future Proof, Waikato 2070) as occurring south of the current extent of the village, away from the Waikato River, and thus on the opposite side of the village from the site.
- c) The rezoning will occur adjacent to an existing rural settlement containing some existing rural residential and village development along with social infrastructure such as a school, general store, gift shop and large industrial activities. The location is not considered free of urban and rural residential development and the rezoning will be in a unique location on the edge of an existing node.
- d) The rezoning does not promote ribbon development. The size and shape of the HPL site would enable a subdivision design that aligns with best practice urban design measures.
- e) Horotiu itself contains a number employment opportunities (meat works, dairy factory, other associated industrial businesses, school, store, and rural primary production). More significant employment centers are located at Ngaruawahia and Hamilton and are accessible by from Horotiu by public transport.
- f) The proposed rezoning will enable development that will generate visual amenity and character effects. The surrounding environment is dynamic, having seen the growth of the village in support of the industrial activities as well as the establishment of the Waikato Expressway. The roads that surround three of the four site boundaries naturally bookmark the site, giving it a greater capacity to accommodate the anticipated change of character and rural amenity associated with the rezoning.

	<p>g) Future development is capable of being serviced onsite by water and wastewater services.</p> <p>h) The site contains a spring which feeds a pond, which can be enhanced by retiring them from rural production and implementing additional landscape planting.</p>
Consistency	Consistent

Future Proof

18 Future Proof is a 30-year growth management and implementation plan specific to the Hamilton, Waipa and Waikato sub-region. Future Proof provides an overall framework for aligning the plans and strategies of organisations that deal with growth along with other local and central government agencies.

19 Section 11.3 of Future Proof outlines the applicable principles for Rural Areas:

11.3	<p><i>Applicable Future Proof Principles:</i></p> <ul style="list-style-type: none"> • <i>Encourage development to locate adjacent to existing urban settlements and nodes in both the Waikato and Waipa Districts and that rural-residential development occurs in a sustainable way to ensure it will not compromise the Future Proof settlement pattern or create demand for the provision of urban services.</i> • <i>Maintain the separation of urban areas by defined and open space and effective rural zoning.</i> • <i>Recognise and provide for the growth of urban areas, towns and villages within agreed urban limits.</i> • <i>Protect versatile and quality farmland for productive purposes through the provision of limited rural lifestyle development around existing towns and villages and encouraging a more compact urban footprint</i>
Comment	<p>Horotiu is an existing node for a predominantly rural community and consists of a range of rural and rural-residential activities in addition to the industrial and community activities in the village itself (school, store, gift shop etc). The development of approximately 13 rural residential lots at Horotiu under a Country Living Zone is not of a scale or location that will compromise the Future Proof settlement pattern. Country Living lots are self-sufficient in terms of 3 waters infrastructure. The rezoning could create demand for a walkway/cycleway linking with Horotiu village, however this will be provided at the time of subdivision.</p> <p>Separation of urban areas will be maintained by virtue of the distance between the two closest urban areas to Horotiu, being Ngaruawahia (6km) and Hamilton (5km). The area around Horotiu and between Ngaruawahia and Hamilton would remain with a rural zoning.</p> <p>Horotiu has urban limits as it is located within the Waikato Basin, and is an existing rural node.</p> <p>The site is comprised of what had been Class 2 soils, which were substantially degraded by the historic sand mining activities that were</p>

undertaken at the site. As such, the proposed rezoning will not result in loss of high-quality soils, and will not impact on primary production activities. Enabling growth within a defined area at Horotiu will reduce the demand for rural residential development elsewhere in the wider Horotiu area and in doing so seek to avoid further fragmentation of rural land holdings in the Rural Zone.

Consistency Consistent

Waikato 2070

- 20 Waikato 2070 is the Waikato District Council Growth and Economic Development Strategy and provides a long-term plan to achieve the Council's vision of creating liveable, thriving and connecting communities.
- 21 Part 02.0 of Waikato 2070 outlines opportunities for the Waikato District. Opportunity 02.2 relates to soils and landscapes and notes that constraints restrict development of land in the district and generally confine areas for future development in and around existing settlements and means consideration needs to be given to a more compact growth pattern in the future. Opportunity 02.5 relates to the rural environment, and notes that rural villages are and will continue to be a central focus and integral part of the district. Lifestyle opportunities are provided within the rural environment, but these must be carefully managed with an evidence based approach to help maintain and sustain the rural environment.
- 22 Part 03.0 outlines focus areas for the Waikato District. Focus Area 03.1 (Grow our Communities) sets a direction to deliver well-planned and people friendly communities. The implementation methods most relevant to the rezoning proposal at Horotiu are:

Implementation Methods:

1. Develop a quality urban form with high amenity villages and urban environments will being aware of historic heritage, landscapes and the natural environment.

3. Support rural communities by maintaining services and enabling innovative initiatives.

4. Invest in place-marking activities across communities including.... Greenways, blue/green networks, walkways, cycleways, bridle trails

and open spaces and streetscape/public space improvements that promote connectedness.

7. Avoid development that leads to social isolation

8. Ensure communities have easy access to infrastructure and services

- 23 Focus Area 03.1 (Grow our Communities) also sets a direction to promote sustainable and cost-effective land use patterns. The implementation methods most relevant to the rezoning proposal at Horotiu are:

2. Stage development and be adaptable to future growth scenarios

3. Integrate land use and transport to make better use of infrastructure and our transport connections, while interacting and protecting the environment.

4. Leverage existing transport networks, including walking, cycling infrastructure, and identify and protect sites and areas from development.

6. Locate future development to capitalise on existing serviced network infrastructure and facilities of towns.

7. Ensure connectivity and integration of greenfield development to existing built-form.

8. Encourage rural areas and villages to explore ways to remain sustainable.

- 24 Focus Area 03.3 (Embrace our Identity) sets a direction to protect the environment. The implementation methods most relevant to the rezoning proposal at Horotiu are:

3. Encourage sustainable and resilient land use patterns that focus development in our key towns which are well connected and serviced by amenities.

4. Promote ecological and environmental protection and restoration.

5. Restrict residential development in areas at risk from natural hazards.

6. Encourage and assist communities to adapt to climate change and to manage and adapt to its effects on the environment.

7. Encourage land uses that utilise our highly productive land by promoting agriculture production and restrict those uses that reduce them and diminish their quality or the landscape.

8. Restrict multi-lot residential subdivision in rural areas outside of identified growth areas.

- 25 Part 04.0 of Waikato 2070 identifies where and when growth can occur for residential and employment activities that align to the focus areas. Growth in the rural environment (including Country Living) for Horotiu has been identified, but does not include the subject site.

National Planning Standards

- 26 The National Planning Standards are not directly relevant to this rezoning request other than the likelihood that the Country Living Zone will transition to the Rural-lifestyle zone under the National Planning Standards.

National Policy Statement on Urban Development 2020

- 27 The National Policy Statement on Urban Development 2020 is not of direct relevance to the Te Uku rezoning proposal. That is because Horotiu is not deemed to be an “urban environment” as defined under the NPS-UD 2020.

Waikato-Tainui Environmental Plan

- 28 The Waikato-Tainui Environmental Plan sets out a Waikato-Tainui perspective on the management of effects particularly the issues, objectives, policies and methods associated with natural resources and environmental management that apply across the Waikato-Tainui rohe/tribal boundaries. This is a relevant planning document as referred to in Section 74(2a) of the RMA.
- 29 The plan describes the general process for consultation and engagement with Waikato-Tainui. Consultation has yet to be initiated for this proposed rezoning, due to the small size of the site. It is anticipated that consultation with Waikato-Tainui would be undertaken as part of any future resource consent application process to develop the site.
- 30 It is expected that resource management, uses and activities occur in a manner consistent with the relevant sections of the Waikato-Tainui

Environmental Plan. There are various sections in the Plan relevant to the rezoning proposal, including the following:

- (a) There is emphasis on protecting and enhancing indigenous biodiversity and natural heritage through planting around the spring and associated pond.
- (b) Managing waahi tapu and waahi tupuna sites will need to be considered, particularly through ensuring appropriate guidelines and protocols are in place for taonga discovery, predominantly through accidental discovery.
- (c) Development of the site will need to consider natural hazards and the effects of climate change.
- (d) Development of the site will need to consider a holistic catchment approach to stormwater management.
- (e) There is an opportunity to enhance fresh water quality through retiring poorly drained soils from productive farming.
- (f) Effective management of soil erosion and land contamination will be achieved through appropriate sediment control measures and retirement of marginal land. Erosion, nutrient leaching and runoff adjacent to the Waikato River and around the spring will be of particular importance during development.
- (g) The plan encourages the use of development principles which enable the environment and provide environmental, cultural, spiritual and social outcomes that are positive.

Vision and Strategy for the Waikato River

- 31 The Waikato River is important to all people in the region and Horotiu is located on the banks of the River. Thus the Vision and Strategy is applicable to Horotiu as being located squarely within the catchments affecting the Waikato River.
- 32 The provision of appropriate per lot wastewater management and stormwater management practices will ensure that the rezoning of the site achieves outcomes consistent with the Vision and Strategy for the Waikato River in the Waikato River catchment.

Lens 2 Summary

33 In summary and in connection to the second lens, it is considered that the rezoning proposal by HPL is generally consistent with achieving the outcomes sought in the higher-level planning instruments. Most notably the proposal is consistent with the general and rural-residential development principles set out in 6A of the WRPS.

LENS 3: ASSESSMENT AGAINST BEST PRACTICE PLANNING GUIDANCE

34 The Framework Report outlines the third lens that is borrowed and adapted from the Auckland Unitary Plan Independent Hearing Panel as a distillation of what is referred to as “good planning practice”. An assessment of the third lens is provided below:

a.	<i>Economic costs and benefits are considered</i>
Comment	An economic benefit is that the Country Living provisions may create development potential on land that may be less economic to use for rural purposes (e.g due to degradation by historic sand mining activities and segregation from the balance of the farm by River Road). A further economic benefit of directing rural lifestyle activities to the Country Living is that it minimises the potential for sensitive land uses to become established in the rural area, which may affect the operation of established rural land uses. Enabling subdivision, changes in land use activities will provide for the economic wellbeing of landowners. The change is also consistent with the Waikato-Tainui Environmental Plan in that marginal farmland is retired and this is cultural and environmental benefit. An economic cost of the Country Living Zone is that it promotes a development pattern that fragments rural land into 5000m ² lots that limits their use for productive purposes.
b.	<i>Changes should take into account the issues debated in recent plan changes</i>
Comment	There are no recent plan changes that are directly relevant to the Horotiu rezoning proposal.
c.	<i>Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints (e.g. hazards)</i>
Comment	The land subject to the rezoning request is affected by other overlays and policy areas identified in the WPDP, as follows: <ul style="list-style-type: none"> • Waikato River Catchment • Hamilton Basin Ecological Area Future Country Living Zone lots within the site would be self-contained, and thus any stormwater and wastewater discharges will be required to be managed to prevent effects on on-site, adjacent, and downstream waterbodies.

d.	<i>Changes should take into account features of the site (e.g. where it is, what the land is like, what it is used for and what is already built there).</i>
Comment	The physical features of the site have informed the Draft Structure Plan. The main constraint of the site is the centrally-located spring and associated pond.
e	<i>Zone boundary changes recognise the availability or lack of major infrastructure (e.g., water, wastewater, stormwater, roads).</i>
Comment	Country Living lots are largely self-sufficient in terms of water, wastewater and stormwater infrastructure. The surrounding road network can accommodate the traffic volumes from an additional 13 rural residential lots. The multiple site frontages allow a number of different access solutions to be considered to achieve safe and efficient access onto the public roading network. The site is also located on the opposite side of Horotiu Bridge Road from a footpath that provides linkage to Horotiu village, which can be incorporated into future subdivision design to provide pedestrian and cyclist access to the village for future residents.
f	<i>There is adequate separation between incompatible land uses (e.g., houses should not be next to heavy industry).</i>
Comment	The proposed Country Living Zone at Horotiu would be adjacent to the Rural Zone. Land uses associated with Country Living and Rural Zones are generally considered to be compatible. Provisions in the WPDP manage potential reverse sensitivity issues through development standards such as lot sizes and setbacks.
g	<i>Zone boundaries need to be clearly defensible, e.g., follow roads where possible or other boundaries consistent with the purpose of the zone</i>
Comment	The proposed zone boundary is clearly defensible on all sides. Three of the proposed zone boundary sides aligns with roads – Sullivan Road to the west, River Road to the north, and Horotiu Bridge Road to the east. The Waikato River is located on the southern side of the adjoining existing rural residential properties, completing the defensible zone boundary.
h	<i>Zone boundaries should follow property boundaries.</i>
Comment	The proposed zone boundary aligns with property boundaries and would not result in any split zoning.
i	<i>Generally, no "spot zoning" (i.e. a single site zoned on its own)</i>
Comment	While the rezoning affects a single site, it connects the site with adjoining (to the south) and adjacent (to the east) land zoned Country Living. Further, the site is not appropriate for its current Rural zoned purposes, due to the degraded nature of the soils and subsoils from historic sand mining activities undertaken at the site.
j	<i>Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.</i>
Comment	There are no existing resource consents applicable to this rezoning request.

k	<i>Roads are not zoned.</i>
Comment	Roads are not zoned in the WPDP.

35 In summary and in connection to the third lens, it is considered that the rezoning proposal by HPL is generally consistent with achieving good planning practice in terms of the application of a new zone.

S32AA ASSESSMENT

36 Section 32AA requires a further evaluation for any changes that have been made to the proposal since the evaluation report was completed. The tables below provides a summary of the different options, costs and benefits considered, as required under s32 of the RMA. It explains why the preferred option has been chosen and also discusses the alternative which has also been considered.

Table 1: Rezoning Proposal

The specific provisions sought to be amended	Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PDP)
<p>The rezoning proposal</p>	<p>Horotiu Properties Ltd (HPL) has made a submission to PDP requesting its site at Horotiuas legally described below are amended on Planning Maps from Rural Zone to Country Living Zone.</p> <ul style="list-style-type: none"> • Lot 5 DP 513666 (7.5364 ha)
<p>Relevant Objectives of the PDP</p>	<p>Appendix 2 of the s42A Framework Report identifies key objectives in the PDP for different rezoning scenarios. The objectives and policies relevant to the Rural to Country Living Scenario are provided as the “First Lens” in the evidence above.</p>
<p>Scale and Significance of the rezoning proposal</p>	<p>The rezoning proposal will not result in a substantial change to the zoning management framework contained in the WPDP. The rezoning proposal involves a modest area of approximately 7.5 ha adjacent to Horotiu Village. Approximately 13 rural residential lots are expected to be enabled by the rezoning.</p> <p>The rezoning proposal is considered to be of local significance, focused largely on Horotiu and to a lesser extent Ngaruawahia and Hamilton City communities.</p>
<p>Other reasonably practicable options to achieve the objectives (alternative options)</p>	<p>Option 1: Country Living Zone Option 2: Do nothing / status quo (retain Rural Zone)</p>

Table 2: Benefits and Costs Analysis of the Rezoning Proposal

Rezoning Proposal: Rural to Country Living		
	Benefits	Costs
General	Option 1 would allow the HPL site to be developed for rural residential activities. This meets the objective of HPL.	Option 2 would not provide for rural residential activities and therefore does not meet the objective of HPL but would retain the status quo.
Environmental	<p>Option 1 would assist with directing rural-residential development to the Country Living Zone. By concentrating development in this location, pressure is reduced on surrounding rural areas, which help preserve wider surrounding rural character values and fragmentation of rural land elsewhere.</p> <p>Option 1 would retire some marginal land from primary production.</p> <p>Option 1 would result in the spring and associated pond being protected by a reserve and associated landscaping to be established surrounding it.</p> <p>Option 2 would retain the existing rural character and amenity of the location.</p>	<p>Option 1 would result in 7.5 ha of land being removed from primary production.</p> <p>Option 2 allows 7.5 ha to remain in primary productive use and in doing so safeguards the use of the soil resource for this purpose. However, as outlined within the accompanying evidence from representatives from HPL, due to soil and subsoil degradation associated with historic sand mining, the site offers limited productivity. Substantial resources, such as applying fertiliser, would be required to achieve productive outputs. This increases the risk of excessive nutrients entering the groundwater and the adjacent Waikato River via the onsite spring and overland flow paths.</p> <p>Option 1 would result in a change to the existing rural character and amenity.</p>
Social	<p>Option 1 will strengthen the sense of place of Horotiu by enabling low density residential development around an existing rural settlement. This could enhance cohesion, stability, character, services and facilities in the community. This includes the use of existing facilities at Horotiu including the school and general store.</p> <p>Option 1 would assist with providing a variety of housing options in the Waikato District.</p> <p>Option 1 would enable rural residential development to occur in close proximity to a number of large industrial activities that</p>	<p>Option 1 would result in a degree of change to the community.</p> <p>Option 2 will not bring any additional housing options to the Waikato District.</p>

	<p>can provide local employment opportunities for future residents.</p> <p>Option 2 would result in no change to the community.</p>	
Economic incl. Economic Growth	<p>Option 1 would grow the residential component of Horotiu with residents able to support local business at the village including the general store.</p> <p>Option 1 would enable economic growth as a consequence of developing the subdivision and the construction of houses.</p> <p>Option 2 would enable economic growth as a consequence of the inputs required to improve the productivity of the marginal primary productive land.</p>	Option 1 would remove 7.5 ha of marginal land from primary production.
Employment	<p>Option 1 would enable employment as a consequence of developing the subdivision and the construction of houses.</p> <p>Option 1 would enable rural residential development to occur in close proximity to a number of large industrial activities that can provide local employment opportunities for future residents.</p>	Option 1 may result in a reduction of employment associated with loss of land for primary production. However, given the degraded nature of the soil and subsoil resources on the site, the productivity, and thus employment opportunities, of the site are limited.
Cultural	Option 2 would result in no increased risk of any further destruction of pre-European archaeological sites within the site.	Option 1 could result in loss of any remaining unrecorded pre-European archaeological sites that survived the historic sand mining activities although this is unlikely given that the country living development of 3 lots adjoining the Waikato River, to the south of the Site, did not give rise to any archaeological features.

Table 3: Evaluation of the proposal

Reasons for the selection of the preferred option	The preferred option is Option 1 (Country Living Zone). This option achieves the objective of HPL for providing rural-residential growth adjacent to Horotiu village.
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<p>Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA</p>	<p>In the context of this s32AA assessment, “objectives” relate to the objective of the submission to provide a Country Living Zone at Horotiu.</p> <p>The original s32 documents prepared for the PWDP considered the objectives of the plan and whether they were the most appropriate way to achieve sustainable management in the Waikato District. The following considers whether the proposed changes sought by the HPL submission are now the most appropriate way, and continue to achieve sustainable management as set out in s5 of the RMA.</p> <p>The proposed rezoning seeks to adopt the Country Living provisions of the WPDP. It is therefore considered appropriate to largely adopt the analysis undertaken in the preparation of the WPDP. On the basis of the cost benefit analysis above, Option 1 is considered to be the most appropriate way of achieving the objectives of the plan and the proposal. The zoning represents the most effective and efficient approach to ensure integration of a rural residential area around Horotiu and allowing for the sustainable use of marginal land / resource.</p>
<p>Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions.</p>	<p>The information available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits.</p>
<p>Conclusion</p>	<p>Option 1 is the most appropriate way to achieve the objectives and the WPDP. The proposed Country Living Zone will clearly identify the nature and location of future land use activities which are enabled through this zone. The rezoning of this site reflects the unique features of this property, being surrounded on all sides by natural and physical boundaries for the zone.</p>

CONCLUSION

40. This evidence has been prepared in relation to HPL's submission to the PWDP relating to the establishment of a Country Living Zone at Horotiu.
41. HPL has identified the growth potential of part of their farm due to its location adjacent to Horotiu which is a rural node with existing industrial and community facilities, including a school, general store, and gift shop.
42. The HPL site is well suited to be zoned Country Living and a structure plan has been prepared to inform future development. The rezoned area is likely to accommodate around 13 dwellings, in addition to an access lot and reserves.
43. This evidence has considered HPL's requested changes in terms of the three lens approach outlined in the s42A Framework Report. The proposal is generally consistent with all three lenses. Including the HPL site as a Country Living Zone within the WPDP will have the benefit of providing additional development opportunities on land adjacent to an established village that is otherwise unsuitable for primary production activities.

Date: 17 February 2021

TRACEY ANNE MORSE