

**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

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**STATEMENT OF EVIDENCE OF TRACEY ANNE MORSE FOR SUBMITTER  
#422: CALLUM BRAE TRUST  
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 Callum Brae Trust ("**CBT**") 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 CBT requested that part of their site at Puketaha (legally described below) is re-identified on WPDP Planning Maps from Rural Zone to Business Zone with a Motorway Service Area overlay:
  - (a) Lot 2 DP 304594 (33.7023 ha)

## **SUMMARY OF REZONING PROPOSAL**

- 8 CBT is seeking to rezone approximately 4.5 ha of its 33.7023 ha property on the northern side of Greenhill Road to Business Zone with a Motorway Service Area Overlay. The area proposed to be rezoned is located immediately adjoining the Waikato Expressway off ramp. The boundary between Hamilton City Council adjoins the south-

western corner of the subject. The suburb of Chedworth within Hamilton City is located adjacent to the subject site.

- 9 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) Indicative slip lane access from the Expressway;
  - (b) Indicative internal layout of various commercial premises associated with service centre, including petrol station forecourt, two quick service retail / fast food premises, and several units for food and beverage businesses;
  - (c) A truck stop;
  - (d) Parking areas; and
  - (e) A family picnic area and playground.

## **SUPPORTING REPORTS AND ASSESSMENTS**

- 10 CBT have procured the specialist assessments to consider the suitability of the site for rezoning.

### Agricultural Impact Assessment (Appendix B)

- 11 The Agricultural Impact Assessment (by AgFirst) confirms that the area subject to the rezoning proposal is comprised of relatively high class (Class 2) soils. It was found that the current use of the site, dairy farming, is the most profitable pastoral use of the site. The almost 1.5km distance of this part of the site from the nearest dairy shed reduces the agricultural productivity for this part of the site, as it prevents effluent application and makes the area reliant on solid fertilisers to maintain pasture production.
- 12 The Expressway immediately adjoins the site means that any horticultural activity would be subject to potential (real or perceived from a market perspective) contamination from particulate matter and emissions from vehicles. As such, once operational, the Waikato Expressway provides considerable limitations to horticultural productivity on the site.

13 The AgFirst report outlines that the area proposed to be rezoned currently carries 13 dairy cows. Further, the proposed rezoning would result in a loss of approximately 60 tonnes of dry matter of pasture production. In relation to the overall productivity of the site, this represents 3.7% of the current dairy farming operation. While this could be compensated for on the balance of the site through application of increased fertilisers, this would increase the risk of non-compliance with Regional Plan provisions for nitrate leaching.

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

14 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 CBT relates to the “Rural Zone to Business Zone” scenario and an assessment of the relevant objectives and policies of the WPDP is provided in the table below.

<b>1.5.2 (a)</b>	<i>Growth occurs in defined areas</i>
<b>Comment</b>	<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 fragmentation. The proposed rezoning at Puketaha is for planned encroachment into rural land adjoining a planned and currently under-construction off ramp from the Waikato Expressway.</p> <p>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>In this location, as part of the WPDP, there is no intended change of zoning from that under the current Operative Waikato District Plan. No additional rural land has been identified as being Business Zone to provide service centre amenities for motorists. Currently, there are limited service centres offered for south-bound traffic on the Expressway. All of the commercial units proposed to be established within the service centre are to be either petrol station, or food and beverage premises. No general retail premises are intended to occupy any of the units.</p> <p>As has been evidenced elsewhere on the state highway network, it is considered efficient to locate such service centres immediately adjoining off-ramps. This enables motorists to anticipate and plan appropriate rest and refuelling breaks. These locations also afford maximum visibility for</p>

	<p>traffic, to afford motorists to take unplanned rest and refuelling breaks in a safe manner.</p> <p>These locations are also efficient as the landowners already have had their land use practices disrupted and had to adapt to accommodate the acquisition of land process and subsequent construction activity associated with the state highway. This creates a single location for disruption and fragmentation of rural land and activities to an area immediately surrounding the off-ramps.</p>
<b>Consistency</b>	<p>Consistent: The location provision of an off-ramp for the Waikato Expressway was planned in advance by Waka Kotahi New Zealand Transport Agency. Altering the zoning of rural land here avoids fragmentation of rural land elsewhere to provide facilities for motorists.</p>
<b>1.12.8(b)(i)</b>	<i>Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently</i>
<b>Comment</b>	<p>In context of this objective, the Business Zone constitutes urban development as it is part of the Urban Environment (Chapter 4) of the WPDP.</p> <p>This site is located immediately adjoining the Waikato Expressway and an off-ramp from the Expressway. This is an efficient use of land and infrastructure, including roads, as it keeps the distance that motorists on the Expressway have to travel to refuel vehicles, and utilise the food, beverage, and rest area facilities.</p> <p>Further, with regards to the efficient use of land, AgFirst have prepared a report regarding the quality of the soils on the site, and the associated productive capabilities of the affected part of the site. This assessment found that the soil was of a reasonable quality, with several limitations on productivity. However, due to the size of the overall site (within this title, and within the other extensive landholdings of CBT), minor improvements to the land management practices elsewhere on the farm would absorb the loss of productive land as a result of the proposed rezoning.</p>
<b>Consistency</b>	<p>Consistent: The rezoning will result in loss of some productive land to urban development, however equivalent productivity gains can be made elsewhere within the site with minimal expense and environmental risk.</p>
<b>1.12.8(b)(ii)</b>	<i>Promote safe, compact, sustainable, good quality urban environments that respond positively to their local context</i>
<b>Comment</b>	Refer 1.12.8(b)(i) above.
<b>Consistency</b>	<p>Consistent: The rezoning will result in loss of some productive land to urban development, however it is considered an anticipated development in the context of land immediately adjoining the state highway network.</p>
<b>1.12.2.8(b)(iii)</b>	<i>Focus urban growth in existing urban communities that have capacity for expansion</i>
<b>Comment</b>	Refer 1.12.8(b)(i) above.
<b>Consistency</b>	<p>Consistent: The rezoning will result in loss of some productive land to urban development, however it is considered an anticipated development in the context of land immediately adjoining the state highway network.</p>

<b>1.12.8(b)(iv)</b>	<i>Plan for mixed -use development in suitable locations.</i>
<b>Comment</b>	Mixed use, being combined residential and non-residential activities within the same building / unit / premises, is not applicable to this rezoning request. No residential development in the identified part of the site is proposed.
<b>Consistency</b>	Neutral: There is no mixed use development proposed as part of this rezoning.
<b>1.12.8(b)(vi)</b>	<i>Protect and enhance green open space, outstanding natural landscapes, and areas of ecological, historic and environmental significance.</i>
<b>Comment</b>	The proposed service centre is to be supported with a suitably-detailed landscaping plan, to maintain at a minimum, improve at best, the current sense of green open space afforded by the currently rural land. The landscaping will be addressed as part of the associated resource consent process for the development of the service centre. There are no known outstanding natural landscapes or areas of ecological, historic, or environmental significance within or immediately adjacent to the site that will be adversely affected by the rezoning.
<b>Consistency</b>	Consistent: There are enhancement opportunities of green open spaces through suitable landscape design.
<b>1.5.1 (b)</b>	<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>
<b>Comment</b>	The proposed rezoning will enable a commercial development unique to the corridor adjacent to the state highway network. Provision of a service centre will provide urban development in as close proximity as possible to the off-ramp from the Expressway, to provide for motorists needs as they live, work, and play in the area, while also accommodating those travelling outside of their local area.
<b>Consistency</b>	Consistent: Rezoning will enable a urban / commercial development that directly relates to the adjacent state highway network while also accommodating the needs of both local residents and passing motorists.
<b>1.12.3(a)</b>	<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>
<b>Comment</b>	The rezoning proposal will provide both employment and community facilities in close proximity to a variety of housing forms available in both the Waikato District and the adjoining Hamilton City. The development is anticipated to accommodate approximately seven separate commercial tenancies, each providing employment opportunities for local residents of both territorial authorities.

<b>Consistency</b>	Consistent: Rezoning will provide additional employment options accessible to local residents.
<b>1.12.3(c)</b>	<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>
<b>Comment</b>	Refer 1.12.3(a) above.
<b>Consistency</b>	Consistent: Rezoning will provide additional employment options accessible to local residents in close proximity to the main source of customers – the Waikato Expressway.
<b>4.1.2(a)</b>	<i>Future settlement pattern is consolidated in and around existing towns and villages in the district.</i>
<b>Comment</b>	The rezoning proposal consolidates commercial growth around an existing village, Puketaha, as well as existing suburb of Chedworth.
<b>Consistency</b>	Consistent: Puketaha is an existing rural village and Hamilton is an existing city.
<b>5.3.8(a)</b>	<i>Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.</i>
<b>Comment</b>	The proposed rezoning of this part of the overall site will remove approximately 4.5 ha of land from production. The part of the site faces limitations on its productive use, in that it is located in the furthest position on the farm from the existing dairy shed, and is unable to be utilised for productive horticultural activities, due to the proximity to the Waikato Expressway, as noted by AgFirst. Directing urban development to this location places it immediately on the boundary of an existing city, Hamilton City.
<b>Consistency</b>	Consistent: The site immediately adjoins the boundary of Hamilton City.
<b>5.3.8(b)</b>	<i>Ensure development does not compromise the predominant open space, character and amenity of rural areas.</i>
<b>Comment</b>	The proposed zone change will affect existing rural character and amenity by enabling a type of commercial development to occur within an existing rural area that differs from what can currently be achieved under the Rural Zone. 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 efficient provision of a necessary facility for users of the Expressway in the closest position possible to the Expressway. It also provides an efficient use of rural land that has its productivity compromised by distance to dairy facilities within the farm and by being in close proximity to the Expressway which is viewed as undesirable due to fumes and fine particle emissions from vehicles.
<b>Consistency</b>	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 Expressway currently under construction will more likely be perceived as appropriate.

<b>5.3.8(c)</b>	<i>Ensure subdivision, use and development minimises the effects of ribbon development.</i>
<b>Comment</b>	The nature of the proposed rezoning is such that it would not encourage or enable ribbon development. The specific nature of the zoning sought, combined with the overland sought, would allow a single service centre and associated facilities to be developed.
<b>Consistency</b>	Consistent: Ribbon development will not occur.
<b>5.3.8(e)</b>	<i>Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.</i>
<b>Comment</b>	Refer to assessment of 5.3.8(b) above
<b>Consistency</b>	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 Expressway currently under construction will more likely be perceived as appropriate.
<b>5.3.8(f)</b>	<i>Subdivision, use and development ensures the effects on public infrastructure are minimised</i>
<b>Comment</b>	Informal consultation has commenced with Hamilton City Council regarding the viability of connections to their municipal services for the development. This discussion concluded that such connections were not possible. As such, alternative solutions that will have infrastructure such as three waters all addressed within the site (including the part of the site not subject to the rezoning request). The size of CBT's landholdings in this vicinity is such that provision of three waters infrastructure entirely within the property is considered feasible.
<b>Consistency</b>	Consistent
<b>4.1.3(b)</b>	<i>Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.</i>
<b>Comment</b>	Refer 1.5.2(a) above.
<b>Consistency</b>	Consistent: The location provision of an off-ramp for the Waikato Expressway was planned in advance by Waka Kotahi New Zealand Transport Agency. Altering the zoning of rural land here avoids fragmentation of rural land elsewhere to provide facilities for motorists.
<b>4.5.3(a)(i)</b>	<i>Business town centres are maintained as the primary retail, administration, commercial service and civic centre for each town.</i>
<b>Comment</b>	The proposed rezoning is not intended to be a Business Town Centre Zone.
<b>Consistency</b>	Neutral: Not applicable.
<b>4.1.3(a)</b>	<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>
<b>Comment</b>	Refer 1.12.8(b)(i) above.



<b>Consistency</b>	Consistent: The rezoning will result in loss of some productive land to urban development, however it is considered an anticipated development in the context of land immediately adjoining the state highway network.
<b>4.1.5(a)</b>	<i>Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space.</i>
<b>Comment</b>	The site is located on the opposite side of the Waikato Expressway from an area of medium density housing within Hamilton City.
<b>Consistency</b>	Consistent
<b>5.1.1(a)</b>	<i>Subdivision, use and development within the rural environment where: (i) high class soils are protected for productive rural activities; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment; (iii) urban subdivision, use and development in the rural environment is avoided.</i>
<b>Comment</b>	<p>i) The area subject to the rezoning proposal comprises soils with limitations to productive use as outlined in the report prepared by AgFirst.</p> <p>ii) Refer i) above</p> <p>iii) The subject site is unique in that it is located immediately adjoining an off-ramp from the Waikato Expressway, there are limitations to productive use, and CBT has sufficient landholdings in the area to appropriately manage three waters within their properties.</p>
<b>Consistency</b>	Consistent: With i) and ii), inconsistent with iii).
<b>5.3.1(a)</b>	<i>Rural character and amenity are maintained</i>
<b>Comment</b>	Refer to assessment of 5.3.8(b) above
<b>Consistency</b>	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 Expressway currently under construction will more likely be perceived as appropriate.
<b>5.3.4(a)</b>	<i>Retain open spaces to ensure rural character is maintained.</i>
<b>Comment</b>	Refer to assessment of 5.3.8(b) above
<b>Consistency</b>	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 Expressway currently under construction will more likely be perceived as appropriate.
	<i>Meets district wide rules and any other relevant overlays</i>
<b>Comment</b>	<p>The site subject to rezoning is subject to the following overlays or policy areas:</p> <ul style="list-style-type: none"> <li>• Waikato River Catchment</li> <li>• Hamilton Basin Ecological Area</li> <li>• Designation for Waikato Expressway</li> </ul> <p>Refer to assessment of 5.2.1(a)(ii) above with regards to how the proposed rezoning will impact on these two policy areas. Refer assessment of 1.5.2(a) regarding the designation.</p>

- 15    In summary and in connection to the first lens, it is considered that the rezoning proposal by CBT is generally consistent with achieving the relevant objectives of the WPDP. The site is an appropriate location for a Business Zone with a Motorway Service Area overlay as it is in close proximity to the Waikato Expressway and offers an alternative to further fragmentation in the rural zone.
- 16    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 characteristics making it ideal for a service centre. The site has some limitations with regards to productive rural activities.
- 17    Taking a district wide perspective, the rezoning is appropriate as it will provide local employment opportunities and offers a necessary service in support of national infrastructure (the Expressway).

## **LENS 2: ALIGNMENT AND CONSISTENCY WITH HIGHER ORDER DOCUMENTS**

- 18    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

- 19    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 CBT.

<b>3.1.2</b>	<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> <ul style="list-style-type: none"><li><i>a) promoting positive indigenous biodiversity outcomes;</i></li><li><i>b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;</i></li></ul>
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	<ul style="list-style-type: none"> <li>c) <i>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></li> <li>d) <i>integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;</i></li> <li>e) <i>recognising and protecting the value and long-term benefits of regionally significant infrastructure;</i></li> <li>f) <i>protecting access to identified significant mineral resources;</i></li> <li>g) <i>minimising land use conflicts, including minimising potential for reverse sensitivity;</i></li> <li>h) <i>anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;</i></li> <li>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></li> <li>j) <i>promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and</i></li> <li>k) <i>providing for a range of commercial development to support the social and economic wellbeing of the region.</i></li> </ul>
<b>Comment</b>	<p>Provision of a service centre on a property immediately adjoining both the Expressway and an off-ramp from the Expressway is an efficient, integrated, and sustainable development.</p> <p>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 appropriate landscape design.</p> <p>The development will be able to be largely self-sufficient in terms of infrastructure requirements.</p> <p>The nature of the businesses intended to occupy the site are such that they will not detract from the vibrancy of Hamilton City's existing central business district. The intention of the proposed Motorway Service Area overlay is to ensure that inappropriate commercial activities are not established within this site.</p>
<b>Consistency</b>	Consistent
<b>6.14</b>	<p><i>Within the Future Proof Area:</i></p> <ul style="list-style-type: none"> <li>a) <i>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);</i></li> <li>b) ...</li> </ul>
<b>Comment</b>	<ul style="list-style-type: none"> <li>a) Due to the scale of Map 6-2 of the WRPS, it is difficult to tell if the urban development area for this part of Hamilton City includes the subject site. If it is not included, it is in close proximity to the urban limits.</li> </ul>
<b>Consistency</b>	Not inconsistent
<b>6.1.8</b>	<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</i>

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 t̄ngata whenua and their culture and traditions with their ancestral lands, water, sites, w̄ahi 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**

- a) The indicative site plan outlines what activities are proposed where within the area sought to be rezoned.
- b) The primary infrastructure requirement for the rezoning is the provision of three waters and access to the Expressway. Three waters infrastructure can be accommodated on site, and the logistics of this is currently being assessed. Access to the Expressway, either via a slip lane or an alternative means is currently being assessed.
- c) Refer b) above.
- d) The proposed zone change will affect existing rural character and amenity by enabling a type 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 the Expressway. As noted in the AgFirst report, the CBT site has limitations to the productivity of the site. 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 development and this will inform site layout and location of infrastructure in a way that avoids natural hazards.
- f) Relevant assessments of both potential sources of historic contamination and potential contamination-generating activities (such as the storage of fuel) are currently being undertaken.
- g) Stormwater will largely be managed on-site using treatment and soakage areas.
- h) There are no known significant mineral resources on the land subject to rezoning.
- i) There are no known sites or landscapes of cultural significance identified as relating to the subject site. Any earthworks will be subject to accidental discovery protocol, in case taonga or koiwi are discovered while works are being undertaken.
- j) Water supply is currently being investigated. It is likely that rainwater harvesting will contribute in part to the supply.
- 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) The subject site is located on the opposite site of the Waikato Expressway from the current extent of Hamilton City.
- b) The Expressway and associated infrastructure (including the site) provide a clear delineation between residential, business and rural areas.
- c) The rezoning does not provide for urban intensification and redevelopment. The proposed rezoning is to facilitate establishing a distinct facility, directly related to the adjoining Expressway.
- d) The proposed rezoning will not impede any infrastructure.

- e) The rezoning area directly adjoins the Waikato Expressway, and is intended to serve motorists utilising the Expressway.
- f) Water requirements for the site will be addressed on-site.
- 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) The site is intended to serve motorists on the Expressway, rather than be a destination / cause of vehicle travel.
- j) The proposed zone change will affect existing rural character and amenity by enabling a type 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 the Expressway. As noted in the AgFirst report, the CBT site has limitations to the productivity of the site. As such, the loss of rural land in this instance is not significant in terms of primary production activities.
- k) The proposal could promote positive indigenous biodiversity outcomes through appropriate landscape design.
- 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 business activities is not a source of reverse sensitivity, as 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 design features.
- r) The site is located within the Waikato River catchment area. The provision of appropriate onsite 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

### Future Proof

20 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.

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

<b>11.3</b>	<p><i>Applicable Future Proof Principles:</i></p> <ul style="list-style-type: none"> <li>• <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></li> <li>• <i>Maintain the separation of urban areas by defined and open space and effective rural zoning.</i></li> <li>• <i>Recognise and provide for the growth of urban areas, towns and villages within agreed urban limits.</i></li> <li>• <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></li> </ul>
<b>Comment</b>	<p>Development of the site in accordance with the Business Zone and the proposed Motorway Service Area overlay represents the unique position that the site is in. Immediately adjoining both the Waikato Expressway and an off-ramp from the Expressway onto the local road network affords an opportunity to establish a service centre to cater to the needs of passing motorists with minimal disruption to either the adjacent residential or rural areas.</p>
<b>Consistency</b>	<p>Consistent</p>

Waikato 2070

22 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.

23 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.

24 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 the site 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 trains 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*

25 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 the site 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.*

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

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

*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.*

- 27 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 has not been identified.

#### National Planning Standards

- 28 The National Planning Standards are not directly relevant to this rezoning request.

#### National Policy Statement on Urban Development 2020

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

#### Waikato-Tainui Environmental Plan

- 30 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.
- 31 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.

- 32 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 considered landscape design.
  - (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) Effective management of soil erosion and land contamination will be achieved through appropriate sediment control measures and retirement of marginal land.
  - (f) 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

- 33 The Waikato River is important to all people in the region and the site is located within the Waikato Basin. Thus the Vision and Strategy is applicable to the site.
- 34 The provision of appropriate 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

- 35 In summary and in connection to the second lens, it is considered that the rezoning proposal by CBT is generally consistent with achieving the outcomes sought in the higher-level planning instruments. Most

notably the proposal is consistent with the general development principles set out in 6A of the WRPS.

**LENS 3: ASSESSMENT AGAINST BEST PRACTICE PLANNING GUIDANCE**

36 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:

<b>a.</b>	<i>Economic costs and benefits are considered</i>
<b>Comment</b>	An economic benefit is that the Business Zone provisions will create development and employment potential on land that may be less economic to use for rural purposes (as outlined within the AgFirst report). An economic cost of the rezoning to Business Zone is that it promotes a development pattern that fragments rural land and limits their use for productive purposes.
<b>b.</b>	<i>Changes should take into account the issues debated in recent plan changes</i>
<b>Comment</b>	There are no recent plan changes that are directly relevant to the rezoning proposal.
<b>c.</b>	<i>Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints (e.g., hazards)</i>
<b>Comment</b>	The site subject to rezoning is subject to the following overlays or policy areas: <ul style="list-style-type: none"> <li>• Waikato River Catchment</li> <li>• Hamilton Basin Ecological Area</li> <li>• Designation for Waikato Expressway</li> </ul> Refer to assessment of 5.2.1(a)(ii) above with regards to how the proposed rezoning will impact on these two policy areas. Refer assessment of 1.5.2(a) regarding the designation.
<b>d.</b>	<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>
<b>Comment</b>	The physical features of the site have informed the Draft Structure Plan. The main constraint of the site is the adjoining Waikato Expressway.
<b>e</b>	<i>Zone boundary changes recognise the availability or lack of major infrastructure (e.g., water, wastewater, stormwater, roads).</i>
<b>Comment</b>	The site forms part of a larger landholding, which will be able to be self-sufficient in terms of water, wastewater and stormwater infrastructure.
<b>f</b>	<i>There is adequate separation between incompatible land uses (e.g., houses should not be next to heavy industry).</i>
<b>Comment</b>	The proposed Business Zone would be adjacent to the Rural Zone (west, north, and east), and to the Expressway to the south. Land uses

	associated with Business and Rural Zones are generally considered to be compatible.
<b>g</b>	<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>
<b>Comment</b>	The proposed zone boundary is not clearly defensible on all sides. There are however a number of discrete reasons which lend this site to Business zoning with a Motorway Service Area overlay over Rural, as follows: <ul style="list-style-type: none"> <li>• The site is in close proximity to the Expressway and an off-ramp from the Expressway; and</li> <li>• It has been confirmed that this area of the site has limitations on for primary production activities.</li> </ul>
<b>h</b>	<i>Zone boundaries should follow property boundaries.</i>
<b>Comment</b>	The proposed zone boundary would result in split zoning of the site. However, the nature of the existing and proposed activities and associated zones is such that this is of little issue. The development of the service centre is likely to occur in one stage, meaning that the split zoning not result in piecemeal development of the rezoning area.
<b>i</b>	<i>Generally, no "spot zoning" (i.e. a single site zoned on its own)</i>
<b>Comment</b>	The requested rezoning affects a single site, although it is intended to complement the Expressway that it immediately adjoins. Further, the site is not appropriate for its current Rural zoned purposes, due to the limitations on the productivity.
<b>j</b>	<i>Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.</i>
<b>Comment</b>	There are no existing resource consents applicable to this rezoning request.
<b>k</b>	<i>Roads are not zoned.</i>
<b>Comment</b>	Roads are not zoned in the WPDP.

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

### **S32AA ASSESSMENT**

38 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 provide 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><b>The rezoning proposal</b></p>	<p>Callum Brae Trust (CBT) has made a submission to PDP requesting its site as legally described below is amended on Planning Maps from Rural Zone to Business Zone with a Motorway Service Area overlay.</p> <ul style="list-style-type: none"> <li>• Lot 2 DP 304594 (33.7023 ha)</li> </ul>
<p><b>Relevant Objectives of the PDP</b></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><b>Scale and Significance of the rezoning proposal</b></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 4.5 ha adjacent to the Waikato Expressway, for the sole purpose of providing a service centre for motorists. The rezoning proposal is considered to be of <b>local significance</b>, focused largely on Puketaha and Hamilton City communities.</p>
<p><b>Other reasonably practicable options to achieve the objectives (alternative options)</b></p>	<p>Option 1: Business Zone with Motorway Service Area overlay Option 2: Do nothing / status quo (retain Rural Zone)</p>

**Table 2: Benefits and Costs Analysis of the Rezoning Proposal**

<b>Rezoning Proposal: Rural to Business</b>		
	<b>Benefits</b>	<b>Costs</b>
<b>General</b>	Option 1 would allow the CBT site to be developed as a service centre. This meets the objective of CBT.	Option 2 would not provide for a service centre and therefore does not meet the objective of CBT but would retain the status quo.
<b>Environmental</b>	Option 1 would assist with providing facilities for motorists utilising the Expressway. 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. Option 1 would retire some marginal land from primary production. Option 2 would retain the existing rural character and amenity of the location.	Option 1 would result in 4.5 ha of land being removed from primary production. Option 2 allows 4.5 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 report by AgFirst, the soil is of limited productivity. Substantial resources, such as a dairy shed closer to this part of the site, would be required to achieve productive outputs. Option 1 would result in a change to the existing rural character and amenity.
<b>Social</b>	Option 1 will provide facilities for south-bound traffic utilising the Waikato Expressway. There are currently limited service centres located on this side of the Expressway. Option 2 would result in no change to the community.	Option 1 would result in a degree of change to the community. Option 2 will not bring any facilities for south-bound traffic utilising the Waikato Expressway.
<b>Economic incl. Economic Growth</b>	Option 1 would enable economic growth as a consequence of developing the service centre. Option 2 would enable economic growth as a consequence of the inputs required to improve the productivity of the marginal primary productive land.	Option 1 would remove 4.5 ha of marginal land from primary production.
<b>Employment</b>	Option 1 would enable employment as a consequence of developing the service centre and establishment of businesses within the proposed units.	Option 1 may result in a reduction of employment associated with loss of land for primary production. However, given the significant limitations of the soil resources on the site, the

		productivity, and thus employment opportunities, of the site are limited.
<b>Cultural</b>	Option 1 could result in incorporation of mana whenua influence in design elements within the centre.	

**Table 3: Evaluation of the proposal**

<b>Reasons for the selection of the preferred option</b>	The preferred option is Option 1 (Business Zone with a Motorway Service Area overlay). This option achieves the objective of CBT for providing facilities for south-bound traffic utilising the Waikato Expressway.
<b>Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA</b>	<p>In the context of this s32AA assessment, “objectives” relate to the objective of the submission to provide a Business Zone at the site.</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 CBT 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 Business 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 provision of a necessary facility and allowing for the sustainable use of marginal land / resource.</p>
<b>Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions.</b>	The information available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits.
<b>Conclusion</b>	Option 1 is the most appropriate way to achieve the objectives and the WPDP. The proposed Business Zone and Motorway Service Area overlay 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 location of this property, being located immediately adjoining the Waikato Expressway and the south-bound off-ramp.



**CONCLUSION**

- 39 This evidence has been prepared in relation to CBT's submission to the PWDP relating to the establishment of a Business Zone and Motorway Service Area overlay at the site.
- 40 The CBT site is well suited to be zoned Business and an indicative site plan has been prepared to inform future development. The rezoned area is likely to accommodate around 7 separate businesses.
- 41 This evidence has considered CBT'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 CBT site as a Business Zone and Motorway Service Area overlay within the WPDP will have the benefit of providing additional development opportunities on land adjacent to the Waikato Expressway that is otherwise unsuitable for primary production activities.

Date: 17 February 2021



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**TRACEY ANNE MORSE**