

BEFORE the Independent Hearings Panel
IN THE MATTER of the Resource Management Act 1991 ("**RMA**")
AND
IN THE MATTER of hearing submissions and further submissions in respect of zone extents of the Waikato District Proposed District Plan ("**WPDP**")

STATEMENT OF EVIDENCE
BY LEIGH MICHAEL SHAW
ON BEHALF OF IAN & DARIENCE VOYLE
17 February 2021

INTRODUCTION

1. My full name is Leigh Michael Shaw. I am a Planning Manager at CKL Planning | Surveying | Engineering | Environmental.
2. I have been employed in resource management and planning related positions in the private sector for 20 years. During this time, I have provided technical and project leadership on several small and large development proposals. I have prepared subdivision and land use (Regional and District) Resource Consent applications for both urban and rural projects. I have been the lead planner on projects from feasibility and design through to project completion. I have prepared submissions on behalf of clients for plan reviews and changes. For the last twelve years I have worked extensively on projects in the Waikato District and am familiar with the resource management issues in this area.
3. I hold a Bachelor of Applied Science (Surveying) (Hons) from RMIT University, Melbourne and a Post Graduate Diploma in Planning from Massey University, Palmerston North
4. 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.
5. Due to the Alert Level Boundary closure at Mercer that separates areas that are at Alert Level 3 from the rest of New Zealand, I have been unable to visit Matangi during the preparation of this evidence.

SCOPE OF EVIDENCE

6. This evidence provides a planning assessment in relation to the submission by Ian & Darienne Voyle (submission number 672) 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 the Voyles requested that their site at 436A Tauwhare Road, Matangi (legally described as Lot 1 DPS 37920 comprising 3.78 hectares) are re-identified on WPDP Planning Maps from Rural Zone to one of three urban zones as follows:
 - from Rural to Residential Zone (Option 1); or
 - from Rural to Village Zone (Option 2) or;
 - from to Rural Country Living Zone (Option 3).
8. Upon receipt of the S42A Framework Report, the Voyles made the decision to revert back to pursuing Options 1 or 2 to meet the future needs of the existing urban centre of Matangi.

SUMMARY OF REZONING PROPOSAL

9. The subject site abuts residential areas along the north-western and eastern boundaries, which define the overall character and sets an established residential amenity for the immediate area. The site has substantial frontage to Tauwhare Road (90m) and Taplin Road (160m) which will provide for good connection and integration with the existing transportation network. The site will also have a good pedestrian connection to the village centre as a new footpath has recently been constructed along the road frontages as part of the residential development to the south of the subject site.
10. The area proposed to be rezoned is located to the south of Matangi village where there is a Four Square store, takeaway, repair and maintenance service and historic dairy factory that now houses many small businesses. Community facilities include the Matangi Hall, St. David's Church, Jack Foster Reserve, and Matangi School in the village and the Matangi recreational Reserve with Rugby fields and club rooms 3 kilometres from the village on Tauwhare Road.
11. By road Matangi is located 8 km (12 minutes) from the University of Waikato on the eastern edge of Hamilton City and 15km (15 minutes) to the centre of Cambridge. While residents choose to live in the village and semirural area, much of the population travel to Hamilton for education, business or employment. A significant number of people, however, are involved in local service, rural, educational, hospitality and specialist businesses some of which provide services for and benefit from being close to the city.
12. To support the re-zoning request a draft Subdivision Consent Plan has been prepared for the site (attached as Appendix A). Key features of the Proposed Structure Plan are as follows:
 - Internal loop road access to connect existing residential areas with the proposed development.
 - Future road connection opportunities to the east.
 - 52 lots in accordance with the 450 m² minimum lot size requirements of the Residential Zone.
13. In terms of access and traffic safety effects, the site has frontage to two roads with both straight with good visibility in the locality of the subject site. Both frontages are of sufficient width to accommodate a local public road to be connected to Tauwhare and Taplin Roads
14. The site contains an established persimmon orchard and a small number of other fruit trees. There are a number of existing building within the site including a dwelling and two large sheds used for storage and other domestic purposes. The orchard is operated as a "spray free pick your own" operation and there are no sorting/packing facilities on site.
15. The New Zealand Land Resource Inventory (NZLRI) Land Use Capability Map identifies the soils within the subject site as Classes 2w and 2s, this aligns with the clients experience of boggy and free-draining areas.
16. The Voyle's have owned the property for approximately 30 years. The orchard was approximately 4-5 years old when they purchased it. The owners advise that since they have owned the orchard they do not draw a salary and still have not made a profit from it. Since taking over the property nearly 30 years ago it has been just the two owners and one paid family member involved with the growing and maintenance of the trees and the orchard and

no non-family members have been employed at the orchard. The orchard does not provide a sustainable livelihood and is becoming a liability and a burden to maintain each year. Any thoughts of intensification would most likely be abhorrent to the adjoining residential occupants and provide no guarantee that profits would increase. In addition, given the relatively small area of the site, a farming operation or grazing of stock is not considered economically viable.

17. In this current state and given the central village location of the site it is considered that the orchard represents an inefficient use of urban land resource. The Submitter seeks rezoning of the land to realize its potential. Allowing the proposed rezoning will enable the development of this existing land resource for uses that will more appropriately meet the needs of the growing community. The site is well-located in close proximity to the Matangi Village and is therefore located in a location where the township amenities and facilities are a convenient and safe walk away.

SUPPORTING REPORTS AND ASSESSMENTS

18. The following publicly available Council documents have been reviewed as part of preparation of this evidence:
 - Waikato District Council Long-Term Plan 2018 – 2028 (LTP)
 - Matangi Community Plan 2005 – 2015 (MCP)
 - Wastewater Activity Management Plan – December 2014 (WAMP)
 - Matangi Wastewater Treatment System Annual Report 2013 – 2014
 - WDC Urban Limits with proposed District Plan Zoning – Matangi Map
19. The Voyle's have procured a Preliminary Site Investigation (PSI) to consider the suitability of the site for residential development (attached as Appendix B). This assessment concluded that no current or past Hazardous Activity or Industries (HAIL) have occurred on the land.

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

20. 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. This submission relates to the "Rural Zone to Residential Zone or Village 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 Matangi is for planned encroachment into rural land centered around an existing village. 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</p>

	<p>provide greater control on the scale and type of urban development in locations where the demand is highest.</p> <p>Matangi is located within the Hamilton periphery and therefore does have an indicative village limit identified in Future Proof. This does mean Matangi can be considered as a defined urban area as part of a District Plan review process.</p> <p>The rezoning proposal consolidates residential growth around an existing settlement. Matangi comprises of existing commercial and community facilities including a garage, Four Square, takeaway and café. Although no longer a dairy factory the factory site is now a busy home to many small businesses and the buildings and site are undergoing a process of ongoing renovation and development by the owners. Matangi Hall, St. David's church, Jack Foster Reserve, and Matangi School in the village and the Matangi recreational Reserve with Rugby fields and club rooms 3 kilometers from the village on Tauwhare Road all provide a focal node for future residents. Enabling growth within a defined area at Matangi will reduce the demand for rural residential development elsewhere in the wider area and in doing so seek to avoid further fragmentation of rural land holdings in the Rural Zone.</p>
Consistency	Consistent due to Matangi being an existing urban settlement within the identified urban limits.
1.12.8(b)(i)	<i>Urban development takes place within areas identified for the purpose in which utilises land and infrastructure most efficiently</i>
Comment	<p>In context of this objective, the scale of the proposed rezoning (yielding approximately 52 lots) along with 450m² lot sizes would ensure the activities anticipated by the proposed rezoning would be urban, the provision of the three waters infrastructure (reticulated water supply, reticulated wastewater disposal and stormwater (on site disposal via soakage/detention/reuse) will be required.</p> <p>It shall also be noted that the site has been included within the urban limits and is consistent with the direction of Future Proof for urban development. The subject site is also consistent with the objectives and policies of the proposed residential zoning.</p> <p>Matangi is an existing village with some existing commercial and community facilities and the proposed Residential Zoning will ensure the efficient use of an urban land resource.</p>
Consistency	Consistent due to Matangi being an existing urban settlement within the identified urban limits.
1.12.8(b)(ii)	<i>Promote safe, compact, sustainable, good quality urban environments that respond positively to their local context</i>
Comment	<p>In context of this objective, the scale of the proposed rezoning (yielding approximately 52 lots) along with 450m² lot sizes would ensure the activities anticipated by the proposed rezoning would be urban in nature.</p> <p>The proposed Subdivision Consent 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 as follows:</p> <ul style="list-style-type: none"> • Reinforce the existing Matangi village core as the heart of a rural village. • Form connections (vehicle and pedestrian) between the zone change area, the existing Matangi village core and school. • Create a safe and sociable village neighbourhood for people to enjoy.

	<ul style="list-style-type: none"> Allow a future vehicle/pedestrian connectivity option to provide for village growth.
Consistency	Consistent due to Matangi being an existing urban settlement with existing industrial and community facilities.
1.12.2.8(b)(iii)	<i>Focus urban growth in existing urban communities that have capacity for expansion</i>
Comment	<p>Both the LTP and MCP have identified that future growth of the village is anticipated and expected to be one of the highest rates of growth in villages and rural communities (page 35 of the LTP), reaching 39% change by 2045 (page 3 – 13 WAMP).</p> <p>The WAMP states that the existing Matangi Scheme is at capacity and that the Council has no plans to extend the existing system (page 5 – 26). The WAMP also lists the following operation and maintenance deficiencies of the Matangi Wastewater Scheme (p 5 – 55):</p> <ul style="list-style-type: none"> <i>This area (Matangi) experiences high ground water levels during winter;</i> <i>Better flow measurement is needed on the system. Needs to be connected to SCADA to get daily flow information required for the consent. There is currently no flow meter on the inlet;</i> <i>The pumps are operating more often due to high ground water;</i> <i>The sand beds have just been replaced within 10 years (expected life 20 years) of installation. They failed with overloading and operational issues for about the last 3-4 years;</i> <i>An additional re-circulating tank to be installed to provide additional volume for flow spikes of 3 m3/day to 50 m3/day;</i> <i>There is insufficient capacity for additional properties to be connected to the system;</i> <i>The SCADA cabinet is at the end of its useful life;</i> <i>Matangi WWTP can't meet discharge consent conditions (disposed to relatively high water table).</i> <p>Based on the above information it is safe to conclude that the existing wastewater scheme in Matangi is inefficient and will be required to be upgraded or replaced soon. Given the future growth predicted for the Matangi Village it is concluded that a more efficient or fully reticulated wastewater system will be required at some point in the future and therefore if the subject site is to be re-zoned Residential, the allowance in capacity can be made when such system is designed for the township.</p> <p>The Residential and Village Zones are proposed to be expanded to accommodate the projected growth in demand for residential land around the District. The PWDP contains provisions (e.g., Rule 24.4.2) indicating that the Village Zones could act as 'transitional' zones as areas develop, going to a higher residential density in future. With discretion over the position of proposed building platforms and driveways to ensure future subdivision is not compromised, on-site wastewater disposal could provide a short-term solution to overcome the failures of the existing wastewater scheme in Matangi</p>
Consistency	Neutral as the existing infrastructure needs upgrading regardless on the outcome of this rezoning request.

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	There are no known outstanding natural landscapes or areas of ecological or environmental significance that will be adversely affected by the rezoning. Nearby areas of historic significance will not be affected by this rezoning.
Consistency	Consistent due to the lack of significant features
1.5.1 (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>
Comment	The proposed rezoning will focus residential development into the existing Matangi village with amenities including commercial and community facilities that provide future residents with some live, work and play opportunities.
Consistency	Consistent as rezoning will encourage residential development within an urban settlement with existing industrial and community facilities.
1.12.3(a)	<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>
	The rezoning proposal will contribute to the variety of housing forms available in the Waikato District. Demand for residential properties has traditionally been high in the Waikato District and the rezoning will alleviate some of the demand in the wider Hamilton area. Matangi village itself provides some community facilities (school, church and hall) and is located within 12km of the Hamilton CBD and 15km to the Cambridge CBD which provide accessibility to employment and community facilities. The proposed structure plan shows the rezoned area could potentially accommodate 52 new homes.
Consistency	Consistent as rezoning will provide additional housing options accessible to employment and community facilities.
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>
	The rezoning of this land and the provision of infrastructure will assist in accommodating the projected population growth identified in the MCP and LTP.
Consistency	Consistent
4.1.2(a)	<i>Future settlement pattern is consolidated in and around existing towns and villages in the district.</i>
	The rezoning proposal consolidates residential growth around the existing Matangi village.
Consistency	Consistent
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>
	Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Matangi, as indicated within Future Proof Strategy and Waikato Regional Policy Statement. The expectation is

	that land within an indicative village limit may be developed to a rural-residential density only unless reticulated wastewater is available, with a single commercial centre providing for the daily convenience needs of residents in the immediate area.
Consistency	Consistent as the site is within the identified urban limits of Matangi.
5.3.8(b)	<i>Ensure development does not compromise the predominant open space, character and amenity of rural areas.</i>
	<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 zone that differs from the surrounding residential zones.</p> <p>While the change in zoning, from Rural to Residential, will enable an overt change in landscape character of the site and will affect existing views across the rural landscape, from a landscape design and urban planning perspective, the change in zoning is appropriate because it enables the consolidation of an existing node and is an alternative to further fragmentation.</p> <p>The effects on existing rural character and visual amenity, derived from the existing landscape character will range between Negligible and Moderate (depending on location), when considered cumulatively the overall effect will be low.</p> <p>By way of conclusion, the effect on adjacent rural character resulting from a change in zoning will relate in part to development density achievable under the new zone and in part to the location of the new zone in relation to existing development. In the context provided by the existing Matangi village, this means that the proposed development will more likely be perceived as appropriate as it binds and consolidates different parts of the village from an urban design perspective.</p>
Consistency	Neutral as although there will be a change in rural character, 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>
	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 a road connection from Tauwhare Road with internal road access via a main spine road with local roads and rights of way access to developable areas.
Consistency	Consistent as the site is located between two existing residential areas on Good Street and Taplin Road.
5.3.8(e)	<i>Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.</i>
	Refer to assessment of 5.3.8(b) above
Consistency	Neutral
5.3.8(f)	<i>Subdivision, use and development ensures the effects on public infrastructure are minimised</i>
	The public infrastructure within Matangi is already inadequate for the existing residents and in need of overhaul. No additional water storage has been provided and network continues to be at risk from insufficient water supply and the Matangi wastewater treatment plant requires renewal to meet discharge consent conditions.

	<p>Given the future growth predicted for the Matangi Village, it is concluded that a more efficient or fully reticulated wastewater system will be required at some point soon. Therefore, if the subject site is to be re-zoned Residential, the allowance in capacity can be made when such system is designed for the township.</p> <p>The council sets charges for water, wastewater and stormwater on a catchment specific basis and can charge development contributions to help fund the total capital cost of these improvements.</p>
Consistency	Neutral as the existing infrastructure needs upgrading regardless on the outcome of this rezoning request.
4.1.3(b)	<i>Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.</i>
	The entire subject site is located within the urban limits and is consistent with the direction of Future Proof for urban development.
Consistency	Consistent
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>
	Refer to assessment of 5.3.8(f) above
Consistency	Neutral
4.1.5(a)	<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>
	The Future Proof Strategy and Waikato Regional Policy Statement have a density target of 8-10 households per hectare for Greenfield development in Waikato District villages where sewerage is reticulated.
Consistency	Consistent as the residential zoning will enable the site to meet, or exceed, the target density.
5.1.1(a)	<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>
	<p>A detailed analysis of the fertility of soils, has not been undertaken. However, I have relied on the NZLRI Land Use Capability Map which identifies the soils within the subject site as Classes 2w and 2s. This mapping also shows that the same soil class applies to the majority of the Matangi township.</p> <p>High class soils" are defined by the PWDP to include Class 2 soils. Therefore, I must conclude that the requested zoning, which seeks to use land containing high class soils for urban development, will not achieve this objective. However, I also not that the adjacent Residential zones along Good Street and Taplin Road do not achieve this objective either.</p> <p>In addition, any urban development in the rural environment is to be avoided by this objective. This objective can only be achieved if the Panel accepts the requested zoning (given that, once rezoned, the land would no longer be part of the rural environment)</p>
Consistency	Inconsistent purely on an individual site perspective in terms of protecting high class soils, but consistent in the wider context for the District.

5.3.1(a)	<i>Rural character and amenity are maintained</i>
	Refer to assessment of 5.3.8(b) above
Consistency	Neutral
5.3.4(a)	<i>Retain open spaces to ensure rural character is maintained.</i>
	Refer to assessment of 5.3.8(b) above
Consistency	Neutral
	<i>Meets district wide rules and any other relevant overlays</i>
	The site subject to rezoning is not subject to any other overlays or policy areas.
Consistency	Consistent

21. In summary and in connection to the first lens, I consider that the rezoning proposal is supported by the objectives and policies that identify in general the suitable locations for urban growth. Specifically, the site is directly adjacent to an existing Residential zone, the site is within 120m of the Matangi town centre and less than 400m from the school, which promotes a compact urban form, and the site is within the indicative urban limits shown on the maps in Future Proof Strategy Planning for Growth.
22. The subject site is an appropriate location for a Residential Zone as it will enable the consolidation of an existing settlement and offers an alternative to further fragmentation in the rural zone. While the proposal will result in some loss of high-quality soil and a change to the existing visual character and amenity of the area, overall taking a district wide perspective the rezoning is appropriate as it will assist with focusing residential development to an appropriately located Residential Zone and will reduce development pressures in other rural areas that do not have the locational advantages of Matangi nor the level of existing commercial and community facilities.
23. The requested zoning is unable to meet Objective 5.1.1(a)(i), as this would result in high class soils no longer being protected for productive rural activities. However, I consider it necessary for this objective to be appropriately weighed against provisions of the National Policy Statement for Urban Development 2020 (NPS-UD), which the PWDP was not drafted to give effect to (as it was notified prior to the NPS-UD being gazetted). The NPS-UD requires Council to enable development capacity in excess of the anticipated demand.
24. As almost all of the Matangi contains high class soils, I consider it highly unlikely that all high class soils will be able to be protected as per Objective 5.1.1(a) while also meeting the NPS-UD requirements. It is impracticable to avoid all fragmentation of rural land and that this should instead be minimised. As per the commentary provided against that policy, I consider that fragmentation of 436A Tauwhare Road would be more suitable than other fragmentation of rural land, noting that the site is relatively small and is already surrounded by urban zoning.
25. Therefore, while the requested zoning is contrary to Objective 5.1.1(a)(i), I consider that higher order documents indicate that zoning that is inconsistent with this objective may still be suitable.

LENS 2: ALIGNMENT AND CONSISTANCY WITH HIGHER ORDER DOCUMENTS

26. 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 are considered below.

Waikato Regional Policy Statement

27. The objectives and the related WRPS are relative 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.

3.1.2 *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:*

- a) promoting positive indigenous biodiversity outcomes;*
- b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- 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;*
- d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;*
- e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;*
- f) protecting access to identified significant mineral resources;*
- g) minimising land use conflicts, including minimising potential for reverse sensitivity;*
- h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;*
- 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;*
- j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and*
- k) providing for a range of commercial development to support the social and economic wellbeing of the region.*

There is no known outstanding natural character, features or landscapes that will be adversely affected by the rezoning.

The public infrastructure within Matangi is already inadequate for the existing residents and in need of overhaul. Given this, and the future growth predicted for the Matangi Village, it is concluded that allowance in capacity can be made when such system is upgraded for the existing township.

The subject site should be included within the residential area as the site is a natural extension to the Matangi settlement and perpetuating productive activities on these sites will result in reverse sensitivity issues.

	<p>The Waikato region is a Tier 1 urban environment under the National Policy Statement on Urban Development 2020 (NPS-UD) which directs local authorities to enable greater supply and ensure that planning is responsive to changes in demand. The NPS-UD requires council to remove overly restrictive rules that affect urban development outcomes, including notifying plan changes implementing intensification policies no later than 20 August 2022. Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Matangi, as indicated within Future Proof Strategy and Waikato Regional Policy Statement. The entire subject site is located within the urban limits and is consistent with the direction of Future Proof for urban development. The subject site is also consistent with the objectives and policies of the proposed zoning.</p> <p>The rezoning proposal consolidates residential growth around an existing settlement. Matangi comprises of existing commercial and community facilities including a garage, Four Square, takeaway and café. Although no longer a dairy factory the factory site is now a busy home to many small businesses and the buildings and site are undergoing a process of ongoing renovation and development by the owners.</p>
Consistency	Consistent
6.14	<p><i>Within the Future Proof Area:</i></p> <ul style="list-style-type: none"> <i>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);</i> <i>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)</i> <i>c) ...</i> <i>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</i> <i>h) ...</i>
	<p>The entire subject site is located within the urban limits and is consistent with the direction of Future Proof for urban development.</p>
Consistency	Consistent
6.14.3	<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</i>

	<p><i>infrastructure investments made to support other greenfield areas or industrial nodes; and</i></p> <p><i>d) the effects of the change are consistent with the development principles set out in Section 6A.</i></p>
	<p>The proposed rezoning of land at Matangi is within the Urban Limits and is consistent with the principles set out in Section 6A – refer below.</p>
Consistency	Consistent
6.1.8	<p><i>District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following:</i></p> <ul style="list-style-type: none"> <i>a) the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;</i> <i>b) the location, type, scale, funding and staging of infrastructure required to service the area;</i> <i>c) multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;</i> <i>d) how existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;</i> <i>e) potential natural hazards and how the related risks will be managed;</i> <i>f) potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be managed;</i> <i>g) how stormwater will be managed having regard to a total catchment management approach and low impact design methods;</i> <i>h) any significant mineral resources (as identified through Method 6.8.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;</i> <i>i) how the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been recognised and provided for;</i> <i>j) anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply;</i> <i>k) how the design will achieve the efficient use of water;</i> <i>l) how any locations identified as likely renewable energy generation sites will be managed;</i> <i>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</i> <i>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.</i> <p>a) A draft subdivision consent plan has been prepared to guide future development within the area to be rezoned. The structure plan shows</p>

	<p>development areas for residential lots along with roads, approximately 52 lots are anticipated.</p> <ul style="list-style-type: none"> b) Given the future growth predicted for the Matangi Village, it is concluded that allowance in capacity of the infrastructure can be made when such system is upgraded for the existing township. Further, the NPS-UD requires wider network capacity to cater for anticipated growth demands regardless of whether the site at 436A Tauwhar Road is subject to the Residential zone to meet development capacity requirements of the NPS-UD or not. c) The primary means of access for the rezoned area will be via a road connection. d) The proposed zone change will affect existing rural character and amenity by enabling a type of and particular density of development to occur adjacent to an existing urban area. The change however is considered appropriate because it enables the consolidation of an existing node of development within an identified Urban Limit. Since I have concluded that urban development at 436A Tauwhare Road is otherwise appropriate – and more appropriate than potential other locations currently in the Rural zone – this objective does not necessarily require the high class soils at the site to be protected from urban development. 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. f) The rezoning does not involve hazardous substances or known contaminated sites. g) Stormwater will largely be managed on-site using rainwater detention and soakage before discharging to the existing stormwater network. h) There are no known significant mineral resources on the land subject to rezoning. i) The subject stie is highly modified and located within the identified Urban Limits with no known ancestral lands, water, sites, wāhi tapu, and other taonga. j) Water will be supplied via the existing reticulated network. Given the future growth predicted for the Matangi Village, it is concluded that allowance in capacity of the infrastructure can be made when such system is upgraded for the existing township. k) Water conservation will be in accordance with the regional standards. 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 near any existing and planned renewable energy generation site. n) The site proposed to be rezoned is at least 450m from any electricity transmission network or national grid corridor.
Consistency	Neutral as the existing infrastructure needs upgrading regardless on the outcome of this rezoning request.
6A	<p><i>New Development should:</i></p> <ul style="list-style-type: none"> a) <i>support existing urban areas in preference to creating new ones;</i>

- 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 energyefficient (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.*

- a) The entire subject site is located within the urban limits and is consistent with the direction for urban development. Matangi comprises of existing commercial and community facilities including a garage, Four Square, takeaway and café. Although no longer a dairy factory the factory site is now a busy home to many small businesses and the buildings and site are undergoing a process of ongoing renovation and development by the owners. Matangi Hall, St. David's church, Jack Foster Reserve, and Matangi School in the village and the Matangi recreational Reserve with Rugby fields and club rooms 3 kilometres from the village on Tauwhare Road all provide a focal node for future residents.
- b) The property sits between two residentially zoned areas located on Good Street and Taplin Road and rezoning will provide a clear delineation between residential and rural areas. This proposal consolidates the existing urban areas into one and removes the reverse sensitivity effects or productive rural activities being constrained by residents' expectations of residential amenity.
- c) The rezoning does not directly provide for urban intensification. However, any allowance in increased capacity of the existing infrastructure for the existing township will also enable intensification of residential and commercial facilities.
- d) The Matangi wastewater treatment plant requires renewal to meet discharge consent conditions. Given the future growth predicted for the Matangi Village, it is concluded that a more efficient or fully reticulated wastewater system will be required at some point soon. Therefore, if the subject site is to be re-zoned Residential, the allowance in capacity can be made when such system is designed for the township.
- e) The rezoning area is adjacent to Matangi village and will be connected to existing development and social infrastructure by road, cycleway and footpaths. There existing three water infrastructure is in the vicinity of the subject site.
- f) Water requirements will be met by the existing reticulated network. No additional water storage has been provided and network continues to be at risk from insufficient water supply. Given the future growth predicted for the Matangi Village, it is concluded that the budgeted allowance for additional storage will satisfy any potential volume shortfall.
- g) Water conservation will be in accordance with the regional standards.
- h) The site is not located near any significant mineral resources, natural hazard areas, energy and transmission corridors or regionally significant industry. Since I have concluded that urban development at 436A Tauwhare Road is otherwise appropriate – and more appropriate than potential other locations currently in the Rural zone – this objective does not necessarily require the high class soils at the site to be protected from urban development
- i) A residential zoning of the site would promote a compact urban form, design, and location. Matangi is not currently located on a public transport route, however there are existing live, work and play opportunities including a school, church, community hall, general store and coffee shop. Walkability of the village will be enhanced by providing a footpath through and around the site, connecting with the existing residential areas.
- j) While the change in zoning will enable an overt change in landscape character of the site, from a landscape design and urban planning perspective, the change in zoning is appropriate because it enables the

consolidation of an existing node of development in and around Matangi. By concentrating development in this location, pressure is reduced on surrounding rural areas, which help preserve wider surrounding rural character values.

- k) There are no areas of ecological significance that will be adversely affected by the rezoning.
- l) There are no lakes or rivers requiring public access as part of the site development.
- 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 will reduce from the current ~470m of residential land located on Good Street and Taplin Road, to just 200m for the two properties to the east of the subject site. Additionally setbacks can be utilized to manage any potential effects.
- 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 does not compromise 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 effect ecosystem systems.

Consistency Consistent

Future Proof

- 28. 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.
- 29. Section 11.3 of Future Proof outlines the applicable principles for Rural Areas:

11.3

Applicable Future Proof Principles:

- *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.*
- *Maintain the separation of urban areas by defined and open space and effective rural zoning.*
- *Recognise and provide for the growth of urban areas, towns and villages within agreed urban limits.*

	<ul style="list-style-type: none"> • <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>
	<p>As outlined in the section 42A report, Future Proof 2017 has limited weight, as “it is not mentioned in the WRPS, so it is not mandatory for the WDP to give effect to it.” However, Policy 4.1.3(b) does directly reference Future Proof 2017.</p> <p>Matangi is an existing urban settlement with identified urban limits and consists of a range of residential activities in addition to the commercial and community facilities in the village itself (school, hall, store, church etc). The development of approximately 52 residential lots at Matangi is consistent with the Future Proof settlement pattern.</p> <p>The entire subject site is located within the urban limits and is consistent with the direction of Future Proof for urban development. Enabling growth within a defined area at Matangi will reduce the demand for rural residential development elsewhere in the wider area and in doing so seek to avoid further fragmentation of rural land holdings in the Rural Zone.</p>
Consistency	Consistent as I have previously identified in assessing the requested zoning against policy 4.1.3(b), the site is within the indicative urban limits shown on the maps included as part of this document.

Waikato 2070

30. 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.
31. 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.
32. Part 03.0 of 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 Te Uku are:

Deliver well-planned and people-friendly communities

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.*

- 6. Ensure our towns offer employment and housing choice.*
- 7. Avoid development that leads to social isolation*
- 8. Ensure communities have easy access to infrastructure and services*

33. 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 Te Uku are:

Promote sustainable and cost-effective land-use patterns

- 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.*

34. 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 Matangi has not been identified.

National Planning Standards

35. The National Planning Standards are not directly relevant to this rezoning request other than the likelihood that the Residential Zones will have a more specific names to increase clarity under the National Planning Standards. I consider that a change of name to the residential zone to be only administrative in nature, with no change in effects on the environment.

National Policy Statement on Urban Development 2020

36. I consider the National Policy Statement on Urban Development 2020 to be of critical importance to the requested zoning, and I have already identified the relevance of this NPS in earlier assessment.
37. The Waikato region is a Tier 1 urban environment under the NPS-UD which directs local authorities to enable greater supply and ensure that planning is responsive to changes in demand. The NPS-UD requires council to remove overly restrictive rules that affect urban development outcomes, including notifying plan changes implementing intensification policies no later than 20 August 2022. Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Matangi, as indicated within Future Proof Strategy and Waikato Regional Policy Statement. The rezoning proposal consolidates residential growth around an existing settlement. The entire subject site is located within the urban limits and is consistent with the direction of Future Proof for urban development. The subject site is also consistent with the following objectives and policies of the NPS-UD.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- a) the area is in or near a centre zone or other area with many employment opportunities*
- b) the area is well-served by existing or planned public transport*
- c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

Objective 6: Local authority decisions on urban development that affect urban environments are:

- a) integrated with infrastructure planning and funding decisions; and*
- b) strategic over the medium term and long term; and*
- c) responsive, particularly in relation to proposals that would supply significant development capacity.*

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- a) have or enable a variety of homes that:*
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and*
- b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- e) support reductions in greenhouse gas emissions; and*
- f) are resilient to the likely current and future effects of climate change.*

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
 - (ii) relative demand for housing and business use in that location.*

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect**
- c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- e) the likely current and future effects of climate change.*

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to wellfunctioning urban environments, even if the development capacity is:

- a) unanticipated by RMA planning documents; or*
- b) out-of-sequence with planned land release.*

- 38. One of the key directions of the NPS-UD (through Policy 2) is to provide “at least” sufficient development capacity to meet expected demand for housing over the short term, medium term and long term.
- 39. The NPS-UD also directs Councils to enable more people to live in areas that are near centre zones where a range of commercial activities and community services are provided (Objective 3 and Policy 3). The site at 436A Tauwhare Road is within 120m of the Matangi town centre. Therefore, I consider that the NPS-UD does not necessarily support the Rural zone being applied to the site, especially since the sites either side are subject to urban zoning.
- 40. Therefore, I consider that the zoning in the PWDP fails to achieve the requirements of the NPS-UD. I also consider that the requested zoning would be supported by the NPS-UD and enable the requirements of the NPS-UD to be better met.

Waikato-Tainui Environmental Plan

- 41. 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.
- 42. The plan describes the general process for consultation and engagement with Waikato-Tainui. Consultation has been initiated.

43. 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:
- 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, archaeological sites and sites of significance.
 - Development of the site will need to consider natural hazards and the effects of climate change.
 - Development of the site will need to consider a holistic catchment approach to stormwater management.
 - There is an opportunity to enhance fresh water quality through retiring poorly drained soils from productive farming.
 - Effective management of soil erosion and land contamination will be achieved through appropriate sediment control measures.
 - 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

44. The Waikato River is important to all the people in the region and is applicable to Matangi as being located within the catchments affecting the Waikato River. The provision of more efficient reticulated wastewater management that can meet its discharge consent conditions and on-site 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

45. In summary and in connection to the second lens, it is considered that the rezoning proposal 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

46. The Framework Report outlines the third lens 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>
	An economic benefit is that the Residential provisions may create development potential on land that is uneconomic to use for rural purposes (e.g due to limited size and surrounding residential development curtailing intensification). A further economic benefit of directing urban activities to the Residential Zone is that it minimises the potential for reverse sensitivity between incompatible and uses,

	<p>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.</p> <p>An economic cost of the Residential Zone is that it promotes a development pattern that fragments rural land into 450m² lots that removes their use for productive purposes.</p>
b.	<p><i>Changes should take into account the issues debated in recent plan changes</i></p> <p>There are no recent plan changes that are directly relevant to Matangi rezoning proposal.</p>
c.	<p><i>Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints (e.g. hazards)</i></p> <p>The land subject to the rezoning request is not affected by any other overlays or constraints identified in the WPD. P.</p>
d.	<p><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></p> <p>The site exhibits topography that is, in my opinion, suitable for residential development (and is similar to the adjoining area already within the Residential zone). I also consider that the site size is suitable for a medium scale residential development to be provided for.</p>
e	<p><i>Zone boundary changes recognise the availability or lack of major infrastructure (e.g., water, wastewater, stormwater, roads).</i></p> <p>No additional water storage has been provided and network continues to be at risk from insufficient water supply. The Matangi wastewater treatment plant requires renewal to meet discharge consent conditions. Given the future growth predicted for the Matangi Village, it is concluded that a more efficient or fully reticulated wastewater system will be required at some point soon. Therefore, if the subject site is to be re-zoned Residential, the allowance in capacity can be made when such system is designed for the township.</p> <p>The council sets charges for water, wastewater and stormwater on a catchment specific basis and can charge development contributions to help fund the total capital cost of these improvements. Further, the NPS-UD requires wider network capacity to cater for anticipated growth demands regardless of whether the site at 436A Tauwhar Road is subject to the Residential zone to meet development capacity requirements of the NPS-UD or not.</p>
f	<p><i>There is adequate separation between incompatible land uses (e.g., houses should not be next to heavy industry).</i></p> <p>The proposed Residential Zone is located between two residentially zoned areas located on Good Street and Taplin Road. I also consider it necessary to note that the Matangi Factory site is within the Industrial zone and not the Heavy Industrial zone.</p>
g	<p><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></p> <p>The proposed zone boundary is clearly defensible on three sides as it aligns with two physical features being Tauwhare and Taplin Roads to the north and west and the existing residentially zoned area along Good Street to the east. The southern boundary aligns with a property boundary and is not defensible.</p>
h	<p><i>Zone boundaries should follow property boundaries.</i></p>

	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>
	While the rezoning affects a single site, it is of an appropriate scale and location, being within the identified urban area of Matangi and located between two existing residential zones.
j	<i>Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.</i>
	There are no existing resource consents applicable to this rezoning request.
k	<i>Roads are not zoned.</i>
	Roads are not zoned in the WPDP.

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

S32AA ASSESSMENT

48. 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 some of the alternatives which have 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>The submission by the Voyles requested that their site at 436A Tauwhare Road, Matangi (legally described as Lot 1 DPS 37920 comprising 3.78 hectares) are re-identified on WPDP Planning Maps from Rural Zone to one of three urban zones as follows:</p> <ul style="list-style-type: none"> • from Rural to Residential Zone (Option 1); or • from Rural to Village Zone (Option 2) or; • from to Rural Country Living Zone (Option 3). <p>Upon receipt of the S42A Framework Report, the Voyles made the decision to revert back to pursuing Options 1 or 2 to meet the future needs of the existing urban centre of Matangi.</p>
<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 is not expected to result in a substantial change to the zoning management framework contained in the PWDP.</p> <p>The rezoning proposal involves a relatively modest area of approximately 3.78ha adjacent to Matangi Village. Approximately 52 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 the community.</p>
<p>Other reasonably practicable options to achieve the objectives (alternative options)</p>	<p>Option 1: Residential Zone</p> <p>Option 2: Village Zone</p> <p>Option 3: Do nothing / status quo (retain Rural Zone)</p>

Table 2: Benefits and Costs Analysis of the Rezoning Proposal

Rezoning Proposal: Rural to Urban		
	Benefits	Costs
General	<p>Option 1 would allow the site to be developed into approximately 52 fully reticulated residential lots. This meets the objectives of the NPS-UD, Future Proof and the RPS.</p> <p>Option 2 would allow the site to be developed into approximately 8-10 rural-residential lots comprising on-site water and wastewater as a potential solution to overcome the failures of the existing water and wastewater schemes in Matangi. The PWDP contains provisions (e.g., Rule 24.4.2) indicating that the Village Zones could act as 'transitional' zones as areas develop, going to a higher residential density in future. With discretion over the position of proposed building platforms and driveways to ensure future subdivision is not compromised.</p> <p>Option 3 would retain the land for small-scale rural production activities.</p>	<p>Option 1 would require Council to sort out the additional water storage and wastewater treatment plant short falls. Given the future growth predicted for the Matangi Village, it is concluded that a more efficient or fully reticulated wastewater system will be required at some point soon. The council sets charges for water, wastewater and stormwater on a catchment specific basis and can charge development contributions to help fund the total capital cost of these improvements.</p> <p>Option 2 would only provide for approximately 25 residential lots to connect to the public water and wastewater infrastructure, which would limit the financial contribution such a proposal could make to upgrade the existing networks. This option also fails to meet the objectives of the NPS-UD, Future Proof and the RPS</p> <p>Option 3 does not provide for any additional housing and therefore does not meet the objective of objectives of the NPS-UD, Future Proof and the RPS but would retain the status quo.</p>
Environmental	<p>Option 1 would assist with directing residential development to the existing Matangi Village. 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. This proposal consolidates the existing urban areas into one and</p>	<p>Options 1 and 2 would result in 3.78ha of land being removed from primary production and would result in a change to the existing rural character and amenity.</p> <p>Option 3 would retain the status quo in terms of farming marginal land that is constrained from further</p>

	<p>removes the reverse sensitivity effects of productive rural activities on the surrounding residents.</p> <p>Option 2 would retire some marginal land from primary production and reduce the pressure for fragmentation of rural land elsewhere.</p> <p>Option 3 would retain the existing rural character and amenity of the location and in doing so safeguards the use of the soil resource for this purpose.</p>	intensification by the residents' expectations of residential amenity.
Social	<p>Options 1 and 2 will strengthen the sense of place of Matangi by enabling residential development around an existing urban settlement. This could enhance cohesion, stability, character, services and facilities in the community. This includes the use of existing facilities at Matangi including the school, church and community hall.</p> <p>Option 3 would result in no change to the community.</p>	<p>Options 1 and 2 would result in a degree of change to the community.</p> <p>Option 3 will not bring any additional housing options to the Waikato District.</p>
Economic incl. Economic Growth	<p>Options 1 and 2 would grow the residential component of Matangi with residents able to support local business at the village.</p> <p>Options 1 and 2 would enable economic growth as a consequence of developing the subdivision and the construction of houses.</p>	<p>Options 1 and 2 remove 3.78ha from primary production.</p> <p>Option 3 will continue to cost the Voyles time and money to keep up with the care and maintenance of the orchard. The orchard does not provide any profit and is becoming a liability and a burden to maintain. The Voyles will be removing the orchard soon regardless of the outcome of this rezoning request.</p>
Employment	<p>Options 1 and 2 would enable employment as a consequence of developing the subdivision and the construction of houses.</p> <p>Options 1 and 2 would enable residential development to occur in close proximity to a number of industrial</p>	Option 3 will create no employment.

	activities that can provide local employment opportunities for future residents.	
Cultural		There are no known cultural effects that would result from the change of zoning of the property

Table 3: Evaluation of the proposal

Reasons for the selection of the preferred option	The preferred option is Option 1 (Residential Zone). This option achieves the objectives of the NPS-UD, Future Proof and the RPS by providing residential growth around Matangi village.
Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA	<p>In this context of this s32AA assessment, “objectives” relate to the objective of the submission to extend the Residential Zone at Matangi.</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 in the 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 Residential Zone provisions of the WPDP. It is therefore considered appropriate to largely adopt the analysis undertaken in the preparation of the WPDP. Based on the cost benefit analysis above, Option 1 is considered to be the most appropriate way of achieving the objectives of the plan, the RPS, the NPS-UD, and therefore the purpose of the RMA. The zoning represents the most effective and efficient approach to ensure integration of a residential area around Matangi and allowing for the sustainable use of the land resource.</p>
Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions.	The information available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits.
Conclusion	Option 1 is the most appropriate way to achieve the objectives and the WPDP, the RPS, and the NPS-UD. The proposed Residential Zone will clearly identify the nature and location of future land use activities which are enabled through this zone.

CONCLUSION



49. This evidence has considered the requested change in terms of the three lens outlined in the s42A Framework Report. The proposal is generally consistent with all three lenses. Including the site as a Residential 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 economic primary production activities.
50. The requested zoning would achieve, on balance, the objectives and policies of the PWDP more than the current application of the Rural zone does. The requested zoning is consistent with the higher order documents that should be given a greater weight, such as the National Policy Statement on Urban Development 2020.
51. Should the requested zoning not be accepted, I anticipate that other land would need to be subject to the Residential zone (in order for the PWDP to give effect to the NPS-UD) and that adverse effects related to this hypothetical rezoning would be the same or more severe than those arising from the requested zoning
52. The Preferred Option of applying the Residential zone is considered to be the most efficient and effective method to achieve the objectives of the PDWP. The site is well suited to be zoned Residential and a draft subdivision consent plan has been prepared to inform future development. The rezoned area is likely to accommodate around 52 dwellings.
53. The Preferred Option promotes the establishment of a safe, compact, sustainable, good quality urban environment, resulting in a settlement pattern that is consolidated around an existing town.
54. The Preferred Option contributes towards achievement of the development capacity requirements of the National Policy Statement for Urban Development 2020.
55. The loss of high class soils to support the growth of Matangi is considered to be almost inevitable (due to the majority of the Matangi containing high class soils), regardless of whether the Preferred Option is given effect to or an alternative rural site is instead identified for residential development in order for Council to meet their NPS obligations.
56. The Preferred Option allows for the rural character and amenity of sites remaining in the Rural zone to be maintained, noting that the status quo results in areas in the Rural zone that are compromised due to being surrounded by urban zones.

APPENDIX A

Draft Subdivision Consent Plan



Applicant: Ian Voyle
Comprised In: RT: SA33B/436
Local Authority: Waikato District Council
Total Area: 3.7757ha

Key:
 200m² Shape Factor
 Building Setback Lines
3m From Road Boundary
1.5m From Side & Rear Boundary

- Notes:**
- Changes may occur to the layout of the proposal shown as a result of the Resource Consent Conditions.
 - Areas and dimensions on this plan may be subject to change following field survey.
 - The copyright and intellectual property rights for the information shown on this plan remain the property of CKL Surveys Ltd.
 - This plan has been prepared only for the purpose of illustrating an application for resource consent. It should not be used for any other purpose.

CONCEPT



Planning | Surveying | Engineering | Environmental

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P: 07 871 6144

Prepared for
Ian Voyle

PROPOSED SUBDIVISION OF
Lot 1 DPS 37920
(436A Tauwhare Road, Matangi)

Issue Description		Checked	Date	Date		Scale:
				Designed: AB	03.02.21	1:1250 (A3 Original)
				Drawn: ES	03.02.21	
				Checked: LS	04.02.21	
				Job No: Dwg No: Rev:		
				B18109 150 1		



Applicant: Ian Voyle
Comprised In: RT: SA33B/436
Local Authority: Waikato District Council
Total Area: 3.7757ha

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CONCEPT

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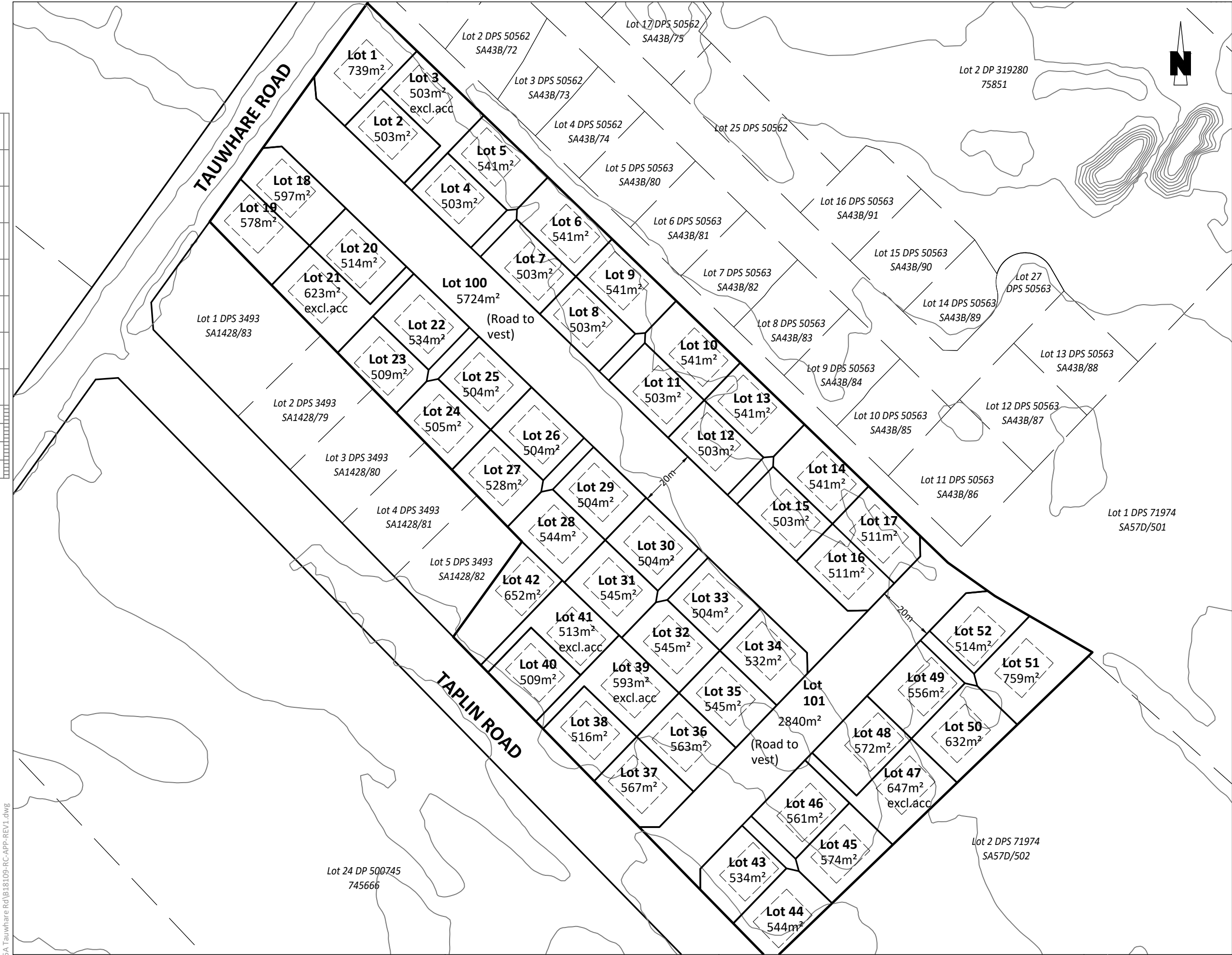


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				Job No:	Dwg No:	Rev:	
				B18109	152	1	

APPENDIX B

Preliminary Site Investigation

**PRELIMINARY SITE
INVESTIGATION
436A TAUWHARE ROAD
MATANGI**

**PREPARED FOR:
IAN VOYLE**

OCTOBER 2020

CSI


Contaminated Site Investigation

34 Brookfield Street
Hamilton

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contaminatedsite@xtra.co.nz



PSI REPORT: 436A Tauwhare Road, Matangi	
Prepared by: GUY SOWRY	Date:
	30.10.2020.
DIRECTOR	
CSI	
CONTAMINATED SITE INVESTIGATION	

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0.0 Executive Summary

Purpose	Undertake a PSI for 436A Tauwhare Road, Matangi.
Current and Proposed Site Status	Persimmon orchard with a dwelling and sheds. The intention is to subdivide the site into residential lots with subsequent occupation.
History	Aerial photos document pastoral land from 1946 to 1974 and then an orchard from 1979 to present with a dwelling, curtilage and at least three sheds. The site is listed on WRC SLUR as Unverified HAIL A10 – Persistent pesticide bulk storage or use. No consents have been issued to the site and no pollution incidents have occurred. Anecdotal information documents a persimmon orchard from circa 1979 to the present with chemicals only used from circa 1979 to approximately the mid 1980's.
Geology Hydrogeology Hydrology	The soil at the site is clay. A groundwater system is present beneath the site at approximately 3 metres below ground level. The nearest surface water is a unnamed tributary located approximately 370 metres to the east of the site.
Site Investigation	<p>Walkover Undertaken by Guy Sowry on 29 October 2020. No current or past HAIL noted.</p> <p>History Pastoral land with no buildings from approximately 1946 to 1979. A small persimmon orchard with at least three sheds from circa 1979 to the present. Chemicals used from circa 1979 to approximately the mid 1980's.</p> <p>Potential HAIL <ul style="list-style-type: none"> A10 Persistent pesticide bulk storage and use. </p> <p>Potential Ground Contaminants None. Organochlorines unlikely to have been used. Orchard considered too small for the bulk storage of persistent pesticides. It is considered that any potential arsenic, copper and lead concentrations in soil will more than likely be below NES residential SGVs.</p> <p>Conceptual Site Model A low risk to human health and the environment, as there are no identified potential contaminants/hazards.</p>
NES	It is highly unlikely that there will be a risk to human health if the site is developed into the more sensitive landuse of residential.
Recommendations	<ol style="list-style-type: none"> 1. That no further contaminated land investigations are required. 2. The site shall be listed on WDC and WRC Selected Land Use Registers as 'Entered in Error' as persistent pesticide bulk storage and use is unlikely to have occurred.
<i>This sheet is intended to provide a summary of the site. This sheet does not provide a definitive scientific analysis.</i>	

1.0 INTRODUCTION

- 1.1 Contaminated Site Investigations (CSI) has been appointed by Mr. Ian Voyle to undertake a Preliminary Site Investigation (PSI) of 436A Tauwhare Road, Matangi. A PSI was requested in support of a submission to change the zone in Waikato District Councils (WDC) Proposed Plan from rural to residential as the site is considered by WDC to be the following Hazardous Activity or Industries (HAIL):
- A10. Persistent pesticide of bulk storage or use.
- 1.2 The aim of the PSI is to provide Mr. Voyle with an evaluation of ground conditions to determine if a HAIL has occurred at the site and if yes:
- the potential risk to human health; and
 - the potential risk to the environment.
- 1.3 The PSI has been completed in general accordance with: the Resource Management Act 1991 (RMA) and the Resource Management Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011(NES).
- 1.4 This report is based on a review of aerial photos, oblique photos, consultation and a site walkover. The report has been prepared by Guy Sowry in accordance with the NES and in particular the Ministry for the Environment (MfE) *Contaminated Land Management Guidelines No 1 - Reporting on Contaminated Land*.
- 1.5 As per the NES User Guide Suitably Qualified and Experienced Practitioner requirements Guy Sowry holds a post graduate diploma in 'Environmental Health Science' and over 25 years experience investigating and reporting on contaminated land.
- 1.6 The following limitation should be noted:
- the investigation is only a preliminary investigation with no soil samples. Should a risk to human health be proven a detailed site investigation may be required.
- 1.7 Attention is drawn to the report conditions shown in Appendix A.

2.0 CURRENT SITE STATUS

2.1 Site Identification

- 2.1.1 The site is situated in Matangi Village on the southern side of Tauwhare Road, approximately 200 metres south of the intersection of Tauwhare and Matangi Roads as shown in Figure 1.
- 2.1.2 Details of the site are provided for in Table 1: Site Details.

Table 1: Site Details

ADDRESS	LEGAL DESCRIPTION	VRN	SIZE
436A Tauwhare Road	LOT 1 DPS 37920	04441/506/02	3.7 ha

- 2.1.3 The site is roughly rectangular in shape, approximately 320 metres long and approximately 90 metres wide along Tauwhare Road as shown in Figure 2.
- 2.1.4 The site is zoned in both the WDC Operative District Plan and Proposed District Plan as 'Rural'.

2.2 Site Description

- 2.2.1 The site is predominately planted in trees and grassed land with a dwelling, sheds and other vegetation also present.
- 2.2.2 Permission trees are planted in rows from east to west in the west, central west and southeast. Bare grass land is present in the central east and central north. A residential dwelling and curtilage is present in the central northwest immediately adjacent to the northern boundary. Sheds are also present in the central northeast. A small area of fruit trees is present in the northeast. Access to the site is via a driveway situated on land immediately adjacent in the north.
- 2.2.3 The northern boundary is a mixture of a post, wire and batten farm fence, hedging and open to the driveway with residential dwellings beyond except in the northeastern corner, which includes a residential dwelling and light industry. The western boundary is vegetated with Tauwhare Road immediately beyond. The southern boundary is fenced with a post and wire fence and hedged with a rural residential property beyond. The southern boundary is a mixture. In the southwest is a post, wire and batten farm fence and trees and hedging with residential dwellings immediately beyond. In the southeast is a post and wire fence with Taplin Road immediately beyond.
- 2.2.4 The site is flat.

2.3 Surrounding Environment

- 2.3.1 The site is situated in an area typified by residential, rural residential, light industry, commercial, cropped land and pastoral land.

- 2.3.2 Beyond the northern and southern boundaries are residential properties. Residential properties are also located further to the north along Tauwhare Road.
- 2.3.3 Rural residential properties are located immediately to the east, to the northeast and to the west beyond Tauwhare Road.
- 2.3.4 An engineering workshop is located immediately to the northeast. Matangi Motors and Laszlo Boats are located to the north on Tauwhare Road in Matangi Village. A building company and a wood joiner are located in the historic Matangi Dairy Factory.
- 2.3.5 Matangi Four Square and the Factory Bus Stop Cafe are located to the north on Tauwhare Road in Matangi Village. Bootleg Brewery is located in the historic Matangi Dairy Factory.
- 2.3.6 Land cropped with maize is located to the south beyond Taplin Road. Pastoral land is located to the northeast and west.

2.4 Proposed Development

- 2.4.1 At this point in time the current owners would like to change the zone of the site from Rural to Residential to enable the site to be subdivided into residential lots in keeping with immediate adjacent landuses.

3.0 HISTORICAL REVIEW

3.1 Aerial Photos

- 3.1.1 Reproductions of aerial photos are included in this report as SK01 (1946) to SK08 (2009) and are located in Appendix B.
- 3.1.2 The **1946** reproduction (SK01) shows the site as predominantly pastoral land with what is considered to be a residential dwelling, shed and associated curtilage in the central north immediately adjacent to the boundary. A drain is considered to be present in the west, which runs diagonally from the central north to the southwest. The site is bounded by a road in the north, a hedge in the west, hedged and or fenced in the south and hedged in the east. Immediately adjacent land to the north is residential or pastoral. Immediately adjacent to the east is pastoral. Immediately adjacent to the southwest is pastoral with a residential property in the southwestern corner. Immediately adjacent in the southeast is a farm road with pastoral and a residential property beyond. Immediately adjacent in the west is Tauwhare Road with pastoral land beyond.
- 3.1.3 The **1953** reproduction (SK02) shows relatively unchanged conditions to the 1946 reproduction except a shed is present immediately to the east of the residential property. Immediate surrounding land also remains pretty much unchanged except residential properties are now present immediately beyond most of the northern boundary.
- 3.1.4 The **1971** reproduction (SK03) shows relatively unchanged conditions to the previous reproduction with the exceptions of: at least two sheds are present immediately east of the residential property; and the hedge along the eastern boundary has been removed however, it appears to be fenced. Immediate surrounding land also remains relatively unchanged with the exception of two additional residential properties in the southwest.
- 3.1.5 The **1974** reproduction (SK04) shows relatively unchanged conditions to the 1971 reproduction. Immediate surrounding land also remains relatively unchanged.
- 3.1.6 The **1979** reproduction (SK05) shows the site, with exception of the residential property and sheds, planted in rows running from west to east. The drain in the west is no longer visible. Immediate surrounding land remains relatively unchanged to the 1971 and 1974 reproductions.
- 3.1.7 The **1991** reproduction (SK06) shows the site as either residential, sheds, horticultural, or vacant land with hedging. The residential dwelling, curtilage and sheds are still present in the central north immediately adjacent to the boundary. Mature trees planted in rows running from west to east are present in the west, southeast and northeast. Vacant land with at least four hedges running from west to east is present in the central east. The site is bounded by hedging on all boundaries. Immediate surrounding land remains relatively unchanged except: horticultural land is present immediately adjacent to the northeastern corner; and another dwelling is present in the southwest.

- 3.1.8 The **1995** reproduction (SK07) shows relatively unchanged conditions to the 1995 reproduction with the main difference being that the trees in the central east have been removed. Immediate surrounding land remains relatively unchanged to the 1991 reproduction.
- 3.1.9 The **2009** reproduction (SK08) shows similar conditions to the 1995 reproduction with the main differences being: a shade cloth is present in the central west; and some small trees planted in rows are present in the northeast. Immediate surrounding land remains relatively unchanged except: the horticultural land adjacent to the northeastern corner has gone; and another dwelling is present in the southwest.

3.2 Aerial Oblique Photos

- 3.2.1 Reproductions of aerial oblique photos are included in this report as SK09 (1947) to SK10 (1951) and are located in Appendix C.
- 3.2.2 The **1947** reproduction (SK09) shows the site looking to the east. The site is pastoral land with a residential dwelling, shed and associated curtilage in the central north immediately adjacent to the boundary. The residential property is hedged. A drain is visible in the foreground. The site is fenced and hedge in the north, south and east. With the exception of the residential property, the site appears to be open to the adjacent road on the northern boundary.
- 3.2.3 The **1951** reproduction (SK10) shows the site looking to the northeast. The reproduction documents similar conditions to the 1947 reproduction. The residential property is hedged and fenced from the site and hedged, fenced gated to the adjacent road. With the exception of the residential property the site is clearly open on the northern boundary to the farm road.

3.4 Google Street View Images

- 3.4.1 Reproductions of Google Street View images from Matangi Road are included in this report as SK11 (2010) to SK12 (2019) and are located in Appendix D.
- 3.4.2 The **2010** reproduction (SK11) shows a mature hedge at the front of the site which, prevents a view beyond.
- 3.4.3 The **2019** reproduction (SK12) shows the road front planted out in small bushes, flaxes etc with persimmon trees and hedging beyond. No structures are visible.

4.0 CONSULTATIONS

4.1 Waikato District Council

- 4.1.1 Consultation was not undertaken with WDC as it was considered that they could not add any significant value to the history of the site or HAIL information held by the Waikato Regional Council.

4.2 Waikato Regional Council

- 4.2.1 The following information was requested from the Waikato Regional Council (WRC):

- HAIL status;
- consents and or permits issued to the site;
- pollution incidents at the site;
- soil type; and
- bore data within 500 m of the site.

- 4.2.2 The HAIL status is presented in Table 2: WRC HAIL.

Table 2: WRC HAIL

ADDRESS	SLUR#/NAME	CLASSIFICATION	HAIL/DATES
436A Tauwhare Road	LUI06030. 428 Tauwhare Road Orchard	Unverified HAIL	A10 - Persistent pesticide use or bulk storage. Date from not known to current.

- 4.2.3 There is no record of any Consents and/or Permits having been issued to the site or any pollution incidents having occurred at the site.

- 4.2.4 Soil and groundwater information is provided for in section 5.0.

4.3 Mr. Ian Voyle, Site Owner

- 4.3.1 Mr. Voyle stated that they purchased the site 31 years ago. It was a persimmon orchard that had been established approximately 5 years before.
- 4.3.2 Mr. Voyle stated that they continued the established spray programme of organophosphates for another three years and then stopped as he decided to only grow for the local market and ever since no sprays other than glyphosate have been used. Mr. Voyle cannot recall the names of the organophosphates used. The chemicals, which were small in quantity, were stored in a small and mixed outside. This shed was removed many years ago. Mr. Voyle stated that fertilisers are applied at least twice a year.
- 4.3.3 Mr. Voyle stated that there was no evidence of a stock dip or farm landfill on the site when purchased and no waste has been buried or burnt other than tree branches, at the site during their ownership.

4.4 Mr. Ian Turk, Persimmon Industry Council Manager

- 4.4.1 Mr. Turk stated that the Persimmon Industry Council is for persimmon export growers only. Mr. Turk does not know the site and therefore, is a domestic grower only and as therefore they do not need to spray the persimmons. Spraying is only undertaken for the export market.
- 4.4.2 Mr. Turk was unwilling to state what chemicals are used in the industry but did say that there is no specific sprays for persimmons and therefore general off the rack herbicides and insecticides are used.

4.5 Mr. Geoff Peach, Persimmon Industry Council Member and Local Grower

- 4.5.1 Mr. Peach stated that he has owned a persimmon orchard just around the corner from the site in Hoeka Road, Matangi, for the last 30 years. As such he knows the site very well.
- 4.5.2 Mr. Peach stated that to his knowledge no chemicals have been used at the site for at least 30 years as the produce has only ever been for the domestic market.
- 4.5.3 Mr. Peach stated that when he started in the industry 30 years ago organochlorines were not used and to his knowledge they were. Mr. Peach stated that prior to the growing of persimmons he had been a market gardener for over 20 years prior and so was aware of what chemicals used in orchards etc.

5.0 GEOLOGY, HYDROGEOLOGY AND HYDROLOGY

5.1 Geology

- 5.1.1 Reference to Waikato Regional Council's soil database documents the soil type as clay.

5.2 Hydrogeology

- 5.2.1 Information from the Waikato Regional Council indicates a probable groundwater system beneath the site at about 20 metres. This information is based on the two bores located at the site and a bore located on an adjacent property to the northeast:

- bore 69_374 Ian Voyle, bore depth 2.93 m;
- bore 69_131 Ian Voyle, bore depth 5.77 m;
- bore 72_229 A & A De Langen, bore depth 9 m.

5.3 Hydrology

- 5.3.1 The nearest surface water is a tributary of Mangaharakeke Stream located approximately 370 metres to the east of the site. The water quality of this stream at the closest point to the site is not known however, based on the catchment of predominately horticultural and pasture it is more than likely considered to be poor to moderate.
- 5.3.1 This stream discharges into the Mangaharakeke Stream approximately 3.1 km west of the site immediately to the south of 62 Bilsthorpe Lane.

6.0 SITE EVALUATION

6.1 Walkover

- 6.1.1 A walkover was undertaken by Guy Sowry on 29 October 2020. At the time of the walkover the day was overcast with no rain.
- 6.1.2 The walkover documented the site as a mixture of a persimmon and orchard and pastoral land for the rearing of sheep. There was no evidence of any current or past HAIL. No current structures for chemical storage or livestock dips, hummocky land to suggest past landfilling or offal pitting, no soil staining or bare/burnt patches of grass, and no odour was present. Photos are presented in Appendix E.

6.2 History

6.2.1 Aerial Photos

- 6.2.1.1 Aerial photo from 1946 to 1974 shows the site as predominantly pastoral land with a dwelling and associated curtilage and up to two sheds also present.
- 6.2.1.2 Aerial photos from 1979 to the present shows the site predominantly planted in trees in rows with a dwelling and associated curtilage and three sheds also present.

6.2.2 Aerial Oblique Photos

- 6.2.2.1 Aerial oblique photos from 1947 and 1951 shows the site as predominantly pastoral land with a dwelling and associated curtilage also present.

6.2.3 Google Street View Photos

- 6.2.3.1 A 2019 Google Street View image shows persimmons planted in rows at the site.

6.2.4 Waikato Regional Council Consultation

- 6.2.4.1 The site is listed on WRC SLUR as LUI06030, 428 Tauwhare Road Orchard, Unverified HAIL A10 – Persistent pesticide bulk storage or use.
- 6.2.4.2 There is no record of any permits/consents issued to the site or pollution incidents at the site.

6.2.5 Mr. Ian Voyle, Site Owner

- 6.2.5.1 Mr. Voyle stated that site has been a persimmon orchard for at least 36 years and for the last 28 years no chemicals have been used or stored at the site. Organophosphates were used for approximately the first seven years and were stored and mixed in a small shed to the east of the residential property. This shed is no longer present. Mr. Voyle cannot recall the chemicals used. Fertilisers have been used.

- 6.2.5.3 Mr. Voyle stated that at the time of purchase there was no evidence of a stock dip or farm dumps and landfilling or burning of waste has not occurred during his ownership.

6.2.6 **Mr. Ian Turk, Persimmon Industry Manger**

- 6.2.6.1 Mr. Turk stated that domestic persimmons do not require chemicals.
- 6.2.6.12 Mr. Turk stated that off the rack herbicides and insecticides are used in the industry as no specific persimmon chemicals have been developed.

6.2.7 **Mr. Geoff Peach, Persimmon Industry Council Member and Local Grower**

- 6.2.7.1 Mr. Peach stated that that he established a persimmon orchard around the corner 30 years ago and as such knows the site very well. Mr. Peach stated in the 30 years he has known the site chemicals have not been used.
- 6.2.7.2 Mr. Peach stated that organochlorines were not used in the industry.

6.2.8 **History Summary**

- 6.2.8.1 Pastoral land from approximately 1946 to 1979. A persimmon orchard from circa 1979. Chemicals used from circa 1979 to approximately the mid 1980's and no chemicals since.

6.4 **Future Use**

- 6.4.1 The intention is to subdivide the site into residential lots.

6.5 **Potential Ground Contaminants**

Pastoral Land

- 6.5.1 Pastoral land from circa 1946 to 1979. Whilst pastoral farming is not considered to be HAIL, farming activities of livestock dipping, landfilling, chemical storage (including offal pits), persistent pesticide application (DDT and Dieldrin to control grass grub) and the intentional or accidental release of a cadmium in superphosphate are.

6.5.2 **Livestock Dipping, Landfilling, Chemical Storage**

- 6.5.2.1 Photos and anecdotal information clearly document that the site was not occupied by structures associated with livestock dipping or chemical storage. Anecdotal information documents that landfilling more than likely did not occur at the site.
- 6.5.2.2 Therefore, potential ground contaminants from livestock dipping, farm landfilling and chemical storage has more than likely not occurred at the site.

6.5.3 Persistent Pesticides Use

- 6.5.3.1 It is not known if DDT or delidrin were used at the site. DDT is the most well known persistent pesticide and it was used on pastoral land from 1947 until 1970 when it was banned from use on pasture.
- 6.5.3.2 The WRC Report titled *Historic Pesticides Residues in Horticultural and Grazing Soils in the Waikato Region*, Sally Gaw, 2003, documents a DDT high of 0.75 mg/kg for pastoral land. When this value is compared to the NES residential landuse soil guideline value (SGV) for DDT of 70 mg/kg, DDT and other organochlorines are not considered to be potential ground contaminants at the site.

6.5.4 Accidental Release of Hazardous Substances - Cadmium

- 6.5.4.1 Superphosphate was more than likely used. Superphosphate contains higher concentrations of cadmium in relation to other metals.
- 6.5.4.2 The WRC Technical Report 2005/51 *Cadmium Accumulation in Waikato Soils*, Dr. Nick Kim, 2005 documents for pastoral land a Cadmium average of 0.70 mg/kg and a cadmium high of 1.5 mg/kg. When these concentrations are compared to the NES residential SGV for cadmium of 3 mg/kg, the accidental release of cadmium from superphosphate application is not considered to be a potential ground contaminant at the site.

Persimmon Orchard

- 6.5.5 A persimmon orchard with chemicals used from circa 1979 to the mid 1980's. Whilst an orchard is not actually HAIL the potential associated activity of persistent pesticide use and or storage is and the intentional or accidental release of a cadmium in fertilisers are.

6.5.7 Persistent Pesticides Bulk Storage and Use

- 6.5.7.1 Aerial photos clearly document sheds on site, which suggests that persistent pesticides may have been stored on site. Anecdotal information documents that organochlorines were not used at the site. However, it is not known if heavy metals or other persistent pesticides were used. Arsenic copper and lead were the most common heavy metals applied to orchards during the late 1970's and early 1980's. The Environmental Protection Authority (EPA) documents that the following organophosphates are used in the industry: carbaryl; chlorpyrifos; diazinon; dichlorvos; and pirimiphos-methyl.

Bulk Storage

- 6.5.7.2 The size of the orchard is relatively small. Therefore, it is considered that the bulk storage of chemicals has not occurred.

Heavy Metal Use

- 6.5.7.3 The WRC Report titled *Historic Pesticides Residues in Horticultural and Grazing Soils in the Waikato Region*, Sally Gaw, 2003, documents for orchards an arsenic average of 15 mg/kg, a copper average of 209 mg/kg and a lead medium of 72 mg/kg. When these values are compared to the NES residential SGV's for arsenic of 20 mg/kg, Cu of <10,000 mg/kg and Pb of 210 mg/kg heavy metals are not considered to be potential human health ground contaminants at the site. When the values are compared to Ecological values in *Soil Guideline Values for the Protection of Ecological Receptors*, Jo Cavanagh and Kiran Munir, Landcare Research, June 2016 (ECO) of arsenic 150 mg/kg, copper (aged typical soil) 600 mg/kg and lead 3,000 mg/kg the release of heavy metals is not considered to be potential environmental ground contaminants at the site. Note: the average is used as it is considered to best reflect the short duration of chemical use compared to the high.

Organophosphate and Other Chemical Use

- 6.5.7.4 The United States of America Pesticides Action Network Pesticide Chemical Database (PAN) website documents carbaryl as having the longest soil half-life of the EPA identified organophosphates of 87 days. Using the soil half-life equation from the United States of America National Pesticide Information Centre's website it would take approximately 170 days for carbaryl to be at trace concentrations in the soil.
- 6.5.7.5 Glyphosate has been used at the site however, it is not considered a persistent pesticide in New Zealand.

Conclusion

- 6.5.7.6 Therefore, potential ground contaminants from persistent pesticide storage and application has not occurred at the site.

6.5.4 Accidental Release Cadmium

- 6.5.4.1 fertilisers containing cadmium have been used at the site. Fertilisers contain higher concentrations of cadmium in relation to other metals.
- 6.5.4.2 The WRC Technical Report 2005/51 *Cadmium Accumulation in Waikato Soils*, Dr. Nick Kim, 2005 documents for horticultural land a Cadmium average of 0.67 mg/kg and a cadmium high of 1.5 mg/kg. When these concentrations are compared to the NES residential SGV for cadmium of 3 mg/kg, the accidental release of cadmium from superphosphate application is not considered to be a potential ground contaminant at the site.

6.5.8 Conclusion

- 6.5.8.1 Based on the above information it is considered that there are no potential contaminants at the site.

6.6 HAIL Assessment

6.6.1 The site is not considered to have any potential HAIL present.

6.7 Conceptual Site Model

6.7.1 A Conceptual Site Model for the proposed residential subdivision and subsequent occupation of the site is presented in Table 3: Conceptual Site Model.

Table 4: Conceptual Site Model

ELEMENTS		CONTAMINANTS
HAZARDS		None.
PATHWAY	Air	During development soil will be exposed.
	Stormwater	To land. Over 370 metres to the nearest surface water. The clay soil, grass and vegetation will prevent the lateral migration of concentrations over this distance.
	Groundwater	A shallow groundwater system at approximately 3 m bgl. The clay soil will prevent the vertical migration of concentrations through the soil profile to groundwater.
	Contact	Direct contact with the soil during construction. Direct and indirect contact with the soil during occupation. The site is not considered to be of local importance. Therefore, it is considered that there is no significant risk to microbial processes, soil invertebrates, plants and wildlife.
RECEPTOR	Human Health	On site - development workers. Future occupants. Off site – none.
	Ecological	On site – Pets. Off site – none.
	Built	None.
RISK	Human Health	LOW
	Ecological	
	Built	

6.7.2 The Conceptual Site Model documents a low risk to human health and the environment, as there are no identified potential contaminants/hazards. Without a hazard source a pathway link to potential receptors is unable to be established.

6.8 Risk Assessment

- 6.8.1 A risk assessment is not required as the risk to human health and the environment at the site is considered to be **LOW** as demonstrated by the conceptual site model.

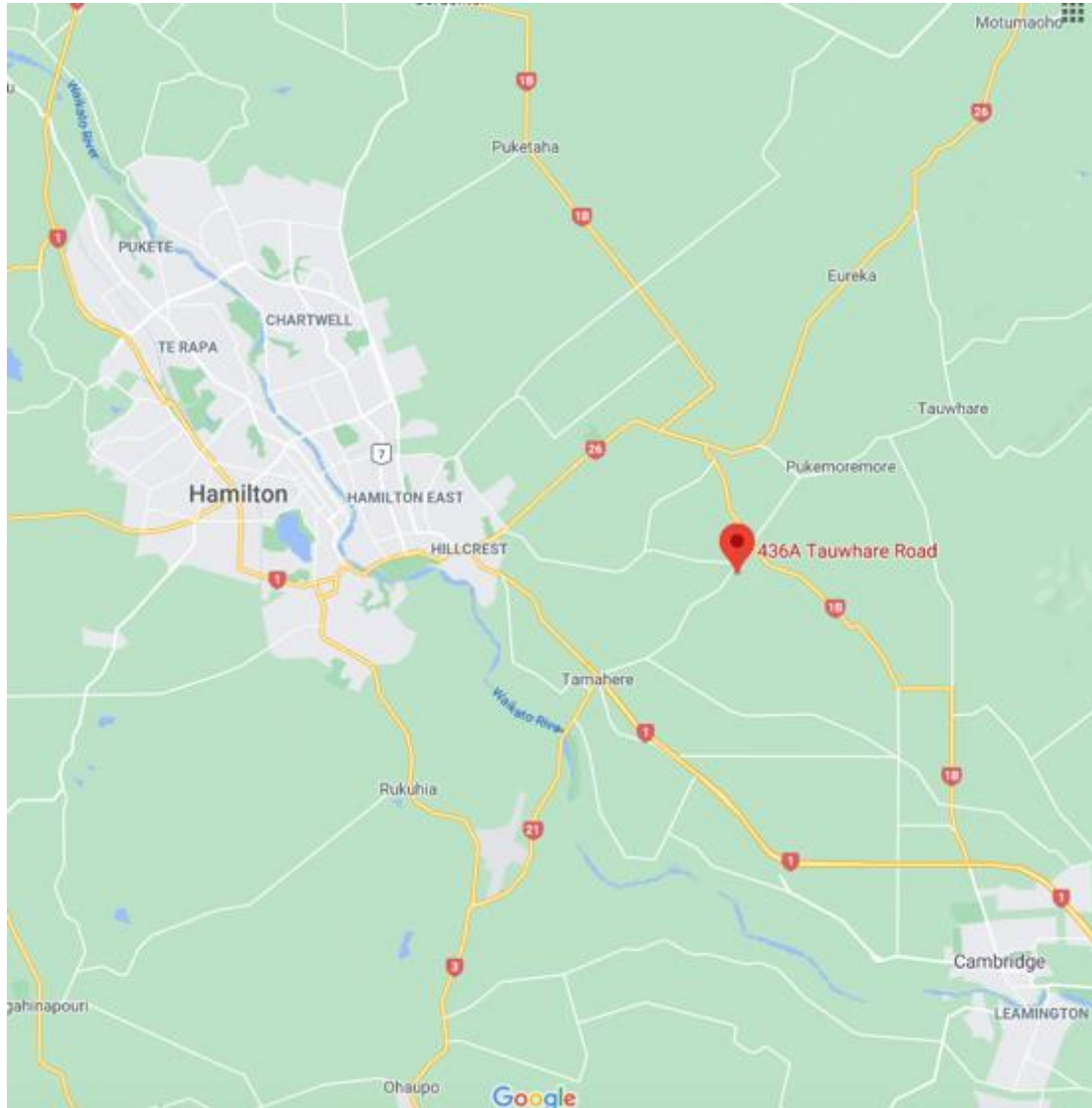
7.0 CONCLUSION AND RECOMMENDATIONS

7.1 Conclusion

- 7.1.1 The purpose of this investigation was to determine if a HAIL has occurred or is occurring at 436A Tauwhare Road, Matangi.
- 7.1.2 A desk top investigation by Guy Sowry of CSI comprising a review of historical photos and consultation documents that a HAIL has not occurred at the site. A site walkover by Guy Sowry of CSI documented no current or past HAIL at the site.
- 7.1.3 The Conceptual Site Model documents a **LOW** risk to human health and the environment as contaminant pathways are considered to be incomplete as there are no identified potential contaminants/hazards.
- 7.1.4 Therefore, it is highly unlikely that there will be a risk to human health or the environment if the site is developed into the more sensitive landuse of residential.

7.2 Recommendations

- 7.2.1 No further contaminated land investigations are required for this application.
- 7.2.2 That the site shall be listed on WDC and WRC Selected Land Use Registers as 'Entered in Error' – as persistent pesticide bulk storage or use has not occurred at the site.



CSI
Contaminated Site Investigations
34 Brookfield Street
Hamilton

436A TAUWHARE ROAD, MATANGI

FIGURE 1

SITE LOCATION



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	FIGURE 2
	SITE PLAN

APPENDIX A

REPORT CONDITIONS

This report is prepared solely for the benefit of Mr. Ian Voyle and no liability is accepted for any reliance placed on it by any other party unless specifically agreed in writing otherwise.

This report refers, with the limitations stated, to the conditions of site at the time of the investigation. No warranty is given as to the possibility of future changes in the condition of the site.

This report is based on aerial photos, consultation, anecdotal information and a site walkover (excluding inside the buildings). Some of the opinions are based on unconfirmed data and information and are presented as the best that can be obtained without further extensive research. The samples collected have been undertaken in accordance with recognised guidelines however, the possibility of the presence of contaminants, perhaps in higher concentrations, elsewhere on the site cannot be discounted.

Whilst the findings detailed in this report reflect our best assessment, we are unable to give categoric assurances that they will be accepted by regulatory authorities without questions as such authorities may have unpublished more stringent objectives. This report is prepared and written for the proposed uses stated in the report and should not be used in a different context without reference to CSI. In time approved practices or amended legislation may necessitate a re-assessment.

The report is limited to those aspects of land contamination specifically reported on and is necessarily restricted and no liability is accepted for any other aspects especially concerning gradual or sudden pollution incidents. The opinions expressed cannot be absolute due to the limitations of time and resources imposed by the agreed brief and the possibility of unrecorded previous use and abuse of the site and adjacent sites. The report concentrates on the site as defined in the report and provides an opinion on surrounding sites. If migrating pollution or contaminants (past or present) exists further research will be required before the effects can be better determined.

APPENDIX B

AERIAL PHOTOS



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK01
	1946



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK02
	1953



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK03
	1971



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK04
	1974



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK05
	1979



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK06
	1991



CSI
Contaminated Site Investigations
34 Brookfield Street
Hamilton

436A TAUWHARE ROAD, MATANGI

SK07

1995



CSI
Contaminated Site Investigations
34 Brookfield Street
Hamilton

436A TAUWHARE ROAD, MATANGI

SK08

2009

APPENDIX C

AERIAL OBLIQUE PHOTOS



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK08
	WHITES AVIATION COLLECTION ALEX TURNBULL LIBRARY WA-04982-G
	1947



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK10
	WHITES AVIATION COLLECTION ALEX TURNBULL LIBRARY WA-04983-G
	1955

APPENDIX D

GOOGLE STREET IMAGES



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK11
	2010



CSI Contaminated Site Investigations 34 Brookfield Street Hamilton	436A TAUWHARE ROAD, MATANGI
	SK12
	2019

APPENDIX E

PHOTOS



SITE - NORTH



SITE - SOUTH