

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Hearing 25: Zone extents

of the Proposed Waikato District Plan

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**STATEMENT OF EVIDENCE OF MARIE-LOUISE (MIFFY) FOLEY**

**For the Waikato Regional Council**

**DATED 10 MARCH 2021**

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## **1. Introduction**

- 1.1. My name is Marie-Louise (Miffy) Foley. I am a Senior Policy Advisor in the Integration and Infrastructure Section at the Waikato Regional Council. I have been in this role since February 2019.
- 1.2. I hold the academic qualifications of a Bachelor of Sciences from the University of Waikato and a Graduate Diploma in Urban and Regional Planning from the University of New England in New South Wales (NSW), Australia. I am an intermediate Member of the New Zealand Planning Institute.
- 1.3. My role with Waikato Regional Council has been as a member of the Policy Implementation Team which involves working with the territorial authorities of the Waikato Region and with neighbouring regional councils to assist in the development of consistent integrated regional policy. I am also involved with Future Proof and a number of the Hamilton to Auckland Corridor Plan work streams. I represent Waikato Regional Council on the Future Proof Planning and Policy Working Group.
- 1.4. I have 15 years' experience working in the planning field. Prior to my role with Waikato Regional Council, I was employed as a policy and strategic planner in local government in NSW for 13 years.
- 1.5. I confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2. Scope of evidence**

- 2.1. My evidence is given on behalf of Waikato Regional Council.
- 2.2. The submission made by Waikato Regional Council raised concerns with the live zoning of large areas of greenfield land, and our further submission opposed a number of rezoning requests made in submissions to the notified plan. I was not involved in the preparation of Waikato Regional Council's submission, dated 18 September 2018. However, I led the preparation of the further submission, dated 15 July 2019.

2.3. My evidence reinforces the Waikato Regional Council submission and reflects my professional opinions as a resource management policy advisor. My evidence is split into two parts with the first focusing on the overall matters relating to zone extents in the district plan, and the second relating to specific submissions or groups of submissions requesting changes to the notified zone extents.

2.4. The focus of my evidence is on:

- My approach to Hearing 25
- Consideration of the relevant statutory context
- Future Urban Zone and Medium Density Residential Zone
- Location of development
- Live zoning and co-ordination of infrastructure
- WRC flood protection and drainage schemes
- Rural residential requests
- Approach for decision making
- My position on specific rezoning requests.

### 3. Summary of evidence

- 3.1. My approach to this evidence is to set out Waikato Regional Council's (WRC) overall position in relation to the recommendations made in the s42A report on the Future Urban Zone (FUZ) and Residential Medium Density Zone (MDRZ) and the requested rezonings, having regard to the statutory considerations, such as the National Policy Statement on Urban Development (NPS-UD), the Waikato Regional Policy Statement (WRPS), and policy and best practice considerations.
- 3.2. I then set out WRC's position on individual rezoning requests in the context of my overall position. Where necessary, I will prepare more detailed rebuttal evidence once individual s42A report recommendations are available.
- 3.3. Three of WRC's original submission points are to be heard in this hearing. These are:
  - 81.15 and 81.17 – The 'live' zoning of new areas of land for urban development is of concern due to lack of certainty regarding infrastructure provision and does not give effect to the WRPS.
  - 85.152 – WRC suggested applying a new alternative residential or mixed use zone or overlay to the residential zone to provide a more intensive residential pattern around the business town centre zones at Huntly, Ngāruawāhia, Pokeno, Raglan, Te Kauwhata and Tuakau.
- 3.4. WRC's further submission also opposed a large number of submission points requesting changes to the extent of zones in the notified district plan.
- 3.5. The notified plan has sufficient short and medium-term capacity for urban development, negating the need to include extensive areas of greenfield residential zoned land at this point. Including all the land considered necessary to meet the long-term capacity requirements under the NPS-UD is not required and would be pre-emptive ahead of the review, update and implementation of the Future Proof (FP) Strategy and upcoming update to the WRPS.
- 3.6. The NPS-UD does not prioritise the delivery of residential housing and land supply over other considerations. Other requirements of the NPS-UD, such as the need for a well-functioning urban environment should be considered equally to the capacity aspect. Rezoning should not

be enabled in locations that will promote poorly planned urban environments that do not meet the requirements of the NPS-UD.

- 3.7. Any rezoning requests, or release of land for development should address and implement the operative provisions of the WRPS, particularly those in Section 6 that direct district councils to plan for development within the predefined urban limits or where the development meets alternative land release criteria under implementation method 6.14.3.
- 3.8. A detailed spatial planning exercise has been undertaken for the Hamilton-Waikato area which comprises Hamilton City and its neighbouring towns, from Taupiri in the north to Cambridge and Te Awamutu in the south. The resulting Hamilton-Waikato Metro Spatial Plan (MSP) includes areas of the Waikato District such as Horotiu, Ngāruawāhia, Te Kowhai, and Taupiri, should be consistent with the outcomes of the MSP.
- 3.9. There is a lack of serviceability and planned infrastructure provision (particularly regarding hard infrastructure requirements and capacity for water and wastewater) in many rezoning request areas. This, along with appropriate flooding and drainage infrastructure, should be considered in a robust and strategic manner.
- 3.10. I am supportive of the position set out in the Framework s42A report in relation to rural residential type development, and continue to oppose expansion of the Country Living and Village Zones due to fragmentation of the rural environment and loss of high class soils.
- 3.11. I support the concept of a Medium Density Residential Zone (MDRZ) being introduced into the Proposed Waikato District Plan in and around the centres of Huntly, Ngāruawāhia, Pokeno, Raglan, Te Kauwhata and Tuakau (provided infrastructure capacity is capable of servicing the area).
- 3.12. I support the inclusion of the Future Urban Zone (FUZ) to be used for areas identified for growth but not able to be serviced for growth within the timeframe of the plan. The provisions of the proposed FUZ set out in the s42A report requiring structure plans and infrastructure provision would give effect to the WRPS.
- 3.13. I generally support the three lens approach to assessing rezoning requests, however, given that decisions on objectives and policies in the proposed plan are yet to be made, zoning decisions should place greater weight on higher-order documents such as the NPS-UD and WRPS.

3.14. The WRPS provides clear direction, particularly through policies and implementation methods in Section 6, that urban growth is to occur in a planned and coordinated way that both connects growth areas with existing urban areas and integrates these with provision of necessary supporting infrastructure.

3.15. While a more holistic strategic approach that defers rezoning requests to a future plan change would best align with WRC's position, in the event that this is not considered favourably by the Panel, I recommend the following approach:

- Areas identified in Waikato 2070 for higher densities in town centres should be zoned MDRZ.
- Land should be live zoned where it is identified in Waikato 2070 and is consistent with the FP Strategy where:
  - the timeframe is 1-3 years, and
  - the timeframe is within 10 years and infrastructure is available or able to be provided within that timeframe.
- All other areas identified in Waikato 2070 should be FUZ where it can be demonstrated that the alternative land release criteria of the WRPS can be met. This includes provision of infrastructure with the 10 year timeframe of the district plan.
- Requests for additional country living and village zones should be rejected.

**Table 3.1 Summary of position on individual rezoning requests:**

Submitter #	Position	Reason
<i>Huntly</i>		
732	Provisional support	Some geotechnical concerns.
778	Support	
<i>Mercer and Meremere</i>		
351	Oppose	Oppose further village zoning.
385	Oppose	Identified in Waikato 2070 at 50+ years. No provision for infrastructure.
<i>Ngāruawāhia, Taupiri, Te Kowhai and Horotiu</i>		
464	Neutral	
578, 740, 790	Neutral	
166	Oppose	Not located in FP Strategy urban limits, inconsistent with WRPS 6.14.3, within WRC drainage scheme.
829	Support in part	Oppose residential component, inconsistent with Waikato 2070 and MSP.
805	Support in part	Subject to further work to determine how this would connect with and complement growth in Ngāruawāhia/Hopuhopu.
974	Neutral	Provided flood affected part of the site is excluded.
823	Oppose in part	Currently insufficient evidence to prove demand.

Submitter #	Position	Reason
<i>Pokeno</i>		
54	Support	
89	Oppose	Not identified in Waikato 2070, lack of infrastructure, oppose country living zone.
360	Oppose	Not identified in Waikato 2070, lack of infrastructure.
458	Oppose	Not identified in Waikato 2070, lack of infrastructure.
502	Oppose	Not identified in Waikato 2070, lack of infrastructure.
524, 598	Oppose	Not identified in Waikato 2070, lack of infrastructure.
548	Oppose	Not identified in Waikato 2070, lack of infrastructure, inconsistent with WRPS 6.14.3, oppose removal of SNA.
668	Oppose	Not identified in Waikato 2070, lack of infrastructure, inconsistent with WRPS 6.16.
862	Support in part	Consider effluent disposal areas, retain SNA.
<i>Raglan</i>		
343	Support in part	Provided structure plan and spatial plan in place.
658	Oppose in part	Not fully within urban limits, uncertainty of infrastructure provision, identified in Waikato 2070 as 30+ years.
<i>Tuakau</i>		
58	Oppose	Inconsistent with Waikato 2070 and WRPS 6.14.3.
153, 299	Oppose	High class soils, flood prone, inconsistent with WRPS 6.14.3.
172, 851	Oppose	Not identified in Waikato 2070, lack of infrastructure.
182	Oppose	Not identified in Waikato 2070, lack of infrastructure, high class soils, within WRC drainage scheme.
287, 289, 853	Neutral	Consider infrastructure provision.
290, 390	Oppose	Not identified in Waikato 2070, lack of infrastructure, oppose further village zoning.
<i>Hopuhopu</i>		
286	Support	
<i>Kimihia Lakes Recreation and Events Park</i>		
584	Neutral	Provided flooding and drainage can be managed.
<i>TaTa Valley Resort</i>		
574	Oppose	Await outcome of consent process to determine whether zone change is necessary.
<i>Rest of district</i>		
293	Oppose	Rezoning part of the land at this time could compromise the development of this identified future urban area.
292	Neutral	
312	Neutral	
341	Neutral	
344	Oppose	Inconsistent with FP Strategy and the WRPS.
654	Oppose	Do not support spot zonings, not supported by MSP.



#### **4. Approach for Hearing 25**

- 4.1. WRC's submission sought numerous amendments to the Plan. Those addressed in this hearing include adding a new alternative residential or mixed-use zone around business town centres zones in identified centres; to provide certainty about funding, staging and timing of infrastructure provision; and to seek an alternative to live zoning urban growth areas where there is uncertainty of infrastructure.
- 4.2. WRC's further submission also opposed a large number of submission points requesting changes to the zones in the notified district plan.
- 4.3. Due to resource and time constraints, and in the absence of recommendations from the s42A report authors, I intend to set out in this evidence:
  - a. WRC's overall position in relation to the recommendations made in the s42A report on the Future Urban Zone (FUZ) and Residential Medium Density Zone (MDRZ) and the requested rezonings, having regard to the statutory considerations, such as the National Policy Statement on Urban Development (NPS-UD), the Waikato Regional Policy Statement (WRPS) and policy and best practice considerations.
  - b. WRC's position on individual rezoning requests in the context of my overall position.
- 4.4. Where necessary, I will then prepare more detailed rebuttal evidence once individual s42A report recommendations are available.

#### **5. The Framework s42A Report**

- 5.1. I have reviewed the s42A Framework Report. I support the intent of the approach adopted by Waikato District Council (WDC) to apply a consistent method to the consideration of submissions on zoning across the District.
- 5.2. The s42A Framework Report adopts a three-lens method for s42A authors to use when assessing and making recommendations on the zoning submissions. I provide commentary and points of clarification on aspects of these lenses in the body of this evidence, particularly lens 2, being the higher-order policy documents and strategies, of which the WRPS is one.
- 5.3. I have concerns with aspects of Lens 1 given the emphasis on the notified suite of PWDP objectives and policies, as these provisions are subject to numerous submissions seeking amendments and changes. The s42A Framework Report notes in paragraph 97 that "WRPS objectives and policies often do not need to be considered exhaustively when considering

submissions on zoning because the PWDP objectives and policies generally seek the same outcomes as the WRPS.”

- 5.4. The RMA requires a District Plan to give effect to higher order documents. Section 75(3) of the RMA requires a District Plan to give effect to (a) any national policy statement and (c) any regional policy statement. Given that decisions on objectives and policies in the PWDP are yet to be made, I consider that more weight should be placed on higher-order documents such as the need to give effect to the NPS-UD and WRPS. I discuss these higher order documents in my evidence below.
- 5.5. I note that there are some inconsistencies between Appendix 8 and 9 of the Framework s42A Report. Appendix 8 sets out the growth cells as identified in Waikato 2070 and gives their anticipated capacity. Appendix 9 plots growth cell capacity and timing vs household projections. However, some of the growth cell capacity is different. For example, in Appendix 8, North Tuakau has a capacity of 861 dwellings (890 net capacity – 29 existing) while in Appendix 9, North Tuakau has a capacity of 272. Similarly, for Dromgools Road, Appendix 8 has a capacity of 1196 (1292 net capacity – 96 existing) while Appendix 9 has a capacity of 512 dwellings. It would be helpful to have clarification as to the correct figures.

## **6. National Policy Statement on Urban Development 2020**

- 6.1. The NPS-UD was gazetted on 20 July 2020 and came into force on 20 August 2020. It replaces the National Policy Statement on Urban Development Capacity 2016. As such it is very recent and is supported by limited guidance.
- 6.2. The purpose of the NPS-UD is outlined in Section 1.3 as follows:
- 1.3 Application*
- (1) This National Policy Statement applies to:*
- (a) all local authorities that have all or part of an urban environment within their district or region (i.e. tier 1, 2 and 3 local authorities); and*
- (b) planning decisions by any local authority that affect an urban environment.*
- urban environment: means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*
- (a) is, or is intended to be, predominantly urban in character; and*

*(b) is, or is intended to be<sup>1</sup>, part of a housing and labour market of at least 10,000 people.*

- 6.3. Objective 1 seeks to achieve ‘well-functioning urban environments’ that enable people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. Policy 1, which I address below, defines the “minimum” requirements a well-functioning urban environment must have.
- 6.4. Objective 2 directs regional policy statements and district plans to 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; and*
  - c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*
- 6.5. Objective 6 directs that 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.*
- 6.6. Objective 8 directs that New Zealand’s urban environments support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.
- 6.7. The concept of a ‘well-functioning urban environment’ is defined in Policy 1 of the NPS-UD, being one that, as a minimum:
- has or enables a variety of homes in terms of type, price, and location, of different households; and enables Māori to express their cultural traditions and norms; and*
  - has or enables a variety of sites that are suitable for different business sectors in terms of location and site size; and*
  - has good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

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<sup>1</sup> I requested clarification from Ministry for the Environment (MfE) as to what timeframe should be used for “intended to be” in the definition of ‘urban environment’ and was advised that “intended in the short term (1-3 years)” is the correct interpretation (Jym Clark, personal communication, 18 February 2021).

- *supports, and limits as much as possible, adverse impacts on, the competitive operation of land and development markets; and*
- *supports reductions in greenhouse gas emissions; and*
- *is resilient to the likely current and future effects of climate change.*

6.8. I am concerned to see that evidence from a number of parties seems to consider that the NPS–UD provides justification for the zoning of land for residential and business purposes regardless of other considerations, including the WRPS. An example below is from evidence prepared by Mr Collier on behalf of Perry’s Group Ltd:<sup>2</sup>

*As a Tier 1 Council identified under the NPSUD, there are now tensions between the provisions in the NPSUD and previous statutory plans. This includes the Regional Policy Statement (RPS), as well as the strategic planning direction set by Local Government policy documents such as Waikato 2070 and the Futureproof Strategies. The tensions are based on the fact that the recent NPSUD changes prioritise the delivery of residential housing and land supply over other considerations which may conflict with the RPS. My opinion is that until such time as updated changes are made to the RPS and other nonstatutory guidance documents to ‘catch-up’ and better align with the NPSUD, the NPSUD should be given significant consideration and weight in terms of decision making by the Panel. This is because s.45A and 67 of the RMA requires this top-down approach. This is not unique to Waikato District Council and other Councils are also grappling with this issue.*

6.9. I acknowledge that the WRPS has not been updated to reflect the requirement of the NPS-UD. The FP partners are actively working on this, with a view to having a notified WRPS change in the second half of 2021. However, I do not believe that the WRPS is generally inconsistent with the NPS-UD. The WRPS:

- requires FP councils to zone land to meet the allocations set out in Table 6-1 (Implementation method 6.14.2 Land release),
- requires co-ordination of growth and infrastructure (Policy 6.3),
- requires the use of evidence to guide the extent, location, and release of land for development (Policies 6.18 Monitoring development in Future Proof area, Policy 6.19 Review of Future Proof map and tables),

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<sup>2</sup> Paragraph 4.2, Evidence of Mr Aaron Collier for Perry Ltd

- includes a mechanism to be responsive to out of sequence or unanticipated development (Implementation method 6.14.3 Criteria for alternative land release), and
- includes principles for growth (6A Development principles) that includes a number of the matters addressed by the NSP-UD in relation to “well-functioning urban environments”.

6.10. I do not believe that there are sufficient grounds to argue that the WRPS has incomplete coverage due to the NPS-UD commencing after the WRPS, requiring recourse to Part 2 of the RMA as stated by Mr Kirkby-McLeod<sup>3</sup> in his evidence for submitter #658.

6.11. While the Court of Appeal decision on *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 related to a resource consent application, I consider that the decision has relevance for plan changes to the extent that it addresses the circumstances where the provisions of the relevant plan may be overlooked in favour of direct reference to Part 2. The decision stated:

*We do not consider however that King Salmon prevents recourse to pt 2 in the case of applications for resource consent. Its implications in this context are rather that genuine consideration and application of relevant plan considerations may leave little room for pt 2 to influence the outcome.*

6.12. I also refer you to section 4 of WRC’s opening legal submission<sup>4</sup> for Hearing 19 Ohinewai which addresses this issue.

6.13. Further, none of the objectives of the NPS-UD ‘prioritise the delivery of residential housing and land supply over other considerations.’

6.14. Section 3.11 of the NPS-UD requires the use of evidence and analysis when making plans or changes to plans, in particular any Housing and Business Assessment (HBA). Future Proof (FP) is in the process of preparing an HBA consistent with updated requirements in the NPS-UD. This will be used to inform an update of the FP Strategy and then the WRPS in 2021, including revised housing bottom lines.

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<sup>3</sup> Paragraphs 102 – 106, Evidence of Mr Kirby-McLeod for Koning Family Trust and Martin Koning.

<sup>4</sup> Opening Legal Submissions of Counsel for the Waikato Regional Council in the matter of a submission by Ambury Properties Limited in respect of the proposed Waikato District Plan pursuant to Clause 6 of Schedule 1 of the Act seeking the rezoning of land at Ohinewai dated 9 September 2020 prepared by G C Lanning.

- 6.15. Part 4 of the NPS–UD recognises that time is required to meet the requirements of the NPS–UD. The expectation is that councils take time to gather evidence to support changes to district plans.
- 6.16. Work is underway through FP to quantify what the required capacity should be across the Tier 1 area (Waipa, Waikato, Hamilton City); this will be incorporated into the updated FP Strategy and encapsulated in the WRPS. Trying to include all the land that WDC considers to be required under the NPS-UD in the district plan for the short, medium and long term at this point would be pre-emptive. The notified plan contains a quantum of land for development which at the time of notification was considered to be sufficient to meet the targets set under the NPS-UDC. Additional capacity can be added through future plan change(s).
- 6.17. In order to achieve good quality urban environments as set out in these policies I believe we need to have a planned response through FP and co-ordinated plan changes that consider rezoning as a whole outside of the scope of submissions. Notwithstanding this, I included later in my evidence situations where I believe rezoning that is sought through submissions is appropriate within the context of the FP Strategy, the WRPS and the NPS-UD, that provide additional capacity, and are in locations that will contribute to good quality urban environments.
- 6.18. Section 3.4 of the NPS-UD sets out the meaning of plan-enabled and infrastructure-ready development capacity as follows:
- Development capacity is plan-enabled for housing or for business land if:*
- a) in relation to the short term, it is on land that is zoned for housing or for business use (as applicable) in an operative district plan*
  - b) in relation to the medium term, either paragraph (a) applies, or it is on land that is zoned for housing or for business use (as applicable) in a proposed district plan*
  - c) in relation to the long term, either paragraph (b) applies, or it is on land identified by the local authority for future urban use or urban intensification in an FDS or, if the local authority is not required to have an FDS, any other relevant plan or strategy.*
- 6.19. Under the NPS–UD, short term means within the next 3 years, medium term means between 3 and 10 years, and long term means between 10 and 30 years.

6.20. Using the Household NIDEA projections<sup>5</sup> commissioned by WDC, over the next 10 years there is a need for an additional 11,446 new dwellings to meet the requirements of the NPS-UD (see table 6.1 below).

Table 6.1

2032 total households	2021 total households	2032 total households – 2021 total households	plus 20%
40,629	31,091	= 9,538	= 11,446 new dwellings over 10 years of the plan.

6.21. The S32 Report S32-2 Strategic Direction and Management of Growth Attachment 2.1 Market Economics (ME) Report states:

*Waikato District currently has plan enabled capacity for an additional 13,000 dwellings within the main residential zones through both intensification within existing urban areas and further residential expansion (excluding infrastructure constraints). There is also capacity for nearly 7,000 dwellings within the Country Living and Rural Residential zones, and additional capacity for rural households in the rural zone. The proposed growth areas will add capacity for a further up to 14,000 dwellings within the Residential and Village Zones, excluding infrastructure and other constraints.*

6.22. Based on the assessment in the s32 report, up to 34,000 dwellings were enabled in the notified plan, noting that there may be infrastructure constraints. As per my calculations in the table above, 11,446 dwellings are required over the short and medium term (10 years), suggesting that there is sufficient capacity in the notified plan, negating the need to include extensive areas of greenfield residential zoned land at this point. The inclusions on the MDRZ should also provide additional capacity. I acknowledge that the supply and demand are not uniform across the district, with some areas having an oversupply of land and others potentially seeing an increasing under supply.

6.23. WDC’s Population, Household and Land Capacity Report<sup>6</sup> concludes:

*The findings of the research shows forecast on-going growth in the Waikato District over the short, medium, and long term. The short-term growth rates over the next 10-year period are forecast to be similar to those experienced in the past 10-year period. A larger proportion of future growth in the district is likely to occur in urban areas.*

<sup>5</sup> Appendix Table A3, 2020 Update of Population, and Family and Household, Projections for Waikato District, 2013-2063 prepared by NIDEA August 2020

<sup>6</sup> Section 9 Summary, Population, Household and Land Capacity Report December 2020, prepared by WDC [population-land-household-capacity-report---141220.pdf \(windows.net\)](#)

*Based on the newly revised population and household forecasts, the new National Policy Statement Urban Development requirements and the capacity model supply findings highlight that further work is required to determine if the District still has sufficient, zoned, infrastructure ready and market feasible supply. The findings of this report point to a potential shortfall of supply (emphasis added).*

6.24. I believe these reports give a level of confidence that the proposed plan is consistent in respect of residential supply with the capacity aspect of the NPS-UD in the short and medium term, and identifies that further work is required to determine long term capacity. FP already has this work underway as discussed in section 8. Therefore, it is not necessary to zone enough land through this plan to allow for potential capacity shortfalls in the long-term as defined in the NPS-UD.

6.25. The ME report also states:

*Policies requiring the provision of infrastructure, together with population demand and the publicly funded infrastructure planning, will be one of the key determinants of the patterns and level of uptake of land for new residential growth.*

6.26. I discuss infrastructure provision further in section 15 of this evidence.

6.27. The NPS-UD goes further than the previous NPS on Urban Development Capacity in that as well as requiring councils to provide certain capacity for development, it has a focus on creating quality urban environments. Waikato District is identified as a Tier 1 local authority, so all the policies in the NPS-UD apply and need to be considered.

6.28. The framework s42A report focuses on the capacity aspect, however this needs to be balanced against all the other requirements of the NPS-UD including the need for a well-functioning urban environment. I believe we need to ensure that we do not enable zoning in locations that will promote poorly planned urban environments that do not meet the requirements of the NPS-UD.

## **7. Waikato Regional Policy Statement**

7.1. Section 75 of the RMA requires that District Plans must give effect to the WRPS. The s42A Framework Report identifies a number of provisions within Section 6 of the WRPS, that are relevant to this hearing. While Section 6 of the WRPS is particularly relevant, the WRPS needs to be considered as a whole. This is especially important where there are rezoning requests for sites that include high class soils, significant natural areas and natural hazards, for example, or have implications for co-ordination with infrastructure.



- 7.2. Set out below is an overview of the objectives and policies that I consider particularly relevant to this rezoning hearing and that I refer to throughout my evidence. The detailed wording of the objectives and policies is included in Attachment One.
- 7.3. Te Ture Whaimana o Te Awa o Waikato is an important consideration. This is the primary direction-setting document for the Waikato and Waipa Rivers and their catchments.
- 7.4. Chapter 3 of the WRPS sets out the overarching objectives for the region. Objective 3.12 is specific to the outcomes sought for the built environment. It directs that 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.
- 7.5. Section 2 – General Interpretation of the WRPS provides guidance as to how some terms in the WRPS are to be interpreted, particularly the words ‘shall’, ‘should’ and ‘will’.

- 7.6. Policy 6.1 requires that subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner. This requires regard to the principles in section 6A, and is to be implemented through a suite of implementation methods including 6.1.1 which requires local authorities to have regard to the principles in section 6A when preparing reviewing or changing district plans.
- 7.7. Method 6.1.5 sets out the need for district plans to direct rural-residential development away from natural hazard areas, regionally significant industry, high class soils, primary production activities on high class soils, electricity transmission, renewable energy generation sites and significant mineral resources.
- 7.8. Method 6.1.6 encourages the use of growth strategies that identify spatial patterns of land use and infrastructure development and staging.
- 7.9. Method 6.1.7 states that territorial authorities should ensure that before land is rezoned for urban development, mechanisms such as structure plans and town plans are produced.
- 7.10. Method 6.1.8 sets out the information that is required to support district plan zoning for new urban development.
- 7.11. Policy 6.3 and its supporting implementation measures relate to co-ordinating infrastructure and growth, and requires management of the built environment.
- 7.12. Policy 6.6 and its supporting implementation measures relate to significant infrastructure and energy resources and require management of the built environment to have regard to them.
- 7.13. Policy 6.14 Adopting Future Proof land use pattern seeks to ensure that new development within the FP area adopts the FP land use pattern and timing which is embedded in the WRPS. Policy 6.14 provides for alternative land release to implement alternatives to the FP land use pattern. The criteria for alternative land release are set out in implementation measure 6.14.3.
- 7.14. Policy 6.15 sets out density targets for the FP area that seek to achieve compact urban environments that support existing commercial centres, multi-modal transport options, and allow people to live, work and play within their local area.
- 7.15. Policy 6.16 requires that commercial development is provided to meet the wider community's social and economic needs, primarily through the encouragement and consolidation of such

activities in existing commercial centres and predominantly in the centres identified in Table 6-4 (Section 6D).

- 7.16. Policy 6.17 is discussed in the s42A Framework report and provides for management of rural-residential development in the FP area. It recognises the particular pressure from rural-residential development in parts of the sub-region, and particularly in areas within easy commuting distance of Hamilton.
- 7.17. Section 6A sets out development principles for new development, as well as principles specific to rural-residential development which have been discussed in the s42A Framework report. These principles provide for well-functioning urban environments that support existing urban areas, make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas, provide for co-ordinated infrastructure to support development, promote compact urban form and sustainable design and energy use, and aim to avoid adverse effects on various environmental considerations.
- 7.18. Sections 6B and 6C identify on maps significant transport infrastructure and indicative urban limits within the FP area. Section 6D sets out the FP growth tables.
- 7.19. Policy 13.2 requires that subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level.
- 7.20. Policy 14.2 relates to high-class soils. It seeks to avoid a decline in the availability of high-class soils for primary production due to inappropriate subdivision, use or development.
- 7.21. These objectives, policies and implementation methods in the WRPS provide clear direction that urban growth is to occur in a planned and coordinated way that both connects growth areas with existing adjacent urban areas and integrates growth areas with the provision of infrastructure necessary to support such growth. The expectation that residential and industrial growth and development within the FP area will largely occur in accordance with the identified growth pattern has enabled infrastructure providers to plan and develop their infrastructure to best service this growth pattern and provide for the long term social and economic needs of the local and wider community.
- 7.22. Together the objectives, policies and implementation methods in the WRPS support the creation of well-functioning urban environments within the District that best protect and manage the environment in which they are located.

- 7.23. I note that with regard to the FP land use pattern set out in Policies 6.13 to 6.19, the Framework s42A Report discusses in paragraphs 115 to 122 the relative legal weight to be given to the 2009 and 2017 versions of the FP Strategy. The FP Strategy update in 2017 re-affirmed the settlement pattern, made minor adjustments to the urban and village limits for Te Kowhai, Raglan, Ngāruawāhia, Huntly and Te Kauwhata, and added limits for Pokeno and Tuakau. There was no change to timing as set out in the WRPS.
- 7.24. The updated urban and village limits in FP Strategy 2017 does create a level of conflict with the WRPS, however, the WRPS as the higher order document must be given effect to. Therefore, requests for rezoning that are consistent with the FP Strategy 2017 but inconsistent with the Urban Limits as indicated on Map 6.2 (section 6C) of the WRPS, will need to address the alternative land release criteria as per implementation method 6.14.3.
- 7.25. I also note that the Framework s42A Report refers in paragraph 138 to Policy 6.12 of the WRPS that requires management of growth in parts of the District that were part of the former Franklin District to be managed in accordance with the Franklin District Growth Strategy (2007). I concur with the author of the Framework s42A Report that the Franklin Growth Strategy is no longer applicable as Policy 6.12 is caveated with the wording “The Franklin District Growth Strategy applies until the Future Proof Growth Strategy and relevant district plans are amended”. The FP Strategy was updated in 2017 to include the former area of the Franklin District that is now within the Waikato District and the district plan is now being amended.

## **8. Future Proof**

- 8.1. As the Waikato District is within the FP area, the provisions in Section 6 of the WRPS relating to FP apply, including the FP indicative urban limits set out in Map 6-2 and the alternative land release criteria in Policy 6.14.
- 8.2. As noted previously, work is underway through FP to undertake an HBA consistent with the updated requirements in the NPS-UD. This will quantify the required capacity across the Tier 1 area (Waipa district, Waikato district, and Hamilton City). Work is also underway to update the FP Strategy as a whole to update the agreed settlement pattern for the sub-region. This will be used to inform an update of the WRPS later in 2021, including revised housing bottom lines. This is a good opportunity to determine at a sub-regional scale where to locate growth beyond short- and medium-term requirements.
- 8.3. It is my view that including all the land that WDC has assessed as required to meet the long-term capacity requirements under the NPS-UD in the district plan at this point would be pre-

emptive. Additional capacity can be added through future plan change(s) if necessary once the review of the FP Strategy and update of the WRPS are completed.

## **9. The Hamilton to Auckland Corridor and the Hamilton-Waikato Metropolitan Spatial Plan**

- 9.1. The Government’s Urban Growth Agenda (UGA), introduced in 2018, was a shift in the approach to urban development and infrastructure in New Zealand. The main objective of the UGA is to improve housing affordability, underpinned by affordable urban land. One of the five pillars of the UGA is ‘spatial planning’ – to build a stronger partnership with local government as a means of developing integrated spatial planning. The UGA identified the Hamilton-Auckland corridor (H2A) as a priority area. In December 2018, a Plan was completed for the corridor that outlined the agreed spatial intent for the corridor.
- 9.2. Under the H2A Corridor Plan, a more detailed spatial planning exercise has been undertaken for the Hamilton-Waikato area which comprises Hamilton City and its neighbouring towns, from Taupiri in the north to Cambridge and Te Awamutu in the south. This plan is called the Hamilton-Waikato Metropolitan Spatial Plan (MSP). The MSP has been prepared in collaboration with FP partners and central government,<sup>7</sup> and identifies:
- No-go areas that are not suitable to urban development
  - Complex or hazardous areas that limit land use options
  - Strategic transport and blue-green corridors
  - Targeted growth areas
  - Priority development areas
  - Required lead and enabling infrastructure.
- 9.3. A key challenge identified in the MSP is the delivery of infrastructure (particularly transport and three waters) and services. At present, much infrastructure delivery and services provision follows market demand for growth which results in the inability to plan growth in a way that supports infrastructure, density and high-quality urban environments. Opportunities for economic productivity gains are missed as growth is constrained due to infrastructure or land supply. An opportunity identified in the MSP is to improve the delivery of infrastructure and services in a way that supports liveable neighbourhoods, community wellbeing, and targeted increased density and high-quality urban environments.

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<sup>7</sup> The project partners include central government, Waikato-Tainui, tangata whenua, Hamilton City Council, Waikato District Council, Waikato Regional Council, Auckland Council and Waipa District Council.

- 9.4. The MSP directives include, amongst others, building on existing growth patterns to achieve a more compact and concentrated urban form over time; promoting an urban form that can be easily accessed by a variety of transport modes and frequent and rapid public transport options; and protecting high quality soils for productive purposes and ensuring there is a clear delineation between urban and rural land within the metro area.
- 9.5. The MSP was endorsed by Cabinet in August 2020 and will be used to update the FP Strategy in 2021, which in turn will inform an update to the WRPS.
- 9.6. The areas of the Waikato District that are within the MSP area, such as Horotiu, Ngāruawāhia, Te Kowhai, and Taupiri, should be consistent with the outcomes of the MSP.
- 9.7. WRC opposed a number of rezoning requests on the grounds that the H2A project, including MSP, will inform decisions about location, timing and form of future development, and decisions should be deferred until the relevant component of the corridor is complete to avoid undermining this important strategic process. Given that this project is well advanced, I have updated my position on this submission point in the relevant tables later in this evidence.

## **10. Waikato 2070**

- 10.1. Waikato 2070 is a growth and economic development strategy, adopted by WDC in 2020, and represents the latest position of Council in relation to growth. WRC supported WDC proactively planning for growth across the district but had concerns with a number of substantial departures from the FP Strategy and the WRPS that were not developed in conjunction with FP partners and for which the evidence base was not clear. Waikato 2070 does, however, provide an indication of timing of development which was supported by WRC. As indicated in the WRC submission on Waikato 2070, WRC was concerned with the number of settlements identified for growth in the short term, particularly around the ability to service these areas with the necessary infrastructure, and particularly wastewater.
- 10.2. The Framework s42A Report notes that the PWDP Hearings Panel is required to have regard to Waikato 2070 as per RMA section 74(2)(b)(i).
- 10.3. Waikato 2070 has not yet been incorporated into the WRPS. I consider that where there is no conflict between Waikato 2070 and the WRPS, then Waikato 2070 provides useful direction for future land use decisions, however, if there are inconsistencies between Waikato 2070 and the WRPS it is my view that the WRPS should be given greater weight.

## **11. Hearing 25 – Waikato Regional Council submission overview**

11.1. Three of WRC's original submission points have been identified to be heard as part of this hearing. In summary these submission points are:

- 81.15 - Because of the proposed approach to 'live' zone new urban growth areas there are a number of areas of concern, in particular the zoning of new areas of land for urban development where it is unclear what infrastructure is available or is proposed to be provided. There is also limited direction for staging which may affect the efficient delivery of infrastructure. The submission included suggested options to address this.
- 81.152 - WRC is concerned that applying this minimum lot size to areas directly adjacent to the Business Town Centre zones for the towns of Huntly, Ngāruawāhia, Pokeno, Raglan, Te Kauwhata and Tuakau will not enable the achievement of a range of the plan's objectives and policies for the urban environment, including those relating to housing choice; density aligned with the FP Strategy; and promotion of subdivision, land use and development that encourages thriving, sustainable town centres, and integrates with and is supportive of provision of public transport and other infrastructure. Applying a new alternative residential or mixed use zone or overlay to the residential zone, or any other method, was suggested to provide a more intensive residential pattern around the business town centre zones at Huntly, Ngāruawāhia, Pokeno, Raglan, Te Kauwhata and Tuakau.
- 81.17 - WRC is concerned that the provisions do not adequately address how subdivision and development activities will be managed where a 'live' residential zoning is proposed for unserviced land within urban towns and villages. This does not give effect to the WRPS direction for integrated, staged approach to infrastructure and development. An alternative to 'live' zoning was sought.

11.2. The s42A Report on Zone Extents – Future Urban Zone and Residential Medium Density Zone addresses and accepts submission points 81.17 and 81.152. These are discussed below.

## **12. Future Urban Zone**

12.1. The Future Urban Zone (FUZ) the s42A report on Zone Extents – Future Urban Zone and Residential Medium Density Zone makes a number of recommendations in paragraph 145 that the Hearings Panel:

- 1) *Introduce a Future Urban Zone as a stand-alone zone;*
- 2) *The FUZ provides a zoning option that could be applied to blocks that meet the policy tests but where no structure plan is in place and/or capacity is not plausible within the next 10-15 years;*

- 3) *The FUZ is intended to function as a holding zone. As such the focus of provisions is on enabling general rural activities and conversely controlling activities that could prejudice future urbanisation;*
- 4) *That it is anticipated that a further plan change process will have to be undertaken in the future to incorporate a structure plan within the District Plan, change the zoning to an appropriate urban zone and to confirm that network services are able to be provided.*

12.2. The s42A Report notes the consistent direction across the NPS-UD, WRPS, and Waikato 2070 Growth Strategy to ensure that “growth is integrated with existing urban areas and well-designed in order to generate successful and well-functioning communities, and that such growth is to be integrated with the funding and delivery of the necessary network infrastructure.”

12.3. The s42A Report comments in paragraphs 139-141 that the draft potential FUZ provisions reflect the rural zone provisions (and in particular the rule framework that applies to the Hamilton urban expansion area (UEA) area). A key consideration is to enable ongoing rural activities, and activities that would not unduly prejudice future urbanisation. The proposed subdivision rules are designed to maintain future development potential through minimising land fragmentation through further ad hoc subdivision. The creation of new lifestyle blocks is considered to be incompatible with coherent urban growth management, as such the Rural Zone minimum lot size of 40ha is recommended, without the ability to create an additional small child lot. Conservation and rural hamlet small lot subdivision pathways are likewise not considered to be appropriate for areas where full urbanisation is anticipated within a 10-20 year timeframe.

12.4. Overall, I support the introduction of a FUZ as set out in the s42A report and the requirement for a structure plan to be in place. The inclusion of provisions requiring structure plans and confirmation that infrastructure is able to be provided prior to a plan change to confirm the long-term urban zoning for the growth area would give effect to WRPS Policy 6.1, implementation method 6.1.7 and Policy 6.3. This will allow for proactive decision making about the future location, form and function of future development.

### **13. Medium Density Residential Zone**

13.1. The s42A Report makes a number of recommendations in paragraph 221 including that a MDRZ more effectively gives effect to the WRPS and NPS-UD regarding growth management than the notified Plan approach of enabling medium density throughout the Residential Zone; that the



towns of Tuakau, Pokeno, Te Kauwhata, Huntly, Ngāruawāhia and Raglan are suitable for intensified residential activity; and that the MDRZ boundaries be refined through submitter evidence.

- 13.2. The s42A Report notes that the development of a MDRZ as part of the District Plan Review process will happen in advance of the more fine-grained analysis of some of the town centres anticipated in Waikato 2070.
- 13.3. The evidence provided by Kainga Ora includes a draft Medium Density Zone Chapter and identifies revised extents for application of the zone within the locations of Huntly, Ngāruawāhia, Pokeno, Raglan, Te Kauwhata and Tuakau.
- 13.4. I support the concept of a medium density residential zone being introduced into the PWDP in and around the centres of Huntly, Ngāruawāhia, Pokeno, Raglan, Te Kauwhata and Tuakau. I consider that in order to intensify the land use to MDRZ confirmation is needed that there is infrastructure capacity capable of servicing the anticipated growth within these areas.
- 13.5. I note that proposed medium density chapter contains provisions relating to earthworks and setbacks from waterways. I refer you back to the recommendations outlined in my Hearing 2 evidence in relation to provisions for all zones in the proposed plan in relation to these matters.

#### **14. Location of Development**

- 14.1. WRPS Policy 6.14 specifies that district councils shall review their district plan to identify locations and limits for future urban development in accordance with the policy. This policy is to ensure that development occurs within the predefined urban limits and any alternative urban areas are created only when the population growth justifies divergence from the strategic FP growth areas. I consider that any rezoning requests, or release of land for development should be addressing and implementing these operative provisions of the WRPS.
- 14.2. Criterion for alternative land release has also been provided in WRPS Method 6.14.3. District plans can only consider alternative timing and release of land in instances when it is consistent with this method. I note that whilst WRPS Method 6.14.3 provides for some flexibility in the staged release of residential and industrial land, overall it aims to ensure the relevant growth principles of the FP growth strategy are not compromised.
- 14.3. As evidenced by this hearing, a large number of submissions have been made that request changes to the proposed zone of specific parcels of land outside of the urban limits identified

on Map 6C of the WRPS. As per Policy 6.14.3, these rezoning requests will need to satisfy the alternative land release criteria to be able to be included in the PWDP. Further, as per Policy 6.1.8, these rezoning requests are also required to be supported by information which identifies, as appropriate to the scale and potential effects of the development, the following:

- a) the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;*
- b) the location, type, scale, funding and staging of infrastructure required to service the area;*
- c) multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;*
- d) how existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;*
- e) potential natural hazards and how the related risks will be managed;*
- f) potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be managed;*
- g) how stormwater will be managed having regard to a total catchment management approach and low impact design methods;*
- h) any significant mineral resources (as identified through Method 6.8.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;*
- i) how the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been recognised and provided for;*
- j) anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply;*
- k) how the design will achieve the efficient use of water;*
- l) how any locations identified as likely renewable energy generation sites will be managed;*

*m) the location of existing and planned renewable energy generation and consider how these areas and existing and planned urban development will be managed in relation to one another; and*

*n) the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or corridor, including how sensitive activities will be avoided in the national grid corridor.*

## **15. Live zonings – integrating and co-ordinating infrastructure**

15.1. WRC submission point number 81.15 states that the proposed approach to ‘live’ zone new urban growth areas raises a number of areas of concern, in particular the zoning of new areas of land for urban development where it is unclear what infrastructure is available or is proposed to be provided.

15.2. Under section 30 of the RMA, one of regional councils’ functions for the purpose of giving effect to the RMA in its region is as follows:

*(1)(gb) the strategic integration of infrastructure with land use through objectives, policies, and methods*

15.3. Under section 31 of the RMA, territorial authorities have the function of (emphasis added):

*the establishment, implementation, and review of objectives, policies, and methods **to achieve integrated management** of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*

15.4. The WRPS contains a number of policies and directive implementation methods aimed at achieving co-ordination of infrastructure, notably through Policy 6.1, implementation method 6.1.1, 6.1.7, 6.1.8, and policy 6.3. These policies and methods are included in Attachment One.

15.5. The s42A report on zone extents – FUZ and MDRZ highlights (paragraph 117) that there is “clear and consistent direction that growth areas are to be appropriately serviced and that certainty as to serviceability needs to be in place prior to these areas being rezoned for urban activities. Such certainty can be delivered either through demonstrated existing capacity being available, programmed spending for necessary upgrades being included in the LTP within a 10 year timeframe for head works and trunk infrastructure (with local connections typically being developer-funded), or confirmation that developer-led funding or provision is able to be delivered through other methods as part of the plan change process.”

- 15.6. Paragraph 128 of the report notes that live zoning creates the understandable expectation from landowners that urban development of their land will be able to be plausibly undertaken within the short-medium term, albeit that it may be several years before the network capacity is available.
- 15.7. The report concludes with the recommendation in paragraph 129 that live zoning is appropriate from an infrastructure perspective where it can be demonstrated in evidence that either sufficient infrastructure capacity (roading and three waters) currently exists for trunk and head works / treatment facilities; or is programmed to be delivered within the current LTP over the coming decade; or is able to be funded by the developer. Conversely where this infrastructure is not available, then the land should not be given a 'live' zone.
- 15.8. I support these statements.
- 15.9. I note that the Framework s42A Report attempts to provide some clarity around infrastructure capacity within Appendix 5. The lack of certainty for many of the growth areas identified in this table is of concern. I consider that there will be many instances where submitters requests for up-zoning will succeed or fail on the ability to service zoning requests and I urge WDC to address the requirements for servicing in a robust and strategic manner. In regard to water and wastewater particularly, this requires consideration of not just the hard infrastructure requirements i.e. pipes, mains and pumping stations, but also water allocations and treatment plant capacity.

## **16. Waikato Regional Council flood protection and drainage schemes**

- 16.1. WRC has a statutory duty under the Soil Conservation and Rivers Control Act 1941 to minimise and prevent damage to property caused by flooding. WRC is a significant landowner and asset manager within the Waikato District. Flood protection reduces the likelihood of floods impacting on our communities. It safeguards lives and property, enables productive use of land, and protects services such as water supply, power, telecommunications and roading networks. Regional Council schemes are built to protect against a certain level of flooding such as a 1 in 20, 1 in 50 or 1 in 100 return period. More intense weather events and higher tides are putting pressure on flood protection assets. Population growth, urban development and changes in land use also add to flood risk.
- 16.2. The Waikato District encompasses the 'Lower Waikato Zone', which is a flood protection area managed by WRC. Within this area, about 42,000 hectares of land falls within the flood

protection scheme which includes 250km of stop banks, 279 floodgates and 64 pump stations. This infrastructure was constructed between 1961 and 1982.

- 16.3. Flood infrastructure was initially constructed and funded through central government-led schemes. At present the maintenance and improvement of flooding infrastructure is funded through various methods by WRC. The network has aged considerably since its construction and due to the implications of climate change will require ongoing improvements to maintain the current levels of flood protection.
- 16.4. Flood and drainage infrastructure managed by WRC is included in the definition of 'regionally significant infrastructure' under the WRPS, therefore Policy 6.6 and Implementation Method 6.6.1 apply.
- 16.5. Flood infrastructure is designed to manage flood events based on particular land uses. For example, the acceptable level of flood risk for pastoral farming, and the subsequent level of infrastructure investment required for this land use, is quite different to the acceptable level of flood risk for residential development. I believe that that zoning decisions should consider how the change in land use might also change expectations of the level of flooding infrastructure service delivery provided by WRC.
- 16.6. A number of the areas proposed for growth are beside or within areas that have land drainage systems that are funded through a targeted rate on benefiting landowners. These drainage areas are managed for pastoral land use. Under these schemes WRC has three days to remove surface flooding from a 10% AEP event. The discharge of semi-urban or urban stormwater in to existing rural designed drainage channels can negatively impact drainage channels which suffer from additional discharge flow volumes over longer duration, conflicting with WRC audited performance requirements. If there are areas that are expected to have significantly increased discharge into drainage networks through urbanisation, it is anticipated that the responsibility of those networks should be taken over by the district council to manage. This will need to be factored into infrastructure calculations going forward and be part of a changed operating, and subsequent rating, landscape for the district council.
- 16.7. I consider it is both appropriate and necessary that flooding and drainage infrastructure be considered alongside the other core infrastructure, such as three waters and transport infrastructure, when enabling an increase in land use intensity to accommodate growth.

## 17. Requests for rural residential subdivision

17.1. I continue to oppose expansion of the Country Living and Village zones. The Framework s42A Report states at paragraph 258 that “I recommend that there be no additional zoning of large-lot residential zones of either Country Living Zone or Village Zone in the Waikato District.”

17.2. I support the position set out in the Framework s42A report in relation to rural residential type development and agree with the recommendation.

17.3. The S32 Report S32-2 Strategic Direction and Management of Growth Attachment 2.1 Market Economics (ME) Report states:

*There has been a significant level of residential growth within Waikato District occurring within the rural and semi-rural areas, predominantly around the edges of Auckland and Hamilton. This has caused fragmentation in the rural areas and adversely affected the concentration of growth into urban nodes within these areas.*

17.4. The S32 Report S32-2 Strategic Direction and Management of Growth Attachment 2.1 Market Economics (ME) Report also states:

*Around 50% of the growth areas contain high class soils (569ha). Over half (57%) of these soils are located around Tuakau (326ha). Growth in this area is likely to occur over the medium to longer-term. Significant shares are also located in Te Kowhai (13%; 75ha), Pokeno (11%; 62ha), Ngaruawahia (8%; 43ha) and Onewhero (7%; 37ha). Overall however, the growth areas represent a long term loss of just 1% of the district’s high class soils. The loss in the Tuakau community area is 13% of total high class soils. In other areas, the loss represents a smaller share (6% in the Pokeno community area, and 3% each in the Ngaruawahia and Te Kowhai communities.*

17.5. Policy 14.2 of the WRPS seeks to avoid a decline in the availability of high-class soils for primary production due to inappropriate subdivision, use or development. Policy 6.17 seeks to manage rural residential development in the FP area.

17.6. I consider that rural lifestyle development should be directed away from high class soils which are a non-renewable resource, and in most cases, once consumed by residential development the productive capacity is irreversibly lost. I consider it appropriate that the urbanisation and further fragmentation of rural land be subject to strategic planning process as per WRPS Policy 6.17.

17.7. Attachment Two lists the specific submission points which seek to rezone rural areas as country living and village zone which I continue to oppose.

### **18. Approach for decision making**

18.1. I would prefer a more strategic approach whereby rezoning requests are deferred from the proposed district plan and are considered by way of a variation or future plan change. This would allow for these rezoning requests to be considered in context of the whole of the district and to implement the upcoming FP Strategy update, the MSP and Waikato 2070 in a more holistic way. The issue of scope prevents a holistic approach to be taken through the PWDP process. However, I appreciate there are time and resource constraints which mean that this is not likely to be favourably considered by the Panel.

18.2. Therefore, based on the discussion above, I recommend the general approach outlined below:

- a. Areas identified in Waikato 2070 for higher densities in town centres should be given the MDRZ (where the submissions allow scope to do so).
- b. Land should be live zoned where it is identified in Waikato 2070 and is consistent with the FP Strategy where:
  - I. The timeframe is 1-3 years, and
  - II. The timeframe is within 10 years and infrastructure is available or able to be provided within that timeframe.
- c. All other areas identified in Waikato 2070 should be given the FUZ where it can be demonstrated that the alternative land release criteria of the WRPS can be met. This includes provision of infrastructure with the 10 year timeframe of the district plan.
- d. Requests for additional country living and village zones should be rejected.

16.3 Initial comments have been made in respect of further submission points and set out in the tables and paragraphs below, with the exception of requests for rural residential zones (for village and country living zone) which are opposed as per section 17 and listed in Attachment Two. Further evidence may be provided in rebuttal to the individual s42A reports relating to each of the submissions below.

## 19. Huntly

19.1. WRC's further submission opposed rezonings in this location on the basis that the H2A corridor work was underway and should influence decisions about growth in this area. This work has now been completed, and I have revised my position taking into account the evidence that has been submitted.

Table 18.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
732.1 732.2	Terra Firma	Rezone rural land south of Huntly next to Lake Puketirini to residential (within the Future Proof urban limits)  <u>Revised in evidence</u> to reduce area proposed for residential due to Geotech assessment.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Provisional support
<b>Reasons:</b> <ul style="list-style-type: none"> <li>• Consistent with Future Proof urban limits.</li> <li>• Support provided that the geotechnical report confirms that the land is suitable for residential development and effects on water quality in Lake Puketerini are managed.</li> <li>• Support exclusion of the south west block due to Geotech concerns.</li> </ul>					

Table 18.2

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
778.2 778.3	Shand Property Ltd	Rezone rural land north of Huntly for residential and industrial	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Support
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Within Future Proof urban limits and identified in Waikato 2070.</li> <li>• Huntly is identified as a strategic industrial node in the WRPS.</li> <li>• Support reduction in area to exclude SNAs.</li> </ul>					



## 20. Mercer and Meremere

20.1. As with Huntly, WRC's further submission opposed rezonings in this location given that the H2A corridor work was underway and should influence decisions about growth in this area. This work has now been completed, however, I continue to oppose rezonings in this location as set out in the tables below.

Table 19.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
351.1	TKDM Farms	Rezone rural land at Mercer to village zone  <u>Revised in evidence</u> Now only applies to a 10ha area fronting Koheroa Road	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Oppose
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Oppose further village zone as per section 17 of this evidence.</li> </ul>					

Table 19.2

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
385.1	Peter Ward Ward Demolition	Rezone rural land at Meremere to industrial and business zone	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Identified in Waikato 2070 at 50+ years.</li> <li>• No provision for infrastructure.</li> </ul>					

## 21. Ngāruawāhia, Taupiri, Te Kowhai and Horotiu

21.1. These locations are within the area covered by the MSP and should be consistent with the agreed direction (as discussed in section 9 of this evidence). A number of requests related to rezoning of rural land to village or country living zone, particularly at Te Kowhai. These requests are inconsistent with the MSP. While Waikato 2070 identifies growth at Te Kowhai, the timeframe is 10-30 years, so these area should not be rezoned in the proposed district plan.

Table 20.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
464.11 464.12	Perry Group Ltd	Rezone residential and rural land to business and residential land at Horotiu	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Neutral
<b>Reason:</b> <ul style="list-style-type: none"> <li>• The MSP has been completed.</li> <li>• It is a minor rezoning which fits within the Future Proof settlement pattern.</li> <li>• Located within the Waikato Central drainage scheme - need to ensure that stormwater reticulation would not impact on the existing land drainage area.</li> </ul>					

Table 20.2

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
578.245 78.25 740.1 790.2	POAL & Colin Dixon & Northgate Developments	Rural industrial to at Horotiu.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Neutral
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Fits within the Future Proof settlement pattern.</li> <li>• Located within the Waikato Central drainage scheme - need to ensure that stormwater reticulation would not impact on the existing land drainage area.</li> </ul>					

Table 20.3

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
166.1	Reginald Briggs	Rural land to residential land at Horotiu.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• It is not located within the Future Proof urban limits.</li> <li>• There has been no assessment of alternative land release criteria (WRPS 6.14.3).</li> <li>• Located within the Waikato Central drainage scheme so would need to ensure that stormwater reticulation of any development would not impact on the existing land drainage area.</li> </ul>					

Table 20.4

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
829.4 829.5 829.8	Whenua Holdings Waikato Limited	Rural to industrial and residential at Ngāruawāhia	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Support in part
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Support the industrial component which is consistent with Waikato 2070 and MSP.</li> <li>• Oppose the residential component which is not consistent with Waikato 2070 and MSP.</li> <li>• Located partly within and adjacent to the Waikato Central drainage scheme so would need to ensure that stormwater reticulation of any development would not impact on the existing land drainage area.</li> </ul>					

Table 20.5

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
805.1	Howard Lovell and Rudi Van Dam	Rural to residential and business at Taupiri	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Support in part
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Support a future urban zone as MSP identifies the area for further investigation.</li> <li>• Future urban zone will allow for preparation of a structure plan for the area and consideration of infrastructure provision.</li> <li>• Located partly within and adjacent to the Waikato Central drainage scheme so would need to ensure that stormwater reticulation of any development would not impact on the existing land drainage area.</li> <li>• Taupiri is identified as a potential long-term industrial location on the village-side of the Waikato Expressway, and for potential further residential growth in the existing village.</li> <li>• This will be subject to further work to determine how this would connect with and complement growth in the Ngaaruawaahia/Hopuhopu area.</li> </ul>					

Table 20.6

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
974.1	Howard Lovell Tim Lester	Rezoning rural land to residential land at Taupiri.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Neutral
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• H2A corridor work has been completed.</li> <li>• Withdraw objection provided that the flood affected part of the site is excluded.</li> </ul>					

Table 20.7

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
823	NZTE Operations Ltd	Rezone rural land to specific Te Kowhai Airpark Zone	More information is required to justify this rezoning.	Yes	Oppose in part.
<b>Reason:</b> <ul style="list-style-type: none"> <li>Demand is difficult to determine as this is a unique type of development, rural residential area should be removed or reduced at this point until it can be demonstrated that there is a demand. Need to avoid it becoming solely a rural residential development.</li> </ul>					

## 22. Pokeno

22.1. There are a number of requests for development to the east of the expressway. These should not be live zoned as the infrastructure required to service these areas is not available. There should also be consideration of the best use of this land, whether a further village zone should be applied or whether a more intensive residential zone should be used. This area is also adjacent to the Franklin Waikato drainage scheme so would need to ensure that stormwater reticulation of any development would not impact on the existing land drainage area.

22.2. For those areas surrounding Pokeno on the western side of the expressway, the zoning and staging should be consistent with Waikato 2070 provided that infrastructure is available or is planned to be available in the lifetime of this district plan.

22.3. In regard to availability of public transport services to the area, WRC, WDC, Waka Kotahi NZTA, and others are actively working towards improved public transport provision in North Waikato. A new bus service between Pokeno, Tuakau and Pukekohe has recently launched and there is also work underway on a South Auckland / North Waikato transport programme business case.

Table 21.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
54.1	Thorntree Orchards Ltd	Rural to Village on eastern side of WEX  <u>Revised in evidence</u> Now requesting Future Urban Zone	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Support
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Identified in Waikato 2070 and within the Future Proof urban limits.</li> <li>• Support revised request for FUZ on the basis that servicing is not currently available and it is uncertain when it would be available.</li> </ul>					

Table 21.2

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
89.1	CSL Trust	Rural to residential to the north west of Pokeno.  <u>Revised in evidence</u> Now requesting part medium to high density and neighbourhood centre, half country living.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Oppose
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Within Future Proof urban limits but not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> <li>• Oppose country living zone.</li> </ul>					

Table 21.3

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
360.2	Kwanghoon Yang	Rural to residential between Munro Block and Pokeno Road	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Within Future Proof urban limits but not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> </ul>					

Table 21.4

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
458.1 458.2	Madsen Lawrie Consultants	Rural to residential on eastern side of WEX	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Within Future Proof urban limits but not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> <li>• Located within the Franklin Waikato drainage scheme so would need to ensure that stormwater reticulation of any development would not impact on the existing land drainage area.</li> </ul>					

Table 21.5

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
502.1 502.2	Se Gi Noh	Rural to residential between Munro Block and Pokeno Road	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Within Future Proof urban limits but not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> </ul>					

Table 21.6

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
524.35598.25	Anna Noakes & Terry Withers	Rural to residential to south west – below Pokeno Road	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Within Future Proof urban limits but not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> </ul>					



Table 21.7

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
458.1 458.2	Murray Farrand	Aggregate extraction to heavy industrial in an area south of existing industrial zone	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Not within Future Proof urban limits and not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> <li>• No assessment against alternative land release criteria (WRPS 6.14.3).</li> <li>• Oppose removal of SNA (if not addressed through Hearing 21A).</li> </ul>					

Table 21.8

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
668.1	Clem & Alison Reeve	Rural to business to the south west of Pokeno, above Pokeno Road.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<b>Reason:</b> <ul style="list-style-type: none"> <li>• Within Future Proof urban limits but not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> <li>• Potential to negatively impact on Pokeno town centre and therefore potentially inconsistent with WRPS Policy 6.16.</li> </ul>					

Table 21.9

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
862.1 862.24	Havelock Village	Proposed rural land to residential  <u>Revised in evidence</u> Reduced residential area due to site constraints, added rural residential component	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Support in part
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Support revised proposal which addresses the site constraints and opportunities, and addresses reverse sensitivity, ecology, Geotech etc.</li> <li>• Within Future Proof urban limits and identified in Waikato 2070 within 3-10 years.</li> <li>• Can be serviced with water and wastewater.</li> <li>• Preference for no new rural residential as per section 17.</li> <li>• Need to consider adequate areas for onsite effluent disposal areas taking into account the soils and geotechnical constraints.</li> <li>• Support identification of new areas of significant natural areas (SNA).</li> <li>• SNA should be excluded from residential zoned area i.e. retain rural zoning.</li> </ul>					

### 23. Raglan

23.1. I note that the s42A framework report indicates a shortfall of dwelling supply at Raglan. However, it also indicates that there is no certainty of water and wastewater provision at this time to service any further development. In my opinion, areas outside of those identified in the Future Proof strategy would be best considered through the FP Strategy update and considered in the context of the NPS-UD “well functioning urban environments” definition, particularly around car dependency.

23.2. While identification of additional areas of urban zoned land through the FP Strategy is my preference, I am not opposed to Mr Inger’s suggestion in his evidence on behalf of Rangatahi Ltd (submission #343) that land for future urban growth in Raglan be given the Future Urban Zone together with provisions requiring spatial planning be undertaken for Raglan prior to a future plan change to up-zone any land for future development.

Table 22.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
343.24	Rangatahi LTD	Rezone large area west of Rangatahi Peninsula from rural to future living area.  <u>Revised in evidence</u> Replace residential zone with Future Urban Zone plus inclusion of provisions requiring spatial planning for Raglan to guide structure plans.	Inconsistent with RPS.	Yes	Support in part
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Preference for this to be considered through Future Proof Strategy update.</li> <li>• Not opposed to a FUZ in this location if tied to the requirement for spatial planning and for structure planning is included in the proposed plan.</li> </ul>					

Table 22.2

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
658.3	Koning Family Trust and Martin Koning	Rezone large area of rural land west of Rangatahi Peninsula to residential. Some of this land is within the FP urban limits.	Inconsistent with RPS.	Yes	Oppose in part
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• It is only partially identified within the urban limits.</li> <li>• Identified in Waikato 2070 but as 30+ years.</li> <li>• Infrastructure, in particular wastewater, is uncertain at this stage.</li> <li>• Preference is to consider this through the FP Strategy update but could consider a FUZ should the panel support Mr Inger's (submission #343) suggestion to undertake spatial planning for Raglan.</li> </ul>					

## 24. Tuakau

24.1. I note that the Framework s42A report indicates a shortfall of dwelling supply at Tuakau. However, the proposed district plan is already rezoning land to allow an additional 1215 dwellings which is more than half of the current supply of 1951 dwellings. The Framework s42A report also projects infill capacity of 378 dwellings in the short term. I believe that this capacity

is already allowed for in the proposed plan, and together with the recommendation in the framework s42A report to up-zone village zoned land to increase densities, gives a level of comfort that development of housing can and will continue in Tuakau while further work is done to better understand supply and demand and how it can be provided in line with all the requirements of the NPS-UD.

Table 23.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
58.1	Kiwi Green NZ Limited	Change industrial to part industrial, part residential	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Oppose
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Tuakau is identified as a strategic industrial node.</li> <li>• Loss of industrial land is not justified.</li> <li>• Inconsistent with Waikato 2070.</li> <li>• Alternative land release criteria not adequately addressed (WRPS 6.14.3).</li> </ul>					

Table 23.2

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
153.2 299.14 299.15	Michael Shen & 2SEN Limited and Tuakau Estates Limited	Rural to residential along Pokeno Road	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Oppose
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Within Future Proof urban limits, partly zoned residential but only partly identified in Waikato 2070.</li> <li>• Contains high class soils, need to consider in context of WRPS Policy 14.2.</li> <li>• Stream and flood prone area should be excluded.</li> <li>• No assessment against the alternative land release criteria (WRPS 6.14.3).</li> </ul>					

Table 23.3

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
172.1 172.2 851.1	Shaun Jackson & Windover Downs Ltd.	Rural to village/residential north east of zoned area	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Letter of support	Oppose
<ul style="list-style-type: none"> <li>• Not within Future Proof urban limits and not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> </ul>					

Table 23.4

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
182.1	Kirriemuir Trust	Rural to residential to the south west of existing zoned area	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Oppose
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Not within Future Proof urban limits and not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> <li>• Identified as high class soils (WRPS Policy 14.2).</li> <li>• Partly within and adjacent to WRC drainage area, careful consideration needed to avoid negative impacts on drainage scheme.</li> </ul>					

Table 23.5

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
287.1 289.1 853.1	Tony Risetto Dean McGill and Sarah Hewitt Paul Manuell	Rezone Village zoned land to residential	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Neutral
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Consistent with s42A Framework report approach to up-zone, within existing urban zoned land, is a more efficient use of land.</li> <li>• However, infrastructure provision needs to be considered.</li> </ul>					

Table 23.6

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
290.1 390.1	Zikang (James) Lin & C.H.S. Enterprises Limited	Rural and village to village to the north east adjacent to existing village zoned land	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes (290)	Oppose
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Within Future Proof urban limits but not identified in Waikato 2070.</li> <li>• Does not have infrastructure or plans for infrastructure at this stage.</li> <li>• Do not support further village zoned land.</li> </ul>					

## 25. Hopuhopu

25.1. WRC supports Waikato-Tainui aspirations on this site. Our further submission opposed the rezoning only in regard to alligator weed and flood hazard on the site, and ensuring that these risks are managed on the site.

Table 24.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
286.1	Waikato-Tainui	Waikato-Tainui have requested a specific zone to allow them to pursue iwi activities on site.	Opposed in part - partially affected by flood hazard mapping and alligator weed.	Yes	Support
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Alligator weed is located within the area of the site containing burrow pits which is excluded from development.</li> <li>• Flood hazard has been addressed, with all development to be located outside the identified flood extent.</li> <li>• Identified as part of MSP.</li> <li>• Partly within and adjacent to WRC drainage area, careful consideration needed to avoid negative impacts on drainage scheme.</li> </ul>					

## 26. Kimihia Lakes Recreation and Events park

26.1. The proposed rezoning allows for a non-urban form of development. WRC's concerns in this instance are not at the strategic level but rather at a technical level relating to the management of the existing and proposed lakes and impacts on the existing drainage land area.

Table 25.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
584.1, 584.2, 584.11, 584.13	Murray & Jennifer Allen	Rezone rural land to recreation and commercial to allow for the development of the Kimihia Lakes Recreation and Events park.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Neutral
<p><b>Reason:</b> Withdraw opposition provided that WRC concerns around flooding and drainage can be addressed:</p> <ol style="list-style-type: none"> <li>1. The stormwater reticulation for the proposed residential area having potential effects on the existing land drainage area.</li> <li>2. Residual risk of flooding resulting from the possibility of a stopbank breach or overtopping in extreme events. The Waikato River current 100 year flood level affecting the area is RL 11.34 m. The area is protected from such a flood by the Huntly North Stopbank.</li> <li>3. That minimum building platform levels can be established on the basis of modelling/ assessments of the following scenarios: <ol style="list-style-type: none"> <li>a. Potential ponding levels resulting from a future (climate change) 100 year flow in the Waikato River causing a stopbank breach or overtopping</li> <li>b. Potential ponding level resulting from a future (climate change) 100 year flow within the catchment with the drainage outlet (eg. Kimihia Floodgate) closed</li> <li>c. Potential flood level for New Lake Kimihia resulting from a similar flood within the lake catchment.</li> </ol> </li> </ol>					



## 27. Tata Valley resort

27.1. WRC is currently processing resource consents for the proposed Tata Valley Resort.

Table 26.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
574.3	Tata Valley Ltd	Rezone large area of rural zoned land near Pokeno to a site specific resort zone to allow for the development of a large scale tourist attraction and accommodation.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Oppose.
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Await outcome of resource consent process to determine whether any zone change is necessary.</li> <li>• Support inclusion of additional areas of SNA.</li> </ul>					

## 28. Rest of district

28.1. The majority of the requests in the rest of the district relate to rural residential requests which I continue to oppose for the reasons set out in section 17 of this evidence. The remaining requests are outlined below.

Table 27.1

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
292.3	David and Barbara Yzendoorn	Rezone rural zoned land to a residential zone on the outskirts of Hamilton within the R2 future growth cell.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• MSP confirmed the R2 area as a future part of Hamilton City.</li> <li>• Rezoning part of the land at this time could compromise the development of this identified future urban area.</li> </ul>					

Table 27.2

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
292.4	David and Barbara Yzendoorn	Rezone a parcel zoned rural to residential on the outskirts of Gordonton.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Neutral
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• The subject lot adjoins properties to the north west that are zoned residential. All of these properties are of similar size and are all developed lots.</li> <li>• The MSP did not address Gordonton. Given this proposal will allow this (already developed) lot to reflect the adjoining zoning lots, the change is in keeping with the current surrounding locality.</li> </ul>					

Table 27.3

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
312.1	Brian Putt Metro Planning	Rezone rural land to a site specific precinct to allow for 10 house sites + protection of notable trees at Whatawhata Arboretum.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Neutral
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Resource consent has now been obtained (via a notified hearing process) for large rural/residential lots.</li> <li>• Support protection of notable trees.</li> </ul>					

Table 27.4

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
341.1 341.2	Tainui Group Holdings	Extend the Ruakura Industrial zone across the eastern side of the Waikato Expressway.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	Yes	Neutral
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• This proposal is identified in the MSP and is actively being worked on with Future Proof partners.</li> <li>• Provisions should be included to ensure adequate infrastructure provision and limitations on the use of the site to industrial, inland port and logistic activities.</li> </ul>					

Table 27.5

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
344.3	Burton Trust	zone a large area of rural land east of Hamilton as a Potential future urban growth area.	Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.	No	Oppose
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Inconsistent with Future Proof and the WRPS.</li> <li>• Was considered in the preparation of the MSP but not supported in the final plan.</li> </ul>					

Table 27.6

Sub #	Submitter name	Request	Reason originally opposed	Evidence?	Current position
654.1	Ngaakau Tapatahi Trust	Rural to business to recognise an existing health facility in Tamahere and allow for its ongoing use and expansion.	A business zone in this location is not supported as it is an isolated site surrounded by rural land and this opens the site up to a range of commercial activities should the hospital use of the site ceases. WRC has no objection to inserting site specific provisions for this site to enable the ongoing use and expansion of the site for a hospital.	No	Oppose
<p><b>Reason:</b></p> <ul style="list-style-type: none"> <li>• Position has not changed – this is consistent with framework s42A report which does not support spot zonings.</li> <li>• The MSP does not support urban development in this area.</li> </ul>					

## 29. Conclusion

29.1. I generally support the approach set out in the Framework s42A report and the S42A report on the FUZ and MSRZ. In this evidence, I have set out my overall position to rezoning requests and a high-level position on specific rezoning requests based on the evidence received. Where necessary, I will then prepare more detailed rebuttal evidence once individual s42A report recommendations are available.

Miffy Foley

10 March 2021

Attachment One: Key relevant objectives and policies in the WRPS

3.12 Built environment

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:

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

Section 2 – General Interpretation

This Regional Policy Statement has adopted the following standard terminology:

- 'Shall' has been used where methods are of a directive nature, where little discretion is intended to be exercised, and where it is intended that district or regional plans shall give effect to the method.
- 'Should' has been used where it is intended that the direction should be followed, except where there are good reasons not to, as demonstrated in a s32 report or other appropriate evaluation or analysis.
- 'Will' has been used in those methods that apply to only the Waikato Regional Council and where it is intended that the direction should be followed, except where there are good reasons not to, as demonstrated in a s32 report or other appropriate evaluation or analysis. While district plans are required to give effect to the Regional Policy Statement, territorial authorities may choose to adopt a stronger or more restrictive management regime within the areas under their control. In this respect the provisions of this policy statement can be considered as 'bottom lines'.

Policy 6.1 Planned and co-ordinated subdivision, use and development

Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

- a) has regard to the principles in section 6A;
- b) recognises and addresses potential cumulative effects of subdivision, use and development;
- c) is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and
- d) has regard to the existing built environment.

Implementation Method 6.1.1 Regional plans, district plans and development planning mechanisms

Local authorities shall have regard to the principles in section 6A when preparing, reviewing or changing regional plans, district plans and development planning mechanisms such as structure plans, town plans and growth strategies.

Implementation Method 6.1.5 District plan provisions for rural-residential development

Rural-residential development should be directed to areas identified in the district plan for rural-residential development. District plans shall ensure that rural-residential development is directed away from natural hazard areas, regionally significant industry, high class soils, primary production activities on those high class soils, electricity transmission, locations identified as likely renewable energy generation sites and from identified significant mineral resources (as identified through Method 6.8.1) and their identified access routes.

Implementation method 6.1.6 Growth strategies

In areas where significant growth is occurring or anticipated, territorial authorities should develop and maintain growth strategies which identify a spatial pattern of land use and infrastructure development and staging for at least a 30-year period. The use of integrated spatial planning tools, such as the Waikato Integrated Scenarios Explorer, should be considered to explore future development options and to integrate land use planning with infrastructure.

Implementation Method 6.1.7 Urban development planning

Territorial authorities should ensure that before land is rezoned for urban development, urban development planning mechanisms such as structure plans and town plans are produced, which facilitate proactive decisions about the future location of urban development and allow the information in Implementation Method 6.1.8 to be considered.

Implementation Method 6.1.8 Information to support new urban development and subdivision

District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following:

- a) the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;
- b) the location, type, scale, funding and staging of infrastructure required to service the area;
- c) multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;
- d) how existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;
- e) potential natural hazards and how the related risks will be managed;
- f) potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be managed;
- g) how stormwater will be managed having regard to a total catchment management approach and low impact design methods;
- h) any significant mineral resources (as identified through Method 6.8.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;
- i) how the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been recognised and provided for;



- j) anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply;
- k) how the design will achieve the efficient use of water;
- l) how any locations identified as likely renewable energy generation sites will be managed;
- m) the location of existing and planned renewable energy generation and consider how these areas and existing and planned urban development will be managed in relation to one another; and
- n) the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or corridor, including how sensitive activities will be avoided in the national grid corridor.

#### Policy 6.3 Co-ordinating growth and infrastructure

Management of the built environment ensures:

- a) the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:
  - i. optimise the efficient and affordable provision of both the development and the infrastructure;
  - ii. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
  - iii. protect investment in existing infrastructure; and
  - iv. ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;

- b) the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated;
- c) the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and
- d) a co-ordinated and integrated approach across regional and district boundaries and between agencies; and
- e) that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies.

Policy 6.6 Significant infrastructure and energy resources Management of the built environment ensures particular regard is given to:

- a) that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;
- b) the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation, electricity transmission, and municipal water supply; and
- c) the locational and technical practicalities associated with renewable electricity generation and the technical and operational requirements of the electricity transmission network.

Implementation method 6.6.1 Plan provisions

Regional and district plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment:

- a) avoids, as far as practicable, adverse effects on the function of significant transport corridors as defined in Maps 6.1 and 6.1A (section 6B), and otherwise remedies or mitigates any adverse effects that cannot be practicably be avoided;
- b) avoids, as far as practicable, the adverse effects of ribbon development along the defined significant transport corridors, and otherwise remedies or mitigates any adverse effects that cannot practicably be avoided;

- c) avoids as far as practicable, the need for additional access points onto the defined significant transport corridors, and otherwise remedies or mitigates the adverse effects of any additional access points that cannot practicably be avoided;
- d) avoids as far as is practicable, the exacerbation of community severance caused by defined significant transport corridors, and otherwise remedies or mitigates the adverse effects of any exacerbated community severance that cannot practicably be avoided;
- e) provides for renewable energy by having particular regard to:
  - i) the increasing requirement for electricity generation from renewable sources such as geothermal, fresh water, wind, solar, biomass and marine, and the need to maintain generation from existing renewable electricity generation activities;
  - ii) the need for electricity generation to locate where energy sources exist, and transmission infrastructure to connect these generation sites to the national grid or local distribution network;
  - iii) the logistical or technical practicalities associated with developing, upgrading, operating or maintaining renewable electricity generation, or electricity transmission activities;
  - iv) any residual environmental effects of renewable electricity generation activities which cannot be avoided, remedied or mitigated can be offset or compensated to benefit the affected community or the region; and
  - v) the benefits of renewable electricity generation activities including maintaining or increasing security of electricity supply.
- f) provides for infrastructure in a manner that:
  - i) recognises that infrastructure development can adversely affect people and communities;
  - ii) enables the ongoing operation, maintenance, upgrading and development of municipal water supply infrastructure so as to provide for the justified and reasonably foreseeable needs of current and future generations; and
  - iii) does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure.
- g) considers how existing and planned renewable electricity generation activities and existing and planned urban development will be managed in relation to one another.

#### 6.14 Adopting the Future Proof land use pattern

Within the Future Proof area:

- a) new urban development within Hamilton City, Cambridge, Te Awamutu/Kihikihi, Pirongia, Huntly, Ngaruawahia, Raglan, Te Kauwhata, Meremere, Taupiri, Horotiu, Matangi, Gordonton, Rukuhia, Te Kowhai and Whatawhata shall occur within the Urban Limits indicated on Map 6.2 (section 6C);
- b) new residential (including rural-residential) development shall be managed in accordance with the timing and population for growth areas in Table 6-1 (section 6D);
- c) new industrial development should predominantly be located in the strategic industrial nodes in Table 6-2 (section 6D) and in accordance with the indicative timings in that table except where alternative land release and timing is demonstrated to meet the criteria in Method 6.14.3;
- d) other industrial development should only occur within the Urban Limits indicated on Map 6.2 (section 6C), unless there is a need for the industry to locate in the rural area in close proximity to the primary product source. Industrial development in urban areas other than the strategic industrial nodes in Table 6-2 (section 6D) shall be provided for as appropriate in district plans;
- e) new industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 6-2 shall not be of a scale or location where the development undermines the role of any strategic industrial node as set out in Table 6-2;
- f) new industrial development outside the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the arterial function of the road network, and on other infrastructure;
- g) where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern; and

- h) where land is required for activities that require direct access to Hamilton Airport runways and where these activities cannot be accommodated within the industrial land allocation in Table 6-2, such activities may be provided for within other land adjacent to the runways, providing adverse effects on the arterial road network and other infrastructure are avoided, remedied or mitigated.

#### 6.14.3 Criteria for alternative land release

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:

- 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;
- 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);
- c) sufficient zoned land within the greenfield area or industrial node is available or could be made available in a timely and affordable manner; and making the land available will maintain the benefits of regionally significant committed infrastructure investments made to support other greenfield areas or industrial nodes; and
- d) the effects of the change are consistent with the development principles set out in Section 6A.

#### Policy 6.15 Density targets for the Future Proof area

Hamilton City Council, Waipa District Council and Waikato District Council shall seek to achieve compact urban environments that support existing commercial centres, multi-modal transport options, and allow people to live, work and play within their local area. In doing so, development provisions shall seek to achieve over time the following average gross density targets:

Development type and location	Average gross density target
Hamilton Central Business District	50 households per hectare
Hamilton Intensification Areas	30 households per hectare
Hamilton Greenfield (Rototuna, Rotokauri, Ruakura Peacocke)	16 households per hectare
Greenfield development in Cambridge, Te Awamutu/Kihikihi, Huntly, Ngaruawahia, Raglan/Waingarua and Te Kauwhata	12 – 15 households per hectare
Greenfield development in Waikato District rural villages where sewerage is reticulated	8 – 10 households per hectare

#### Policy 6.16 Commercial development in the Future Proof area

Management of the built environment in the Future Proof area shall provide for varying levels of commercial development to meet the wider community's social and economic needs, primarily through the encouragement and consolidation of such activities in existing commercial centres, and predominantly in those centres identified in Table 6-4 (section 6D). Commercial development is to be managed to:

- a) support and sustain the vitality and viability of existing commercial centres identified in Table 6-4 (section 6D);
- b) support and sustain existing physical resources, and ensure the continuing ability to make efficient use of, and undertake long-term planning and management for the transport network, and other public and private infrastructure resources including community facilities;
- c) recognise, maintain and enhance the Hamilton Central Business District as the primary commercial, civic and social centre of the Future Proof area, by:
  - i) encouraging the greatest diversity, scale and intensity of activities in the Hamilton Central Business District;
  - ii) managing development within areas outside the Central Business District to avoid adverse effects on the function, vitality or amenity of the Central Business District beyond those effects ordinarily associated with trade competition on trade competitors; and
  - iii) encouraging and supporting the enhancement of amenity values, particularly in areas where pedestrian activity is concentrated.
- d) recognise that in addition to retail activity, the Hamilton Central Business District and town centres outside Hamilton are also centres of administration, office and civic activity. These activities will not occur to any significant extent in Hamilton outside the Central Business District in order to maintain and enhance the Hamilton Central Business District as the primary commercial, civic and social centre;
- e) recognise, maintain and enhance the function of sub-regional commercial centres by:

- i) maintaining and enhancing their role as centres primarily for retail activity; and
  - ii) recognising that the sub-regional centres have limited non-retail economic and social activities;
- f) maintain industrially zoned land for industrial activities unless it is ancillary to those industrial activities, while also recognising that specific types of commercial development may be appropriately located in industrially zoned land; and
- g) ensure new commercial centres are only developed where they are consistent with a) to f) of this policy. New centres will avoid adverse effects, both individually and cumulatively on:
- i) the distribution, function and infrastructure associated with those centres identified in Table 6-4 (section 6D);
  - ii) people and communities who rely on those centres identified in Table 6-4 (section 6D) for their social and economic wellbeing, and require ease of access to such centres by a variety of transport modes;
  - iii) the efficiency, safety and function of the transportation network; and
  - iv) the extent and character of industrial land and associated physical resources, including through the avoidance of reverse sensitivity effects.

Policy 6.17 Rural-residential development in Future Proof area

Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the sub-region, and particularly in areas within easy commuting distance of Hamilton and:

- a) the potential adverse effects (including cumulative effects) from the high demand for rural-residential development;
- b) the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities;
- c) the additional demand for servicing and infrastructure created by rural-residential development;
- d) the potential for cross-territorial boundary effects with respect to rural-residential development; and e) has regard to the principles in section 6A.

6A General Development Principles

New development should:

- a) support existing urban areas in preference to creating new ones;
- b) occur in a manner that provides clear delineation between urban areas and rural areas;
- c) make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;
- d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;
- e) connect well with existing and planned development and infrastructure;
- f) identify water requirements necessary to support development and ensure the availability of the volumes required;
- g) be planned and designed to achieve the efficient use of water;
- h) be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;
- i) promote compact urban form, design and location to:
- j) minimise energy and carbon use;
- k) ii) minimise the need for private motor vehicle use;
- l) 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;
- m) iv) encourage walking, cycling and multi-modal transport connections; and
- n) v) maximise opportunities for people to live, work and play within their local area;
- o) maintain or enhance landscape values and provide for the protection of historic and cultural heritage;



- p) 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;
- q) maintain and enhance public access to and along the coastal marine area, lakes, and rivers;
- r) 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);
- s) adopt sustainable design technologies, such as the incorporation of energy efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;
- t) 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;
- u) be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;
- v) 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;
- w) support the Vision and Strategy for the Waikato River in the Waikato River catchment;
- x) encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and
- y) recognise and maintain or enhance ecosystem services.

#### Principles specific to rural-residential development

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

- a) be more strongly controlled where demand is high;

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

Policy 13.2 Manage activities to reduce the risks from natural hazards

Subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level including by:

- a) ensuring risk is assessed for proposed activities on land subject to natural hazards;
- b) reducing the risks associated with existing use and development where these risks are intolerable;
- c) avoiding intolerable risk in any new use or development in areas subject to natural hazards;
- d) minimising any increase in vulnerability due to residual risk;
- e) avoiding the need or demand for new structural protection works; and
- f) discouraging hard protection structures and promoting the use of alternatives to them, including natural defences in the coastal environment.

Policy 14.2 High class soils

Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.

## Attachment Two – Rural residential submission points

### Rest of district

Sub #	Name of original submitter	Current Zoning	Proposed Zoning	Location
151.1	Todd Bawden	Rural	Country Living	Horsham Downs
837.1	Stuart Seath	Rural	Country Living	Whatawhata
103.1	David Hall	Rural	Country Living	Rotokauri
330.14 1	Andrew and Christine Gore	Rural	Country Living	North of Hamilton
387.1	Farm Limited Diamond Creek	Rural	Country Living	Te Uku
393.1	Bowrock Properties Limited	Rural	Country Living	Tauwhare
394.25	Gwenith Sophie Francis	Rural	Country Living	Buckland
447.11	Ben Young Madsen Lawrie Consultants Ltd	Rural	Country Living	63 McKenzie Road, Mangatawhiri
503.15 58.194 8.1949. 1950.1 951.19 52.195 3.1954. 1955.1 956.19 57.195 8.1959. 1960.1	Kenneth Rowe Linda Rowe & others	Rural	Country Living	233 Wilton Collieries Rd, Glen Massey
715.1	Khushwin Limited	Rural	Living Zone or Country Living Zone	Waiuku
947.1	Stuart Quigley	Rural	Country Living	Glen Massey
394.25	Gwenith Sophie Francis	Rural	Country Living	Buckland
682.1	The Buckland Country Living Zone Landowners Group	Rural	Country Living	Buckland
129.1	Geoffrey Long	Rural	Country Living	Yumelody Lane, Matangi
363.1	Divina Libre	Rural	Country Living	Yumelody Lane, Matangi
407.1	Mel Libre	Rural	Country Living	Yumelody Lane, Matangi
426.1	Kim Angelo Libre	Rural	Country Living	Yumelody Lane, Matangi
398.2	Ian Thomas	Rural	Country Living	Matangi Tamahere
418.9	Ethan Findlay	Rural	More intensive zoning (does not	Matangi Tamahere

Sub #	Name of original submitter	Current Zoning	Proposed Zoning	Location
			specify zone preference)	
712.1	Bettley-Stamef Partnership	Rural	Country Living	Matangi
14.1	Steve Cochrane	Rural	Village	Matangi

#### Tuakau

Sub #	Name of original submitter	Current Zoning	Proposed Zoning	Location
70.3	Ben Stallworthy	Rural	Country Living	Taukau
592.1	Christine Montagna	Rural	Country Living	Tuakau

#### Te Kauwhata

Sub #	Name of original submitter	Current Zoning	Proposed Zoning	Location
159.1	Jefferis and Susan Bodley	Rural	Village	Te Kauwhata
472.1 474.1	Grant Clune (Jagco) jointly with Charlotte Brown Fara Kurima Partnership	Rural	Country Living	Plantation Road, Te Kauwhata
508.1	Tui Ridge Limited	Rural	Country Living	Te Kauwhata
537.1 &2	Kelvin & Joy Smith	Rural	Country Living	Te Kauwhata

#### Pokeno

Sub #	Name of original submitter	Current Zoning	Proposed Zoning	Location
451.1	Steven & Teresa Hopkins	Rural	Village	Pokeno

#### Te Kowhai, Horotiu, Ngaruawahia and Taupiri

Sub #	Name of original submitter	Current Zoning	Proposed Zoning	Location
296.3	Terra Consultants	Rural	Village	Te Kowhai
834.4	Marshall & Kristine Stead	Rural	Village	Te Kowhai
943.54 943.62	McCracken Surveys Limited	Rural	Village	Te Kowhai
376.2	Jolene Francis	Rural	Country Living	Te Kowhai
92.1	Warren Jonson	Rural	Village	Te Kowhai
645.1	Robert Clear	Rural	Village	Te Kowhai

<b>Sub #</b>	<b>Name of original submitter</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Location</b>
832.1 832.4	Niksha Farac	Rural	Residential	Te Kowhai
968.1	Carol & Gordon Corke	Rural	Country Living	Te Kowhai & Horotiu area
79.1	Amy Pitcher	Rural	Country Living	Horotiu Bridge Road
397.1	Horotiu Properties Limited	Rural	Village	Horotiu
967.1	Peter Pavich	Rural	Country Living	Ngaruawahia