

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan

Hearing 25: Zone Extents Tuakau

Report prepared by: Chloe Trenouth

Date: 14 April 2021



TABLE OF CONTENTS

1	Introduction	6
2	Scope of report	7
3	Overview of submissions.....	18
4	Statutory framework.....	20
5	Residential Zone to Rural Zone – Harrisville Motorcross Track	29
6	Village Zone to Residential Zone.....	35
7	Rural Zone to Residential Zone – Dominion Road.....	45
8	Rural Zone to Residential Zone – Geraghtys Road.....	55
9	Industrial Zone to Business Zone – Ryders Road.....	65
10	Industrial Zone to Residential Zone – Whangarata Road	69
11	Rural Zone to Village Zone.....	73
12	Rural Zone to Country Living Zone.....	78
13	Medium Density Residential Zone	89
14	Miscellaneous requests	95
15	Retain or oppose zones – township.....	101
16	Conclusion	111

List of submitters and further submitters addressed in this report

Original submitter	Submission number
Jan Maree Vodanovich	5
Cyclespot Eur	33
D & J Trust	39
Anthony Van Lieshout	51
Kiwi Green NZ Limited	58
Brent Greig	65
Pirie and Lynne Brown	67
Ben Stallworthy	70
Diewke Butler	71
Andrew and Jo Payne	98
William and Paulette Screen	105
Dirk-Jan and Family Oostdam	107
GD Jones	110
Peter Donald Johnson	111
Graham Reaks	112
Navin Makan	117
Makan Daya & Co Ltd	119
Gary and Jill Morris	127
Equus Enterprises Ltd	140
Susan and Maurice McKendry	141
James Edward Greenhough	143
Kirsten Seamer	144
Peter and Lee Walter	145
Bruce and Raelyn Wallbank	146
Nigel and Lee Tiley	150
Michael Shen	153
Shaun Jackson	172
Cameron and Alicia De'Arth	173
David Shorter	174
Yvonne Pack	175
Steven Shue	178
Jennifer Buchanan	179
Kirriemuir Trustee Limited	182
Taik Seok Hwang	186
Philip and Jan Hillmer	201

Further submitter	Submission number
<i>Mercury C</i>	<i>FSI386</i>
<i>Gerardus Aarts and Yvonne Gemma Aarts</i>	<i>FSI200</i>
<i>Mary Evelyn Chapman</i>	<i>FSI226</i>
<i>John Scott</i>	<i>FSI231</i>
<i>Anthony Montagna</i>	<i>FSI232</i>
<i>Kirsten Marx</i>	<i>FSI235</i>
<i>Anthony James Parker</i>	<i>FSI290</i>
<i>Nesdam & Fisk Madsen Trust</i>	<i>FSI360</i>
<i>Pamela Rosalind Anne Parker</i>	<i>FSI361</i>
<i>Lauren Alexandra Banks</i>	<i>FSI205</i>
<i>Pamela Jocelyn Lewis</i>	<i>FSI213</i>
<i>Lisa Vickery</i>	<i>FSI217</i>
<i>Kirsty Rae Rapana</i>	<i>FSI219</i>
<i>Heather Walden</i>	<i>FSI220</i>
<i>Karen Daphne McMurtry</i>	<i>FSI227</i>
<i>Peter Christopher Chapman</i>	<i>FSI228</i>
<i>James Wilson McMurtry</i>	<i>FSI229</i>
<i>Nichola Taylor</i>	<i>FSI230</i>
<i>Andrea Scott</i>	<i>FSI233</i>
<i>Scott Taylor</i>	<i>FSI234</i>
<i>Lynda Mellsop</i>	<i>FSI236</i>
<i>Bronwyn McMurtry</i>	<i>FSI237</i>
<i>Grant David Maclean</i>	<i>FSI238</i>
<i>Ruth Phillips</i>	<i>FSI239</i>
<i>Linda Andrew</i>	<i>FSI240</i>
<i>Calvin Andrew</i>	<i>FSI241</i>
<i>Faine Delwyn Mende</i>	<i>FSI242</i>
<i>Nicole Ormsby</i>	<i>FSI243</i>
<i>Maire Enterprises Limited</i>	<i>FSI245</i>
<i>Sharageen Holdings Limited</i>	<i>FSI246</i>
<i>Tammy Baker</i>	<i>FSI247</i>
<i>Gary Finlay</i>	<i>FSI336</i>
<i>Shana King</i>	<i>FSI351</i>
<i>Graydon Millen</i>	<i>FSI352</i>
<i>Peter Francis Montagna</i>	<i>FSI354</i>

Original submitter	Submission number
John and Gail Cameron	207
Rochelle Crane	223
Richard Gard'ner	228
Kylie Escott	247
Tony Risetto	287
Sarah and Dean Hewitt and McGill	289
Zikang (James) Lin	290
2SEN Limited and Tuakau Estates Limited	299
Wallace and AnnMaree Bremner	347
CHS Enterprises Limited	390
Gwenith Sophie Francis	394
Delys Tansley	399
Tuakau Proteins Limited	402
Horticulture New Zealand	419
Envirofert Limited	425
Louise Whyte	486
Mark Sillence	542 542
Fellrock Developments Limited and TTT Products Limited	543
JoonYoung Moon	568
Andrew George Reeves	569
Litania Liava'a	572
David James Evans	592
Christine Montagna	593
Helen Thomas	609
Neil and Margaret Dudley	614
Van Den Brink Group	633
Harrisville Family Trust	641
Graham Halsey	663
Duncan McNaughton	667
Lavalla Farms Limited	681

Further submitter	Submission number
<i>Justine Wootton</i>	<i>FSI355</i>
<i>Elizabeth Jean Deadman</i>	<i>FSI356</i>
<i>Graham Gavin Deadman</i>	<i>FSI357</i>
<i>Graham A Deadman</i>	<i>FSI358</i>
<i>Oshila Greathead</i>	<i>FSI359</i>
<i>Samuel Philip Crisp</i>	<i>FSI362</i>
<i>Carly Rae Crisp</i>	<i>FSI363</i>
<i>Carlo Montagna</i>	<i>FSI364</i>
<i>David Gordon Eady</i>	<i>FSI372</i>
<i>Auckland Council</i>	<i>FSI129</i>
<i>Waikato Regional Council</i>	<i>FSI277</i>
<i>2CEN and Tuakau Estates Ltd</i>	<i>FSI117</i>
<i>Tuakau Proteins Limited</i>	<i>FSI353</i>
<i>CHS Enterprises Limited</i>	<i>FSI023</i>
<i>Windover Downs Limited</i>	<i>FSI185</i>
<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>FSI108</i>
<i>Waka Kotahi NZ Transport Agency (formerly New Zealand Transport Agency)</i>	<i>FSI202</i>
<i>Mercury E</i>	<i>FSI388</i>
<i>Watercare Services Ltd</i>	<i>FSI176</i>
<i>MJ Stormont</i>	<i>FSI079</i>
<i>Simon Dromgool</i>	<i>FSI038</i>
<i>Shaun McGuire</i>	<i>FSI136</i>
<i>Kirriemuir Trustee Limited</i>	<i>FSI140</i>
<i>Delys Tansley</i>	<i>FSI143</i>
<i>Havelock Village Limited</i>	<i>FSI377</i>
<i>Mercury D</i>	<i>FSI387</i>
<i>Greig Developments No 2 Limited</i>	<i>FSI187</i>
<i>Van Den Brink Group</i>	<i>FSI193</i>
<i>GD Jones</i>	<i>FSI091</i>
<i>Kāinga Ora – Homes and Communities (formerly Housing New Zealand Corporation)</i>	<i>FSI269</i>

Original submitter	Submission number
The Buckland Country Living Zone Landowners Group	682
Greig Holdings Limited	685
Gerardus and Yvonne Gemma Aarts	688
Sarah Whyte	716
Waka Kotahi NZ Transport Agency	742
TA Reynolds Limited	748
Chanel Hargrave and Travis Miller	751
Pukekohe Motorcycle Club	807
Henry Gao	841
Matthew Rogers, Catherine Rogers, Martin Mooney, Helen Mooney	842
Windover Downs Ltd	851
Paul Manuell	853
Black Sands Trust	857
Brendon John and Denise Louise Strong	871

Further submitter	Submission number
<i>Auckland Transport</i>	<i>FS1273</i>
<i>Turangawaewae Trust Board</i>	<i>FS1139</i>
<i>The Surveying Company</i>	<i>FS1308</i>
<i>The Surveying Company</i>	<i>FS1308</i>
<i>The Surveying Company</i>	<i>FS1308</i>
<i>The Surveying Company</i>	<i>FS1308</i>

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My full name is Chloe Trenouth. I am a Director (Planner) at Hill Young Cooper Ltd. I have been in this position since April 2016. I have been employed at Hill Young Cooper Ltd since July 2012.
2. I hold the qualification of Bachelor of Planning from the University of Auckland and am a full member of the New Zealand Planning Institute. I am also an accredited independent hearing commissioner.
3. I have been employed in planning roles in private consultancy, central government and local government for over 20 years. My relevant experience to this hearing includes being the s42A reporting planner on the Ohinewai rezoning requests (Hearing 19) and Rangitahi Peninsula (Hearing 23). I am currently the s42A reporting planner for a private plan change to the Auckland Unitary Plan at Patumahoe.
4. Other relevant experience includes my role as lead planner for the hearings process on the urban growth regional policy statement provisions of the Proposed Auckland Unitary Plan, on behalf of Auckland Council. I have been an expert planning witness for several appeals to the Environment Court on the Rural Urban Boundary location in the Auckland Unitary Plan, and several other district plan and resource consent appeals.
5. I have also prepared and processed many district plan changes and been involved in planning for greenfields areas throughout Auckland, including Takaanini, Whenuapai, Warkworth and Drury South. Prior to employment at Hill Young Cooper Ltd I was part of the Spatial Plan team responsible for producing the first Auckland Plan.

I.2 Code of Conduct

6. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this 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 that I express.
7. I am authorised to give this evidence on the Council's behalf to the hearing commissioners.

I.3 Conflict of interest

8. I, as well as other Hill Young Cooper Ltd staff, have had no prior involvement in the preparation of, or any submissions on, the Proposed Waikato District Plan (PWDP). I confirm that I have no real or perceived conflict of interest.

I.4 Preparation of this report

9. I am the author of this s42A report.
10. The scope of evidence relates to evaluation of submissions and further submissions received in relation to Tuakau rezoning.
11. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
12. In considering the submissions, I have relied on the technical assessments undertaken as part of the Tuakau Structure Plan, including:

- a. Tonkin and Taylor, Catchment Management Plan (2014)
 - b. AECOM, Geotechnical Suitability Assessment (2014)
 - c. Marshall Day, Acoustic Assessment Report (2015)
 - d. Tonkin and Taylor, Assessment of Air Quality Effects and Separation Distances (2015)
 - e. Mansergh Graham Landscape Architects Ltd, Assessment of Landscape Visual and Amenity Effects (2014).
13. In preparing this report I also rely on information in the Hearing 25: s42A Framework Report prepared by Mr Davey (Framework Report), as well as the Hearing 25: s42A Report on the Future Urban Zone and Residential Medium Density Zone prepared by Mr Cleese. I confirm I have read all of the submitter evidence filed in respect of this topic. Where I rely on the submitter evidence, this is identified in the relevant section of my report.

2 Scope of report

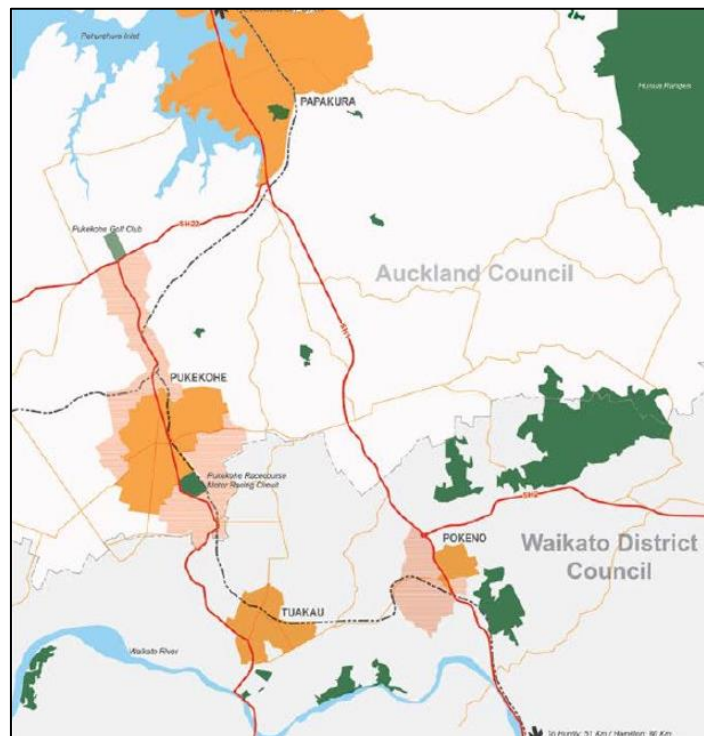
2.1 Matters addressed by this report

14. This report is prepared in accordance with s42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the provisions on the zoning of Tuakau within the PWDP.

2.2 Overview of Tuakau

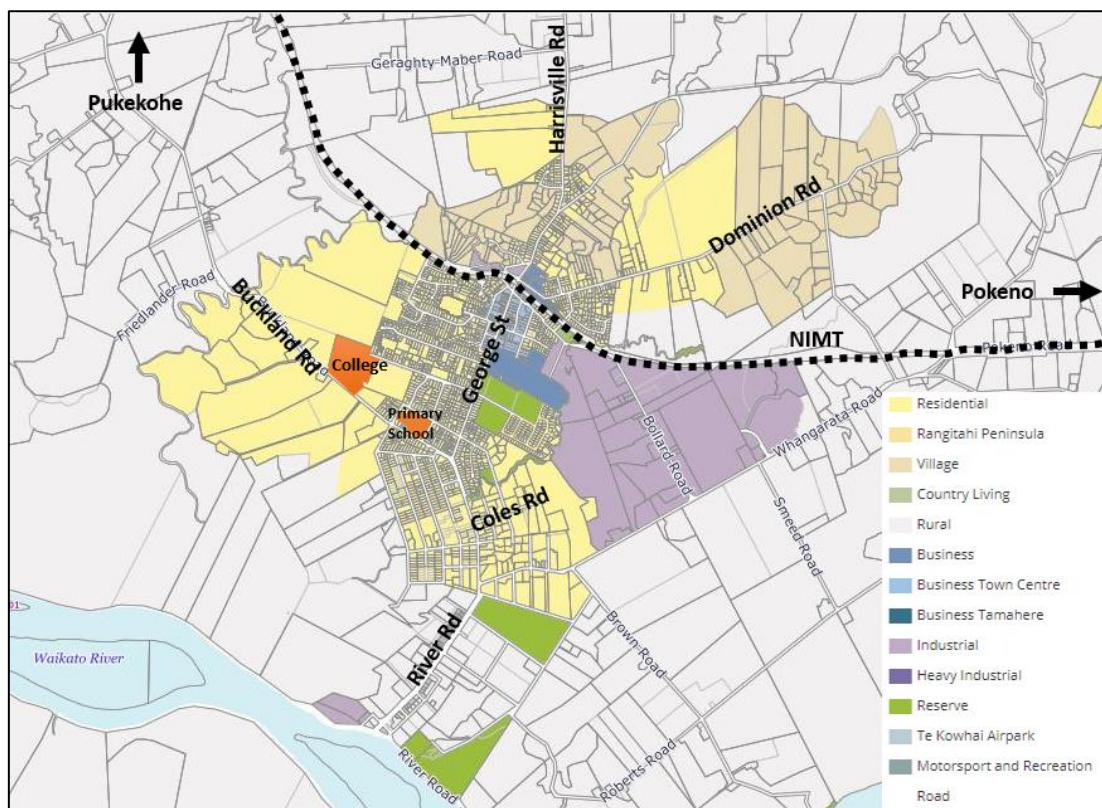
15. Tuakau is located at the northern edge of the Waikato district close to Auckland (Figure 1). Originally part of the Auckland region and Franklin district, Tuakau became part of the Waikato region at the time of the local government amalgamation in Auckland in 2010.

Figure 1: Tuakau – Location Map



16. The population of Tuakau is approximately 7,622 as at 2021.¹ To the west is Pōkeno, which has experienced rapid growth over the past 10 years; and to the north is Pukekohe, which is identified for significant growth over the next 30 years.
17. Figure 2 below illustrates that the Tuakau township is divided north–south by the North Island Main Trunk (NIMT) railway. Perpendicular to the railway runs George Street to the south and Harrisville Road to the north. The existing township extends approximately 3km north–south and 1.5km east–west. Higher-density residential development has occurred mainly to the west of George Street, north of Buckland Road as well as adjacent to Harrisville and Dominion roads as far north as Percy Graham Drive. Further to the south, along George Street, from Coles Road to the south, lots generally increase in size. Lifestyle blocks are generally located to the southeast towards Whangarata Road. Tuakau Primary School and Tuakau College are within the south-west of the township on Buckland Rd. The character of the township and the surrounding landscape is heavily influenced by historical development patterns.

Figure 2: Tuakau Township - Map



18. The four areas of Tuakau are described as follows:²
- Tuakau North – relatively steep ridges and deep gullies, bounded by the NIMT railway to the south, its northern fringe is surrounded by pockets of vegetation and rural activity
 - Tuakau East – industrial area, including manufacturing, distribution, light industry and supporting services; predominantly surrounded by rural activity, the area is bounded by the NIMT railway to the north and Whangarata Road to the south

¹ Stats NZ Census 2021, Tuakau North and South, and Tuakau Rural.

² Franklin District Growth Strategy 2007, section 7, page 34.

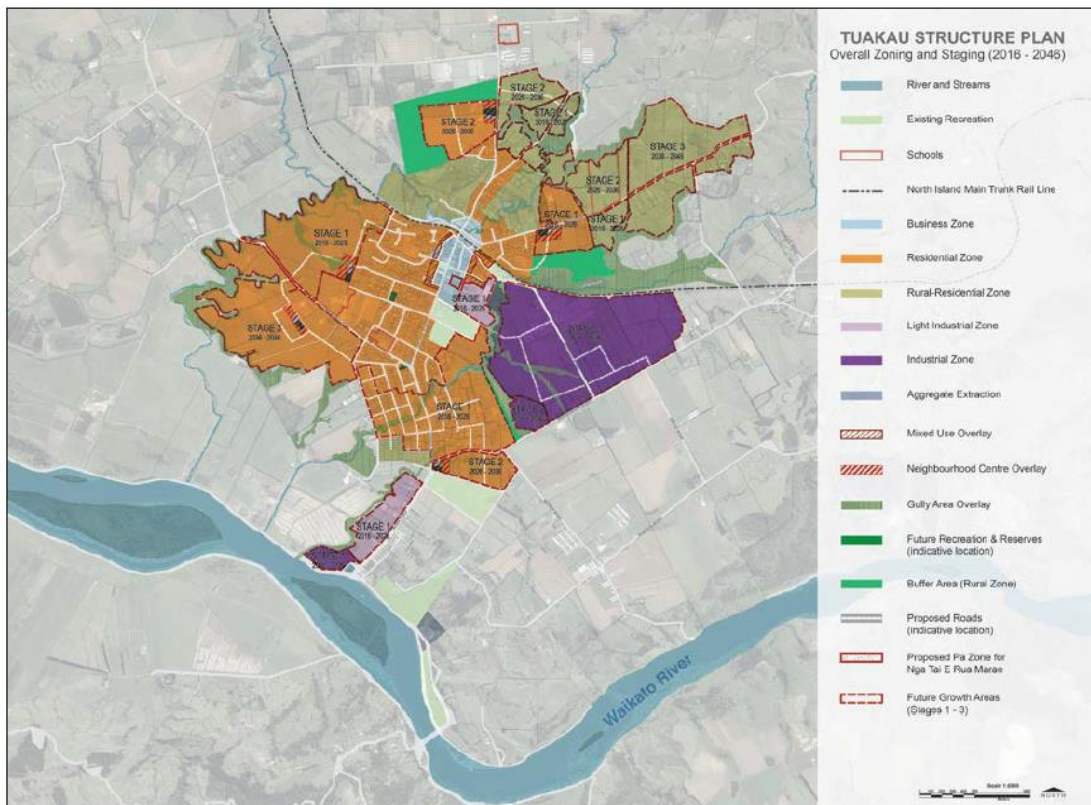
- c. Tuakau South – surrounded by rural fringe to its southern boundary and includes River Road (SH22) and George Street, close to primary and secondary schools, main route to the river, ribboned with a mix of light industrial and residential activities which separate the main town from its natural asset – the Waikato River
- d. Tuakau West – area of established residential development west of the town centre, bounded by SH22 to the south and the NIMT railway to the north, gently undulating hillsides.

2.2.1 Tuakau Structure Plan

- 19. Limited opportunities for growth at Tuakau were identified in the Franklin District Growth Strategy (2007), only identifying an additional 48ha within a contained urban area. However, it also identified the need for structure planning to address identified issues.
- 20. The Tuakau Structure Plan (TSP) was adopted in 2014. The TSP seeks to accommodate approximately 5,000 additional people by 2046 through a range of housing from rural residential (min. 3,000m²) in areas of undulating topography, to mostly detached residential in urban residential areas. Growth is proposed across three stages.
- 21. Several technical assessments were prepared in support of the structure plan, including odour, acoustic, separation distances, urban design, water and wastewater, growth, draft Catchment Management Plan, geotechnical, transport, ground contamination, archaeological heritage, landscape visual amenity, aquatic ecology, draft concept plan, and built heritage. The technical assessments prepared for the TSP are relevant to the consideration of rezoning requests and where relevant these are referred to within the analysis sections of the report.
- 22. The TSP is a non-RMA statutory document developed under the special consultative procedures of the Local Government Act and was prepared to guide development through the implementation of plan changes, and the Long Term Plan. The special consultative process included engagement with the local Tuakau community, iwi and key stakeholders in the structure plan preparation process, and built on previous consultation with the community. Community consultation on the TSP occurred during 2013 and 2014 and included public meetings, workshops, and feedback on the draft TSP.
- 23. Key vision principles were identified through community engagement:³
 - a. Maintain identity with well designed development;
 - b. Well connected network of roads and paths;
 - c. Buffers between residential and industry; and
 - d. Vibrant town centre as focal point.
- 24. Figure 3 illustrates the TSP identified growth areas across three stages to 2046, and includes low-density residential, rural-residential, and industrial land. The TSP also identified Rural Zone buffer areas in two locations associated with the Pukekohe Motorcycle Club and the Whangarata industrial area.

³ Tuakau Structure Plan, page 11.

Figure 3: Tuakau Structure Plan – Overall zoning and staging map



25. While the TSP remains relevant due to technical analysis and community engagement undertaken to identify areas suitable for growth, this document was prepared prior to the release of the National Policy Statement for Urban Development Capacity (December 2016), and the demand for growth has changed. Therefore, the staging identified by the TSP is now out of date.
26. Plan Change 16 (PC16), which sought to implement the first stage of the TSP, was notified by the Council on 16 July 2016. PC16 sought to rezone land to enable approximately 1,250 dwellings. The s32 report for PC16 evaluated the proposed rezoning, including the identification of environmental costs associated with the loss of productive land as well as economic costs associated with new infrastructure and the payment of development contributions to offset the costs of growth. Overall, the evaluation determined that the proposed rezoning was the most appropriate to meet the growth demands.
27. On 12 December 2016 PC16 was withdrawn in part in relation to the proposed Industrial Zone (Map 6) and associated provisions applying to the Whangarata industrial area. The reason for withdrawing this component was to enable the industrial zone to be considered as part of the comprehensive district plan review. The PWDP has addressed this issue by applying one zone across the three Whangarata industrial areas to provide a comprehensive and consistent set of plan provisions.
28. On 11 September 2017 the remainder of PC16 was withdrawn because it was considered appropriate to consider the issues raised through submissions to be comprehensively addressed through the Waikato District Plan Review. The PWDP was notified on 18 July 2018 and all of the proposed rezoning identified in PC16 was carried over. Many of the submitters to PC16 have made the same or similar submissions to the PWDP which are addressed in this report. Table 1 identifies the TSP stages and provides a comparison with PC16 and PWDP to demonstrate how the TSP has been implemented.

Table 1: TSP staging – Comparison between PCI6 and PWDP

Tuakau Structure Plan	Included in PCI6	Included in PWDP
Stage 1 - Residential	Yes	Yes
Stage 1 – Rural Residential	Yes	Yes
Stage 1 - Industrial	Yes	Yes
Stage 2 - Residential	Partially (small area at southern edge of township)	Yes (including some areas identified for rural residential northern of Dominion Road)
Stage 2 – Rural Residential	No	Yes
Stage 2 – Industrial	Yes	Yes
Stage 3 – Residential	No	Yes
Stage 3 – Rural Residential	No	Yes

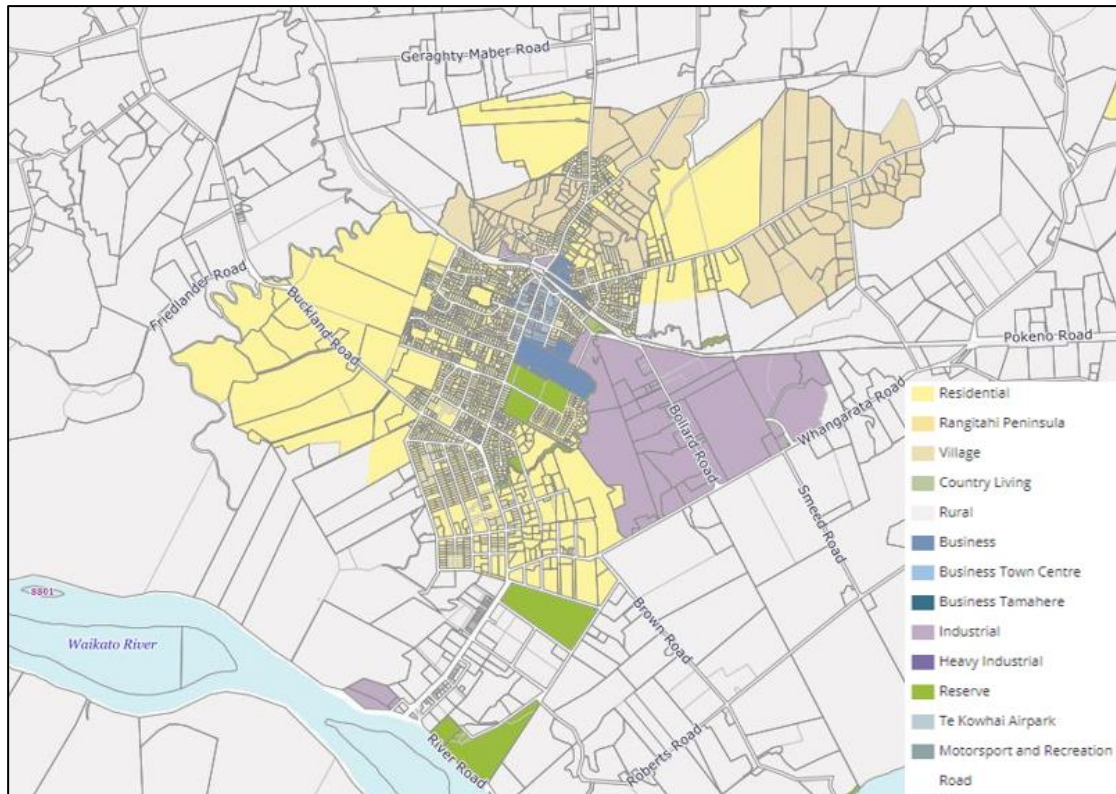
2.2.2 Growth

29. The population within the Tuakau township grew by approximately 1,400 people between 2006 and 2018.⁴ The same steady growth is anticipated since 2018 because there has not been a significant influx in building consents for dwellings (less than 100 new dwellings issued since 2018). Although growth is occurring, it is not at the same scale as what has occurred in Pōkeno over the last 10 years.
30. The TSP identified that population growth between 2004 and 2014 was mainly accommodated through infill development within existing Residential and Rural Residential zoned land. The only rezoning that had occurred prior to the PWDP was to add the Whangarata industrial area east of Bollard Road.
31. Waikato district growth projections identify insufficient capacity to meet demand at Tuakau for the medium term.⁵ The PWDP s32 report does not provide a specific evaluation for rezoning the entire urban growth area. However, the s32 report highlights that proposed zoning is required to address updated growth projections and the need to provide for an additional 15,000–20,000 people to be accommodated in Tuakau, which is identified in *Future Proof Strategy – Planning for Growth* (Future Proof 2017). Therefore, this is identifying the need to bring forward land that was previously identified for long-term supply. The PWDP responds to this issue by zoning all three stages of the TSP (Figure 4).

⁴ Stats NZ Census 2006 and 2018.

⁵ S42A Framework Report, page 90.

Figure 4: Notified zones



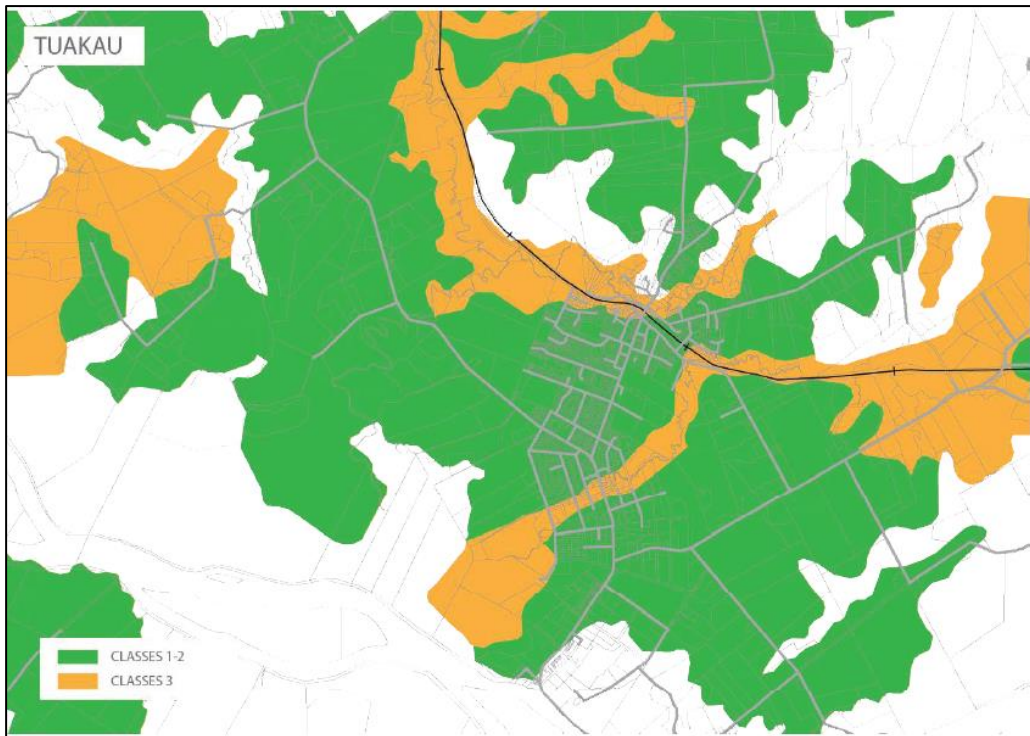
32. The PWDP s32 report discusses issues relating to rezoning more generically (not area specific), including loss of agricultural and horticultural land. It is identified that around 50 per cent of the growth areas across the district are identified to contain high-class soils (569ha), with 57 per cent of these soils located around Tuakau (326ha). Although the report determines that the growth areas only represent a long-term loss of just 1 per cent of the district's high-class soils, the loss in Tuakau would be 13 per cent.⁶

2.2.3 Constraints to growth

33. Tuakau is surrounded by productive land use where a number of horticulture activities are present, including cropping. These areas are located on the northern, western and southern edges of the township where there is a strong presence of high-class soils (land use capability (LUC) classes 1–3), as illustrated in Figure 5.

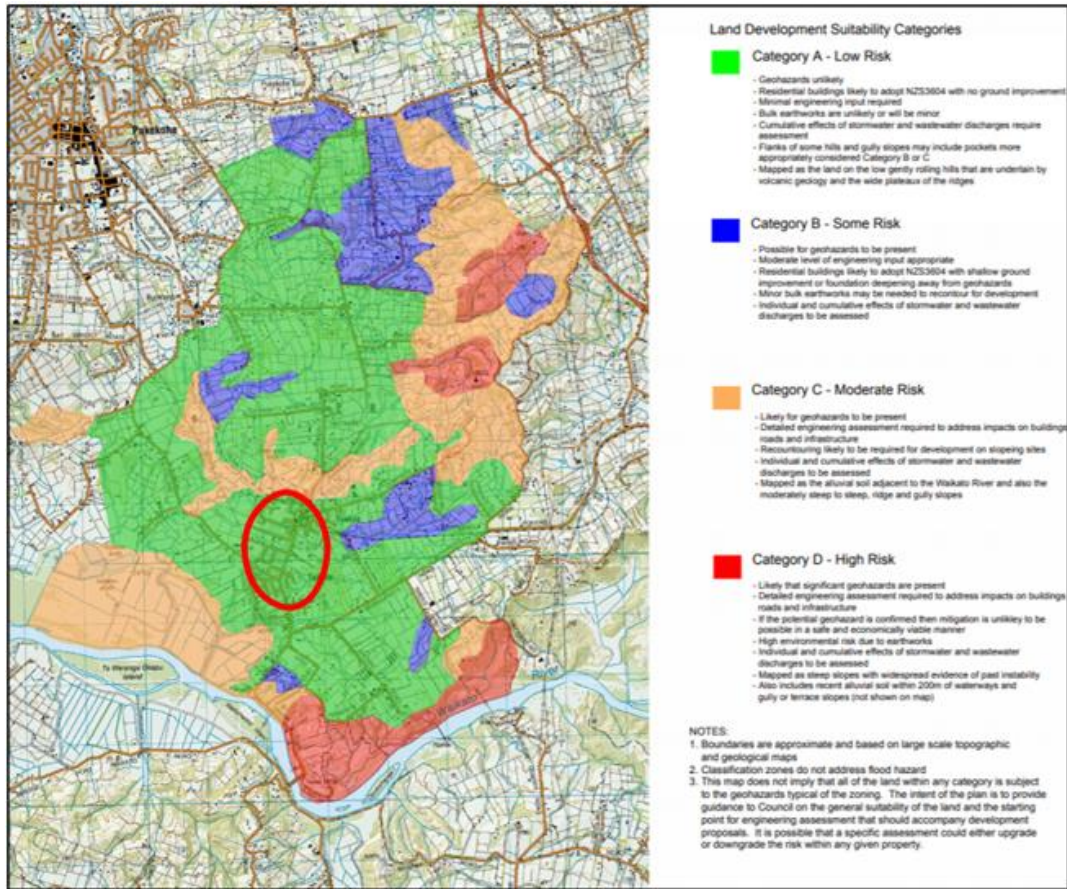
⁶ Section 32 report, page 83.

Figure 5: Soils maps



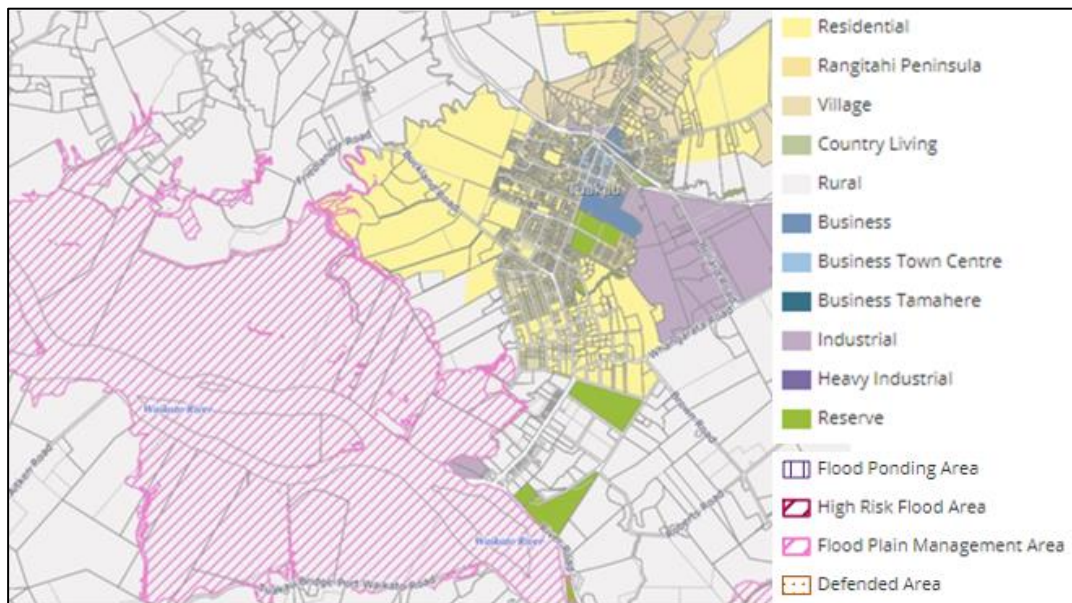
34. Geotechnical constraints were identified by AECOM for the TSP (Figure 6). Areas of high risk for land development are located on the northern bank of the Waikato River (south of the township) and in the eastern hills in the area of Dominion Road. The northern edge of the township is identified as being of moderate risk, which largely aligns with the proposed Village Zone. The main township (circled in red) and its surrounds are predominantly identified as low risk.

Figure 6: Geotechnical constraints



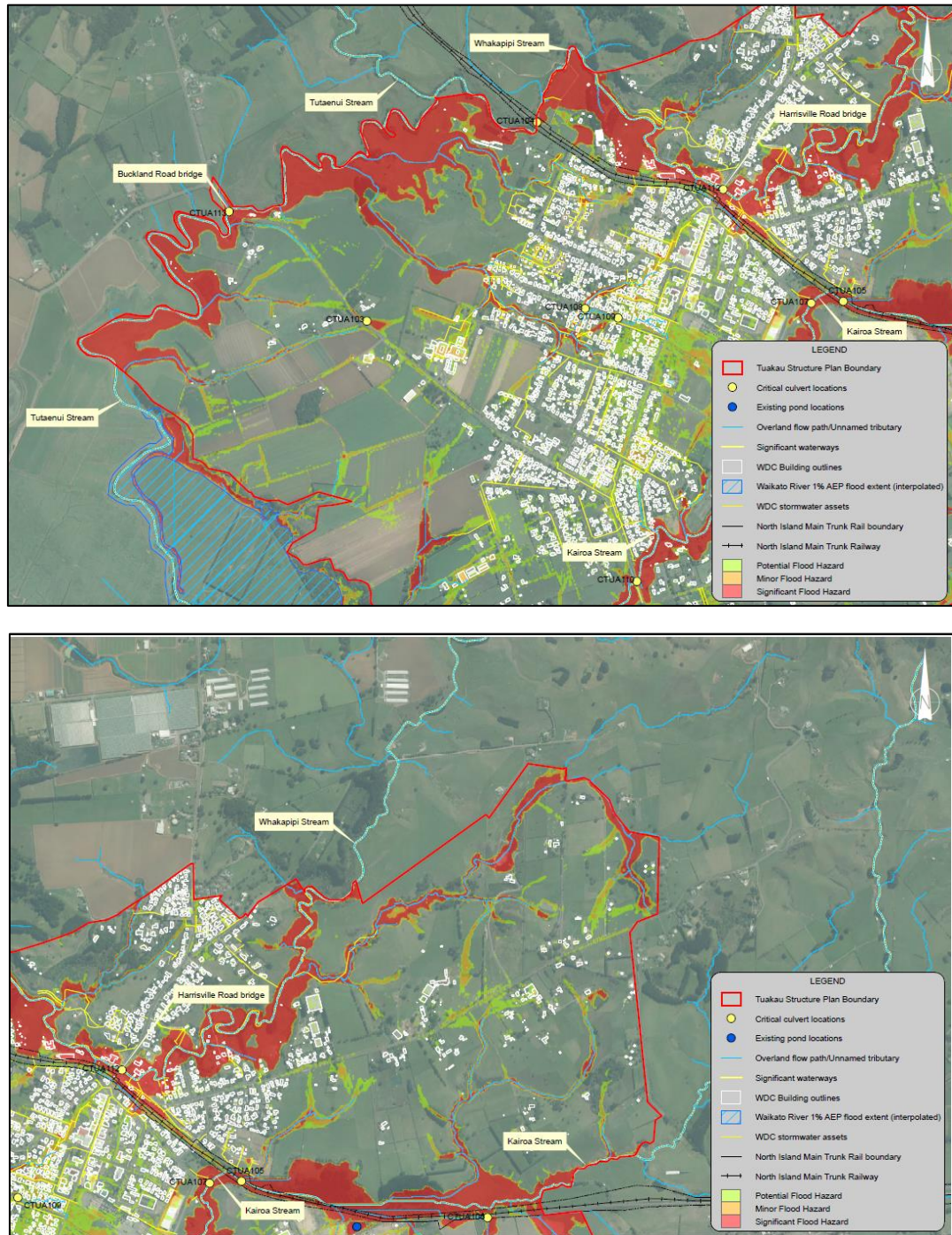
35. South of the township is the Waikato River. Stage 2 of the PWDP identifies a Flood Plain Management Area associated with the river (Figure 7). The PWDP does not identify any new live zones that are affected by significant flooding.

Figure 7: Flood Plain Management Area identified in Stage 2 PWDP



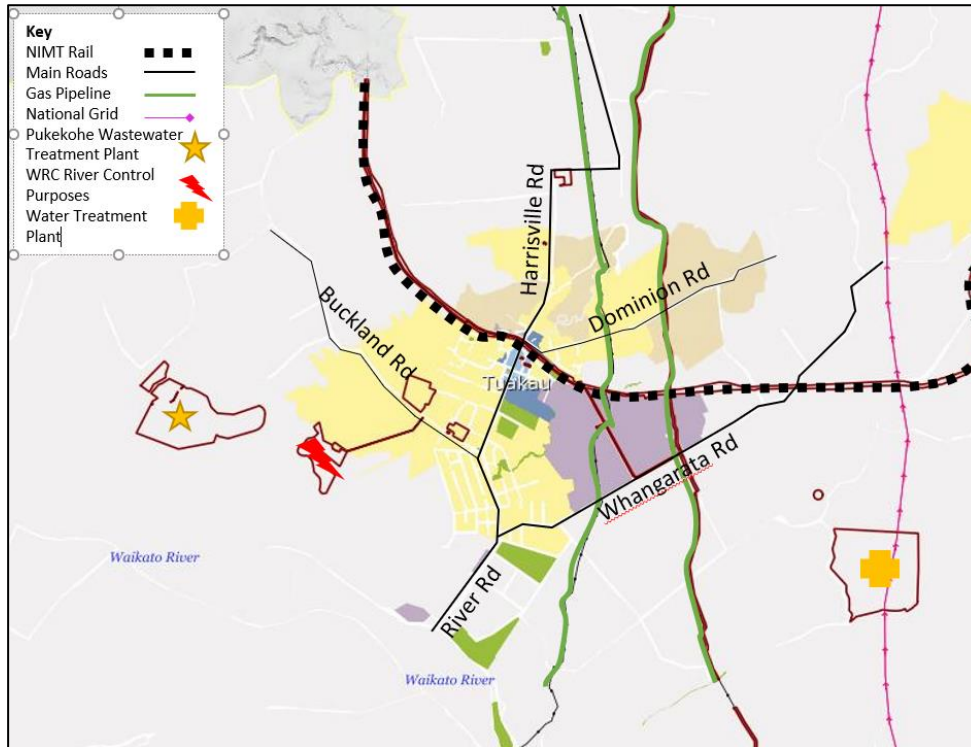
36. Stage 2 of the PWDP only identifies the 1 per cent annual exceedance probability (AEP) associated with the Waikato River. The Catchment Management Plan prepared for the TSP also identified flooding along the Kairoa, Whakapipi and Tutaenui streams that would potentially affect zoning decisions. Specific areas affected by significant flooding include the western residential area along Buckland Road adjacent to the Tutaenui Stream; the industrial and rural-residential areas along Ryders Road adjacent to the Whakapipi Stream; and the industrial area on Bollard Road and rural area alongside the NIMT railway adjacent to the Kairoa Stream (Figure 8).

Figure 8: Other areas of flooding identified in the Catchment Management Plan prepared for TSP



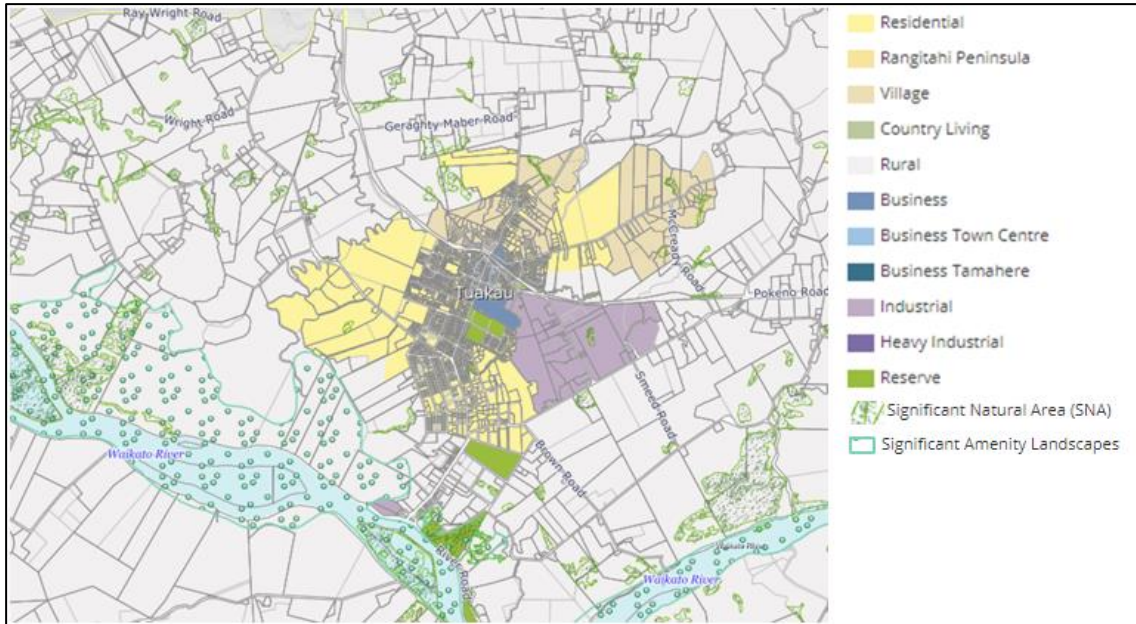
37. Key infrastructure includes the NIMT railway that traverses through the middle of the town, two gas lines (one designated and one not), the Pukekohe Wastewater Treatment Plant, the Tuakau Water Treatment Plant, the river control area – drainage scheme, and a number of main roads (Figure 9).

Figure 9: Key infrastructure – identified in the PWDP



38. There are several small Significant Natural Areas throughout the wider Tuakau area. Where Significant Natural Areas are affected by rezoning requests, they are discussed in the body of the report in relation to specific submissions. To the south of the township beyond the Residential Zone land, associated with the Waikato River, is a Significant Amenity Landscape (Figure 10).

Figure 10: Significant Natural Areas and Significant Amenity Landscapes identified in the PWDP



39. There are several heritage items scheduled in Tuakau, but generally these are not affected by rezoning requests. Where they are affected by rezoning requests, they are discussed in the body of the report in relation to specific submissions.

2.2.4 Infrastructure servicing

40. Three waters infrastructure availability is identified in the Framework Report and summarised in Table 2 below. There is uncertainty around the timing of three waters infrastructure for Buckland and Tuakau North, but the other growth cells either have water and wastewater infrastructure available or networks can be extended.

Table 2: Tuakau infrastructure availability⁷

Growth cell	Timing	Summary of three waters availability
Buckland	2050+	<ul style="list-style-type: none"> Watercare to undertake further investigations for three waters.
Tuakau North	2023–2030	<ul style="list-style-type: none"> Watercare to undertake further investigations for three waters.
Dominion Road	2023–2030	<ul style="list-style-type: none"> Watercare to extend water supply network towards Dominion Road. Watercare to extend wastewater network to further support this growth cell.
Dromgools Road	2020–2023	<ul style="list-style-type: none"> Water supply network available. Wastewater network to be extended in short-term.
Town centre	2023–2030	<ul style="list-style-type: none"> Water and wastewater network available.
Whangarata Business Park	2020–2023	<ul style="list-style-type: none"> Water supply short-term works planned. Gravity sewer travels through this growth cell. Watercare to undertake further investigations for wastewater.

⁷ S42A Framework Report, Appendix 5.

41. The Tuakau township has a primary and secondary school, a library, early childhood centres, a medical centre, a gym, a few cafes and restaurants, a historic hotel and a small selection of shops. Tuakau College and Tuakau Primary School are located along Buckland Road at the southern end of the township. Tuakau College (Years 7–13) serves the town and its surrounds with approximately 600 students.⁸ Tuakau Primary School (Years 0–6) has a roll of approximately 240 students.⁹ No issues have been identified through previous structure planning regarding constraints to social infrastructure.

3 Overview of submissions

42. Submissions from 39 separate parties relate to zones at Tuakau. There is a total of 99 submission points; 25 submission points are in support of notified zones and 76 seek amendments. In considering these submissions, they are grouped by the zone that they are seeking.
43. There are 1,545 further submissions. I address the further submissions together with the primary submissions they relate to generally.
44. Numerous further submissions from Mercury Energy (Mercury C [FS/386], Mercury D [FS/387] and Mercury E [FS/388]) oppose original submissions on the grounds that it is not clear how effects from flooding would be managed because Stage 2 of the PWDP had not been notified at the time of submissions. As Stage 2 has now been notified, it is possible to identify and consider potential effects from flooding. Therefore, generally I do not support submissions from Mercury Energy and recommend that they be rejected because I consider them irrelevant to the matters considered in this report. In considering rezoning requests. I have considered the Stage 2 natural hazard maps, and where there are flooding issues, these are considered with the relevant submission. Recommendations are recorded in Appendix I, but there is no further discussion of the Mercury Energy further submissions in this report unless relevant to the issues discussed.
45. Figure 11 is a map of rezoning requests, and Table 3 is a summary of the requests for rezoning, which identifies the notified zones and the proposed zones sought by submitters.

⁸ <http://www.tuakaucollege.com/our-college>

⁹ <https://www.ero.govt.nz/review-reports/tuakau-school-14-06-2019/>

Figure 11: Map of rezoning requests

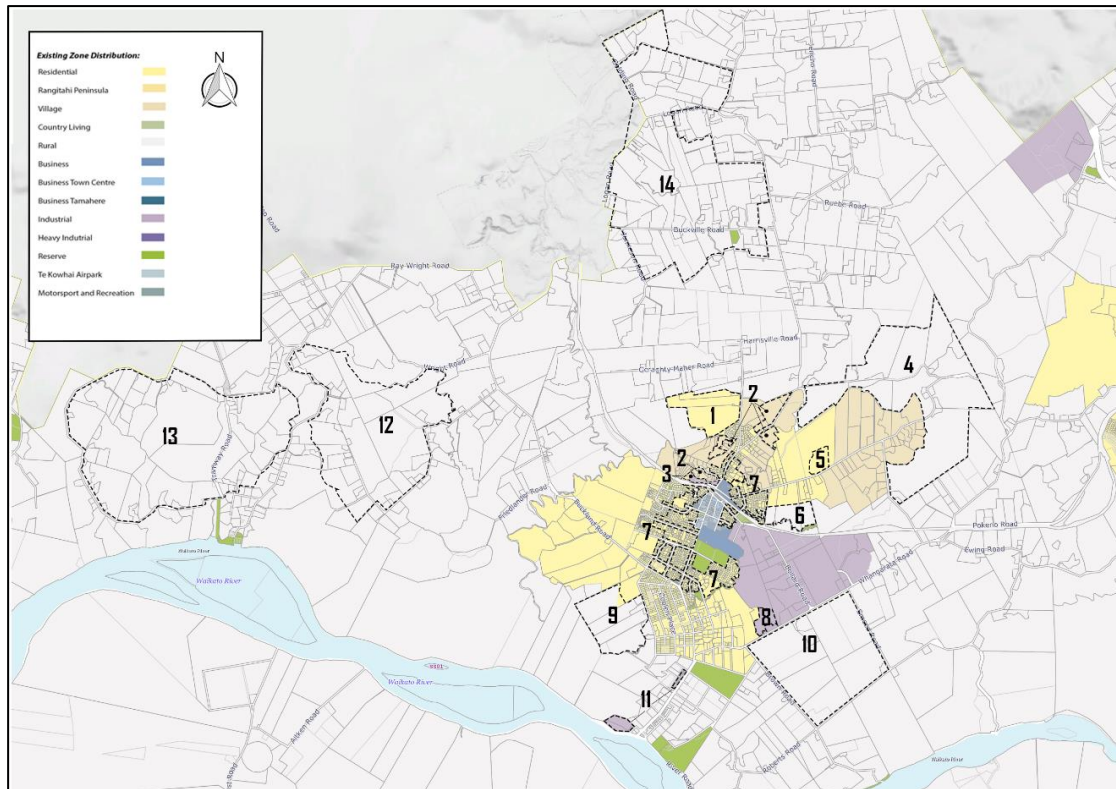


Table 3: Summary of rezoning requests

Map no.	Notified zone	Requested zone	Map no.	Notified zone	Proposed zone
1	Residential	Rural	8	Industrial	Residential
2	Village	Residential	9	Rural	Residential
3	Industrial	Business	10	Rural	Country Living
4	Rural	Village	11	Industrial	Business
5	Residential	Neighbourhood Centre	12	Rural	Country Living
6	Rural	Residential	13	Rural	Country Living
7	Residential	Medium Density Residential	14	Rural	Country Living

3.1 Structure of this report

46. I have structured this report to group submissions as to the relief that is sought. The report considers submissions by the zone that is sought generally, although some are split into specific areas for ease of reading and addressing the evidence. Submissions seeking to retain notified zoning are addressed last to reflect previous decisions within the report that may affect recommendations to accept, accept in part or reject the relief sought. The report contains the following sections:

- 5 Residential Zone to Rural Zone – Harrisville Motorcross Track (Map No. 1)
- 6 Village Zone to Residential Zone (Map No. 2)
- 7 Rural Zone to Residential Zone – Dominion Road (Map No. 6)

- 8 Rural Zone to Residential Zone – Geraghtys Road (Map No. 9)
- 9 Industrial Zone to Business Zone – Ryders Road (Map No. 3)
- 10 Industrial Zone to Residential Zone – Whangarata Road (Map No. 8)
- 11 Rural Zone to Village Zone (Map No. 4)
- 12 Rural Zone to Country Living Zone (Map Nos. 10, 12, 13, and 14)
- 13 Medium Density Residential Zone (Map No. 7)
- 14 Miscellaneous requests (includes Map No. 5)
- 15 Retain or oppose zones – township (includes Map No. 11)
- 16 Conclusion

Appendix 1: Table of submission points

Appendix 2: Recommended amendments – plan provisions

Appendix 3: Recommended amendments – maps

Appendix 4: Technical infrastructure reviews

3.2 Amendments to plan text

- 47. Where amendments to plan text are recommended, the relevant text is presented after the recommendations with new text in red underlined, and deleted text in ~~red strike through~~. All recommended amendments are brought together in Appendix 2.

3.3 Procedural matters

- 48. Late evidence of behalf of CHS Enterprises Ltd [390] was received on 3 March 2021. This was accepted in accordance with the Panels Minute (1 March 2021) that any evidence received by 5pm on 3 March 2021 would be accepted.
- 49. I have had some discussions with several submitters to seek clarity around their submissions, but I have not met with any submitters or gone onto any sites. I did a site visit to Tuakau and have viewed sites from the street.

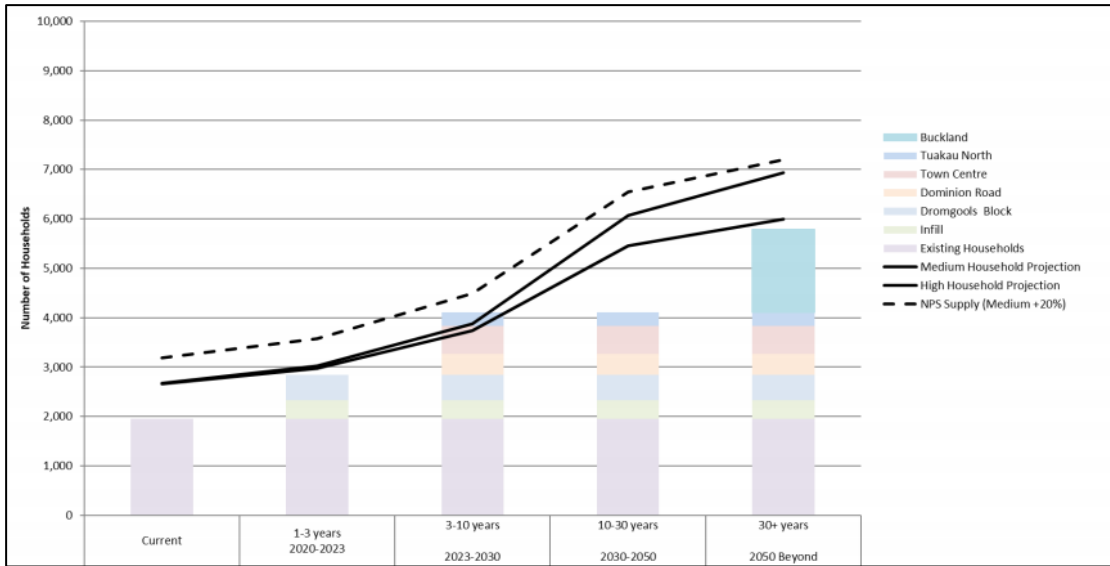
4 Statutory framework

- 50. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18–32). In particular, Appendix 1 to the opening legal submissions summarises the relevant statutory tests. The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35–40) and other relevant plans and strategies (paragraphs 41–45). The following sections identify statutory documents with particular relevance to this report.

4.1 National Policy Statement for Urban Development

- 51. I rely on the Framework Report for discussion on the relevant provisions of the National Policy Statement for Urban Development (NPSUD).

Appendix 9 of the Framework Report identifies the anticipated demand for growth at Tuakau by growth cell. I repeat this information in Figure 12 and Figure 12: Tuakau - Growth cell capacity vs household projections



52. Table 4 below for ease of reference.

Figure 12: Tuakau - Growth cell capacity vs household projections

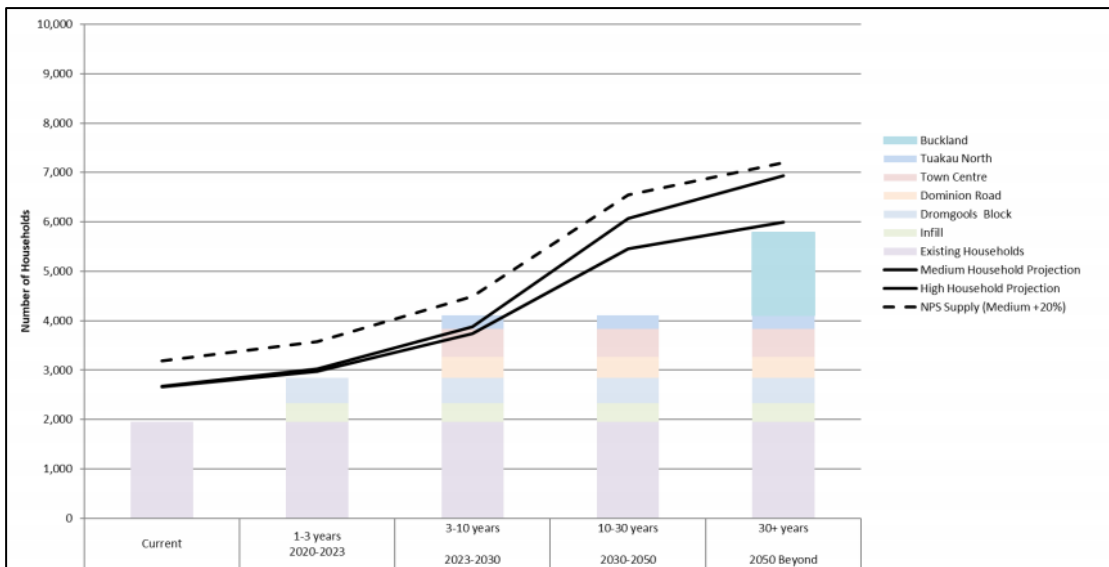
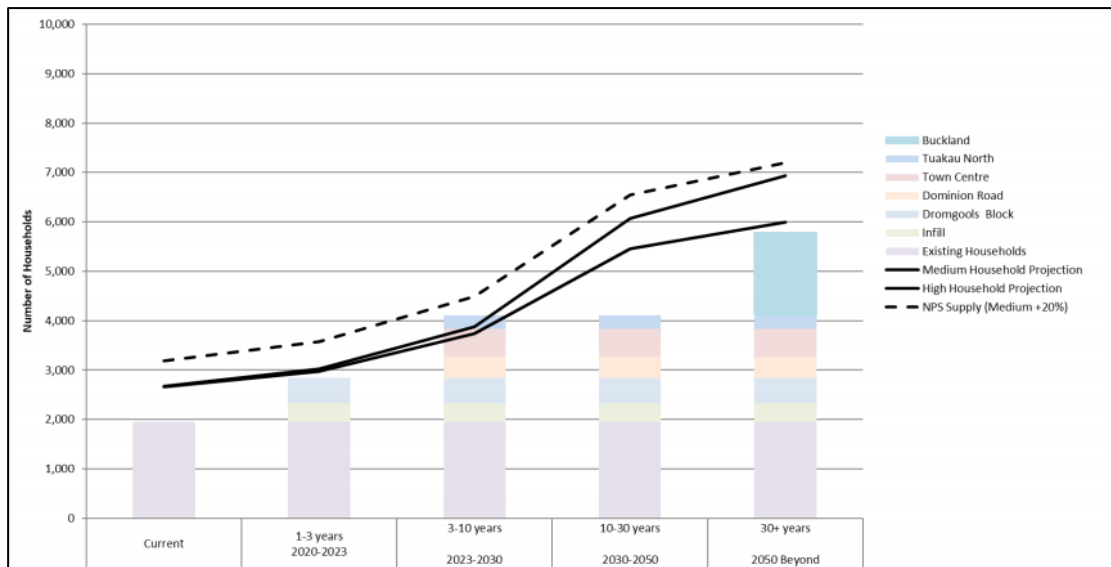


Table 4: Tuakau - growth cell capacity and household projection

Growth cell	2020–2023 (1–3 years)	2023–2030 (3–10 years)	2030–2050 (10–30 years)	2050+ (30+ years)
Buckland				1,679
Tuakau North		272	272	272
Town centre		564	564	564
Dominion Road		431	431	431
Dromgools Block	512	512	512	512
Infill	378	378	378	378
Existing households	1,951	1,951	1,951	1,951
Total PWDP supply	2,841	4,108	4,108	5,787
NPSUD demand (medium +20%)	3,571	4,487	6,548	7,193
Under/Over NPSUD demand	-730	-379	-2,440	-1,406

Figure 12: Tuakau - Growth cell capacity vs household projections



53. Table 4 illustrates that although there is capacity identified across a number of growth cells, this will not meet household projections in the short or medium term and continues to be well below the NPSUD supply requirements (additional 20 per cent) in the long term. Therefore, there is a need to identify additional growth at Tuakau to give effect to the NPSUD, starting with bringing growth forward.
54. I consider clause 3.2 of the NPSUD to be important because it provides implementation guidance that sufficient development capacity for housing must be:
- (a) plan-enabled (see clause 3.4(1)); and
 - (b) infrastructure-ready (see clause 3.4(3)); and
 - (c) feasible and reasonably expected to be realised (see clause 3.26); and
 - (d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (see clause 3.22)."
55. Policy 8 regarding out of sequence growth is also relevant because several submissions seek additional growth at Tuakau that is not identified in Future Proof 2017 or Waikato 2070.

4.2 Waikato Regional Policy Statement

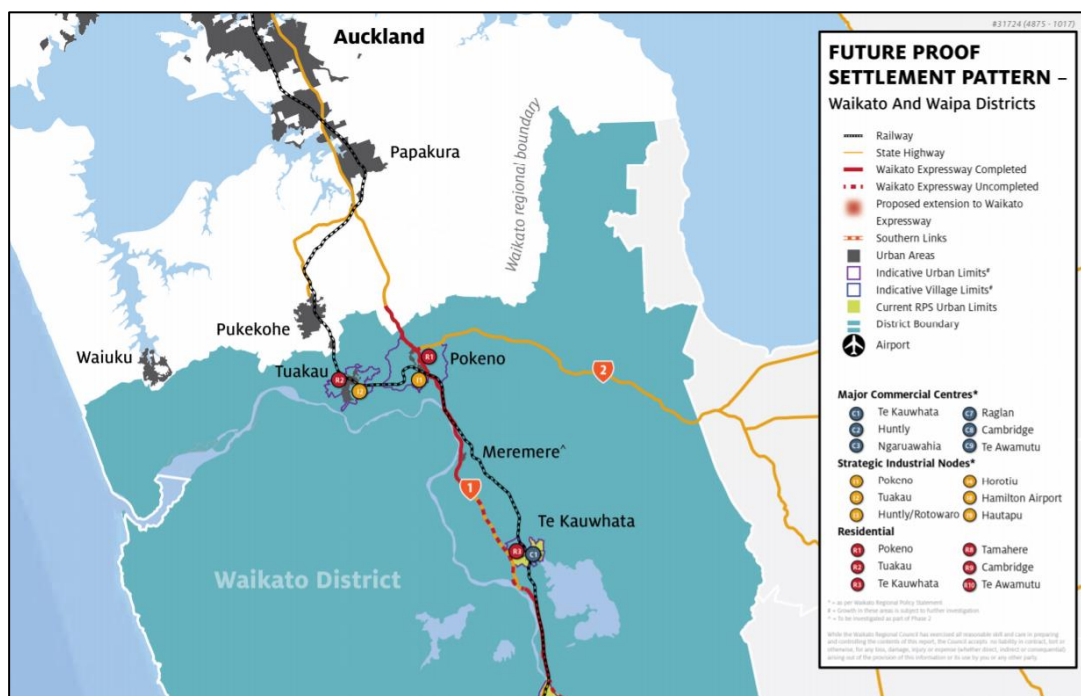
56. I rely on the Framework Report's identification of relevant Waikato Regional Policy Statement (WRPS) objectives and policies for rezoning for the overall direction on general growth management principles. Accordingly, submissions are considered against Policy 6.1.1 and assessment undertaken against the 6A Development Principles and Implementation Method 6.1.8 relating to the information needed to support zoning, amongst other relevant WRPS objectives and policies.
57. I consider the following policies to be particularly relevant for Tuakau.
58. Policy 4.4 seeks to manage natural and physical resources to provide for the continued operation and development of regional significant industry and primary production activities. The area surrounding Tuakau contains high-class soils supporting primary production, which supports horticultural activities that are considered a regionally significant industry.

59. Policy 6.3 requires the management of the built environment to co-ordinate growth and infrastructure. This policy seeks to optimise the efficient and affordable provision of infrastructure and ensure new development does not occur until necessary infrastructure to service development is in place (Policy 6.3(a)).
60. Policy 6.12 addresses the Franklin District Growth Strategy. This policy is relevant to Tuakau because it was previously within the Franklin District Council, to which the Franklin District Growth Strategy applied. I note the Framework Report identifies that this policy is no longer relevant because Tuakau has been incorporated into Future Proof 2017 and land has been zoned through the PWDP, which addresses the policy requirements. I note that this position is supported by Waikato Regional Council in the planning evidence of Ms Foley.
61. As identified in the Framework Report, Policy 6.14 is a key policy because it requires new urban development to be consistent with the Future Proof 2017 settlement pattern. I note that neither Policy 6.14 nor the urban limits in Map 6.2 have been updated to reflect the updated Future Proof 2017, which now includes Tuakau.
62. Policy 6.14(a) requires new urban development to occur within the urban limits (Map 6.2), but, as stated above, this does not apply to Tuakau. Similarly, Tables 6-1 and 6-2 have not been updated, therefore Policies 6.14(b) and (c) do not apply. However, Tuakau is within the Future Proof 2017 area, and therefore I consider the remainder of the policy to be relevant relating to residential and industrial development outside the urban limits and areas identified in WRPS Policy 6.14(d)–(h). Ultimately, this issue is addressed by the NPSUD in combination with Future Proof 2017 and Waikato 2070, which provide a clear direction for growth at Tuakau. However, I consider it necessary to assess proposals to rezone land outside the urban limits in accordance with the criteria set out in Method 6.14.3:
- “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 infrastructure/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.”*
63. Policy 6.17 for rural-residential development in a Future Proof area is relevant for Tuakau because there is a significant number of submissions seeking additional Country Living Zone along the northern Waikato boundary. This policy recognises that there is pressure for rural-residential development in parts of the district and seeks to manage potential adverse effects, including those relating to infrastructure and cross-territorial boundary effects. The policy also requires rural-residential development to be considered with regard to the development principles in Section 6A. Implementation of this policy is via district plan provisions and growth strategies (Method 6.17.1).
64. Policy 14.2 is specifically relevant to Tuakau because it seeks to avoid a decline in the availability of high-class soils for primary production due to inappropriate subdivision, use or development. Tuakau is located on and is surrounded by high-class soils.

4.3 Future Proof 2017

65. Future Proof 2017 includes Tuakau, which was previously in the Auckland region. The growth emphasis for Future Proof 2017 aims to achieve around 80 per cent of growth into Pōkeno, Tuakau, Te Kauwhata, Huntly, Ngaruawahia, Raglan and various villages.
66. Future Proof 2017 incorporates the North Waikato Integrated Growth Management programme business case (2018), which was developed in response to increasing growth pressure in the sub-region and identifies options to cater for future growth. This programme provides proactive planning and response with increased population in the medium to long term for Tuakau, including shared services for Tuakau and Pōkeno in the north. This programme seeks to accommodate increased growth at Tuakau of 15,000–20,000 residents by 2045.¹⁰ This level of growth is consistent with the high household projections provided by the Framework Report for the same period of medium (5,994) and high (6,073).
67. The updated settlement pattern includes indicative urban limits for Tuakau (Figure 13).

Figure 13: Future Proof 2017 indicative urban limits

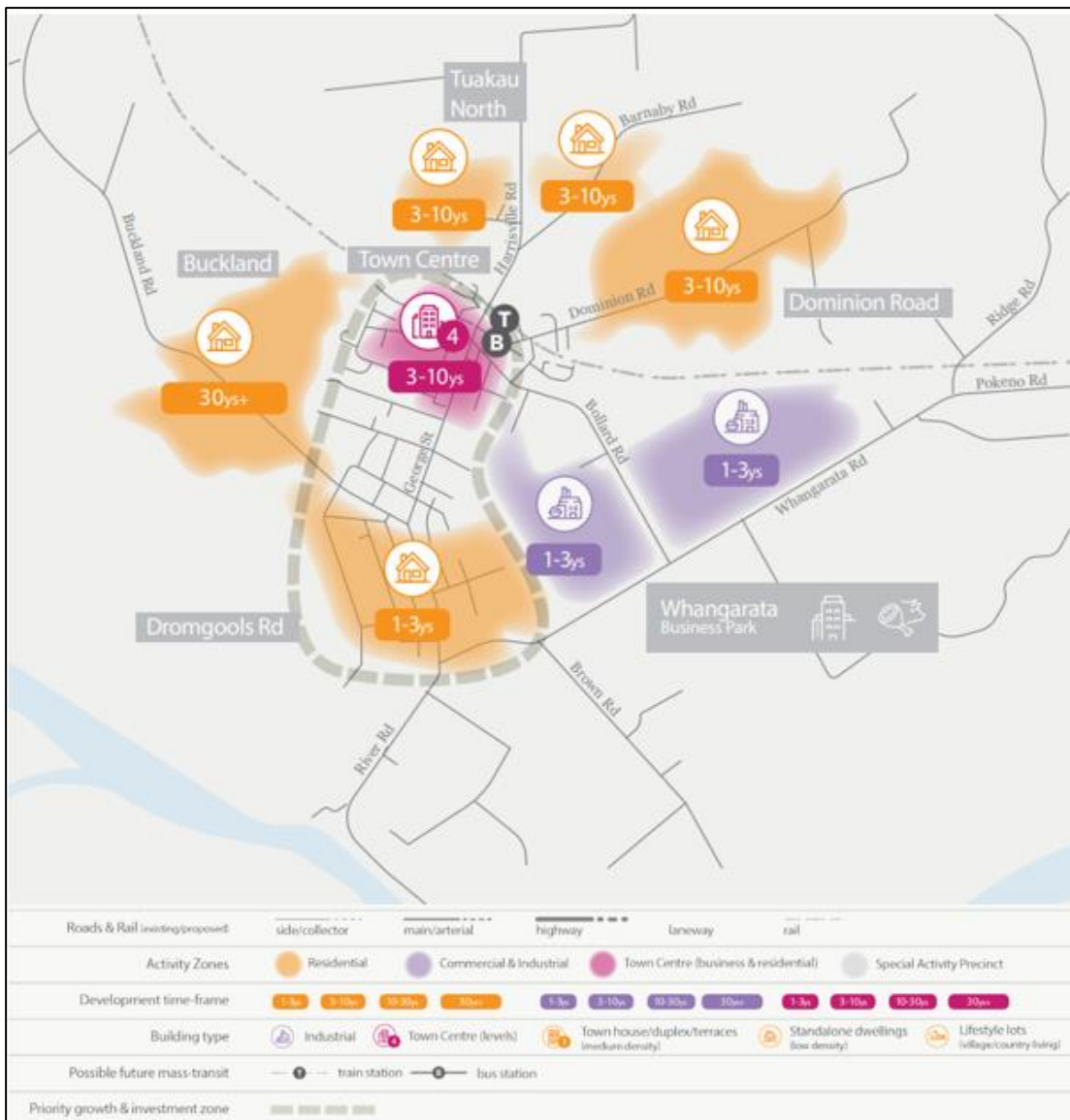


4.4 Waikato 2070

68. Waikato 2070 identifies several growth cells at Tuakau and the timing for when development is anticipated in these areas (Figure 14).

¹⁰ Section 32 report, pages 31–32.

Figure 14: Waikato 2070 Development Plan – Tuakau



69. Waikato 2070 indicates that most growth cells will be available in the medium term, with Buckland growth cell pushed out to after 2050 because of infrastructure constraints. Dromgools Road growth cell is identified as a priority growth and investment zone.

4.5 Hamilton to Auckland Corridor Plan

70. The Hamilton to Auckland Corridor was identified through the Government's Urban Growth Agenda in 2018 as a priority area for growth planning along the significant transport corridor to improve housing affordability. The Hamilton to Auckland Corridor Plan outlines the agreed spatial intent for the corridor and work programme of six focus areas and 13 key initiatives to develop an integrated spatial plan.
71. The Hamilton to Auckland Corridor Plan was first endorsed in February 2019 and was updated in November 2020. This plan is a living document that is intended to be updated regularly. It is not considered a statutory document, but is a strategy that should be taken into account as it illustrates the agreed direction for growth within the corridor.

72. Tuakau is identified within both the Papakura-Pōkeno and the River Communities focus areas. As part of the Papakura-Pōkeno focus area it is included with a wider area of future housing and employment growth. However, Tuakau is not specifically identified as a priority development area.
73. A key initiative relevant to Tuakau is the identification of improved public transport between southern Auckland and northern Waikato to provide a frequent service to support further growth. However, such a service is not planned or funded at this time.

4.6 Proposed Waikato District Plan policy direction

74. Specific policies for Tuakau are included in Chapter 4 of PWDP that address character, the Village Zone, and the town centre. These provisions were considered in Hearing 3: Strategic Objectives, and I note that no significant changes were recommended by the s42A report author.
75. Policy 4.1.10 establishes the character of Tuakau:

“4.1.10 Policy – Tuakau

- (a) *Tuakau is developed to ensure:*
- (i) *Subdivision, land use and development in Tuakau’s new residential and business areas occurs in a manner that promotes the development of a variety of housing densities, diversity of building styles and a high quality living environment;*
 - (ii) *Existing intensive farming, [strategic infrastructure¹¹](#) and industrial activities are protected from the effects of reverse sensitivity by considering the location of new residential development; and*
 - (iii) *Future neighbourhood centres, roads, parks, pedestrian, cycle and bridle networks are developed in accordance with the Tuakau Structure Plan.”*

76. Policy 4.5.19 establishes the expectations for the Tuakau Town Centre:

“Town Centre Zone

4.5.19 Policy – Tuakau Town Centre

- (a) *Development maintains and enhances the role of the Tuakau Town Centre by:*
- (i) *Maintaining wide open streets, with wide pedestrian footpaths;*
 - (ii) *Maintaining a pedestrian focus by discouraging vehicle access across footpaths;*
 - (iii) *Providing for an appropriate building scale with narrow frontages; and*
 - (iv) *Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Tuakau Town Centre (Appendix 10.6), in particular by:*
 - A. *Providing parking, loading and storage where rear access to buildings exists;*
 - B. *Promoting mixed-use and residential activities on upper floors;*
 - C. *Providing transparent façades and window displays at ground level;*
 - D. *Providing continuous suspended verandahs sheltering footpaths;*
 - E. *Encouraging the preservation and promotion of cultural features; and*
 - F. *Promoting active street frontages by developing up to the street boundary.”*

¹¹ Hearing 3, s42A Rebuttal, Appendix 3, Chapter 4 “Objectives and Policies” recommended amendment.

77. Several objectives and policies for the Village Zone specifically address Tuakau. These provisions were considered in Hearing 6: Village Zone, and recommended amendments by the s42A report author seek to clarify the purpose of the zone to provide for long-term urban growth once services are provided. The recommended amendments are identified below.
78. Policy 4.1.5 seeks to maintain a very low density in the Village Zone except within Tuakau and Te Kowhai, where a density of 8-10 households is sought where reticulated services can be provided.
79. It was recommended through Hearing 6 that a “Village Future Urban Density Precinct” be applied to the Village Zone at the northern end of Tuakau. Objective 4.3.1 “Village Zone character” recognises that the character within Tuakau Village Zone is expected to change once reticulated services are available. The purpose of the Village Future Urban Density Precinct is to maintain existing rural densities and character until a structure plan has been approved and reticulated services are available.
80. Policy 4.3.3 “Future development – Tuakau and Te Kowhai” recognises the role these townships play in accommodating future urban growth. The policy therefore seeks to ensure that development does not limit future subdivision as services become available, establishing a transitional zone to protect the ability for a future increase in density.

“Village Zone

4.3.3 Policy – Future development – Tuakau and Te Kowhai

- (a) *Buildings, ~~and~~ access, and lot boundaries are located in a position to enable future subdivision and development in Tuakau and Te Kowhai when infrastructure and services become available.*
- (b) *Ensure buildings are positioned in a manner that provides for transition from large lots to smaller lots in Tuakau and Te Kowhai. Recognise the role these townships play in accommodating future urban growth through enabling a transition to densities of at least 8-10 households per hectare in accordance with any applicable structure plans and connection to reticulated services.*¹²
81. Subdivision in the Residential Zone is a restricted discretionary activity (Rule 16.4.1) where proposed lots are a minimum net site area of 450m², and sites are able to connect to public-reticulated water supply and wastewater. Otherwise, subdivision is a discretionary activity.
82. Subdivision in the notified Tuakau Village Zone (Rule 24.4.2) is a restricted discretionary activity, with a minimum net site area of 3,000m² where proposed lots are not connected to public water and wastewater infrastructure, or 1,000m² where proposed lots can connect to public water and wastewater infrastructure. The matters of discretion include “(ii) position of proposed building platforms and driveways to ensure future subdivision is not compromised”.
83. Hearing 6 considered subdivision in the Village Zone, and the s42A report author raised concerns that the transitional approach could create a range of issues including: ad hoc development, discordant character, and difficulty transitioning from on-site to reticulated wastewater networks. The Hearing 6 s42A report recommended amendments to address concerns that subdivision creating lots of 3,000m² may become the end-state rather than a transition to a higher density suburban environment, due to uncertainty around infrastructure servicing.¹³ Therefore, recommended amendments to Rule 24.4.2 require a minimum net site area of 20ha where proposed lots are not able to connect to reticulated services, and enables subdivision down to 800m² where proposed lots are able to connect to reticulated services and the layout is in general accordance with an approved structure plan.¹⁴

¹² Hearing 6, s42A report, Appendix 4 Recommended amendments to Chapters 4.3 and 4.4.

¹³ Hearing 6, s42A report, paragraphs 92-94.

¹⁴ Hearing 6, s42A report, Appendix 5, Recommended amendments to Chapter 24.

5 Residential Zone to Rural Zone – Harrisville Motorcross Track

5.1 Submissions

84. Five submissions were received that seek to amend the proposed Residential Zone at Harrisville Road to Rural Zone adjacent to the Pukekohe Motorcycle Club's Harrisville Motocross Track to avoid reverse sensitivity effects.
85. Under the Operative District Plan the area was zoned Rural.
86. These submissions were received:

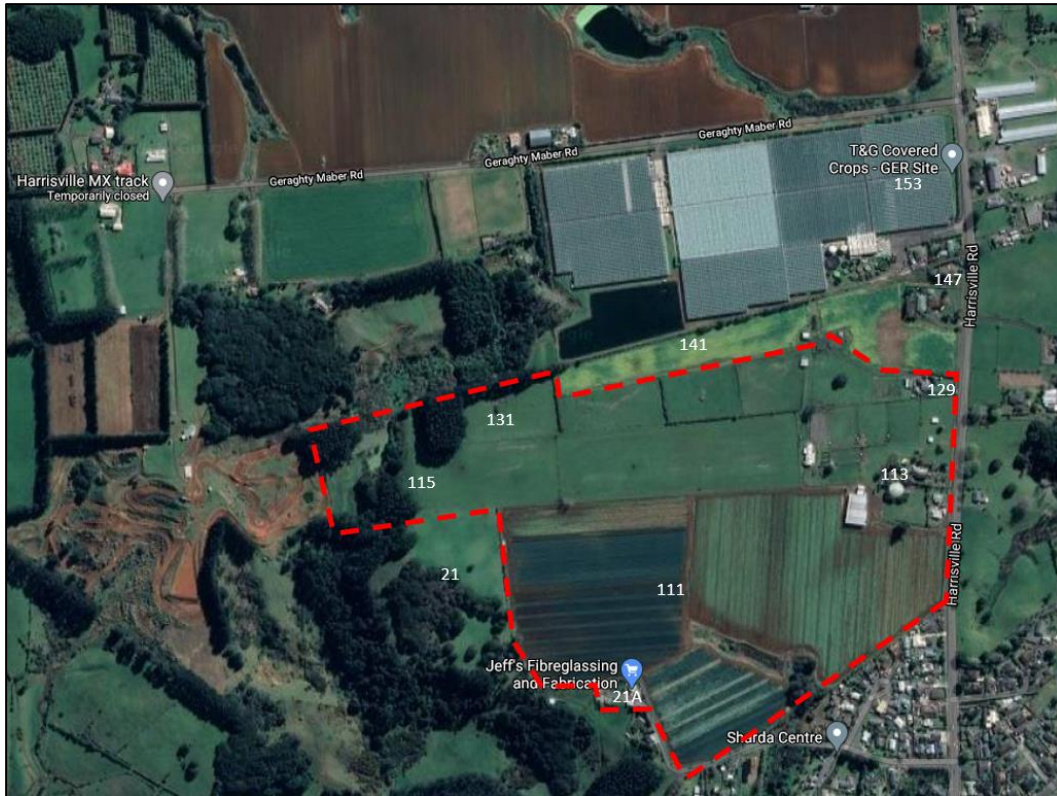
Submission point	Submitter	Decision requested
807.1	Pukekohe Motorcycle Club	Amend the zoning at 111 Harrisville Road, 115 Harrisville Road, 131 Harrisville Road, and 21A Percy Graham Road, Tuakau, from Residential Zone to Rural Zone. AND Any further or consequential relief to give effect to the relief sought in the submission.
<i>FSI 200.1</i>	<i>Gerardus Aarts and Yvonne Gemma Aarts</i>	<i>Oppose</i>
807.2	Pukekohe Motorcycle Club	Add any other suitable provisions to the plan to control, restrict or prevent development on land adjacent to the motocross track at 115 Geraghty Maber Road, Tuakau without sufficient consideration of the potential for reverse sensitivity effects on the ongoing operation and intensification of the current activity, and any further or consequential relief to give full effect to all previous submission points. AND Any further or consequential relief to give effect to the relief sought in the submission.
<i>FSI 200.6</i>	<i>Gerardus Aarts and Yvonne Gemma Aarts</i>	<i>Oppose</i>
33.1	Tim Shepherd for Cyclespot Euro	Amend the proposed Residential zoning adjoining the Harrisville Motorcross track by retaining the current operative zoning.
<i>FSI 200.16</i>	<i>Gerardus Aarts and Yvonne Gemma Aarts</i>	<i>Oppose</i>
<i>FSI 386.27</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
172.3	Shaun Jackson	Amend the map to create a separation between 115 Harrisville Road, Tuakau, and the Pukekohe Motorcycle Club (Harrisville MX park).
<i>FSI 386.153</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose.</i>
228.1	Richard Gard'ner	Amend the zoning of 21A, 111, 113, 115, 121, 129 and 131 Harrisville Road, Tuakau, from Residential Zone to Rural Zone.

Submission point	Submitter	Decision requested
		OR Add measures to ensure the ongoing operation of the Pukekohe Motocross Club's facilities at 115 Geraghty Maber Road by managing surrounding residential development such as through the following methods: <ul style="list-style-type: none"> • requirements for acoustic insulation • additional noise control standards • 'no complaints' covenants are placed on any new titles created in the rezoned land.
FSI 200.7	Gerardus Aarts and Yvonne Gemma Aarts	Oppose
FSI 386.231	Mercury NZ Limited for Mercury C	Oppose

5.2 Analysis

87. **Pukekohe Motorcycle Club [807.1]** along with several other submitters seek to retain a Rural Zone around the Harrisville Motocross Track on Geraghty Maber Road. **Tim Shepherd for Cyclespot Euro [33.1]**, **Richard Gardner [228.1]** and **Shaun Jackson [172.3]** also support a rural zone or other method for managing potential reverse sensitivity effects on the Harrisville Motocross Track. These include applying a separation buffer, requiring acoustic mitigation, or a 'no complaints' covenant. Further submissions from Gerardus Aarts and Yvonne Gemma Aarts [FSI 200.1 and FSI 200.6, FSI 200.7 and FSI 200.16] oppose these submissions to change the zone at 111 Harrisville Road.
88. Figure 15 identifies the sites affected by the submitter's relief sought, outlined with a red dashed line.

Figure 15: Aerial of land where submissions seek to rezone from Residential Zone to Rural Zone



89. The TSP identified the area at the north-western of the Tuakau township as residential, along with a buffer area (Rural Zone) to protect the adjoining rural area and avoid potential reverse sensitivity effects (see Figure 3 in section 2.2). This approach retains 21, 129, 131, 141, 147 and part of 115 Harrisville Road as rural land. Land at 111 Harrisville Road and part of 115 Harrisville Road were identified as residential, retaining a separation distance between residential activities and the Harrisville Motocross Track.
90. I note that Turners and Growers have substantial tomato glasshouses on the south side of Geraghty Maber Road, north of the Residential Zone. This landowner has not made a submission or further submission on the extent of the Residential Zone at Harrisville Road.
91. It is unclear why the Residential Zone in the PWDP extends beyond the area identified in TSP as Stage 2 (Figure 3). There is no explanation for the extent of the Residential Zone in this location within the s32 report for the PWDP, and this area was not included in the rezoning sought through PCI6.
92. I rely on the technical assessments that support the TSP to consider the appropriate extent of the Residential Zone in this location. Specifically, the TSP Acoustic Assessment report as it discusses the issue of reverse sensitivity associated with noise from the Harrisville Motorcross Track at Geraghty Maber Road. The Harrisville Motorcross Track has a resource consent to operate with no noise limit conditions. The TSP Acoustic Assessment report identifies that significant noise may be emitted from the site on 62 days of the year, with the nearest residences being 350–560m from the closest parts of the track. It is recommended in the report that before any Residential or Rural Residential rezoning occurs in the area north of Percy Graham Drive a comprehensive acoustical assessment should be undertaken to determine the potential noise effects more accurately.¹⁵

¹⁵ Marshall Day, Tuakau Structure Plan – Acoustic Assessment report, section 3.2.

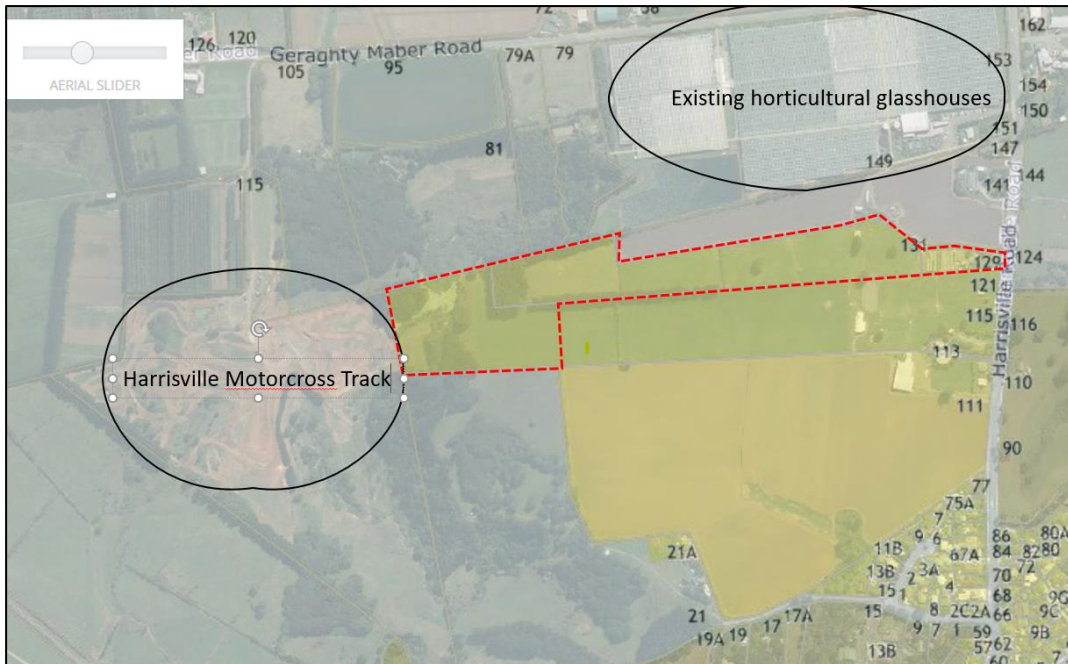
93. A comprehensive acoustical assessment has not been undertaken for this area that I am aware of, and the s32 report for the PWDP does not address rezoning in this location. I therefore do not consider the issues of reverse sensitivity on the Harrisville Motorcross Track to have been adequately addressed through the PWDP.
94. Contours mapping (Figure 16) illustrates that the land proposed as Residential Zone in the PWDP is gently sloping in a southerly direction, but then starts to descend steeply towards a gully along the western edge between Residential Zone and the Harrisville Motorcross Track. The land to the south-west of the Residential Zone is retained as Rural Zone reflecting the gully and an associated Significant Ecological Area. This gully extends through the western extent of 115 Harrisville Road, which is zoned Residential Zone in the PWDP.

Figure 16: LiDAR Regional Contours - 5m and 10m (Waikato Regional Council)



95. I support amending the extent of the Residential Zone to reflect Stage 2 of the TSP in this location, which addresses potential reverse sensitivity effects on both the Harrisville Motorcross Track and also the horticultural activities to the north. Although I have not identified any submissions or further submissions from landowners to the north in relation to the Residential Zone, I consider the approach of the TSP to provide a clear separation between the intensive horticultural activities on the Turners and Growers site, and future residential activities.
96. I consider the most defensible boundary for the Residential Zone extent to be the property boundaries generally, as these will establish a buffer of at least 150m between future residential activities and the site boundary of the Harrisville Motocross Track and horticultural activities to the north. I therefore recommend rezoning the Residential Zone to Rural Zone at 129, 131, and part of 115 Harrisville Road – outlined in red on Figure 17.

Figure 17: Area recommended to rezone from Residential Zone to Rural Zone



97. It is difficult to confirm whether the northern extent of the Residential Zone is consistent with Waikato 2070 and Future Proof 2017 because the identification of urban growth areas is indicative. While both documents anticipate urban growth in this location, it is clear that the urban extent is set well back from Geraghty Maber Drive. This setback creates an intentional separation from primary production activities. I consider the southern portion of the Residential Zone in this location to be fully consistent with Waikato 2070 and Future Proof 2017, with the former identifying growth in 3-10 years (Figure 18).

Figure 18: Waikato 2070 - Tuakau North growth cell



98. The total area of land to amend from Residential Zone to Rural Zone is approximately 8.2ha. While in theory the removal of this land would reduce development capacity in the Tuakau North growth cell, I am advised by Dr Davey from the Council that the growth model does not anticipate any growth in the subject area. Therefore, there would be no reduction in development capacity.
99. This recommendation does not affect the site at 111 Harrisville Road, and therefore the further submissions by Gerardus Aarts and Yvonne Gemma Aarts are supported and that site is recommended to remain Residential Zone as notified.

104. I understand that the Tuakau North growth cell includes both the Residential Zone west of Harrisville Road and the Village Zone east of Harrisville Road. Dr Davy advises that the total residential development capacity identified for the Residential Zone in the Tuakau North growth cell is 106 because the northern area has not been included in the capacity model. Therefore, the anticipated development capacity would be affected by rezoning the northern extent (approx. 8ha) back to Rural Zone. Therefore, there would be no costs associated with loss of development capacity.
105. There is insufficient information to retain the Residential Zone on these sites, and the risk of not acting is that there will be significant environmental and social costs on the Harrisville Motorcross Track and adjacent residential land use.
106. Enabling the extent of the Residential Zone to encroach onto primary production activities, such as the Turners and Growers tomato glasshouses on Geraghty Maber Drive would not avoid or minimise potential for reverse sensitivity as required by WRPS Policy 4.4(f). Establishing residential areas in locations that will create potential reverse sensitivity effects is inconsistent with the 6A Development Principles and WRPS Policy 6.1. While recognising that the 6A Development Principles are not absolutes and that certain principles may need to be traded off against others, I do not consider reverse sensitivity effects to be a principle that can be set aside in the context of WRPS Policy 6.1. In my opinion, the zoning is not appropriately planned and co-ordinated because it does not recognise and address potential adverse effects of locating sensitive activities in proximity to these existing activities. I therefore do not consider the notified zoning at the northern extent to give effect to the WRPS.
107. For the reasons above, the amendment to rezone the subject land as Rural Zone consistent with the Operative District Plan (Franklin Section) is considered to be the most appropriate way to achieve PWDP Objective 4.1.1 seeking “Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated”.

6 Village Zone to Residential Zone

6.1 Submissions

108. Seven submission points were received that relate to the Village Zone; one seeks to retain the zone and the others seek to rezone specific sites to the Residential Zone.
109. Submissions to the east of Harrisville Road relate to land that was previously Rural Zone under the Operative District Plan. Submissions to the west of Harrisville Road relate to land that was previously Rural-Residential Zone and has been carried through from the Operative District Plan.
110. These submissions were made:

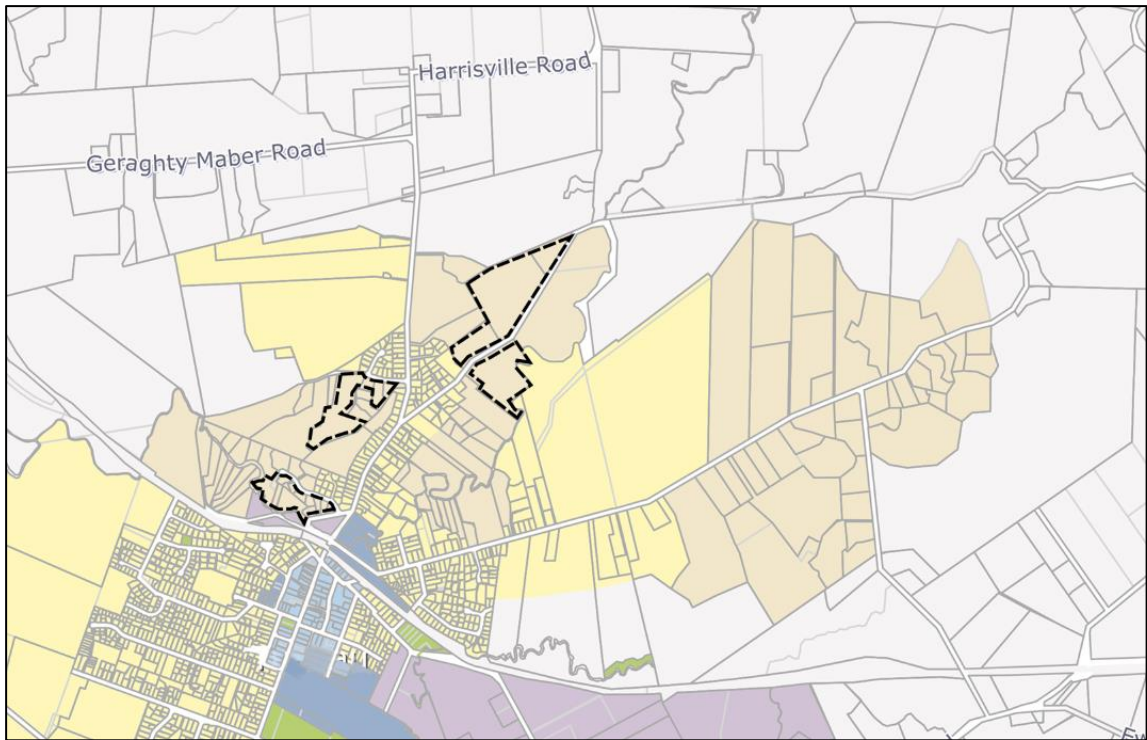
Submission point	Submitter	Decision requested
71.1	Diewke Butler	Amend the zoning of the properties with road frontage to Percy Graham Drive, Tuakau, from Village Zone to Residential Zone.
FS1386.60	Mercury NZ Limited for Mercury C	Oppose
110.1	GD Jones	Retain the Village Zone in Tuakau.
FS1386.90	Mercury NZ Limited for Mercury C	Oppose

Submission point	Submitter	Decision requested
172.4	Shaun Jackson	Amend the zoning of the Johnson Street, Tuakau, area from Village Zone to Residential Zone.
<i>FS1386.154</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
287.1	Tony Risetto	Amend the zoning of 77 and 85 Barnaby Road, Tuakau, from Village Zone to Residential Zone, allowing lots of 450m ² .
<i>FS1277.118</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FS1386.292</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
289.1	Sarah and Dean Hewitt and McGill	Amend the zoning of 27 Barnaby Road, Tuakau, from Village Zone to Residential Zone.
<i>FS1277.119</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FS1386.293</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
685.1	Greig Holdings Limited	Amend the zoning of the properties on the southern side of Johnson Street, Tuakau, from Village Zone to Residential Zone (see map attached to submission for specific properties).
<i>FS1387.257</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
853.2	Paul Manuell	Amend the zoning of the property at 36 Barnaby Road, Tuakau, from the Village Zone to Residential Zone.
<i>FS1387.1390</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>

6.2 Analysis

111. Submissions seek to rezone sites from Village Zone to Residential Zone located at Percy Graham Drive, Johnson Street, and Barnaby Road. Generally, submitters consider the Village Zone to be an inefficient use of urban land and that the Residential Zone will enable higher-density development that will direct growth away from versatile soils.
112. **GD Jones [110.1]** seeks to retain the Village Zone in Tuakau because it is an appropriate solution to allow for large lot subdivision without compromising the desire for potential increased density in the future. I note that this submitter also had a submission and further submissions on the Village Zone subdivision provisions that were addressed in Hearing 6. The submitter seeks to reduce the subdivision standards to enable a minimum of 2,500m² where sites are not reticulated, and 800m² where sites are reticulated.
113. **Greig Holdings Ltd [685.1] and Shaun Jackson [172.4]** seek a Residential Zone for properties on Johnson Street because it is an inefficient use of urban land that is within walking distance (400m) of the town centre and serviced by water and wastewater. Submitters consider it to be a good location for higher-density development, and that it will direct residential growth away from areas of versatile soils. **Diewke Butler [71.1]** seeks a Residential Zone for properties with road frontage to Percy Graham Drive consistent with the opposite side of the road, and sites are serviced with water and wastewater.
114. Figure 19 identifies the areas that the submissions seek to rezone.

Figure 19: Areas that submissions seek to rezone from Village Zone to Residential Zone

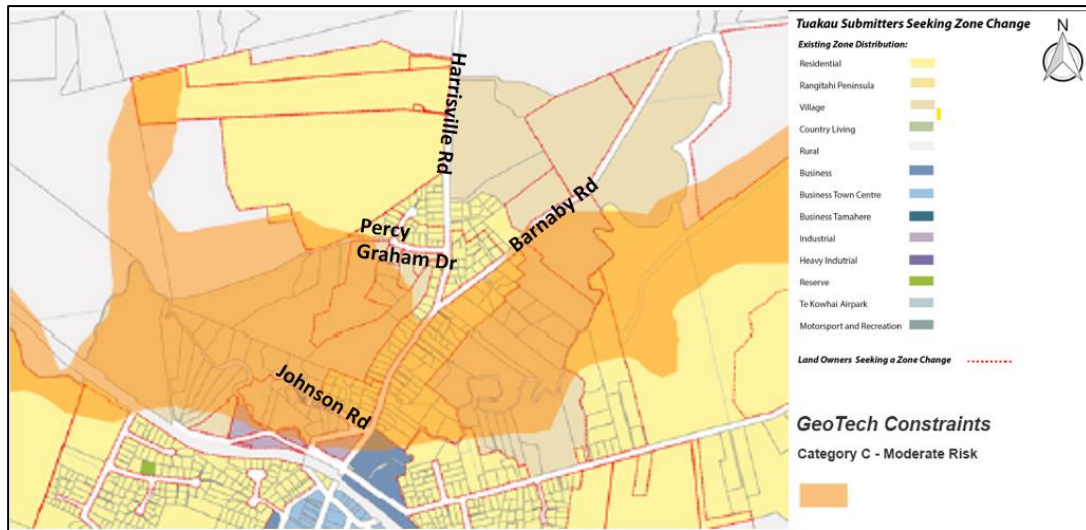


115. Figure 20 below identifies that there are some moderate geotechnical constraints to development in the Village Zone east and west of Harrisville Road, due to steep ridge and gully slopes with some evidence of instability.¹⁶ The AECOM geotechnical assessment report identifies that development would likely require specific geotechnical assessment to identify the impact of development of the potential hazards, and it is anticipated to be more costly and difficult to develop than areas of lower risk. The AECOM report also identifies that assessment of the cumulative effects of development-induced water discharges is also required for land west of Harrisville Road; in particular, increased runoff or soakage to ground volumes and how these may affect the geohazards.¹⁷

¹⁶ AECOM, Tuakau Structure Plan Geotechnical Suitability Assessment (2014).

¹⁷ AECOM, Tuakau Structure Plan Geotechnical Suitability Assessment, page 10.

Figure 20: Geotechnical constraints: Category C – Moderate Risk



116. The Operative District Plan (Franklin Section) included areas of Rural Residential Zone at the northern end of the Tuakau township, on the western (including Percy Graham Drive and Johnson Street) and eastern sides of Harrisville Road (including Barnaby Road). The Rural Residential Zone enabled subdivision as a restricted discretionary activity provided the sizes of lots were in the range of 2,500 to 8,000m², with an average of no less than 3,000m². This is consistent with the proposed Village Zone – Rule 24.4.1 minimum net site area of 3,000m². Village Zone therefore reflects the status quo in these areas.
117. The Village Zone west of Harrisville Road reflects the Operative District Plan (Franklin Section) and the PWDP does alter the development potential in this area due to development constraints. No evidence has been provided by submitters to demonstrate that the land is capable of accommodating the residential densities enabled by the Residential Zone. Therefore, rezoning is not supported.
118. **Tony Risetto [287.1], Sarah and Dean Hewitt and McGill [249.1], and Paul Manuell [853.2]** seek a Residential Zone at Barnaby Road rather than Village Zone because sites have few constraints and zoning is inefficient use of land. Submitters indicate that services could be extended down Barnaby Road and state that the s32 report lacks assessment of why the zoning was applied.
119. The PWDP rezoned rural land to the north-east of existing Residential Zone (from 27 and 30 Barnaby Road) as Village Zone, which is consistent with the Stage I of the TSP. This land was also included in PC16, and I note that the extent of zoning was determined after considering the following matters, which I consider to be relevant for the PWDP:¹⁸
- a. the boundaries, topography and character of existing titles
 - b. the variable topography towards the eastern end of Barnaby Road
 - c. the associated limitations in providing the full spectrum of urban reticulated services.
120. I understand that the land in the north-east is primarily identified as Village Zone in the PWDP because it is considered suitable for urbanisation but cannot yet be supported with reticulated services.
121. No evidence was filed by any of the primary submitters in this section.

¹⁸ PC16, s32 report.

122. Further submissions from Waikato Regional Council [FS/277.118 and FS/277.119] oppose the rezoning of 27, 77 and 85 Barnaby Road because of concerns about the quantum of zoning being enabled before the Hamilton to Auckland Corridor Spatial Plan work has been completed. The planning evidence of Ms Foley now indicates that the Waikato Regional Council is neutral about these submissions because they are consistent with the Framework Report to upzone existing urban land. However, Ms Foley still raises concerns about infrastructure servicing to support live zoning.
123. I note the planning evidence of Mr Wood for Waka Kotahi supports application of a Future Urban Zone in the new Village Zone areas where there are infrastructure constraints. The Waka Kotahi submission and evidence is relevant to this topic because it relates to all residential areas. Therefore, applying a Future Urban Zone is an option that could be considered for the Village Zone.
124. Essentially there are three options available to the Panel for the consideration of the rezoning requests for the new greenfield growth areas of the Village Zone:
- a. Retain Village Zone as amended by Hearing 6 (Option 1);
 - b. Apply a Future Urban Zone as recommended by s42A FUZ report (Option 2); and
 - c. Apply a Residential Zone (Option 3).
125. Option 1 retains the Village Zone extent as notified but relies on the amendments to the provisions recommended through Hearing 6, applying the Village Future Urban Density Precinct to the north-eastern area outlined above in Section 4.5. This option restricts subdivision to 20ha until reticulated services are available to proposed lots, and then subdivision can occur down to 800m² in accordance with an approved structure plan.
126. Option 2 applies a Future Urban Zone to the Village Zone areas identified as “Village Future Urban Density Precinct” through Hearing 6. I refer to the discussion in the Future Urban Zone s42A report regarding the Village Zone at Tuakau, where the author indicates that the recommendations in Hearing 6 were made on the basis that there was no Future Urban Zone available at that time.¹⁹ There is now scope to consider the Future Urban Zone as an alternative transitional approach for the large greenfield growth areas at Tuakau instead of the Village Zone. This approach also reflects that it is likely that the most appropriate long-term zone in these locations would be Residential Zone rather than Village Zone. The Future Urban Zone s42A report identifies that this option would avoid the transitional issues previously identified in Hearing 6 and enables the Village zone to genuinely reflect the outcomes sought for existing (often non-reticulated) small settlements.²⁰
127. The Future Urban Zone is intended to be applied where development for urban purposes is appropriate in principle, but servicing and structure plans are not currently available.²¹ The Future Urban Zone is recommended as a self-contained zone with a full suite of rules, similar to the Rural Zone, where subdivision is restricted to avoid land fragmentation through ad-hoc subdivision and a structure plan is required to support a plan change process to rezone land for urban use.
128. Option 1 and 2 are similar because they seek to achieve the same outcome, essentially retaining the land in a holding pattern until efficient urbanisation can occur but apply a different zone.

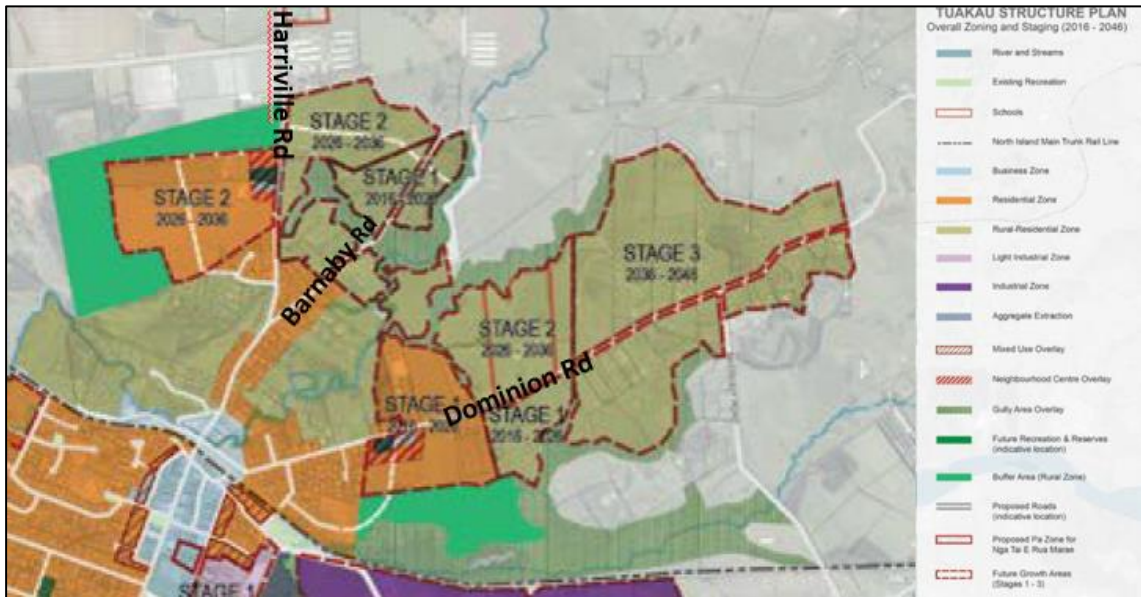
¹⁹ Section 42A Report – Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone, paragraph 135.

²⁰ Section 42A Report – Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone, paragraph 136.

²¹ Section 42A Report Hearing 25: Future Urban Zone, paragraph 52.

129. Option 3 applies a Residential Zone to the new Village Zone areas enabling higher density residential development. The Framework Report identifies that the PWDP reallocates the Rural-Residential Zone in the Operative District Plan (Franklin Section) around Tuakau to a more intensive use through the Village Zone and Residential Zone to provide for growth.²² The Framework Report suggests that the notion of large-lot residential zones acting as transitional zones in periphery areas such as Tuakau should be disregarded, and a standard residential density applied.²³
130. Firstly, I have considered these options against the TSP because the technical analysis provided through this structure planning exercise provides the basis for zoning in the PWDP.

Figure 21: Tuakau Structure Plan - overall zoning and staging



131. Figure 21 illustrates the northern end of the Tuakau township, with new rural-residential (green outlined in red) to the west of Harrisville Road and along Dominion Road. The TSP identified rural-residential or large-lot residential as a suitable typology going into the future. The TSP does not identify these rural-residential areas as being transitional to higher density typologies.
132. Figure 22 is an excerpt taken from the weighted analysis of landscape, visual and amenity effects undertaken for the structure planning process.²⁴ This analysis demonstrates a community preference for large lot residential in the areas identified as rural-residential in the TSP. Reasons for the identification of large-lot residential include topography, but also appear to be driven by community preference.

²² Section 42A Report – Hearing 25: Framework Report, paragraph 209.

²³ Section 42A Report – Hearing 25: Framework Report, paragraph 257.

²⁴ Mansergh Graham Landscape Architects Ltd, TSP Assessment of landscape, visual and amenity effects, page 72.

Figure 22: TSP Landscape Assessment - weighted analysis outcome



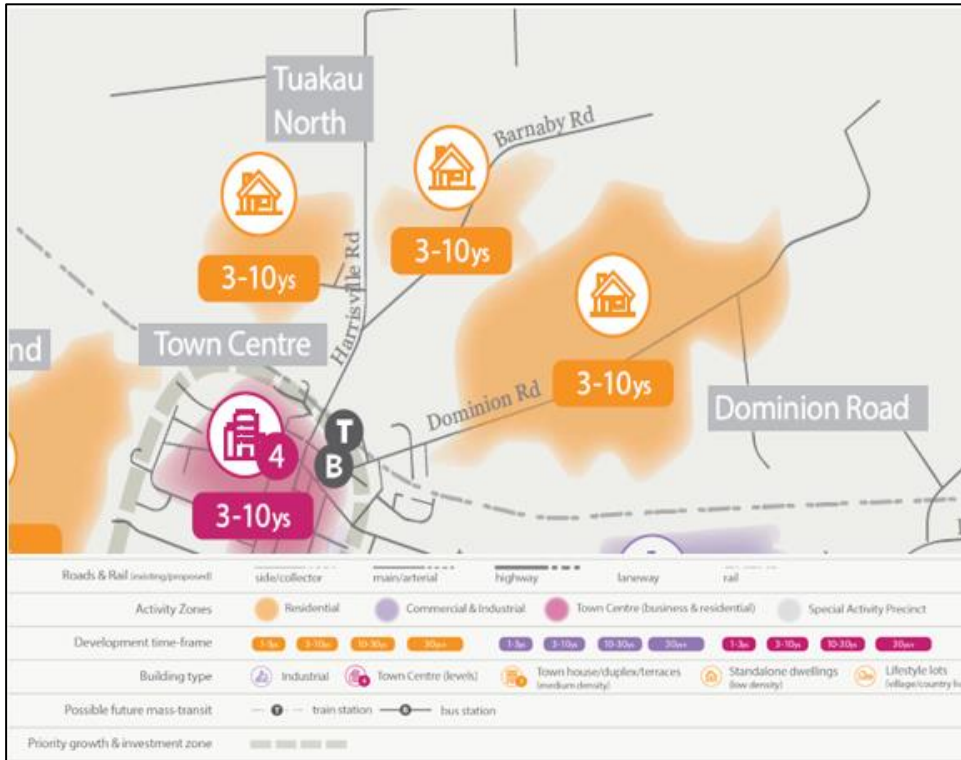
133. Since the TSP was adopted, the NPS for Urban Development Capacity and subsequently the NPSUD have been gazetted, which requires sufficient development capacity to be provided by the district to meet medium growth projections plus 20 per cent. At the time of notification, the PWDP therefore identified some of the north-eastern areas as Village Zone but transitioning from large-lot residential to low density as described in Policy 4.3.3 to provide additional growth.
134. In the context of the NPSUD, the north-east Village Zone areas are generally suitable for development looking at the weighted analysis in Figure 22. This is further supported when considering the geotechnical constraints identified in Figure 6 and discussed in Section 2.2.3 – an excerpt of which is provided below in Figure 23. Land development suitability in existing rural-residential areas that are Village Zone in the PWDP are identified as moderate risk (orange), whereas the new Village Zone areas are identified as low risk (green).

Figure 23: Geotechnical constraints



135. Having identified that the subject areas are generally suitable for development, the key constraint appears to be the lack of water and wastewater servicing as discussed in the Hearing 6 s42A report.²⁵
136. Waikato 2070 includes the north-eastern Village Zone areas within the Tuakau North and Dominion Road growth cells (Figure 24). Waikato 2070 identifies these areas as being suitable for “standalone dwellings (low density)” within a medium-term timeframe (3-10 years). By identifying these areas in the medium-term, I understand that infrastructure constraints will be addressed through the next Long Term Plan.

Figure 24: Waikato 2070 Development Plan – Tuakau (Tuakau North and Dominion Road)



137. It is important to consider the density that would be enabled by the three options primarily because this has a direct impact on the infrastructure servicing requirements, as well as character. The density provided by the three options is set out below:
- Village Future Urban Density Precinct – minimum lot size for subdivision is 20ha (therefore requiring a minimum of 40ha to subdivide) where lots are not reticulated, and a minimum of 800m² where lots are reticulated and there is an approved structure plan.
 - Future Urban Zone – minimum 80ha for parent lot and minimum lot size of 40ha.
 - Residential Zone – minimum 450m².
138. I note from the evidence of Ms Foley that the Waikato Regional Council now supports a live Residential Zone for the new Village Zone area as proposed by the Framework Report. However, while there are submissions seeking the specific rezoning of sites from Village Zone to Residential Zone, I have not identified any submissions that seek a wholesale shift from Village Zone to Residential Zone. Therefore, in my opinion there is no scope to apply Option 3 across the Village Zone.

²⁵ Section 42A Report – Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone, paragraphs 89-92.

139. I also have concerns about applying a live Residential Zone (Option 3) because the area comprises of sites in multiple ownership that are currently constrained in terms of water and wastewater services. It is unclear from the technical analysis undertaken for the TSP whether all the land in question is suitable for low density residential development (450m² lots). Although I acknowledge that infrastructure is likely to be planned for in the Long Term Plan, it is unclear at this time when in the medium-term it would be available. The appropriate typology and servicing requirements would best be determined through structure planning to enable integration of growth and infrastructure.
140. These areas are consistent with Future Proof 2017 and Waikato 2070 as identified areas for growth. I therefore do not consider assessment against the alternative land release criteria to be necessary if applying a live Residential Zone (Option 3). However, I consider Option 3 presents a significant risk to integration if the area is not structure planned first and is likely to result in ad-hoc urbanisation, albeit at a higher density than provided for through the notified Village Zone. Therefore, I do not consider Option 3 to give effect to the WRPS in terms of being planned and coordinated development (Policy 6.1) or coordinating growth and infrastructure (Policy 6.3). For the same reasons, I do not consider Option 3 to give effect to Objective 6 of the NPSUD that requires decisions on urban development to be integrated with infrastructure planning and funding decision.
141. I therefore consider the only options available to the Panel are Options 1 and 2.
142. I do not consider the Village Zone to be an efficient method of identifying and providing for a transitional zone. As discussed in Hearing 6, using the Village Zone as a transitional zone is inconsistent with the purpose of the zone. The amendments recommended through Hearing 6 to clarify the transitional aspects of the Village zone will create a holding pattern for future urbanisation. However, that is not the purpose of the Village Zone and therefore this method is inconsistent with the Village Zone elsewhere in the district (other than Te Kowhai). I do not support Option 1 as it is not the most appropriate method to achieve the purpose of the Act.
143. I agree with the recommendations in the Future Urban Zone s42A report regarding the appropriateness of applying the Future Urban Zone to the new Village Zone areas – this approach will ensure that urbanisation is integrated and coordinated with infrastructure. I therefore support Option 2. I rely on the submission of **Future Proof [606.12]** addressed in the Future Urban Zone s42A report to rezone the new Village Zone areas to Future Urban Zone.
144. I agree that Option 2 better gives effect to the WRPS in terms of Policy 6.1 and 6.3 because the structure planning process will ensure that growth is planned and coordinated with the provision of infrastructure. For the same reasons I consider Option 2 will give effect to the NPSUD in terms of Objective 6 and Policy 10 to integrate infrastructure planning and funding decisions. The Future Urban Zone will ensure a pipeline of development capacity for the medium-long term.
145. In summary:
- a. I support the retention of the Village Zone in areas that were previously zoned Rural-Residential Zone in the Operative District Plan due to topography and geotechnical constraints;
 - b. I support rezoning the new Village Zone areas to Future Urban Zone as these areas are identified as future urban growth areas, and structure planning is required to coordinate growth with infrastructure as well as determine the appropriate densities for development.

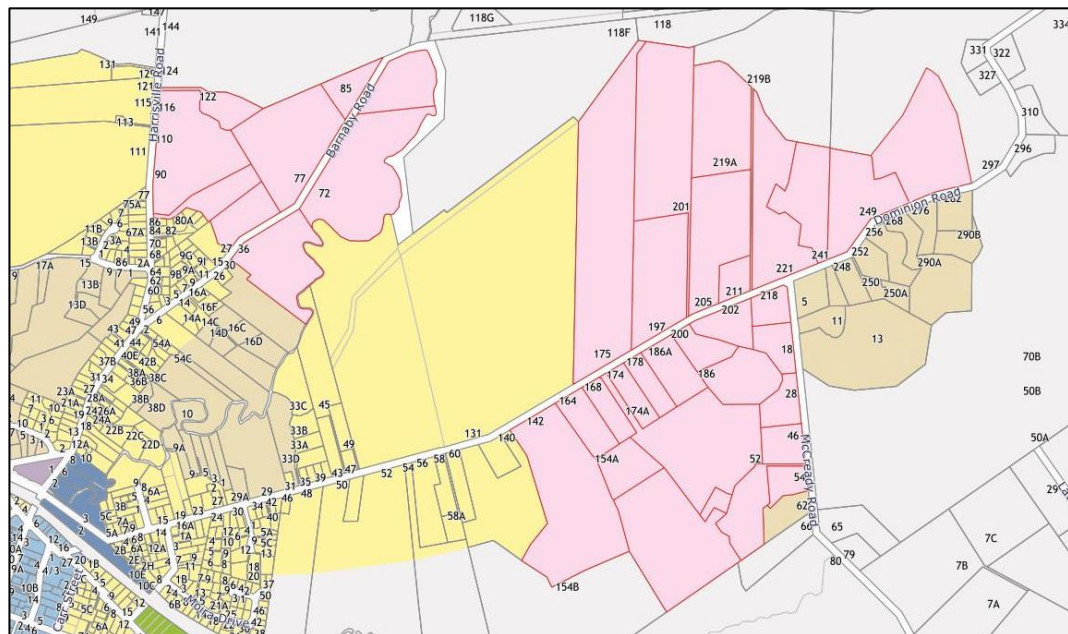
6.3 Recommendations

146. For the reasons above, I recommend:

- **Accept** submission from Future Proof [606.12] to rezone new Village Zone areas east of Harrisville Road to Future Urban Zone.
- **Reject** submission from GD Jones [110.1] to retain the Village Zone, and accept in part further submission Mercury Energy [FS/386.90].
- **Reject** submissions that seek to rezone sites from Village Zone to Residential Zone, and support further submissions that oppose the relief sought.

6.4 Recommended amendments

147. It is recommended to amend the zoning of the new Village Zone areas in the north-east of Tuakau to Future Urban Zone (Appendix 3).



Rural
 Residential
 Village
 Future Urban

6.5 Section 32AA

148. I adopt the section 32AA evaluation supporting the Future Urban Zone provided in the Future Urban Zone s42A report. In summary:²⁶

- the Future Urban Zone is more effective than the status quo and provides certainty for the planning and funding of infrastructure;
- the Future Urban Zone gives effect to the higher order direction provided in the NPSUD and the WRPS regarding the need for structure planning and the integration of urban growth with appropriate network infrastructure;
- the proposed policy framework provides clear direction as to the steps to be undertaken in order to shift from a FUZ to a live urban zone;
- proposed provisions enable ongoing use of land for wide range of rural activities while managing constraints to future urbanisation;

²⁶ Section 42A Report Hearing 25: Future Urban Zone, paragraphs 146-157.

- e. the benefits of enabling growth areas adjacent to existing townships are not unduly constrained and the certainty provided that land is suitable for urban development in the medium-term balance out the costs of future plan changes and restrictions on land use and subdivision; and
- f. the risk of not acting is that the community incurs costs associated with the uncertainty regarding the medium-term direction of growth, capacity for housing and business, and prioritisation of infrastructure funding.
149. Having considered the section 32AA evaluation for the Future Urban Zone, I consider it to be the most appropriate method to achieve the purpose of the Act because the new Village Zone areas are identified as future urban growth areas.

7 Rural Zone to Residential Zone – Dominion Road

7.1 Submissions

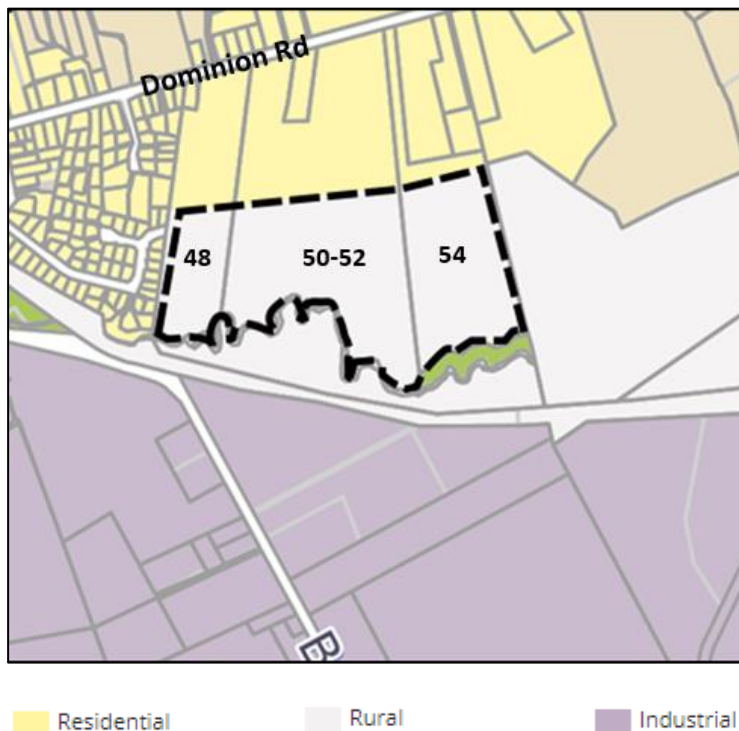
150. Two submission points were received on the topic of rezoning specific sites at Dominion Road from Rural Zone to Residential Zone, and there are five further submissions that oppose the relief sought:

Submission point	Submitter	Decision requested
153.2	Michael Shen	Amend the zoning of Lot 2 DP 153636 (54 Dominion Road), Lot 2 DP 371796 (52 Dominion Road) and Lot 1 DP 485993 (48 Dominion Road) from a split zoning of Rural Zone and Residential Zone to purely Residential Zone. AND Amend the PWDP to provide any alternative, additional or consequential relief as is necessary to achieve consistency with the above and to satisfy the concerns of the submitter.
<i>FS1277.107</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FS1386.130</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
299.14 299.15	2SEN Limited and Tuakau Estates Limited	Amend the zoning of the entire property at 48 and 52 Dominion Road, Tuakau, to Residential Zone. AND Any consequential changes necessary to give effect to the relief sought.
<i>FS1108.191</i> <i>FS1108.192</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
<i>FS1202.101</i> <i>FS1202.102</i>	<i>Waka Kotahi NZ Transport Agency</i>	<i>Oppose</i>
<i>FS1277.108</i> <i>FS1277.109</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>

7.2 Analysis

151. **Michael Shen [153.2]** and **2SEN Limited and Tuakau Estates Limited [299.14 and 299.15]** seek a Residential Zone to apply to the entire site for properties at 48–54 Dominion Road, which are proposed to have split zoning of Residential Zone on the front half along Dominion Road and Rural Zone on the back half. The submitter raises concerns regarding the implementation of a rural buffer to provide a 250m separation distance between residential land use on the southern side of Dominion Road and the Bollard Road industrial area south of the NIMT railway and the lack of appropriate consideration of other methods to manage potential adverse effects of noise and odour.
152. Figure 25 identifies the area that the submissions seek to rezone.

Figure 25: Area that submissions seek to rezone from Rural Zone to Residential Zone



153. Further submissions from Waka Kotahi NZ Transport Agency [*FS1202.101* and *FS1202.102*] are concerned that the proposed “live” zoning of areas for development within Tuakau and Pōkeno without integrated planning, staging or sequencing of infrastructure has the potential to compromise liveable community outcomes. This matter is discussed further in relation to the township submissions discussed in Section 15, and I note from the evidence of Mr Wood that Waka Kotahi’s position is now neutral on these submissions.
154. Further submissions of Waikato Regional Council [*FS1277.107*, *FS1277.108* and *FS1277.109*] oppose rezoning these sites to Residential Zone. The evidence of Ms Foley indicates that although it is located within the Future Proof 2017 urban limits, the area is only partially within Waikato 2070. Ms Foley remains concerned about these rezoning requests because land is affected by high-class soils, streams and flooding.
155. I have read the evidence that was filed on behalf of the submitters, including:
- a. Ms Heppelthwaite (planning)
 - b. Mr Grey (planning)
 - c. Mr Curtis (air quality)

- d. Mr Hills (transport)
 - e. Mr Hegley (acoustic)
 - f. Mr Aldertson (infrastructure)
 - g. Mr Sen (submitter).
156. Ms Heppelthwaite provides an s32AA evaluation and addresses the statutory tests and the Framework Report in her planning evidence for 48 and 52 Dominion Road. Mr Grey's evidence relies on the approval of rezoning proposals at 48–50 Dominion Road as addressed in the evidence of Ms Heppelthwaite. Mr Grey provides an s32AA evaluation to support rezoning at 54 Dominion Road, as well as addressing the three lenses of the Framework Report.
157. The planning evidence of Ms Heppelthwaite sets out the background technical assessments of the TSP in relation to the site, identifying that these provide sufficient assessment to support rezoning in relation to flooding, catchment management, archaeology, built heritage, visual and landscape amenity, geotechnical constraints and ground contamination.²⁷ Ms Heppelthwaite considers the PWDP Residential Zone to be inconsistent, and the extent of the Residential Zone arbitrary. I agree with Ms Heppelthwaite that there is no clear explanation in the s32 report for the extent of the Residential Zone at this site. The zone extent does not align with a natural feature, contour or property boundary.
158. I understand that the extent of the residential zoning was identified to align with the property boundaries of 15 Armitage Place and 140 Dominion Road to provide a depth of between 300m and 450m from the northern boundary of the existing Business Zone.²⁸ Therefore achieving a buffer of over 300m from the industrial land to the south.
159. The key issue pertaining to this rezoning relates to the need to maintain a buffer between residential and industrial land to avoid reverse sensitivity effects. To this point, Ms Heppelthwaite refers to PC16, which identified the need to maintain a buffer of approximately 250–300 metres measured from the northern boundary of the Industrial Zone sites, and the fact that the Council determined a more extensive buffer in response to consultation from Tuakau Timber Treatment regarding reverse sensitivity.²⁹ I accept that this reasoning has not been tested because PC16 was withdrawn and subsumed into the PWDP.
160. Having reviewed the evidence of Mr Hegley³⁰ and Mr Curtis³¹ I accept that potential reverse sensitivity issues could be adequately managed through the application of an Amenity Yard that requires residential development to be set back from at least 150m from the adjacent industrial activities as proposed by Ms Heppelthwaite.

Proposed provisions

161. Ms Heppelthwaite sets out a proposed Amenity Yard provision as follows:

“16.3.9.2 Building setback – Sensitive land use

- PI (a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:*
- (i) 5m from the designated boundary of the railway corridor;*
 - (ii) 15m from the boundary of a national route or regional arterial;*
 - (iii) 25m from a designated boundary of the Waikato Expressway;*

²⁷ Ms Heppelthwaite evidence in chief (EIC), paragraph 2.7.

²⁸ PC16, Summary Statutory Report, page 37.

²⁹ Ms Heppelthwaite EIC, paragraph 3.14.

³⁰ Mr Hegley EIC, 17 February 2021, paragraphs 10.4–10.7.

³¹ Mr Curtis EIC, 17 February 2021, paragraph 4.5.

- (iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and
- (v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed.

P2 (a) Any new building or alteration to an existing building for a sensitive land use must be located outside Amenity Yard on Figure X.

RD1 (a) Construction, addition to or alteration of a habitable building space that does not comply with Rule 16.3.9.2 P2.

(b) Council's discretion shall be restricted to the following matters:

- (i) On-site amenity values;
- (ii) Odour, dust and noise levels received at the notional boundary of the building;
- (iii) Timing and duration of noise received at the notional boundary of the building;
- (iv) Potential for reverse sensitivity effects.

D1 Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P1.”

162. Figure 26 illustrates the location of the Amenity Yard as proposed by Ms Heppelthwaite.³²

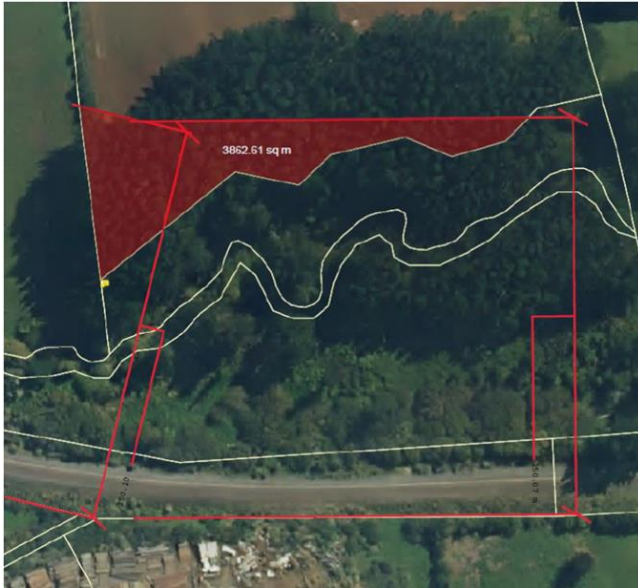
Figure 26: Amenity Yard proposed at 48–52 Dominion Road



163. The concept of the Amenity Yard is also adopted by Mr Grey as an appropriate method to manage reverse sensitivity effects and it has therefore been extending across to 54 Dominion Road as illustrated in Figure 27. It would be helpful if the submitters could prepare a combined survey plan for the Amenity Yard for inclusion in the PWDP.

Figure 27: Amenity Yard at 54 Dominion Road

³² Ms Heppelthwaite EIC, Figure 6, page 25.



164. The proposed rule requires resource consent for development of sensitive land uses within the Amenity Yard as a restricted discretionary activity. The matters of discretion seek to manage potential adverse effects on amenity values as well as potential adverse effects from nearby industrial activities such as odour, dust and noise, and therefore mitigate potential reverse sensitivity effects.
165. In addition to the matters of discretion proposed, there are several other matters that will be addressed within the area affected by the Amenity Yard. At the time of subdivision, a 20m esplanade reserve will be required along the northern bank of the Kairoa Stream. It is also anticipated that land within the Amenity Yard is where stormwater attenuation and storage would locate.³³ In addition, through Hearing 22: Infrastructure a 60–100m buffer is recommended for designated rail corridors. Within the buffer to the NIMT sensitive land uses are required to comply with acoustic insulation requirements as a permitted activity.³⁴ Although these matters will overlap, I consider them to be able to interact and culminate to work in support of the purpose of the Amenity Yard. I consider the matters of discretion proposed would address the issues that need to be addressed through a resource consent to enable actual or potential adverse effects to be avoided, remedied or mitigated.

Infrastructure

166. Technical evidence on transport and three waters was filed for 48-52 Dominion Road, which has been reviewed by Beca Ltd (Beca Review).
167. In terms of transport evidence, the Beca transport review generally agrees with the assessment and recommendations but identifies that further information is needed to determine whether the proposed upgrades are necessary or not.³⁵ In particular, the Beca transport review highlights that the upgrades identified may be technically difficult and seeks clarity on whether there are other alternatives. I do not consider the issues raised by the Beca transport review to preclude the rezoning requested.

³³ Mr Alderton EIC, paragraph 3.6.

³⁴ Section 42A report – Hearing 22: Infrastructure, Appendix 4: Other PWDP amendments.

³⁵ Appendix 4: Technical Specialist Review, Transport – Dominion Road, Tuakau.

168. In terms of three waters, the Beca waters review concludes that the development at 48-52 Dominion Road is likely to be able to be serviced for three waters subject to further assessment.³⁶ The further assessment matters identified by the Beca three waters review relate to detailed design to manage flood hazards, and confirmation that there is capacity within the water treatment plant and wastewater treatment plant consents for the additional development capacity. I note that the evidence of Mr Alderton confirms that the development would be able to connect to the wastewater network and that there is sufficient capacity; and that there is sufficient water supply.³⁷ Only local network upgrades are identified, and these would be addressed at the time of subdivision.
169. Table 2 above identifies the infrastructure availability for the Dominion Road growth cell, indicating that the water supply and wastewater networks will be extended to support growth.
170. In summary, I do not consider there to be any infrastructure issues to preclude rezoning land at 48-54 Dominion road because the subject land is within the Dominion Road growth cell and growth within this area will need to contribute towards necessary infrastructure upgrades. I am satisfied that any required upgrades can be identified through the subdivision consenting process including the need for Developer Agreements and/or limiting the number of lots that can be created until upgrades are implemented.

³⁶ Appendix 4: Technical Specialist Review, Three Waters – Tuakau, Dominion Road.

³⁷ Mr Alderton EIC, paragraphs 6.4 and 7.6.

Statutory assessment

171. Both Ms Heppelthwaite and Mr Grey identify the relevant higher order policy documents and strategies, and I concur. Ms Heppelthwaite concentrates her assessment on the WRPS and the NPSUD because these are the documents that must be given effect to, which I consider appropriate.
172. In summary, Ms Heppelthwaite determines that the rezoning is largely consistent with Implementation Method 6.1.8 and Development Principles 6A of the WRPS. The site is identified to be within the indicative urban limits in Future Proof 2017 and is therefore aligned with Policies 6.14 and 6.15 of the WRPS.
173. Ms Heppelthwaite defers to the Framework Report's identification that additional land beyond what is zoned in the PWDP will be required to satisfy the NPSUD. Ms Heppelthwaite identifies a potential yield of 219 dwellings for development of the entire sites at 48 and 52 Dominion Road.³⁸ Additional capacity would also be provided by 54 Dominion Road, although a figure is not provided. I consider the additional capacity provided by the proposal will give effect to the NPSUD and will contribute to a well-functioning urban environment because the sites are adjacent to the existing urban area. The Dominion Road growth cell is identified in Waikato 2070 to be developed in the medium term (3–10 years), and infrastructure upgrades required can be provided at the time of development.
174. Mr Grey addresses further the issue of high-class soils in relation to WRPS Policy 14.2, identifying the need to protect from 'inappropriate' development. I agree with Mr Grey's conclusion that the proposal would not be inappropriate in the context of the broader growth area as it is not possible to avoid high-class soils when expanding the Tuakau township.³⁹
175. I am comfortable that the proposal gives effect to the WRPS and NPSUD. Accordingly, it is also consistent with Waikato 2070 and Future Proof 2017.

7.3 Recommendations

176. For the reasons above, I recommend:
- **Accept** submissions from Michael Shen [153.2] and 2SEN Limited and Tuakau Estates Limited [299.14 and 299.15] to rezone 48–54 Dominion Road from rural to residential and reject further submissions in opposition.

7.4 Recommended amendments:

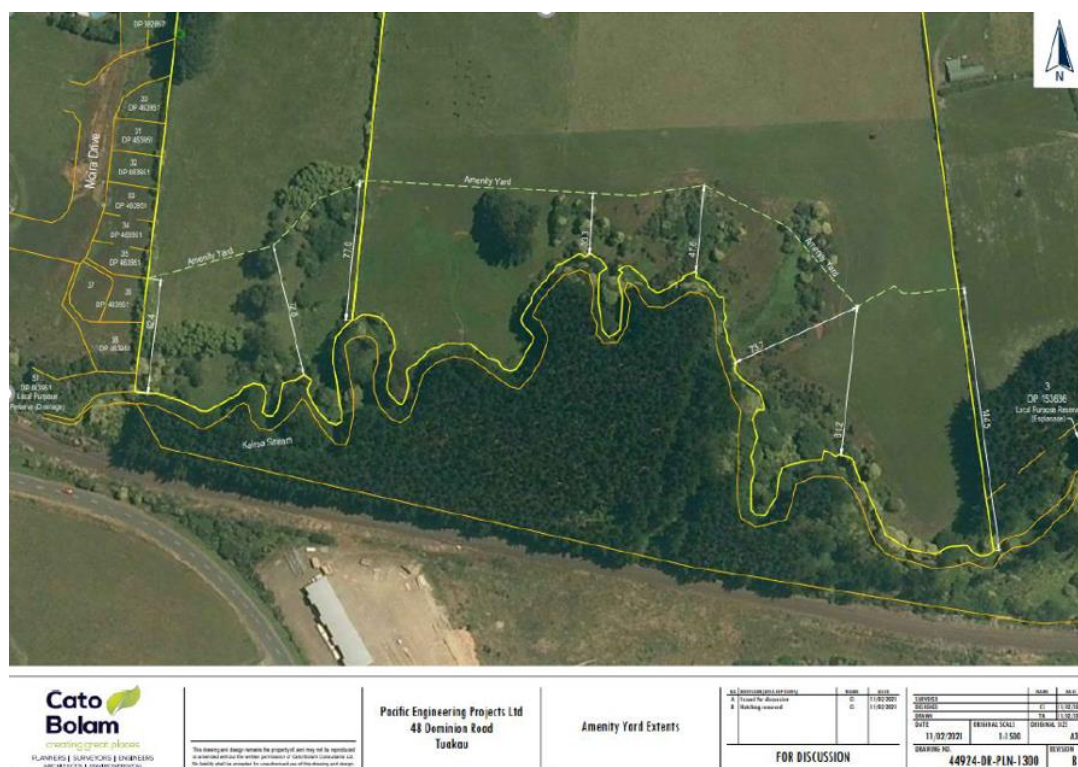
177. It is recommended to zone the full extent of sites at 48–54 Dominion Road as Residential Zone (Appendix 3).

³⁸ Ms Heppelthwaite EIC, Table 1, page 20.

³⁹ Mr Grey EIC, paragraph 3.9.

	<p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(v) <u>On-site amenity values:</u></p> <p>(vi) <u>Odour, dust and noise levels received at the notional boundary of the building:</u></p> <p>(vii) <u>Timing and duration of noise received at the notional boundary of the building:</u></p> <p>(a) <u>Potential for reverse sensitivity effects.</u></p>
DI	Any building for a sensitive land use that does not comply with Rule 16.3.9.2 P1.

Figure X – Amenity Yard at 48-54 Dominion Road (to be amended to include 54 Dominion Road)



7.5 Section 32AA evaluation

179. It is recommended to rezone land at 48-54 Dominion Road from Rural Zone to Residential Zone. I adopt the s32AA evaluations prepared by Ms Heppelthwaite and Mr Grey in support of the rezoning.

7.5.1 Effectiveness and efficiency

180. Reasonably practicable alternatives considered were the notified zone and the proposed zone, which have been assessed by Ms Heppelthwaite and Mr Grey.
181. The recommended Amenity Yard will enable residential development to occur while also ensuring the protection of nearby business activities. This provision does not conflict with the 60–100m buffer required for the designated NIMT railway but will further strengthen this requirement, as development will be managed in this area.
182. I note that land at the southern end of the subject area, south of the stream and adjoining the NIMT railway, is in a separate parcel that forms part of 43 Bollard Road. This land would be retained as rural, adding to the buffer.
183. I consider the proposal to establish a more defensible boundary than the notified zone extent because it aligns with the stream, which is a natural constraint.

7.5.2 Costs and benefits

184. There would be costs associated with the loss of rural land containing high-class soils. However, this would be offset with the provision of additional growth and will already be compromised by the Residential zoning fronting Dominion Road. The land area affects three titles with a total area of approximately 25ha, of which almost half is already zoned Residential in the PWDP. Additional development capacity provided would be approximately 219 lots. Any servicing costs would be marginal because the sites are already going to be serviced for the development areas fronting Dominion Road.
185. There are benefits for the environment associated with the establishment of esplanade reserves at the time of subdivision and retention of an Amenity Yard area alongside the river. The overall benefit will be the additional development capacity that is enabled through the identification of additional residential land.

7.5.3 Risk of acting or not acting

186. There are no additional risks in not acting. There is sufficient information on the costs to the environment and the benefits to people and communities to justify the amendment to the policy.

7.5.4 Decision about most appropriate option

187. For the reasons above, the amendment to the zoning and building setback rule is considered to be the most appropriate way to achieve PWDP Objective 4.1.2 to consolidate urban growth in and around existing towns and villages, and PWDP Objective 4.4.1 to protect the health and wellbeing of people, communities and the environment from the adverse effects of land use and development.

8 Rural Zone to Residential Zone – Geraghtys Road

8.1 Submissions

188. Five submission points were received on the topic of rezoning sites at Geraghtys Road from Rural Zone to Residential Zone. Eleven further submissions were received, two in support and the rest opposed to rezoning this area Residential.
189. These submissions were made:

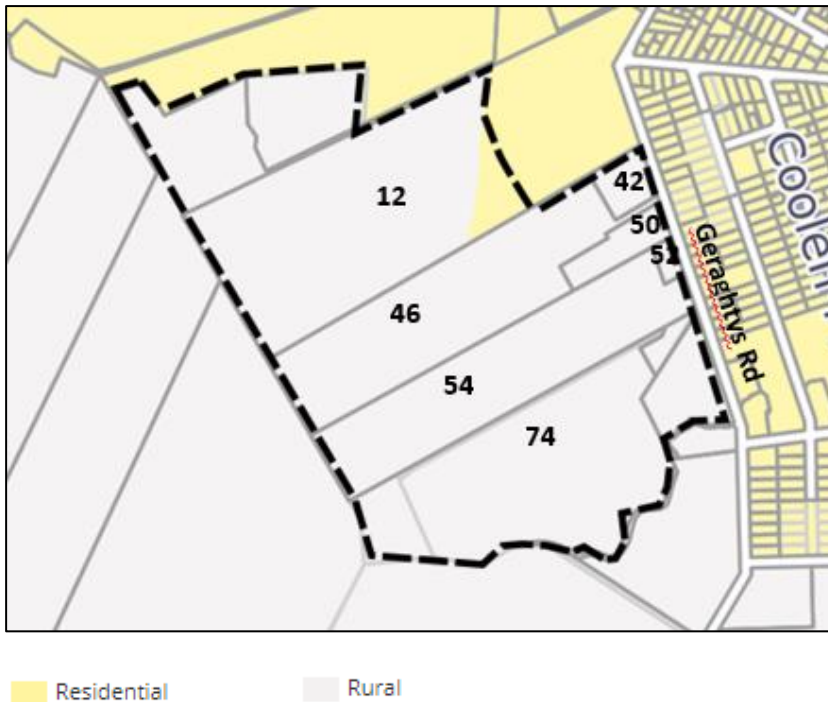
Submission point	Submitter	Decision requested
182.1	Kirriemuir Trustee Limited	Amend the zoning of the sites on the western side of Geraghtys Road, Tuakau, adjoining the proposed Residential Zone (as shown in Figure 3 of the submission) from Rural Zone to Residential Zone. AND Amend provisions as consequential changes to give effect to the relief sought in the submission.
FSI353.3	Tuakau Proteins Limited	Oppose
FSI277.113	Waikato Regional Council	Oppose
FSI386.162	Mercury NZ Limited for Mercury C	Oppose
399.1	Delys Tansley	Amend the zoning of the property at 42 Geraghtys Road, Tuakau, from Rural Zone to Residential Zone.

425.4	Envirofert Limited	Amend the zoning for the northern/eastern portion of 74 Geraghtys Road, Tuakau, from Rural Zone to Residential Zone (refer to Figure 2 attached to the submission).
<i>FSI038.3</i>	<i>Simon Dromgool</i>	<i>Oppose</i>
<i>FSI136.7</i>	<i>Shaun McGuire</i>	<i>Support</i>
<i>FSI140.4</i>	<i>Kirriemuir Trustee Limited</i>	<i>Support</i>
<i>FSI108.195</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
<i>FSI202.112</i>	<i>Waka Kotahi NZ Transport Agency</i>	<i>Oppose</i>
542.2	Mark Sillence	Amend the proposed zoning of properties on the western side of Geraghtys Road, Tuakau, from the Rural Zone to Residential Zone.
<i>FSI353.29</i>	<i>Tuakau Proteins Limited</i>	<i>Oppose</i>
568.3	JoonYoung Moon	Amend the zoning of the land at 50 Geraghtys Road, Tuakau, from Rural Zone to Residential Zone.
<i>FSI353.30</i>	<i>Tuakau Proteins Limited</i>	<i>Oppose</i>
<i>FSI388.816</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>

8.2 Analysis

190. Submissions seek rezoning of rural land along Geraghtys Road to Residential Zone. Reasons included that no detailed reasoning is provided as to why Geraghtys Road should be the urban extent, it does not provide a clear edge, and there would be no adverse effects from extending the Residential Zone.
191. Several further submitters oppose submissions seeking Residential zoning on the western side of Geraghtys Road. Tuakau Proteins Limited [*FSI353.3*] opposes submissions but supports rezoning in part, provided no land is rezoned within 1,000m of the Tuakau Proteins Limited site to maintain a buffer. Further submissions from Waikato Regional Council [*FSI277.113*] and Waka Kotahi NZ Transport Agency [*FSI202.112*] oppose rezoning in principle or consider that insufficient investigations have occurred to support rezoning, including sequencing of infrastructure.
192. Figure 28 identifies the area that the submissions seek to rezone.

Figure 28: Area that submissions seek to rezone from Rural Zone to Residential Zone



193. The area west of Geraghtys Road is not subject to geotechnical constraints and there is a flood plain along the western boundary. Properties on the western side of the road are bounded by the Significant Amenity Landscape associated with the Waikato River. Water supply exists along the road to service existing development, but not wastewater. The land does contain high-class soils. To extend west of the road would result in expansion toward the Significant Amenity Landscape.
194. Evidence was received from **Kirriemuir Trustee Limited [182.1]** in support of its submission. No other evidence was received. **Envirofert Ltd [425.4]** identifies an area for rezoning which is consistent with the area sought by the Kirriemuir Trustee Limited submission, including an additional area along the road frontage at 74 Geraghtys Road. My assessment is focused on the area covered by the evidence received from Kirriemuir Trustee Limited.
195. I have read the evidence submitted on behalf of Kirriemuir Trustee Limited including:
- John Olliver (Planning)
 - Ben Pain (Water Supply and Wastewater)
 - Kelvin Norgrove (Economics)
 - Siva Balachandran (Transport)
 - Ajay Desai (Stormwater and Flooding)
 - Jonathan Broekhusen (Urban Design)
196. The planning evidence from Mr Olliver applies the three lenses set out in the Framework Report focusing on what he identifies to be the key issues in contention – that the site is partly within an identified urban growth area, and reverse sensitivity. Mr Olliver clarifies the scope of the submission in his planning evidence as follows:
- A live zone is sought and not a future urban zone is sought.⁴¹

⁴¹ Mr Olliver EIC, paragraph 2.11.

- b. Sites where rezoning is sought (12–54 Geraghtys Road) resulting in a total area of 38.0177ha.⁴²
- c. Proposing a structure plan and rule requiring subdivision and development to be in accordance with the structure plan be included in the PWDP.⁴³
197. Figure 29 identifies the revised area to be rezoned and the structure plan proposed by the submitter.

Figure 29: Geraghtys Road Structure Plan



198. Economic evidence from Mr Norgrove suggests that the population of Tuakau could be higher than identified in the Framework Report, and that there are economic efficiency benefits in developing the site because of its proximity to the existing urban area. Based on typical lot sizes of 450–600m², development yield is identified by Mr Pain to be 425 lots.⁴⁴
199. The further submission from Waikato Regional Council [FS1277.113] opposes Residential Zone of the subject site. The planning evidence of Ms Foley for Waikato Regional Council identifies that the land is not within the Future Proof 2017 indicative urban limits or any Waikato 2070 growth cells, there is no infrastructure, land is affected by high-class soils, and it is adjacent to a Waikato Regional Council drainage scheme that manages flooding.
200. I consider the key issues in contention to be considered are reverse sensitivity, infrastructure, and suitability for growth which are discussed in turn below.

Reverse sensitivity

⁴² Ibid, paragraph 3.1.

⁴³ Ibid, paragraph 10.5.

⁴⁴ Mr Pain EIC, paragraph 3.2.

201. I agree that potential reverse sensitivity effects on nearby industrial activities is a key issue of contention. This is reflected in the fact that the subject land is not identified for growth in the TSP, and the concerns raised by the further submission of Tuakau Proteins Limited [FS/353.3].
202. I accept the evidence of Mr Curtis (Air Quality) identifying that the location and separation distance between the land and potential sources of air discharges is consistent with that proposed by the Council in relation to the Pukekohe Wastewater Treatment Plan, and that the Envirofert resource consent does not enable offensive odours beyond the site boundary.⁴⁵ Mr Curtis provides an analysis of the requirements for air discharges and considers the separation distances that would be maintained from the boundary of the site – 380m from the leachate storage pond and more than 500m from the active composting areas on the Envirofert site.⁴⁶ I note that Mr Curtis also identifies that although the site was a significant source of odour in the past, Envirofert has made a number of significant process improvements reducing odour emissions in response to enforcement proceedings.
203. Mr Curtis also addresses the Tuakau Proteins Ltd site which is identified to be located approximately 950m from the subject site's closest residence. Although this is less than the 1,000m recommended by the TSP, Mr Curtis considers the difference of 50m to be immaterial from an odour perspective.⁴⁷
204. I accept the air quality evidence of Mr Curtis and consider there to be a sufficient separation between residential land uses and the industrial activities in the Rural Zone to support rezoning land Residential Zone.

Infrastructure

205. Infrastructure evidence is provided for transport and three waters, identifying that infrastructure is not a constraint to the urbanisation of the subject land. Water and wastewater upgrades are identified by Mr Pain, which are either included in the draft long-term plan or could be addressed by interim solutions until upgrades are available.⁴⁸ Mr Pain's evidence indicates that this approach has been discussed with Watercare Waikato.
206. Evidence of Mr Desai (Stormwater and Flooding) relies on the Catchment Management Plan prepared for the TSP, which includes the site. The existing flood hazard would be contained within the proposed open space network.
207. In terms of three waters, the Beca waters review concludes that the development at Geraghtys Road is likely to be able to be serviced for three waters subject to further assessment.⁴⁹ The further assessment matters identified by the Beca waters review relate to detailed design to manage flood hazards, and confirmation that there is capacity within the water treatment plant and wastewater treatment plant consents for the additional development capacity.
208. The Beca waters acknowledges that new local infrastructure can be designed and connected to the public network. However, uncertainty exists around whether there is capacity within the trunk network that includes treatment plants that are required to comply with any required regional consents.
209. Watercare Waikato has confirmed that their planning for growth reflects Waikato 2070, therefore it anticipates growth on the eastern side of Geraghtys Road in accordance with the Dromgools Road growth cell. No provision is made for growth occurring on the western side of Geraghtys Road and therefore it is uncertain whether there is sufficient capacity for an additional 425 dwellings as proposed by the submitter.

⁴⁵ Mr Curtis EIC, paragraphs 2.2 and 2.3.

⁴⁶ Mr Curtis EIC, paragraph 6.5.

⁴⁷ Ibid, paragraph 6.9.

⁴⁸ Mr Pain EIC, section 6.

⁴⁹ Appendix 4: Technical Specialist Review, Three Waters – Tuakau, Geraghtys Road.

210. In my opinion the issue to be addressed is whether existing or planned infrastructure anticipates development on the western side of Geraghtys Road. Watercare Waikato is planning to serve the growth identified for Tuakau. Therefore any existing or planned capacity available in the water and wastewater network is provided to support growth in accordance with Waikato 2070. As the subject area is not identified for growth within Waikato 2070 it is therefore not currently or planned to be served by public water and wastewater infrastructure.
211. Evidence of Mr Balachandran (Transport) provides an overview of the transport characteristics and potential effects on the transport environment and recommends mitigation measures to address potential adverse effects. The key issue relates to the level of local network upgrades that would be required. Mr Balachandran identifies that due to the limited transport infrastructure existing, the overall transportation effects on the adjoining road network are likely to be minor to moderate if not mitigated and would require several intersection upgrades.⁵⁰
212. I note that Mr Balachandran recommends planning rules be included in the PWDP to assess cumulative effects of traffic generated to be funded and built through a combination of district plan provisions and development contributions.⁵¹ However, no such provisions are recommended by in the evidence of Mr Olliver because the plan provisions for transport are considered to address these issues. PWDP Rule 14.12.1 P4 allows for traffic generation within the Residential Zone of up to 100 vehicle movements per day as a permitted activity. Therefore, subdivision or development of the subject land would be a restricted discretionary activity under Rule 14.12.2 RD4, with discretion to consider trip characteristics, safety design, road network safety and mitigation to address effects.
213. I have considered the AECOM TSP Integrated Transportation Assessment, which identified no transport issues in relation to this site. The Geraghtys Road Structure Plan road network is consistent with the western connection to Buckland Road identified in the TSP Integrated Transportation Assessment. Mr Balachandran's assessment of the transport strategies and policies finds the proposal to be consistent with the Government Policy Statement on land transport (2018/19–2027/28) and the Waikato Regional Land Transport Plan (2015–2045).⁵²
214. The transport evidence was reviewed by Beca Ltd and generally agrees with the assessment and recommendations and no additional issues are identified.⁵³ However, the assessment does highlight that there is considerable uncertainty around the provision of identified transport upgrades including developer contributions and planning rules.
215. I note that development contributions cannot be captured at the time of subdivision or development unless they relate to projects identified in the long-term plan. Therefore, development contributions could not be relied on to fund infrastructure upgrades within the wider transport network.
216. In summary, I consider there to be infrastructure constraints that would preclude a live of Residential Zone for the subject site. I do not consider there to be sufficient information to support the inclusion of specific staging provisions within the PWDP to manage the effects of development on the transport network. However, the submitter may be able to demonstrate how this could be achieved through rebuttal evidence.

Suitability for growth

⁵⁰ Mr Balachandran EIC, paragraphs 2.13 and 2.14.

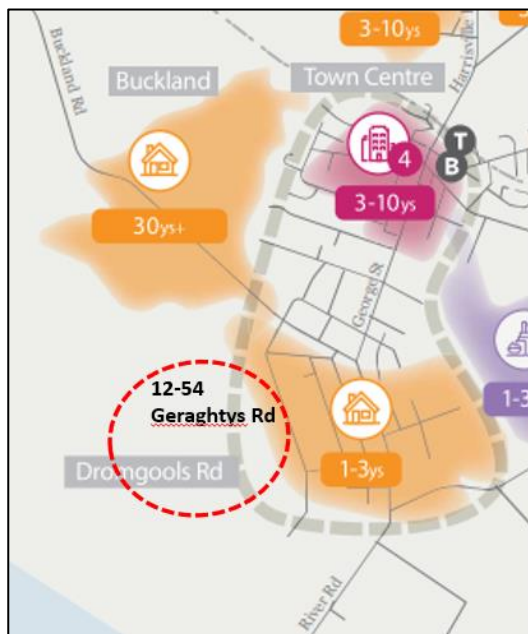
⁵¹ Ibid, paragraph 8.34.

⁵² Mr Balachandran EIC, paragraph 9.2.

⁵³ Appendix 4: Technical Specialist Review, Transport – Geraghtys Road, Tuakau.

217. Geraghtys Road forms the predominant western edge of the township, with rural on the western side of the road and residential on the eastern side consistent with the TSP. Land on the western side of Geraghtys Road was not identified as being suitable for growth through the TSP process because of potential reverse sensitivity effects. This decision has then led to the area being excluded from subsequent growth planning, including Future Proof 2017 and Waikato 2070. I am not aware of any other reason for the subject land not being identified as suitable for growth.
218. The western edge of the site is affected by flooding as identified within the Flood Plain Management Area in the PWDP Stage 2 (Figure 7). However, the submitter's structure plan demonstrates that the flood plain can be set aside from development as a reserve area affording ongoing protection of the flood plain to protect health and safety and avoids the creation of new intolerable risk in accordance with Policy 13.1 of the WRPS.
219. The land in question effectively sits between two growth areas identified in Waikato 2070 – Buckland and Dromgools Road (Figure 29).

Figure 30: Waikato 2079 Development Plan - Tuakau (Buckland and Dromgools Rd growth cells)



220. Waikato 2070 identifies the Dromgools Road growth cell as low density residential within a short-term timeframe (1-3 years), recognising that the area is currently serviced by infrastructure or the network can be extended, as identified in Table 2 in Section 2.2.4 above. The Buckland growth cell is also identified as low density residential, however it is identified to be available in the long-term (30 years plus).
221. In terms of Future Proof 2017, the northern part of the subject site sits partly within the urban limits for the Buckland area and Geraghtys Road forms the western urban limit to the township. I accept that these limits are indicative and consider the subject area to be partly within the urban growth limits.
222. Although the subject site is not identified in Waikato 2070 or Future Proof 2017, this reflects earlier decisions through the TSP process. Other than infrastructure I do not consider there to be any constraints to growth as discussed above. Identifying the land as Future Urban Zone would signal the growth that could occur and enable the Council to plan for and fund infrastructure upgrades through future Waikato 2070 and long-term plan reviews.

223. I consider the western property boundaries in association with the Significant Amenity Area to provide a defensible boundary to growth that is consistent with the consolidation directives of the WRPS and Future Proof 2017.

Statutory assessment

224. There are three zoning options available to the Panel for the subject land within the scope of submissions:
- Option 1 - Residential Zone as sought by the submitter
 - Option 2 - Future Urban zone
 - Option 3 - Rural Zone as notified
225. Mr Olliver considers the Residential Zone (Option 1) to be appropriate because the land is relatively small and is adjacent to existing infrastructure.⁵⁴ Due to the infrastructure constraints discussed above, I do not support a live Residential Zone.
226. WRPS Policy 6.14 requires new urban growth in Future Proof areas to occur within the urban limits. As discussed above in Section 4.2, the WRPS has not been updated to include Tuakau therefore I consider it appropriate to consider the proposal against the criteria for alternative land release in Method 6.14.1 in accordance with Policy 6.14(g). Therefore, determining whether the proposal is consistent with the principles of the Future Proof land use pattern. Alternative release criteria focus on maintaining or enhancing the safe and efficient function of existing or planned infrastructure including significant infrastructure investments, and consistency with the development principles in Section 6A of the WRPS.
227. Mr Olliver provides in his evidence an assessment against the development principles demonstrating consistency, particularly those relating to consolidation of existing towns and compact urban form. However, I do not consider the submitter's evidence to have adequately addressed infrastructure issues as discussed above. I support the proposal to enable urban growth on the subject site, but I do not support a live Residential Zone (Option 1) because it would not give effect to the WRPS Policies 6.1, 6.3 and the alternative land release criteria in Method 6.14.1. However, because the land is otherwise consistent with the growth directives of the WRPS I consider the Future Urban Zone (Option 2) to be an appropriate alternative.
228. The evidence of Mr Olliver provides an assessment against the higher order documents and identifies a tension between the NPSUD, which seeks additional development capacity; and the settlement pattern promoted in the WRPS and Future Proof 2017 that requires growth to occur within identified urban limits. I concur with Mr Olliver's evidence that the northern end of the site is partially within the settlement pattern identified in Future Proof 2017 (12 Geraghtys Road), and that the Dromgools Road growth area identified in Waikato 2070 also appears to extend partially over Geraghtys Road. However, neither of these documents identify the full extent of the land proposed for rezoning by the submitter.
229. In principle, I accept that the NPSUD supports the rezoning of the subject land as Residential Zone (Option 1). However, the NPSUD also requires that sufficient development capacity is infrastructure-ready meaning that funding for adequate infrastructure is identified in the long-term plan. In my opinion a Future Urban Zone (Option 2) will give effect to the NPSUD because it ensures a pipeline of development capacity that can be enabled through live zoning once infrastructure provision resolved. Future development will contribute to a well-functioning urban environment (Objective 1), and it is in accordance with Policy 8 requiring responsiveness to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments.

⁵⁴ Mr Olliver EIC, paragraph 2.13.

230. Option 3 retains the land as Rural Zone reflecting that the land is not identified for urban growth in Waikato 2070 or Future Proof 2017. I do not support this option because the land is suitable for growth and has similar characteristics as the Buckland growth cell.
231. Option 2 to apply the Future Urban Zone to the subject site is recommended because it recognises that the land is suitable for urban growth subject to structure planning. I consider the structure planning process to be the appropriate way to address the infrastructure issues identified above. Ideally structure planning would include the subject land as well as the southern portion of the Buckland growth cell.

Plan provisions

232. In case the Panel supports Option 1 – Residential Zone, I have outlined how it could be implemented as proposed by Mr Olliver. Mr Olliver considers including the site-specific structure plan within the PWDP will guide development in relation to the roading pattern and natural features.⁵⁵ I agree this would be necessary.
233. Currently only a few structure plans are included in the PWDP, being Lakeside, Te Kauwhata and Rangitahi. Structure plans are clearly envisaged by the objectives and policies in Chapter 4 that talk about structure plans and masterplans. I note that the WRPS also supports structure plans as a method for implementing growth. Given the simplicity of the Geraghtys Road Structure Plan (only applying one zone) then I consider it appropriate for it to sit as an appendix to the Residential Zone.
234. Mr Olliver supports an amendment to the PWDP that requires subdivision and development to be in accordance with the structure plan.⁵⁶ I note that the Future Urban Zone s42A report addresses the structure planning and recommends generic wording to be added to the general subdivision rule:⁵⁷

<u>RDX</u>	(a) <u>Subdivision must comply with all the following conditions:</u> ... <u>(x) The subdivision is to be in accordance with any applicable structure plan in appendix XX.</u>
<u>DX</u>	<u>Subdivision that is not in accordance with an applicable structure plan.</u>

235. I agree that plan provisions are required to ensure subdivision is in accordance with an approved structure plan, this would ensure the road network, identified intersections, and protection of the ecological flood area are identified and assessed at the time of subdivision consent. However, I also acknowledge that there are also issues with the generic subdivision rule as outlined above because whether a proposal is “in accordance” is never black and white.
236. If the Panel supported Option 1 – Residential Zone, I am satisfied that the structural elements can be adequately addressed through a restricted discretionary activity consent and therefore being in accordance with the structure plan could be sufficiently identified as a matter of discretion rather than a standard. This approach is already provided for by Rule 16.4.1 Subdivision – General “(x) Consistency with any relevant structure plan or master plan included in the plan, including the provision of neighbourhood parks, reserves and neighbourhood centres.”⁵⁸ Therefore I do not consider any further amendments to the PWDP to be required.

⁵⁵ Mr Olliver EIC, paragraph 10.1.

⁵⁶ Ibid, paragraph 10.5.

⁵⁷ Section 42A Report, Hearing 25: Future Urban Zone, page 29.

⁵⁸ Hearing 10 s42A Rebuttal Report, Appendix 3 – Chapter 16: Residential Zone

237. Mr Olliver determines that Option 1 gives effect to the NPS for Freshwater Management 2020 because existing freshwater assets have been identified on the structure plan and protected.⁵⁹ In terms of the NPSUD, Mr Olliver concludes that the proposal will give effect to all the relevant objectives and will provide additional readily-serviced capacity early in the medium-term consistent with Waikato 2070.⁶⁰

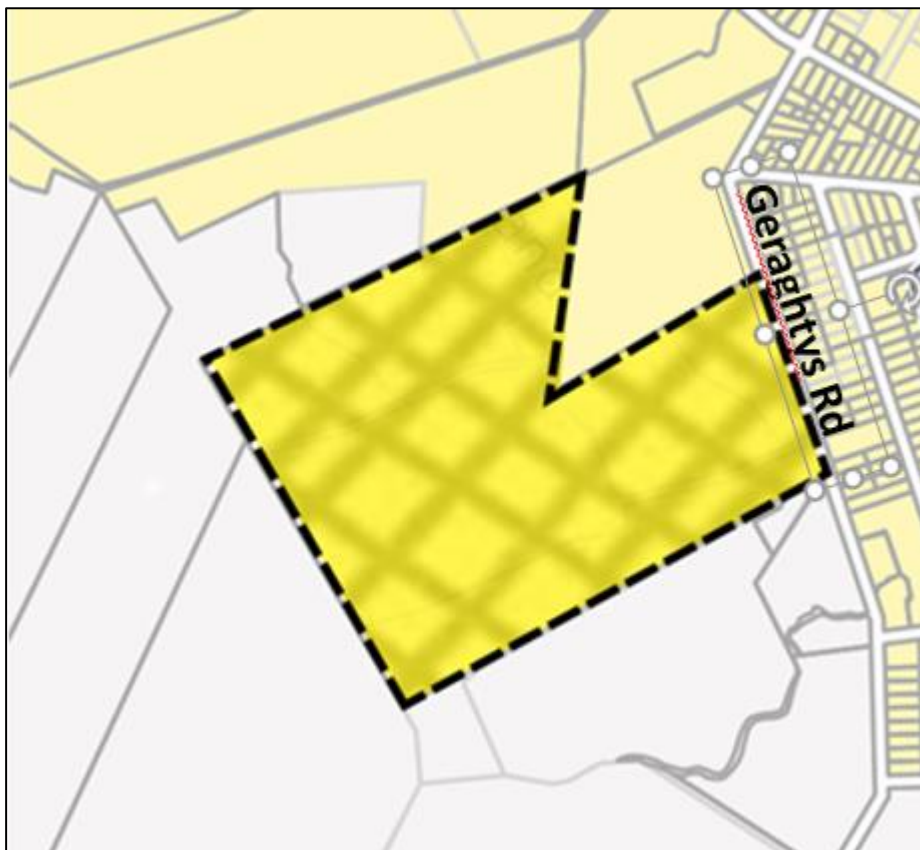
8.3 Recommendations

238. For the reasons above, I recommend:

- **Accept** Kirriemuir Trustee Limited [182.1], Delys Tansley [399.1] and JoonYoung Moon [568.3], and accept in part Envirofert Limited [425.4] and Mark Sillence [542.2]: rezone land at 12–54 Geraghtys Road residential and reject further submissions that oppose the relief sought.

8.4 Recommended amendment

239. It is recommended to zone the sites at 12–54 Geraghtys Road as Future Urban Zone (Appendix 3).



Residential

Rural

⁵⁹ Mr Olliver EIC, paragraphs 6.9-6.12.

⁶⁰ Mr Olliver EIC, paragraphs 6.15-6.18.

8.5 Section 32AA evaluation

240. It is recommended that the land at 12-54 Geraghtys Road be amended from Rural Zone to Future Urban Zone. I adopt parts of the s32AA evaluation undertaken by Mr Olliver in relation to the suitability of the land for urban growth (Appendix C of his planning evidence).

8.5.1 Effectiveness and efficiency

241. Reasonably practicable alternatives are discussed above to be the Residential Zone as sought by the submitter, and retention of the Rural Zone.
242. The proposal provides for the efficient use of land adjacent to the existing urban area for future residential activity and enables choice and competitiveness in the housing market. It gives effect to the direction of the higher order planning documents, in particular the NPSUD to enable greater levels of development capacity to meet the different needs of people and communities, where it will contribute to a well-functioning urban environment.
243. Although rural land is identified to contain high quality soils it is already compromised for rural productive use by the fragmentation into lifestyle blocks.
244. The proposed Future Urban Zone will be effective and efficient because it signals that land is suitable for urban growth while enabling rural activities to continue. Structure planning is required as part of a future rezoning process, which will enable coordination and integration across multiple landowners to identify, plan and fund infrastructure needed to support growth.

8.5.2 Costs and benefits

245. Overall, the benefits of rezoning outweigh the costs because additional development capacity is needed at Tuakau to meet the NPSUD growth demand. Growth will occur on the periphery of the existing urban area supporting consolidation and compact urban form principles.
246. There may be some costs to the landowner associated with structure planning and a future plan change process to implement live zoning. However, the public benefits of coordinating growth with infrastructure outweigh these costs.

8.5.3 Risk of acting or not acting

247. The risk of not acting would be the opportunity loss of development capacity supply (425 houses). There is a small risk of acting, if the rural industries to the south operate poorly and create reverse sensitivity effects. However, sufficient information is provided to demonstrate that the rezoning would enable development to be setback to mitigate potential reverse sensitivity effects.

8.5.4 Decision about most appropriate option

248. I consider the proposed rezoning to be the most appropriate option to achieve the objectives of the PWDP, specifically Objective 4.1.1 for liveable, thriving and connected communities and to meet minimum growth targets; and Objective 4.7.1 facilitating the land use outcomes for residential and industrial zones by managing reverse sensitivity effects.

9 Industrial Zone to Business Zone – Ryders Road

9.1 Submissions

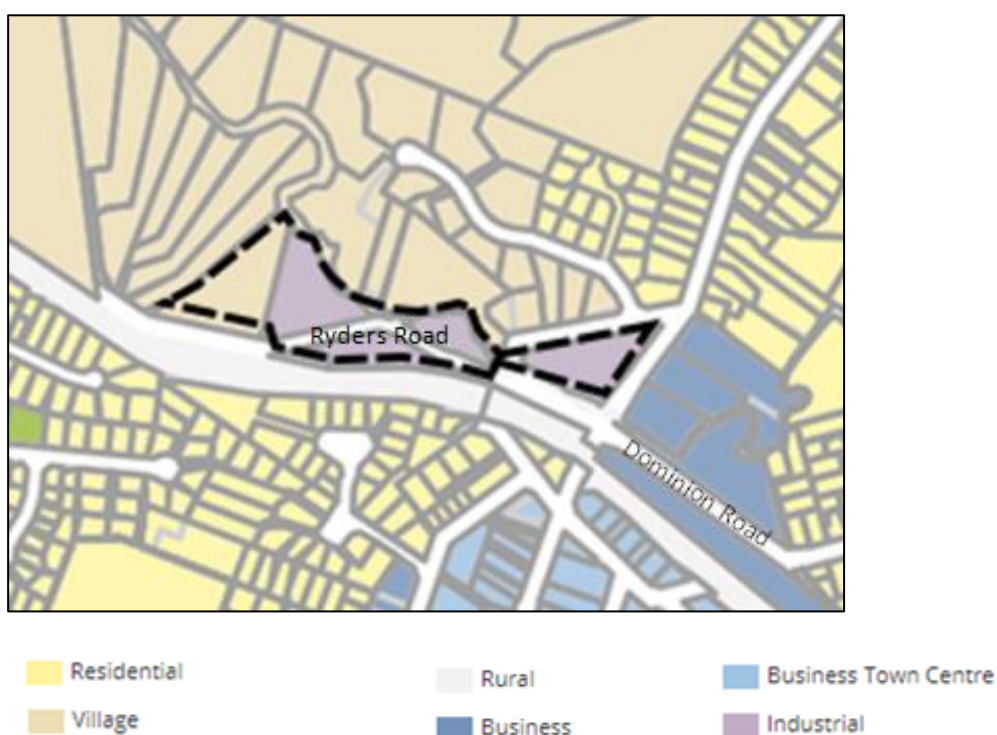
249. The following two submissions were received that seek to amend the Industrial Zone at Ryders Road to Business Zone:

Submission point	Submitter	Decision requested
633.32	Van Den Brink Group	Amend the zoning of properties at Ryders Road and Harrisville Road, Tuakau from Industrial Zone to Business Zone (see attachment 2 to the submission). AND Rezone a portion of the property at 24 Ryders Road, Tuakau from Village Zone to Business Zone. (see attachment 2 to the submission). AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
685.2	Greig Holdings Limited	Amend the zoning of the properties around Ryders Road and Oak Street, Tuakau from Industrial Zone to Business Zone (see map attached to submission for specific properties).
<i>FS1193.18</i>	<i>Van Den Brink Group</i>	<i>Support</i>

9.2 Analysis

250. **Van Den Brink Group [633.32]** and **Greig Developments No 2 Limited [685.2]** seek to amend the proposed Industrial Zone at Ryders Road and Harrisville Road to Business Zone, and to rezone a portion of the property at 24 Ryders Road from Village Zone to Business Zone. The submitters consider that the land should not be zoned simply on current uses, that the land is close to the town centre, and that the land lends itself to commercial development. The submitters also identify that the zoning is inconsistent with the principle of the PWDP to provide buffers between residential and industrial activities to reduce reverse sensitivity effects. Van Den Brink Group [*FS1193.18*] supports submission [685.2] because it is consistent with the relief sought in its own submission [633.32].
251. Figure 31 identifies the area that the submissions seek to rezone.

Figure 31: Area that submissions seek to rezone from Industrial Zone to Business Zone



252. I have read the planning evidence of Ms Fraser-Smith on behalf of Van Den Brink Limited, which identifies that the PWDP does not zone additional business or industrial land in Tuakau, impacting on the town's self-sufficiency. Ms Fraser-Smith supports rezoning at Ryders Road to Business Zone to enable redevelopment providing for commercial opportunities that will in turn support residential growth projected for the area.
253. Ms Fraser-Smith considers the Industrial Zone is effectively a down-zoning and has removed the potential to provide retail, services and employment activities associated with the town centre (similar to the commercial strip mall development on the eastern side of Dominion Road).
254. The properties at 10B, 11 and 18 Ryders Road and 1 Harrisville Road are zoned Business Zone in the Operative District Plan (Franklin Section). In addition to the zoning, there is an 'amenity planting requirement' along the adjoining boundaries of the rural-residential sites to the north and west. Land on the opposite side of Harrisville Road (2–8) is also zoned Business. The Business Zone in the Operative District Plan was very broad and did not limit the form of commercial development.
255. I accept that there is no specific s32 evaluation on the Industrial Zone at Ryders Road and that a change of land use was not signalled in the TSP. The focus for industrial growth is the Whangarata industrial area. However, several small areas of Industrial Zone area identified including Ryders Road, River Road and Lapwood Road associated with existing industrial activities.
256. Industrial Zone policies in the PWDP seek to recognise and provide for a range of industrial and other compatible activities that can operate close to more sensitive zones (Policy 4.6.2), maintain a sufficient supply of industrial land within strategic industrial nodes, and avoid the need for industrial activities to locate in non-industrial zones (Policy 4.6.4). The Industrial Zone identifies building height of 15m and setbacks of 7.5m from the boundaries with other zones as permitted standards.
257. Policies of the PWDP for the Business Zone seek commercial activity to develop in a way that provides for larger-scale commercial activities to support the local economy and the needs of businesses by providing for a wide range of commercial activities, at a scale (including large format retail activities) that supports the commercial viability of the town (Policies 4.5.2, 4.5.4, 4.5.8 and 4.5.10). Policy 4.5.19 requires that development maintains and enhances the role of the Tuakau town centre in terms of character. The Business Zone identifies building height of 15m and building setbacks of 7.5m from the boundaries with other zones as permitted standards.
258. I have undertaken a comparison of the activities provided for in the PWDP Industrial Zone compared to the Operative District Plan Business Zone to understand the effect of the rezoning and determine whether it is a down-zoning or a translation across to the new plan (Table 5). It is important to note that industrial activities are a non-complying activity in the Business Zone because they are not specifically provided for.

Table 5: Comparison of operative and proposed zones

	Operative District Plan (Franklin) Business Zone	PWDP Industrial Zone	PWDP Business Zone
Permitted activities	Any activity which complies with development and performance standards	Industry, trade and industry training activity, truck stop for refuelling, office ancillary to industrial activity (less than 100m ²), food outlet (less than	Commercial activity, commercial services, community activity, residential above ground level, education facility, childcare facility, office,

	Operative District Plan (Franklin) Business Zone	PWDP Industrial Zone	PWDP Business Zone
		200m ²), ancillary retail (<10% of buildings)	place of assembly, travellers accommodation
Restricted discretionary activities	Dwellings at ground level		Multi-unit development
Discretionary activities		Waste management facility, hazardous waste storage processing or disposal, extractive industry, office, retail activity	
Non-complying activities			Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary

259. I agree that the Industrial Zone reflects existing activities which are industrial in nature and character and therefore they sit more appropriately against the industrial policies. I note that building height and setbacks are the same in both Industrial and Business zones. Therefore, I do not consider there to be an issue with the Industrial Zone in proximity to the Village Zone north of the stream. However, as evident from the table above, the operative Business Zone is much more enabling than the proposed Industrial Zone. I therefore agree with Ms Fraser-Smith that the PWDP is effectively a down-zoning from the Operative District Plan.
260. While I accept that the change in zone does represent a down-zoning in the context of the development enabled, I do not consider this alone to justify rezoning the land as Business Zone. Although the sites were previously zoned Business, the context was different as originally there was no Industrial Zone under the Operative District Plan.⁶¹ The PWDP Business Zone supports a range of business activities, including large format retail which I consider to be inappropriate in this location.
261. Ryders Road is effectively severed from the town centre by the NIMT railway, and therefore, although it is close to the town centre, it does not read as such. As the road is a cul-de-sac, I do not consider it to be an appropriate location to locate business activities that would attract vehicles. I consider the intersection of Ryders Road and Harrisville Road in such close proximity to the NIMT level crossing could create potential traffic issues associated within an increase in private vehicles being attracted to the area.
262. I do not support rezoning these sites Business Zone because it would enable additional development that in my opinion is not appropriate in this location, such as large format retail and residential located above ground floor level. These activities are either discretionary or non-complying within the Industrial Zone. A Business Zone would not give effect to the WRPS Policy 6.1 requiring planned and coordinated subdivision, use and development and could result in cumulative effects including reverse sensitivity where existing industrial activities remain.

⁶¹ An Industrial Zone was introduced at Pokeno through Plan Change 24.

263. Although Ryders Road is not within the Whangarata Strategic Industrial Node in Future Proof 2017, it continues to contribute to the industrial land supply for Tuakau. Rezoning the land would result in a loss of industrial land capacity when demand is close to supply in the district and there is sufficient supply of commercial business and retail land to meet demand.⁶² The proposed rezoning would therefore not give effect to the NPSUD Objectives of a well-functioning urban environment (Objective 1) or the provision of sufficient development capacity for industrial land (Policy 2).
264. For the same reasons discussed, I do not support rezoning a portion of the site at 24 Ryders Road from Village Zone to Business Zone.
265. I accept that the existing industrial activities, particularly the poultry processing facilities, are not ideally located and that this area could transition into a different land use in the future that would support the adjacent town centre and residential land. However, I do not consider the Business Zone to be the most appropriate zone while the existing industrial activities remain because it would not achieve Objective 4.5.1 to focus commercial activity in commercial zones and maintain industrial land for industrial purposes to achieve Objective 4.6.1 for economic growth of the district's industry.

9.3 Recommendations

266. For the reasons above, I recommend:
- **Reject** Van Den Brink Group [633.32] and Greig Developments No 2 Limited [685.2] and further submission Van Den Brink Group [FS1/93.18].

10 Industrial Zone to Residential Zone – Whangarata Road

10.1 Submissions

267. One submission point was received seeking to rezone 115 Whangarata Road from Industrial Zone to Residential Zone:

Submission point	Submitter	Decision requested
58.1	Kiwi Green NZ Limited	Amend zoning of the property at 115 Whangarata Road, Tuakau, to include 21.268ha of Residential Zone and 4.1271ha of Industrial Zone.
FS1050.2	Kiwi Green NZ Limited	Support
FS1277.152	Waikato Regional Council	Oppose

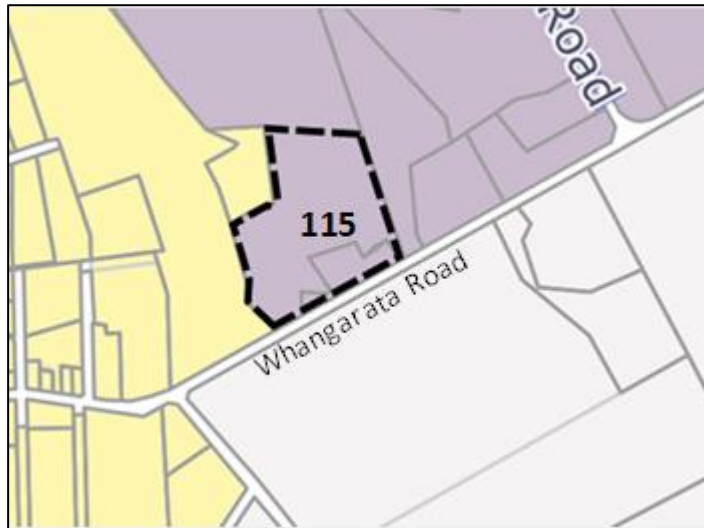
10.2 Analysis

268. **Kiwi Green NZ Ltd [58.1]** seeks to amend the proposed zoning at 115 Whangarata Road to include a portion of Residential Zone. The submitter considers additional residential land is needed to meet the current demand and projected growth of Tuakau. The submitter identifies that the currently piped stream at the bottom of the gully could be reinstated ('day-lighted') and form a natural boundary to the Industrial/Residential zoned land, and acoustic mitigation could be implemented to address potential reverse sensitivity effects on existing businesses.

⁶² Market Economics, Business Development Capacity Assessment 2017, Section 7.2.

269. Waikato Regional Council [FS1277.152] opposes the submission and seeks that the Industrial Zone should be retained because the area is identified as a strategic industrial node.
270. Figure 32 identifies the area that submission [58.1] seeks to rezone.

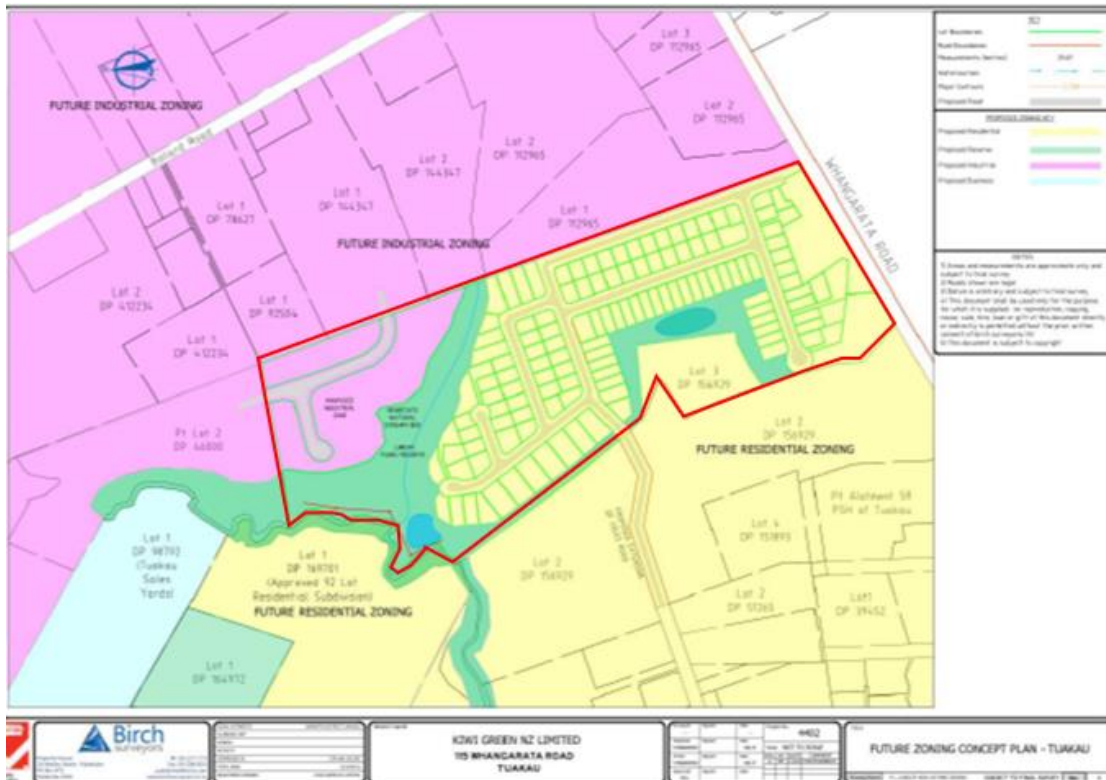
Figure 32: Area that submission [58.1] seeks to rezone from Industrial Zone to Residential Zone



Residential Rural Industrial

271. I have read the planning evidence of Mr Oakley in support of this submission.
272. A concept plan is attached to the evidence with the submission for rezoning. No site-specific provisions are sought. Mr Oakley identifies an area of 19ha for rezoning to Residential, and retention of 4.5ha as Industrial (northern end of the site). This is reflected in the concept plan, Attachment A of Mr Oakley's evidence, shown here in Figure 33 below.

Figure 33: Kiwi Green concept plan (site outlined in red)



273. Mr Oakley provides a planning assessment against the statutory tests, including an s32AA evaluation, which is generally consistent with the approach set out in the Framework Report.
274. I generally agree with Mr Oakley's assessment that the site is located within an identified growth area, and that the relief sought provides opportunities in terms of additional capacity and the ability to service it. However, the site is identified as part of the Strategic Industry Node within Future Proof 2017 and therefore I consider the key issues of contention to be the separation between residential and industrial activities (reverse sensitivity effects), and loss of industrial land.
- Reverse sensitivity
275. Mr Oakley's position is that the opportunity to reinstate Kairoa Stream, which is currently piped, would provide an adequate buffer between residential and industrial activities. Although not supported with new evidence, Mr Oakley relies on technical reports prepared previously in relation to PCI6 when the same submission was made. I accept that this is possible on the northern edge, but it does not address the eastern edge.
276. The TSP identifies an open-space buffer between the residential land to the west of the subject site and the Whangarata industrial area. Although the submitter's proposal provides a similar buffer along the northern edge of the proposed residential and industrial land, no such buffer is proposed along the eastern boundary of the proposed residential land. The concept plan identifies a road along this edge, which does not provide the same level of separation or screening that is currently anticipated by the proposed zone.
277. In terms of higher order documents, Mr Oakley's assessment against the Development Principles 6A of the WRPS does not address principle (o), which relates to incompatible adjacent land uses. While I accept that Policy 6.1 only requires that regard be had to the Development Principles, I consider this to be a key issue that cannot be traded-off against other principles.

278. I do not consider that reverse sensitivity issues have been adequately addressed by the submitter.

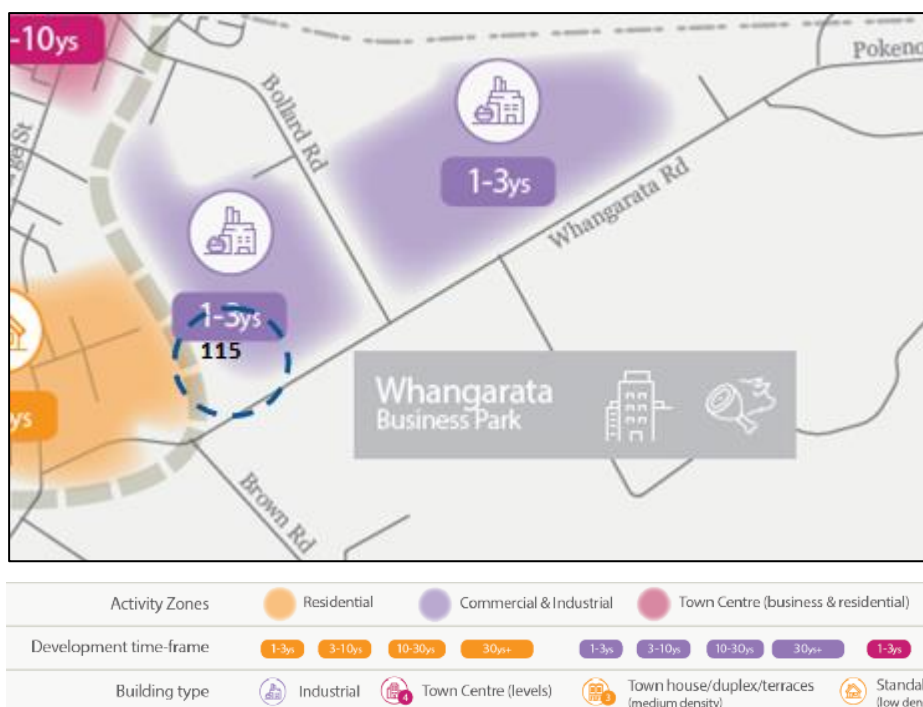
Industrial land supply

279. Whangarata industrial area is within a Strategic Industrial Node identified within Future Proof 2017. The submitter's proposal would reduce the availability of industrial land at Tuakau by 19ha without any assessment of the economic effects. Mr Oakley's s32AA evaluation identifies that there will be a cost associated with reduced industrial land but appears to consider that this will be offset by additional residential land and construction jobs.
280. The Framework Report identifies that additional supply of employment land is required. While I acknowledge that additional residential land is also required, I do not believe this is at the expense of employment land, particularly in a location with reverse sensitivity effects that have not been adequately addressed. I do not agree with Mr Oakley and consider a loss of 19ha industrial land to be a significant cost without sufficient justification.
281. New industrial land that is market attractive can be difficult to identify because it relies on a range of factors such as good roading access and flat land. It is therefore important that zoned industrial land is retained to support economic growth of industrial activities.
282. I have read the planning evidence of Ms Foley on behalf of Waikato Regional Council [FS/277.152]. I concur with Ms Foley's assessment that the loss of industrial land is not justified by the submitter, the proposal is inconsistent with Waikato 2070, and it has not been assessed against WRPS Policy 6.14 criteria for alternative land release Method 6.14.3.

Statutory assessment

283. In my opinion, the proposal does not give effect to the WRPS because it does not minimise land use conflicts. Rather, it seeks to locate new sensitive activities near existing or planned industrial land resulting in potential for reverse sensitivity (Objective 3.12(g), Policy 4.4, and Policy 6.1).
284. I consider the site to be outside the Future Proof 2017 settlement pattern in relation to land use and land release because it is identified for industrial not residential land use. I agree with Ms Foley that the proposal should therefore be considered against the alternative land release criteria in Method 6.14.3. I note that criterion (b) requires robust and comprehensive evidence to support alternative timing, which has not been provided by the submitter. As discussed above, the proposal would not be consistent with the development principles in relation to reverse sensitivity effects. The proposal therefore does not meet the alternative land release criteria in accordance with Policy 6.14(g).
285. Future Proof 2017 identifies the Whangarata industrial area as a Strategic Industrial Node to provide for 116ha between 2010 and 2021. No additional industrial land is identified at Tuakau for growth. The proposal would reduce the total land available for industrial land uses and is therefore not consistent with Future Proof 2017. Nor is it consistent with Waikato 2070, which identifies the area within the Whangarata Business Park growth cell (Figure 34).

Figure 34: Waikato 2070 - Development Plan Tuakau (Whangarata Business Park)



286. WRPS Map 6-2 identifies a Strategic Industrial Node at Tuakau in the location of the Whangarata industrial area. Table 6-2 “Future Proof industrial land allocation” does not identify the node because the WRPS has not been updated to incorporate Future Proof 2017. However, both Future Proof 2017 and Waikato 2070 clearly identify the industrial land at Whangarata as significant, and as such it is needed to give effect to the NPSUD. Therefore, I consider loss of industrial land within the strategic industrial node to not give effect to the NPSUD – Objective 1 in terms of a well-functioning urban environment and Policy 2 to provide sufficient development capacity.
287. I do not consider the rezoning requested to be the most appropriate method to achieve Objective 4.6.6 because of potential reverse sensitivity effects on sensitive activities outside industrial zones, and Objective 4.6.1 because loss of industrial land would not support economic growth of the district’s industry.

10.3 Recommendations

288. For the reasons above, I recommend:
- **Reject** Kiwi Green NZ Ltd [58.1].

11 Rural Zone to Village Zone

11.1 Submissions

289. Four submission points were received that seek to rezone sites from Rural Zone to Village Zone within the north-eastern edge of the Tuakau township.
290. These submissions were made:

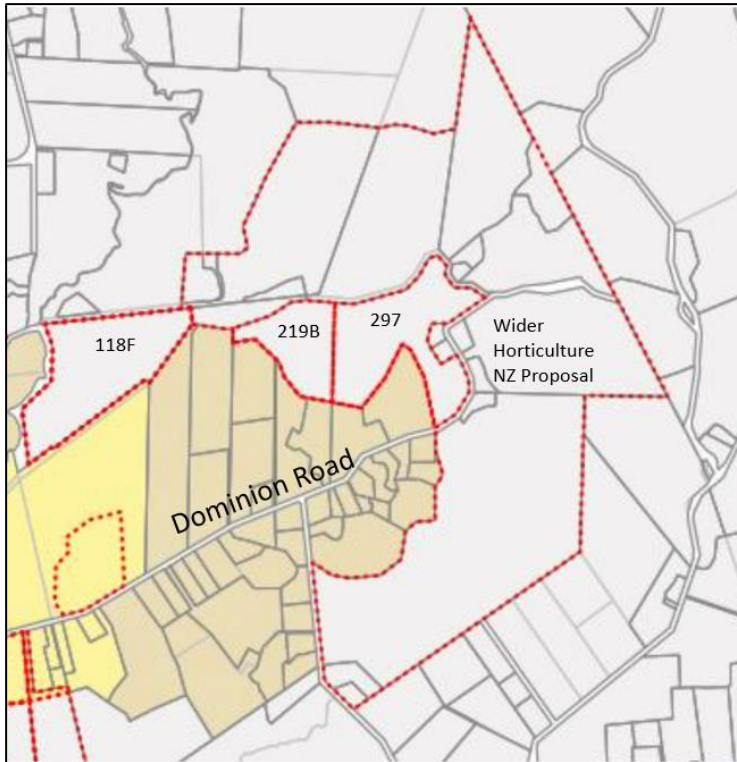
Submission point	Submitter	Decision requested
290.1	Zikang (James) Lin	Amend the zoning of part of the site at 297 Dominion Road, Tuakau (Lot 1 DP 509070 and Lot 2

Submission point	Submitter	Decision requested
		DP 202306) from Rural Zone to Village Zone in accordance with Sheet 2 of the plans attached to the submission in Appendix A.
FSI 023.2	C.H.S. Enterprises Limited	Support
FSI 185.1	Windover Downs Limited	Support
FSI 277.74	Waikato Regional Council	Oppose
FSI 386.295	Mercury NZ Limited for Mercury C	Oppose
390.1	C.H.S. Enterprises Limited	Amend the zoning of the property at 219B Dominion Road, Tuakau from Rural Zone to Village Zone, as identified in Appendix A of the submission.
FSI 023.1	C.H.S. Enterprises Limited	Support
FSI 185.2	Windover Downs Limited	Support
FSI 277.77	Waikato Regional Council	Oppose
FSI 388.97	Mercury NZ Limited for Mercury E	Oppose
853.1	Windover Downs Ltd	Amend the zoning of 118F Barnaby Road, Tuakau, from Rural Zone to Village Zone.
FSI 023.3	C.H.S. Enterprises Limited	Support
FSI 277.112	Waikato Regional Council	Oppose
FSI 387.1388	Mercury NZ Limited for Mercury D	Oppose
172.2	Shaun Jackson	Amend zoning of 118F Barnaby Road, Tuakau from Rural Zoning to either Village Zone or Residential Zone.

11.2 Analysis

291. Several submitters seek rezoning from Rural Zone to either Residential Zone or Village Zone at the eastern end of Dominion Road adjoining existing Village Zone in the PWDP. Reasons include that the land is already predominantly surrounded by Village and Residential zones, and they can be provided access from Dominion Road. **Horticulture NZ [419.94]** also identified this area as being a suitable place for urban development as an alternative to the Residential Zone in the western and northern areas of Tuakau, which include high-class soils.
292. Further submissions from Waikato Regional Council [FSI 277.74, FSI 277.77 and FSI 277.112] oppose these submissions because the supply of large lot Residential and Rural Residential zoned land must be considered strategically across the whole district, and the district plan must give effect to Policy 6.17 of the WRPS.
293. Figure 35 identifies land at the eastern end of Dominion Road that submissions seek to rezone.

Figure 35: Area that submissions seek to rezone from Rural Zone to Residential Zone or Village Zone



Residential
 Rural
 Village

294. The sites at 219B and 297 Dominion Road are adjacent to each other, and the site at 118F Barnaby Road is immediately to the west of these sites. Part of the site at 297 Dominion Road is zoned Village and the remainder is zoned Rural. The area identified by Horticulture NZ as an alternative growth area extends further east of the notified Village Zone. The total area identified for rezoning is 230ha with the potential to add an additional 70 households at a density of 1:3,000m².
295. I have reviewed the PWDP overlays, and the land is relatively free of mapped constraints, although there are some small Significant Natural Areas at the northern and southern ends of the wider area. The land does not contain significant areas of high-class soils. This area was addressed through the technical assessments of the TSP.
296. The AECOM Geotechnical Suitability Assessment includes the entire area in question (Figure 36). The area outlined in red is approximate to the location of the rezoning sought and identifies the land development suitability to be a combination of:
- a. Category A (Low Risk) – green
 - b. Category C (Moderate Risk) – orange
 - c. Category D (High Risk) – red.

298. I have read the joint planning evidence of Mr Shuker and Mr Hall on behalf of **Zikang (James) Lin [290.1]** at 297 Dominion Road, and the s32AA evaluation for 219B Dominion Road also prepared by Mr Shuker and Mr Hall on behalf of **C.H.S. Enterprises Limited [390.1]**. No other evidence was provided on this topic.
299. The evidence addresses the split zoning of the submitters' sites – at 297 Dominion Road approximately 6ha is Village Zone and 19ha is Rural Zone, and the accessway at 219B Dominion Road is zoned Village. This evidence addresses the relevant statutory tests and includes s32AA evaluations for both of these sites.
300. The evidence considers that rezoning the 219B and 297 Dominion Road sites to Village Zone would allow additional development to better align the PWDP with the NPSUD. An assessment is provided against Implementation Method 6.1.8 of the WRPS, which indicates that services will be managed onsite with the intention of being further developed when public services become available, and access would be from Dominion Road. The property boundary and private access way is identified to be a defensible boundary.
301. Waikato 2070 does not identify the subject land within the Dominion Road growth cell, however it is within the vicinity of it. Nor is the land within the urban limits identified in Future Proof 2017, which aligns with the notified Village Zone. Therefore, the area is not within an identified growth area. For these reasons, Ms Foley's planning evidence for Waikato Regional Council does not support the rezoning proposal.
302. I accept that the land identified is on the periphery of the zoned extent of the township, but with reference to the TSP analysis discussed above, the land is not the same as the adjoining Village Zone because it is more constrained from a landscape and geotechnical perspective. Therefore, the land is not considered suitable for urban development and was not identified in the TSP.
303. I note that the evidence addresses the recommendations of Hearing 6: Village Zone s42A report to apply a Village Future Urban Density Precinct to restrict development until reticulated services become available and appears to support structure planning to address issues. As discussed in Section 7 the Village Zone areas along Dominion Road are recommended to be rezoned to Future Urban Zone, requiring structure planning to ensure integrated management including provision of infrastructure and determination of suitable densities. Therefore, an alternative option available to achieve the relief sought would be to apply a Future Urban Zone.
304. Regardless of whether it is a Village Zone or a Future Urban Zone being considered for these sites, the fundamental question to be addressed in my opinion is whether the land is suitable for urban development. Having considered the technical analysis prepared for the TSP, my view is that the land is not suitable for urban development because of the topography, landscape and geotechnical constraints. These constraints make development to an urban density and provision of reticulated infrastructure more difficult and therefore expensive.
305. Large-lot residential development appears to be the outcome sought by the submitter, as reflected in the evidence, which would be consistent with the notified Village Zone. Water and wastewater services would be provided on-site, but there is an expectation that the area would be serviced in the medium-long term as part of the Dominion Road growth cell.
306. I do not consider the issue of split zones as raised by submitters to be of such significance to warrant rezoning. I acknowledge that identifying the sites at 118F Barnaby Road, 219B Dominion Road and 297 Dominion Road would appear to provide a more defensible boundary when looking at the planning maps.

307. A s32AA evaluation is attached to the planning evidence including assessment against the relevant objectives and policies of the PWDP. The evidence considers that if the submission is in general accordance with the PWDP then it is assumed to be in general accordance with the WRPS.⁶³ I accept that this approach was set out in the Framework Report, however this is not a statutory test under s75 of the Act. The submitter has not demonstrated whether the rezoning sought would give effect to the WRPS as required under s75(3)(c).
308. Ms Foley for Waikato Regional Council supports the position set out in the Framework Report to oppose expansion of rural-residential development in the district.⁶⁴ The rural-residential development principles of the WRPS require that rural-residential development is “more strongly controlled where demand is high”. I consider there to be sufficient provision for rural-residential living provided throughout the district. The rural-residential development principles cannot be considered in isolation of the general principles for growth.
309. In my opinion the proposed rezoning does not give effect to the WRPS because it is inconsistent with the development principles in Section 6A in terms of infrastructure provision a compact urban form, and those specific to rural-residential development that seek that it is strongly controlled where demand is high. Although on-site water and wastewater is provided for, the proposal would create additional demand for servicing and infrastructure due to its proximity to the Dominion Road growth cell. I do not consider the proposal to achieve the planned and co-ordinated subdivision, use and development required by Policy 6.1 or address adverse effects on the planning and funding of infrastructure services in accordance with Policy 6.17.
310. In terms of the NPSUD, while I acknowledge that the Framework Report identifies the need to identify additional capacity, this is not without needing to meet certain criteria. Due to the constraints on land development the land would only supply approximately 70 additional dwellings (unserviced). The area is separated from the town centre and is not easily accessible by active modes and is therefore heavily reliant on cars and would not contribute to a well-functioning urban environment in accordance with Objective 1 and Policy 2. Development would not supply significant development capacity in accordance with Objective 6 and Policy 7. Therefore, I do not consider the eastern end of Dominion Road to give effect to the NPSUD.

11.3 Recommendations

311. For the reasons above, I recommend:
- **Reject** Zikang (James) Lin [290.1], C.H.S Enterprises Ltd [390.1], Windover Downs Ltd [851.1], Shaun Jackson [172.2] and supporting further submissions, and accept further submissions by Waikato Regional Council [FS1277.74, FS1277.77 and FS1277.112].

12 Rural Zone to Country Living Zone

12.1 Submissions

312. Thirty-six submission points seek rezoning from Rural Zone to Country Living Zone. A total of 1,398 further submissions on this topic were received that generally opposed the Country Living Zone, with only two in support of specific submissions.
313. These submissions were made (refer to Appendix I for further submissions):

⁶³ Joint EIC of Mr Shuker and Mr Hall, paragraph 32.

⁶⁴ Ms Foley EIC, paragraphs 17.1 and 17.2.

Submission point	Submitter	Decision requested
39.1	D & J Trust	Amend the zoning of the property at 131 Buckville Road, Pukekohe from Rural Zone to Country Living Zone.
51.1	Anthony Van Lieshout	Amend zoning of the property at 165 Golding Road, Pukekohe from Rural Zone to Country Living Zone.
67.1	Pirie & Lynne Brown	Amend the zoning of the property at 97 Buckville Road, Buckland, from Rural Zone to Country Living Zone.
70.3	Ben Stallworthy	Amend the zoning of areas along the northern Waikato border adjacent to the Auckland boundary from Rural to Country Living Zones, including the area to the south and east of Pukekohe, south of Pukekohe Hill and extending to Tuakau, comprising at least Tramway Road, Settlement Road and Cameron Town Road.
98.1	Andrew and Jo Payne	Amend the zoning of the property at 198C Buckville Road, Buckland from Rural Zone to Country Living Zone.
105.1	William & Paulette Screen	Amend the zoning of the property at 118 Logan Road, Buckland to be zoned from Rural Zone to Country Living Zone.
107.1	Dirk-Jan & Family Oostdam	Amend the zoning of the property at 196B Logan Road, Buckland, Pukekohe from Rural Zone to Country Living Zone.
111.1	Peter Donald Johnson	Amend the zoning of the property at 94 Buckville Road from Rural Zone to Country Living Zone.
112.1	Graham Reaks	Amend the zoning of the property at 76 Logan Road, Pukekohe from Rural Zone to Country Living Zone.
127.1	Gary & Jill Morris	Amend zoning of the property at 157D Golding Road, Pukekohe from Rural Zone to Country Living Zone.
140.1	Equus Enterprises Ltd	Amend the zoning of the property at 182A Logan Road, Pukekohe from Rural Zone to Country Living Zone.
141.1	Susan & Maurice McKendry	Amend the zoning of the property at 95 Buckville Road, Pukekohe from Rural Zone to Country Living Zone.
143.1	James Edward Greenhough	Amend the zoning of the property at 137C Buckville Road, Pukekohe from Rural Zone to Country Living Zone.
144.1	Kirsten Seamer	Amend the zoning of the property at 166 Logan Road, Buckland from Rural Zone to Country Living Zone.
145.1	Peter & Lee Walter	Amend the zoning of the property at 181D Golding Road, Pukekohe from Rural Zone to Country Living Zone.

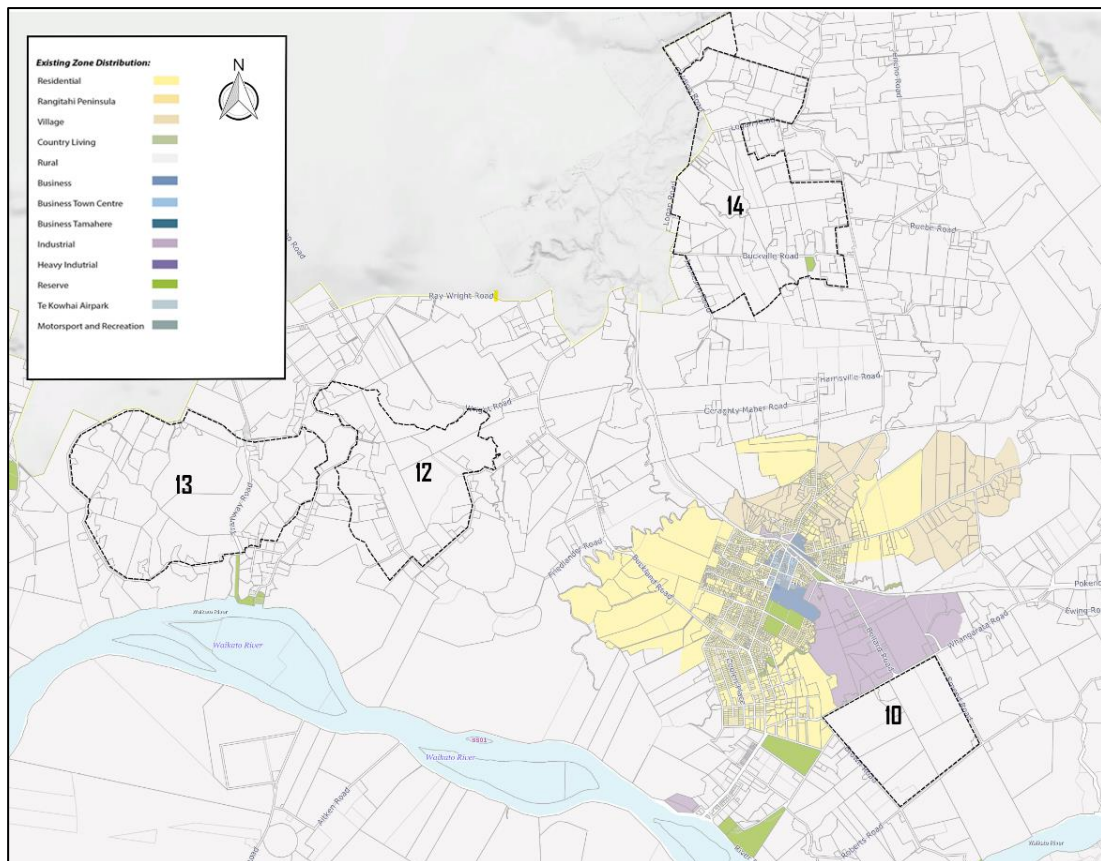
Submission point	Submitter	Decision requested
146.1	Bruce & Raelyn Wallbank	Amend the zoning of the property at 210C Logan Road, Buckland from Rural Zone to Country Living Zone.
150.1	Nigel & Lee Tiley	Amend the zoning of the property at 210F Logan Road Pukekohe from Rural Zone to Country Living Zone.
173.1	Cameron & Alicia De'Arth	Amend the zoning of the property at 199 Buckville Road, Pukekohe. from Rural Zone to Country Living Zone.
174.1	David Shorter	Amend zoning of the property at 33 Jamieson Road, Buckland from Rural Zone to Country Living Zone.
175.1	Yvonne Pack	Amend the zoning of the property at Jamieson Road, Buckland from Rural Zone to Country Living Zone.
178.1	Steven Shue	Amend the zoning of the property at 169 Buckville Road, Pukekohe from Rural Zone to Country Living Zone.
179.1	Jennifer Buchanan	Amend the zoning of the property at 140 Logan Road, Pukekohe from Rural Zone to Country Living Zone.
186.1	Taik Seok Hwang	Amend the zoning of the property at 111 A Buckville Road, Pukekohe from the Rural Zone to Country Living Zone.
201.1	Philip & Jan Hillmer	Amend the zoning of 233 Golding Road, Pukekohe from Rural Zone to Country Living Zone.
207.1	John and Gail Cameron	Amend the zoning for the property at 198 Buckville Road, Pukekohe from the Rural Zone to Country Living Zone.
347.1	Wallace & AnnMaree Bremner	Amend zoning of 205 Buckville Road, Buckland from Rural Zone to Country Living Zone.
394.25	Gwenith Sophie Francis	Amend the zoning of various properties in the vicinity of Parker Lane and Cameron Town Road, Buckland, so that they are zoned in a Country Living Zone. Refer to maps in submission for details of the extent of this requested. The submission states that the requested zone boundaries follow roads or streams as far as reasonably practicable. OR Amend the planning maps by applying an overlay to properties on Parker Lane, Buckland that provides for farm park subdivisions in this location on the basis of 1 additional lot per 4 ha of parent title, unless farm park subdivisions are enabled across the Waikato District. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
394.29	Gwenith Sophie Francis	Add objectives and policies to Section 5.6 Country Living Zone, that: (i) Require sufficient areas within the northern part of the district are zoned countryside living to provide additional housing choices, particularly where there is reasonable access

Submission point	Submitter	Decision requested
		to Pukekohe and Tuakau; (ii) Identify opportunities for countryside living zones to be reticulated with wastewater where it is located close to wastewater infrastructure; and (iii) Zone land around Parker Lane and Cameron Town Road as countryside living AND/OR Amend other plan provisions as consequential or additional amendments as necessary to give effect to the relief sought. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
569.1	Andrew George Reeves	Amend the zoning of the land at 461 Harrisville Road, Pukekohe, from Rural Zone to Country Living Zone.
592.1	David James Evans	Amend the zoning of the properties located on the southern side of Whangarata Road, Tuakau to Country Living Zone.
609.1	Helen Thomas	Amend the current rural zoning of 134 Logan Road, Buckland, to become Country Living Zone.
641.1	Harrisville Family Trust	Amend the zoning of the property at 639 Harrisville Road, Pukekohe, from Rural Zone to Country Living Zone.
667.1	Duncan McNaughton	Amend the zoning of the property at 203 Buckville Road, Pukekohe, from Rural Zone to Country Living Zone.
682.1	The Buckland Country Living Zone Landowners Group	Amend the zoning of approximately 400 ha located north of Tuakau, between Logan/Golding Roads and Harrisville Road from Rural Zone to Country Living Zone (refer to the map attached to the submission which specifically identifies all properties subject of this rezoning request).
841.1	Henry Gao	Amend the zoning of the property at 133 Buckville Road, Buckland from Rural Zone to Country Living Zone.
842.1	Matthew Rogers, Catherine Rogers, Martin Mooney, Helen Mooney	Amend the zoning at 51 Jamieson Road, Buckland, from Rural Zone to Country Living Zone.
593.1	Christine Montagna	Retain the rural zoning around Buckville Road, Logan Road and Golding Road, Buckland.

12.2 Analysis

314. There are four areas around Tuakau where submissions seek to rezone Rural Zone to Country Living Zone illustrated in Figure 38.

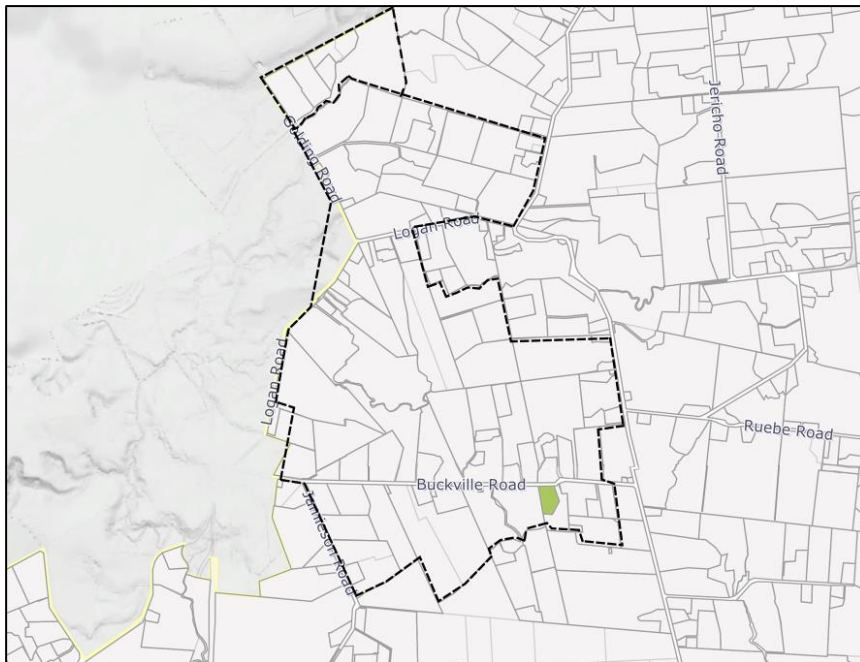
Figure 38: Map of Country Living Zone requests



315. **David James Evans [592.1]** seeks to rezone land south of Whangarata Road from Rural Zone to Country Living Zone (Map No. 10 on Figure 38). The submitter considers a Country Living Zone will provide a wide range of housing options and ensure buildings are positioned in a manner that provides for transition from large lots to smaller lots in Tuakau. The submitter identifies that properties located on the southern side of Whangarata Road back onto the pony club and need to stay rural, and considers the Country Living Zone will ensure existing farming activities are protected from the effects of reverse sensitivity.
316. **Ben Stallworthy [70.3]** seeks rezoning from Rural Zone to Country Living Zone along the northern Waikato boundary south of Buckland extending to Tuakau, or at least the area comprising Tramway Road, Settlement Road and Cameron Town Road (Map No. 13 on Figure 38). The submitter considers the area to already be significantly subdivided into lifestyle blocks, and further subdivision of existing small blocks (i.e. under 10ha) that are not economic units of production should be allowed. Rural lifestyle should be allowed around existing towns.
317. **Gwenith Sophie Francis [394.25 and 394.29]** seeks rezoning from Rural Zone to Country Living Zone for various properties in the Parker Lane and Cameron Town Road area (Map No. 12 on Figure 38). The submitter seeks changes throughout the PWDP to address concerns relating to alternative use of rural land that is not productive. The submitter seeks rezoning of the Parker Lane area to Country Living Zone or alternatively an overlay to provide for one lot per 4ha parent lot in this area.
318. No evidence was received from Ms Francis, but the submission is detailed, identifying that:
- the PWDP fails to appropriately identify the issues and challenges facing the district
 - the PWDP fails to have appropriate regard to the WRPS and/or misapplies the strategic direction of that document

- c. the Council has failed to undertake an adequate s32 analysis, particularly with respect to the extent and location of the Country Living Zone.
319. It is the submitter's position that the PWDP fails to identify sufficient and appropriately located areas for countryside living – particularly where there is good access to appropriate infrastructure.
320. Watercare Services Ltd [FS/176.59] opposes rezoning of land which has the potential to adversely affect its infrastructure. Concerns in this area include flooding and how this will be addressed to avoid impacting on the Pukekohe Wastewater Treatment Plant, as well as how it will integrate with the Future Urban zoning within the Auckland region. I note that Watercare Services Ltd filed a memorandum on 5 March 2021 indicating that as there was no evidence submitted by the submitter in relation to [394.25] or s32AA evaluation that there is no basis for accepting the submission and therefore Watercare will not provide evidence.
321. MJ Stormant [FS/079.1] supports submission [394.29] to rezone 355 Park Lane to Country Living. The further submitter considers the site to be suitable for Country Living because:
- a. it is close to the existing town centre of Tuakau, Pukekohe, and the village of Buckland
 - b. the land is flat and elevated, free of geotechnical and flood hazards
 - c. landowners are prepared to invest in developing the site for rural-residential purposes.
322. No evidence was submitted in support of these submissions. I note that the issues pertaining to these submissions are the same as those for the Buckville Road area and I will therefore respond to these submissions together as I respond to the evidence below.
323. **The Buckland Country Living Zone Landowners Group [682.1]** seeks to rezone approximately 400ha located north of Tuakau between Logan/Golding Roads and Harrisville Road from Rural Zone to Country Living Zone. There are also approximately 35 additional individual submissions in this area that seek the same relief. Reasons why submitters support a Country Living Zone include because they consider the area to contain limited development constraints, and they consider the Rural Zone to be an inefficient use of land that is close to the urban areas of Buckland and Pukekohe.
324. I refer to this area as Buckville Road to differentiate it from other areas of Country Living that are sought south of Buckland. The area is identified in Figure 39 below.

Figure 39: Location of Buckville Road area



Rural

325. There are also over 1,300 further submissions opposing submissions that seek rezoning to Country Living in the Buckville Road area because it is important to retain rural land. These further submissions are the same across all submissions. The only variation to the further submissions is in relation to the Buckland Country Living Zone Landowners Group, to which there are also further submissions from Waka Kotahi NZ Transport Agency [FS1201.120], Waikato Regional Council [FS1277.115], Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) [FS1108.177], and Watercare Services Ltd [FS1176.231].
326. My analysis of the Country Living Zone submissions focuses on the Buckland Country Living Zone Landowners Group because of the evidence received, but the analysis is relevant to all relief sought in the Buckville Road area. The area in question is approximately 450ha combined.
327. I have read the evidence provided on behalf of the **Buckland Country Living Zone Landowners Group [682.1]**. I consider the following issues to be the key areas of contention:
- a. Role of Country Living Zone for the district's growth
 - b. Impact of Country Living Zone on infrastructure
 - c. Country Living Zone as a transitional zone
 - d. High-class soils
 - e. Transferable development rights.

Role of Country Living Zone for the district's growth

328. Evidence of Mr Thompson considers Country Living Zone to be a more efficient use of land as compared to larger lifestyle blocks (1–20ha). Ms Nairn identifies that the rezoning would consolidate growth around the existing Buckland village and will help meet the demand for living in the rural environment, and without opportunities for rural-residential living, larger-scale productive land will be used for lifestyle purposes.

329. I refer to the Framework Report in relation to a description of the Country Living Zone and the reasons why additional land was not identified at the time of drafting the PWDP. Mr Davey identifies that existing Country Living zones are predominantly in areas of high-class soils, and that 5,000m² and 3,000m² lots are not the best use or most economic use of the scarce resource of productive rural land. Essentially, the Council has determined that additional Rural Residential zoned land is not required above what is identified in the PWDP.
330. Mr Davey identifies that there are approximately 13,589 dwellings in rural areas (including Country Living zones).⁶⁵ Future Proof 2017 aims for 80 per cent of residential growth to be in identified growth towns and villages, therefore leaving 20 per cent of growth to occur in rural areas. I consider Country Living zones to fall within the rural area and therefore contribute to the 20 per cent of growth needed to meet household projections. The idea of Country Living Zone being a rural zone rather than an urban zone is supported by the objectives and policies for the Country Living Zone being located in Chapter 5 Rural Environment.
331. Mr Thompson identifies that there have been approximately 210 dwellings consented per annum in rural areas in the last 10 years as evidence of significant demand for lifestyle blocks. His evidence does not distinguish between dwellings in the Rural Zone or the Country Living Zone. Mr Thompson's evidence appears to be predicated on the assumption that people moving into the district are seeking a rural lifestyle.
332. I note that Mr Thompson identifies that the PWDP would enable 7,800 additional lifestyle blocks, and 2,800 existing lots without a dwelling – therefore there is capacity for a total of 10,600 lots that currently exists, although the origin of these numbers is unclear.
333. I refer to the evidence of Dr Fairgray for Hearing 18, which identified that the Country Living Zone has 2,463 existing lots with potential for subdivision to create a further 1,780 lots. Dr Fairgray also identifies 4,160 lots available for rural lifestyle take-up in the Rural Zone. The total capacity available for rural lifestyle is therefore 5,940 dwellings. Together, the Rural, Country Living, and Village zones provide potential for 8,600 lots.⁶⁶ Considering the context of the growth modelling for the district, 8,600 lots would cater for over half of the total household growth over the next 30 years (17,000 households by 2051).
334. I have considered both Mr Thompson's calculations and also Dr Fairgray's. Regardless of which numbers you consider, both demonstrate that there is more than sufficient development capacity for rural lifestyle living to contribute to 20 per cent of the district's growth.
335. I do not consider Country Living zoning to be an appropriate response to development capacity. The submission seeks rezoning of approximately 400ha of rural land. The Buckville Road area identified includes approximately 94 properties with an average site size of approximately 3.5ha. The submitter has not provided an estimate of development capacity. Therefore, I have done a very rough calculation assessment based on a 5,000m² minimum lot size. Assuming each site already contains one dwelling and 25 sites are too small to be subdivided, the potential capacity of the Buckville Road area would be approximately 550 lots.
336. In my opinion these would be better located within existing towns through infill and appropriate greenfield expansion rather than a rural area with no infrastructure. Although Tuakau is surrounded by high-class soils, the efficiencies gained by allowing urbanisation adjacent to Tuakau rather than through rural-residential living is significant in terms of scale of growth, servicing and amenities.

⁶⁵ Framework Report, paragraph 264.

⁶⁶ Dr Fairgray, Economic Aspect of Rural Subdivision, page 28.

337. The planning evidence of Ms Foley for Waikato Regional Council supports the position set out in the Framework Report in relation to rural-residential development, and the Regional Council continues to oppose expansion of the Country Living Zone. Ms Foley identifies WRPS Policies 14.2 and 6.17 as requiring that rural-residential living is directed away from high-class soils, and she considers that requests for additional Country Living zoning should be rejected.⁶⁷
338. WRPS Policy 6.17 addresses rural-residential development in the context of growth, specifically addressing the potential effects, particularly in relation to infrastructure servicing and cross-boundary effects. I accept that Policy 6.17 contemplates rural-residential development by seeking that the effects of development are managed. However, I do not consider the proposal to have demonstrated that any potential adverse effects, including additional demand for servicing and infrastructure would be adequately managed. This is particularly the case given that the area adjoins the Auckland region's growth at Buckland and therefore may impact on the funding and servicing plans for that growth, requiring the cross-boundary effects to be considered. I therefore do not consider the proposal to give effect to Policy 6.17.

Impact of Country Living Zone on infrastructure

339. While it is acknowledged that there is a place for rural-residential living to alleviate pressure on subdivision and development of rural land, the Council has experienced pressure from Country Living zoned areas for higher levels of service similar to urban areas.
340. I disagree with Ms Nairn that the proposal would consolidate growth around the existing Buckland village, creating a compact form of development. The proposal will result in increased pressure on the services and amenities at Buckland with no ability to contribute to them because the urban area is within the Auckland region.
341. Waka Kotahi NZ Transport Agency [FS/201.120] opposes submission [682.1] because the area has not been identified as an area for future development in Future Proof 2017. I have read the planning evidence of Mr Wood for Waka Kotahi and note his position that it will have neutral effects on the state highway network but will have planning and funding implications for the Supporting Growth Programme because it will expand the urban area of Pukekohe.
342. I concur with Mr Wood about the potential implications of growth adjacent to Buckland, which have not been addressed by the submitter. There is no evidence provided to address infrastructure issues at all, and therefore I do not consider this issue to have been addressed. Accordingly, the proposal does not give effect to WRPS Policy 6.3 to co-ordinate land use and infrastructure. Therefore, the proposal is also inconsistent with the development principles in Section 6A, specifically (d) compromising existing and planned infrastructure, (e) not connecting well with existing and planned development and infrastructure, and (i) not promoting a compact urban form because the area is not connected to public transport and relies on private vehicle use.

Country Living Zone as a transitional zone

343. Ms Nairn considers that Country Living Zone along the northern boundary of the Waikato adjacent to Buckland village Future Urban Zone will provide an appropriate transition between urban lots (average 400m²) and the wider rural area in Waikato.

⁶⁷ Ms Foley, Planning Evidence, Hearing 25: Tuakau, page 7.

344. I agree with Mr Davey that Country Living Zone adjacent to urban areas create fragmentation issues that can preclude future expansion, and that it is not appropriate to consider it as a transitional zone. It is therefore important to consider whether there could be an opportunity in the future where Buckland would grow beyond the jurisdictional boundary and whether further fragmenting the available land would assist or hinder this possibility. This is also an issue of cross-boundary considerations. I note that the jurisdictional boundary was only recently changed and that prior to 2010 this area was part of the Auckland region.
345. Mr Forrester considers it inappropriate for the urban land in the Auckland region to front onto rural productive land within the Waikato region because of potential conflicts. The roads that Mr Forrester is referring to are Golding Road and Logan Road, which form the jurisdictional boundary.
346. Country Living Zone also creates reverse sensitivity issues for rural activities. I note that this matter is not addressed in the submitter's evidence, specifically at the northern and southern extents. Arguably, Harrisville Road could provide a suitable separation between the Country Living Zone and the Rural Zone. It also excludes land along the western side of Jamieson Road, which would be sandwiched between Country Living and Future Urban zones. Therefore, Country Living Zone would be inappropriate subdivision, use and development, and the proposal does not give effect to WRPS Policy 14.2.

High-class soils

347. Although it is acknowledged that the area contains high-class soils, evidence from submitters discusses the limitations of the area for rural productivity due to existing fragmentation of ownership.
348. WRPS Policy 14.2 seeks to avoid a decline in the availability of high-class soils for primary production due to inappropriate subdivision, use or development.
349. Ms Nairn accepts that locating rural-residential development on an area of high-class soil is not ideal but considers it to be acceptable in this instance due to fragmented land. I acknowledge the explanation for Policy 14.2 indicates that it is not intended to prevent all urban development on high-class soils; it is intended to ensure that development is appropriate. I do not consider rural-residential lifestyle lots to be appropriate development because it will result in further fragmentation.

Transferable development rights

350. Mr Forrester considers the area to be a suitable area for receiving lots that are created from achieving environmental benefits elsewhere in the district as transferable development rights (TDRs). I note that the issue of TDRs was addressed in Hearing 18: Rural, and that this tool does not currently exist in the PWDP. I do not wish to canvass this issue in relation to rezoning requests.
351. The question I am addressing is this: If the Panel accepts TDRs as a tool, would this location be appropriate to receive further development? For the same reasons outlined above in terms of the Country Living Zone, I do not support this approach. Although I accept that through the TDRs approach there would be additional environmental gains elsewhere in the district, this would not address the adverse effects of further development in this location.

Statutory tests

352. WRPS Policies 6.1, 6.3, 6.17, and 14.2 are the key provisions to be considered for this proposal. Overall, I do not consider the proposal to give effect to the WRPS because it is not consistent with these policies.

353. The rural-residential development principles require that such development is “more strongly controlled where demand is high”. I therefore agree with Waikato Regional Council that Country Living zoning should be considered strategically across the district and not piecemeal. Furthermore, sufficient provision for rural-residential living is provided throughout the district. The rural-residential development principles cannot be considered in isolation of the general principles for growth. Specifically, I consider the proposal does not connect well with existing and planned development and infrastructure in accordance with principle (e) or promote a compact urban form in accordance with principle (i).
354. Having regard to the 6A Development Principles, I do not consider the proposal to achieve planned and co-ordinated subdivision, use and development required by Policy 6.1. The potential cumulative effects of development have not been considered, and there is insufficient information to determine what the potential long-term effects will be.
355. Locating the Country Living Zone along the northern boundary to Auckland in proximity to Buckland and Pukekohe growth within the Auckland region will create additional demand for servicing and infrastructure. No evidence is provided to address this issue, and therefore I do not consider the proposal to co-ordinate growth and infrastructure required by Policies 6.3 and 6.17, including cross-boundary implications for the Supporting Growth Programme for transport in the sub-region.
356. Future Proof 2017 identifies “protection of versatile and productive farmland by directing rural-residential and residential development and business land closer to towns and villages. This will also assist in reducing reverse sensitivity issues.”⁶⁸ The strategy aims to provide for rural-residential development in a way that does not compromise the future settlement pattern or create demand for the provision of urban services. The key issue identified for rural-residential development is:
- “The attractiveness of rural-residential living which if unmanaged can compromise productive rural land, create reverse sensitivity issues, and increase infrastructure and servicing costs and lead to pressure to extend urban services or levels of service.”⁶⁹*
357. Future Proof 2017 anticipates that the Council will identify areas appropriate for rural-residential living in accordance with the VRPS. I consider the PWDP to have done this as the Council has determined that additional rural-residential living is not required. Both Future Proof 2017 and Waikato 2070 identify land along the northern boundary to Auckland as remaining rural.
358. I do not consider the proposal to give effect to the NPSUD because it does not contribute to a well-functioning urban environment because does not have good accessibility and would not support reductions in greenhouse gas emissions due to being car dependent (Policy 1). In addition, rural-residential is only required to contribute towards 20 per cent of the district’s growth and sufficient capacity is available so additional Country Living is not required (Policy 2).

12.3 Recommendations

359. For the reasons above, I recommend:
- **Reject** submissions that seek Country Living Zone as follows: D & J Trust [39.1]; Anthony Van Lieshout [51.1]; Pirie & Lynne Brown [67.1]; Ben Stallworthy [70.3]; Andrew and Jo Payne [98.1]; William & Paulette Screen [105.1]; Dirk-Jan & Family Oostdam [107.1]; Peter Donald Johnson [111.1]; Graham Reaks [112.1]; Gary & Jill Morris [127.1]; Equus Enterprises Ltd [140.1]; Susan & Maurice McKendry [141.1]; James Edward Greenhough [143.1]; Kirsten Seamer [144.1]; Peter & Lee Walter [145.1]; Bruce

⁶⁸ Future Proof 2017, page 9.

⁶⁹ Future Proof 2017, section 11.3: Rural Areas, page 60.

& Raelyn Wallbank [146.1]; Nigel & Lee Tiley [150.1]; Cameron & Alicia De'Arth [173.1]; David Shorter [174.1]; Yvonne Pack [175.1]; Steven Shue [178.1]; Jennifer Buchanan [179.1]; Taik Seok Hwang [186.1]; Philip & Jan Hillmer [201.1]; John and Gail Cameron [207.1]; Wallace & AnnMaree Bremner[347.1]; Gwenith Sophie Francis [394.25] and [394.29]; Andrew George Reeves [569.1]; David James Evans [592.1]; Helen Thomas [609.1]; Harrisville Family Trust [641.1]; Duncan McNaughton [667.1]; The Buckland Country Living Zone Landowners Group [682.1]; Henry Gao [841.1]; Matthew Rogers, Catherine Rogers, Martin Mooney, Helen Mooney [842.1]; Christine Montagna [593.1] and support further submissions that oppose the relief sought.

13 Medium Density Residential Zone

13.1 Submissions

360. Kāinga Ora [749.154] seeks a Medium Density Residential Zone (MDRZ) in the PWDP, which is addressed in the Hearing 25: Residential Medium Density Zone s42A report (MDZ s42A report). This report addresses the geographic application of the zone boundaries at Tuakau as indicated by the MDZ s42A report.⁷⁰
361. I note the MDZ s42A report addresses a number of other submissions that support an MDRZ at Tuakau, including Waikato Regional Council [81.152], Future Proof Implementation Committee [606.11], and Chanel Hargrave and Travis Miller [751.58]. Therefore, these submissions are not specifically addressed in this report.
362. These submissions were made:

Submission point	Submitter	Decision requested
749.154	Housing Corporation NZ	Add a new "Medium Density Residential Zone" to the Proposed District Plan zone maps as contained in Attachment 4 of the submission for the following urban settlements: Huntly Ngaruawahia Pokeno Raglan Taupiri Te Kauwhata Tuakau AND Amend the Proposed District Plans as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1050.4	Kiwi Green NZ Ltd	Support
FS1316.48.48	Alstra (2012) Ltd	Support
FS1368.10	Rosita Dianne-Lynn Barnes	Support
FS1108.157	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FS1139.142	Turangawaewae Trust Board	Support
FS1202.105	Waka Kotahi NZ Transport Agency	Support
FS1276.152	Whaingaroa Environmental Defence Inc. Society	Oppose
FS1345.118	Genesis Energy Ltd	Oppose

⁷⁰ Section 42A Report – Hearing 25: Future Urban Zone and Residential Medium Density Zone, paragraph 159.

Submission point	Submitter	Decision requested
FSI377.268	Havelock Village Ltd	Support
FSI377.268	Mercury D	Oppose
751.42	Chanel Hargrave and Travis Miller	Ensure that the property at 18 Booth Crescent, Tuakau, is zoned to allow multiple dwellings and small lot sizes.
FSI387.1090	Mercury D	Oppose

13.2 Analysis

363. The submission from **Kāinga Ora** (previously **Housing New Zealand Corporation**) [749.154] for an MDRZ is discussed in the MDZ s42A report and therefore this report focuses on the analysis undertaken by the submitter to support the geographic extent of the zone.
364. **Chanel Hargrave and Travis Miller [751.42]** seek to ensure the site at 18 Booth Crescent is zoned to allow multiple dwellings and smaller lots sizes. The submitter has a wider submission seeking to include a more intensive Residential Zone to support intensification and compact growth within existing town centres and future public transport stations, which is addressed in the MDZ s42A report. The site at 18 Booth Crescent is 1,017m² and located within the spatial extent of the area identified by Kāinga Ora [749.154] and will therefore be addressed as part of the wider discussion on the MDRZ extent.
365. Figure 40 identifies the sites affected by the MDRZ request.

Figure 40: Sites affected by the MDRZ request





Role of MDRZ in Tuakau

366. The MDZ s42 report addresses whether there is a legitimate role for an MDRZ and identifies medium density to mean “2–3 storey townhouses, terraces and low-rise apartments”. I agree with the MDZ s42A report author that 400–800m is a walkable catchment supporting active transport. Waikato 2070 is also referred to as providing for medium-density housing growth to support regeneration of town centres.
367. Tuakau town centre is identified in Waikato 2070 for Business Zone and Residential Zone, but no areas of MDRZ are signalled elsewhere. This is consistent with the TSP, which envisioned medium-density attached housing and apartments in mixed-use overlay areas adjacent to the town centre and proposed neighbourhood centres. Waikato 2070 and the TSP identify more confined areas of medium-density housing when compared to the Kāinga Ora submission.
368. I concur with the planning evidence of Mr Stickney, which indicates that the settlement pattern in Future Proof 2017 identifies Tuakau as a ‘Major Commercial Centre’, and the built form aligns with the types and patterns of growth envisaged in Waikato 2070 and Future Proof 2017.⁷¹ Future Proof 2017 identifies that Tuakau has better public transport and improved opportunities for walking and cycling.⁷² These elements are supportive of medium-density housing and in turn will support the direction of Future Proof 2017 to accommodate 80 per cent of the district’s growth within and around existing towns. I therefore support the application of an MDRZ at Tuakau.

Determining the geographic extent

369. I adopt the assessment of the MDRZ against the higher order documents included in the MDZ s42A.⁷³ Therefore, when considering the Kāinga Ora submission, the following matters are considered to determine the geographic extent to be applied at Tuakau as set out in the MDZ s42A report:

- “1) Within a walkable catchment of the commercial centres of the larger townships (generally no more than 800m);
- 2) In townships where there is the potential for rapid public transport (which in a Waikato context is primarily the potential for a future regular Hamilton to Auckland commuter rail service);
- 3) In townships where existing network infrastructure capacity exists;
- 4) As a component of greenfield master planned developments that achieve the required WRPS density targets and where the provision of communal open space or natural features such as wetlands or waterways can provide an amenity ‘trade-off’ for smaller private gardens;
- 5) Able to avoid areas with high landscape, ecological, heritage or cultural values;
- 6) Able to avoid areas where natural hazard risk (typically flooding) cannot be readily mitigated;

⁷¹ Mr Stickney EIC, paragraphs 10.9 and 10.10.

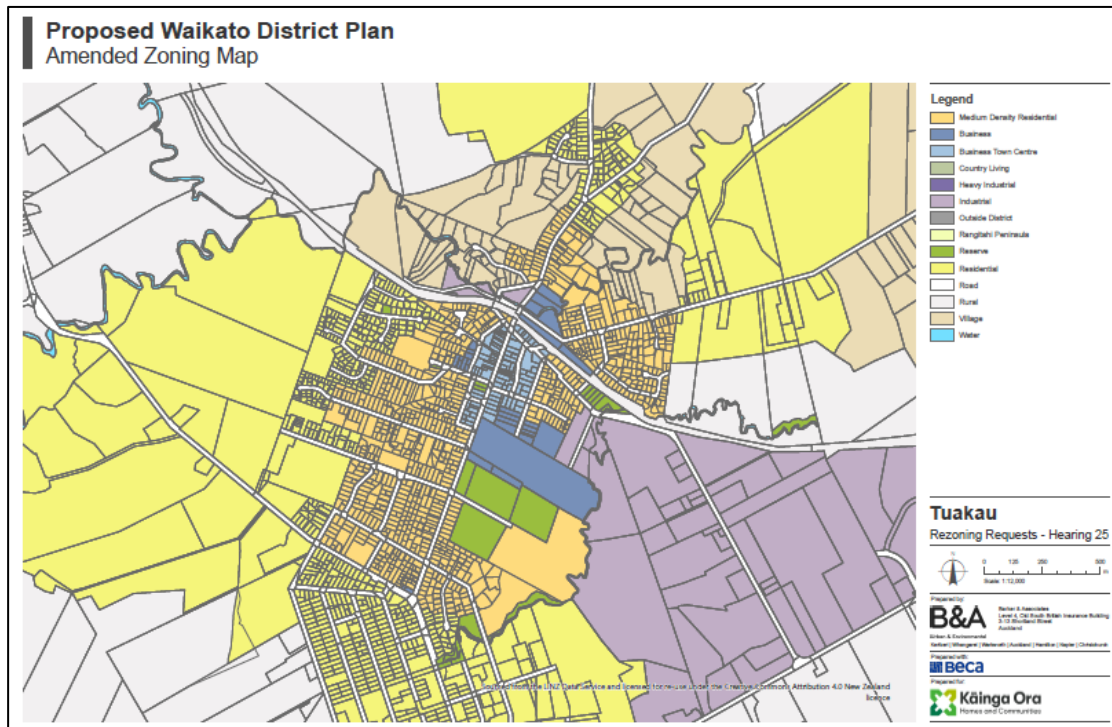
⁷² Future Proof 2017, page 30.

⁷³ Section 42A Report – Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone, paragraph 192.

7) *Able to avoid areas that would give rise to significant reverse sensitivity issues with existing industry, regionally significant infrastructure, or other established activities that cannot be readily mitigated.”*

370. Analysis of the geographic extent of the MDRZ at Tuakau is included in Appendix 3 of the evidence of Mr Wallace (Urban Design). I note that Kāinga Ora has refined its original submission by identifying a smaller area of MDRZ at Tuakau in response to the analysis of Mr Wallace. The proposed MDRZ has been mapped utilising ground truthing, slope analysis, walking catchment analysis, natural hazards analysis and a high-level review of proximity to services/amenities (Figure 41).

Figure 41: Kāinga Ora’s proposed MDRZ



371. The methodology and assessment report for the MDRZ in Appendix 5 of Mr Stickney’s planning evidence explains how the zoning extent was determined. I generally accept the analysis undertaken by Mr Wallace as appropriately identifying the geographic extent, including the 400–800m walking catchment amenities and public transport, as well as consideration of steeper sloping land.
372. Mr Stickney considers the resource management issues of the MDRZ in Appendix 3 of his planning evidence. These are discussed broadly but are relevant to Tuakau and include:
- residential character, built form and amenity
 - on-site residential amenity
 - housing options
 - maintain residential purpose
 - earthworks
 - noise, signs, lighting and odour
 - subdivision layout and design.
373. I consider these issues to be addressed through the proposed plan provisions for the MDRZ, which are addressed in the MDZ s42A report.

Additional constraints

374. A review of the PWDP overlays and constraints identifies that the following heritage items are located within the area identified by Kāinga Ora but are not specifically addressed by the evidence:
- a. Item 12 – Former Revell’s Hall 1892, Ranking Building B (12 Harrisville Road)
 - b. Item 24 – St Andrew’s Catholic Church 1912–13, Ranking Building A (186 George Street)
375. As these sites are scheduled, I do not consider the MDRZ to impact on the sites. I accept that development on adjoining sites would not be required to directly address this heritage, because it is anticipated that development of up to three dwellings per site would be permitted. However, I consider the development standards would be adequate to avoid significant adverse effects on these heritage sites. Where more intensive development is proposed (i.e. more than three dwellings per site), a restricted discretionary activity resource consent would be required providing for consideration of adverse effects on adjoining sites such as shading and privacy.
376. I note that the Tuakau Primary School at 2 School Road is identified within the MDRZ. Although the school is designated (C57), I do not consider it appropriate to identify it as MDRZ because it would not achieve the objective for the zone. I therefore recommend that the block bounded by School Road, Buckland Road, and Church Street be excluded. I note that land west and south of this block is excluded and therefore the school would form the western edge to the MDRZ.

Statutory assessment

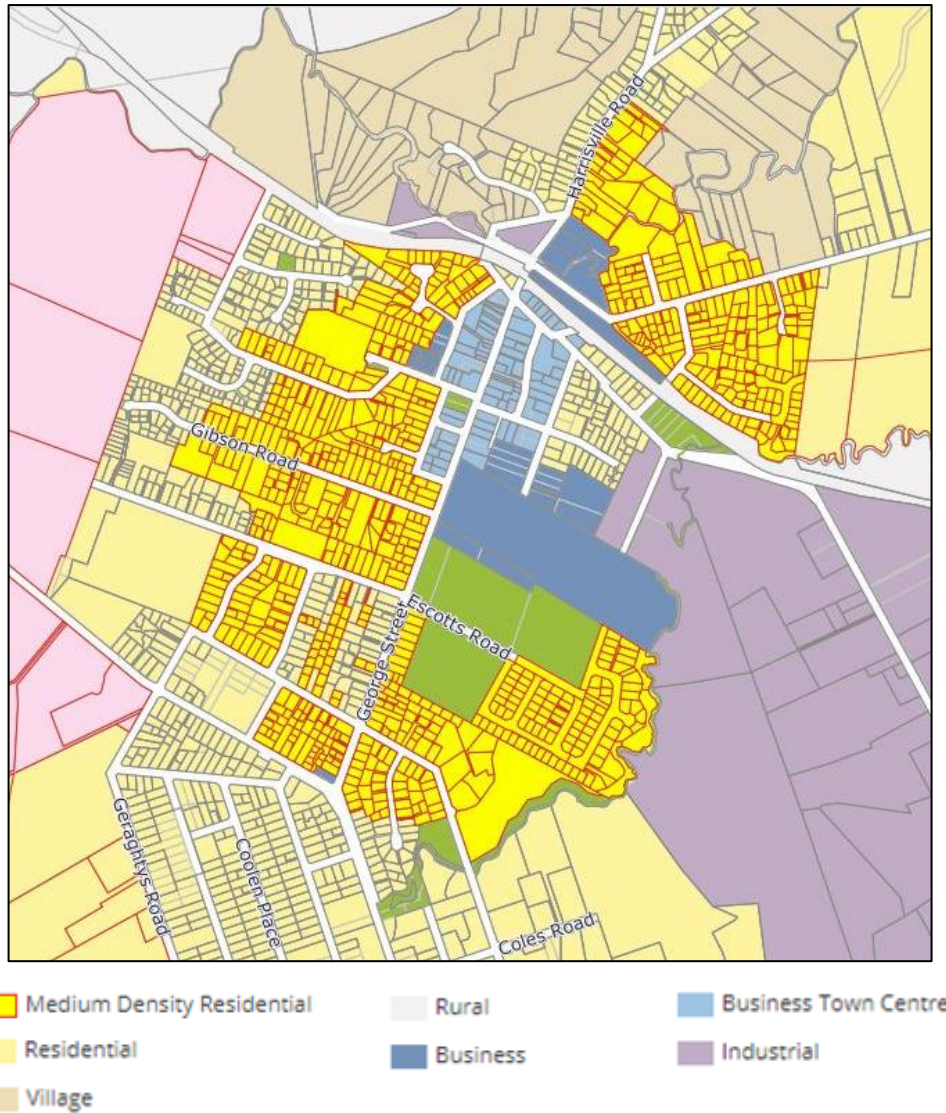
377. I consider the MDRZ extent at Tuakau will give effect to the WRPS Policies 6.1 and 6.3 relating to planned development and coordination with infrastructure and will be consistent with the development principles in Section 6A. Specifically, principles that seek to make use of opportunities for urban intensification (c), not compromise existing and planned infrastructure (d), connect well with existing and planning development and infrastructure (e), and promote a compact urban form (i).
378. The recommended extent of the MDRZ also gives effect to the NPSUD objectives and policies for a well-functioning urban environment (Objective 1 and Policy 1), requirements to provide for sufficient development capacity (Objective 2 and Policy 2), and directives for intensification in areas in or near centre zones (Objective 3 and Policy 3).

13.3 Recommendations

379. For the reasons above, I recommend:
- **Accept** Chanel Hargrave and Travis Miller [751.42] to enable more intensive residential development at 18 Booth Crescent.
 - **Accept in part** Kāinga Ora [749.154] to apply an MDRZ at Tuakau, excluding Tuakau Primary School.

13.4 Recommended amendments

380. Apply an MDRZ at Tuakau as per the Kāinga Ora submission, amended to exclude Tuakau Primary School (Appendix 3).



13.5 Section 32AA

381. It is recommended to rezone the Residential Zone at to MDRZ generally within 800m of public transport and amenities as proposed in the evidence of Mr Stickney for Kāinga Ora. I adopt Mr Stickney's s32AA evaluation to support the amended zoning apart from the one location where my recommendation varies (Tuakau Primary School).

13.5.1 Effectiveness and efficiency

382. Reasonably practicable alternatives to the MDRZ considered by Kāinga Ora are the status quo, and intensification in the general residential zone.

383. Mr Stickney's evaluation identifies the purpose of the proposed MDRZ is to enable the efficient use of land and infrastructure by enabling a higher intensity of development in strategic locations (that is, close to town / commercial centres, strategic transport corridors and community services / amenities). The geographic extent of the proposed MDRZ at Tuakau will achieve this purpose.

384. I agree that the MDRZ a more effective and efficient way of achieving the consolidation of growth and intensification objectives of the PWDP, WRPS and NPSUD. Relying on the Residential Zone does not provide sufficient certainty because development below 450m² is a discretionary activity, therefore intensification is not encouraged and potential development capacity is not realised. Excluding the Tuakau Primary School from the MDRZ is efficient because the site is on the edge of the proposed zone and does not enable any development capacity.

13.5.2 Costs and benefits

385. The costs and benefits are thoroughly canvassed by Mr Stickney. In summary, I agree that the benefits of the MDRZ to utilise existing urban land and infrastructure outweigh the costs of supplying development capacity through expansion. Excluding the Tuakau Primary School block from the MDRZ does not reduce the benefits achieved by rezoning, as it only applies to a discrete area that is on the edge of the proposed zone.

13.5.3 Risk of acting or not acting

386. The risk of acting is the opportunity loss to increase development capacity through intensification of the existing town.
387. The risk of not acting is that additional development capacity will be required through urban expansion into the rural productive areas surrounding the township, resulting in loss of high-class soils and reducing the benefits from a compact urban form.
388. The risk associated with rezoning the Tuakau Primary School block is that as a large site it could be identified as providing significant development capacity that is not feasible. Therefore, in my opinion it should not be included.

13.5.4 Decision about most appropriate option

389. For the reasons above, the amendment to the zoning is considered to be the most appropriate way to achieve PWDP Objective 4.1.2 to consolidate urban growth in and around existing towns and villages, and the MDRZ objectives proposed by Kāinga Ora – Objective 4.2A.3 efficient use of land and infrastructure, and Objective 4.2A.1 to achieve greater housing choice.

14 Miscellaneous requests

14.1 Submissions

390. A number of submissions seek specific changes that are not able to be grouped with the other submissions. They are addressed in this section.
391. These submissions were made:

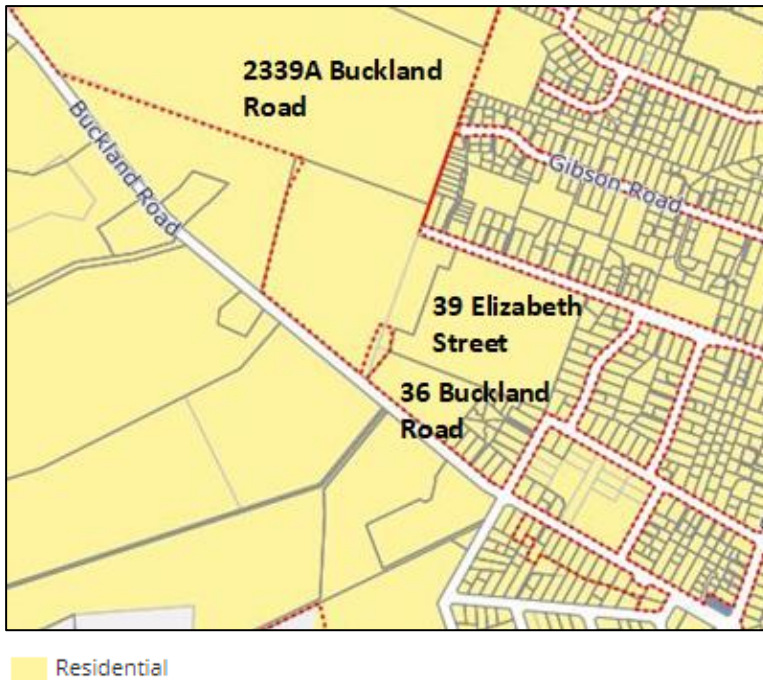
Submission point	Submitter	Decision requested
748.2	T A Reynolds Limited	Amend boundaries of the planning maps after discussion with the landowners of 36 and 2339A Buckland Road and 39 Elizabeth Street, Tuakau.
871.14	Brendon John & Denise Louise Strong	Retain the Business Zone at 8 Harrisville Road, Tuakau, as notified (see submission for map of site).
FS1387.1421	Mercury D	Oppose

Submission point	Submitter	Decision requested
425.3	Envirofert Limited	Amend the zoning for the southern/western portion of 74 Geraghtys Road, Tuakau, from Rural Zone to a Specific Area zone, or a similar change that addresses the matters outlined in the submission (Refer to Figure 1 attached to the submission). AND Add specific provisions appropriate for a waste management facility on the site at 74 Geraghtys Road, Tuakau.
<i>FSI 038.2</i>	<i>Simon Dromgool</i>	<i>Oppose</i>
<i>FSI 136.5</i>	<i>Shaun McGuire</i>	<i>Support</i>
<i>FSI 140.2</i>	<i>Kirriemuir Trustee Limited</i>	<i>Oppose</i>
<i>FSI 143.2</i>	<i>Delys Tansley</i>	<i>Oppose</i>
681.1	Lavalla Farms Limited	Amend the proposed Residential zoning for part of the property at 131 Dominion Road, Tuakau so that a "Neighbourhood Centre Zone" applies to the area containing the existing function centre, accommodation buildings and school. (Refer to the indicative concept plan in the submission which indicates the extent of this requested new zone.)
<i>FSI 387.240</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose.</i>
857.1	Black Sands Trust	Retain the Rural Zoning at 2759 River Road, Tuakau (Lot 1 DP 58371), as notified; AND Add a "business overlay area" to the property at 2759 River Road, Tuakau, to allow for current and possible future business activities on the site within the rural environment.

14.2 Analysis

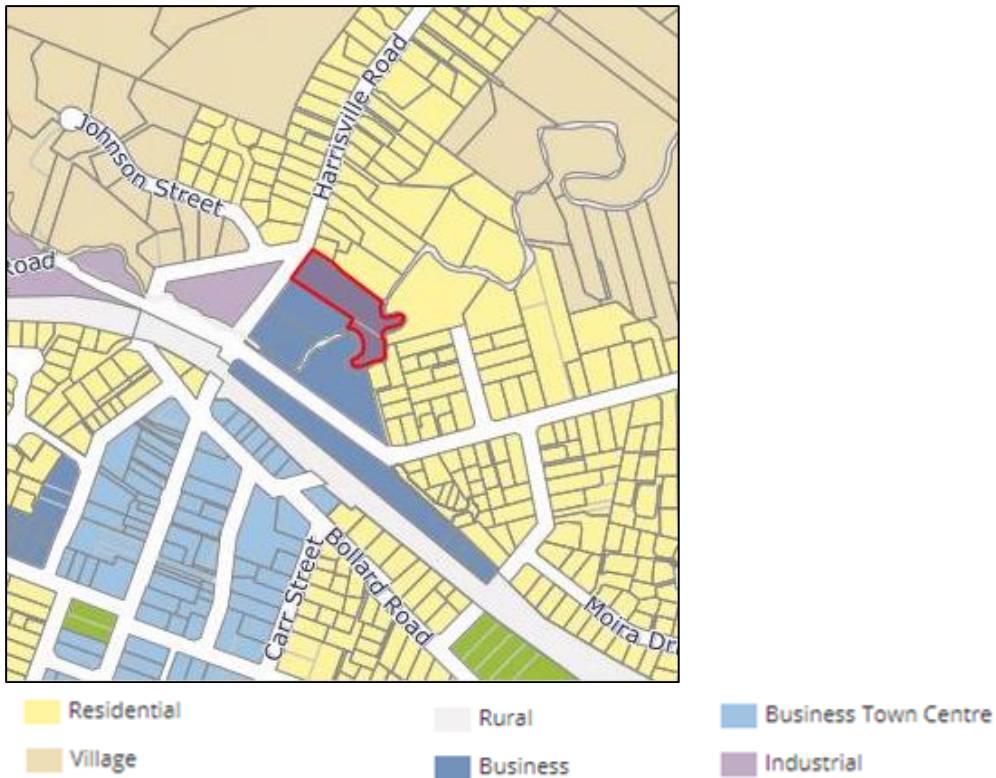
392. **T A Reynolds Limited [748.2]** seeks to amend the boundaries of the planning maps after discussion with the landowners of 36 and 2339A Buckland Road, and 39 Elizabeth Street. The submitter identifies that the planning maps are very broad ranging and may need to be amended after discussion with landowners.
393. No evidence was submitted in support of this submission.
394. The properties of 36 and 2339A Buckland Road and 39 Elizabeth Street are located on the northern side of Buckland Road (Figure 42) and are proposed Residential Zone in the PWDP. This is consistent with Stage 1 of the TSP. It is unclear from the submission what issues the submitter has and what relief is being sought.

Figure 42: Properties identified in sub #748.2 – rezoning sought unclear



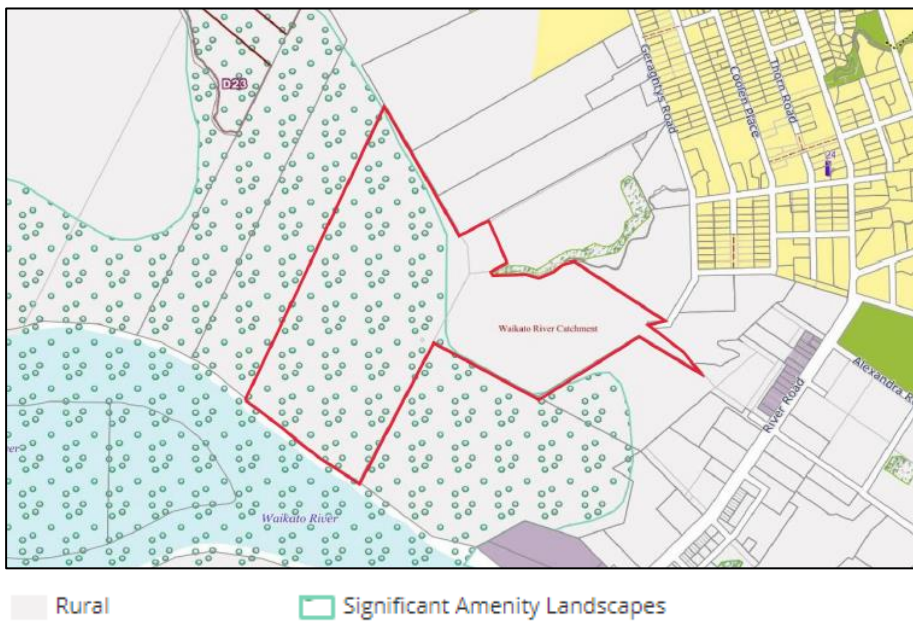
395. A previous submission on PC16 (Submission 28) by the submitter supported the Residential zoning in this location subject to retaining the rural rate base until such time that residential development occurs. I assume this concern remains regarding the PWDP zoning. However, this is not a matter for consideration under the RMA and therefore I do not support the relief sought by the submitter.
396. **Brendon John and Denise Louise Strong [871.14]** seek to retain the Business Zone at 8 Harrisville Road (see Figure 43). The only further submission opposing this relief is from Mercury and the site is not identified in the Proposed District Plan as being subject to flooding. The site was zoned Business in the Operative District Plan (Franklin Section) and contains business activities. Therefore, I support the retention of the notified Business Zone.

Figure 43: Area that submission seeks to retain Business Zone



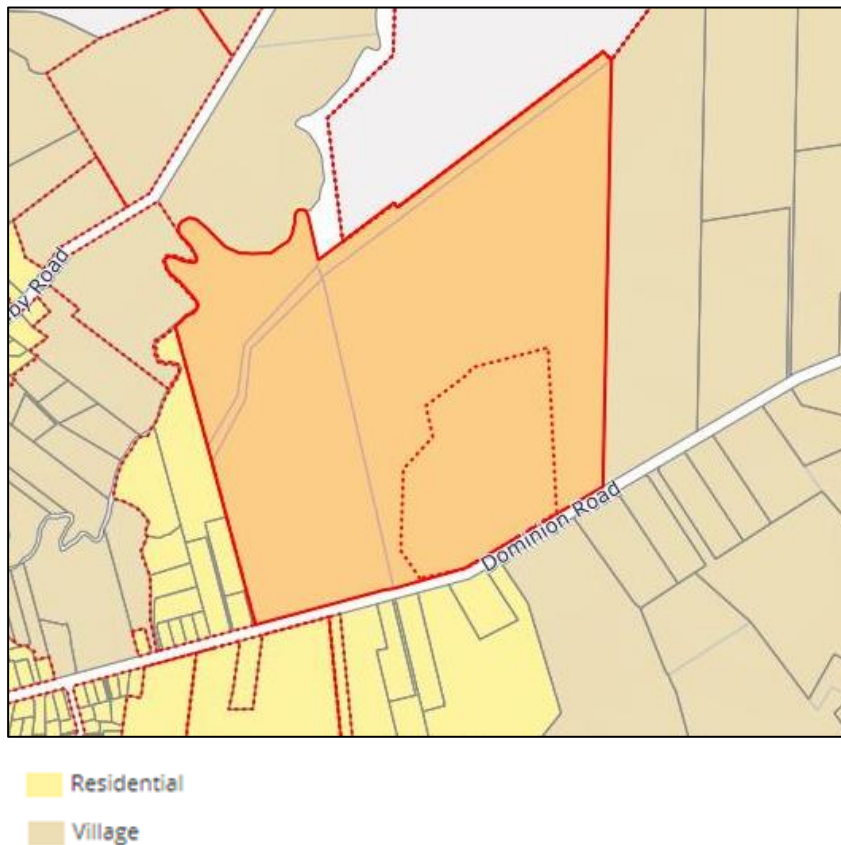
397. **Envirofert Ltd [425.3]** seeks a Specific Area Zone or provisions to support the existing waste management facility (see Figure 44). The submitter highlights that the Envirofert facility provides a regionally significant service, as one of the 11 commercial composting plants in the country.

Figure 44: Area that submission seeks to rezone from Rural Zone to Specific Area Zone



398. Four further submissions were received on this submission point. Shaun McGuire [FS1036.5] supports the relief sought because it provides a service and employment. Simon Dromgool [FS1038.2], Kirriemuir Trustee Limited [FS1140.2] and Delys Tansley [FS1143.2] oppose the relief sought because the facility has a resource consent to operate, and the site is close to Residential Zone with a history of non-compliance.
399. No evidence was received in support of this submission.
400. The site is identified as Rural Zone within the PWDP. I agree with further submitters that the site has a resource consent to operate and therefore it does not require a Specific Activity Zone or specific provisions to operate. I do not support applying a spot zone to this site.
401. **Lavalla Farms Limited [681.1]** seeks a Neighbourhood Centre Zone at 131 Dominion Road because it would protect the existing activities and allow the creation of a community hub to support residential development in the surrounding area. The submitter provides an indicative concept plan identifying the location of an indicative neighbourhood centre (indicated in dotted red line in Figure 45 below).

Figure 45: Area that submission seeks to rezone from Residential Zone to Neighbourhood Centre Zone (dotted line within red shaded property)



402. The site is zoned Residential in the PWDP. This zone is supported by the submitter as discussed earlier in this report.
403. The PWDP does not have a Neighbourhood Centre Zone, although it is acknowledged that some structure plans provide for these, which are in turn managed by the PWDP. Policy 4.5.6 of the PWDP seeks to ensure that convenience retail and commercial activities in neighbourhood centres meet the needs of the local community. Neighbourhood centres are currently identified within a Residential Zone as part of a structure plan.

404. In my opinion the identification of any type of Business Zone needs to be determined through a structure plan exercise and potentially site-specific provisions. Although the submitter provides an indicative concept, no evidence or s32AA evaluation is provided in support of the proposal. I consider applying the Business Zone to this site would not be appropriate because the zone is too enabling and could result in additional commercial activities occurring well beyond the town centre. The existing facilities have existing consents to operate and I consider this to be the most appropriate method to achieve the submitter's objectives.
405. **Black Sands Trust [857.1]** seeks to retain the Rural Zone at 2759 River Road and add a business overlay area to the site to reflect the current business activity recently consented (LUC0040/18), which enables them “to utilise existing buildings on the site to establish a nursery/garden centre and a café” (see Figure 46 below).

Figure 46: Area that submission seeks to apply a Business Overlay Area to

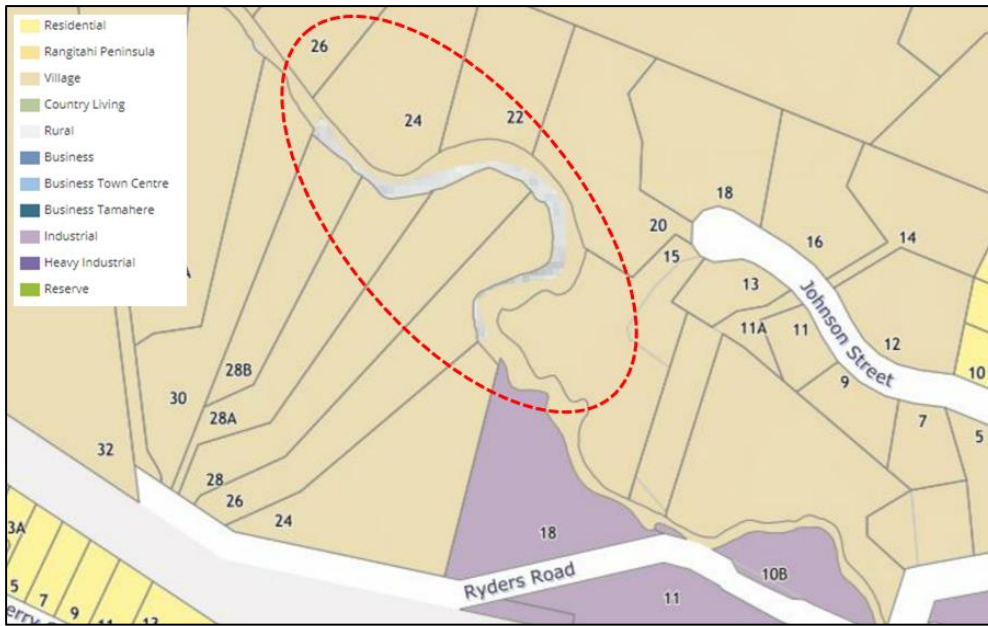


406. No evidence was received in support of this submission. I do not consider it necessary to apply a business overlay to the site because it has a resource consent to continue operating the existing facility. I expect the facility to operate within the conditions of the consent.

14.2.1 Planning map errors

407. An error has been picked up in the planning maps at Tuakau, where a parcel is not zoned along the Kairoa Stream. The area is identified in Figure 47 **Error! Not a valid bookmark self-reference.** below. It is recommended that this mapping error be tidied up as part of the submissions process – I consider this to be a clause 16 matter, but scope is also provided by the Council's submission [697]. It is recommended to apply the Village Zone to this land consistent with adjacent and surrounding land.

Figure 47: Planning map error (Parcel ID 6862994)



408. An evaluation under s32AA is not required for this amendment because of the scale is insignificant and it addresses an error in the notified planning maps.

14.3 Recommendations

409. For the reasons above, I recommend:

- **Accept** Brendon John and Denise Louise Strong [871.14] to retain the Business Zone at 8 Harrisville Road.
- **Reject** TA Reynolds Limited [748.2].
- **Reject** Envirofert [425.3] and Shaun McGuire [FS1036.5] and accept further submissions Simon Dromgool [FS1038.2], Kirriemuir Trustee Limited [FS1140.2] and Delys Tansley [FS1143.2].
- **Reject** Lavalla Farms Ltd [681.1].
- **Reject** Black Sands Trust [857.1].

15 Retain or oppose zones – township

15.1 Submissions

410. Submissions in this topic are generally seeking to retain either the Residential Zone or Industrial Zone on either specific sites or more generally within the Tuakau township, or generally opposing the zones. They are grouped together under this topic because the discussion on these submissions is interrelated.

411. These submissions were received:

Submission point	Submitter	Decision requested
5.1	Jan Maree Vodanovich	Retain the proposed Residential zoning for the property at 22 Whangarata Road, Tuakau.

Submission point	Submitter	Decision requested
<i>FSI386.4</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
65.1	Brent Greig	Retain the proposed Residential Zone of the property at 15 Barnaby Road, Tuakau (Lot 1 DP 320629 CT 81778).
<i>FSI386.50</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
117.1	Navin Makan	Retain Residential Zoning for the property at 2346A Buckland Road, Tuakau.
<i>FSI386.98</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
119.1	Dheru Makan	Retain the Residential Zoning of the properties at 2356 and 2364 Buckland Road, Tuakau.
<i>FSI386.100</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
153.3	Michael Shen	Retain the proposed Residential Zoning at 56 Dominion Road, Tuakau (Lot 1 DP 153636).
<i>FSI117.5</i>	<i>2CEN and Tuakau Estates Ltd</i>	<i>Support.</i>
<i>FSI386.131</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
172.1	Shaun Jackson	Retain Residential Zoning as notified for the property at 139 Dominion Road, Tuakau.
<i>FSI277.110</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FSI386.151</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
172.5	Shaun Jackson	Retain the zoning of 100C Bollard Road, Tuakau as Industrial Zone as notified.
223.1	Rochelle Crane	Retain Residential zoning for 1 Mystic Place, Tuakau, as notified, and the Residential zoning on the Tuakau Planning maps.
<i>FSI386.230</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
247.1	Kylie Escott	Retain the Residential Zone for the property at 7 Dromgools Road, Tuakau, as notified and the Residential Zoning on the Tuakau Planning Maps.
<i>FSI386.250</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
402.1	Tuakau Proteins Limited	Retain the Industrial zoning of the Tuakau Proteins Limited site including 22, 24 and 26 Lapwood Road, Tuakau as notified.
<i>FSI038.4</i>	<i>Simon Dromgool</i>	<i>Oppose</i>

Submission point	Submitter	Decision requested
FSI388.136	Mercury NZ Limited for Mercury E	Oppose
402.2	Tuakau Proteins Limited	Retain the current extent of Residential Zoning in Tuakau, as notified.
FSI038.5	Simon Dromgool	Oppose
FSI136.1	Shaun McGuire	Oppose
FSI140.5	Kirriemuir Trustee Limited	Oppose
FSI388.137	Mercury NZ Limited for Mercury E	Oppose
419.94	Horticulture New Zealand	Amend the zoning of approximately 181ha of land on the northern and western side of Tuakau township from Residential Zone to Rural Zone. Refer to Figure 2 in the submission for details. AND Amend the zoning of land at the eastern end of Dominion Road to the west of Ridge Road, Tuakau from Rural to Residential Zone (See Figure 2 in the submission for details). AND Any consequential or additional amendments as a result of changes sought in the submission.
FSI023.4	C.H.S. Enterprises Limited	Support
FSI388.222	Mercury NZ Limited for Mercury E	Oppose
486.3	Louise Whyte	No specific decision sought, but submission opposes the rezoning of land around River Road, Tuakau from the Business and Rural Zone to the Industrial Zone (see map attached to submission).
542.1	Mark Sillence	Retain the Proposed Residential zoning of properties on the eastern side of Geraghtys Road, Tuakau.
FSI388.747	Mercury NZ Limited for Mercury E	Oppose
543.1	Fellrock Developments Limited and TTT Products Limited	Retain the proposed Industrial Zone of the property at 42-97 Bollard Road, Tuakau (comprising Lot 1 and Part Lot 2 DP 32049 – NA51D/1149, Lot 1 DP 41468, Lot 2 DP 96093, Lot 1 DP 97810 and Part Lot 3 DP 32049 – NA53B/720 and Lot 1 DP 96093 – NA52A/673) with amendments to Rules 20.2.1 and 20.3.1 as sought in the submission; OR Amend the zoning of property located at 42 to 97 Bollard Road, Tuakau from Industrial to Heavy Industrial Zone if the amendments sought to the Industrial Zone, as sought in the submission, are not accepted.
568.4	JoonYoung Moon	Delete the Industrial zoning for the Tuakau Protein site on Lapwood Road and various properties which contain existing businesses on the western side of River Road, Tuakau (refer to the map in the submission for further detail).
FSI353.19	Tuakau Proteins Limited	Oppose

Submission point	Submitter	Decision requested
<i>FS1388.817</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
572.3	Litania Liava'a	Delete the Industrial zoning for the Tuakau Protein site on Lapwood Road and various properties which contain existing businesses on the western side of River Road, Tuakau (refer to the map in the submission for further detail).
<i>FS1353.21</i>	<i>Tuakau Proteins Limited</i>	<i>Oppose</i>
614.1	Neil & Margaret Dudley	Retain proposed Residential zoning at 7 Dromgools Road, Tuakau.
<i>FS1387.8</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
633.33	Van Den Brink Group	Retain Industrial zoning of the submitter's properties at the Whangarata Business Park, Tuakau as notified.
663.4	Graham Halsey	No specific decision sought, but submission opposes the rezoning of land in Tuakau at River Road as identified in the map included in the submission from Business and Rural to Industrial zoning.
681.6	Lavalla Farms Limited	Retain the Residential Zone as notified for the property at 131 Dominion Road, Tuakau (Lot 3 DP 478192, Lot 2 DP 478192 and Lot 3 DP 392649) with the exception of an indicative neighbourhood centre, which is addressed elsewhere in the submission.
<i>FS1387.244</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
685.3	Greig Holdings Limited	Retain the rezoning of land for residential and business use within Tuakau.
<i>FS1387.258</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
688.1	Gerardus & Yvonne Gemma Aarts	Retain the proposed Residential Zoning of the land at 111 Harrisville Road, Tuakau.
<i>FS1387.276</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
716.1	Sarah Whyte	No specific decision sought, but the submission opposes the proposed Industrial zoning for those properties on River Road, Tuakau which are zoned Business in the Franklin Section of the Operative Waikato District Plan (see map attached to the submission).

Submission point	Submitter	Decision requested
742.14	Waka Kotahi NZ Transport Agency	Defer or withdraw the live zoning of new residential, industrial and commercial land in Tuakau from the planning maps until an appropriate structure plan is developed with coordinated sequencing and staging of infrastructure. AND Add a new clause to Policy 4.1.10(a) Policy - Tuakau as follows: (iv) that subdivision use and development in this area is supported by sufficient existing or planned infrastructure. AND Add to Policy 4.1.10 (iii) Policy - Tuakau to include relevant sections of the Tuakau Structure Plan. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1091.40	GD Jones	Oppose
FS1269.56	Kāinga Ora – Homes and Communities	Oppose
FS1273.81	Auckland Transport	Support
FS1108.133	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FS1139.119	Turangawaewae Trust Board	Support
FS1176.252	Watercare Services Ltd	Support
FS1308.117	The Surveying Company	Oppose
FS1387.844	Mercury NZ Limited for Mercury D	Oppose
751.41	Chanel Hargrave and Travis Miller	Retain the Residential Zone at 33 Kowhai Street, Tuakau as notified.
FS1387.1089	Mercury NZ Limited for Mercury D	Oppose
853.1	Paul Manuell	Retain the re-zoning of land for residential use within Tuakau, as notified.
FS1277.122	Waikato Regional Council	Oppose
FS1387.1389	Mercury NZ Limited for Mercury D	Oppose
871.14	Brendon John & Denise Louise Strong	Submitter supports the proposed zoning.
FS1387.1417	Mercury NZ Limited for Mercury D	Oppose

15.2 Analysis

412. The following submissions are made under this topic:

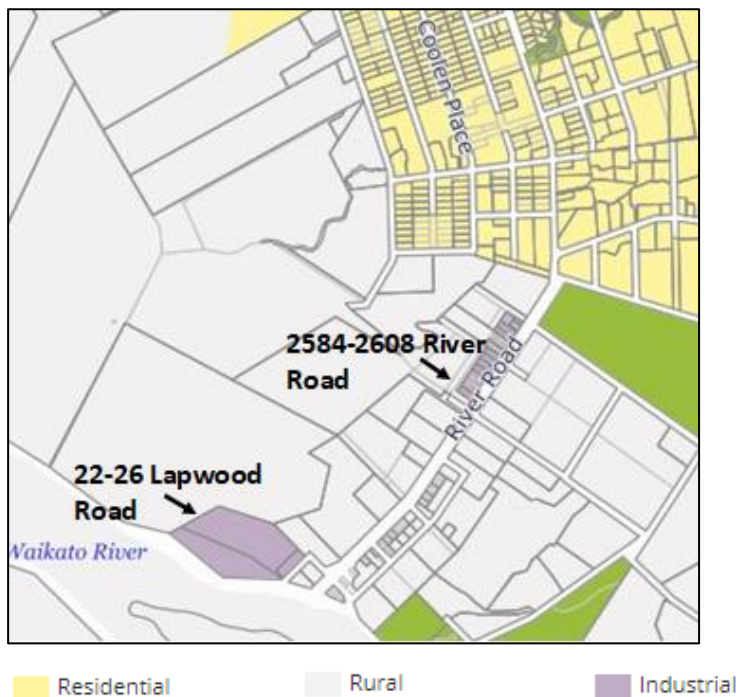
- a. Thirteen submissions support and two submissions oppose the Residential Zone as notified either on specific sites, areas or throughout the township.
- b. Four submissions support and five submitters oppose the Industrial Zone as notified on specific sites.

- c. Five submissions support the Residential and Business zones as notified for the township.

15.2.1 Industrial Zone

413. In terms of the Industrial Zone, reasons submitters support the zone is because it is the most appropriate zone to reflect existing activities occurring on the site.
414. A key issue is the Tuakau Proteins site at 22–26 Lapwood Road (see Figure 48). This site was previously zoned Business in the Operative District Plan (Franklin Section) and is now identified as Industrial Zone in the PWDP. **Tuakau Proteins Limited [402.1]** supports the Industrial Zone because it is appropriate for the existing activity. **Tuakau Proteins Limited [402.2]** also supports the extent of residential zoning as notified because it is important that residential zoning does not encroach within the 1,000m buffer from the Tuakau Protein Ltd site. A further submission from Simon Dromgool [*FS1038.4* and *FS1038.5*] opposes these submissions and wants the Business Zone retained as per the Operative District Plan (Franklin Section) with no buffer zone applied because reverse sensitivity should favour the existing titles in the nearby Residential Zone that were subdivided in the 1860s.

Figure 48: Location of industrial zones



415. Several submissions and further submissions oppose the Industrial Zone at 22–26 Lapwood Road because of concerns around the operation of the Tuakau Protein facility and the location of industry in proximity to the Waikato River. **Louise Whyte [486.3]**, **JoonYoung Moon [568.4]**, **Litania Liava'a [572.3]**, and **Graham Halsey [663.4]** oppose the rezoning of land at Lapwood Road and consider all industrial activities should relocate to the industrial area at Whangarata Road.
416. Two areas of Industrial zoned land are proposed by the PWDP in the River Road area: 2584–2608 River Road and 22–26 Lapwood Road. Both areas were previously zoned Business in the Operative District Plan (Franklin Section) and have been identified as Industrial Zone because it best reflects current existing activities. A Business Zone would be too enabling of a wide range of commercial activities that would not be appropriate in this location.

417. I consider the notified Industrial Zone to be the most appropriate as set out in the s32 report for the PWDP. I therefore do not recommend any changes.

15.2.2 Residential

418. In terms of the Residential Zone, reasons identified by submitters for supporting the retention of notified zones include:
- a. it is consistent with previous planning documents, including PC16
 - b. zoning gives effect to the NPSUDC
 - c. need for more residential sections close to schools and recreational areas
 - d. extensions are able to be served by existing public reticulated utility services.
419. **Waka Kotahi NZ Transport Agency [742.14]** seeks deferral or withdrawal of live zones at Tuakau until further structure planning has occurred to ensure co-ordinated sequencing and staging of infrastructure. Several further submitters oppose the Waka Kotahi submission, including Kāinga Ora [FS/269.56] and the Surveying Company [FS/308.117], and several further submitters support Waka Kotahi's submission, including Auckland Transport [FS/273.81] and Watercare Services Ltd [FS/176.252].
420. Also relevant to the discussion on Residential zones is the submission from **Horticulture NZ [419.94]**, which seeks to retain land in the northern and western areas of the township as Rural Zone because the area contains high-class soils and contributes to rural productivity. The submitter identifies that these areas of land contribute significantly to New Zealand's domestic food supply, and that it is critical that it is protected and that cultivation be allowed to continue. The submitter identifies an alternative area for growth at the north-eastern end of Dominion Road that would be suitable to be rezoned Residential. CHS Enterprises Limited [FS/023.4] supports this submission to the extent that it identifies growth at the north-eastern end of Dominion Road. This further submitter specifically supports rezoning 219B Dominion Road to Village Zone or Residential Zone and has a primary submission seeking the same outcome, which is addressed with submissions seeking to amend Rural Zone to Village Zone (section 11 of this report).
421. I acknowledge the significant concerns raised by Horticulture NZ and the difficult tension between the protection of high-class soils for rural production and providing for growth adjacent to the existing township surrounded by productive land. However, the areas in question were identified for growth within the TSP, and therefore a trade-off has been made in this location that the need for growth has priority.
422. Waikato Regional Council [FS/277.110] opposes submissions [172.1] and [853.1] regarding the retention of Residential zones as notified because of concerns about high-class soils, hazards, landscapes and indigenous biodiversity as well as the need to co-ordinate growth with the provision of infrastructure.
423. There is an inherent tension between the WRPS and the NPSUD in terms of providing for urban growth around existing towns and protecting high-class soils. WRPS Policy 14.2 seeks avoidance of a decline in the availability of high-class soils for primary production due to inappropriate subdivision, use and development. Implementation method 14.2.1 managed the form and location of development to give priority to productive uses of high-class soils over non-productive uses through:
- a. *restricting urban and rural-residential development on high class soils;*
 - b. *restricting the level of impermeable surfaces allowable on high class soils;*
 - c. *facilitating the return or continued availability of high class soils to primary production activities, for example through amalgamation of small titles;*

- d. *directing urban and rural-residential development onto soils of lesser versatility where there is an option to do so;*
 - e. *accepting that where high class soil removal or disturbance cannot be avoided, the soil should be used to rehabilitate the land or enhance soils elsewhere in the region in order to retain soil versatility and productive capacity; and*
 - f. *the development of growth strategies.*
424. Future Proof 2017 and Waikato 2070 have been developed to identify where urban growth is to go. It is through these growth strategies that decisions have been made to enable urban growth in areas where high-class soils exist. Unfortunately, in the case of Tuakau it is not possible to entirely avoid high-class soils because the town is surrounded by them and some trade-offs have to be made to enable growth to meet demand. Such trade-offs are recognised in Policy 6.1 for planned development in relation to consistency with the development principles.
425. I have read the planning evidence of Mr Wood for Waka Kotahi, which continues to be concerned about the quantum of live zoned land compared to the TSP. The key concern of Waka Kotahi is the co-ordination of development with infrastructure as required by WRPS Policy 6.3.
426. I note that Mr Wood refers to the planning evidence for Waka Kotahi presented at Hearing 3 because part of submission [742.14] addresses Policy 4.1.10. As such, that part of the submission has been addressed and only part of the submission is addressed in this report – relating to zone extents. Mr Wood accepts that the NPSUD places a greater onus on the Council to provide a greater quantum of plan-enabled, infrastructure-ready and feasible supply.⁷⁴ Mr Wood therefore supports the application of a Future Urban Zone, as proposed by Future Urban Zone s42A report, to align with the TSP and provide greater certainty around infrastructure staging and funding.
427. I have read the planning evidence of Ms Foley for the Waikato Regional Council, which continues to raise concerns about the amount of live zoning enabled by the PWDP. Ms Foley highlights that the NPSUD requires a pipeline of development capacity and that it is not necessary to zone for the long term in the current plan, because land can be brought forward through future plan changes.
428. The PWDP implements the full extent of the TSP, bringing forward later stages because the Council identified that additional capacity was required to give effect to the National Policy Statement on Urban Development Capacity.
429. The Framework Report identifies that development capacity in Tuakau will not give effect to the NPSUD. I agree with Ms Foley that the NPSUD development capacity required in 10–30 years can be added through future plan changes. However, the Framework Report identifies that the PWDP does not meet the NPSUD requirements in the short to medium term.
430. I do not consider simply live zoning land for residential development will necessarily achieve the objectives of the NPSUD because to meet the definition of sufficient development capacity it must also be serviced and feasible. Although applying the MDRZ will provide for additional infill development capacity, it remains unclear how much capacity because it has not yet been modelled, or whether the development opportunities afforded by the MDRZ will be acted upon. Therefore, I do not consider the MDRZ can be solely relied upon to deliver the shortfall in capacity.

⁷⁴ Mr Wood EIC, Waka Kotahi, paragraph 6.4.

431. All of the land identified as Residential Zone in the PWDP is consistent with Waikato 2070 and Future Proof 2017, because it is within an identified urban growth area. However, the Buckland growth cell is identified as being available in 30+ years in Waikato 2070. While all other growth cells are identified within the short to medium term, the Framework Report identifies that further investigations are required for three waters in both the Buckland and Tuakau North growth cells.
432. The Buckland growth cell applies to both the northern and southern sides of Buckland Road. The northern side was included in PC16 (Tuakau West) and is identified as Stage 1 in the TSP. The southern side is identified as Stage 3 in the TSP. I note the evidence of both Mr Wood and Ms Foley supports the identification of land that has infrastructure constraints as Future Urban Zone. In my opinion, this could apply to the Buckland and Tuakau North growth cells.
433. The NPSUD highlights the need to look beyond the 10-year lifetime of the district plan when considering additional capacity, seeking to enable more rather than less provided it meets the relevant policy tests. This direction relates to requests for rezoning for additional capacity and does not address concerns raised by submitters in relation to notified zones.
434. I agree with Dr Davey that live zones enabling development capacity can provide certainty for settlement and future infrastructure investment. However, the WRPS requires that land use and infrastructure is co-ordinated to achieve integrated management. Where infrastructure upgrades that support live zoning are identified and planned for, this would be consistent with the WRPS requirements. However, if further investigations are identified, then I am not certain that adequate infrastructure co-ordination is in place and therefore whether the zoning gives effect to WRPS Policies 6.1 and 6.3 requiring co-ordination of growth and infrastructure.
435. I therefore support the relief sought by Waka Kotahi and Waikato Regional Council to identify Residential Zone that has infrastructure constraints as Future Urban Zone. I consider this applies to the land within the Buckland growth cell, which Horticulture NZ also opposes because of high-class soils. The Future Urban Zone would also enable future structure planning to address the significant flood constraints along the banks of the Tutaenui Stream identified in the TSP Catchment Management Plan.
436. I note that two relatively small areas of land within 35 and 2392 Buckland Road would be retained as Rural Zone because there are no submissions seeking alternative relief. This land will sit between two Future Urban Zone areas – the Buckland growth cell (notified Residential) and proposed Future Urban at Geraghtys Road (discussed in section 8 above). I consider it appropriate to include this land within the Future Urban Zone, but there is no scope to do this. I therefore consider this issue will need to be addressed by the Council, potentially when a plan change is promulgated to live zone the Future Urban Zone.
437. I do not consider the concerns discussed above to apply to the Residential Zone applied to the Tuakau North growth cell because I have recommended that the Residential Zone be reduced in scale to address reverse sensitivity effects (section 5). Waikato 2070 identifies Tuakau North in the 3-10 year timeframe and therefore I anticipate that infrastructure will be investigated and planned as part of the next Long Term Plan to be available in the medium-term, whereas it will not be for the Buckland growth cell.

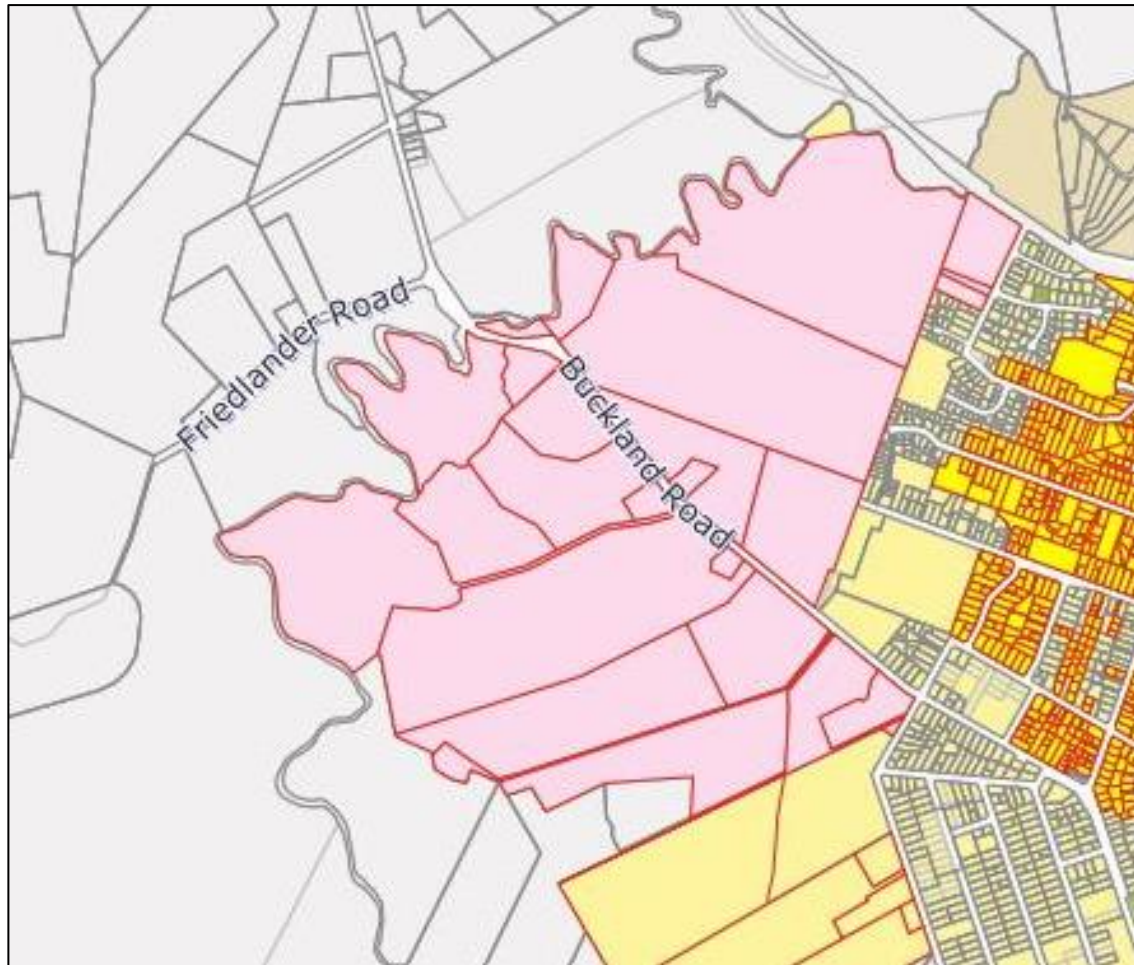
15.3 Recommendations

438. For the reasons above, I recommend that the Hearings Panel:
- **Accept in part** Horticulture NZ [419.94], Waka Kotahi NZ Transport Agency [742.14] and further submission Waikato Regional Council [FS1277.122] to amend Residential zones to either MDRZ as discussed in section 13, and amend the Buckland growth cell to Future Urban Zone.

- **Accept in part** submissions that seek to retain the Residential zones as notified because some sites are recommended to be MDRZ and some are recommended to be Future Urban Zone.
- **Accept** submissions that seek to retain Industrial Zone at Bollard Road and Lapwood Road and reject submissions and further submissions that seek to amend the notified zones at these sites.

15.4 Recommended amendments

439. It is recommended to amend the Residential Zone associated with the Buckland growth cell to Future Urban Zone (Appendix 3).



Future Urban
 Residential
 Rural
 Village

15.5 Section 32AA

440. It is recommended to amend the notified Residential Zone in the Buckland growth cell along Buckland Road to Future Urban Zone

15.5.1 Effectiveness and efficiency

441. Reasonably practicable alternative options are the notified Residential Zone or the operative Rural Zone.

442. I do not consider reverting to the Rural Zone to be efficient because the Buckland growth cell is clearly identified as an area for future growth. Retaining the notified Residential Zone signals to landowners that land can be developed although there is a lack of infrastructure capacity potentially resulting in complex and convoluted resource consent processes.
443. The proposed Future Urban Zone will be effective and efficient because it signals that land is suitable for urban growth while enabling rural activities to continue. Structure planning is required as part of a future rezoning process, which will enable coordination and integration across multiple landowners to identify, plan and fund infrastructure needed to support growth.

15.5.2 Costs and benefits

444. There are no costs relating to loss of development capacity because this was not included in the Council's projections until 2050+. Benefits are that the land contains high-class soils and is currently utilised for rural production, and this activity can continue until such time as the growth can be realised.
445. The benefits of

15.5.3 Risk of acting or not acting

446. Risks of acting relate to perceived reduction in development opportunities. However, land can be structure planned and bought forward as infrastructure servicing and funding becomes available.
447. The risk of not acting is to create uncertainty for existing land use in this area because it cannot yet be developed for residential housing and may then result in loss of rural production activities prematurely.

15.5.4 Decision about most appropriate option

448. For the reasons above, the amendment to the zoning is considered to be the most appropriate way to achieve PWDP Objective 4.7.1 subdivision and land use integration and Policy 4.7.6 to ensure that development is located in areas where infrastructure capacity has been planned and funded.

16 Conclusion

449. The recommended changes are summarised as follows:
- a. Rezone 129, 131 and part of 115 Harrisville Road from Residential Zone to Rural Zone to address reverse sensitivity issues associated with the Pukekohe Motorcycle Club's Harrisville Motocross Track, consistent with the TSP.
 - b. Rezone the lower portions of 48–54 Dominion Road from Rural Zone to Residential Zone consistent with the road frontages because potential reverse sensitivity issues can be addressed through the application of the proposed Amenity Yard to maintain sufficient setbacks from nearby industrial land.
 - c. Rezone 12–54 Geraghtys Road from Rural Zone to Residential Zone and require development in accordance with the Geraghtys Road Structure Plan.
 - d. Rezone land within 400–800m of amenities from Residential Zone to MDRZ to support intensification of the township.
 - e. Rezone the Buckland growth cell from Residential Zone to Future Urban Zone to reflect the lack of infrastructure.

450. Table 6 updates the capacity figures in the Framework Report with the recommended amendments outlined above. Additional growth is identified from the medium term (3–10 years) because of the time it will take for land to be available for development.

Table 6: Updated Tuakau growth cell capacity and timing vs household projection

Growth cell	2020–2023 (1–3 years)	2023–2030 (3–10 years)	2030–2050 (10–30 years)	2050+ (30+ years)
Buckland				1,679
Tuakau North		272	272	272
<i>Reduced land at Harrisville Road</i>		0	0	0
Town centre		564	564	564
Dominion Road		431	431	431
<i>Dominion Road – Residential</i>		219	219	219
Dromgools Road	512	512	512	512
<i>Geraghtys Road – Residential</i>		425	425	425
Infill	378	378	378	378
<i>Medium Density Residential Zone</i>		–	–	–
Existing households	1,951	1,951	1,951	1,951
Total supply	2,841	4,752	4,752	6,431
Medium household projection	2,976	3,739	5,457	5,994
NPSUD demand (medium +20%)	3,571	4,487	6,548	7,193
Under/Over NPSUD	-730	265	-1,796	762

451. The proposed amendments will add sufficient additional capacity to meet the NPSUD supply (medium +20 per cent) for the medium term (2023–2030). Additional capacity will be required for the long term (10–20 years), which will likely require the Buckland growth cell to be brought forward either through a future plan change or future district plan review. Additional capacity for the MDRZ has not yet been calculated but is anticipated to provide additional capacity in the medium-long term further increasing supply to meet the NPSUD requirements for sufficient development capacity.
452. I consider the recommended amendments will provide sufficient development capacity to meet the NPSUD and ensure that the PWDP gives effect to the WRPS.
453. I consider that the submissions on this chapter should be accepted, accepted in part, or rejected as set out in **Appendix I** for the reasons set out above.
454. **Appendix 2** contains recommended amendments to the District Plan provisions.
455. **Appendix 3** contains recommended amendments to the District Plan maps.
456. **Appendix 4** contains technical specialist reviews.