

Part A: Summary Statutory Report

Plan Change 16 to the Waikato District Plan (Waikato Section and Franklin Section)

Tuakau Structure Plan - Stage 1 (Residential and Industrial Rezoning)

Notified 16 July 2016

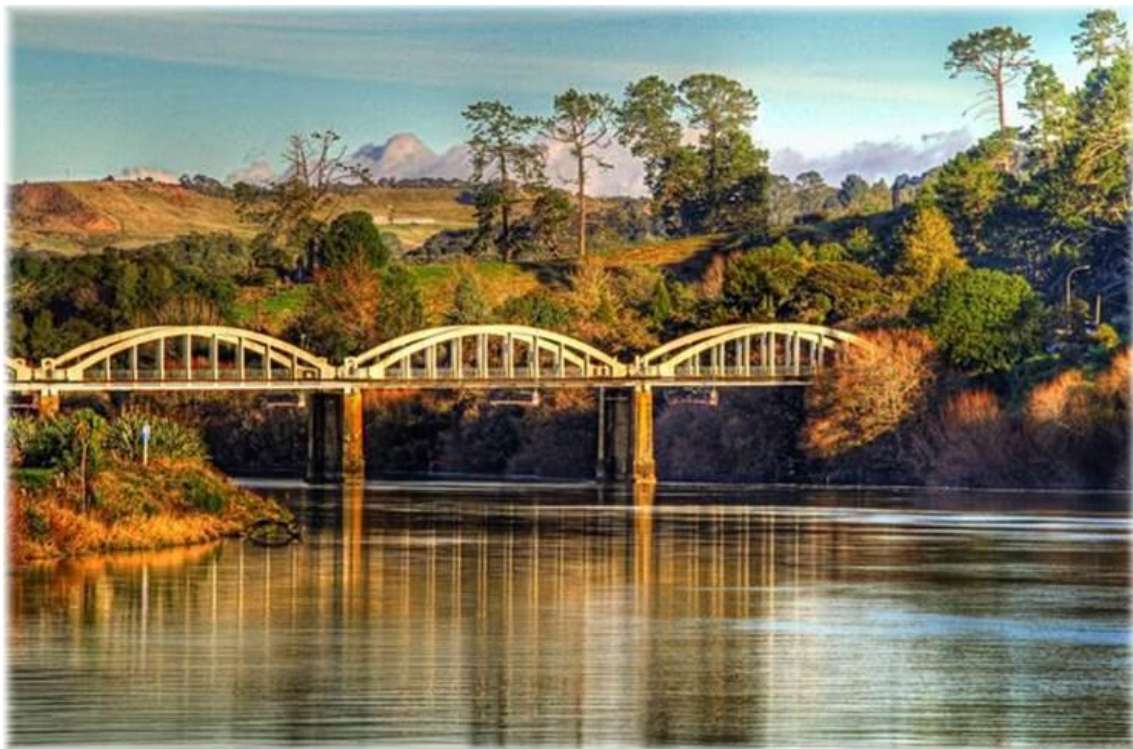


Image: Bob Prangnell



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1. Introduction

The Waikato District Plan is a single planning document comprising two sections – the Waikato Section and the Franklin Section. Following the Auckland Council local government reorganisation on 1 November 2010, the southern part of the former Franklin District was amalgamated with the Waikato District. From that date, the Waikato District Council has been responsible for administering that part of the former Franklin District Plan that applied to the Franklin area now within the Waikato District jurisdiction. This resulted in the Franklin Section to the Waikato District Plan.

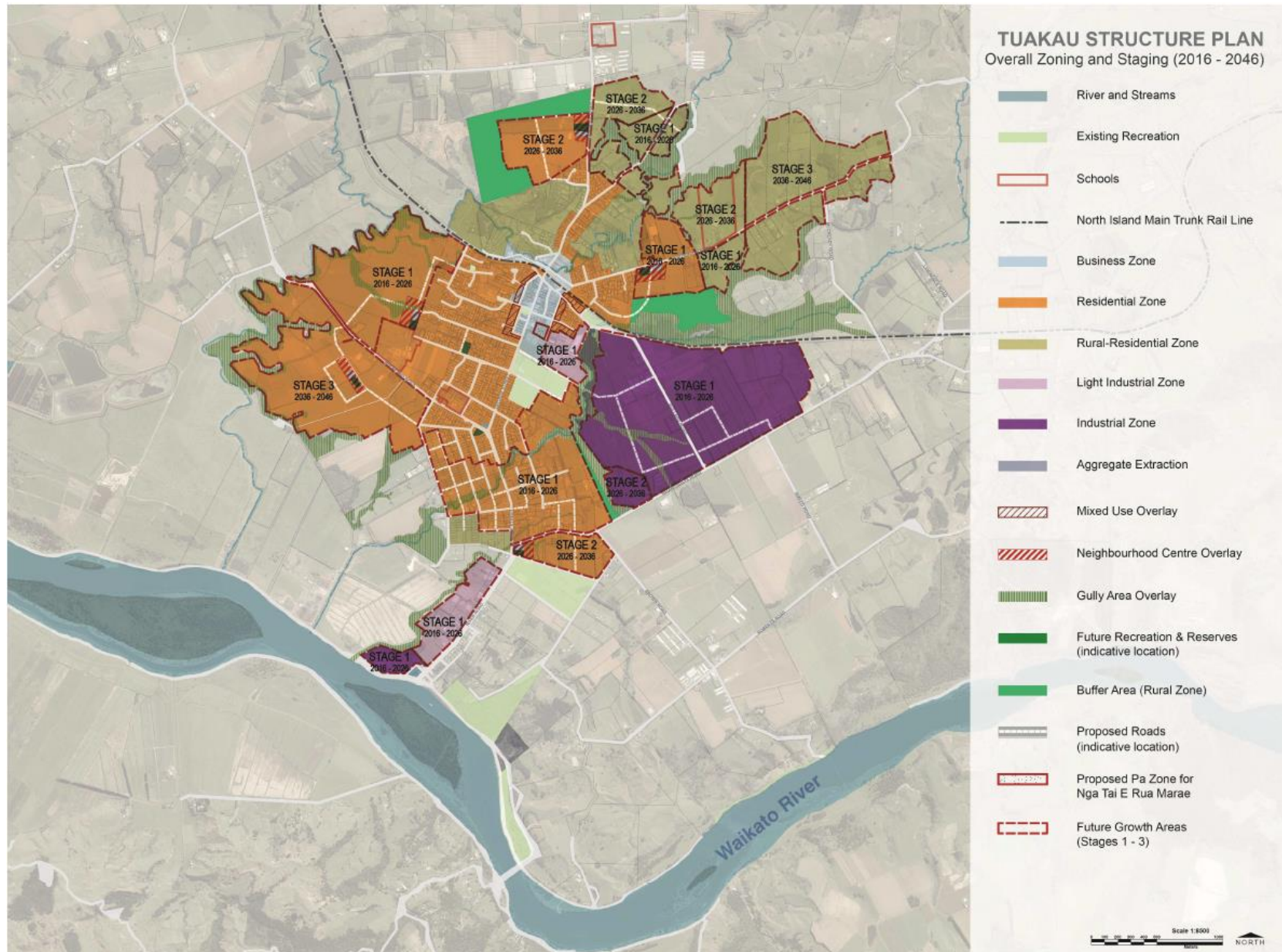
Proposed Plan Change 16 to the Waikato District Plan (PC16) seeks changes to both the Franklin Section and Waikato Section to cater for residential and industrial growth in Tuakau. It is important to note that these changes only affect properties that are proposed to be rezoned under PC16. These properties are identified on six zone maps for PC16. Therefore, the provisions in the Franklin Section will continue to apply to the geographic area within the Franklin Section that is outside PC16 until superseded by the comprehensive third review of the Waikato District Plan. This review process has commenced and a Proposed Waikato District Plan is expected to be publicly notified mid 2017. In the meantime, PC16 marks the first phase in this process which will result in a single plan that applies across the entire Waikato District.

The underlying framework document for PC16 is the Tuakau Structure Plan, which was adopted by Waikato District Council (Council) in December 2014. PC16 will generally implement Stage 1 of this structure plan in order to address an immediate need to provide for Tuakau's growing population and to provide for an expanded and improved Whangarata Business Park.

2. Tuakau Structure Plan 2014

The Tuakau Structure Plan (TSP) document was adopted by Council in December 2014. The following map is contained within that document and indicates the extent of this structure plan area, intended zoning and how development is to be staged between 2016 and 2046.

Tuakau Structure Plan – Overall Zoning and Staging (2016-2046)



The TSP is a guide to the development of Tuakau over the next 30 years (until 2045) and was prepared by Council working in partnership with iwi, residents and key stakeholders. Its purpose is to provide a strategic and spatial framework for future land uses, open space, transport and utility networks. The TSP sets out how development is expected to be staged and will guide the Council's Long Term Plans and strategic planning of infrastructure and service delivery.

A series of open days and planning option workshops formed the background to the development of the entire TSP area. These open days and workshops were held in the Tuakau Memorial Hall on 30 May 2013, 10 October 2013, 28 March 2014 and 11 September 2014 and culminated in the adoption of the Tuakau Structure Plan in December 2014.

In addition to iwi groups fully participating in the public open days noted above, a number of dedicated hui occurred that involved:

- An introduction of the TSP to the Huakina Marae Forum in May 2013;
- A progress meeting with the Huakina Marae Forum in April 2014;
- An update meeting with a representative of the Huakina Marae Forum in May 2014;
- A second meeting with representatives of the Ngati Tamaoho Trust in August 2014;
- A meeting with a representative of the Nga Tai E Rua Marae Committee in September 2014 to discuss the potential introduction of a Paa Zone over the marae property located on Carr Street; and
- A follow-up meeting with the Ngati Tamaoho Trust in August 2015.

The TSP reflects the vision of the local community for Tuakau to maintain its individual identity and character and continue to thrive as a vibrant town while absorbing the expected growth in population and development over this 30 year time span.

The TSP is a non-statutory document which is being used to inform any plan change to the Waikato District Plan to incorporate appropriate zoning and development controls.

A number of technical reports were commissioned to inform the TSP before its adoption. These reports are listed as follows:

- (a) *"Tuakau Structure Plan: Water and Wastewater Technical Assessment"* (Beca Limited - August 2014)
- (b) *"Tuakau, Waikato: Structure Plan Centre Assessment"* (Property Economics – April 2014)
- (c) *"Tuakau Structure Plan Geotechnical Suitability Assessment"* (Aecom – 22 August 2014)
- (d) *"Integrated Transport Assessment – Tuakau Structure Plan"* (Aecom – 18 June 2014)
- (e) *"Tuakau Structure Plan Area Preliminary Contaminated Land Assessment"* (Tonkin & Taylor – June 2014)
- (f) *"Tuakau Structure Plan Archaeological Heritage"* (Simmons & Associates Limited – May 2014)
- (g) *"Tuakau Structure Plan Area – Assessment of Landscape, Visual and Amenity Effects"* (Mansergh Graham Landscape Architects Limited – May 2014)
- (h) *"Aquatic Ecological Assessment Update for the Tuakau Structure Plan area"* (Brian T. Coffey & Associated Limited – April 2014)
- (i) *"Tuakau Structure Plan: Built Heritage Assessment"* (Heritage Consultancy Services - 30 May 2014)
- (j) *"Tuakau Structure Plan Cultural Impact Assessment"* (Des Tatana Kahotea - July 2015)

Council also obtained further expert opinion on the matters of acoustics and odour discharge to inform how development should be appropriately managed within the Tuakau Structure Plan area. The reports on these specific matters include:

- (a) *"Tuakau Structure Plan Acoustic Assessment"* (Marshall Day Acoustics – 1 September 2015)
- (b) *"Tuakau Structure Plan Assessment of Air Quality Effects and Separation Distances"* (Tonkin & Taylor – August 2015)
- (c) Peer review of Tonkin & Taylor's August 2015 report (Jacobs Consultants – 29 February 2016)

3. Predicted Population Growth in Tuakau and Purpose of Plan Change 16

Tuakau's population is anticipated to grow substantially from an approximate population of 4766 in 2016 to approximately 8666 in 2045. The pressure on Tuakau's growth is heavily influenced by its close proximity to Auckland and major transportation networks. The Auckland Plan (2012) anticipated that the population of Auckland would reach two million by the year 2042. Of this, approximately 100,000 people are expected to be accommodated in the south between Papakura and the Waikato District's northern boundary.

Significant growth continues to occur in Pukekohe with an expected population of 50,000 in the year 2042 (double that which existed in 2014). Pukekohe is only 8 kilometres from Tuakau. Similarly, Pokeno which is only 10 kilometres from Tuakau, has experienced unprecedented growth which is also influenced by Auckland. The combination of these current trends has resulted in significant demands for an increased housing supply in Tuakau and well beyond what was predicted by the former Franklin District Growth Strategy in 2007.

To sustainably manage the growth in Tuakau, Council resolved in December 2015 to address the immediate need for additional residential land and improve the provisions relating to the existing Whangarata Business Park through proposed Plan Change 16. This rezoning generally comprises Stage I of the TSP, leaving the remaining stages to be addressed with the upcoming comprehensive district plan review.

Stage I seeks to provide short to medium term growth opportunities in the next decade for residential and industrial development that use well planned and integrated infrastructure to take advantage of Tuakau's strategic location in the northern part of the Waikato district and its close proximity to Auckland and major transportation networks.

The rezoning for residential purposes in Stage I is expected to provide a conservative estimate of 1250 additional dwellings. Council will continue to monitor Tuakau's population growth and housing demand to ensure that there is a sufficient supply of residential land to comfortably meet existing and projected demands as contemplated by the draft National Policy Statement on Urban Development Capacity.

4. Statutory Framework

The preparation of PC16 has been undertaken in accordance with the First Schedule of the Resource Management Act 1991 (RMA). Clause 21 in Part II of Schedule I confirms that the procedure set out in Part I applies to PC16 as it is a plan change proposed to be undertaken by Council.

In this regard, Clause 21 states:

“21. Requests –

(4) Where a local authority proposes to prepare or change its policy statement or plan, the provisions of this Part shall not apply and the procedure set out in Part I shall apply.”

Part I of Schedule I consists of clauses 1 to 20A. It is these provisions that must be adhered to in seeking and determining this plan change proposal.

Clauses 3 and 3B set out the relevant procedures for consultation. Clause 3(1) requires that Council must consult the Minister for the Environment, other Ministers of the Crown who may be affected by the plan change, local authorities who may be so affected, and tangata whenua of the area who may be so affected, through iwi authorities, and the board of any foreshore and seabed reserve in the area. Clause 3B relates to consultation with iwi authorities.

Clause 3(2) sets out that “a local authority may consult anyone else” in preparing a plan change, subject to clause 3(4) which requires that such consultation must be undertaken in accordance with section 82 of the Local Government Act 2002 (LGA). Accordingly, Council must consult with the parties identified in clause 3(1) but retains discretion to consult with anyone else. If Council elects to undertake discretionary consultation, it must do so in accordance with the principles in section 82 of the LGA.

Details of the consultation undertaken for PC16 are provided in Section 6 of this report. The consultation meets the requirements of Schedule I.

Clauses 5 to 11 of Schedule I set out procedures for notification, receipt of submissions, hearings and notification of decisions in relation to plan changes. In processing the plan change, it will be necessary to comply with these provisions.

An evaluation of PC16 has also been undertaken in accordance with section 32 of the RMA and this evaluation is contained in the Part B report which follows this summary statutory report.

In addition to the requirements under Schedule I, Council must also follow the requirements set out in sections 74 and 75 of the RMA when preparing a plan change. The following excerpts from these sections are relevant to the development of PC16:

74 Matters to be considered by a territorial authority

- (1) *A territorial authority must prepare and change its district plan in accordance with –*
 - (a) *its functions under section 31; and*
 - (b) *the provisions of Part 2; and*
 - (c) *a direction given under section 25A(2); and*
 - (d) *its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
 - (e) *any regulations.*
- (2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to-*
 - (a) *any-*
 - (i) *proposed regional policy statement; or*

- (ii) *proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *any-*
 - (i) *management plans and strategies prepared under other Acts; and*
 - (ii) *[Repealed]*
 - (iia) *relevant entry on the New Zealand Heritage List/Rarangi Korero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
 - ...
 - to the extent that their content has a bearing on resource management issues of the district; and*
 - (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent authorities.*
- (2A) *A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

As noted above in section 74(1)(a), the functions of a territorial authority are set out in section 31 of the RMA and the following excerpts are relevant to PC16:

31 Functions of territorial authorities under this Act

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
- (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of-*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) *the maintenance of indigenous biological diversity:*
 - (c) *[Repealed]*
 - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) *any other functions specified in this Act.*

The new framework of objectives, policies and methods in PC16 seeks to enable the development of residential and industrial zones in an integrated manner while ensuring that any effects of such development are managed. A few examples of how the effects from development are to be managed include the introduction of rules into the new schedules that specify minimum setbacks from boundaries and waterbodies, maximum noise limits, containment of objectionable odour effects within an industrial site and requirements for riparian planting.

75 Contents of district plans

- (3) *A district plan must give effect to-*
 - (a) *any national policy statement; and*
 - (b) *any New Zealand coastal policy statement; and*
 - (c) *any regional policy statement.*
- ...
- (4) *A district plan must not be inconsistent with-*
 - (a) *a water conservation order; or*
 - (b) *a regional plan for any matter specified in section 30(1).*

Because PC16 introduces rules in the new schedules, section 76 of the RMA is relevant. The relevant excerpts from section 76 are noted as follows:

76 District rules

- (1) *A territorial authority may, for the purpose of-*
 - (a) *carrying out its functions under this Act; and*
 - (b) *achieving the objectives and policies of the plan,-**include rules in a district plan.*
- ...
- (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.*
- (4) *A rule may-*
 - (a) *apply throughout a district or a part of a district;*
 - (b) *make different provision for-*
 - (i) *different parts of the district, or*
 - (ii) *different classes of effects arising from an activity;*
 - (c) *apply all the time or for stated periods or seasons;*
 - (d) *be specific or general in its application;*
 - (e) *require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.*

In making the rules set out in proposed new Schedules 21E, 24G and 27B, Council has had regard to the actual or potential effects on the environment of activities as discussed later in this report.

4.1 Relevant Planning Documents

In terms of the requirements of section 74(2) noted earlier, the relevant planning documents are assessed below.

4.1.1 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 ('the Settlement Act') gives effect to the 2009 Deed of Settlement in respect of the raupatu claims over the Waikato-Tainui area. This legislation also records that the Waikato River and its contribution to New Zealand's cultural, social, environmental and economic wellbeing is of national importance.

The overarching purpose of the Settlement Act is to restore and protect the health and wellbeing of the Waikato River for future generations and to provide for the establishment of a Vision and Strategy for the Waikato River and co-governance and co-management arrangements to achieve that purpose.

Schedule 2 of the Settlement Act contains Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River. The Vision and Strategy is the primary direction-setting document for the Waikato River and its catchments, which includes the lower reaches of the Waipa River.

Section 11(1) of the Settlement Act states that on and from the commencement date, the Vision and Strategy in its entirety is deemed to be part of the Waikato Regional Policy Statement without the use of the Schedule 1 process. Therefore, by operation of law, the Vision and Strategy formed part of both the operative and proposed Waikato Regional Policy Statements upon commencement of the Settlement Act. Section 12 of the Settlement Act provides that the Vision and Strategy prevails over any inconsistent provision in a National Policy Statement. Accordingly, PC16 must give effect to the Vision and Strategy in the Waikato Regional Policy Statement pursuant to section 75(3)(a) of the RMA.

On 23 March 2010, the Council and Waikato Tainui signed a Joint Management Agreement (JMA) to formalise their partnership at both governance and management levels to work together to achieve the overarching purpose of the Deed of Settlement.

The aspirations in the Vision and Strategy were comprehensively considered as part of an earlier plan change process completed by WDC on 8 July 2013. That process (Plan Change 5) involved the additions of text to both the Franklin and Waikato Sections in order for the Waikato District Plan to give effect to those aspirations. The strategies and objectives¹ added to the Waikato District Plan mirror those contained in the Vision and Strategy and details of engagement with iwi are required for any resource consent that may have an impact on the Waikato River and its catchment.

The Council has had regard to the Vision and Strategy during the preparation of PC16, but, given the earlier Plan Change 5, PC16 does not require any further procedural changes to give effect to the Vision and Strategy.

4.1.2 New Zealand Coastal Policy Statement 2010

Under section 75(3)(a) of the RMA, a district plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS). This is a national policy statement under the RMA with the purpose of providing objectives and policies in order to achieve the purpose of the RMA in relation to the coastal environment. When dealing with coastal environments, territorial authorities must give effect to the NZCPS when undertaking changes to the district plan. In this case, as PC16 does not involve a coastal environment, the NZCPS is not relevant.

4.1.3 Operative Waikato Regional Policy Statement 2016 (WRPS)

Council is required to give effect to a Regional Policy Statement when preparing a plan change in accordance with s75(3)(c) of the RMA.

At the time of writing this s32 report, all appeals against the Proposed Waikato Regional Policy Statement (PWRPS) had been resolved through consent orders and Waikato Regional Council had declared the PWRPS operative on 20 May 2016. This plan change gives effect to this document now termed the Operative Waikato Regional Policy Statement 2016 (WRPS).

The WRPS was prepared to achieve the purpose of the RMA by providing an overview of the resource management issues of the region and establishing policies and methods to achieve integrated management of the region's natural and physical resources.

The following excerpts from the WRPS are relevant to PC16:

Policy 6.1.1 Implementing Franklin District Growth Strategy

The Franklin District Growth Strategy (2007) provides for the management of growth in the part of the Waikato and Hauraki District that was the former Franklin District. Growth should be managed in accordance with this Strategy.

¹ 3.1.1 Vision and Strategy for the Waikato River and 3.3A.1 Objectives

In particular:

- (a) *management of the built environment should be in accordance with the general visions and development directions described for the relevant towns and rural character areas in Sections 7 and 8, and Map 1.0 of the Franklin District Growth Strategy; and*
- (b) *new industrial development should predominantly be located in the strategic industrial nodes in Table 6-2A.*

The Franklin District Growth Strategy applies until the Franklin District Growth Strategy and relevant district plans are amended.

Implementation Methods

6.11.1 Managing Growth

Waikato District Council and Hauraki District Council should ensure that growth in the part of their respective districts that was the Franklin District is managed in accordance with Policy 6.11

6.11.1A Industrial Land Development

Within the former Franklin District area that is now part of Waikato District, new industrial development should predominantly be located in the strategic industrial nodes in Table 6-2A.

6.11.1B Future Growth Strategy

Waikato Regional Council, Hamilton City Council, Waipa District Council and Waikato District Council should, in association with Future Proof, iwi representatives and the New Zealand Transport Agency, as soon as practicable and using a community and industry organisation consultation process, expand the Future Proof Growth Strategy to include the part of Waikato District that was the Franklin District.

Explanation

The Franklin District Growth Strategy was developed by the Franklin District Council in response to growth pressures in the district and provides guidance for managing growth. The Strategy represents a considerable investment for the community and is a well-considered and planned approach to growth that would support many of the development principles in this Regional Policy Statement. It is important that the Strategy continues to guide development until it is replaced by a subsequent growth strategy.

It is important to note here that whilst the Franklin District Growth Strategy (FDGS) was superseded by Council's District Development Strategy in September 2015, Policy 6.11 of the WRPS requires application of the FDGS until the "relevant district plans are amended". The "amendment" of the Waikato District Plan essentially refers to the comprehensive review of the plan now underway whereby the current Waikato and Franklin Sections will eventually fall away in favour of a single document that will apply to the entire Waikato District. Therefore, until the next Proposed District Plan is made operative or Policy 6.11 is deleted from the WRPS, the FDGS will remain applicable to the Franklin Section of the Waikato District.

It is also important to note that the FDGS remains a non-statutory guide to development. Therefore, while some of the residential rezoning in PC16 falls just outside of the 'urban boundary' that is shown on Maps 7.21, 7.22 and 7.23 of the FDGS, there is no mandatory requirement for the rezoning in PC16 to be strictly in accordance with those maps. This statement is qualified by the use of the words "should be in accordance" in Policy 6.11 clause (a) rather than "shall be in accordance". Tuakau's rapidly changing demographic profile over the last decade and the appropriateness of rezoning areas on the basis of defensible boundaries (such as major streams and existing cadastral boundaries) is considered to justify the shifts in Tuakau's peripheral urban limits since adoption of the FDGS.

In respect to the proposed reconfiguration of the existing Whangarata Business Park, the following policies in the WRPS are relevant:

“Policy 6.13 eb)

New industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 6-2 shall not be of scale or location where the development undermines the role of any strategic industrial node as set out in Table 6-2.”

Policy 6.13 ec) of the WRPS states that:

“new industrial development outside of the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the arterial function of the road network, and on other infrastructure.”

Policy 6.13 ed) of the WRPS states:

“where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern”

In response to these policies, the only ‘new’ industrial zoning provided for in PC16 is in the vicinity of the two properties located at 113 and 115 Whangarata Road.

As indicated by Map 1 on the following page, the property at 113 Whangarata Road is currently zoned Rural (shown in buff colour) whilst the property at 115 Whangarata Road has a split zoning of Rural and Tuakau Industrial (shown in buff and solid purple colours) in terms of the Franklin Section. This proposed rezoning in PC16 will have the result of adding approximately 7.3 hectares to the existing 92 hectares of strategic industrial node set out in Table 6-2 of the WRPS.

The rezoning of an additional 7.3 hectares of land is considered appropriate for the following reasons:

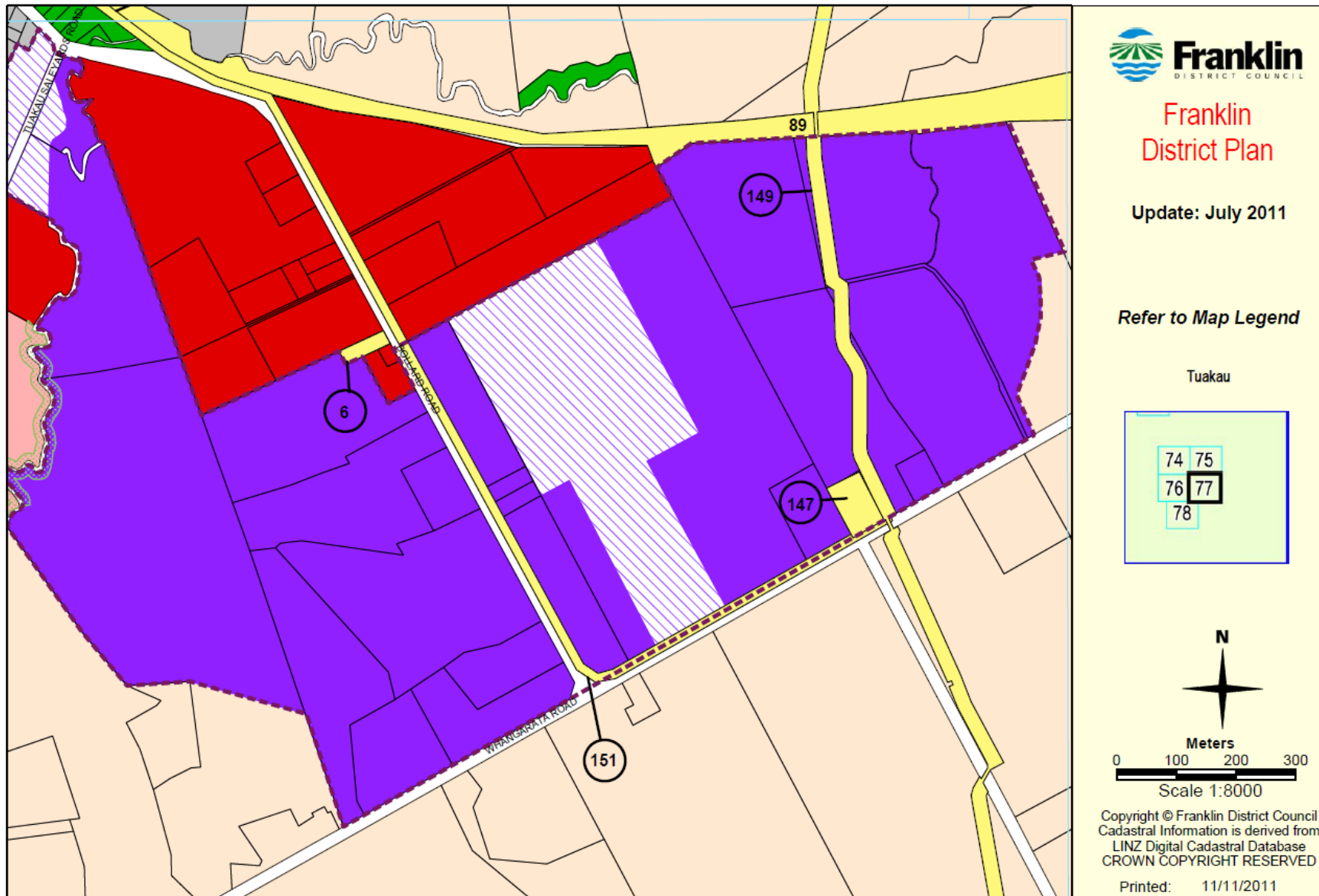
- (a) The proposed zone division in this vicinity properly takes into account:
 - (i) the location of the property at 17 Coles Road on the western side of the Kairoa Stream and its riparian margins
 - (ii) the well-established shelterbelts currently used for a kiwifruit orchard within the property at 115 Whangarata Road
 - (ii) the existing title boundaries for both properties at 113 and 115 Whangarata Road and avoiding either of these properties having a split zoning.

The FDGS was not prepared using detailed structure planning. Likewise, it is considered that Plan Change 22 (which introduced the Tuakau Industrial Zone) was not prepared with this level of detail at this specific location.

- (b) Map 7.23 in the FDGS signalled the future industrial use of the properties at 113 and 115 Whangarata Road by year 2051. PC16 is proposing an integrated approach to the entire Whangarata Business Park, ensuring that all land envisaged for industrial purposes in the FDGS is zoned for this purpose. This allows all matters concerning boundary interfaces to be addressed now.
- (c) Of the additional 7.3 hectares, there are two small areas totalling approximately 1.5 hectares which are not easily developed with buildings because they contain either steep contours or riparian margins associated with the Kairoa Stream. Therefore, the zoning applying to this 1.5 hectare area is of little consequence because there would be significant building restrictions with whatever zoning is imposed. Further areas would not be developable because of the requirement for buildings to be set back from boundaries.
- (d) Considering the topography in this particular location, this minor increase in land that is zoned industrial is not expected to require any appreciable change in the overall infrastructural design for this industrial node and Future Proof’s land use principles will not be compromised.

The proposal to bring the existing Business-zoned properties on Bollard Road into the Tuakau Industrial Zone does not represent any increase in industrial land supply. This is because the existing Business Zone (coloured red as shown by the following map) already provides for industrial land use as a permitted activity subject to compliance with performance standards. Several industries have been established on these properties for many years (including Tuakau Timber Treatment Limited, Beams and Timber Direct Limited and others located on the shared accessway that is named “Industrial Lane”).

Map I: This map indicates the extent of the existing Business Zone (coloured red), existing Rural Zone (buff colour), existing Tuakau Industrial Zone (solid purple) and existing Tuakau Industrial Services Zone (white colour overlaid with purple stripes)



The existing Business zone rules are much more relevant to commercial activities typically located within Tuakau's business centre. The current business zoning has had the unintended result of resource consents needing to be obtained because of the technical requirement for industries to comply with standards that have no relevance to them. The proposed rezoning is therefore a practical method which recognises the considerable amount of industrial investment and development that already exists in this location. It is also expected that new industrial activities that have little reliance on a main street profile and more dependence on large sites with ready access to Bollard Road would be more likely to establish in this location rather than commercial activities.

4.1.4 Waikato Regional Plan 2007 (WRP)

In accordance with section 75(4)(b) of the RMA, an operative plan change must not be inconsistent with a regional plan for any matter specified in section 30(1).

The WRP covers a range of topics including matters of significance to Maaori, water, wetlands, river and lake, land and soil, air and geothermal.

Due regard has been given to the WRP in the preparation of PC16 wherever relevant.

4.1.5 Iwi Management Plans

An iwi management plan (IMP) articulates the aspirations of tangata whenua and is a term commonly applied to a resource management plan prepared by an iwi, iwi authority, ruunanga or hapuu to address matters of resource management activity of significance within their respective rohe (region). An IMP also considers the environment in a holistic manner and inseparable from people.

Section 74(2A) of the RMA states:

"A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district."

In accordance with section 74(2A), Council has taken into account the Waikato-Tainui Environmental Plan 2013 in the preparation of PC16 and this document is discussed as follows:

Waikato-Tainui Environmental Plan 2013 - Tai Tumu Tai Pari Tai Ao

The Waikato-Tainui Environmental Plan (WTEP) was officially launched at the koroneihana (coronation) ceremony in August 2013. It contains the aspirations of tangata whenua and was developed from Whakatupuranga 2050 which is a long-term development approach to building the capacity of Waikato-Tainui marae, hapuu and iwi and will be the legacy for those who come after. The WTEP sets out issues, objectives, policies and methods to address its overarching position in the environment and is designed to enhance Waikato-Tainui participation in resource and environmental management.

The WTEP provides clear, high level guidance to external agencies regarding Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment. It also includes a process for resource developers and users to consult and engage with Waikato-Tainui in respect to proposed resource use or activities.

The following is a summary of some matters that are of concern to Waikato-Tainui:

- (a) **The Waikato River** - Waikato-Tainui is deeply concerned about the Waikato River. They therefore wish to ensure that they, through the iwi authority (Waikato-Tainui Te Kauhanganui Incorporated or its successor), are consulted on any proposals which may affect the Waikato River.

- (b) **Manawhakahaere** - Waikato-Tainui has manawhakahaere (authority) over their lands and the Waikato River.
- (c) **Kaitiakitanga** - Waikato-Tainui is the kaitiaki of its rohe and, as such, should be actively supported to exercise duties and obligations. This iwi considers it important to be involved in resource management issues, decision-making and the monitoring of natural and physical resources.
- (d) **River and Lake Beds** - Waikato-Tainui has concerns with the dredging of the beds of the Waikato River and Waipa River, ownership issues and how the river beds are defined. Specific concerns include the need for more monitoring of structures and the policing of stock in waterways.
- (e) **Water** - The direct discharge of treated or untreated waste into water is unacceptable and offensive to Waikato-Tainui. Concerns also relate to excessive permitted water takes from the Waikato River and Waipa River, the need to restrict the transfer of water permits to prevent potential abuse, the damming and diversion of water and a need for greater emphasis to be placed on riparian management of non-point source discharges.
- (f) **Air** - Waikato-Tainui requires that there be no discharge of pollutants into the air that would affect the wellbeing of their people, the people they host within their rohe, or put fauna and flora, which rely on clean air, at risk.
- (g) **Waikato Iwi Customary Use and Values** - Waikato-Tainui considers that their customary uses of waterways and wetlands should be recognised and provided for as part of the consent process and policy development. Public access to waahi tapu sites should be restricted, while local tangata whenua should have unimpeded access to these sites for traditional purposes.
- (h) **Land** - Concerns are expressed regarding soil disturbance activities which impact on cultural values, reduce soil productivity and increase sediment discharges to water bodies. The adoption of good land management practices is required to reduce soil erosion.
- (i) **Coast** - The key issue for Waikato-Tainui includes management, restoration and protection of the coastal environment for future generations. This, and related issues, are addressed in more detail by the Regional Coastal Plan for the Waikato Region.

The Council has acknowledged these matters in the preparation of PC16. As noted earlier, PC16 does not require any procedural change for resource consent applications that require engagement with iwi when a proposal may have an adverse impact on the health and wellbeing of the Waikato River and its catchment. The PC16 objectives, policies and rules will also provide a robust framework within which to address potential soil disturbance and sedimentation, the need for riparian planting and sites of significance to Maaori.

Pursuant to section 74(2)(b)(i) of the RMA, when preparing a plan change, Council must have regard to any management plans and strategies prepared under other Acts. The relevant plans and strategies are discussed in sections 4.1.6 to 4.1.9 below.

4.1.6 Future Proof Development Strategy (2009)

The Future Proof Development Strategy and Implementation Plan ('the Strategy') is a collaboration between Hamilton City Council, Waikato Regional Council, Waipa District Council, Waikato District Council and Tangata Whenua for the development of a sub-regional growth strategy covering the areas of the three territorial authorities and the region covered by the Waikato Regional Council. Other key organisations involved in the Strategy include the New Zealand Transport Agency and Matamata Piako District Council. The Strategy was adopted in 2009 and now has statutory effect through the Proposed Waikato Regional Policy Statement.

The Strategy emerged as a result of concerns about the lack of collaboration and leadership in the management of growth across Hamilton City, Waipa District and Waikato District's territorial boundaries.

Whilst the Strategy does not technically apply to the Franklin Section inherited by the Waikato District Council on 1 November 2010, the partners acknowledge that the Strategy's generic development principles align with those contained in the former Franklin District Council's District Growth Strategy. The Future Proof partners have therefore taken a practical and consistent approach towards managing growth in this sub-region since the 2010 transition.

The purpose of the Strategy is to provide a comprehensive and robust growth management strategy for the sub-region, taking a long term view of land and infrastructure. It is important to highlight that the Strategy will need to adapt to take into account changing circumstances over its 50 year time frame.

There are a number of key features of the Strategy including:

- Increased densities in new residential development (compact urban form);
- Hamilton City as a vibrant and lively place to live and work;
- The influence of Auckland City on the Future Proof sub-region;
- Towns in the sub-region to be supported by thriving business centres;
- Protection of versatile and productive farmland through directing rural residential development and business activities closer to towns and villages;
- Specific identification of areas for industrial growth and providing appropriate buffer areas to protect residential areas;
- Sustainable and healthy communities by providing for “live, work and play” opportunities; and
- Integrated transport and land use planning.

Council has had regard to the Strategy with the development of PC16 as required by section 74(2)(b)(i) of the RMA. In particular, the rezoning of land for residential purposes and the introduction of rules that better facilitate industrial development at Tuakau are consistent with the Strategy's support of compact urban form, managing the effects of industrial development on sensitive land uses and promoting the “live, work and play” principle.

4.1.7 Waikato District Development Strategy (2015)

The Waikato District Development Strategy (DDS) was adopted in September 2015 to replace and update the two previous growth strategies applying to the Waikato District, being the Franklin District Growth Strategy (2007) and the Waikato District Growth Strategy (2009).

The DDS is a 30 year strategic and spatial development guide that retains the principles from the two previous growth strategies of containing urban development and protecting agricultural and natural and culturally significant landscapes from inappropriate use, subdivision and dispersed residential development. It is the intention of Council to revisit the DDS in 2017 as a prelude to the next cycle of the Long Term Plan.

The DDS identifies a number of key influences² in the Waikato District, including:

- The southward growth of Auckland;
- The growth of Hamilton;
- The Waikato Expressway;
- Changing demographic and economic trends;
- Resource management of the Waikato River
- Intensification and change in agriculture; and
- Land use change.

² Waikato District Development Strategy – section 2.1, page 7

In order for the DDS to give effect to Council's overall goal of being pro-active, responsive and consultative in managing development within the district, five high level objectives are identified. In summary, these objectives³ are to:

- recognise and build on the district's identity;
- integrate and engage with communities when involved in development and maintenance projects;
- recognise the diversity of our communities within the district and therefore the need to be flexible with process and outcome;
- champion sustainability and resilience to better cater for likely future change; and
- use a strategic and integrated approach when planning development to better manage future impacts.

Section 4.4 of the DDS identifies the key urban outcomes⁴ with a focus on:

- Future urban development in and around existing towns as per structure plans and the Regional Policy Statement;
- Using Structure Plans to guide the staged provision of additional urban land;
- To maintain and re-develop existing urban infrastructure and services.

Council has had regard to the DDS with the development of PC16 as required by section 74(2)(b)(i) of the RMA. In particular, the rezoning of land for residential purposes has been guided by the TSP and the PWRPS and the introduction of rules that better facilitate industrial development at Tuakau are consistent with the objective of building sustainable communities.

4.1.8 Waikato District Long Term Plan (LTP)

WDC adopted the 2015-2025 LTP on 30 June 2015. Plan Change 16 has no implications for the current LTP, as it relates only to discrete controls concerning development and subdivision that are relevant only to the Waikato District Plan. However, assuming that all PC16 rezoning is confirmed, the funding and timing of infrastructure installation will need to be considered with any review of the LTP.

4.1.9 Waikato Regional Land Transport Plan 2015 (WRLTP)

The Waikato Regional Land Transport Plan (WRLTP) was adopted by WRC in April 2015. It provides the strategic direction for transport planning in the Waikato Region over the period 2015 to 2045. Its purpose is to establish a set of policies and actions and an investment programme to guide the local, regional and national agencies in developing and maintaining the transport system in the Waikato. The WRLTP identifies issues with respect to road safety and provides a strategic direction for the region which is strongly linked to the regional plan and district plans.

The WRLTP contains two key components:

- A policy framework to direct decision-making and implementation actions for key regional transport stakeholders to advance the land transport objectives and priorities (1-10 years and 11-30 years) identified in the plan.
- The Waikato Region's programme of land transport investment activities put forward for inclusion in the National Land Transport Programme 2015-2021.

The WRLTP focuses on investment and effort in three core components:

- Strategic corridors and wider network connectivity improvements – recognising the Waikato Region's strategic importance to the upper North Island, New Zealand's primary growth area.
- Road safety – recognising the need to continue to improve road safety outcomes for the Waikato Region.

³ Waikato District Development Strategy – section 3.2, page 22

⁴ Waikato District Development Strategy – section 4.4, page 25

- Managing demand and transport choices – recognising the need to manage transport demand in our main urban areas to assist with meeting the transport objectives identified in the plan. Recognising the need to provide appropriate transport choices across the region to enable people and communities to meet their social, economic and cultural needs.

As mentioned, when preparing or changing a district plan, a territorial authority must have regard to this strategy under section 74(2)(b)(i) of the RMA. The WRLTP has been taken into account in the preparation of PC16.

PC16 proposes rezoning a number of properties in Tuakau that are accessible by local roads. New roads within the new residential blocks, particularly west of Tuakau College, the formation of the network of existing paper roads and the need to vest indicative roads in the Schedule 21E area for Tuakau South (these formerly being unformed legal roads that were closed then sold to adjoining property owners), will provide opportunities to improve transport flow and connectivity which is currently lacking in much of the existing subdivision pattern.

4.1.10 Draft National Policy Statement on Urban Development Capacity

On 2 June 2016, the government released a draft National Policy Statement on Urban Development Capacity which is open for submissions until 15 July 2016.

The Environment, Building and Housing Minister, Dr Nick Smith, has stated that this proposed document will require councils to ensure land supply for housing and business keeps pace with growth. The policy, once enacted into law, will require councils to:

- Provide sufficient land for new housing and business to match projected growth in their region, city or district plans.
- Monitor and respond to housing affordability data, building and resource consent data, and value of land on the urban boundaries.
- Take into account the difference between planned and commercially feasible development capacity, and provide for over-supply to ensure competition (20 per cent short to medium-term, 15 per cent long-term).
- Co-ordinate their infrastructure and ensure their consenting processes are customer focused.
- Recognise the national significance of ensuring sufficient land is available over local interests.

There is no requirement for PC16 to give effect to this document in terms of section 75(3)(a) of the RMA because it is draft and has no current legal status. However, it is significant that the rezoning and associated provisions in PC16 are entirely consistent with the intent of the draft policy as identified above.

5. Part 2 Resource Management Act 1991

PC16 must be in accordance with the provisions of Part 2 of the RMA (section 74(1)(b)). The matters in Part 2 (sections 5 to 8) are addressed as follows:

5.1 Sustainable Management of Natural and Physical Resources (Section 5)

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while:

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *avoiding, remedying and mitigating any adverse effects of activities on the environment.*

PC16 proposes the rezoning of various properties to accommodate Tuakau's residential growth and to enable growth to occur in an integrated manner. Furthermore, PC16 will provide an improved framework of objectives, policies and rules to facilitate industrial development within a reconfigured Tuakau Industrial Zone. These processes will complement each other so as to promote the "live, work and play" principle, satisfactorily manage adverse effects on the environment and thereby promote a sustainable Tuakau community. As such, PC16 will enable communities within the TSP area to provide for their social, economic and cultural wellbeing without compromising the matters in section 5(2).

Since adoption of the Franklin District Growth Strategy by the former Franklin District Council in 2007, it has become apparent that the actual rate of Tuakau's population growth has been greater than originally forecast due to its close proximity to Auckland and the high cost of housing in Auckland. The growth pressures experienced by Auckland, Pukekohe and Pokeno have contributed to higher demands for more affordable residential land in Tuakau for both Maaori and non-Maaori citizens. The lack of residential land supply has compromised the Council's ability to provide for residential growth within Tuakau township.

It is also noted that the former Franklin District Council's Rural Plan Change 14 and WDC's subsequent Variation 13 to PC14 identified significant pressures for rural countryside living development. Without an adequate supply of residential land, the pressure on high quality land and soil resources could increase, thereby compromising matters in section 5(2), in particular the safeguarding of versatile soils for productive rural activities.

It is important that the opportunities for industrial growth not be hampered by provisions that are onerous or inappropriate, as these are likely to discourage investment and growth. The new provisions for the area that is to be rezoned to Light Industrial through PC16 will better enable Tuakau's people and communities to provide for their social and economic wellbeing in particular, and thus implement the "live, work and play" principle.

New residential growth areas together with the introduction of more appropriate rules for the Tuakau Industrial Zone will therefore enable the community of Tuakau to better provide for their social, economic and cultural wellbeing while at the same time sustainably managing the Waikato District's resources as a whole.

5.2 Matters of National Importance (Section 6)

Section 6 of the RMA sets out a number of matters which shall be recognised and provided for in developing a plan change to a district plan.

Section 6 of the RMA states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- (c) The protection of areas of significant indigenous vegetation and significant indigenous fauna;*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;*
- (g) the protection of protected customary rights.*

The proposed rezoning in PC16 does not result in any conflict or inconsistency with clauses (a), (b), (c), (d), (e) or (g).

With regard to clauses (a) and (d) above, the PC16 provisions will facilitate the vesting of esplanade reserves and protection and enhancement of riparian margins and other significant ecological areas when subdivision and development occur.

In relation to clause (b) above, PC16 also acknowledges that the Waikato River is an outstanding natural feature. While the new growth areas are not considered to be in immediate proximity to the Waikato River, the Waikato District Plan already contains provisions concerning the Vision and Strategy as well as procedures for engaging with iwi when resource consent proposals may have an adverse effect on the Waikato River and its catchment. Because Tuakau is located wholly within this catchment, these procedures will continue to apply.

As for clause (f), Council has already resolved to address the scheduling of the Catholic Church at 186 George Street and the historic cottage at 110 Harrisville Road with the district plan review which is now underway. This will allow a more considered and comprehensive approach to the protection of historic heritage items throughout the Waikato District, including those within the inherited Franklin Section. This is a common sense approach given the very different provisions for heritage items that presently exist between the Waikato and Franklin Sections of the Waikato District Plan.

5.3 Other Matters (Section 7)

Section 7 of the RMA sets out matters which must be given regard to in developing a plan change to a district plan.

The relevant parts of Section 7 are as follows:

Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

- (a) kaitiakitanga;*
- (aa) the ethic of stewardship;*

- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
 - (i) *the effects of climate change:*

The proposed rezoning in PCI6 does not result in any conflict or inconsistency with any of the abovementioned matters.

In relation to clauses (b) and (c) above, the Council proposes minimum and average lot sizes for Tuakau's New Residential Zone that the Council considers will result in the efficient use of residential-zoned land and the progressive development of these areas in a manner that is coordinated with the installation of infrastructure.

The Council's proposed provisions for the reconfigured Whangarata Business Park will also enable a more efficient use of land that is already zoned for industrial purposes by removing the baseline need to apply for resource consents for any new industrial development and setting more appropriate thresholds for when resource consents are required to assess adverse effects on the receiving environment, thus ensuring that amenity values are at least maintained.

5.4 Treaty of Waitangi

Section 8 of the Act provides:

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of the natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The principles of the Treaty of Waitangi have been taken into account in developing PCI6. The Settlement Act has been discussed earlier and consultation with iwi is discussed in the following section.

6. Consultation

Clause 3 of Schedule 1 to the RMA sets out the consultation requirements and is reprinted below:

- 3(1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult –*
- (a) the Minister for the Environment; and*
 - (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and*
 - (c) local authorities who may be so affected; and*
 - (d) the tangata whenua of the area who may be so affected, through iwi authorities; and*
 - (e) any customary marine title group in the area.*
- 3(2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan*

Clause 3(1) above is mandatory, while invoking clause 3(2) is at the discretion of the Council. In this instance, Council undertook both mandatory and discretionary consultation in relation to PC16.

In accordance with the mandatory consultation in terms of clause 3(1), Council sent out letters to the mandatory parties to explain the purpose of PC16 and provided draft maps indicating the location of the proposed rezoning and a draft section 32 analysis. The letters advised of Council's intention to notify PC16 on 16 July 2016 and provided the opportunity for those parties to contact Council staff to meet and/or discuss the plan change.

Council engaged in direct consultation with owner representatives of the freehold land at 24 Carr Street, Tuakau, being the site of the Te Nga Tai E Rua Marae (the 'Marae Site'). The TSP identifies the change in zoning of the Marae Site from Business to Paa Zone. The current and future zoning of the Marae Site was specifically discussed with iwi during consultation on PC 16. The Paa Zone would result in a more flexible rule framework to enable the owners of the Marae Site to develop papakainga housing on the site, therefore enabling more Maaori to return and live on their ancestral land. Iwi supports the rezoning of the Marae Site to Paa Zone as contemplated in the TSP and requests this rezoning be included as part of PC16.

Council acknowledges a Pa Zone is entirely consistent with one of the key purposes of PC16, which is to address the immediate need for additional residential land to cater for Tuakau's growing population. The location of the Marae Site close to the centre of the Tuakau township is also consistent with the direction in the Waikato Regional Policy Statement which seeks to accommodate growth in and around existing towns and villages. A Paa Zone for the Marae Site also meets section 6(e) of the RMA.

Council considered iwi's request that the rezoning be included as part of PC16. However, due to the timing of notification of PC16, Council has decided to defer rezoning of the Marae Site to a Paa Zone to the upcoming district plan review. However, if iwi's preference is to effect a zone change (to Paa Zone) through a submission on PC16, rather than wait for the district plan review, then Council is likely to support any submission which seeks to bring forward the rezoning of the Marae Site to a Paa Zone. In the circumstances, an evaluation of the Marae Site rezoning is subject of Option 4 in the section 32 evaluation for PC16 in Part B of this report where Council is required to evaluate "other reasonably practicable options" to satisfy the required test under section 32(1)(b)(i) of the RMA.

In addition, Council staff provided a power-point presentation on PC16 to the Future Proof Implementation Group on 16 June 2016. This presentation explained that the plan change was to generally implement Stage 1 of the approved Tuakau Structure Plan to address the immediate need for more residential land and to improve the provisions relating to the reconfigured Tuakau Industrial Zone in order to incentivise industrial growth and employment. The application of the Waikato Section provisions over the identified PC16 areas was also explained. As at the date of writing this report, Council has not received any feedback from any mandatory party identified by clause 3(1).

In relation to discretionary consultation under clause 3(2), this commenced with the preparation of the TSP, from which PC16 evolved to give effect to what is generally Stage 1 of the TSP. A series of open days and planning option workshops formed the background to the development of the entire Tuakau Structure Plan area. These open days and workshops were held in the Tuakau Memorial Hall on 30 May 2013, 10 October 2013, 28 March 2014 and 11 September 2014 and culminated in the adoption of the Tuakau Structure Plan in December 2014. Details of the specific consultation with iwi has been noted in the earlier discussion of the Tuakau Structure Plan.

In December 2015, Council resolved to proceed with PC16 on the basis that it addresses the immediate needs for additional residential land and a revamp of the existing Tuakau Industrial Zone provisions, and that the remaining areas of the Tuakau Structure Plan would be addressed with the comprehensive review of the Waikato District Plan.

On 10 February 2016, a letter was sent to all affected landowners whose properties are subject to the proposed PC16 rezoning to advise of Council's resolution and the first informal drop-in session held at Council's Tuakau office where interested parties could discuss the implications of the zoning changes for their property.

This first drop-in session was held on 23 February 2016 and was publicised beforehand in the following ways:

- Public notice in Franklin County News on 16 February 2016;
- Council's website from 16 February 2016; and
- A mail-out of approximately 200 letters on 10 February 2016 to all landowners whose properties were identified for rezoning as part of PC16.

In addition to the above, a poster was displayed in the foyer of Council's Tuakau office from 18 February 2016.

During the first drop-in session, a Council policy staff member was present to discuss the plan change and answer any questions. Approximately 45 people attended this drop-in session and were invited to provide feedback or engage later with a more specific meeting with staff. The majority of attendees were in support of the rezoning proposals, with most queries concerning infrastructure provision and timing. One party considered that they were not previously made aware of the Tuakau Structure Plan project and considered that consultation to date was inadequate.

Subsequent to this first drop-in session, Council received phone calls and email correspondence and individual meetings were held with approximately 10 people. The same issues concerning infrastructure provision and timing were raised.

On 23 June 2016, Council held a second drop-in session at the Tuakau Memorial Hall inviting interested and/or affected parties to discuss the implications of the draft version of PC16 and to assist the understanding of how the Waikato Section provisions are to apply to identified properties in the Franklin Section. Approximately 200 letters were sent on 9 June 2016 to all landowners on whose properties are affected by the proposed rezoning to advise of this second drop-in session. On 17 June 2016, Council emailed the same letter to a list of other parties who, through the TSP process, requested that Council keep them informed of any significant developments affecting the Tuakau community. This event was also publicised on Council's website and through posters displayed in the foyer of Council's Tuakau office and on the Tuakau Library noticeboard. Approximately 50 people attended this second drop-in session.

7. Plan Change 16 Content

The content of PC16 is divided into four parts summarised as follows.

- **Part 1** - Insertion of new Chapter 15C into the Waikato Section of the WDP (containing objectives and policies relevant to all properties identified by PC16 for rezoning)
- **Part 2** - Rezoning of properties within the Franklin Section of the Waikato District
- **Part 3** - Insertion of three new schedules into the Waikato Section of the WDP (Schedules 21E, 24G and 27B which contain the rules for the Tuakau Living Zone, the Tuakau Industrial Zone and the Tuakau Countryside Living Zone respectively) plus the insertion of a new appendix into the Waikato Section of the WDP (Appendix Oh containing the Tuakau Urban Design Guide).

Some rules and definitions in these new schedules reflect the minor technical amendments made to certain rules and definitions in the Waikato Section of the WDP as a result of the decision on Plan Change 8 (Technical Amendments) which was released to the public on 29 June 2016.

A summary of the rules and definitions as amended by the Plan Change 8 decision which are relevant to and reflected in the new PC16 schedules is set out as follows.

- (a) The introduction of new definitions for 'kitchen' and 'kitchenette' as those words are now contained within the amended definition of 'dwelling'; and
- (b) Amendments to the existing definitions of 'dwelling', 'indicative road', 'industrial activity and 'building'; and
- (c) Amendments to rules that address the sale of liquor, plant or animal effluent disposal, temporary events, home occupations, earthworks and esplanade reserves and esplanade strips.

The new and/or amended rules and definitions from the Plan Change 8 decision are addressed in the section 32 evaluation contained in Part B of this document.

- **Part 4** – Consequentials to the Franklin Section and Waikato Section of the WDP

Each part is discussed further as follows:

Part 1 – Insertion of new Chapter 15C into the Waikato Section of the WDP

Part 1 involves insertion of a new Chapter 15C into the Waikato Section headed 'Tuakau Structure Plan (Stage 1)'. This chapter provides a discussion on the growth pressures experienced in the northern part of Waikato District, the immediate need to accommodate residential and industrial growth within Tuakau over the next decade, particularly given its close proximity to Auckland and major transportation networks and the need for this growth to integrate with the provision of infrastructure. Chapter 15C contains the objective and policy framework for the areas subject to PC16.

Part 2 – Rezoning of properties within the Franklin Section of Waikato District

Part 2 involves rezoning of selected properties within the Franklin Section of Waikato District for residential and industrial purposes.

The following areas are identified on the PC16 maps for residential development:

- (a) Provision for greenfield residential development on the northern side of Buckland Road between the west of Tuakau's existing residential area and the Tutaenui Stream;

- (b) Rezoning existing Rural Residential blocks and selected rural blocks at the southern end of the township to provide for residential development;
- (c) Rezoning selected rural blocks on the northern and southern sides of Dominion Road to provide for residential development; and
- (d) Rezoning selected blocks on the northern and southern sides of Barnaby Road and the eastern side of Harrisville Road to address existing zone anomalies and also provide for both intensive and low density residential living.

As mentioned earlier in Section 6 which discussed consultation for PC16, Council also considered rezoning the site at 24 Carr Street which contains the Te Nga Tai E Rua Marae (the 'Marae Site') from Business Zone to Paa Zone to provide for intensive residential development. While a Paa Zone for Marae Site is proposed under the Tuakau Structure Plan, Council has decided to defer this rezoning to the upcoming district plan review, rather than address it as part of PC16.

Plan Change 16 also proposes to expand the existing Tuakau Industrial Zone to include certain properties at the northern end of Bollard Road that are currently zoned Business and two properties on Whangarata Road (one of which is zoned Rural with the other having a split zoning of Rural and Tuakau Industrial).

The primary reason for expanding the Tuakau Industrial Zone is to enable industrial development to be comprehensively managed in this location, particularly given the extent of the existing Business Zone that has already been developed with well-established industries. The two abovementioned properties on Whangarata Road have been included following consideration of the existing title boundaries, the location of the Kairoa Stream and shelterbelts, the need to avoid split zonings and the signal in the Franklin District Growth Strategy to eventually zone these two properties for industrial purposes. This industrial rezoning will also simplify the rules applying to the Tuakau Industrial Zone to create more certainty for economic investment and growth and to develop consistency for industrial activities as a whole throughout the Waikato District.

PC16 seeks to rezone a number of identified properties within the approved Tuakau Structure Plan area to satisfy an immediate need for residential and industrial growth.

For clarity, the rezoned areas have been shown on six maps, which are discussed as follows.

Provision for greenfield residential development on the northern side of Buckland Road between the west of Tuakau's existing residential area and the Tutaenui Stream (Map 1)

The adopted Tuakau Structure Plan notes a conservative estimate of 682 new dwellings⁵ for this specific location which is labelled as Schedule 21E on Map 1 which follows. The majority of this (currently Rural) block was identified as 'Area A' in the former Franklin District Growth Strategy as being suitable for greenfield residential development. Due to the actual rate of population growth within Tuakau since adoption of this document in 2007 and growth pressures in the wider northern Waikato region, it is appropriate to expand this area and use both Buckland Road and the Tutaenui Stream as defensible boundaries.

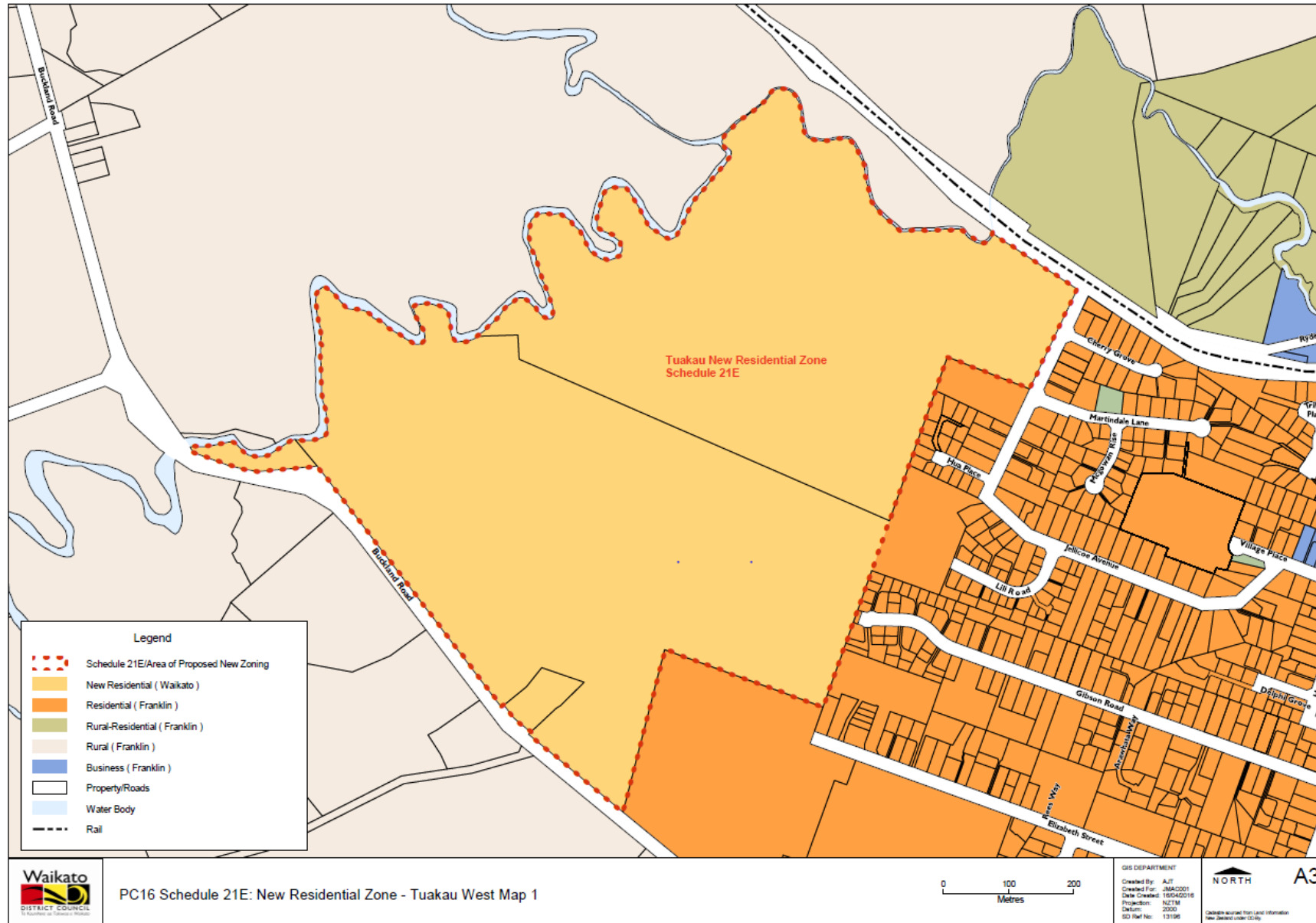
PC16 proposes to impose a 'New Residential' zone over this block to facilitate residential subdivision and development. This zoning is currently used in existing towns and villages located in the Waikato Section, such as Huntly, Ngaruawahia, Gordonton, Te Kauwhata and Raglan.

⁵ Tuakau Structure Plan (December 2014), page 23

In association with this new zoning, the objectives and policies set out in the new Chapter 15C and the land use and subdivision rules in the new Schedule 21E will apply. These new rules in Schedule 21E generally reflect the existing rules contained in Chapter 21 of the Waikato Section which apply to the towns and villages noted above.

This rezoning will also provide an opportunity for new subdivisions to improve west-east connectivity with extensions to existing no-exit roads and new internal road layouts. Subdivision will also need to demonstrate consistency with the Tuakau Urban Design Guide (December 2014) which will be contained in a new Appendix Oh to be inserted into the Waikato Section.

Map I – PC16 Schedule 21E: New Residential Zone – Tuakau West



Rezoning existing Rural Residential blocks and selected rural blocks at the southern end of the township to provide for more intensive residential development (Map 4)

Significant portions of these (currently Rural Residential and Rural) blocks were identified as 'Areas C, D and E' in the former Franklin District Growth Strategy.

Relevant to note here is the recently consented Titchmarsh subdivision (December 2015) at the end of Escotts Road in what was part of 'Area C'. The Titchmarsh property is currently zoned Rural Residential in terms of the Franklin Section. That consent (SUB0019/15) provides for the creation of 92 residential lots with areas ranging between 600m² and 1110m², local purpose reserve and esplanade reserve. Two key reasons given for the granting of this consent were:

- *"The proposal will be an efficient use of the site that is better suited for urban residential use than rural-residential use due to its characteristics including proximity to Tuakau town centre"*
- *"The site's use for residential activity has been flagged in both the Franklin District Growth Strategy 2007 and the Tuakau Structure Plan 2014. These are strategic planning documents that seek to promote the optimal planning outcomes for Tuakau as a whole, and the proposal is consistent with them."*

It is acknowledged that the land proposed for residential rezoning in Map 4 is immediately adjacent to the existing industrial zone. The former Franklin District Council's Plan Change 22 (PC22) introduced provisions for the Tuakau Industrial Zone (TIZ) and Tuakau Industrial Services Zone (TISZ) to give effect to the Whangarata Business Park Structure Plan. Plan Change 22 was notified on 26 June 2007, a short time before adoption of the FDGS in August 2007 and made operative in 2010.

When developing PC22, Franklin District Council was cognisant of the effects of industrial use on the immediately adjoining Rural Residential zone and the intention to rezone this adjoining area to the west for residential purposes as flagged in the FDGS. Therefore, various rules in the existing TIZ address potential adverse effects from industrial activities which include the requirement to provide a five metre deep amenity yard along the full length of the existing TIZ boundary and setting limits for building height (18 metres), noise, odour, vibration, light spill and glare. The replacement of the existing TIZ rules with the proposed rules set out in the new Schedule 24G will also ensure that reverse sensitivity effects from industry on adjacent residential development are satisfactorily managed.

The Whangarata Business Park Structure Plan indicates areas of open space on the eastern side of the Kairoa Stream, much of which would likely be vested as esplanade reserve when adjoining properties in the TIZ are subdivided. As evidenced by Aerial Photograph I which follows, a heavily vegetated strip along the Kairoa Stream is located between the developable areas within the existing Rural Residential Zone and existing TIZ. Much of this vegetated strip is contained within esplanade reserve required to vest in Council as a condition of the approved Titchmarsh subdivision. This vegetated buffer and the esplanade reserve areas that are expected to vest on both sides of the Kairoa Stream will further mitigate the adverse effects of industrial upon residential areas.

Aerial Photograph 1: Location of Kairoa Stream adjoining the existing Whangarata Business Park



The rezoning in this southern locality also acknowledges the existing cadastral and roading layouts and the developments that are already residential in character, despite the current Rural Residential and Rural zonings. This rezoning will also enable development to integrate well with the Tuakau Domain which provides a valuable recreational asset for a growing Tuakau community.

The extent of the proposed rezoning on Map 4 has also been guided by the recommendations in the expert report from Tonkin & Taylor⁶ concerning odour buffers from well-established businesses that include Tuakau Protein and Envirofert, which are both very important to the community and local and regional economies. This report recommends an odour buffer of one kilometre⁷ measured from the activity areas of both the Tuakau Protein site and Envirofert and the boundary of any areas proposed for the intensification of residential activities. The same odour buffer⁸ is recommended in respect to the waste water treatment plant (including any ponds) located on Parker Lane to the north-west of the proposed residential areas.

The Tonkin & Taylor report also recommends that, overall, a buffer of 250 metres be maintained between a Light Industrial Zone and any areas proposed for residential development⁹. It is important to note that the buffer is the area within the recommended separation distance that can still be used for a range of activities with a reduced sensitivity to amenity effects. Activities within the buffer area may include service stations, light engineering workshops, warehousing and distribution centres, indoor service-type activities such as veterinary clinics and fitness centres, light industry or manufacturing activities (except food manufacturing activities that require high air quality amenity) that do not generate appreciable dust or odour emissions.

These recommended odour buffers are based on industrial best practice and are conservative. They reflect a fair balance between the need for industry to manage adverse odour effects so that they do not become objectionable beyond their site boundaries and the need to protect industries from reverse sensitivity effects that may result from nearby residential expansion.

The New Residential Zone shown on Map 4 will be subject to the objectives and policies set out the new Chapter 15C, the land use, building and subdivision rules in the new Schedule 21E and the Tuakau Urban Design Guide (December 2014).

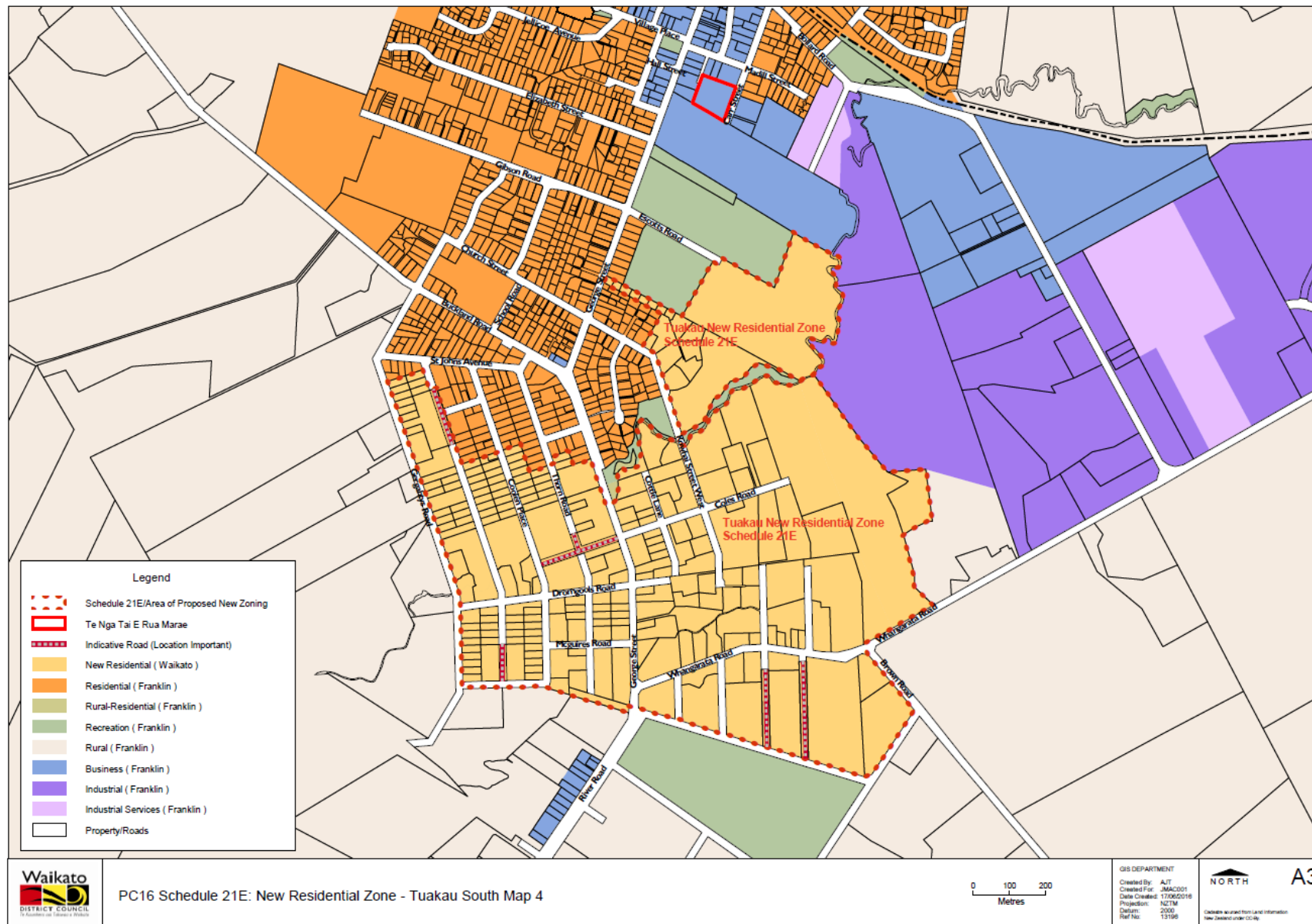
⁶ "Tuakau Structure Plan Assessment of Air Quality Effects and Separation Distances" – Tonkin & Taylor, August 2015

⁷ "Tuakau Structure Plan Assessment of Air Quality Effects and Separation Distances" – Tonkin & Taylor, pp 8 and 9

⁸ "Tuakau Structure Plan Assessment of Air Quality Effects and Separation Distances" – Tonkin & Taylor, p10

⁹ "Tuakau Structure Plan Assessment of Air Quality Effects and Separation Distances" – Tonkin & Taylor, section 6, p11

Map 4 – PC16 Schedule 21E: New Residential Zone – Tuakau South



Te Nga Tai E Rua Marae

Aerial Photograph 2: Te Nga Tai E Rua Marae – 24 Carr Street, Tuakau



This aerial shows the property located at 24 Carr Street in Tuakau which contains the Te Nga Tai E Rua Marae. This Business-zoned property has a total area of 8962m² and is comprised in two computer freehold certificates of title. The smaller title (CT 515928) contains an area of 3043m² while the larger title (CT NA 13D/226) contains an area of 5919m².

The Marae site immediately adjoins other Business-zoned properties which include the Tuakau Cosmopolitan Club to the north and the Tuakau Saleyards to the south. The Business-zoned properties to the west numbered 51, 53 and 55 on the aerial map front Tuakau's main street (George Street). The properties numbered 11, 13 and 15 Carr Street are zoned Residential while the remaining properties on Carr Street immediately opposite the Marae Site are zoned Business. The existing businesses on Carr Street involve engineering, timber auctioneering, petfood packaging and scaffold production.

The existing Business Zone provisions which apply to the Marae Site do not specifically provide for papakaainga housing or for dwellings as a permitted activity unless the residential development is located above ground level. This reflects the former Franklin District Council's intention that the establishment of commercial and industrial activities be given priority in the Business Zone, but also that landowners/operators should be able to work and live above their businesses to help realise the 'live, work and play' principle. Any resource consent application to establish a dwelling at ground level would need to address the purpose of the Business Zone and the likelihood of any reverse sensitivity issues arising given the character of the surrounding environment.

The Franklin District Growth Strategy (2007) indicated the potential rezoning for a 'Mixed Retail Use' area close to retail activities in the town centre by the year 2021. The Marae Site is included in this area. This document anticipates that a 'mixed use centre' would cater for "*non high-street activities such as specialist retail, and small workshop*" and that "*commercial uses are encouraged on first floor (street level), with offices and residential encouraged on the upper floors*"¹⁰. No change to the zoning of the Marae Site has occurred since the former Franklin District Plan was made operative in 2000.

¹⁰ Franklin District Growth Strategy (2007), page 105

The community consultation that took place for development of the Tuakau Structure Plan included the potential rezoning of the Marae Site to enable papakaainga housing to occur without the need for any resource consent process. While there was no specific detail given to Council staff by representatives of Te Nga Tai E Rua Marae concerning the intensity and layout of dwellings, their future aspirations for the Marae Site to be developed with papakaainga housing were made clear. At that time, Council staff verbally indicated that there was potential for a following plan change to rezone the Marae Site to enable papakaainga housing by introducing the Waikato Section provisions for a Paa Zone.

The Waikato Section provisions for a Pa Zone permit a number of dwellings if the site is reticulated for wastewater and there is an average site area of at least 300m² for each dwelling. The Marae Site is reticulated and is already developed with a number of buildings which would likely remain if papakaainga housing were to be developed on the balance area.

The potential number of dwellings would be largely influenced by the building coverage rule that specifies a maximum site coverage of 50%. If the owners wish to leave the area inside the fenceline unchanged and develop the currently vacant area outside of the existing fenceline (immediately to the south of the Tuakau Cosmopolitan Club), the Paa Zone provisions would enable the construction of several dwellings. However, the required building setbacks of 6 metres from the road boundary and 7.5 metres from the zone boundary would also influence the number of dwellings that could be established as a permitted activity.

The development of the Marae Site with papakaainga housing would enable Maaori families to reside close to the town centre and therefore take advantage of retail services and transport links, but importantly it would also enable Maaori to live on land that is culturally important to them. For this reason, a Paa Zone that enables papakaainga housing to occur would be consistent with the intent of PC16 to provide for more housing, would give effect to the WRPS by accommodating growth in and around existing towns and villages and would satisfy section 6(e) of the RMA which requires Council to recognise and provide for the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

While the introduction of a Paa Zone was contemplated with the overall TSP, Council resolved in December 2015 to proceed with PC16 on the basis that it rezones only those properties identified on the PC16 maps. This does not mean that the introduction of a Pa Zone is not supported by Council.

Rezoning selected rural blocks on the northern and southern sides of Dominion Road to provide for more intensive residential development (Map 3)

The proposed rezoning on the northern side of Dominion Road recognises the existing residential character of several (currently Rural) properties immediately to the east of the existing urban limit. The residential development of a small pocket of land at the western end of the La Valla Farms property will also be enabled. As indicated by Aerial Photograph 3 which follows, the northern and eastern boundaries of this proposed residential area align with a small gully/wetland system that separates it from the balance farm area.

Aerial Photograph 3: La Valla property at 139 Dominion Road, Tuakau



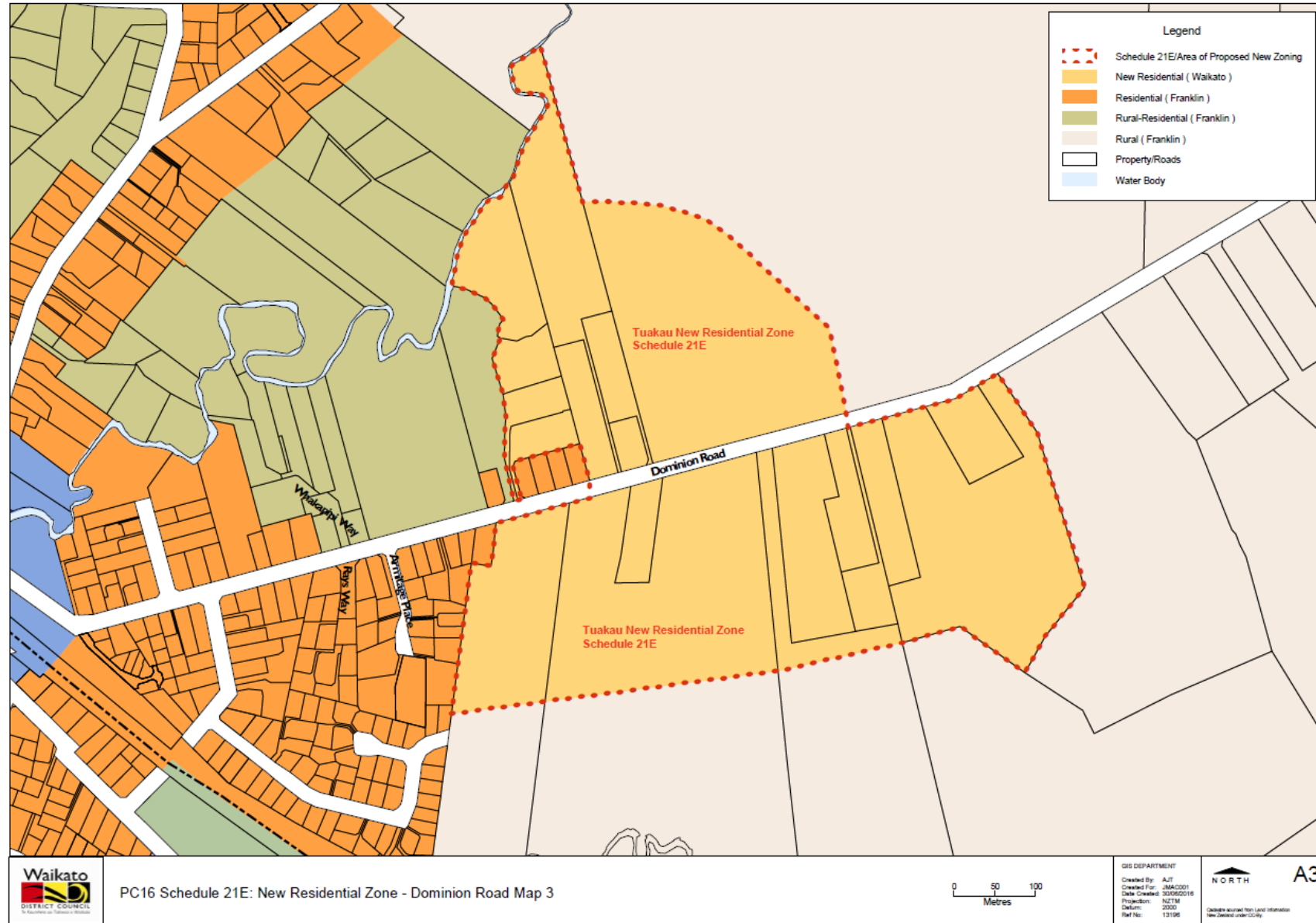
The area that is to be rezoned on the southern side of Dominion Road constitutes part of what was described as Area B in the Franklin District Growth Strategy. This location was previously subject to a private plan change that was to be lodged with the former Franklin District Council but did not proceed.

In determining the southern extent of the proposed New Residential Zone, Council has considered the recommended acoustic and air discharge buffer¹¹ of approximately 250-300 metres measured from the northern boundary of the existing Business-zoned property owned by Fellrock Developments Limited and occupied by Tuakau Timber Treatment. However, as a result of community consultation which informed the adopted Tuakau Structure Plan, Council has determined that the buffer needs to be more extensive than that recommended in the expert reports. This is because of the concern raised primarily by Tuakau Timber Treatment regarding the reverse sensitivity effects of noise from their permitted industrial activities in the existing Business Zone and the complaints received by them and Council from residents in the existing Residential Zone on the southern side of Dominion Road. Therefore, the southern extent of the proposed New Residential Zone on Map 3 is aligned with the boundary shown on the adopted Tuakau Structure Plan which is considered acceptable to Tuakau Timber Treatment. The buffer area shown on the Tuakau Structure Plan varies between approximately 300 metres at the western boundary of the property at 48 Dominion Road and approximately 450 metres at the eastern boundary of the property at 52 Dominion Road, with both measurements taken from the northern boundary of the existing Business Zone.

The New Residential Zone shown on following Map 3 will be subject to the objectives and policies set out the new Chapter 15C, the land use, building and subdivision rules in the new Schedule 21E and the Tuakau Urban Design Guide (December 2014).

¹¹ “Tuakau Structure Plan Acoustic Assessment” – Marshall Day, section 3.3 p7 and “Tuakau Structure Plan Assessment of Air Quality Effects and Separation Distances” – Tonkin & Taylor, section 6, p11

Map 3 – PC16 Schedule 21E: New Residential Zone – Dominion Road



Rezoning selected blocks on Harrisville Road and the northern and southern sides of Barnaby Road to address existing zone anomalies and also provide for both intensive and low density residential living (Maps 2 and 5)

The eight properties located at 76A, 76B, 78, 80, 80A, 82, 84 and 86 Harrisville Road are currently zoned Rural, yet they are residential in character given their size and connections to reticulated water, sewerage and stormwater systems.

The existing rules for the Rural zone require, amongst other things, a boundary setback of 10 metres unless neighbours give their written consent for a lesser setback. Alternatively, a 3 metre setback applies if any of these properties existed on 30 September 2003 and they have an average width of less than 40 metres. Again, this setback may be reduced where the affected neighbour gives their written consent. In either of these two situations, if a neighbour's consent is not forthcoming, resource consent is required. This is not a satisfactory situation given that all eight properties have already been developed as if they were already in a residential zone. It is therefore proposed to rezone these eight properties and the associated common access lot to New Residential. This rezoning will enable future development on these properties to be more appropriately assessed in accordance with residential rules.

Map 2 which follows also indicates Council's intention to rezone the 6524m² property located at 15 Barnaby Road from Rural to New Residential. This rezoning is considered appropriate given the size of this title and the opportunities for any new dwelling/s to connect to the reticulated water, sewerage and stormwater systems located within the common access lot that serves the eight Harrisville Road properties noted above.

It is noted that a strip of land located in the northern portion of 15 Barnaby Road is affected by a private land covenant that precludes the construction of a dwelling. This covenant was a condition of the subdivision consent granted by Franklin District Council in 2003. The then owners of 9F Barnaby Road gave their written consent to the creation of the title located at 15 Barnaby Road subject to this dwelling restriction. The construction of any dwelling in this specific location would therefore depend on an agreement by the current owners of 9F Barnaby Road to uplift this private land covenant. This is a private matter that is outside of Council's jurisdiction.

Council also intends to provide for some low density residential development on either side of Barnaby Road with the rezoning of some properties to Country Living as indicated by Map 5 which follows.

Map 5 also indicates the proposed rezoning of the Hewitt property (Lot 1 DP 193375) on Harrisville Road which contains two dwellings (with the addresses of 90 and 110 Harrisville Road). Aerial Photograph 4 which follows shows one of these dwellings close to Harrisville Road that has the 110 Harrisville Road address. This building is the historic Hewitt cottage recommended for scheduling by Heritage Consultancy Services¹². Similar to the approach noted earlier for the Catholic Church at 186 George Street, the scheduling of this cottage will be addressed with the comprehensive district plan review now underway. Because of its topographical constraints, a rezoning of the Hewitt property is unlikely to result in additional dwelling yield, however it is appropriate that there be an opportunity to subdivide this property so that each dwelling is located on a separate title. This rezoning will also reflect this property's existing rural residential character.

It is also appropriate to rezone the property at 122 Harrisville Road (also indicated on the aerial) to reflect its existing rural residential character. This will enable any change of use to be appropriately assessed in terms of the objectives and policies for rural residential development as opposed to those that apply with this property's current Rural zoning.

¹² Heritage Consultancy Services' report on Hewitt Cottage - 9 October 2015

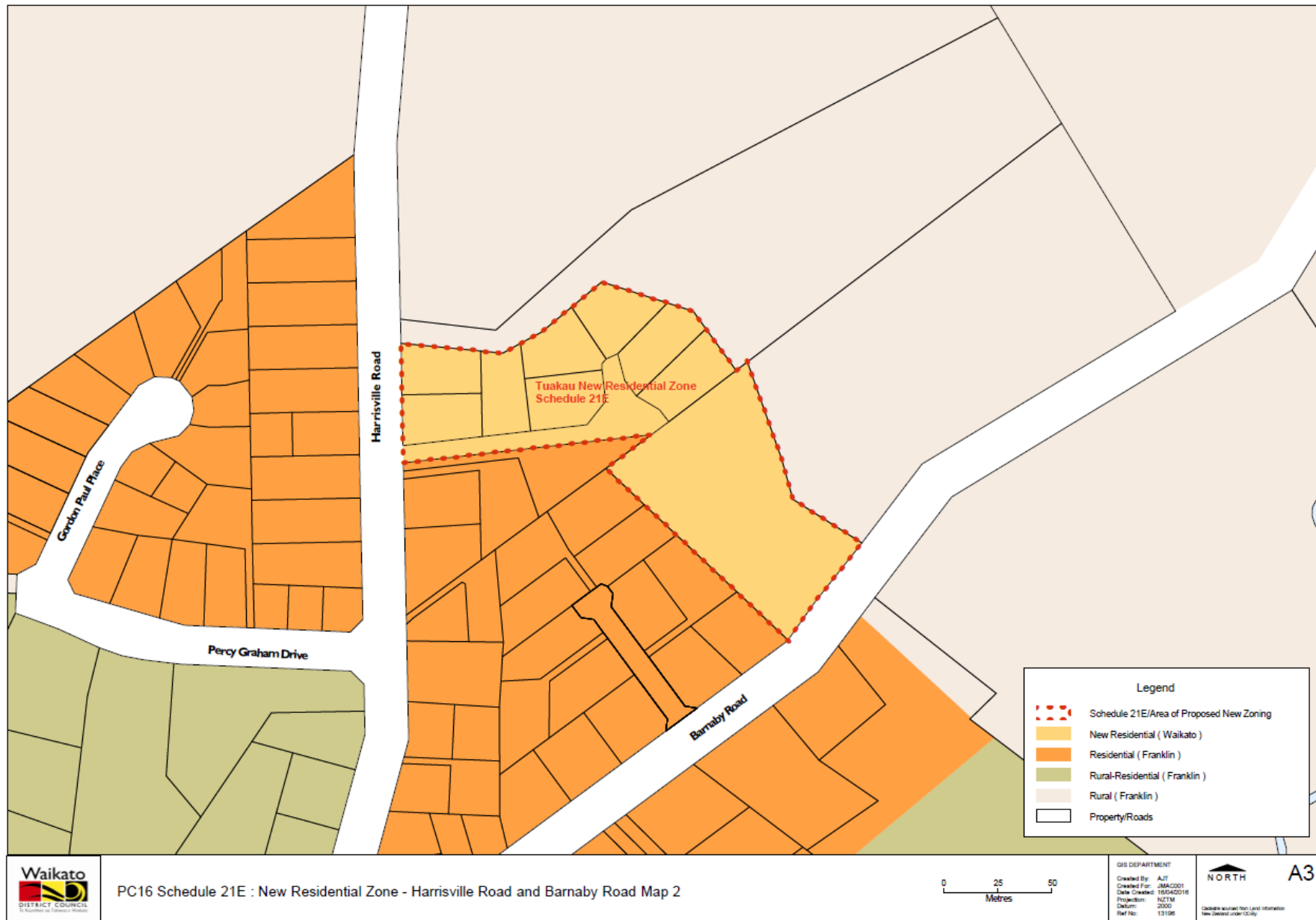
The extent of this new zoning on Maps 2 and 5 has been determined after considering:

- the boundaries, topography and character of the existing titles
- the variable topography towards the eastern end of Barnaby Road
- the associated limitations in providing the full spectrum of urban reticulated services
- the recommended odour buffers¹³ of 350 metres and 500 metres relating to Welch's egg laying operation to the north and the Woodlane broiler chicken operation to the east respectively, both of which are located on Harrisville Road.

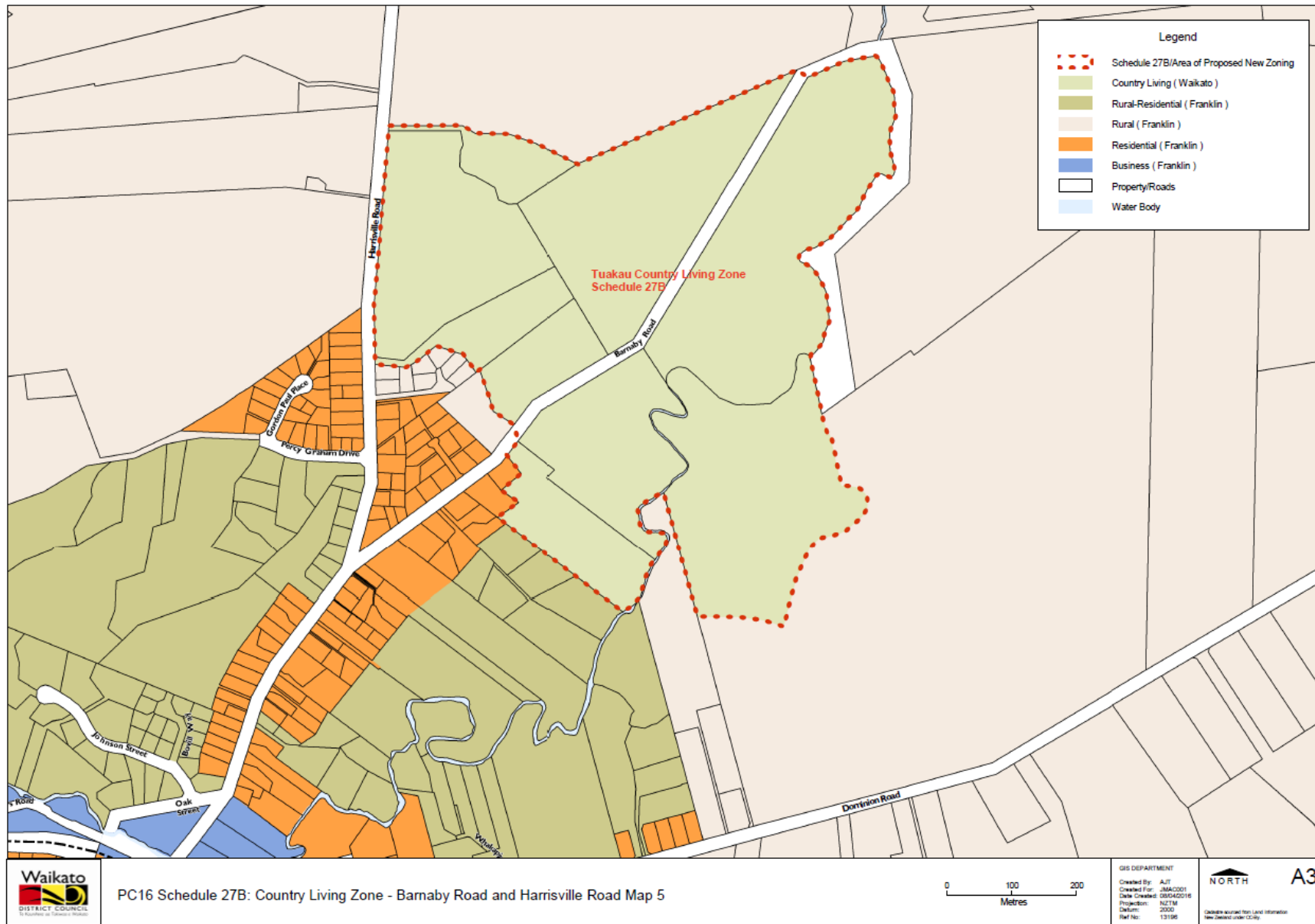
This rezoning will also address the existing unsatisfactory situation of the property at 30 Barnaby Road containing three zones (Residential, Rural and Rural Residential). As indicated by Aerial Photograph 5 and Map 2, the existing dwelling straddles the division between the Rural and Residential zones while the remaining south-facing portion of the property is zoned Rural Residential. Because all three zones have different bulk and location requirements, this increases the likelihood of resource consents having to be obtained for any new building or dwelling extension, particularly within the portion that is zoned Rural. This does not provide any certainty for the land owner.

¹³ "Tuakau Structure Plan Assessment of Air Quality Effects and Separation Distances" – Tonkin & Taylor, p7

Map 2 – PC16 Schedule 21E: New Residential Zone – Harrisville Road and Barnaby Road



Map 5 – PC16 Schedule 27B: Tuakau Country Living Zone – Barnaby Road and Harrisville Road



Aerial Photograph 4: Properties at 90, 110 and 122 Harrisville Road



Aerial Photograph 5: Property at 30 Barnaby Road



Reconfiguring the existing Whangarata Business Park to include various properties that are currently zoned Business and Rural and applying the Tuakau Industrial Zone and Schedule 24G provisions over the whole of this area (Map 6)

The Whangarata Business Park is the result of the former Franklin District Council's Plan Change 22 (PC22). This plan change gave effect to the Whangarata Business Park Structure Plan and introduced the Tuakau Industrial Zone (TIZ) and Tuakau Industrial Services Zone (TISZ), the provisions for which were made operative in April 2010.

Part 37A.1¹⁴ in the Franklin Section of the Waikato District Plan states that:

“The TISZ is a zone adjacent to the Tuakau Industrial Zone (TIZ). The purpose of the TISZ is to provide for:

- 1. Retail businesses that provide services to manufacturing, processing, assembling, storage, distribution and wholesale activities.*
- 2. Retail businesses that provide services to the agricultural sector.*
- 3. Small-scale wholesale activities.*
- 4. Small-scale manufacturing, processing, assembly, storage and distribution activities.*
- 5. Businesses preferring a location outside the town centre due to the potential adverse effects they might have on more sensitive land uses and on the environment.”*

Part 40A.1¹⁵ in the Franklin Section of the Waikato District Plan states that:

“The purpose of the TIZ is to provide for:

- manufacturing, processing, assembling, storage, distribution and wholesale activities.*
- Businesses preferring a location outside the town centre due to the potential adverse effects they might have on more sensitive land uses and the environment.”*

For both the TISZ and TIZ, there is a heavy emphasis on the need for development to be visually appealing and to contribute to a sense of place. Site design, external appearance of buildings and landscaping are important elements of both zones.

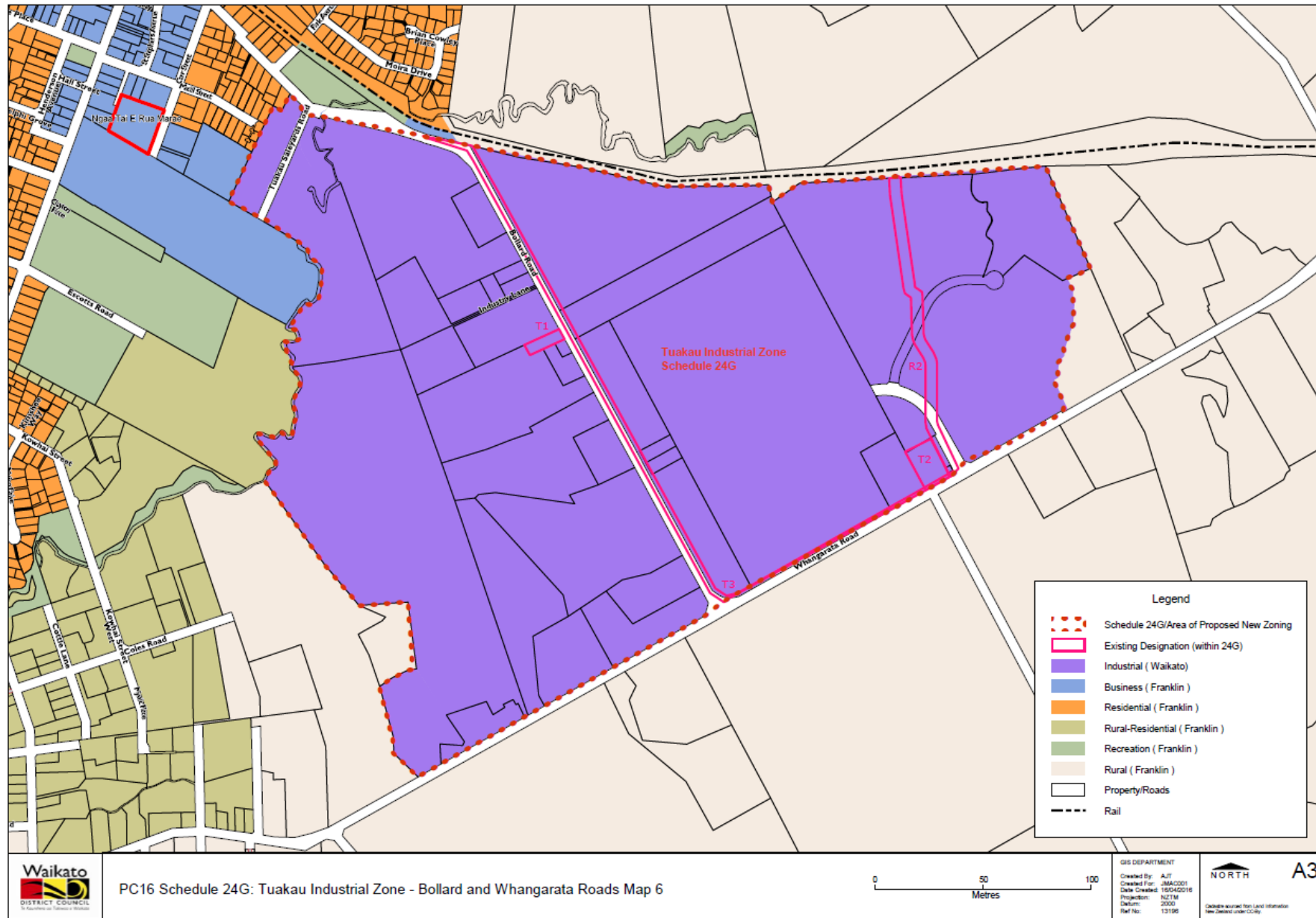
Despite the PC22 provisions for the Whangarata Business Park having been operative for six years (since April 2010), there has been very little industrial development. While the lack of services for industry may, in part, explain the slow uptake, feedback from potential investors and those businesses that have already established in the Whangarata Business Park is that the rules for the existing TIZ and TISZ create an unrealistic hurdle that act as a disincentive to investment and progress. For instance, additions and alterations to an existing building are the only permitted activity provided for in both these zones, provided that the gross floor area of the building is not increased by more than 10%. Even then, these activities are only permitted if they comply with all development standards and performance standards and these include, amongst other things, the provision of showers and changing rooms, cycle stands designed to a very specific standard, a building façade that is at least 60% glazed and incorporation of an architectural feature. If any building alteration or addition or new building fails to comply with any of these standards, the proposal is rendered a discretionary activity. This situation therefore does not encourage industrial development and does not provide certainty for landowners who wish to maximise the returns on their investment.

¹⁴ Franklin Section of the Waikato District Plan – Page 37A-1

¹⁵ Franklin Section of the Waikato District Plan – Page 40A-1

Extending the Tuakau Industrial Zone and applying the Schedule 24G provisions to this location will provide greater flexibility to develop this area for industrial purposes and consequently provide employment opportunities that will complement Tuakau's residential growth. The new Schedule 24G provisions provide for new industrial buildings as a permitted activity rather than automatically requiring resource consent as a starting point. At the same time, these new provisions set bottom lines to ensure that the adverse effects from industrial use are satisfactorily managed. This is particularly important given the proximity of residential zones and reserves which are sensitive to the effects of industry.

Map 6 – PC16 Schedule 24G: Tuakau Industrial Zone – Bollard and Whangarata Roads



Part 3 – Insertion of Three New Schedules and a New Appendix into the Waikato Section of the Waikato District Plan

Part 3 involves the insertion of three new schedules into the Waikato Section which set out the subdivision, building and land use rules for the areas proposed to be rezoned under PC16. The content and location of these schedules is described as follows.

- (a) Schedule 21E will be inserted into Chapter 21 (Living Zone) to address subdivision, building and land use activities in the Tuakau Living Zone (New Residential). This schedule makes reference to the Tuakau Urban Design Guide (December 2014) which will also be inserted into the Waikato Section as Appendix Oh.
- (b) Schedule 24G will be inserted into Chapter 24 (Industrial Zone) to address subdivision, building and land use in the Tuakau Industrial Zone.
- (c) Schedule 27B will be inserted into Chapter 27 (Country Living Zone) to address subdivision, building and land use activities within the Tuakau Country Living Zone.

The rule framework in each of the above schedules is based largely on Chapters 21, 24 and 27 in the Waikato Section that relate to the Living Zone (New Residential), Industrial Zone and Country Living Zone respectively. However, the three new schedules apply only to the areas in Tuakau proposed to be rezoned under PC16 and not to any properties within the Waikato Section.

As noted earlier, the rules in the schedules also reflect the minor amendments made to some rules and definitions in the Waikato Section as a result of the decision on Plan Change 8 (Technical Amendments) which released to the public on 29 June 2016.

Part 4 – Consequential to the Franklin Section and Waikato Section of the Waikato District Plan

Part 4 involves a series of consequential amendments to the Waikato District Plan as a result of rezoning and the introduction of new text.

For the Franklin Section, the consequential amendments involve:

- (a) Strike-out of the Industrial Zone (Franklin) and Industrial Services Zone (Franklin) in the Map Legend.
- (b) Strike-outs of Parts 37A to 39A (Tuakau Industrial Services Zone), Parts 40A to 42A (Tuakau Industrial Zone) and Part 54.11 (Whangarata Business Park Structure Plan), plus all references to these existing zones and this structure plan, including their acronyms 'TISZ' and 'TIZ', and amending the resulting text as necessary in other parts of the Franklin Section to maintain accuracy.
- (c) Strike-outs of the designation details for Counties Power Limited and Vector Gas in the Schedule of Designations but only insofar as they relate to the new Schedule 24G. This does not involve any change to the designations themselves and is a simple relocation of these details to Chapter 30 in the Waikato Section.

For the Waikato Section, the consequential amendments involve:

- (a) In the introductory sections of existing Chapters 21, 24 and 27, adding references to the new Schedules 21E, 24G and 27B (respectively) to assist users of the district plan.
- (b) Inserting the designation details for Counties Power and Vector (from the Franklin Section) into Chapter 30 (Designations) insofar as they relate to properties subject to Schedule 24G.

- (c) Inserting into the Map Legend the new 'Industrial' (Waikato) Zone which relates specifically to Schedule 24G.