

# **SECTION 42A REPORT**

Proposed Waikato District Plan

## **Hearing 25 Zone Extents Framework report**

Report prepared by Dr Mark Davey

Date: 19 January 2021



## Executive Summary

1. This report sets out a framework for s42A authors and submitters to follow for assessing zoning submissions on the proposed Waikato District Plan (PWDP). It was prepared under direction of the PWDP Hearings Panel.<sup>1</sup>
2. The Waikato District is one of the fastest growing districts in New Zealand and the development demand reflects this (in-part evidenced through the number of submissions on zoning). The District covers a significant and disparate geographic and economic area. Due to this, and the large number of zoning submissions received, the submissions have been divided into topics and a separate s42A report will be produced for each of these.
3. There will be two broad reports (non-spatial zoning submissions and rest of district), eight reports covering areas in and around the larger towns and villages (Huntly; Mercer and Meremere; Ngaruawahia, Taupiri, Te Kowhai and Horotiu; Pokeno; Raglan; Te Kauwhata; Tuakau) and four reports covering unique sites (Hopuhopu; Kimihia Lakes Recreation and Events park; Matangi Dairy Factory site; TaTa Valley resort).
4. In order to achieve a consistency of approach when considering submissions on zoning across the District, a uniform method was considered necessary by the Hearings Panel. This led to the development of this report and the enclosed framework and guidance. This framework approach provides transparency and fairness for submitters ensuring that submissions on zoning, regardless of location in the District, are considered consistently by s42A authors. It also ensures that recommendations by the s42A author are internally consistent if more than one submission was received on the same area of land.
5. As set out in the 12 May Directions and Minute “Requests for rezoning on a district plan review are site-specific and require site-specific assessments to be undertaken, and the Council cannot be expected to provide that information. That is properly the responsibility of the individual submitters seeking the rezoning.” The information expected to be provided by the submitter should be commensurate with the scale of what the submission is seeking and its alignment with relevant policy, or lack thereof. The submitter should use the framework in this report to foreshadow the information required in their evidence to support their specific scenario through the framework assessment. It is suggested the submitter evidence focuses on areas where alignment with the policy tests is unclear or likely to be a matter of debate.
6. The framework includes a three-lens method for s42A authors to employ when assessing and making recommendations on zoning submissions. The first lens is an analysis of the proposal against the intent of the PWDP (the intent being indicated through relevant objectives and policies). The second lens is an analysis for consistency against higher order policy documents. The third lens is an assessment of the extent to which the submission meets good planning practice approaches to zoning. Based on the assessment of the submission against the three-lens process, the individual s42A author can then make a recommendation to the panel.
7. The report sets out the following guidance:
 

*Overall application of framework*

  - a. This framework report and its guidance is for all submissions on zoning including submissions in opposition or in support of the PWDP zoning, and further submissions in support of or opposition to original zoning submissions. The recommendations of the s42A authors could result in changes to the PWDP zoning if the Hearings Panel adopts the recommendation.

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<sup>1</sup> PWDP Hearings Panel Minute and Directions issued on 12 May 2020, available on Council’s website.

### *Supply of zoned land*

- b. The District has a shortage in the supply of residential and employment zoned land in the Operative Waikato District Plan (OWDP) based on projected demand for 2021-2031. Residential demand for 2021-2031 is forecast to be between 7,387 (medium projection) and 8,709 (high projection) additional households.<sup>2</sup> The recently-gazetted National Policy Statement on Urban Development 2020 (NPS-UD) requires councils to have demand +20% plan-enabled, infrastructure-ready and feasible supply. For the Waikato District, this means capacity for an additional 8,864 to 10,450 households is required, as a minimum, to meet the statutory requirements of the NPS-UD. Recent analysis<sup>3</sup> estimates that in 2020 there was 2,427 feasible in-fill household lot potential and 2,505 feasible greenfield household lots enabled in the OWDP zoning. When determining the required quantum of new residential and employment zoned land this should be 50-100% greater than the actual number of dwellings required in order to provide a redundancy factor, acknowledging that not all zoned land will be developed to the point of yielding a new household or accommodating a business activity.
- c. The zoning in the PWDP enables some additional residential capacity. However, given the increase in demand since the PWDP was notified (18 July 2018), further opportunities (within the scope of submissions) should be considered to leverage increased supply and to support competitive land markets in and around the District's towns (in accordance with new NPS-UD policy). This can be achieved through a mix of greenfield zoning coupled with up-zoning in existing residential areas and up-zoning in undeveloped or proposed rural-residential areas on the periphery of the District's towns.
- d. Additional supply of employment land in the District is required. Recent analysis<sup>4</sup> regarding available employment zoned land found that in 2021 there was approximately 42ha available in the District. A large proportion of this is business zoned and is not suitable for industrial activities. Over the next three decades, estimated demand for employment land under different scenarios is 150ha (existing economy scenario), 240ha (recent growth scenario) and 460ha (unconstrained growth scenario). The 'unconstrained growth scenario' is based on sector growth elsewhere in regional New Zealand plus a forecasted change in the nature of businesses seeking to establish in the District in the future. This change is, in part, due to locational advantages the District offers. A minimum of 80ha of plan-enabled, infrastructure-ready and feasible industrial land capacity should be available at any one time to ensure no emerging land shortages which could force up land values and reduce industrial growth and establishment.
- e. Additional industrial zoned land should be located at the strategic industrial nodes of Tuakau, Pokeno, Huntly and Horotiu. Additional business zoning is to be located within identified towns and villages.
- f. Although district plans have a 10-year life, the land use pattern and infrastructure provision they enable reach well beyond 10 years. It is important to look beyond the 10-year life of the plan when considering submissions that would create additional zone capacity and err on the side of more zoned capacity than less (provided it meets the relevant policy tests). By taking a longer-term view, the District can provide certainty in respect to settlement patterns and future infrastructure investment.

<sup>2</sup> Cameron, M. (2020) *2020 Update of Population, and Family and Household, Projections for Waikato District, 2013-2063*, Report to Council. University of Waikato.

<sup>3</sup> Market Economics, (2020) *Draft 2020 Housing and Business Capacity Assessment: Waikato District Council* (unpublished data).

<sup>4</sup> Future Proof (2019) *Industrial Land Supply Analysis*

- g. The demand and supply findings of recent analysis (outlined in this report), s42A authors should consider favourably submissions which seek to create additional residential, business, and industrial land supply within the District so long as it is within the bounds of the relevant policy frameworks.

*Proposed Waikato District Plan and the Waikato Regional Policy Statement*

- h. Zoning is one method to achieve the objectives and policies in the PWDP. This report sets out guidance for submitters and s42A authors on how to efficiently undertake an assessment of the zoning against the PWDP objectives and policies. Submissions on zoning should be assessed against the relevant 'as notified' objective and policy frameworks in the PWDP.<sup>5</sup> The resulting placement of zones is an outcome of the objectives and policies (the intent of the plan) and necessitates a viable policy cascade.
- i. The PWDP objective and policy frameworks were developed to "give effect" to the Waikato Regional Policy Statement (WRPS). Therefore, in the first instance, if the zoning being sought in a submission is considered to meet the objectives and policies in the PWDP then, by virtue, it should be assumed to be consistent with the WRPS. Notwithstanding this, the s42A authors and submitters should still be familiar with the overall policy intent of the WRPS and how it relates and applies to the PWDP, and satisfy themselves as to whether a submission on zoning is consistent with the WRPS.
- j. The notified PWDP objectives and policies were developed, and evaluated under s32, to be the most efficient and effective means of addressing the specific resource management issues facing the Waikato District (whilst giving effect to the WRPS). The WRPS addresses the broader resource management issues at a regional-scale.
- k. The Waikato District Plan (WDP) must "give effect to" and be consistent with higher order documents, including the WRPS and the NPS-UD. Tension arises between the PWDP, the WRPS and the NPS-UD in respect to ensuring sufficient supply of zoned land for residential and employment purposes. The NPS-UD is focused on enabling growth and requires both an 'up' and 'out' approach. However, the WRPS and PWDP take a more controlled approach to growth; specifying where, how much, and what activities can occur.

*Residential zoning*

- l. Despite the noted differences, the tension between the PWDP, WRPS and NPS-UD is not irreconcilable; they can co-exist. This can be achieved by accepting submissions on zoning which seek higher density (up-zoning, for example, to medium density) in existing towns (provided they meet certain locational criteria) and rezoning land in rural environments to urban uses where they are located around existing towns and villages identified in the WRPS and Future Proof Strategy Planning for Growth 2017. Policy 5.3.8(a) explicitly directs urban forms of development to be "within the boundaries of existing towns and villages". On balance, this should not preclude the urbanisation of the rural/urban edge to enable the growth of existing towns and villages identified in Future Proof Strategy Planning for Growth 2017.
- m. Submissions seeking medium density residential zoning within existing towns should be considered favourably to meet NPS-UD intensification policies and the PWDP objective of consolidation of existing towns and villages.

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<sup>5</sup> The matrix in Appendix 2: Matrix of Relevant Objectives and Policies in the PWDP identifies relevant objectives and policies depending on the nature of the zoning scenario, for example 'Rural to Residential' or 'Country Living to Residential'.

*Rural-residential zoning*

- n. The PWDP policy frameworks generally preclude additional rural-residential subdivision and development in the rural environment that would result in the fragmentation and loss of productive farm land or high class soils. Submissions seeking rural-residential zoning will generally run contrary to the intent of the PWDP and the WRPS and therefore in most cases the s42A author should recommend these be rejected. Several PWDP policies (including 5.2.3(b), 5.3.8(b)-(f)) set out, in effect, the baseline threshold for rural subdivision to occur. Where a rural-residential submission successfully passes the policy tests in the PWDP, the s42A author should also ensure it meets the 'Principles specific to rural-residential development' in WRPS Section 6A.

*Urban zoning outside of the Future Proof settlement pattern*

- o. Outside of the Future Proof settlement pattern embedded in the WRPS, as a result of the directive nature of PWDP Objective 5.1.1(a),<sup>6</sup> only in exceptional instances submissions seeking rural to 'urban' zoning pass this policy test. To receive a favourable recommendation in light of this policy test would mean that the s42A author deems the outcome of the submission to be rural in character. The determination becomes a question of scale and degree which the s42A author must establish.<sup>7</sup> If this policy hurdle is satisfied, the submission would still be subject to a test under PWDP Policy 5.3.8 criteria.

*Rural-residential to residential zoning*

- p. Submissions seeking rezoning from 'rural-residential' to 'residential' in areas close to existing towns and villages identified for growth (WRPS and Future Proof Strategy Planning for Growth 2017) and which remain largely undeveloped<sup>8</sup> should be considered favourably. This is to ensure that the long term expansion of existing urban centres is not precluded and that conflicts with existing and planned infrastructure and land use do not occur. This includes, for example, rural-residential zoning on the periphery of Ngaruawahia, Te Kauwhata, Pokeno, and Tuakau. This also includes Te Kowhai (refer to paragraph t).

*Infrastructure servicing*

- q. Additional zoning for urban land uses (both employment and residential activities) in and around existing towns can be serviced by existing and planned infrastructure networks. Demand projections and the final provisions and zone extents of the new WDP will inform what, if any, additional investment is required in the infrastructure networks to accommodate growth. If short-term infrastructure capacity is not available, for example due to a disconnect between infrastructure delivery and developer readiness, this will be addressed with the developer at the time of subdivision or land use consent.
- r. Infrastructure servicing is largely demand and cost-driven; economies of scale are required. As such, servicing outside of population centres is generally not feasible. The infrastructure provision and level of service will generally be commensurate with the rating base that supports it in any given area.

<sup>6</sup> In respect to "...urban subdivision, use and development in the rural environment"

<sup>7</sup> Refer paragraphs 61 to 67 which provides guidance on defining urban and what the threshold is for determining if something is considered urban or not.

<sup>8</sup> This should also apply to proposed 'rural-residential' zones (Village and Country Living Zone) under the PWDP

- s. Additional growth into areas which have existing infrastructure networks enable Council to leverage those assets to provide better value for ratepayers. These areas include Raglan, Horotiu, Ngaruawahia, Taupiri, Huntly, Te Kauwhata, Pokeno and Tuakau. In these areas Council already has a network of existing infrastructure assets (roading, waters, community facilities) which either have existing capacity or, with investment, are scalable to support growth. In the case of waters infrastructure, trunk mains and/or headworks already exist in these areas. Outside of these areas, it is inefficient and costly for Council to build new standalone infrastructure networks.
- t. In the case of Te Kowhai, reticulated water and wastewater networks could be provided from Horotiu. However, lot yield in Te Kowhai would need to be significant enough to make this a viable investment and to enable efficient transmission of water and wastewater.
- u. The Waikato District Council, through its Long Term Plan (LTP) and its policy on development contributions,<sup>9</sup> forecasts additional growth into existing towns and schedules future investment accordingly. Growth-related costs of infrastructure are recuperated on a 'growth funding growth' principle pro-rated across the forecasted additional households and businesses in an area.

*Private water and wastewater schemes*

- v. The Waikato District Council does not support the concept of privately owned and operated water and wastewater infrastructure schemes. If a submission necessitates a water and wastewater scheme, and is within the Future Proof Strategy Planning for Growth 2017 growth areas, then should be connecting to public infrastructure. If a submission necessitates a privately owned and operated water and wastewater scheme and is outside of the growth areas and existing reticulated networks do not exist, then this is likely to be considered 'urban' and would not meet the relevant policy tests.

*Structure planning*

- w. There is no pre-requisite for a structure plan to be prepared in order for a submission on zoning to be considered, nor is a structure plan required for the s42A author to recommend the submission on zoning be accepted. Provided the submission on zoning satisfies the three-step process outlined in this report, then the recommendation of the s42A author should be 'accept' or 'accept in part'.
- x. PWDP Section 4.7 may necessitate a structure planning exercise to occur before greenfield subdivision can proceed. Section 4.7 sets out objectives and policies related to urban subdivision and development including subdivision location and design, lot size, servicing requirements, staging, open space, and connectivity within zoned areas.

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<sup>9</sup> The policy which stipulates how Waikato District Council recuperates growth-related infrastructure costs

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# Introduction and scope

## Introduction

### Qualifications and experience

8. My name is Mark Nairn Davey. I am employed by Waikato District Council as an Analytics Manager. I hold a PhD in Planning from the University of Auckland (2015) and a Bachelor of Planning (2010) (1st Class Hons) from the University of Auckland. I have nine years' experience in planning – both regulatory and policy, in local government and private consultancy. I also have experience as a Professional Teaching Fellow and researcher at the University of Auckland in the School of Architecture and Planning in the areas of plan and policy development and land economics. My areas of research, both locally and internationally, have focused on growth management, spatial planning, including plan making and plan implementation. I am a full member of the New Zealand Planning Institute.
9. I led the development of Waikato 2070, the Waikato District Council's growth and economic development strategy. More recently, I have led the Council's growth forecasting, scenario modelling and capacity modelling for infrastructure investment and land use planning.<sup>10</sup> I manage the growth funding team with responsibility for recuperating costs related to growth related capital projects through developer agreements and overseeing the maintenance and implementation of Council's policy on development contributions.

### Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
11. I am authorised to give this evidence on the Council's behalf to the Hearings Panel.

### Conflict of Interest

12. I confirm that I have no real or perceived conflict of interest.
13. I do not own property or have interests in any businesses which own property within the District. I do not live within the District. I do not stand to benefit from any potential outcome of rezoning or otherwise in the District.

### Preparation of this report

14. I would like to acknowledge Neil Taylor's support with preparing this report, particularly in respect to assisting with background information related to zones, zone approach and policy frameworks in the Proposed Waikato District Plan (PWDP) and the Operative Waikato District Plan (OWDP).

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<sup>10</sup> including the NPS-UDC reporting with Future Proof.

## Report Scope

### Matters addressed by this report

15. This report relates to submissions on zoning; – that is, submissions seeking land to be given a different zone or to retain the zone shown on the Planning Maps of the PWDP. The report was prepared at the direction of the Hearings Panel in its Minute and Directions dated 12 May 2020.
16. This report provides a framework for submitter evidence and for the Council staff and its consultants preparing reports under section 42A of the Resource Management Act 1991 (RMA, the Act) who will be making recommendations on zoning submissions. This report and its framework relate to the submissions on the mapped zones however it does not assess any submissions or contain any site-specific analysis. It also does not relate to submissions that seek changes to the PWDP provisions for the zones.
17. The purpose of this report is to:
  - a. promote a consistent approach among the Council staff and its consultants preparing RMA section 42A reports on zoning submissions (herein referred to as s42A authors)
  - b. set out the relevant statutory tests and statutory considerations to avoid repetition
  - c. avoid unnecessary repetition in the s42A reports
  - d. provide guidance on common matters to be addressed by submitters and s42A authors
  - e. support a more efficient and effective hearing
  - f. summarise the basis upon which the zones and zone boundaries in the notified version of the PWDP were selected
  - g. outline the strategic context for the PWDP in respect to growth for the s42A authors and the Hearings Panel
  - h. identify planning and resource management issues facing the District for the Hearings Panel to consider in light of (f) above.
18. The Hearings Panel noted in its 12 May Minute and Directions that for some submitters the technical information required to support their relief will be extensive and will include expert assessments on a range of matters including transport, landscape and urban design, geotechnical stability, natural hazards, provision of three waters infrastructure and strategic growth planning issues, among others.
19. This report discusses common considerations for submissions on zoning. Some submissions on zoning will have unique characteristics that raise issues not addressed in this report. These need to be described and addressed in hearings evidence and s42A report.
20. The s42A authors will follow a three-lens process when assessing submissions on zoning as outlined in Figure 1 and Appendix 1: Rezoning Assessment Framework.
  - i. Firstly, they will use the the matrix in Appendix 2: Matrix of Relevant Objectives and Policies in the PWDP to assess the submission on zoning against the relevant PWDP objectives and policies (as notified, unamended).
  - ii. Secondly, they will confirm whether the outcome of the submission would give effect to and/or be consistent with the other relevant higher order policy documents or strategies.

If the submission meets the policy frameworks and is consistent with higher order policy documents and strategies, then,

- iii. Thirdly, they will assess the submission against good planning practice zoning criteria.
21. Based on this three-lens assessment, the s42A author can then make their recommendation to accept, accept in-part, accept in-part (subject to further information), or reject submissions.

### **Statutory requirements**

22. The statutory considerations relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45).
23. The following are considered the key statutory documents in respect to submissions on zoning and are discussed in this report:
  - (a) The National Policy Statement on Urban Development 2020 (NPS-UD), which supersedes the earlier National Policy Statement on Urban Development Capacity 2016 (NPS-UDC 2016)
  - (b) The Vision and Strategy for the Waikato River
  - (c) The Waikato Regional Policy Statement
  - (d) The Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao
  - (e) The National Planning Standards
  - (f) Future Proof Strategy Planning for Growth 2017
  - (g) Waikato 2070.

### **Procedural matters**

24. There have been no interactions with submitters relevant to this framework report.
25. The Hearings Panel 12 May Minute and Directions includes timetable directions. This framework report is to be followed by submitters' evidence, followed by s42A reports. The s42A reports will contain the specific recommendations on submissions.

### **Overview of submissions**

26. Council received over 300 primary submissions on zoning (separated into over 1000 submission points) - for land to be given a different zoning from that shown on the PWDP Planning Maps, for the retention of notified PWDP zoning, or for a removal of the notified PWDP zoning.
27. The majority of submissions on zoning request land to be given a zone that permits greater development than the zone notified in PWDP ("up-zoning"). There are also a number of submission points that address zoning but are not specific to any particular parcel of land.
28. The PWDP places all land (except roads) in a zone as shown on the Planning Maps. There are 13 zones in the PWDP:
  - Residential Zone
  - Business Zone

- Business Town Centre Zone
  - Business Tamahere Zone
  - Industrial Zone
  - Industrial Heavy Zone
  - Rural Zone
  - Country Living Zone
  - Village Zone
  - Reserve Zone
  - Hampton Downs Motor Sport and Recreation Zone
  - Te Kowhai Airpark Zone
  - Rangitahi Peninsula Zone.
29. The District covers a significant and disparate geographic and economic area and a large number of zoning submissions were received. As such, Council staff have divided the submissions into topics and a separate s42A report will be produced for each of these. These topics/reports are as follows:
30. Two more board reports:
- non-spatial zoning submissions
  - rest of district
31. Eight reports covering areas in and around the larger towns and villages:
- Huntly
  - Mercer and Meremere
  - Ngaruawahia
  - Taupiri and Hopuhopu
  - Te Kowhai and Horotiu
  - Pokeno
  - Raglan
  - Te Kauwhata
  - Tuakau
32. Four reports covering unique sites:
- Hopuhopu
  - Kimihia Lakes Recreation and Events park
  - Matangi Dairy Factory site
  - TaTa Valley resort.

**Structure of this report**

33. **Part 1** of this report outlines the relevant policy frameworks and sets out the three-lens framework for s42A authors to assess zoning submissions against.
34. **Part 2** of the report discusses:
  - relevant contextual information, including macro strategic considerations related to the District,
  - the background to zones in the PWDP and changes that have been proposed from the OWDP Waikato and Franklin sections, and,
  - the role, weighting and policy direction which other higher-order documents and strategies set which impact the District.

# Part I: Rezoning Assessment Framework

## The Framework

35. The following Rezoning Assessment Framework has been developed to provide consistency across the District for s42A authors when making recommendations on zoning submissions on the PWDP. This framework will also help guide submitters in respect to understanding the policy direction set out in the PWDP and how this applies to their specific submission.
36. A Section 32AA evaluation should be employed by the submitter to assess the appropriateness of rezoning to achieve the objectives of the PWDP (refer Appendix 10: RMA s32AA evaluation template for a template for submitters to use for this). This should be at a level of detail that corresponds to the scale and significance of the changes sought. This should include an evaluation against any new objectives which might have been promoted by the submitter as part of their submission.
37. The information expected to be provided by the submitter should be commensurate with the scale of the submission and its alignment with relevant policy, or lack thereof. The submitter should use the framework in this report to foreshadow the information required in their evidence to support their specific scenario through the framework assessment. It is suggested the submitter evidence focuses on areas where alignment with the policy tests is unclear or likely to be a matter of debate.
38. The Rezoning Assessment Framework shown in Figure 1 and in Appendix 1: Rezoning Assessment Framework, and the matrix in Appendix 2: Matrix of Relevant Objectives and Policies in the PWDP, are to be used by s42A authors when considering submissions on zoning and making recommendations to the Hearings Panel.
39. The s42A author must make a recommendation for each submission of either accept, reject, accept in part, or accept in part (subject to further information).

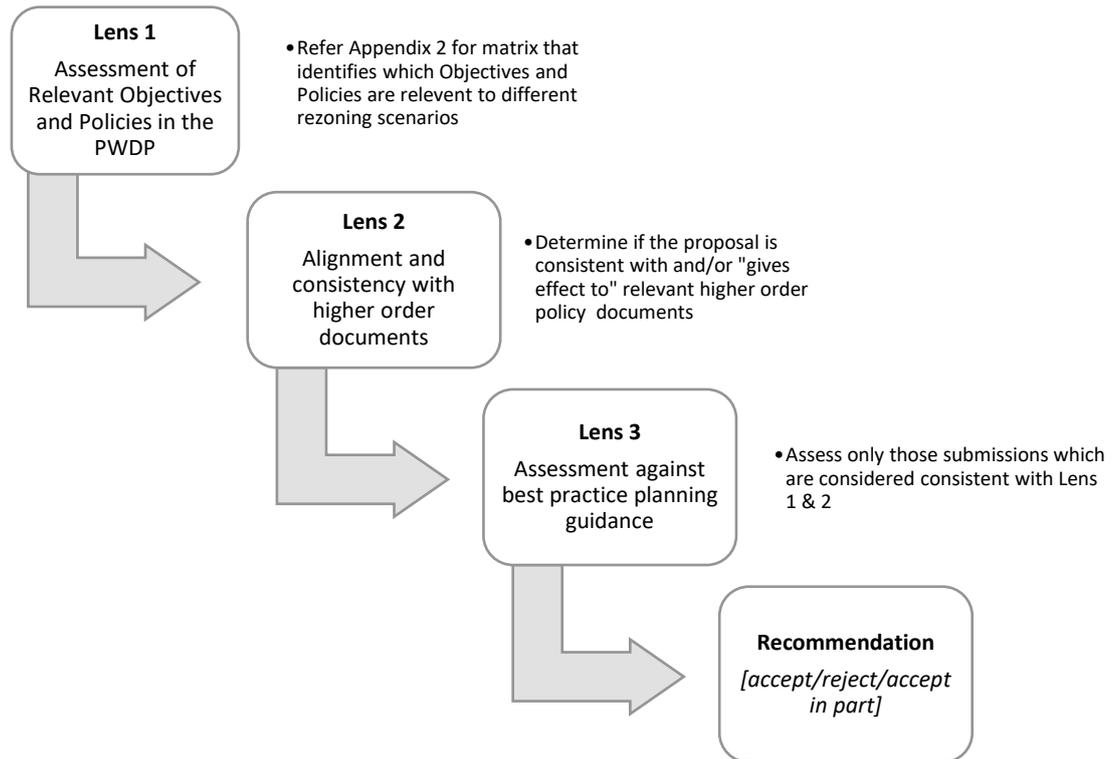


Figure 1. Rezoning Assessment Framework

## Lens 1: Assessment of Relevant Objectives and Policies in the PWDP

40. Referring to the matrix in Appendix 2: Matrix of Relevant Objectives and Policies in the PWDP, identify the applicable 'scenario'<sup>11</sup> for the submission(s) (the top row of the matrix). Then undertake an assessment of the submission/s against the relevant PWDP objectives and policies that have been identified in the matrix. Explanation is provided in the 'guidance note' column regarding how the objective or policy should be interpreted.
41. In some cases, where submissions are requesting the same 'scenario',<sup>12</sup> and have similar characteristics (i.e., location, size), the s42A author may group the submissions and consider them together.
42. The s42A author should exercise their planning judgement regarding the submission(s) when considering them against the relevant objective or policy on a sliding scale - contrary, neutral, inconsistent, or consistent. The s42A author should list in their report the relevant objectives and policies which the submission(s) has been considered against. For clarity, the s42A author need not reproduce the matrix for each submission/s but rather use it as the 'menu' of the relevant objectives and policies to consider and report on.

<sup>11</sup> Note: not all scenarios are listed, where a scenario is not included the submitter and s42A author will need exercise their judgement related to which objectives and policies apply.

<sup>12</sup> 'Scenario' describes the change from the existing zone to the requested zone in Appendix 2 matrix, for example 'rural to residential'.

43. Once an assessment against the relevant objectives and policies has been completed, the s42A author then needs to make an overall determination as to whether the submission(s) meets the intent of the PWDP, as set out in the objectives and policies, or whether it does not.
44. The objectives and policies that are articulated in more absolute terms should be given primacy over others when concluding whether the the submission(s) meets the intent of the PWDP.
45. There will likely be instances where the submission(s) is either contrary to or inconsistent with one or several of the PWDP objectives and policies. In these cases, the relevance and significance of the objectives and policies to the submission(s), where they were contrary or inconsistent, needs to be considered when the s42A author is making an overall determination.
46. If the overall determination is that the submission(s) is considered inconsistent, then the s42A author's recommendation should be to reject. If the submission(s) is considered consistent with the intent of the PWDP, the assessment can proceed to consider the Lens 3 criteria before a final recommendation can be made on the submission(s).

### **Discussion on Lens I**

47. The starting point for considering submissions on zoning is to determine whether the resulting land use pattern would assist Council to carry out its functions to achieve the purpose of the Act and whether the zone is in accordance with Part 2 of the Act. The PWDP has been developed to assist Council to carry out the integrated management of the natural and physical resources in the Waikato District. The zones shown on the Planning Maps are provisions of the PWDP and a method to achieve the intent of the plan. It is on this basis the rezone submissions need to be assessed against the objective and policies of the PWDP first.
48. Any submissions on the zoning in the PWDP must be considered against the intent of the plan which is articulated in the plan provisions. In this case, the provisions are those objectives and policies deemed relevant to submission(s). Conceptually, the zones in their final placement must derive from the objectives and policies, not the other way around.
49. PWDP Chapter 1.12 contains "strategic directions and objectives for the district" that apply across all zones. Chapter 1.12.8(b) of the PWDP summarises the strategic objectives. However, these are not framed as strategic objectives and given they are in the "introduction" section, their purpose and role is uncertain (i.e., they are not expressed or located as a provision). Chapter 1.12.8(b) summarises the overarching directions to include the following:
  - (i) *Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently.*
  - (ii) *Promote safe, compact sustainable, good quality urban environments that respond positively to their local context.*
  - (iii) *Focus urban growth in existing urban communities that have capacity for expansion.*
  - (iv) *Plan for mixed-use development in suitable locations.*
  - (v) *Encourage community collaboration in urban growth decisions.*
  - (vi) *Protect and enhance green open space, outstanding landscapes and areas of cultural, ecological, historic, and environmental significance.*
50. The objectives, policies and rules for the PWDP zones are in the chapters shown in Table I.

Table I Zones and chapters of the PWDP

Zone	Objectives and Policies chapter	Rules chapter
Residential	4	16
Business	4	17
Business Town Centre	4	18
Business Tamahere	9	19
Industrial	4	20
Industrial Heavy	4	21
Rural	5	22
Country Living	5	23
Village	4	24
Reserve	8	25
Hampton Downs Motor Sport and Recreation	9	26
Te Kowhai Airpark	9	27
Rangitahi Peninsula	9	28

51. The PWDP does not contain objectives and policies that enable zone changes or describe circumstances where changes in zoning over time would be desirable. The approach to drafting the objectives and policies was inward looking rather than outward looking. That is, they were drafted *for* the zones to address effects *in* the zones. This reflects the fact the PWDP is principally a regulatory instrument.
52. Many of the PWDP objectives and policies indicate places where land use, subdivision and development are undesirable and, by inference, these objectives and policies preclude rezoning that would enable those activities in those locations.
53. For example, under proposed Objective 5.1.1, high class soils are protected for productive rural activities. Urban rezoning of rural land containing high class soils would likely run counter to that objective.
54. Some flexibility is built into the PWDP objectives and policies in other situations. For example, urban development is to occur within towns and villages under proposed Policies 4.1.3 and 5.3.8. By implication, rezoning of rural land to urban zones would likely run counter to those policies, but could be accepted where they fit within an exception identified in other policies, such as proposed Policies 4.6.3 and 4.6.5, recognising industrial development within strategic nodes and established industrial activities outside towns or villages. There is limited flexibility in the PWDP objectives and policies for rezoning for activities other than industrial outside of 'areas identified' (1.12.8(b)(i)) because the 'areas identified' in the PWDP are referred to as zoned areas.

## Urban

55. The urban zones referred to in Chapter 4 (residential, village, business and industrial zones) are all subject to strategic objectives and policies in section 4.1, which are relevant to submissions on zoning. For example:

#### 4.1.2 Objective – Urban growth and development

- (a) *Future settlement pattern is consolidated in and around existing towns and villages in the district.*

#### 4.1.3 Policy - Location of development

- (a) *Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.*
- (b) *Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.*

56. Policy 4.1.3(b) is to locate “growth areas” consistent with the Future Proof Strategy Planning for Growth 2017. Growth areas are referred to in other policies (e.g. 4.1.6, 4.7.5) but not defined. These references need to be read along with this explanation in Chapter 1.5.2:

*Defined growth areas have been zoned and their development will be guided through the application of objectives and policies and through processes such as the development of master plans, comprehensive structure plans, the district plan and any future changes to the district plan.*

57. Policy 4.1.3 combined with 1.5.2 and 1.5.4 strongly favour co-ordinated urban development patterns with new urban development areas being identified through structure plans, master plans, and having gone through community consultation before changes to the district plan are made. This suggests the PWDP envisaged a largely Council-led approach to land release; given the above and given the approach understood to have been taken in the drafting of the PWDP. The PWDP incorporated Council-led structure plan areas into the PWDP as proposed new zoned areas within the defined Future Proof 2017 settlement pattern. Based on the capacity analysis of these areas and demand at the time, they were considered necessary to accommodate forecast growth at the time of notification.<sup>13</sup>
58. Additional locational restrictions are indicated for some land uses:

#### 4.1.6 Policy – Commercial and industrial activities

- (b) *Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of: (i) Tuakau; (ii) Pokeno; (iii) Huntly; and (iv) Horotiu.*

#### 4.5.3 Policy – Commercial purpose: Business Town Centre Zone

- (a) *The role of the business town centres in Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that: (i) They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town.*

#### 4.1.18 Policy – Raglan

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<sup>13</sup> The section of this report “Basis for selection of zones and zone boundaries” details the growth areas included in the PWDP.

(a) *Raglan is developed to ensure: (iii) Rangitahi is the only area that provides for medium term future growth...*

59. Industrial land uses are subject to other policies relating to location. PWDP Policy 4.6.3 relates to maintaining a sufficient supply of industrial land within the strategic nodes and PWDP Policy 4.6.5 gives some recognition of industrial activities outside urban areas.
60. PWDP Chapter 4 objectives and policies are clearly intended to support the strategic direction in PWDP Chapter 1.12.8. Urban zoning that is remote from existing towns and villages is not contemplated by the PWDP policy framework.
61. The PWDP does not include a definition of 'urban', 'urban development' or 'urban growth'. This is problematic when attempting to interpret objectives and policies under PWDP Chapter 4 and Chapter 5, and particularly PWDP Objective 5.1.1.
62. Further complicating the interpretation of 'urban' is that the PWDP includes the Country Living Zone under the Rural Environment section. This suggests that activity is predominantly rural in nature rather than urban. Therefore, submissions in the 'Rural to Country Living Zone' scenario would not be considered against 5.1.1(iii). I believe that this is an oversight in the drafting of the PWDP and would be an incorrect inference to draw.
63. To help guide consistency of what constitutes 'urban' in the context of submissions on zoning, assistance can be obtained by reference to the WRPS definition of 'urban':

**Urban** – a concentration of residential, commercial and/or industrial activities, having the nature of a city, town, suburb or a village which is predominantly non-agricultural or non-rural in nature.

64. To further assist, it is helpful to refer to the High Court Decision of *Ahuareka Trustees (No 2) Ltd vs Auckland Council* [2019], which upheld the *Ahuareka Trustees (No 2) Ltd (ENV-2015-AKL-147)*<sup>14</sup> decision which cites the New Shorter Oxford English Dictionary, in defining 'urban' as:

*Of, pertaining to, or constituting a city or town;*

*Occurring in or characteristic of a city or town;*

*Urbanise* "make or become urban in character or appearance; develop into an urban area: cause to lose rural character or quality"<sup>15</sup>.

65. An articulation of the threshold of what is deemed 'urban' or 'urbanisation' is also critical when interpreting PWDP objectives and policies which refer to 'urban'. In respect to determining the threshold for 'urban', the Court applied the following factors:
  - (a) intensity of activities across the site
  - (b) mix of uses
  - (c) the mix of residential typologies

<sup>14</sup> *Kumeu Property Ltd v Auckland Council* [2018] NZEnvC 27 at [99]; *Ahuareka Trustees (No. 2) Ltd v Auckland Council* [2017] NZEnvC 205 at [80]; *Clevedon Cares v Manukau City Council* [2010] NZEnvC 211

<sup>15</sup> Clarendon Press Oxford 1993

- (d) total size of the proposal relative to other villages in the region
  - (e) urban/residential size of lots
  - (f) average lot size
  - (g) visual character and appearance
  - (h) the provision of infrastructure.
66. Because of the unique characteristics of the Waikato District, what constitutes 'urban' in this local authority area will be different in scale and nature to what might be deemed 'urban' in the Auckland context, given the predominant rural character of the District. Therefore, the threshold for 'urban' is significantly lower in the Waikato District than in a metropolitan centre (point (d) above).
67. The s42A authors should apply the above factors to determine whether the outcome of a zoning submission would be 'urban'.

## Rural

68. The rural zones referred to in PWDP Chapter 4 (Rural and Country Living) are subject to one strategic objective which states:

### *5.1.1 Objective – The rural environment*

*Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5.*

*(a) Subdivision, use and development within the rural environment where:*

- (i) high class soils are protected for productive rural activities;*
- (ii) productive rural activities are supported, while maintaining or enhancing the rural environment; I*
- (iii) urban subdivision, use and development in the rural environment is avoided.*

69. PWDP Objective 5.1.1 is stated as having primacy over all other objectives and policies in Chapter 5. It is not stated as having primacy over the strategic objectives in Chapter 1.12 or Chapter 4 but due to the wording of Chapter 1.12 and the strength of the wording of 5.1.1(iii) (particularly the use of the word 'avoid') it does take primacy as the strongest worded objective in the PWDP.
70. The submitters who are seeking rezoning from rural to urban, and the s42A authors assessing these scenarios, will encounter PWDP Objective 5.1.1(iii). It is pulling in a different direction to PWDP Objectives 4.1.1(b) and 4.1.2(a) and WRPS Policy 6.14 and 6A Development Principles. This conflict, left unresolved, would likely result in all submissions seeking rezoning from rural to urban being inconsistent with the intent of the PWDP.
71. PWDP Objective 5.1.1 clearly directs urban and country living development away from high class soils and productive rural activities (in accordance with the WRPS). Taking this objective as we find it, all urban development is to be avoided throughout the rural environment despite objectives and policies elsewhere in the plan which outline where urban development can occur. As such, the PWDP policy framework in respect to urbanisation into rural areas lacks

a policy framework which enables some ‘flex’ with regards to this objective, for example “enabling expansion into the rural environment around existing towns”.

72. Submissions seeking rezoning in the rural environment to an activity that constitutes urban must be considered holistically against the other relevant PWDP objectives and policies, for example those in Chapter 4 including:
  - a. 4.1.2(a) which seeks to consolidate the settlement pattern in and around existing towns, and,
  - b. 4.1.3(b) which requires future urban growth to be consistent with the Future Proof Strategy Planning For Growth 2017, and then with higher order documents.
73. In this scenario, PWDP Objective 5.1.1 and the objectives and policies in 4.1 are consistent in terms of restricting urban growth in rural areas outside of existing towns and villages. However, tension exists between these policies where a submission is seeking urban expansion in and around existing towns and villages within the Future Proof Strategy Planning For Growth 2017 growth areas.
74. Having narrowed this area of conflict, higher order documents should be considered to help reconcile this. These include the:
  - a. WRPS which promotes urban development within certain boundaries (consistent with the Future Proof Strategy Planning For Growth 2017) and restricts subdivision and development in rural areas;
  - b. NPS-UD which requires sufficient supply (+20% above demand) in high growth areas and responsive planning policies to enable competitive land markets; and
  - c. RMA in respect to enabling people and communities to provide for their social, economic and cultural wellbeing while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations (Part 5(2)(a-c)).
75. Based on the above policy, the position reached is that urban development in rural environments should only occur around existing towns which are identified in the WRPS and within the boundaries set by the Future Proof Strategy Planning For Growth 2017.
76. PWDP Policies 4.6.3 and 4.6.5 recognise possible exceptions for industrial development within strategic nodes (policy 4.1.6(b)) and lawfully established industrial activities outside towns or villages. Where such development is found not to contravene Objective 5.1.1, rezoning still needs to be assessed in the light of other PWDP objectives and policies, as well as the other considerations for suitability of zoning.
77. Other PWDP objectives and policies that will commonly arise for consideration of zoning submissions in rural areas, including:
  - Avoid industrial and commercial activities in rural areas that do not have a connection with rural land or soil (PWDP Policy 5.3.3)
  - Direct urban development to towns and villages (PWDP Policy 5.3.8)
  - Protect land in Hamilton’s Urban Expansion Area for future urban development (PWDP Policy 5.5.1)
  - Limit establishment of commercial and industrial activities within the Country Living Zone (PWDP Policy 5.6.8).

## Other zones

78. The PWDP objectives and policies for other zones are found in the chapters set out in Table 1. Each of these zones is identified in objectives and policies for a specialised purpose, and zoning considerations need to focus on those. These are relatively small areas, with few submissions, and for these reasons this report does not analyse those specific objectives and policies.

## Subject matter chapters

79. PWDP objectives and policies on specific topics are in Chapters 2 Tangata Whenua, 3 Natural Environment, 6 Infrastructure and Energy, 7 Historic heritage, 10 Hazardous substances and Contaminated Land, and 15 Natural Hazards and Climate Change.
80. These chapters contain proposed objectives and policies that may be relevant to submissions on zoning. The relevance of these chapters will often arise from activities in the zone being sought clashing with a value protected by these objectives and policies.
81. Part 3 of this report contains detailed discussion for the Hearings Panel to consider regarding the need for infrastructure to service development. The key proposed objective in relation to infrastructure is PWDP strategic Objective 1.12.8(b)(i):

*Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently.*

82. Numerous policies mention infrastructure, including proposed Policies 4.1.3, 4.1.4, 4.1.8, 4.3.2, 4.7.6, 4.7.7, 4.7.8 and 5.6.3.
83. PWDP Chapter 6 Infrastructure and Energy contains objectives and policies focusing on effects of construction and operation of infrastructure. These are not detailed here, but may be relevant to rezoning in some locations.

## Tension between policies

84. *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38 identified a three step approach for determining whether a plan change gives effect to a higher-order policy document and how to resolve any conflict. While the following comments were made in the context of the New Zealand Coastal Policy Statement, the High Court has held that the Supreme Court's reasoning in (1) to (3) below is equally applicable to documents lower in the planning hierarchy (see *Royal Forest and Bird Protection Society of NZ v Bay of Plenty Regional Council* [209] NZRMA 1 at 98). The steps are:
- a. The decision-maker must first "identify those policies that are relevant, paying careful attention to the way in which they are expressed." (para 129). Those expressed in more directive terms will carry greater weight than those expressed in less directive terms". It may be that a provision is stated in such directive terms that the decision maker will have no option but to implement it.
  - b. Secondly, there may be instances where particular policies pull in different directions (para 129). This should occur infrequently, given the way that the various policies are expressed and the conclusions that can be drawn from those differences in wording. It might be that an apparent conflict between particular policies will dissolve if close

attention is paid to the way in which the policies are expressed. A thorough attempt to find a way to reconcile them should be made (para 131).

- c. Thirdly, and only if the conflict remains, can the decision maker justify a determination that one policy should prevail over another (para 130). The area of conflict should be kept as narrow as possible. The necessary analysis should be informed by the relevant higher-order planning document, albeit also informed by the sustainable management purpose in s5 RMA.
85. The matrix in Appendix 2: Matrix of Relevant Objectives and Policies in the PWDP identifies the relevant PWDP objectives and policies. In cases where more directive wording is used, such as 'avoid', 'shall' or 'must', these objectives and policies take primacy over others which use less directive wording, for example, 'focus', 'is' or 'are', which themselves take primacy over wording such as 'promote' or 'encourage'.
86. When s42A authors are carrying out their assessment of submissions on zoning seeking rural to urban and run up against 5.1.1(iii), the same analysis against the framework should be run a second time, putting 5.1.1(iii) to one side, to determine whether the final recommendation for the submission(s) would change or not.
87. The Supreme Court in King Salmon determined that so long as the plan (in that case New Zealand Coastal Policy Statement) gives substance to the provisions of Part 2 of the Act, and that in principle, by giving effect to the NZCPS, a council is acting in accordance with Part 2. On this basis, there is no need to refer back to Part 2 when determining a plan change. However, this is subject to the three caveats relevant here: invalidity, incomplete coverage, or uncertainty of meaning.
88. Two decisions of the Environment Court appeared to extend the Supreme Court's observations in this regard, to all planning documents, regardless of their place in the planning hierarchy.<sup>16</sup> This created a presumption that in assessing a District Plan it was not necessary to revert to a higher order document because the lower plan was assumed to give effect to it. In respect of this approach, the High Court observed that the statutory directive contained in RMA s67(3):

*[88] I have reservations about the approach taken by the Environment Court in Appealing Wanaka. First, I do not consider that it accurately records what was said in King Salmon or by this Court in Thumb Point. Secondly, and perhaps more importantly, in my view there is a distinct risk that the intent and effect of higher order plans can be diluted, or even lost, in the provisions of plans lower in the hierarchy. Put colloquially, the story can be lost in the retelling. Indeed, a similar point was noted in Appealing Wanaka, where the Court sounded a warning in the following terms:*

*... While the simplicity of that process may sometimes be more theoretical than real, since in practice plans may be uncertain, incomplete or even partly invalid, it is easier than the exhaustive and repetitive process followed before the Supreme Court decided EDS v King Salmon.*

*In my judgment, there are dangers in the truncated approach taken in Appealing Wanaka and by the Environment Court in this case.*

*[89] In my judgment, the Environment Court erred when it proceeded primarily by reference to the RCEP's objectives, with only limited reference to the RPS and the NZCPS. Its approach in*

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<sup>16</sup> Appealing Wanaka Inc v Queenstown Lakes District Council [2015] NZEnvC 139 and Royal Forest and Bird Protection Society of NZ Inc v Bay of Plenty Regional Council [2017] NZEnvC 045

*effect ignored the statutory directive contained in s67(3). That subsection is clear in its terms. It requires that decision-makers promulgating regional plans must “give effect to”, inter alia, National Policy Statements and Regional Policy Statements. The Environment Court failed to have regard to the majority of the Supreme Court’s finding that the words “give effect to” mean to implement, and that this is a strong directive, creating a firm obligation on the part of those subject to it.*

89. The High Court’s findings in paragraph 89 have been followed more recently in *Auckland Council v Cabra Rural Developments Ltd* [2019] NZHC 1892 (paragraph 55). These cases make it clear that, in assessing proposed plans and plan changes, decision-makers are required to expressly consider whether the plans “give effect to” the higher-order planning documents. Failure to do so will be an error of law.
90. The argument might be levelled that the PWDP is inconsistent with higher-order documents due to its lack of flexibility and responsiveness to growth. For example, that Objective 5.1.1(a)(iii), and its hard-edged wording, reaches beyond the purview of WRPS Policy 6.14 and Methods 6.14.2, 6.14.3 thereby potentially preventing growth in identified growth areas (WRPS Table 6-1) and that it lacks objectives and policies which enable alternative growth patterns outside of the Future Proof land use pattern, such as the alternate land release criteria (WRPS, 6A Principles). However, just simply because this objective is “tougher” than what is found in the WRPS does not constitute a failure of the PWDP to “give effect to” the WRPS.
91. The PWDP also signals that alternate land release provisions were not required at the time of drafting. Objective 4.1(b) of the PWDP sets out that an “additional 13,300-17,500 dwellings are created during the period 2018-2045”. This number is an estimated plan-enabled capacity number derived from Future Proof 2017.<sup>17</sup> Section 1.5.2(a) of the PWDP states that future growth is accommodated in zoned areas: “defined growth areas have been zoned”.
92. Based on recent population and household projections (Cameron, 2020) and NPS-UD requirements related to demand +20% of plan-enabled, infrastructure-ready and feasible land, the PWDP is no longer meeting the short, medium and long term demand in the District (outlined further in Part 2). On this basis the PWDP is not “giving effect to” Objective 6(c), Policy 2 and Policy 8 of the NPS-UD in respect to meeting demand and being responsive to growth. To meet demand the PWDP needs to consider zoning additional areas. To meet the responsiveness policies in the NPS-UD, the PWDP also needs revised policy frameworks to consider ‘out-of-sequence’ plan changes.
93. On this basis, I do not consider the PWDP to be inconsistent with or not “giving effect to” the WRPS but I do believe in its as notified form the PWDP does not “give effect to” the recently gazetted NPS-UD. Specifically, the requirement to include responsive planning policies and provide sufficient plan-enabled, infrastructure-ready and feasible land supply +20% of demand. It is important to observe that the WRPS is required to “give effect to” the NPS-UD.
94. Any decisions on the PWDP (provided there is scope through submissions) will need to give effect to the recently gazetted NPS-UD and any other higher order documents in existence at the time of making a decision (despite the PWDP notification pre-dating the release of the NPS-UD). Recommendations by the s42A authors should view favourably submissions which will give rise to the PWDP better giving effect to higher order documents (whilst meeting the objectives and policies of the PWDP).

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<sup>17</sup> Theoretical zone capacity, not the ‘market feasible’ or ‘infrastructure ready’ capacity required under the NPS-UD.

95. It should also be observed that the National Policy Statement for Highly Productive Land may be gazetted prior to decisions being released on the PWDP. This would require the Panel, within the scope of submissions, to give effect to this national policy. The release of this NPS would have greatest impact in areas of LUC 1-3 soils within the Future Proof Strategy Planning For Growth 2017 growth areas.

## Lens 2: Consistency with higher order policy documents and strategies

### Waikato Regional Policy Statement

96. District plans must give effect to the Regional Policy Statement.<sup>18</sup>
97. WRPS objectives and policies often do not need to be considered exhaustively when considering submissions on zoning because the PWDP objectives and policies generally seek the same outcomes as the WRPS. For example, in the case of high-class soils, PWDP Objective 5.1.1 mirrors the WRPS stance, and Chapter 4 of the PWDP requires growth to occur in the Future Proof settlement pattern. In these cases, it is unnecessary to consider the uncertainties around the WRPS and attributing regional significance, because the district plan objectives and policies will be decisive by themselves.
98. It is important to bear in mind that the WRPS is regional policy, intended to address broad resource management issues at a regional scale. It is not designed to provide policy frameworks to address district-specific resource management issues; this is the role of a district plan.

### Relevant WRPS provisions

99. WRPS Policy 6.1.1 states:

*6.1.1 Regional plans, district plans and development planning mechanisms*

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

100. The WRPS specifically anticipates changes to land use zoning. Implementation method 6.1.8 states:

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

- a) *the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;*

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<sup>18</sup> s75(3), RMA

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

101. Evidence on submissions on zoning needs to address this list.

### **Flexibility built into the WRPS**

102. The WRPS provides for district plans to depart from the growth strategies in the following ways:

- The use of “should” in some provisions, as discussed above
- Policy 6.14 c): Alternative industrial land release and timing meet specified criteria
- Policy 6.14 d): Industrial development in urban areas other than the strategic industrial nodes shall be provided for as appropriate in district plans
- Policy 6.14 g): Where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern

- Policy 6.14.2: Where it is impractical to develop a particular greenfield area, the equivalent population allocation may be transferred to another greenfield area within urban limits
- Policy 6.14.3 gives criteria for district plans to provide for alternative land release.

### **Rural-residential rezoning and the WRPS**

103. Rural-residential is defined in the WRPS as residential development in rural areas predominantly for residential activity, not ancillary to rural or agricultural use. Rural-residential rezoning would include submissions seeking the conversion of Rural-zoned land to Country Living Zone.

104. WRPS Policy 6.17 provides:

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

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

105. WRPS Section 6A includes a section for rural-residential development. These principles will be relevant to submissions seeking Rural-zoned land to be rezoned as Country Living Zone. Common considerations for many zoning submissions include that rural-residential development should:

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

- h. be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity

### **Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao**

- 106. The Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao is an iwi planning document. Under RMA s75 it must be taken into account when preparing or changing a district plan, to the extent that its content has a bearing on the resource management issues of the District.
- 107. The Waikato-Tainui Environmental Plan covers a variety of resource management issues that might be affected by rezoning, and includes discussion of the Vision and Strategy. It includes discussion on applying the Vision and Strategy to catchments apart from the Waikato River.
- 108. S42A authors should familiarise themselves with this plan, the relevant objectives and policies and the bearing they have in respect to submissions related to rezoning.

### **Maniapoto Environmental Management Plan, Ko Ta Maniapoto Mahere Taiao**

- 109. Like with the Waikato-Tainui Environmental Plan, the Maniapoto Environmental Management Plan, Ko Ta Maniapoto Mahere Taiao is an iwi planning document and must be taken into account through the PWDP process.
- 110. Part 18 of the Maniapoto Environmental Management Plan, Ko Ta Maniapoto Mahere Taiao will have most direct relevance for s42A authors and the Hearings Panel when assessing submissions seeking rezoning. Specifically, Objectives and Policies 15.3 which seek to protect and enlarge wetlands and make sure that nearby land-uses do not adversely affect them. Objectives and policies 18.3 address land use related matters. Policy 18.3.1.1 requires the sustainable use of land and that the mauri of the land is protected and enhanced, and Policy 18.3.1.3 addresses urban planning and requires that best practice principles are followed providing for the social, economic, and cultural needs of Maniapoto.
- 111. S42A authors should familiarise themselves with this plan, the relevant objectives and policies and the bearing they have in respect to submissions related to rezoning. Noting that the rohe of Maniapoto only has a small overlap with the Waikato District Council boundary.

### **Growth Strategies**

- 112. Policies in Chapter 6 of the WRPS mandate land use patterns from sub-regional growth strategies, including Franklin (2007) and Future Proof (2009). These growth strategies were designed to provide certainty for infrastructure development by anchoring settlement and growth patterns. However, they have now become outdated due to the growth which has occurred in the District, in the intervening periods, taking up most of the land that was indicated. Notwithstanding this, any update to Future Proof will still have to give effect to the WRPS (refer policies 6.12 and 6.14).
- 113. While the WRPS specifies the settlement patterns from the growth strategies, it also allows district plans to adopt alternative approaches, subject to compliance with general development principles and adequate justification by evidence.

### **Role and weighting of Future Proof and Waikato 2070**

- 114. The following two sections provide background to both the role and weighting of Future Proof and Waikato 2070 in respect to the PWDP.

*Future Proof*

115. WRPS Polices 6.13 to 6.16 adopt the Future Proof 2009 land use pattern within the area of the former Waikato District. Several small-scale maps indicate these land use patterns. Implementation method 6.14.1 provides that district plans shall ensure that urban development is located and managed in accordance with Policy 6.14.
116. The Hearings Panel received opening submissions in September 2019 giving details of the Future Proof Growth Strategy<sup>19</sup>. In summary, the panel heard that:
- a. Future Proof was established in 2007 and is constituted as a joint committee of the Hamilton, Waipa, Waikato district and Waikato Regional councils, under the Local Government Act 2002 (LGA 2002).
  - b. Future Proof is mandated to develop and implement a 30-year growth strategy specific to the Hamilton, Waipa and Waikato sub-region. Future Proof provides a framework to manage growth in a collaborative way for the benefit of the sub-region from both a community and physical perspective.
  - c. This sub-regional approach is to manage growth in a coordinated manner and to address complex planning issues, especially cross-boundary matters.
  - d. The Waikato Regional Policy Statement (RPS) sets out regional policies which give effect to the Future Proof growth management strategy as it stood at the time of its release in 2009.
  - e. Future Proof is part way through a review of its first generation 2009 strategy. The review produced an updated strategy in 2017 and reflects many of the important changes which have occurred over the past decade, including the changes to the northern Waikato District boundary and the introduction of the NPS-UDC 2016.
  - f. The 2017 update was consulted on under the special consultative procedure of the LGA 2002 and adopted by the Future Proof partner Councils in 2017. Work is continuing to further update the strategy.
117. The relative legal weight to be given to the 2009 and 2017 versions of Future Proof needs to be considered by the Hearings Panel.
118. Parts of the 2009 version are incorporated in the WRPS, and the WDP is required to give effect to these. The Environment Court has considered these WRPS provisions with apparent approval.<sup>20</sup>
119. The 2017 version is a strategy prepared under the Local Government Act and the panel is required to have regard to it when preparing a district plan (section 74(2) RMA.) The Environment Court has held that the words “shall have regard to” indicate that this kind of document must be considered.<sup>21</sup> Future Proof 2017 is not mentioned in the WRPS, so it is not mandatory for the WDP to give effect to it. Future Proof 2017 is referenced in PWDP Policy 4.1.3 and is clearly a relevant consideration.
120. Opening legal submissions for of Waikato District Council<sup>22</sup> stated that: “Once adopted, as a non-statutory document, the Hearings Panel can give [the 2017 Future Proof review] such

<sup>19</sup> Opening Legal Submissions on behalf of Future Proof Implementation Committee – Lachlan Muldowney, 26 September 2019 – on Council’s website.

<sup>20</sup> A and A King Family Trust v Hamilton City Council [2016] NZEnvC229

<sup>21</sup> Alexander Road Developments Ltd v Upper Hutt City Council, [2015] NZEnvC 29, para 132

<sup>22</sup> Opening Legal Submissions by counsel for Waikato District Council, Bridget Parham, 23 September 2019

weight as it considers appropriate but can only amend the PDP to reflect the outcomes in the Future Proof Review if there is scope within submissions to do so.

- I21. For current purposes, the key difference between the 2009 and 2017 versions of Future Proof is that the 2017 version allows for possible release of some new greenfield growth areas that were not contemplated in 2009.
- I22. These differences do not necessarily raise conflicts with giving effect to the WRPS. The WRPS confers discretion on the council around the implementation of the Future Proof 2009 provisions referenced in the WRPS. Flexibility is allowed to adopt alternative approaches that are justified by evidence.

#### *Waikato 2070*

- I23. Waikato 2070 is Waikato District Council's growth and economic development strategy, detailing the future settlement pattern, and indicative timing of new growth areas across the District. It was adopted by Council in May 2020 following the special consultative procedure under the LGA 2002.
- I24. Waikato 2070 also included two town centre plans: for Pokeno and Huntly. These two localities were chosen as they were deemed a high priority for the District. Each has unique reasons for this. For Pokeno, it was largely due to the high growth rates which are being experienced and the limitations of the current zoning under the OWDP and PWDP in the town centre in achieving good urban planning outcomes. In Huntly, the priority was for the town centre plan to help inform future zoning, which in turn would support re-development opportunities and improved urban form outcomes in the town centre.
- I25. Waikato 2070 was informed by a range of technical inputs and data from various divisions within Council, including: flood mapping, high class soil mapping, topography/slope analysis, pedestrian catchment modelling, 3-waters capacity assessment, employment and economic demand and land analysis, land capacity modelling, household and population projection modelling, field research and analysis, technical reports including research that was carried out to inform the PWDP and previous structure plans.
- I26. As with the Future Proof Strategy (2009 and 2017), case law has established<sup>23</sup> the degree to which non-RMA documents involve public consultation and are expected to influence RMA processes. The extent of consultation and public engagement influences the degree to which they are relevant and the weight they should be given in RMA processes.
- I27. Waikato 2070 was released for public consultation between November 2019 and February 2020. During the public consultation phase, open days were held in Tuakau, Pokeno, Mangatangi, Te Kauwhata, Ohinewai, Huntly, Ngaruawahia, Te Kowhai, Raglan, and Matangi. This provided the opportunity for the public to ask questions of Council officers and understand the nature of the proposals. Over 90 submissions were received. In March 2020, a hearings panel was convened comprising elected members and chaired by the deputy Mayor. Hearings ran for three days over which time the submitters had the opportunity to be heard.
- I28. Workshops were also undertaken with Future Proof partner members, Waikato Tainui, and a number of iwi groups, including Nga Karu Atua o te Waka.
- I29. Following deliberations by the hearings panel and final directions to staff, the strategy was revised and adopted by full Council on 19 May 2020.

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<sup>23</sup> Ruakura Board of Inquiry Decision (vol 1, September 2014); A and A King Family Trust v Hamilton City Council [2016] NZEnvC229; Sade Developments No.2 Ltd v Taupo District Council [A033/09];

130. The PWDP Hearings Panel is required to have regard to Waikato 2070 as per RMA section 74(2)(b)(i)<sup>24</sup> and the findings of case law.
131. Areas in Waikato 2070 considered most applicable to the PWDP are:
- a. the objectives related to growth and development patterns within the District under Section 3.1-3.4, for example “Support regeneration of our town centres and encourage quality in-fill developments around our future mass transit stations”
  - b. future growth cells
  - c. the general extent of growth cells and the urban extents that these create
  - d. the predominant activities identified within growth cells
  - e. timings of growth cells
  - f. densities/typologies envisaged within the growth cell areas
  - g. town centre plans for Pokeno and Huntly relating to activities, density, connectivity etc.
132. Through the development of Waikato 2070, the PWDP zone extent areas were defined as growth cells and the timing and density typology of these growth cells were indicated. Indicative lot yields were arrived at by applying the indicative density typology to the Council’s capacity model. These yields have allowed for high-level infrastructure servicing analysis work to commence through Council’s Asset Management Planning as part of Schedule 10 LGA 2002 reporting requirements.
133. Waikato 2070 largely mirrors the zone extents and activity types of the PWDP. Additional growth cells have been added in some towns to cater for the forecasted demand, particularly for employment activities. Some of the growth cells also signal a change in density type, e.g., from low density residential to medium density residential. Timing of these growth cells was informed through demand analysis, technical inputs including serviceability in respect to three waters, and community consultation and elected member workshops. This was done in accordance with the NPS-UDC 2016 time periods:
- a. Short term: 1-3 years (generally, those areas which are already live-zoned under the OWDP),
  - b. Medium term: 3-10 years (generally, areas identified in the PWDP with some additional identified in Waikato 2070),
  - c. Long term: 10-30 years (areas identified in the PWDP but considered too costly to service and/or not required in an early time-frame due to demand) and
  - d. 30+ years<sup>25</sup>: generally, areas not identified in the PWDP and considered long-term strategically-significant areas.
134. The growth cell timings in Waikato 2070 illustrate Council’s indicative plans related to when service provision for these growth cells will be provided for by Council (aligned to funding) although the timing is not absolute. Growth outside of these growth areas is not contemplated by Council for zoning or servicing.
135. Waikato 2070 is a key document for the Council in respect to informing the Asset Management Planning process within Council, which in turn informs the 30-year Infrastructure

<sup>24</sup> “when preparing or changing district plans, territorial authorities shall have regard to ... management plans and strategies prepared under other Acts”

<sup>25</sup> Not identified in the NPS-UDC but used in Waikato 2070 to denote long-term possible areas for future development.

Strategy and the LTP. Asset groups, including three waters and roading are considering the growth capacity and timing of growth cells in Waikato 2070 to determine servicing and servicing cost.

136. The process from now until 1 July 2021, when the new LTP comes into effect, is as follows:
- a. The required infrastructure projects are costed and then compiled/aggregated. These include renewals, improved service levels, and wholly new growth-related capital expenditure.
  - b. Once this is complete, the total package of works across all asset groups is costed through a budget model to determine the financial implications of this investment on Council over the 10-year life of the LTP.
  - c. This is then worked through with elected members prior to the release of the LTP for public consultation.
137. Through this process, trade-offs are made in respect to levels of service, timing of renewals and growth-related capital investment and the resulting impact on council debt levels, cost of financing/borrowing, and rating levels. These then inform the capital works schedules, the level of development contributions, and the timing of when enabling works (such as servicing of growth cells) are to occur.

*Franklin District Growth Strategy*

138. WRPS Policy 6.12 states: “The Franklin District Growth Strategy (2007) provides for the management of growth in the part of the Waikato and Hauraki Districts that was the former Franklin District. Growth should be managed in accordance with this Strategy. ...” Details of the strategy are included in the RPS.
139. WRPS Policy 6.12 provides for the Franklin District Growth Strategy to apply until the Future Proof Growth Strategy and relevant district plans are amended. Future Proof was amended in 2017 to include the former Franklin area and the PWDP is replacing the OWPDP. I believe that the WRPS provisions relating to the Franklin Strategy have been superseded and should be disregarded.

**National Planning Standards**

140. The National Planning Standards came into effect in 2019, after the PWDP was notified. The National Planning Standards provide standardised names and descriptions of zones. Chapter 8 of the first set of National Planning Standards contains the names and descriptions of the standard zones.
141. It is important to note that the Hearings Panel has indicated its intention to implement the National Planning Standards, to the extent that this is practically achievable and within scope of the submissions.<sup>26</sup>
142. Original submissions made in 2018 also pre-date the National Planning Standards, and the hearing process will be most efficient if all parties continue to use the PWDP zone names referred to in their submissions. For those submitters requesting a zoning that was not used in the PWDP, the terminology used in their submissions should be continued to be used.
143. Council staff have initiated work to translate the PWDP zones into the standard zones, on the direction of the Hearings Panel, in parallel to the hearings continuing. Current thinking, at the date of this report, is that a suitable translation of the PWDP zones would be as shown in Table 2.

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<sup>26</sup> PWDP Hearings Panel Minute and Directions issued on 20 February 2020, available on Council’s website.

Table 2 Possible translation of PWDP zones to Planning Standard zones

<b>PWDP zone</b>	<b>National Planning Standard zone</b>
Business Town Centre Zone	Town centre zone
Business Zone	Commercial zone
Country Living Zone	Rural lifestyle zone
Hampton Downs Motor Sport and Recreational Zone	Special purpose zone
Industrial Zone	General industrial zone
Industrial Zone Heavy	Heavy industrial zone
Rangitahi Peninsula Zone	Special purpose zone
Reserve Zone	Open space zone
Residential Zone	General residential zone
Rural Zone	General rural zone
Te Kowhai Airpark Zone	Special purpose zone
Village Zone	Large lot residential zone

144. Comments on the proposed restructure of the plan will be requested from submitters who sought implementation of the National Planning Standards. Recommendations on implementation of the National Planning Standards (including translation of zones) are expected to be presented to the Hearings Panel before July 2021.

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

145. The NPS-UD was gazetted on 20 August 2020. It replaces the NPS-UDC 2016 which the PWDP was required to “give effect to” when it was notified in 2018. The NPS-UD seeks to improve the responsiveness and competitiveness of land development markets, and generally requires local authorities to open up more development capacity, whereas the earlier version was more focused on monitoring supply and demand and embedding targets within district plans (for example, PWDP Objective 4.1.1(b)).
146. The three key directives which the NPS-UD introduces, outlined further below, are regarding: intensification, responsive planning, and the removal of minimum parking standards in district plans.
147. Under the NPS-UD Waikato District Council is considered a Tier 1 local authority, identifying it as one of the fastest growing local authorities in the country, therefore requiring more stringent adherence to the policies set out within. Some of the key policies are briefly discussed below.

#### *Intensification policies*

148. The intent of this policy is to enable more people to live in areas of demand, close to urban centres where people can access jobs, services and amenities, and areas well-served by public transport. The NPS-UD requires that plan changes which enable this are notified within two years of the commencement of the NPS-UD.

*Removes ability to set car parking requirements in district plans*

149. The intent of this policy is to enable more housing and commercial developments in areas where people do not necessarily need to own or use a car, enabling urban space to be used for higher-value purposes than carparking and, in doing so, removing a significant cost for higher-density developments. The requirement for implementation is as soon as practicable and no more than 18 months from the date of commencement of the NPS-UD.

*Requires responsive consideration of plan changes*

150. The intent of this policy is to enable more responsive planning and decision-making for accepting 'out of sequence' plan changes, which increase opportunities for well-connected developments of scale that support well-functioning urban environments and open up 'significant development capacity'. The 'significant' criteria must be included in regional policy statements as soon as practicable.

*Support the competitive operation of land and development markets*

151. The structural make-up of the District and the dispersed small scale of the towns necessitates providing for at least two growth areas around existing towns will help ensure competitive land markets. This is discussed further in Part 2 paragraph 191.
152. In summary, notwithstanding the release date of the PWDP preceding that of the NPS-UD, when making decisions on submissions, the Panel must ensure its decisions on submissions give effect to the NPS-UD (where scope is afforded in submissions).

### **Vision and Strategy for the Waikato River**

153. Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River - is set out in schedules to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The Vision and Strategy is incorporated in the Waikato Regional Policy Statement and required to be given effect to by district plans.
154. Council gave effect to the Vision and Strategy through Plan Change 5 to the OWPD (although I note there are submissions, including from Waikato-Tainui, submitting that the PWDP does not "give effect" to it). The PWDP carries forward the relevant text and map annotations contained in the OWPD.
155. PWDP 1.7.2.4(a) states the following resource management issue –

*Land use and development activities can adversely affect the ability of the Waikato River to sustainably support the economic, social, cultural and environmental aspirations of Waikato-Tainui and the community.*

156. PWDP 1.7.2.5 includes 13 objectives, with these being the most relevant to rezoning:
- (vi) *The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River;*
  - (vii) *The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River;*

(viii) *The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.*

157. The precautionary approach involves consideration of the effects on the river of the development likely to follow any rezoning. The risks to the river will be most direct for urban development and activities close to the riverbanks (including tributaries), but activities further away may also raise issues, especially if stormwater, wastewater or sediment flows to the river occur.
158. The fact that development in Waikato District is concentrated along the river corridor, including State Highway 1 and the North Island Main Trunk (NIMT) rail line, draws attention to the need to manage cumulative effects. The effects of any additional infrastructure associated with rezoning are also relevant.

### **Lens 3: Best practice planning guidance**

159. The following best practice planning guidance was derived from the Independent Hearings Panel for the Proposed Auckland Unitary Plan.<sup>27</sup>
160. The submitters and s42A authors should use this guidance when considering submissions on zoning. The relevant objectives and policies of the PWDP set out in the matrix in Appendix 2: Matrix of Relevant Objectives and Policies in the PWDP is the first lens for a zoning submission(s). The second lens is whether the submission(s) is considered consistent with and “gives effect to” higher order policy documents. The best-practice guidance set out in this section (and expanded on in the context of the Waikato District in Appendix 3: Further discussion on guidance for selection of zones and zone boundaries) is the third lens. This third lens should only be used to assess submissions considered favourable following the first two steps.
161. Submissions seeking zoning that contravene the guidance below should be weighed in respect to severity and an overall position reached by the s42A author. It is accepted that some of the items below are not absolute and the s42A author may need to reach a recommendation by considering suitable degrees of compliance. This best practice guidance may also result in some areas of the submission being recommended to be rejected – in essence, recommending accepting the substantive request but amending the boundary.
- a. Economic costs and benefits are considered.
  - b. Changes should take into account the issues debated in recent plan changes.
  - c. Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints (e.g., hazards).
  - d. Changes should take into account features of the site (e.g., where it is, what the land is like, what it is used for and what is already built there).

<sup>27</sup> ‘Guidance on best practice approaches for re-zoning’, issued in 2016 by the Independent Hearings Panel for the Proposed Auckland Unitary Plan, refer: Auckland Panel: Report to Auckland Council - Changes to the Rural Urban Boundary, rezoning and precincts (2016) <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-by-laws/our-plans-strategies/unitary-plan/history-unitary-plan/ihp-designations-reports-recommendations/Documents/ihp01601708008changestorubrezoningprecincts.pdf>

- e. Zone boundary changes recognise the availability or lack of major infrastructure<sup>28</sup> (e.g., water, wastewater, stormwater, roads).
- f. There is adequate separation between incompatible land uses (e.g., houses should not be next to heavy industry).
- g. Zone boundaries need to be clearly defensible, e.g., follow roads where possible or other boundaries consistent with the purpose of the zone.
- h. Zone boundaries should follow property boundaries.
- i. Generally, no "spot zoning" (i.e. a single site zoned on its own).
- j. Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.
- k. Roads are not zoned.

### **Additional locational criteria for general business, industrial and business parks**

162. Zones that enable general business, industrial and business parks have specific locational criteria that should be considered in addition to the criteria above. These have been adapted from Prosperous Places (2019).

#### *General business*

- a. easily accessible from motorways and the regional road network (preferably not visible from these roads, and not close to heavily trafficked roads with many buses and trucks to minimise emergency risks)
- b. away from the main motorway and arterial gateway access to existing and future residential, and high-quality industrial and business areas
- c. so that heavy vehicles will not be introduced into residential areas or pass through major centres or congested streets
- d. away from any existing or future residential areas and other sensitive areas (such as schools, retail, office, technology, and quality business areas)
- e. well away from clean production areas (technology, pharmaceutical, health and beauty products and food production areas)
- f. where visibly and spatially buffered from sensitive areas (major highways, town and village centres, places of recreation and high scenic amenity, and residential areas)
- g. in areas that are free from flooding, generally flat, not in need of significant fill, and has suitable geotechnical conditions depending on the end use.
- h. where there is the lowest risk of polluting waterways (preferably at least 200m away from waterways)
- i. away from any major existing or future high amenity employment, major recreational, visitor, tourist, or environmentally-sensitive area.

#### *Industry*

- a. large, flat sites

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<sup>28</sup> A high-level assessment of water and wastewater servicing of the growth cells is outlined in Appendix 5

- b. ease of access to the regional road network (without passing through town and village centres or through residential areas)
- c. ease and affordability of providing for water and wastewater (especially for wet industries)
- d. geological stability to provide sound foundations
- e. good buffering from residential and environmental areas and other areas likely to be sensitive to magnetic radiation, noise and vibration.

*Business parks*

- a. away from noisy, “dirty”, low visual amenity activities including general industry
- b. where they will have greatest ‘positive visual impact’ (with high visibility from the motorways and major arterials and at locations where they can act as high visual amenity gateways to high quality industrial areas)
- c. where they are easily accessible from the motorways and local arterial road network (including locating close to motorway interchanges)
- d. so that heavy vehicles will not be introduced into residential areas or pass through major centres, or congested streets
- e. convenient to centres able to provide high quality employee facilities and amenities, recreational and convenient
- f. close to employee residential areas (ideally within easy cycling distance on dedicated cycle paths)
- g. small, flexible business premises suitable for research and development and small start-up businesses close to where the larger technology businesses are located
- h. designated high amenity clean production areas for ‘high tech’ industries such as scientific equipment, pharmaceuticals, health and beauty product and food businesses.

# Part 2: Background information

163. This part of the report constitutes Council's current analysis of the baseline data and information pertaining to the District which forms the conditions under which submissions on zoning should be considered. This section (and relevant appendices) underlines the key contextual assumptions for all s42A authors.

## Strategic Economic Context

164. The Waikato District covers 418,893ha in the upper North Island, a strategically significant land area between two of the fastest-growing metropolitan centres in New Zealand - Hamilton and Auckland. The District acts as a key enabler of transport connections through the 'golden triangle'. The golden triangle is the economic zone encompassing Auckland, Hamilton and Tauranga. It generates over 50% of New Zealand's gross domestic product (GDP) and is home to over 50% of the country's population. Given the population and consumer base in this area, the Waikato District offers strong locational advantages for rural, employment and residential activities, thereby driving the demand for a greater quantum and intensity beyond what currently exists in the District.
165. The spill-over effects from Auckland and Hamilton metropolitan areas have created heightened demand for residential, industrial and commercial land in the Waikato District over the past decade. Prior to this, growth in the District's towns and villages had been largely stagnant for many decades. Disproportionate land values and constrained supply in both the Auckland and Hamilton property markets now drive demand in the Waikato District. This has led to increasing land values and land supply issues, leading to developer-led plan changes in Te Kauwhata, Pokeno and Raglan. These demand pressures have been exacerbated for residential activities, and those seeking peri-urban and rural-residential living choices. For industrial and commercial land, the shortage is largely driven by a scarcity of supply (including site attributes such as size, accessibility, and reverse sensitivity) in Auckland, Hamilton and Tauranga, and limited serviced availability in smaller towns in the Waikato.
166. The attractiveness of the Waikato District is in part due to its locational advantages, central location in the Upper North Island, proximity to labour markets and consumers, access to ports and airports, improving road transport connections, and access to the NIMT rail line.
167. Over the last three decades, road connections have improved. This includes the recent completion of the Waikato Expressway from Bombay to Te Rapa and the soon-to-be-

complete Hamilton section of the Expressway. This significant transport infrastructure investment is fundamental in the context of land use demand in the District and the PWDP, particularly along the Hamilton to Auckland corridor. Improved accessibility will continue to add to the demand for activities to locate along the corridor.<sup>29</sup>

168. Opportunities for capitalising on the NIMT corridor will likely diminish in the future as non-industrial development continues. Increasing freight volumes and container freight suggest that demand for rail will increase over time. Rail freight, whilst declining in recent years, is expected to play a greater role in the next 20 years, as freight tonnage in New Zealand is expected to increase by more than 55% by 2042 (from 237 million tonnes in 2012/13 to 366 million tonnes by 2042/43).<sup>30</sup>
169. The District comprises some of the highest proportions of high-class soils (LUC 1-3) in New Zealand within the Waikato Basin (surrounding Hamilton) and in the north surrounding Tuakau. It is suitable for high-intensity, high-yield agriculture and horticulture activities such as market gardening.
170. Rural hinterland areas such as Te Uku, Te Akau, Onewhero, Maramarua and Te Kauwhata comprise a mix of dairying, dry stock (sheep and beef), and forestry uses (in the steeper areas). Secondary industries have co-located over time to capitalise on proximity to the primary producers. For example, food processing in Tuakau, Pokeno and Horotiu, and wood processing across several sites in the District.
171. Similarly, within the District there are also a number of intensive poultry farming activities which require large accessible sites with buffering from surrounding activities, but in close proximity to up-stream and down-stream supply chains, for example broiler farms, hatcheries and slaughterhouses.
172. Extractive industries, including aggregate and coal extraction, have played, and continue to play a key role in the District's land-use patterns and economy (providing employment for residents and supplying critical construction and manufacturing inputs).

## Population growth

173. The Waikato District has recently experienced 1.5% population growth year-on-year, with some parts of the District experiencing significantly higher population growth rates, such as Pokeno (4% per year), Ngaruawahia, Raglan and Hamilton City fringe areas. This rapid growth in some parts is offset by hinterland rural areas which have experienced relatively static growth.
174. Research conducted by Future Proof has found that the sub-region, defined as the administrative areas Waikato District Council, Hamilton City Council and Waipa District Council, is projected to contain 89% of the entire Waikato region's population growth out to 2031. This increase in population and employment presents a number of challenges, especially in terms of managing the cumulative effects of growth over time and the land use changes that this will necessitate.
175. At the time of writing, the impacts on global migration as a result of COVID-19 pandemic are uncertain and the knock-on effects for New Zealand remain to be seen. However, for the purposes of considering submissions on zoning, some key assumptions should be made, and a

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<sup>29</sup> Defined as the corridor comprising the Waikato River, NIMT and the Waikato Expressway connecting Auckland and Hamilton, including a string of settlements which have developed along this corridor over the past 200 years.

<sup>30</sup> New Zealand Government. (2019) *Draft New Zealand Rail Plan, 2019*. New Zealand Government, online: <https://transport.cwp.govt.nz/assets/Import/Uploads/Rail/The-Draft-NZ-Rail-Plan-December-19.pdf> (accessed 08/07/2020).

scenario-based planning approach should be taken, in order to take account of volatility in regard to growth and land use demand in the Waikato District.

176. The main variables which could have an impact on the post-COVID population and household growth rates include: duration of border restrictions, the availability of a vaccine, New Zealand's immigration policy, 'COVID-free status' and economic health. Factors impacting regional migration remain largely unchanged and those which existed pre-pandemic are likely to still exist post-pandemic. These include: land availability, environmental characteristics (rural environment, small towns), price differential/affordability compared to Hamilton and Auckland, access to major labour markets/employment centres (Auckland and Hamilton), close proximity to major ports and inland ports<sup>31</sup>, strong economic fundamentals built on agriculture, horticulture, extractive industries and primary production, and related secondary industries (e.g., food processing).
177. Population and household projection work recently commissioned by Waikato District Council and undertaken by the National Institute of Demographic and Economic Analysis (Cameron, 2020) found that the impacts of COVID-19 and border closures will in fact increase the Waikato District's growth rates (refer Figure 2 below and Appendix 6).
178. and Appendix 7: Waikato District Council Household Forecasting). A factor contributing to this is that, unlike other areas, the District's growth is predominantly derived from regional migration, not immigration. As already noted, fuelling this growth are the locational advantages and spill-over effects into the District from Auckland and Hamilton.
179. Cameron (2020) also undertook a medium and high household projection at a district-wide level from 2013-2063, as illustrated in Figure 3 and Figure 4.
180. Other local authorities in the sub region (Hamilton City Council and Waipa District Council) have a different make-up to the Waikato District in respect to growth. Approximately 50% of growth in these areas is derived from natural increase/decrease and 50% from net migration. The source of this migration is an important factor. For Waikato District this is largely derived from regional migration, whereas for Hamilton and Waipa it is derived from immigration.

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<sup>31</sup> Auckland International Airport, Wiri inland port, Ports of Tauranga, Ports of Auckland, Horotiu inland port and the future Ruakura inland port

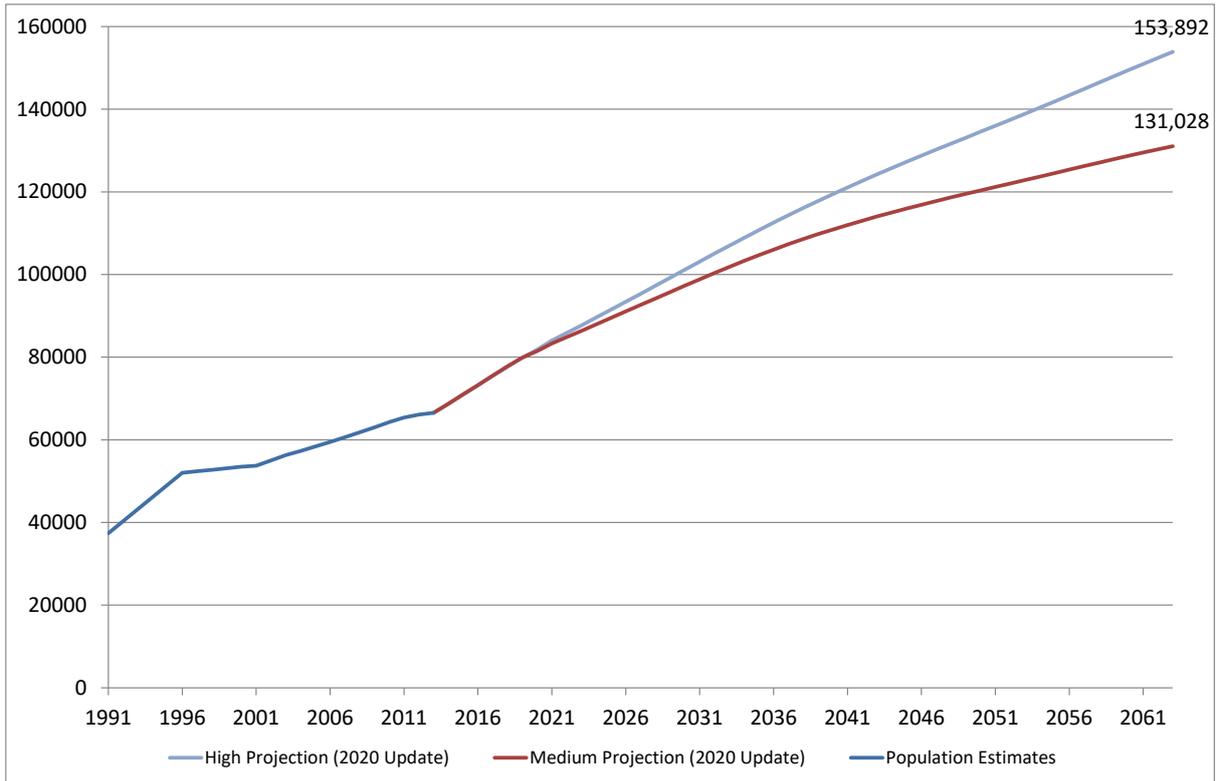


Figure 2. Waikato District Population Projection 2018-2061

Source: Cameron, M (2020) 2020 Update of Population, Family and Household, Projections for Waikato District, 2013-2063. University of Waikato; National Institute of Demographic and Economic Analysis. Commissioned Research Report.

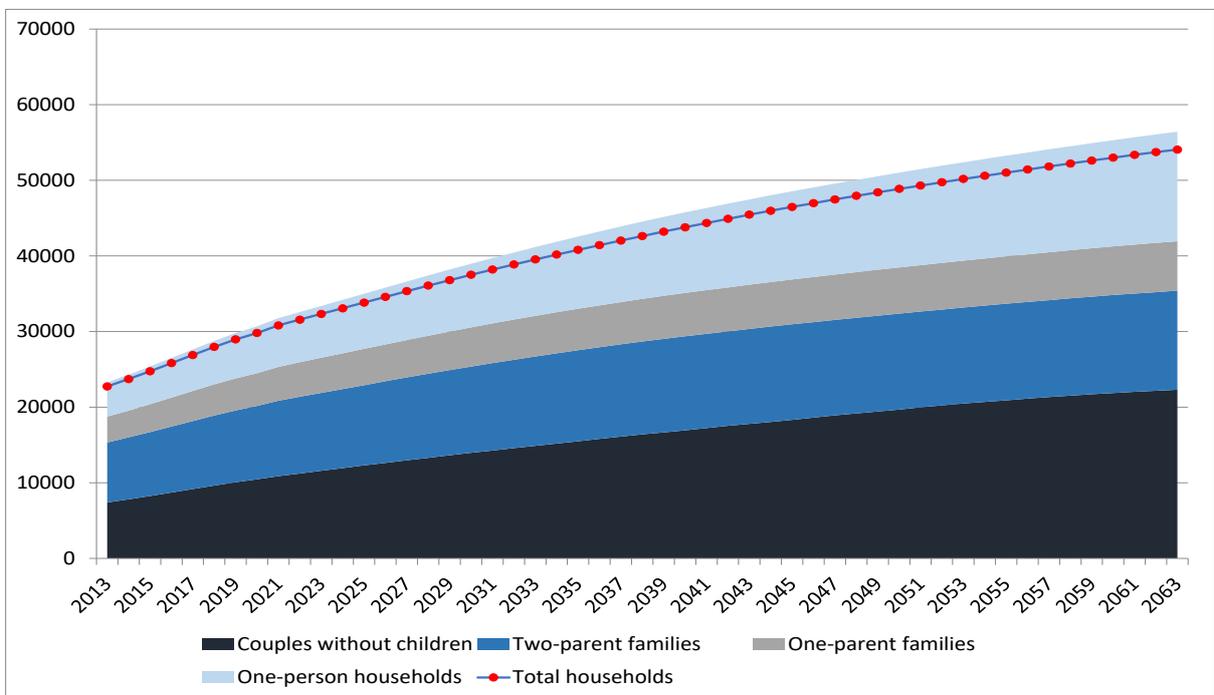


Figure 3. Household Medium Projection 2013-2063

Source: Cameron, M (2020) 2020 Update of Population, Family and Household, Projections for Waikato District, 2013-2063. University of Waikato; National Institute of Demographic and Economic Analysis. Commissioned Research Report.

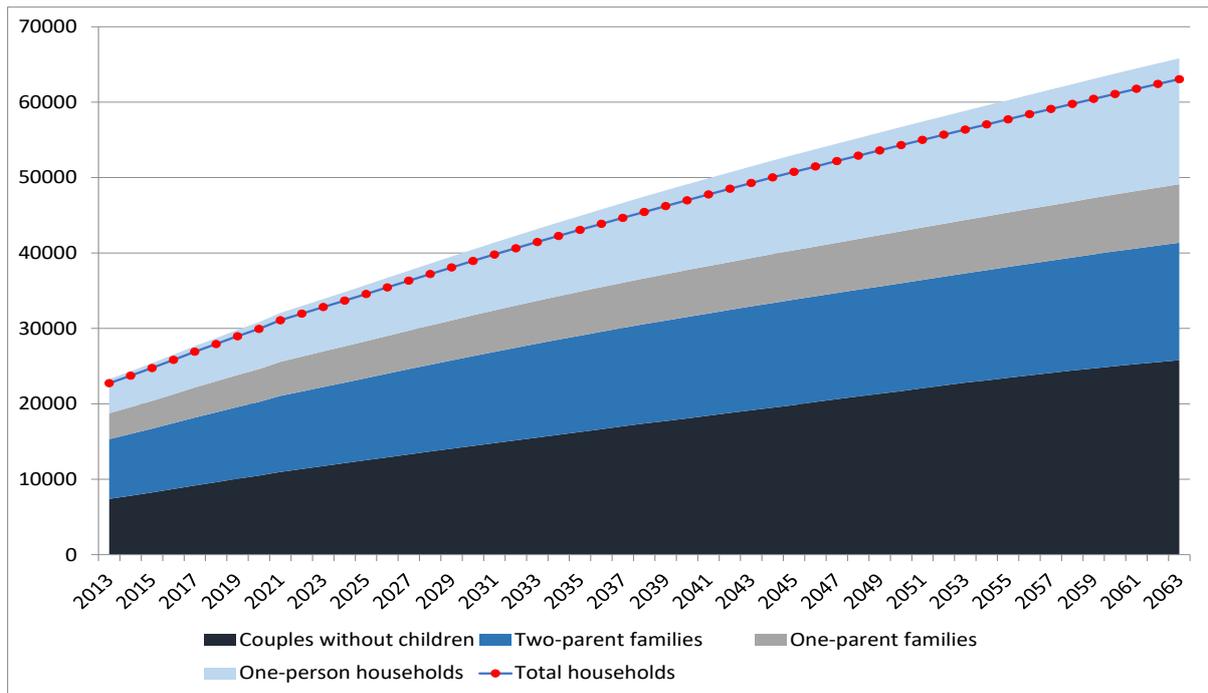


Figure 4. Household High Projection 2013-2063

Source: Cameron, M (2020) *2020 Update of Population, Family and Household, Projections for Waikato District, 2013-2063*. University of Waikato; National Institute of Demographic and Economic Analysis. Commissioned Research Report.

181. Prior to the COVID-19 pandemic natural increase/decrease and net migration had been forecast to slow gradually over the coming decades. This forecast slowing growth, as depicted in the 'medium' scenario (Figure 3), starts to occur in latter decades of the study period - 2050 and beyond.
182. This set of forecasting assumptions is largely based on current policy settings at the time of undertaking the modelling. Therefore, there is strong rationale to support future changes in immigration policy to support continued growth rates through increased levels of immigration. Over the past two decades immigration has been a key driver of economic growth and GDP in New Zealand (albeit masking underlying issues of productivity in the economy). This has been in part due to the net loss of New Zealand citizens over this time.
183. The impacts of overall population growth of New Zealand have been acutely felt in the Waikato District, given its proximity to Auckland and Hamilton, resulting in a demand for housing and jobs and the associated ripple effects of this through the economy. As noted above, within the Waikato District, the housing effects have largely been driven by regional migration (spill-over) from other population centres - as opposed to direct receipt of new immigrants moving directly into the District (Cameron, 2020).
184. Border restrictions have not produced a downward trend in housing demand in the District, in part because of the net in-flows of returning New Zealand citizens in the first quarter of 2020 before the 'level four lockdown' (Cameron, 2020). Factors related to COVID-19 globally mean that normal outward migration internationally has largely ceased, whilst regional migratory patterns into the Waikato District from elsewhere in New Zealand are still occurring.
185. In summary, any effects of the COVID-19 pandemic that might reduce demand in the District are likely to be negligible, due to the net growth in total people living in New Zealand, record low interest rates, and a scarcity of supply. Any softening in consumer confidence is likely to

be further off set by supply-side factors, that is, a possible further slowdown in supply (new construction) due to market uncertainty. For example, property developers not starting new developments, new developers not entering the market, and lenders reducing their exposure (quantum of funds loaned). Re-opening of borders, possible changes in immigration and possible net increase in returning citizens currently living abroad, will counteract the effects of a short period of lower-than-forecast immigration.

186. If the Waikato District can maintain its comparative advantage in the above-noted areas, and most importantly maintain supply of land for employment and residential activities to locate, then forecasts show that it will maintain its high rates of growth into the foreseeable future.

## Discussion

187. The demand analysis undertaken by Cameron (2020) for Waikato District Council and Future Proof Partners should be used to inform decisions on the PWDP. This demand analysis is also being used by Future Proof Partners for the 2021 Housing Business Assessment (HBA).<sup>32</sup>
188. I note that the minimum dwelling targets in PWDP Objective 4.1.1 are now out of date given the NPS-UD and growth rates in the District. The time period for which demand should be calculated for the District and accommodated in the PWDP should be 20 years. This is to ensure sufficient supply given the supply lag time from plan-consent-build and given the demand +20% NPS-UD requirement. The outcome of this would in effect mean a 'minimum regrets' planning approach, whereby sufficient land is made available to cater for growth demands over the life of the plan, providing certainty in respect to future land use patterns and infrastructure provision.
189. Under the legislative requirements in the NPS-UD, the supply of land that is plan-enabled, infrastructure-ready and feasible must be 20% above the demand. Because of the structural make-up of the District and the dispersed small scale of the towns, it is likely that a more nuanced approach will be required to accommodate the demand of +20% by providing for at least two growth areas around existing towns to ensure competitive land markets. This will mean that in some cases significantly more plan-enabled capacity is provided for in the PWDP. The factors supporting this approach are as follows:
- a. Demand varies significantly across towns due to the geographic breadth of the District.
  - b. Demand is relatively volatile between towns and can be easily skewed by one development (for example Pokeno) because of the low population base which the towns are coming off compared to larger metropolitan centres like Hamilton.
  - c. Many of the greenfield areas identified for growth in the PWDP or subject to submissions on zoning, as well as those in Waikato 2070, are in tightly-held ownership, which can potentially lead to constrained supply if these landowners choose to not take up the development potential of their land.
  - d. Contiguous greenfield areas identified for growth (growth cells)<sup>33</sup> should be viewed comprehensively to avoid piecemeal development and to enable a more comprehensive planning approach to be taken.
  - e. Because of the relative size of the towns in the District and the natural physical boundaries which help define the extent of the growth cells, these are generally comparatively large areas compared to the existing urbanised areas.
  - f. Forecast yield from growth cells versus actual realised growth will likely vary due to factors such as:

<sup>32</sup> A requirement of both the NPD-UDC 2016 and the NPD-UD

<sup>33</sup> Under the PWDP and identified in Waikato 2070

- g. desired and consented lot size vs theoretical plan-enabled,
- h. gains or losses in yield through detailed subdivision plan development including internal road layout configuration and sizes, natural/environmental protection areas including wetlands and stormwater management, open space and reserve requirements, topographical constraints, ground conditions etc.
- i. Development of the total zone areas within the District is unlikely to be completely realised due to factors such as landowner and developer appetite, suitability of zoned land for development (geotechnical, topography, natural hazards etc.), availability and timing of enabling infrastructure, subdivision consent, and market demand.

190. Population and household projections, i.e., the demand curve (which the +20% NPS-UD capacity requirement is based on), suggest that demand is linear. At a building consent level, township or district-wide market uptake is not linear. Figure 5 below illustrates the historic market volatility and fluctuations with building consents in the district per year vs the linear population estimates (Stats NZ, 2019; Cameron, 2020). Figure 6 shows the volatility in building consents for growth at township level. The volatility at township and statistical area level will increase, and so do the fluctuations in population growth, across shorter time periods again supporting a greater than demand +20% buffer.

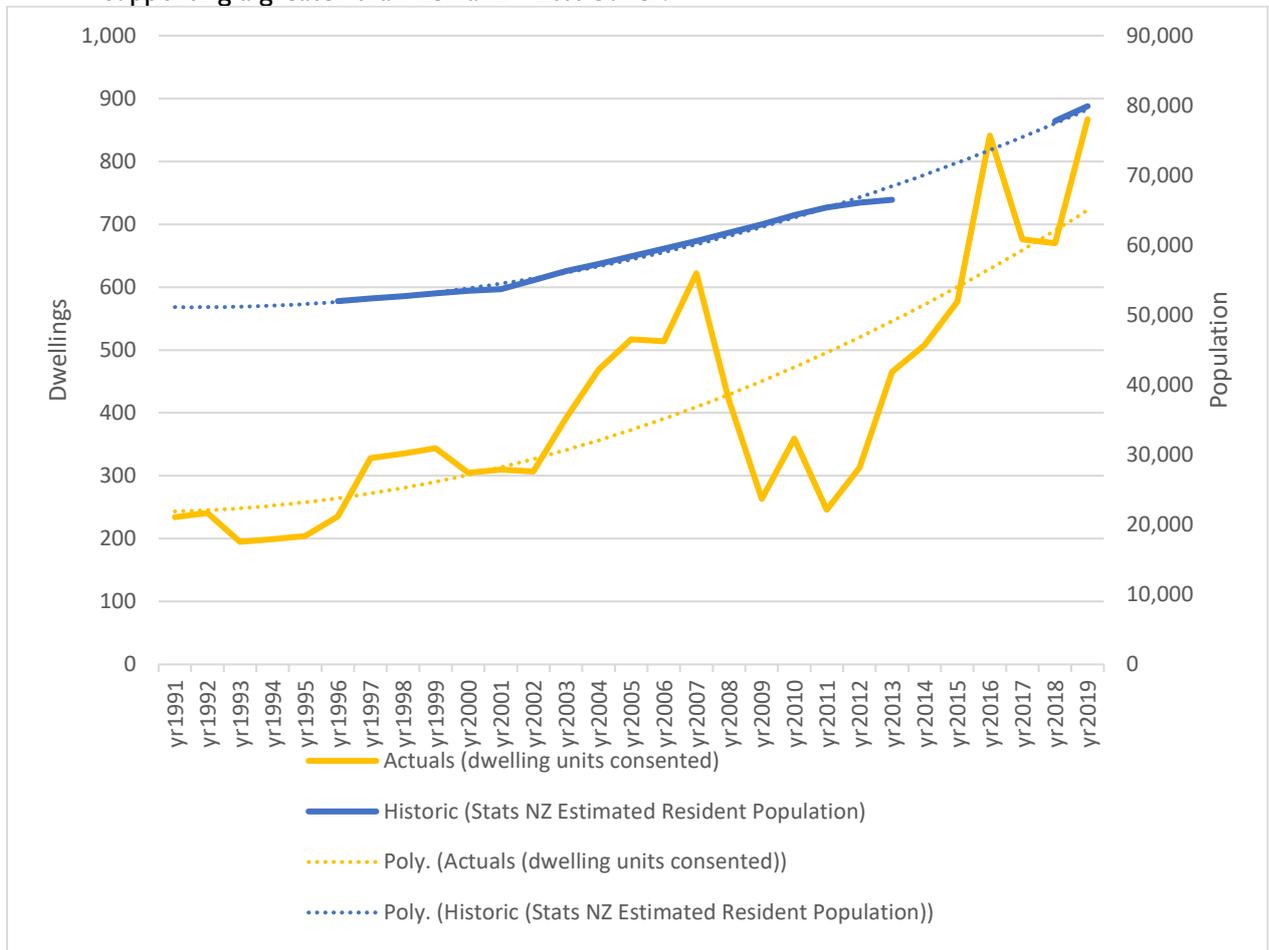


Figure 5. Historic Dwelling Consents vs Historic Population Estimates

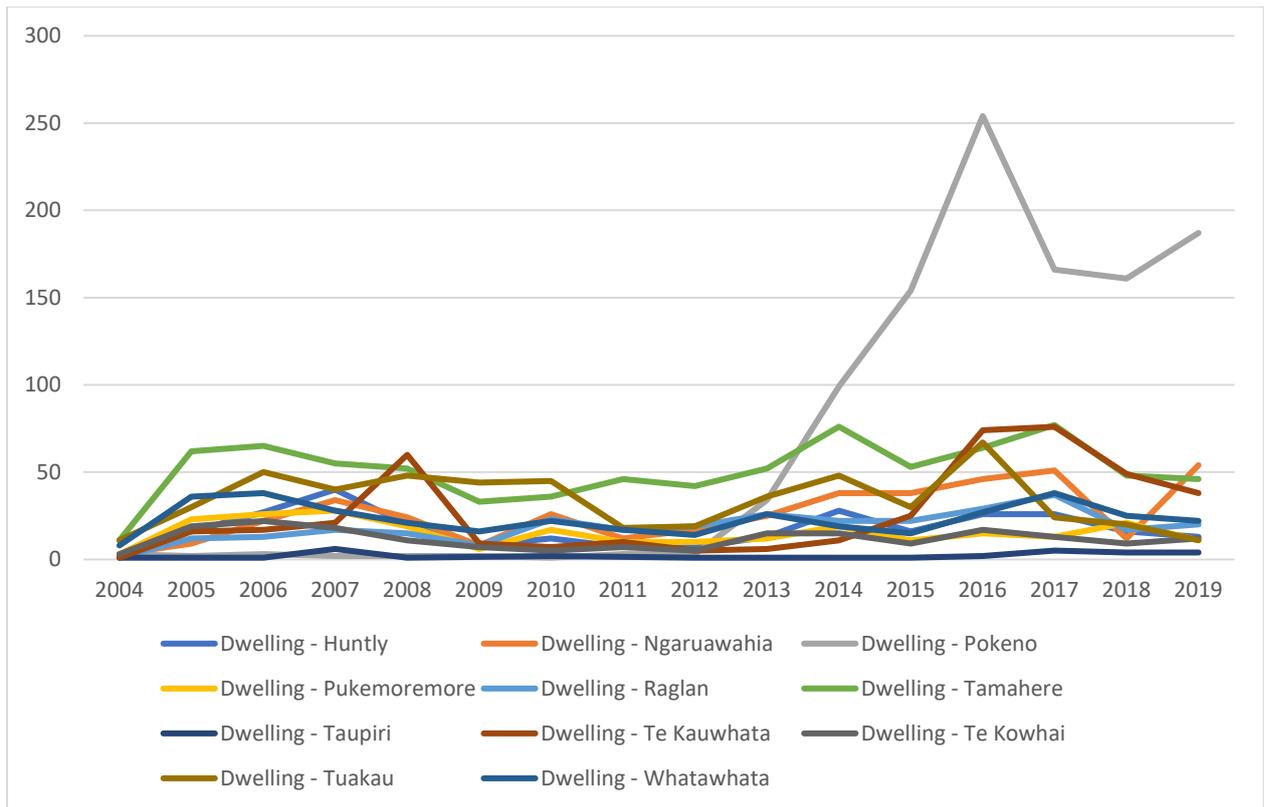


Figure 6: Completed dwelling consents/township

## Background of zoning approach in PWDP

191. The zones and zone boundaries in the PWDP were selected to secure the outcomes noted below in (a) to (f). However, no rationale or explicit purpose for the respective zones is included in the PWDP.
- Clustering together compatible land uses (e.g., houses, farms, business, industry) and segregating uses that are incompatible (e.g., distancing industry from houses). This carries forward the historical basis for zoning.
  - Continuity of zones and zone boundaries where there was no good reason to change.
  - Rationalisation of similar zones in the Franklin and Waikato sections of the operative plan, to reduce plan complexity and avoid duplications.
  - Identification of some new growth areas.
  - Identification of four special zones in limited areas to secure desired outcomes for the sites.
  - Replacement of some zones with other planning methods, to secure better outcomes.

### Clustering

192. The clustering and separation brought about by zoning promotes a uniform local amenity within each zone and thus preserves the character of an area. This is a long-standing widely-accepted rationale for zoning. In RMA terms, it helps achieve Part 2, especially by enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety, and to help avoid, remedy or mitigate adverse effects of land use.

193. The clustering of similar land uses reduces community conflicts by ensuring that the effects of activities are received mainly by neighbours with similar effects and expectations. For example, houses within a residential zone are subject mainly to the effects of residential activities and are less likely to receive the effects of industrial or business activities.
194. The clustering of like land uses also has economic benefits in providing land use predictability for investors and improving efficiency of infrastructure by enabling shorter roads and pipes and enabling uniform design approaches.
195. Being clear on how zones should interrelate is a key function of district plans. If this is absent in policy frameworks difficulties will arise for those having to determine the merits of applications / requests.

#### *Continuity*

196. The spatial extents and boundaries of zones in the PWDP were generally carried forward from the equivalent OWDP Planning Maps. The boundaries were changed where needed to identify new growth areas or to implement a new planning approach.
197. Continuity of zoning delivers an economic benefit by supporting land use predictability for investors. Land purchase and development involves long-term investment requiring a degree of confidence and certainty on the part of the investor. This depends on zoning patterns remaining stable over similar time periods.
198. The material changes to the OWDP Planning Maps in the PWDP were:
- The operative Paa Zone (Waikato), Rural-residential Zone (Franklin) and Coastal Zones (Waikato and Franklin) were not carried forward into PWDP. The reasons are discussed in more detail below.
  - Map changes were made to identify new greenfield urban growth areas referred to below.
  - Removal of the Country Living Zone from land at Scotsman Valley and Glen Massey. The land has been zoned Rural Zone.
  - Removal of small special purpose zones in the Franklin section, placing the land in an equivalent general zone.
  - Inclusion of four new special zones – Te Kowhai Airpark Zone, Hampton Downs Motor Sport and Recreation Zone, Rangitahi Peninsula Zone and Business Zone Tamahere.

#### *Rationalisation*

199. Many of the operative zones in the Franklin and Waikato Sections were clearly similar in scope and outcomes and were easily combined. Rationalisation was straightforward for many of the operative zones in the Franklin and Waikato sections. Zones clearly similar in scope and outcomes were easily combined. Names for the combined zones in the PWDP were chosen to reflect the OWDP zone names as far as possible. A few operative zones were discontinued and the land was reallocated to general zones as described below.
200. The reduction in plan complexity due to fewer zones is reflected in consolidated objectives, policies and rules covering areas previously subject to separate controls.
201. In my view, the above-noted material map changes indicate that the approach taken through the development of the PWDP was largely based around incremental changes to the previous operative plans, and not a comprehensive, first-principles review.

#### *Growth areas*

202. The Residential and Village Zones are proposed to be expanded from equivalent OWDP zones to accommodate the then-projected growth in demand for residential land around the District. The PWDP has identified new growth areas at Tuakau, Pokeno, Te Kauwhata, Huntly, Taupiri, Ngaruawahia, Horotiu, and Te Kowhai. The largest growth areas are at Tuakau, Pokeno, and Te Kowhai. The growth areas are mainly proposed to be Residential Zone, with the larger-lot Village Zone predominantly at Tuakau and Te Kowhai.
203. The basis for these changes is explained in the RMA s32 report Strategic Direction and Management of Growth which sits alongside a number of s32 reports that were prepared during the development of the PWDP<sup>34</sup>. Maps showing the growth areas in each locality are included in the s32 report.

*Special zones*

204. Four special zones have been proposed in limited areas to secure desired outcomes specific to the sites. These are the Hampton Downs Motor Sport and Recreation Zone, Te Kowhai Airpark Zone, Rangitahi Peninsula Zone, and the Business Zone Tamahere. The purposes of these zones are explained below.

*Discontinued zones*

205. Paa, Coastal and Rural-residential zones have not been carried forward from the operative plan.
206. The Paa Zone is replaced by a different planning approach for the development of Maaori land. In the PWDP, rules in all zones provide for a marae complex or papakaainga housing as a permitted activity. This approach was considered to support Maaori land development and better recognise and provide for the relationship of Maaori and their culture and traditions with their ancestral lands (RMA s6(e)).
207. Land that is in the OWDP Paa Zone is proposed to be zoned the same as the surrounding zone - in most cases this is the Rural Zone. Turangawaewae Marae was placed in the Residential Zone. The reasons for this approach are discussed and evaluated in the Tangata Whenua s32 report, p51.
208. Coastal Zone land in the OWDP is included in the PWDP in the Rural Zone, subject to a “coastal environment” overlay. The reasons for this approach are discussed and evaluated in the Landscape and Natural Character s32 report, p51.
209. The Rural-residential Zone in the OWDP around Tuakau is proposed to be reallocated for more intensive use to Village Zone and Residential Zone, providing for the growth of Tuakau.

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<sup>34</sup> Available on the Council’s website.

## Basis and background to individual zones

210. This section outlines the zones proposed in the PWDP and the basis for these. More details of the proposed changes are contained in the s32 reports for each zone.
211. There are 13 zones in the PWDP. These are:
- Business Zone
  - Business Town Centre Zone
  - Country Living Zone
  - Industrial Zone
  - Industrial Heavy Zone
  - Reserve Zone
  - Residential Zone
  - Rural Zone
  - Village Zone
  - Hampton Downs Motor Sport and Recreation Zone
  - Te Kowhai Airpark Zone
  - Rangitahi Peninsula Zone
  - Business Zone Tamahere.

### Business Zone

212. The Business Zone replaces these zones (outside town centres) in the operative plan:
- Business Zone (Waikato section) except at Tamahere
  - Business Zone (Franklin Section)
  - Village Business Zone (Franklin Section)
  - Neighbourhood Centres (identified in the Pokeno Structure Plan Area - Franklin Section)
  - Queen's Redoubt Heritage Zone (Franklin Section).
213. The Business Zone covers commercial sites or areas in the towns, outside the town centres, and in villages including Otatau, Port Waikato, Mercer, Rangiriri and Taupiri. In addition, the Business Zone includes isolated sites around the District, generally covering existing and historical sites of commercial activity.
214. The purpose of business areas is to support town centres, within the hierarchy identified in the Future Proof Growth Strategy. They provide for a wide range of commercial activities; including large format retail. Multi-unit development may establish in the Business Zone, with residential living above ground level. Neighbourhood centres are small in scale and are intended to provide for the day to day needs of the community. PWDP Objectives and Policies 4.5.8 and 4.5.10 set the strategic intent for Business Zone as only for large scale uses.
215. There was no material change to the land areas zoned business, apart from the change in some areas to Business Town Centre Zone. The s32 report states that the PWDP business zones

gave effect to the National Policy Statement on Urban Development Capacity 2016. A consultant's report in 2017 concluded that there was sufficient land available to meet demand for business growth, but the council was advised to continue to monitor this.<sup>35</sup>

216. The Queen's Redoubt Heritage Zone ceases to exist under the PWDP and has been proposed as a Business Zone. The reason for this change is that operative zoning was outdated. Farming is the only permitted activity in the QRHZ, but the site now includes a Heritage Centre which can include café, restaurant and retailing uses. The site is therefore better as Business Zone.

### **Business Town Centre Zone**

217. The Business Town Centre Zone comprises the central commercial areas of the six towns in the District. The land in the Business Town Centre Zone was zoned Business in the Waikato and Franklin sections of the OWDP. There was no equivalent zone in the OWDP, although the Franklin section included business centre rules relating to a mapped overlay.
218. Six town centres are identified as Business Town Centre Zone: Tuakau, Pokeno, Te Kauwhata, Huntly, Ngaruawahia, and Raglan.
219. The Business Town Centre Zone is the primary focus within each town for commercial and business activity. The town centres are mixed-use areas that are more publicly accessible and have a greater emphasis on pedestrian-focused small-scale retail, business administration, commercial services and residential uses, than the Business Zone. Generally, the zone is not intended to accommodate large-format retail or wholesale activity.
220. The boundaries where the Business Town Centre Zone adjoins the Business Zone within the towns reflect the current development of the different areas and expected growth.
221. The creation of this zone in the PWDP recognises that commercial activity within the Waikato District is part of a larger regional hierarchy of business centres, with Hamilton City as the primary centre. These town centres are identified and placed in the hierarchy in the Future Proof Growth Strategy and Implementation Plan.
222. The s32 report states that the Waikato District is growing, and this creates the need for additional capacity to be provided in centres for businesses to give effect to the settlement pattern of Future Proof, WRPS, and the NPS-UDC 2016. The creation of the Business Town Centre Zone addressed weaknesses in the OWDP Business Zone, by allowing for mixed-use development and establishment of focal points, a sense of identity and social cohesion, and by sending a clearer signal to the market of Council's priorities for infrastructure.

### **Industrial Zone and Heavy Industrial Zone**

223. The Industrial Zone and Heavy Industrial Zone replace the following zones in the OWDP:
- Industrial Zone (Waikato section)
  - Heavy Industrial Zone (Waikato section)
  - Industrial 2 Zone (Franklin section)
  - Light Industrial Zone (Franklin section)
  - Tuakau Industrial Zone (Franklin section)
  - Tuakau Industrial Service Zone (Franklin section)

<sup>35</sup> More detail is in the s32 Report "Business and Business Town Centre" Appendix 8 - Business Development Capacity Assessment.

- Timber Processing Zone (Franklin section)
  - Aggregate Extraction and Processing Zone (Franklin section).
224. The OWDP Franklin section zones were all identified as Industrial Zones in the PWDP, except for one industrial area at Pokeno, which became Heavy Industrial Zone in the PWDP. The OWDP Waikato section zones were identified as Industrial or Heavy Industrial, as in the operative plan.
225. The s32 report states that a Business Capacity Assessment under NPS-UDC identified that there is sufficient vacant industrial land for the District over the short, medium, and long term. The assessment identified insufficient capacity in some wards of the Waikato and recommended that Council monitor demand growth and uptake of industrial land to ensure that appropriate volumes are available in appropriate locations.

### **Reserves Zone**

226. The Reserves Zone replaces the following zones under the Operative District Plan:
- Recreation Zone (Waikato Section)
  - Recreation Zone (Franklin Section)
  - Forest Conservation Zone (Franklin Section).
227. The zone manages and enables a wide range of open space values and activities (sports, conservation, and passive recreation) by allowing these to be specified in reserve management plans for each reserve in the zone. Most of the land in the Reserves Zone is owned or managed by Waikato District Council.

### **Residential Zone**

228. The Residential Zone replaces the following zones in the OWDP:
- Living Zone (Waikato Section)
  - Residential Zone (Franklin Section)
  - Residential 2 Zone (Franklin Section)
  - Rural-Residential Zone (Franklin Section)
229. All of the land in these OWDP zones is proposed to go into the Residential Zone in the PWDP, apart from the Rangitahi scheduled area, which is now a separate zone, and the Rural-Residential zoning around Tuakau, which is proposed to become a mixture of Village Zone and Residential Zone. The Tuakau changes implement the Tuakau structure plan.
230. The zone provides for the densest residential development proposed in the District, with a minimum lot size of 450m<sup>2</sup>. Provision is made for multi-unit development at higher densities. Lower densities are required in some overlay areas. Residential activities predominate, with non-residential activities being tightly controlled.
231. The consolidation of the OWDP zones is underpinned by changes to the applicable objectives, policies and rules. The s32 report for the Residential Zone notes (at p10) that, “The Franklin and Waikato sections of the ODP are generally at odds with each other, with different approaches and addressing issues in a different manner.” Examples are given of the different approaches.
232. Apart from the need to harmonise the Franklin and Waikato section approaches to zoning, the PWDP text incorporated the requirements of the NPS-UDC 2016. The s32 report (p113)

explains that “The provision of sufficient housing to accommodate population growth and providing housing choice is a key Objective of the NPS-UDC. This suite of provisions will assist Council in giving effect to the NPS-UDC.” Growth areas for residential development are included in the PWDP, as discussed earlier.

233. There is an expectation that reticulated water and wastewater services are either available or can be made available to all sites zoned residential in the PWDP.

### **Rural Zone**

234. The Rural Zone replaces the following zones under the OWDP:
- Rural Zone (Waikato section)
  - Paa Zone (Waikato section)
  - Rural Zone (Franklin section)
  - Coastal Zone (Waikato section)
  - Coastal Zone (Franklin section)
  - Maioro Mining Zone (Franklin section)
  - Wetland Conservation Zone (Franklin section).
235. Different controls on land use, development and subdivision in these OWDP zones are replaced with a single set of controls in the PWDP Rural Zone. The s32 report for the Rural Zone explains the proposed approach.
236. The s32 report also states that the Rural Zone covers approximately 410,000 hectares - that is, 94% of the area of the District. The purpose of the Rural Zone is essentially to give primacy to rural production and access to minerals. Several issues are addressed to that end including conserving high-class soils, reducing fragmentation of productive land and managing the adverse effects of rural activities. The s32 report details the response to these and other issues.
237. The lowest density of development is provided for in the Rural Zone.

### **Village Zone**

238. In the OWDP, the Village Zone appears only in the Franklin Section.
239. The Village Zone in the PWDP is not specific to villages. The land in the District’s villages may be zoned Village Zone, Residential, Rural or Country Living Zone.
240. The PWDP Village Zone is a large lot (1,000 or 3,000m<sup>2</sup>) residential zone. Some is serviced by public reticulation, but more commonly public reticulation is not available and many properties have on-site services. Rural views are a key aspect of the context of this zone.
241. Village Zone areas in the Franklin section of the OWDP were largely carried forward into the PWDP. These areas are generally not serviced. They have limited ability to contribute to expected growth needs without substantial investment in infrastructure for water, wastewater and stormwater.
242. Additional Village Zone land has been proposed in Tuakau and Te Kowhai where it has a Rural Zoning under the OWDP. The section 32 report for the Village Zone states that land suitability was largely determined by lot sizes and access to public reticulation.

## Country Living Zone

243. The new Country Living Zone (CLZ) in the PWDP replaces the Country Living Zone in the Waikato section of the OWDP.
244. The former CLZ areas are largely carried forward into the new CLZ. The CLZ at Glen Massey is reduced, and the CLZ zoning at Scotsman Valley Road removed. In those places the former CLZ land is placed in the Rural Zone in the PWDP. Council policy when the PWDP was being drafted was to not add any land to the Country Living Zone.
245. The CLZ function and purpose is to provide rural living in the countryside with a lot size down to 5,000 square metres. The general character of the CLZ is a single dwelling per lot, without urban infrastructure such as footpaths, streetlights and reticulated water and wastewater.
246. The CLZ provides rural-residential living opportunities to alleviate pressure on subdivision and development of rural land. The CLZ also assists the Rural Zone to work efficiently by segregating lifestyle blocks from full-scale rural production and agricultural activities which the District relies on for its social and economic wellbeing.
247. While rural lifestyle living is the predominant land use in the CLZ, the zone has some capacity for small-scale boutique farming or horticulture because much of the zone is on highly productive land.

## Discussion: rural-residential zoning

248. Two additional Village Zone areas and a selected few Country Living Zone properties were identified in the PWDP to change from rural in to OWDP. The s32 Report for the Country Living Zone and that for the Village Zone did not address the supply requirement or planning rationale for the need for a 'country living zone' or 'village zone'. In discussion with other Waikato District Council staff, it was established that it was a strategic decision at the time to not identify any new Country Living Zone or extend the existing Country Living Zone areas.
249. It is understood that this decision was taken with the aim of limiting the fragmentation of rural land and the creation of additional rural residential lots away from areas key amenity and infrastructure services. The existing Village and Country Living Zone areas are predominantly in areas with high-class soils, many of which are in the Waikato Basin surrounding Hamilton, for example Tamahere, Rotokauri and Whatawhata.<sup>36</sup>
250. There is also an acknowledgement that 5,000m<sup>2</sup> and 3,000m<sup>2</sup> lots are not the best use or most economic use of the scarce resource of productive rural land comprising class 1-3 soils.
251. As evidenced through recent experience in areas such as Tamahere, where there are large contiguous areas of the Country Living Zone, the expectations of residents and landowners differs significantly from those who might live on similar sized lots which are sporadically located throughout parts of the District as a result of subdivision in the rural zone. The residents in these Country Living zones expect a higher level of service - equivalent to a residential area - with improved local amenities, service-based retail, footpaths, community facilities, playgrounds etc. As a result, this is now causing funding issues for Council because although land values are generally high, total rateable units are considerably lower than in areas such as Ngaruawahia, where urban density is achieved.
252. There are specific engineering standards which apply, depending on whether a Country Living Zone is considered rural or urban. For the reasons noted above, this zone should be considered rural in respect to service provision but urban (depending on scale and degree) in respect to plan provisions.

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<sup>36</sup> Councilor workshop presentations and notes May-August 2015

253. The Country Living Zone and Village Zone also cause issues when adjacent to existing urban areas, as the lot sizes, fragmentation, and built form are such that they are precluding the future expansion of these urban areas. This is evidenced in the areas surrounding Ngaruawahia and Hamilton.
254. The PWDP contains provisions (e.g., Rule 24.4.2) indicating that the Country Living and Village Zones could act as 'transitional' zones as areas develop, going to a higher residential density in future. In my view, there are a number of issues which this presents, meaning it is not a viable or feasible approach.
255. Firstly, the Country Living and Village Zones are not reticulated zones, therefore if they were to be transitional zones, at some point in the future these areas would need to be reticulated, have roads 'urbanised' (i.e., full curb and channelling, street lighting etc.) and increased community assets added to cater for the additional population. This would cause significant funding and delivery issues for Council, as it could only require those developing to pay development contributions to fund the upgrades, with no certainty as to if or when other landowners may choose to subdivide. Particularly with waters infrastructure, the size of the infrastructure needs to closely match the demand, otherwise the network does not operate effectively. It is inefficient to construct trunk mains on sub-optimal alignments dictated by already-established development patterns. As a result, Council would need to forward fund extensive works through borrowing, then likely have to up-size infrastructure several times as development capacity of an area were gradually realised/demand on the assets increased.
256. Furthermore, in terms of the provision of community assets like parks and reserves, Council would either need to invest at the outset around the time of the zoning changing from rural to residential to a level that might at some point be required due to the population. In this case it would mean acquiring assets and servicing them (e.g., a park) well beyond what is required and for a duration unknown until such asset is required. Alternatively, Council would need to purchase land at the time of zone change from low density residential to an increased residential density at market rates for residential land.
257. The notion of large-lot residential zones acting as transitional zones should be disregarded - in areas where there are largely undeveloped Country Living and Village Zone areas on the periphery of urbanised areas, for example Tuakau and Ngaruawahia, the zone should be changed to increase density to a standard residential density and the necessary services provided to make the best use of this scarce resource. This would align the PWDP with the policy direction set out in the WRPS (Policy 6.1.7, 6.1.5 and 6A Principles) regarding rural-residential areas not conflicting with the long-term needs for expansion of existing urban centres and the potential adverse cumulative effects of this type of development.
258. On this basis, I recommend that there be no additional zoning of large-lot residential zones of either Country Living Zone or Village Zone in the Waikato District. Furthermore, that the Hearings Panel consider the appropriateness of this density in surrounding areas which the PWDP identifies as growth areas, such as Tuakau, Ngaruawahia and Te Kowhai.

### **Special zones**

259. The Hampton Downs Motor Sport and Recreation Zone applies to a single site at Hampton Downs. The land has for more than a decade been a motor racing venue under a resource consent granted in 2006. The land was zoned Rural in the OWDP. The new special zoning reflects a desire to deliver the consented activities more efficiently.
260. The Te Kowhai Airpark Zone is a new zone surrounding a private airfield at Te Kowhai which has operated for several decades. The land was zoned Rural in the OWDP. The new zoning facilitates a proposal to develop the land as an airpark, where people can live and operate light aircraft from their homes. Ancillary business and industrial activities are also envisaged.

261. The Rangitahi Peninsula Zone applies to land at Raglan. The land was zoned Living Rangitahi under Plan Change 20 to the OWDP, subject to a detailed structure plan and special rules. While this is essentially a residential zone, the new specific zoning for the area is intended to simplify the presentation of the relevant provisions, without material change.
262. The Business Zone Tamahere is specific to development of a small area identified in, and subject to, the Tamahere Village Concept Plan. The land was zoned Country Living in the OWDP as a scheduled site named “Business at Tamahere.” (Noting that this zone is separate to the Tamahere Commercial Area - an overlay in the Country Living and Rural Zone that gives limited recognition and protection to existing commercial activities on three sites.)

## Zone capacity

### Residential land supply

263. Waikato District Council has a land use capacity model. It is used to assist in determining future land capacity of greenfield areas as well as latent and in-fill capacity within existing urbanised (brownfield) areas. Analysis using this model was undertaken during the development of Waikato 2070, to determine the possible capacity of the new growth areas identified in the PWDP. Some key rules/criteria were applied to each growth cell to determine its theoretical household capacity. Refer to Appendix 8 for a breakdown of growth cells and Appendix 9 for a breakdown by town of capacity vs household projections for each urban area in the District.
264. The capacity model shows that there is a current estimated total of 30,470 residential dwellings in the District (as at 2020). Of this, there are approximately 16,881 ‘urban’<sup>37</sup> dwellings in the towns of Tuakau, Pokeno, Te Kauwhata, Huntly, Taupiri, Ngaruawahia, Horotiu, Te Kowhai, and Raglan and 13,589 dwellings in rural areas (including dwellings in country living zones). The Future Proof Strategy Planning for Growth 2017 aims for 80% of residential growth in the Waikato District to be in the identified growth towns and villages.
265. The Cameron (2020) population and household projections for the Waikato District were disaggregated to statistical areas, based on historic growth rates, to provide an indication in respect to future demand in these localities. This was undertaken on a proportional basis, therefore, if an area has recently experienced population growth, it will continue to show growth, regardless of whether land capacity exists to enable it or not.
266. The Cameron (2020) report shows that as a result of the COVID-19 pandemic, the additional housing demand in the District is approximately 4,000 households greater than earlier projections had forecast (WISE, 2016) over the 2021-2031 period<sup>38</sup>. Overall, Cameron (2020) forecasts a total household demand of between 38,202 to 39,799 in the District by 2031.
267. Table 4 below summarises the Cameron (2020), WISE (2016) and Future Proof Housing Business Assessment (2017) data to the ‘2018-2045’ period referred to in PWDP Objective 4.1.1(b), including the ‘+20%’ NPS-UD requirement. Cameron (2020) highlights a need for a total of 22,216 – 27,387 households (market-feasible and infrastructure-ready) in the District between 2018 and 2045. This indicates a shortfall in the PWDP zone capacity to cater to demand. This shortfall may or may not be increased/decreased, depending on how much household growth is assumed to occur in the rural environment versus urban. It also depends on how many of the structure plan areas (accounted for in the 2017 Housing Business Assessment) zoned in the PWDP have funding allocated for infrastructure servicing in the current LTP (2018-2028) or are planned to be funded and serviced in the forthcoming LTP (2021-2031).

<sup>37</sup>The definition of ‘urban’ is adopted from the urban zones in the PDP (Residential and Village Zone).

<sup>38</sup> Assuming the PWDP decisions are released in 2021 with a 10-year life.

268. The 2021 Future Proof Housing and Business Assessment is underway at the time of writing and is due to be published first half-2021. Draft findings of this supplied to Waikato District Council in late 2020, showed that under the OWDP, across the noted towns, there is 2,863 lots of 'commercially feasible' in-fill (subdivision) capacity and 3,182 lots greenfield capacity (refer Table 3). The OWDP greenfield capacity is predominantly held in Raglan and Pokeno between two sites/developers. Market feasible in-fill capacity identifies capacity of 2,863 (almost half total capacity) however the actual proportion of this that will be realised could be as low as 10% due to housing market-turnover and developer demand.

Table 3 Existing (2020) estimated Operative Waikato District Plan capacity

	In-fill (subdivision), commercially feasible (lots)	Greenfield, commercially feasible (lots)	Total (lots)	Proportion of total supply in each locality
Tuakau	212	0	212	3.5%
Pokeno	415	859	1,274	21.1%
Te Kauwhata	241	545	786	13.0%
Huntly	307	61	368	6.1%
Taupiri	254	0	254	4.2%
Ngaruawahia	510	71	581	9.6%
Horotiu	168	0	168	2.8%
Te Kowhai	14	0	14	0.2%
Raglan	742	1,646	2,388	39.5%
<b>Total</b>	<b>2,863</b>	<b>3,182</b>	<b>6,045</b>	<b>100%</b>

Source: Market Economics Draft Housing Business Assessment (2020)<sup>39</sup>

Table 4 Housing supply/demand summary analysis

<b>Additional Households 2018-2045</b>	
Proposed Plan (aims to provide an additional urban supply) (Objective 4.1.1(b))	13,300-17,500 <sup>40</sup>

<sup>39</sup> The Cameron (2020) household forecasting work has been used as the input data to inform the demand side of this assessment draft 2020 HBA assessment.

<sup>40</sup> This number is reflected in Future Proof 2017 'Waikato District Council Growth 2016-2045, Household Supply' (p.88). A change was later made to the PWDP post notification to "give effect to" the National Policy Statement: Urban Development Capacity (2016).

Housing Business Assessment, Future Proof (2017) (plan enabled urban supply including structure plans <sup>41</sup> and in-fill) <sup>42</sup>	9,681 (urban)
LTP Projection 2014 (all of district)	10,513
WISE 2016 (all of district)	16,019
University of Waikato 2020 (all of district)	18,514 – 22,822
<b>Total required supply to meet NPS-UD requirements University of Waikato 2020 (+20%) (all of district)</b>	<b>22,216 – 27,387</b>
University of Waikato 2020 (urban)	11,428 – 13,941
University of Waikato 2020 (+20%) (urban)	13,713 – 16,729
Estimated urban shortfall to meet NPS-UD requirements <sup>43</sup>	4,032 - 7,048

## Discussion

269. In respect to new residential zoning, it is best practice that new growth cells be contiguous with existing urban areas, integrate into the existing urban form through physical layout (road, walking, cycling connections including street layout and design to complement the existing) in order for a cohesive and accessible settlement pattern to be achieved. This same approach should also apply in respect to natural characteristics such as riparian areas, river, stream and gully systems. Before progressing to live zoning, these new areas need to satisfy a number of criteria, including internal connectivity.
270. New brownfield residential zoning (up-zoning) and change of residential zoning should meet criteria such as distance from the town centre / main street catchment, proximity to reserves, availability of public transport etc.
271. Full site redevelopment that will demonstrably alter the density and therefore the urban form and character of a residential area should be limited to certain areas which are considered most suitable for this type of development, and with the application of specific design criteria.
272. Zoning decisions which result in a loss of business zones in town centres need to be considered in light of the likely displacement of existing businesses within these areas. Existing businesses, such as panel beaters and rural supply shops, will require alternative areas to relocate to and 'build-out', otherwise they, and their contribution, will be lost (as found by Prosperous Places, 2019).

<sup>41</sup> These structure plan areas were included in the PWDP and therefore this study provides an accurate assessment of the residential greenfield areas in the PWDP.

<sup>42</sup> These number do not account for the uptake of supply of OWDP zoned areas in the intervening years.

<sup>43</sup> This is the estimated net required urban supply to meet 'urban' demand +20% (based on Cameron 2020) using the 2018-2045 the Housing Business Assessment, Future Proof (2017) supply analysis. The above equation includes a deduction to take account of the loss of supply between when this study was undertaken and 2020. The analysis does not account for a higher proportion (than that forecast by Cameron 2020) of rural growth occurring in urban areas due to constraints.

## Business land supply

273. Recent analysis by Prosperous Places (2019 various)<sup>44</sup> commissioned by Waikato District Council regarding the future business land demand needs for the District developed three scenarios till 2045. The outputs are shown in Table 5. The analysis used three scenarios:
- 'Existing Economy' Scenario – Where future employment continues to reflect the existing Waikato District economy
  - 'Recent Growth' Scenario – Where future employment growth reflects the types of activities growing in the Waikato District between 2001 and 2017
  - 'High Growth' Scenario – Where Waikato District's future employment growth matches the highest recent growth achieved for different activities in Regional North Island or the Waikato District (whichever was the highest between 2001 and 2017).

Table 5 The likely demand for Waikato District industrial land under each scenario

	Existing Economy (ha)	Recent Growth (ha)	High Growth (ha)
<b>General Industries</b>	40	46	86
<b>Food &amp; Clean Production</b>	41	52	64
<b>Construction and Utilities</b>	40	78	126
<b>Total industrial</b>	<b>121</b>	<b>176</b>	<b>276</b>
<b>Transport and Storage</b>	9	10	40
<b>Wholesaling</b>	21	47	124
<b>Total Logistics</b>	<b>30</b>	<b>57</b>	<b>164</b>
<b>Total Industrial Land</b>	<b>151</b>	<b>233</b>	<b>440</b>
<b>Vehicle and Parts Sales</b>	0	0	0
<b>Bulky Goods &amp; Hire services</b>	1	2	11
<b>Retail Services</b>	0	0	0
<b>Office Based Services</b>	2	5	9

<sup>44</sup> Kemp, D. (2019a) *Working Paper 1: Relative 'Competitive Advantage' of Waikato: Economic and Employment Prospects and Future Industrial Land and Office Space*. Prepared for Waikato District Council. Prosperous Places.  
 Kemp, D. (2019b) *Working Paper 2 Projected Future Industrial Land Demand for 'Cottage Industries' and 'Service Trades'*. Prepared for Waikato District Council. Prosperous Places.  
 Kemp, D. (2019c) *Working Paper 3 Projected Future Industrial Land Demand for 'Service Trades' at Different Locations*. Prepared for Waikato District Council. Prosperous Places.  
 Kemp, D. (2019d) *Working Paper 4 Industrial Land Evaluation: Suitability of Industrial Land for Different Types of Industrial and Service Uses North Huntly / Ohinewai and Taupiri*. Prepared for Waikato District Council. Prosperous Places.  
 Kemp, D. (2019e) *Working Paper 5 Retail and Office Space Projections for Centres: 'Huntly' and 'Pokeno' Town Centres*. Prepared for Waikato District Council. Prosperous Places.

<b>Retail and Support Services</b>	<b>3</b>	<b>7</b>	<b>20</b>
<b>Total Industrial Land Demand (Ha)</b>	<b>154</b>	<b>240</b>	<b>460</b>
<b>Showroom space</b>	<b>4</b>	<b>8</b>	<b>40</b>

274. Market Economics (2018)<sup>45</sup> forecasted business land demand of 209.4ha plus a margin of 15%, equating to 240.8ha between 2017 and 2047. WISE (2016) 'Medium Population Projection for the Waikato District between 2013 and 2041' identified a business land demand for 268ha. The more recent Prosperous Places findings identify business land demand of 460ha, based on sector growth elsewhere in regional New Zealand and a changing nature of the type of businesses establishing within the District in the future.
275. Prosperous Places recommended at least 80 ha of suitable, well located, plan-enabled and infrastructure-ready land should always be kept available in the District for the following land uses:
- General industry (including construction and utilities) - 15 ha
  - Clean production (including retail and business services) - 20 ha
  - Wholesaling and logistics - 45 ha.
276. At least half of the lowest projected demand for industrial land under the 'Existing Economy' Scenario (half of 154 ha - 77 ha) provides a realistic estimate of the minimum amount of vacant, plan-enabled, infrastructure-ready and feasible industrial land that should always be available to avoid land shortages (that could force up land values and drive away economic opportunities). This would be equivalent to 9 years' supply under the 'Recent Growth' Scenario or 4.7 years' supply under the 'High Growth' Scenario. This will provide sufficient lead-time to zone and service additional land depending on the rates of up-take.
277. Analysis by Prosperous Places revealed that a portion of demand for employment land would include cottage industries and service trades<sup>46</sup>. The analysis projects demand for 20ha of industrial land for cottage industries in the Waikato District. The businesses that fall into these categories have unique locational requirements, and therefore would not be suited to just one zone type, i.e. industrial, as they have differing needs (Kemp 2019b).
278. Waikato District Council recently undertook a high-level assessment of possible future industrial areas in the District aligned to the locational criteria provided by Prosperous Places. Additional factors included accessibility to arterial roads, motorway, interchanges, labour force, proximity to existing or planned trunk infrastructure, land slope, significant natural areas, and current land-use activities in these areas and nearby. These areas were subsequently adopted through Waikato 2070. If additional employment-zoned land is established in the District, it is recommended that the employment areas and indicative activities in Waikato 2070 be used to inform where zoning is considered coupled with the framework under Part I.
279. Based on this analysis the PWDP should be zoning at least 150-220ha of future employment land to cater for the demand for business activities discussed above. Between now and 2045 a total quantum of 460ha should be considered and released accordingly.

<sup>45</sup> Akehurst, G. & Church, F. (2018) *Business Development Capacity Assessment 2017 Future Proof Partners: Hamilton City, Waikato District, Waipa District*. Market Economics. Prepared for Future Proof.

<sup>46</sup> Cottage industries are small-scale businesses, generally production/manufacturing, which operate out of small premises and employ a small number of people.

## Discussion

280. As per the PWDP currently, there is only an Industrial and Heavy Industrial zone type. If business demand and diversity of business uses in the Waikato District increase as forecast, this will pose a risk in respect to reverse sensitivity and reduce the ability of complimentary activities to cluster together.
281. A single industrial zone may not be sufficient, and a Light Industrial Zone, as defined in the National Planning Standards, should be considered as an additional zone. As with residential zoning, there is a need to have a quantum of zoned land above and beyond forecast demand to take account of factors which affect these areas being realised for business purposes (these include natural and physical constraints, servicing, developer appetite, market demand). Having a quantum of land zoned beyond demand of at least 50-100%, for the purposes of redundancy, helping mitigate the effects of land-banking and excessive price inflation. In turn, this helps reduce the cost of land, thereby mitigating the financial barriers to new business establishment and the expansion of existing businesses in the District. Location of zoning, zone activity and policy frameworks can aim to best cater to the forecast demands of the market and by doing so avoid driving away new businesses or limiting the growth of existing ones. Ultimately, the desired location will be determined by individual business preference.
282. Due to the historical physical development of many of the towns in the Waikato District, the commercial areas generally comprise a range of lower-order service-based businesses and cottage industries which service both the towns and the wider rural catchments. These businesses play a key role in these local economies, generating employment and providing for local services. The move of these businesses from the periphery of town centres will occur naturally as land values increase and the yields for alternative uses, such as residential, surpass those currently being received. If new business ‘parks’ are not created, the risk is that these businesses will be forever lost from these towns.
283. New business parks would typically comprise small to medium lots, located on the edge of urban areas, with good vehicular access to arterial routes. Business parks could be appropriate in areas such as Pokeno, Te Kauwhata. Huntly and Ngaruawahia.
284. Current capacity for these activities exists in Tuakau (Whangarata Business Park), but other areas suitable for these lower-order services have largely been taken up/utilised in other areas such as Te Kauwhata (Rata St), Huntly (George Drive and Glasgow Street) and Ngaruawahia (Herschel Street and Puke Ahua Lane).
285. During the development of the PWDP there was no analysis undertaken to determine the likely future demand across the District for these types of employment areas/zones. Development of the PWDP commenced in 2014<sup>47</sup>. During Phase 3 of the process ‘Issue and Topic Identification’ in mid-2015 the supply of employment land was not identified as an issue<sup>48</sup>. In the s32 report, based on the NPS-UDC Housing Business Assessment for the sub-region, it was determined that no more business or industrial land was needed.
286. In the intervening time, land use demand for employment zones has changed. Policy 4.1.6 (b) “Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of: (i) Tuakau; (ii) Pokeno; (iii) Huntly; and (iv) Horotiu” reflects the position of the Council at the time of drafting, but this policy is now likely to constrain demand and economic opportunities within the District. Whilst these were identified as ‘growth nodes’, limited additional zoning to enable their growth was provided for in these areas, and little consideration was given in strategic documents regarding where they could expand in future. Waikato 2070 has subsequently identified future employment growth areas, for example to

<sup>47</sup> S32 Report, Introduction to the Evaluation Reports, available on Council’s website.

<sup>48</sup> Councilor workshop presentations and notes May-August 2015

the north of Huntly in what is denoted in this document as 'East Mine Business Park' and Horotiu to the 'Industrial Park' in the west.

287. The changes in respect to employment zones under the PWDP were limited. The PWDP introduced a Business Town Centre Zone covering each town's main street and surrounding area. These areas are currently zoned Business. This proposal was intended to enable more mixed-use development, retail, commercial office and residential (on second or third storey – not permitted on ground floor). Additionally, spot zoning was undertaken in some town centre areas to extend the business zone. Spot zoning of additional industrial land occurred, for example Tregoweth Lane in Huntly (one site). A small area of Industrial zone in Te Kauwhata was removed and changed to residential.

### **Infrastructure servicing: waters**

288. The Council covers a large and varied geographic area comprising many towns experiencing growth pressure, yet with a relatively small rating base of approximately 34,000 rating units. Because of this Council has to fund or part-fund multiple water and wastewater infrastructure networks. Only recently, have the Huntly, Ngaruawahia and Horotiu water networks been connected to improve operating efficiency.
289. Currently, Council's 2018 Development Contributions Policy already takes a 'user pays' approach to new infrastructure provision - "It is the Council's position that costs of growth-related capital expenditures should largely come from participants in the property development process, rather than from general rates or any other indirect funding source."
290. The purpose of development contributions under the LGA 2002 is to recover a fair, equitable, and proportionate amount of the total cost of capital expenditure necessary to service growth over the long term from persons undertaking development. As such, the Council generally only part-funds trunk infrastructure, as the benefit of new infrastructure is split between existing users, who receive an improved level of service, and the developer, whose development can be serviced as a result of the infrastructure investment. Under the current Development Contributions Policy (2018-2021), site-specific infrastructure, for example within a greenfield growth cell, will be funded wholly by the developer, including the connection cost to the trunk mains. If infrastructure within a growth cell provides wider benefit - for example, a wastewater pump station - a cost share arrangement will likely be entered into by way of a development agreement under the LGA 2002.
291. There is a growing number of examples around New Zealand where private wastewater systems have failed, requiring the local authority to remedy the situation by taking over maintenance and operation of the system, or connecting the area to an existing system. Smaller systems generally carry a disproportionately higher cost per household due to the cost to maintain and service. These are generally only viable when their costs can be shared across a larger rating base. Therefore, smaller schemes place a disproportionate cost on Council and should be avoided where possible in favour of larger integrated schemes, where the costs and benefits are more widely shared.
292. A reason for private schemes failing is generally a lack of ongoing investment and the cost and complexity to maintain. The owners of the scheme will generally need to require sub-contract maintenance and operation by an experienced contractor. This comes at a significant cost to a small scheme, with the ability to bankrupt body corporates due the revenue pool.
293. Whilst in some instances ownership structure might be argued as a mitigating factor for privately-owned solutions, for example common ownership of various household units (e.g., a retirement village) through a body corporate or company structure, but the risk to the environment and the economic cost of failure remains. As evidenced in recent examples, during the life of a scheme or development, company ownership can change and investment

priorities for those entities do vary, which can adversely impact servicing and maintenance budgets leading to system failure.

294. Waikato District Council already has examples of schemes which it has needed to assume responsibility for due to failure or inability of private groups to manage them, such as Maramarua, Te Akau, Meremere, Matangi, Te Kowhai and Onewhero.
295. Network resilience is another key consideration. A larger, centralised integrated network would be more resilient and cost-effective in the long run compared with individual bespoke systems, providing economies of scale and the ability to disperse costs across a larger catchment. Meremere and Te Akau are examples of a small-scale scheme owned and operated by Waikato District Council/Watercare Services Limited, but for which there is not a sufficient number of users for it to be cost-neutral, i.e., ratepayers at large end up subsidising these schemes.
296. All new residential development that occurs at a density which necessitates reticulated water and wastewater servicing (e.g., residential development at a lot size less than 2,500m<sup>2</sup>) should be required to connect to a Council or government-owned water and wastewater system.
297. Private water and wastewater systems servicing multiple dwellings commonly create operational, health, environmental and financial risk to Councils and the general public.
298. Waikato District contains areas which are currently serviced by trickle feed water supply systems. It is important to note that the existence of these systems does not automatically mean that greater pressure or supply can be provided in these areas. This is due to the design limitations of this network infrastructure and the source from which supply is derived. A high-level assessment of water and wastewater servicing of the growth cells is outlined in Appendix 5.

## Appendix I: Rezoning Assessment Framework

<b>Lens 1</b>
a) The change is consistent with the relevant objectives and policies of the PWDP (Matrix in Appendix 2: Matrix of Relevant Objectives and Policies in the PWDP).
<b>Lens 2</b>
b) The overall impact of the rezoning is consistent with the Waikato Regional Policy Statement (including Implementation method 6.1.8) and applicable National Policy Statements (including the NPS-UD)
c) Takes account of the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao
d) Takes account of the Maniapoto Environmental Management Plan, Ko Ta Maniapoto Mahere Taiao
e) Gives effect to the Vision and Strategy for the Waikato River
f) Has regard to Waikato 2070
g) Has regard to Future Proof 2017
<b>Lens 3</b>
h) Economic costs and benefits are considered
i) Changes take into account the issues debated in recent plan changes
j) Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints (e.g., hazards).
k) Changes take into account features of the site (e.g., where it is, what the land is like, what it is used for and what is already built there).
l) Zone boundary changes recognise the availability, or lack of, major infrastructure (e.g., water, wastewater, stormwater, roads).
m) There is adequate separation between incompatible land uses (e.g., houses should not be next to heavy industry).
n) Zone boundaries are clearly defensible e.g., follow natural boundaries or roads where possible or other boundaries consistent with the purpose of the zone.
o) Zone boundaries follow property boundaries.
p) Generally, no "spot zoning" (i.e., a single site zoned on its own).
q) Zoning takes into account existing resource consents and existing use rights, but this does not determine zoning.
r) Zoning for business and industrial land is consistent with additional locational criteria <sup>49</sup>

<sup>49</sup> Only to be applied for scenarios which are seeking to transition to an employment activity, outlined under Part I, 'Lens 3' of this report.

## **Appendix 2: Matrix of Relevant Objectives and Policies in the PWDP**

Relevant PWDP Objectives and Policies	Guidance notes	Scenario												
		Rural zone to Country Living zone	Rural zone to Residential zone or Village zone	Rural zone to Residential zone	Rural to Business zone or Business Town Centre zone	Rural to Industrial zone or Heavy Industrial zone	Any zone to 'Special Zone' (includes Motorsport and recreation zone and Te Kowhai Airfield zone)	Residential zone to Business zone or Business town centre zone	Country Living zone to Village zone	Residential zone to Industrial zone	Industrial zone to Business zone	Business Town Centre zone to Business zone	Country Living zone to Industrial zone	Residential zone to Rural zone
1. Growth occurs in defined growth areas (1.5.2(a))	Defined growth areas are 'urban environment' zones under the PWDP	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant
2. Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently. 1.12.8(b)(i)	For the purposes of this objective development permitted in zones in PWDP chapter 4: residential, business, industrial and village  'areas identified' means zones  'most efficiently' means where there is existing infrastructure assets or planned assets identified in a Long Term Plan which support 'urban'	Relevant	Relevant	Relevant	Relevant	Not applicable	Subject to what the predominant activity sought in this zone is and what the underlying zone is	Not applicable	Relevant	Not applicable	Not applicable	Relevant	Relevant	Relevant
3. Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. 1.12.8(b)(ii)	This should be interpreted to mean rezone requests to expand an urban area are contiguous with existing urban areas, and for rezoning requests which seek to change an existing zone in an urban environment, the density of activity is increasing (i.e., compact)	Relevant	Relevant	Relevant	Relevant	Not applicable	Subject to what the predominant activity sought in this zone is and what the underlying zone is	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant
4. Focus urban growth in existing urban communities that have capacity for expansion. 1.12.8(b)(iii)	Existing 'urban communities' should be interpreted as Tuakau, Pokeno, Te Kauwhata, Huntly, Taupiri, Ngaruawahia, Horotiu, Te Kowhai, Raglan.  Capacity for expansion should consider at a high level the suitability of land for development (e.g.,	Relevant	Relevant	Relevant	Relevant	Not applicable	Subject to discretion depending on the nature of the predominant activity for which the special zone seeks to accommodate (i.e., is it	Not applicable	Relevant	Not applicable	Not applicable	Not applicable	Relevant	Not applicable

	topography/landscape, cultural, ecology), transport connectivity, availability of employment, social infrastructure (incl. public facilities) and infrastructure							'urban growth?) and what the underlying zone is						
5. Plan for mixed-use development in suitable locations 1.12.8(b)(iv)	'Mixed use' is only explicitly intended under the Business Town Centre zone or in the Business Overlay Area	Not applicable	Not applicable	Not applicable	Relevant	Not applicable	Relevant	subject to what the predominant activity sought in this zone is: only applies if the predominant activity is south in the special activity zone is 'mixed-use',	Relevant	Not applicable	Not applicable	Not applicable	Relevant	Not applicable
6. Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance. 1.12.8(b)(vi)	Rezoning requests must assess for these characteristics across their site, identify where applicable and demonstrate how the requested zone extent and/or policy overlay meets this objective.  Stage 2 of the PWDP should be used for the purposes of identifying natural hazard and ecological areas.	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant						
7. Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas' (1.5.1(b); 1.12.3(a); 1.12.3(c); 4.1.2(a); 5.3.8)	If re-zoning for 'settlement' takes place it must occur in and around existing towns and villages and in defined growth areas  'settlement' defined as somewhere people come to live and make homes	Relevant	Relevant	Relevant	Relevant	Not applicable	Relevant	Not applicable: subject to what the predominant activity sought in this zone is	Relevant	Relevant	Not applicable	Not applicable	Not applicable	Relevant
8. Urban growth areas are consistent with Future Proof Strategy for Growth 2017 (4.1.3(b))	If re-zoning takes place it must be consistent with the Future Proof Strategy for Growth (2017)	Relevant	Relevant	Relevant	Relevant	Not applicable	Relevant	Not applicable: subject to what the predominant activity sought in this zone is	Relevant	Relevant	Not applicable	Not applicable	Not applicable	Relevant
9. Industry is only to be located in	This is qualified in specific locations by policies 4.6.5 and 5.3.3.	Not applicable	Not applicable	Not applicable	Not applicable	Relevant	Not applicable	Subject to discretion depending on	Not applicable	Not applicable	Relevant	Not applicable	Not applicable	Relevant

identified Industrial Zones and the industrial strategic growth nodes of: (i) Tuakau; (ii) Pokeno; (iii) Huntly; and (iv) Horotiu (4.1.6)	<i>Industrial strategic growth nodes means within or contiguous to the township.</i>							<i>the nature of the predominant activity for which the special zone seeks to accommodate</i>							
10. Business town centres are maintained as the primary retail, administration, commercial service and civic centre for each town (4.5.3(a)(i))	<i>Re-zoning should not reduce zoned land for these town centre activities</i>	Not applicable	Not applicable	Not applicable	Relevant	Relevant	<i>Subject to discretion depending on the nature of the predominant activity for which the special zone seeks to cater for</i>	Relevant	Not applicable	Not applicable	Relevant	Not applicable	Not applicable	Not applicable	Not applicable
11. Maintain sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial zones (4.6.3(a))	<i>To be applied if additional industrial land at an identified strategic industrial node is sought.  The policy does not stipulate where additional zoning at these nodes should be situated. Criteria under 'Lens 3' should be applied to assess the suitability of the requested location.</i>	Not applicable	Not applicable	Not applicable	Not applicable	Relevant	<i>Subject to discretion depending on the nature of the predominant activity for which the special zone seeks to cater for</i>	Not applicable	Not applicable	Relevant	Relevant	Not applicable	Relevant	Not applicable	Not applicable
12. Maintain activities within specific sites containing lawfully established industrial activities that are not immediately adjacent to towns or villages (4.6.5(a))	<i>To be applied if a lawfully established industrial activity is seeking zoning</i>	Not applicable	Not applicable	Not applicable	Not applicable	Relevant	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>	Relevant	Relevant	Not applicable	Relevant	Not applicable	Not applicable
13. Infrastructure can be efficiently and economically provided (4.1.3(a))	<i>Principally, this should be focused on roading and water and wastewater infrastructure. Appendix 5 provides a high-level analysis of water and wastewater infrastructure/growth cell as identified in Waikato 2070. Areas outside of these growth cells are not intended to be serviced.</i>	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant

	<i>For areas not currently serviced evidence would need to be provided to demonstrate that this policy can be met.</i>														
14. Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space (4.1.5(a))		Not applicable	Relevant	Relevant	Relevant	Not applicable	Subject to discretion depending on the nature of the predominant activity for which the special zone seeks to cater for	Relevant	Not applicable	Relevant					
15. (a) Subdivision, use and development within the rural environment where: (i) High class soils are protected for productive rural purposes; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment; (iii) urban subdivision use, productive rural activities are supported and development in the rural environment is avoided (5.1.1(A)(i)(ii)(iii); 5.3.8)	<i>Subdivision and development in the rural zone is avoided: the rural environment being areas identified as the rural zone in the PWDP</i>	Relevant	Relevant	Relevant	Relevant	Not applicable	Subject to what the predominant activity sought in this zone is	Not applicable	Relevant						
16. Rural character and amenity are maintained 5.3.1 (a), 5.3.4 (a) (b)		Relevant	Relevant	Relevant	Relevant	Relevant	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
17. Effects on rural character and amenity from rural subdivision (a) Protect productive rural areas by directing		Relevant	Relevant	Relevant	Relevant	Relevant	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

urban forms of subdivision, use, and development to within the boundaries of towns and villages. (5.3.8(a))														
18. (b) Ensure development does not compromise the predominant open space, character and amenity of rural areas. (5.3.8(b))		Relevant	Relevant	Relevant	Relevant	Relevant	Not applicable							
19. Ensure subdivision, use and development minimise the effects of ribbon development. (5.3.8(c))		Relevant	Relevant	Relevant	Relevant	Relevant	Not applicable							
20. Subdivision, use and development opportunities ensure that rural character and amenity values are maintained. (5.3.8(e))		Relevant	Relevant	Relevant	Relevant	Relevant	Not applicable							
21. Subdivision, use and development ensures the effects on public infrastructure are minimised. (5.3.8(f))		Relevant	Relevant	Relevant	Relevant	Relevant	Not applicable							
22. Meets district wide rules and any relevant overlays		Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant	Relevant

## Appendix 3: Further discussion on guidance for selection of zones and zone boundaries

### Economic costs and benefits are considered

1. Economic costs and benefits of rezoning need to be considered.
2. It is not possible to provide an exhaustive list of quantifiable costs and benefits of individual zoning submissions. A starting point for submitters and report writers might be found in the s32 reports (available on the council website), which evaluate the district-wide costs and benefits of the zone, including opportunities for economic growth and employment. Those costs or benefits might be evident at a smaller scale from the changes that individual submissions would bring about. Other costs and benefits may need to be identified from the local context.
3. Benefits often mentioned in the context of rezoning include the possibility that rezoning might open up an area, thereby providing new or improved infrastructure, jobs and homes.
4. Costs often mentioned in the context of rezoning include the costs of infrastructure provision and maintenance, along with the possibility that the proposed rezoning could close off future options - for a different style of development or land use, or by compromising routes for future infrastructure. It might also be asked whether rezoning would have the potential to displace business, office activity or introduce activities that compete with existing town centres.
5. Assessment of the economic impacts of a zone change should include consideration of whether there is sufficient land zoned for existing and proposed purposes (mainly considering the strategic issues discussed in this report, but some local supply issues may have a bearing).
6. Overall, a conclusion needs to be drawn as to whether economic benefits associated with the rezoning outweigh the likely costs.

### Changes should take into account the issues debated in recent plan changes

7. The changes to zoning in the PWDP should take into account the issues debated in recent plan changes.
8. The decisions reached in operative plan change processes affecting zoning will be relevant to any zoning submissions in those areas. Improvements to plan provisions, especially in the light of experience, can still be considered.
9. Examples of recent plan changes to zones include Rangitahi Peninsula (Plan Change 12, 2015) and the Lakeside development at Te Kauwhata (Plan Change 20, 2018.) In both cases the operative plan changes have largely been carried forward into PWDP. Minor presentational changes have been made.
10. Plan Change 22 Builtsmart Expansion (2020) is the most recent plan change to the OWDP. It altered the zoning of 2.45 hectares of land in Huntly South from Living Zone (Residential) to Light Industrial Zone. This will also be considered to the extent relevant to zoning submissions.
11. Table I contains a full list of plan changes, including some not so recent ones.

Table. I. List of plan changes to the operative district plan

Waikato Section	Franklin Section
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<i>Note: Waikato Section draft plan changes numbered 4, 6, 7, 9, 10, 13, 15 and 18 did not proceed.</i>	PC14 - Rural PC– includes Variation 13 - Transferrable Development Rights (2011-16)
PC1 - Hamilton International Airport Noise Rules (2011)	PC20 - Transport and Land Use Integration (2007)
PC2 - District Wide Growth and Rural and Coastal Subdivision (2014)	PC24 - Pokeno Structure Plan (2011)
PC3 - Tamahere Structure Plan Review (2013)	PC25 - Hazards, Earthworks, Stormwater and Reserves (2012)
PC5 - Vision and Strategy (JMA)	PC27 - Remedial PC (2012)
PC8 - Tidy Up Variation (2016)	PC30 - District Plan Review (mini) (2012)
PC14 - Raglan Re-Zone (2016)	PC34 - Zoning (2011)
PC12 - Private - Raglan Land Company – Rangitahi Peninsula (2016)	
PC16 - Tuakau Structure Plan (2017)	
PC17 - Ngaruawahia Structure Plan (2017)	
PC19 - Election Signs (2016)	
PC20 - Private - Lakeside Developments (2018)	
PC21 – Private - Graham Block Development PLC (2017)	
PC22 - Builtsmart (2020)	

**Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints**

12. The impacts of district-wide rules and the maps in the PWDP related to overlays and constraints (e.g., hazards) have been considered in regard to changes to zone boundaries and extents.
13. Chapter 15 Natural Hazards and Climate Change contains rules for mapped and unmapped natural hazard overlays. The rules for all other mapped overlays in the PWDP are included in zone chapters. These district-wide rules can affect the location of activities, so they will have a bearing on zoning decisions.
14. The mapped overlays in the PWDP are listed in Table 2. Objectives and policies for each overlay are in the chapters of the PWDP indicated in the table below.

Table 2. Overlays and objective/policy chapters of the PWDP

<b>Overlay</b>	<b>Chapter</b>	<b>Overlay</b>	<b>Chapter</b>
Urban Expansion Area	5.5	Airport noise boundaries	9.2
Significant Natural Area	3	Airport obstacle limitation surface	9.2
Outstanding Natural Feature	3.3	Airpark noise buffer (Te Kowhai)	9.2
Outstanding Natural Landscape	3.3	Airside Overlay (Te Kowhai)	9.2
Significant Amenity Landscape	3.4	Te Kowhai Airpark precincts	9.2
Outstanding Natural Character	3.5	Hampton Downs precincts	9.1

High Natural Character	3.5	Acoustic area (Horotiu)	4.1.16
Natural character area	3.5	Lakeside precincts	4.1.12
Environmental protection area		Residential West Te Kauwhata	4.7.13
Waikato River catchment	1.7	Residential Ecological Te Kauwhata	4.7.13
Heritage Precinct	7	Tamahere Commercial Area	4.5.5, 9.4
Heritage Items	7	Verandah frontage	4.5
Maaori Sites of Significance	2.15	Flood Plain Management Area	15
Maaori Areas of Significance	2.15	Flood Ponding Areas	15
Notable Trees	7	High Risk Flood Area	15
Coastal environment	3.5.3	Defended Area (Residual Risk Area)	15
Whaanga Coast area	2.16, 5.3.18	Coastal Sensitivity Area (Erosion)	15
Designations	E	Coastal Sensitivity Area (Open Coast)	15
Battlefield viewshaft	7.1	Coastal Sensitivity Area (Inundation)	15
Raglan navigation beacon	6.1.15	High Risk Coastal Hazard (Erosion) Area	15
Walkway cycleway bridleway		High Risk Coastal Hazard (Inundation) Area	15
National grid	6.2	Mine Subsidence Risk Area	15
Indicative road	6.4	Coal Mining area	5.4.2
Gas line	6.1	Aggregate extraction area	5.4.2
Noise control boundary (gun club)	5.3.15	Aggregate resource area	5.4.2
Rangitahi precincts	9.3	Urban allotment	

15. Depending on the scale and nature of the overlay it can be undesirable to rezone land for uses incompatible with the purpose of an overlay. This is acceptable where the differences are minor or are within general community or industry expectations for the zone.
16. However, where the overlay rules effectively close off development options that would ordinarily be expected in the underlying zone, misunderstanding and disappointment can result, along with complex and protracted resource consent processes.
17. Incompatibility of zones and overlays also creates risks for the outcomes intended for the overlay. The intended outcomes for overlays are stated in the relevant section of the PWDP. In some cases, the overlay outcomes would be unaffected by a change to the underlying zone. Given the number of possible combinations of zones and overlays, the compatibility, and risks to overlay outcomes arising from rezoning will vary widely and need to be assessed case-by-case.
18. An obvious clash might arise in relation to the national grid overlay, if rezoning were likely to bring more sensitive activities around the buffer corridor identified in the National Policy Statement on Electricity Transmission.
19. Where a specific organisation or community group is associated with an overlay, such as Transpower in the case of the national grid, or iwi, in the case of sites and areas of significance

to Maaori, or the gun club in regard to its noise buffer, evidence of consultation with the affected party will be essential to support rezoning of land within those overlays.

20. In cases where a clash between zoning and an overlay is apparent in the PWDP as notified, favourable consideration might be given to a submission for rezoning that would reduce the development potential of the affected land. On the other hand, if the requested rezoning had the potential to increase the extent of incompatibility between overlay and zoning, that would be persuasive against that rezoning.
21. Sometimes it will be apparent that an overlay should be reconsidered because the zoning makes more sense. These situations can be advanced to the Hearings Panel, which may have heard other submissions seeking changes to the overlay.

### **Changes should take into account features of the site**

22. Re-zoning changes should take into account features of the site (e.g., where it is, what the land is like, what it is used for and what is already built there).
23. RMA sections 6 and 7 require a wide range of matters to be “recognised and provided for” or had “particular regard to” in achieving the purpose of the RMA. The matters mentioned in s6 and s7 provide a useful starting point to identify features of sites relevant to rezoning. To these can be added other relevant features.
24. The Hearings Commissioners’ Minute of 12 May 2020 gave examples where expert assessments might be needed to support submissions: transport, landscape and urban design, geotechnical stability, natural hazards, provision of three waters infrastructure and strategic growth planning issues. To this list might be added many of the other topics discussed in this framework report. This section deals with examples not highlighted in other sections.
25. Physical attributes of land affecting its suitability for the proposed new zone must be considered. Landscape and urban design, geotechnical stability and natural hazards (which may be indicated in overlays or unmapped) are all examples. Likely loss of biodiversity or high-quality soils are other examples. These include Matters of national importance in s6 RMA.
26. In the Waikato, flood hazard risk must be assessed, including consideration of any existing stop-bank protection, historical or current overland flow paths and ponding areas.
27. The existing built environment in the locality will also be relevant. A feature may render the land more or less suitable for the proposed zone. Residential zoning near existing industry is generally undesirable because of impacts on the amenity, health and safety of future residents and because of the potential for reverse sensitivity effects on industry. Residential zoning near town centres and public transport routes may be more desirable because of those features.
28. Similarly, rezoning of land containing a natural feature such as significant indigenous vegetation may be supported if it can confer benefits such as public access or conservation, but potential to degrade the feature will count against the rezoning.
29. Some features relevant to rezoning are not obvious and may need to be identified by site-specific research: for example, contaminated land subject to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Council’s hazards register lists sites known to council that are potentially contaminated from an industry described in the Ministry for the Environment’s Hazardous Activities and Industries List (HAIL). The Waikato Regional Policy Statement (WRPS) directs district plans to support any land zoning for new urban development changes with the information that identifies contaminated sites and how risks presented by contamination will be managed.<sup>50</sup>

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<sup>50</sup> Waikato Regional Policy Statement - 6.1.8

30. Some relevant site information may be externally mapped and readily available, such as land use capability maps that identify high class soils.
31. Archaeological sites and sites of significance to Maaori are not always marked on the Planning Maps. Information about archaeological sites can be found on the New Zealand Archaeological Association's Archaeological Site Recording Scheme website. These sites are protected under Heritage New Zealand Pouhere Taonga Act 2014, irrespective of district plan controls. Submissions seeking rezoning of land containing an archaeological site should be supported by an archaeological assessment.
32. Mana Whenua cultural landscapes include a variety of settlements, travel routes, and fishing, gardening and food and resource gathering areas often associated with prominent natural features and waterways that feature in the stories, genealogy, mythology and history of Mana Whenua. In these areas zoning submissions should be supported by evidence of engagement with mana whenua.

### **Zone boundary changes recognise the availability or lack of major infrastructure**

33. Zone boundary changes must recognise the availability, or lack of, major infrastructure (e.g., water, wastewater, stormwater, roads).
34. The Strategic section of this report contains detailed discussion of the need for infrastructure to service development, the limitations of on-site waters services, council plans for provision of new reticulated systems, and sequencing of development. The Objectives and policies section notes objectives and policies that refer to infrastructure and must be applied when considering submissions seeking rezoning.

### **There is adequate separation between incompatible land uses**

35. There is a need for adequate separation between incompatible land uses (e.g., houses should not be next to heavy industry).
36. Deciding whether adjacent zones would bring together incompatible land uses will usually be based on a comparison of the objectives, policies and permitted activities of the respective zones. It is usually at the zone edge or boundary that conflicts and reverse sensitivity effects arise.
37. The houses/heavy industry example given by the Auckland Panel is an obvious case. The permitted noise, air discharges and heavy traffic generated by industry will have adverse effects on the health, safety and general amenity of residents. The risk of residents complaining about those effects is a reverse sensitivity effect on the industry.
38. Another example is higher-density residential zones adjoining entertainment activities (bars, nightclubs, licensed restaurants), which are often close together because they are both hub activities. This kind of is not necessarily unacceptable or avoidable: judgements need to be made as to the extent of the nuisance, the tolerance of present and future residents, and any measures available to mitigate conflicts.
39. Edge and reverse sensitivity effects can be mitigated to some extent by rules in the plan. For example, additional controls can be placed on noise and light spill near zone boundaries and additional setbacks and physical barriers such as bunds and buffers can be required. The PWDP includes rules of this kind in the Industrial Zone. Rules require sites adjoining other zones to maintain landscaping strips (Rule 21.2.2), noise attenuation (Rule 23.1.3.2), setbacks for goods storage (Rule 21.2.8), and building setbacks from a bund (Rule 20.3.4.1.) These approaches have a role to play but are generally second-best options because all incur implementation costs. First preference will usually be to avoid creating adjoining incompatible zones.

### **Zone boundaries need to be clearly defensible**

40. Zone boundaries need to be clearly defensible, e.g., follow roads where possible or other physical boundaries consistent with the purpose of the zone.
41. The boundary between zones should be defensible, for two reasons. A weak boundary will make it difficult to assess future resource consents for out-of-zone activities and open the door to future similar applications.<sup>51</sup>
42. The second reason is that a boundary that follows a natural or built feature provides a buffer between dissimilar activities on both sides of the zone boundary. Buffers mandated in rules (e.g., wider building setbacks from a zone boundary) are a second-best solution.
43. A zone boundary is most defensible where it follows natural features, rivers, roads, or railway lines. For example, the Environment Court has held that defensible zone boundaries at Te Kauwhata are formed by State Highway 1/Wayside Road to the west and Swan Road (combined with topography) to the east.<sup>52</sup>
44. If a zone boundary follows a topographical feature, the feature needs to be sufficiently strong to make a clear demarcation. For example, a low escarpment was found not acceptable as a defensible boundary because building heights could obscure it and it was already fragmented by existing subdivided lots and roads.<sup>53</sup>
45. Any proposed change to the zone boundary lines needs to be carefully evaluated with defensibility in mind.
46. The inherent economic incentives to convert rural land to urban use mean that any weakness in the boundary will be tested. The arguments around this will centre on whether there is a logical reason for the urban zone to finish where it does, and if the land on the rural side is distinguishable and, in some way, less suitable for urban development.
47. Where there is no discernible difference in the character of the land in the different zones, the boundary will be vulnerable to allegations of being arbitrary.
48. Roads are not always suitable boundary lines in an urban context, where the road does not always provide a sufficient buffer between land uses. Additionally, placing urban activities on both sides of arterial roads (for example) is arguably an efficient use of expensive infrastructure. In these cases, the boundary might be better to follow a topographical feature or the back boundaries of properties, especially if the land areas, uses and streetscapes present distinctly different characters. Clearly, this requires judgement to be exercised case-by-case.
49. Zone boundaries can compromise land use where the boundary line is drawn in a way that produces parcels that have the wrong size, topography or shape for expected activities in the zone. The boundary line needs to be defensible in those terms as well.
50. The conflict history experienced along historical boundaries can be considered where a submission requests a zone change. Consideration needs to include whether any proposed new zone boundary would aggravate, mitigate or simply move the conflict.

### **Zone boundaries should follow property boundaries**

51. Zone boundaries should follow property boundaries.

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<sup>51</sup> *Staufenberg Family Trust No 2 v Queenstown Lakes District Council*, [2013] NZEnvC 100

<sup>52</sup> *Te Kauwhata Action Group Inc v Waikato District Council*, [2012] NZEnvC 83

<sup>53</sup> *Omaha Park Ltd v Rodney District Council*, [2010] NZEnvC 265, (2/8/2010)

52. It is generally undesirable for properties to be split between two zones. This creates uncertainty for landowners and difficulties for planners assessing resource consent applications, especially where development straddles a zone boundary.
53. If there is a compelling reason to split a property between two zones, then the zone boundary should be easily identifiable on the ground. This could be achieved by projecting the zone boundary from existing survey marks, or by reference to an obvious natural or built feature.

### **Generally, no “spot zoning”**

54. Generally, there should be no "spot zoning" (i.e., a single site zoned on its own). This excludes small neighbourhood centre zones, larger complex sites such as retirement homes or large-format retail outlets, or site-specific industrial activities currently being undertaken in the rural zone. These activities by their very nature tend to be ‘spots’ in a pure sense.<sup>54</sup>
55. "Spot zones", where an isolated site or parcel is zoned differently from surrounding land, are exceptional.
56. An isolated zone or “spot zone” is generally undesirable because it defeats the purpose of zoning, which is to provide consistent amenity across a cluster of properties. It is a clear advantage if land proposed for rezoning adjoins an existing area of the requested zone.
57. The Environment Court has allowed creation of a spot zone in some cases where adverse effects were minor,<sup>55</sup> so submissions asking for spot zoning need to be assessed by reference to effects. The qualification that Auckland Panel gave to its guidance was consistent with this effects-based approach.
58. A submission seeking spot zoning needs to be assessed in terms of the resulting amenity impacts, including reverse sensitivity effects. The permitted activities and existing uses in the proposed and neighbouring zones will be relevant.
59. There are examples of spot zones in the PWDP. Reasons for accepting a spot zone such as Huntly Power Station include that as a regionally significant industry, its spot zoning gives effect to Waikato Regional Policy Statement 4.4.1, and the zoning has acceptable adverse local effects. Policy 4.6.5 gives recognition to established industrial activities outside towns or villages and arguably supports spot rezoning of such an activity, subject to other considerations.
60. An alternative to spot zoning is a resource consent. In some cases, this will be found to be the most appropriate means of achieving the objectives of the plan.<sup>56</sup>
61. Spot zones also present issues discussed in other sections of this report – for example, defensible boundaries and availability of infrastructure. Submissions seeking spot zoning of sites where resource consent has previously authorised an “out of zone” activity are discussed in the next section.

### **Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account**

62. Zoning should not be determined by existing resource consents and existing use rights, but these will be taken into account.

<sup>54</sup> Auckland Panel: Report to Auckland Council - Changes to the Rural Urban Boundary, rezoning and precincts (2016) page 21 – <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/ihp-designations-reports-recommendations/Documents/ihp016017080081changestorubrezoningprecincts.pdf>

<sup>55</sup> Kamo Veterinary v Whangarei DC (2003)

<sup>56</sup> See for example Advance Properties Group Ltd v Taupo District Council [2014] NZEnvC 126

63. Submissions may seek rezoning of the sites of activities conducted under existing use rights and resource consents, to secure permitted activity status for the historical activity.
64. If the rezoning can be justified without considering current activities, it may be unnecessary to consider whether the current activities add much weight. However, if the main argument for rezoning is the fact that the current activities are being conducted there, it is necessary to consider whether this eclipses other considerations.
65. The proponent of the rezoning may be able to identify positive economic effects from the activity that would be enhanced by rezoning and point to adverse effects that are minor or are accepted in the neighbourhood. These are likely the kinds of effects that the Auckland Panel was prepared to take into account.
66. Other effects that might flow from the rezoning need to be considered. The activities authorised by a resource consent or existing use will usually be constrained by consent conditions or, for existing uses, be limited to effects that have the same or similar character, intensity or scale as the historical use (RMA s10.) These constraints could fall away if the rezoning is approved, resulting in activities with new or greater adverse effects.
67. An additional consideration is the appropriateness of the zone sought by the submitter. For example, if the existing use would fit within the Industrial Zone, then a request for the Heavy Industrial Zone might be excessive.
68. An option available in responding to these submissions is to consider whether the rezoning might be accepted in part, subject to site-specific rules that carry forward consent conditions or historical limitations on an existing use. A mapped overlay might be used to indicate the area subject the special rules.
69. The Hampton Downs Motor Sport Park Zone in the PWDP provides an example of a zone that replaced an earlier resource consent. The zone rules reproduce many of the consent conditions from the resource consent. While drafting of the Hampton Downs rules was subject to many recommended improvements in the s42 hearings report, the general approach might be thought suitable in other contexts.
70. A final consideration, as noted above for spot zones, is whether better outcomes would be secured if the proponent applied for resource consent for their future activities and development, instead of rezoning.
71. The Environment Court has considered an argument that an unimplemented supermarket resource consent should be taken into account as a positive reason for commercial rezoning. The court rejected this argument, saying in its decision:<sup>57</sup>

*“[78] The unimplemented supermarket consent has not, in our view, reached the stage where it could be considered as a permitted baseline, which in any event is not a relevant consideration when considering a plan change appeal. In terms of this appeal, however, we do not agree that it should be used as a springboard for further commercial activity, or that the fact that consent was granted for it under a more permissive planning regime means it should be given any particular weight when assessing which proposal is the most appropriate.”*

### **Roads are not zoned**

72. In the PWDP roads are not zoned (refer Chapter 12.1.) There may be some exceptions in regard to some unformed “paper” roads that for practical reasons have been given zone shading on the planning maps. Submissions relevant to road zoning will be addressed as needed by council reporting officers.

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<sup>57</sup> A & A King Family Trust v Hamilton City Council, [2016] NZEnvC 229

## Appendix 5: Assessment of Growth Cell Servicing - Waters

Town	Growth Cell	Waikato 2070 /District Plan	Timing	Water Supply	Wastewater	Stormwater
Tuakau	Buckland	Proposed District Plan	2050+	Watercare to undertake further investigations.	Watercare to undertake further investigations.	Watercare to undertake further investigations.
	Tuakau North	Waikato 2070	2023-2030	Watercare to undertake further investigations.	Watercare to undertake further investigations.	Watercare to undertake further investigations.
	Dominion Road	Waikato 2070	2023-2030	Watercare to extend the water supply network towards Dominion Road.	Wastewater network to be extended to further support this growth cell.	
	Dromgools Road	Proposed District Plan	2020-2023	Water supply network available.	Wastewater network to be extended in short-term.	
	Town Centre	Waikato 2070	2023-2030	Water supply network available.	Wastewater network available.	
	Whangarata Business Park	Operative District Plan	2020-2023	Bulk main recently installed, and additional works planned in the AMP to provide storage, primarily for Whangarata Business Park.	Gravity sewer travels through this growth cell. Watercare to undertake further investigation.	
Pokeno	Munro Block	Proposed District Plan	2023-2050	New reservoir to be located north of Pokeno, to support growth.	Developer to deliver wastewater infrastructure.	
	Hillpark Drive	Waikato 2070	2020-2023	Water supply network available	Wastewater network available.	Watercare to undertake further investigations.
	Hitchen Block	Operative District Plan	2020-2023	Water supply network available. Water reservoir planned.	Wastewater network available.	

Town	Growth Cell	Waikato 2070 /District Plan	Timing	Water Supply	Wastewater	Stormwater
	Pokeno East	Waikato 2070	2023-2050	Bulk water main and network to supply Pokeno East have been allowed for.	Currently unserved. Watercare to undertake investigations.	
	Havelock Village	Waikato 2070	2023-2030	Watercare have provided for the main infrastructure, however developers to undertake extension.	Watercare have provided for the main infrastructure, however developers to undertake extension.	
	Town Centre	Waikato 2070	2023-2030	Water supply network available	Wastewater network available.	Stormwater is a significant issue. Watercare to undertake investigations.
	Pokeno East Commercial Cluster	Waikato 2070	2030-2050	Water supply infrastructure allowed for in the Asset Management Plan and will enable commercial growth. Watercare to undertake further investigations.	Watercare to undertake investigations.	
	Industrial	Operative District Plan	2020-2023	Watercare to undertake investigations.	Watercare to undertake investigations.	
Mangatawhiri	Mangatawhiri Employment Zone	Waikato 2070	2050+	Watercare to undertake investigations.	Watercare to undertake investigations.	
Te Kauwhata	Vineyard Road	Operative District Plan	2020-2023	Trickle-feed infrastructure to be utilised.	On-site disposal. Watercare do not intend to provide reticulation	
	Travers Road	Operative District Plan	2020-2023	Trickle-feed infrastructure to be utilised.	Waster network available. Developer to undertake extensions to network.	

Town	Growth Cell	Waikato 2070 /District Plan	Timing	Water Supply	Wastewater	Stormwater
	Scott Road	Waikato 2070	2030-2050	Watercare is undertaking upgrades to water supply network	Wastewater network available, however developers will be required to build and connect their own pump station to the existing gravity system	
	Blunt Road	Operative District Plan	2020-2023	Water supply network available	Wastewater network available, however developers will need to extend to the network.	
	Swan Road	Operative District Plan	2030-2050	Watercare to undertake investigations.	Wastewater network available, however developer will need to extend to network.	
	Mahi Road	Waikato 2070	2030-2050	Water supply network available.	Watercare to undertake investigations.	
	Lakeside	Operative District Plan	2020-2023	Water supply infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network.	Wastewater infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network.	
	Te Kauwhata Rd #1	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertaken investigations.	
	Te Kauwhata Rd #2	Waikato 2070	2050+	Watercare to undertake investigations.	Watercare to undertaken investigations.	
	Town Centre (Business Town Centre)	Waikato 2070	2023-2030	Water supply infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network.	Wastewater infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network.	

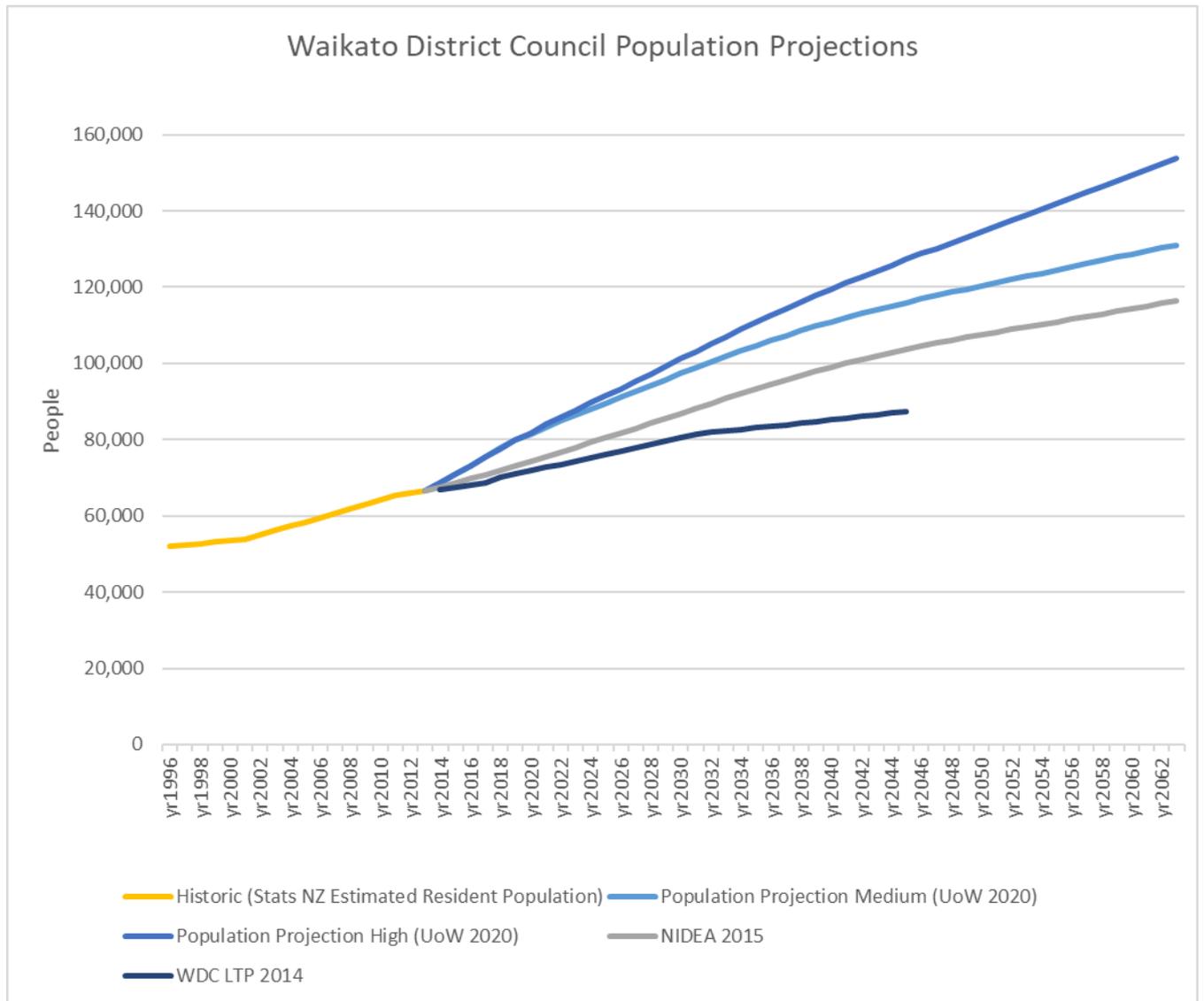
Town	Growth Cell	Waikato 2070 /District Plan	Timing	Water Supply	Wastewater	Stormwater
	Town Centre (Medium Density)	Waikato 2070	2023-2030	Water supply infrastructure allowed for in the Asset Management Plan.	Water supply infrastructure allowed for in the Asset Management Plan.	
Ohinewai	Ohinewai North Industrial Cluster	Waikato 2070	2030-2050	Water supply infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network, and provide for additional growth.	Wastewater infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network, and provide for additional growth.	
	Ohinewai South Industrial Cluster	Waikato 2070	2020-2030	Water supply infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network, and provide for additional growth.	Wastewater infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network, and provide for additional growth.	
	Ohinewai	Waikato 2070	2020-2030	Water supply infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network, and provide for additional growth.	Wastewater infrastructure allowed for in the Asset Management Plan. Developers will need to extend to the network, and provide for additional growth.	
Huntly	East Mine Business Park	Waikato 2070	2023-2030	Watermain to be extended to support northern developments. Watercare to undertake further investigations.	Wastewater treatment plan is located east of this growth cell. Developers will be required to connect.	

Town	Growth Cell	Waikato 2070 /District Plan	Timing	Water Supply	Wastewater	Stormwater
	Kimihia Lakes Recreational Precinct	Waikato 2070	2023-2030	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Kimihia	Waikato 2070	2023-2030	Water supply network can be extended. Watercare to undertake investigations.	Watercare to undertake investigations.	
	Lake Hakanoa	Waikato 2070	2020-2023	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Raynor Road	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Brickworks	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Huntly West	Waikato 2070	2023-2030	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Huntly Lakeside	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Town Centre	Waikato 2070	2023-2030	Watercare to undertake investigations.	Watercare to undertake investigations.	
Taupiri	Town Centre	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Taupiri North	Waikato 2070	2050+	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Te Putu Road	Operative District Plan	2023-2030	Water supply network available. Developer will be required to connect.	Wastewater network available. Developer will be required to connect.	
	Kainui Road	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	

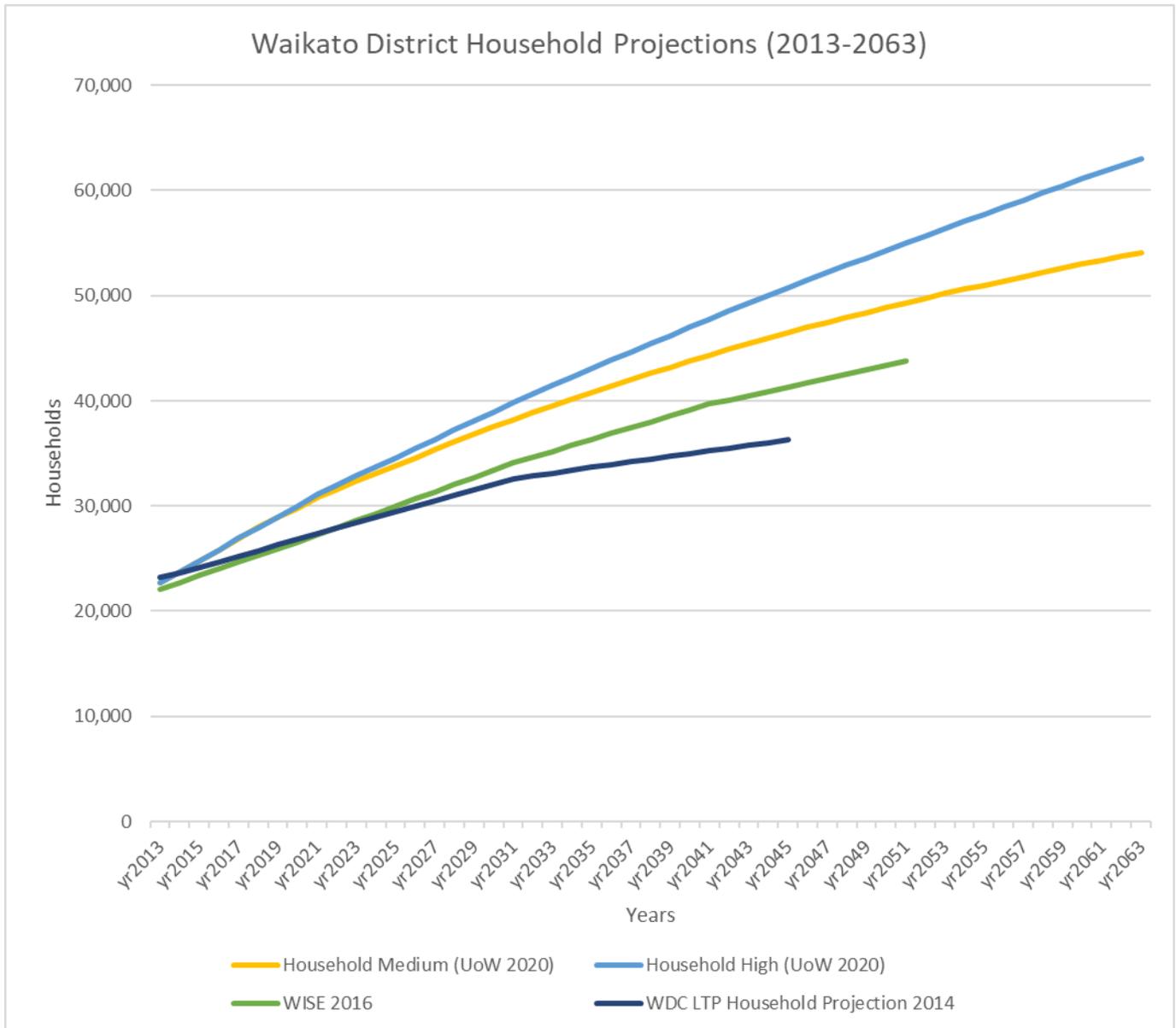
Town	Growth Cell	Waikato 2070 /District Plan	Timing	Water Supply	Wastewater	Stormwater
	Taupiri West Industrial Cluster	Waikato 2070	2023-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Taupiri East Industrial Cluster	Waikato 2070	2023-2030	Watercare to undertake investigations.	Watercare to undertake investigations.	
Ngaruawahia	Hopuhopu Business Park	Waikato 2070	2030-2050	Watercare will be required to place another watermain to support this. Watercare to undertake further investigations.	Watercare to undertake investigations.	
	Old Taupiri Road	Waikato 2070	2030-2050	Water supply network available.	Wastewater pond in Ngaruawahia planned to be “desludged”, and therefore will have some short term additional capacity.	
	Ngaere Road	Waikato 2070	2023-2030	Water supply network available.	Wastewater network available.	
	Galbraith Street	Waikato 2070	2020-2023	Water supply network available.	Wastewater network available.	Watercare to undertake investigations.
	Star Road	Waikato 2070	2030-2050	Water supply network available.	Wastewater network available.	
	Hakarimata	Waikato 2070	2023-2030	Water supply network available.	Wastewater network available.	
	River Road	Waikato 2070	2050+	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Galbraith	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Town Centre	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	

Town	Growth Cell	Waikato 2070 /District Plan	Timing	Water Supply	Wastewater	Stormwater
	Saulbrey Road	Waikato 2070	2023-2030	Watercare to undertake investigations.	Watercare to undertake investigations.	
Te Kowhai	Te Kowhai Central	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Te Kowhai West	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Airpark Precinct	Proposed District Plan	2023-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
Horotiu	Kernott Road	Proposed District Plan	2020-2023	Water supply network available.	Wastewater network available.	
	Horotiu Industrial Park	Waikato 2070	2023-2030	Water supply network will need to be extended, and developer will be required to connect.	Watercare have allowed for reticulation.	
Raglan	Lorenzen Bay	Operative District Plan	2020-2023	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Flax Cove	Operative District Plan	2023-2030	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Town Centre	Operative District Plan	2323-2030	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Rakaunui	Operative District Plan	2050+	Water supply network available.	Wastewater network available.	
	Rangatahi Peninsula	Operative District Plan	2020-2030	Water supply network available.	Wastewater network available.	
	Afron Oporu	Waikato 2070	2030-2050	Watercare to undertake investigations.	Watercare to undertake investigations.	
	Te Hutewai	Waikato 2070	2050+	Watercare to undertake investigations.	Watercare to undertake investigations.	

# Appendix 6: Waikato District Council Population Forecasting



## Appendix 7: Waikato District Council Household Forecasting



## Appendix 8: List of Growth Cells (Waikato 2070)

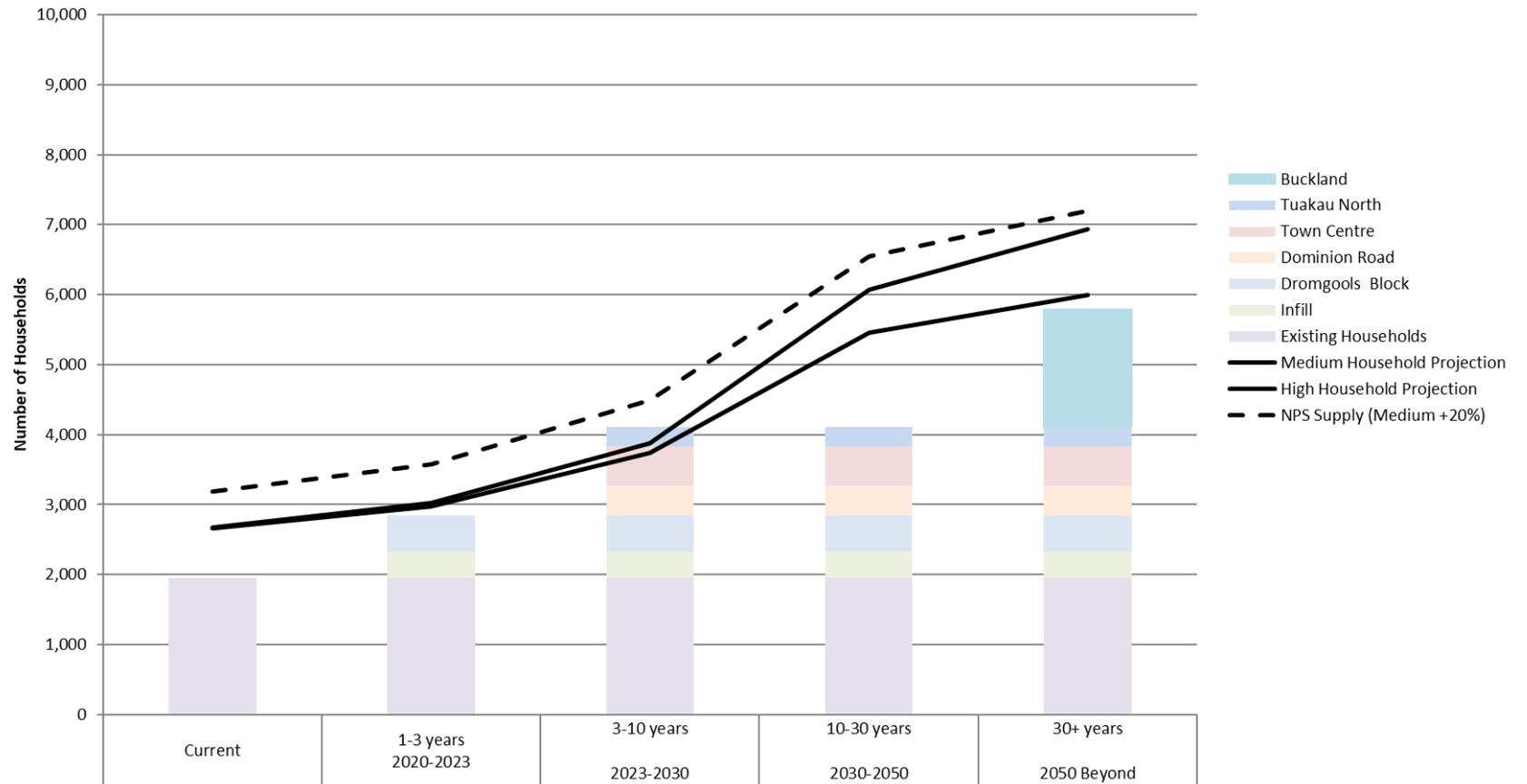
Town	Growth Cell	Waikato 2070/District Plan	Timing	Current Number of Households	Residential Net Capacity (households)
Tuakau	Buckland	Proposed District Plan	2050+	11	1679
	Tuakau North	Waikato 2070	2023-2030	29	890
	Dominion Road	Waikato 2070	2023-2030	61	431
	Dromgools Road	Proposed District Plan	2020-2023	96	1292
	Town Centre	Waikato 2070	2023-2030	19	564
	Whangarata Business Park	Operative District Plan	2020-2023	17	
Pokeno	Munro Block	Proposed District Plan	2023-2050	9	1587
	Hillpark Drive	Waikato 2070	2020-2023	1	464
	Hitchen Block	Operative District Plan	2020-2023	2	671
	Pokeno East	Waikato 2070	2030-2050	30	921
	Havelock Village	Waikato 2070	2023-2050	1	1059
	Town Centre	Waikato 2070	2023-2030	116	698
	Pokeno East Commercial Cluster	Waikato 2070	2030-2050	0	
	Industrial	Operative District Plan			
Mangatawhiri	Mangatawhiri Employment Zone	Waikato 2070	2050+	31	
Te Kauwhata	Vineyard Road	Operative District Plan	2020-2023	123	335
	Travers Road	Operative District Plan	2020-2023	28	590
	Scott Road	Waikato 2070	2030-2050	0	591
	Blunt Road	Operative District Plan	2020-2023	0	555
	Swan Road	Operative District Plan	2030-2050	2	123
	Mahi Road	Waikato 2070	2030-2050	0	235
	Lakeside	Operative District Plan	2020-2023	6	1591

Town	Growth Cell	Waikato 2070/District Plan	Timing	Current Number of Households	Residential Net Capacity (households)
	Town Centre (Business Town Centre)	Waikato 2070	2023-2030	11	307
	Town Centre (Medium Density)	Waikato 2070	2023-2030	65	
Ohinewai	Ohinewai North Industrial Cluster	Waikato 2070	2030-2050	19	
	Ohinewai South Industrial Cluster	Waikato 2070	2020-2030	6	
	Ohinewai	Waikato 2070	2020-2030	0	915
Huntly	East Mine Business Park	Waikato 2070	2023-2030	3	
	Kimihia Lakes Recreational Precinct	Waikato 2070	2023-2030		
	Kimihia	Waikato 2070	2023-2030	6	632
	Lake Hakanoa	Waikato 2070	2020-2023	22	534
	Raynor Road	Waikato 2070	2030-2050	186	133
	Brickworks	Waikato 2070	2030-2050	5	499
	Huntly West	Waikato 2070	2023-2030	546	103
	Huntly Lakeside	Waikato 2070	2023-2050	237	80
	Town Centre	Waikato 2070	2023-2030	46	1099
Taupiri	Town Centre	Waikato 2070	2030-2050	53	173
	Taupiri North	Waikato 2070	2050+	28	105
	Te Putu Road	Operative District Plan	2023-2030	4	192
	Kainui Road	Waikato 2070	2030-2050	13	861
	Taupiri West Industrial Cluster	Waikato 2070	2030-2050	4	
	Taupiri East Industrial Cluster	Waikato 2070	2023-2030	4	
Ngaruawahia	Hopuhopu Business Park	Waikato 2070	2030-2050	6	
	Old Taupiri Road	Waikato 2070	2030-2050	26	172
	Ngaere Road	Waikato 2070	2023-2030	55	48

Town	Growth Cell	Waikato 2070/District Plan	Timing	Current Number of Households	Residential Net Capacity (households)
	Galbraith Street	Waikato 2070	2020-2023	131	303
	Star Road	Waikato 2070	2030-2050	39	359
	Hakarimata	Waikato 2070	2023-2030	72	163
	River Road	Waikato 2070	2050+	10	223
	Galbraith	Waikato 2070	2030-2050	199	203
	Town Centre	Waikato 2070	2030-2050	29	698
	Saulbrey Road	Waikato 2070	2023-2030	14	464
Te Kowhai	Te Kowhai Central	Waikato 2070	2030-2050	4	449
	Te Kowhai West	Waikato 2070	2030-2050	5	360
	Airpark Precinct	Proposed District Plan	2023-2050		
Horotiu	Kernott Road	Proposed District Plan	2020-2023	10	225
	Horotiu Industrial Park	Waikato 2070	2023-2030	16	
Raglan	Lorenzen Bay	Operative District Plan	2020-2023	8	184
	Flax Cove	Operative District Plan	2023-2030	0	130
	Town Centre	Operative District Plan	2023-2030		69
	Rakaunui	Operative District Plan	2050+	1	516
	Rangitahi Peninsula	Operative District Plan	2020-2023	1	499
	Afron Opororu	Waikato 2070	2030-2050	2	383
	Te Hutewai	Waikato 2070	2050+	2	335

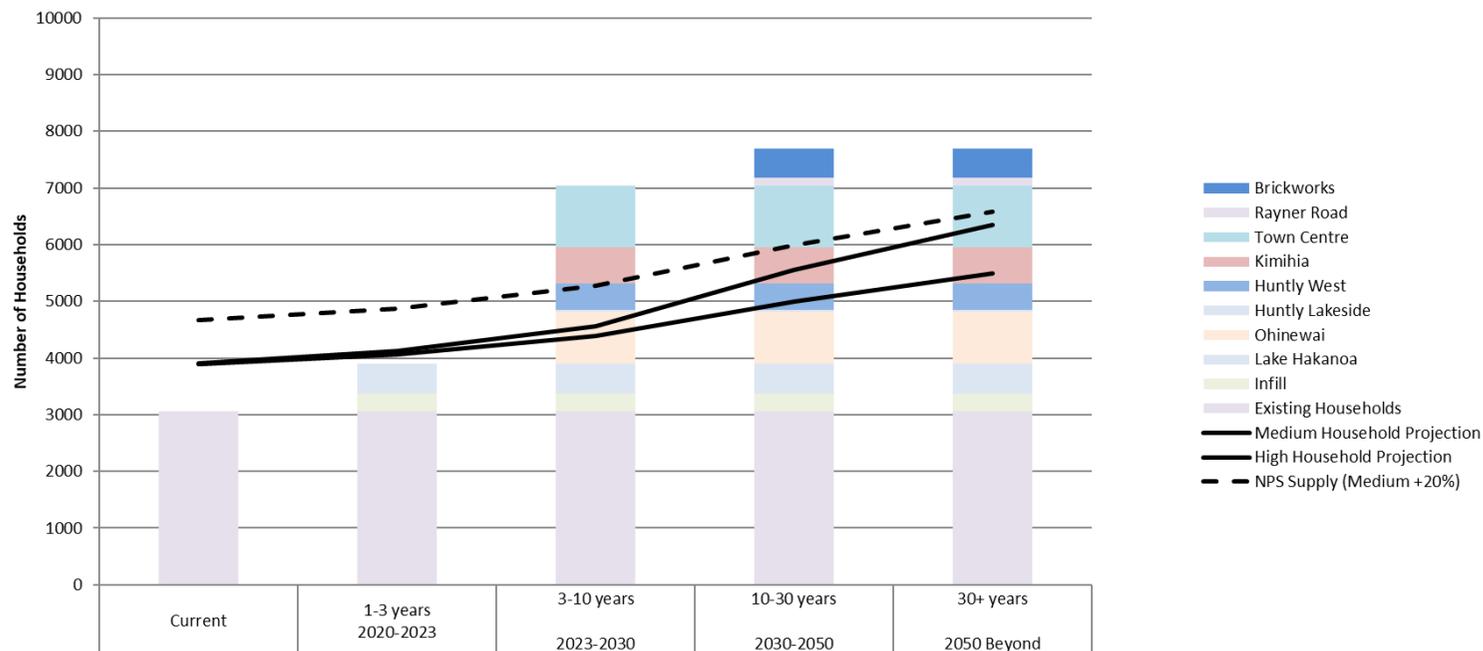
## **Appendix 9: Growth Cell Capacity and Timing vs Household Projection**

### Tuakau



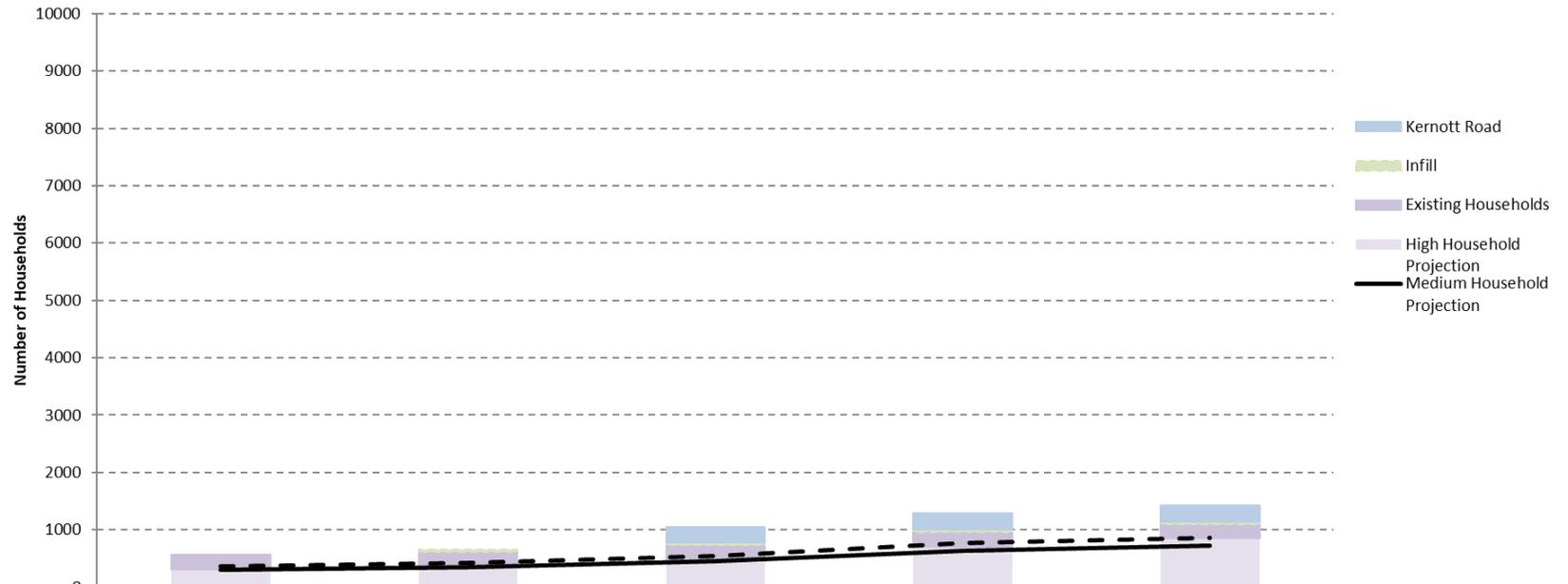
	Current	1-3 years 2020-2023	3-10 years 2023-2030	10-30 years 2030-2050	30+ years 2050 Beyond
Buckland					1679
Tuakau North			272	272	272
Town Centre			564	564	564
Dominion Road			431	431	431
Dromgools Block		512	512	512	512
Infill		378	378	378	378
Existing Households	1951	1951	1951	1951	1951
Total Supply	1951	2840.9	4107.9	4107.9	5786.9
Medium Household Projection	2659	2976	3739	5457	5994
High Household Projection	2671	3019	3880	6073	6934
NPS Supply (Medium +20%)	3191	3571	4487	6548	7193

### Huntly & Ohinewai



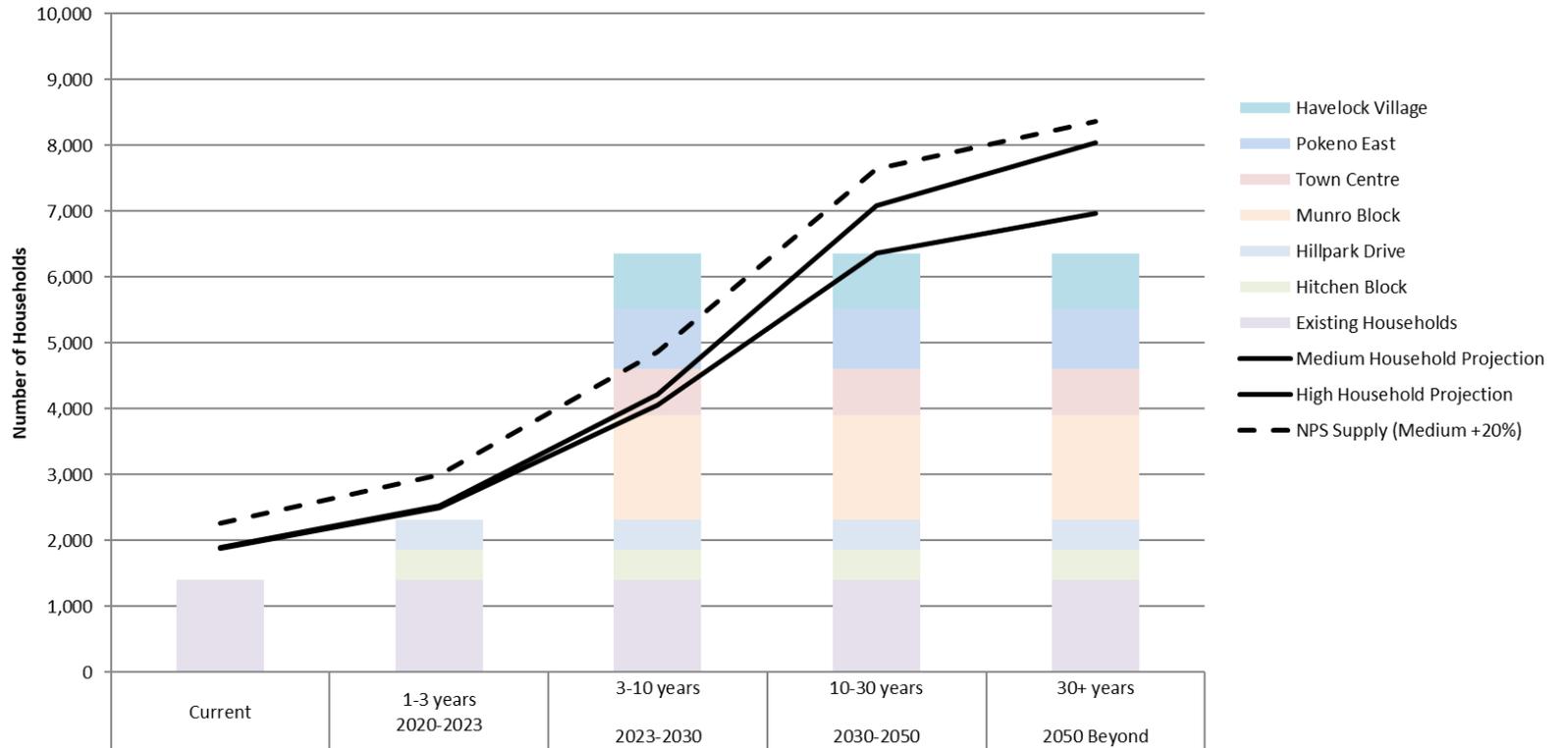
	Current	1-3 years 2020-2023	3-10 years 2023-2030	10-30 years 2030-2050	30+ years 2050 Beyond
Brickworks				511	511
Rayner Road				136	136
Town Centre			1092	1092	1092
Kimihia			628	628	628
Huntly West			474	474	474
Huntly Lakeside			33	33	33
Ohinewai			915	915	915
Lake Hakanoa		534	534	534	534
Infill		302	302	302	302
Existing Households	3063	3063	3063	3063	3063
Total Supply	3063	3899.1	7041.1	7688.1	7688.1
Medium Household Projection	3889	4058	4390	4992	5490
High Household Projection	3907	4119	4558	5548	6354
NPS Supply (Medium +20%)	4667	4870	5268	5990	6588

### Horotiu



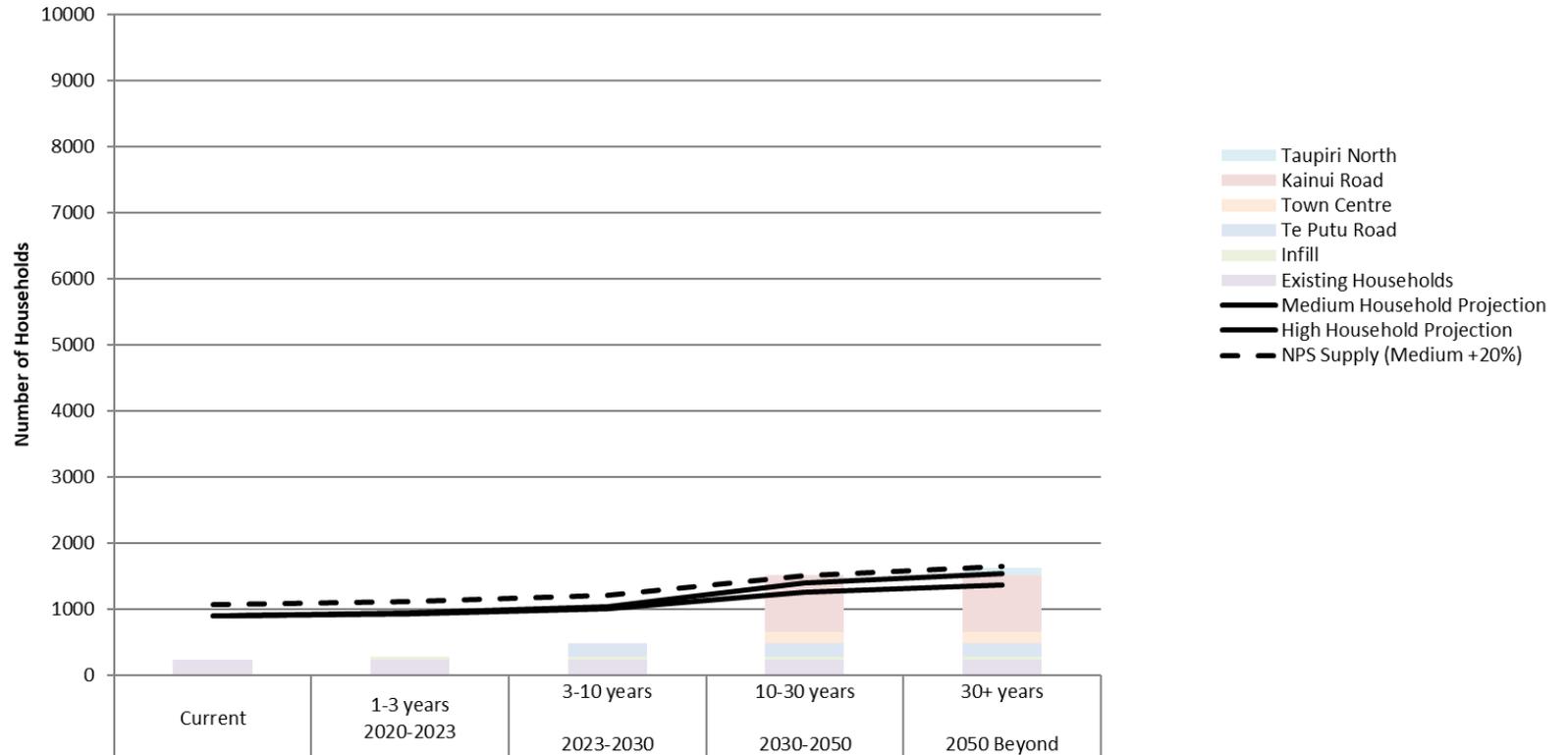
	Current	1-3 years 2020-2023	3-10 years 2023-2030	10-30 years 2030-2050	30+ years 2050 Beyond
Kernott Road			276	276	276
Infill		46	46	46	46
Existing Households	253	253	253	253	253
High Household Projection	308	356	472	708	847
Total Supply	253	298.9	574.9	574.9	574.9
Medium Household Projection	307	351	456	635	717
NPS Supply (Medium +20%)	368	421	547	762	860

### Pokeno



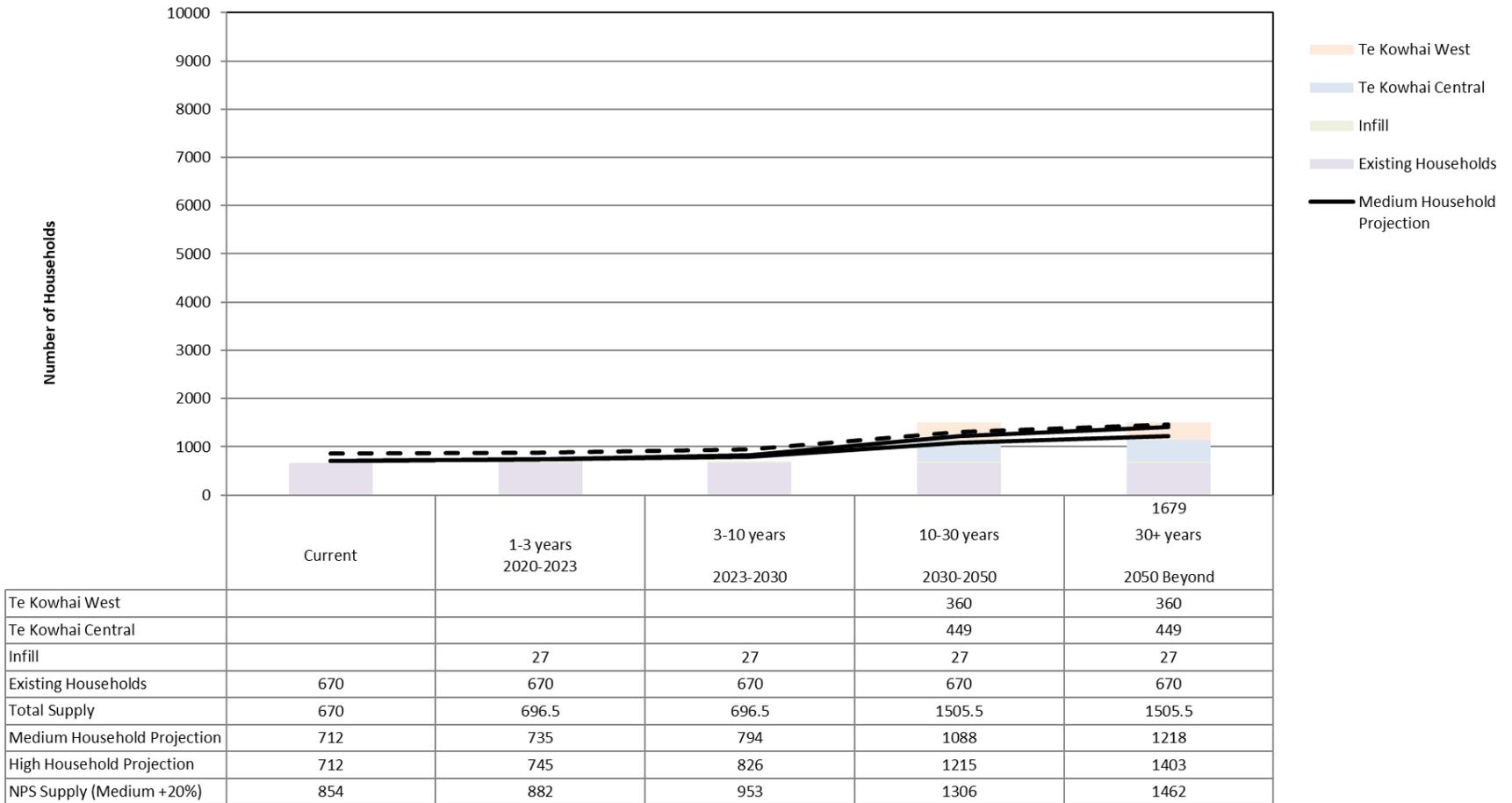
	Current	1-3 years 2020-2023	3-10 years 2023-2030	10-30 years 2030-2050	30+ years 2050 Beyond
Havelock Village			847	847	847
Pokeno East			912	912	912
Town Centre			698	698	698
Munro Block			1587	1587	1587
Hillpark Drive		464	464	464	464
Hitchen Block		458	458	458	458
Existing Households	1395	1395	1395	1395	1395
Total Supply	1395	2317	6361	6361	6361
Medium Household Projection	1886	2495	4052	6367	6975
High Household Projection	1893	2534	4214	7079	8035
NPS Supply (Medium +20%)	2263	2994	4862	7640	8370

### Taupiri

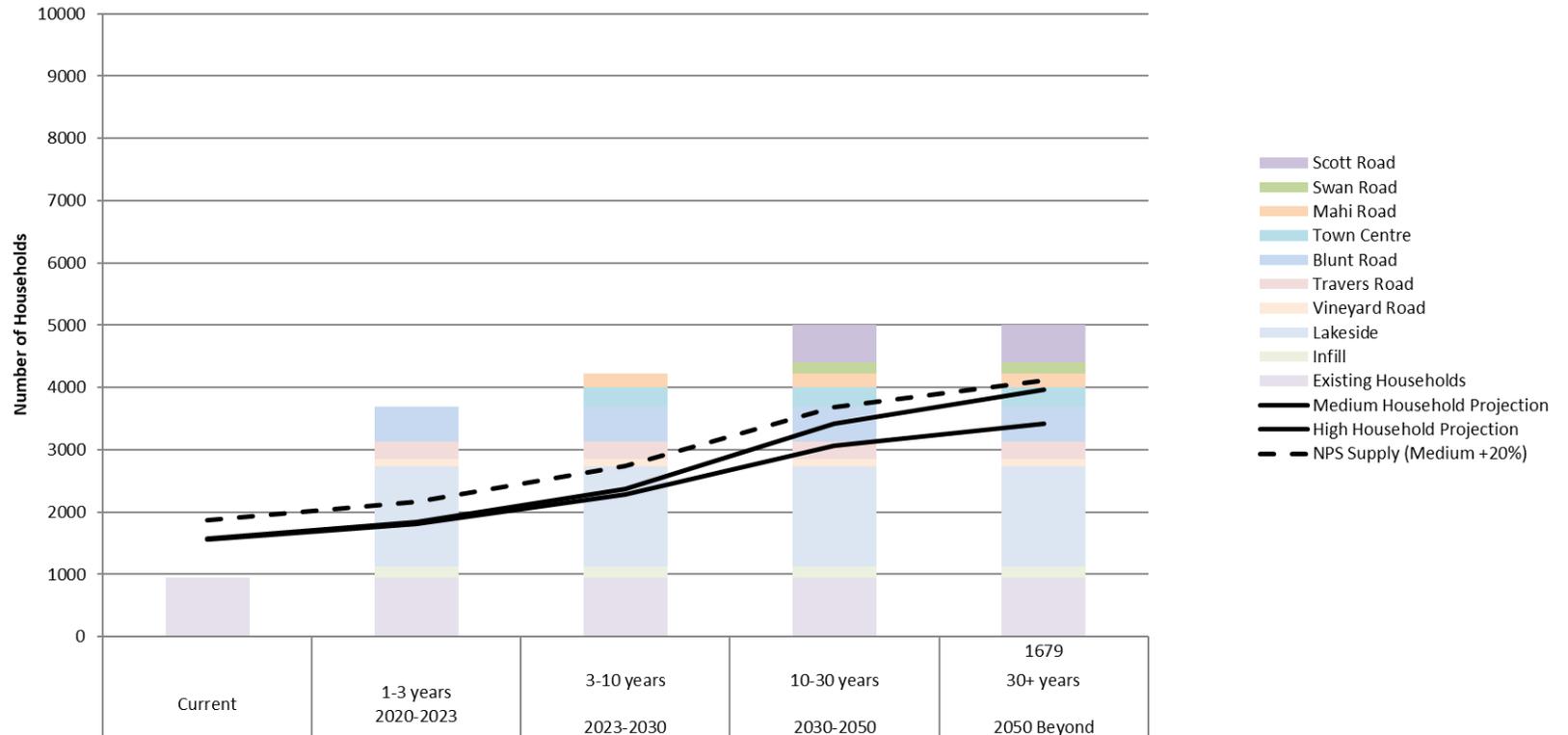


	Current	1-3 years 2020-2023	3-10 years 2023-2030	10-30 years 2030-2050	30+ years 2050 Beyond
Taupiri North					105
Kainui Road				861	861
Town Centre				173	173
Te Putu Road			200	200	200
Infill		55	55	55	55
Existing Households	234	234	234	234	234
Total Supply	234	288.5	488.5	1522.5	1627.5
Medium Household Projection	898	934	1014	1255	1372
High Household Projection	901	945	1046	1403	1536
NPS Supply (Medium +20%)	1078	1121	1217	1506	1646

### Te Kowhai

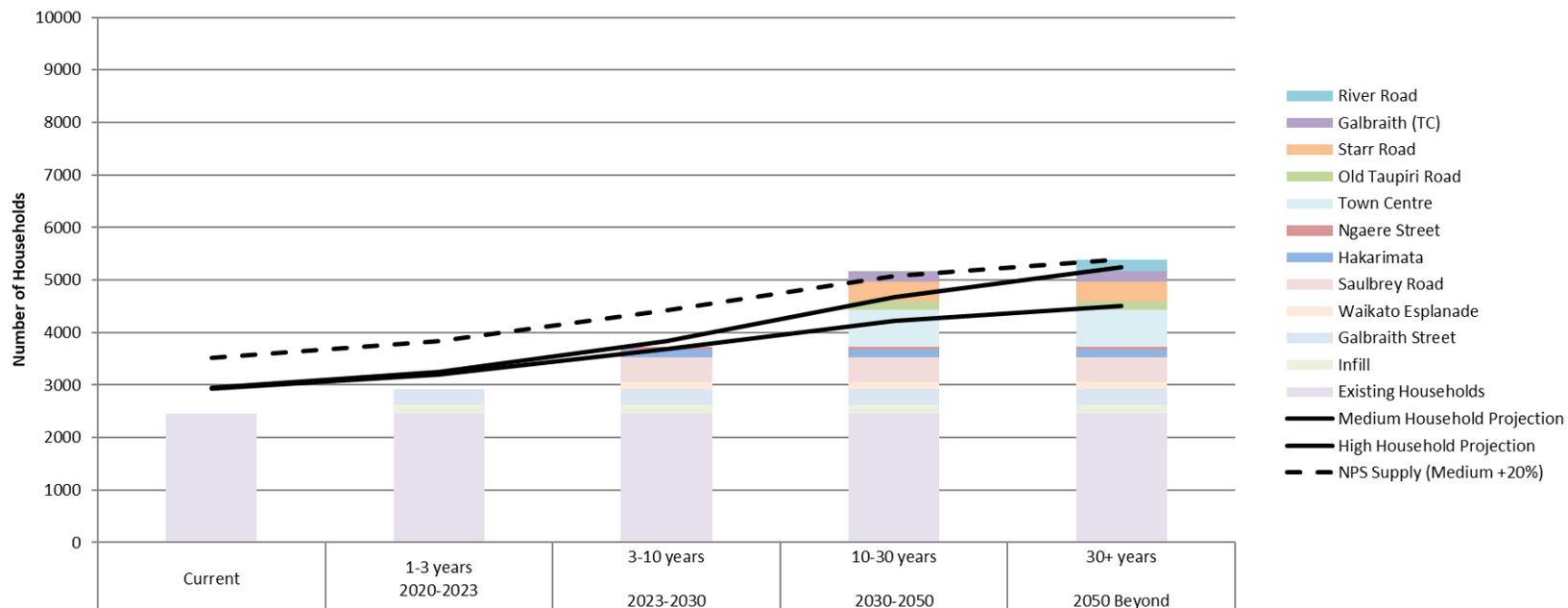


### Te Kauwhata



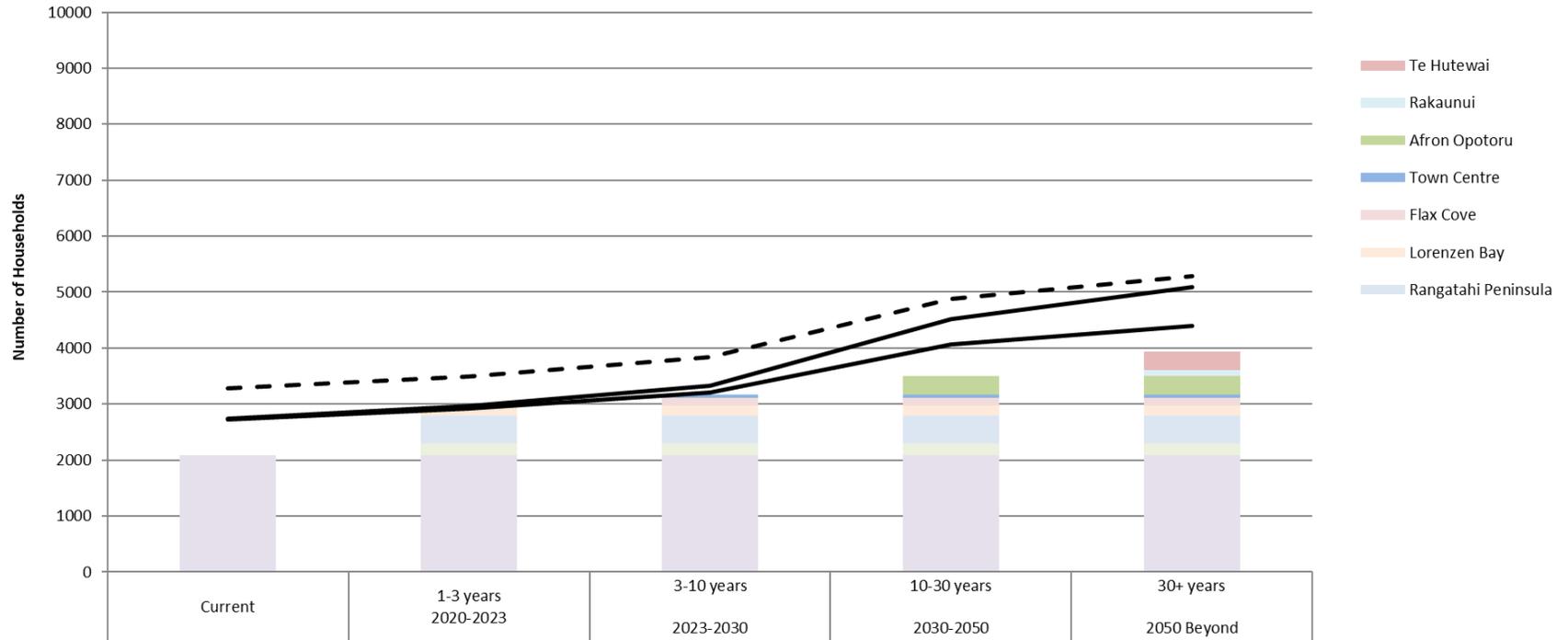
	Current	1-3 years 2020-2023	3-10 years 2023-2030	10-30 years 2030-2050	1679 30+ years 2050 Beyond
Scott Road				614	614
Swan Road				166	166
Mahi Road			235	235	235
Town Centre			307	307	307
Blunt Road		555	555	555	555
Travers Road		287	287	287	287
Vineyard Road		109	109	109	109
Lakeside		1619	1619	1619	1619
Infill		175	175	175	175
Existing Households	944	944	944	944	944
Total Supply	944	3688.9	4230.9	5010.9	5010.9
Medium Household Projection	1563	1809	2285	3072	3422
High Household Projection	1570	1836	2372	3414	3959
NPS Supply (Medium +20%)	1876	2171	2742	3686	4106

### Ngaruawahia



	Current	1-3 years 2020-2023	3-10 years 2023-2030	10-30 years 2030-2050	30+ years 2050 Beyond
River Road					223
Galbraith (TC)				202	202
Starr Road				359	359
Old Taupiri Road				172	172
Town Centre				698	698
Ngaere Street			48	48	48
Hakarimata			162	162	162
Saulsbrey Road			464	464	464
Waikato Esplanade			128	128	128
Galbraith Street		303	303	303	303
Infill		166	166	166	166
Existing Households	2460	2460	2460	2460	2460
Total Supply	2460	2929.4	3731.4	5162.4	5385.4
Medium Household Projection	2927	3198	3692	4223	4498
High Household Projection	2944	3250	3841	4674	5246
NPS Supply (Medium +20%)	3512	3838	4430	5068	5398

### Raglan



	Current	1-3 years 2020-2023	3-10 years 2023-2030	10-30 years 2030-2050	30+ years 2050 Beyond
Te Hutewai					335
Rakaunui					100
Afron Oporuru				331	331
Town Centre			69	69	69
Flax Cove			130	130	130
Lorenzen Bay		184	184	184	184
Rangatahi Peninsula		501	501	501	501
Infill		201	201	201	201
Existing Households	2088	2088	2088	2088	2088
Total Supply	2088	2974.3	3173.3	3504.3	3939.3
Medium Household Projection	2729	2916	3201	4067	4402
High Household Projection	2742	2960	3325	4521	5094
NPS Supply (Medium +20%)	3275	3499	3841	4880	5282

## Appendix 10: RMA s32AA evaluation template

*Note: The blue text provides guidance notes for completing the template set out below.*

**Table 1: Rezoning Proposal**

The specific provisions sought to be amended	Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PDP)
<b>The rezoning proposal</b>	<i>Explain the rezoning request</i>
<b>Relevant objectives of the PDP</b>	<i>List the key objectives of the PDP that are relevant to the consideration rezoning request forming part of this sec32AA evaluation. For example, strategic objectives and directions on the growth and form of urban or rural development are relevant matters for consideration.</i>
<b>Scale and significance of the rezoning proposal</b>	<p><i>Comment on the scale and significance of the rezoning proposal, to determine whether the rezoning proposal will result in a substantial change to the zoning management framework contained in the PDP. You may consider matters such as:</i></p> <ul style="list-style-type: none"> <li>• What is the spatial extent of the rezoning request (i.e. single site, few sites, or large scale rezoning request)?</li> <li>• Is the rezoning request of local, district or regional significance?</li> <li>• Does the rezoning align with higher order documents?</li> <li>• Would the requested rezoning align with or result in significant change in the anticipated outcomes / character / amenity of the subject area and communities?</li> </ul>

	<ul style="list-style-type: none"> <li>• What are the effects of the rezoning on resources that are considered to be a matter of national importance in terms of Section 6 of the RMA.</li> <li>• Does the scale of the development have any implications in terms of land use and transport integration matters?</li> <li>• Does the scale of development have any implications in terms in terms of infrastructure servicing (i.e wastewater, water supply and stormwater).</li> <li>• Would the rezoning limit the anticipated future development planned for in the subject area.</li> </ul>
<b>Other reasonably practicable options to achieve the objectives (alternative options)</b>	<i>List the alternative options available here:</i>
	<b>Alternative 1:</b>
	<b>Alternative 2:</b>
	<b>Alternative X: Do nothing option</b>

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

<b>Rezoning Proposal:</b> <i>state the rezoning proposal being evaluated</i>		
	<b>Benefits</b>	<b>Costs</b>
<b>General</b>	<i>For costs and benefits analysis - the level of detail contained in this section should correspond to the scale and significance of the effects anticipated from the implementation of the proposal.</i>	
<b>Environmental</b>		

<b>Social</b>		
<b>Economic – General</b>		
<b>Economic Growth</b> <i>Must give specific consideration to the matter of economic growth that are anticipated to be provided or reduced as a result of the proposal</i>		
<b>Employment</b> <i>Must give specific consideration to the matter of employment that are anticipated to be provided or reduced as a result of the proposal.</i>		
<b>Cultural</b>		

**Table 3: Evaluation of the proposal**

<b>Reasons for the selection of the preferred option.</b>	<i>This section requires the “balancing” of the costs and benefits of all the options, and provide reasons as to why the preferred option has been chosen.</i>
<b>Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA.</b>	<p><i>Section 5 of the RMA sets out the purpose of the RMA:</i></p> <p><i>(1) the purpose of this Act is to promote the sustainable management of natural and physical resources.</i></p> <p><i>(2) In this Act, <b>sustainable management</b> means managing 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 well-being and for their health and safety while –</i></p>

	<p>(a) <i>sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</i></p> <p>(b) <i>safeguarding the life-supporting capacity of air, water, soil and ecosystems; and</i></p> <p>(c) <i>avoiding, remedying, or mitigating any adverse effects of activities on the environment.</i></p>
<p><b>Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions.</b></p>	<p><i>Consider whether there is sufficient information available to make an informed assessment on the proposal, and risk of acting or not acting if there is uncertain information on the subject matter.</i></p>
<p><b>Conclusion</b></p>	<p><i>This section should set out the conclusion of the findings of the assessment. You may set out the conclusion as follows:</i></p> <p><i>The proposed provisions (e.g. proposed rezoning) will be efficient and effective in achieving the objectives of the PDP for the following reasons:</i></p> <ul style="list-style-type: none"> <li>• ...</li> <li>....</li> </ul>