

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

STATEMENT OF EVIDENCE

BY LEIGH MICHAEL SHAW

ON BEHALF OF J AND T QUIGLEY LTD

25 February 2021

INTRODUCTION

1. My full name is Leigh Michael Shaw. I am a Planning Manager at CKL Planning | Surveying | Engineering | Environmental.
2. I have been employed in resource management and planning related positions in the private sector for 20 years. During this time, I have provided technical and project leadership on several small and large development proposals. I have prepared subdivision and land use (Regional and District) Resource Consent applications for both urban and rural projects. I have been the lead planner on projects from feasibility and design through to project completion. I have prepared submissions on behalf of clients for plan reviews and changes. For the last twelve years I have worked extensively on projects in the Waikato District and am familiar with the resource management issues in this area.
3. I hold a Bachelor of Applied Science (Surveying) (Hons) from RMIT University, Melbourne and a Post Graduate Diploma in Planning from Massey University, Palmerston North
4. I have read the code of conduct for expert witnesses contained in the Environment Court's Practice Note 2014 and agree to comply with it. I have complied with it when preparing my written statement of evidence.

SCOPE OF EVIDENCE

5. This evidence provides a planning assessment in relation to submission 389 by J and T Quigley Ltd ("**JTQL**") and addresses the Section 42A Framework Report provided by the Waikato District Council ("**WDC**") in relation to zone extents of the Proposed Waikato District Plan ("**PWDP**").
6. The submission by JTQL requested that their site at 25 Tamahere Drive, Tamahere (legally described as Section 3 Survey Office Plan 60550 comprising 19,001m²) is re-identified on PWDP Planning Maps from Rural Zone to one of two urban zones as follows:
 - from Rural to Country Living Zone or,
 - from Rural to Village Zone.
7. Upon receipt of the S42A Framework Report, JTQL made the decision to revert to pursuing Option 2 to meet the future needs of the existing village centre of Tamahere. Further, consequential amendments to the Village Zone provisions (similar to the Tamahere Village Business Zone provisions) will ensure an efficient use of the urban land resource.

SUPPORTING REPORTS AND ASSESSMENTS

8. JTQL have procured the specialist assessments to consider the suitability of the site for rezoning.

Agricultural Impact Assessment (Appendix A)

9. The Agricultural Impact Assessment (by AgFirst) confirms the proposed rezoning from Rural to Village will have no impact on future agricultural or horticultural potential.
10. The AgFirst report also outlines that the property has good soils and is classified as LUC 1. The proposed rezoning would result in a loss of 6 - 10 sheep or 1 yearling beef animal. A party

looking to establish a horticultural venture would be looking for a site with more scale and the potential to expand.

11. AgFirst concludes that the proposed rezoning from Rural to Village will have no impact on future agricultural or horticultural potential. The site is already heavily modified with a small cottage and a substantial building housing an early learning centre on the property. There is significant carparking associated with the learning centre and the area is already too small to be considered viable for anything other than a hobby.

Potential on-site wastewater treatment and land disposal (Appendix C)

12. A preliminary assessment of on-site wastewater treatment and land disposal potential for the development of 25 Tamahere Drive has been undertaken by Ormiston Associates Ltd.
13. The Report concluded that the potential development at 25 Tamahere Drive could be adequately serviced via a decentralised on-site wastewater treatment and disposal system, subject to a detailed design and assessment of effects to support resource consent applications.

RELIEF SOUGHT

14. The property located at 25 Tamahere Drive, Tamahere (legally described as Section 3 Survey Office Plan 60550 comprising 19,001m²) be zoned “Village Zone” on the planning maps.
15. Amend Rule 24.4.2 to provide the following:

24.4.2 Subdivision – Tamahere, Te Kowhai and Tuakau

RD3	<p>(a) <u>Subdivision in Tamahere must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) <u>Have a minimum net site area of 1,000m², except where the proposed lot is an access allotment or utility allotment or reserve to vest, and</u> (ii) <u>connected to reticulated water supply, and</u> (iii) <u>provided with a comprehensive method for wastewater management and disposal that complies with Appendix B (Engineering Standards), and</u> (iv) <u>provided with an on-site method of stormwater management, and</u> (v) <u>a Communal Management Structure is created for the ongoing management and maintenance of land, buildings and infrastructure in common ownership.</u> <p>(b) <u>The Council’s discretion shall be limited to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Shape, location and orientation of proposed lots;</u> (ii) <u>Position of proposed building platforms and driveways to ensure future subdivision is not compromised;</u> (iii) <u>continuation of access to common land and infrastructure</u> (iv) <u>the type and terms of the legal framework for managing and maintaining common facilities</u> (v) <u>Matters referred to in the Infrastructure chapter;</u> (vi) <u>Consistency with the matters and outcomes sought in Appendix 3.1 (Residential Subdivision Guidelines);</u> (vii) <u>Impacts on stormwater and wastewater disposal;</u> (viii) <u>Impacts on Significant Natural Areas;</u>
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	<ul style="list-style-type: none"> (ix) <u>Impacts on identified archaeological sites and Maaori Sites of Significance; and</u> (x) <u>Roads and pedestrian networks.; and</u> (xi) <u>Avoidance and/or mitigation of natural hazards risk, including liquefaction risk and fire risk (refer to Chapter 15).</u>
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16. Any further necessary and consequential amendments to the provisions, including any cross references in other chapters, to give effect to the relief sought.

MERITS OF RELIEF SOUGHT

17. The 1.9 hectare property is located in between State Highway 1 on the eastern boundary, and Tamahere Drive on the western boundary. The southern boundary is owned by the crown and the topography falls away to a low-lying gully. Therefore, there is no physical connection to any other rural land.
18. The site is already heavily modified with a small cottage and a substantial building housing an early learning centre with space for up to 114 children on the property. There is significant carparking associated with the learning centre as well as a cell phone tower and approximately 350 metres of metalled accessway to support the use of the land as carparking for the Tamahere market. JTQL graze a handful of sheep for the sole purpose of keeping the grass short.



Figure 1: The subject site at 25 Tamahere Drive, Tamahere (GRIP)

19. The area to the east and south is characterised by rural lifestyle development with few productive activities. The site located on the other side of State Highway 1 (being 34A Tauwhare Road) is used for sand extraction purposes. The area to the north and west of the subject site is characterised by country living development dispersed around the Hamilton City periphery.

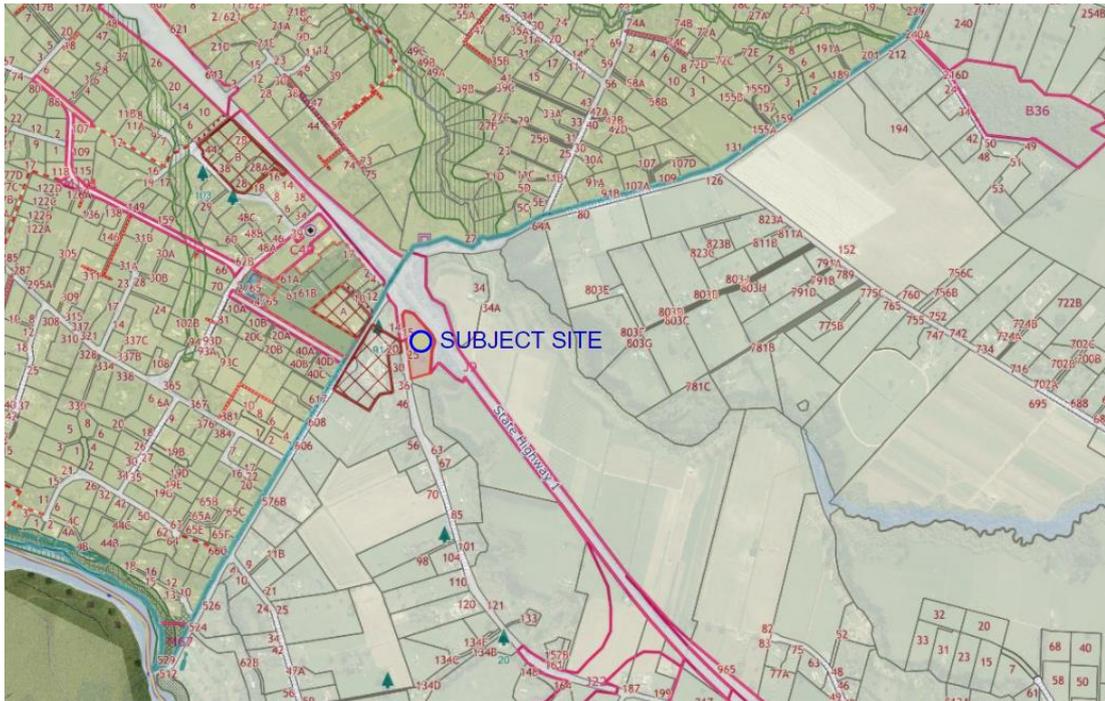


Figure 2: Surrounding Area - Operative District Plan (WDC GIS)

20. I do note that recent development along Koppens Road comprises smaller lots than usually seen in the Country Living Zone



Figure 3: Recent Development on Koppens Road (GRIP)

21. Whilst the subject site is currently located in the rural zone, it is surrounded by urban development and amenities.
22. Tamahere comprises of existing commercial and community facilities including a Four Square grocery store, medical centre, chemist, dentist, hairdresser, bakery, accountant and a restaurant, cafe and bar. Tamahere School, the Tamahere Community Centre, St Stephen's Anglican Church, tennis courts and sports fields, a public playground and skatepark are also a community and social hub and provide a focal node for residents.
23. The Te Awa Cambridge to Hamilton shared path is located across the road from the subject site. The Cambridge to Hamilton Regional Bus stop is located within 200m, the Tamahere school is within 500m and the Tamahere commercial area within 800m of the subject site.

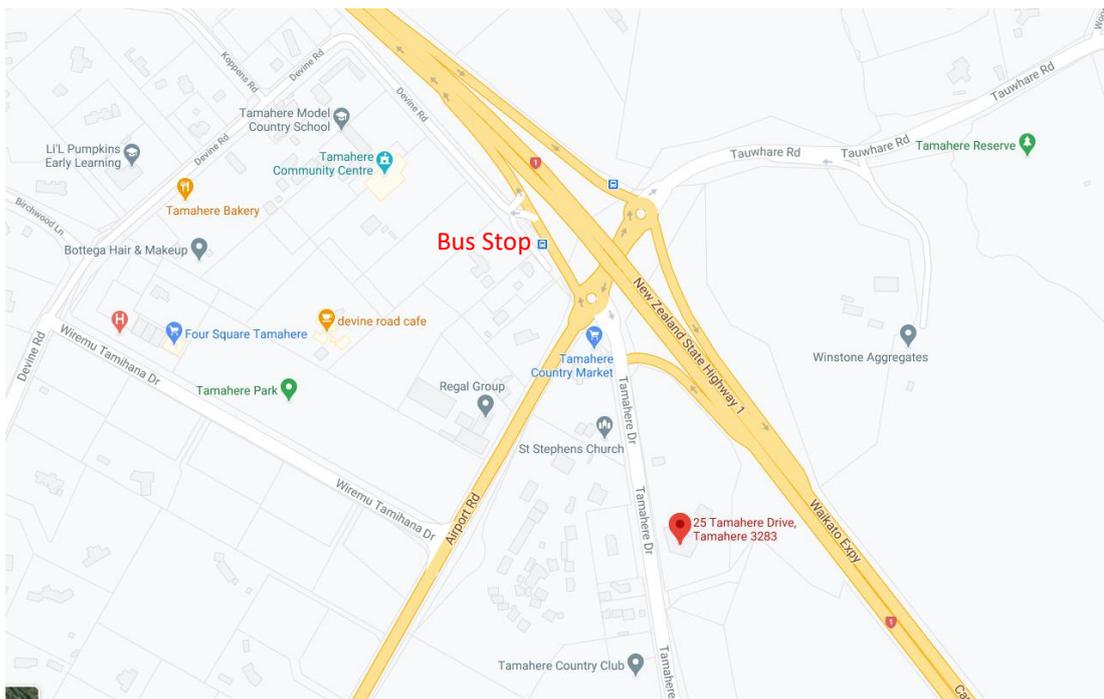


Figure 4: Subject site in relation to the surrounding Tamahere commercial and community amenities (Google Maps)

24. By road Tamahere is located 6 km (8-12 minutes) from the University of Waikato on the eastern edge of Hamilton City, 10k (15-25 minutes) to the Hamilton CBD and 13km (10-15 minutes) to the centre of Cambridge.
25. The Tamahere Village Business Zone utilises a comprehensive method for wastewater management and disposal onsite. This system is maintained under a Communal Management Structure (CMS) that makes provision for the terms of use, operation, management, maintenance, funding, and when required replacement of any common or shared facility. The performance of the obligations of the CMS and each owner are secured to the Council by a covenant under the Resource Management Act. A copy of this covenant is attached as Appendix D.
26. The Tamahere Country Club is located on the opposite side of Tamahere Drive and provides a distinct urban character. As noted on their website *“There will be 93 stand-alone villas featuring either two or three bedrooms. These range in size from 147m² to 288m² and include either a single or double garage. A further 9 terraced/duplex villas will be built on site, close to*

the Club House and Health Spa facilities. They will be two story and feature two bedrooms with a single garage.”



Figure 5: Urban development at Tamahere Country Club under construction opposite the Early Learning Centre. (site photo taken 22 February 2021)

27. Further *“In addition to our villas, Tamahere Country Club will have 23 two bedroom apartments and a 30 bed advanced care unit. Each room will receive either morning or afternoon sun, and covered parking is provided for apartment residents. Our care unit will have 10 dedicated dementia beds and 20 rest home/hospital care beds for your complete care and peace of mind.”*



Figure 6: The Tamahere Country Club opposite the subject site (Tamahere Country Club)

28. I have not been able to confirm the Tamahere Country Clubs on-site wastewater treatment facility specifications, design and location at the time of writing. I am led to believe it is a larger version of what Ormiston Associates Ltd have proposed for the subject site.

29. Given the size of the lot is too small to be considered viable for any agriculture or horticultural activities other than a hobby, the detached location of the lot rules out prospects for expansion and the heavily modified nature of the land.
30. While the proposal will result in some loss of high-quality soil and a change to the existing visual character and amenity of the area, overall taking a district wide perspective the rezoning is appropriate as it will assist with focusing urban development to an appropriately located Village Zone and will reduce development pressures in other rural areas that do not have the locational advantages of Tamahere nor the level of existing commercial and community facilities.
31. To support the re-zoning request a draft Subdivision Consent Plan has been prepared for the site (attached as Appendix B). Key features of the Proposed Structure Plan are as follows:
- Approximately 8 additional lots and a separate title around the existing early learning centre.
 - Maintain yard setbacks along the Waikato Expressway with a commonly owned area comprising a planted earth bund for visual, acoustic and wastewater disposal purposes.
 - A decentralised on-site wastewater treatment and disposal system to enable a minimum net site area of 1,000m².
 - All lots will be a member of a CMS that makes provision for the terms of use, operation, management, maintenance, funding, and when required replacement of the decentralised on-site wastewater treatment and disposal system.
 - In terms of access and traffic safety effects, the site has frontage to multiple existing entrances with good visibility.
32. In this current highly modified state, and given the surrounding urban development, the retention of Rural Zoning on the subject site represents an inefficient use of a potential urban land resource. The Submitter seeks rezoning of the land to realize its urban development potential.

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

33. The Framework Report outlines the first lens for considering a rezoning request is to undertake an assessment of the submission against the relevant PWDP objectives and policies that have been identified within the matrix provided in Appendix 2 of the Framework Report. This submission relates to the “Rural Zone to Village Zone” scenario and an assessment of the relevant objectives and policies of the PWDP is provided in the table below.

1.5.2 (a)	<i>Growth occurs in defined areas</i>
Comment	<p>The agreed Future Proof settlement pattern for urban growth and development is to avoid unplanned encroachment into rural land and is to be contained within defined urban areas to avoid rural residential fragmentation.</p> <p>The proposed rezoning at Tamahere is for planned encroachment into rural land centered around an existing village. It is acknowledged that Future Proof seeks to implement defined urban areas, and one of the key tools for achieving this is through adopting urban limits. Within the Waikato District, indicative village limits have been proposed for those villages on the Hamilton City periphery (Taupiri, Gordonton, Te Kowhai, Matangi, Tamahere and Horotiu). Presumably, this is to</p>

	<p>provide greater control on the scale and type of urban development in locations where the demand is highest.</p> <p>Tamahere is located within the Hamilton periphery and therefore does have an indicative village limit identified in Future Proof. This does mean Tamahere can be considered as a defined urban area as part of a District Plan review process.</p> <p>The rezoning proposal consolidates residential growth around an existing settlement. Tamahere comprises of existing commercial and community facilities including a Four Square, medical centre, and several cafes. St. Stephen’s church, Tamahere Park, two rest homes / retirement villages, several childcare centres, and Tamahere Model Country School in the village all provide a focal node for future residents. Enabling growth within a defined area at Tamahere will reduce the demand for rural residential development elsewhere in the wider area and in doing so seek to avoid further fragmentation of rural land holdings in the Rural Zone.</p>
Consistency	Consistent due to Tamahere being an existing urban settlement within the Hamilton urban area.
1.12.8(b)(i)	<i>Urban development takes place within areas identified for the purpose in which utilises land and infrastructure most efficiently</i>
Comment	<p>In context of this objective, the scale of the proposed rezoning (yielding approximately 10 lots) along with 1000m² lot sizes would ensure the activities anticipated by the proposed rezoning would be urban. This is supported by the provision of the three waters infrastructure – reticulated water supply and private internal wastewater disposal network (as outlined within the letter from Ormiston Associates Ltd – Appendix C), and on-site stormwater disposal (via soakage/detention/reuse).</p> <p>It shall also be noted that the site has been included within the urban limits and is consistent with the direction of Future Proof for urban development. The subject site is also consistent with the objectives and policies of the proposed residential zoning.</p> <p>Tamahere is an existing village with some existing commercial and community facilities and the proposed Village Zoning will ensure the efficient use of an urban land resource.</p>
Consistency	Consistent due to Tamahere being an existing urban settlement within the Hamilton urban area.
1.12.8(b)(ii)	<i>Promote safe, compact, sustainable, good quality urban environments that respond positively to their local context</i>
Comment	<p>In context of this objective, the scale of the proposed rezoning (yielding approximately 10 lots) along with 1000m² lot sizes would ensure the activities anticipated by the proposed rezoning would be large lot / village urban in nature.</p> <p>The proposed Subdivision Consent Plan for the area to be rezoned demonstrates how the land could be developed in a way that provides a good quality environment for future residents and that responds positively to its context as follows:</p> <ul style="list-style-type: none"> • Reinforce the existing Tamahere village core as the heart of a rural village. • Create a safe and sociable village neighbourhood for people to enjoy. • Allow a future vehicle/pedestrian connectivity option to provide for village growth.
Consistency	Consistent due to Tamahere being an existing urban settlement with existing commercial and community facilities.

1.12.2.8(b)(iii)	<i>Focus urban growth in existing urban communities that have capacity for expansion</i>
Comment	The Village Zone is proposed to be expanded to accommodate the projected growth in demand for residential land around the District. The PWDP contains provisions (e.g., Rule 24.4.2) indicating that the Village Zones could act as 'transitional' zones as areas develop, going to a higher residential density in future. With discretion over the position of proposed building platforms and driveways to ensure future subdivision is not compromised, a communal on-site wastewater disposal network would provide for the core additional infrastructure needs of the development for the future.
Consistency	Not inconsistent as the rest of Tamahere Village has been developed to create an urbanized village environment, with many parts of the village already supported by communal private wastewater networks.
1.12.8(b)(vi)	<i>Protect and enhance green open space, outstanding natural landscapes, and areas of ecological, historic and environmental significance.</i>
Comment	There are no known outstanding natural landscapes or areas of ecological or environmental significance that will be adversely affected by the rezoning. Nearby areas of historic significance will not be affected by this rezoning.
Consistency	Consistent due to the lack of significant features
1.5.1 (b)	<i>Urban forms of residential, industrial, and commercial growth in the district will be focused primarily into towns and villages, with rural-residential development occurring in Country Living Zones. Focusing urban forms of growth primarily into towns and villages, and encouraging a compact form of urban development, provides opportunity for residents to "live, work and play" in their local area, minimises the necessity to travel, and supports public transport opportunities, public facilities and services.</i>
Comment	The proposed rezoning will focus residential development into the existing Tamahere village with amenities including commercial and community facilities that provide future residents with some live, work and play opportunities.
Consistency	Consistent as rezoning will encourage residential development within an urban settlement with existing industrial and community facilities.
1.12.3(a)	<i>A district which provides a wide variety of housing forms which reflect the demands of its ageing population and increases the accessibility to employment and community facilities, while offering a range of affordable options.</i>
Comment	The rezoning proposal will positively contribute to the variety of housing forms available in the Waikato District. Demand for rural-residential type properties has traditionally been high in the Waikato District and the rezoning will alleviate some of the demand in the wider Hamilton area. Tamahere village itself provides some community facilities (school, church and hall) and is located within 10km of the Hamilton CBD and 15km to the Cambridge CBD which provide accessibility to employment and community facilities. The proposed structure plan shows the rezoned area could potentially accommodate 8 new homes.
Consistency	Consistent as rezoning will provide additional housing options accessible to employment and community facilities.
1.12.3(c)	<i>A district that has compact urban environment that is focused in defined growth areas, and offers ease of movement, community wellbeing and economic growth.</i>
Comment	The rezoning of this land and the provision of internal private infrastructure will assist in accommodating the projected population growth.

Consistency	Consistent.
4.1.2(a)	<i>Future settlement pattern is consolidated in and around existing towns and villages in the district.</i>
Comment	The rezoning proposal consolidates residential growth around the existing Tamahere village.
Consistency	Consistent.
5.3.8(a)	<i>Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.</i>
Comment	<p>Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Tamahere, as indicated within Future Proof Strategy and Waikato Regional Policy Statement. The expectation is that land within an indicative village limit may be developed to a rural-residential density only unless reticulated wastewater is available, with a single commercial centre providing for the daily convenience needs of residents in the immediate area.</p> <p>The subject site is identified within Agricultural Impact Assessment (Appendix A) as having Class 1 soils (i.e. highly productive soils). That assessment also concludes that the size and location of this site is such that use of the site for productive rural activities of an efficient scale is not possible.</p>
Consistency	Inconsistent purely on an individual site perspective in terms of protecting high class soils, but consistent in the wider context for the District.
5.3.8(b)	<i>Ensure development does not compromise the predominant open space, character and amenity of rural areas.</i>
Comment	<p>The proposed zone change will affect existing rural character and amenity by enabling a type and particular density of development to occur within an existing rural zone.</p> <p>While the change in zoning, from Rural to Village, will enable an overt change in landscape character of the site and will affect existing views across the rural landscape, from a landscape design and urban planning perspective, the change in zoning is appropriate because it enables the consolidation of an existing node and is an alternative to further fragmentation.</p> <p>By way of conclusion, the effect on adjacent rural character resulting from a change in zoning will relate in part to development density achievable under the new zone and in part to the location of the new zone in relation to existing development. In the context provided by the existing Tamahere village, this means that the proposed development will more likely be perceived as appropriate as it binds and consolidates different parts of the village from an urban design perspective.</p>
Consistency	Neutral as although there will be a change in rural character, the character and amenity will be maintained as the rezoning adjacent to an existing village will more likely be perceived as appropriate.
5.3.8(c)	<i>Ensure subdivision, use and development minimises the effects of ribbon development.</i>
Comment	The subject site is already significantly modified, including an early learning centre, and is located between the Tamahere Country Club and the Tamahere village. The addition of 4 dwellings fronting the top end Tamahere Drive will not result in ribbon development.

Consistency	Consistent as the site is in the Hamilton urban area, directly across from Tamahere Country Club. Development will be consolidated around the existing Tamahere village.
5.3.8(e)	<i>Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.</i>
Comment	Refer to assessment of 5.3.8(b) above
Consistency	Neutral.
5.3.8(f)	<i>Subdivision, use and development ensures the effects on public infrastructure are minimised</i>
Comment	Currently Council only provides public water supply for Tamahere Village. The 1000m ² lots that the proposed rezoning would enable to be created on this site could, if needed accommodate on-site rain water tanks for water supply, if needed due to public network capacity constraints.
Consistency	Consistent, as water supply (as the only public infrastructure in Tamahere Village) could be provided through alternative means if necessary, to ensure that the effects on the capacity and flow rate of the public network were minimised.
4.1.3(b)	<i>Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.</i>
Comment	The entire subject site is located within the Hamilton urban area which has no defined limit and is consistent with the direction of Future Proof for urban development.
Consistency	Consistent.
4.1.3(a)	<i>Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.</i>
Comment	Development of the site in accordance with the proposed rezoning could be supported by three waters infrastructure – reticulated water supply and private internal wastewater disposal network (as outlined within the letter from Ormiston Associates Ltd – Appendix C), and on-site stormwater disposal (via soakage/detention/reuse). Given that the site is currently utilised for a childcare centre and grazing of a low number (5-10) of sheep, provision of infrastructure and services to accommodate the scale of development the rezoning would enable is considered a more efficient use of the urban land resource.
Consistency	Consistent.
4.1.5(a)	<i>Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space.</i>
Comment	The subject site is located on the opposite side of Tamahere Drive from the consented Tamahere Country Club development (a retirement village) that is currently being established. This, combined with the other existing commercial employment opportunities and existing community and open space facilities reflect the urbanised nature of Tamahere Village.
Consistency	Consistent as the Village zoning will enable the site to provide higher density housing near to commercial employment opportunities and community facilities.

5.1.1(a)	<i>Subdivision, use and development within the rural environment where: (i) high class soils are protected for productive rural activities; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment; (iii) urban subdivision, use and development in the rural environment is avoided.</i>
Comment	Refer 5.3.8(a) above.
Consistency	Inconsistent purely on an individual site perspective in terms of protecting high class soils, but consistent in the wider context for the District.
5.3.1(a)	<i>Rural character and amenity are maintained</i>
Comment	Refer to assessment of 5.3.8(b) above.
Consistency	Neutral.
5.3.4(a)	<i>Retain open spaces to ensure rural character is maintained.</i>
Comment	Refer to assessment of 5.3.8(b) above.
Consistency	Neutral.
<i>Meets district wide rules and any other relevant overlays</i>	
Comment	<p>The site subject to rezoning is subject to the following overlays or policy areas:</p> <ul style="list-style-type: none"> • Waikato River Catchment • Hamilton Basin Ecological Area • State Highway 1 Designation • Airport Obstacle Limitation Surface <p>Future lots within the site would be self-contained, and thus any stormwater and wastewater discharges will be required to be managed to prevent effects on on-site, adjacent, and downstream waterbodies.</p> <p>Development of the in accordance with the proposed rezoning would not enable development that would interfere with the safe and efficient operation of State Highway 1. It would also not result in development that would present an obstacle to aircraft utilising the nearby Hamilton International Airport.</p>
Consistency	Consistent.

34. In summary and in connection to the first lens, I consider that the rezoning proposal is supported by the objectives and policies that identify in general the suitable locations for urban growth. Specifically, the site is directly adjacent to an existing urban development, the site is within 200m of a regional bus stop, 500m of the school and 800m of the existing commercial area, which promotes a compact urban form, and the site is within the Hamilton urban area of the Future Proof Strategy Planning for Growth.
35. The subject site is an appropriate location for a Village Zone as it will enable the consolidation of an existing settlement and offers an alternative to further fragmentation in the more productive areas of the rural zone. While the proposal will result in some loss of high-quality soil and a change to the existing visual character and amenity of the area, overall taking a district wide perspective the rezoning is appropriate as it will assist with focusing residential development to an appropriately located Village Zone and will reduce development pressures in other rural areas that do not have the locational advantages of Tamahere nor the level of existing commercial and community facilities.

36. The requested zoning is unable to meet Objective 5.1.1(a)(i), as this would result in high class soils no longer being protected for productive rural activities. However, I consider it necessary for this objective to be appropriately weighed against provisions of the National Policy Statement for Urban Development 2020 (NPS-UD), which the PWDP was not drafted to give effect to (as it was notified prior to the NPS-UD being gazetted). The NPS-UD requires Council to enable development capacity in excess of the anticipated demand.
37. As almost all of Tamahere contains high class soils, I consider it highly unlikely that all high class soils will be able to be protected as per Objective 5.1.1(a) while also meeting the NPS-UD requirements. It is impracticable to avoid all fragmentation of rural land and that this should instead be minimised. As per the commentary provided against that policy, I consider that fragmentation of 25 Tamahere Drive would be more suitable than other fragmentation of rural land, noting that the site is relatively small and is already surrounded by urban zoning.
38. Therefore, while the requested zoning is contrary to Objective 5.1.1(a)(i), I consider that higher order documents indicate that zoning that is inconsistent with this objective may still be suitable.

LENS 2: ALIGNMENT AND CONSISTANCY WITH HIGHER ORDER DOCUMENTS

39. The Framework Report outlines the second lens for considering a rezoning request is to undertake an assessment of higher **order** statutory planning instruments to which the PWDP must either give effect or have regard. These are considered below.

Waikato Regional Policy Statement

40. The objectives and the related WRPS are relative to the proposed rezoning have been reviewed and they relate to a broad range of matters in a regional context. The following analysis is a summary of the key provisions which are most relevant to the changes sought.

3.1.2	<p><i>Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:</i></p> <p><i>a) promoting positive indigenous biodiversity outcomes;</i></p> <p><i>b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;</i></p> <p><i>c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;</i></p> <p><i>d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;</i></p> <p><i>e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;</i></p> <p><i>f) protecting access to identified significant mineral resources;</i></p> <p><i>g) minimising land use conflicts, including minimising potential for reverse sensitivity;</i></p>
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h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;

i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;

j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and

k) providing for a range of commercial development to support the social and economic wellbeing of the region.

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

There is limited public infrastructure within Tamahere, with water supply the only service provided. The water supply main is located within the road reserve and able to supply any new development with reticulated water.

Given the location of the site, and the ability to accommodate stormwater and wastewater within the site boundaries, it is concluded that the future growth predicted for the Tamahere Village can be accommodated without compromising the safe, efficient and effective operation of infrastructure corridors.

The PWDP outlines the setback requirements for the Waiakto Expressway and these can be complied with. Additionally, a vegetated bund can be planted along the expressway to reduce reverse sensitivity effect of vehicle noise and movement on the adjoining residents.

The subject site is a natural extension to the Tamahere settlement and perpetuating uneconomic productive activities on this small site does not respond to the significant pressures in relation to some of the villages. The site can be developed to support the social and economic wellbeing of the surrounding Tamahere Country Club development and The Pentagon Early Learning Centre without constraining any other properties from developing in the future.

The Waikato region is a Tier 1 urban environment under the National Policy Statement on Urban Development 2020 (NPS-UD) which directs local authorities to enable greater supply and ensure that planning is responsive to changes in demand. The NPS-UD requires council to remove overly restrictive rules that affect urban development outcomes, including notifying plan changes implementing intensification policies no later than 20 August 2022. Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Tamahere, as indicated within Future Proof Strategy and Waikato Regional Policy Statement. The entire subject site is located within the urban limits and is consistent with the direction of Future Proof for urban development. The subject site is also consistent with the objectives and policies of the proposed zoning.

The rezoning proposal consolidates residential growth around an existing urban settlement. Tamahere comprises of existing commercial and community facilities including a Four Square grocery store, medical centre, chemist, dentist, hairdresser, bakery, accountant and a restaurant, cafe and bar.

Consistency Consistent

6.14 *Within the Future Proof Area:*

a) new urban development within Hamilton City, Cambridge, Te Awamutu/Kihikihi, Pirongia, Huntly, Ngaruawahia, Raglan, Te Kauwhata, Meremere, Taupiri, Horotiu, Matangi, Gordonton, Rukuhia, Te Kowhai and

	<p><i>Whatawhata shall occur within the Urban Limits indicated on Map 6.2 (section 6C);</i></p> <p><i>b) new residential (including rural-residential) development shall be managed in accordance with the timing and population for growth areas in Table 6-1 (section 6D)</i></p> <p><i>c) ...</i></p> <p><i>g) where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern; and</i></p> <p><i>h) ...</i></p>
Consistency	<p>The Future Proof strategy states:</p> <p><i>Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Taupiri, Gordonton, Whatawhata, Te Kowhai, Matangi, Tamahere and Horotiu. These are shown on Maps 1 and 2 but are still indicative and will remain so until further development analysis, for example District Plan review or structure planning has been completed. The expectation is that land within an indicative village limit may be developed to a rural-residential density only unless reticulated wastewater is available, with a single commercial centre providing for the daily convenience needs of residents in the immediate area.</i></p> <p>Further:</p> <p><i>Hamilton urban area includes the following CAU's: Gordonton, Te Kowhai, Whatawhata, Horotiu, Tamahere, Tauwhare, Matangi, and Taupiri.</i></p> <p>The subject site is located within the urban limits and is consistent with the direction of Future Proof for urban development.</p>
6.14.3	<p><i>District plans and structure plans can only consider an alternative residential or industrial land release, or an alternative timing of that land release, than that indicated in Tables 6-1 and 6-2 in section 6D provided that:</i></p> <p><i>a) to do so will maintain or enhance the safe and efficient function of existing or planned infrastructure when compared to the release provided for within Tables 6-1 and 6-2;</i></p> <p><i>b) the total allocation identified in Table 6-2 for any one strategic industrial node should generally not be exceeded or an alternative timing of industrial land release allowed, unless justified through robust and comprehensive evidence (including but not limited to, planning, economic and infrastructural/servicing evidence);</i></p> <p><i>c) sufficient zoned land within the greenfield area or industrial node is available or could be made available in a timely and affordable manner; and making the land available will maintain the benefits of regionally significant committed infrastructure investments made to support other greenfield areas or industrial nodes; and</i></p> <p><i>d) the effects of the change are consistent with the development principles set out in Section 6A.</i></p>
Consistency	<p>The proposed rezoning of land at Tamahere is within the Hamilton urban area and is consistent with the principles set out in Section 6A – refer below.</p> <p>Consistent.</p>
6.1.8	<p><i>District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following:</i></p>

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

a) A draft subdivision consent plan has been prepared to guide future development within the area to be rezoned. The structure plan shows development areas for residential lots, along with the communal wastewater disposal area, approximately 8 additional lots are anticipated (the early learning centre has its own wastewater disposal system located within the proposed lot boundaries).

b) There is limited public infrastructure within Tamahere, with water supply the only service provided. The water supply main is located within the road reserve and able to supply any new development with reticulated water with funding provided in accordance with the Development Contributions Policy.

Given the location of the site, the future growth predicted for the Tamahere Village (and Waikato Region) and the ability to accommodate stormwater and wastewater within the site boundaries, it is concluded that the proposal will not impact the future funding or staging of infrastructure.

- c) The primary means of access for the rezoned area will be via a road connection, including the Te Awa Cambridge to Hamilton shared path in front of the site.
- d) The proposed zone change will affect existing rural character and amenity by enabling a type of and density of development to occur adjacent to an existing 'urbanised' area. The change however is considered appropriate because it enables the consolidation of an existing node of development within an identified Urban Limit. Since I have concluded that urban development at 25 Tamahere Road is otherwise appropriate – and more appropriate than potentially other locations currently in the Rural zone – this objective does not necessarily require the high-class soils at the site to be protected from urban development.
- e) There are no known significant natural hazard issues in the area to be rezoned. A detailed geotechnical assessment will be required at the time of subdivision/development and this will inform lot layout and location of infrastructure in a way that avoids natural hazards.
- f) The rezoning does not involve hazardous substances or known contaminated sites.
- g) Stormwater will largely be managed on-site using rainwater detention and soakage before discharging to the existing gully to the east.
- h) There are no known significant mineral resources on the land subject to rezoning.
- i) The subject site is highly modified and located within the identified Urban Limits with no known ancestral lands, water, sites, wāhi tapu, and other taonga.
- j) Water will be supplied via the existing reticulated network. Given the future growth predicted for the Tamahere Village, it is concluded that allowance in capacity of the infrastructure can be made when development contributions are paid for additional users.
- k) Water conservation will be in accordance with the regional standards.
- l) The site subject to rezoning is not identified as a likely renewable energy generation site.
- m) The site subject to rezoning is not located near any existing and planned renewable energy generation site.
- n) The site proposed to be rezoned is not located near any electricity transmission network or national grid corridor.

Consistency Consistent as the scale and potential effects of development can be accommodated by the existing reticulated water supply network.

6A *New Development should:*

- a) *support existing urban areas in preference to creating new ones;*
- b) *occur in a manner that provides clear delineation between urban areas and rural areas;*
- c) *make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;*
- d) *not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;*
- e) *connect well with existing and planned development and infrastructure;*

- f) *identify water requirements necessary to support development and ensure the availability of the volumes required;*
- g) *be planned and designed to achieve the efficient use of water;*
- h) *be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;*
- i) *promote compact urban form, design and location to: i) minimise energy and carbon use; ii) minimise the need for private motor vehicle use; iii) maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport; iv) encourage walking, cycling and multi-modal transport connections; and v) maximise opportunities for people to live, work and play within their local area;*
- j) *maintain or enhance landscape values and provide for the protection of historic and cultural heritage;*
- k) *promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;*
- l) *maintain and enhance public access to and along the coastal marine area, lakes, and rivers;*
- m) *avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);*
- n) *adopt sustainable design technologies, such as the incorporation of energyefficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;*
- o) *not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;*
- p) *be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;*
- q) *consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua connections within an area should be considered;*
- r) *support the Vision and Strategy for the Waikato River in the Waikato River catchment;*
- s) *encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and*
- t) *recognise and maintain or enhance ecosystem services.*

- a) The site is located within the Hamilton urban area and is consistent with the direction for urban development. Tamahere comprises of existing commercial and community facilities including a Four Square grocery store, medical centre, chemist, dentist, hairdresser, bakery, accountant and a restaurant, cafe and bar. Tamahere School, the Tamahere Community Centre, St Stephen's Anglican Church, tennis courts and sports fields, a public playground and skatepark are also a community and social hub and provide a focal node for future residents.

- b) The property sits between two roads and crown owned land. Tamahere Country Club is located on the opposite side of Tamahere Drive and provides a distinct urban character. The site is already heavily modified with a small cottage and a substantial building housing an early learning centre on the property. There is significant carparking associated with the learning centre. Outside of these two buildings there is a maximum of 1.1 hectares that could be considered as being 'rural'. This 1.1 hectares has a cell phone tower and approximately 350 metres of metalled accessway to support the use of the land as carparking for the Tamahere market. For the above reasons, I consider this proposal to rezone 25 Tamahere Drive maintains a clear delineation between the existing urbanised areas and surrounding rural areas to the east and south.
- c) The rezoning does not directly provide for urban intensification. However, any allowance in increased capacity for development in appropriate areas will also minimize demand in other rural areas of the district.
- d) There is limited public infrastructure within Tamahere, with water supply the only service provided. The water supply main is located within the road reserve and able to supply any new development with reticulated water with funding provided in accordance with the Development Contributions Policy.
- e) The rezoning area is adjacent to Tamahere Country Club and within 500m of the school and 800m of the existing commercial area. The Te Awa Cambridge to Hamilton shared path in front of the site.
- f) Water requirements will be met by the existing reticulated network.
- g) Water conservation will be in accordance with the regional standards.
- h) The site is not located near any significant mineral resources, natural hazard areas, energy and transmission corridors or regionally significant industry. Since I have concluded that urban development at 25 Tamahere Drive is otherwise appropriate – and more appropriate than potential other locations currently in the Rural zone – this objective does not necessarily require the high-class soils at the site to be protected from urban development.
- i) A village zoning of the site would promote a compact urban form, design, and location around an existing urbanised area. The Cambridge to Hamilton Regional Bus stop is located within 200m of the subject site. The Te Awa Cambridge to Hamilton shared path in front of the site.
- j) While the change in zoning will enable an overt change in landscape character of the site, from a landscape design and urban planning perspective, the change in zoning is appropriate because it enables the consolidation of an existing node of development in and around Tamahere. By concentrating development in this location, pressure is reduced on surrounding rural areas, which help preserve wider surrounding rural character values.
- k) There are no areas of ecological significance that will be adversely affected by the rezoning.
- l) There are no lakes or rivers requiring public access as part of the site development.
- m) LIUDD principles will be adopted where possible/practicable.
- n) Sustainable design technologies will be adopted where possible and practicable.

- o) The proposed zoning is consistent with the surrounding area and will not result in incompatible land uses.
- p) Any future development will be designed to comply with the Regional Technical Specifications and the Building Code which takes account of climate change.
- q) There will be an opportunity for tangata whenua involvement, including potential for visual recognition in the subdivision design.
- r) The site does not compromise the Vision and Strategy for the Waikato River in the Waikato River catchment.
- s) Waste minimization and efficient use of resources will be considered at the time of development.
- t) The proposal is not expected to effect ecosystem systems.

Consistency Consistent.

Future Proof

- 41. Future Proof is a 30-year growth management and implementation plan specific to the Hamilton, Waipa and Waikato sub-region. Future Proof provides an overall framework for aligning the plans and strategies of organisations that deal with growth along with other local and central government agencies.
- 42. Section 11.3 of Future Proof outlines the applicable principles for Rural Areas:

11.3	<p><i>Applicable Future Proof Principles:</i></p> <ul style="list-style-type: none"> • <i>Encourage development to locate adjacent to existing urban settlements and nodes in both the Waikato and Waipa Districts and that rural-residential development occurs in a sustainable way to ensure it will not compromise the Future Proof settlement pattern or create demand for the provision of urban services.</i> • <i>Maintain the separation of urban areas by defined and open space and effective rural zoning.</i> • <i>Recognise and provide for the growth of urban areas, towns and villages within agreed urban limits.</i> • <i>Protect versatile and quality farmland for productive purposes through the provision of limited rural lifestyle development around existing towns and villages and encouraging a more compact urban footprint</i>
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As outlined in the section 42A report, Future Proof 2017 has limited weight, as “it is not mentioned in the WRPS, so it is not mandatory for the WDP to give effect to it.” However, Policy 4.1.3(b) does directly reference Future Proof 2017.

Tamahere is an existing urban settlement within the Hamilton urban area and consists of a range of residential activities in addition to the commercial and community facilities in the village itself (school, hall, store, church etc). The development of approximately 9 lots (8 additional residential lots and the existing early learning centre) at Tamahere is consistent with the Future Proof settlement pattern.

Tamahere is located within the Hamilton urban area and is consistent with the direction of Future Proof for urban development. Enabling growth within a defined area at Tamahere will reduce the demand for rural residential development

	elsewhere in the wider area and in doing so seek to avoid further fragmentation of rural land holdings in the Rural Zone.
Consistency	Consistent as I have previously identified in assessing the requested zoning against policy 4.1.3(b), the site is within the indicative urban limits shown on the maps included as part of this document.

Waikato 2070

43. Waikato 2070 is the Waikato District Council Growth and Economic Development Strategy and provides a long-term plan to achieve the Council’s vision of creating liveable, thriving and connecting communities.
44. Part 02.0 of Waikato 2070 outlines opportunities for the Waikato District. Opportunity 02.2 relates to soils and landscapes and notes that constraints restrict development of land in the district and generally confine areas for future development in and around existing settlements and means consideration needs to be given to a more compact growth pattern in the future. Opportunity 02.5 relates to the rural environment, and notes that rural villages are and will continue to be a central focus and integral part of the district. Lifestyle opportunities are provided within the rural environment, but these must be carefully managed with an evidence-based approach to help maintain and sustain the rural environment.
45. Part 03.0 of Waikato 2070 outlines focus areas for the Waikato District. Focus Area 03.1 (Grow our Communities) sets a direction to deliver well-planned and people friendly communities. The implementation methods most relevant to the rezoning proposal at Tamahere are:

Deliver well-planned and people-friendly communities

1. *Develop a quality urban form with high amenity villages and urban environments will being aware of historic heritage, landscapes and the natural environment.*
2. *Support regeneration of our town centres and encourage quality in-fill developments around our future mass transit stations.*
3. *Support rural communities by maintaining services and enabling innovative initiatives.*
6. *Ensure our towns offer employment and housing choice.*
7. *Avoid development that leads to social isolation*
8. *Ensure communities have easy access to infrastructure and services*

46. Focus Area 03.1 (Grow our Communities) also sets a direction to promote sustainable and cost-effective land use patterns. The implementation methods most relevant to the rezoning proposal at Tamahere are:

Promote sustainable and cost-effective land-use patterns

2. *Stage development and be adaptable to future growth scenarios*
3. *Integrate land use and transport to make better use of infrastructure and our transport connections, while interacting and protecting the environment.*
4. *Leverage existing transport networks, including walking, cycling infrastructure, and identify and protect sites and areas from development.*

6. Locate future development to capitalise on existing serviced network infrastructure and facilities of towns.

7. Ensure connectivity and integration of greenfield development to existing built-form.

8. Encourage rural areas and villages to explore ways to remain sustainable.

47. Part 04.0 of Waikato 2070 identifies where and when growth can occur for residential and employment activities that align to the focus areas. Growth in Tamahere has not been identified.

National Planning Standards

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

National Policy Statement on Urban Development 2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51. One of the key directions of the NPS-UD (through Policy 2) is to provide “at least” sufficient development capacity to meet expected demand for housing over the short term, medium term and long term.
52. The NPS-UD also directs Councils to enable more people to live in areas that are near centre zones where a range of commercial activities and community services are provided (Objective 3 and Policy 3). The site at 25 Tamahere Drive is within 200m of a regional bus stop, 500m of the school and 800m of the existing commercial area. Therefore, I consider that the NPS-UD does not necessarily support the Rural zone being applied to the site, especially since the surrounding area is urbanised by the Tamahere Country club and early child learning centre.
53. Therefore, I consider that the rural zoning of the subject site in the PWDP fails to achieve the requirements of the NPS-UD. I also consider that the requested zoning would be supported by the NPS-UD and enable the requirements of the NPS-UD to be better met.

Waikato-Tainui Environmental Plan

54. The Waikato-Tainui Environmental Plan sets out a Waikato-Tainui perspective on the management of effects particularly the issues, objectives, policies and methods associated with natural resources and environmental management that apply across the Waikato-Tainui rohe/tribal boundaries. This is a relevant planning document as referred to in section 74(2a) of the RMA.
55. The plan describes the general process for consultation and engagement with Waikato-Tainui. Consultation has been initiated.
56. It is expected that resource management, uses and activities occur in a manner consistent with the relevant sections of the Waikato-Tainui Environmental Plan. There are various sections in the Plan relevant to the rezoning proposal, including the following:
 - Managing waahi tapu and waahi tupuna sites will need to be considered, particularly through ensuring appropriate guidelines and protocols are in place for taonga discovery, archaeological sites and sites of significance.
 - Development of the site will need to consider natural hazards and the effects of climate change.
 - Development of the site will need to consider a holistic catchment approach to stormwater management.
 - There is an opportunity to enhance fresh water quality through retiring poorly drained soils from productive farming.
 - Effective management of soil erosion and land contamination will be achieved through appropriate sediment control measures.
 - The plan encourages the use of development principles which enable the environment and provide environmental, cultural, spiritual and social outcomes that are positive.

Vision and Strategy for the Waikato River

57. The Waikato River is important to all the people in the region and is applicable to Matangi as being located within the catchments affecting the Waikato River. The provision of more efficient reticulated wastewater management that can meet its discharge consent conditions and on-site stormwater management practices will ensure that the rezoning of the site achieves outcomes consistent with the Vision and Strategy for the Waikato River in the Waikato River catchment.

Lens 2 Summary

58. In summary and in connection to the second lens, it is considered that the rezoning proposal is generally consistent with achieving the outcomes sought in the higher-level planning instruments. Most notably the proposal is consistent with the general development principles set out in 6A of the WRPS.

LENS 3: ASSESSMENT AGAINST BEST PRACTICE PLANNING GUIDANCE

59. The Framework Report outlines the third lens is borrowed and adapted from the Auckland Unitary Plan Independent Hearing Panel as a distillation of what is referred to as “good planning practice”. An assessment of the third lens is provided below:

a.	<i>Economic costs and benefits are considered</i>
	<p>An economic benefit is that the Village Zone provisions may create development potential on land that is uneconomic to use for rural purposes (e.g due to limited size and surrounding residential development curtailing intensification). A further economic benefit of directing urban activities to the Village Zone is that it minimises the potential for reverse sensitivity between incompatible and uses, which may affect the operation of established rural land uses. Enabling subdivision, changes in land use activities will provide for the economic wellbeing of landowners.</p> <p>An economic cost of the Village Zone is that it promotes a development pattern that fragments rural land into 1,000m² lots that removes their use for productive purposes.</p>
b.	<i>Changes should take into account the issues debated in recent plan changes</i>
	There are no recent plan changes that are directly relevant to this rezoning proposal.
c.	<i>Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints (e.g. hazards)</i>
	The land subject to the rezoning request is not affected by any other overlays or constraints identified in the PWDP.
d.	<i>Changes should take into account features of the site (e.g. where it is, what the land is like, what it is used for and what is already built there).</i>
	The site exhibits topography that is, in my opinion, suitable for residential development. I also consider that the site size is suitable for a small-scale residential development with a decentralised wastewater treatment and land disposal system to be provided for.
e	<i>Zone boundary changes recognise the availability or lack of major infrastructure (e.g., water, wastewater, stormwater, roads).</i>

	<p>Development of the site in accordance with the proposed rezoning could be supported by three waters infrastructure – reticulated water supply and private internal wastewater disposal network (as outlined within the letter from Ormiston Associate Ltd – Appendix C), and on-site stormwater disposal (via soakage/detention/reuse).</p> <p>Given that the site is currently utilised for a childcare centre and grazing of a low number (5-10) of sheep, provision of infrastructure and services to accommodate the scale of development the rezoning would enable is considered a more efficient use of the land.</p> <p>Further, the NPS-UD requires wider network capacity to cater for anticipated growth demands regardless of whether the site is subject to the Village zone to meet development capacity requirements of the NPS-UD or not.</p>
f	<i>There is adequate separation between incompatible land uses (e.g., houses should not be next to heavy industry).</i>
	The proposed Village Zone is located between the Tamahere Country Club (a retirement village that provides units to an urban density) and State Highway 1. There is sufficient area to accommodate an ample setback from the shared boundary with the State Highway to mitigate potential reverse sensitivity issues from a Village Zone development of the subject site.
g	<i>Zone boundaries need to be clearly defensible, e.g., follow roads where possible or other boundaries consistent with the purpose of the zone</i>
	The proposed zone boundary is clearly defensible on all sides as it aligns with two physical features being Tamahere Drive and State Highway 1. The southern boundary aligns with a property boundary that is owned by the crown and the topography falls away to a low-lying gully.
h	<i>Zone boundaries should follow property boundaries.</i>
	The proposed zone boundary aligns with property boundaries and would not result in any split zoning.
i	<i>Generally, no "spot zoning" (i.e. a single site zoned on its own)</i>
	While the rezoning affects a single site, it is of an appropriate scale and location, being within the Hamilton urban area of Tamahere and located adjoining a retirement village that provides residential units in an urban density. There is no physical connection to any other rural land that would enable the site to be utilised for productive purposes.
j	<i>Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.</i>
	There are no existing resource consents applicable to this rezoning request.
k	<i>Roads are not zoned.</i>
	Roads are not zoned in the PWDP.

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

S32AA ASSESSMENT

61. Section 32AA requires a further evaluation for any changes that have been made to the proposal since the evaluation report was completed. The tables below provides a summary of the different options, costs and benefits considered, as required under s32 of the RMA. It explains why the preferred option has been chosen and also discusses some of the alternatives which have also been considered.

Table 1: Rezoning Proposal

The specific provisions sought to be amended	Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PDP)
The rezoning proposal	The relief sought above outline the rezoning proposal.
Relevant Objectives of the PDP	Appendix 2 of the S42A Framework Report identifies key objectives in the PDP for different rezoning scenarios. The objectives and policies relevant to the Rural to Village Scenario are provided as the “First Lens” in the evidence above.
Scale and Significance of the rezoning proposal	<p>The rezoning proposal is not expected to result in a substantial change to the zoning management framework contained in the PWDP.</p> <p>The rezoning proposal involves a relatively modest area of approximately 1.90ha adjacent to Tamahere Village. Approximately 8 additional residential lots are expected to be enabled by the rezoning.</p> <p>The rezoning proposal is considered to be of local significance, focused largely on the community.</p>
Other reasonably practicable options to achieve the objectives (alternative options)	<p>Option 1: Village Zone with decentralized on-site wastewater treatment and disposal system</p> <p>Option 2: Country Living Zone</p> <p>Option 3: Do nothing / status quo (retain Rural Zone)</p>

Table 2: Benefits and Costs Analysis of the Rezoning Proposal

Rezoning Proposal: Rural to Urban		
	Benefits	Costs
General	<p>Option 1 would allow the site to be developed into approximately 8 residential lots. This meets the objectives of the NPS-UD, Future Proof and the RPS.</p> <p>Option 2 would allow the site to be developed into approximately 3 lots.</p> <p>Option 3 would retain the land for small-scale rural production activities.</p>	<p>Option 1 has the potential to be considered out-of-sequence development.</p> <p>Option 2 would only provide for two additional dwelling. This option also fails to meet the objectives of the NPS-UD, Future Proof and the RPS.</p> <p>Option 3 does not provide for any additional housing and therefore does not meet the objectives of the NPS-UD, Future Proof and the RPS but would retain the status quo.</p>
Environmental	<p>Option 1 would assist with directing residential development to the existing Tamahere Village. By concentrating development in this location, pressure is reduced on surrounding rural areas, which help preserve wider surrounding rural character values and fragmentation of rural land elsewhere. This proposal consolidates the existing urban areas into one location.</p> <p>Option 2 would retire some marginal land from primary production and reduce the pressure for fragmentation of rural land elsewhere.</p> <p>Option 3 would retain the existing character and amenity of the location and in doing so safeguards the use of the soil resource for this purpose.</p>	<p>Options 1 and 2 would result in 1.90ha of land being removed from primary production and would result in a change to the existing rural character and amenity.</p> <p>Option 3 would retain the status quo in terms of farming marginal land that is constrained from further intensification by its small size, high modification and lack of connection to other rural properties.</p>
Social	<p>Options 1 and 2 will strengthen the sense of place of Tamahere by enabling residential development around an existing urban settlement. This could enhance cohesion, stability, character, services and facilities in</p>	<p>Options 1 and 2 would result in a degree of change to the community.</p>

	<p>the community. This includes the use of existing facilities at Tamahere including the school, church and community hall.</p> <p>Option 3 would result in no change to the community.</p>	Option 3 will not bring any additional housing options to the Waikato District.
Economic incl. Economic Growth	<p>Options 1 and 2 would grow the residential component of Tamahere with residents able to support local business at the village.</p> <p>Options 1 and 2 would enable economic growth as a consequence of developing the subdivision and the construction of houses.</p>	<p>Options 1 and 2 remove 1.90ha from primary production.</p> <p>Option 3 will continue to cost the JTQL time and money to keep up with the care and maintenance of the pasture.</p>
Employment	<p>Options 1 and 2 would enable employment as a consequence of developing the subdivision and the construction of houses.</p> <p>Options 1 and 2 would enable residential development to occur in close proximity to a number of other activities that can provide local employment opportunities for future residents.</p>	Option 3 will create no employment.
Cultural		There are no known cultural effects that would result from the change of zoning of the property

Table 3: Evaluation of the proposal

Reasons for the selection of the preferred option	The preferred option is Option 1 (Village Zone with decentralized on-site wastewater treatment and disposal system). This option achieves the objectives of the NPS-UD, Future Proof and the RPS by providing residential growth around Tamahere village.
Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA	<p>In this context of this s32AA assessment, “objectives” relate to the objective of the submission to establish a Village Zone at Tamahere.</p> <p>The original s32 documents prepared for the PWDP considered the objectives of the plan and whether they were the most appropriate way to achieve sustainable management in the Waikato District. The following considers whether</p>

	<p>the proposed changes in the submission are now the most appropriate way and continue to achieve sustainable management as set out in s5 of the RMA.</p> <p>The proposed rezoning seeks to adopt the Village Zone provisions of the PWDP and the decentralized on-site wastewater treatment and disposal system utilized by the Tamahere Country Club and the Tamahere village. It is therefore considered appropriate to largely adopt the analysis undertaken in the preparation of the PWDP. Based on the cost benefit analysis above, Option 1 is considered to be the most appropriate way of achieving the objectives of the plan, the RPS, the NPS-UD, and therefore the purpose of the RMA. The zoning represents the most effective and efficient approach to ensure integration of a residential area around Tamahere and allowing for the sustainable use of the land resource.</p>
<p>Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions.</p>	<p>The information available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits.</p>
<p>Conclusion</p>	<p>Option 1 is the most appropriate way to achieve the objectives and the PWDP, the RPS, and the NPS-UD. The proposed Village Zone will clearly identify the nature and location of future land use activities which are enabled through this zone.</p>

CONCLUSION

62. This evidence has considered the requested change in terms of the three lens outlined in the s42A Framework Report. The proposal is generally consistent with all three lenses. Including the site as a Village Zone within the PWDP will have the benefit of providing additional development opportunities on land adjacent to an established village that is otherwise unsuitable for economic primary production activities.
63. The requested zoning would achieve, on balance, the objectives and policies of the PWDP more than the current application of the Rural zone does. The requested zoning is consistent with the higher order documents that should be given a greater weight, such as the National Policy Statement on Urban Development 2020.
64. Should the requested zoning not be accepted, I anticipate that other land would need to be subject to the residential zoning (in order for the PWDP to give effect to the NPS-UD) and that adverse effects related to this hypothetical rezoning would be the same or more severe than those arising from the requested zoning.
65. The Preferred Option of applying the Village zone is considered to be the most efficient and effective method to achieve the objectives of the PDWP. The site is well suited to be zoned Village and a draft subdivision consent plan has been prepared to inform future development. The rezoned area is likely to accommodate around 8 dwellings.
66. The Preferred Option promotes the establishment of a safe, compact, sustainable, good quality urban environment, resulting in a settlement pattern that is consolidated around an existing town.
67. The Preferred Option contributes towards achievement of the development capacity requirements of the National Policy Statement for Urban Development 2020.
68. The loss of high class soils to support the growth of Tamahere is considered to be almost inevitable (due to the majority of the Tamahere containing high class soils), regardless of whether the Preferred Option is given effect to or an alternative rural site is instead identified for residential development in order for Council to meet their NPS obligations.
69. The Preferred Option allows for the rural character and amenity of sites remaining in the Rural zone to be maintained, noting that the status quo results in areas in the Rural zone that are compromised due to being surrounded by urban development.

APPENDIX A

Agricultural Impact Assessment



AgFirst Waikato (2016) Ltd
26D Liverpool Street, PO Box 9078
Hamilton 3240, New Zealand
+64 7 839 2683
waikato@agfirst.co.nz | www.agfirst.co.nz

23 January 2021

Mr and Mrs J and T Quigley

Please find attached my report regarding the impact of your proposed rezoning from Rural to Village zoning.

If you have any questions or comments please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D. Miller".

Dave Miller
Farm Management Consultant
B Ag Sc MNZIPIM



Independent
Agriculture
& Horticulture
Consultant
Network

Proposed Rezoning from Rural to Village at 25 Tamahere Drive - Section 3 SO 60550

Prepared for J and T Quigley

Dave Miller
20 January 2021

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8.0	Horticulture	5

1.0 PURPOSE

The purpose of this report was to review the impacts of a proposed rezoning of a 1.9 hectare property at 25 Tamahere Drive, from Rural to Village living, on future agricultural or horticultural activities.

2.0 EXECUTIVE SUMMARY

The 1.9 hectare property is on versatile soils and is LUC 1. In theory this means the site has potential for a wide range of agricultural and horticultural activities.

In practice the heavily modified nature of the land and its small scale mean it is impractical to develop into any meaningful farming or horticultural options.

At best there is 1.1 hectares that could be considered available for agriculture or horticultural activities.

From a farming perspective that limits it to a maximum of 8 - 10 sheep or perhaps 1 beefy. Stocking is always conservative on these small blocks to allow for management during a dry summer.

For horticulture a range of berry crops are theoretically possible, however in practical terms the cost of development for such a small area essentially rules it out given there is no prospect for expansion at a future date.

It is my opinion that the proposed rezoning from Rural to Village will have no impact on future agricultural or horticultural potential. The area is already too small to be considered viable for anything other than a hobby.

3.0 BACKGROUND

The 1.9 hectare property is located in between State Highway 1 on the eastern boundary, and Tamahere Drive on the western boundary.

The property has good soils and is classified as LUC 1.

The site is already heavily modified with a small cottage and a substantial building housing an early learning centre on the property. There is significant carparking associated with the learning centre.

Outside of these two buildings there is a maximum of 1.1 hectares that could be considered as having agricultural or horticultural potential.

This 1.1 hectares has a cell phone tower and approximately 350 metres of metalled accessway to support the use of the land as carparking for the Tamahere market.

Given an average width of the roading of 5 metres, then there is 0.16 hectares under metalled road on the site.

There are also approximately 20 mature trees on the potential agricultural land.

Both the roading and probably the trees would have to be removed for any horticultural endeavour.

Photo 1: Detailing roading and trees at 25 Tamahere Drive

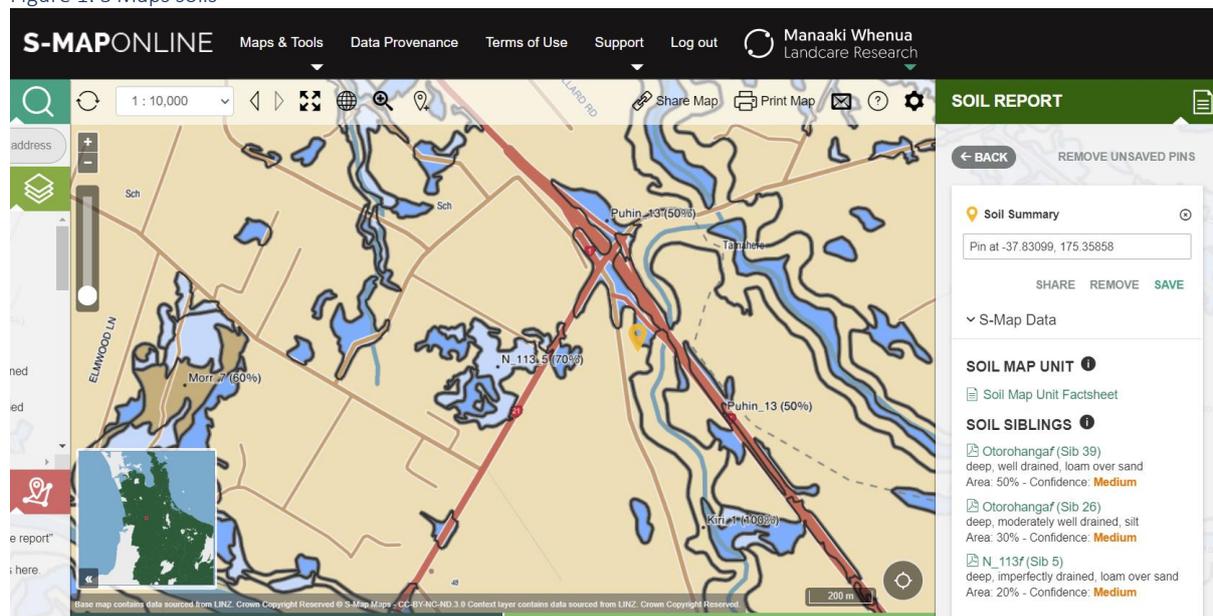


4.0 SOIL TYPE

S Maps indicates the soil is most likely from the Otorohanga family. These are deep well drained Allophanic soils with few limitations for agricultural or horticultural activities.

Contour is flat to rolling with a bush clad gully starting on the southern boundary.

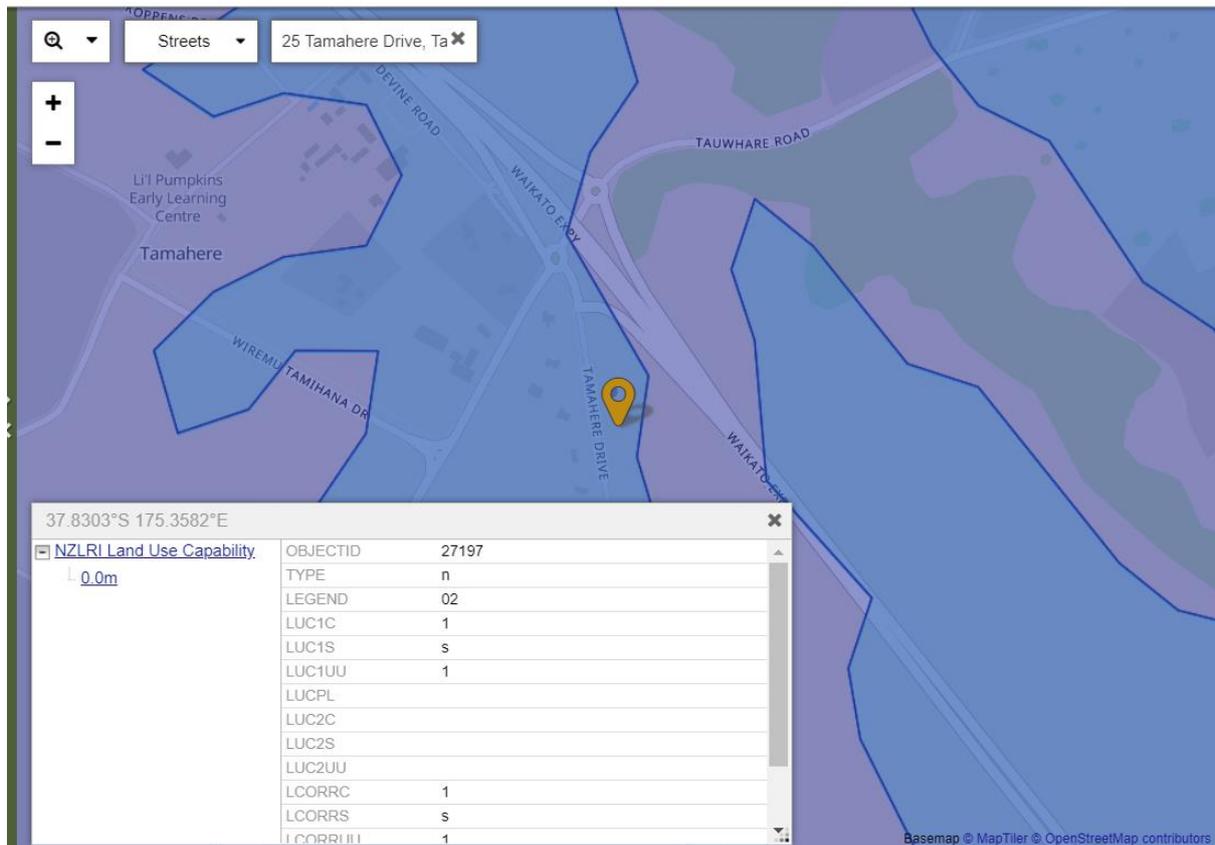
Figure 1: S Maps soils



5.0 LAND USE CAPABILITY

Figure 2 is a screen shot from the LRIS portal detailing land use capability for the property. The classification of 6e is entirely consistent with land in the area. The combination of contour and challenging soil type provide significant limitations to agricultural options and productivity.

Figure 2: Land Use Capability



6.0 PASTURE

Given the property is currently not actively farmed the pastures are modest in terms of quality and productivity. There appear to be originally rye clover swards, but lack of fertiliser and heavy vehicle traffic has seen this modified.

The potential DM production on good pastures on this soil type is in the range of 14 - 16 tDM/ha under intensive management.

Current production is estimated at 6 - 8 tDM/ha/year.

7.0 CARRYING CAPACITY

The small scale limits options and means a conservative approach to stock is required. The property is estimated to be able to run 6 - 10 sheep or 1 yearling beef animal.

8.0 HORTICULTURE

It is acknowledged the soil and contour means there are few limitations to horticulture. Berry crops could be an option, but is considered unlikely given the scale.

A party looking to establish a horticultural venture would be looking for a site with more scale and the potential to expand.

Contact

Dave Miller

Agribusiness Consultant
021 287 7070
dave.miller@agfirst.co.nz

AgFirst Waikato (2016) Ltd

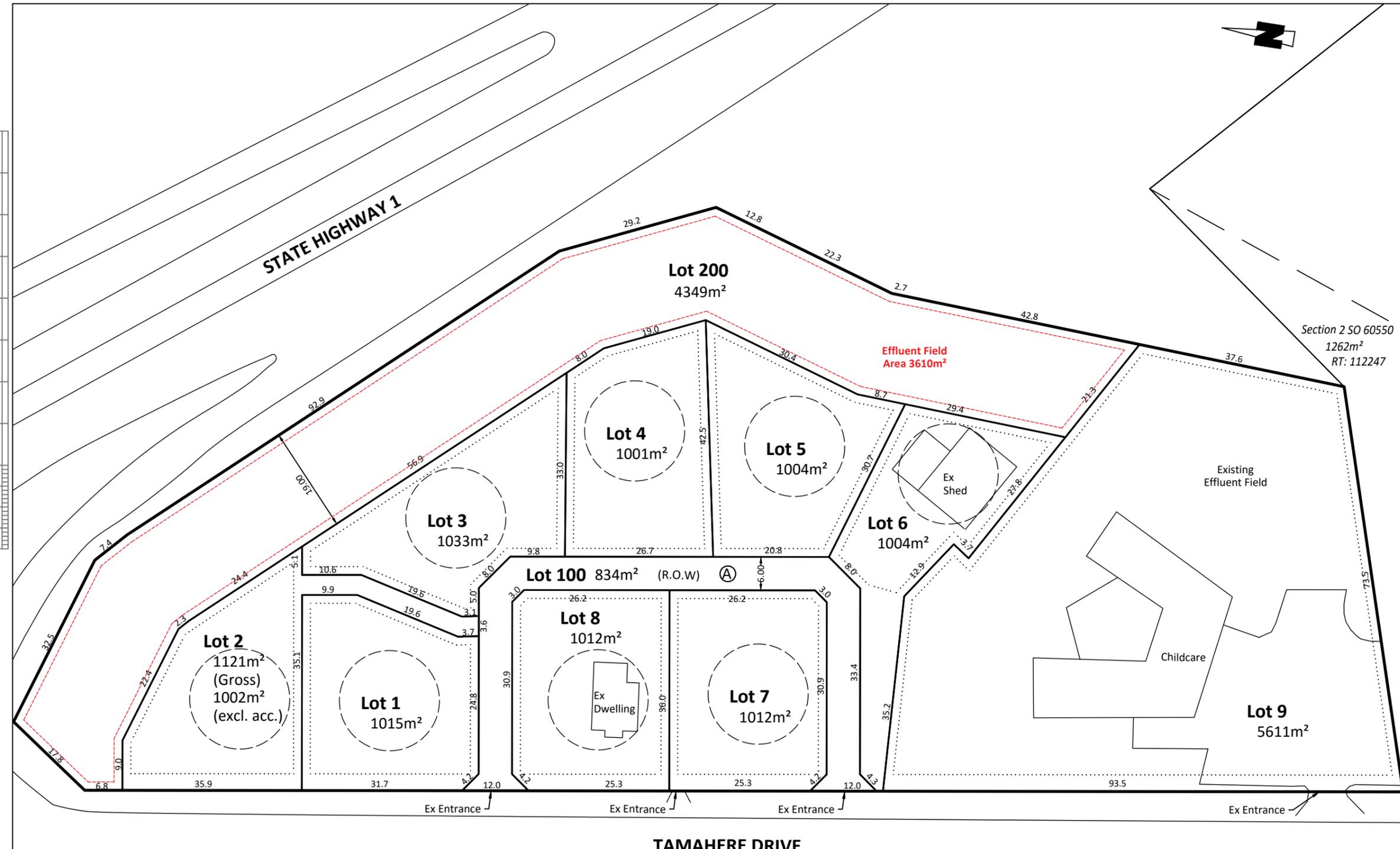
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Disclaimer:

The content of this report is based upon current available information and is only intended for the use of the party named. All due care was exercised by AgFirst Waikato (2016) Ltd in the preparation of this report. Any action in reliance on the accuracy of the information contained in this report is the sole commercial decision of the user of the information and is taken at their own risk. Accordingly, AgFirst Waikato (2016) Ltd disclaims any liability whatsoever in respect of any losses or damages arising out of the use of this information or in respect of any actions taken in reliance upon the validity of the information contained within this report.

APPENDIX B

Draft Subdivision Consent Plan



Applicant: J & T Quigley Ltd.
Comprised In: RT: 20630
Local Authority: Waikato District Council
Total Area: 1.9001ha

Amalgamation Conditions:
 That Lot 100 hereon (legal access) be held as to 8 undivided 1/8th shares by the owners of Lots 1 to 8 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.
 That Lot 200 hereon be held as to 8 undivided 1/8th shares by the owners of Lots 1 to 8 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.

PROPOSED EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right of Way, Right to Convey Gas, Water, Electricity and Telecommunications and to Drain Water and Sewage.	(A)	Lot 100 hereon	Lots 1-8 hereon

Key:
 18mØ Shape Factor Circle
 Building Setback Lines
 3m From Road Boundary
 1.5m From Side & Rear Boundary

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

CONCEPT

Lot 1 DPS 81493
7712m²
RT: SA63B/550

Lot 1 DPS 3320
3642m²
SA1213/155

Lot 1 DPS 3071
1012m²
SA7D/634

E:\CKL\B20\B20096 - 25 Tamahere Drive\B20096-RC-SUB-REV1.dwg



Auckland Office:
 A: 25 Broadway, Newmarket
 P: 09 524 7029
Hamilton Office:
 A: 58 Church Road, Hamilton
 P: 07 849 9921
Te Awamutu Office:
 A: 103 Market Street, Te Awamutu
 P: 07 871 6144

Prepared for
J & T Quigley Ltd

PROPOSED SUBDIVISION OF
Section 3 SO 60550
(25 Tamahere Drive, Hamilton)

Issue	Description	Checked	Date	Designed:	Date	Scale:
				AA	24.02.21	1:750 (A3 Original)
				ES	24.02.21	
				LS	25.02.21	
			Job No:	Dwg No:	Rev:	
			B20096	150	1	



Applicant: J & T Quigley Ltd.
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CONCEPT

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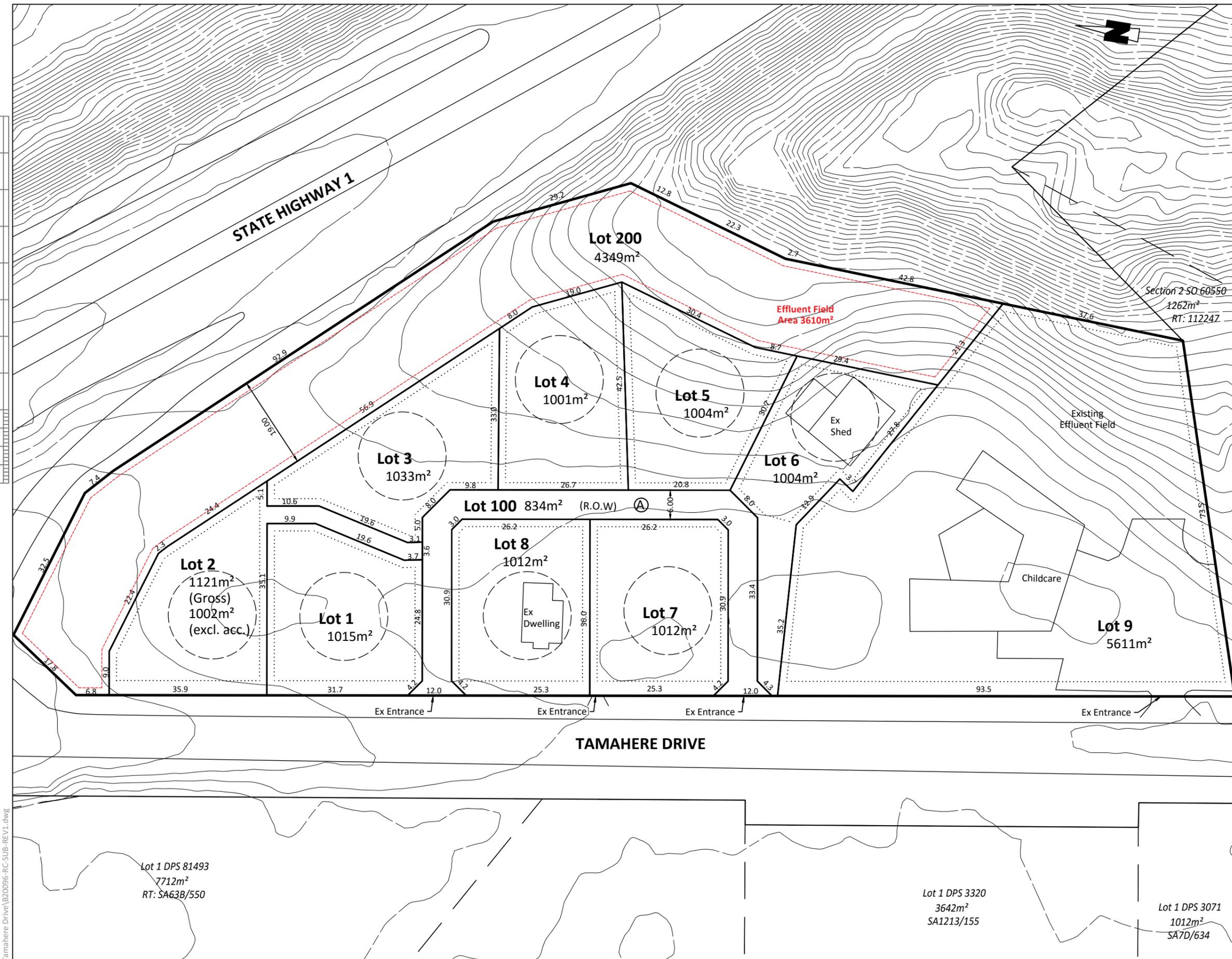
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Prepared for
J & T Quigley Ltd

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				Drawn: ES	24.02.21
				Checked: LS	25.02.21
				Job No:	Dwg No: Rev:
				B20096	151 1

1:750
 (A3 Original)



Applicant: J & T Quigley Ltd.
Comprised In: RT: 20630
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Total Area: 1.9001ha

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				ES	24.02.21	
				LS	25.02.21	
			Job No:	Dwg No:	Rev:	
			B20096	152	1	

APPENDIX C

Potential On-Site Wastewater
Treatment and Land Disposal

Our Ref: 4767



25 February 2021

Jonathan Quigley– by email - (jonathan@precisionbuilt.co.nz)

Dear Jonathan,

**RE: TECHNICAL COMMENT REGARDING
POTENTIAL ON-SITE WASTEWATER TREATMENT
AND LAND DISPOSAL
AT 25 TAMAHERE DRIVE, TAMAHERE.**

1. INTRODUCTION AND BACKGROUND

Further to your request, we have undertaken a preliminary assessment of on-site wastewater treatment and land disposal potential for the development of 25 Tamahere Drive, Tamahere, into an eight-lot residential subdivision. This assessment is based on the documents provided, including the Site Plan referenced “Proposed Subdivision of Section 3 SO 60550 25 Tamahere Drive, Hamilton” by CKL Ltd. dated 25 February 2021. A site visit and site investigation has not been undertaken.

We understand that you have made a submission (reference 389) to Waikato District Council’s upcoming District Plan change re-zoning hearing (Hearing 25 Zone Extents) and that you seek to enable development of the site at 25 Tamahere Drive into 8 residential lots. The site is already occupied by a daycare centre; however, this is served by a separate on-site wastewater system and will be retained in a separate lot.

The legal description of the site is Section 3 Survey Office Plan 60550, and it comprises 19,001m². The site is currently occupied by the aforementioned daycare centre, a single dwelling and a large shed.

You propose to manage wastewater produced by each dwelling on the 8 proposed residential lots via a decentralised on site wastewater treatment system and combined wastewater disposal system. The disposal system is to be located along a proposed sight and sound bund to be constructed along the northern boundary, adjacent to State Highway 1.

Statutory Context

Section 15 of the Resource Management Act, 1991 states that no person may discharge any contaminant to water or into or onto land in circumstances which may result in that contaminant entering water unless the discharge of the contaminant is expressly allowed by a rule in a regional plan [and in any relevant proposed regional plan] or by a resource consent.

The Waikato Regional Plan is operative. In this instance, the discharge of wastewater to land from a decentralised subdivision would be considered a Discretionary Activity under Rule 3.5.7.7 of the WRP, as the conditions of the Permitted Activity rules are not met due to the daily discharge volume exceeding 3,000 litres per day (Rule 3.5.7.6 condition (a)). Resource consent from Waikato Regional Council (WRC) would be required prior to any discharge occurring on site.

2. POTENTIAL WASTEWATER TREATMENT AND DISPOSAL

This assessment utilises AS/NZS 1547:2012¹ as the relevant design standard.

Receiving Environment:

As noted, no site investigation specific to this proposal has been undertaken. A specific investigation to determine soil types, depth to winter groundwater levels and distance to nearby watercourses will need to be undertaken as part of any future full design and assessment of effects to support resource consent applications to WRC and Waikato District Council.

Notwithstanding this, it is expected due to prior knowledge of the area, that soil types at the site will comprise Hinuera Formation interbedded sands, silts and gravels, considered as category 2-3 (as per Table E1 of NZS 1547:2012) for design purposes. Groundwater clearance is not expected to be of concern as the disposal system will be raised above ground level.

Wastewater Discharge Volume and Rate:

The expected discharge quantity for an 8-Lot residential subdivision via a decentralised system would be 9,600 litres per day based on municipal water supply and on the basis of the following:

- Each dwelling comprising 4 bedrooms, with a design occupancy of 6 people each.
- Standard water production fixtures are utilised.

	Occupancy	Flow allowance (L/p/d)	Design Flow (L/d)
8 Dwellings	48	200	9,600
Total			9,600 litres/day

Wastewater Treatment

The decentralised wastewater treatment and land disposal system could comprise the following:

- Individual STEP (septic tank effluent pump) tanks or STEG (septic tank effluent gravity) tanks on each lot, with a minimum volume of 4,000 litres, each fitted with an effluent outlet filter, and discharging via pump or gravity to a secondary treatment system.
- A secondary treatment system such as a recirculating textile filter, with the ability to treat wastewater to the required standard of 20 g/m³ BOD and 30 g/m³ Total Suspended Solids. An aerated wastewater treatment system may also be suitable given the likely permanent residential nature of the proposal.

¹ Australian/New Zealand Standard 1547:2012 On-site domestic wastewater management

Treated Effluent Land Disposal:

- Soil types at the site are expected to be category 2-3 sands. As noted in AS/NZS 1547:2012 Table M1, PDCI is an appropriate disposal methodology for this soil type.
- Treated wastewater is to be distributed across a Pressure Compensating Dripper Irrigation (PCDI) disposal system, laid along a proposed sight and sound bund.
- The land disposal area will need to comprise a total PCDI disposal area of 2,400 m², based a loading rate of 4.0 litres/m²/day.
- All PCDI lines should to be pinned to the ground surface and covered with a minimum depth of 100mm of mulch. The area should be planted.
- A minimum 50 % reserve area (1,200 m²) should also be designated on site.
- The disposal area should be set back 1.5m from the property boundary and all wastewater treatment components at least 3m from any buildings.

3. CONCLUSION AND RECOMMENDATION

Overall, we support that the potential 8- Lot residential subdivision at 25 Tamahere Drive could be adequately serviced via a decentralised on-site wastewater treatment and disposal system.

Eight x 4-bedroom dwellings would produce 9,600 litres of wastewater per day, and consent is required from WRC for the discharge.

Secondary wastewater treatment via recirculating textile filter or AWTS would be required to ensure secondary treatment quality is achieved. Disposal via PCDI across the sight and sound bund is appropriate ensuring the loading rate is no greater than 4 litres/m²/day and the bund is mulched and planted.

We trust the above meets your present requirements. If there are any further queries, please do not hesitate to contact the undersigned.

Yours faithfully,

ORMISTON ASSOCIATES LTD.



Trisha Simonson

Senior Engineering Geologist

APPENDIX D

Tamahere Village Business Zone

Communal Management Structure Covenant

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 26

Covenant Instrument to note land covenant
(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

FDL Tamahere Limited

Covenantee

Tamahere Village Communal Facilities Limited and Waikato District Council

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, grants to the Covenantee (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Continue in additional Annexure

Schedule, if required

Purpose of covenant	Shown reference (plan)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant		Lots 1 – 4 DP 532087 (870048 – 870051)	In Gross

Covenant rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:
-
[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017].
[Annexure Schedule A].

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

ANNEXURE SCHEDULE A

Covenant Provisions

Definitions

Burdened Land means the Burdened Land recorded in Schedule A;

Company means Tamahere Village Communal Facilities Limited which is one of the Covenantees in Schedule A;

Constitution means the constitution of Tamahere Village Communal Facilities Limited;

Covenants means the covenants set out in this Annexure Schedule A;

Development means all of the development known as 'Tamahere Village', which comprises each of the Burdened Lands and Lot 5 DP 532087 ("Lot 5"), made up of retail and office properties on the Burdened Land and communal facilities on Lot 5 including entrances, common car parking, rubbish storage, landscaping, accessways, footpaths, loading areas and water, wastewater, stormwater and other shared infrastructure;

Manager means the party appointed by the Company to manage the Development;

Tamahere Village Operational Rules means the operational rules established by the developer of the Development, and amended from time to time by the Company/Covenantor; and

WDC means the Waikato District Council which is one of the Covenantees in Schedule A.

Background

1. The Burdened Land and Lot 5 are part of the Development. Lot 5 is an accessway held in equal 1/4 shares by the owners of each of Lots 1 to 4 DP 532087 and provided for the benefit of the Burdened Land whereby the Burdened Land has the benefit of facilities provided on Lot 5 for the use, enjoyment and benefit of the Burdened Land, including entrances, common car parking, rubbish storage, landscaping, accessways, footpaths, loading areas and water, wastewater, stormwater and other shared infrastructure.
2. The Company provides, maintains and manages the communal facilities in the Development. The registered owners of the Burdened Land are each required to be a shareholder of the Company, to contribute to the costs of repairing, maintaining and replacing services, utilities and communal facilities on Lot 5, and to comply with certain obligations and requirements as further set out in the Constitution of the Company.
3. The Company has been established to meet WDC provisions and policies, and specifically planning requirements set out by WDC for 'Tamahere Village' and the requirement to create a communal management structure for the services, utilities and communal facilities on Lot 5.

Covenants

The Covenantors will be bound by the terms described below in perpetuity and the Company and WDC may each enforce the terms of these covenants against the Covenantor and the terms of these covenants shall run with the Burdened Land for the benefit of the Company and WDC. The Covenantors covenant with the Company and WDC as follows.

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1. Covenants

1.1 The Covenantors agree with the Company and WDC:

- (a) they shall each be a shareholder of the Company, as set out in the Company's Constitution;
- (b) to perform, observe and perform their obligations as a shareholder of the Company for so long as they are the registered owner of the Burdened Land;
- (c) not to dispose of their interest in the Burdened Land where any sum is owed by that Covenantor to the Company, unless the outstanding sum will be remedied by a payment made to the Company immediately upon the disposition of their interest in the Burdened Land;
- (d) upon disposing of their interest in the Burdened Land procure that any new registered owner of the Burdened Land enters into a share transfer (as transferee) to take a transfer of the disposing registered owner's shares (Covenantor/transferor) in the Company;
- (e) to at all times otherwise comply with their obligations as further set out in the Constitution;
- (f) the Manager appointed by the Company shall manage all of the Development for the benefit of Lot 5 and the Burdened Land, and so as to ensure efficiencies and consistency in the standard and good operation and management of the Development. To this end, the Covenantors shall be parties to a management agreement with the Manager and shall each be responsible for the costs associated with the management of the Burdened Land on the proportionate basis as set out in the Constitution;
- (g) not to fence on or between the Burdened Land (but subject to the allowance at (h) below) so that pedestrian access as between Lot 5 and between each of the Burdened Land's on those pathways and sealed areas intended for pedestrian access is at all times maintained in an unobstructed and unhindered manner;
- (h) all service areas at the rear of the Burdened Land must be screened from the view of pedestrians and vehicles using Lot 5 and in a style and standard in keeping with the buildings on the Burdened Land and shall be maintained in good order and condition. Prior written approval for all screening shall be obtained from the Company;
- (i) to be bound by the Tamahere Village Operational Rules (as amended from time to time by the Covenantor and the Company) in so far as these apply to the Covenantor;
- (j) if the Company is struck off the companies register, or fails to operate in accordance with the Constitution and the Financial Markets Conduct (Communal Facilities in Real Property Developments) Designation Notice 2016 each Covenantor shall be jointly and severally liable for the performance of the obligations as set out in the Constitution, and to this intent, the Covenantors shall together be an unincorporated body having the same obligations, roles and functions as those set out in the Constitution;
- (k) not to grant encumbrances, easements, covenants or other interests over, or in favour of Lot 5 without the written consent of every registered owner of Lot 5; and
- (l) not to do or refrain from doing anything without WDC's written consent (acting in a timely and reasonable manner, and at all times having regard to the obligations placed on the

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Covenantor (as directors/shareholders) under the Companies Act 1993 or any replacement legislation) which could result in the Company being wound up or struck off the register or failing to operate in accordance with the Constitution and the Financial Markets Conduct (Communal Facilities in Real Property Developments) Designation Notice 2016.

1.2 Access for Inspection

The Covenantor agrees to allow at all times the WDC, and their nominated invitees and contractors access to Lot 5 for inspection purposes as to the performance of all conditions set down by Waikato District Council relating to the effective functioning of the communal facilities referred to herein.

2. Failure to Comply

2.1 Subject to clause 2.2, if there shall be any breach or non-observance of any of the Covenants and without prejudice to any other liability which the Covenantor may have to the Company and WDC, the Covenantor will upon written demand being made by the Company and/or WDC:

(a) Pay to the Company and/or WDC (as the case may be) as liquidated damages the sum of \$250 per day for every day that such breach or non-observance continues after the date upon which demand has been made; and

(b) Immediately undertake such remedial action as may be required to rectify a breach or non-observance of the foregoing Covenants.

2.2 In any instances of default under the Covenants, the remedying of such default by the Covenantor within one month of notice in writing by the Covenantee requiring the removal or rectification of such default shall avoid the payment of the penalty sum prescribed by clause 2.1(a) provided, that the waiver given in such instance shall not apply to any subsequent default of a similar nature, which shall be a new event of default to which this clause 2.2 shall apply.

2.3 The Covenantor and its successors in title shall not be liable for breaches of the Covenants which occur after the date that Covenantor ceases to be registered as owner of the Burdened Land, but this clause 2.3 shall not operate as a waiver of any outstanding obligations on the part of the Covenantor(s) under the Constitution.

2.4 The registration of any transfer of a Covenantor's interest as registered owner shall not operate to relieve the Covenantor from any liability arising pursuant to this instrument prior to the date of the registration of such transfer.