

# SECTION 42A REPORT

Rebuttal Evidence

## Hearing H3: Strategic Directions

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Date: 30 October 2019



# TABLE OF CONTENTS

|           |  |           |
|-----------|--|-----------|
| <b>1</b>  | <b>Introduction</b> .....  | <b>4</b>  |
| 1.1       | Background .....   | 4         |
| <b>2</b>  | <b>Purpose of the report</b> .....   | <b>4</b>  |
| <b>3</b>  | <b>Consideration of evidence received</b> .....  | <b>5</b>  |
| 3.1       | Matters addressed by this report.....  | 5         |
| a.        | Alignment with the National Planning Standards, including clarification of strategic directions and strategic objectives; .....                            | 5         |
| <b>4</b>  | <b>Strategic Direction Chapter – Direction and Objectives (Section 4 of the s42A Report)</b> .....   | <b>6</b>  |
| 4.1       | Analysis.....  | 6         |
| 4.3       | Recommended amendments.....  | 7         |
| 4.4       | Section 32AA evaluation.....   | 7         |
| <b>5</b>  | <b>Strategic Direction Chapter – Urban Growth (Section 5 of the s42A Report)</b> .....   | <b>7</b>  |
| <b>6</b>  | <b>Strategic Direction Chapter – Natural Environment (Section 8 of the s42A Report)</b>  | <b>7</b>  |
| <b>7</b>  | <b>Strategic Direction Chapter – Strategic Objectives (Section 11 of the s42A Report)</b>  | <b>8</b>  |
| <b>8</b>  | <b>Chapter 4: Urban Environment – 4.1.1 Objective - Strategic (Section 13 of the s42A Report)</b> .....  | <b>8</b>  |
| <b>9</b>  | <b>Chapter 4: Urban Environment – 4.1.3 Policy – Location of Development (Section 15 of the s42A Report)</b> .....   | <b>9</b>  |
| 4.1.3     | Policy - Location of development.....  | 10        |
| <b>10</b> | <b>Chapter 4: Urban Environment – 4.1.5 Policy – Density (Section 17 of the s42A Report)</b> .....   | <b>10</b> |
| 4.1.5     | Policy – Density .....   | 11        |
| <b>11</b> | <b>Chapter 4: Urban Environment – 4.1.7 Objective – Character of towns (Section 19 of the s42A Report)</b> .....   | <b>11</b> |
| 4.1.7     | Objective – Character of towns.....  | 11        |
| <b>12</b> | <b>Chapter 4: Urban Environment – 4.1.10 Policy – Tuakau to 4.1.18 – Policy – Raglan (Sections 22 – 30 of the s42A Report)</b> .....                       | <b>12</b> |
| <b>13</b> | <b>Chapter 4: Urban Environment – 4.7.2 Policy – Subdivision location and design (Section 33 of the s42A Report)</b> .....                                 | <b>13</b> |
| <b>14</b> | <b>Chapter 4: Urban Environment – 4.7.6 Policy – Co-ordination between servicing and development and subdivision (Section 37 of the s42A Report)</b> ..... | <b>14</b> |
| <b>15</b> | <b>Chapter 4: Urban Environment – 4.7.11 Policy – Reverse Sensitivity (Section 42 of the s42A Report)</b> .....  | <b>15</b> |

|   |           |
|---|-----------|
| 4.7.11 Policy – Reverse sensitivity.....  | 15        |
| <b>16 Chapter 4: Urban Environment – 4.7.13 Policy – Residential Zone – Te Kauwhata Ecological and West Residential Areas (Section 44 of the s42A Report) .....</b>           | <b>15</b> |
| <b>17 Chapter 5: Rural Environment – 5.1 – Strategic Objective – The rural environment &amp; 5.1.1 Objective – The rural environment (Section 46 of the s42A Report).....</b> | <b>16</b> |

# I Introduction

## I.1 Background

1. My full name is Alan Ross Matheson.
2. I am the writer of the original S42A report for Hearing 3: Strategic Objectives.
3. In the interests of succinctness, I do not repeat the information contained in section I.1 to I.4 of that S42A Hearing Report and request that the Hearings Panel take this as read.

## 2 Purpose of the report

4. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:  
*If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.*
5. The purpose of this report is to consider the primary evidence and rebuttal evidence filed by submitters and provide rebuttal evidence to the commissioners.
6. Evidence was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel<sup>1</sup>:
  - a. Horticulture New Zealand [419, FS1 168]
  - b. KiwiRail Holdings Limited ("KiwiRail) [986]
  - c. Ministry of Education [781]
  - d. Federated Farmers of New Zealand [680, FS1 342]
  - e. Waikato District Council [697]
  - f. TaTa Valley Limited [574, FS1 340]
  - g. Havelock Village Limited [FS1 377]
  - h. Kāinga Ora (formerly Housing New Zealand Corporation) [749, FS1 269]
  - i. Hamilton City Council [535, FS1 379]
  - j. Pokeno Village Holdings Limited [386, FS1 281]
  - k. Waikato Regional Council [81]
  - l. Whaingaroa Raglan Affordable Housing Project [310]
  - m. Waikato Tainui [286]
  - n. Future Proof Implementation Committee [606]
  - o. Ports of Auckland Limited [FS1 087]
  - p. Heritage New Zealand Lower Northern Office [559]
  - q. New Zealand Transport Agency [742, FS1 202]
  - r. Burton Trust [344]
  - s. Rangitahi Limited [343, FS1 208]

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<sup>1</sup> Hearings Panel Directions 21 May 2019

- t. New Zealand Steel Holdings Limited [827, FS1319]
  - u. Synlait Milk Ltd [581, FS1110]
  - v. Koning Family Trust and Martin Koning [658, S1329]
  - w. Transpower New Zealand Limited [576, FS1350]
  - x. Meridian Energy Limited [580, FS1528]
  - y. Fire and Emergency New Zealand [378, FS1114]
  - z. Shand Properties Limited [778, FS1191]
  - aa. Alstra (2012) Limited [693, FS1316]
7. Rebuttal evidence was filed by the following submitters within the timeframes outlined in the directions from the Hearing Panel<sup>2</sup>:
- a. TaTa Valley Limited [574, FS1340]
  - b. Havelock Village Limited [FS1377]
  - c. Ports of Auckland Limited [FS1087]
  - d. Perry Group Limited [464]
  - e. Andrew and Christine Gore [330, FS1062]

### 3 Consideration of evidence received

#### 3.1 Matters addressed by this report

8. The main topics raised in evidence and rebuttal evidence from submitters that has been addressed in this rebuttal evidence include:
- a. Alignment with the National Planning Standards, including clarification of strategic directions and strategic objectives;
  - b. Recognition of mineral extraction as a 'rural productive' activity;
  - c. Differentiation between development within towns and villages;
  - d. Location of growth areas;
  - e. Identification and location of residential densities;
  - f. Reverse sensitivity in relation to infrastructure, industry and rural activities;
  - g. Protection of rural land.
9. I have structured this report in the same order as that contained in the Section 42A Report for Hearing 3: Strategic Objectives. I have only addressed those sections and evidence where I consider additional comment is required.
10. Where submitters raise issues as to whether their submission has been correctly addressed in the s42A report or should have been coded to and addressed in the s42A report, I consider those matters under the relevant section of the s42A report.
11. In order to distinguish between the recommendations made in the s42A report and Appendices 2 – 6 and the recommendations that arise from this report:
- a. s42A recommendations are shown in red text (with red underline for new text and ~~strikethrough~~ for deleted text); and
  - b. Recommendations from this report are shown in blue text (with blue underline for new text and ~~strikethrough~~ for deleted text).

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<sup>2</sup> Hearings Panel Directions 26 June 2019

## 4 Strategic Direction Chapter – Direction and Objectives (Section 4 of the s42A Report)

### 4.1 Analysis

12. Evidence from TaTa Valley Limited [574, FS1340], Havelock Village Limited [FS1377] (including the memorandum of counsel for both submitters), Kāinga Ora (formerly Housing New Zealand Corporation) [749, FS1269] and Waikato District Council [697] have raised the matter of alignment of the Proposed Waikato District Plan (PWDP) with the National Planning Standards.
13. I understand that the Hearing Panel has already indicated its preference for the conversion of the PWDP into the National Planning Standards framework and that exercise is being looked into in more detail. I support the suggestion in the memorandum of counsel that the planners be directed to undertaken conferencing following the hearing, whereby consideration of the submissions can be carefully considered to ensure that there is scope to undertake the necessary changes. Where submission scope to make the necessary changes is an issue, that can be highlighted for consideration and determination by the Hearing Panel. I note that there were a number of submissions addressed in Hearing 2 which sought implementation of the National Planning Standards.
14. Waikato District Council is not the only Council faced with converting its District Plan into the National Planning Standards. I am currently leading the planning policy team at Nelson City Council in the development of its unitary plan (the 'Nelson Plan'). Council is in the final stages of deconstructing the draft Nelson Plan and reconstructing it to be in accordance with the National Planning Standards. This is a highly complex process.
15. Restructuring the PWDP within the ambit of submissions adds a level of care needing to be undertaken. This process will also enable those involved in the conferencing on H3 Strategic Directions, to ensure alignment with the wider exercise to restructure the whole PWDP. As suggested in the memorandum of counsel from TaTa Valley and Havelock Village Limited, a conferencing statement would be provided to the Hearing Panel and if necessary, the H3: Strategic Directions hearing can be reconvened or the outcome of the conferencing be included in the wider reporting back on the whole of plan restructuring exercise.
16. The memorandum from counsel noted the wide range of changes sought through submissions and evidence, which are closely related to the role of strategic objectives and their location within the Plan.
17. The evidence from Meridian Energy Limited [580, FS1528] relates to its further submission in support of Transpower's submission point 76.73. However, Transpower's submission relates to supporting Objective 6.1.1 with amendments to provide for upgrading of infrastructure. Neither Meridian Energy Limited or Transpower have lodged submissions to the strategic objectives and policies which are the focus of Hearing 3 and accordingly were not coded to this hearing. The specific wording of Objective 6.1.1 is a matter to be addressed in Hearing H23: Infrastructure objectives, policies and rules. While technically the submission and evidence are not on the strategic objectives and policies, in my opinion, the evidence provided is helpful and should be considered as part of the conferencing process.
18. The evidence from Waikato Tainui [286] does not relate to any part of its submission that has been coded to this hearing. However, I note that its submission broadly sought to "*Ensure that the objectives, policies, principles and intent of the Tangata Whenua Chapter is provided for across the plan and how it is implemented*". As with the Meridian/Transpower situation, in my opinion, the evidence provided is helpful and should be considered as part of the conferencing process.
19. To assist the conferencing, it would be helpful if the Hearing Panel were able to confirm that the evidence from Meridian Energy Limited and Waikato Tainui should be included in the

conferencing considerations and also provide any guidance on the structure of the Strategic Directions chapters arising from evidence or at this and other hearings, that would assist in the conferencing.

#### **4.2 Recommendations**

20. For the above reason, I recommend that the Hearing Panel direct expert conferencing on the Strategic Directions to be undertaken in collaboration with the wider restructuring of the whole PWDP into the National Planning Standards.

#### **4.3 Recommended amendments**

21. Not applicable.

#### **4.4 Section 32AA evaluation**

22. Not applicable.

## **5 Strategic Direction Chapter – Urban Growth (Section 5 of the s42A Report)**

### **5.1 Analysis**

23. The analysis set out in Section 4 of this report is equally applicable to the evidence provided with respect to this matter.

### **5.2 Recommendations**

24. For the above reason, I recommend that the Hearing Panel direct expert conferencing on the Strategic Directions to be undertaken in collaboration with the wider restructuring of the whole PWDP into the National Planning Standards.

### **5.3 Recommended amendments**

25. Not applicable.

### **5.4 Section 32AA evaluation**

26. Not applicable.

## **6 Strategic Direction Chapter – Natural Environment (Section 8 of the s42A Report)**

### **6.1 Analysis**

27. The evidence from Horticulture New Zealand [419, FS1168] and Federated Farmers of New Zealand [680, FS1342] are concerned that the strategic direction for the natural environment elevates all natural habitat and ecology to a level that is above the level anticipated by s6(c) RMA.

28. The evidence highlights the difference between a strategic direction and a strategic objective. The strategic **direction** arising from the issues and significant resource management matters (refer mandatory direction 7.1a. and b. of the National Planning Standards) around natural habitat and ecology for the Waikato District relate to all natural habitat and ecology. This is reflected in the specific policies for the towns with respect to streams, gullies and other features. I do not agree with the evidence that protection of natural habitat and ecology is restricted to only those that meet the 'significant' threshold of s6(c) RMA.

29. Assuming the Hearing Panel directs conferencing, clarification between directions and objectives and provisions that are specifically required under the RMA, should be part of the conferencing and reporting back to the Hearing Panel.

#### **6.2 Recommendations**

30. For the above reason, I recommend that the Hearing Panel direct expert conferencing on the Strategic Directions to be undertaken in collaboration with the wider restructuring of the whole PWDP.

#### **6.3 Recommended amendments**

31. Not applicable.

#### **6.4 Section 32AA evaluation**

32. Not applicable.

## **7 Strategic Direction Chapter – Strategic Objectives (Section 11 of the s42A Report)**

### **7.1 Analysis**

33. The evidence from Federated Farmers of New Zealand [680, FS1342] and KiwiRail Holdings Limited (“KiwiRail”) [986] accept the recommended amendments in the s42A report.
34. The evidence from New Zealand Steel Holdings Limited [827, FS1319] seeks specific recognition of mineral extraction as a productive rural activity. In my opinion, while extractive industries are and will continue to be an important activity in the rural area of Waikato District, they are not “rural” activities (rather they are activities that happen to occur in the rural area) and they are not productive in the sense that they are managed in a sustainable manner for future generations. This is recognised in s5(2)(a) of the RMA, where mineral resources are specifically excluded from “...sustaining the potential of natural and physical resources [excluding minerals] to meet the reasonably foreseeable needs of future generations.”

### **7.2 Recommendations**

35. Accordingly, no change to the recommended amendments in the s42A report are required.

### **7.3 Recommended amendments**

36. Not applicable.

### **7.4 Section 32AA evaluation**

37. Not applicable.

## **8 Chapter 4: Urban Environment – 4.1.1 Objective - Strategic (Section 13 of the s42A Report)**

### **8.1 Analysis**

38. The evidence from Hamilton City Council [535, FS1379] and Havelock Village Limited [FS1377] have identified that the proposed wording of the objective could be interpreted as being a minimum to be achieved. I concur with the evidence.
39. The evidence from Hamilton City Council [535, FS1379] and Future Proof Implementation Committee [606] also sought that the objective and policy framework differentiate between towns and villages. However, neither briefs of evidence provide any proposed wording. In

my opinion, the detailed objectives and policies in Chapter 4 for the towns and villages provides that differentiation.

40. The evidence from Waikato Regional Council [81] suggests two additional clauses and a 'Note' to the objective. In my opinion, this detail is provided in supporting objectives and policies and is not required at the strategic level.

## 8.2 Recommendations

41. It is recommended that Objective 4.1.1 (proposed to be relocated to be strategic objective 1.13.2) be amended to clarify the intent of the housing targets.

## 8.3 Recommended amendments

42. It is recommended that Objective 4.1.1 (proposed to be relocated to be strategic objective 1.13.2) be amended as follows:

- (b) The minimum targets for sufficient, feasible development capacity for medium and long-term housing targets in the Waikato District area is provided to accommodate residential growth are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity 2016.

## 8.4 Section 32AA evaluation

43. The recommended amendments seek to clarify the intent of the objective. Accordingly, no s32AA evaluation has been required to be undertaken.

# 9 Chapter 4: Urban Environment – 4.1.3 Policy – Location of Development (Section 15 of the s42A Report)

## 9.1 Analysis

### Policy 4.1.3(a)

44. The evidence from Hamilton City Council [535, FS1379] is concerned that the additional wording to clarify that it is not only the coordination with infrastructure that needs to be considered, but also other developments was not adequately considered. I understand from the evidence that the concern is with respect to all other existing and planned infrastructure. If my understanding is correct, then the reference to "other developments" is confusing.
45. I suggest alternative wording in the recommendation below.

### Policy 4.1.3(b)

46. The evidence from Hamilton City Council [535, FS1379] and Waikato Regional Council [81] seeks either a table or map to identify the growth areas. While the evidence of the Waikato Regional Council includes a list of residential areas, it does not include commercial or industrial areas.
47. In combination, the evidence from Rangitahi Limited [343, FS1208] and Havelock Village Limited [FS1377] suggest wording that provides flexibility within the indicative growth areas, and I support those changes. That evidence and the rebuttal evidence from Perry Group Limited [464], is concerned that reference in the policy to Future Proof Strategy Planning for Growth 2017 does not allow for future updates of that document. In my opinion, the PWDP has been prepared to reflect the existing and immediate future for urban growth. Should subsequent reviews identify there is a need to amend the Waikato Regional Policy Statement and the Waikato District Plan, then this should be undertaken having regard to all of the provisions in the Waikato District Plan at that time. For the medium term that the

PWDP is addressing, certainty needs to be provided as to where urban growth is anticipated, thereby enabling planning of all infrastructure (including community infrastructure) to be undertaken.

#### *Policy 4.1.3 – additional clauses*

48. The evidence from Waikato Regional Council [81], Burton Trust [344], Horticulture New Zealand [419, FS1168] and Kāinga Ora (formerly Housing New Zealand Corporation) [749, FS1269] seek additional clauses to direct urban growth away from rural areas/high quality soils and investigation of long term growth areas. The evidence has not changed my recommendation with respect to this matter and for the reasons set out in my s42A report, I do not consider any changes are required.

### **9.2 Recommendations**

49. For the reasons set out above, changes to parts (a) and (b) of the policy are recommended.

### **9.3 Recommended amendments**

#### **4.1.3 Policy - Location of development**

- (a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided [and in a manner that aligns with existing and planned infrastructure.](#)
- (b) Locate urban growth areas [in and around existing towns and villages and](#) only where they are consistent with the [indicative urban growth areas in](#) Future Proof Strategy Planning for Growth 2017.

### **9.4 Section 32AA evaluation**

50. The recommended amendments seek to clarify the intent of the policy. Accordingly, no s32AA evaluation has been required to be undertaken.

## **10 Chapter 4: Urban Environment – 4.1.5 Policy – Density (Section 17 of the s42A Report)**

### **10.1 Analysis**

51. In summary, the evidence received from submitters on Policy 4.1.5 seeks that rather than a single density across the whole Residential Zone, there should be an additional range of densities, with higher densities around established town centres, lower densities at Pokeno and higher densities in a proposed Residential Medium zone.
52. The evidence from Pokeno Village Holdings Limited [386, FS1281] contends that the “greater than 10 dwellings per hectare” should be included as this is in accordance with Policy 6.12 of the Waikato Regional Policy Statement. In particular the explanation to the Waikato Regional Policy Statement policy sets out that the Franklin District Growth Strategy should continue to guide development until it is replaced by a subsequent growth strategy. On that basis the change sought is supported.
53. I have no further comment to make in relation to the other evidence.

### **10.2 Recommendations**

54. It is recommended that Policy 4.1.5(b) be amended to recognise the specific density applying at Pokeno.

### **10.3 Recommended amendments**

#### 4.1.5 Policy – Density

- (a) Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space.
- (b) Achieve a minimum density of 12-15 households per hectare in the Residential Zone.
- (c) [Achieve a minimum density of greater than 10 households per hectare in the Residential Zone within Pokeno.](#)
- (d) Achieve a minimum density of 8-10 households per hectare in the Village Zone where public reticulated services can be provided.

#### 10.4 Section 32AA evaluation

55. It is accepted that the existing policy did not give effect to the specific provisions of the Waikato Regional Policy Statement with respect to residential density at Pokeno. As the matter has been addressed recently through a plan change process, no additional s32AA evaluation is required.

## 11 Chapter 4: Urban Environment – 4.1.7 Objective – Character of towns (Section 19 of the s42A Report)

### 11.1 Analysis

56. The evidence from Synlait Milk Ltd [581, FS1110] in particular has highlighted that the objective has applied the concepts of ‘attractiveness’ to the Heavy Industrial Zone and Industrial Zone.
57. The intent of the objective is twofold; being to connect all the zones and to enhance the character (as set out in the following policies) of some zones where character is addressed in the following policies (which excludes the Industrial and Heavy Industrial zones).

### 11.2 Recommendations

58. It is recommended that the objective be reformatted to address the two separate outcomes sought.

### 11.3 Recommended amendments

#### 4.1.7 Objective – Character of towns

- (a) Development [is connected between in](#) the Residential, Village, Industrial, **Heavy Industrial, Business Town Centre** and Business zones [is attractive, connected and reflects the existing character of towns and that character is enhanced by new growth and development.](#)
- (b) [Development in the Residential, Village, Business Town Centre and Business zones is attractive and reflects the existing character of towns and that character is enhanced by new growth and development.](#)

### 11.4 Section 32AA evaluation

59. The changes to the objective separate out two existing outcomes that were not meant to apply to all the zones. As the proposed wording change provides clarity, no s32AA evaluation is required to be undertaken.

## 12 Chapter 4: Urban Environment – 4.1.10 Policy – Tuakau to 4.1.18 – Policy – Raglan (Sections 22 – 30 of the s42A Report)

### 12.1 Analysis

#### *Reverse Sensitivity*

60. The evidence from Kāinga Ora (formerly Housing New Zealand Corporation) [749, FS1269] is concerned that the recommended changes have reversed the presumption with respect to reverse sensitivity. That is not correct. The concept of reverse sensitivity is that an existing activity is constrained in its operation by a more sensitive activity, not the other way around. The manner in which some of the policies were written had the incorrect relationship between the activities.
61. The evidence from Horticulture New Zealand [419, FS1168] is seeking the inclusion of farming and horticulture to be included in the reverse sensitivity part of the policy. The evidence provided in paragraph 174 of the s42A report did not explain that for normal farming and horticulture activities, the district plan does not need to include a policy of reverse sensitivity with respect to these activities as it is anticipated that these activities can be undertaken in a manner that adverse effects on adjoining residential activities can be managed to a compatible level. However, due to the nature of the adverse effects from existing intensive farming, strategic infrastructure and industrial activities, there could be significant costs associated with constraining those activities to a level that would be compatible with residential activities.

#### *Relevant Hearing – NZTA Tuakau and Pokeno*

62. The evidence from the New Zealand Transport Agency [742, FS1202] considers that its submission on Policy 4.1.10 and Policy 4.1.11 should be considered in this hearing rather than in Hearing 25 – Zone extents. As the fundamental matter that needs to be addressed first is whether the zoning is confirmed or not and from there, whether any consequential policy changes are required, it would appear to me that this submission will need to be revisited along with other submissions in Hearing 25.

#### *4.1.11 Policy - Pokeno*

63. The evidence from Havelock Village Limited [FS1377] relates to the addition of a new part to the policy relating to housing density, styles and living environments. However, I note that the further submission from Havelock Village Limited is in opposition to the submission from Auckland Waikato Fish and Game Council [433.43] which is in respect of existing recreational activities. On my understanding of the further submission, it would appear that there is no scope for the evidence.

#### *4.1.15 Policy - Ngaruwahia*

64. The evidence from Alstra (2012) Limited [693, FS1316] correctly identifies that they did lodge a submission to this policy. I apologise for incorrectly referencing this in paragraph 228 of the s42A report. No changes to the recommendation or recommended amendments are required.

#### *4.1.18 Policy - Raglan*

65. The evidence from Koning Family Trust and Martin Koning [658, S1329] addresses the policy context and the appropriateness of the submitters property for future residential development.
66. On re-reading paragraph 261 of the s42A report, I can understand how the author of the evidence (paragraph 2.8) has concluded that diversifying growth areas in Raglan is contrary

to the policy direction of the Waikato Regional Policy Statement. I apologise for creating that misunderstanding.

67. The intent of my evidence was to explain that Policy 6.14(a) of the Waikato Regional Policy Statement requires new development to occur within the Urban Limits. At the time the PWDP was notified, Rangitahi Peninsula was the only area within the Urban Limits where sufficient investigation and development of a comprehensive and detailed structure plan had been undertaken and that is why Policy 4.1.8 was written that way. The reference to “*contrary to this policy direction*” was stated in relation to Policy 4.1.8, not the policy direction in the Waikato Regional Policy Statement.
68. I concur with the evidence provided on behalf of Koning Family Trust and Martin Koning that the consideration of Policy 4.1.8 needs to follow the presentation of the comprehensive expert evidence (refer paragraph 2.9 in particular). Subject to the consideration of evidence at the Zone Extents hearing confirming that the land is suitable for residential development, I agree that the amended wording proposed for Policy 4.1.8 in the evidence on behalf of Rangitahi Limited [343, FS1208]. Until that completion of the Zone Extents hearing, no change to the policy is required.

## **12.2 Recommendations**

69. Accordingly, no change to the recommended amendments in the s42A report are required.

## **12.3 Recommended amendments**

70. Not applicable.

## **12.4 Section 32AA evaluation**

71. Not applicable.

# **13 Chapter 4: Urban Environment – 4.7.2 Policy – Subdivision location and design (Section 33 of the s42A Report)**

## **13.1.1 Analysis**

### *Grid Layout*

72. The evidence from Havelock Village Limited [FS1377] relates to parts (i), (ii), (ii) and (vii) of Policy 4.7.2. However, I understand that the further submission is only in relation to submissions from The Surveying Company [746.96] and Ian McAlley [368.40] which only related to part (vii). As such I have not considered the evidence on the other matters. I do not agree with the evidence that the policy be reworded to reference “...*interconnected street networks*” as the policy was specifically written to achieve a grid layout of streets, as opposed to curved or other forms.

### *Regionally significant industry*

73. The evidence from Ports of Auckland Limited [FS1087] was not specifically addressed in this section of the s42A report as the submission from Lakeside Developments 2017 Limited [579.66] had not been coded to Policy 4.7.2. The evidence suggests including a definition of regionally significant industry.
74. I note that the Waikato Regional Policy Statement includes a detailed definition of ‘Regionally significant infrastructure’, but with respect to ‘Regionally significant industry’ it states:

**Regionally significant industry** – means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

75. The implementation methods of the Waikato Regional Policy Statement (Section 4.4.1.a) requires that district plans identify appropriate provisions, including zones, to enable the operation and development of regionally significant industry. I note that the regionally significant industry has been zoned as Industrial or Heavy Industrial in the PWDP and on that basis I do not consider a definition is required nor should the policy be amended to just refer to 'industry'.
76. I note that Mr Eccles addressed this matter in his rebuttal evidence for Hearing 2 (paragraphs 28 – 34), where he recommends specific identification of the Huntly Power Station be included in Policy 5.3.17. In my opinion, that approach aligns with the direction in the Waikato Regional Policy Statement.

#### *Historic heritage*

77. The evidence from Heritage New Zealand Lower Northern Office [559] seeks that the wording of its submission be retained. Further to the consideration of this matter (paragraph 289 of the s42A report), In my opinion, the 'avoid' policy direction does not accord with the direction in s6(f) of the RMA (the protection of historic heritage from inappropriate subdivision, use, and development) nor the objective and policy direction in Section 7.1 – *Protection of Historic Heritage and Notable Trees*, nor the activity status for historic heritage of the PWDP. The purpose of the amended wording in the policy was to give direction as to what is 'appropriate' subdivision location and design.

#### **13.1.2 Recommendations**

78. Accordingly, no change to the recommended amendments in the s42A report are required.

#### **13.1.3 Recommended amendments**

79. Not applicable.

#### **13.1.4 Section 32AA evaluation**

80. Not applicable.

## **14 Chapter 4: Urban Environment – 4.7.6 Policy – Co-ordination between servicing and development and subdivision (Section 37 of the s42A Report)**

#### **14.1.1 Analysis**

81. The evidence from New Zealand Transport Agency [742, FS1202] identifies that the s42A report has misinterpreted the submission. I apologise for not commenting specifically on the first part of the proposed wording. I considered that the policy takes it as a given that the infrastructure will support the proposed development or subdivision. The wording proposed in the evidence could be construed as meaning that only the infrastructure necessary for a specific proposal needs to be available. However, in many instances, the infrastructure will be 'trunk' infrastructure that will service a wide area of development and subdivision.

#### **14.1.2 Recommendations**

82. Accordingly, no change to the recommended amendments in the s42A report are required.

#### 14.1.2 Recommended amendments

83. Not applicable.

#### 14.1.4 Section 32AA evaluation

84. Not applicable.

## 15 Chapter 4: Urban Environment – 4.7.11 Policy – Reverse Sensitivity (Section 42 of the s42A Report)

### 15.1.1 Analysis

85. The evidence from Transpower New Zealand Limited [576, FS1350] seeks the addition of a definition of ‘strategic infrastructure’. Taking into account the evidence in Section 13 with respect to ‘regionally significant infrastructure’, it would be better to refer to this term as it is consistent with the Waikato Regional Policy Statement

### 15.1.2 Recommendations

86. It is recommended that the term ‘strategic infrastructure’ be replaced with ‘regionally significant infrastructure’.

### 15.1.3 Recommended amendments

87. It is recommended that Policy 4.7.11(b) be amended as shown below:

#### 4.7.11 Policy – Reverse sensitivity

- (a) Development and subdivision design (including use of topographical and other methods) minimises the potential for reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and
- (b) Avoid potential reverse sensitivity effects of locating new dwellings sensitive land uses in the vicinity of an intensive farming, extraction industry or industrial activity and strategic regionally significant infrastructure. Minimise the potential for reverse sensitivity effects where avoidance is not practicable.

### 15.1.4 Section 32AA evaluation

88. As the proposed wording change provides consistent terminology, no s32AA evaluation is required to be undertaken.

## 16 Chapter 4: Urban Environment – 4.7.13 Policy – Residential Zone – Te Kauwhata Ecological and West Residential Areas (Section 44 of the s42A Report)

### 16.1.1 Analysis

89. The evidence from the Waikato Regional Council [81] notes that this submission point was not allocated to this hearing topic. I understand it will be addressed as part of Hearing 11 – Lakeside Te Kauwhata, but provide some context below.

90. As noted in the s42A report, the provisions for the Lakeside development were considered through the plan change process. As part of incorporating those provisions into the format of the PWDP, some changes to provisions were undertaken. With respect to Policy

4.7.13(a)(i), the equivalent provisions are in Objective 15A.2.7 and Policies 15A.2.8 and 15A.2.9, both of which include words such as ‘maintain, enhance, retain, sympathetic to’, which has been translated into a ‘promote’ direction in Policy 4.7.13(a)(i). Accordingly, I do not consider a ‘protect’ policy provides the correct direction.

#### **16.1.2 Recommendations**

91. Accordingly, no change to the recommended amendments in the s42A report are required.

#### **16.1.5 Recommended amendments**

92. Not applicable.

#### **16.1.4 Section 32AA evaluation**

93. Not applicable.

## **17 Chapter 5: Rural Environment – 5.1 – Strategic Objective – The rural environment & 5.1.1 Objective – The rural environment (Section 46 of the s42A Report)**

### **17.1.1 Analysis**

94. The evidence from Horticulture New Zealand [419, FSI 168] is concerned that the strategic objective does not address rural residential and countryside living development, taking into account the Draft National Policy Statement for Highly Productive Land (NPSHPL). I consider that as the draft NPSHPL is only at the discussion document phase, there is no statutory requirement to consider it and little weight can be given to its draft provisions. However, taking into account the emphasis in the discussion document to ‘highly productive land’ being by default LUC 1 - 3, then Objective 5.1.1 is correct.

95. The evidence from Horticulture New Zealand has not drawn attention to Policy 1 of the draft NPSHPL which in summary will require a process at the regional and district levels to define what highly productive land means for each district.

96. The evidence from Waikato Regional Council [81] notes that its submission has not been coded to this hearing, and I assume it will be addressed as part of Hearing 21 – Rural Zone. This approach is preferable as then all the submissions can be considered together.

### **17.1.2 Recommendations**

97. Accordingly, no change to the recommended amendments in the s42A report are required.

### **17.1.3 Recommended amendments**

98. Not applicable.

### **17.1.4 Section 32AA evaluation**

99. Not applicable.