



PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop	Portfolio	RMA Reform
Name of package	Waikato District Council Intensification Planning Instrument: Recommendations and final referred recommendation	Date to be published	02 October 2026

List of documents that have been proactively released

<i>Date</i>	<i>Title</i>	<i>Author</i>
3 April 2025	BRF-5555 Waikato District Council Intensification Planning Instrument: Recommendations Referred for Decisions	Ministry for the Environment
17 April 2025	Signed letter from Minister Bishop to Waikato District Council regarding decisions on referred recommendations	Hon Chris Bishop, Minister Responsible for RMA Reform
28 May 2026	26-BRF-00899 Waikato District Council Intensification Planning Instrument: Final referred recommendation	Ministry for the Environment
23 June 2026	Signed letter from Minister Bishop to Askel Bech, Mayor of Waikato regarding decisions on referred recommendations	Hon Chris Bishop, Minister Responsible for RMA Reform

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Some information has been withheld under Section 9(2)(a) of the Official Information Act 1982 to protect the privacy of natural persons, including that of deceased natural persons.

Some information has been withheld under Section 9(2)(h) of the Official Information Act 1982 for the reason of maintaining legal professional privilege.



Briefing: Waikato District Council Intensification Planning Instrument: Recommendations Referred for Decisions

Date submitted: 3 April 2025

Tracking number: BRF-5555

Security level: In-Confidence

MfE priority: Non-urgent

Actions sought from Ministers		
Name and position	Action sought	Response by
To Hon Chris BISHOP Minister Responsible for RMA Reform	Please record your decisions on the recommendations in Appendix 1. Please review and sign the letter in Appendix 5.	17 April 2025
CC Hon Chris BISHOP Minister of Housing	No action required.	N/A

Actions for Minister's office staff	
Return signed briefing to the Ministry for the Environment (S 9(2)(a) and S 9(2)(a)).	
Send signed response letter (Appendix 5) to Waikato District Council.	

Appendices and attachments	
Appendix 1:	Detailed analysis and recommendations for decision on Matter A under clause 105 of Schedule 1 of the Resource Management Act 1991
Appendix 2:	Waikato District Council's referral letter to the Minister on rejected Independent Hearing Panel recommendations
Appendix 3:	Further information provided by Waikato District Council
Appendix 4:	Site maps for Matter A and Matter B
Appendix 5:	Draft letter to Jacqui Church, Mayor of Waikato District Council, on your decision for Matter A and to defer your decision on Matter B
Appendix 6:	Excerpts from the Independent Hearings Panel's Recommendations Report on Variation 3
Appendix 7:	Excerpts from relevant appeals
Appendix 8:	Excerpts from section 32 evaluation reports
Appendix 9:	Excerpts from section 42A reports
Appendix 10:	Excerpts from submissions, further submissions and hearings evidence
Appendix 11:	Excerpts from interim guidance and direction provided by the IHP

Key contacts at Ministry for the Environment			
<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Responsible Manager	Stephanie Gard'ner	S 9(2)(a)	✓
General Manager	Martyn Pinckard	S 9(2)(a)	

Minister's comments

Waikato District Council Intensification Planning Instrument: Recommendations Referred for Decisions

Key messages

1. This briefing seeks your decisions on next steps for two referred recommendations for Waikato District Council's (the Council's) intensification planning instrument (IPI), Variation 3 Enabling Housing Supply to its Proposed District Plan (PDP).
2. On 31 October 2024, the Council referred two rejected Independent Hearings Panel (IHP) recommendations to you for your consideration (Appendix 2). These matters are:
 - a. the rezoning of 46 Jackson Street, Ngāruawāhia from General Residential Zone to the Council's Medium Density Residential Zone, called the Medium Density Residential Zone 2 (MRZ2) (**Matter A**), which applies the Medium Density Residential Standards (MDRS)
 - b. in relation to 5837 Great South Road:
 - i. the introduction of rule MRZ2-S1A (up to one residential unit per site as a permitted activity)
 - ii. the application of a qualifying matter to the area of the property that is subject to a Site and Area of Significance to Māori
 - iii. rezoning the part of the property subject to the Site and Area of Significance to Māori from General Residential Zone to MRZ2 (**Matter B**).
3. Maps of both sites are provided in Appendix 4.
4. At the time of referral, aspects of these recommendations for both Matters A and B were under appeal to the Environment Court, which were lodged through the PDP process prior to notification of the IPI. Instead of providing substantive alternative recommendations, the Council requested you defer your decisions for both matters until the outstanding appeals are resolved by the Environment Court.
5. The appeal for Matter A has now been resolved.
6. The appeal for Matter B is ongoing (ENV-2022-000045). The appeal relates to the identification of the Site and Area of Significance to Māori and application of associated provisions in the PDP.
7. Officials sought clarification from Council staff on several matters between 7 November 2024 and 27 February 2025 (included in Appendix 3). Seeking this information from the Council was necessary to inform our advice.

Decision-making process

8. As required by clause 105 of Schedule 1 of the Resource Management Act 1991 (RMA), the Minister for the Environment (or a relevant Minister with appropriate delegations or transfer of powers under section 7 of the Constitution Act 1986, which in this case is you) must decide to accept or reject each of the referred IHP recommendations. If you

reject an IHP recommendation, you must then decide whether to accept the council's alternative recommendation.

9. The Council's request to defer your decisions until the relevant appeals are resolved for both Matters A and B is unconventional and was not foreseen as an outcome in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS).
10. The matters you may take into account in making your decisions are limited to material the IHP could have taken into account. You also may have regard to compliance with procedural requirements and timeframes.

Matter A

11. Matter A concerns 46 Jackson Street, Ngāruawāhia. There was an Environment Court appeal in relation to the Matter A site that sought to rezone 46 Jackson Street from General Residential Zone to Rural Zone. This appeal was resolved by consent order on 2 December 2024. A detailed analysis of Matter A is included at Appendix 1.
12. Now that the appeal is resolved, the operative zoning for 46 Jackson Street is General Residential Zone. The resolution of the appeal also confirms that the site is part of a "relevant residential zone", which is defined under the Resource Management Act 1991 (RMA) and required to have the Medium Density Residential Standards (MDRS) incorporated under section 77G(1) of the RMA. The IHP's recommendation included rezoning the Matter A site from General Residential Zone to MRZ2. With resolution of the appeal there is no longer any reason for you to defer your decision as recommended by the Council. Therefore, the available options are to accept or reject the IHP's recommendation.
13. We recommend that you accept the IHP's recommendation to rezone the site to MRZ2.
14. You must provide the Council with reasons for your decision (per cl105(3), Sch 1 RMA). Our suggested reasons for accepting this recommendation are that:
 - a. it complies with requirements under the RMA to implement the MDRS
 - b. it is consistent with how other land that was zoned General Residential in Ngāruawāhia has been amended by Variation 3
 - c. it is consistent with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the National Policy Statement on Urban Development 2020, particularly by providing greater development capacity for the site.
15. In relation to Matter A, Appendix 1 provides:
 - a. a short summary of the IHP's referred recommendation
 - b. officials' advice and recommendations
 - c. suggested reasons for accepting the officials' recommendation to send to the Council.

Matter B

16. The Environment Court appeal in relation to the Matter B site is ongoing. The appeal concerns whether the Matter B site should be identified as a Site of Significance to Māori. We do not know how long this appeal will take to resolve. We recommend that right now you do not accept either the IHP or Council recommendation (to defer until the relevant appeal has been resolved) under clause 105, Schedule 1 of the RMA. Rather, we recommend you defer your decision while retaining the ability to make a decision at any point, for the following reasons:
 - a. we are advised by the Council that making a decision on Matter B may preclude options for resolving the appeal
 - b. if you make decisions on the site now, it may result in complexity in the planning system (as the appeal resolution may involve introduction of a new management approach for the site, which may conflict with the IHP's recommendation)
 - c. from a development capacity perspective, deferring a decision would not significantly impact development capacity in the region (as the options available to you would not significantly increase the capacity of the single site to which the IHP's recommendations relate).
17. Officials recommend you request Council officers to regularly update Ministry officials on progress of the appeal. We will keep you informed of these updates. We will also inform you of whether a situation arises where a decision is required from you prior to the appeal being resolved if it appropriate and/or necessary for you to do so.
18. If you agree to the recommendations in this briefing, we recommend you send Jacqui Church, the Mayor of Waikato, the letter in Appendix 5 to inform the Council of your decision on Matter A and your approach with Matter B.

Recommendations

We recommend that you:

Matter A (rezoning of 46 Jackson Street, Ngāruawāhia from General Residential Zone to Medium Density Residential Zone 2)

- a. **note** the recommendation for Matter A referred to you by Waikato District Council, our detailed analysis and advice, and space for your decisions is included in Appendix 1

Matter B (at 5837 Great South Road, the introduction of rule MRZ2-S1A, the application of a qualifying matter to the area of the property that is subject to a Site and Area of Significance to Māori, and rezoning the part of the property subject to the Site and Area of Significance to Māori from General Residential Zone to Medium Density Residential Zone 2)

EITHER

- b. **agree** to defer your decision on Matter B at this time

Yes | No

- c. **agree** to request that Waikato District Council officers update Ministry for the Environment officials at least every three months from the date of the notifying Waikato District Council of your intended approach to Matter B and to inform you as soon as a decision is made on the appeal

Yes | No

- d. **note** we have provided text in the draft letter to the Mayor of Waikato District Council in Appendix 5 to note your reasons for your intended approach for Matter B

OR

- e. **meet** with officials for further discussion

Yes | No

For both Matters A and B

- f. **note** officials will provide copies of submissions and hearings evidence upon request

- g. **sign** the letter to the Mayor of Waikato District Council, Jacqui Church, included in Appendix 5 which outlines to the Waikato District Council your decision for Matter A along with the reasons for your decision, and your approach at this time for Matter B

Yes | No

- h. **agree** that this briefing and appendices will be released proactively on the Ministry for the Environment's website within the next eight weeks

Yes | No

Signatures

Stephanie Gard'ner
Manager, Urban Policy
Environmental Management and Adaptation
3 April 2025

Hon Chris BISHOP
Minister Responsible for RMA Reform
Date:

Waikato District Council Intensification Planning Instrument: Recommendations Referred for Decisions

Purpose

1. This briefing seeks your decisions on recommendations for Waikato District Council's (the Council's) intensification planning instrument (IPI), Variation 3 Enabling Housing Supply to its Proposed District Plan (PDP).
2. On 31 October 2024, the Council referred two rejected Independent Hearings Panel (IHP) recommendations to you. These matters are:
 - a. **Matter A:** the rezoning of 46 Jackson Street, Ngāruawāhia from General Residential Zone to Medium Density Residential Zone 2 (MRZ2), which applies the Medium Density Residential Standards (MDRS)
 - b. **Matter B:** in relation to 5837 Great South Road:
 - i. the introduction of rule MRZ2-S1A¹
 - ii. the application of a qualifying matter to the area of the property that is subject to a Site and Area of Significance to Māori
 - iii. rezoning the part of the property subject to the Site and Area of Significance to Māori from General Residential Zone to MRZ2.

Background

Intensification planning instruments and relevant Ministerial statutory functions

3. Specified territorial authorities (including Waikato District Council) must prepare an IPI and use the Intensification Streamlined Planning Process (ISPP) to give effect to the

¹ [Recommendations of the Independent Hearing Panel, 22 March 2024, page 445-446:](#)

MRZ-S1A – Residential unit within the QM for 5851 5837 Great South Road

Activity status is permitted where up to one residential unit per site.

Activity Status where compliance not achieved: Restricted Discretionary Activity.

Council's discretion is restricted to the following matters:

- (a) Intensity of the development; and
- (b) Design, scale and layout of buildings and outdoor living spaces in relation to the planned urban character of the zone;
- (c) The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping; and
- (d) Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; and
- (e) Provision of 3-waters infrastructure to individual units; and
- (f) The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces; and
- (g) Where on-site car parking is provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces.
- (h) Within QM 5851 5837 Great South Road effects on the values associated with the Site or Area of Significance to Māori.

intensification requirements of the National Policy Statement on Urban Development 2020 (NPS-UD) and implement the Medium Density Residential Standards (MDRS).

4. An Independent Hearings Panel (IHP) hears submissions and makes recommendations on the IPI. If a council accepts an IHP's recommendations, they become operative. If a council rejects one or more of the recommendations, it must refer these, along with reasons for rejecting them to the Minister for the Environment (or a relevant Minister with appropriate delegations or transfer of powers under section 7 of the Constitution Act 1986). In this case, you are the relevant Minister. The council may also refer alternative recommendations to the Minister.
5. Clause 105(2) of Schedule 1 of the Resource Management Act 1991 (RMA) sets out the matters the Minister may take into account and may have regard to when making a decision on referred recommendations² which include:
 - a. considerations the IHP could have taken into account when making its decision, including the submissions and evidence before it (new evidence cannot be commissioned to inform decisions on the recommendations referred to you)
 - b. the council's compliance with procedural requirements
 - c. how the council had regard to any statement of expectations.
6. You must decide whether to accept or reject each IHP recommendation referred to you. If you decide to reject the IHP's recommendation, you must decide whether to accept or reject the council's alternative recommendation. As per clauses 105(4) and 105(5) of Schedule 1 of the RMA, you may only alter a recommendation in a way that has a minor effect or to correct a minor error.

Waikato District Council's Proposed District Plan and Intensification Planning Instrument

Proposed District Plan

7. In July 2018, Waikato District Council notified a Proposed District Plan (PDP) as they were progressing a full District Plan review.
8. Since notification of the PDP, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS) came into effect. The RMA-EHS required specified territorial authorities³ to notify an intensification planning instrument

² 105(2) In making a decision under subclause (1), the Minister—

- (a) may take into account only those considerations that the independent hearings panel could have taken into account when making its recommendation; but
- (b) may have regard to—
 - (i) whether the specified territorial authority has complied with the procedural requirements, including time frames, required by the direction made under section 80L; and
 - (ii) whether and, if so, how the independent hearings panel has had regard to that direction; and
 - (iii) whether and, if so, how the specified territorial authority and the independent hearings panel have had regard to the statement of expectations (if any) included in that direction.

³ Specified territorial authorities means any of the following:

- a. every tier 1 territorial authority (Auckland Council, Christchurch City Council, Hamilton City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District

(IPI) to incorporate the Medium Density Residential Standards (MDRS) into their plans and bring forward the implementation of the intensification requirements in the National Policy Statement on Urban Development 2020 (NPS-UD). Consequently, on 19 September 2022 the Council notified its intensification planning instrument (IPI), which was a variation to its PDP; Variation 3 Enabling Housing Supply (Variation 3).

9. The Council had held hearings but had not yet made decisions on the PDP when the RMA-EHS came into effect in December 2021. In January 2022, the Council notified decisions on the PDP.

PDP appeals for Matter A

10. In relation to Matter A, an appeal was lodged on 28 February 2022. The appeal sought that 46 Jackson Street (which is owned by a neighbour of the appellant) be rezoned from General Residential Zone to Rural Zone, or alternatively another lower density zone. The landowners joined the appeal as interested parties (under section 274 of the RMA) and had previously submitted against the downzoning of their property.
11. The appeal in relation to Matter A was resolved by consent order on 2 December 2024. This confirmed the General Residential zoning of 46 Jackson Street, Ngāruawāhia.

PDP appeals for Matter B

12. In relation to Matter B, an appeal was lodged on 1 March 2022 (ENV-2022-000045). The appeal relates to the identification of a Māori Site of Significance on the site and the associated objectives, policies and rules in the Site and Area of Significance to Māori Chapter of the PDP.
13. The Council's referral letter notes the appeal was set down for a second Court-assisted mediation on 17 December 2024, which officials are aware occurred as planned. Officials do not have visibility of whether further mediation has been scheduled.

Intensification planning instrument

14. The Council notified its IPI – Variation 3 Enabling Housing Supply (Variation 3) to the Proposed District Plan (PDP) on 19 September 2022. The Council was initially directed to complete its work on Variation 3 by 31 March 2024.⁴
15. The IHP delivered its recommendations report to the Council on 22 March 2024, later than previously anticipated by Waikato. Shortly after receiving the IHP's recommendations, Waikato requested a 13-week extension to 28 June 2024 to accommodate the delay by the IHP, manage implications of appeals on their PDP, and update maps and its PDP document. Waikato subsequently updated its request after further considering the implications of (and on) outstanding appeals and sought an extension to 6 December 2024. You, in your capacity as the Minister for RMA Reform

Council, Tauranga City Council, Upper Hutt City Council, Waikato District Council, Waimakariri District Council, Waipā District Council, Wellington City Council, Western Bay of Plenty District Council).

b. a tier 2 or 3 territorial authority that is required by regulations to prepare and notify an intensification plan change (currently Rotorua Lakes Council).

⁴ NZ Gazette Notice Number 2022-sl2034.

granted the extension for Variation 3 until 22 October 2024 (New Zealand Gazette Notice Number 2024-sl3727) (BRF-4742 refers).

16. The Council made its decisions on the IHP's recommendations on 16 October 2024 and publicly notified its decisions on 22 October 2024, thereby complying with its amended timeframe. On 31 October 2024, the Council wrote to you to notify you of its decisions on the IHP's recommendations (Appendix 2). The Council is in the process of incorporating the IHP's recommendations that it accepted into the operative Waikato District Plan.

We sought clarification from the Council on a number of matters

17. Since 31 October, we have sought clarification from the Council staff (Appendix 3) on:
 - a. 7 November 2024 about the spatial extent of the areas subject to the referred recommendations, the status of the appeals, and Variation 3 documents that were not available online
 - b. 12 November 2024 requesting further documents that were not available online
 - c. 2 December 2024 about the IHP's recommendations
 - d. 16 January 2025 about the IHP's recommendations, the interaction between ISPP decisions and PDP appeals, and the council's anticipated next steps.

Analysis and advice

Matters to support decision-making – information and legislative requirements

18. Schedule 1, clause 105 of the RMA means that the matters you may take into account in making your decisions are limited to material the IHP could have taken into account when making its recommendations. New evidence cannot be commissioned to inform decisions on the recommendations referred to you.
19. You may have regard to the Council's compliance with procedural requirements and timeframes and, if issued, whether the Council had regard to a 'statement of expectations'.
20. Officials have prepared advice for this briefing by referring to the material listed below. Each of these documents have been appended to this briefing to support your decision making:
 - a. The Council's referral letter (Appendix 2) and further information provided by the Council (Appendix 3)
 - b. Excerpts from the IHP's Recommendations Report (Appendix 6)
 - c. Excerpts from appeals (Appendix 7)
 - d. Excerpts from section 32 evaluation reports (Appendix 8)
 - e. Excerpts from section 42A reports (Appendix 9)

- f. Excerpts from submissions, further submissions and hearings evidence (Appendix 10)
 - g. Excerpts from interim guidance and direction provided by the IHP (Appendix 11).
21. If you wish to see additional evidence or submissions (including further submissions) considered by the IHP, officials will provide you with these documents. Full copies of the section 32 (evaluation report that accompanied the notified IPI) and the section 42A report (provided before a hearing to support the IHP) can also be provided.

Recommendations referred to you by Waikato District Council

22. The Council rejected two of the IHP's recommendations on its IPI. These matters are:
- a. the rezoning of 46 Jackson Street, Ngāruawāhia from General Residential Zone to the Council's Medium Density Residential Zone, called Medium Density Residential Zone 2 (MRZ2) (**Matter A**), which applies the Medium Density Residential Standards (MDRS)
 - b. in relation to 5837 Great South Road:
 - i. the introduction of rule MRZ2-S1A
 - ii. the application of a qualifying matter to the area of the property that is subject to a Site and Area of Significance to Māori
 - iii. rezoning the part of the property subject to the Site and Area of Significance to Māori from General Residential Zone to MRZ2 (**Matter B**).

Matter A

23. The appeal in relation to Matter A was resolved by consent order on 2 December 2024, with the outcome being to confirm the General Residential Zone at 46 Jackson Street. As the appeal has now been determined, there are no reasons to defer your decision for Matter A as requested by the Council. The resolution of the appeal also confirms that the site is part of a relevant residential zone, which is required to have the MDRS incorporated under section 77G(1) of the RMA.
24. For these reasons, we recommend that you accept the IHP's recommendation for Matter A.
25. Appendix 1 sets out our analysis and advice on Matter A. You must provide the Council with reasons for your decisions. Our suggested reasons are included below and in Appendix 1. Suggested reasons are it:
- a. *complies with requirements under the RMA to implement the MDRS*
 - b. *is consistent with how other land that was zoned General Residential in Ngāruawāhia has been amended by Variation 3*
 - c. *is consistent with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the National Policy Statement on Urban Development 2020, particularly by providing greater development capacity for the site.*

Matter B

26. The Council rejected the IHP's recommendation on Matter B and has requested you defer your decision until the appeal has been resolved. The appeal in relation to the site is ongoing.
27. We recommend that right now you do not accept either the IHP or Council recommendation (to defer until the relevant appeal has been resolved) under clause 105, Schedule 1 of the RMA. Rather, we recommend you defer your decision at this point in time, while retaining the ability to make a decision at any point for the following reasons:
 - a. we are advised by the Council that making a decision on Matter B may preclude options for resolving the appeal
 - b. if you make decisions on the site now, it may result in complexity in the planning system (as the appeal resolution may involve introduction of a new management approach for the site, which may conflict with the IHP's recommendation)
 - c. from a development capacity perspective, deferring a decision would not significantly impact development capacity in the region (as the options available to you would not significantly increase the capacity of the single site to which the IHP's recommendations relate).
28. To ensure the resolution of the matter is not unnecessarily delayed, we recommend the letter back to the Council (provided in Appendix 5):
 - i requests regular updates on the appeal to officials at least every three months (and to inform you as soon as a decision is made on the appeal); and
 - ii notes you may reconsider the timing of your decision on the Matter B at any time.
29. Officials will update you of progress of the appeal. We will also continue to inform you of whether a situation arises where a decision is required from you prior to the appeal being resolved if it appropriate and/or necessary for you to do so.
30. If you wish to make a decision on Matter B now, we recommend you meet with officials to discuss next steps.

Procedural matters

31. The Council met the procedural requirements of the ISPP. The Council was not required to have regard to a 'statement of expectations' because no statement was issued.
32. If you agree to officials' recommendations, these will be sent to the Council in your response letter (Appendix 5) for the Council to publish.
33. The Council will incorporate your accepted recommendations into its District Plan and publicly notify those changes, including your reasons for your decision(s). When this is carried out the provisions become operative (clause 106 of Schedule 1 of the RMA).

Other considerations

Risks and mitigations

34. In relation to Matter B, we recommend you defer your decision at this time. As noted above, to ensure the resolution of the matter is not unnecessarily delayed, we recommend you request regular updates from the Council on progress of the appeal. This will allow us to provide advice if a situation arises where your decision is required prior to the appeal being resolved.
35. While there is an option to amend the relevant Direction⁵ to include formal reporting requirements, our working relationship with Council officers has been constructive, therefore we consider the Council would comply with this request, and formally amending the Direction is not necessary.

S 9(2)(h)

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Financial, regulatory and legislative implications

40. No financial, regulatory, or legislative implications are associated with the advice in this briefing.

⁵ New Zealand Gazette Notice Number 2024-sl3727.

Next steps

41. If you agree to the recommendations in this briefing, please review and send Jacqui Church, the Mayor of Waikato District Council, the letter in Appendix 5 to notify the Council of your decision for Matter A, and approach for Matter B.
42. If you agree with the approach to defer your decision for Matter B at this time, we will continue to inform you of the Council's updates on the appeals process, and inform you of whether a situation arises where a decision is required from you prior to the appeal being resolved if it appropriate and/or necessary for you to do so.
43. If you would like to make a different decision to those recommended in this briefing, officials suggest a meeting for discussion.

Appendix 1: Detailed analysis and recommendations for decision on Matter A under clause 105 of Schedule 1 of the Resource Management Act 1991

[Attached to cover email.]

Appendix 1: Detailed analysis and recommendations for decision on Matter A under clause 105 of Schedule 1 of the Resource Management Act 1991

Matter A: Rezoning of 46 Jackson Street, Ngāruawāhia from General Residential Zone to Medium Density Residential Zone 2

Summary of Independent Hearings Panel's recommendation	Summary of Waikato District Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
Zoning of 46 Jackson Street, Ngāruawāhia as Medium Residential Zone 2.	Deferral of your decision until the relevant appeal is resolved.	Context In July 2018, Waikato District Council (the Council) notified a Proposed District Plan (PDP) as part of a full District Plan review. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (RMA-EHS) came into effect in December 2021. The RMA-EHS required councils to notify an intensification planning instrument (IPI) to incorporate the Medium Density Residential Standards (MDRS) into their plans and bring forward the implementation of the intensification requirements in the National Policy Statement on Urban Development 2020 (NPS-UD). Consequently, on 19 September 2022 the Council notified its intensification planning instrument (IPI), which is a variation to its PDP; Variation 3 <i>Enabling Housing Supply</i> (Variation 3). The Council had held hearings but had not yet made decisions on the PDP when the RMA-EHS came into effect in December 2021. In January 2022, the Council notified decisions on the PDP. The area subject to Matter A is 46 Jackson Street, Ngāruawāhia¹ (the 'site'), covering 8.1 hectares (as shown in the map provided in Appendix 4). Proposed District Plan The notified version of the PDP proposed to rezone the site from Rural to Residential. The decisions confirmed the rezoning of the site to General Residential.² Appeal on Proposed District Plan An appeal on the PDP was lodged and sought to rezone 46 Jackson Street from General Residential Zone to Rural Zone. The appeal was resolved by consent order on 2 December 2024. This confirmed the General Residential zoning of the site, which is now treated as operative under clause 86F of the RMA.³ Notified Intensification Planning Instrument Provisions The notified version of Variation 3 proposed to retain the General Residential zoning on the site. The site was within a relevant residential zone, within which the MDRS is required to be applied.⁴ Variation 3 incorporated the MDRS (where it was applied) by rezoning sites to a new Medium Density Residential Zone 2 (MRZ2). However, Variation 3 also introduced an urban fringe qualifying matter over some areas of the Waikato district, including over the Matter A site, where the MDRS would not apply.⁵ This qualifying matter was applied under section 77I(j) as 'any other matter' and an assessment under sections 77J and 77L was undertaken and provided in the s32 report.⁶ The intention of the urban fringe qualifying matter in the notified version of Variation 3 was to restrict development to residential areas with	Agree to either: 1. officials' recommended suite of recommendations in relation to Matter A (46 Jackson Street): a. accept the Independent Hearings Panel's recommendation; b. reject Waikato District Council's alternative recommendation; c. agree to reason for decision: i. <i>it complies with requirements under the RMA to implement the MDRS; and</i> ii. <i>it is consistent with how other land that was zoned General Residential in Ngāruawāhia has been amended by Variation 3</i> iii. <i>it is consistent with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the National Policy Statement on Urban Development 2020, particularly by providing greater development capacity for the site.</i> Yes No Or 2. meet with officials for further discussion. Yes No

¹ Legal description of the site is Lot 2 Deposited Plan 304479 and Lot 1 Deposited Plan South Auckland 86313.

² The decisions also renamed the 'Residential Zone' to 'General Residential Zone' to accord with the National Planning Standards.

³ [Section 86F of the Resource Management Act](#) outlines when rules in proposed plans must be treated as operative.

⁴ Under [Section 77G\(1\) of the Resource Management Act](#), which states *Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone.*

⁵ [Section 32 Report – Volume 2: Qualifying Matters \(September 2022\), page 76.](#)

⁶ [Section 32 Report – Volume 2: Qualifying Matters \(September 2022\), page 76.](#)

		access to community services.⁷ It was based on confining the MDRS to within an 800m walkable catchment from town centres, beyond which the MDRS would not been applied.⁸ Submissions Eleven submission points were received supporting the urban fringe qualifying matter or seeking minor amendments to the way that the qualifying matter was implemented. Twenty-nine submission points were received opposing the urban fringe qualifying matter across the district and/or questioning its legality.⁹ The appellant on the PDP also submitted on Variation 3 (submission #32), seeking that the extent of residential zoning in Ngāruawāhia (including the site) be reviewed.¹⁰ The submission effectively supported the urban fringe qualifying matter because of the increased level of intensification enabled elsewhere in Ngāruawāhia and noted this perspective was consistent with the National Policy Statement on Highly Productive Land (NPS-HPL). The submission requested that if relief could not be achieved through Variation 3, then the Council should progress a separate variation to the PDP to rezone the land that was identified as General Residential Zone through the PDP process to a lower density zone. The landowners of 46 Jackson Street lodged a further submission (#202) opposing submission #32 and sought the notified zoning of General Residential Zone of their site be approved.¹¹ Hearing process <i>Interim guidance</i> The Independent Hearing Panel (IHP) released interim guidance on 14 March 2023 'to inform all parties of the Panel's thinking' about the legality of the urban fringe qualifying matter and to guide preparations for the substantive hearing.¹² By that point, the Council itself no longer supported the qualifying matter. The interim guidance stated that 'the Panel has concluded that the urban fringe is a not qualifying matter under section 77I(j) as it does not appear to satisfy the requirements of section 77L RMA.'¹³ Section 42A report The Council's section 42A report supported the removal of the urban fringe qualifying matter.¹⁴ The section 42A report stated that:¹⁵ <i>The removal of the urban fringe qualifying matter would extend the application of the MDRS to all land zoned General residential or Medium density residential within Pookeno, Tuakau, Huntly and Ngaaruawaahia. The removal of the urban fringe qualifying matter therefore requires that the MDRS be applied to all the land zoned Medium density residential and General residential within the four towns, subject to any additional qualifying matters.</i> The s42A report noted the request in submission #32 (to review the extent of greenfield zoning in Ngāruawāhia) was beyond the scope of Variation 3, as the purpose of Variation 3, as set out in section 77G of the RMA, was to apply the MDRS to relevant residential zones and to give effect to Policy 3.¹⁶ The s42A report also noted that the release of decisions on the PDP and notification of Variation 3 both occurred prior to the NPS-HPL being approved and that NPS-HPL only applies to properties that were zoned Rural with class 1, 2 or 3 soils at the commencement of the NPS-HPL.¹⁷	
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⁷ [Section 32 Report – Volume 1 \(September 2022\), page 21.](#)

⁸ [Section 32 Report – Volume 2: Qualifying Matters \(September 2022\), page 76.](#)

⁹ [Section 42A report: Report on submissions and further submissions – Variation 3 \(15 June 2023\), para 586.](#)

¹⁰ [Submission #32 \(27 October 2022\).](#)

¹¹ [Further submission #202 \(14 December 2022\).](#)

¹² [Waikato District Council IPI – Interim Guidance #1: PDP Variation 3 - Urban Fringe QM \(14 March 2023\), page 1.](#)

¹³ [Waikato District Council IPI – Interim Guidance #1: PDP Variation 3 - Urban Fringe QM \(14 March 2023\), page 3.](#)

¹⁴ [Section 42A report: Report on submissions and further submissions – Variation 3 \(15 June 2023\), para 585-594.](#)

¹⁵ [Section 42A report: Report on submissions and further submissions – Variation 3 \(15 June 2023\), para 21.](#)

¹⁶ [Section 42A report: Report on submissions and further submissions – Variation 3 \(15 June 2023\), para 159.](#)

¹⁷ [Section 42A report: Report on submissions and further submissions – Variation 3 \(15 June 2023\), para 159.](#)

		Evidence presented by submitters Grant Eccles presented planning evidence on behalf of submitter #32 and reiterated that there is a relationship between the increased urban development enabled through Variation 3 and the geographical extent of the greenfield zoning that needed to be recognised and taken into account.¹⁸ Mr Eccles referred to the technical report and evidence by Susan Fairgray (on behalf of the Council), which concluded there was sufficient capacity enabled through any modelled scenario.¹⁹ Mr Eccles questioned whether the same amount of greenfield land needed to be rezoned in light of Variation 3 and whether it was appropriate to allow for intensification in areas that may experience flooding in relevant modelled events.²⁰ Mr Eccles disagreed that a review of greenfield zoning was beyond the scope of Variation 3, considering that there was scope for Variation 3 to consider the matter since that the geographical extent of residential zoning to which the MDRS would apply had not yet been resolved through the PDP process.²¹ Legal submissions The Council's opening legal submissions set out the principles from the Environment Court's decision in relation to <i>Waikanae</i>²², namely that:²³ - the mandatory requirements of section 80E²⁴ are not open-ended or without limitation, and any proposed rules must be carefully considered to ascertain whether they fall within one of the subsections of section 80E - rules that are proposed as qualifying matters under section 77I²⁵ or as related provisions under section 80E(1)(b)²⁶ will be ultra vires if they remove the rights that presently exist under a district plan. The Council's reply legal submissions considered that, based on <i>Waikanae</i>, the relief sought by submission #32 (to rezone residential land back to Rural) could not be accepted.²⁷ IHP recommendations The IHP provided its recommendations to the Council on 22 March 2024. In response to submission #32, the IHP stated that there was no scope to consider '<i>the extent of the greenfield residential zoning in Ngaaruawaahia under the PDP</i>', given that:²⁸ - the mandatory directive in section 77G is to apply the MDRZ to relevant residential zones - a wide range of property owners would have been affected had not been consulted - determining the final extent of the residential zones in the PDP was for the Environment Court rather than the IHP - the relief would be contrary to <i>Waikanae</i>. The IHP confirmed their position outlined in their interim guidance, that the Urban Fringe was not a qualifying matter under section 77L.²⁹ The IHP stated that, as a result of the removal of the qualifying matter, '<i>the MDRS was extended to apply to all the land zoned Medium Density Residential (MRZ) and General Residential within the four towns of Ngaaruawaahia, Pookeno, Tuakau and Huntly, subject to any additional QMs</i>'.³⁰ There were no qualifying matters that would prevent the site becoming zoned MRZ2. The Council had considered Ngāruawāhia to be part of the urban environment and that pertinent zones within Ngāruawāhia were consequently relevant	
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¹⁸ [Statement of Evidence of Grant Robert Eccles \(27 July 2023\), para 5.](#)

¹⁹ [Statement of Evidence of Susan Michelle Fairgray \(20 June 2023\).](#)

²⁰ [Statement of Evidence of Grant Robert Eccles \(27 July 2023\), para 9-10.](#)

²¹ [Statement of Evidence of Grant Robert Eccles \(27 July 2023\), para 11.](#)

²² *Waikanae Land Company Limited v Heritage New Zealand Pouhere Taonga* [2023] NZEnvC 056.

²³ [WDC legal submissions on behalf of Waikato District Council for substantive hearing \(21 July 2023\), para 20.](#)

²⁴ [Section 80E of the Resource Management Act 1991](#) outlines the meaning of an IPI and the scope of what they must and/or are able to include.

²⁵ [Section 77I of the Resource Management Act 1991](#) sets out the matters that can be included as qualifying matters.

²⁶ [Section 80E\(1\)\(b\) of the Resource Management Act 1991](#) sets out provisions that an IPI is able to (but does not have to) amend or include, including related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential on the MDRS.

²⁷ [Reply legal submissions on behalf of Waikato District Council for substantive hearing held between 26 July and 2 August 2023 \(22 September 2023\), para 6.](#)

²⁸ [Recommendations of the Independent Hearing Panel, 22 March 2024, para 230-235.](#)

²⁹ [Recommendations of the Independent Hearing Panel, 22 March 2024, para 62.](#)

³⁰ [Recommendations of the Independent Hearing Panel, 22 March 2024, para 63.](#)

		residential zones under the RMA.³¹ The IHP stated that there was generally no dispute that Ngāruawāhia had been correctly identified as a relevant residential zone.³² As the site falls within a relevant residential zone, the RMA requires the MDRS to be incorporated.³³ Council decisions and alternative recommendation The Council accepted the IHP's recommendation to not apply the proposed urban fringe qualifying matter.³⁴ The Council also accepted the rezoning of land surrounding the Matter A site to MRZ2 and this zoning is now operative.³⁵ The Council rejected 'Planning Maps - zoning of 46 Jackson Street, Ngaaruawaahia to Medium residential zone 2 (MRZ2)' (Matter A), as outlined in Appendix 2, stating that 'There is no specific recommendation associated with this site. The IHP did not include Planning Maps with their recommendations. The recommendation is a consequence of the finding that the urban fringe is not a qualifying matter and consequently the MRZ2 applies'. The alternative recommendation sought by Council is that 'the Minister defers making a decision on the zoning of 46 Jackson Street until the appeal lodged by the appellant on the Matter A site in the PDP has been determined by the Environment Court'. The reason provided by the Council for seeking that you defer making a decision was to preserve the appellant's appeal rights. If you were to have accepted the rezoning to MRZ2 ahead of the appeal being resolved, the zoning would have become operative once the Council publicly notified your decision. The Council was concerned that if this occurred prior to the appeal being resolved, the Environment Court may have had no jurisdiction to amend the zoning, effectively extinguishing the appellant's appeal rights. Advice There are no longer any reasons to accept the Council's alternative recommendation to defer a decision on the Matter A site, as the relevant appeal has now been resolved. Therefore, the two remaining options available to you are to either accept or reject the IHP's recommendation. Accepting the IHP's recommendation would zone the site MRZ2. This is the only option that would give effect to the requirement under section 77G(1) of the Resource Management Act 1991 to incorporate the MDRS over the site. The rezoning to MRZ2 would also provide greater development capacity for the site. Rejecting the IHP's recommendation is likely to result in the site reverting to its operative zoning under the PDP, which is General Residential Zone. It would contrast with the MRZ2 zoning that is operative for land to the east and west of the site. Given these factors, we recommend that you accept the IHP's recommendation for Matter A.	
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³¹ [Recommendations of the Independent Hearing Panel, 22 March 2024, para 26.](#)

³² [Recommendations of the Independent Hearing Panel, 22 March 2024, para 134.](#)

³³ [Section 77G\(1\) of the Resource Management Act 1991](#) requires relevant residential zones to incorporate the MDRS. 'Relevant residential zone' is defined in Section 2 of the Act as all residential zones that are not a large lot residential zone, an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000 (unless a local authority intends the area to become part of an urban environment), an offshore island, or a settlement zone.

³⁴ [Variation 3 to the Proposed Waikato District Plan: Enabling Housing Supply: Decisions on Independent Hearing Panel Recommendations \(22 October 2024\), Attachment E - Accept Reject Specific Amendment Recommendations \(22 October 2024\), Finding 1.](#)

³⁵ [Variation 3 to the Proposed Waikato District Plan: Enabling Housing Supply: Decisions on Independent Hearing Panel Recommendations \(22 October 2024\), Attachment D - Planning maps to be made operative \(22 October 2024\).](#)

Appendix 2: Waikato District Council's referral letter to the Minister on rejected Independent Hearing Panel recommendations

[Attached to cover email.]

31 October 2024

Hon Chris Bishop
Minister for Housing and RMA Reform
Private Bag 18 888
Parliament Buildings
Wellington 6160

Email: C.Bishop@ministers.govt.nz

Dear Minister,

Proposed Waikato District Plan – Decisions on Variation 3: Enabling Housing Supply

On 16 October 2024 Waikato District Council ('Council') made its decisions on the IHP recommendations for Variation 3, being Council's Intensification Planning Instrument. The decisions were publicly notified on 22 October 2024 and the accepted provisions have been made operative on 30 October 2024.

The Council accepted the recommendations from the IHP except for two matters. The two rejected recommendations are being referred to you in accordance with clause 101(2) of Schedule 1 to the Resource Management Act 1991 ('Act'). They relate to two discrete sites that are subject to outstanding appeals. Both sites are in Ngaaruawaahia, being 46 Jackson Street and 5837 Great South Road.

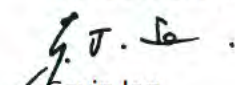
The reasons for rejecting each recommendation and the alternative recommendation for each are attached to this letter.

In each case the Council is requesting that you defer making a decision until the outstanding appeals are resolved to preserve the appellants' appeal rights under clause 36(2) of Schedule 12 of the Act.

To assist your consideration of the request to defer, I provide a progress report on each appeal. Council is continuing settlement discussions with the appellants. With respect to 46 Jackson Street agreement has now been reached in principle and the Council is in the process of drafting consent documents. Once the order is issued you will be able to accept the IHP recommendation to upzone the property to Medium Density Residential Zone 2. The appeal relating to 5837 Great South Road is set down for a second Court-assisted mediation on 17 December 2024.

We will keep you informed of developments. If you require any further information, please let me know.

Yours sincerely


Gavin Ion
Chief Executive

Zoning of 46 Jackson Street

For the decision on the zoning of 46 Jackson Street to be referred to the Minister

IHP Provision / Recommendation rejected by Waikato District Council	Description of recommendation	Reason why the Council does not support the recommendation	Alternative recommendation	Why is the alternative recommendation preferred
Planning Maps - zoning of 46 Jackson Street, Ngaaruawaahia to Medium residential zone 2 (MRZ2)	There is no specific recommendation associated with this site. The IHP did not include Planning Maps with their recommendations. The recommendation is a consequence of the finding that the urban fringe is not a qualifying matter and as a consequence the MRZ2 applies .	There is a live appeal on this site (ENV-2022-AKL00030). A link to the appeal is provided here . The appellant is Mr. Simon Upton. The appellant wrote to the Court on 22 August 2024 to amend the appeal. The appeal now only applies to 46 Jackson Street (owned by a neighbour to Mr Upton). The appeal seeks that 46 Jackson Street to be rezoned from General residential zone to General rural zone. In the alternate, the appeal now seeks for the land to be rezoned to Large lot residential or some other lower density residential zone. It also seeks a further alternative for the rules to be amended to provide for	Council seeks that the Minister defers making a decision on the zoning of 46 Jackson Street until the appeal lodged by Mr. Simon Upton has been determined by the Environment Court.	Deferring a decision until the appeal has been determined by the Environment Court is considered necessary to preserve Mr Upton's appeal rights. If the Minister was to accept the rezoning to MRZ2, the zoning would become operative upon notification of the Minister's decision under clause 105(7) of Schedule 1 to the RMA. Once the zoning is operative, the Court has no jurisdiction to amend the zoning. If the decision is deferred and the Environment Court determines the General residential zone is the most appropriate zoning for 46

		an appropriate transition from rural to residential zone. For the reasons explained in the final column, Council does not support the recommendation at this stage to rezone 46 Jackson Street to MRZ as it wishes to preserve Mr Upton's rights under the appeal.		Jackson Road, the Minister can then accept the IHP's recommendation and upzone the property to MRZ2.
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Zoning and QM 5837 Great South Road

For the decision on 5837 Great South Road including zoning and the QM – Rule MRZ2-S1A and the note to be added to MRZ2-S1

IHP Provision / Recommendation rejected by Waikato District Council	Description of recommendation	Reason why the Council does not support the recommendation	Alternative recommendation	Why is the alternative recommendation preferred
Planning Maps - zoning of 5837 Great South Road and QM Rule MRZ2-S1A Residential unit within the QM for 5837 Great South Road	Apply a QM to the SASM at 5837 Great South Road and rezone the land subject to the SASM from GRZ to MRZ2.	There is a live appeal on this site (ENV-2022-000045). The appellant is Blue Wallace Surveyors. The appeal relates to the identification of a Maaori Site of Significance on the property and the associated objectives, policies and rules in the Sites and Areas of Significance to Maaori Chapter of the Proposed District Plan. For the reasons explained in the final column, Council does not support the recommendation at this stage to rezone the property to MRZ2 with a QM rule as it wishes to preserve the appellant's appeal rights.	Council seeks that the Minister defers making a decision on the zoning and the application of a QM to the site until the appeal lodged by Blue Wallace Surveyors has been determined by the Environment Court.	Deferring a decision until the appeal has been determined by the Environment Court is considered necessary to preserve Blue Wallace Surveyors' appeal rights. If the Minister was to accept the rezoning to MRZ2 and the site-specific QM, the provisions would become operative upon notification of the Minister's decision under clause 105(7) of Schedule 1 to the RMA. Once the zoning is operative, the Court has no jurisdiction to amend the zoning or the associated QM. If the decision is deferred and the Environment Court determines that

				the SASM does not meet the test under s6 of the RMA, then the Minister can accept the IHP's recommendation to rezone the property to MRZ2 but there will be no justification for a QM. Conversely, if the Environment Court determines the SASM is appropriate, the Minister can accept the rezoning with the QM.
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Appendix 3: Further information provided by Waikato District Council

[Attached to cover email.]

Leah Clark

From: Fiona Hill S 9(2)(a)
Sent: Thursday, 28 November 2024 1:33 pm
To: Leah Clark
Cc: Keri Davis-Miller; Karin Lepoutre; Bridget Parham; Kirsty Ridling
Subject: Referred recommendations Waikato District Council - response to email requests
Attachments: Referred recommendation - SASM 5837 Great South Road.pdf; Referred recommendation - 46 Jackson Street.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Kia ora Leah

Since your last email we have made great progress and settled the Upton Appeal. On 22 November the signed Consent Memorandum was sent to the Court with a request that it be considered as a priority. I will send the consent order once received.

This just leaves 5837 Great South Road. The SASM (Sites and areas of significance to Maaori) area on this site is subject to an appeal. The appellant is Blue Wallace Surveyors ENV-2022-AKL-00094. The most recent update is the appeal has been set down for mediation on 17 December 2024.

To assist in your understanding please find attached the requested maps related to each appeal. The extent of each site is shown in yellow. Just a note on the Great South Road map - all of the area originally had the number 5851 Great South Road, however, there has been a recent subdivision and the land that contains the SASM is now numbered 5837 Great South Road. The referred recommendation relates to the SASM area only as is reflected by the attached map of that area.

Lastly, I just wanted to clarify the Council is requesting the Minister defers making a decision until the outstanding appeals are resolved to preserve the appellants' appeal rights under clause 36(2) of Schedule 12 of the Act.

Links to relevant documents you requested:

1. Link to planning evidence provided by Grant Eccles for Simon Upton at Hearing 2 of Variation 3:
https://www.waikatodistrict.govt.nz/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/variations/variation-3-enabling-housing-supply/session-2-ipi-waikato-district-council-variation-3-hearing/submitter-expert-evidence/s-upton-evidence-from-g-eccles-v-3.pdf?sfvrsn=bc9a73c8_1
2. Link to amended notice of appeal for Simon Upton: The amended notice of appeal has been uploaded under Upton – 000030: <https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/appeals/proposed-waikato-district-plan---appeals>

Please get in touch if I have missed anything or you need anything further.

Ngaa mihi

Fiona Hill

Kaiwhakamahere Matua – Kaupapa Here, Rautaki & Whakatupu

Principal Policy Planner, Strategy and Growth

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

Nama waea: 07 824 8633 **Waea puukoro:** 0800 492 452

Poutaapeta Mahi: Private Bag 544, Ngaaruawaahia 3742

Waahi Mahi: 15 Galileo Street, Ngaaruawaahia





16 January 2025

Gavin Ion
Chief Executive
Private Bag 544
Ngāruawāhia 3742

Email: gavin.ion@waidc.govt.nz

Tēnā koe Gavin

Proposed Waikato District Plan – Decisions on Variation 3: Enabling Housing Supply

Thank you for your letter dated 31 October 2024 to Hon Chris Bishop, Minister Responsible for RMA Reform (referral letter) and subsequent information relating to Waikato District Council's (the Council's) referral of the Independent Hearing Panel (IHP) recommendations for Variation 3: Enabling Housing Supply (Variation 3). I write to request clarification on matters raised in your referral letter.

Matter A – 46 Jackson Street, Ngāruawāhia

Your referral letter advised that the Council rejected an IHP recommendation to rezone 46 Jackson Street to Medium Density Residential Zone 2 (MRZ2).

The Council's alternative recommendation was for the Minister to defer a decision until after the Environment Court appeal on Matter A was resolved. As the appeal is now resolved, this recommendation is now no longer relevant.

It is unclear from the IHP report whether the IHP recommended that 46 Jackson Street is zoned MRZ2, particularly as the IHP appears to accept the points in Council's legal submission that it is for Environment Court to determine the appropriate zoning of the site.

To inform our advice to the Minister, could the Council confirm:

1. Does Council agree that the IHP recommendation before the Minister is to rezone 46 Jackson Street to MRZ2?

Matter B – 5837 Great South Road, Ngāruawāhia

The decisions version of the Proposed Waikato District Plan identifies a portion of 5837 Great South Road, Ngāruawāhia as a Site and Area of Significance to Māori (SASM). There is an ongoing appeal¹ by Blue Wallace Surveyors Limited which we understand relates to the SASM but not the zoning of the site (the BWS appeal).

Qualifying matter and rule MRZ-S1A

As the BWS appeal only relates to the SASM overlay for 5837 Great South Road (not the qualifying matter framework nor the extent of MRZ2 zoning which the IHP has recommended applying to the site regardless of the SASM), we seek clarification on:

2. How does Council consider appeal rights relating to the underlying SASM would be affected by a decision by the Minister on recommendations for Matter B if this decision came before the BWS appeal is resolved?
3. Can Council confirm that the proposed MRZ2-S1A rule would only apply to the part of the site which is subject to the SASM overlay and the rest of the site can be intensively developed under rule MRZ2-S1 despite the “Note” in that rule that states “This standard does not apply to 5837 Great South Road Ngaaruawaahia”?

General matters relating to the BWS appeal

The alternative Council recommendation seeks to delay the Minister’s decision for Matter B until the BWS appeal is resolved. If the Minister delays decision-making, your referral letter is not clear on the process that Council would follow once the BWS appeal is resolved. To inform our advice to the Minister, could the Council confirm:

4. Who is involved in the appeal / are the affected parties for this site? Who would be affected (or not) by a delay to Ministerial decision-making, and why?
5. If the outcome of the appeal is that no SASM overlay applies to any part of the site, is it Council’s intention to refer an amended recommendation to the Minister in relation to the rule framework for the site?

We acknowledge this is a complex process and appreciate the Council’s work on the Proposed District Plan and Variation 3. The Council’s clarification of the above matters will inform our advice to the Minister Responsible for RMA Reform.

We are also cognisant of the requirement on all participants under the Resource Management Act 1991 to exercise powers and perform functions in a timely and efficient manner (section 18A).

¹ ENV-2022-AKL-000045

We are happy to meet your staff to discuss this letter if it would be helpful.

Thank you also for the progress reports on the BWS appeal. We would be grateful if you continue to update us on any future court dates.

Ngā mihi

Rebecca Scannell

Policy Lead – Urban and Infrastructure

Ministry for the Environment | Manatū Mō Te Taiao

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 310

IN THE MATTER OF an appeal under clause 14 of Schedule
One to the Resource Management Act
1991

BETWEEN SIMON UPTON
(ENV-2022-AKL-000030)

Appellant

AND WAIKATO DISTRICT COUNCIL

Respondent

AND MARK DE LAUTOUR

DEIDRE KIERNAN

PETER SEWELL

Section 274 Interested Parties

Court: Environment Judge S M Tepania sitting alone under s 279(1)(b)
of the Act

Last case event: 22 November 2024

Date of Order: 2 December 2024

Date of Issue: 2 December 2024

CONSENT DETERMINATION



Upton v Waikato District Council

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the zoning maps of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix A** to this Order;
- (2) Part 1: Introduction and general provisions / How the plan works / General approach of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix B** to this Order; and
- (3) Simon Upton's appeal allocated to Topic 1.1: Zoning - Ngaaruawaahia Topic 13.1: Urban residential development – Urban form and development is otherwise dismissed.

B: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Background

[1] This is an appeal by Mr Upton against parts of the decisions by Waikato District Council in respect of the Proposed Waikato District Plan (**PDP**). The relief sought in the appeal has been assigned to Topic 1.1: Rezoning – Ngaaruawaahia and Topic 13.1: Urban residential development – Urban form and development.

[2] Amendments were made to the PDP to adopt the National Planning Standards (**NPS**) which came into force after notification of the PDP. This resulted in the Residential Zone being renamed as the General residential zone (**GRZ**) and the Rural Zone being renamed to the General rural zone (**GRUZ**) in the decisions version of the PDP. For ease of reference, the decisions version provisions and zones are referred to in this Order.

Mr Upton's submissions

[3] Mr Upton is the owner of the property at 86 Saalbrey Road. He made a submission opposing the notified zoning of the following properties:

- (a) 32 Saalbrey Road (in part);
- (b) 46 Jackson Street;
- (c) 29C Rangimarie Road; and
- (d) 86 Saalbrey Road (in part).

[4] Mr Upton's submission sought to amend the zoning of the submission area to provide a clear urban boundary and transition from GRZ to GRUZ, given the notified location of the zone boundary did not reflect the 2017 Ngaaruawaahia Structure Plan. In particular, he sought:

- (a) part of 32 Saalbrey Road to be zoned GRUZ;
- (b) 46 Jackson Street in its entirety to be zoned GRUZ;
- (c) 29C Rangimarie Road in its entirety to be zoned GRUZ; and
- (d) part of 86 Saalbrey Road to be zoned GRUZ.

[5] The Council also lodged a submission seeking to amend the notified GRZ/GRUZ boundary on the basis that the notified location of the GRZ/GRUZ boundary was a mapping error.

[6] Mr Upton made a further submission on the PDP opposing Mark de Lautour's submission which sought to retain the notified GRZ zoning of 46 Jackson Street (**de Lautour property**).

[7] The decisions version of the PDP accepted Mr Upton's submission in part, rezoning Mr Upton's property from GRZ to GRUZ, including the northern tip of the property (which was not opposed by Mr Upton), and accepting Mr de Lautour's submission in full, retaining the GRZ zoning across the de Lautour property.

Mr Upton's appeal

[8] Mr Upton appealed the decision on 28 February 2022, seeking the following relief:

- (a) part of 32 Saalbrey Road be rezoned from GRZ to GRUZ;
- (b) 46 Jackson Street from be rezoned GRZ to GRUZ;
- (c) 29C Rangimarie Road be rezoned from GRZ to GRUZ; and
- (d) the northern tip of 86 Saalbrey Road be rezoned from GRUZ to GRZ.

[9] Mark de Lautour and Diedre Kiernan (jointly), and Peter Sewell gave notice of an intention to become a party to the appeal under s 274 of the Act. Mr Sewell is the owner of 32 Saalbrey Road.

[10] On 22 August 2024, Mr Upton filed a memorandum with the Court seeking to amend the appeal to reduce the extent of the appeal area, including the removal of 32 Saalbrey Road.

[11] The amended appeal sought the following relief:

- (a) Rezoning the entirety of the de Lautour property from GRZ to GRUZ and the northern tip of Mr Upton's property from GRUZ to GRZ.
- (b) In the alternative:
 - (i) that the entirety of the de Lautour property be rezoned from GRZ to:
 1. Large lot residential zone; or
 2. another residential zone, that allows lower density development than GRZ; or
 3. a combination of lower density residential zones that better reflect the environmental setting of the site and avoid

reverse sensitivity effects on adjoining established lawful rural activity; and

(ii) the northern tip of Mr Upton's property be rezoned from GRUZ to GRZ.

(c) In the further alternative, that development controls be added to the PDP in respect of the de Lautour property to achieve the following:

(i) an appropriate transition from residential to rural environments;

(ii) appropriate recognition of and response to the landform, landscape and natural features;

(iii) ensure compatibility of rural and urban development and activities; and

(iv) appropriate management of development near to watercourses and wetlands.

Agreement reached

[12] Representatives for Mr Upton, the Council, together with Mr de Lautour and Ms Kiernan attended Court-assisted mediation on 27 August 2024. Mr Sewell was excused from mediation as his property was not included in the amended appeal area. Following mediation, the parties engaged in further negotiations and have now reached agreement which will resolve the amended appeal in its entirety.

[13] The parties have agreed to:

(a) Amend the planning map to rezone the northern tip of Mr Upton's property from GRUZ to GRZ (shown as **Area 2** in the map below).

(b) Include the following statement within Part 1: Introduction and general provisions / How the plan works / General approach of the PDP:

Other matters outside of the District Plan, such as the presence of easements or restrictive covenants on a Certificate of Title, may also have an influence on the extent to which a particular activity (regardless of activity class set out below) can be undertaken on a site.

- (c) Retain the GRZ zoning across the de Lautour property (shown as **Area 1** in the map below).



Statutory Planning assessment

[14] A planning assessment was carried out in relation to the partial rezoning of the Area 2 from GRUZ to GRZ. The remaining parts of the agreement were not assessed on the basis that:

- (a) the agreed inclusion of the statement within the Introduction to the PDP is not a provision and, instead, makes plan users aware of the potential impacts of instruments on title; and
- (b) the GRZ zoning across Area 1 reflects the zoning decided by the Independent Hearing Panel.

[15] Area 2 consists of approximately 6,000 m². The area can be accessed from Rangimarie Road which services the existing residential area to the north. Area 2 is effectively severed from the rest of 86 Saulbrey Road by a stream along the southern side.

[16] The Council acknowledged that a residential zoning for Area 2 was appropriate both through the operative residential zoning of the District Plan and the proposed residential zoning in the notified PDP.

[17] The parties agree that rezoning Area 2 enables the residential use of land that is located within a residential area and is not suitable for farming purposes due to access constraints. The parties agree that this meets the relevant statutory planning requirements. Specifically:

- (a) The rezoning allows for an efficient use of resources that can contribute to promoting sustainable development that can positively impact on the social and economic well-being of Ngaaruawaahia. The rezoning is therefore considered to be consistent with the purpose of the Act.
- (b) The rezoning of Area 2 will contribute to enabling a well-functioning urban environment to establish within this part of Ngaaruawaahia. Specifically, the residential zone on this site provides for a more suitable land use outcome than rural given access constraints and the residential character of the area to the north. For these reasons it is considered that the rezoning is consistent with the overarching objective of the National Policy Statement on Urban Development which seeks to achieve well-functioning urban environments.
- (c) The rezoning of Area 2 will give effect to the Waikato Regional Policy Statement (WRPS) including Plan Change 1 on the basis that Area 2 is located within an area that has existing access to infrastructure services and can therefore be effectively integrated. Furthermore, any potential land use conflicts can be avoided on the basis that the land to the north is already zoned for residential purposes. These outcomes give effect to UFD-O1 and UFD-P2 of the WRPS.

(d) The residential zoning of Area 2 is consistent with:

- (i) The Future Proof Strategy 2020;
- (ii) Waikato 2070;
- (iii) Waikato Blueprint – Ngaaruawaahia;
- (iv) The Ngaaruawaahia Structure Plan of March 2017; and
- (v) The Ngaaruawaahia Structure Plan of October 2024.

[18] Based on the above, the parties agree that the rezoning of Area 2 from GRUZ to GRZ meets the relevant statutory tests.

Section 32AA assessment

[19] Section 32AA of the Act requires a further evaluation of any changes to the proposed plan change since the initial s 32 evaluation report and the decision.

[20] The only zoning change is to rezone the northern tip of 86 Saalbrey Road from GRUZ to GRZ. It is considered that a further evaluation of this rezoning is not required as:

- (a) both the operative District Plan zoning and the notified PDP zoning for this property is/was Residential; and
- (b) the scale and significance of the change is low given it involves a small area of land of some 6,000 m².

[21] The agreed inclusion of the statement within the Introduction to the PDP does not require a s 32AA analysis given that it is not a provision.

[22] Similarly, the GRZ zoning across 46 Jackson Street does not require a s 32AA analysis as it reflects the zoning decided by the Independent Hearing Panel.

Consideration

[23] In making this order the Court has read and considered:

- (a) the notice of appeal dated 28 February 2022;
- (b) the memorandum of the appellant seeking to amend the appeal to reduce the extent of the appeal area dated 22 August 2024; and
- (c) the joint memorandum dated 22 November 2024.

[24] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[25] The Court is satisfied that the changes sought are within the scope of the appellant's submissions and appeal.

Order

[26] Therefore, the Court orders, by consent, that:

- (a) the zoning maps of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix A** to this Order;
- (b) Part 1: Introduction and general provisions / How the plan works / General approach of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix B** to this Order; and
- (c) Simon Upton's appeal allocated to Topic 1.1: Zoning - Ngaaruawaahia Topic 13.1: Urban residential development – Urban form and development is otherwise dismissed.

[27] Under s 285 of the Act there is no order as to costs.

A handwritten signature in blue ink, appearing to read 'S M Tepania', written over a horizontal line.

S M Tepania

Environment Judge | Kaiwhakawā, Te Kōti Taiao



Appendix A – Amended zoning map for 86 Saulbrey Road, Ngaaruawaahia



Appendix B – Proposed addition to Introduction on Chapter 1 of the Waikato PDP (decisions version)

Part I: Introduction and general provisions / How the plan works / General approach

General approach

Categories of activities

Rules determine whether resource consent is required for a particular activity. The Resource Management Act 1991 provides categories of permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities for every land use or subdivision. The following table shows the order and summarises the meaning of these categories.

Other matters outside of the District Plan, such as the presence of easements or restrictive covenants on a Certificate of Title, may also have an influence on the extent to which a particular activity (regardless of activity class set out below) can be undertaken on a site.

Is resource consent required?	Activity status abbreviation	Activity class	Comments
No consent required	PER	Permitted	No resource consent is required. However, approvals may be required under other legislation, such as a building consent under the Building Act or a resource consent under the provisions of the Waikato Regional Plan.
Consent required	CON	Controlled	The Council must grant consent. Consent conditions may be imposed on matters over which control is reserved, as listed in the rule table. The Council may refuse to grant a controlled activity subdivision if the provisions of s106 of the Resource Management Act apply.
	RDIS	Restricted discretionary	The Council may grant or decline consent. Assessment of the application is restricted to matters over which discretion is restricted in the rule table. If granted, the Council may impose conditions on the consent, but only for those matters over which discretion is restricted.
	DIS	Discretionary	The Council may grant or decline consent. The consent may be granted with or without conditions. The Council will assess the application on the full range of matters without limitation.

	NC	Non-complying	The Council may grant or decline consent. The application can only be granted if Council is satisfied that the requirements of s104D of the Resource Management Act are met. If the consent is granted it may be granted with or without conditions. The application will be assessed on a full range of matters without limitation.
No consent possible	PR	Prohibited	No application can be made for a prohibited activity and Council must not grant a consent.

Leah Clark

From: Nathan Stocker S 9(2)(a)
Sent: Monday, 2 December 2024 12:49 pm
To: Fiona Hill
Cc: Karin Lepoutre; Keri Davis-Miller; Kirsty Ridling; Leah Clark
Subject: Re: Waikato District Council - Referred recommendations

Kia ora Fiona,

Thanks for sending that through, it definitely simplifies things! Congratulations on getting it resolved.

One of the last things we are still trying to resolve around Matter A is understanding the recommendations of the IHP that relate to the site and wider area. We can see an implicit reference to rezoning the area due to the removal of the urban fringe QM (para 63 of the IHP report). However the paragraph is unclear, both in terms of whether it is a recommendation of the IHP or a reference to rezoning somehow decided by others or in another process (...*the MDRS was extended...*) as well as the spatial scope of the change (particularly whether it applies to the Upton site).

Are you aware of:

1. Anywhere that an explicit recommendation to rezone land to MRZ2 as a result of removing the urban fringe was clearly put forward by the IHP?
2. Anywhere that the spatial extent of the rezoning recommended by the IHP was either mapped or articulated in relation to the appeal site?

Sorry to come back with any further questions, but we're keen to make sure that there is a solid legal foundation for any decisions by the Minister. If there is no valid IHP recommendation and no alternative (now that the appeal is resolved), it could create difficulties for the scope of the Minister's decision.

Ngā mihi
Nathan

Nathan Stocker (he/him)
Senior Advisor - Policy | *Kaitātari Kaupapa Here Matua*
Urban Policy – Urban and Infrastructure

My working hours are 7:40 - 4:30 Mon/Thur/Fri and 7:40 - 2:40 Tue/Wed

Ministry for the Environment | Manatū Mō Te Taiao
S 9(2)(a) | www.mfe.govt.nz



Ministry for the
Environment
Manatū Mō Te Taiao



From: Fiona Hill S 9(2)(a)
Sent: Monday, 2 December 2024 12:14 pm
To: Leah Clark S 9(2)(a); Nathan Stocker S 9(2)(a)
Cc: Karin Lepoutre S 9(2)(a); Keri Davis-Miller S 9(2)(a); Kirsty Ridling S 9(2)(a)
Subject: Waikato District Council - Referred recommendations

MFE CYBER SECURITY WARNING

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Kia ora,

Further to the email I sent last week. Today we received the consent order from the Court resolving this appeal.

Ngaa mihi

Fiona Hill

Kaiwhakamahere Matua – Kaupapa Here, Rautaki & Whakatupu
Principal Policy Planner, Strategy and Growth

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

Nama waea: 07 824 8633 **Waea puukoro:** 0800 492 452

Poutaapeta Mahi: Private Bag 544, Ngaaruawaahia 3742

Waahi Mahi: 15 Galileo Street, Ngaaruawaahia



Nathan Stocker

From: Fiona Hill S 9(2)(a)
Sent: Tuesday, 12 November 2024 5:06 pm
To: Leah Clark
Subject: RE: Proposed Waikato District Plan – Decisions on Variation 3: Enabling Housing Supply

Follow Up Flag: Follow up
Flag Status: Flagged

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Kia ora Leah,

Yes, I can do that.

Thanks

Fiona Hill

Kaiwhakamahere Matua – Kaupapa Here, Rautaki & Whakatupu
Principal Policy Planner, Strategy and Growth

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

Nama waea: 07 824 8633 Waea puukoro: 0800 492 452

Poutaapeta Mahi: Private Bag 544, Ngaaruawaahia 3742

Waahi Mahi: 15 Galileo Street, Ngaaruawaahia



From: Leah Clark S 9(2)(a)
Sent: Tuesday, 12 November 2024 4:38 pm
To: Fiona Hill S 9(2)(a)
Subject: RE: Proposed Waikato District Plan – Decisions on Variation 3: Enabling Housing Supply

Kia ora Fiona,

As an update from me, I am continuing to work through the information online relating to the Council's referred recommendations. Appreciate I am adding another request to my below list, but could you please also send a link or provide a copy of Simon Upton's amended appeal dated 22 August 2022 that includes 46 Jackson Street? I am happy to request this from the Environment Court if the Council does not hold a copy. Would you happen to know the CIV #?

Thank you,

Leah Clark (she/her)

Senior Advisor | Kaitātari Matua

Urban Policy

Ministry for the Environment | Manatū Mō Te Taiao

S 9(2)(a) | environment.govt.nz

From: Leah Clark

Sent: Thursday, 7 November 2024 9:07 am

To: S 9(2)(a)

Subject: FW: Proposed Waikato District Plan – Decisions on Variation 3: Enabling Housing Supply

Kia ora Fiona,

Hope you are well.

I've been working my way through the detail of the Council's referred recommendations on Variation 3, and have some initial questions:

1. Could the Council please produce two maps that show the outline of the exact areas subject to the two referred recommendations?
 - a. It would be great to please have one map showing the outline of the specific area at 46 Jackson Street that is subject to the referred recommendation; and
 - b. A separate map showing the outline of the specific part of 5837 Great South Road that is subject to the referred recommendation (especially since there appears to be some ambiguity in the references to 5851 and 5837 Great South Road in the documents online).
2. Could you please provide an update on the status of both appeals?
3. Could you please send me the link or a copy of Simon Upton's further submission as I cannot find it online.
4. Could you please send me the link or a copy of Mr Grant Eccles evidence as I cannot find it online.

Thank you,

Leah Clark (she/her)

Senior Analyst | Kaitātari Matua

Urban Policy

Ministry for the Environment | Manatū Mō Te Taiao

S 9(2)(a) | environment.govt.nz

From: Gavin J. Ion <Gavin.ion@waidec.govt.nz>

Sent: Thursday, 31 October 2024 3:46 pm

To: 'C.Bishop@ministers.govt.nz' <C.Bishop@ministers.govt.nz>

Cc: Nathan Stocker S 9(2)(a); Leah Clark S 9(2)(a); Keri Davis-Miller

S 9(2)(a)

Subject: Proposed Waikato District Plan – Decisions on Variation 3: Enabling Housing Supply

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Kia ora

Apologies, the earlier version of the letter was missing some pages – updated version now attached.

Ngaa mihi
Gavin

Gavin Ion
Chief Executive - Tumu Whakarae

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

■ Waea puukoro: S 9(2)(a) ■ Nama waea: 0800 492 452

Pouaka Poutaapeta: Private Bag 544, Ngaruawahia 3742

Waahi Mahi: 15 Galileo Street, Ngaruawahia



From: Gavin J. Ion
Sent: Thursday, 31 October 2024 3:21 pm
To: 'C.Bishop@ministers.govt.nz' <C.Bishop@ministers.govt.nz>
Cc: 'Nathan.Stocker@mfe.govt.nz' S 9(2)(a); 'Leah.Clark@mfe.govt.nz'
S 9(2)(a); Keri Davis-Miller S 9(2)(a)
Subject: Proposed Waikato District Plan – Decisions on Variation 3: Enabling Housing Supply

Kia ora

Please find attached a letter confirming decisions on Variation 3 for the Proposed Waikato District Plan.

Ngaa mihi
Gavin

Gavin Ion
Chief Executive - Tumu Whakarae

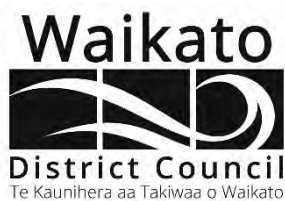
Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

■ Waea puukoro: S 9(2)(a) ■ Nama waea: 0800 492 452

Pouaka Poutaapeta: Private Bag 544, Ngaruawahia 3742

Waahi Mahi: 15 Galileo Street, Ngaruawahia



Nathan Stocker

From: Leah Clark
Sent: Tuesday, 26 November 2024 1:06 pm
To: Fiona Hill
Cc: Nathan Stocker
Subject: RE: Referred recommendations

Kia ora Fiona,

Thanks for checking in on this – apologies, that would have been a misunderstanding on my part when I was initially reading through the material online. So you can disregard my request for that further submission. We have found the neighbour's further submission now.

And if you could please send through the other information we requested that would be fantastic. We're happy for the status update on the appeals to be provided separately, once available.

Many thanks,

Leah Clark (she/her)
Senior Advisor | Kaitātari Matua
Urban Policy
Ministry for the Environment | Manatū Mō Te Taiao
S 9(2)(a) | environment.govt.nz

From: Fiona Hill S 9(2)(a)
Sent: Tuesday, 26 November 2024 9:26 am
To: Leah Clark S 9(2)(a)
Subject: Referred recommendations

MFE CYBER SECURITY WARNING

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Hi Leah

One of the questions related to Mr. Upton's further submission. Can you please clarify whether that is a further submission on Variation 3 or at the time the PDP was notified? I checked yesterday and don't think he made one. A further submission was lodged by their neighbours? If you can clarify that would be helpful.

Thanks Fiona

Fiona Hill

Kaiwhakamahere Matua – Kaupapa Here, Rautaki & Whakatupu
Principal Policy Planner, Strategy and Growth

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

Nama waea: 07 824 8633 Waea puukoro: 0800 492 452
Poutaapeta Mahi: Private Bag 544, Ngaaruawaahia 3742
Waahi Mahi: 15 Galileo Street, Ngaaruawaahia

27 February 2025

Rebecca Scannell
Policy Lead – Urban and Infrastructure
Ministry for the Environment
PO Box 10362
Wellington 6143

Dear Ms Scannell,

PROPOSED WAIKATO DISTRICT PLAN – DECISIONS ON VARIATION 3: ENABLING HOUSING SUPPLY

We refer to your letter dated 16 January 2025 (**Clarification Letter**) seeking clarification on matters raised in the referral letter from Waikato District Council (**Council**) dated 31 October 2024.

This letter responds to the questions asked within the Clarification Letter and uses the same numbering for convenience.

Matter A – 46 Jackson Street, Ngaaruawaahia

1. *Does Council agree that the IHP recommendation before the Minister is to rezone 46 Jackson Street to MRZ2?*

Council does agree that the IHP recommendation before the Minister is to rezone 46 Jackson Street to MRZ2.

The property at 46 Jackson Street, Ngaaruawaahia was zoned General Residential in the Proposed District Plan - Decisions Version (**PDP-DV**). The property was subsequently identified as a “relevant residential zone” insofar as it related to the application of the Medium Density Residential Standards (**MDRS**) under the then Resource Management (Enabling Housing and Other Matters) Amendment Act.

As you are aware, the notification of Variation 3 included the application of the Urban Fringe qualifying matter to areas which would have otherwise been relevant residential zones. At the time of the hearing the Urban Fringe qualifying matter was not supported by Council and, it was confirmed by the Independent Hearing Panel (**IHP**) that it did not appear to satisfy the requirements of section 77L of the now Resource Management Act 1991 (as recorded in the Interim Guidance of the IHP).

As a consequence of the Interim Guidance which supported Council's position on the Urban Fringe qualifying matter, the MDRS was extended to apply to all land which was zoned

Medium Density Residential and General Residential under the PDP-DV within the relevant four towns and part of Horotiu, subject to any additional qualifying matters.

Because 46 Jackson Street was zoned General Residential, the removal of the Urban Fringe qualifying matter naturally resulted in the MDRS being extended to that site, which was not subject to any applicable qualifying matters. Furthermore, the Chair of the Panel has also confirmed in an email to the Council that this was the intent of the Panels' recommendation in respect of the property.

Council recommends that staff review Finding 2.4.1.1 at page 15 of the Variation 3 IHP Recommendations Report (**Recommendations Report**) which confirms the above.

Matter B – 5837 Great South Road, Ngaaruawaahia

2. *How does Council consider appeal rights relating to the underlying SASM would be affected by a decision by the Minister on recommendations for Matter B if this decision came before the BWS appeal is resolved?*

We note at the outset that questions 2 and 3 are made on the basis that the BWS appeal does not challenge either the qualifying matter framework nor the extent of the MRZ2 zoning on the property at 5837 Great South Road (**Site**). It was not possible for the appeal to challenge these two matters as neither the qualifying matter nor MRZ2 zoning existed at the time the appeal was filed in March 2022. The appeal predated Variation 3.

Council is of the opinion that if the zoning of the SASM on the Site to MRZ2 is made operative prior to the appeal being resolved, then the ability for Council to agree on potential changes to the District Plan to settle the appeal could be limited. The appeal is not limited to the removal of the scheduled SASM. It seeks changes to the objective, policy and rule framework of the SASM chapter. Further, the appellant has sought consequential changes to give effect to the relief sought in the appeal. These changes could be to other chapters in the PDP. This could include the insertion of a precinct plan or some other mechanism into the PDP to manage development on the site if the scheduled SASM is to remain. If the zoning of the site was made operative then there would be no ability to make these changes. For example, if a precinct plan was to be applied to the site and introduced into the PDP, it could modify land use, subdivision and development on the site in a manner different to what would be enabled under MRZ2. The Council considers it is important to retain the ability for these types of amendments to be on the table in an effort to settle the appeal.

For completeness, rezoning the SASM on the Site to MRZ2 in advance of resolving the appeal is also likely to impact the outcome of BWS' claim (for both BWS and Council) under section 85 of the Act, contrary to Clause 36(2) of Schedule 12 of the RMA. On 23 June 2022 BWS filed an amended notice of appeal (**Amended Appeal**) seeking relief, amongst other matters, that retaining the SASM on the property would make the Site incapable of reasonable use and asking the Court to direct WDC to purchase the Site under section 85 of the RMA (paragraphs

12 e. and f. of the Amended Appeal). This Amended Appeal was opposed by Council. The Court issued a Decision on 4 October 2022 (Decision [2022] NZEnvC 186) allowing the Amended Appeal by BWS. A copy of the Court decision is attached together with the Amended Appeal.

Clause 36(2) of Schedule 12 RMA which expressly states that any appeals against the underlying proposed district plan are not affected by decisions made on an Intensification Planning Instrument under clause 107. However, if the Site is upzoned to MRZ2 now, the qualifying matter will then apply as the SASM remains. The qualifying matter in Rule MRZ2-S1A restricts the number of dwellings on each subdivided site within the SASM layer to 1 primary dwelling as a permitted activity (albeit a dwelling at MDRS scale). By contrast, if the appeal is resolved first and the SASM remains, a primary dwelling and minor dwelling could be developed on each subdivided lot within the SASM overlay as a permitted activity. Therefore, the timing of decisions (in terms of the zoning in play) will have an impact on this aspect of the appeal if the SASM remains.

3. *Can Council confirm that the proposed MRZ2-S1A rule would only apply to the part of the site which is subject to the SASM overlay and the rest of the site can be intensively developed under rule MRZ2-S1 despite the "Note" in that rule that states "This standard does not apply to 5837 Great South Road Ngaaruawaahia"?*

Council confirms that it is the intention for Rule MRZ2-S1A to apply only to the area of the Site to which the SASM overlay applies. The Recommendations Report proposes a note be added to MRZ2-S1 stating *"This standard does not apply to 5837 Great South Road"*. The note was not included in the Council decision as it formed part of the referred recommendation to the Minister. The Recommendations Report then details MRZ2-S1A which is entitled *"Residential Unit within the QM for 5837 Great South Road"*. When reading both Standards together, it is the view of Council that there is an error in the Recommendations Report note for MRZ2-S1 and it should have been worded as follows:

"This standard does not apply to the QM for 5837 Great South Road".

Although MRZ2-S1 is operative, it is Council's opinion that, due to the fact that notes within District Plans are intended to provide guidance only and do not have legal effect, a note can be added as a CI16 amendment to reflect what the wording should have been (that is, to explicitly exclude the QM for 5837 Great South Road from the application of the Standard).

4. *Who is involved in the appeal / are the affected parties for this site? Who would be affected (or not) by a delay to Ministerial decision-making, and why?*

The appellant to the proceedings is Blue Wallace Surveyors (**BWS**). The section 274 parties are as follows:

- Perjuli Developments Ltd (as the legal owners of the Site),
- Nga Uri o Tamaninupo ki Whaingaroa Trust,
- Te Whakakitenga o Waikato,
- Turangawaewae Trust Board, and
- Heritage NZ Pouhere Taonga.

Both BWS and Perjuli have advised Council that they would support the Minister's upzoning of the Site to MRZ2. Council is unaware of the position of the other parties.

Despite that support, it is the Council's opinion that no party would be affected by a delay in the decision making. If the development of the Site went ahead without the Minister's decision being made, it would be limited in implementation in relation to the application of the SASM overlay. The reason for this is if the owner of the property went ahead and decided to develop the property using the MDRS the overriding factor affecting the status of any development on the site is the SASM overlay.

5. *If the outcome of the appeal is that no SASM overlay applies to any part of the site, is it Council's intention to refer an amended recommendation to the Minister in relation to the rule framework for the site?*

It is not clear whether there is any legal ability in the RMA for Council to provide an amended recommendation to the Minister. Our understanding is that once a recommendation has been rejected by Council and referred to the Minister, that is the end of the Council's role. However, Council accepts that if resolution of the appeal results in the SASM overlay being removed, it would be appropriate for the Minister to make a decision to accept the IHP's recommendation to upzone the Site to MRZ2 without the qualifying matter.

Once the outcome of the proceedings are known, Council will use best endeavours to inform the Ministry as soon as practically possible of the outcome, and how, in its opinion, it affects the referred recommendation. If the Minister is able to accept an amended recommendation from Council, Council will assist.

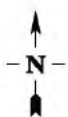
Kind regards,



Tony Whittaker
Chief Operating Officer (on behalf of Craig Hobbs, CE)

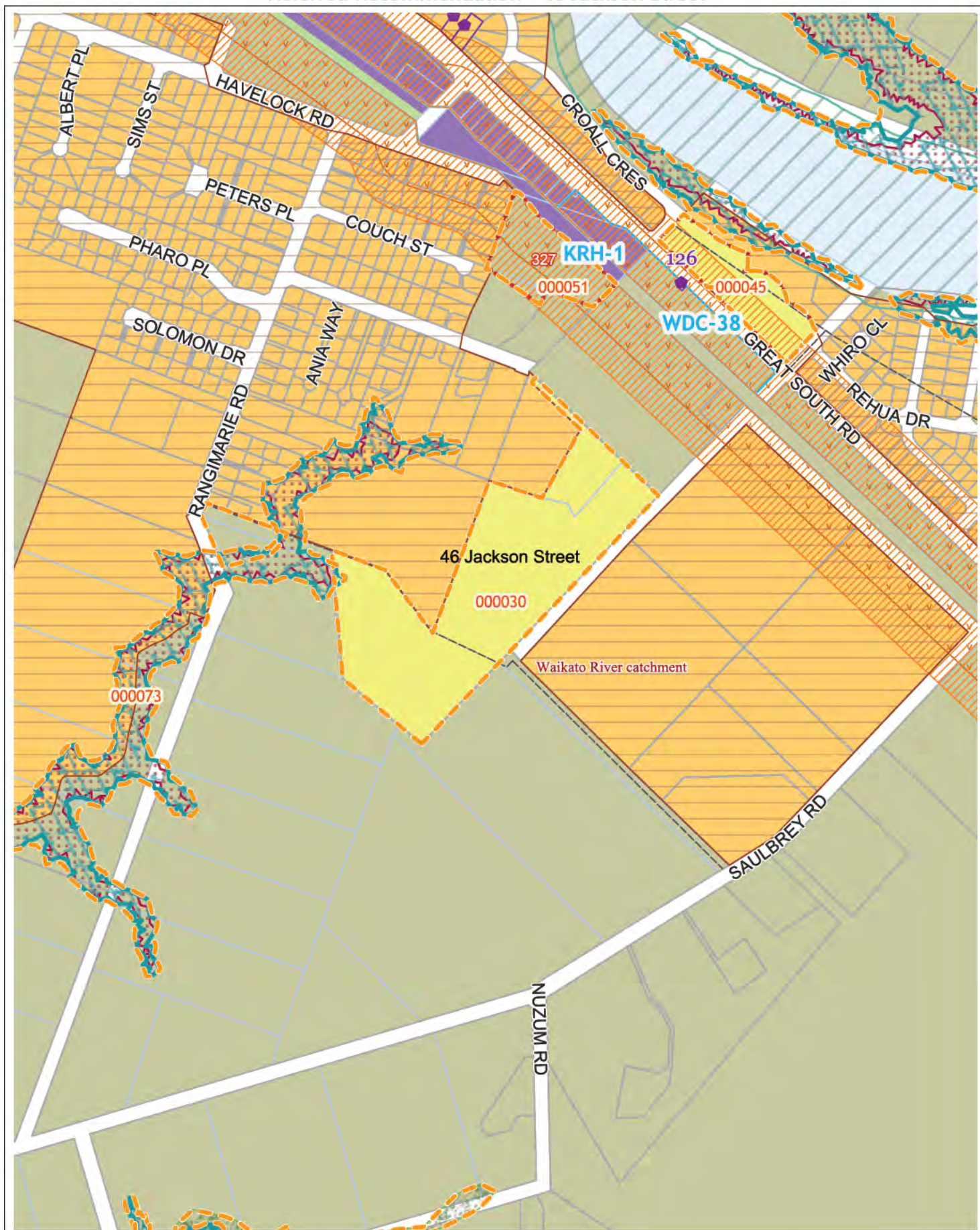
Appendix 4: Site maps for Matter A and Matter B

[Attached to cover email.]



Waikato District Plan (Operative in Part)

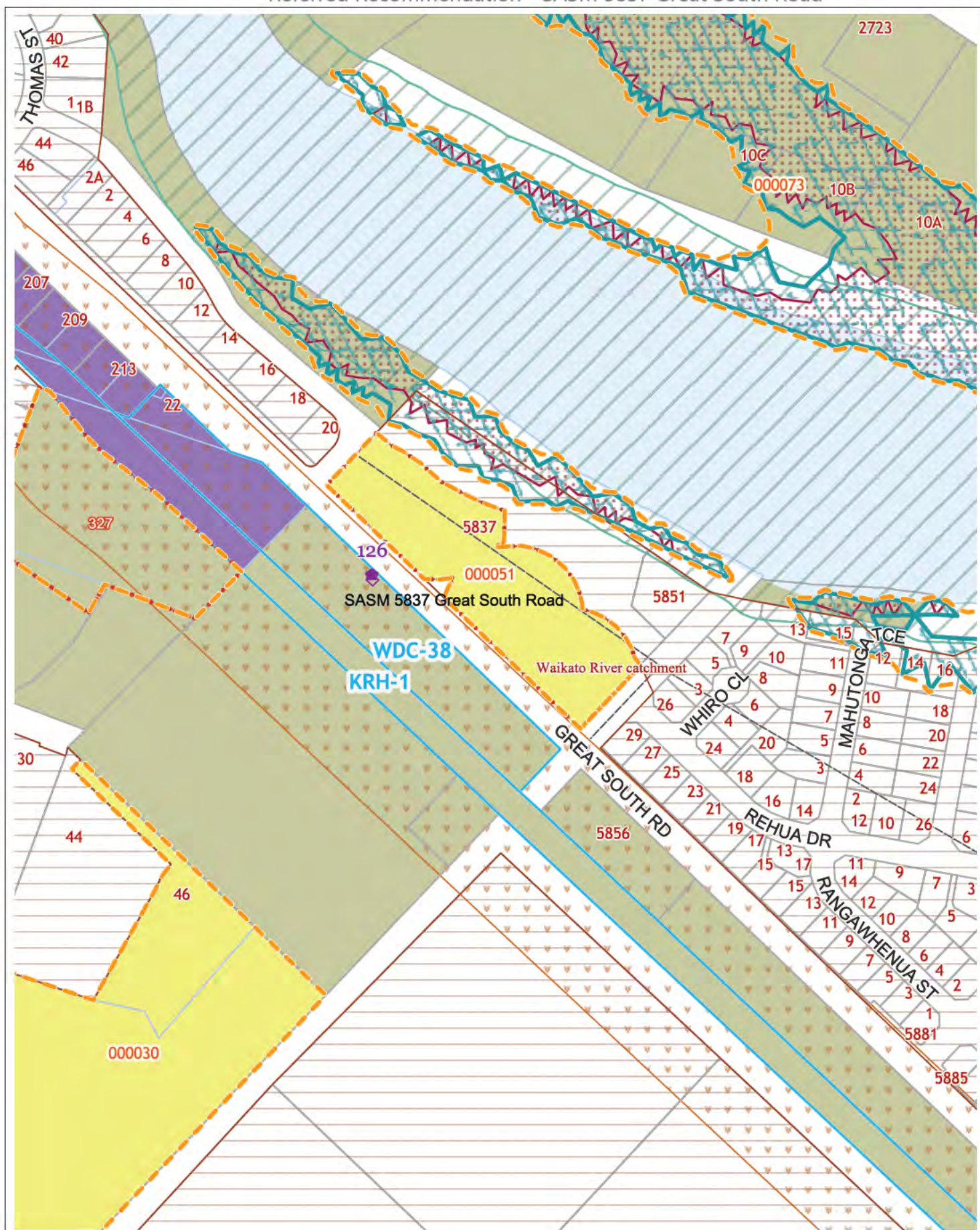
Referred Recommendation - 46 Jackson Street



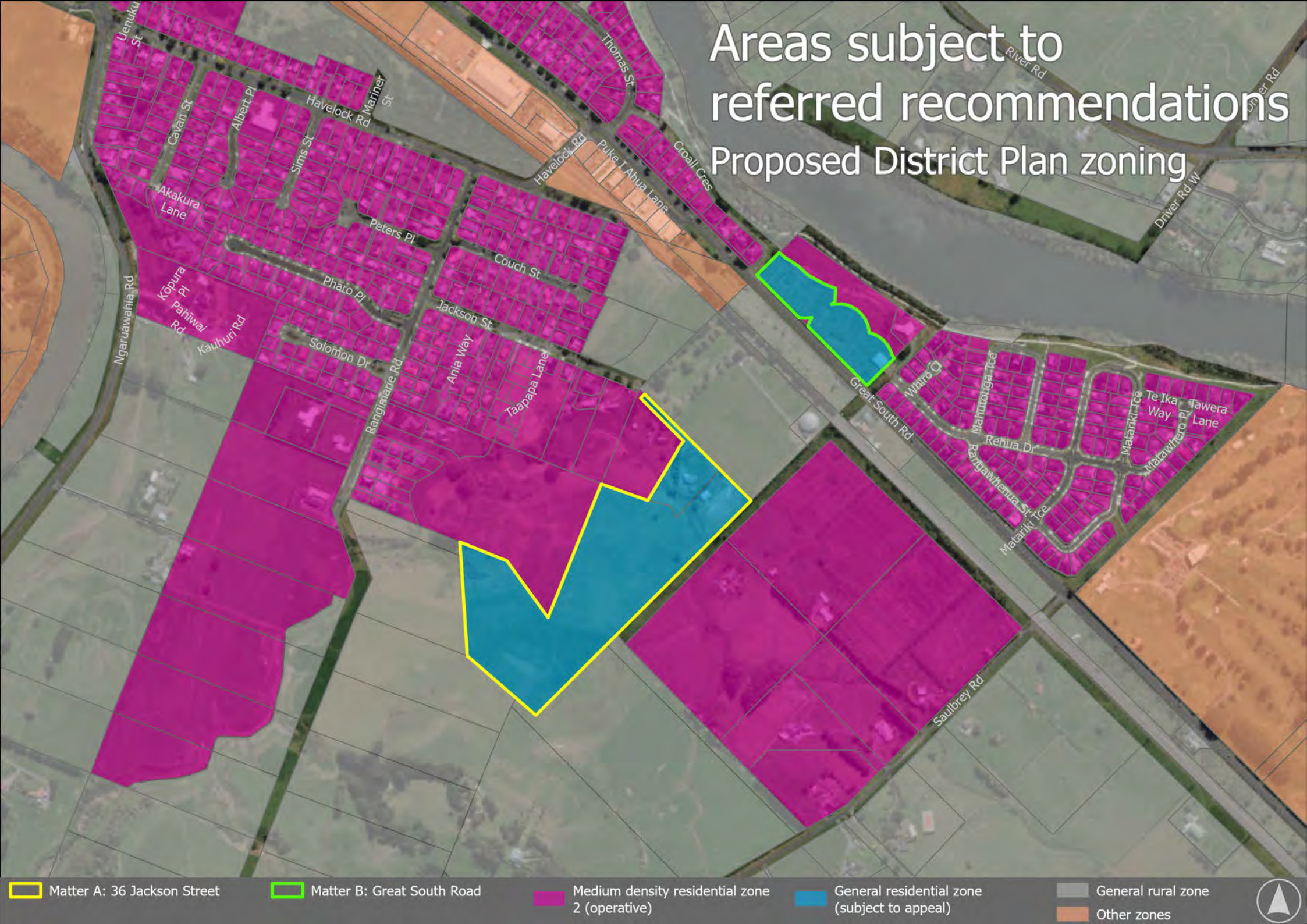


Referred Recommendation - SASM 5837 Great South Road

Referred Recommendation - SASM 5837 Great South Road



Areas subject to referred recommendations Proposed District Plan zoning



 Matter A: 36 Jackson Street

 Matter B: Great South Road

 Medium density residential zone
2 (operative)

 General residential zone
(subject to appeal)

 General rural zone
 Other zones



Appendix 5: Draft letter to Jacqui Church, Mayor of Waikato District Council, on your decision for Matter A and to defer your decision on Matter B

Jacqui Church
Mayor of Waikato
Waikato District Council
Email: jacqui.church@waidc.govt.nz

cc Craig Hobbs
Chief Executive
Email: craig.hobbs@waidc.govt.nz

Dear Jacqui

On 31 October 2024, I received a letter from former Chief Executive, Gavin Ion, referring two rejected Independent Hearings Panel recommendations and the Council's alternative recommendations to me in relation to Waikato District Council's (the Council's) intensification planning instrument (IPI), Variation 3 Enabling Housing Supply to its Proposed District Plan (PDP).

The recommendations relate to:

- the rezoning of 46 Jackson Street, Ngāruawāhia from General Residential Zone to Medium Density Residential Zone 2 (MRZ2 (Matter A))
- in relation to 5837 Great South Road:
 - o the introduction of rule MRZ2-S1A
 - o the application of a qualifying matter to the area of the property that is subject to a Site and Area of Significance to Māori
 - o rezoning the part of the property subject to the Site and Area of Significance to Māori from General Residential Zone to MRZ2 (Matter B).

I note officials at the Ministry for the Environment (the Ministry) sought clarification from Council officers on several matters from 7 November 2024 to 27 February 2025. Requesting this information was necessary to inform this letter. I thank Council staff for working with Ministry officials on providing the requested information.

I have made a decision on Matter A, and I am deferring my decision on Matter B at this time.

Matter A

With resolution of the appeal on the Proposed District Plan relating to the Matter A site, I have accepted the IHP's recommendation to rezone 46 Jackson Street, Ngāruawāhia to Medium Residential Zone 2. My decisions for Matter A have been made in accordance with Schedule 1, clause 105 of the Resource Management Act 1991 (RMA). The reasons for my decision are that it:

- complies with requirements under the Resource Management Act 1991 to implement the Medium Density Residential Standards
- is consistent with how other land that was zoned General Residential in Ngāruawāhia has been amended by Variation 3
- is consistent with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the National Policy Statement on Urban Development 2020, particularly by providing greater development capacity for the site.

Matter B

I do not propose to make a decision on Matter B at this time given the ongoing appeal on provisions in the Proposed District Plan.

I will review the situation for Matter B regularly and will keep under consideration whether it becomes appropriate for me to make a decision on Matter B at any time (including, potentially, prior to the resolution of the appeal).

I therefore ask that Council officers update Ministry officials at least every three months from the date of this letter on the progress of the relevant appeal, and to inform Ministry officials as soon as a decision is made on the appeal.

I want to thank the Independent Hearings Panel and Council staff for the work undertaken to progress the Intensification Streamlined Planning Process.

Ministry for the Environment officials will contact Council staff to inform them of my decision.

Yours sincerely

Hon Chris Bishop
Minister Responsible for RMA Reform

DRAFT

Appendix 6: Excerpts from the Independent Hearings Panel's Recommendations Report on Variation 3

[Attached to cover email.]

**WAIKATO DISTRICT COUNCIL
VARIATION 3 – ENABLING HOUSING SUPPLY
TO THE PROPOSED WAIKATO DISTRICT PLAN**

RECOMMENDATIONS OF THE INDEPENDENT HEARING PANEL

Date: 22 March 2024

20. Our discussion and recommendations on QMs are contained in sections 7 and 8 below.

1.5 Sections 80E and 80G Limitations

21. The scope of matters to be included in an IPI are specified in s.80E.²¹
22. There are some limitations on what a territorial authority can do with an IPI. In particular (as per s.80G), only one IPI can be notified, it cannot be withdrawn, it must progress using the ISPP, and it may not be used for any purpose other than those set out in s.80E.
23. The Council's position was that the scope of the matters it had included in the IPI and the use of the ISPP are in accordance with the limitations and requirements of ss.80E and 80G of the RMA. That was not disputed by submissions - other than in relation to the Urban Fringe QM which was subsequently removed (as noted in para 18 above). Some submitters did however argue that further matters fell within the bounds of scope established by those provisions and should be included in Var 3. We address those matters in later sections of this report.
24. While we note that unlike the 'standard' plan change process, the IHP is not limited in making its recommendations by the scope of submissions,²² as all legal submissions agreed, any recommendation must still fall within the permissible scope of an IPI. What is within the scope of the IPI was therefore an important fundamental to establish, and we received a range of submissions on that point. As we note later in this report, we are satisfied that all of our recommendations fall within the permissible scope of an IPI and, except for the limited consequential matters noted in section 9 below, we have not considered it necessary to make recommendations going beyond the scope of submissions.

1.6 Urban Environment and Relevant Residential and Non-Residential Zones

25. The Amendment Act required councils to identify their urban environments and then apply the MDRS and Policy 3 of the NPS-UD to the relevant residential and non-residential zones subject to QMs as necessary.
26. Council had determined that the four towns of Huntly, Pookeno, Tuakau and Ngaaruawaahia constituted urban environments as defined under s.77F RMA,²³ to which the requisite standards and policy were applied – including, subsequently, to those areas from which the notified Urban Fringe QM was “removed”.
27. The smaller settlements of Raglan and Te Kauwhata were not considered to meet the required threshold.

²¹ See Appendix 2 for the full text of this section.

²² RMA, Sch.1 cl.99(2)(b).

²³ s.42A Report, section 4.

54. A s.42A Report Closing Statement (dated 5 September 2023) was prepared by Ms Hill and Ms Lepoutre in response to the evidence and submissions given at Hearing 2.
55. A further s.42A Report (dated 15 September 2023) was prepared by Ms Lepoutre for Hearing 3 with respect to the remaining matters of Horotiu, certain nationally significant infrastructure QMs, PDP appeals and flood mapping.
56. A s.42A Report entitled 'Rebuttal Evidence' was prepared by Ms Lepoutre on 14 November 2023 and addressed Horotiu West land, reverse sensitivity and ancillary Var 3 matters.
57. A final s.42A Report Closing Statement (dated 30 January 2024) was prepared by Ms Hill and Ms Lepoutre and contained a closing statement and update on issues that remained live following the earlier hearings.
58. The above reports were accompanied with a number of appendices and progressive provision revisions.

2.4 Preliminary Scope Issues

59. There were a number of preliminary scope issues raised, which we were required to address prior to the substantive hearings. These were:
 - a) the Urban Fringe QM;
 - b) inclusionary zoning / affordable housing; and
 - c) specific rezoning submission points.
60. We summarise these issues and our response to them in the next three sub-sections. Other scope issues are dealt with in section 4 of this decision report.

2.4.1 Urban Fringe QM

61. As already briefly noted, the notified Var 3 included an Urban Fringe QM, – which, by the time of the hearing, Council no longer supported. The effect of the Urban Fringe QM was that the MDRS would not apply in those areas.⁴¹
62. As we recorded in our Interim Guidance,⁴² we considered the Urban Fringe was not a QM under s.771(j) as it did not appear to satisfy the requirements of s.77L RMA. However, we left that matter on the table for the substantive hearing lest any party wished to dispute that interim position. In the event no party challenged that guidance, and we confirm our interim position on the matter.
63. As a consequence of that Interim Guidance and the Council not supporting the Urban Fringe QM, the MDRS was extended to apply to all the land zoned Medium

⁴¹ s.32 Evaluation Report, section 11.1.

⁴² [Interim Guidance #1, 14 March 2023](#).

Density Residential (MRZ) and General Residential within the four towns of Ngaaruawaahia, Pookeno, Tuakau and Huntly, subject to any additional QMs.

64. Additional QMs were subsequently identified by Council relating to:

- the protection of culturally significant landscapes with the Havelock Precinct
- the protection of culturally significant viewshafts from Tuurangawaewae Marae to Haakarimata and Taupiri
- the management of significant risks from natural hazards within the slope residential area of the Havelock Precinct
- the management of significant risks from natural hazards within the mine subsidence risk area in Huntly
- the management of significant risks from stormwater and flooding effects (related to natural hazards and giving effect to Te Ture Whaimana)
- minimising reverse sensitivity effects of residential activities on industrial operations within the Havelock Precinct.

65. These new QMs were only proposed to apply within the footprint (or parts of the footprint) of the former Urban Fringe QM. The new QMs propose more targeted (and therefore lesser) restrictions on the MDRS in those areas. On this basis the Council submitted there was scope for these new QMs.⁴³ No party raised scope issues with the introduction of these new proposed QMs, although there were differing views on the merits of and proposed wording for these QMs. We address these matters in a later section of this decision report.

2.4.1.1 Finding

66. We are satisfied for the reasons stated in our Interim Guidance #1 and paragraph 62 above, that there is no scope to include the proposed Urban Fringe QM as it does not comply with the mandatory requirements of s.77L.

67. However we consider that there is scope to consider the new proposed replacement QMs as they all fall within the footprint of the former Urban Fringe QM and propose more targeted/lesser restrictions on MDRS in those areas. Accordingly, we assess the merits of these proposed new QMs in a later section of this decision.

2.4.2 Inclusionary zoning / affordable housing

68. Directions were sought by the Adare Company Ltd on the scope for relief related to inclusionary zoning / affordable housing and associated FC provisions sought by some submitters including:

⁴³ Council reply legal submissions, 29 September 2023, at [4].

Section #	Scope Issue	Finding
	(v) 14 and 16 Herschel Street, Ngaaruawaahia	Out of scope
	(vi) Greenfield land in Ngaaruawaahia	Out of scope
	(vii) King Street, Ngaaruawaahia	Part out of scope
	(viii) 2D Ellery Street, Ngaaruawaahia	Out of scope
	(ix) 99a Ngaaruawaahia Road and 18 Rangimarie Road, Ngaaruawaahia	Within scope
4.15	Pookeno special character as a QM	Out of scope

131. Matters that we determine as being clearly out of scope are not addressed further in this decision. Where the scope issue is not clear-cut, or there remains some uncertainty around scope (such as the *Waikanae* issue regarding activity status noted at paragraph 128 above), we have taken a conservative approach and ruled the matter within scope, so that the merits of the issue can be assessed in later parts of this decision.

4.1 MDRS - Raglan and Te Kauwhata

132. The Joint Opening Report identified that issues had been raised as to whether the Council had correctly applied the MDRS to all relevant towns.⁸⁸

133. In Var 3 as notified the Council had:

- a) applied the MDRS to the four towns of Huntly, Ngaaruawaahia, Pookeno and Tuakau through the creation of a new medium density residential zone (MRZ2); and
- b) not applied the MDRS to the towns of Raglan and Te Kauwhata, leaving these with the medium density zoning applied under the PDP but renaming the zone MRZ1.

134. There was generally no dispute that the towns of Huntly, Ngaaruawaahia, Tuakau and Pookeno⁸⁹ had been correctly identified as relevant residential zones.⁹⁰ However, Kāinga Ora and Ryman Healthcare Limited and Retirement Villages Association of New Zealand (Ryman/RVA) submitted that Raglan and Te Kauwhata also qualified as relevant residential zones. This was because, while both areas had a population of less than 5,000, they were areas that Council intended to become part of the “*urban environment*” as referenced in the Future Proof Strategy.⁹¹

⁸⁸ Joint Opening Report, at [5.4].

⁸⁹ Refer to the s.42A Report, 15 June 2023, at [89]-[96] for a summary of the reasons why these towns meet the definition of “relevant residential zone”.

⁹⁰ Acknowledging there were some lay submitters who opposed the MDRS being applied to each of the four towns.

⁹¹ Kāinga Ora (#106), RVA (#107) and Ryman (#108).

135. In their joint opening legal submissions,⁹² the councils noted that the MDRS is required to be applied to all “*relevant residential zones*”,⁹³ being all residential zones with the exception of:⁹⁴

- a) *a large lot residential zone:*
- b) *an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment:*
- c) *an offshore island:*
- d) *to avoid doubt, a settlement zone.*

136. The Council’s (individual) opening legal submissions did not address the specifics of this definition, but simply expressed the view that there was no scope for the Panel to include the MDRS in Raglan or Te Kauwhata as both of those towns had an MRZ1 zoning as a result of the PDP panel accepting a submission from Kāinga Ora.⁹⁵

137. The s.42A Report author did however subsequently provide a further explanation as to why the two towns did not qualify as “*relevant residential zones*”. In essence:

- a) Raglan and Te Kauwhata have populations less than 5,000;
- b) for areas with populations of less than 5,000 to qualify as “*urban environments*” they must meet both arms of the definition in s.77F;
- c) this requires that an area is or is intended to be:
 - i) *predominantly urban in character; and*
 - ii) *part of a housing and labour market of at least 10,000 people;*
- d) while both towns are intended to be predominantly urban in character:
 - i) *they are not part of a housing and labour market of at least 10,000 people (both being located in hinterlands some distance from Auckland and Hamilton);*
 - ii) *neither town is predicted to reach a population of 10,000 over the short, medium or long-term timeframes in the NPS-UD; and*
- e) the Future Proof Strategy classifies Raglan and Te Kauwhata as locations where urban development should be enabled but not as “*urban environments*” under the NPS-UD.

⁹² Joint opening legal submissions for the councils, 8 February 2023, at [6.10]-[6.15].

⁹³ RMA, s.77G(1).

⁹⁴ RMA, s.2(1).

⁹⁵ Council opening submissions, 10 February 2023, at [6.1(a)].

226. The s.42A Report author considered the submission was not within scope as:¹⁵⁴
- a) Var 3 did not rezone any properties from COMZ to MRZ2;
 - b) adjacent properties were not rezoned in Var 3; and
 - c) the adjacent owner/industrial zoned land could be denied the opportunity to participate given the change in zoning was not signalled in Var 3 as notified.
227. The s.42A Report author also provided reasons why the current zoning was more appropriate.¹⁵⁵
228. Mr Duncan, while appearing at the hearing, did not address this scope issue.

4.14.5.1 *Finding*

229. We accept, for the reasons given by the s.42A Report author (as summarised at paragraph 226 above), that there is no scope for this relief. We accordingly strike submission point #14.1 out.

4.14.6 Greenfield land in Ngaaruawaahia

230. Mr S Upton and Ms B Millar sought that extent of the greenfield residential zoning in Ngaaruawaahia under the PDP be reviewed in light of the greater density of housing that will be enabled in central Ngaaruawaahia by Var 3 (#32.1).
231. The s.42A Report author considered the request to be out of scope given the mandatory directive in s.77G to apply the MDRZ to relevant residential zones and because the property owners affected by this submission are wide ranging and have not been consulted.¹⁵⁶
232. Mr Eccles, (Principal Planner for Tonkin and Taylor) appeared and gave evidence for this submitter. In relation to scope, Mr Eccles opined that:¹⁵⁷
- a) if the geographic extent of residential zoning to which the MDRS applies is not yet resolved through the PDP process then there is scope for Var 3 to consider it; and
 - b) the Panel has the power to make recommendations going beyond the scope of submissions.
233. In response the s.42A Report author noted that determining the final extent of the residential zones in the PDP was for the Environment Court not this panel (for the reasons given by the Council in its February 2023 submissions).

¹⁵⁴ s.42A Report, 15 June 2023, at [154].

¹⁵⁵ s.42A Report, 15 June 2023, at [155].

¹⁵⁶ s.42A Report, 15 June 2023, at [159].

¹⁵⁷ Eccles, Statement of evidence, 27 July 2023, at [11]-[12].

234. The reply legal submissions of the Council also noted that the relief would be contrary to *Waikanae*¹⁵⁸ – presumably as it would go beyond what is included in the PDP.

4.14.6.1 *Finding*

235. We find that there is no scope for this relief for the reasons given by the Council (and summarised by us at paragraphs 231 and 233-234 above). The extent of the residential zoning in this area is a matter for the Environment Court under the PDP appeals. Accordingly, we strike out this submission point (#32.1) and do not consider it further in this decision.

4.14.7 King Street, Ngaaruawaahia

236. Dominion Developments Ltd sought a change of zoning for 26 King Street, and all the GRZ properties on King Street from GRZ to MDRZ2, or in the alternative a controlled activity process to enable MDRS in the GRZ (#66.1).

237. The s.42A Report author noted that the change of zoning related to the Urban Fringe QM and with the removal of that QM MDRZ2 would apply to those properties. In terms of the alternative relief the author considered it was outside the scope of Var 3 as it could apply to other locations within the GRZ.¹⁵⁹

4.14.7.1 *Finding*

238. We agree that the primary relief is addressed via the removal of the Urban Qualifying QM and no scope issue arises in that regard.

239. In terms of the alternative relief, we consider this goes beyond the scope of Var 3 since it would affect all GRZ – even those areas outside the defined urban environments. Accordingly, we strike out that part of the relief (#66.1).

4.14.8 2D Ellery Street, Ngaaruawaahia

240. Aaron Holland requested that all of 2D Ellery Street be rezoned from the current split MRZ/Industrial Zone to MDRZ2 (#104.1).

241. In response the s.42A Report author noted that:¹⁶⁰

- a) the property has had a split zoning in the ODP and the same zoning has been rolled over into the PDP;
- b) rezoning of industrial land is outside the scope of Var 3 as it is not a relevant residential zone and Var 3 did not rezone any such land; and
- c) natural fairness considerations arise for adjoining property owners.

¹⁵⁸ Council reply legal submissions, 22 September 2023, at [6(b)].

¹⁵⁹ s.42A Report, 15 June 2023, at [162]-[163].

¹⁶⁰ s.42A Report, 15 June 2023, at [168].

- iv) Mine subsidence risk area QM; and
- v) MRZ2 Flood Risk QM.
- c) Stormwater;
- d) Other matters comprising:
 - i) minimum vacant lot size, averaging and shape factor;
 - ii) Huntly Commercial Precinct – COMZ and TCZ;
 - iii) the railway safety setback; and
 - iv) retirement village provisions; and
- e) Rezoning requests comprising:
 - i) Horotiu West;
 - ii) 23A Harrisville Road;
 - iii) 111 Harrisville Road; and
 - iv) 99A Ngaaruawaahia Road and 18 Rangimarie Road.

281. We address each of these matters in turn in the sections that follow.

8.1 PDP QMs

282. With respect to the PDP's QMs Mr Ebenhoh noted that:¹⁸⁸

For the majority of qualifying matters, V3 carries forward the standards developed through the PDP process. The Enabling Housing Act allows Waikato DC to vary the MDRS to reduce the level of enabled development to the extent necessary to accommodate a qualifying matter. These standards, which in most cases are a setback between an important feature (for example wetland) or infrastructure with reserve sensitivity concerns (for example wastewater facilities), have been thoroughly tested through the PDP Schedule 1 process.

283. However, Counsel for Council reminded us that because we are considering a proposed plan variation, all QMs are to be considered new QMs under s.77I as s.77K (existing QMs) only applies to operative plan provisions.¹⁸⁹ Counsel identified the following QMs that are proposed to be incorporated from the PDP-Decisions Version:¹⁹⁰

- a) Te Ture Whaimana, the Waikato River, other waterbodies and margins;
- b) Areas of significant indigenous vegetation and significant habitat of indigenous fauna;
- c) Sites and areas of significance to Maaori;
- d) Historic heritage;
- e) Natural hazards;
- f) Infrastructure;
- g) Reverse sensitivity; and
- h) Notable Trees.

¹⁸⁸ Ebenhoh, Statement of evidence, 20 December 2022, at [81].

¹⁸⁹ Opening legal submissions, 10 February 2023, at [5.12].

¹⁹⁰ Opening legal submissions, 10 February 2023, at [5.15 – 5.8 (sic)]

8.1.1 Finding

284. We agree with the Council and note that evidence on the above proposed QMs was subsequently produced.
285. For any of these QMs that we do not address further in subsequent sections, we confirm that accept the Council's evidence and submissions on the necessity for and appropriateness of these QMs.¹⁹¹ We also accept, as the Council noted, that these QMs have been thoroughly tested through the PDP Schedule 1 process.

8.2 New / Additional QMs

8.2.1 Havelock Precinct QM

286. This matter was resolved through the 16 January 2024 consent order issued by the Environment Court as noted in section 7.2.1 above. We accept the Council's recommended provisions for the reasons noted in that section.

8.2.2 EPA QM

287. This matter was also resolved through the 16 January 2024 consent order issued by the Environment Court as noted in section 7.2.2 above. We accept that the EPA QM is no longer required for the reasons noted in that section.

8.2.3 Tuurangawaewae Marae Surrounds QM

288. The Tuurangawaewae Marae Surrounds QM was introduced in a submission by Council to protect the viewshafts from the Marae to areas which are matters of national importance under s.6(e) being Haakarimata Range and Taupiri Maunga. Mr Mansergh had analysed the effects of potential development provided for by Var 3, and the greater height proposed in submissions (but not pursued at the hearing) by Kāinga Ora. He recommended height, height in relation to boundary, and coverage standards to control these effects within a High Potential Effects Area close to the marae. He had also analysed the effects of individual buildings at greater distances from the Marae, within an area referred to as the Building Height Assessment Overlay Area.
289. The significance of the viewshafts between the matters of national importance and the Marae were emphasised in cultural evidence from Mr K Kukutai (cultural witness for Tuurangawaewae Marae) and Mr K Flavell (witness for Te Whakakitenga o Waikato) and supported by planning evidence from Mr G Boundy (principal consultant for GMD Consultants Ltd) for both parties. Mr Boundy acknowledged the scope issues with the principal relief sought detailed by Mr Mansergh but sought recognition of the Waikato awa as an equally important part of the cultural

¹⁹¹ As set out in the Council's s.32 Evaluation Report, s.42A Report relevant expert evidence and legal submissions.

(1) Activity status: PER Where: (a) Up to three residential units per site. <u>Note: This standard does not apply to 5851 5837 Great South Road Ngaaruawaahia.</u> <u>Advice Notes:</u> 1. <u>The relevant district-wide chapter provisions apply in addition to this chapter. Of particular relevance are the:</u> (a) <u>Water, Wastewater and Stormwater chapter</u> (b) <u>Earthworks chapter</u> 2. <u>A water, wastewater and/or stormwater connection approval from the network provider will be required. The presence of infrastructure that can service the unit(s) does not guarantee a connection will be possible and capacity is available to service new development.</u>	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Intensity of the development; and (b) Design, scale and layout of buildings and outdoor living spaces in relation to the planned urban character of the zone; (c) The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping; and (d) Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; and (e) Provision of 3-waters infrastructure to individual units; and (f) The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces; and (g) Where on-site car parking is provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces; and (h) <u>The effects on values held by mana whenua where:</u> i. <u>Sites contain or are adjacent to mapped archaeological sites, Sites and Areas of Significance to Maaori, Significant Natural Areas, Outstanding Natural Features or Outstanding Natural Landscapes; and/or</u> ii. <u>Sites are adjacent to marae or an Open Space Zone.</u> Notification <u>Any application for resource consent for four or more dwellings per site that comply with all of the standards in (MRZ2-S2 to MRSZ-S9) will be considered without public or limited notification.</u>
MRZ2-SIA	Residential unit within the QM for 5851 5837 Great South Road
(1) Activity status: PER Where: (a) <u>Up to one residential unit per site.</u>	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) <u>Intensity of the development; and</u>

	(b) <u>Design, scale and layout of buildings and outdoor living spaces in relation to the planned urban character of the zone;</u> (c) <u>The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping; and</u> (d) <u>Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; and</u> (e) <u>Provision of 3-waters infrastructure to individual units; and</u> (f) <u>The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces; and</u> (g) <u>Where on-site car parking is provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces.</u> (h) <u>Within QM-5851 5837 Great South Road effects on the values associated with the Site or Area of Significance to Maaori.</u>
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Appendix 7: Excerpts from relevant appeals

[Attached to cover email.]

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 310

IN THE MATTER OF an appeal under clause 14 of Schedule
One to the Resource Management Act
1991

BETWEEN SIMON UPTON
(ENV-2022-AKL-000030)
Appellant

AND WAIKATO DISTRICT COUNCIL
Respondent

AND MARK DE LAUTOUR
DEIDRE KIERNAN
PETER SEWELL
Section 274 Interested Parties

Court: Environment Judge S M Tepania sitting alone under s 279(1)(b)
of the Act

Last case event: 22 November 2024

Date of Order: 2 December 2024

Date of Issue: 2 December 2024



CONSENT DETERMINATION

Upton v Waikato District Council

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the zoning maps of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix A** to this Order;
- (2) Part 1: Introduction and general provisions / How the plan works / General approach of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix B** to this Order; and
- (3) Simon Upton's appeal allocated to Topic 1.1: Zoning - Ngaaruawaahia Topic 13.1: Urban residential development – Urban form and development is otherwise dismissed.

B: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Background

[1] This is an appeal by Mr Upton against parts of the decisions by Waikato District Council in respect of the Proposed Waikato District Plan (**PDP**). The relief sought in the appeal has been assigned to Topic 1.1: Rezoning – Ngaaruawaahia and Topic 13.1: Urban residential development – Urban form and development.

[2] Amendments were made to the PDP to adopt the National Planning Standards (**NPS**) which came into force after notification of the PDP. This resulted in the Residential Zone being renamed as the General residential zone (**GRZ**) and the Rural Zone being renamed to the General rural zone (**GRUZ**) in the decisions version of the PDP. For ease of reference, the decisions version provisions and zones are referred to in this Order.

Mr Upton's submissions

[3] Mr Upton is the owner of the property at 86 Saalbrey Road. He made a submission opposing the notified zoning of the following properties:

- (a) 32 Saalbrey Road (in part);
- (b) 46 Jackson Street;
- (c) 29C Rangimarie Road; and
- (d) 86 Saalbrey Road (in part).

[4] Mr Upton's submission sought to amend the zoning of the submission area to provide a clear urban boundary and transition from GRZ to GRUZ, given the notified location of the zone boundary did not reflect the 2017 Ngaaruawaahia Structure Plan. In particular, he sought:

- (a) part of 32 Saalbrey Road to be zoned GRUZ;
- (b) 46 Jackson Street in its entirety to be zoned GRUZ;
- (c) 29C Rangimarie Road in its entirety to be zoned GRUZ; and
- (d) part of 86 Saalbrey Road to be zoned GRUZ.

[5] The Council also lodged a submission seeking to amend the notified GRZ/GRUZ boundary on the basis that the notified location of the GRZ/GRUZ boundary was a mapping error.

[6] Mr Upton made a further submission on the PDP opposing Mark de Lautour's submission which sought to retain the notified GRZ zoning of 46 Jackson Street (**de Lautour property**).

[7] The decisions version of the PDP accepted Mr Upton's submission in part, rezoning Mr Upton's property from GRZ to GRUZ, including the northern tip of the property (which was not opposed by Mr Upton), and accepting Mr de Lautour's submission in full, retaining the GRZ zoning across the de Lautour property.

Mr Upton's appeal

[8] Mr Upton appealed the decision on 28 February 2022, seeking the following relief:

- (a) part of 32 Saalbrey Road be rezoned from GRZ to GRUZ;
- (b) 46 Jackson Street from be rezoned GRZ to GRUZ;
- (c) 29C Rangimarie Road be rezoned from GRZ to GRUZ; and
- (d) the northern tip of 86 Saalbrey Road be rezoned from GRUZ to GRZ.

[9] Mark de Lautour and Diedre Kiernan (jointly), and Peter Sewell gave notice of an intention to become a party to the appeal under s 274 of the Act. Mr Sewell is the owner of 32 Saalbrey Road.

[10] On 22 August 2024, Mr Upton filed a memorandum with the Court seeking to amend the appeal to reduce the extent of the appeal area, including the removal of 32 Saalbrey Road.

[11] The amended appeal sought the following relief:

- (a) Rezoning the entirety of the de Lautour property from GRZ to GRUZ and the northern tip of Mr Upton's property from GRUZ to GRZ.
- (b) In the alternative:
 - (i) that the entirety of the de Lautour property be rezoned from GRZ to:
 1. Large lot residential zone; or
 2. another residential zone, that allows lower density development than GRZ; or
 3. a combination of lower density residential zones that better reflect the environmental setting of the site and avoid

reverse sensitivity effects on adjoining established lawful rural activity; and

(ii) the northern tip of Mr Upton's property be rezoned from GRUZ to GRZ.

(c) In the further alternative, that development controls be added to the PDP in respect of the de Lautour property to achieve the following:

(i) an appropriate transition from residential to rural environments;

(ii) appropriate recognition of and response to the landform, landscape and natural features;

(iii) ensure compatibility of rural and urban development and activities; and

(iv) appropriate management of development near to watercourses and wetlands.

Agreement reached

[12] Representatives for Mr Upton, the Council, together with Mr de Lautour and Ms Kiernan attended Court-assisted mediation on 27 August 2024. Mr Sewell was excused from mediation as his property was not included in the amended appeal area. Following mediation, the parties engaged in further negotiations and have now reached agreement which will resolve the amended appeal in its entirety.

[13] The parties have agreed to:

(a) Amend the planning map to rezone the northern tip of Mr Upton's property from GRUZ to GRZ (shown as **Area 2** in the map below).

(b) Include the following statement within Part 1: Introduction and general provisions / How the plan works / General approach of the PDP:

Other matters outside of the District Plan, such as the presence of easements or restrictive covenants on a Certificate of Title, may also have an influence on the extent to which a particular activity (regardless of activity class set out below) can be undertaken on a site.

- (c) Retain the GRZ zoning across the de Lautour property (shown as **Area 1** in the map below).



Statutory Planning assessment

[14] A planning assessment was carried out in relation to the partial rezoning of the Area 2 from GRUZ to GRZ. The remaining parts of the agreement were not assessed on the basis that:

- (a) the agreed inclusion of the statement within the Introduction to the PDP is not a provision and, instead, makes plan users aware of the potential impacts of instruments on title; and
- (b) the GRZ zoning across Area 1 reflects the zoning decided by the Independent Hearing Panel.

[15] Area 2 consists of approximately 6,000 m². The area can be accessed from Rangimarie Road which services the existing residential area to the north. Area 2 is effectively severed from the rest of 86 Saulbrey Road by a stream along the southern side.

[16] The Council acknowledged that a residential zoning for Area 2 was appropriate both through the operative residential zoning of the District Plan and the proposed residential zoning in the notified PDP.

[17] The parties agree that rezoning Area 2 enables the residential use of land that is located within a residential area and is not suitable for farming purposes due to access constraints. The parties agree that this meets the relevant statutory planning requirements. Specifically:

- (a) The rezoning allows for an efficient use of resources that can contribute to promoting sustainable development that can positively impact on the social and economic well-being of Ngaaruawaahia. The rezoning is therefore considered to be consistent with the purpose of the Act.
- (b) The rezoning of Area 2 will contribute to enabling a well-functioning urban environment to establish within this part of Ngaaruawaahia. Specifically, the residential zone on this site provides for a more suitable land use outcome than rural given access constraints and the residential character of the area to the north. For these reasons it is considered that the rezoning is consistent with the overarching objective of the National Policy Statement on Urban Development which seeks to achieve well-functioning urban environments.
- (c) The rezoning of Area 2 will give effect to the Waikato Regional Policy Statement (WRPS) including Plan Change 1 on the basis that Area 2 is located within an area that has existing access to infrastructure services and can therefore be effectively integrated. Furthermore, any potential land use conflicts can be avoided on the basis that the land to the north is already zoned for residential purposes. These outcomes give effect to UFD-O1 and UFD-P2 of the WRPS.

(d) The residential zoning of Area 2 is consistent with:

- (i) The Future Proof Strategy 2020;
- (ii) Waikato 2070;
- (iii) Waikato Blueprint – Ngaaruawaahia;
- (iv) The Ngaaruawaahia Structure Plan of March 2017; and
- (v) The Ngaaruawaahia Structure Plan of October 2024.

[18] Based on the above, the parties agree that the rezoning of Area 2 from GRUZ to GRZ meets the relevant statutory tests.

Section 32AA assessment

[19] Section 32AA of the Act requires a further evaluation of any changes to the proposed plan change since the initial s 32 evaluation report and the decision.

[20] The only zoning change is to rezone the northern tip of 86 Saalbrey Road from GRUZ to GRZ. It is considered that a further evaluation of this rezoning is not required as:

- (a) both the operative District Plan zoning and the notified PDP zoning for this property is/was Residential; and
- (b) the scale and significance of the change is low given it involves a small area of land of some 6,000 m².

[21] The agreed inclusion of the statement within the Introduction to the PDP does not require a s 32AA analysis given that it is not a provision.

[22] Similarly, the GRZ zoning across 46 Jackson Street does not require a s 32AA analysis as it reflects the zoning decided by the Independent Hearing Panel.

Consideration

[23] In making this order the Court has read and considered:

- (a) the notice of appeal dated 28 February 2022;
- (b) the memorandum of the appellant seeking to amend the appeal to reduce the extent of the appeal area dated 22 August 2024; and
- (c) the joint memorandum dated 22 November 2024.

[24] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[25] The Court is satisfied that the changes sought are within the scope of the appellant's submissions and appeal.

Order

[26] Therefore, the Court orders, by consent, that:

- (a) the zoning maps of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix A** to this Order;
- (b) Part 1: Introduction and general provisions / How the plan works / General approach of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix B** to this Order; and
- (c) Simon Upton's appeal allocated to Topic 1.1: Zoning - Ngaaruawaahia Topic 13.1: Urban residential development – Urban form and development is otherwise dismissed.

[27] Under s 285 of the Act there is no order as to costs.

A handwritten signature in blue ink, appearing to read 'S M Tepania', written over a horizontal line.

S M Tepania

Environment Judge | Kaiwhakawā, Te Kōti Taiao



Appendix A – Amended zoning map for 86 Saulbrey Road, Ngaaruawaahia



Appendix B – Proposed addition to Introduction on Chapter 1 of the Waikato PDP (decisions version)

Part I: Introduction and general provisions / How the plan works / General approach

General approach

Categories of activities

Rules determine whether resource consent is required for a particular activity. The Resource Management Act 1991 provides categories of permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities for every land use or subdivision. The following table shows the order and summarises the meaning of these categories.

Other matters outside of the District Plan, such as the presence of easements or restrictive covenants on a Certificate of Title, may also have an influence on the extent to which a particular activity (regardless of activity class set out below) can be undertaken on a site.

Is resource consent required?	Activity status abbreviation	Activity class	Comments
No consent required	PER	Permitted	No resource consent is required. However, approvals may be required under other legislation, such as a building consent under the Building Act or a resource consent under the provisions of the Waikato Regional Plan.
Consent required	CON	Controlled	The Council must grant consent. Consent conditions may be imposed on matters over which control is reserved, as listed in the rule table. The Council may refuse to grant a controlled activity subdivision if the provisions of s106 of the Resource Management Act apply.
	RDIS	Restricted discretionary	The Council may grant or decline consent. Assessment of the application is restricted to matters over which discretion is restricted in the rule table. If granted, the Council may impose conditions on the consent, but only for those matters over which discretion is restricted.
	DIS	Discretionary	The Council may grant or decline consent. The consent may be granted with or without conditions. The Council will assess the application on the full range of matters without limitation.

	NC	Non-complying	The Council may grant or decline consent. The application can only be granted if Council is satisfied that the requirements of s104D of the Resource Management Act are met. If the consent is granted it may be granted with or without conditions. The application will be assessed on a full range of matters without limitation.
No consent possible	PR	Prohibited	No application can be made for a prohibited activity and Council must not grant a consent.

BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND ENV-2022-AKL-0000
AUCKLAND REGISTRY
I MUA I TE KOOTI TAIAO O AOTEAROA
TAMAKI MAKAUROU ROHE

In the Matter	of the Resource Management Act 1991 (Act)
And	
In the Matter	of an appeal under clause 14 of the First Schedule of the Act with respect to decisions on the Proposed Waikato District Plan
Between	Blue Wallace Surveyors Limited
	Appellant
And	Waikato District Council
	Respondent

**Notice of Appeal against Decisions on the Proposed Waikato District Plan on
behalf of Blue Wallace Surveyors Limited**

Dated 1 March 2022

To The Registrar
 Environment Court
 Auckland

1. Blue Wallace Surveyors Limited (**BWSL**) appeals against part of a decision of the Waikato District Council (**WDC**) on the Proposed Waikato District Plan (**PWDP**).
2. BWSL is a Hamilton based firm of surveyors, engineers, and planners with over 20 years' experience in land development matters within the Waikato region. BWSL has a particular interest in resource management planning and land development throughout the district and has proactively engaged with the residential provisions of the PWDP.
3. BWSL made a submission on the Proposed Plan (Submitter number 662), and a Further Submission (FS1287).
4. BWSL presented evidence to the PWDP in support of the further submission.
5. BWSL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. BWSL received notice of the decision on 17 January 2022.
7. The decision was made by WDC to reject BWS further submission which was in support of submission 978 that was prepared by Brian Nabbs and Margaret Forsyth.
8. The parts of the decision that BWSL is appealing against are:
 - a. The decision of WDC to assign Maori Sites Of Significance (MSOS) and Maori Areas Of Significance (MAOS) over contested private land which has not been subject to a balanced evaluation in regard to the level of significance.
 - b. The decision to place restrictive policy overlays over private properties which will have a significance economic disadvantage to the landowner.
 - c. The decisions impact on a pre-determined MSOS annotation needs to be taken in to account in regard to a feature's level of significance and the consequential

effect on future development of the site and its land use zoning.

- d. In particular, but without limitation:
 - i. Part 4, Schedule 3, ID 294 (relating to 5851 Great South Road, Ngaaruawaahia).
 - ii. The identification of 5851 Great South Road, Ngaaruawaahia, property ID 1004594 as a MSOS (Site or Area of Significance to Maaori) on the planning map (per Figure 5, page 17, Decision Report 7).
 - iii. Part 2, Objective SASM-O2; Part 2, Policy SASM-P1; Part 2, Rules SASM-R1, SASM-R4, and SASM-R5.

Grounds of Appeal

- 9. BWSL's grounds for appeal include:
 - a. BWSL's submission:
 - i. BWSL do not agree that it is appropriate to pre-determine a level of cultural significance for a site until a collaborative and robust archaeological and cultural evaluation has been undertaken based on all relevant considerations.
 - ii. All relevant environmental, cultural and landowner considerations need to form a balanced evaluation prior to a MSOS annotation being placed on private properties.
 - iii. BWS seek that MSOS annotations are not applied to private land without a preceding balanced evaluation and that consensus has been reached between the private landowner, an independent archaeologist and mana whenua.
 - b. The decision found that:
 - i. The definition of MAOS and MSOS included in the PDP and the reliance on the spatial identification of sites and descriptions in SCHED 3 – Sites

and areas of significance to Maaori is appropriate.

- ii. The approach to include all MAOS and MSOS on the PWDP Planning Maps and Schedule 3 is appropriate as it ensures clarity for all users of the PWDP.
 - c. The decision to include the MSOS policy overlay in a 'blanket' fashion over all contested private land will not appropriately give effect to all applicable higher order planning instruments in that the policy overlay will significantly constrain land that has been purposefully zoned for urban development. In this regard the RMA, including s32 and 72-76.
 - d. It is appropriate that where a MSOS or MAOS is contested that the landowner should be able to seek a further balanced assessment or evaluation prior to a significant and restrictive planning annotation be placed on their private property and that such an assessment needs to be taken at the time of a development proposal is being applied to the site.
 - e. The effect of the MSOS and MAOS overlay on private land owner rights
 - i. BWS consider that, in a wider sense, annotating MSOS on private land has the potential to carry with it a significant economic and financial burden to landowners. In the first instance, such a burden needs to be appropriately established and delineated with a degree of accuracy prior to being demarcated on private property.
 - ii. BWS acknowledge the importance in protecting the Waikato District's significant heritage and cultural resources; however, such protection requires a balanced evaluation, and thus calibrated against a number of variable elements. Such considerations would assist in determining the level of 'significance' or 'interest' associated with a site; as well as to provide weight to considerations or recommendations that may have been previously recorded against the Site through on-site archaeological investigations provided by the NZAA and landowner.
10. More generally, in addition to the reasons given above, the decision to decline the relief sought in BWSL's submission:

- a. Fails to promote the sustainable management of the natural and physical resources WDC's district and does not achieve the purpose of the Act;
 - b. Is contrary to Part 2 and other provisions of the Act; and
 - c. Does not provide for the reasonably foreseeable needs of future generations.
11. Adoption of the relief sought by BWSL would be appropriate because:
- a. It would assist WDC to carry out its functions so as to achieve the purpose of the Act;
 - b. It would appropriately implement the PWDP policies in an efficient and effective way whilst also balancing competing interests.
 - c. It would give effect to the relevant higher order documents including the National Policy Statement on Urban Development 2020 and the Waikato Regional Policy Statement in enabling development in tier 1 Territorial Authorities such as Waikato District.
 - d. It accords with the National Planning Standards; and
 - e. The submissions lodged by BWSL promote the sustainable management of the natural and physical resources of the Waikato District and does not offend any matters of national importance in sections 6, 7, and 8 of the Act.

Relief Sought

12. BWSL seeks the following relief:
- a. That the decisions to decline the relief sought by BWSL be reversed;
 - b. That the relief sought in BWSL's submission be accepted by either:
 - i. The removal of the MSOS policy overlay over contested Sites; or
 - ii. The deferral of the MSOS over contested Sites until such a time as a thorough assessment of archaeological and cultural effects has been undertaken.

- c. That ID 294 relating to 5851 Great South Road, Ngaaruawaahia), and the associated descriptions and explanations, be removed from Part 4, Schedule 3 (Sites and Areas of Significance to Maaori);
- d. That the site at 5851 Great South Road, Ngaaruawaahia, property ID 1004594 not be identified as a SASM (Site or Area of Significance to Maaori) on the planning map (per Figure 5, page 17, Decision Report 7);
- e. That Part 2, Objective SASM-O2, be amended as follows:

*The connections between tangata whenua and their ancestral lands, water, sites of significance, waahi tapu, other taonga and taonga species are **recognised**, protected or enhanced, **with such recognition, protection, or enhancement to have regard to the nature and extent of the site and that connection.**;*

- f. Part 2, SASM-P2.

*(1) Ensure subdivision, use and development does not compromise, **or gives appropriate recognition to**, the cultural and spiritual significance of areas, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora and fauna. ;*

*(2) Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are **recognised, or** protected from adverse effects of development or activities on those sites **where such protection is appropriate having regard to the nature and extent of the site.**;*

- g. Part 2, SASM-R1.

That **“(v) Archaeological investigations”** is added under PER activity status.;

- h. Part 2, SASM-R4.

That **“taking into account the nature of the site and the nature and extent of any claimed cultural connection”** is added after RDIS (b);

- i. Part 2, SASM-R5.

That **“taking into account the nature of the site and the nature and extent of any claimed cultural connection”** is added after RDIS (b);

- j. Any other similar, consequential, or other relief as is necessary to address the issues raised in BWSL’s appeal; and
- k. Costs.

13. The following documents are attached to this notice:

- a. A copy of BWSL’s Further submission and Tabled Evidence on the Proposed Plan **(Attachment A)**;
- b. A copy of the relevant part of the decision **(Attachment B)**; and
- c. A list of names and addresses of the persons to be served with a copy of this notice **(Attachment C)**.

Signature:

Blue Wallace Surveyors Limited



Tim Lester

Date:

1 March 2022

Address for service:

PO Box 38
25 Harwood St
Hamilton 3240

Mobile:

021 993223

Email:

tim.lester@bluewallace.co.nz

Note to appellant*Appeals other than in relation to freshwater planning instruments*

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B) of the Act, may consider only the question of law raised.

Notes for all appeals

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Act.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.

Appendix A

Further Submission Form

In support of, or in opposition to,

Proposed Waikato District Plan - Stage 1

Clause 8 of Schedule 1, Resource Management Act 1991

ECM Project: DPRPh5-04
ECM #
FS #
Customer #
Property #

Closing date for further submissions: 9am on Monday 27 May 2019

To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

1. Further Submitter details: (mandatory information)	
Full name of individual/organisation making further submission:	Blue Wallace Surveyors Ltd
Contact person (if different from above)	Tim Lester
Email address for service	tim.lester@bluewallace.co.nz
Postal address for service	PO Box 38, Hamilton 3240
	Postcode: 3240
Preferred method of contact	☒ Email ☐ Post
Phone numbers	Daytime:
	Mobile: 021 993223
Correspondence to	☐ Submitter ☒ Contact person ☐ Both

2. Eligibility to make a further submission (for information on this section go to RMA Schedule 1, clause 8)
I am:
☒ A person representing a relevant aspect of the public interest; In this case, also specify below the grounds for saying that you come within this category; or
☒ A person who has an interest in the proposal greater than the interest that the general public has. In this case, also specify below the grounds for saying that you come within this category; or
My reasons for selecting the category ticked above are:
Land Development professional service provision

3. Request to be heard at a hearing
☒ Yes, I wish to be heard at the hearing in support of my further submission; or
☐ No, I do not wish to be heard at the hearing in support of my further submission

4. Joint submission
If others make a similar submission, I will consider presenting a joint case with them at the hearing
☒ yes ☐ no

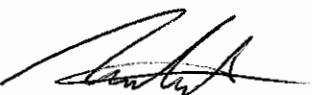
5. Checklist for further submission being made

- ☒ I have filled in the table on the next page with details of my further submission.
- ☐ I have added 21 further pages/sheets that form part of my further submission.
- ☒ I understand that I am responsible for serving a copy of my further submission on the original submitter(s) within 5 working days after it is served on Council.

6. Signature of further submitter (a signature is not required if you make your submission by electronic means)

Signature of further submitter (or person authorised to sign on their behalf)

Signature: _____



Date: _____

14/7/2019

(type name if submitting electronically)

7. Return this form no later than 9am Monday 27 May 2019 by:

- Delivery to any Waikato District Council office or library
- Post to Waikato District Council, Private Bag 544, Ngaruawahia 3742
- Email to districtplan@waikato.govt.nz

8. Important notes to person making a further submission:

A. Content of further submission

A further submission must be limited to a matter in support of, or in opposition to, an original submission.

A further submission cannot introduce new matters that were not raised in original submissions.

Please note that your further submission (or part of your further submission) may be struck out if the authority is satisfied that at least one of the following applies to the further submission (or part of the further submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the further submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

B. Serving a copy of your further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on Council.

C. Privacy Information

Council will make all further submissions, including name and contact details, publicly available on Council's website. Personal information will also be used for the administration of the submission process and will be made public.



Blue Wallace Surveyors Ltd.

Our Ref: 18067

Client: Blue Wallace Surveyors Ltd

16 July 2019

Waikato District Plan Review Team

Waikato District Council

Private Bag 544

Ngaruawahia 3742

New Zealand

Murray Wallace B.Surv., MNZIS

Tony Tynan B.Surv., MNZIS

25 Harwood Street, Hamilton 3204

PO Box 38, Hamilton 3240

Ph: 07 839 7799

Fax: 07 839 4455

www.bluewallace.co.nz

- Registered Land & Engineering Surveyors
- Land Development Consultants
- Resource Management Planners
- Members of the Consulting Surveyors of New Zealand
- Registered Professional Surveyors

Phone 07 839 7799

Transmittal via e-mail: districtplan@waidc.govt.nz

Attention: District Plan Review Team

RE: Further Submission by Blue Wallace Surveyors Ltd on the Proposed Waikato District Plan

To Whom it may concern,

Please find attached a Further Submission lodged by Blue Wallace Surveyors Ltd (original Submitter No. 662) in regard to the notified Proposed Waikato District Plan (PWDP).

Submitter details are as follows:

Organisation	Blue Wallace Surveyors Ltd
Attention	Tim Lester
Email	tim.lester@bluewallace.co.nz
Phone No.	021993223
Postal Address	PO Box 38, Hamilton 3240
I am not a person who could gain an advantage in trade competition through this submission.	
I wish to be heard	Yes

Blue Wallace Surveyors Ltd (Blue Wallace) is a Hamilton based firm of Surveyors, Engineers and Planners with over 20 years' experience in land development matters within the Waikato Region.

Blue Wallace deals primarily with resource management planning, land development engineering design and cadastral surveying to private individuals, local body authorities, companies and developers.

Blue Wallace has had a close working relationship with the Waikato District Council – particularly in the areas of subdivisions in the District. As a consequence, we feel that it is important to be meaningfully engaged with the PWDP development so as to provide our perspective on current and future subdivision and land use regulation in the Waikato District.

As a result of Blue Wallace's land development interest in the district, the following set of PWDP further submissions have been prepared for Council's consideration.

Blue Wallace (original Submitter No. 662) has provided a number of specific submissions which relay support, support in part, or opposition to the notified draft provisions of the PWDP. Such submissions reflect our own professional judgement on land development matters, as well as being reflective of the commercial reality of land development that ensure that we can act as efficiently and effectively as possible for our broad range of Clients.

Whilst each of the submission points are self-explanatory in their reasons and decisions sought, we contend a more detailed reasoning to the decisions sought can, and will, be provided during the hearing phase of the process; hence, Blue Wallace wish to be heard in support of the submissions below.

Any conformation of the points raised in the submission below can be made to Blue Wallace Surveyors Ltd via tim.lester@bluewallace.co.nz.

Regards



Tim Lester

For Blue Wallace Surveyors Ltd

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
Kewwa Low Geotec Low Ltd	klow@xtra.co.nz	45	1	Support	The Submitter agrees with the point that the proposed rezoning of the land located at 2044 River Road to Rural will have an isolated and 'unfair' economic impact on the landowner without any identified beneficial environmental outcome for the Site or surrounding areas (which is dominated by Rural Residential land use).	Blue Wallace seek that Council accept the submission point and retain the property's Country Living Zone status in the PDP.
Gary McMahon	mahoon@xtra.co.nz	50	1	Support	The Submitter agrees with this point as it is consistent with the Blue Wallace Surveyors Ltd (BWS) submission and provides necessary flexibility for appropriate development within the Country Living Zone.	Blue Wallace seek that the submission point be allowed in full.
Waikato Regional Council	Lisette.balsom@waikatoregion.govt.nz	81	143	Support	The submission point shares the view of the Submitter that the objective is appropriate to guide development.	Blue Wallace seek that the submission point be allowed in full.
Waikato Regional Council	Lisette.balsom@waikatoregion.govt.nz	81	166	Oppose	The submission point is opposed as the Submitter contends the prohibition of land for subdivision is too	Blue Wallace seek that the submission be rejected, and a

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
					heavy handed. It is considered that a co-operative approach would be more appropriate, and a more equitable solution could be developed.	more appropriate compromise be implemented.
Waikato Regional Council	Lisette.balsom@waikatoregion.govt.nz	81	167	Oppose	This will further restrict the ability for farmers to be able to retain rural lifestyle following retirement (succession planning). The 20ha area is considered to be appropriate.	Blue Wallace seek that the submission point be declined in full.
Waikato Regional Council	Lisette.balsom@waikatoregion.govt.nz	81	173	Oppose	The submitter opposes this submission point as it will increase the lot size requirement and restrict farmers ability to retain rural lifestyle following retirement (i.e., succession planning). The 20ha area is appropriate.	Blue Wallace seek that the submission point be rejected and the current 20ha area be retained as written.
Martin Lynch	mslynch@xtra.co.nz	161	1	Support	BWS agrees with this point in that rezoning the property located 2044 River Road from Country Living to Rural is illogical in consideration of the surrounding rural-residential environment. Further, by rezoning the land to Rural in the PDP, reverse	Blue Wallace seek that Council accept the submission point and retain the property's Country Living Zone status in the PDP.

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					sensitivity effects will ensue on established rural residential land use surrounding the Site.	
Martin Lynch	mslynch@xtra.co.nz	161	2	Support	The Submitter supports this point as prohibiting subdivision in the Country Living Zone UEPA is unreasonable given that provision for future urbanisation can still be provided at the subdivision stage of development. The Submitter seeks that provision for Subdivision in the UEPA is provided for, albeit with an expectation that a higher density concept plan is approved as part of the assessment process.	That Council accept the submission point and provide a mechanism to be able to subdivide Country Living Zone Land contained within the UEPA.
Katherine Wilson (Property Council New Zealand)	rona@propertynz.co.nz	198	7	Support	This submission point shares the view by Blue Wallace, in that the dwelling quantum set by this objective is too rigid and greater consideration should be given to market demand.	That the submission be accepted by Council.
EnviroWaste New Zealand Ltd	jeremyt@barker.co.nz	302	44	Support	The Submitter supports this submission point as it acknowledges that non-rural	Blue Wallace seek that the submission point

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					activities can be provided within the rural zone in appropriate instances.	be accepted in full.
EnviroWaste New Zealand Ltd	jeremyt@barker.co.nz	302	31	Support	The Submitter supports this submission point as it recognises that there is environmental benefit to extending significant areas of vegetation and this should be acknowledged in the District Plan.	Blue Wallace seek that the submission point be allowed in Full.
Metro Planning Ltd	brian@metroplanning.co.nz	312	2	Support	The Submitter supports the submission point requesting the activity status be converted to noncomplying, as the prohibition of subdivision is unnecessarily heavy handed by Council and precludes collaboration.	Blue Wallace seek that the submission point be allowed in full.
Gwyneth & Barrie Smith	neil@subdivision.co.nz	332	9	Support	The Submitter supports this submission point, as it acknowledges that the prohibition of subdivision is too heavy handed. The submitter also supports the replacement of the term 'lot' with 'record of title'.	Blue Wallace seek that the submission point be allowed in full.
Auckland Council	unitaryplan@aucklandcouncil.govt.nz	372	19	Oppose	The submission point is opposed as the Submitter contends the prohibition of	Blue Wallace seek that the submission be

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
					land for subdivision is too heavy handed. It is considered that a co-operative approach would be more appropriate, and a more equitable solution could be developed.	rejected, and a more appropriate compromise be implemented.
Alan Bekhuis	alan@casedimage.com	396	1	Oppose	The Submitter opposes this submission point as topographical constraints and slope do not necessarily prevent development at a residential density. Points made in the submission relating to transportation are noted; however, a comprehensive Traffic Impact Assessment can be provided for any future residential development whereby connections to the wider transportation network can be assessed and provided for based on merit. In providing a rural-residential 'belt' to the south-east of the Ngaruawahia Township will restrict population growth and expectation that could	Blue Wallace seek that Council reject the submission point – and retain the proposed residential zoning to the south-east of Rangimarie as currently notified in the PDP.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					be provided for one of the Waikato Districts key growth areas.	
Heather Perring (BTW)	info@btw.nz	445	4	Support	The Submitter supports this submission point to the extent that it acknowledges more flexibility is required considering that the future proof strategy is subject to change after 2017.	Blue Wallace seek that the submission be allowed in full.
Perry Group Limited	aaron.collier@aurecongroup.com	464	1	Support	This submission point is supported for the following reasons: - It identifies that flexibility is needed when considering future growth areas. - Future Proof will be subject to future amendments. - There are other relevant documents to guide development in the district - Growth should not be restricted to within towns.	Blue Wallace seek that the submission be supported in full.
CKL	andrew.wood@ckl.co.nz	471	44	Support	The Submitter supports this submission point in principle, as it is substantively similar to the Blue Wallace submission point and acknowledges that it is not always practical to follow a	Blue Wallace seek that the submission point be allowed in full.

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					grid layout. The less definitive wording is more appropriate than how it is currently worded.	
CKL	andrew.wood@ckl.co.nz	471	2	Support	The Submitter supports this submission point as it is appropriate for accessways to be included as a permitted activity considering that they are inherent to subdivision development.	Blue Wallace seek that the submission point be allowed in full.
Anna Noakes	noakesa@gmail.com	524	43	Support	This submission point shares the view of the Submitter that the objective is suitable and should be retained.	Blue Wallace seek that the submission point be allowed in full.
Lance Vervoort (Hamilton City Council)	laura.galt@hcc.govt.nz	535	77	Oppose	BWS does not consider that the Hamilton City Council submission point is accurate when stating that a prohibited activity status is imperative in the UEPA to ensure that the objectives and policies are achieved. Similar to urban expansion areas within Hamilton City (i.e., Peacockes Stage 2) the provision of a concept plan addressing future integration with impending urbanised land use can, and should be	Blue Wallace seek that the point is rejected based on a more considered planning solution that will rationalise both parties' interests.

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					considered as a sensible approach to development in the PDP urban expansion areas opposed to a catch-all prohibited 'space saving' approach. A more appropriate and equitable planning solution for development in the UEPA is that of collaboration between landowners and affected parties (i.e., HCC) to achieve mutually beneficial outcomes.	
Lance Vervort (HCC)	laura.galt@hcc.govt.nz	535	12	Oppose	The Submitter appreciates the submitters support for this objective; however, the Submitter contends that mapping areas would require an extensive planning process and may place unnecessary restrictions on land not identified in these mapped areas. The Submitter suggests that the objective as written is appropriate and that lower-level consent assessments will be appropriate to determine the suitability of growth areas.	That the second portion of this submission point which specifically references adding tables, maps and growth areas, be declined by Council.

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
Hamilton City Council	laura.galt@hcc.govt.nz	535	72	Oppose	The submission point is opposed as the Submitter contends the prohibition of land for subdivision is too heavy handed. It is considered that a co-operative approach would be more appropriate, and a more equitable solution could be developed.	Blue Wallace seek that the submission be rejected, and a more appropriate compromise be implemented.
Transpower New Zealand Ltd	pauline.whitney@boffamiskell.co.nz	576	49	Support (in part)	The Submitter supports in part this point as it is agreed, the absolute nature of the wording.... within Section 1.4.3.2(b) that "Non-rural activities must occur in towns, villages and defined growth areas, and the expansion of such areas should be managed so that adverse effects on rural areas are minimised."	
Terry Withers	john@planmanconsultants.co.nz	598	10	Support	This submission point shares the view of the Submitter that the objective is suitable and should be retained.	Blue Wallace seek that the submission point be allowed in full.
Michael Draper	ms.draper@xtra.co.nz	608	1	Support	BWS support this submission point as it confirms the	Blue Wallace seek that Council

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
					intent of rezoning land to residential to the north of the Ngaruawahia Township.	accept this submission for the reasons provided in the initial submission.
Paul Liddle	26 King Street Ngaruawahia 3720	665	1	Support	The Submitter supports this submission point as it confirms the intent of rezoning land to residential to the north of the Ngaruawahia Township.	Blue Wallace seek that Council accept this submission for the reasons provided in the initial submission.
Bruce Stirling	20 Starr Road Ngaruawahia 3791	674	1	Support	BWS support this submission point as it confirms the intent of rezoning land to residential to the north of the Ngaruawahia Township.	Blue Wallace seek that Council accept this submission for the reasons provided in the initial submission.
Federated Farmers of New Zealand	plemiere@fedfarm.org.nz	680	234	Support	BWS support this point in that it is agreed that a prohibited activity status for rural zone subdivisions is unduly restrictive – and hence does not enable (or even consider that) a proposed development to be assessed on its merit.	BWS seek that this submission point is accepted by Council.

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
Sharp Planning Solutions Ltd	sharp.k19@gmail.com	695	145	Support	The Submitter considers that this point appropriately advises users of the district plan that demographic changes (i.e., growth) are not constant – but rather are subject to population ‘spikes’ that cannot be accurately forecast.	Blue Wallace seek that Council accept the submission point.
Sharp Planning Solutions Ltd	sharp.k19@gmail.com	695	155	Support	The Submitter supports this point to the extent that provision for uneven population growth should be provided across the Waikato District. The Submitter supports an increase in growth in the Taupiri Township given the effect that the Huntly bypass section of State Highway 1 will have on the transportation dynamic of the area (i.e. decrease in traffic associated with the re-routed SH1).	The Submitter seeks that Council accept this submission point – and further, that additional consideration be provided to increasing residential development capacity in an around the Taupiri Township to account for uneven population growth, as well as the effect of the SH1 Huntly bypass.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
Sharp Planning Solutions	sharp.k19@gmail.com	695	170	Support	The submitter supports this submission point to the extent that it creates consistency between other Councils and will allow for housing greater housing choice.	Blue Wallace seek that the submission point be accepted in full.
Waikato District Council	will.gauntlett@waidec.govt.nz	697	560	Oppose	The Submitter considers that undersized lots can be appropriate in certain instances so opposes the definitive nature of this submission point. The amendment sought by Blue Wallace will provide appropriate flexibility in subdivision design.	Blue Wallace seek that the submission point be rejected.
Eastside Heights Ltd (c/- CKL)	jade.shepherd@ccl.co.nz	699	1	Support	The Submitter agrees that retaining the residential land use zoning of the properties specified will facilitate orderly and well managed urban growth in the Huntly township	Blue Wallace seek that Council accept the submission point for the reasons specified.
Sue Robertson Tamahere Community Committee	tamaherecommunitycommittee16@gmail.com	724	15	Support	The Submitter supports this point as it corresponds with our initial submission. A smaller rural-residential allotment should be provided for so as to allow	Blue Wallace seek that Council accept the submission point in its entirety.

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					flexibility for farm succession planning (i.e., a smaller rural residential allotments for retiring farmers). An 8,000m ² minimum allotment is neither practical from a farming (productivity) or lifestyle perspective.	
New Zealand Transport Agency (NZTA)	kim.harriscottle@nzta.govt.nz	742	18	Oppose	BWS does not support the broad-scale amendment sought by this submission point to defer or withdraw the 'Live' zoning from the PDP planning maps. The reasons for the point – whilst acknowledged by the Submitter - do not recognise that development within the proposed zones will be subject to robust Transportation Impact Assessments that will involve meaningful consideration of the State highway network as appropriate. The degree of relief sought by the submission point will undermine areas whereby integration of the surrounding and wider transportation network can	The Submitter seeks that Council reject this submission point due to its broad over-reaching coverage across the district, as well for its ambiguity in regard to and within the district that can appropriately integrate with the surrounding State highway network.

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					readily be achieved (i.e., Taupri post SH1 Huntly bypass commissioning).	
Kim Harris-Cottle (NZTA)	kim.harriscottle@nzta.govt.nz	742	20	Support (in part)	The Submitter supports this submission point to the extent that it promotes higher density development. This will contribute to creating a compact urban form.	Blue Wallace seek that Council allow the portion of the submission point that refers to higher density development.
Kim Harris-Cottle (NZTA)	kim.harriscottle@nzta.govt.nz	742	84	Support	The Submitter supports this submission point as artificial and managed watercourses should not be put through the same restrictive requirements as natural water courses. Defining a 'watercourse' will help to distinguish these water bodies.	Blue Wallace seek that the submission point be allowed in full.
NZTA	kim.harriscottle@nzta.govt.nz	742	231	Oppose	The Submitter opposes this submission point to the extent that it supports the 60m road frontage. It is considered that the 60m width is superfluous and other means would be better used to maintain road safety.	Blue Wallace seek that the submission point be rejected.
The Surveying Company	leigh@subdivision.co.nz	746	108	Support (in part)	The Submitter supports this submission point to the	Blue Wallace seek that Council

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					extent that it promotes higher density development in appropriate locations. This will contribute to creating a compact urban form.	accept the submission point to the extent that it refers to higher density development.
The Surveying Company	leigh@subdivision.co.nz	746	96	Support (in part)	The Submitter partially supports this submission point as it acknowledges that a grid layout may not always be the most appropriate road design.	Blue Wallace seek that the point be allowed in part where it suggests amending the policy.
The Surveying company	leigh@subdivision.co.nz	746	97	Support	The Submitter supports this submission point as it promotes smaller lots sizes around existing centres as they represent an appropriate area for intensification.	Blue Wallace seek that the submission point be accepted in full.
The Surveying Company	leigh@subdivision.co.nz	746	116	Support	The Submitter supports this submission point as it acknowledges that rural activities need a larger permitted earthworks volume. 500m ² is a more suitable volume.	Blue Wallace seek that the submission point be allowed in full.
Madsen Lawrie Consultants	ben@madsen-lawrie.co.nz	838	17	Support	Blue Wallace agrees with this point as it is consistent with the BWS submission and provides necessary flexibility	Blue Wallace seek that the submission point be allowed in full.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
					for appropriate development in the Country Living Zone.	
Waikato District Health Board	Richard.Wall@waikatodhb.health.nz	923	68	Support	The submission point shares the view of the Submitter that the objective is appropriate to guide development.	Blue Wallace seek that the submission point be accepted in full.
Brian Nabbs and Margaret Forsyth	brian@briannabbs.co.nz	978	1	Support	BWS agree with the submitter that further archaeological assessment needs to take place before cultural significance certainty can be applied to the property.	Blue Wallace seek that the submission point is accepted – and the at the cultural significance notation on the PDP Planning Map is removed and not reapplied until the significance is confirmed.



15 July 2020

**Waikato District Plan Hearings Committee
Waikato District Council
Private Bag 544,
Ngaruawahia 3742
New Zealand**

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- Registered Professional Surveyors

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Dear Sir/Madam

**Hearing 20 – Maaori Sites of Significance & Maaori Areas of Significance:
Evidence Circulation
Submitter FS987.1 (Blue Wallace Surveyors Ltd)**

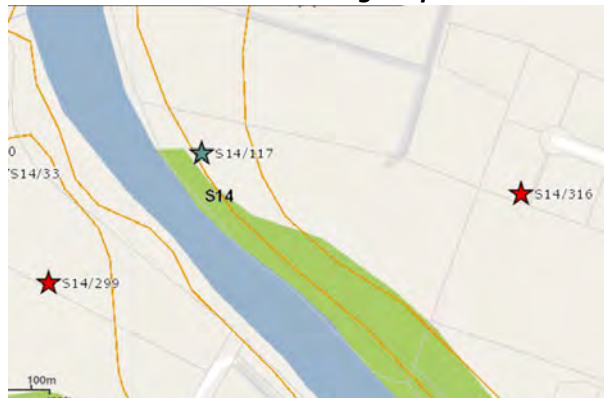
1. Blue Wallace Surveyors Limited ('BWS') - further submitter *FS987.1* - wishes to table evidence with the hearings panel in regard to *Hearing 20 – Maaori Sites of Significance & Maaori Areas of Significance* (MSOS) which commences on 3 August 2020.
2. BWS has reviewed the Council Planner's recommendation (as well as the s42A Technical Report) relating to their further submission and considers that both the recommendation and report do not address, nor adequately respond to, the principle matter of concern expressed in regard to *Submission 978* - this being that "... WDC must undertake further balanced evaluation" before assigning restrictive MSOS annotations on private properties across the district (submission point 7).
3. *FS987* supported *Submitter 978* to the extent that when assigning MSOS there needs to be fair and reasonable collaboration and assessment for cultural feature identification of private land in order to appropriately determine a significance ranking. As currently recommended in the s42A report, nearly all actual and potential sites of cultural interest across the district are deemed to be significant – and are consequently to be annotated on the applicable Proposed Waikato District planning maps.
4. In considering the s42A report recommendation – being to reject *FS987* - BWS contend that the impact of a pre-determined MSOS annotation needs to be taken in to account in regard to a feature's level of significance and the consequential effect on future development of the Site on which it is located.
5. In disagreeing with the s42A Planners recommendation, BWS seek that the Hearings Panel adequately recognize that constraints imposed by a MSOS annotation needs further balanced evaluation against the current zoning of the property and the features degradation and spatial extent so as to ensure the level of significance to be assigned is accurately articulated so not to unreasonably restrict a landowner's development rights. Until such an evaluation is undertaken, the large MSOS purple polygon (as indicated below) is not to be attached on the property (*note: the NZAA notification will remain*).
6. Whilst the feature indicated under *Submission 978* has been subject to archaeological assessment, the accuracy of the relevant assessments are disputed as to the significance, degradation and spatial extent of the Site – and as such, a nominal, large and curiously delineated restrictive notation on the private property will significantly undermine development potential when considered against the land's underlying urban use zoning.



ODP Planning Map



PDP Planning Map



New Zealand Archaeological Association (NZAA) Database Map

7. BWS consider that, in a wider sense, annotating MSOS on private land has the potential to carry with it a significant economic and financial burden to landowners. In the first instance, such a burden needs to be appropriately established and delineated with a degree of accuracy prior to being demarcated on private property.
8. BWS acknowledge the importance in protecting the Waikato District's significant heritage and cultural resources; however, such protection requires a *balanced evaluation*, and thus calibrated against a number of variable elements. Such considerations would assist in determining the level of 'significance' or 'interest' associated with a site; as well as to provide weight to considerations or recommendations that may have been previously recorded against the Site through on-site archaeological investigations provided by the NZAA and landowner.

9. BWS do not believe that the MSOS technical report, and hence S42A recommendation, has reasonably determined the significance of the Site – with the degree of significance being disputed through previous archeological assessments on the property – *a point noted in the applicable technical report (page 91).*
10. In principle, BWS is of the opinion that the Proposed Waikato District Plan MSOS planning map notations need to be subject to a robust archaeological and cultural assessment rather than desktop assumptions in assigning significance (as well as the delineation of the feature). More so, such annotation needs to consider existing environmental factors when assigning a level of significance (i.e., level of modification to the site, underlying resource consents, Heritage Authorities legally established etc.). The current approach underpinning the s42A recommendation to pre-determine significance constraints on private properties without a *balanced evaluation* or landowner involvement is worrying to BWS Clients - and the impact this approach will have to land use development decisions across the Waikato District.
11. In undertaking more *balanced evaluation* (such as the underlying environment, the state of modification and or damage to the site or feature, appropriate mitigation in collaboration with landowners/ developers and Mana Whenua) an appropriate level of significance can be assigned without restricting the underlying land use development without substantive reasoning. Currently, the method used to assign MSOS to private landholdings across the Waikato District runs the risk of being inaccurate for the applicable feature, with the financial burden on the owner of the subject land – hence, BWS seeks a more collaborative approach.

Planners Report

12. The technical report informing the Planner's recommendation is a desktop review of the Site and acknowledges that no on-site investigation was undertaken in evaluating the level of significance of the feature – as well as the spatial extent of the feature.
13. Based on the desktop assessment, the s42A report states that - in regard to *Submission 978*:

"Dr Kahotea comments that the information on MSOS S14/117 is sufficient to recommend that this site remains in place, however if further verification of location is needed it can be obtained either by field visit or GIS analysis of the contours. I therefore recommend that the submissions be rejected and the MSOS remains as located."

14. In regard to *FS987*, the Processing Planner states:

"I recommend that further submission Blue Wallace Surveyors Ltd [FS987.1] be rejected. Cultural values are clearly evident, although present day subdivision development would have affected these features."

15. For the reasons outline above, BWS do not agree with the Processing Planner's recommendation, in that:
 - The recommendation clearly states that further verification is needed, and
 - The level of significance is not clearly evident – the recommendation only refers to "*cultural values*".
 - No subdivision currently relates to the property.
16. BWS consider that such a discrete process being applied to significantly constrain the use of private land sets an undesirable precedent to the community at large across the Waikato District. Such a precedent is enabling to a level of unverified significance

being assigned to private land on which, in many instances, only a limited account has been given to quantifying the level of significance.

17. BWS contend that the current archaeological mapping provided by the New Zealand Archaeological Association's (NZAA) Archaeological Site Recording Scheme appropriately identifies sites of cultural interest, as well as validating the significance of such sites or features. At the time of development, appropriate and further assessment can be provided as to the level of significance for the Site, as well as to provide appropriate mitigation in collaboration between the landowner/developer, and Mana Whenua. If damage is proposed to occur to the archaeological site then the process set out under the application for an archaeological authority can be undertaken.
18. In regard to the potential for unrecognized sites of cultural interest to be adversely effected by a proposed development – any such application will still be required to assess the land for cultural significance as a component of the consenting process – along with Council being able to request such reporting as part of the s92 information request process.
19. Once a site has been appropriately and collaboratively assessed as being a MSOS – then at this point it is fair and reasonable for the Site or feature to be confirmed through annotation on the applicable planning map.

Existing Protection

20. BWS contend that significance be determined based on robust archaeological and cultural investigations. Such investigations are already mandated through the Heritage New Zealand Pouhere Taonga Act 2014 and represent a clear understanding for all parties in regard to the significance of the Site – as well as the collaborative development of appropriate mitigation should a proposed development prove to have an effect on a MSOS.
21. In consideration of the existing Heritage New Zealand Pouhere Taonga Act 2014 protection and process, BWS contend that assigning a level significance to Maori cultural sites located within land zoned for urban use be undertaken at the time of development planning (i.e., at the resource consent stage) as appropriate. Pre-determining a level of significance as advocated in the s42A report exposes landowners and developers to potentially inaccurate constraints being placed on land or projects.
22. In having the level of significance determined prior to a confirmed archaeological and cultural assessment lends itself to uncertainty and confusion to landowners.

Consistency

23. BWS support *submission 978* where it was stated “WDC must undertake further balanced evaluation” and subsequently consider that the Waikato District Council needs to maintain consistency when notifying culturally significant sites.
24. As indicated in the ODP Plan Change 17: S42A Planning Report on Submissions and Further Submissions September 2016 regarding MSOS, a submission by Perjuli Developments Limited noted:

“Individual investigations can be undertaken as part of the subdivision consent process and will consequently determine whether an archaeological authority is required and how this will affect development. This approach tailors the investigation to the site as opposed to blanket investigation for a number of sites.

The WDP already contains limited information on archaeological sites. Developers work with qualified people who are well aware of obligations under the NZHPT Act 2014 who along with Council can advise developers on requirements.

25. In response to the above submission, Council agreed that such an approach to determining the significance of cultural sites was appropriate in balancing the development rights of private landowners with that of cultural significance.

26. BWS consider that accessible information relating to recorded archaeological and culturally significant sites should determine annotations on the Proposed Waikato District Plan planning maps. If no record exists on the NZAA database – then collaboration between the landowner and Mana Whenua should take place prior to MSOS annotations being applied to a site.

Section 42A Officers Report Recommendations and Blue Wallace's Response

27. The following comments are specific to the recommendation on FS987 as sought by Blue Wallace Surveyors Limited.

Further Submission	Recommendation
FS987.1 Blue Wallace Surveyors Ltd <i>Blue Wallace Seek that the submission point is accepted – and the cultural significance notation on the PDP Planning Map is removed and not reapplied until the significance is confirmed.</i>	<i>I recommend that further submission Blue Wallace Surveyors Ltd [FS987.1] be rejected.</i> <i>Cultural values are clearly evident, although present day subdivision development would have affected these features.</i> Reject submission point
S42A Recommendation not supported For the reasons provided in this statement of evidence, BWS do not agree with the Council Planner's recommendation. BWS do not agree that it is appropriate to pre-determine a level of cultural significance for a site until a collaborative and robust archaeological and cultural evaluation has been undertaken based on all relevant considerations. All relevant environmental, cultural and landowner considerations need to form a <i>balanced evaluation</i> prior to a MSOS annotation being placed on private properties. BWS seek that MSOS annotations are not applied to private land without a preceding balanced evaluation.	

28. In tabling this statement of evidence BWS has requested a time extension in regard to submitting copies of evidence for Hearing 20 – Maaori Sites of Significance & Maaori Areas of Significance for the Proposed Waikato District Plan (dated 10 July). This extension was agreed to by the Hearing's Commissioner on the date of request.

29. Blue Wallace requests that their evidence be submitted to and accepted by Council by 5pm on Wednesday 15 July 2020.

Regards



Tim Lester
For Blue Wallace Surveyors Ltd

Appendix B

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Decisions of the Independent Hearings Panel

Decision Report 7: Maaori Sites and Areas of Significance

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Ms Linda Te Aho

Councillor Janet Gibb

Mr Weo Maag

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7	Amendments to or deletions of MAOS / MSOS	12
8	Activities within MAOS and MSOS	24
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Glossary of terms

Council	Waikato District Council
DoC	Ara Poutama Aotearoa (Department of Corrections)
Heritage NZ	Heritage New Zealand Pouhere Taonga
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
MSOS	Maaori Site of Significance
MAOS	Maaori Area of Significance
NPS	National Planning Standards
NZAA	New Zealand Archaeological Association
ODP	Operative Waikato District Plan
PDP	Proposed Waikato District Plan
RMA	Resource Management Act 1991
RPS	Waikato Regional Policy Statement
WDC	Waikato District Council

1 Introduction

- 1.1 The subject matter of Hearing 20 was Maaori Sites of Significance (MSOS) and Maaori Areas of Significance (MAOS). Ms Sheryl Paekau prepared the section 42A report for this hearing and informed us that a MSOS is a paa feature which sits on part of a certificate of title, whereas a MAOS covers the whole certificate of title and often includes a Paa and a number of related features.¹
- 1.2 The objectives and policies relating to MSOS and MAOS are set out in Chapter 2 Tangata Whenua and Chapter 7 Historic Heritage of the Proposed Waikato District Plan (PDP).² Over 400 sites are classified as either MSOS (listed in Schedule 30.3) or MAOS (listed in Schedule 30.4) and these are mapped in the PDP.³ The rules applying to MSOS and MAOS are set out in the respective zone chapters.
- 1.3 A total of 34 submissions and 13 further submissions were received on the MSOS and MAOS topic.⁴

2 Hearings Arrangement and Evidence Presented

- 2.1 Hearing 20 was held on 3 August 2020 at the Council Offices at 15 Galileo Street, Ngaruawahia. All of the relevant information pertaining to this hearing including the section 42A report and evidence is contained on the Waikato District Council (Council) website.
- 2.2 We heard from the following submitters on the matter of MSOS and MAOS:

Waikato District Council	Bridget Parham (Legal Counsel) Sheryl Paekau (Planner) Dr Des Tatana Kahotea (Consultant Archaeologist / Maaori Anthropologist)
Ngaati Tamainupo	Kimai Huirama
Ruakiwi Graziers Limited	Stu Jefferis
Te Kopua 2B3 Incorporation	Keren Paekau (Board member)
Riverdale Group Limited	Rob Waddell Mark Chrisp (Planner)
Blue Wallace Surveyors Limited	Tim Lester
Ruruhira Cila Henry	In person

¹ Opening Statement of Ms Paekau, Paragraph 9, dated 30 July 2020.

² Section 42A Report, Paragraph 18, dated 29 June 2020.

³ Ibid, Paragraph 16.

⁴ Opening Statement of Ms Paekau, Paragraph 16, dated 30 July 2020.

Norris Peart	In person
Warren & Heather Parker	Heather Parker
Andrew Wilson	In person
Ngaati Tamaoho Trust	Lucille Rutherford
Heritage New Zealand Pouhere Taonga (tabled)	Carolyn McAlley (Planner)
Sheryl Tukiri	In person
Julie Caddigan	In person

3 Overview of issues raised in the submissions

- 3.1 In the section 42A report, Ms Sheryl Paekau set out the full list of submissions on the MSOS and MAOS. Ms Sheryl Paekau relied on the expert evidence of Dr Kahotea (Consultant Archaeologist / Maaori Anthropologist) to inform her recommendations in terms of the values and spatial extent of MSOS and MAOS sites. Ms Sheryl Paekau summarised that the submissions addressed three distinct matters:
- a) Support for MSOS and MAOS;
 - b) Amendments sought to particular MSOS and MAOS; and
 - c) Support or amendments sought to the earthworks provisions applying to MSOS and MAOS.⁵
- 3.2 The information provided by Ms Sheryl Paekau and Dr Kahotea regarding the process for identification of MSOS and MAOS, and their delineations on the planning maps, is discussed in Section 4 of this decision. Having considered the matters raised in the submissions, Ms Sheryl Paekau's overall view was that the approach of the PDP is reasonable as it appropriately gives effect to the RPS, and it is an effective way of preventing further disconnect between Maaori and their culture and history.⁶
- 3.3 Ms Sheryl Tukiri attended the hearing and relayed her whanau's experiences of the destruction of Maaori heritage in the past. Ms Tukiri spoke about the need to protect Maaori heritage in light of the growth being experienced in the Waikato District. She also explained that iwi do not wish to share all of their ancient sites in the PDP due to the risk of desecration and destruction.

⁵ Opening Statement of Ms Paekau, Paragraph 17, dated 30 July 2020.

⁶ Rebuttal Evidence of Ms Paekau, Paragraph 19, dated 27 July 2020.

- 3.4 Ms Keren Paekau is a member of, and spoke on behalf of, Te Kopua 2B3 Incorporation, in support of the MSOS and MAOS and the earthworks provisions in the PDP. Ms Keren Paekau stated that in 2015, Te Kopua 2B3 Incorporation opened the first stage of their papakainga development and during its development, unearthed koiwi when laying infrastructure. The works were stopped immediately, and the infrastructure was moved to another site. The subject area, which was fenced off after discovery, is the subject of a submission seeking its inclusion as a MSOS in Schedule 30.3 of the PDP. Ms Keren Paekau stated that Te Kopua 2B3 Incorporation supports this submission. She also considered that the PDP should include provisions to protect all identified, known and registered sites. She stated that at the least, the earthworks rules should apply and consultation with mana whenua should be required.
- 3.5 We heard from a number of submitters who sought to amend or delete MSOS or MAOS on particular sites. While we address each of the sites in more detail later in our decision, we have summarised the evidence below.
- 3.6 Ms Julie Caddigan presented information relating to the MSOS S14/5 Te Uhi Paa, Exelby Road, Rotokauri. She stated that the Te Uhi Paa is mapped incorrectly, and should be ground-truthed to identify the correct location, the extent of the Paa site and its significance.
- 3.7 Ms Kimai Huirama spoke on behalf of Ngaati Tamainupo, detailing the high cultural value of the borrow pits on the properties at 5851 Great South Road and 2831 River Road, Ngaaruaawaahia, and sought their protection via scheduling in the PDP. She explained the historical importance of the site to Puke-i-aahua and as an example of traditional Maaori agricultural practices.
- 3.8 On behalf of Ruakiwi Graziers Limited, Mr Stu Jefferis stated that MSOS S13/119 and S13/141 on Jefferis Road were unconfirmed and should be ground-truthed.
- 3.9 Mr Mark Chrisp presented planning evidence on behalf of Riverdale Group Limited, in respect of MSOS S15/25 and MAOS SS65. He considered that the extent of site S15/25 is inaccurately shown on the planning map and needs to be corrected. He explained that the PDP maps incorrectly show site S15/25 extending onto 124 Hooker Road, whereas it is only located on 102 Hooker Road. Turning to MAOS SS65, Mr Chrisp no longer wished to seek SS65 being removed from the relevant PDP planning maps due to the accepted historical and cultural significance to iwi and hapu. He sought instead to amend Rule 22.2.3.2 of the PDP to allow within the Rural Zone earthworks associated with the construction of permitted activities (e.g. dwellings, sheds, etc). At the very least, Mr Chrisp sought some practical thresholds that will allow, as a permitted activity, minor earthworks and earthworks associated with the implementation of a subdivision consent granted by Council.⁷ He also expressed concern that Rule 22.2.3.2, in combination with the definition of 'earthworks' in the PDP, requires a resource consent application for any earthworks irrespective of the scale of the earthworks or whether or not there is a recorded archaeological site on the property. Mr Chrisp suggested that earthworks for the following activities could be permitted:
- a) Digging holes for fence posts and planting trees;

⁷ Evidence in chief of Mark Chrisp on behalf of Riverdale Group Limited, Paragraph 3.5, dated 13 July 2020.

- b) Digging trenches for water pipes, electricity and telecommunications;
 - c) Foundations for buildings and structures (including driveways); and
 - d) Excavations for creating and maintaining septic tanks and drainage fields.
- 3.10 Mr Crisp also suggested that such a rule could include a performance standard requiring a pre-approved / nominated representative of iwi or hapu to be present during top soil and subsoil stripping.
- 3.11 Ms Ruruhira Cila Henry presented her submission that sought that Karamu Paa and Urupaa on the corner of Gordonton Road and Piako Road be recognised as waahi tapu. She also sought that the Komakorau Stream be identified as a historical area.
- 3.12 Mr Norris Peart talked to his submission which sought to amend the boundary of MSOS R14/51 at 274 Okete Road, Raglan.
- 3.13 Ms Heather Parker presented her submission that sought to include the property opposite 24 Kernott Road, Horotiu, as a new MAOS. She outlined the importance of protecting the Maaori gardens and pits present on the site.
- 3.14 Mr Andrew Wilson presented his submission in relation to the MSOS R14/52 at Ryan Road, Te Akau South. He explained the challenge of owning a site which has two overlapping constraints, these being MSOS and Significant Natural Areas.
- 3.15 Mr Tim Lester presented evidence on behalf of Blue Wallace Surveyors Limited, in support of the submission from Brian Nabbs and Margaret Forsyth regarding MSOS S14/117. Mr Lester stated that all relevant environmental, cultural and landowner considerations need to inform a balanced evaluation prior to a MSOS annotation being placed on private properties. In particular, Mr Lester requested that we recognise that constraints imposed by a MSOS annotation require further evaluation so as to ensure the level of significance is accurately articulated and a landowner's development rights are not unreasonably restricted. He stated that annotating a MSOS on private land has the potential to carry with it a significant economic and financial burden to landowners. Mr Lester considered that the planning map notations in the PDP need to be subject to a robust archaeological and cultural assessment rather than relying on desktop assumptions.⁸
- 3.16 Ms Carolyn McAlley presented planning evidence on behalf of Heritage New Zealand Pouhere Taonga (Heritage NZ). Ms McAlley expressed support for Ms Sheryl Paekau's recommendations with respect to the assessment criteria for restricted discretionary activity earthworks. She also noted the complexity of the National Planning Standards (NPS) definition for "earthworks" and questioned whether cultivation in a MSOS or MAOS should be permitted. Ms McAlley expressed concern that "cultivation" may include invasive activities such as forestry

⁸ Evidence in chief of Tim Lester on behalf of Blue Wallace Surveyors, Paragraph 10, dated 15 July 2020.

and considered that these activities should be restricted discretionary activities.⁹ In her evidence she addressed a number of specific scheduled sites including:

- a) Extending the mapping of MSOS SS60 and MSOS SS63 to include Turangawaewae House to match the schedule text; and
- b) The plan maps do not reflect the current extent of the listings and Heritage NZ seek that the planning maps be updated to accurately reflect these.

3.17 Ms McAlley sought amendments to the rules so that destruction of Heritage NZ listed sites was a non-complying activity. She also cautioned against using archaeological sites as a basis for the sites of significance due to the risk of mapping being too attached to the tangible archaeological remains as opposed to the broader cultural values. She considered that the broader cultural values need to be reflected in order to achieve section 6(e) of the Resource Management Act 1991 (RMA).¹⁰ Ms McAlley also disagreed with Ms Sheryl Paekau's recommendation in the section 42A report to limit the advice note to the site on which the scheduled site exists, rather than broaden it to adjoining sites.

4 Panel's Decision and Reasons

4.1 We note that 90 primary submission points were received on the MSOS and MAOS provisions and these were considered in a comprehensive section 42A report, rebuttal and closing statement prepared by Ms Sheryl Paekau who recommended modest changes. We have structured our decision on the submission points into topics which largely reflect the key issues raised by submitters. In our assessment of the submissions and PDP provisions, we have been particularly mindful of sections 6(e), 7(a) and 8 of the RMA and the Waikato Regional Policy Statement (RPS), which acknowledges the special status of Maaori under the RMA. Furthermore, Chapter 2 of the RPS includes objectives for the Waikato River and recognises the need for restoration and protection of the relationships of Waikato-Tainui with the Waikato River including their economic, social, cultural, and spiritual relationships.

4.2 Other relevant RPS provisions for this hearing topic include:

- a) Objective 3.9 Relationship of tāngata whenua with the environment;
- b) Policy 4.3 Tāngata whenua;
- c) Policy 10.1 Managing historic and cultural heritage; and
- d) Policy 10.2 Relationship to Maori taonga.

⁹ Evidence in chief of Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga, Paragraph 3.4, dated 3 August 2020.

¹⁰ Evidence in chief of Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga, Paragraph 3.8, dated 3 August 2020.

- 4.3 We appreciate the passionate commentary on this hearing topic from all parties, including the representatives of tangata whenua and submitters, and for their assistance in providing detailed information to inform and refine the MSOS and MAOS included in this decision.
- 4.4 We have considered the matters both raised in the submissions and presented in evidence under the following categories:
- a) Background information informing the preparation of the MSOS and MAOS provisions in the PDP, and the appropriateness of including these in the PDP;
 - b) Submissions seeking amendments to, or deletion of, particular MSOS and MAOS;
 - c) Submissions seeking the inclusion of new MSOS and MAOS into the PDP; and
 - d) Rules applying to MSOS and MAOS.

5 Appropriateness of including MSOS and MAOS in the PDP

- 5.1 We heard in the hearing that the Operative Waikato District Plan (ODP) has eight “Maaori Items” in the Waikato Section, and two appended to the Franklin Section under the heading historic heritage.¹¹ As part of the district plan review process, Council identified a total of over 400 MSOS or MAOS for protection from a data base of 2000 archaeological sites identified and registered by the New Zealand Archaeological Association (NZAA). As Ms Sheryl Paekau explained in her opening statement, these are mostly made up of Paa sites, but also include Urupaa, Maaori War sites and Memorial Kohutu Stones.¹²
- 5.2 Despite the significant increase in the number of properties identified in Schedules 30.3 and 30.4 of the PDP, only 34 submissions and 13 further submissions on this matter were lodged. We therefore posed the following questions to Council staff and advisors:
- a) How many of the MSOS and MAOS are located on privately owned land;
 - b) How / to what extent were the owners of land identified as containing MSOS or MAOS informed of the proposed scheduling at the time the PDP was notified; and
 - c) What methodology was employed by Council in identifying and mapping MSOS and MAOS in the PDP, given the concerns raised by some submitters regarding their accuracy.
- 5.3 We were provided from Council the following breakdown of the land ownership of the properties identified as containing MSOS and MAOS:¹³

¹¹ Opening Statement of Ms Paekau, Paragraph 6, dated 30 July 2020.

¹² Ibid, Paragraphs 10-11.

¹³ Memorandum of Council to Hearings Commissioners relating to Maaori Areas and Sites of Significance, dated 19 August 2020.

	Number scheduled	Number of records of title affected	Land ownership:		
			Privately owned	Iwi incorporation	Government organisation
Maaori Areas of Significance	80	612	408 (66%)	40 (7%)	164 (27%)
Maaori Sites of Significance	300	439	377 (86%)	5 (1%)	57 (13%)

5.4 We were also informed that at the time the PDP was notified, Council communicated with landowners whose properties contained a MSOS or a MAOS in the following three ways:¹⁴

- a) A letter addressed to all ratepayers advising that Stage 1 of the PDP was publicly notified and open for submissions. The letter included a flyer that stated under the heading Tangata Whenua: "The extent of sites and areas of cultural significance have been identified and mapped across the district. Earthworks restrictions continue to apply".
- b) A targeted letter to landowners where new plan provisions were proposed on their properties, including MSOS and MAOS.
- c) The section 32 report on the topic of "Tangata Whenua" stated that specific consultation on the topic of MSOS and MAOS was commenced with landowners in May and June of 2018 when letters were sent to property owners advising that a MSOS or MAOS was located on their property. The section 32 report records that written feedback was received and Council's planning staff spoke with 68 landowners by telephone.

5.5 The methodology employed by Council to identify and map the MSOS and MAOS was as follows:

- a) Dr Kahotea confirmed in the hearing that the identification and mapping of the MSOS and MAOS was a desk top exercise based on the use of the NZAA data records for Paa, historic aerial photographs, early survey plans and other archival material. In response to our questions, Dr Kahotea confirmed that the data set used is old and that

¹⁴ Legal Submissions of Ms Parham, Paragraphs 19-26, dated 19 August 2020.

some sites may have been modified. He also noted that there were no field assessments undertaken (except for some sites which were addressed in submissions on the PDP).

- b) Ms Sheryl Paekau confirmed in the hearing that approximately 340 Paa sites were scheduled and mapped as MSOS, based on NZAA data records.
- c) Approximately 80 of the mapped and scheduled Paa sites were identified as MAOS, as confirmed by Ms Sheryl Paekau. 50 of these are Waahi Tapu sites that were returned to Waikato-Tainui through the Waikato River Settlement Act 2010 and which have been carried over from the ODP. We note that while these sites were identified in the ODP, there were no rules associated with them. The other 30 MAOS identified relate to properties that have a significant amount of registered archaeological sites of known Maaori history, identified waahi tapu sites from Heritage NZ and Urupaa.¹⁵
- d) Ms Sheryl Paekau also confirmed that Paa sites vary in size, and that the mapping of these sites includes both the main area of the Paa site and the cultural landscape area it sits within. She also considered that even though physical features may no longer remain, this does not negate the cultural values of a site as the delineation of the MSOS represents only a small area of what may once have been present.

- 5.6 In light of the approach taken, particularly the reliance on a desktop study, the accuracy in the mapping of the MSOS and MAOS concerns us. We are very aware of the potential restrictions on land use that accompanies identification of a MSOS or MAOS, and as a general principle, MSOS and MAOS on private land should be delineated with a high degree of accuracy. However, we accept that Council provided sufficient information to the affected landowners when the PDP was notified to make them aware of the proposed scheduling of the MSOS and MAOS.
- 5.7 In response to our questions raised above, Ms Sheryl Paekau confirmed that no submitter challenged the overall methodology used by Council for identification or mapping of the MSOS and MAOS.
- 5.8 We accept that the identification of the MSOS and MAOS in the PDP gives effect to the RPS, particularly Objective 3.9, Policy 4.3, Policy 10.1 and Policy 10.2. We therefore confirm the identification of all MSOS and MAOS as notified in the PDP, except for those sites which are subject to a submission and are discussed individually below.
- 5.9 We further agree with the definition of MAOS and MSOS as included in the PDP and the reliance on the spatial identification of sites and descriptions in Schedules 30.3 and 30.4. We consider this approach ensures clarity for all users of the PDP. In our consideration of these overlays, it occurred to us that the separation into “areas” and “sites” is somewhat artificial when the only difference is whether the mapped area encompasses a whole site or a portion of the site. All of

¹⁵ Section 42A Report, Paragraph 39, dated 29 June 2020.

the provisions are exactly the same for MAOS as MSOS. We therefore have combined Schedules 30.3 and 30.4 and amended the provisions to refer to “Sites and Areas of Significance to Maaori” to align with the NPS terminology.

6 Submission seeking additional MAOS and MSOS

- 6.1 A number of submitters sought to include new MAOS or MAOS into the PDP that were not included in the notified PDP. In the absence of further submissions from affected landowners, we were concerned that they may not have been aware of submissions in relation to their land, particularly in cases where Ms Sheryl Paekau recommended the submissions be accepted.
- 6.2 At the conclusion of Hearing 20, we issued directions (dated 4 August 2020) requesting Council staff to provide further details of privately owned land where submissions sought new MSOS and MAOS be included in the PDP.
- 6.3 Council provided the requested information on 19 August 2020, which confirmed that there were 5 private properties where submissions sought new MSOS or MAOS and which were not included in the notified PDP, namely:
 - a) Riria Kereopa Memorial Drive, Raglan;
 - b) Kernott Road, Horotiu (opposite No 24 Kernott Road);
 - c) Riverbank Road, Mercer;
 - d) Corner of Gordonton Road and Piako Road; and
 - e) 5851 Great South Road and 2831 River Road, Ngaruawahia.
- 6.4 In her legal submissions on behalf of Council, dated 19 August 2020, Ms Parham advised us that:
 - a) Council did not inform the 5 landowners listed above and that there was no requirement under the RMA for Council to notify individual landowners whose properties may be potentially affected by a submission;
 - b) The Schedule 1 process imposes an obligation on Council to publish a “summary of decisions requested by submitters”. This process enables landowners who may be affected by a submission to become involved in the process as a further submitter;
 - c) The 5 landowners listed above did not lodge either a primary submission, or a further submission on these matters;
 - d) Despite these landowners not having standing as a submitter on this hearing topic, section 76(3) of the RMA expressly provides for Council to have regard to the actual and potential effects on the environment, including (in particular) any adverse effects. Such effects include consideration of restrictions imposed if a site or area of land was to be listed in Schedules 30.3 or 30.4); and
 - e) To ensure that principles of natural justice are followed and that all relevant information is before us, Ms Parham submitted that we were entitled to hear from the affected landowners so that they could express their views on a submission concerning their

property. However, such landowners cannot present technical or expert evidence as this opportunity is confined to submitters and further submitters.

- 6.5 Having carefully considered this matter and Ms Parham's legal submissions, we issued directions on 28 August 2020 requiring Council to inform the landowners to which a submission had sought an MSOS or MAOS over their land and invited them to provide any views they may have in writing. We also directed that in all cases where the validity and/or location of any suggested MSOS or MAOS had been questioned, Council staff should ground-truth the site/area in question, provided the landowner granted access. We have reflected the feedback received from landowners in our consideration of each site, as set out below.

7 Amendments to or deletions of MAOS / MSOS

- 7.1 We are aware from Ms Sheryl Paekau's section 42A report that 15 submitters either sought amendments to the mapped extent of the MSOS or MAOS, or to remove them from the planning maps. Our decision on each of these submissions is set out below.
- 7.2 We were advised that submission 187.1 from Mr and Mrs Parker concerning the land owned by Horotiu Farms Limited, as mentioned above, was formally withdrawn, and accordingly we have not considered this matter further.

Exelby Road, Rotokauri:

- 7.3 Ms Caddigan stated that the Te Uhi Paa S14/5 is, in fact, located on Council owned land on the shore of Lake Rotokauri. She also explained that an archaeologist at the University of Waikato had researched the location of the Te Uhi Paa, as set out in e-mail correspondence from Associate Professor Alan Hogg. In the e-mail, Mr Hogg stated that it was highly unlikely that the Paa extended onto any private land, but noted that without a proper survey he could not be certain of this. We visited the subject site and accept Ms Caddigan's evidence. We have therefore moved the site onto the adjoining Reserve Zoned land.

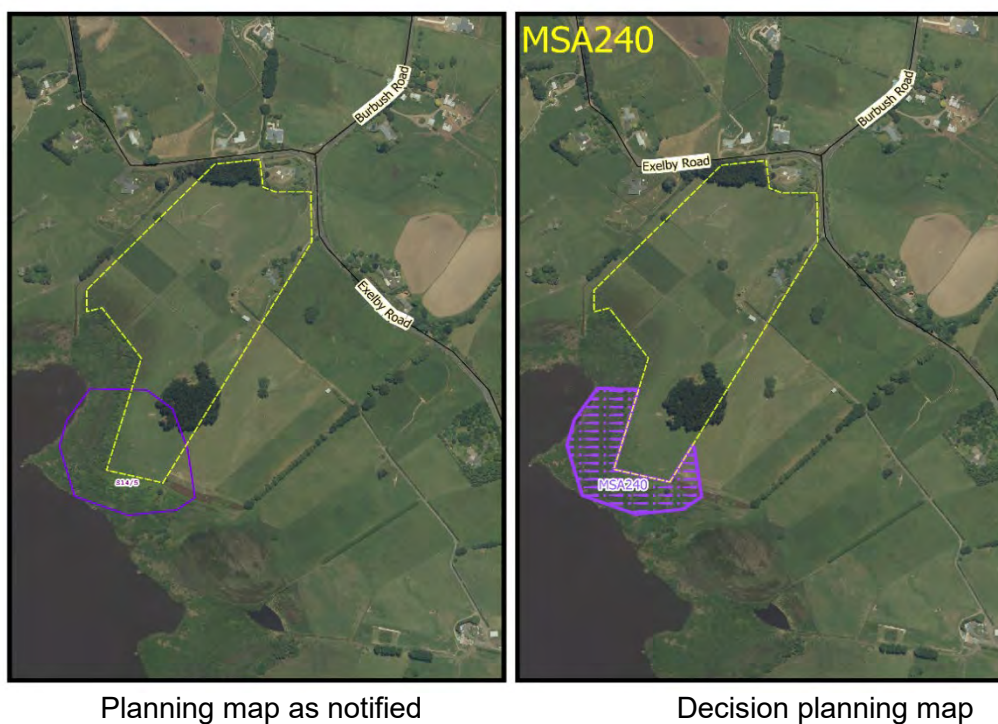


Figure 1: Mapping Exelby Road

The Point, Ngaaruawaahia:

- 7.4 Heritage NZ sought to extend SS60, which encompasses the Potatau Monument, to the road edge. We agree this seems logical and have amended the maps accordingly.

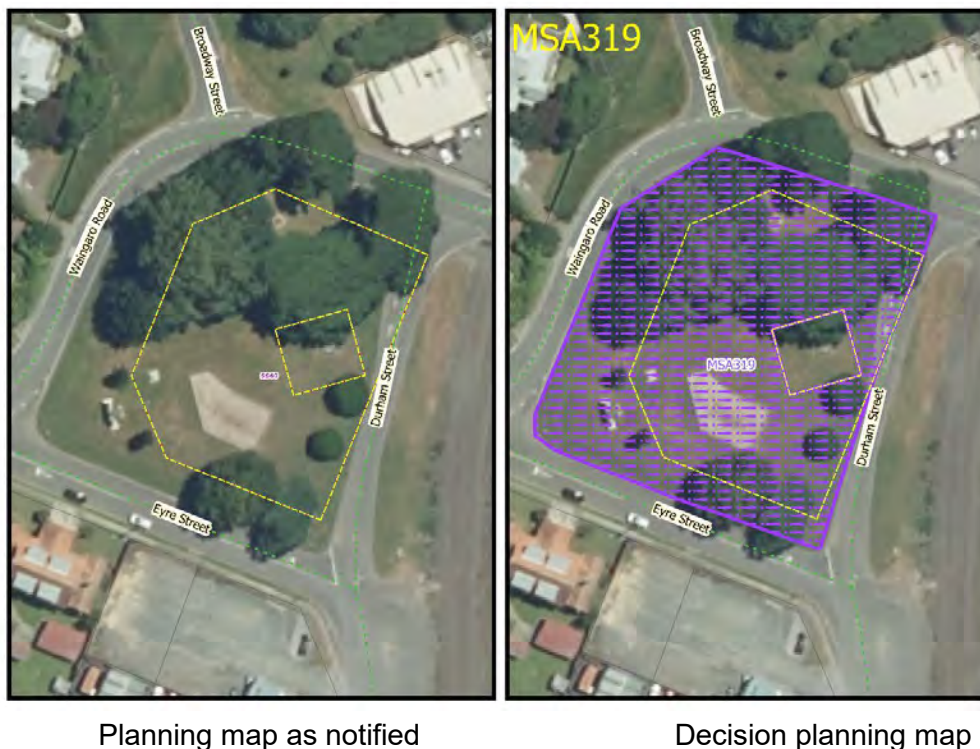


Figure 2: Mapping Te Point, Ngaaruwaahia

Karamu Paa and Urupaa:

- 7.5 Ms Henry addressed the waahi tapu on the corner of Gordonton Road and Piako Road and sought to extend the area. We note that this was one of the sites for which Council sought feedback from the affected landowners. Responses from 3 of the landowners were received, and although the landowners supported the protection of the Paa site in principle, the extent of the mapped site was considered to be larger than the actual site. Dr Bryan Bang responded on behalf of the Waikato Diocesan Trust and observed that the definition of “earthworks” means a resource consent would be required for funerals on the site. Ms Sheryl Paekau also explained that Dr Kahotea had reviewed the spatial extent of the Paa following the feedback from the landowners and described it as following the 25m contour line on the top of the flat area above the stream.¹⁶ We accept Dr Kahotea’s assessment and consider that the MSOS should match the current location of the stream, but not extend beyond it.

¹⁶ Memorandum by Council relating to Maaori Areas and Sites of Significance, Sheryl Paekau, Paragraph 8, dated 27 May 2021.

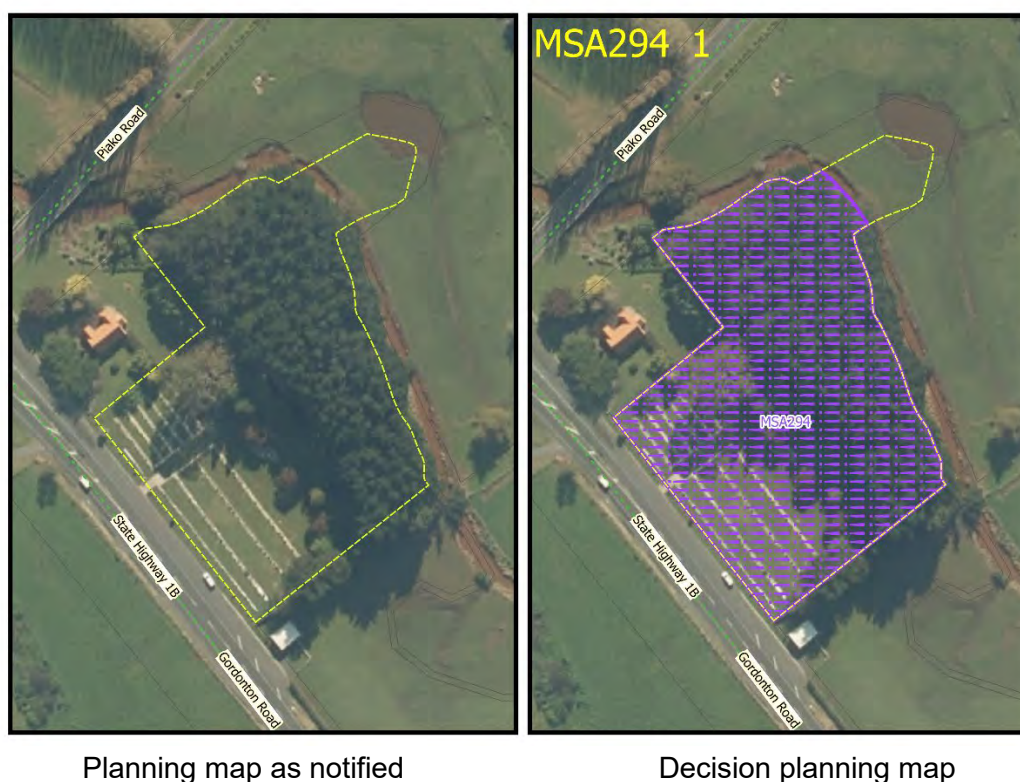


Figure 3: Mapping Karamu Paa and Urupaa

Hooker Road, Tamahere:

- 7.6 Based on the evidence presented from Mr Chrisp on behalf of Riverdale Group Limited as outlined in Section 3 of this decision, we agree that site S15/25 is not correctly located and have amended the planning maps accordingly.

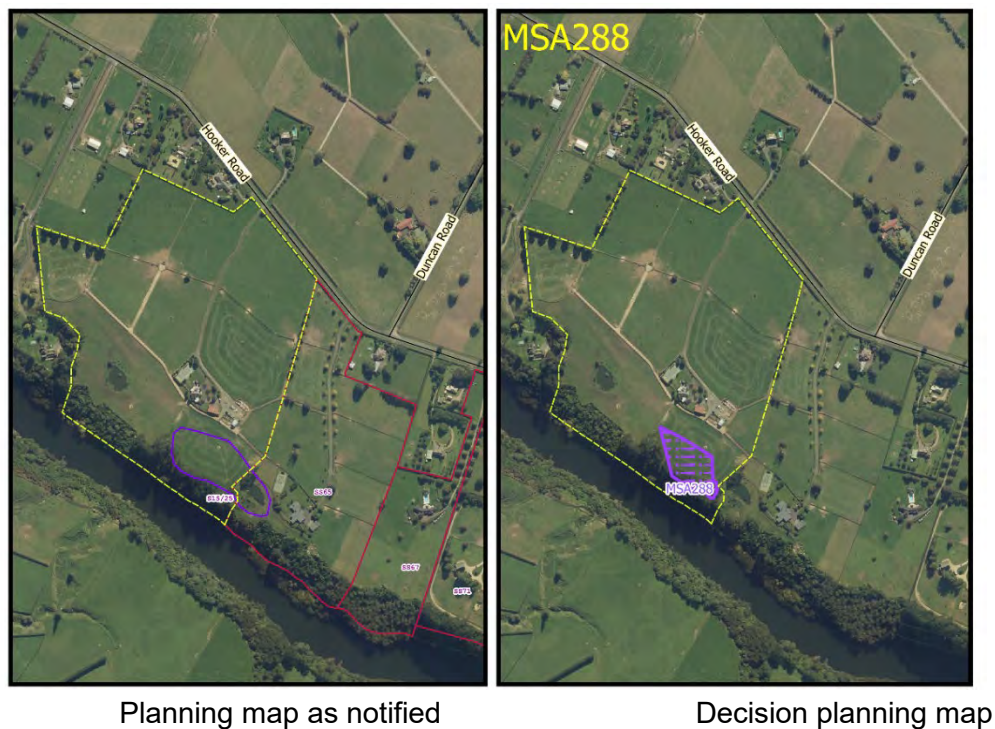
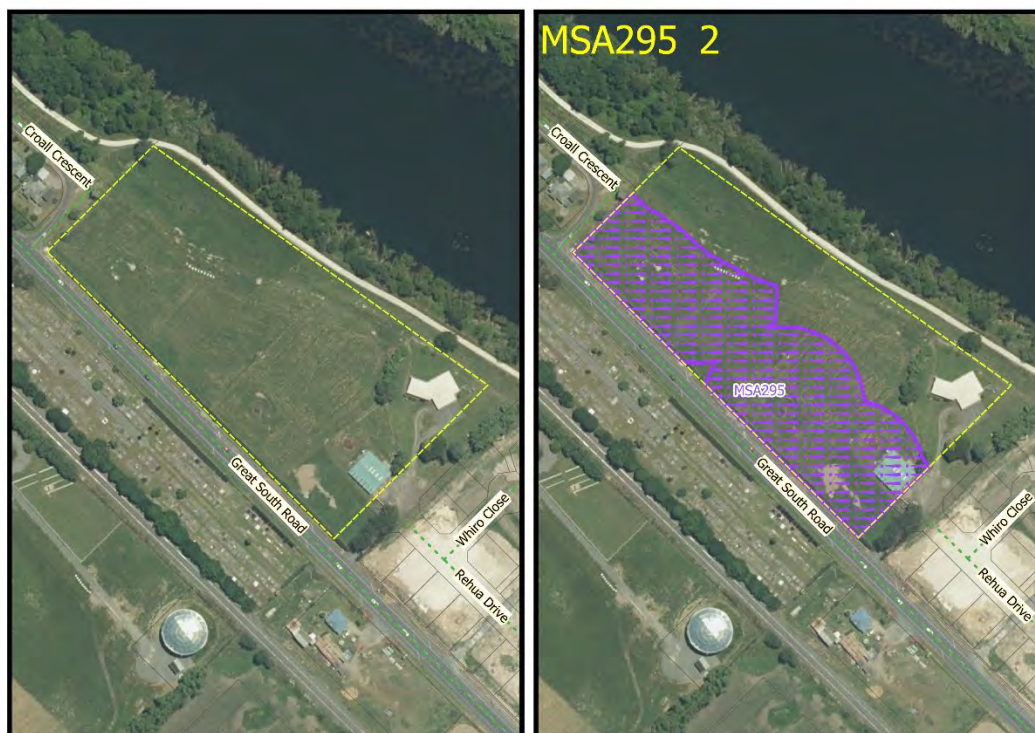


Figure 4: Mapping Hooker Road, Tamahere

Borrow Pits, Ngaaruawaahia:

- 7.7 The borrow pits at 5851 Great South Road, Ngaaruawaahia was one of the more contentious sites on which we heard evidence. On the one hand, Ngaati Tamainupo sought that the borrow pits on the site be mapped as a MSOS, while the landowner, Perjuli Development Limited, opposed this.
- 7.8 We received extensive evidence and submissions detailing the background to issues concerning this land, including Plan Change 17, the resource consent for the earthworks, the Heritage NZ authority, and subsequent challenge by Ngaati Tamaunipo, and the more recent occupation of the land.
- 7.9 On the evidence presented, we are satisfied as to the cultural and historical importance of the remaining 7 borrow pits on the land at 5851 Great South Road, Ngaaruawaahia and have included them as an MSOS in Schedule 30.3 and on the planning maps. Having considered the alternatives and costs and benefits in accordance with section 32AA of the RMA, we consider this to be the most appropriate way to achieve the objectives in Chapters 2 and 7 of the PDP.



Planning map as notified

Decision planning map

Figure 5: Mapping Borrow Pits, Ngaaruawaahia

Ryan Road, Te Akau:

- 7.10 At the hearing, Mr Wilson spoke to us about the location of MSOS R14/52 at Ryan Road, Te Akau South. We understand the challenges of having multiple restrictive overlays applying to a residential site and the limitations it imposes on building a house. We visited this site, and based on the evidence of Mr Wilson, excluded the lower part of the site from the MSOS. We consider that it is only necessary to protect the upper part of the site as it adjoins the much larger portion of the MSOS located on the Reserve Zone. We consider this approach will enable Mr Wilson to build on the site on the lower levels, while ensuring that the most important cultural elements are protected.

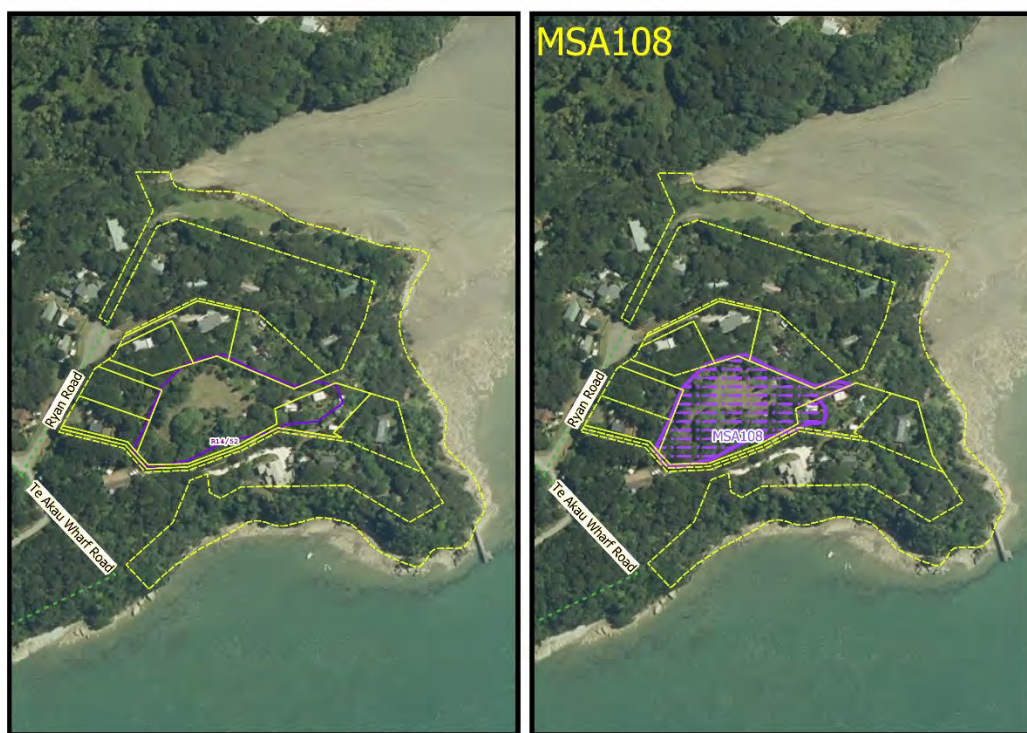


Figure 6: Mapping Ryan Road, Te Akau

Jefferis Road:

7.11 Having considered the analysis and research undertaken by Dr Kahotea with respect to this, we agree that there is no evidence of a Paa site on the location of MSOS S13/119 and we have deleted it from the planning maps accordingly. We are satisfied that MSOS S13/141 is appropriately identified and located and should therefore remain, as proposed.

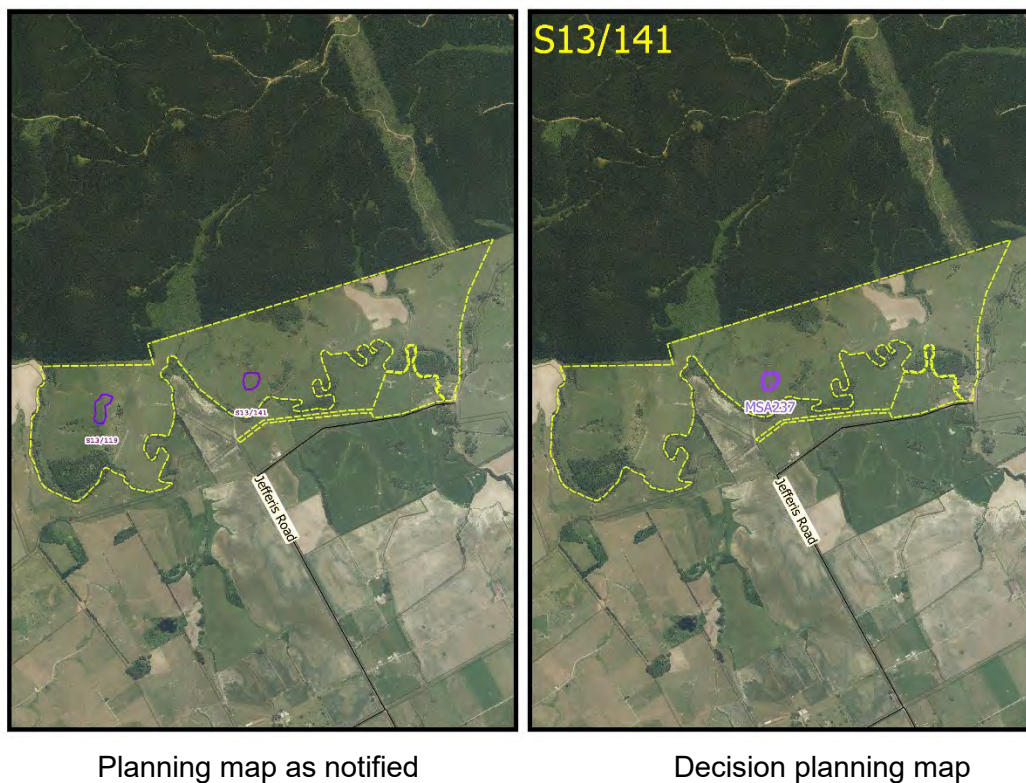


Figure 7: Mapping Jefferis Road

Riria Kereopa Memorial Drive:

7.12 Having considered Ms Keren Paekau's evidence, Dr Kahotea's assessment and the recommendations in the section 42A report, we have amended the planning maps and Schedule 30.4 to incorporate the Riria Kereopa Memorial Drive site, as requested. We address the earthworks aspect of activities on this site elsewhere in this decision.



Figure 8: Mapping Riria Kereopa Memorial Drive

New schedule for Significant Waahi Tapu Sites and Areas:

7.13 Ms McAlley observed that Significant Waahi Tapu Sites and Waahi Tapu Areas have been listed with Heritage NZ as a result of submissions from iwi and hapu.¹⁷ Ms Sheryl Paekau considered this submission in her section 42A report and observed that the sites are all included in the existing schedules as sites of significance.¹⁸ On this basis, we do not see the need for a third schedule and reject the submission point.

Recognition of Archaeological Sites:

7.14 Heritage NZ sought amendments to the introductory notes to Schedules 30.3 and 30.4 of the PDP to include an advice note. Such an advice note would recognise that MSOS and MAOS are also recorded archaeological sites and may also contain unrecorded archaeological sites as well, with these sites being subject to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act). We agree that this is an appropriate addition.

¹⁷ Evidence on chief of Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga, 13 July 2020, paragraph 5.7

¹⁸ S42A report for Maaori Areas and Sites of Significance, Sheryl Paekau, 29 June 2020, paragraph 112

Other sites:

- 7.15 Elvin Priest requested further information of MSOS S14/84, which is on the property located at 29 Kendrick Lane, Tamahere. We are aware that there has been modification of the ground surface features of the Paa due to former farming activities, however, there has not been any extensive sub-surface modification, and the integrity of the Paa still remains. We agree with Dr Kahotea that MSOS values are independent of archaeological values of physical state, and we have retained the MSOS.
- 7.16 Chris Yu sought to amend the planning map to reflect the extent and status of the Paa site on the property at 16 Shelby Lane, Tamahere or alternatively delete the reference if the Paa no longer exists. On the basis of Dr Kahotea's advice, we have deleted S14/85 from 16 Shelby Lane, Tamahere, Lot 3 DP 531648.

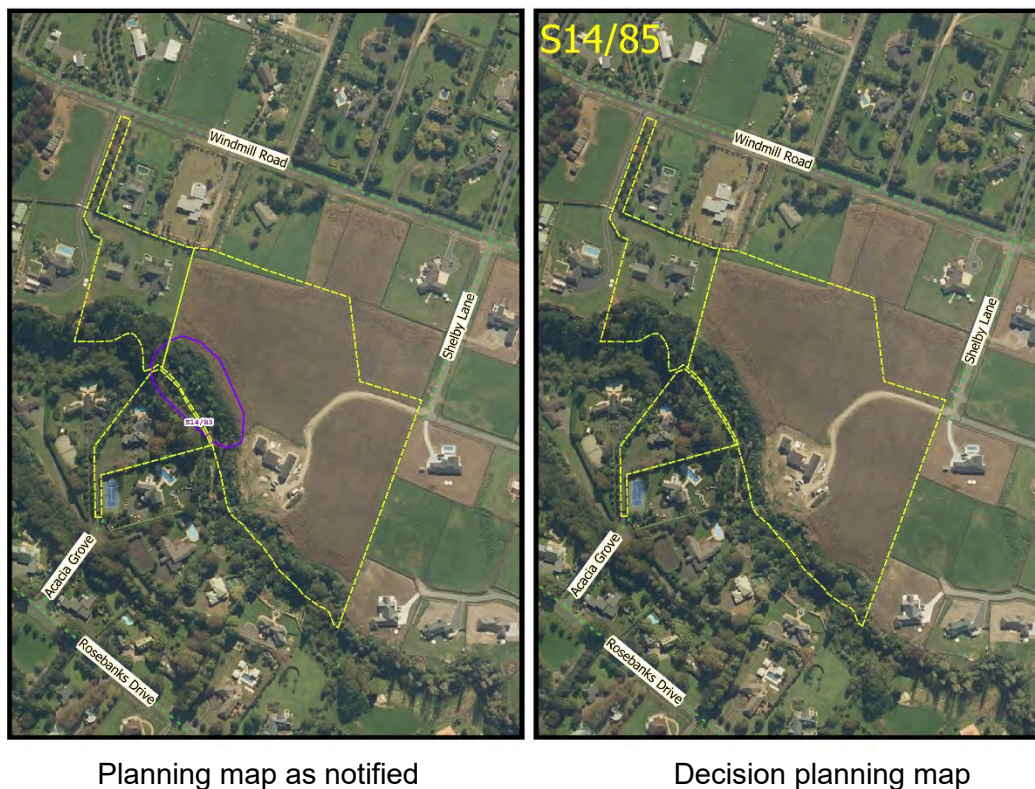
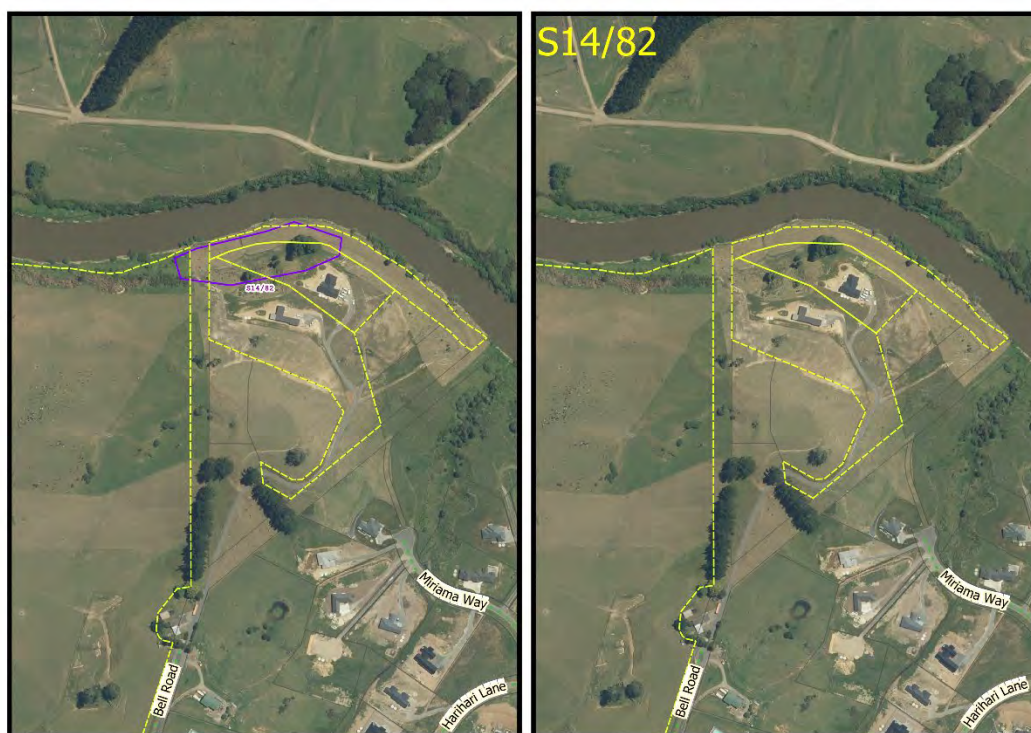


Figure 9: Mapping Shelby Lane

- 7.17 John Kinghorn sought to amend the location of MSOS S14/82 on the property at 214 Bell Road, Whatawhata to match the NZAA records. Based on the recommendations of Dr Kahotea, we agree that the Paa is incorrectly located and have deleted it from the planning maps and Schedule 30.3.



Planning map as notified

Decision planning map

Figure 10: Mapping Bell Road

- 7.18 The Bardsley No 1 Family Trust sought deletion of MSOS S14/56 from the property at 31 Birchwood Lane, Tamahere. Having considered the assessments of Dr Kahotea and Ms Sheryl Paekau, we have amended the planning maps to reduce the extent of MSOS S14/56 but have retained the details of the Paa site in Schedule 30.3.



Planning map as notified

Decision planning map

Figure 11: Mapping Birchwood Lane

- 7.19 Stephen John and Megan Lesley Ronke sought to amend the buffer associated with MSOS S14/75 to exclude the property at 64C Houghton Road, Whatawhata. Council previously proposed a 100m buffer as part of the consultation on the draft PDP, but this was removed from the notified PDP. Accordingly, no amendment is necessary.
- 7.20 Rita Carey sought to amend the MSOS on her property at 644 Onewhero-Tuakau Bridge Road to remove the 100m buffer and to include mechanisms in the PDP such as land purchase, funding fencing and other incentives. These amendments are not considered by us to be appropriate, and we have not adopted them.
- 7.21 Mercer Residents and Ratepayers Committee sought to add Te Paina Paa, Mercer Recreation Reserve, Riverbank Road, Mercer to Schedule 30.4 MAOS. While we are mindful of Ms Sheryl Paekau's recommendation not to schedule the site due to Lot 90B being likely to transfer to the Department of Conservation in the near future, we consider the ownership to be somewhat irrelevant. We have considered the assessment of Dr Kahotea and, given that the site is already identified on the PDP maps, we agree that it should be itemised in Schedule 30.4. We have therefore amended Schedule 30.4 accordingly.
- 7.22 Norris Peart sought to amend the boundary of MSOS R14/51 at 274 Okete Road, Raglan so that the southern boundary is aligned with the existing fence protecting the site. Based on that advice, and the assessment from Dr Kahotea, we have revised the boundary accordingly.

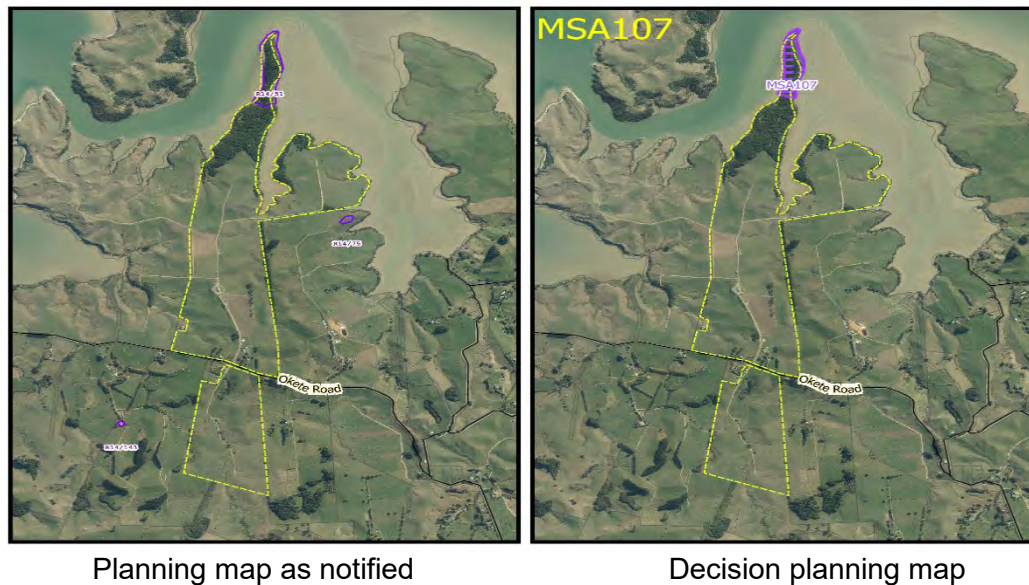


Figure 12: Mapping Okete Road

- 7.23 The submission from Ngaati Te Ata opposed the inclusion of the Paa in Pokeno within proposed Future Urban or Industrial Zones. This is more relevant to our consideration of the zoning of Pokeno and we have addressed this submission in our decision on that matter.
- 7.24 Regarding the submission of Brian Nabbs and Margaret Forsyth regarding MSOS S14/117 on the property at 212D Newell Road, Tamahere, we accept the assessment of Dr Kahotea and we have retained the MSOS as notified.

8 Activities within MAOS and MSOS

- 8.1 There were a number of submissions which sought the retention of a restricted discretionary activity for earthworks within a MSOS and MAOS. While we agree with the principle of limiting earthworks within a MSOS or MAOS, we are particularly aware of the changes to the definition of “earthworks” in the NPS, as shown below:

“means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.”

- 8.2 The effect of this amended definition is that any disturbance of land (except for gardening, cultivation and disturbance of land for the installation of fence posts) is captured by the term “earthworks”. The approach of the PDP is that all activities not specifically listed default to a non-complying activity status. We agree that some earthworks are appropriate within a MSOS or MAOS particularly given that many of these are located on working farms but consider that their scale and purpose need to be limited. We also consider that the installation of fence posts,

planting trees, and repairing / maintaining existing on-farm underground infrastructure should be permitted activities, as well as earthworks for the purposes of burials in an urupaa. However, it is our view that more extensive, and potentially invasive, earthworks such as cultivation or construction of driveways need to be subject to a resource consent application for a restricted discretionary activity so that the potential effects on cultural values and physical features are able to be assessed. We consider that this approach would strike a balance between enabling small scale earthworks, while protecting the cultural values of MSOS and MAOS as expressed in the objectives in Chapter 2 and 7 of the PDP.

- 8.3 We acknowledge that the HNZPT Act applies to all archaeological sites, irrespective of what the relevant district plan may or may not stipulate. We agree that an 'Advice Note' should be used to alert plan users to the relevance of the HNZPT Act. We further consider that such an Advice Note should also include acknowledgment of 'Accidental Discovery Protocols', as suggested by the further submission from Federated Farmers.
- 8.4 Turning to the matters of discretion, Heritage NZ sought inclusion of an additional matter of discretion being "the purpose and necessity for the works and any alternatives considered" as well as the nature, design and extent of the activity. Alternatively, Federated Farmers sought consideration of the functional and operational need to undertake the activity in the area. We prefer the approach of Federated Farmers to that of Heritage NZ and have adopted it accordingly.
- 8.5 We agree with Council that there is no need to include a matter of discretion relating to the location of the earthworks when the only activity that will trigger this rule is earthworks within a MSOS or MAOS. Accordingly, we have deleted this matter of discretion.

9 Conclusion

- 9.1 We accept the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this decision.
- 9.2 Overall, we are satisfied that the provisions, as amended, and the planning maps of Maaori Areas and Sites of Significance will provide a suitable framework for protecting these important cultural sites.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

SASM – Sites and Areas of Significance to Maaori

Overview

- (1) ~~Specifically, the~~ The district council has identified sites and areas of significance to Maaori, for example under Schedule 16(f) of the Joint Management Agreement with Waikato-Tainui, significant archaeological sites such as paa and urupaa. While individual sites are noted on the district plan maps and ~~are afforded the protection managed~~ under the district plan rules, special mention is being made here of cluster sites which make up 'significant areas' of Waikato history: The Point; Wainui Reserve; Horea, Te Toto; Oioroa; Rangiriri, Meremere; Te Aukati ki Maungatawhiri, Hooker Road and Kernott Road Maaori Gardens and all of the redoubts and mission stations. These sites should be recognised for both their tangible and metaphysical association to Maaori to the extent enabled by planning and decision-making management of natural resources through objectives, policies and rules.

Objectives

SASM-O1 Strategic Objective – Tautoko te Whakatupuranga

- (1) To support Iwi aspirations to grow a prosperous, healthy, vibrant, innovative and culturally strong people.

SASM-O2 ~~Whakapapa~~ Hononga ~~(connection to nature)~~

- (1) ~~Whakapapa, including familial connection between tangata whenua individuals and groups, and~~ The connections between tangata whenua and their ancestral lands, water, sites of significance, waahi tapu, ~~and other taonga and taonga species are protected and~~ or enhanced.

SASM-O3 ~~Waikato~~ Whakautanga Whakaute Ahurae ~~(way of life)~~

- (1) Cultural practices and beliefs of ~~T~~tangata ~~W~~whenua are respected.

Policies

SASM-PI ~~Hononga~~ Whanaungatanga (relationship between tangata whenua and ~~to~~ nature)

- (1) Recognise the hononga (relationship ~~of between~~ Tangata mana ~~W~~whenua and nature) with areas of significance, including waters, ancestral lands, sites of significance, waahi tapu, urupaa, maunga and other landforms, mahinga/hauanga kai, and other taonga and taonga species (indigenous flora and fauna) ~~through provisions which may include such as through:~~
- (a) Cultural value assessments and/or cultural impact assessments;
 - (b) Accidental discovery protocols;
 - (c) Use of mana whenua traditional place names;
 - (d) Protection, enhancement and restoration of mauri;
 - (e) Use of appropriate locally sourced native plant species where practicable;
 - (f) Use of archaeological information including Maaori archaeological information; and,

- (g) Incorporation of traditional or sympathetic Maaori design elements where practicable.

SASM-P2 Ngaa taonga tuku iho (~~Maaori~~ Sites and Areas of Significance to Maaori)

- (1) Ensure subdivision, use and development does not compromise the cultural and spiritual significance of areas, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora and fauna.
- (2) Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are protected from adverse effects of development or activities on those sites.

Rules

Land use – effects

SASM-R1 Minor earthworks – Sites and Areas of Significance to Maaori	
(1) Activity status: PER (a) Disturbance of land within a Site and Area of Significance as identified in Schedule 30.3 (Sites and Areas of Significance to Maaori) for the purposes of: (i) Gardening; (ii) Installation of fence posts; (iii) Repair or maintenance of existing underground farm infrastructure; and (iv) Interments in a burial ground, cemetery or urupa.	(2) Activity status where compliance not achieved: (a) N/A

SASM-R2 Signs – Sites and Areas of Significance to Maaori Site of Significance	
(1) Activity status: PER Activity-specific conditions: (a) A sign must comply with all of the following conditions: (i) The sign is for the purpose of identification and interpretation of not attached to a <u>Sites and Areas of Significance to Maaori site of significance</u> listed in Schedule 30.3 (Maaori Sites of Significance) except for the purpose of identification and interpretation.	(2) Activity status: RDIS (a) Any sign that does not comply with SASM-R2(1). (3) Council's discretion is restricted to the following matters: (a) effects on cultural values of any <u>Maaori Site or Area of Significance to Maaori</u>.

Advice note: The Sites and Areas of Significance to Maaori are also recorded archaeological sites and may also contain unrecorded archaeological sites. These sites are subject to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be

contacted regarding development on, or in proximity to, these sites and the need to undertake an archaeological assessment to determine the need for an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.

SASM-R3	<u>Cultivation – Sites and Areas of Significance to Maaori</u>
(1) Activity status: RDIS (a) <u>Cultivation within a Site and Area of Significance to Maaori as identified in Schedule 30.3.</u> (2) The Council's discretion is restricted to the following matters: (a) <u>Effects on heritage and cultural values.</u>	(3) Activity status where compliance not achieved: (a) <u>N/A</u>

SASM-R4	<u>Earthworks – Sites and Areas of Significance to Maaori Site of Significance</u>
(1) Activity status: RDIS (a) Earthworks within a <u>Site and Area of Significance to Maaori site of significance</u> as identified in Schedule 30.3. (2) The Council's discretion is restricted to the following matters: (a) <u>Location of earthworks in relation to the Maaori site of significance;</u> (b) <u>Effects on heritage and cultural values.</u>	(3) Activity status where compliance not achieved: (a) <u>N/A</u>

Subdivision

SASM-R5	<u>Title boundaries – Sites and Areas of Significance to Maaori Sites and Areas of Significance</u>
(1) Activity status: RDIS (a) The boundaries of every proposed lot allotment must not divide containing any Site or Area of Significance to Maaori identified in Schedule 30.3. of the following: (i) Maaori sites of significance as identified in Schedule 30.3 (Maaori sites of significance); (ii) Maaori areas of significance as identified in Schedule 30.4 (Maaori areas of significance). (2) Council's discretion is restricted to the following matters: (a) Effects on Site or Area of Significance to Maaori sites of significance; (b) Effects on Maaori areas of significance.	(3) Activity status: NCDIS (a) Subdivision that does not comply with SASM-R5(1).

Schedule 30.3: Maaori Site of Significance Sites and Areas of Significance to Maaori

The majority of archaeological sites are pre-1900 Maaori sites. They are recorded by archaeologists for their archaeological features and values. Maaori did not record these sites but they recognise them today for their whakapapa, holistic and cultural values.

The following sites, particularly paa, include archaeological sites from New Zealand Archaeological Association records. They are recognised for their significant value to Maaori and represent the pre-1900 Maaori settlement pattern as markers for association of places.

The following schedule also includes parcels of land that have been identified in Part 8 of the Schedule to the 2009 Deed of Settlement between the Crown and Waikato-Tainui as being culturally significant to Waikato-Tainui Iwi and parcels of land that have been identified as areas that have significant value to Maaori.

For the sites and areas listed below, the rules of the district plan apply only to the extent shown on the planning maps.

Item No. Planning Map Ref.	NZAA Site Number	Type	Site Name and Location Area	Significance/ Feature of Interest
<u>MSA1</u>	R12/64	Paa	Unknown name 171 Bald Hill Road, Pukekohe	Remains of ditch and bank. Defence on south-west and eastern areas obliterated by tracking. Northern ditch and bank in fair state.
<u>MSA2</u>	R12/90	Paa	Unknown name 192 Wily Road, Pukekohe	Long ridge paa with pits and terraces.
<u>MSA3</u>	R12/91	Paa	Unknown name 192 Wily Road, Waiuku	Bank (earth), ditch - defensive, platform. A traditional area of Ngaati Te Ata.
<u>MSA4</u>	R12/92	Paa	Unknown name 277 Bald Hill Road, Waiuku	Area is completely ploughed but was a traditional area of Ngaati Te Ata.

<u>MSA5</u>	R12/105	Paa	Unknown name 411 B Razorback Road, Pokeno	This site comprised four trenches in scoria up to 2m deep on the north-east side of a ridge knoll on a spur running south from Mt William. The site has since been destroyed following the construction of a house.
<u>MSA6</u>	R12/128	Paa	Te Auanga Paa 138 Elbow Road,	Paa site - defensive, terraces, ditches, midden - Waikato, Ngaati Tiipa.
<u>MSA7</u>	R12/129	Paa	Unknown name 16 Kohanga Store Road, Te Kohanga	Site consists of two ditches across the ridge, several terraces and three possible pits. The two ditches have been modified slightly to allow cattle access to the end of the ridge – Waikato, Ngaati Tiipa.
<u>MSA8</u>	R12/140	Paa	Unknown name 167B Bluff Road.	Paa site and midden/terraces.
<u>MSA9</u>	R12/157	Paa	Unknown name 115 Murray Road, Pukekawa	A small paa with small infilled ditch at the eastern end. The slopes below the paa are very steep.
<u>MSA10</u>	R12/158	Paa	Unknown name 115 Murray Road,	A hilltop ditch and terrace paa located on a hilltop overlooking the Waikato River.
<u>MSA11</u>	R12/142	Paa	Unknown name 55 McKinney Road, Tuakau	Large paa - pit, terrace. The top of the hill has been totally flattened and a home built. Terraces and pits are found on all major spurs that radiate from the hilltop.
<u>MSA12</u>	R12/143	Paa	Unknown name Aitken Road, Tuakau	At the northern end of Aitken Road, on the southern bank of the Waikato River.
<u>MSA13</u>	R12/144	Paa	Unknown name 325 Tuakau Bridge-Port Waikato Road, Onewhero	Headland paa defended by single ditch.
<u>MSA14</u>	R12/145	Paa	Unknown name 16 Kohanga Store Road, Te Kohanga	Fairly large paa occupies a promontory south of and above Waikato River. Defended to the south by transverse double ditch and bank system.
<u>MSA15</u>	R12/146	Paa	Whiriwhiri Paa 450 Whiriwhiri Road, Waiuku	The original site record splits the Whiriwhiri ridge paa into two separate sites - R12/146 and R12/311.

<u>MSA16</u>	R12/147	Paa	Unknown name 13 Bird Road, Tuakau	Paa (terraced). Small, isolated, conical hilltop paa. Steep falls to stream on north and west sides.
<u>MSA17</u>	R12/150	Paa	Kaiaia Paa or Kaeaea Paa 59 Bird Road, Tuakau	Terraced paa. Major site, occupying 200 paces of upper portion of a steep-sided narrow ridge, lying east-west.
<u>MSA18</u>	R12/151	Paa	Unknown name 350B Bothwell Park Road,	Paa defended by single ditch at narrow neck of promontory.
<u>MSA19</u>	R12/309	Paa	Unknown name Whiriwhiri Road, Waiuku	An extensive agricultural settlement spread across a ridge. It has two centres on knoll overlooking the lake; scarped perimeter and a small ditch on the southwest side. 6 pits on top and 3-4m terrace below in lupins. This is probably a paa, like Maoro N51/5.
<u>MSA20</u>	R12/310	Paa	Unknown name 11B Muir Road, Waiuku	'Ancient History of the Maori' Vol 4:116 cites this as a place where Ngaati Kahukoka gathered eels and later as a burial place of Ngaati Te Ata chiefs.
<u>MSA21</u>	R12/311	Paa	Whiriwhiri Paa (part of original ridge) 1671 State Highway 2, Mangatawhiri	The original site record splits the Whiriwhiri ridge paa into two separate sites - R12/146 and R12/311. The ridge paa had continuous occupation between the two paa.
<u>MSA22</u>	R12/312	Paa	Unknown name 450 Whiriwhiri Road, Waiuku	This was a large terraced paa with many pits. On high ground 1km south of Lake Otamatearoa and west of Whiriwhiri Road.
<u>MSA23</u>	R12/313	Paa	Unknown name 450 Whiriwhiri Road, Waiuku	Paa - ditch, terrace, pit, scarp. The site is located on the high ground south of Lake Puketi.
<u>MSA24</u>	R12/349	Paa	Unknown name 366 Wily Road, Pukekohe	Paa site - 5 pits, 14 terraces, 2 ditches and banks, tihi.
<u>MSA25</u>	R12/351	Paa	Unknown name McMillan Road, Pokeno	Paa site - ditch, pit - bell, terrace, pit.

<u>MSA26</u>	R12/732	Paa	Unknown name 275 Parker Lane, Buckland	Small spur-end paa. An excellent surveillance of the river both upstream and downstream is available from the distal end of the paa.
<u>MSA27</u>	R12/736	Paa	Kaineratou Paa 242 Bluff Road, Pokeno	Ridge paa. Ditch and bank - defensive. Terrace.
<u>MSA28</u>	R12/915	Paa	Unknown name 373 Bluff Road, Pokeno	A terraced headland paa.
<u>MSA29</u>	R12/969	Paa	Te la Paa 373 Bluff Road, Pokeno	Paa defended by a massive defensive scarp, capped by an inner bank.

<u>MSA30</u>	R13/1	Paa	Unknown name 66 Huarau Way, Waiuku	A rectangular, palisaded and scarped enclosure on summit 18m x 14m internally. A series of pits and terraces on lower slopes.
<u>MSA31</u>	R13/2	Paa	Kahuwera Paa 764 Port Waikato- Waikaretu Road, Port Waikato	Old paa. Name identified on a map appended to the Te Akau Block report (AJR 1904 GI).
<u>MSA32</u>	R13/4	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA33</u>	R13/5	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA34</u>	R13/6	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA35</u>	R13/7	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA36</u>	R13/10	Paa	Unknown name I Tuakau Bridge- Port Waikato	Paa with pits and terraces. Small paa with single transverse ditch at terminal end of ridge.

			Road, Port Waikato	
<u>MSA37</u>	R13/11	Paa	Unknown name 115B Maunsell Road, Port Waikato	Ridge paa. Ditch- defensive, midden, terrace.
<u>MSA38</u>	R13/13	Paa	Moehau Paa Port Waikato- Waikaretu Road, Waikaretu	Terraced hill paa with pits. Approximately 120m long and 50m wide. Located along the watershed ridgeline running between Putataka (at 354m) and Te Tehe (at 182m).
<u>MSA39</u>	R13/14	Paa	Unknown name 2159A Tuakau Bridge-Port Waikato Road, Tuakau	Small paa with vestigial ditch and bank defences at southern approach (high ground) to narrow ridge.
<u>MSA40</u>	R13/16	Paa	Unknown name 2159A Tuakau Bridge-Port Waikato Road, Tuakau	Site occupies a small spur, approached by very narrow ridge on high ground to the south. No ditch. Several large terraces facing northeast, descent hill.
<u>MSA41</u>	R13/19	Paa	Unknown name 2255 Tuakau Bridge-Port Waikato Road, Tuakau	Several terraces on northern side of knoll. Latter consists of platform containing 3 pits (all 6x3m). South of this, a demi-ditch and further levelled areas, terraces and occasional pits.
<u>MSA42</u>	R13/21	Paa	Unknown name 133 Morrison Road, Pukekawa	Paa with house floor site, terrace.
<u>MSA43</u>	R13/22	Paa	Unknown name 20 Parsons Road, Tuakau	Paa - ditch- defensive, terrace.
<u>MSA44</u>	R13/23	Paa	Pukekawa Paa (Pukekawa Knob Hill) Highway 22, Pukekawa	Gunfighter paa site comprising a rectangular, redoubt-like defended area flanked to the north by an outer ditch and bank and to the west by a series of rifle pits.
<u>MSA45</u>	R13/24	Paa	Unknown name 117 Clark and Denize Road, Pukekawa	Ditch - defensive, house floor/ site, pit. Two or three rectangular pits.
<u>MSA46</u>	R13/26	Paa	Unknown name Wilson Road, Waiuku	Terraced paa with rectangular pits.

<u>MSA47</u>	R13/27	Paa	Unknown name Forestry Road, Waiuku	Hilltop paa defended by scarps and terraces on south and east sides and by scarp and ditch on the western side. 8 pits and a house site on the rectangular tihi on the summit.
<u>MSA48</u>	R13/28	Paa	Unknown name 112 Ghezzie Road, Waiuku	An end-spur site above former riverswamps (now Ghezzie Road), the sides of which are defended by lateral scarps about 1m high. 6 pits.
<u>MSA49</u>	R13/32	Paa	Whareana Paa 640 Port Waikato- Waikaretu Road, Port Waikato	Terraced ridge paa with pits. House floor/ site, terrace, ditch. Located on an east-west running ridge northeast of the Huriwai River mouth.
<u>MSA50</u>	R13/34	Paa	Unknown name 757 Port Waikato- Waikaretu Road, Port Waikato	Paa with pits. Bank (earth), ditch- defensive, platform.
<u>MSA51</u>	R13/35	Paa	Unknown name 757 Port Waikato- Waikaretu Road, Port Waikato	Paa with pits and single ditch.
<u>MSA52</u>	R13/37	Paa	Te Iringa Paa 1340 Port Waikato- Waikaretu Road, Port Waikato	Te Iringa is described as a paa in the Te Akau block and lying to the south of Kahuwera paa (R13/2) in Judge von Sturmer's Native Land Court Minute Book Vol12 p. 69. It was said to be a paa of the ancestor Kokako.
<u>MSA53</u>	R13/41	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	Terraced ridge paa with pits. Platform, ditch-transverse, bank (earth). One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA54</u>	R13/42	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA55</u>	R13/46	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA56</u>	R13/53	Paa	Unknown name 612 Forestry Road, Waiuku	Ridge-paa defended by transverse ditches, 6 small rua, many pits indicating extensive open settlement and cultivations.
<u>MSA57</u>	R13/54	Paa	Matei Whetu Paa	Paa site with pits.

			122 Kokonga West Road, Waikaretu	
<u>MSA58</u>	R13/55	Paa	Unknown name 2490 Port Waikato-Waikaretu Road, Waikaretu	One of a cluster of paa on this large property. Defended settlement of NgaatiTahinga, Karewa.
<u>MSA59</u>	R13/56	Paa	Unknown name 2490 Port Waikato-Waikaretu Road, Waikaretu	Paa with pits.
<u>MSA60</u>	R13/60	Paa	Unknown name Waikaretu Valley Road, Waikaretu	Located circa 500m directly eastwards of the intersection of Waikaretu Valley Road and Pukerewa Road. Very large terraced paa with tihi and pits.
<u>MSA61</u>	R13/61	Paa	Unknown name 2112A Port Waikato-Waikaretu Road, Port Waikato	Paa with numerous rectangular pits and terraces. Defended settlement as shown by the presence of archaeological sites.
<u>MSA62</u>	R13/64	Paa	Unknown name 122 Kokonga West Road, Waikaretu	Identified site but no evidence of a site at this point, however there appear to be other paa on the property.
<u>MSA63</u>	R13/65	Paa	Puketotara Paa 2112A Port Waikato-Waikaretu Road, Port Waikato	Lies on a small knoll immediately to the southwest across a slight saddle from the main paa R13/66, and is in effect part of the site.
<u>MSA64</u>	R13/66	Paa	Puketotara Paa (main part) 2112A Port Waikato-Waikaretu Road, Port Waikato	One of several sites on this property. Records state that it is the main part of the ridge paa. Associated with site R13/65, an impressive site with pits and terracing across its different stepped levels.
<u>MSA65</u>	R13/67	Paa	Unknown name 2112A Port Waikato-Waikaretu Road, Waikaretu	One of several sites identified on this property by aerial photos.

<u>MSA66</u>	R13/68	Paa	Unknown name 2490 Port Waikato-Waikaretu Road, Waikaretu	Paa with rectangular pits. One of several sites on this property. Defended settlement.
<u>MSA67</u>	R13/77	Paa	Unknown name 122 Kokonga West Road, Waikaretu	Site identified but not verified.
<u>MSA68</u>	R13/79	Paa	Putakaka Paa Tuakau Bridge-Port Waikato Road, Port Waikato	Port Waikato - on end of spur leading down towards the jetty. Access from the end of Cobourne Place.
<u>MSA69</u>	R13/85	Paa	Unknown name 2112A Port Waikato-Waikaretu Road, Waikaretu	Site identified by aerial photos but not inspected.
<u>MSA70</u>	R13/87	Paa	Unknown name 1340 Port Waikato-Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA71</u>	R13/88	Paa	Unknown name Port Waikato-Waikaretu Road, Port Waikato	Terraced paa with pits and midden. Approximately 180- 200m in length. Double ditch and bank defences at western end.
<u>MSA72</u>	R13/89	Paa	Unknown name Wilson Road, Waiuku	Small paa on an elongated sand dune, defended by a transverse ditch 15 paces long, and bank.
<u>MSA73</u>	R13/94	Paa	Unknown name 1348 Churchill Road, Pukekawa	Paa with pits. This pre-1769 paa comprises pits, terraces and ditches.
<u>MSA74</u>	R13/95	Paa	Unknown name 1348 Churchill Road, Pukekawa	This pre-1769 paa site comprises a defensive ditch, pits and terrace. It is located directly behind a current dwelling, the lawn of which extends over part of the defensive ditch.
<u>MSA75</u>	R13/98	Paa	Tauranganui Paa 1513 Tuakau Bridge-Port Waikato Road, Port Waikato	Located on a prominent spur, with good lookout upriver and, to a lesser extent, downriver. Small but permanent stream at base.

<u>MSA76</u>	R13/103	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA77</u>	R13/113	Paa	Unknown name Maunsell Road, Port Waikato	Paa with pit, terrace and midden.
<u>MSA78</u>	R13/114	Paa	Unknown name Tuakau Bridge-Port Waikato Road, Port Waikato	Okahu Valley, Port Waikato. Prominent spur on northern side of valley 500m upstream from junction with the Waikato River.
<u>MSA79</u>	R13/115	Paa	Unknown name Tuakau Bridge-Port Waikato Road, Port Waikato	Pakau. A small paa, described as a "lookout". Prominent ridge to the east of the road about 1km north of Daff Road.
<u>MSA80</u>	R13/126	Paa	Korerokanuka Paa 377 Tokotiko Road, Glen Murray	A small terraced paa built on a small knoll on the edge of the main stream into Lake Whangape, which played a significant role in a dispute between Ngaati Pou and Ngaati Mahuta along with the nearby paa site Te Taima (515/80) in 1842.
<u>MSA81</u>	R13/127	Paa	Unknown name 567 Waikaretu Valley Road, Glen Murray	Ridge paa with three transverse ditch bank defence systems and over thirty pits and terraces. Ngaati Tahinga, Karewa.
<u>MSA82</u>	R13/130	Paa	Unknown name 112 Sharpe Road, Pukekawa	This pre-1769 paa site is located on the spur of a ridge and comprises traverse ditches and earth bank defences, terraces and three remnant pits still visible when the site was last assessed in 2007 (NZAA).
<u>MSA83</u>	R13/131	Paa	Unknown name 1769 Tuakau Bridge-Port Waikato Road, Port Waikato	Paa/urupaa site. A spur-end paa, on a spur descending southwest towards the mouth of a gully.
<u>MSA84</u>	R13/143	Paa	Unknown name 1779 Waikaretu Valley Road, Waikaretu	Ridge paa. The farmhouse, outbuildings and farm roading have been constructed over the ridge paa.
<u>MSA85</u>	R13/169	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.

<u>MSA86</u>	R13/170	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA87</u>	R13/174	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA88</u>	R13/183	Paa	Unknown name 1340 Port Waikato- Waikaretu Road, Port Waikato	One of a significant complex of sites. Defended settlement, Ngaati Tahinga, Karewa.
<u>MSA89</u>	R13/215	Paa	Unknown name 1 Tuakau Bridge- Port Waikato Road, Port Waikato	Ridge paa on narrow north/south ridge with transverse ditches at either end. Vertical fall on western side, more gradual on eastern. Six pits evident within paa, two further large pits immediately outside the southern ditch.

<u>MSA90</u>	R14/2	Paa	Whamakite Paa 870 Pukerewa Road, Matira	Well-preserved hilltop paa. Part of Otehe cluster (landscape of paa).
<u>MSA91</u>	R14/3	Paa	Unknown name 469 Te Akau South Road, Te Akau South	A small headland paa on a prominent hill above Tauterei Stream.
<u>MSA92</u>	R14/5	Paa	Unknown name 250 Te Akau South Road, Te Akau South	A ridge paa. The defended area contains 17 pits with a further 22 which are strung along a narrow spur to the north.
<u>MSA93</u>	R14/8	Paa	Kotare Paa 1017 Mangiti Road, Te Akau South	Known as Paa Hill. An L-shaped ridge paa. High archaeological and cultural value. Defended settlement with platform, terraces (3), ditch and bank, raised banks and pits (7) but comments question settlement evidence.
<u>MSA94</u>	R14/13	Paa	Unknown name 567 Te Akau Coast Road, Te Akau	Old paa/papakaainga. Historic plan shows houses, whare and a Maaori track.
<u>MSA95</u>	R14/15	Paa	Rangikahu Paa I 567 Te Akau Coast Road, Te Akau	Part of a cluster of paa, kaainga, borrow pits and burial kohatu, house floors. Rangikahu was once a thriving hapuu settlement during the 18th and 19th centuries.

<u>MSA96</u>	R14/20	Paa	Pukiwi or Pukewi Paa 352 Ruakiwi Road, Ruakiwi	Paa with pits. Majority of visible features intact, but some minor loss of definition and/or damage. Natural erosion. It is in grass and wing thistle, has 8 hut sites and a ditch that is well preserved.
<u>MSA97</u>	R14/22	Paa	Unknown name 69 Pukerewa Road, Matira	Prominent ridge paa with pits and terraces. Part of the Otehe Paa Cluster.
<u>MSA98</u>	R14/24	Paa	Unknown Name 1398 Nielson Road, Te Akau	Promontory paa with pits, terraces and transverse ditch.
<u>MSA99</u>	R14/25	Paa	Kopapa Paa 404 Te Akau South Road, TeAkau	A ridge paa which is located down an eastern-running spur line above sea level. It covers an area 145m and drops away to the Tauterei Stream. It has pit and terrace features that have been flattened but are discernable .
<u>MSA100</u>	R14/36	Paa	Tungitungiia Paa 231 Te Akau Coast Road, TeAkau	Ridge paa. High archaeological and cultural value. Defended settlement. Although damaged, it is a marker for association of place.
<u>MSA101</u>	R14/37	Paa	Unknown name 45 Te Akau Coast Road, TeAkau	Paa with pits, defended by a double ditch and bank.
<u>MSA102</u>	R14/39	Paa	Paponga Paa Te Akau South Road, Te Akau	Southwest of the Rangikahu and Rupapere Paa properties. Likely of the same Tainui, Koata, Paetoka hapuu, and part of an extensive and important archaeological landscape.
<u>MSA103</u>	R14/41	Paa	Rangikahu Paa 2 567 Te Akau Coast Road, TeAkau	Part of a cluster of paa and kaainga settlements.
<u>MSA104</u>	R14/43	Paa	Rangikahu Paa 3 567 Te Akau Coast Road, TeAkau	Part of a cluster of paa and kaainga settlements.
<u>MSA105</u>	R14/47	Paa	Unknown name 767 Te Akau Coast Road, TeAkau	Hilltop paa. Cluster of archaeological sites on high ridge overlooking ocean. Contains 30 - 40 pits, a cultural landscape feature .
<u>MSA106</u>	R14/49	Paa	Tarapatiki Paa 207 Hills Road, Raglan	Headland paa. It was previously occupied by Ngaati Koata. They were attacked by Ngaati Mahaanga and Tamainupo and pushed to Aotea Harbour . This was the beginning of the settlement of the

				Waingarua by Ngaati Mahaanga.
<u>MSA107</u>	R14/51	Paa	Puke-au-tumu Paa 274 Okete Road, Okete	Peninsula paa with numerous house pits.
<u>MSA108</u>	R14/52	Paa	Horongorara Paa Ryan Road, Te Akau South	Defensive Ridge paa, terraces, platform, middens. About 1700, Ngaati Tahinga's villages were on the northern side of the harbour and their principle paa was Horongarara, where they lived under the mana of Te Uakitahi.
<u>MSA109</u>	R14/60	Paa	Unknown Name 4270 State Highway 23, Okete	Small paa on the northern end of the ridge. Ngaati Mahaanga, Hourua.
<u>MSA110</u>	R14/64	Paa	Rangipu Paa and Urupa Te Riria Kereopa Memorial Drive, Raglan	Tainui Hapuu. Large paa on a prominent headland at Te Kopua.
<u>MSA111</u>	R14/67	Paa	Unknown name 4189C State highway 23, Raglan	Small paa. The overall form of the headland is such that the site may have been fortified.
<u>MSA112</u>	R14/68	Paa	Kirikiripu Paa 3	Ngaati Koata, Ngaati Mahanga- part of ridge paa. Large hilltop paa with several terraces and pits.
<u>MSA113</u>	R14/75	Paa	Unknown name Okete Road, Te Uku	Paa and middens record in Haroto Bay. Ngaati Koata, Ngaati Mahaanga.
<u>MSA114</u>	R14/76	Paa	Karikaringa Paa Ohautira Road, Ranui	Paa with ditch, bank, 13 pits, possible house floor and middens- Ngaati Taimainupo, Kotara, Te Huaki hapuu area.
<u>MSA115</u>	R14/78	Paa	Whakaoiranga Paa 727 Ohautira Road, Ohautira	Headland paa, north of the mouth of the Ohautira Stream and formed by a ditch and bank cutting through a ridge.
<u>MSA116</u>	R14/82	Paa	Te Rangaiwi or Te Tarangaiwi Paa 621 Ohautira Road, Ohautira	Small headland paa - ditch and bank (up to 1.5m high) cuts across the neck of the headland, defending a triangular area ca.50 paces long.
<u>MSA117</u>	R14/90	Paa	Pareheka Paa Rothery Road, Te Akau South	Ridge paa within the Motukokako Point Scenic Reserve.
<u>MSA118</u>	R14/93	Paa	Tokatoka Paa Rothery Road, Te	Harbour edge headland paa which runs along the summit to the point.

			Akau South	
<u>MSA119</u>	R14/95	Paa	Opukeko Paa 143 Te Akau Wharf Road, Te Akau South	Headland paa above Raglan Harbour and on the north side of Ponganui Creek.
<u>MSA120</u>	R14/98	Paa	Horea Paa Te Akau Wharf Road, Te Akau South	Hilltop paa. Site on a series of ridges with pits evident. Is affected by the movement of the sand dunes. Tainui hapuu were living there as owners in 1840.
<u>MSA121</u>	R14/127	Paa	Waiwhara Paa 157A Rothery Road, Te Akau South	Elongated ridge paa with several clusters of pits along the length of the site. A paa occupied by Tainui Hapuu.
<u>MSA122</u>	R14/131	Paa	Te Tarata Paa 856 Mangiti Road, Te Akau	Small headland paa with a low isthmus leading up to an elevated headland.
<u>MSA123</u>	R14/134	Paa	Unknown name 201 Checkley Road, Te Uku	Paa with tihi platform, terraces and ditches. Likely to be of Tamainupo.
	R14/137	Paa	Unknown name 330 Wainui Road, Raglan	Paa site within the Wainui Reserve. Paa and kaainga of Ngaati Hounuku, Ngaati Kaunahi.
<u>MSA124</u>	R14/139	Paa	Unknown name 41890 State Highway 23, Raglan	Large paa on a prominent spur end. Quite likely to be part of the area of kaainga of Kirikiripu area – Ngaati Koata, Ngaati Mahaanga.
<u>MSA125</u>	R14/143	Paa	Unknown name Okete Road, Okete	Small paa with rectangular pits.
<u>MSA126</u>	R14/145	Paa	Wairata Paa 209 Ohautira Road, Te Uku	Small hilltop spur on low north-south orientated ridge between the Waitetuna River tidal estuary and SH22. No longer has surface evidence. A home has been built on this site.
<u>MSA127</u>	R14/146	Paa	Heretu Paa Williamson's Access Road, Waitetuna	Very little known about this paa. Has a very prominent summit.
<u>MSA128</u>	R14/149	Paa	Unknown name 45 Te Akau Coast Road, Te Akau	Hilltop paa site.

<u>MSA129</u>	R14/153	Paa	Mokoroa Paa Mangiti Road, Te Akau South	Ridge paa of Tainui, Tahinga, overlooks the Whangaroa Harbour.
<u>MSA130</u>	R14/160	Paa	Te Rawhitiroa Paa 1001 Ohautira Road, Ohautira	Paa with mostly pits, with a defended knoll at the north end – Ngaati Tahuaki, Tamainupo.
<u>MSA131</u>	R14/161	Paa	Te Tomo Paa Pukerewa Road, Matira	One of a three-cluster of paa that is also within the Otehe cluster of paa sites, belonging to Tainui/Tahinga hapuu. The paa features a large rectangular ditch and bank.
<u>MSA132</u>	R14/162 & R14/162B	Paa	Puketoa Paa Pukerewa Road, Matira	Both paa or kaainga of the three-clustered paa are also within the Otehe cluster of paa sites, belonging to Tainui/Tahinga hapuu. Has a large rectangular ditch and bank which includes a series of terraces and pits on the ridge east of the paa noted as 1628.
<u>MSA133</u>	R14/166	Paa	Unknown name Te Akau South Road, Te Akau	A large hilltop paa with over twenty pits, some very large, both outside and inside the scarp defences.
<u>MSA134</u>	R14/169	Paa	Unknown name 69 Pukerewa Road, Matira	A considerable amount of disturbance has happened to the paa but the physical features of the paa still definable. Affected by farm track and fences. Part of the Otehe paa cluster.
<u>MSA135</u>	R14/175	Paa	Waimiha (Old Paa) Te Akau Coast Road, Te Akau	Ridge paa. Contains numerous pits and terracing. Some intact features, but others may be unclear or damaged. Mostly covered with regenerating bush scrub and thick manuka.
<u>MSA136</u>	R14/182	Paa	Unknown name 45 Te Akau Coast Road, Te Akau	Paa with scarped knoll.
<u>MSA137</u>	R14/207	Paa	Unknown name Ohautira Road, Ohautira	Paa with pits on ML. Between Oruawhau Creek and Ohautira Stream, west of Ohautira Road.
<u>MSA138</u>	R14/218	Paa	Papa o Hine Rongo Paa 767 Te Akau Coast Road, Te Akau	Ridge paa with very little erosion, excellent state.
<u>MSA139</u>	R14/221	Paa	Rangikahu Paa 4 567 Te Akau Coast Road, Te Akau	Part of a cluster of paa and kaainga settlement.

<u>MSA140</u>	R14/225	Paa	Unknown name 250 Te Akau South Road, TeAkau	Paa with 3 pits and a terrace on the south. Contributes to the distribution of paa and supports the settlement pattern in the coastal zone, especially of Tainui/Tahinga hapuu.
<u>MSA141</u>	R14/234	Paa	Kirikiripu Paa 1 41898 State Highway 23, Raglan	Ngaati Koata, Ngaati Mahanga- identified as a small hilltop paa but may be part of a cluster of kaainga on this ridge.
<u>MSA142</u>	R14/237	Paa	Kirikiripu Paa 2 4213 State Highway 23, Raglan	Ngaati Koata, Ngaati Mahanga - paa site with platform, terraces, scarps and at least three pits. Originally recorded as a triangular plan ring-ditch paa.
	R14/253	Paa	Unknown name Whaanga Road, Raglan	Within Te Toto Gorge. A cultural landscape of archaeological sites that includes paa, several pits, terraces, and stonefield stone walls.
<u>MSA143</u>	R14/257	Paa	Hounuku Paa Karioi Road, Ruapuke	Ngaati Hounuku, Ngaati Koata, Tainui. Identified as one of the highest coastal paa. It is now within the Karioi forest.
<u>MSA144</u>	R14/294	Paa	Tahere Paa 69 Pukerewa Road, Matira	Ridge paa with pits. The sides of the paa are steep and terracing has cut into the even slopes on the top.

<u>MSA145</u>	R15/1	Paa	Korero-mai-waho Paa Phillips Road, Te Mata/Aotea	Large paa site area which is on crown land administered by DOC. Ridge paa with ditch, bank, pits, terraces, house floors and scarps.
<u>MSA146</u>	R15/9	Paa	Unknown name Phillips Road, Te Mata	Old paa/kainga situated a short distance southeast of the Tahere hill paa site. Colonial era paa, 1840- 1900.
<u>MSA147</u>	R15/24	Paa	Te Rau o te Huia Paa Phillips Road, Te Mata	A hilltop paa. An old paa of Tainui, Ngaati Kakaati, Ngaati Whakamarurangi.
<u>MSA148</u>	R15/32	Paa	PuangiPaa Phillips Road, Te Mata	Old fortified village and mentioned as a boundary mark in Waikato Land Court investigations.
<u>MSA149</u>	R15/44	Paa	Te Rete Paa 626 Phillips Road, Te Mata	Te Rete is the name of the land block on which the paa is sited, also identified as Kaainga Paa.

<u>MSA150</u>	R15/54	Paa	Matataraawhare Paa Matawha Road, Ruapuke	Hilltop paa: at least 49 pits, ditch and bank on southern side of site, cultivation terraces 100x50m, platforms. Previously recorded as "Ruapuke" but this is considered incorrect by local iwi.
<u>MSA151</u>	R15/55	Paa	Unknown name Ruapuke Beach Road, Ruapuke	Long, low terraced small hill with about 10 pits - Ngaati Motemote, Koata, Tainui.
<u>MSA152</u>	R15/56	Paa	Orongoheke Paa 1658 Whaanga Road, Ruapuke	Small spur below R15/54, just above point where Ruapuke Stream comes out onto beach. Between Papanui and Matataraawhare - Koata, Tainui.
<u>MSA153</u>	R15/58	Paa	Unknown name 1384 Whaanga Road, Raglan	Paa, ditch bank and rectangular pits. Tainui, Ngaati Koata.
<u>MSA154</u>	R15/59	Paa	Wharekekeno Paa 1384 Whaanga Road, Raglan	Also called Cemetery Hill. A coastal hill paa. Members of the Swann family have been buried on the tihī of the paa.
<u>MSA155</u>	R15/60	Paa	Tahere Paa 420 Phillips Road, Te Mata	Tahere is the name of the old hilltop paa and the area surrounding it. The lower slopes descend toward the Toreparu wetlands.
<u>MSA156</u>	R15/65	Paa	Herangi Paa Phillips Road, Te Mata	Old paa site of Ngaati Kakati, Koata Tainui and Whakamarurangi.
<u>MSA157</u>	R15/68	Paa	Mowhiti-Te Heru Paa Te Papatapu Road, Te Mata	Headland paa. Ditch and bank across the neck of the headland, terrace, rua pit and oven stones.
<u>MSA158</u>	R15/82	Paa	Manuaitu Paa and Tuahu 626 Phillips Road, Te Mata	On the most prominent hill in the area. Very long extensive ridge paa with house floors, ditch and bank defences, central platforms, terraced knolls at each end, ca.100 bell-shaped and rectangular pits, ca.185 borrow pits. Terraced ends with two tuahu stones on the eastern end.
<u>MSA159</u>	R15/83	Paa	Pukeroa Paa Waimaori Road, Ruapuke	Hilltop paa with platforms, numerous pits, terraces and ditches. Steep hill with many pits, terraced and also defined by ditches. Rises above the Toreparu Wetland.
<u>MSA160</u>	R15/84	Paa	Toroanui Paa and Tuahu 626 Phillips Road, Te Mata	Hilltop paa with numerous pits, pipi shell midden, and a large limestone tuahu (sacred ritual) stone stands here.

<u>MSA161</u>	R15/85	Paa	Poru-o-Kiore Paa Phillips Road, Te Mata	Paa with well-preserved ditches and banks on eastern tip of headland, strong natural defences on three sides.
<u>MSA162</u>	R15/86	Paa	Papanui or Waipapa Paa Whaanga Road, Raglan	Headland paa with ditch and platform (2012 inspection). Papanui paa is situated at the end of the point 200m down a ridge from R15/522. The western end of this paa is defended by a ditch dug across the ridge.
<u>MSA163</u>	R15/87	Paa	Unknown name 1731 Kawhia Rd, Te Mata	Paa site hidden by scrub, within one of the Moerangi blocks.
<u>MSA164</u>	R15/90	Paa	Unknown Paa Phillips Road, Te Mata	Paa within the Raoraokauere A3 Block, southeast of Manuaitu. Terraces, pits and two platform areas - Ngaati Kakaati, Tuirirangi, Koata, Tainui.
<u>MSA165</u>	R15/96	Paa	Unknown name Ruapuke Road, Te Mata	The paa is located on a small conical knoll connected to a larger ridge by a saddle. QEII Conservation Covenant.
<u>MSA166</u>	R15/108	Paa	Unknown name Parker's Access Road, Waitetuna	Small paa with pits.
<u>MSA167</u>	R15/268	Paa	Unknown name Whaanga Road, Raglan	Reputed paa. Identified in Mt Karioi Landscape Study by QEII National Trust.
<u>MSA168</u>	R15/497	Paa	Unknown name 1384 Whaanga Road, Raglan	Small paa on ridge overlooking the coast. North of Papanui point. Appears to be one of a small cluster of paa in the Ruapuke area.
<u>MSA169</u>	R15/524	Paa	Unknown name Phillips Road, Te Mata	Paa within the Raoraokauere ASB Block. Large paa, includes summit platform, an upper level of terraces extending northwest, intermediate and lower levels of terraces extending east, a traverse ditch.
<u>MSA170</u>	R15/713	Paa	Taharanga Paa Maihi Access Road, Makomako	Paa site. Reported to have many embankments, ditches, terraces and pits. Believed to have been built a year or two before 1819.
<u>MSA171</u>	R15/739	Paa	Pukekuku Paa Maihi Access Road, Makomako	Cliff paa. Large karst paa with rock shelters and middens. This appears to have been a large important paa, occupied for a considerable period of time.

<u>MSA172</u>	R15/765	Paa	Te Ruatangata Paa Maihi Access Road, Makomako	Headland paa: platform 40x10m, inner ditch ca. 5m wide, 35m high scarp, 4m high counter-scarp and outer ditch, all well preserved. There appears to be another paa R15/77 on top of the headland - it is presumed that this paa is earlier than Ruatangata.
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<u>MSA173</u>	S12/1	Paa	Unknown name Mercer Ferry Road, Pukekawa	Site defended by a ditch on three sides.
<u>MSA174</u>	S12/8	Paa	Unknown name 67A Mercer Ferry Road, Pukekawa	A ridge paa partially under scrub and partially in pasture. Small paa dominated by macrocarpa.
<u>MSA175</u>	S12/9	Paa	Unknown name Coalfields Road, Kopuku	The paa was situated on the northern bank of the Kopuku Stream, between the Kopuku (now Kopako) Coal Mine (to the north) and the stream. Previously consisted of a large hilltop paa with pits.
<u>MSA176</u>	S12/10	Paa	Unknown name 933 Kopuku Road, Kopuku	South of Maramarua and Kopuku, between Ferndale Road to the east and Kopuku Road to the west, c. 1km south-west of Maby Hill, on the northern bank of stream.
<u>MSA177</u>	S12/14	Paa	Unknown name 129 Koheroa Road, Mercer	Terraced hill paa with pits.
<u>MSA178</u>	S12/15	Paa	Unknown name 25 Glass Road, Mercer	2 ditches, 7 pits and terraces. Site is generally flat across the top with south-facing terraces. Several sites in the area.
<u>MSA179</u>	S12/16	Paa	Unknown name 189 Kellyville Road, Mercer	Paa, subsequently British piquet.
<u>MSA180</u>	S12/17	Paa	Unknown name Koheroa Road, Mercer	Quite large spur-end paa with extensive terracing.
<u>MSA181</u>	S12/18	Paa	Unknown name 270 Koheroa Road, Mercer	Paa site and redoubt/stockade (?) with tihi, terraces, rifle trenches, pit. May be in fact three or more sites.

<u>MSA182</u>	S12/28	Paa	Onoke Paa 92 Dimmock Road, Maramarua	Southeast of Maramarua, enclosed by SH2 to the southwest, Dimmock Road to the north, and Heaven Road to the southeast, on a prominent hill. Paa - two platforms, several groups of pits, small ditch, access ridge with a string of pits and a second ditch.
<u>MSA183</u>	S12/42	Paa	Unknown name 283 Lyons Road, Mangatawhiri	Paa, pits still visible.
<u>MSA184</u>	S12/45	Paa	Poparata Paa Lyons Road, Pokeno	Main defence complex - very detailed sketches.
<u>MSA185</u>	S12/48	Paa	TuiPaa	Musket paa. 2 ditches, tihi, 12 pits, at least 10 terraces.
<u>MSA186</u>	S12/49	Paa	Unknown name 174 Mangatangi Road, Mangatangi	Paa situated on a knob flanking the Mangatangi Stream, with cliffs on riverside. Defended by a lateral ditch with external bank, small-scale, on southern side and by scarp at the eastern end.
<u>MSA187</u>	S12/51	Paa	Unknown name 10238 Kaiaua Road, Mangatangi	Paa is on the ridge flanking the Mangatangi River. Small-scale paa. Several sites noted.
<u>MSA188</u>	S12/52	Paa	Unknown name 822A Kaiaua Road, Mangatangi	A spur drops steeply to the stream. A ditch 4m wide and 1.5m deep defends the end of the spur, on which is a pit group.
<u>MSA189</u>	S12/124	Paa	Unknown name 10238 Kaiaua Road, Mangatangi	Ditch crosses diagonally across a wider part of the slight saddle between a high point on the major ridge and a knoll. Several sites present.
<u>MSA190</u>	S12/128	Paa	Unknown name 10238 Kaiaua Road, Mangatangi	Ridge paa. Several sites present on property, defended settlement.
<u>MSA191</u>	S12/221	Paa	Unknown name Kaiaua Road, Mangatangi	The paa, at the junction of three ridges at a height of approx. 280m, is defended by transverse ditches, the main ridge having two. There were 11 kumara pits and at least 12 small terraces suitable for house sites or cooking shelters. Defended settlement.

<u>MSA192</u>	S12/222	Paa	Unknown name Kaiaua Road, Mangatangi	Paa site with terraces, ditches, banks, pits, scarps and midden. The centre of the site is located on a knoll with at least two levels of terracing encircling the knoll on all sides with scarps up to 2m.
<u>MSA193</u>	S12/226	Paa	Unknown name 822A Kaiaua Road, Mangatangi	Paa, including burials. The paa is on a promontory of a flat ridge above the stream. Terraces and pits.
<u>MSA194</u>	S12/239	Paa	Unknown name Coalfield Road, Kopuku	Swamp paa, possibly a gunfighter paa. Covered in massive pits.
<u>MSA195</u>	S12/251	Paa	Unknown name 189 Kellyville Road, Mercer	Ridge paa. Two indistinct terraces are visible between the ditch and the pits, a further terrace lies to the southeast of the pits. No evidence of any shell midden was noted either on the site or eroding from the steep scarps around the edges.
<u>MSA196</u>	S12/252	Paa	Unknown name 248A Mangatangi Road, Mangatangi	Large terraced paa with internal pits and lateral ditch on prominent hill overlooking Ruaotehuia Stream. Old paa site.
<u>MSA197</u>	S12/253	Paa	Opuku Paa 285 Ferndale Road, Maramarua	Large ridge paa - platform (tihi) in southwestern corner, with at least 8 pits, midden (cockle, oven stone, ash deposits) on the western edge. At least 3 ditches, banks on the northern and eastern edges.
<u>MSA198</u>	S12/254	Paa	Unknown name Feist Road, Kopuku	The site is on a low knoll of a ridge west of Kopuku. Approximately 250m north of Feist Road. Paa site with ditches and terraces.
<u>MSA199</u>	S12/255	Paa	Unknown name Findlay Road, Maramarua	In Crown Ownership (2002), in the Vining Scenic Reserve (S12/295).
<u>MSA200</u>	S12/256	Paa	Whatarua Paa 24 Marshall Road, Maramarua	The paa is located to the north of Monument Road, on the northern side of the bend in the Ruaotehura Stream. Features include pits, terraces, defensive scarps and remnants of ditches.
<u>MSA201</u>	S12/273	Paa	Te Paina and horticulture area	Paetai was a known cultivation area and papakaainga paa which accommodated a key hui in 1857 to discuss the potential of uniting Iwi and its land under a Maaori King.
<u>MSA202</u>	S12/329	Paa	Unknown name 119 Great South Road, Pokeno	Paa site with short transverse ditch, scarp and platform. Little of the paa is left.

<u>MSA203</u>	S12/350	Paa	Unknown name Mangatangi Road, Mangatangi	Identified as maaori paa and potato pits. Site has been built on.
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<u>MSA204</u>	S13/2	Paa	Taniwha Paa Taniwha Road, Waerenga	Ridgetop paa, roughly triangular in shape, with numerous pits in a T- shaped alignment. Surrounded by ring ditch. Surrounding slopes all have pit and drain features.
<u>MSA205</u>	S13/4	Paa	Old Paa and Urupa	This site was identified as a small pre-1769 ring ditch in paa, although it has only been known as an urupaa. However it is not normal to have an urupaa where there was no settlement. This may be nearby.
<u>MSA206</u>	S13/5	Paa	Unknown name Falls Road, Waerenga	Located on the northern bank of the Whangamarino River, c. 300m east of the bridge over Falls Road. Paa site with possible ditch depressions.
<u>MSA207</u>	S13/8	Paa	Unknown name 859 Glen Murray Road, Rangiriri	Paa with pits, ditches and banks overlooking Lake Whangape, about 8km from Rangiriri, north of Motukauere Island.
<u>MSA208</u>	S13/10	Paa	Te Aroa Paa Chapman Road, Pukekawa	This pre-1769 site comprises a ridge paa comprised of transverse ditches, inner bank and lateral scarps, pits and a house floor just outside the southern defences.
<u>MSA209</u>	S13/11	Paa	Ahikao Paa Churchill Road, Churchill	Large river-edge paa, platform, ditch, pits on the western side of the Whangape Stream where it enters the Waikato River.
<u>MSA210</u>	S13/13	Paa	Unknown name 575 Falls Road, Waerenga	On ridgeline, Whangamarino Swamp. The site is on top of the low ridge to the east of the farm track running south from the corner on Falls Road.
<u>MSA211</u>	S13/15	Paa	Unknown name Te Ohaki Road, Rangiriri	Located on the west bank of the Waikato River, south of the Glen Murray/Te Ohaki junction. River edge paa.
<u>MSA212</u>	S13/16	Paa	Unknown name 216 Waiterimu Road, Waiterimu	Waikare Lake paa at the north end of ridge running northwest and above Waikare Lake Road.

<u>MSA213</u>	S13/18	Paa	Te Hoe Paa 22 Mangatea Road, Te Hoe	Part of the Te Hoe paa, with features including terraces, scarps and pits. Ngaati Wairere, Makirangi, Haua.
<u>MSA214</u>	S13/19	Paa	Puketutu Paa 2130 Tahuna Road, Te Hoe	Situated north of Tahuna Road ridgeline between Te Heru Paa and Ruakiwi Paa. Very little known.
<u>MSA215</u>	S13/27	Paa	Unknown name Falls Road, Waerenga	Paa site with terraces and ditches.
<u>MSA216</u>	S13/28	Paa	Unknown name 654 Falls Road, Waerenga	Small hilltop paa site with terrace and scarp. Area has been modified by the building of a farm house.
<u>MSA217</u>	S13/29	Paa	Unknown name 654 Falls Road, Waerenga	Small rectangular paa with terraces.
<u>MSA218</u>	S13/30	Paa	Unknown name 96 Taniwha Road, Waerenga	Paa includes platform 25x15m, two terraces, and some charcoal- darkened soil on terraces. The paa is located on a hill formed between the present river and a former course of the river.
<u>MSA219</u>	S13/32	Paa	Unknown name Glen Murray Road, Rangiriri	At the northern end of the ridge on Motukauere Island, Lake Whangape Lower Waikato. Ridgetop paa features a deep ditch on at least 2 if not 3 sides. Strong natural defence to the west provided by a steep drop to the lake.
<u>MSA220</u>	S13/34	Paa	Unknown name 37 Peacocke Road, Orini	Small paa and two terraces. Defended hapuu settlement. Ngaati Wairere.
<u>MSA221</u>	S13/35	Paa	Unknown name 99 Drake Road, Waerenga	Northeast of Whangamarino Swamp. Fairly large paa with transverse fortifications, terraces etc.
	S13/50	Paa	Rangiriri Paa Cnr State Highway 1 and Te Wheoro Road, Rangiriri	Gunfighter paa. The Rangiriri Paa Historic Reserve is located at the junction of State Highway 1 and Te Wheoro Road. 1km north of Rangiriri township.
<u>MSA222</u>	S13/51	Paa	Kimihia Paa Ralph Road, Huntly	The paa sits between the Waikato River and Lake Kimihia. Site bulldozed in 1998, little or no surface evidence remains. Artefacts, adzes found. Ngaati Kuiarangi, Mahuta, Whawhakia.

<u>MSA223</u>	S13/61	Paa	Waikare Tirohia or Thompsons Paa 276C Churchill East Road, Te Kauwhata	Site presents a paradox. Documentation indicates that it is occupied by a paa with a pakeha name, and alternatively a redoubt with a Maaori name. Features no longer visible.
<u>MSA224</u>	S13/62	Paa	Unknown name 850 Waikare Road, Waiterimu	The evidence is more consistent with a kaainga rather than a paa. Visible features with habitation and cultivation.
<u>MSA225</u>	S13/76	Paa	Taipouri Paa 446 Te Ohaki Road, Huntly	Historic paa 1600AD. Occupation by Kokako, father of Taimainupo.
<u>MSA226</u>	S13/77	Paa	Wakatapuhina Paa Ohinewai North Road, Ohinewai	Historic paa - palisaded enclosure reported to have been occupied by Ngaati Hine. No archaeological features visible. Location on an island in the river.
<u>MSA227</u>	S13/78	Paa	Newhaora Paa Glen Murray Road, Rangiriri	Old paa site. On the west bank of Rangiriri and next to the Maurea Marae. It has Maaori value significance because of its association with Waikato Chiefs, the Land Wars and the river.
<u>MSA228</u>	S13/79	Paa	Horahora Paa/ Papakaainga (Old Site) Horohora Road, Rangiriri	Historic paa of high value reported from reference. No archaeological features visible. Situated between the Waikato River and Marae.
<u>MSA229</u>	S13/80	Paa	Te Taima Paa Glen Murray Road, Rangiriri	Historic paa reported to have been occupied by Ngaati Pou or Porou in 1842. Paa built by Ngati Pou over a dispute with Ngati Mahuta over paa tuna (eel weir) in the vicinity on the lake.
<u>MSA230</u>	S13/81	Paa	Tarahanga Paa Tarahanga Island, Waikato River	Historic paa or village reported to have been occupied by Ngati Pou between 1842-1850.
<u>MSA231</u>	S13/83	Paa	Koreromanuka Paa Churchill Road, Churchill	Historic paa reported to have been occupied in 1842. (Ashwell & Ligar)
<u>MSA232</u>	S13/84	Paa	Pokaewhenua Paa Jamieson Road, Waerenga	Ridge paa - prominent transverse and lateral ditches enclose an elongated rectangular area.
<u>MSA233</u>	S13/85	Paa	Unknown name 473 Falls Road, Waerenga	Paa on southern end of a ridge overlooking the southeastern corner of Whangamarino swamp, to the west of Belcher Road.

<u>MSA234</u>	S13/86	Paa	Ruakiwi Paa Tahuna Road, Te Hoe	Situated on the ridge on the northern side of Tahuna Road and east of Puketutu Paa.
<u>MSA235</u>	S13/99	Paa	Unknown name 39 Pororua Road, Te Hoe	Large paa with at least five pits, 5 terraces and well-defined tihi/platform.
	S13/119	Paa	Ruakiwi Paa 343 Jefferies Road, Waerenga	Northwest of Waerenga, Upper Whangamarino, on a prominent spur extending south from Maramarua Forest into a big bend in the Whangamarino River. Paa on a ridge overlooking the Whangamarino River.
<u>MSA236</u>	S13/120	Paa	Unknown name 458 Falls Road, Waerenga	Whangamarino Gorge, ca. 1km upriver from Whangamarino swamp, on true left bank. Upstream of Pungarehu Stream. Old paa.
<u>MSA237</u>	S13/141	Paa	Unknown name 343 Jefferies Road, Waerenga	North of Waerenga, north of and visible from Jefferies Road. Proximal and distal transverse ditches, possible lateral line of fortification.
<u>MSA238</u>	S13/142	Paa	Unknown name 1001 Churchill East Road, Te Kauwhata	Meremere-Rangiriri, on eastern bank of the Waikato River. Terraced and fortified spur, summit platform, major concentric terrace, minor terrace, vague transverse ditch with 1m high transverse scarp, weak lateral defence scarp.
<u>MSA239</u>	S14/1	Paa	Te Tuke o Hanui Paa	Headland paa. The paa site is located in a stand of covenanted totara bush c. 1km south of Gowers Road and north of Komakorau Stream.
	S14/2	Paa	Puke-i-aahua Paa Havelock Road (North) Ngaruawahia	Historic ridge-top paa associated with the Kingitanga history. It is a marker for association of place between Ngaati Maniapoto and Tainui.
<u>MSA240</u>	S14/5	Paa	Te Uhi Paa (part of Rotokauri Paa) Exelby Road, Rotokauri	Originally recorded as a swamp mound paa. The mound was surrounded by pallsiding. According to local knowledge, the site was associated with a party of Maaori gum diggers who defended their camp due to an altercation with another group of Maaori.
<u>MSA241</u>	S14/6	Paa	Taupirikuao Paa State Highway 1, Taupiri	Taupirikuao (the offspring of Taupiri maunga), is the smaller hill beside Te Mata o Tutonga (the old name of Taupiri Maunga). Taupiri Mountain became tapu and a cemetery for the Waikato people around 1740.
<u>MSA242</u>	S14/7	Paa	Kaitotehe and Tukupoto Paa Hakarimata Road, Ngaruawahia	A significant area. The paa site is now a level tract of farm land which sits below the Hakarimata Range and the willow-fringed Waikato River. Taupiri Mountain is the eastern backdrop on the opposite side of the river. The land area is currently subdivided and in private ownership.

<u>MSA243</u>	S14/8	Paa	Unknown name (also named Knights Paa after owner) 11 Fullerton Road, Rotokauri	Originally recorded as a river terrace paa. The site had been flattened and ploughed out by the time of recording. Original surface features of the paa have been destroyed.
<u>MSA244</u>	S14/13	Paa	Unknown name 2156 A River Road, Horsham Downs	Traverse ditch and bank, terraces, pits and numerous borrow pits. Artefact, adzes found. Paa has been entirely quarried away.
<u>MSA245</u>	S14/14	Paa	Kupakupa Paa Riverview Road, Huntly	Defensive scarp, transverse ditch, five well-preserved rectangular pits. Site is in pasture and unmodified. Waikato River edge location.
<u>MSA246</u>	S14/15	Paa	Unknown name State Highway 1, Taupiri	Located on a spur above SH1, on the eastern side of the Waikato River. Long defensive ridge paa with flattened crest, 2 tihi pits, defence ditches and banks. Many paa between Ngaruawahia and Huntly were occupied by Ngaati Mahuta, Whauroa, Taimainupo.
<u>MSA247</u>	S14/20	Paa	Te Uapata Paa 522 Waring Road, Taupiri	This paa is known as being the kaainga of Paoa, the younger brother of Mahuta. It later became the home of Mahuta's grandsons Wharetipa and Taupuae.
<u>MSA248</u>	S14/21	Paa	Otaahua Paa Gordonton Road, Taupiri	Otaahua is mentioned in relation to Te Uapata Paa in the Hauraki Maori Land Court Minute Book (24, p.215). Paa site with shallow ditch, depressions and a small terrace.
<u>MSA249</u>	S14/22	Paa	Tarake Paa 15 Murphy Lane, Taupiri	Small stockade village occupied by Ngaati Whauroa, a very small hapuu within the Tainui confederation.
<u>MSA250</u>	S14/24	Paa	Unknown name Parker Road, Huntly	Within the Hakarimata Scenic Reserve southwest of the end of Parker Road.
<u>MSA251</u>	S14/26	Paa	Pukehemu Paa and Moehaki Urupaa 110 Bedford Road, Te Kowhai	(Part of Te Kowhai Paa) Paa is on a small knoll overlooking river. North- south line of borrow pits in the middle of high flats to the east of Bedford Road, and 2-3 pits north of the paa. Ngaati Maahanga, Taimainupo, Kotara, Te Huaki Mahuta – Waikato Iwi nui tonu.
<u>MSA252</u>	S14/35	Paa	Tamahere Paa 781 C Bruntwood Road, Tamahere	Small clifftop (possibly gunfighter) paa with five rectangular pits and a ditch.
<u>MSA253</u>	S14/42	Paa	Tikirahi Paa 512 Airport Road, Tamahere	The importance is noted because of its location to the river. It is a marker for association of place and the whakatauki reminds us "he piko te taniwha, he piko te taniwha – At every bend there is a chief."

<u>MSA254</u>	S14/43	Paa	Maniapoto Paa 34 Tauwhare Road, Tauwhare	Maniapoto Paa was the largest and most important paa in the Tamahere district covering two hectares, built by famous war chiefs Te Waharoa and Te Pohepohe.
<u>MSA255</u>	S14/49	Paa	Unknown name 170 State Highway 26, Newstead	Old paa site. A house has been built on the site, but provides a point of hapuu settlement in the area.
<u>MSA256</u>	S14/50	Paa	Unknown name Fullerton Road, Rotokauri	Paa site, river terrace.
<u>MSA257</u>	S14/51	Paa	Unknown name Titoki Drive, Tauwhare	Old paa site. Area under vegetation, the area outside used for crops. No surface evidence.
<u>MSA258</u>	S14/54	Paa	Potuwaha Paa Titoki Drive, Tauwhare	This is the name of the paa that still exists adjacent to Braily House and the small hill that the house is built on. Potuwaha means 'nightglow', and refers to the embers of a fire seen at night.
<u>MSA259</u>	S14/55	Paa	Unknown name 345A Tauwhare Road, Tamahere	Paa is within a cluster settlement of paa. It has been destroyed by the construction of a culvert. It provides a point of hapuu settlement.
<u>MSA260</u>	S14/56	Paa	Unknown name 15 Vintners Lane, Tamahere	Gully paa. It had a deep eastern defensive ditch, now rounded and filled. Main surface of paa is flat with natural terracing at the western end.
<u>MSA261</u>	S14/61	Paa	Unknown name 80 Fuchsia Lane, Matangi	Paa site with possible terraces. Located at the westernmost end of the east-west oriented spur between two arms of Mangaharakeke Stream upper reaches.
<u>MSA262</u>	S14/68	Paa	Peehi Houkura Paa and Urupaa State Highway 23, Whatawhata	More noted as a kaainga. It is difficult to tell whether s14/68 was a paa or kaainga. The site would have been well-suited to fortification, with steep slopes down to a bench at river level on the west and vertical cliffs plunging into the water on the upstream side.
<u>MSA263</u>	S14/69	Paa	Unknown name 340B Rotokauri Road, Whatawhata	Paa site. On low ridge, eastern perimeter of bush, some several hundred metres due south of the intersection of Duck Road with Rotokauri.
<u>MSA264</u>	S14/70	Paa	Unknown name 161 Tamahere Drive, Tamahere	Small paa with a ditch and bank defence across the promontory. Paa approximately a quarter acre in area occupies a spur which is bounded on 3 sides by Waiti Stream.

<u>MSA265</u>	S14/75	Paa	Tuhikaramea or Tuikaramea Paa 64C Houghton Road, Whatawhata	Paa is on the edge of flat ridge. Cultivated soil at northern tip, ditches, scarp, pits, fences and gardens on lowest river terrace.
<u>MSA266</u>	S14/80	Paa	Te Iaia Paa/Mangapakiaki Paa Horotiu Road, Whatawhata	Small promontory paa. Single wide ditch and inner bank – Ngaati Mahuta, Ngaati Hourua and Te Ngaungau, Ngaati Maahanga. The hapuu served annually to plant, cultivate and to store white potatoes and kumara for huihui.
<u>MSA267</u>	S14/81	Paa	Pungapunga Paa and Kaainga 56 Blackett Road, Te Kowhai	Small headland paa with ditch and bank, 4m wide, scarp up to 3.5m high on the Waipa River. Contained several kaainga. The land around Ohote stream was extensively gardened for whaanau and for trade by Waikato Maaori - Ngaati Mahaanga/Hourua.
	S14/82	Paa	Unknown Name 167 Bell Road, Whatawhata	Very little is known about this site. It has a strategic river edge location.
<u>MSA268</u>	S14/84	Paa	Unknown name 524B State Highway 1, Tamahere	Small promontory paa site with a ditch at the northern end. Findspot for artefacts, mainly adzes.
	S14/85	Paa	Unknown name Windmill Road, Tamahere	Small paa with single pit defended by simple transverse ditch. Paa is in pasture, sides of ditch have been modified for vehicle access.
<u>MSA269</u>	S14/87	Paa	Te Pepepe Paa Hakarimata Road, Ngaruawahia	Pre-1900 paa site and later became Pepepe Church Mission Station- Rev Ashwell. One of the Maaori mission schools was on the opposite side of the river at what is known as Hopuhopu.
<u>MSA270</u>	S14/88	Paa	Unknown name 26A & B Kauri Lane, Huntly	Paa site with ditch across ridge, pits and possible terraces. A very important horticulture area on the lower slopes and along the Waikato area. Defended settlement.
<u>MSA271</u>	S14/96	Paa	Tukupoto Paa Hakarimata Road, Ngaruawahia	Hilltop paa above Kaitotehe. Also referred to by the same name as the paa site on the lower slope - it may be inclusive of the Kaitotehe area.
<u>MSA272</u>	S14/107	Paa	Unknown name 66 Pencarrow Road, Tamahere	Paa site with defensive ditch and bank and possible pits. East bank of the Waikato River, 650m south of the junction of Pencarrow Road with Airport Road.
<u>MSA273</u>	S14/108	Paa	Unknown name 96 Pencarrow Road, Tamahere	Promontory paa defended by two ditches on the landward approach. One definite and one possible terrace.

<u>MSA274</u>	S14/117	Paa	Patuwai Paa 212D Newell Road, Tamahere	Rectangular escarpment edge paa. The paa is surrounded by a large area of garden soils and borrow pits, which are affected by a recent rural-residential subdivision.
<u>MSA275</u>	S14/118	Paa	Unknown name 23 Bedford Road, Te Kowhai	Rectangular paa outlined by simple defensive ditch. A simple defensive ditch cutting off a promontory formed by the Waipa River, and a tributary flowing into it from the East. Ngaati Mahaanga and associated hapuu.
<u>MSA276</u>	S14/119	Paa	Unknown name 430 Pickering Road, Tamahere	Paa site on a promontory with gullies on two sides, a possible ditch and a few depressions.
<u>MSA277</u>	S14/120	Paa	Unknown name Pickering Road, Tamahere	The paa was on the south bank of the Mangaone Stream c. 1.5km after its junction with the Mangaomapu Stream, southeast of Tamahere. Land has been levelled.
<u>MSA278</u>	S14/122	Paa	Unknown name Bedford Road, Te Kowhai	Whakapaku is a paa/kaainga within the Te Kowhai/Mangakowhai Paa area. These kaainga were all on the same land blocks and were only separated by the Otamanui Lagoon.
<u>MSA279</u>	S14/128	Paa	Manga-o-Tupua Paa 1596 State Highway 26, Eureka	Ring-ditch paa on summit of knoll. Knoll is east of Hamilton-Morrinsville Road - 600m east of the road and approximately opposite Schollum Road.
<u>MSA280</u>	S14/129	Paa	Maramatutahi Paa and Pukemoremore Reserve 1382 Tauhei Road, Tauhei	Ridgetop paa, extends for ca. 50m, terrace on northwestern and southwestern sides. Ditch and bank at northeastern end, five pits on main platform, several more pits down slope. A paa site sits on the southwest boundary next to the quarry.
<u>MSA281</u>	S14/169	Paa	Unknown name State Highway 1, Huntly	Desktop research has so far been inconclusive for information on Paa S14/169 site, although comments have been made that the hapuu Ngaati Mahuta and Whauroa were settled in the area of Taupiri and 1 mile north in Taupiri Maunga. (Ballara, Angela (1998))
<u>MSA282</u>	S14/173	Paa	Makiri Paa 11D Woodcock Road, Tamahere	Defended settlement. Paa site identified but appears to have been levelled. Within the vicinity of Maniapoto waahi tapu.
<u>MSA283</u>	S14/178	Paa	Rua's Kaainga State Highway 1, Taupiri	Historic kaainga site associated with a chief named Rua from Tarawera, who gave his daughter to Mahuta's son to make peace with Waikato.
<u>MSA284</u>	S14/197	Paa	Mangaharakeke or Titoki Paa 16D Titoki Drive, Tauwhare	The paa is on the terrace, headland that projects east at the top of the slope across the river behind the paa site at S14/54.

<u>MSA285</u>	S14/211	Paa	Unknown name 57 Piako Road, Gordonton	The paa is located on the north side of the Komakorau Stream approx. opposite the Gordonton Hall. The borrow pits and garden soils are on either side of the tributary gully.
<u>MSA286</u>	S14/212	Paa	Unknown name 1154 Gordonton Road, Gordonton	Paa occupies a finger of land that juts out into the Komakorau stream gully. It had two transverse ditches. The paa is associated with a number of borrow pits and an area of Tamahere soils (Maaori garden soils).

<u>MSA287</u>	S15/19	Paa	Unknown name 48 Te Awa Lane, Tamahere	River terrace paa site. Most of western end of the paa destroyed by construction of the house in 1970-71. Defended hapuu settlement.
<u>MSA288</u>	S15/25	Paa	Pukeroro Paa 124 <u>102</u> Hooker Road, Tamahere	<u>The pa was mapped showing platform, terraces ditch and bank which are now not visible although the outline of the pa as a slight ridge is still visible and the low-lying area on its northern side</u> Three archaeological sites have been recorded on the property. These are two paa, S15/25 and S15/26, and a group of borrow pits S15/27.
<u>MSA289</u>	S15/26	Paa	Unknown name 182 Hooker Road, Tamahere	Associated with S15/27. Paa site with ditch and bank, artefacts recovered from scoop, two burials recovered, patches of charcoal-rich soil.
<u>MSA290</u>	S15/34	Paa	Unknown name 512 Airport Road, Tamahere	Site has been severely modified by the construction of the 4th green of the golf club (Narrows Golf Club). Defended hapuu settlement.
<u>MSA291</u>	S15/35	Paa	Oraka Paa 525 Pencarrow Road, Tamahere	Hilltop paa site with central platform 'tihi', one pit, terraces, scarp. At least two pits, one terrace and shell scatters along ridgetop. Also borrow pits and garden terraces on seaward slopes.
<u>MSA292</u>	S15/65	Paa	Unknown name 50 Te Awa Lane, Tamahere	Site was formerly lumped in with separate paa, some 200m away to the north west. It is described (or planned) on the site record form for N65/39 but is quite clearly a separate site. House built on paa site.
<u>MSA293</u>	S15/302	Paa	Unknown name 256 Hooker Road, Tamahere	Paa site with transverse ditch, ditch and bank.

<u>MSA294</u>		<u>Paa</u>	<u>Karamu Paa, a urupa</u>	<u>Ngati Wairere at Hukanui</u> <u>A significant heritage and cultural landscape of Ngāti Wairere at Hukanui (Gordonton), relating to a pa (Karamu), a urupa. and the stream Komakorau</u>
<u>MSA295</u>	<u>SS/84</u>	<u>Borrow Pits</u>	<u>5851 Great South Road</u> <u>Ngaruawahia</u>	<u>The horticultural soils, borrow pits and associated pa are of scale that makes them an outstanding and significant cultural and archaeological landscape in Aotearoa/New Zealand. It is an archaeological and cultural landscape created by the utilisation of the soils deposited by the Waikato River and is associated with Pukeiahua Pa. These are the most extensive complexes of Maori gardens identified in any region of New Zealand</u>
<u>MSA296</u>	<u>SS01</u>		Awamarahi Island	Awamarahi was once a papakaainga and historical fishing site.
<u>MSA297</u>	<u>SS02</u>		Rangiriri-Meremere Takinga Wairua	Takinga Wairua was a papakaainga or village.
<u>MSA298</u>	<u>SS03</u>		Karihoa Island	(Island in the Waikato River - Wildlife Management Reserve) Karihoa was an old papakaainga area.
<u>MSA299</u>	<u>SS04</u>		Papakaainga Horahora Marae	This site is associated with the papakaainga of Horahora Marae.
<u>MSA300</u>	<u>SS05</u>		Lake Kopuera Refuge	Lake Kopuera is significant as a food basket for Waikato Hapuu.
<u>MSA301</u>	<u>SS06</u> <u>SS07</u> <u>SS08</u> <u>SS09</u> <u>SS18</u>		<u>Te Onetea Stream</u> Te Onetea Stream Te Onetea Stream Te Onetea Stream Te Onetea Stream	Te Onetea Stream was the only navigable stream for waka to travel between the Waikato River and Lake Waikare. It is also adjacent to historical papakaainga and cultivation lands.
<u>MSA302</u>	<u>SS10</u> <u>SS11</u> <u>SS12</u>		<u>Maurea Islands</u> Maurea Islands Maurea Islands	These islands accommodated the former location of Maurea Marae.

<u>MSA303</u>	SS13		Papakaainga Waka Tauranga and Cultivation Area Paetai	Paetai was a known cultivation area and papakaainga which accommodated a key hui in 1857 to discuss the potential of uniting Iwi and its lands under a Maaori King.
	SS14		Papakaainga Waka Tauranga and Cultivation Area Paetai	
	SS15		Papakaainga Waka Tauranga and Cultivation Area Paetai	
	SS16		Papakaainga Waka Tauranga and Cultivation Area Paetai	
	SS17		Papakaainga Waka Tauranga and Cultivation Area Paetai	
	SS19		Papakaainga Waka Tauranga and Cultivation Area Paetai	
	SS20		Papakaainga Waka Tauranga and Cultivation Area Paetai	
	SS21		Papakaainga Waka Tauranga and Cultivation Area Paetai	
	SS23		Papakaainga Waka Tauranga and Cultivation Area Paetai	

<u>MSA304</u>	SS24		Lake Waikare Marginal Strips	Lake Waikare was a historical food basket for Waikato hapuu. The surrounding lands and margins are identified as sites of significance as they were papakaainga, nohoanga kai, paa tuna and also urupa. During the Rangiriri battle in 1863, it is said that when Waikato-Tainui people fled from Rangiriri Pa, they ran towards and into Lake Waikare and Lake Kopuera while they were fleeing the battle and were shot by British soldiers. It is highly likely that some of the bones of persons associated with the battle are still in both lakes which are very significant to Waikato-Tainui.
	SS25		Lake Waikare Marginal Strips	
	SS26		Lake Waikare Conservation Area	
	SS49		Lake Waikare Lake Bed	
	SS27		Lake Waikare Marginal Strips	
	SS28		Lake Waikare Wildlife Management Reserve	
	SS29		Lake Waikare Wildlife Management Reserve	
	SS31		Lake Waikare Marginal Strips	
	SS32		Lake Waikare Marginal Strips	
	SS33		Lake Waikare Marginal Strips	
	SS34		Lake Waikare Marginal Strips	
	SS35		Lake Waikare Marginal Strips	
	SS36		Lake Waikare Marginal Strips	
	SS37		Lake Waikare South Shore Recreation Reserve	
	SS38		Lake Waikare Marginal Strips	
	SS39		Lake Waikare Marginal Strips	
	SS40		Lake Waikare Marginal Strips	
<u>MSA305</u>	SS41		Tarakomako Islands	Kaumatua have said that these islands are the home to Tarakomako, one of Waikato-Tainui river Taniwha.
	SS42		Tarakomako Islands	
<u>MSA306</u>	SS43		Motakorea Island	Motakorea Island (formerly part of Taipouri Island) was the kainga of Kokako in his later years. Kokako was the father of Tamainu Po and grandfather of Wairere.
<u>MSA307</u>	SS44		Hukanui-a-Muri Lands	These small parcels of land are associated with the papakaainga of Hukanui-a-Muri.
	SS45		Hukanui-a-Muri Lands	

<u>MSA308</u>	SS46		Waahi Waka Tauranga	This site was a historical landing site for waka travelling to Waahi Pa. The land was taken under the Public Works Act to provide a transport corridor for the construction of the Genesis Power Station.
<u>MSA309</u>	SS47 SS48		Lake Waahi Wildlife Management Reserve Lake Waahi Wildlife Management Reserve	These sites were significant in supporting the well-being of surrounding marae during poukai and significant events.
<u>MSA310</u>	SS30		Te Takapu o Waikato	Te Takapu o Waikato may have been known by another name which is still to be confirmed. However, it is understood that Te Takapu was one of the islands that held pahu (or war gongs) to signify and warn other Waikato Marae of approaching taua, or war parties.
<u>MSA311</u>	SS50 SS65 SS67 SS71		Maaori Gardens - Totality Hooker Road, Tamahere (1) Totality Hooker Road, Tamahere (2) Totality Hooker Road, Tamahere (3) Totality Hooker Road, Tamahere (4) Totality	The site a significant cultural icon, gardening method which contributes to iwi and hapuu identity, and history of settlement in the locality.
<u>MSA312</u>	SS51 SS53 SS58 SS68		Teo Teo Paa, Whangamarino Redoubt/Pickards Redoubt and Huirama Paa Oram Road, Whangamarino	It is the place where the Ngaati Mahuta Rangatira, Te Huirama, Kaireperepe (affinal kin to) and Tianara (general) of Kingi Tawhiao, was charged with harrying and holding back the tide of Crown forces.
<u>MSA313</u>	SS52		Wainui Reserve Wainui Road, Raglan	Settlement cluster of Paa and Kaainga of Tainui Hapuu.
<u>MSA314</u>	SS54 SS62		Maaori Gardens - Totality Kernott Road (1) Kernott Road (2) Horotiu	The site a significant cultural icon, gardening method which contributes to iwi and hapuu identity, and history of settlement in a locality.

<u>MSA315</u>	SS55		Horea Te Akau South, Te Akau	The sites represent an early pre-European cultural and archaeological landscape. Cluster of coastal paa indicates a valued coastal landscape for ancestral occupation.
<u>MSA316</u>	SS56		Tautauroa Urupaa - Waikorea Te Akau Coast Road, Te Akau	Pre-1900 Ancestral Urupaa of the Tainui, Tahinga, Paetoka, Koata Hapuu.
<u>MSA317</u>	SS57		Wiremu Te Awaitaia Kohatu & Urupaa Marine Parade, Raglan	Ngaati Hourua - gravesite and kohatu. (Includes Papahua 3 ML 21878)
<u>MSA318</u>	SS59		Hanatoria Paa Ringer Road, Tauwhare	Wharewaiaora, place of healing, Te Waikato Sanatorium, the first institution for open-air treatment of tuberculosis. The Meeting house was replaced by the Villa in 1936.
<u>MSA319</u>	SS60 SS63		The Point Broadway, Ngaruawahia	Currently known as 'The Point'. A site of pre 1900 history that connects to the Hakarimata Range, Puke-i-aahuaPaa to the naming of Ngaruawahia and the Kingitanga movement, followed by European occupation.
<u>MSA320</u>	SS61		Oioroa Aotea North Head Phillips Road, Aotea	Oioroa Aotea North Heads Scientific Reserve In the past there were attempts at pasture conversion, military bombardment and then a scientific reservation. The sand holds a record of the ancestors of claimants through their bones, pits, tools, treasures and rubbish tips. That record is of major importance to both the hapuu and western archaeology but for crucially different reasons.
<u>MSA321</u>	SS64		Putoetoe Paa Wi Neera Street, Raglan	Paa site of Ngaati Mahaanga, Ngaati Hourua. Currently recorded as a redoubt R14/341.
<u>MSA322</u>	SS66		Reretau Urupaa - Waimai Te Akau Coast Road, Te Akau	Pre-1900 Ancestral Urupaa of the Tainui, Tahinga, Paetoka, Koata Hapuu.
<u>MSA323</u>	SS70		Te Toto Whaanga Road, Raglan	Contains the Te Toto Paa and a complex of stone features, pits, karaka grove, terraces and gardening area.

<u>MSA324</u>	<u>SS69</u>		Te Aukatiki Maungatawhiri Oram Road, Whangamarino	1863 river crossing of the Maungatawhiri stream which begun the invasion of the Waikato.
<u>MSA325</u>	<u>SS72</u>		Toreparu Wetland and Horokawau Falls Phillips Road, Te Mata	Although primarily a significant ecological area, the 13 Paa and kaainga sites near the wetland contribute to the significance and wealth of resources that were available to sustain Iwi/hapuu.
<u>MSA326</u>	<u>SS73</u>		Te Paina Paa	An important settlement and horticultural area. Te Puea Herangi built this paa at Mangatawhiri. It was here that she gathered together and to support the men liable for conscription to WW1.
<u>MSA327</u>	<u>SS74</u>		Rangiriri Church and Cemetery Rangiriri Road, Rangiriri (Opposite Rangiriri & Heritage Centre)	Stood until 1863. Was then abandoned and a military graveyard was established. (S13/118)
<u>MSA328</u>	<u>SS75</u>		Puke-i-aahua Paa and Gardens Havelock Road Nth, Ngaruawahia	Puke-i-aahua retains substantial integrity as a marker of pre-European settlement significant to Tamainupo Hapuu and later to Waikato Kingitanga. The features are strongly linked to Maaori garden practices that are adjacent to the paa and the Waikato river.
<u>MSA329</u>	<u>SS76</u>		Maniapoto Urupaa - Tauwhare	Ancestral urupaa, originally part of the Maniapoto Paa (S14/131)
<u>MSA330</u>	<u>SS77</u>		Meremere Paa and Redoubt Te Puea Avenue, Meremere	Meremere Paa (S13/116) was a complex site constructed to resist the British advance in 1863. Col. Mould of the Royal Engineers was in charge of remodelling the central area of the paa and the new earthworks were laid out by surveyor Charles Heaphy. It consisted of a small central summit fort, extensive rifle trenches, gun emplacements, and small satellite forts. (Redoubt S13/7)
<u>MSA331</u>	<u>SS78</u> <u>SS79</u> <u>SS05</u>		Rangiriri State Highway, Rangiriri	Includes Rangiriri and Te Wheoro Paa, Lake Karaka and riparian wetlands.
<u>MSA332</u>	<u>SS80</u>		Patikirau Kohatu and Urupaa	Ancestral Urupaa of the Tainui, Tahinga, Paetoka, Koata Hapuu.
<u>MSA333</u>			<u>Riria Kereopa Memorial Drive</u>	<u>Urupaa</u>

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

<u>MSA334</u>	R13/110	<u>Paa</u>	<u>Karorumanui Paa</u>	<u>Ridfe paa with pit, terrace and midden. Prominent hill at westend of Maunsell Road Port Waikato</u>
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Appendix C

Name and Submitter Number	Address	Email Address
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Elvin Priest 9	c/- Bruce Hayward 19 Debron Ave Remuera Auckland 1050	b.hayward@geomarine.org.nz
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Mercer Residents and Ratepayers Committee 367	19 Koheroa Road RD2 Mercer 2474	mercerccommittee123@gmail.com
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495		
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The Bardsley No 1 Family Trust 100	31 Birchwood Lane Tamahere RD3 Hamilton 3283	medihah@hotmail.co.nz
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BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND ENV-2022-AKL-0045
AUCKLAND REGISTRY
I MUA I TE KOOTI TAIAO O AOTEAROA
TAMAKI MAKAUROU ROHE

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter of an appeal under clause 14 of the First Schedule of
the Act with respect to decisions on the Proposed
Waikato District Plan

Between Blue Wallace Surveyors Limited

Appellant

And Waikato District Council

Respondent

**Amended Notice of Appeal against Decisions on the Proposed Waikato District
Plan on behalf of Blue Wallace Surveyors Limited**

Dated 23 June 2022

To The Registrar
 Environment Court
 Auckland

1. Blue Wallace Surveyors Limited (**BWSL**) appeals against part of a decision of the Waikato District Council (**WDC**) on the Proposed Waikato District Plan (**PWDP**). BWSL lodged its appeal on 1 March 2022. This amended notice of appeal incorporates additional grounds of relief.
2. BWSL is a Hamilton based firm of surveyors, engineers, and planners with over 20 years' experience in land development matters within the Waikato region. BWSL has a particular interest in resource management planning and land development throughout the district and has proactively engaged with the residential provisions of the PWDP.
3. BWSL made a submission on the Proposed Plan (Submitter number 662), and a Further Submission (FS1287).
4. BWSL presented evidence to the PWDP in support of the further submission.
5. BWSL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. BWSL received notice of the decision on 17 January 2022.
7. The decision was made by WDC to reject BWSL's further submission which was in support of submission 978 that was prepared by Brian Nabbs and Margaret Forsyth.
8. The parts of the decision that BWSL is appealing against are:
 - a. The decision of WDC to assign Maori Sites Of Significance (MSOS) and Maori Areas Of Significance (MAOS) over contested private land which has not been subject to a balanced evaluation in regard to the level of significance.
 - b. The decision to place restrictive policy overlays over private properties which will have a significance economic disadvantage to the landowner.

- c. The decisions impact on a pre-determined MSOS annotation needs to be taken in to account in regard to a feature's level of significance and the consequential effect on future development of the site and its land use zoning.
- d. In particular, but without limitation:
 - i. Part 4, Schedule 3, ID 294 (relating to 5851 Great South Road, Ngaaruawaahia).
 - ii. The identification of 5851 Great South Road, Ngaaruawaahia, property ID 1004594 as a MSOS (Site or Area of Significance to Maaori) on the planning map (per Figure 5, page 17, Decision Report 7).
 - iii. Part 2, Objective SASM-O2; Part 2, Policy SASM-P1; Part 2, Rules SASM-R1, SASM-R4, and SASM-R5.

Grounds of Appeal

- 9. BWSL's grounds for appeal include:
 - a. BWSL's submission:
 - i. BWSL do not agree that it is appropriate to pre-determine a level of cultural significance for a site until a collaborative and robust archaeological and cultural evaluation has been undertaken based on all relevant considerations.
 - ii. All relevant environmental, cultural and landowner considerations need to form a balanced evaluation prior to a MSOS annotation being placed on private properties.
 - iii. BWS seek that MSOS annotations are not applied to private land without a preceding balanced evaluation and that consensus has been reached between the private landowner, an independent archaeologist and mana whenua.
 - b. The decision found that:

- i. The definition of MAOS and MSOS included in the PDP and the reliance on the spatial identification of sites and descriptions in SCHED 3 – Sites and Areas of Significance to Maaori is appropriate.
- ii. The approach to include all MAOS and MSOS on the PWDP Planning Maps and Schedules 30.3 and 30.4 is appropriate as it ensures clarity for all users of the PWDP.
- c. The decision to include the MSOS policy overlay in a ‘blanket’ fashion over all contested private land will not appropriately give effect to all applicable higher order planning instruments in that the policy overlay will significantly constrain land that has been purposefully zoned for urban development. In this regard the RMA, including ss 32 and 72-76 are noted.
- d. It is appropriate that where a MSOS or MAOS is contested that the landowner should be able to seek a further balanced assessment or evaluation prior to a significant and restrictive planning annotation be placed on their private property and that such an assessment needs to be taken at the time of a development proposal is being applied to the site.
- e. The effect of the MSOS and MAOS overlay on private land owner rights:
 - i. BWS consider that, in a wider sense, annotating MSOS on private land has the potential to carry with it a significant economic and financial burden to landowners. In the first instance, such a burden needs to be appropriately established and delineated with a degree of accuracy prior to being demarcated on private property.
 - ii. BWS acknowledge the importance in protecting the Waikato District’s significant heritage and cultural resources; however, such protection requires a balanced evaluation, and thus calibrated against a number of variable elements. Such considerations would assist in determining the level of ‘significance’ or ‘interest’ associated with a site; as well as to provide weight to considerations or recommendations that may have been previously recorded against the Site through on-site archaeological investigations provided by the NZAA and landowner.

10. More generally, in addition to the reasons given above, the decision to decline the relief sought in BWSL's submission:
 - a. Fails to promote the sustainable management of the natural and physical resources WDC's district and does not achieve the purpose of the Act;
 - b. Is contrary to Part 2 and other provisions of the Act; and
 - c. Does not provide for the reasonably foreseeable needs of future generations.
11. Adoption of the relief sought by BWSL would be appropriate because:
 - a. It would assist WDC to carry out its functions so as to achieve the purpose of the Act;
 - b. It would appropriately implement the PWDP policies in an efficient and effective way whilst also balancing competing interests.
 - c. It would give effect to the relevant higher order documents including the National Policy Statement on Urban Development 2020 and the Waikato Regional Policy Statement in enabling development in tier 1 Territorial Authorities such as Waikato District.
 - d. It accords with the National Planning Standards; and
 - e. The submissions lodged by BWSL promote the sustainable management of the natural and physical resources of the Waikato District and does not offend any matters of national importance in sections 6, 7, and 8 of the Act.

Relief Sought

12. BWSL seeks the following relief:
 - a. That the decisions to decline the relief sought by BWSL be reversed;
 - b. That the relief sought in BWSL's submission be accepted by either:
 - i. The removal of the MSOS policy overlay over contested Sites; or

- ii. The deferral of the MSOS over contested Sites until such a time as a thorough assessment of archaeological and cultural effects has been undertaken.
- c. That ID 294 relating to 5851 Great South Road, Ngaaruawaahia), and the associated descriptions and explanations, be removed from Part 4, Schedule 3 (Sites and Areas of Significance to Maaori);
- d. That the site at 5851 Great South Road, Ngaaruawaahia, property ID 1004594 not be identified as a SASM (Site or Area of Significance to Maaori) on the planning map (per Figure 5, page 17, Decision Report 7);
- e. That it be recognised that retaining the identification of the site at 5851 Great South Road, Ngaaruawaahia, as a SASM will make the site incapable of reasonable use and place an unfair and unreasonable burden on the landowner.
- f. That if the identification of the site as a SASM is retained, the Court direct the acquisition of the site by WDC pursuant to section 85 of the RMA.
- g. That Part 2, Objective SASM-O2, be amended as follows:

*The connections between tangata whenua and their ancestral lands, water, sites of significance, waahi tapu, other taonga and taonga species are **recognised**, protected or enhanced, **with such recognition, protection, or enhancement to have regard to the nature and extent of the site and that connection.**;*

- h. Part 2, SASM-P2.

*(1) Ensure subdivision, use and development does not compromise, **or gives appropriate recognition to**, the cultural and spiritual significance of areas, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora and fauna. ;*

*(2) Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are **recognised, or** protected from adverse effects of development or*

activities on those sites **where such protection is appropriate having regard to the nature and extent of the site;**

i. Part 2, SASM-R1.

That **“(v) Archaeological investigations”** is added under PER activity status.;

j. Part 2, SASM-R4.

That **“taking into account the nature of the site and the nature and extent of any claimed cultural connection”** is added after RDIS (b);

k. Part 2, SASM-R5.

That **“taking into account the nature of the site and the nature and extent of any claimed cultural connection”** is added after RDIS (b);

l. Any other similar, consequential, or other relief as is necessary to address the issues raised in BWSL’s appeal; and

m. Costs.

13. BWSL has not reattached the annexures to its initial notice of appeal, but can provide these if needed. These were:

- a. A copy of BWSL’s Further submission and Tabled Evidence on the Proposed Plan;
- b. A copy of the relevant part of the decision; and
- c. A list of names and addresses of the persons to be served with a copy of this notice.

Signature:

Blue Wallace Surveyors Limited



By its solicitor, Thomas Gibbons

Date: 23 June 2022

Address for service: PO Box 38
25 Harwood St
Hamilton 3240

Mobile: 021 993223

Email: tim.lester@bluewallace.co.nz
CC: thomas@gibbonslaw.co.nz

Note to appellant

Appeals other than in relation to freshwater planning instruments

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B) of the Act, may consider only the question of law raised.

Notes for all appeals

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Act.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of

service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see form 38*).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see form 38*).

**How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not have attached a copy of the appellant's submission and (*or or*) the decision (*or part of the decision*) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.

Appendix 8: Excerpts from section 32 evaluation reports [Attached to cover email.]

[Attached to cover email.]

Section 32 Report – Volume I

prepared for

Variation 3 to the Proposed Waikato District Plan

Enabling Housing Supply

September 2022



	parties in total including JMA partners, iwi, hapuu, marae representatives and trusts with interests within the Waikato District boundaries. Formal notice of notification delay and responses to frequently asked questions to date was provided.	• Taupiri Marae committee
12 September 2022	Project update was sent to JMA partners, iwi, hapuu, marae representatives and trusts with interests within the Waikato District boundaries.	The update was to advise of the final approach Variation 3.
13 September 2022	Hui arranged with the project team at Taupiri Marae.	The purpose of the hui was to provide an overview of the variation to the Taupiri Marae Committee and to answer any questions. Engagement is ongoing.

Table 6: The following table outlines specific engagement communication.

Date and discussion	Waikato District Council Comment:
Tuurangawaewae Marae Trust Board	
21 June 2022 Initial information sent seeking engagement. 3 July 2022 Initial feedback provided: • to restrict the intensification to urban areas only and keep away from the fringe and rural areas to areas where there is sufficient infrastructure capacity (schools and services), • to restrict development close to from marae and culturally significant areas. • supported the application of Qualifying Matters • requested to be involved in the identification of those matters and identifying those areas, especially where the areas are culturally significant. 4 and 19 July 2022 Acknowledgement that Tuurangawaewae had provided feedback on 3 July. Details provided about the draft Variation and notification dates. 17 August 2022 Feedback was received via email correspondence from Tuurangawaewae Marae Trust Board on draft provisions and qualifying matters. Feedback regarding Qualifying Matters was provided, including:	Our approach did not propose that the MDRS changes be applied to any additional areas outside of the residential zone. The approach is to restrict development to residential areas with access to community services rather than on the outskirts of these towns. We have restricted this by identifying the relevant areas as a qualifying matter in relation to the urban fringe. Three waters infrastructure was also identified within the Te Ture Whaimana o te Awa o Waikato qualifying matter whereby various provisions were applied. Relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga has been included as a qualifying matter where no changes are proposed to be made to SASM areas and marae. Natural character of waterbodies and Te Ture Whaimana o Te Awa o Waikato have been identified as a QM in our approach with additional provisions and no changes to existing waterbody setbacks.

Section 32 Report – Volume 2

Qualifying Matters

prepared for

Variation 3 to the Proposed Waikato District Plan

September 2022



		Security of transport routes and gas supply is a significant benefit to residents in Waikato District and NZ
Cultural	May constrain the development of Maaori Freehold or Customary Land	No cultural costs

11 Urban Fringe

11.1 Introduction

While s77G(1) of the Amendment Act requires every relevant residential zone of a specified territorial authority to incorporate the MDRS into that zone, Variation 3 does not apply MDRS to all of the residential zones within the four towns (being Pookeno, Tuakau, Huntly and Ngaaruawaahia). A QM known as 'Urban Fringe' is proposed to apply to those areas on the fringe of the four towns located beyond the 800m walkable catchments from the town centres. The effect of the Urban Fringe QM is that the MDRS do not apply to the General residential zones within the four towns. Instead, the General residential zone in those four towns has been retained unmodified from the decisions version of the Waikato Proposed District Plan (PDP), except where specified sites in that zone have been up zoned to Medium density residential zone 2 (a total of 444) though further refinement of the 800m walkable catchment area.

The Urban Fringe QM is applied in accordance with section 77I(j) as 'any other matter' that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area.

While the QM applies to restrict the application of the MDRS to the General residential zones within the four towns, the justification for this QM can be described equally as either confining intensification as a permitted activity to within the walkable catchments of the town centres or limiting the intensification beyond that catchment into the General residential zone. The concepts are interchangeable. Accordingly, in the interests of clarity in explaining this QM, this assessment focusses on why limiting the MDRS to the Medium density residential zone 2 is appropriate rather than why the application of the MDRS to the General residential zone in the four towns is inappropriate.

11.2 Description of the qualifying matter

The Urban Fringe QM seeks to encourage intensive residential development to areas within the 800m walkable catchments of the four towns to support the development of an efficient public transport network and active modes of transport, vibrancy and economic viability of the town centres and commercial activity while retaining housing choice in the General residential zone. It also enables people to live in close proximity to employment opportunities. The use of an 800m walkable catchment as a basis for intensification is considered consistent with the overarching national, regional and district policy framework and good urban design practice.

Limiting the application of the MDRS to the Medium density residential zone 2 will result in the following planning outcomes:

- Reduction in pressure for residential development on the urban fringe and beyond;
- Relief of anticipated pressures on the road transport network by providing housing close to town and business centres where the use of both public and active modes of transport to access places of employment, retail and entertainment is readily achievable and/or viable;
- Provision of greater diversity / housing choice; and
- Coordination of the delivery of infrastructure and services.

11.3 Background for the qualifying matter

This QM has its genesis in the PDP decisions which were notified on 17 January 2022, following an extensive Schedule 1 process of consultation, submissions and hearings by an independent Hearings Panel.

The PDP decisions introduced a new Medium density residential zone in Huntly, Ngaaruawaahia, Raglan, Te Kauwhata, Pookeno and Tuakau. The zone statement for the new zone states its purpose as being to “enable more efficient use of residentially zoned land and infrastructure by providing a higher density of residential development than typically found in the General residential zone”.

The Hearings Panel determined that the inclusion of a Medium density residential zone would give effect to both the NPS-UD and the Waikato Regional Policy Statement, both being higher order planning documents³.

Of direct relevance to Variation 3, the Hearings Panel foreshadowed the legislative changes being implemented through the Amendment Act and acknowledged that its decision would “provide a cohesive planning framework upon which the Council can later promulgate a plan change to align the district plan with the new medium density residential standards”⁴.

Part 2 of the PDP provides strategic directions which provide the overarching direction for growth and development within the district. Included in those strategic directions are the following strategic objectives:

SD-04 Housing Variety

A variety of housing types are available to meet the community’s housing needs

SD-05 Integration of infrastructure and land use

New development is integrated with the provision of infrastructure

Part 2 also includes a strategic direction objective for Urban form and development:

UFD-01 Urban environment

A compact urban form that provides for connected, liveable communities.

In developing this QM, Council seeks to give effect to Policy 3(d) of the NPS-UD which states that

(d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services

Variation 3 gives effect to Policy 3(d) in two ways. Firstly, it enables higher densities and building heights adjacent to town centre zones by retaining Medium density residential 2 zone within the 800m walkable catchment of the Town Centre Zone in the four towns.

Secondly, Variation 3 reduces the buildings heights and densities of urban form outside the 800m walkable catchment of the Town Centre Zone in the four towns by retaining the General residential zone. This approach is commensurate with the modest level of commercial activity and commercial services available in the four towns.

³ Decision Report 14: Residential Zone; Report and Decisions of the Waikato District Plan Hearings Panel, Waikato District Council. (17 January 2022), page 16

⁴ Ibid page 14

The recent Future Proof Strategy 2022 update was also relevant to the development of this QM. This is discussed further below but in essence, concentrating higher residential density around the town centres will assist in meeting the outcomes expressed in the updated strategy.

11.4 Rationale for the qualifying matter

The concept of centralising higher density development around town centres is well-established. There are a number of benefits that accompany a move away from vehicle-oriented development towards a “walkable community” which include:⁵

- a. Improved accessibility to amenities, particularly for non-drivers and those who are transport disadvantaged;
- b. Reduced transportation costs for households;
- c. Potentially more affordable housing in areas of intensification;
- d. Greater variety of living choices;
- e. Increased parking efficiency (benefiting local businesses) through more people walking or using alternate modes to the private vehicle;
- f. Possibility to increase local business activity and employment;
- g. Support / increased patronage for public transport and other alternate transport modes;
- h. Health cost savings to wider community and individuals;
- i. Reduced external transportation costs, e.g., pollution, safety risks;
- j. Increased neighbourhood interaction and community cohesion;
- k. Improved opportunities to preserve cultural resources;
- l. Increased exercise, improving personal wellbeing; and
- m. Increased passive surveillance, through increased use of public realm.

In essence, a walkable urban form will result in a reduction of vehicle trips and reduced vehicle kilometres travelled (i.e., fewer / shorter car trips).

A five-minute walk equates to approximately 400m, with a ten-minute walk equating to approximately 800m. It is not sufficient to simply draw an 800m circle from the town centre however, as this is not a realistic representation of a walkable catchment. Therefore, the delineation of the walkable distance from the edge of the Town centre zone (which is the extent of the Medium density residential zone) has taken into consideration walking routes including footpaths. People are generally willing to walk to local amenities such as schools, local shops and open space. The greater the level of service, the more willing people are likely to be to walk to a destination (acknowledging other environmental factors will also play a role such as weather/ climate, the quality of the pedestrian environment, the presence / mix / attractiveness of destinations and topography). There are two readings of this:

- a. the level of service as in the attractiveness of the pedestrian environment; and
- b. the attractiveness of the destination being walked to.

The propensity to walk varies according to what people are walking *to* and *through*.

A literature review⁶ concludes that appropriate walking distances to amenities supporting medium density residential living are as follows:

⁵ Economic Value of Walkability, Litman, T. (2014), Victoria Transport Policy Institute.

⁶ For example:

Litman, T. (2014). Economic Value of Walkability. Victoria Transport Policy Institute.

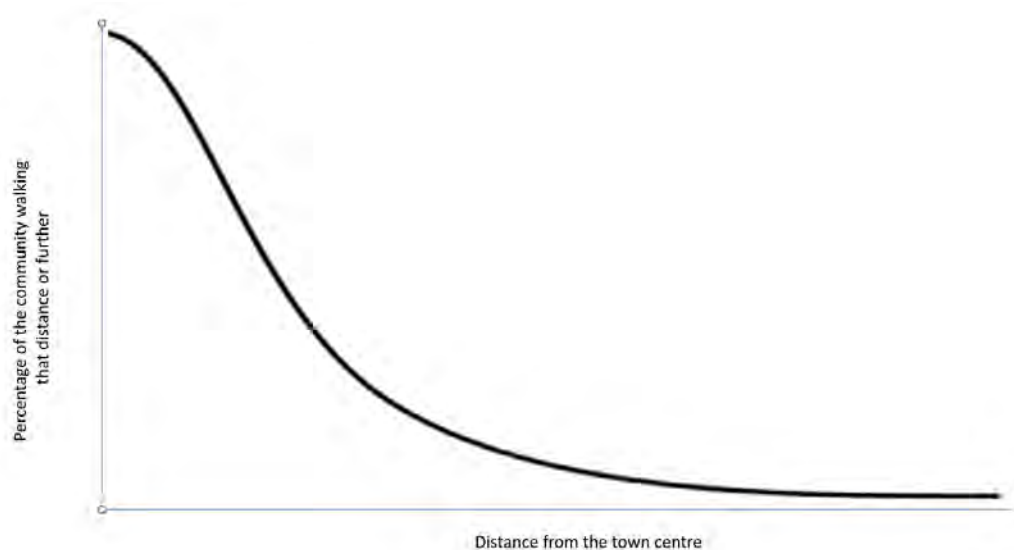
Wedderburn M. (2013). “Improving the cost-benefit analysis of integrated PT, walking and cycling”, NZ Transport Agency Research Report 537, Sinclair Knight Merz Ltd.

- a. Primary schools and preschools will ideally be located within a ten-minute walking distance (800m) from households. Anecdotal evidence shows that local communities are willing to walk more or cycle school utilised.
- b. Playgrounds, local reserves and parks will ideally be provided for within a five-minute walking distance (400m) of medium density housing. This provides the opportunity for families and children (with limited or no supervision depending on age) to access them safely on a regular basis (e.g., daily) by foot.
- c. Destinations for active recreation and physical activity such as sports fields, clubs, courts, and large open space and fields suitable for running, dog walking and similar activities will ideally be provided for within a ten-minute walking distance (800m) of medium density housing.
- d. Local convenience stores provide opportunity for daily household needs to be obtained in a fast, convenient manner. Accordingly, these are ideally located within a five-minute walk (400m) from medium density housing.
- e. Local centres or nodes incorporating larger supermarkets, cafes, primary healthcare services, pharmacies, banks, libraries and similar activities / service hubs are generally accessed two to three times a week by households. For medium density housing, where reduced reliance on vehicle travel should be an aim, such activities will ideally be located within a ten-minute walking distance (800m).

In using the above 'rules of thumb' for planning purposes, it is also important to consider the difference between the distance a person will walk to a given destination as compared with the distance *most* people will walk to access them. Many studies on the subject show a pattern of 'distance decay' whereby the proportion of people walking to a given destination decreases the further away it is. This can be illustrated below.

Taylor, N., Baines, J. & Perkins, H. (2010). Strategic SIA for urban retail development: Paper presented to the International Association for Impact Assessment Annual Conference, Geneva, 2010. Source: Taylor Baines & Associates. www.tba.co.nz

Figure 14: Walkability



Given the above, the QM seeks to consolidate intensification opportunities around the services and amenities provided in the centre of each of the four towns, by limiting the Medium density residential zone 2 to walkable catchments around the centre of each town.

Centres with greater population density show greater vibrancy and intensity of commercial land use, while local amenities such as appropriate open space will see more use and, subsequently, investment over time. Concentrating development into smaller catchments surrounding centres and public transport nodes is more likely to result in the full benefits of these centres and public transport infrastructure being realised.

Correlation to vehicle usage and public transport

Research based on New Zealand examples showed that people living within walking distance of local centres have lower vehicle ownership than the NZ population average and travel to work by non-vehicle means more than the NZ population average.⁷ Not surprisingly, it indicates that people living within an easy walking distance of local centres are less dependent on vehicles.

Greater concentrations of people generated by local shopping and co-located activities (including residential living and open space) will support public transport, leading to less requirement for car parking, more efficient land use and reductions in CO₂ emissions.⁸ Locating Medium density residential zone around the Town centre zone will have the effect of enabling greater intensification of land use – in terms of residential, community and business activities.

There is a strong correlation between public transport provision and the intensity land use; increased numbers of residents / residential density supports development of public transport which is important for the Waikato towns that do not yet have those services available, or only limited / sporadic services. The link between density and transit can work in both directions with residential density driving public transport services and public transport stimulating residential density. Public transport can influence people's choices as to where to live, and thus results in more demand for areas where there is a public transport service. These areas naturally lend themselves to increasing levels of urban intensification, provided that the necessary supporting amenities and opportunities

⁷ Strategic SIA for urban retail development: Paper presented to the International Association for Impact Assessment Annual Conference, Taylor, N., Baines, J. & Perkins, H. (2010). Geneva, 2010.

⁸ Town centres or just places to shop? Troy, L. (2007), Planning Quarterly 166, pages 4-9.

are provided. Typically, the greater the density of population, the higher frequency and specification in services. Thus, concentrating residential development around the town centre will better support public transport services and make them more viable.

More generally, a significant body of international research has sought to empirically link travel behaviour to urban form characteristics, and in doing so provide an evidence base for planning strategies premised on controlling travel demand through land use. Such studies tend to link specific measures of travel behaviour to a range of urban form characteristics which are often expressed as 'D'-variables⁹:

- **Density** – that is, the density of housing/employment in a given location;
- **Diversity** – that is, the variability of land use mix in a given location;
- **Design** – that is, the level of connectivity in the street network of a given location;
- **Destination Accessibility** – that is, the destinations accessible in a given period of time from a given location; and
- **Distance to public transport** – that is, the distance to a public transport node from a given location.

A series of meta-analyses¹⁰ dating back to 2010 best summarises the general findings of studies over the last twenty years, and is summarised in the table below which expresses the responsiveness of travel behaviour to urban form characteristics as elasticities. The table measured the impact that specific urban form characteristics (listed on the left) have on people's travel behaviour/mode choices (listed along the top). The responsiveness of travel behaviour to changes in urban form is expressed in the table as an elasticity showing the percentage change in the outcome variable (i.e., travel behaviour) in relation to a 1% increase in the independent variable (i.e., the urban form characteristic). For example, the top-left box showing '-0.04' indicates that a 1% increase in population density is linked with a -0.04% decrease in vehicle kilometres travelled (VKT) in the Ewing & Cervero (2010) study and that a 10% increase in density is linked with a 4% decrease in VKT, and so-on. With some exceptions, this summary broadly confirms the conventional wisdom that a reduction in driving is more likely in areas that are denser, have a higher land use mix, a more highly connected urban form, and higher levels of accessibility to key destinations. Very simply, the elasticities show that individual D-variables are negatively associated with driving, and positively associated with walking, cycling, and public transport use. While the magnitude of some elasticities appears modest, the combined effect of multiple variables is likely to be more significant – in other words combining increased density with increased destination accessibility for instance could be expected to have a correspondingly larger effect on reduced driving.

While the majority of studies comprising these meta-analyses are from large metropolitan areas [primarily in the United States], the generalisable findings are such that they provide an evidence base of sorts for the approach of the QM. In short, the vehicle trip degeneration and mode shift benefits of medium density residential living are far more likely to be realised where spatially applied to areas that have greater land use diversity, destination accessibility, and street network connectivity in particular. Conversely, increased residential density in areas without these accompanying urban form attributes are less likely to result in more sustainable travel behaviour. These issues are addressed further below.

⁹ First coined in Cervero & Kockelman, 1997.

¹⁰ Ewing & Cervero, 2010; Stevens, 2017; Yang et al., 2019, Aston et al., 2020.

Table 1: Relationship between changes in urban form and transport modes

		Driving (VKT) ¹¹		Walking ¹²	Cycling ¹³	PT use ¹⁴	
Density	Household / Population density	-0.04	-0.22	0.07	<0.01	0.07	0.10
	Job density	0.00	-0.07	0.04	-	0.01	0.08
Diversity	Land use mix	-0.09	0.11	0.15	0.09	0.12	0.26
	Jobs-housing balance	-0.02	0.00	0.19	-	-	0.16
Design	Intersection / Street density	-0.12	-0.14	0.39	-	0.23	-
	% 4-way intersections	-0.12	-0.06	-0.06	-	0.29	-
	Connectivity	-	-	-	0.08	-	0.17
Destination Accessibility	Job accessibility by car	-0.20	-0.20	-	-	-	-
	Job accessibility by PT	-0.05	0.00	-	-	-	-
	Distance to downtown	-0.22	-0.63	-	-	-	-
Distance to PT	Distance to nearest PT stop	-0.05	-0.05	0.15	-	0.29	-

Medium density on the fringes

There are a number of reasons why medium density development on the outer fringes of the towns can occur more easily which will result in a “ring” of higher density on the periphery. For a start the sites are larger on the periphery which makes implementing the full potential of medium density development easier. Roads and features can be planned comprehensively to maximise yield of the sites. Secondly, in places such as Pookeno, there are restrictive covenants on a very high proportion of the existing sites such as limitations on having more than one storey, the number of dwellings and subsequent subdivision. This means that further development on these sites is limited as the amendments to the RMA do not over-ride private covenants on titles.

Both of these factors means that medium density will more readily be promoted on the outer fringes of towns resulting in an inefficient and poor urban form.

The purpose of the Medium density residential zone is to enable more efficient use of residentially zoned land and infrastructure by providing for a higher intensity of residential development than typically found in the General residential zone. The Medium density residential zone provides for this

¹¹ Ewing & Cervero (2010) and Stevens (2017)

¹² Ewing & Cervero (2010)

¹³ Yang et al. (2019)

¹⁴ Ewing & Cervero (2010) and Aston et al. (2020)

form of development within a walkable catchment of town centres, strategic transport corridors and community facilities.

Future Proof Strategy 2022

One of the key principles of the 2022 update of the Future Proof Strategy is to enable well-functioning and quality environments, based around transit-oriented development and connected centres. The Strategy notes that urban centres are not just about providing development capacity – they must do so in a way that enables all people to provide for their social, economic, and cultural well-being, and for their health and safety, now and into the future. One of the transformational moves / place shaping elements expressed in the Future Proof Strategy is a multi-modal transport network facilitating a radical shift to using public transport and active travel modes through the establishment of rapid and frequent public transport network and comprehensive walking and cycling network shaped around where and how our communities will grow.¹⁵

The updated Future Proof Strategy has a strong focus on achieving a more compact and concentrated urban form by building on existing growth patterns and providing a mix of development opportunities in infill, brownfield and greenfield development. The Strategy seeks to focus communities and jobs in and around centres in locations which are supported by public transport and walking and cycling transport options so that people have choice and opportunity to live close to where they work and play.¹⁶

Concentrating higher density residential development around the core of the towns will assist in achieving these outcomes expressed in the Future Proof Strategy, and in doing so will contribute towards well-functioning urban environments as set out in the NPS-UD.

Waikato 2070

Waikato 2070 also envisages and seeks a compact urban form and urban consolidation, focusing development within existing town centres at increased densities. For example, 3.1(2), (5) and (6)

Setting a walkable catchment

The spatial extent of the Medium density residential zone 2 is limited to an 800m walking catchment from the edge of the Town centre zone. The NPS-UD and RPS create a clear policy framework which seeks to promote increased travel via active modes. A major driver in encouraging uptake of active modes is minimising journey times. The lower the journey time, the more convenient/ viable it is perceived to be. Enabling medium density residential development within walking distance of the Town centre zone enables more sustainable options for transport. Highly connected, permeable urban environments are more resilient in responding to future change than those that depend on private vehicles.

The proclivity to walk/not drive is not just related to distance, but also related to the urban form attributes of land use diversity and destination accessibility, which are most apparent in the centres of towns.

The use of an 800m walk catchment as a basis for intensification is consistent with the overarching national, regional and district policy framework and good urban design practice which seek to promote the use of active travel modes, reduce private vehicle use and support centre vibrancy. Whilst there is no precise figure for setting an appropriate catchment threshold there is clear consensus from a range of local and international studies that people are more likely to walk to destinations the closer they are located to them. Previous analysis undertaken by Waka Kotahi /

¹⁵ Future Proof Strategy, 2022, page 36-37

¹⁶ Future Proof Strategy, 2022, page 59

NZTA found that the majority of walking trips are between 1 – 10 minutes (800m). More recently, the NZ Household Travel Survey (2015-2018) identifies that the average walking trip is 11-minutes which is equivalent to a distance of 1km.¹⁷ NPS-UD guidance states that “walkable catchments can be determined either using a simple, radial pedshed analysis or a more detailed GIS (geographic information systems) network analysis.”¹⁸ For the purposes of this assessment, a detailed network analysis using GIS software has been undertaken.

11.5 Area subject to this qualifying matter

Section 77J(3)(a)(i) requires territorial authorities to demonstrate why the area is subject to a QM. The areas subject to this QM are the General residential zones of the four towns of Ngaaruawaahia, Huntly, Pokeno and Tuakau, as this area is located outside the 800m walkable catchment from the town centres. The retention of the General residential zone on the outer fringes of the towns is a QM for urban design and planning reasons.

The delineation of the Medium density residential zone responds to the established town centres and roading pattern and is based on a realistic walking catchment. The zone boundary between General residential zone and Medium density residential zone 2 is based primarily on the 800m walking catchment measured from the edge of the Town centre zone. The Town centre zone has been used as the proxy for the “town” as the provisions provides for a range of commercial, community, recreational and residential activities. In essence, the Town centre zone enables the types of activities to be expected in a town. The Commercial zone by comparison provides for larger scale commercial activities, and are less likely to be suitable for accessing on foot (such as large format retail).

While the zone boundary between General residential zone and Medium density residential zone 2 is not an exact science, it is based on a realistic 800m walking distance from the Town centre zone that takes into account barriers to walkability. These include features that cannot be readily crossed such as railway lines, state highways and rivers. The basis for the 800m are the titles which have road frontage within 800m from Town centre zone, however the entire title may not be within 800m. The edges between the zones have been rationalised to parcel boundaries to avoid the situation of a site with a split zone. Precise boundaries for the zone have been refined on a site by site basis in order to create a coherent zoning pattern and reduce potential edge/ transition effects between varying density of uses.

In accordance with the Act definition of “relevant residential zone”, the Medium density residential zone 2 has not been applied to a large lot residential zone or a settlement zone, even when sites with these zones sit within the 800m catchment.

There are minor differences between the spatial extent of the Medium density residential zone in the decision version of the PDP and Variation 3. The inclusion of the Medium density residential zone in the PDP decision was in response to a submission from Kainga Ora to the PDP in 2018. The evidence presented by Kainga Ora outlined a complex overlaying of attributes such as walkable distance from the town centre, slope, soils and natural hazards. However, the delineation of the Medium density residential zone was always going to be constrained by the scope of the submission. The analysis from Barker and Associates on behalf of Kainga Ora to the PDP hearings identified a number of sites that were suitable to be included as Medium density residential zone but were unable to be due to the scope of the Kainga Ora submission. Variation 3 is not constrained in such a way, and hence the walkable catchment analysis has produced a slightly different zoning pattern.

¹⁷ <https://www.transport.govt.nz/statistics-and-insights/household-travel/>

¹⁸ Section 5.5, pg. 20.

In addition to promoting a range of transport options, the application of Medium density residential zone in close proximity to the Town centre zone will also support the economic development of the town centre. Providing medium density residential development close to employment, shopping, community, recreation and leisure opportunities encourages a safer more vibrant centre, with more activity and opportunities. It creates a well-functioning urban environment and gives effect to Objective 1 of the NPS-UD. It also supports reductions in greenhouse gas emissions by limiting the dependence on private vehicles (NPS-UD Policy 1(e)).

In comparison, allowing medium density residential development in the General residential zone located on the fringes of the towns increases the risk of reverse sensitivity effects with the rural zone and the primary production activities that take place therein. It also encourages a dispersed urban form and does not support the development of the town centre or creating a sense of place. As noted above, applying increased residential density in areas without the necessary accompanying urban form attributes (i.e., diversity, design, destination accessibility), is less likely to result in more sustainable travel behaviour being achieved from such development.

Retaining the General residential zone on the outer edges of the towns enables living choice and a variety of homes. This enables people to meet their needs in terms of type, price, and location, of different households and gives effect to Policy 1(a) of the NPS-UD.

11.6 Why is the qualifying matter incompatible with the level of development permitted by the MDRS?

Section 77J(3)(a)(ii) requires the territorial authority to demonstrate why it considers that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area.

The intent of Variation 3 is to enable and encourage more intensive residential development in close proximity to the Town centre zones in the four towns. This is to support good urban design outcomes such as supporting public transport, reducing the need for private vehicles for short trips and to create vibrant and economically viable towns. If the MDRS were to be applied across the entire residential area of the four towns, these outcomes would not be realised.

The extent of the Medium density residential zone 2 is commensurate with the modest scale and location of the level of commercial activity and community services available in each of the four towns in accordance with NPS-UD Policy 3(d). The level of development permitted by the MDRS is not appropriate on the outer fringes of the towns because the Urban Fringe QM seeks to encourage intensive residential development to areas within the 800m walkable catchments of the four towns to support the development of an efficient public transport network and active modes of transport, vibrancy and economic viability of the town centres and commercial activity while retaining housing choice in the General residential zone. It also enables people to live in close proximity to employment opportunities. Applying the MDRS to this area is incompatible with those outcomes.

11.7 Impact of limiting development capacity

Section 77J(3)(b) requires an assessment of the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity. The retention of the General residential zone for the sites outside the walkable catchment of the four towns will result in only a modest reduction of development ability. The differences between the zones are set out below.

Feature	Medium density residential zone 2	General residential zone	Effect of the different rule for the sites zoned General residential zone
SUBDIVISION			
Vacant lot	Minimum 200m ²	Minimum 450m ²	Reduces the subdivision potential
Where a dwelling precedes or accompanies subdivision	No minimum lot size	Minimum 450m ²	Reduces the subdivision potential
DEVELOPMENT STANDARDS			
Number of residential units as a permitted activity	3 residential units per site as a permitted activity	1 + minor dwelling up to 70m ²	Could achieve 2 dwellings as opposed to 3, but the minor dwelling cannot be subdivided from the primary dwelling
Maximum height	11m	8m	The maximum height is reduced by 3m
Height in relation to boundary	4 metres + 60°	2.5 metres + 45°	Buildings must be located further from the boundary
Minimum setbacks	Front: 1.5 m Side and rear: 1 m	Front: 3 m Side and rear: 1.5 m	Buildings must be located further from the boundary
Maximum building coverage	50%	40%	Less of each site can be covered by buildings
Outdoor living space	Residential unit at ground floor level: at least 20m ² , ground level no dimension less than 3 m. Balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8m Residential unit above ground floor level: at least 8m ² , no dimension less than 1.8m	Ground floor: 80m ² and a minimum dimension of 4m in any direction Balcony: minimum area of 15m ² and a minimum dimension of 2m in any direction.	More space is required for outdoor living space
Outlook space	Principal living room: minimum dimension of 4 metres in depth and 4 metres in width All other habitable rooms: minimum dimension of 1 metre	N/A	More flexibility about the outlook from windows. As the sites and setbacks are larger, this may not make any material difference.

Feature	Medium density residential zone 2	General residential zone	Effect of the different rule for the sites zoned General residential zone
	in depth and 1 metre in width		
Windows to street	Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing	N/A	More flexibility of design and location of windows
Landscaped area	Residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants	N/A	More flexibility of design and landscaping
Maximum impervious surface	70%	70%	No difference
Service court	N/A	Storage of waste and recycling bins: minimum area of 3m ² and minimum dimension of 1.5m Washing line: minimum area of 5m ² and minimum dimension of 2m	Space is required to be set aside for this
Garages	Garages must occupy less than 50% of the ground floor space internal to buildings on the site	Set back behind the front façade of the residential unit where the residential unit and garage are on a site that has frontage to a road.	Less flexibility of design as to where a garage is located (if one is provided)

The overall effect of the QM is that sites with a General residential zone have more limited development potential as a permitted activity due to the lesser number of residential units per site and the larger minimum lot size for subdivision. Having said that, increased subdivision or housing density in the General residential zone beyond the standards specified is a discretionary activity, so it is not impossible to achieve increased levels of development in that zone but will require a resource consent.

The Market Economic analysis demonstrated that there was sufficient feasible plan-enabled residential development without needing to apply the MDRS to any of the areas in the district. However, Variation 3 does propose to up-zone 444 sites in the District to MRZ2 and will apply the MDRS to this zone in the four towns

11.8 Costs and broader impacts

Section 77J(3)(c) requires that the costs and broader impacts of imposing those limits is assessed.

	Costs	Benefits
Environmental	Less efficient use of the urban environment as less houses can be accommodated.	Less runoff generated due to lower levels of development and impermeable surfaces. Less pressure on roading and three waters infrastructure at the outer edges of the towns. Larger sites enable higher levels of landscaping and planting (green space and amenity).
Economic	Less development potential. Reduced value of the larger sites due to limited ability for further development.	These sites may be worth more due to the larger site.
Social	May not be as supportive of public transport due to lack of density of development. Reduces the number of houses per town that can be built as of right. Larger sites generally require more maintenance.	Provides housing choice and a range of living options. Provides flexible living opportunities. More flexibility with the design of the dwelling. Limited immediate changes in character. Reduced potential for reverse sensitivity on the residential-rural interface due to larger sites. Accommodates larger families. Creates a more logical urban design pattern of development with higher densities nearer the town centres.
Cultural		Provides people to meet their cultural needs and way of living e.g., multi-generational living.

11.9 Modification to MDRS

Section 77J(4)(b) requires a description of how modifications to the MDRS are limited to only those modifications necessary to accommodate qualifying matters. The MDRS works as a package, and to focus intensification within the walkable catchment of the towns requires a lower intensity on the fringes. This outcome is delivered by the General residential zone, which has a comprehensive suite of provisions that deliver a slightly lower density residential outcome. While it is possible to insert some of the MDRS into the General residential zone such as maximum height, height in relation to boundary and windows to the street, it is considered appropriate to retain the General residential zone intact as a comprehensive package. This will result in a different urban form from the Medium density residential zone 2. This approach aligns with the PDP decision and the strategic direction of Future Proof, and gives effect to Policy 3(d) of the NPS-UD.

11.10 Specific characteristics that make the MDRS inappropriate

Section 77L(a) requires identification of the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area.

The predominant characteristic of the QM is distance from the Town centre zone that is outside a walkable catchment of 400-800m. The extent of the walkable catchment is not a radial catchment, but is instead reflective of the physical characteristics of each town and routes which are realistically walkable.

Policy 3(d) of the NPS-UD requires district plans to enable building heights and densities of urban form commensurate with the level of commercial activity and community services. Given the modest level of commercial activity and community services in the four towns, it is appropriate to concentrate residential development around the town centre. This approach will support development of the public transport network, walkability of the town, vibrancy of the town centre and economic viability of commercial activity.

11.11 Justification as to why the characteristic makes the level of development inappropriate

Section 77L(b) requires justification as to why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. The distance from the Town centre zone in combination with the scale of the towns means that applying the Medium density residential standards to the outer fringes of the towns would result in sub-optimal urban design outcomes. The QM will have two main outcomes: centralising and consolidating residential development close to the town centre, and reducing the chance of higher densities on the fringe of each town.

11.12 Site specific analysis

Section 77L(c) requires a site-specific analysis that identifies the site to which the matter relates; and evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter. The identification of the extent of the Medium density residential zone and the consequential extent of the General residential zone has been undertaken primarily based on the realistic 800m walkable catchment from the edge of the Town centre zone in each of the four towns. This realistic scenario uses existing routes and pedestrian routes, rather than assuming an 800m blanket radius. Where it would result in a property being split zone, the zone boundary has been taken to a logical point such as a site boundary or a road. No properties have been down-zoned from their current zoning, but due to differences in the way Kainga Ora undertook its analysis in the PDP hearings (and the fact it was constrained by its own submission), and Council has undertaken its analysis for Variation 3, some properties have changed from General residential zone to Medium density residential zone.

The extent of the Medium density residential zone has been aligned to ensure streets and/ or public space form natural boundaries where possible to create a logical zoning pattern.

Tuakau

The most significant constraint to the 800m walking catching is the location of the railway line as there are limited places where it can be safely crossed. For this reason, the Medium density residential zone 2 is located largely to the west of the Town centre zone, with areas extending north up Buckland Road and along the lower parts of Dominion Road. Conversely the areas proposed to be retained as General residential zone are on the outer edges of Tuakau outside the 800m walkable catchment. On the south-eastern edge the industrial zones form the urban edge.

Pookeno

The 800m walking catchment is concentrated north and west of the Town centre zone. The most significant constraints to the realistic walking catchment for Pookeno is State highway 1 and the North Island Main Trunk Rail line. These constrain the application of the Medium density residential

zone due to the limited locations where people can safely cross the state highway and rail line. The presence of a walkway following the Helenslee Stream results in good walking access north of the town centre and around the Pookeno School. These areas are already zoned Medium density residential zone in the PDP.

Huntly

A large area of land in Huntly, west of the town centre, is already zoned as Medium density residential zone in the PDP decision as this is within 800m of the Town centre zone. Other areas within the walkable catchment are located north and south-east where the pedestrian routes allow easy access by foot. In any event, the steep topography east of the town centre, in combination with the location of public open spaces and reserves limits the logical extent of the Medium density residential zone towards the east.

Ngaaruawaahia

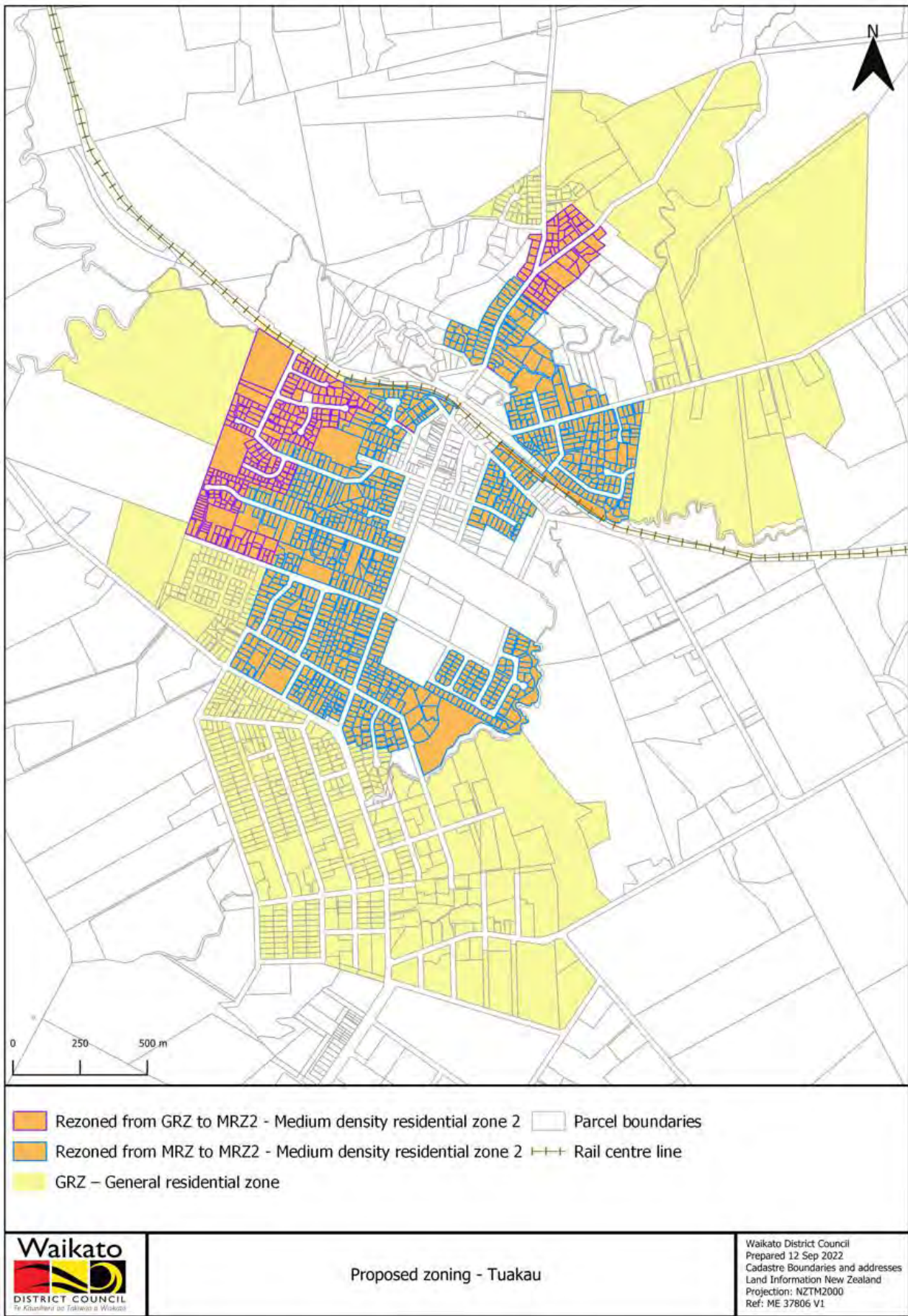
Due to nature of the street pattern north of the Waipa River with a series of cul-de- sacs or very long roads extending north from River Road, the northern extent of the Medium density residential is Festival Way. While the North Island Main Trunk Rail line and rivers are barriers to a walkable route from the town centre, there are a number of railway crossings and the bridges across the rivers results in Medium density residential zone 2 extending over the western side of the town, and crossing both rivers.

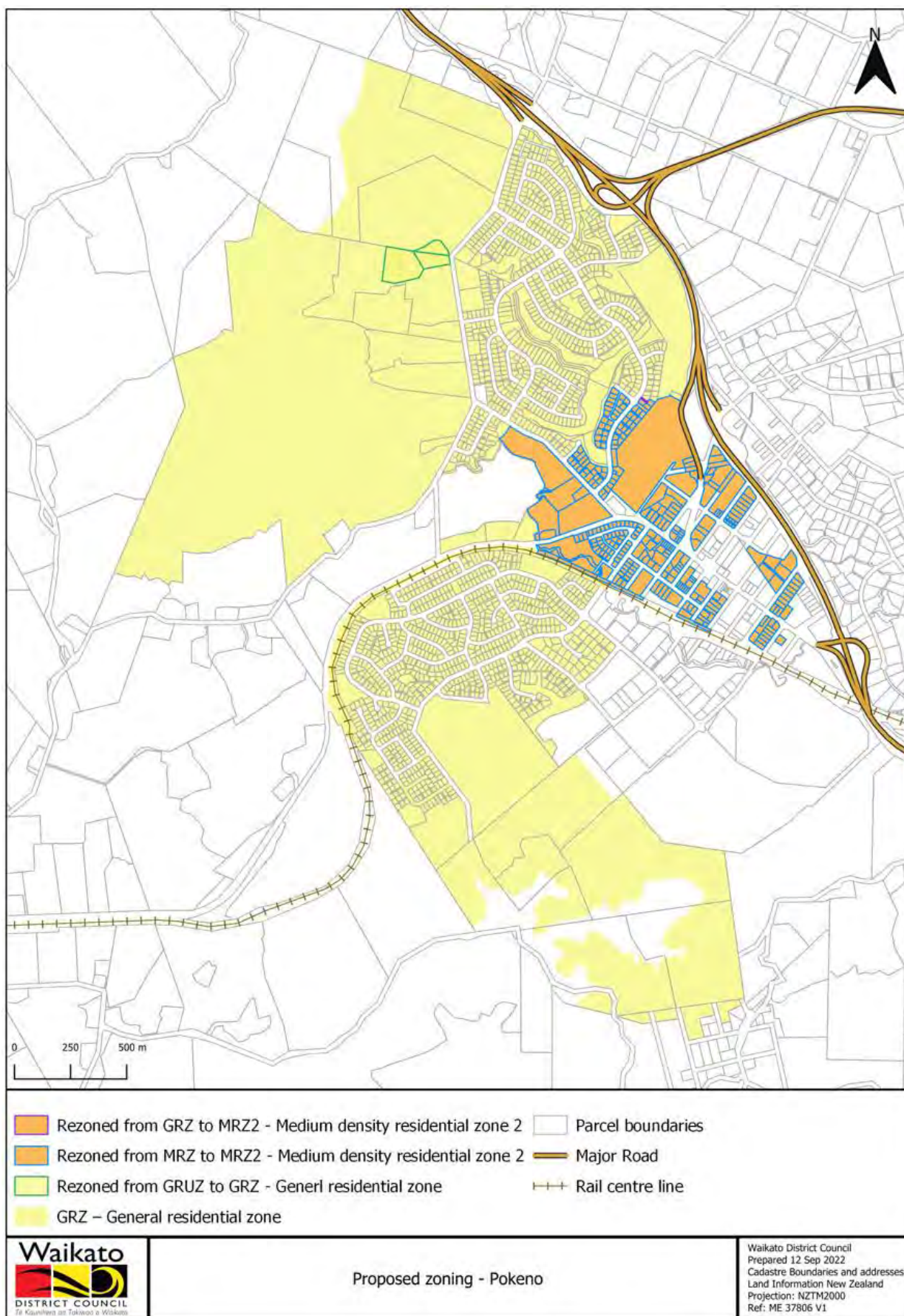
Changes in zoning to enable intensification

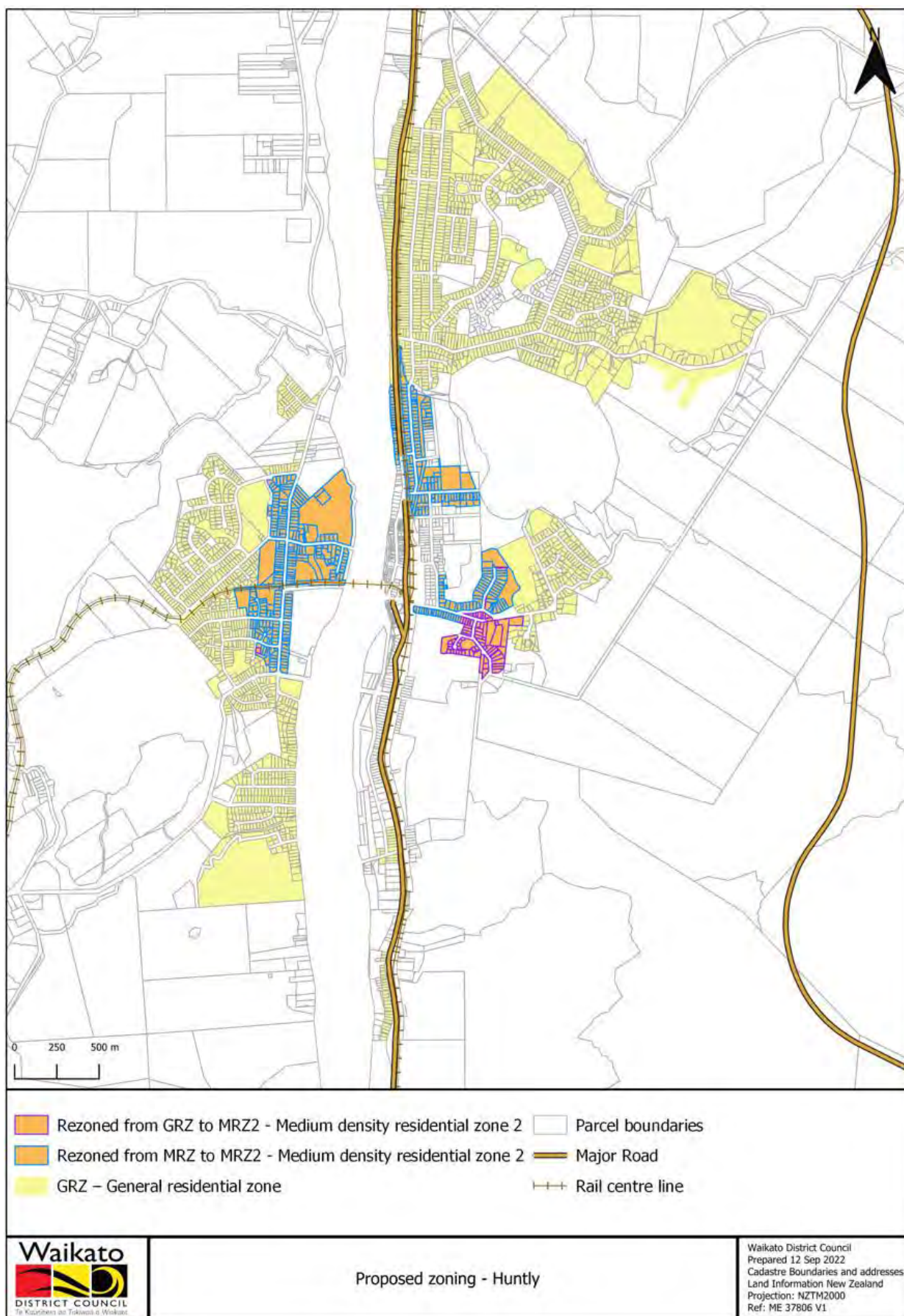
In addition to changing the zone of the properties currently zoned Medium density residential zone to Medium density residential zone 2 within the four towns, Variation 3 proposes to amend the zoning of the following properties:

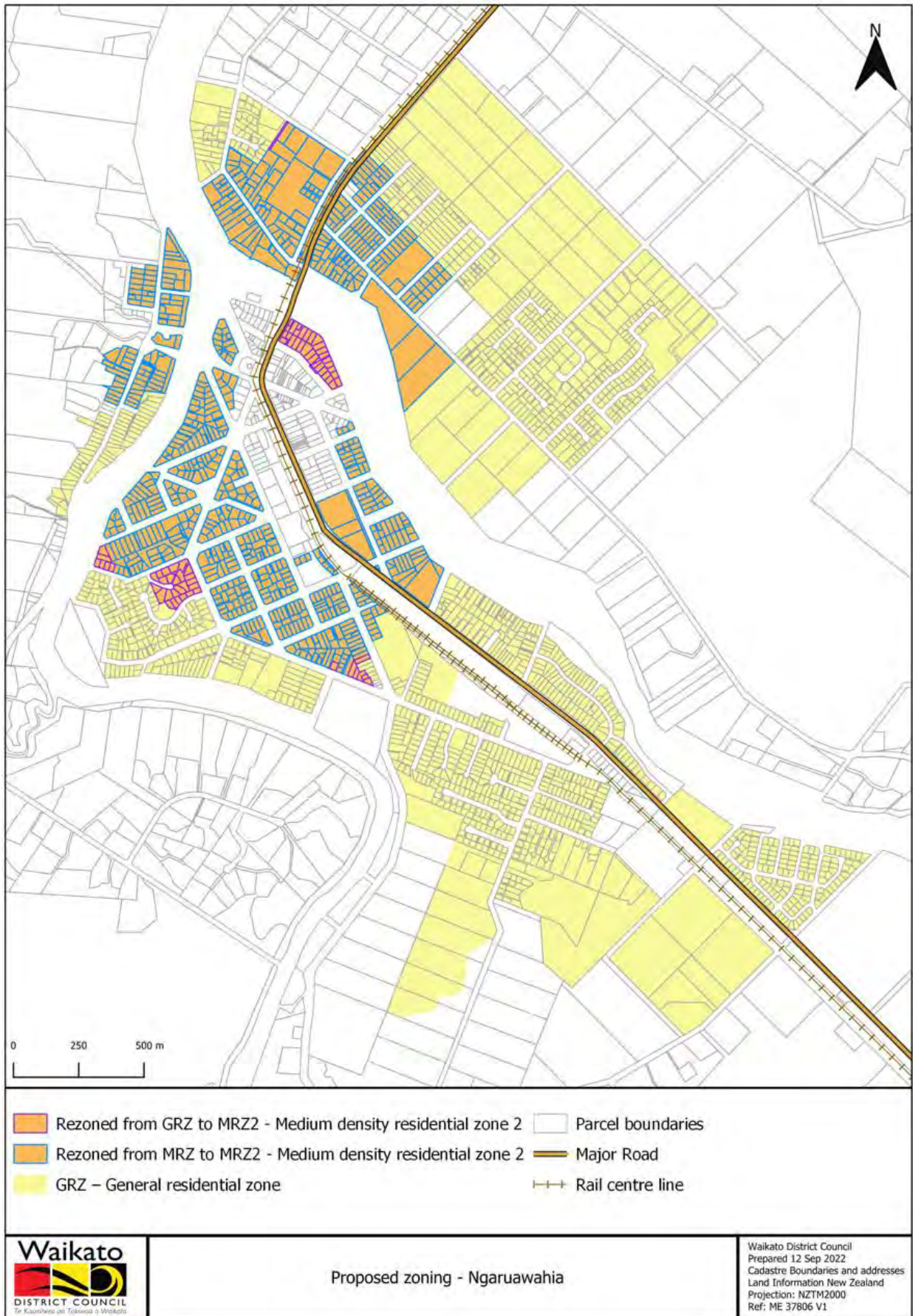
Town	Proposed change in zone	Number of properties
Pookeno	General residential zone to Medium residential zone 2	3
	General rural zone to General residential zone	2
Tuakau	General residential zone to Medium residential zone 2	307
Huntly	General residential zone to Medium residential zone 2	68
Ngaaruawaahia	General residential zone to Medium residential zone 2	66

Figure 15: Proposed zones in response to the qualifying matter: urban fringe









11.13 Options

Section 77L(c)(iii) requires evaluation of a range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics. At a broad level, the options are:

Option 1: Apply the medium density residential standards to the entire residential environment of each town.

Option 2: Limit the application of the medium density residential standards to the 800m walkable catchment around the Town centre zone.

Option 3: Modify the medium density residential standards outside the 800m walkable catchment around the Town centre zone to result in an intermediary density somewhere between what the Medium density residential zone will enable and General residential zone.

The advantages and disadvantages of each option are set out below.

Option	Advantages	Disadvantages
Option 1: Apply the medium density residential standards to the entire residential environment of each town.	Gives full effect to the RMA amendments. Enables growth. Efficient use of the urban environment by enabling more dwellings, as of right, on land already zoned for urban development. Provides choice as not all sites will develop to the maximum within a short time span. May result in more affordable housing due to an increase in supply.	May result in higher density on the outer edges where the sites are bigger. There could be significant changes to neighbourhood character and amenity. Increases automobile dependency by not focusing density within walkable catchments around centres or public transport nodes. Results in a sub-optimal urban form with higher density some distance from the town centre.
Option 2: Limit the application of the medium density residential standards to the 800m walkable catchment around the Town centre zone.	May avoid the donut effect with higher density on the outer edges. Supports centres and public transport nodes and walkability. Less immediate change to neighbourhood character and amenity. Does not limit ability for higher density to be applied in the General residential zone with the effects being managed through a resource consent process.	Inefficient use of the urban environment by not maximising development as of right.

Option	Advantages	Disadvantages
	Ensures the creation of larger sites. Provides choice	
Option 3: Modify the medium density residential standards outside the 800m walkable catchment around the Town centre zone so produce an intermediary density	May avoid the donut effect with higher density on the outer edges. Less immediate change to neighbourhood character and amenity. Ensures the creation of larger sites. Supports centres and public transport nodes and walkability. Provides choice.	The MDRS bulk and location standards may not be necessary for larger sites.

12 Reverse sensitivity

12.1 Introduction

This QM is applied in accordance with section 771(j) as any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area. The PDP contains existing setbacks or buffers where residential activity may have reverse sensitivity effects on existing lawfully established activities. In particular:

- Within 300m of oxidation ponds that are part of a municipal wastewater treatment facility;
- Within 30m of a municipal wastewater treatment facility where the treatment process is fully enclosed;
- Within the Amenity Setback specific control in Tuakau;
- Within the Pookeno Industry Buffer;
- Within 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruwaahia.

Variation 3 does not propose changes to the above provisions. However, Variation 3 does propose that the above provisions in the PDP be applied to both the General residential zone and Medium density residential zone 2 where sites fall within the overlays or distances specified.

The following objectives in the PDP provide the policy framework for identification of this QM:

SD-O10 Reverse sensitivity.

Existing activities are protected from reverse sensitivity effects.

In addition, Variation 3 proposes to include the following objective:

MRZ2-O6 Reverse sensitivity.

- (1) *Avoid or minimise the potential for reverse sensitivity by managing the location and design of sensitive activities through:*
 - (a) *The use of building setbacks; and*
 - (b) *The design of subdivisions and development*

Appendix 9: Excerpts from section 42A reports

[Attached to cover email.]

SECTION 42A REPORT

Report on submissions and further submissions – Variation 3
to the Proposed Waikato District Plan

Enabling Housing Supply

Report prepared by: Fiona Hill, Karin Lepoutre and Bessie
Clarke

Date: 15 June 2023

Version 2: Please note that this report was reformatted and uploaded on 19 June 2023. Only
formatting, referencing and list of submitter amendments were made.



Urban Fringe

19. Variation 3 included an urban fringe qualifying matter which limited the geographic application of the MDRS to within the walkable catchments of Pookeno, Tuakau, Huntly and Ngaaruawaahia. Submissions were received both in support of, and against, the urban fringe qualifying matter. In addition, some submitters also questioned its legality as a qualifying matter under the Resource Management Act 1991 (RMA).
20. On 3 March 2023, the IHP directed any submitters with an interest in the urban fringe qualifying matter to provide evidence and legal submissions to support their position for the IHP's consideration. On 14 March 2023 the IHP issued Interim Guidance #1 on the urban fringe and concluded at paragraph 4 that "the urban fringe is not a qualifying matter under s77L(j) as it does not appear to satisfy the requirements of s77L of the RMA."
21. The removal of the urban fringe qualifying matter would extend the application of the MDRS to all land zoned General residential or Medium density residential within Pookeno, Tuakau, Huntly and Ngaaruawaahia. The removal of the urban fringe qualifying matter therefore requires that the MDRS be applied to all the land zoned Medium density residential and General residential within the four towns, subject to any additional qualifying matters.
22. Additional qualifying matters were subsequently identified by WDC and circulated to submitters and include:
 - The protection of culturally significant landscapes with the Havelock Precinct.
 - The protection of culturally significant viewshafts from Tuurangawaewae Marea to the Hakarimata and Taupiri.
 - The management of significant risks from natural hazards within the slope residential area of the Havelock Precinct.
 - The management of significant risks from natural hazards within the mine subsidence risk area in Huntly.
 - The management of significant risks from stormwater and flooding effects (related to natural hazards and giving effect to Te Ture Whaimana).
 - Minimising reverse sensitivity effects of residential activities on industrial operations within the Havelock Precinct.

Expert Conferencing

23. Expert conferencing have been held in relation to the following topics:
 - Havelock Precinct
 - Water and wastewater
 - Tuurangawaewae Marae and cultural viewshafts
24. The Joint Witness Statements arising from these expert conferencing sessions are attached at Appendix 3 to this report and will be referenced as relevant through the report.

need to be consulted. Furthermore, I note the other properties referred to by Mr Duncan in his submission while located adjoining an industrial zone, are located at the end of a block and would not be located between a Commercial Zone and an Industrial Zone. While I do acknowledge there are costs, time and uncertainty with the resource consent process a restricted discretionary consent is not insurmountable and does provide a consenting pathway for additional residential units. I also note if a multi-unit development is undertaken the Commercial Zone does not limit the number of units that can be built on the property.

156. Tara Christiansen (submitter #31.1) has requested that the MDRZ zoning applies to 12 Lower Waikato Esplanade. The location of the property is shown below in Figure 19 (highlighted in orange)



Figure 19: 12 Waikato Lower Esplanade in the PDP Decision and Variation 3

157. The property concerned was zoned General residential zone in the PDP Decisions Version and was rezoned to Medium Density as part of Variation 3. The issue raised by the submitter is addressed by the zoning of Variation 3. I also note this block has qualifying matters that apply to it as it is located within the High Risk Flood Zone and the Flood Plain management area. Notwithstanding the zoning there may be other restrictions on the site which inhibit the ability to construct 3 houses.
158. S Upton and B Millar (submitter #32.1) support the zoning in Ngaaruawahia to the extent shown in Variation 3 and have requested that the greenfields zoning is reviewed as the existing Urban rural boundary of Ngaaruawahia. The reasons for the submission set out that in the submitters' opinion greenfield land is not required for residential development because of the increased level of development enabled by Variation 3. The submitter considers that this approach is consistent with the National Policy Statement on Highly Productive Land. The submitter has requested that if this cannot be achieved through Variation 3 then the Council should progress a further variation to rezone greenfield land identified as General residential zone through the Proposed District Plan.
159. In my opinion the request is to review greenfield zoning beyond the scope of Variation 3. The purpose of Variation 3 is set out in S77G of the Act and is to apply the MDRS to relevant residential zones and to give effect to Policy 3 or 5 as required. In doing so land can be rezoned and the Council did rezone some properties as part of Variation 3. When Variation 3 was

notified those property owners were notified and had the opportunity to make a submission. The property owners affected by this submission are wide ranging and have not been consulted. Furthermore, I think it is relevant, that the decisions on the PDP were released and notification of Variation 3 occurred, prior to the NPS-HPL being approved. It is my understanding the NPS-HPL applies to Rural zone properties with class 1, 2 or 3 soils at the commencement of the NPS-HPL.

160. Storme Baird (submitter #63.1) has requested the rezoning of 35 Old Taupiri Road from GRZ to medium density zone. The location of the property is shown below (Figure 20). In the reasons for the submission the submitter states in putting forward this submission they realise they are contesting the urban fringe qualifying matter. The submitter states they consider there are more appropriate locations to implement Variation 3 that would not detract from the character of the township.



Figure 20: Location of 35 Old Taupiri Road (highlighted in orange)

161. In my opinion this rezoning request relates to the urban fringe qualifying matter. If the Panel removes the urban fringe qualifying matter the properties will have the medium density residential standards applying to these sites along with other properties that were located within the urban fringe. Notwithstanding this the ability to build 3 houses on this site or any other site will also be affected by other qualifying matters and district wide rules for earthworks and other activities. In this regard I note this property has the High Risk Flood Area and Flood Plain Management Area qualifying matters that apply to it.
162. Dominion Developments (submitter #66.1 and #66.2) have requested that 26 King Street and properties along King Street are rezoned from GRZ to medium density zone along with 24 and 32A Saubrey Street. The general location of the properties is shown below in Figure 21. In the alternative the submitter has sought to add a bespoke controlled activity process in the General residential zone to allow medium density residential developments. The alternative relief is opposed by Ports of Auckland for the reason that could apply to other locations within the General residential zone such as Horotiu.

- **Option 3** – Apply the standards and matters of discretion requested by FirstGas (20m setback from gas transmission lines, 60m setback from the gas network other than transmission lines) and a relevant matter of discretion.
579. Option 1 is not efficient or effective as there would be no ability for Council to assess any encroachment into the gas pipeline setback on the gas network.
580. Option 2 is efficient and effective in that it provides for protection for the operation of the gas network and enables Council to assess any encroachments into the setback on the network. The option is further efficient as it would be consistent with the draft setbacks that have been proposed (via consent orders to the Environment Court) for the GIZ, HIZ, GRUZ and RLZ.
581. Option 3 is difficult to assess given that no evidence was provided by FirstGas to support the requested 20m and 60m setbacks. Notwithstanding this, I do not consider it efficient to apply different setback standards to the same infrastructure within different zones.
582. The costs of Option 1 and 2 are likely to be similar, however, there are benefits to the effective operation of nationally significant infrastructure if Council can assess the effects of any encroachment into the setback on the operation of the network. The costs of Option 3 are likely to be substantial with significant areas of land unable to be developed and would therefore be inconsistent with the objectives of the proposal (in relation to intensification).
583. The risk of not acting/amending the proposed provisions are that the gas network may not be managed in the most effective and efficient manner. It could result in adverse effects on the operation of the gas network.
584. For the reasons outlined above, I consider that Option 2 is the most appropriate way to achieve the objectives of the proposal and provide for national infrastructure as a qualifying matter.

6.6 Urban Fringe

Introduction

585. Variation 3 included an urban fringe qualifying matter which limited the geographic application of the MDRS to within the 800m walkable catchments of Pookeno, Tuakau, Huntly, and Ngaaruawaahia. This section of the report addresses the submissions that were received in relation to the urban fringe qualifying matter (noting that the urban fringe qualifying matter was considered by the IHP as not satisfying the requirements of s77L of the RMA²⁹ as is detailed in section 2 of this report).

²⁹ IHP Interim Guidance issued on 13 March 2023.

Submissions

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Waka Kotahi*	29.1		Support the walkable catchment for the medium Density Residential 2 Zone.
Top End Properties*	29.1	222.1	Disallow the submission
CSL Trust*	29.1	223.1	Disallow the submission
Pokeno West* and West Pokeno Limited	29.1	224.1	Disallow the submission
Pareoranga Te Kata	29.1	225.1	Allow the submission in whole
Waka Kotahi*	29.3		Evaluate the additional option of providing for increased density in the four towns and make any consequential changes.
Pokeno Village Holdings Limited	29.3	206.1	Reject submission point.
Havelock Vilages Limited*	29.3	218.1	Accept submission point
Hynds Pipe Systems Ltd*	29.3	221.3	Reject submission point.
Top End Properties*	29.3	222.2	Allow the submission
CSL Trust*	29.3	223.2	Allow the submission
Pokeno West* and West Pokeno Limited	29.3	224.2	Allow the submission
Pareoranga Te Kata	29.3	225.3	Allow the submission in part
Waikato Regional Council*	42.8		Consider enabling an intermediary density within the areas of the four towns outside of the 800m walkable catchment, for example by providing for two residential units per site as a Permitted Activity. AND Amend the objectives, policies, and rules within the areas of the four towns outside of the 800m walkable catchments subsequently.
Kāinga Ora	42.8	217.26	Reject submission point.
Hynds Pipe Systems Ltd*	42.8	221.5	Reject submission point.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Top End Properties*	42.8	222.9	Allow the submission
CSL Trust*	42.8	223.9	Allow the submission
Pokeno West* and West Pokeno Limited	42.8	224.9	Allow the submission
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	44.1		No specific decision requested, but submission supports the proposal to not allow further intensification by retaining the General residential zone in Pookeno to address qualifying matters. AND Any consequential amendments to other parts of the PDP to address the matters raised in the submission.
Havelock Vilages Limited*	44.1	218.2	Reject submission point.
Hynds Pipe Systems Ltd*	44.1	221.6	Accept submission point.
Top End Properties*	44.1	222.13	Disallow the submission
CSL Trust*	44.1	223.13	Disallow the submission
Pokeno West* and West Pokeno Limited	44.1	224.13	Disallow the submission
Synlait Milk Ltd	46.1		Retain the Pookeno planning map as notified, in particular the retention of the General Residential Zoning as shown on the Planning Map. Submission opposes any change from General Residential to Medium Residential Zone 1 or Medium Residential Zone 2 on land adjoining or in proximity of the Heavy Industrial Zone.
Pokeno Village Holdings Limited	46.1	206.5	Support submission point in part.
Havelock Village Limited*	46.1	218.9	Reject submission point.
Hynds Pipe Systems Ltd*	46.1	221.8	Accept submission point.
Top End Properties*	46.1	222.2	Disallow the submission
CSL Trust*	46.1	223.2	Disallow the submission
Pokeno West* and West Pokeno Limited	46.1	242.2	Disallow the submission

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Ngāti Te Ata	46.1	228.5	Accept submission point 46.1 to the extent it seeks to appropriately limit the application of the MDRS throughout Pokeno's rural backdrop.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	44.7		Retain the proposal not to allow further intensification of residential land at Pokeno to address qualifying matters AND Any consequential amendments to other parts of the PDP to address the matters raised in the submission.
Havelock Vilages Limited*	44.7	218.8	Reject submission point.
Top End Properties*	44.7	222.19	Disallow the submission
CSL Trust*	44.7	223.19	Disallow the submission
Pokeno West* and West Pokeno Limited	44.7	224.19	Disallow the submission
Ministry of Housing and Urban Development (HUD)	50.1		Delete the urban fringe qualifying matter and apply the MDRS as required by the RMA across the relevant residential zones. AND Amend to apply the MDRS to all relevant residential zones.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	50.1	200.9	Reject submission point.
Pokeno Village Holdings Limited	50.1	206.6	Reject submission point.
Kāinga Ora	50.1	217.38	Accept submission point.
Havelock Vilages Limited*	50.1	218.15	Accept submission point.
Hynds Pipe Systems Ltd*	50.1	221.13	Reject submission point.
Top End Properties*	50.1	222.23	Allow the submission
CSL Trust*	50.1	223.23	Allow the submission
Pokeno West* and West Pokeno Limited	50.1	224.23	Allow the submission
Jodie Bell	71.4		Amend urban fringe to from 800m to 1000m (1km)

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Patricia (Trish) Savage	74.2		Amend the approach to look for total area equivalent spaces to the proposed area covered under the blanket 800m radius which might be made up of pockets of land in different areas. The submission describes a few undeveloped areas around Pookeno where medium density housing could be considered without affecting current housing, such as east side of Helenslee Road, and the area in behind Helenslee and Hillside which are in the proposed areas to be rezoned.
CSL Trust*	82.1		Amend to apply the MDRS to all residential land within urban environments of the District, subject to any legitimate qualifying matters. This would apply to Pookeno, Tuakau, Huntly and Ngaaruawaahia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as General residential zone 2 (GRZ2) or similar. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	82.1	200.12	Reject submission point.
Pokeno Village Holdings Limited	82.1	206.8	Reject submission point.
Transpower NZ Ltd*	82.1	209.1	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Ports of Auckland	82.1	214.6	Disallow the submission sought in respect of a bespoke controlled activity process in the General residential zone to the extent that it would allow medium density residential development in areas outside of the "urban environment", such as Horotiu.
Top End Properties*	82.1	222.3	
Pokeno West* and West Pokeno Limited	82.1	224.3	
Ngāti Te Ata	82.1	228.8	Reject submission point 82.1 in part
CSL Trust*	82.2		Delete the Urban Fringe qualifying matter, which fails to meet the relevant statutory requirements and is inappropriate. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission (which could include the application of the MRZ2 to the full extent

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
			over the four settlements that the submitter is seeking MDRS over.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	82.2	200.13	Reject submission point.
Pokeno Village Holdings Limited	82.2	206.9	Reject submission point.
Transpower NZ Ltd*	82.2	209.2	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	82.2	221.14	Reject submission point.
Top End Properties*	82.2	222.31	Not specified
Pokeno West* and West Pokeno Limited	82.2	224.31	Not specified
CSL Trust*	82.3		Delete the relevant standards from the GRZ that are being replaced by the MDRS [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	82.3	200.14	Reject submission point.
Pokeno Village Holdings Limited	82.3	206.10	Reject submission point.
Transpower NZ Ltd*	82.3	209.3	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	82.3	221.15	Reject submission point.
Top End Properties*	82.3	222.32	Not specified
Pokeno West* and West Pokeno Limited	82.3	224.32	Not specified
CSL Trust*	82.4		Add a new rule that any infringement of the MDRS is a restricted discretionary activity [see submission for

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
			untracked version of the GRZ chapter]. AND Add matters of discretion based on the equivalent of those from the MDRZ2 proposed in V3. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	82.4	200.15	Reject submission point.
Pokeno Village Holdings Limited	82.4	206.11	Reject submission point.
Transpower NZ Ltd*	82.4	209.4	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	82.4	221.16	Reject submission point.
Top End Properties*	82.4	222.33	Not specified
Pokeno West* and West Pokeno Limited	82.4	224.33	Not specified
CSL Trust*	82.5		Add a new rule in the GRZ that one to three units are permitted subject to compliance with the MDRS [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	82.5	200.16	Reject submission point.
Pokeno Village Holdings Limited	82.5	206.12	Reject submission point.
Transpower NZ Ltd*	82.5	209.5	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	82.5	221.17	Reject submission point.
Top End Properties*	82.5	222.34	Not specified

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Pokeno West* and West Pokeno Limited	82.5	224.34	Not specified
CSL Trust*	82.6		Add a new rule in the GRZ that four or more units are restricted discretionary activity subject to compliance with the MDRS and the remaining standards of the GRZ [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	82.6	200.17	Reject submission point.
Pokeno Village Holdings Limited	82.6	206.13	Reject submission point.
Transpower NZ Ltd*	82.6	209.6	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	82.6	221.18	Reject submission point.
Top End Properties*	82.6	222.35	Not specified
Pokeno West* and West Pokeno Limited	82.6	224.35	Not specified
CSL Trust*	82.7		Add matters of discretion for four or more units based on the equivalent of those from the MDRZ2 proposed in V3 or the notified Multi-Unit Housing discretions of the Proposed District Plan [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	82.7	200.18	Reject submission point.
Transpower NZ Ltd*	82.7	209.7	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Top End Properties*	82.7	222.36	Not specified

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Pokeno West* and West Pokeno Limited	82.7	224.36	Not specified
CSL Trust*	82.8		Add a rule that for four or more units that any infringement of a MDRS rule is a restricted discretionary activity [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	82.8	200.19	Reject submission point.
Top End Properties*	82.8	222.37	Not specified
Pokeno West* and West Pokeno Limited	82.8	224.37	Not specified
Ngāti Naho Trust	83.11		Retain the 800m walkable catchment from each of the four town centres AND Apply low impact design principles and guidelines
Te Whakakitenga o Waikato Incorporated	83.11	213.32	The submitter seeks that the whole of the submission be allowed
Hynds Pipe Systems Ltd*	83.11	221.21	Accept submission point.
Jim Ivens	97.2		If the Council approve the Variation amend the walkable catchment criteria from 800m to 500m and consider applying it from a supermarket or High School, AND Amend the Variation 3 criteria to be single story
Jim Ivens	97.3		Amend Variation 3 to exclude 69b Hakanoa Street as it is outside the 800m walkable catchment AND Delete other properties that are outside the 800m walkable catchment and those that are covered by other Variations to avoid confusion
Harkness Henry Lawyers	99.1		Ensure all General residential zones have the Medium Density Standards applied as anticipated by the Resource Management Act (Enabling Housing Supply Act and Other Matters Amendment Act) OR In the alternative, if the MDRS is not applied in the General residential zone, apply the MDRS to 61 Old Taupiri Road, 26 Jackson Steet Ngaaruawaahia, 99 and 99A Ngaaruawaahia Road, Ngaaruawaahia, 18 Rangaimarie Road, Ngaaruawaahia AND retain the Medium density residential zone 2 in 15 and

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
			29/33 Galbraith Street Ngaaruawaahia OR if the MDRS is not applied to the General residential zone, or the General residential zone is not rezoned to medium Density Residential 2 Zone, that the Comprehensive Residential development ('CRD' rules are reinstated AND Rezone 99A Ngaaruawaahia Road and 18 Rangimarie Road are rezoned to include the whole property under the one General residential zone to avoid having half in the General residential zone and half in the Rural Zone.
Waikato Regional Council*	99.1	205.6	Reject submission point (rezoning request).
Te Whakakitenga o Waikato Incorporated	99.1	213.61	The submitter seeks that the whole of the submission be disallowed
Ports of Auckland	99.1	214.7	Disallow the submission sought in respect of a bespoke controlled activity process in the General residential zone to the extent that it would allow medium density residential development in areas outside of the "urban environment", such as Horotiu.
Top End Properties*	99.1	222.39	Allow the first part of the submission
CSL Trust*	99.1	223.3	Allow the first part of the submission
Pokeno West* and West Pokeno Limited	99.1	224.39	Allow the first part of the submission
Kenneth Whyte	102.1		Amend the area proposed for Variation 3 for Tuakau to be within 300 metres of the periphery of The Town Centre Zone
Havelock Villages Limited*	105.1		Amend to apply the MDRS to all residential land within urban environments of the District, subject to any legitimate qualifying matters. This would apply to Pokeno, Tuakau, Huntly and Ngaaruawaahia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as General residential zone 2 (GRZ2) or similar. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	105.1	200.22	Reject submission point.
Pokeno Village Holdings Limited	105.1	206.15	Reject submission point.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Transpower NZ Ltd*	105.1	209.10	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Ports of Auckland	105.1	214.8	Disallow the submission sought in respect of a bespoke controlled activity process in the General residential zone to the extent that it would allow medium density residential development in areas outside of the "urban environment", such as Horotiu.
Hynds Pipe Systems Ltd*	105.1	221.22	Reject submission point.
Top End Properties*	105.1	222.4	Allow the submission
CSL Trust*	105.1	223.31	Allow the submission
Pokeno West* and West Pokeno Limited	105.1	224.4	Allow the submission
Ngāti Te Ata	105.1	228.10	Reject submission point
Havelock Villages Limited*	105.2		Delete the Urban Fringe qualifying matter, which fails to meet the relevant statutory requirements and is inappropriate. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission (which could include the application of the MRZ2 to the full extent over the four settlements that the submitter is seeking MDRS over.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	105.2	200.23	Reject submission point.
Pokeno Village Holdings Limited	105.2	206.16	Reject submission point.
Transpower NZ Ltd*	105.2	209.11	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	105.2	221.23	Reject submission point.
Top End Properties*	105.2	222.41	Allow the submission
CSL Trust*	105.2	223.32	Allow the submission
Pokeno West* and West Pokeno Limited	105.2	224.41	Allow the submission

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Havelock Villages Limited*	105.3		Delete the relevant standards from the GRZ that are being replaced by the MDRS [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	105.3	200.24	Reject submission point.
Pokeno Village Holdings Limited	105.3	206.17	Reject submission point.
Transpower NZ Ltd*	105.3	209.12	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	105.3	221.24	Reject submission point.
Top End Properties*	105.3	222.42	Allow the submission
CSL Trust*	105.3	223.33	Allow the submission
Pokeno West* and West Pokeno Limited	105.3	224.42	Allow the submission
Havelock Villages Limited*	105.4		Add a new rule that any infringement of the MDRS is a restricted discretionary activity [see submission for untracked version of the GRZ chapter]. AND Add matters of discretion based on the equivalent of those from the MDRZ2 proposed in V3. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	105.4	200.25	Reject submission point.
Pokeno Village Holdings Limited	105.4	206.18	Reject submission point.
Transpower NZ Ltd*	105.4	209.13	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	105.4	221.25	Reject submission point.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Top End Properties*	105.4	222.43	Allow the submission
CSL Trust*	105.4	223.34	Allow the submission
Pokeno West* and West Pokeno Limited	105.4	224.43	Allow the submission
Havelock Villages Limited*	105.5		Add a new rule in the GRZ that one to three units are permitted subject to compliance with the MDRS [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	105.5	200.26	Reject submission point.
Pokeno Village Holdings Limited	105.5	206.19	Reject submission point.
Transpower NZ Ltd*	105.5	209.14	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	105.5	221.26	Reject submission point.
Top End Properties*	105.5	222.44	Allow the submission
CSL Trust*	105.5	223.35	Allow the submission
Pokeno West* and West Pokeno Limited	105.5	224.44	Allow the submission
Havelock Villages Limited*	105.6		Add a new rule in the GRZ that four or more units are restricted discretionary activity subject to compliance with the MDRS and the remaining standards of the GRZ [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	105.6	200.27	Reject submission point.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Pokeno Village Holdings Limited	105.6	206.20	Reject submission point.
Transpower NZ Ltd*	105.6	209.15	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	105.6	221.27	Reject submission point.
Top End Properties*	105.6	222.45	Allow the submission
CSL Trust*	105.6	223.36	Allow the submission
Pokeno West* and West Pokeno Limited	105.6	224.45	Allow the submission
Havelock Villages Limited*	105.7		Add matters of discretion for four or more units based on the equivalent of those from the MDRZ2 proposed in V3 or the notified Multi-Unit Housing discretions of the Proposed District Plan [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission. .
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	105.7	200.28	Reject submission point.
Transpower NZ Ltd*	105.7	209.16	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	105.7	221.28	Reject submission point.
Top End Properties*	105.7	222.46	Allow the submission
CSL Trust*	105.7	223.37	Allow the submission
Pokeno West* and West Pokeno Limited	105.7	224.46	Allow the submission
Havelock Villages Limited*	105.8		Add a rule that for four or more units that any infringement of a MDRS rule is a restricted discretionary activity [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	105.8	200.29	Reject submission point.
Transpower NZ Ltd*	105.8	209.17	Disallow the submission but if the submission is allowed, ensure that the chapter includes the current "Land use activities" Rules GRZ-R1 to GRZ-R17.
Hynds Pipe Systems Ltd*	105.8	221.29	Reject submission point.
Top End Properties*	105.8	222.47	Allow the submission
CSL Trust*	105.8	223.38	Allow the submission
Pokeno West* and West Pokeno Limited	105.8	224.47	Allow the submission
Kāinga Ora	106.8		Delete the "urban fringe" qualifying matter. AND Apply the proposed MRZ2 zone (which contains the MDRS standards) to the spatial extent of the GRZ in its entirety within Huntly, Ngāruawaahia, Pokeno and Tuakau. AND Consequential changes and amendments to the provisions and planning maps. AND Any such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	106.8	200.32	Reject submission point.
Pokeno Village Holdings Limited	106.8	206.21	Reject submission point.
Brett Titchmarsh	106.2	210.1	Accept submission point.
Te Whakakitenga o Waikato Incorporated	106.8	213.66	The submitter seeks that the whole of the submission be disallowed
Havelock Vilages Limited*	106.8	218.16	Accept submission point.
Hynds Pipe Systems Ltd*	106.8	221.32	Reject submission point.
Top End Properties*	106.8	222.49	Allow the submission
CSL Trust*	106.8	223.4	Allow the submission

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Pokeno West* and West Pokeno Limited	106.8	224.50	Allow the submission
Kāinga Ora	106.25		Amend the zoning of the General residential zoned sites in Huntly, Ngaaruawaahia, Pokeno, and Tuakau to Medium density residential 2 zone (as sought to be modified elsewhere in this submission). AND Amend the zoning so that General residential zone is only applied in areas that are not defined as 'urban environments' under the Housing Supply Act, with the exception of Raglan and Te Kauwhata. AND any such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in the submission.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	106.25	200.38	Reject submission point.
Pokeno Village Holdings Limited	106.25	206.22	Reject submission point.
Hynds Pipe Systems Ltd*	106.25	221.36	Reject submission point.
Pokeno West and Pokeno West Limited*	116.1		Amend to apply the MDRS to all residential land within urban environments of the District, subject to any legitimate qualifying matters. This would apply to Pokeno, Tuakau, Huntly and Ngaaruawaahia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as General residential zone 2 (GRZ2) or similar. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes and MSBCA Fruhling Trust	116.1		Reject submission point.
Pokeno West and Pokeno West Limited*	116.2		Delete the Urban Fringe qualifying matter, which fails to meet the relevant statutory requirements and is inappropriate. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission (which could include the application of the MRZ2 to the full extent over the four settlements that the submitter is seeking MDRS over.
Anna Noakes and MSBCA Fruhling Trust	116.2		Reject submission point.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Pokeno West and Pokeno West Limited*	116.3		Delete the relevant standards from the GRZ that are being replaced by the MDRS [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes and MSBCA Fruhling Trust	116.3		Reject submission point.
Pokeno West and Pokeno West Limited*	116.4		Add a new rule that any infringement of the MDRS is a restricted discretionary activity [see submission for untracked version of the GRZ chapter]. AND Add matters of discretion based on the equivalent of those from the MDRZ2 proposed in V3. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes and MSBCA Fruhling Trust	116.4		Reject submission point.
Pokeno West and Pokeno West Limited*	116.5		Add a new rule in the GRZ that one to three units are permitted subject to compliance with the MDRS [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes and MSBCA Fruhling Trust	116.5		Reject submission point.
Pokeno West and Pokeno West Limited*	116.6		Add a new rule in the GRZ that four or more units are restricted discretionary activity subject to compliance with the MDRS and the remaining standards of the GRZ [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes and MSBCA Fruhling Trust	116.6		Reject submission point.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Pokeno West and Pokeno West Limited*	116.7		Add matters of discretion for four or more units based on the equivalent of those from the MDRZ2 proposed in V3 or the notified Multi-Unit Housing discretions of the Proposed District Plan [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes and MSBCA Fruhling Trust	116.7		Reject submission point.
Pokeno West and Pokeno West Limited*	116.8		Add a rule that for four or more units that any infringement of a MDRS rule is a restricted discretionary activity [see submission for untracked version of the GRZ chapter]. AND Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.
Anna Noakes and MSBCA Fruhling Trust	116.8		Reject submission point.
Anna Noakes and MSBCA Fruhling Trust	116.9		Reject submission point.

Analysis

586. Eleven submission points were received in support of the urban fringe or seeking minor amendments to the way that the urban fringe is implemented. Twenty-nine submission points were received opposing the urban fringe and/or questioning its legality.

587. S77I(j) of the RMA provides for 'any other matter' (as a qualifying matter) but only if s77L is satisfied. s77L contains three tests that must be met for a matter to be a qualifying matter being:

- The identification of the specific characteristic that makes the level of development provided by the MDRS (or policy 3) inappropriate in the area; and
- Justification why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
- A site specific analysis that:
 - (i) Identifies the site to which the matter relates; and

- (ii) Evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
- (iii) Evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics.

588. The IHP's Directions #10 (paragrpah 22) directed any submitters who supported the urban fringe qualifying matter to advise the Panel whether they wished to pursue the matter and identify the subject matter of evidence to be provided at the substantive hearing. No submitter responded to the direction. As a result, the IHP issued an Interim Guidance #1 on 13 March 2023. I agree with the IHP's Interim Guidance that the urban fringe qualifying matter does not meet the requirements of s77L.

589. For the above reasons, I recommend that:

- The eleven submission points that support the urban fringe are rejected.
- The twenty-nine submission points that were received in opposition to the urban fringe be accepted.

590. In the absence of an urban fringe qualifying matter, I recommend that the MRZ2 be applied to all relevant residential zones within Ngaaruawaahia, Pookeno, Tuakau and Huntly. Within the context of these four towns, the relevant residential zones are:

- The existing General residential zones
- The existing Medium density residential zones

591. I acknowledge that the removal of the urban fringe and the expansion of the MRZ2 within the four towns has resulted in the identification of additional qualifying matters and controls and these are addressed within different sections of this report as appropriate.

Recommendations

592. I recommend that:

- The urban fringe is removed as a qualifying matter in accordance with Interim Guidance #1 from the IHP.
- The MRZ2 is extended to all relevant residential zones within Ngaaruawaahia, Pookeno, Tuakau and Huntly.

Recommended amendments

593. Appendix 2 contains the recommended updates to the PDP as a result of the removal of the urban fringe qualifying matter and includes the removal of any reference to 'urban fringe' or its intended outcome.

Section 32AA evaluation

594. On the basis that the urban fringe is not considered to meet the test for a qualifying matter, and the legislative requirement to apply the MDRS within all relevant residential zones, it is not considered necessary to provide a s32AA evaluation. In addition, the s32 evaluation that supports Variation 3 continues to be relevant as it applies to the extended residential area.

6.7 Reverse Sensitivity

Introduction

595. Reverse sensitivity is a proposed qualifying matter under s77I(j) of the RMA. The following areas/activities³⁰ are identified as requiring restrictions to make the MDRS less enabling of development:

- Land within 300m of oxidation ponds that are part of a municipal wastewater treatment facility.
- Land within 30m of a municipal wastewater treatment facility where the treatment process is fully enclosed.
- Land within the Amenity Setback specific control in Tuakau.
- Land within the Pookeno Industry Buffer.
- Land within 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruawaahia.

596. This section of the report addresses submission points received in relation to the reverse sensitivity qualifying matter.

Submissions

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Synlait Milk Ltd	46.4		Retain MRZ-PII Reverse Sensitivity as notified. AND Retain existing mitigation such as the Pookeno Industry Buffer to avoid any erosion of the existing development rights and opportunities of the Heavy Industrial Zone.

³⁰ It is noted that the listed activities contain existing provisions in the PDP that protect residential activities from reverse sensitivity effects.

Appendix 10: Excerpts from submissions, further submissions and hearings evidence

[Attached to cover email.]

Submission on Variation 3 to the Proposed Waikato District Plan: Enabling Housing
Supply

1 Submitter details

Full name	S Upton and B Miller
Address	c/- P Lang P O Box 19-539 Hamilton 3244
Telephone	021 870 660
Email (preferred method of contact)	phil@plang.co.nz

2 Introduction and Background

- 2.1 Mr Upton and Ms Miller (“the submitters”) would like to thank the Waikato District Council (“WDC”) for the opportunity to make a submission to Variation 3 to the Proposed Waikato District Plan (“PWDP”).
- 2.2 The submitters own property on Saulbrey Road at Ngaruawahia that abuts the existing urban/rural boundary of the town. The submitters property is zoned Rural in the Operative Waikato District Plan. In the Decisions Version of the PWDP, the town’s southern boundary has been extended by zoning all properties on the north of the submitters’ property Residential (except a very small part of the submitters’ property that was changed from residential to rural zoning). The submitters have lodged an appeal against those decisions.

3 Specific provisions of Variation 3 relevant to this submission

- 3.1 This submission relates to the spatial extent of the Medium Density Residential Zone 2 (MRZ2) zoning in Ngaruawahia proposed by Variation 3, and as a consequence the extent of residential zoning shown on the planning maps for Ngaruawahia in the Decisions Version of the PWDP.

4 Relief sought

- 4.1 The submitters support the application of the MRZ2 zone to the extent proposed in Ngaruawahia as shown on the Planning Maps. The submitters support is conditional upon the extent of greenfields residential zoning at the existing urban/rural boundary of Ngaruawahia (as per the Decisions Version of the PWDP) being reviewed in light of the greater density of housing in central Ngaruawahia that will be enabled by the application of the MRZ2 zone to the extent proposed in Variation 3.

5 Reasons for relief sought

- 5.1 There is a clear need to review the provision of greenfields zoning in Ngaruawahia given that the MRZ2 zoning changes proposed under Variation 3 (which due to the IPI process set out in the relevant legislation) are much more certain to occur than the extent of greenfields residential zoning at the urban/rural boundary, which is still to be influenced by the outcome of appeals to the PWDP and the impact of the now operative National Policy Statement for Highly Productive Land¹.

¹ In the submitters view, the NPS-HPL has a profound negative effect on the ability of Council to proceed with any greenfields urban zoning on highly productive land (as defined in the NPS-HPL) that was not included in the As-Notified version of the PWDP.

- 5.2 Council has scope to undertake such a review through the Variation 3 process given that there is a clear causal nexus between the perceived need for the extent of greenfields zoning accepted in the Decisions Version of the PWDP and the plan enabled densities that Variation 3 will generate, especially in light of the rationale that underpinned the greenfields zoning in the as-notified PWDP and subsequent approvals by the commissioners in the PWDP Decisions version. Alternatively, if necessary, the extent of greenfields residential zoning can be addressed by a further Variation, to be processed in parallel with Variation 3, to reflect the strong linkage between the additional housing to be provided through Variation 3 and the need or otherwise for additional greenfields residential zonings.
- 5.3 Further, the Hearing Panel constituted to hear and make recommendations to Waikato District Council on submissions to Variation 3 as an Intensification Planning Instrument has the ability² to make recommendations related to any matter identified by the panel or any other person during the hearing, whether or not the matter is within the scope of the submissions made on Variation 3.
- 5.4 In the case of the submitters' property at Saulbrey Road, the analysis of the reporting planner and the PWDP commissioners relied in large part on the contribution that applying residential zoning to properties on the submitters' boundary would make to achieving plan-enabled residential capacity in Ngaruawahia as set out in Future Proof. While the contribution of the greenfields zoning affecting the submitters and neighbouring properties was at best marginal, that contribution seemed to carry weight in the final wash up as to the extent of greenfields residential zoning approved by the commissioners. Now that greater residential capacity is proposed for the centre of Ngaruawahia, the case for extending greenfields zoning is reduced.
- 5.5 Finally, Council has recently announced the provision of up to 200 affordable houses on a greenfields development site within Ngaruawahia. The provision of this housing, in combination with the plan enabled capacity that will be generated by the application of the MRZ2 zone in Ngaruawahia in the manner proposed by Variation 3, provides further justification to review the extent of greenfields residential zoning in the town.

6 Further information and opportunity to discuss our submission

- 6.1 The submitters wish to be heard in support of this submission.
- 6.2 Should WDC require clarification of the points outlined in this submission, or additional information, please contact Phil Lang on 021 870 660 or phil@plang.co.nz in the first instance.
- 6.3 The submitters would welcome the opportunity to discuss the content of this submission with WDC staff in more detail.
- 6.4 The submitters wish to be heard in support of this submission.

G.R. Evans

27 October 2022

Date _____

pp S Upton and B Miller

² per RMA 1st Schedule, Clause 99

Further Submission Form
In support of, or in opposition to,
submission/s on notified:

**Enabling Housing Supply Variation 3
to the Proposed Waikato District Plan**

Clause 8 of Schedule 1, Resource Management Act 1991

ECM Project: PDP2022V003-04
ECM #
FS #
Customer #
Property #

Closing date for further submissions: 19 December 2022

To submit electronically please email: districtplan@waikato.govt.nz

1. Further Submitter details: (mandatory information)	
Full name of individual/organisation making further submission:	Mark de Lautour & Dee Kiernan
Contact person (if different from above)	
Email address for service	markid2r@gmail.com
Postal address for service	PO Box 971 Taupo
	Postcode: 3377
Preferred method of contact	☒ Email ☐ Post
Phone numbers	Daytime: 021-495155
	Mobile: 021 49 5155
Correspondence to	☒ Submitter ☐ Contact person ☐ Both

2. Eligibility to make a further submission (for information on this section go to RMA Schedule 1, clause 8)
I am: ☐ A person representing a relevant aspect of the public interest; <i>In this case, also specify below the grounds for saying that you come within this category; or</i> ☒ A person who has an interest in the proposal greater than the interest that the general public has. <i>In this case, also specify below the grounds for saying that you come within this category; or</i> ☐ A local authority itself. <i>In this case, also specify below the grounds for saying that you come within this category; or</i>
My reasons for selecting the category ticked above are: property owner 46 Jackson Street, Ngaruawahia land subject to zone change

3. Request to be heard at a hearing
☒ Yes, I wish to be heard at the hearing in support of my further submission; or ☐ No, I do not wish to be heard at the hearing in support of my further submission

4. Joint submission

If others make a similar submission, I will consider presenting a joint case with them at the hearing

☒ yes ☐ no

5. Checklist for further submission being made

- ☒ I have filled in the table on the next page with details of my further submission.
- ☐ I have added _____ further pages/sheets that form part of my further submission.
- ☐ I understand that I am responsible for serving a copy of my further submission on the original submitter(s) within 5 working days after it is served on Council.

6. Signature of further submitter *(a signature is not required if you make your submission by electronic means)*

Signature of further submitter (or person authorised to sign on their behalf)

Signature: Mark de Lautour & Deidre Kiernan Date: 14/12/2022
(type name if submitting electronically)

7. Return this form no later than 19 December 2022 by:

- Delivery to any Waikato District Council office or library
- Post to Waikato District Council, Private Bag 544, Ngaruawahia 3742
- Email to districtplan@waidc.govt.nz

8. Important notes to person making a further submission:

A. Content of further submission

A further submission must be limited to a matter in support of, or in opposition to, an original submission.

A further submission cannot introduce new matters that were not raised in original submissions.

Please note that your further submission (or part of your further submission) may be struck out if the authority is satisfied that at least one of the following applies to the further submission (or part of the further submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the further submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

B. Serving a copy of your further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on Council.

C. Privacy Information

Council will make all further submissions, including name and contact details, publicly available on Council's website. Personal information will also be used for the administration of the submission process and will be made public.

The specific submission(s) on Variation 3 to the Proposed Waikato District Plan that this further submission relates to:

Name of original submitter	Address of original submitter	Original Submitter number	Original submission point number/s	Support or Oppose	Reasons for my support or opposition are	I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed) Give precise details
<u>Example</u> John Smith S Upton and B Miller	<u>Example</u> 15 Galileo St Ngaruawahia	<u>Example</u> 200	<u>Example</u> 200.1	<u>Example</u> Support	<u>Example</u> It is important that...	<u>Example</u> I seek that the whole of the submission be allowed.
S Upton and B Miller	86 Saulbrey Road Ngaruawahia	32	32.1	Oppose	Although I support the councils extent of use of the MRZ2. We believe more residential sections need to be utilized in the battle to fight this massive housing shortage. so only oppose the point around	I seek that the map land use identified in the Variation 3 be approved- specifically 46 Jackson Street, Ngaruawahia
					review of Greenfields zoning. If and only if we understand this correctly this submitter is suggesting that due to the increase in land use potentially provided by the councils Variation 3 use of the MRZ2, this is adequate to provide	
					the increase in affordable housing land needed urgently. Therefore as per his appeal to the environment court our property 46 Jackson Street Ngaruawahia which shares a boundry 86 Saulbrey Road his property. Would be split into two zones being Residential and Rural.	
					This is in our opinion a gross waste of resources and land.	

Use additional sheets if necessary.

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED
BY WAIKATO DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991
(Act)

AND

IN THE MATTER Variation 3 to the Proposed Waikato
District Plan

BETWEEN Mr S. Upton and Ms B Miller

Submitters

AND WAIKATO DISTRICT COUNCIL

STATEMENT OF EVIDENCE OF GRANT ROBERT ECCLES

Dated 27 July 2023

INTRODUCTION

1. My full name is Grant Robert Eccles.
2. I hold the qualification of a Bachelor of Resource and Environmental Planning from Massey University and I am a principal planner for Tonkin and Taylor based in Hamilton. I was admitted as a Member of the New Zealand Planning Institute in 2001. I have 28 years' professional planning experience and have been a planning consultant based in Hamilton for the last 26 years. As a result I have worked with various versions of the Waikato District Plan, and I am familiar with the historic and current resource management issues facing the Waikato District.
3. I am familiar with and experienced in the preparation of plans under the Resource Management Act 1991 (RMA), including with the Intensification Planning Instrument (IPI) requirements and process through my current work for Hamilton City Council on Plan Change 12.
4. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Purpose of this evidence

5. This evidence simply serves to reiterate the point made in the submission of Mr Upton and Ms Miller that there is a relationship that needs to be recognised and taken into account between the increased urban development densities that will be generated by Variation 3 (in whatever form it finally lands) and the geographical extent of residential zoning around the towns of the District that has resulted through decisions on the Proposed Waikato District Plan ("PDP").
6. Some rezoning decisions are still under appeal, including the decision that affects the extent of zoning at the Upton/Miller property and neighbouring properties on Saulbrey Road in Ngaruawahia.

7. Those zoning decisions were in part influenced by considering the contribution that applying residential zoning to properties would make to achieving plan-enabled residential capacity in Ngaruawahia (and the other towns in the District) as set out in Future Proof, using modelling undertaken through the the Proposed District Plan process several years ago.
8. As reflected in the Technical Report and evidence of Ms Fairgray for Council, updated modelling to reflect the effect of the zoning decisions on the PDP (including those that are under appeal) and the effect of the Variation 3 proposals (including those sought by Kainga Ora) indicates that under any modelled scenario there is a substantial exceedance of projected demand both in terms of plan enabled and commercially feasible capacity.
9. The question then arises – does the same amount of greenfields land on the edge of the towns in the District (including Ngaruawahia) need to be rezoned through the PDP as that thought appropriate 2-3 years ago? Especially in light of the intensification that will now occur around the relevant town centres which is acknowledged as creating better urban outcomes than intensification on the edges of towns.
10. Further, the Variation 3 process has given rise to the fundamental issue of whether it is appropriate to allow for intensification in areas that may experience flooding in relevant modelled events. Waikato District Council is not the only local authority to grapple with this matter. While Council have done their best to address the matter by way of an overlay, it is apparent that further work will be required in the future. The current 100yr plus climate change event modelling, as set out in the technical report of Mr Boldero for Council, indicates that some greenfield areas may at the least be questionable in terms of their appropriateness for denser urban development. This matter is also relevant to any as yet unresolved greenfields zoning decisions.
11. In addressing Mr Upton and Ms Millers submission, the 42A report recommends that it be rejected as it is out of scope of what can be achieved through the Variation 3 process. I disagree, given that following the removal of the Urban

Fringe qualifying matter the extent of zoning to which the Variation 3 densities are to be applied matches the residential zone extents in the Decisions Version of the Proposed District Plan. If the geographical extent of residential zoning to which the MDRS applies is not yet resolved through the PDP process, then there is scope for Variation 3 to at least consider the matter.

12. I acknowledge that Variation 3 as an IPI process is relatively tightly confined in terms of the outcomes that can be achieved through it. In saying that, and as originally pointed out in the submission of Mr Upton and Ms Miller, the Variation 3 hearing panel has the ability to make recommendations related to any matter identified by the panel or any other person during the hearing, whether or not the matter is within the scope of the submissions made on Variation 3.
13. As a result, my view is that the effect of the densities introduced by Variation 3 on the underpinnings of the extent of zoning decisions in the PDP that are yet to be resolved is a relevant matter that at the least warrants comment in some form (be it by way of direction or other means) by the Hearing Panel in making its recommendations back to Council on Variation 3.
14. Should the Hearing Panel be sufficiently attracted to the fundamental point raised above and in the Upton/Miller submission, a further option available to is to direct that further consideration of the Upton and Miller submission be deferred until the hearing later in the year where the Horotiu Farms, Waka Kotahi, and Kiwirail submissions will be heard (if required). In like manner to the Waka Kotahi and Kiwirail submissions points that are also the subject of PDP appeals, such a deferment would allow for any progress of resolution of the Upton/Miller zoning appeal to the PDP to be considered.

Grant Eccles
MNZPI

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS IN THE
WAIKATO REGION**

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WAIKATO

UNDER the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Variation 3 to the Waikato Proposed
District Plan (PDP)

**STATEMENT OF EVIDENCE OF SUSAN MICHELLE FAIRGRAY
(Urban economics)**

Dated 20 June 2023

TOMPKINS | WAKE

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INTRODUCTION

1. My full name is Susan Michelle Fairgray and I am an associate director at Market Economics Ltd. Prior to this I held a senior position in Auckland Council's Research, Evaluation and Monitoring Unit ("RIMU").
2. I hold the qualifications of Master of Science (Honours) from Auckland University (Geography).
3. I have over 15 years of experience in urban economics developing and supporting central/local government and private-sector positions across a range of areas. Residential capacity, growth and demand assessments across a range of higher and medium growth urban economies have formed an important area of focus within the context of assessing and developing district plans. During this time, I have conducted a number of substantial assessments across the Future Proof Area, including the last two National Policy Statement on Urban Development ("NPS-UD") Housing and Business Assessment ("HBA") residential assessments (and are currently preparing the 2023 HBA assessment) and more recent intensification assessments. My experience traverses a wide range and scope of urban economics including but not limited to:
 - (a) Capacity and demand assessments: NPS-UD, HBAs, intensification plan changes and Future Development Strategies;
 - (b) assessing land use patterns and effects on urban form;
 - (c) developing robust and detailed methodologies for aligning residential capacity with demand;
 - (d) retail assessments, providing advice for commercial and public sector clients on the most appropriate scale and location of retail as well as the effects of retail location on the existing network and future urban form; and

- (e) preparing and presenting evidence and expert conferencing.
4. My role in Variation 3 has been to:
- (a) Undertake residential capacity modelling to determine the effect of different scenarios of enabled urban development within the district's main urban towns. This includes different scenarios of development proposed by Council and within submissions.
 - (b) Model the effect of potential qualifying matters on the residential capacity and enabled growth patterns.
 - (c) Interpret the likely potential effects on urban form of the different modelled scenarios and potential provision for higher density development in relation to NPS-UD Policy 3(d).

CODE OF CONDUCT

5. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

6. My evidence covers the following matters:
- (a) A summary of the earlier HBA study (2021) which established the existing baseline market context prior to the Variation 3 modelling;
 - (b) An overview of the economic residential capacity modelling which I have undertaken to assess the capacity enabled by the IPI and the

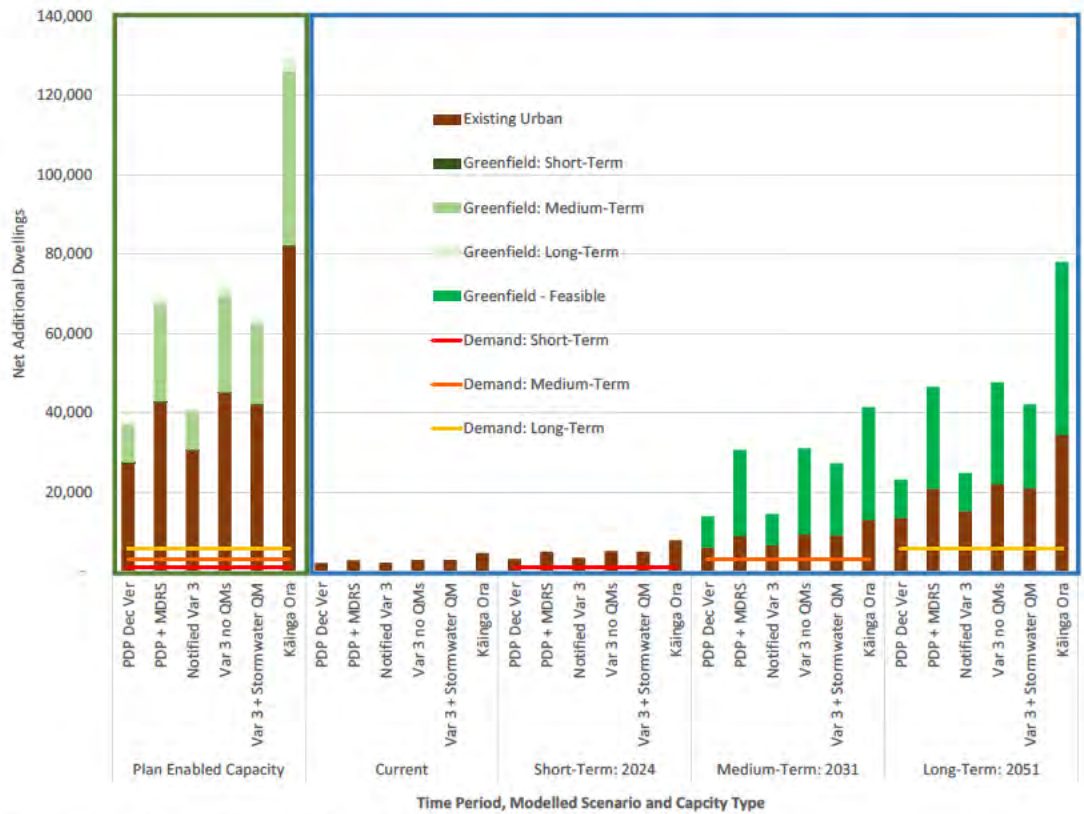
impact of qualifying matters, within the context of housing demand in the Waikato District;

- (c) Further modelling of housing capacity to show the effect of the proposed Variation 3 qualifying matters on capacity relative to an unmodified MDRS;
- (d) Assessment of the likely economic urban form implications for the Waikato District housing market of different modelled scenarios and any potential higher density residential development within the urban towns;
- (e) An analysis of the key submissions points related to residential capacity and my response to these. These relate in particular to the provision for higher density development options within the urban towns, especially in and around the town centres of Huntly and Ngaaruawaahia.

EXECUTIVE SUMMARY

- 7. Market Economics has undertaken several comprehensive studies on residential development capacity and demand growth within Waikato district's main urban towns. Capacity and growth patterns enabled by different planning provisions have been modelled. These include the existing Operative District Plan provisions, Proposed District Plan provisions (Notified and Decisions Version), intensification under Variation 3 (incorporating the MDRS) with and without qualifying matters and the intensification scenario proposed by Kāinga Ora. The most recent modelling has tested the effect of Variation 3 and individual qualifying matters on the urban towns.
- 8. The plan enabled and commercially feasible capacity modelled most recently (2023) under each scenario (PDP, Variation 3 and Kāinga Ora-proposed) is summarised together with projected demand across the short, medium and long-term in Figure A below.

Figure A: Plan Enabled and Commercially Feasible Capacity and Demand by Modelled Scenario: Pookeno, Tuakau, Huntly and Ngaaruawaahia



Source: M.E Waikato Residential Capacity Model, 2022/2023 and 2021 FPP HBA.

9. At the total level, the modelled scenarios all enable additional dwelling capacity that is large relative to demand, including with the application of qualifying matters. Plan enabled capacity under the Council-proposed scenarios ranges from 5 to 12 times the level of long-term demand. The projected level of feasible development capacity is also large relative to demand within all of the modelled scenarios. This suggests that the proposed intensification provisions provide a wide development potential for the market to take up capacity.
10. The effect of each modelled qualifying matter is summarised in Table A below. The notified urban fringe qualifying matter reduces the plan enabled capacity by 43% (-30,600 dwellings), and the feasible capacity by 22% to 53%. The stormwater qualifying matter reduces the plan enabled capacity 11% (-7,600 dwellings), and the feasible capacity by 2% to 12%.

Table A: Effect of Individual Qualifying Matters on Total Modelled Urban Capacity: Pookeno, Tuakau, Huntly and Ngaaruawaahia

MODELLED SCENARIO	Plan Enabled Capacity	Commercially Feasible Capacity			
		Current	Short-Term	Medium-Term	Long-Term
	Net Additional Dwelling Capacity				
Var 3 no QMs (Scenario 3a)	71,700	2,900	5,100	31,000	47,600
Var 3 with Urban Fringe QM (Scenario 3)	41,000	2,300	3,500	14,500	24,800
Var 3 with Stormwater QM	64,100	2,900	5,000	27,300	42,100
	Net Change from Variation 3 with no QMs (Scenario 3a)				
Var 3 with Urban Fringe QM (Scenario 3)	-30,600	-700	-1,700	-16,500	-22,800
Var 3 with Stormwater QM	-7,600	-100	-200	-3,800	-5,500
	Percentage Change from Variation 3 with no QMs (Scenario 3a)				
Var 3 with Urban Fringe QM (Scenario 3)	-43%	-22%	-32%	-53%	-48%
Var 3 with Stormwater QM	-11%	-2%	-3%	-12%	-12%

Source: M.E Waikato Residential Intensification Model, 2022 and 2023.

11. All modelled scenarios result in significantly greater capacity than that enabled within the ODP and allow for much higher levels of intensification within the urban towns than past patterns of lower density development where much growth occurred through outward greenfield expansion. All of the Council-proposed modelled scenarios allow for and encourage intensification to occur around the commercial centres. I consider that these offer a more efficient urban form than the patterns of development currently enabled under the ODP. Intensification is likely to occur gradually through time as the market for more intensive development options becomes more established.
12. I consider that there are important differences in urban form between the modelled scenarios, with each option encouraging different spatial patterns of growth across the existing and future urban areas. These give rise to important economic effects that relate to a well-functioning urban environment and occur through a combination of the provisions for medium and higher density residential development.
13. In my view, a key issue relates to the level of intensification which is both enabled and encouraged to occur in areas surrounding the urban town commercial centres. I consider that it is important to enable and encourage it to occur around inner areas surrounding commercial centres and reduce the potential for it to be diluted across wider outer urban areas.

14. I consider that in smaller economies intensification around centres often occurs at a lower scale, with a much smaller share of higher density development. Most of the intensification around centres occurs in typologies such as terraced housing with very limited higher density vertically-attached apartment development.
15. I consider that an undifferentiated medium density residential zoning structure across the residential urban area (such as that proposed by Kāinga Ora within Pookeno, Tuakau, Huntly and Ngaaruawaahia) means that any intensification is likely to be more widespread through opportunistic development in outer suburban areas. In my view, unfocussed provision for intensification would represent a less efficient urban form as it would dilute the intensification around centres thereby undermining the benefits that are generally associated with development around centres.
16. For these reasons, I consider it is therefore important for a well-functioning urban environment that the *medium-density provisions* are appropriately scaled to this context through sufficiently differentiating between areas surrounding centres and the wider general suburban areas.
17. I consider that if higher density development is enabled, then it is important that the location, scale and spatial extent of intensification provisions are appropriate and relate to the level and nature of market demand within the local economic context. These factors influence the level of intensification around centres and the extent to which higher density development is likely to directly support the functioning of the town centres.
18. It is important, in my view, that policies suited to large cities are not simply transplanted into smaller towns. There is less potential for towns in smaller urban economies to be able to sustain this type of development

with smaller areas around centres suited for intensification than in larger urban economies where the market is more established and greater trade-offs are made with location and other dwelling choice factors across the urban area. A higher density zone that is too extensive within the context of a small market demand may undermine intensification within centres and could result in isolated developments in outer areas that do not function together with the centre and are inconsistent with the surrounding suburban area.

19. I consider that a reduced area for higher density development is likely to be more appropriate for a well-functioning urban environment and better aligned with the projected market size and level of feasibility.
20. In my view, a core issue for Waikato's urban towns is whether they can currently or in the future offer a sufficient level of amenity to support higher density residential development. The location of several Waikato urban towns (Pookeno, Tuakau and Ngaaruawaahia) within primary catchment areas of larger urban centres is likely to limit their ability to provide sufficient amenity to support higher density development.
21. I consider that Huntly is likely to form the most appropriate location for higher density residential development among the Waikato urban towns due to the current and potential future level of amenity provided by its commercial centre. However, there is only a limited market size for higher density development, combined with low commercial feasibility. I therefore consider that it is more appropriate to have a reduced spatial extent of higher density provision within areas adjacent to the Town Centre Zone from that proposed by Kāinga Ora.

DEMAND FOR HOUSING IN THE WAIKATO DISTRICT

22. The Waikato district's main urban towns (Pookeno, Tuakau, Te Kauwhata, Ohinewai, Huntly, Taupiri, Ngaaruawaahia, Horotiu and Raglan) form part of the Future Proof tier-1 high growth urban area, which is anchored by the proximate larger urban economy of Hamilton City. The district's northern urban towns are also influenced by growth in the adjacent southern Auckland region. As part of this broader high growth area, the district is projected to experience significant growth over the short to long-term.
23. The following table shows the Future Proof (FPP) 2021 HBA projected urban dwelling demand for Waikato District over the short, medium and long-term. There is a total projected short-term demand for an additional 1,000 urban dwellings within the district's four main urban towns (Pookeno, Tuakau, Huntly and Ngaaruawaahia) that form part of Variation 3, and an additional 1,400 urban dwellings within the district's urban areas overall. The projected medium-term demand is for an additional 2,700 urban dwellings in the four main towns, and 5,000 additional dwellings in the long-term (4,000 dwellings and 9,700 dwellings across the district's total urban areas in the medium and long-term respectively). With a margin applied, there is demand for capacity to accommodate an additional 5,800 urban dwellings in the long-term in the four main towns, and 11,200 urban dwellings across the district's total urban areas.

Table 1: Waikato District Projected Urban Dwelling Demand by Location: 2020-2050

AREA	Dwelling Demand				Change in Demand			Change in Demand + Margin		
	2020	2023	2030	2050	Short-Term: 2020-2023	Medium-Term: 2020-2030	Long-Term: 2020-2050	Short-Term: 2020-2023 (20% margin)	Medium-Term: 2020-2030 (20% margin)	Long-Term: 2020-2050 (15% margin)
Pokeno	1,000	1,300	1,900	2,900	300	1,000	1,900	400	1,100	2,200
Tuakau	1,600	1,800	2,100	2,400	200	500	800	200	600	900
Huntly	2,800	3,100	3,600	4,500	300	800	1,700	300	1,000	1,900
Ngaruawahia	2,100	2,300	2,500	2,700	200	400	600	300	500	700
Total MDRS Main Urban Areas	7,500	8,500	10,100	12,500	1,000	2,700	5,000	1,200	3,200	5,800
Other main urban areas (2021 HBA)	2,800	3,200	4,100	6,700	400	1,200	3,800	500	1,500	4,400
Settlements (2021 HBA)	500	600	700	1,400	40	200	900	50	200	1,000
Total Urban	10,800	12,200	14,900	20,600	1,400	4,000	9,700	1,700	4,800	11,200
Non-Urban	16,600	17,000	18,300	22,600	400	1,700	6,100	500	2,000	7,000
Total	27,400	29,300	33,100	43,200	1,900	5,700	15,800	2,200	6,900	18,100

Source: M.E 2021 NPS-UD Housing Demand Assessment.

24. The table shows that the district is projected to become increasingly urbanised over the long-term. Nearly two-thirds of the long-term growth is projected to occur within urban areas, increasing their share of the dwelling base from a current 40% to 48% in the long-term.
25. Many of the main urban towns are projected to experience large urban growth, at rates above that of the FPP area overall. The largest growth is projected for Pokeno, which would nearly triple the size of this town. Dwelling demand in the other main urban towns forming part of Variation 3 (Tuakau, Huntly and Ngaruawahia) is projected to increase by between 31% and 60%. A continuation of current market development patterns would therefore result in significantly expanded urbanised areas for these towns.

A SUMMARY OF THE EARLIER BASELINE HBA STUDY (2021) FOR THE WAIKATO DISTRICT

26. There has been detailed assessment of housing demand and potential supply in Waikato over the last 6 years, starting with the 2017 Housing Development Capacity Assessment (HBA) study by Market Economics to meet the requirements of the National Policy Statement on Urban Development Capacity.

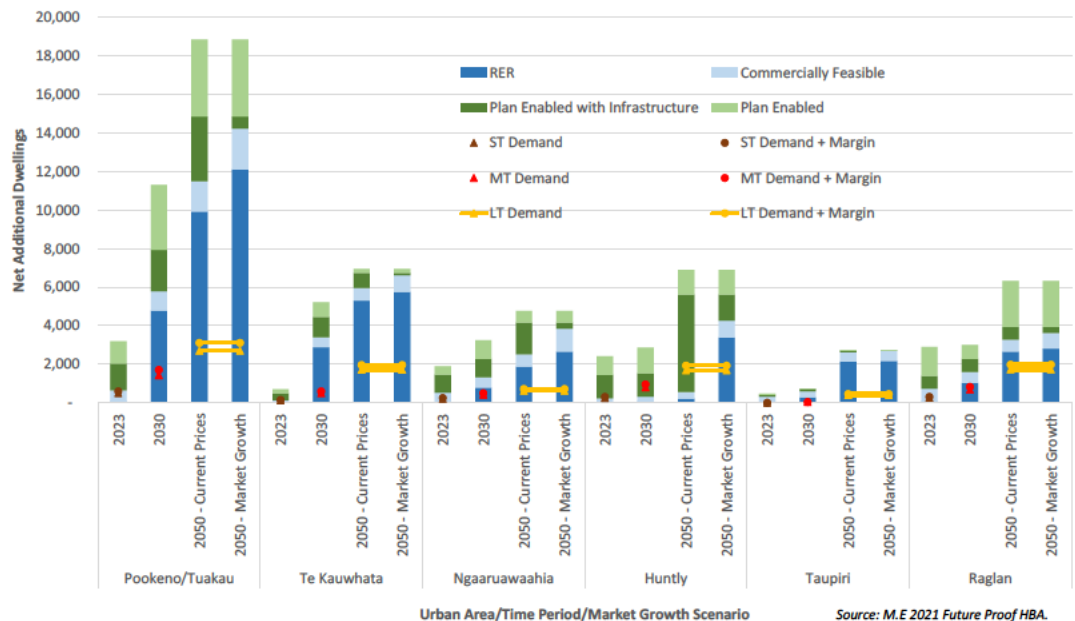
27. Market Economics was again engaged in 2020/2021 by Future Proof Partners to undertake the next HBA to meet the requirements under the NPS-UD. This assessment included modelling and analysis of the plan enabled and commercially feasible residential capacity within the district's main urban towns. It compared the estimated urban capacity with the projected urban dwelling demand in these towns over the short (2020-2023), medium (2020-2030) and long-terms (2020-2050) to assess the sufficiency of capacity.
28. The plan enabled capacity refers to the capacity enabled within each parcel (and aggregated to urban town totals) when applying the planning provisions. The greenfield capacity differentiates between capacity that is expected to be within the extent of infrastructure networks at each point in time and capacity on land with no infrastructure provision.
29. The assessment then estimates the enabled capacity that is likely to represent a feasible development option for a profit-driven commercial developer if it were available to the market. This is based on a standard feasibility modelling approach of estimating whether the likely sales price of the plan-enabled dwelling options are likely to exceed the estimated development costs by a sufficient margin.
30. As required by the NPS-UD, Market Economics have estimated the commercially feasible capacity within the current market where prices and costs reflect the existing market conditions. We have also estimated the likely future feasibility of capacity through allowing gradual changes in costs and prices through time with market growth observed across nearly all growing urban economies. I consider that market growth scenarios of commercial feasibility form an appropriate basis to understand likely future capacity over the medium to long-term. Fixed market feasibility estimates are appropriate to understand short-term capacity, and potentially medium-term capacity for a conservative lower estimate.

31. Finally, the assessment estimates the reasonably expected to be realised (RER) capacity. In our assessment, this is the estimated likely realised yield within feasible greenfield areas and the corresponding relative share of growth occurring within the existing urban area (i.e. urban intensification) based on past patterns of development and feasibility.
32. The 2021 HBA assessed the capacity to meet this growth from the existing Operative District Plan (short-term), Proposed District Plan (PDP) Notified Version (medium-term) and Waikato Strategy 2070 (W2070) growth cells (long-term) provisions within the context of the 2021 market conditions. It is worth noting that the Operative Plan had limited opportunities for additional residential growth and was based on a single residential density. The notified version of the Proposed Plan, adopted for the medium-term capacity, provided for new greenfield growth opportunities compared to the Operative Plan, but was also limited to a single residential density. The medium density zone was only introduced through the Decisions version of the PDP on 17 January 2022 in response to the Kāinga Ora submission. The Decisions version of the PDP also increased greenfield growth opportunities through additional rezoning as a result of submissions. While we adopted the notified version of the PDP for the assessment, we were aware of the potential for a medium density zoning to be included, we therefore conservatively included a small area of medium density zoning in the assessment.
33. The 2021 HBA identified that the residential market was characterised in many areas by larger dwellings on full sites. This was largely a function of the enabled planning provisions, the patterns of dwelling demand and developer responses to these combined conditions. The assessment found limited scope for more intensive development in the short-term, with some scope for more intensive development within the central parts of the main urban towns within the medium and long-term, but with

greenfield expansion limited to existing patterns of lower density development.

34. Lower density outward urban expansion in greenfield areas accounted for the largest share of growth, with the Operative District Plan provisions partly encouraging a continuation of this development pattern.
35. Figure 1 below summarises the HBA modelled urban capacity within the district's main urban towns. It shows the reasonably expected to be realised (RER) capacity, the further commercially feasible capacity beyond the RER capacity, the further infrastructure-served plan enabled capacity beyond that feasible, and the further plan enabled capacity not served by infrastructure within each time period. The projected demand within each town and time period is overlaid on the capacity.

Figure 1: HBA Modelled Capacity and Demand by Waikato District Main Urban Area: Short, Medium and Long-Term



36. The 2021 HBA found that there was generally sufficient capacity within the district's main urban centres to meet medium and long-term demand when allowing for gradual continued market growth. Capacity shortfalls were identified in most areas during the short-term due to a lack of

infrastructure-served greenfield land. Substantial additional zoned land and infrastructure extensions were included in the medium and long-term, resulting in large capacity surpluses in some locations.

37. While the assessment found there was sufficient capacity overall, it identified a number of likely market constraints in relation to the different types of development. It found limited plan-enabled opportunity for higher density development, with a focus instead toward lower density development of larger dwellings on full sites (reflecting the density of planning provisions). This pattern of development is considered likely to increase any housing affordability pressures within the urban towns and provide limited ability for the market to respond to future growth in demand for smaller dwellings on smaller sites.
38. It is noted that only a small share of the Medium Density Residential Zone in the Decisions Version of the PDP was taken into account due to the information available at the time of the 2021 assessment.

RESIDENTIAL MODELLING UPDATE FOR MEDIUM DENSITY RESIDENTIAL STANDARDS

39. As illustrated above, the 2021 HBA does not reflect the significant changes to the plan enabled capacity in the Waikato District as a result of the decisions on the PDP in January 2022. Early in the development process for Variation 3, I updated the modelling inputs to reflect the outcomes of the Decisions Version of the PDP, and undertook an intermediate round of modelling of the MDRS to assist the Council. The application of MDRS was modelled across all of the district's main urban areas prior to the determination of the extent of Variation 3 (i.e. Pookeno, Tuakau, Te Kauwhata, Ohinewai, Huntly, Taupiri, Hopuhopu, Ngaaruawaahia, Horotiu and Raglan).
40. This intermediate modelling, contained within the 12 June 2022 report, has been updated and replaced with more recent modelling for Variation 3. The more recent modelling, as set out below, contains

updated base spatial input and planning data on technical constraints to development across a significant number of areas.

OVERVIEW OF THE MODELLING UNDERTAKEN FOR VARIATION 3

41. Variation 3 is the Waikato district's IPI to incorporate the MDRS and give effect to Policy 3 of the NPS-UD in the PDP. As notified, Variation 3 increased the enabled densities across the district's main urban towns of Pookeno, Tuakau, Huntly and Ngaaruawaahia through the application of a Medium density residential 2 zone (MR2 Zone) and the incorporation of the MDRS, modified by qualifying matters across the balance of the urban residential zones within these towns (through the urban fringe). The incorporation of MDRS now into all the relevant residential zones without the urban fringe allows for medium-density intensification within the existing urban areas as well as medium-density development within greenfield areas. The MR2 Zone and the MRDS enable a greater range of development options, including more opportunity for attached dwellings or dwellings on smaller sites. At the time of the initial modelling, there was no proposed increase, by WDC, in the allowance for higher density residential development in or around the town centres, beyond the existing provision for 3 storey development within the Town centre and Commercial zones. A detailed description of the Variation 3 planning provisions is included within the s42A report for Variation 3.
42. Following the notification of Variation 3, M.E undertook further modelling of the residential intensification provisions and MDRS. Capacity was modelled across the district's four main urban towns where MDRS are applied (Pookeno, Tuakau, Huntly and Ngaaruawaahia), as well as the PDP provisions for the other main urban areas within the district (Te Kauwhata, Ohinewai, Taupiri, Hopuhopu, Horotiu and Raglan). A copy of our report is attached as Appendix 9 to the S42A report for Variation 3.
43. The plan enabled and commercially feasible capacity was again examined across the short, medium and long-terms. Modelling was undertaken

across the spatial extent of the urban residential zoned area included within the PDP Decisions Version, Notified Variation 3 and extended to include the proposed urban zoning extensions included within Scenario 3b (explained below). The modelling did not include capacity within the W2070 growth cells that extended beyond these areas.

44. The following scenarios were modelled as part of this assessment:
 - (a) Scenario 1: The baseline capacity enabled by the PDP Decisions Version without the application of MDRS. This provided an important updated baseline from the PDP Notified Version modelled under the HBA. Most notably, it included the full extent of the MR Zone, which was only modelled to a limited extent within the 2021 HBA and reflects an updated 2022 baseline market condition.
 - (b) Scenario 2: PDP Decisions Version with the application of MDRS in all the relevant residential zones in Pookeno, Tuakau, Huntly and Ngaaruawaahia.
 - (c) Scenario 3: Notified Variation 3, including the Urban Fringe qualifying matter.
 - (d) Scenario 3a: Notified Variation 3, excluding the Urban Fringe qualifying matter.
 - (e) Scenario 3b: Kāinga Ora proposed zoning and provisions.
45. The urban fringe qualifying matter and its relevant effects on capacity has been modelled as part of Scenario 3. This has been applied across the extent of the urban residential zoned area beyond 800m from the edge of the Commercial Zone within the four towns where MDRS is applied. This corresponds with the extent of the General residential (GR) Zone. The application of the urban fringe qualifying matter means that capacity within these areas is instead limited to the PDP Decisions Version GR Zone

provisions of one dwelling per 450m² lot rather than up to three dwellings per lot under the unmodified MDRS.

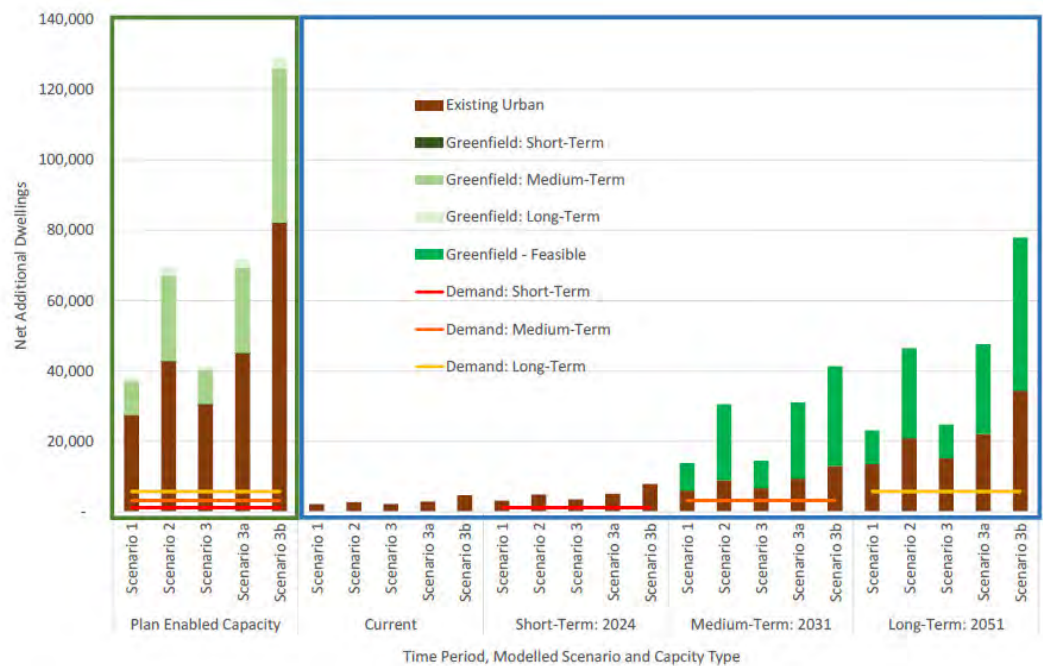
46. Table 2 below displays the maximum modelled densities by zone and location within each modelled scenario across the district's urban areas.

Table 2: Dwelling Densities Modelled within the Capacity Assessment

Modelled Zone	Modelled Scenario				
	1	2	3	3a	3b
	Pookeno, Tuakau, Huntly, Ngaaruawaahia				
Town Centre and Commercial Zone	Up to 3 storeys	Up to 3 storeys	Up to 3 storeys	Up to 3 storeys	Up to 3 storeys
Commercial Zone Proposed Height Overlay Area	n/a	n/a	n/a	n/a	Up to 6 storeys
Proposed High Density Residential Zone	n/a	n/a	n/a	n/a	Up to 6 storeys
Medium Density Residential Zone (MR, MR1 and MR2)	Up to 3 dwellings per 200m ² lot	Up to 3 dwellings per 200m ² lot	Up to 3 dwellings per 200m ² lot	Up to 3 dwellings per 200m ² lot	Up to 3 dwellings per 200m ² lot
General Residential Zone	1 dwelling per 450m ² lot	Up to 3 dwellings per 450m ² lot	1 dwelling per 450m ² lot	Up to 3 dwellings per 450m ² lot	n/a
	Other Waikato District Modelled Urban Towns/Settlements				
Town Centre and Commercial Zone	Up to 3 storeys	Up to 3 storeys	Up to 3 storeys	Up to 3 storeys	Up to 3 storeys
Medium Density Residential Zone (MR, MR1 and MR2)	Up to 3 dwellings per 200m ² lot	Up to 3 dwellings per 200m ² lot	Up to 3 dwellings per 200m ² lot	Up to 3 dwellings per 200m ² lot	Up to 3 dwellings per 200m ² lot
General Residential Zone	1 dwelling per 450m ² lot	1 dwelling per 450m ² lot	1 dwelling per 450m ² lot	1 dwelling per 450m ² lot	1 dwelling per 450m ² lot

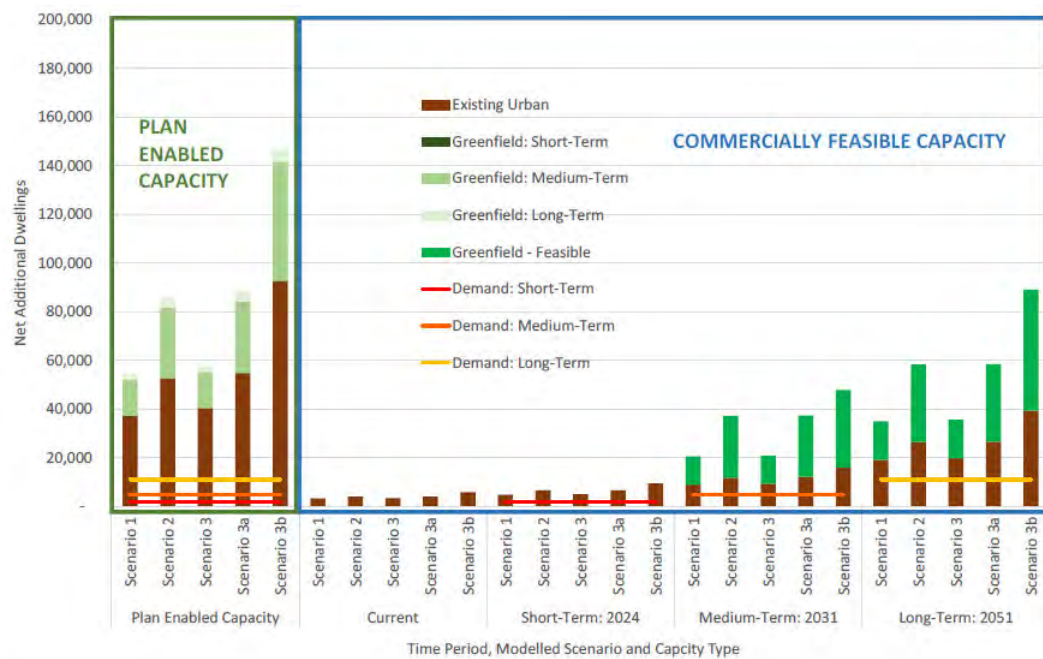
47. The modelled plan enabled and feasible capacity within each of the modelled scenarios is summarised below in Figure 2 (Pookeno, Tuakau, Huntly and Ngaaruawaahia) and Figure 3 (all urban areas).
48. At the total level, the modelled scenarios all enable additional dwelling capacity that is large relative to demand. Plan enabled capacity under the Council-proposed scenarios (1 to 3a) ranges from 5 to 12 times the level of long-term demand.
49. The projected level of feasible development capacity is also large relative to demand within all of the modelled scenarios. This suggests that the proposed intensification provisions provide a wide development potential for the market to take up capacity.

Figure 2: Comparison of Plan Enabled and Projected Commercially Feasible Capacity by Type and Modelled Scenario and Demand (Pookeno, Tuakau, Huntly and Ngaaruawaahia)



Source: M.E Waikato Residential Capacity Model, 2022/2023 and 2021 FPP HBA.

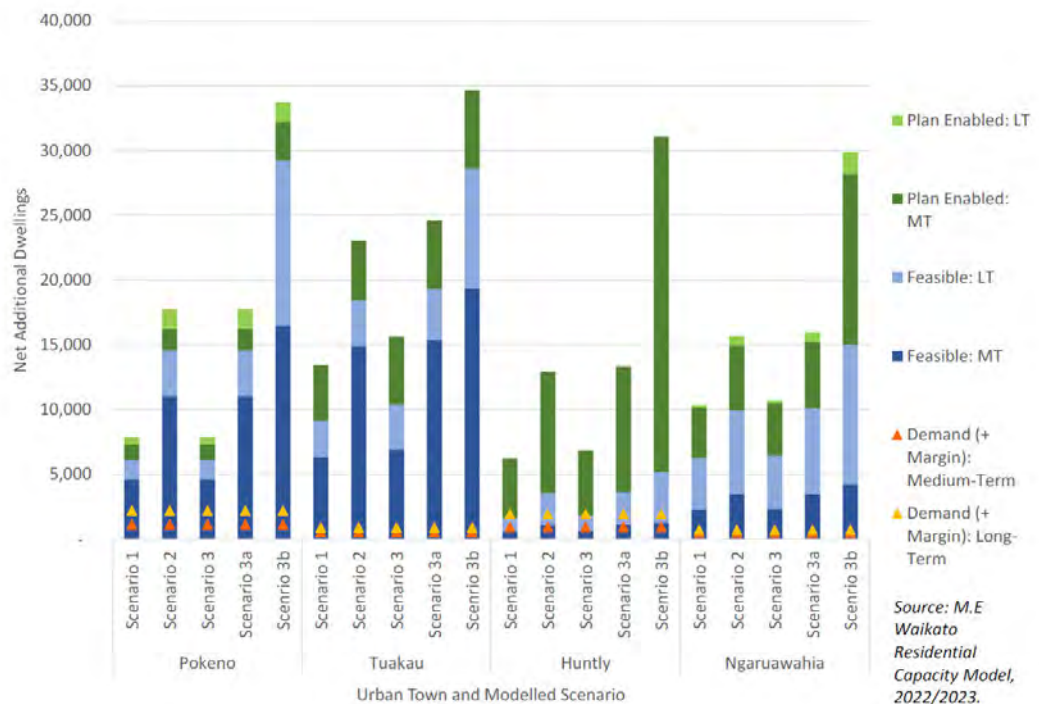
Figure 3: Comparison of Plan Enabled and Projected Commercially Feasible Capacity by Type and Modelled Scenario and Demand (All Urban Areas)



Source: M.E Waikato Residential Capacity Model, 2022/2023 and 2021 FPP HBA.

50. The differences between capacity and demand within each urban town are shown in Figure 4. It shows that commercially feasible capacity in Pookeno, Tuakau and Ngaaruawaahia substantially exceeds the projected demand across all scenarios. This suggests that there is likely to be a sizeable development opportunity relative to projected demand in these locations.
51. Figure 4 shows that demand exceeds feasible capacity within Huntly in scenarios 1 and 3, and is close to feasible capacity within other scenarios. It also shows there is a large amount of zoned opportunity in Huntly beyond that which is feasible within all scenarios. The modelling shows that there are lower rates of feasibility within Huntly making it less likely that intensification options will be taken up by profit-driven developers.

Figure 4: Modelled Capacity and Urban Demand by Location and Scenario: Medium and Long-Term



52. The differences in modelled capacity between scenarios 1 (baseline PDP), 3 (Variation 3 with urban fringe) and 3a (Variation 3 excl. urban fringe) is shown below in Table 2. It shows the net and percentage difference in dwelling capacity between the different sets of provisions. The difference

between scenarios 3 and 3a demonstrates the effect of the urban fringe qualifying matter. The difference between scenarios 3 and 1 demonstrates the change in capacity from the baseline position as a result of Notified Variation 3 (incl. urban fringe).

Table 3: Difference in Capacity between Modelled Scenarios

Time Period	Comparison	Existing Urban	Greenfield	Total
		Net Change in Capacity (Number of Additional Dwellings)		
Plan Enabled Capacity	Scenario 3 vs. Scenario 3a	-14,500	-16,200	-30,600
	Scenario 3 vs. Scenario 1	3,200	0	3,200
Commercially Feasible: Current	Scenario 3 vs. Scenario 3a	-700	0	-700
	Scenario 3 vs. Scenario 1	200	0	200
Commercially Feasible: Short-Term	Scenario 3 vs. Scenario 3a	-1,700	0	-1,700
	Scenario 3 vs. Scenario 1	300	0	300
Commercially Feasible: Medium-Term	Scenario 3 vs. Scenario 3a	-2,700	-13,800	-16,500
	Scenario 3 vs. Scenario 1	600	0	600
Commercially Feasible: Long-Term	Scenario 3 vs. Scenario 3a	-6,800	-16,000	-22,800
	Scenario 3 vs. Scenario 1	1,700	0	1,700
		Percentage Change in Capacity		
Plan Enabled Capacity	Scenario 3 vs. Scenario 3a	-32%	-61%	-43%
	Scenario 3 vs. Scenario 1	12%	0%	8%
Commercially Feasible: Current	Scenario 3 vs. Scenario 3a	-22%	0%	-22%
	Scenario 3 vs. Scenario 1	8%	0%	8%
Commercially Feasible: Short-Term	Scenario 3 vs. Scenario 3a	-32%	0%	-32%
	Scenario 3 vs. Scenario 1	9%	0%	9%
Commercially Feasible: Medium-Term	Scenario 3 vs. Scenario 3a	-29%	-64%	-53%
	Scenario 3 vs. Scenario 1	10%	0%	5%
Commercially Feasible: Long-Term	Scenario 3 vs. Scenario 3a	-31%	-63%	-48%
	Scenario 3 vs. Scenario 1	12%	0%	7%

Source: M.E Waikato Residential Capacity Model, 2022/2023.

53. Table 3 shows that Variation 3 increases the plan enabled capacity within the existing urban area by 12% (8% overall). It increases commercially feasible capacity by 8% in the current market, increasing to 12% through time. With the urban fringe qualifying matter in place, the difference in capacity occurs as a result of the properties rezoned from GR Zone to MR2 Zone, in Variation 3 because those properties were within 800m of the commercial centres.
54. Table 3 shows that the urban fringe qualifying matter reduces the plan enabled capacity across these four urban towns by 43% (-30,600 dwellings). This reduction in capacity occurs within the outer urban residential areas that are beyond 800m from the commercial centres.

55. The urban fringe qualifying matter reduces the medium to long-term feasible capacity by around 50%. The reduction in feasible capacity also occurs within the outer urban residential areas that are beyond 800m from the commercial centres. It amounts to 16,500 fewer additional dwellings in the medium-term and 22,800 fewer in the long-term. The relative reductions are smaller (-22%; -700 dwellings) in the short-term as the more intensive densities restricted by the qualifying matter have lower feasibility within the short-term.
56. I consider that despite the sizeable decreases in capacity, the effect that the urban fringe would have had on overall take-up of capacity is likely to be lower. This is because both scenarios 3 and 3a enable substantial levels of capacity relative to demand in most locations, meaning that demand is still likely to be met with the reduction in capacity. Furthermore, I consider that the densities at which development is likely to occur under Scenario 3a are likely to be lower than enabled with the application of MDRS to the GR Zone. Therefore, the difference in realised development patterns between the scenarios is likely to be lower in percentage terms than the difference in *enabled* densities.

ADDITIONAL MODELLING TO UNDERSTAND THE IMPACT OF FURTHER QUALIFYING MATTERS

57. In June 2023, I have undertaken further modelling of the effect of additional qualifying matters on residential capacity. I modelled the indicative effect of the proposed stormwater qualifying matter (SWQM) on plan enabled and commercially feasible capacity. This qualifying matter applies to selected parcels beyond 800m from the edge of the Town centre zone, where MDRS is not applied to the affected parcels or portions of parcels.
58. Table 4 below shows the effect of the SWQM on modelled capacity. It compares the capacity from the application of MDRS to Variation 3 zones with no qualifying matters applied (Scenario 3a), with the application of

the SWQM to the same zoned areas ("Scenario 3a SWQM"). It also shows the increase from the baseline PDP capacity (Scenario 1) to Variation 3 with the SWQM applied.

59. The SWQM reduces the plan enabled capacity across the four main urban towns (Pookeno, Tuakau, Huntly and Ngaaruawaahia) by around 11% (-7,600 dwellings) from that enabled under Variation 3 without the application of qualifying matters. The feasible capacity is reduced by 3% in the short-term and by 12% in the long-term. The effect on feasible capacity increases through time as the market becomes more established for the more intensive dwellings that would otherwise be enabled on these sites.
60. Table 4 shows that Variation 3 with the SWQM applied still substantially increases plan enabled and feasible capacity from the baseline capacity enabled under the PDP. It increases the plan enabled capacity by 69% (+26,300 dwellings). It increases the short-term commercially feasible capacity by 56% (+1,800 dwellings), and the medium to long-term feasible capacity by 82% to 97% (+13,400 to +19,000 dwellings).
61. From the additional modelling, I consider that the application of the SWQM still enables a significant level of intensification to occur in most locations within the outer residential areas (beyond 800m of the commercial centre) of the main urban towns within Variation 3. While it restricts the capacity on some properties, the level of plan enabled and feasible capacity is still substantially greater across these areas than that modelled under the PDP, and well above long-term demand in most locations. I therefore consider that the application of the SWQM is unlikely to affect the total future size of the district's urban towns.
62. The SWQM is modelled to have the largest relative and net effect on plan enabled capacity within Huntly. While outside the spatial extent of the qualifying matter, it is noted that the stormwater modelling covers sizeable portions of the inner residential and commercial areas within

Huntly. Although not modelled, it may affect the viability of intensification within these areas.

Table 4: Effect of Stormwater Qualifying Matter on Modelled Capacity (Pookeno, Tuakau, Huntly and Ngaaruawaahia)

Time Period	Comparison	Existing Urban	Greenfield	Total
Net Change in Capacity (Number of Additional Dwellings)				
Plan Enabled Capacity	Scenario 3a SWQM vs. Scenario 3a	-3,000	-4,600	-7,600
	Scenario 3a SWQM vs. Scenario 1	14,700	11,600	26,300
Commercially Feasible: Current	Scenario 3a SWQM vs. Scenario 3a	-100	0	-100
	Scenario 3a SWQM vs. Scenario 1	800	0	800
Commercially Feasible: Short-Term	Scenario 3a SWQM vs. Scenario 3a	-200	0	-200
	Scenario 3a SWQM vs. Scenario 1	1,800	0	1,800
Commercially Feasible: Medium-Term	Scenario 3a SWQM vs. Scenario 3a	-300	-3,500	-3,800
	Scenario 3a SWQM vs. Scenario 1	3,000	10,400	13,400
Commercially Feasible: Long-Term	Scenario 3a SWQM vs. Scenario 3a	-22,100	-25,600	-47,600
	Scenario 3a SWQM vs. Scenario 1	7,400	11,500	19,000
Percentage Change in Capacity				
Plan Enabled Capacity	Scenario 3a SWQM vs. Scenario 3a	-7%	-17%	-11%
	Scenario 3a SWQM vs. Scenario 1	54%	111%	69%
Commercially Feasible: Current	Scenario 3a SWQM vs. Scenario 3a	-2%	0%	-2%
	Scenario 3a SWQM vs. Scenario 1	37%	0%	37%
Commercially Feasible: Short-Term	Scenario 3a SWQM vs. Scenario 3a	-3%	0%	-3%
	Scenario 3a SWQM vs. Scenario 1	56%	0%	56%
Commercially Feasible: Medium-Term	Scenario 3a SWQM vs. Scenario 3a	-3%	-16%	-12%
	Scenario 3a SWQM vs. Scenario 1	50%	133%	97%
Commercially Feasible: Long-Term	Scenario 3a SWQM vs. Scenario 3a	-5%	-17%	-12%
	Scenario 3a SWQM vs. Scenario 1	55%	121%	82%

Source: M.E Waikato Residential Capacity Model, 2022/2023.

URBAN FORM IMPLICATIONS FROM THE MODELLED SCENARIOS: LOW TO MEDIUM DENSITY DEVELOPMENT

63. In my view, all of the Council-proposed modelled scenarios allow for and encourage intensification to occur around the commercial centres. I consider that these offer a more efficient urban form than the patterns of development currently enabled under the ODP.
64. I consider that there are important differences in urban form between the modelled scenarios. Each future can be expected to encourage different growth patterns across the existing and potential future urban areas that contribute to different degrees to a well-functioning urban environment. These arise from a combination of differences in the enabled development potential and then the effect of these differences on the feasibility of development in different locations. They are likely to

have correspondingly different effects on the economies of each town and the District overall.

65. Importantly, I consider that the total level of housing growth (i.e. take-up of capacity) is likely to be very similar under each modelled scenario at the total urban area level. One key reason for this is that the plan-enabled and feasible capacity is substantially greater than projected demand. However, there are likely to be differences in the spatial distribution of growth from the capacity enabled under each modelled scenario. It is the differences in the patterns and nature of growth (i.e. urban form) that give rise to important economic effects from the provisions. I consider that a core issue is the extent to which growth is encouraged to concentrate around the inner urban residential areas of each town surrounding the commercial centres.
66. I consider that both the PDP Decisions Version and Variation 3 with and without the urban fringe qualifying matter are likely, in my view, to increase the ability to intensify at a medium-density scale within the inner urban areas surrounding the commercial centres. The MR/MR2 Zone will enable dwelling typologies (e.g. attached and terraced housing) that would see more development around central areas. Higher potential yields within this zone will increase the feasibility of intensification within these areas.
67. In my view, provisions that have a less differentiated zoning structure (in relation to density) between central and outer residential areas may encourage patterns of growth that are less likely to support centres and contribute to a well-functioning urban environment. I consider that this may occur with the application of MDRS to the GR Zone (scenarios 2 and 3a) and to a greater extent through the expansion of the MR2 Zone across the entire residential area (scenario 3b), which enable significant levels of medium density intensification to also occur in residential areas away from the centres. Furthermore, capacity may be taken up at lower

densities than those enabled within the MR2 Zone, reducing the differentiation with patterns of development within the wider suburban area.

68. I consider that increased opportunities for intensification within outer areas may reduce the incentive to intensify in areas of higher convenience and accessibility surrounding commercial centres.
69. In my view, opportunistic development in the outer suburban areas which are further from the town centres will take a share of demand, especially in areas with relatively lower land values and/or larger lot sizes. The district's likely limited market for medium density development in the shorter term especially means that greater shares of growth occurring away from the town centres would dilute the level of intensification around those centres. I consider this would represent a less efficient urban form, and therefore limit the economic benefits of centrally focussed intensification to that would otherwise contribute to a well-functioning urban environment through supporting the viability and vitality of the centres.

URBAN FORM IMPLICATIONS FROM THE MODELLED SCENARIOS: HIGHER DENSITY DEVELOPMENT

70. I consider the provision for higher density residential development is another important aspect of urban form within the Waikato urban towns. It can play an important role in supporting the viability and vitality of commercial centres, but can also dilute potential intensification around centres if it occurs in less appropriate locations.
71. In my view, there are several aspects that determine the appropriateness of any provision for higher density residential development. These relate to the location, scale and spatial extent of the provision and are highly dependent upon the local and wider surrounding economic context. This includes the role, function and amenity of the urban town commercial centres and the level and timing of market demand, including the

feasibility/likelihood of development within different parts of the market. These are set out in the following paragraphs.

72. In my view, the appropriateness of a location for higher density development is a key initial consideration. I consider that, within the Waikato District economic context, any higher density residential development is most appropriate within and immediately adjacent to a commercial centre.
73. I consider that the appropriateness of an urban town for higher density development is a core aspect. A key consideration is whether a centre is able to provide sufficient amenity through its range of commercial activity and community services to adequately support higher density development within a location. I rely, in part, on the analysis of existing centre activity undertaken by Ms Hill, in Appendix 4 of Council's S42A report, to inform my view on the current roles of centres. My assessment is also informed by my ongoing involvement in residential and business analysis across the FPP area.
74. In my view, within the Waikato District context, the current and future roles of centres are a combined function of demand growth within their surrounding catchment areas, together with their relative positioning within the wider surrounding urban centres hierarchy. The Waikato main urban towns are currently, and projected to continue to be, smaller than other urban towns within the FPP area.
75. I consider that the current and potential future role of several urban towns are significantly influenced by their location within the primary catchment area of larger urban centres that offer an extended range of commercial activity and services. This is likely to limit the current and future relative role of these commercial centres within their local catchment areas, which translates into a continued limited range of commercial activity and services.

76. The current and future role of commercial centres within urban towns in the northern part of the district (Pookeno and Tuakau) are likely to be limited by their proximity to the larger commercial centres of Pukekohe. Despite substantial projected population growth within their catchments over the long-term, I consider that the commercial role of these centres is likely to remain limited to a smaller localised centre role with a limited range of amenity. I therefore consider that these centres are less likely to be able to provide an adequate level of amenity to support higher density residential development and therefore consider that this development is less appropriate in this location.
77. I consider that the current and future potential level of commercial activity within Ngaaruawaahia is likely to similarly be limited by its location within the primary catchment of the proximate The Base centre and other non-residential activity within the northern part of Hamilton. The assessment of Ms Hill shows that Ngaaruawaahia currently only offers a limited range of amenity to its surrounding catchment.
78. I consider that if opportunity for higher density residential development is provided within the Waikato District, then Huntly is likely to form a more appropriate location than other urban towns. It is currently, and projected to continue to be the district's largest urban town, with a potential expansion in catchment area to serve additional household demand in Ohinewai within the long-term. Ms Hill's assessment shows that there is a higher level of amenity (commercial activity and social services) provided by Huntly's commercial centre, which I consider is likely to enable it to have a larger relative role within its local catchment. Huntly is located further north of larger commercial activity within Hamilton than Ngaaruawaahia, and therefore is likely to be limited to a lesser extent by this activity than Ngaaruawaahia.
79. In my view, it is important that both the scale and spatial extent of intensification provisions are appropriate in the locations where they are

applied. This relates to the locations where they are applied, the geographical extent of these locations, and the intensification provisions themselves. Together these factors influence the degree to which intensification growth patterns are likely to occur around centres and the extent to which higher density development is likely to directly support the functioning of the town centres.

80. I consider that it is also important that the provision for higher density development relates to the level and nature of market demand, and the local economic context. Smaller urban economies, such as Waikato district's urban towns, generally have lower levels of demand for higher density development than in larger cities such as Auckland and Hamilton. This means there is less potential for towns to be able to sustain this type of development with smaller areas around centres suited for intensification than in larger urban economies where the market is more established and greater trade-offs are made with location and other dwelling choice factors across the urban area. Moreover, in towns such as Huntly and Ngaaruawaahia 800m or 400m radius intensification areas will include a substantial share of total capacity, when these more intensive living environments will not match the preferences of many in the market. An 800m walkable catchment around the commercial centres in these towns would accommodate a substantially larger share of the total population than would the same area in Auckland or Hamilton. In my view, it is important that policies suited to large cities are not simply transplanted into smaller towns.
81. In my view, provision for higher density development that is very extensive, within the local economic context, risks the dilution of higher density development across larger areas and therefore undermines the intensification benefits that would otherwise occur within the centre. If the provision is too expansive, then there is also a risk of isolated higher density developments occurring opportunistically in locations that do not function together with the commercial centre and that are inconsistent

with the surrounding urban form. These developments may also absorb a sizeable share of the demand and therefore reduce the intensification that may otherwise occur in more appropriate locations.

82. The modelling shows that the Waikato district urban towns have lower demand for higher density residential development, and it is not an established pattern of development within these towns. The feasibility analysis estimates it has low commercial feasibility for private, profit-driven developers with any activity instead more likely to be provided by other parts of the market (e.g. social housing), if it occurs.
83. The limited market size and lower levels of commercial feasibility in the Waikato towns mean that the centres are unable to sustain consistent density gradients of higher density development to the proposed spatial extent. In smaller urban economies, the intensification around centres would instead be characterised by more medium density development such as terraced housing and other medium density dwellings such as that enabled within the MR2 Zone. I note that more intensive medium-density development is likely to also be able to meet higher density demand with a level of substitutability between these markets.
84. Finally, in my view, the current provisions for three level development may limit the feasibility and consequent take-up of higher density development within the Commercial and Town Centre zone areas. Feasibility of higher density development typically relies on a greater number of storeys being developed to offset the higher development costs from this form of development.

RESPONSE TO SUBMISSIONS

85. The Kāinga Ora submission proposes a range of changes to Variation 3 that would enable a substantially greater level of development across the main urban towns where the MDRS is applied (Pookeno, Tuakau, Huntly and Ngaaruawaahia), and smaller increases within Te Kauwhata and

Raglan. The main aspects of the submission relevant to the economic capacity modelling include:

- (a) An increase in enabled building heights up to 6 storeys within the Town Centre Zone and parts of the Commercial Zone in Huntly and Ngaaruawaahia urban areas, within which residential uses are permitted to be constructed above ground level.
 - (b) A High Density Residential (HDR) Zone is proposed to be applied to urban residential areas up to 500m from the edge of the Commercial Zone and up to 800m from the edge of the Town Centre Zone within Huntly, and up to 300m from the edge of the Commercial Zone and up to 500m from the edge of the Town Centre Zone in Ngaaruawaahia. The proposed HDR Zone would enable residential buildings of up to 6 storeys to be constructed.
 - (c) No requirement for minimum lot sizes or land areas per dwelling within the HDR Zone, with development instead controlled by building standards.
 - (d) Expansion of the MR2 Zone to cover the remainder of the full extent of the urban residential area (currently GR Zone) within the main urban towns where MDRS is applied (Pookeno, Tuakau, Huntly and Ngaaruawaahia), including with a 200m² minimum vacant lot size.
 - (e) Rezoning of Large lot residential zoned properties in Tuakau to MR2 zone within 800m of the town centre.
86. The modelling undertaken (in Figures 2 to 4, above) shows that the Kāinga Ora proposed scenario (Scenario 3b) has a substantially larger plan enabled and commercially feasible capacity than all other modelled scenarios. Across the four towns where MDRS is applied (Pookeno, Tuakau, Huntly and Ngaaruawaahia), it has a long-term plan enabled

capacity for an additional 129,300 dwellings, and a long-term feasible capacity for an additional 78,000 dwellings. Within this, there is an estimated plan enabled capacity for an additional 12,200 higher density dwellings, with nearly all of these occurring within Huntly and Ngaaruawaahia. The level of modelled capacity is well above the projected long-term demand.

87. I agree that it is beneficial to intensify urban residential development around centres and key areas of amenity; and that it is important for this to be able to occur. These areas offer an efficient location for residential growth, increasing the vitality and viability of centres and being a more sustainable urban form.
88. In my view however, it is important that the location, scale and spatial extent of intensification provisions are appropriate for each town. This relates to the locations where they are applied, the geographical extent of these locations, and the intensification provisions themselves. Together these factors influence the degree to which intensification growth patterns are likely to occur around centres and the extent to which higher density development is likely to directly support the functioning of the town centres.
89. For the reasons outlined in paragraphs 70 to 83 above, I consider that provision for higher density residential development is less appropriate within Ngaaruawaahia. In my view, the current and potential future role of Ngaaruawaahia is limited by its positioning within the surrounding urban centres hierarchy. This means it is less likely to be able to provide a sufficient level of amenity, than other locations, to support higher density residential development.
90. The Variation 3 MR2 Zone that covers the inner urban residential areas of the town provides significant potential for intensification around Ngaaruawaahia's commercial centre. In smaller urban economies, the intensification around centres would instead be characterised by more

medium density development, that would be enabled within the MR2 Zone, such as terraced housing and other medium density dwellings. I note that more intensive medium-density development is likely to also be able to meet higher density demand with a level of substitutability between these markets.

91. If higher density residential development were provided within Ngaaruawaahia, then I consider that the spatial extent proposed by Kāinga Ora is too large. It is very extensive within the local economic context and risks the dilution of higher density development across larger areas and therefore undermines the intensification benefits that would otherwise occur within the centre. If the provision is too expansive, then there is also a risk of isolated higher density developments occurring opportunistically in locations that do not function together with the town centre and that are inconsistent with the surrounding urban form. These developments may also absorb a sizeable share of the demand and therefore reduce the intensification that may otherwise occur in more appropriate locations.
92. For the reasons outlined in paragraphs 70 to 83 above, I consider that Huntly forms a more appropriate location for higher density residential development than other urban towns within the Waikato district. The current and potential future range of amenity provided by the commercial centre is greater than other urban towns, is less limited by the proximity of larger urban centres and therefore more likely to be able to support higher density residential development.
93. In my view, higher density residential development within the Huntly Town Centre Zone would be likely to function together with the centre and be supported by the amenity offered by the centre. Above-ground residential development within this location would also support the commercial viability and vitality of the centre.

94. I consider that some provision for higher density residential development in areas immediately adjacent to the Town Centre Zone may be appropriate and is likely to be supported by the amenity offered by the centre. I also note there are differences in the nature and feasibility of development between a building with non-residential uses on the ground floor, and one which is fully residential on all floors (which would not be enabled within the Town Centre Zone).
95. However, I consider that the proposed spatial extent of provision for higher density residential development beyond the Town Centre Zone is likely to be too large. Kāinga Ora have proposed provision for higher density residential development at up to 800m from the edge of the Town Centre Zone. While this includes some areas of Commercial Zone, a sizeable portion of this zone is currently occupied by lower density residential uses, with the business activity component mainly oriented toward light industrial uses rather than activities serving household daily needs.
96. Smaller urban economies are able to sustain higher density development across smaller distances than large urban economies. I consider that a reduced area for higher density development, from that proposed by Kāinga Ora, is likely to be more appropriate for a well-functioning urban environment and better aligned with the projected market size. A higher density area that is too extensive within the context of a small market demand may result in isolated developments further from the centre that are inconsistent with the surrounding form and undermine intensification that would otherwise occur in areas closer to the centre.
97. I also note that Kāinga Ora subsequently supported a reduced area (I estimate, 300m to 600m walking distance) of higher density provision surrounding the Cambridge commercial centre from their originally proposed 600m to 800m extent beyond the centre. I consider this is an important comparison when assessing the appropriate spatial extent of

any provision within Huntly. Cambridge is a substantially larger urban town than Huntly (with a current and projected future urban dwelling demand based over 2.5 times that of Huntly) and is likely to play a larger relative role within its catchment area. Therefore, I consider that a smaller spatial extent of provision beyond Huntly's commercial centre than in Cambridge is likely to be appropriate.

98. I consider that Kāinga Ora's proposed expansion of the notified MR2 Zone to cover the full urban residential extent of Pookeno, Tuakau, Huntly and Ngaaruawaahia is likely to undermine the ability to achieve a well-functioning urban environment. This would enable a relatively intensive level of medium density development to occur across the current and future urban extent of these towns. At the highest density, it would enable up to three level low-rise apartment buildings. This is a significantly higher density of development than that of past patterns of development within these towns. Historically, the urban town residential areas have been characterised by development patterns of lower density detached dwellings.
99. There is only limited demand for more intensive patterns of development to occur within smaller urban towns. Much of the increase in density is more likely to occur at lower intensities than the maximum provided for within the MR2 Zone. The largest share of future net additional dwelling demand is likely to occur as detached dwellings. I consider that, within the context of intensification and changing market conditions, that this would be more likely to result into demand for development patterns of smaller detached dwellings on smaller sites (than past patterns of development) and a level of market substitution into less intensive forms of attached dwellings (e.g. 1-2 level attached units or duplex pairs). This is closer aligned to the densities which are provided for within that proposed in Council's S42A report.

100. I consider there are lower levels of likely future demand for more intensive attached dwellings within the district's urban towns. It is therefore important, in my view, to appropriately concentrate this demand into more central areas that are more likely to support the commercial centres. I consider that this more intensive density represents much of the intensification that typically occurs around centres within smaller urban economies.
101. In contrast, I consider that the Kāinga Ora submission produces an undifferentiated zoning structure across the urban extent of these towns. It would remove much of the encouragement to concentrate around the centres and enable opportunistic development to occur in locations away from the centres. This would dilute the intensification around centres and lower the level of economic benefit generally associated with intensification around centres.
102. I consider that greater heights for higher density residential development, up to a point that corresponds with the timing of market demand, may increase the feasibility of a development, including in terms of land and development costs per dwelling. However, feasibility depends on a number of factors, and it is also important to take into account the level of demand at any time, the competition from new and existing dwellings of other typologies in the central area and other locations, consumer preferences, ability to pay and so on. I also consider that there may be other factors such as environmental considerations that may see development at a lower height more appropriate.
103. Lastly, from an economic perspective, I consider that the additional zoned areas of urban density residential development proposed by Kāinga Ora in Tuakau are likely to represent a more efficient location for future urban growth than other already zoned areas further from the commercial centre. However, for the reasons outlined above (paragraphs 63 to 69), I do not support the enabled future urbanisation of these areas at the MR2

densities as proposed by Kāinga Ora as they are beyond the inner urban areas surrounding the commercial centre. I also accept there may be other planning factors that affect their suitability for future urban growth.

CONCLUSIONS

104. There have been several comprehensive studies undertaken by Market Economics on residential development capacity and demand growth within Waikato district's main urban towns. These include modelling of the capacity and growth patterns enabled by the existing baseline District Plan provisions, the intensification enabled through the PDP Decisions Version provisions, and further intensification enabled under the application of MDRS, including Variation 3. The modelling has tested the effect of various scenarios of intensification under Variation 3 and individual qualifying matters on the urban towns.
105. All modelled scenarios result in significantly greater capacity than that enabled within the ODP and allow for much higher levels of intensification within the urban towns than past patterns of lower density development where much growth occurred through outward greenfield expansion. Intensification is likely to occur gradually through time as the market for more intensive development options becomes more established. The modelled capacity under each intensification option is large relative to projected long-term demand at the total level, including with the application of qualifying matters.
106. I consider that there are important differences in urban form between the modelled scenarios, with each option encouraging different spatial patterns of growth across the existing and future urban areas. These give rise to important economic effects and occur through a combination of the provisions for medium and higher density residential development.
107. In my view, a key issue relates to the level of intensification which is both enabled and encouraged to occur in areas surrounding the urban town

commercial centres. I consider that it is important to enable and encourage it to occur around inner areas surrounding commercial centres and reduce the potential for it to be diluted across wider outer urban areas.

108. I consider that in smaller economies intensification around centres often occurs at a lower scale, with a much smaller share of higher density development. Most of the intensification around centres occurs in typologies such as terraced housing with very limited higher density vertically-attached apartment development.
109. I consider that an undifferentiated medium density residential zoning structure across the residential urban area (such as that proposed by Kāinga Ora within Pookeno, Tuakau, Huntly and Ngaaruawaahia) means that any intensification is likely to be more widespread through opportunistic development in outer suburban areas. In my view, unfocussed provision for intensification would represent a less efficient urban form as it would dilute the intensification around centres thereby undermining the benefits that are generally associated with development around centres.
110. For these reasons, I consider it is therefore important for a well-functioning urban environment that the *medium-density provisions* are appropriately scaled to this context through sufficiently differentiating between areas surrounding centres and the wider general suburban areas. This is achieved through the proposed vacant lot minimum site areas, with 200m² in the MRZ area and 450m² in the area known as the urban fringe.
111. I consider that higher density development may also form part of the intensification in some locations. It is also important, for a well-functioning urban environment, that it occurs within locations that are appropriate and at the appropriate scale and spatial extent.

112. A core issue for Waikato's urban towns is whether they can currently or in the future offer a sufficient level of amenity to support higher density residential development. The location of several Waikato urban towns (Pookeno, Tuakau and Ngaaruawaahia) within primary catchment areas of larger urban centres is likely to limit their ability to provide sufficient amenity to support higher density development.
113. I consider that Huntly is likely to form the most appropriate location for higher density residential development among the Waikato urban towns due to the current and potential future level of amenity provided by its commercial centre. However, there is only a limited market size for higher density development, combined with low commercial feasibility. I therefore consider that it is more appropriate to have a reduced spatial extent of higher density provision within areas adjacent to the Town Centre Zone from that proposed by Kāinga Ora.
114. In my view, smaller urban economies are able to sustain higher density development across smaller distances than large urban economies. I consider that a reduced area for higher density development is likely to be more appropriate for a well-functioning urban environment and better aligned with the projected market size. A higher density zone that is too extensive within the context of a small market demand may result in isolated developments further from the centre that are inconsistent with the surrounding form and undermine intensification that would otherwise occur in areas closer to the centre.

Susan Michelle Fairgray
20 June 2023

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS IN THE
WAIKATO REGION**

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WAIKATO

UNDER the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Variation 3 to the Waikato Proposed
District Plan (PDP)

**LEGAL SUBMISSIONS ON BEHALF OF WAIKATO DISTRICT COUNCIL
FOR SUBSTANTIVE HEARING**

21 July 2023

TOMPKINS | WAKE

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effect to, but it is accepted that doing so is a mandatory requirement of section 80E.

16. Even if the Panel concluded that the submission met the first *Clearwater* test, the Panel must consider natural justice matters and whether there is a risk that the Waikato community would not be aware of the potential for changes to arise from a submission or the Panel's recommendations.
17. These approaches will be applied as applicable later in these submissions.

Waikanae decision

18. The scope of an IPI under section 80E has also been considered by the Environment Court in *Waikanae Land Company Limited v Heritage New Zealand Pouhere Taonga*⁸ (the *Waikanae decision*). In this case, the Court recognised that:

[23] As wide as territorial authorities' powers may seem to be in undertaking the IPI process it is apparent that they are not open ended. They are confined to the matters identified in a number of relevant provisions.

19. The Court considered the extent of the Council's powers to introduce qualifying matters under section 77I, and use related provisions which support or are consequential on the MDRS or Policy 3 under section 80E(1)(b). The Court determined that:

[31] For the reasons we have endeavoured to articulate we find that the purpose of the IPI process inserted into RMA by the EHAA was to impose on Residential zoned land more permissive standards for permitted activities addressing the nine matters identified in the definition section and Schedule 3A. Changing the status of activities which are permitted on the Site in the manner identified in para 55 of WLC's submissions goes well beyond just making the MDRS and relevant building height or density requirements less enabling as contemplated by s 77I. By including the Site in Schedule 9, PC2 "disenables" or removes the rights which WLC presently has under the District Plan to undertake various activities commonly associated with residential development from permitted to either restricted discretionary or non complying.

⁸ [2023] NZEnvC 056.

[32] We find that amending the District Plan in the manner which the Council has purported to do is ultra vires. The Council is, of course, entitled to make a change to the District Plan to include the new Schedule 9 area, using the usual RMA Schedule 1 process.

20. In our submission, the *Waikanae* decision shows that:
 - (a) The mandatory requirements of section 80E are not open-ended or without limitation, and any proposed rules must be carefully considered to ascertain whether they fall within one of the subsections of section 80E.
 - (b) Rules that are proposed as qualifying matters under section 77I or as related provisions under section 80E(1)(b) will be ultra vires if they remove the rights that presently exist under a district plan.
21. The *Waikanae* decision did not consider whether the above principles should equally apply to the mandatory requirement to give effect to Policy 3(d). In our view, it must equally apply to any provisions introduced by a Council to give effect to Policy 3(d) but would remove rights that presently exist in a district plan. However, the Panel does not need to address this question as there are no submission points that have been rejected in reliance on *Waikanae* that relate to giving effect to Policy 3(d).
22. In the Waikato District context, the question that arises from the *Waikanae* decision is whether, and how, the finding applies to the Waikato Proposed District Plan (PDP) where appeals are still outstanding. There is a possibility that 'rights' conferred by the PDP are not certain and may still change. We have carefully considered the limited number of submission points that have been rejected by the Reporting Planners in reliance of the *Waikanae* decision and, in the relevant place in these submissions, we will identify whether there are any relevant PDP appeals and set out how the Panel should approach these submission points.

23. We are aware that the *Waikanae* decision has been appealed to the High Court, but there appears to be no certainty that a High Court decision would be available before the Panel makes its recommendations and the deadline for Council's decisions.
24. Overall, it is our submission, that while not legally binding on the Panel, the Panel should treat the *Waikanae* decision significantly persuasive and make recommendations that would align with its findings. We consider the fundamental principle of *Waikanae* that peoples' established rights should not be removed without an opportunity to participate in that process aligns closely to the second *Clearwater* test related to natural justice. Further, it is arguably even stronger in the case of an IPI where there are no appeal rights.

The Panel's previous decisions on scope

25. In Direction #11 the Panel confirmed that the submission by Waikato Community Lands Trust, Waikato Housing Initiative, Habitat for Humanity, Momentum Waikato and Bridge Housing Trust (submitter 93) seeking inclusionary zoning and affordable housing provisions were out of scope of Variation 3.
26. On 11 April 2023 the Panel's Direction #12 also determined that the following zoning submissions were out of scope, and were struck out:
- (a) Halm Fan Kong (submitter 13); and
 - (b) Howard Lovell (submitter 27).
27. The Panel is not required to consider these submissions further.

Submissions deferred to a later date

28. The following submission points have been directed by the Panel to be considered at a hearing later this year:

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS IN THE
WAIKATO REGION**

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WAIKATO

UNDER the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Variation 3 to the Waikato Proposed
District Plan (PDP)

**REPLY LEGAL SUBMISSIONS ON BEHALF OF WAIKATO DISTRICT COUNCIL
FOR SUBSTANTIVE HEARING HELD BETWEEN 26 JULY AND 2 AUGUST 2023**

22 September 2023

TOMPKINS | WAKE

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- (a) The mandatory requirements of section 80E are not open-ended or without limitation, and any proposed rules must be carefully considered to ascertain whether they fall within one of the subsections of section 80E.
 - (b) Rules that are proposed as qualifying matters under section 77I or as related provisions under section 80E(1)(b) will be ultra vires if they remove the rights that presently exist under a district plan.
- 5. No party during the hearing disputed the application of the principles in *Waikanae* to Variation 3. While the decision remains subject to an appeal to the High Court, and other IPI Panel recommendations have chosen not to follow the *Waikanae* decision,² we submit that this Panel should treat the *Waikanae* decision significantly persuasive and make recommendations that would align with its principles.
- 6. In addition to specific matters addressed below, we consider that based on *Waikanae* the following submission points cannot be accepted:
 - (a) The relief sought by the Queen's Redoubt Trust; and
 - (b) Mr Upton's relief to rezoning residential land on the boundary of Ngaaruawaahia back to rural zones.

STORMWATER MANAGEMENT

- 7. The management of stormwater, in particular on larger greenfield sites, was raised by a number of parties at the hearing. In response to evidence, prior to the hearing Ms Hill and Ms Boldero proposed the introduction of a new restricted discretionary rule for stormwater management for developments of four or more residential units or subdivision of four or more lots (WWS-R1A).

² See for example the recommendations of the Panel on the Kapiti Coast District Council IPI.



RMA Form 5

Proposed Waikato District Plan

Submission form

SCANNED

Set No _____

ECM Project: DPRPh5-03

ECM #

Submission #

Customer # 18659Property # 1/1To submit electronically please go to: www.waikatodistrict.govt.nz/pdp**Closing date for submissions: 5pm on Tuesday 9 October 2018****Submitter details:** (please note that the (*) are required fields and must be completed)

First name*: <u>Tim</u>	Last name*: <u>Lester</u>
Organisation: <u>Blue Wallace Surveyors Ltd</u>	
On behalf of: <u>Blue Wallace Surveyors Ltd</u>	
Postal address*: <u>PO Box 38</u>	
Suburb:	Town/City*: <u>Hamilton</u>
Country: <u>New Zealand</u>	Postal code*: <u>3240</u>
Daytime phone:	Mobile: <u>021 993 223</u>
Email address*: <u>tim.lester@bluewallace.co.nz</u>	
Please tick your preferred method of contact* ☒ Email ☐ Postal	
Correspondence to* ☐ Submitter ☒ Agent ☐ Both	
Trade competition and adverse effects:* ☐ I could ☒ I could not gain an advantage in trade competition through this submission.	
Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991.	
Would you like to present your submission in person at a hearing? ☒ Yes ☐ I do NOT wish to speak in support of my submission and ask that this submission be fully considered.	
If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case). ☒ Yes ☐ No	

Please complete the following for every submission point:

Provision number (e.g. 22.4.1.2 P2(a)):

Physical address of the property concerned (if relevant to your submission):

See attached

Do you:

☐

Support

☐

Oppose

☐

Neutral

The decision I would like is:

See attached

My reasons for the above are:

See attached

Please return this form no later than 5pm on 9 October 2018 to:

Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: districtplan@waikato.govt.nz

Signed: 

Date: 9/10/2018

(A signature is not required if you make your submission by electronic means)

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.



Blue Wallace Surveyors Ltd.

Our Ref: 18067

Client: Blue Wallace Surveyors Ltd

9 October 2018

Waikato District Plan Review Team

Waikato District Council

Private Bag 544

Ngaruawahia 3742

New Zealand

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Tony Tynan B.Surv., MNZIS

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- Registered Land & Engineering Surveyors
- Land Development Consultants
- Resource Management Planners
- Members of the Consulting Surveyors of New Zealand
- Registered Professional Surveyors

Phone 07 839 7799

Transmittal via e-mail: districtplan@waidc.govt.nz

Attention: District Plan Review Team

RE: Submission by Blue Wallace Surveyors Ltd on the Proposed Waikato District Plan

To Whom it may concern,

Please find attached a Submission lodged by Blue Wallace Surveyors Ltd in regard to the notified Proposed Waikato District Plan (PWDP).

Submitter details are as follows:

Organisation	Blue Wallace Surveyors Ltd
Attention	Tim Lester
Email	tim.lester@bluewallace.co.nz
Phone No.	021993223
Postal Address	PO Box 38, Hamilton 3240
I am not a person who could gain an advantage in trade competition through this submission.	
I wish to be heard	Yes

Blue Wallace Surveyors Ltd (Blue Wallace) is a Hamilton based firm of Surveyors, Engineers and Planners with over 20 years' experience in land development matters within the Waikato Region.

Blue Wallace deals primarily with resource management planning, land development engineering design and cadastral surveying to private individuals, local body authorities, companies and developers.

Blue Wallace has had a close working relationship with the Waikato District Council – particularly in the areas of subdivisions in the District. As a consequence, we feel that it is important to be meaningfully engaged with the PWDP development so as to provide our perspective on current and future subdivision and land use regulation in the Waikato District.

As a result of Blue Wallace's land development interest in the district, the following set of PWDP submissions have been prepared for Council's consideration.

Blue Wallace has provided a number of specific submissions which relay support, support in part, or opposition to the notified draft provisions of the PWDP. Such submissions reflect our own professional judgement on land development matters, as well as being reflective of the commercial reality of land development that ensure that we can act as efficiently and effectively as possible for our broad range of Clients.

Whilst we have attempted to be as robust as possible in the following table of submission points, it is nonetheless important to realise that the individual points raised in this submission are not exhaustive; and that Blue Wallace will add to these points as the PWDP review process unfolds (i.e., through the further submission stage etc.).

Whilst each of the submission points are self-explanatory in their reasons and decisions sought, we contend a more detailed reasoning to the decisions sought can, and will, be provided during the hearing phase of the process; hence, Blue Wallace wish to be heard in support of the submissions below.

Any conformation of the points raised in the submission below can be made to Blue Wallace Surveyors Ltd via tim.lester@bluewallace.co.nz.

Regards



Tim Lester

For Blue Wallace Surveyors Ltd

Submission points

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
Chapter 13: Definitions			
1	Record of Title <i>Means a Computer Freehold Register (also referred to as a Certificate of Title).</i>	Support	The Submitter supports this definition given that it reflects the most recent terminology within the LT Survey Act 2017 (in force November 2018).
2	Site <i>Means:</i> - any area of land comprised in one Record of Title, or - two or more Records of Title linked pursuant to s37 of the Building Act 1991, or s75 of the Building Act 2004, or s220 of the Resource Management Act 1991; - in the case of land developed under the Unit Titles Act 2010, the area comprised in a principal unit or accessory unit excluding any common property; - in the case of cross-leases, the area for exclusive use comprised within the cross-lease, excluding any common property.	Support in part	The submitter generally supports the proposed definition for a 'Site'. Notwithstanding his general support, the submitter seeks that land recently subdivided be considered a Site without obtaining a record of title. Such a 'Site' could be defined as: <u>5. Subdivided land that requires no further consent from Council.</u> Such a definition is successfully applied in the Operative Hamilton City District Plan in instances where land use consent is required for a recently subdivided allotment, and where for instance sections of policy notations do not affect the newly created allotment (i.e., a new front allotment does not contain a mapped Gully Hazard Area planning feature – where the rear allotment, not subject to land use consent, does). Such provision will enable land use consents to be assessed based on their merits as opposed to irrelevant planning notations.
Chapter 4: Urban Environment			

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
3	4.1 Strategic Direction 4.1.1 Objective – Strategic (a) <i>Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.</i> (b) <i>An additional 13,300 - 17,500 dwellings are created during the period 2018 - 2045.</i>	Support in part	The Submitter supports in part this objective as it sets a worthy goal regarding future urban residential development across the district. The objective stresses a dwelling quantum which will act as a rigid formula being applied across the district over a timeframe that does not correspond with the 'life' of the proposed district plan (i.e., 10 years). Experience has been that setting a specifically quantified target for residential growth is problematic when unknown variables are considered – rather, the best means to strategically provide for residential growth is based on market conditions (demand). The proposed objective (sub-clause b) should be amended or removed to enable adaptability. An amended subclause should be made as follows: (b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045 <u>to reflect market demands.</u>
4	4.1.3 Policy - Location of development (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> (b) <i>Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.</i>	Support in part	The submitter agrees with this policy to the extent that residential urban growth is to occur in a logical pattern that is reflective of a well-considered urban growth strategy. The Submitter considers that the proposed wording of the policy sub-clauses (a) and (b) are too restrictive – and need not state that 'only' urban growth be enabled within the 2017 Future Proof Strategy. Whilst urban growth within the strategically identified areas is implicit – limiting growth to the 2017 iteration of the strategy in the PWDP is limiting and will result in future drafting fixes over the life of

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			the district plan (as an example - Blue Wallace understand that Council's Blueprinting exercise is addressing this matter as well). <i>(a) Subdivision and development of a residential, commercial and industrial nature is to occur within <u>and adjacent to</u> towns and villages where infrastructure and services can be efficiently and economically provided.</i> <i>(b) Locate urban growth areas only where they are consistent with <u>the relevant Strategic Growth documents for the district Future Proof Strategy Planning for Growth 2017</u>.</i>
5	4.1.7 Objective – Character of towns <i>(a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.</i>	Support in part	The Submitter considers that the objective is worded in such a way that potentially is confusing for plan users. As currently stated the objective is encouraging of development within the Residential, Village, Industrial and Business zones; however, the statement "...reflects the existing character..." is not analogous with development and growth. Growth is not always possible to undertake without altering existing character; hence, a more appropriate policy subclause would read: <i>(a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.</i>
6	4.1.14 Policy – Taupiri (a) Taupiri is developed to recognise: (i) The changes that may result from the completion of the Waikato	Support in part	The Submitter supports in part Policy 4.1.14 as it relates specifically to the Taupiri Township.

<i>Submission Point</i>	<i>Proposed Provision</i>	<i>Submission</i>	<i>Comment: Decision Requested and Reasons</i>
	Expressway including the increased demand for housing; (ii) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Taupiri section of the <i>Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan</i>; (iii) The future development area of Taupiri is to the south of the existing village; (iv) Infill and redevelopment of existing sites occurs.		The policy is appropriate regarding the effect of the Waikato Express on Taupiri's existing character – and furthermore, the effect resulting from increased residential land use that will ensue from the Taupiri/Huntly bypass. Inconsideration of the above Policy 4.1.14(a)(i) should remain as proposed. Regarding the second subclause of Policy 14.1.14 – the Submitter disagrees with the proposed wording as a demonstrable issue arises regarding overt design limitations being imposed on development from high-level strategic plan mapping. The Submitter considers that, at best, structure planning is used for conceptual consideration of how and where growth areas are to function in the context of the wider area and in coordination with high-level urban growth strategies. The policy subject to this submission point currently directs development within the Taupiri area to be in accordance with the <i>Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan</i>. Such wording of the policy gives too much design weighting to a Structure Plan Map that has not been prepared in consideration of natural and physical features contained within the Taupiri area covered by the Structure Plan Map. Land contained within the structure plan area map, for Taupiri, is defined by significant gully networks, Waikato River flood protection, cultural significance etc. As a consequence – an over-adherence to the high-level design outcomes as envisioned in the Structure Plan Map will not represent sustainable management of natural and

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			physical resources, and furthermore will result in development that inappropriate for the area. In consideration of the above, the following amendments are sought: <i>(ii) Future roads, parks, pedestrian and cycle networks are developed in <u>general</u> accordance with the Taupiri section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan, as well as in consideration of site specific natural and physical features;</i>
7	4.1.15 Policy – Ngaruawahia <i>(a) Ngaruawahia is developed to ensure:</i> <i>(i) Existing intensive farming and industrial activities are protected from the effects of reverse sensitivity when locating new residential development;</i> <i>(ii) That future residential development is not located within the intensive farming setbacks from the two operating poultry farms until such time that the two poultry farms within the residential growth areas of Ngaruawahia cease to exist;</i> <i>(iii) Areas marked for future business expansion are managed so that the existing adjoining residential amenity is not compromised;</i> <i>(iv) Future neighbourhood centres, roads, parks, pedestrian and cycle networks are developed in</i>	Support in part	The Submitter supports Policy 4.1.15 regarding residential expansion in the Ngaruawahia Township. As provided for in the applicable planning maps (as proposed), residential growth to the north of the township, in the vicinity of Starr Road, represents a sensible approach given connectivity to transportation corridors, transport integration, and developable land integration with existing residential land use to the south. The land surrounding Starr Road – proposed to be rezoned from Rural to Residential contains an area that has been used in the past for intensive farming activities (a poultry farm); this intensive land use has not yet been discontinued (but is under contract to be terminated), and consequently will not be constrained under sub-clause (ii) of the policy. The flat developable nature of the land in and surrounding Starr Road will integrate with residential land use to the south west, and therefore represents an efficient zone change reflective of urban development demand for the township.

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	accordance with the Ngaruawahia section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan; and (v) Infill and redevelopment of existing sites occurs.		Notwithstanding the above support, the Submitter seeks the following amendments to subclause iv of Policy 4.1.15: (iv) Future neighbourhood centres, roads, parks, pedestrian and cycle networks are developed in <u>general</u> accordance with the Ngaruawahia section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan, <u>as well as in consideration of site specific natural and physical features</u>; and ... The reasons for the submission are described in the submission point above.
8	4.1.17 Policy - Te Kowhai (a) The scale and density of residential development in the Te Kowhai Village Zone achieves: (i) lower density (3,000m² sections) where the development can be serviced by on site non-reticulated wastewater, water and stormwater networks; or (ii) higher density (1,000m² sections) where the development can be serviced by public reticulated wastewater, water and stormwater networks; (b) Open space character, feeling of spaciousness and connections to the rural landscape and walkways that are maintained and extended to new areas.	Support in full	The submitter is in general support of the proposed development direction in the PWDP for Te Kowhai. In particular, the submitter contends that development surrounding an ancillary to the Te Kowhai air field is appropriate, and the densities proposed align with future growth in the village. The submitter seeks the policy is retained.

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	(c) Placement of dwellings to protect the future ability to increase density should public reticulated wastewater and water networks become available. (d) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Te Kowhai section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan.		
9	4.2 Residential Zone 4.2.1 Objective – Residential Character (a) Residential character of the Residential Zone is maintained.	Support in full	The Submitter supports this objective as an appropriate unambiguous high-level statement in the PWDP regarding development within residential areas – and furthermore provides a suitable policy context. The Submitter seeks the objective is retained as currently worded.
10	4.2.2 Policy – Character (a) Ensure residential development in the Residential Zone: (i) Provides road patterns that follow the natural contour of the landform; (ii) Promotes views and vistas from public spaces of the hinterland beyond; and (iii) Is an appropriate scale and intensity, and setback from the road frontages to provide sufficient open space for the planting of trees and private gardens.	Support in full	The Submitter supports Policy 4.2.2 regarding residential character. The Applicant notes that this policy does not align with several other policies currently proposed by Council as they relate to Structure Plans (in particular Policy 4.1.15 – Ngaruawahia, and Policy 4.1.14 – Taupiri). The Submitter acknowledges that urban growth needs to be considered in the context of a strategic plan – however, an appropriate level of flexibility is needed in structure plans to allow for on-site variable (i.e., topography) that may not have been adequately considered in the structure plan.

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11	4.2.5 Policy – Setback: Side boundaries (a)Require development to have sufficient side boundary setbacks to provide for: (i) Planting; (ii) Privacy; and (iii) Sunlight and daylight. (b)Reduced side boundary setbacks occur only where it: (i) Enables effective development of sites where on-site topographic constraints occur; or (ii) Retains trees on the site.	Support in part	The submitter supports in part proposed Policy 4.2.5 as currently drafted as it provides a degree of flexibility in regard to side yard performance standards in the residential zone. Notwithstanding this support, the Submitter considers that a subclause (b) (iii) should be included so as to recognise the written approvals from affected parties (see section 87 of the RMA) – such as neighbouring land owners. The following amendment to Policy 4.2.5 is requested by the Submitter: (b)Reduced side boundary setbacks occur only <u>generally</u> where it: (i)Enables effective development of sites where on-site topographic constraints occur; or (ii)Retains trees on the site; <u>or</u> (iii) <u>Written approval for the encroachment has been provided by the abutting land owner.</u>
12	4.2.12 Policy – Outdoor living court – Multi-unit development (a)Enable multi-unit development to provide usable and accessible outdoor living courts in alternative ways that reflects the outcomes of section 7 (private residential amenity) of Waikato District Council's Multi-unit Development Urban Design Guidelines (Appendix 3.4), in particular by: (i)Maximising light access, views and privacy; and	Support	The submitter supports policy 4.2.12 as proposed and seeks that it is retained in the PWDP. The reason for this support is because it provides development flexibility in urban design.

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	<i>(ii) Maximising the use and amenity opportunities of the site through well designed internal layout.</i>		
13	4.2.14 Objective – Earthworks <i>(a) Earthworks facilitate subdivision, use and development.</i>	Support in full	The Submitter supports Objective 4.2.14 in that subdivision development and assessment by Council is undertaken concurrently under the consents process – and furthermore, that this process is inclusive of earthworks. The Submitters seeks Policy 4.2.14 be retained as currently worded.
14	4.2.16 Objective – Housing options <i>(a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau.</i> <i>(b) Residential zoned land near the Business Town Centre Zone and close to transport networks is used for higher density residential living with access to public transport and alternative modes of transport.</i>	Support in part	The Submitter supports in part this proposed objective as it is considered important for high-level recognition in the District Plan for housing diversity. In order for the submitter to provide complete support for this Objective, it is requested that Taupiri is included, explicitly in the Objective. This inclusion is reasoned due to the increased residential density and urban growth in the village post the Waikato Expressway becoming active. As Taupiri is considered to be one of the District's growth areas, the following amendment is sought to Objective 4.2.16 <i>(a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata, <u>Taupiri</u> and Tuakau.</i>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
4.7 Urban Subdivision and development			
15	4.7.1 Objective – Subdivision and Land Use Integration <i>(a) Subdivision layout and design facilitates the land use outcomes sought for the residential, business, industrial, reserve and specific purpose zones.</i>	Support	The Submitter supports in full proposed Objective 4.7.1 as it provides a suitable context in which urban development policies are to be derived.
16	4.7.2 Policy – Subdivision location and design <i>(a) Ensure subdivision, is located and designed to:</i> ... <i>(vii) Promote consistent grid layout.</i>	Support in part	The Submitter supports in part proposed Policy 4.7.2 as it is considered that a grid layout is the most efficient subdivision design – hence, the current wording of the policy is considered redundant. Further to the above, the Submitter notes that subclause (viii) runs contrary to 4.7.3 “(vii) Promoting the street layout to reflect the underlying topography. In consideration of the above, the Submitter seeks the following amendment to proposed Policy 4.7.2 ... <i>(vii) Promote consistent grid layout <u>where it suits character and topographical constraints.</u></i>
17	4.7.5 Policy – Servicing requirements <i>(a) Require urban subdivision and development to be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone, including through the provision of:</i> ... <i>(iii) Roads;</i>	Support in Part	The Submitter supports in part proposed Policy 4.7.5 – with support limited due to an over-emphasis being placed on high-level structure plan detail. Structure plans are high-level strategic land development documents (e.g., are to provide an indicative planning framework for future development); and should not be used to prematurely constrain future land use (fluidity around servicing matters should be provided for in the district plan).

<i>Submission Point</i>	<i>Proposed Provision</i>	<i>Submission</i>	<i>Comment: Decision Requested and Reasons</i>
			The Submitter contends that not enough ground truthing has underpinned the district's structure plans – and once developments start being considered for more detailed design, conflicts arise where on-site natural and physical constraints emerge that where not adequately provided for on the higher-level structure plans. In consideration of past experiences, the Submitter seeks the following amendment to proposed Policy 4.7.5: (a) <i>Require urban subdivision and development to be serviced to a level that will provide for the anticipated activities approved indicated in a structure plan, or otherwise anticipated within the zone, including through the provision of:</i> ... As a more general note, the Submitter also seeks that Council structure plans avoid roads spanning different boundaries.
Structure and master plans			
18	4.7.14 Policy – Structure and master planning (a) <i>Ensure that development and subdivision within approved structure or master plan areas is integrated with the development pattern and infrastructure requirements specified in an approved structure or master plan.</i>	Support in part	The Submitter acknowledges that master planning and structure plans provide an important strategic framework for development within the Waikato District; however, it is important to note that the function of high-level growth planning documents should not unreasonably constrain specific land use within the district via high-level design elements. Examples can be given where approved structure plans have specified the location of transportation corridors based only on abstract transportation modelling. There has been little to no on-site investigations as to the location of intersections or transportation corridors thus resulting in unreasonable constraints (i.e.,

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			topographical) in which the land developer is compelled to overcome based on the structure plan. The Submitter supports Council's aim to integrate land use developments with preceding approved structure plans – however, seeks that appropriate flexibility is provided to account for specific on-site variables. Consequently, the following amendment is sought to Policy 4.7.14: <i>(a)Ensure that development and subdivision within approved structure or master plan areas is integrated, <u>where physically reasonable</u>, with the <u>general</u> development pattern and infrastructure requirements specified <u>conceptually provided for</u> in an approved structure or master plan.</i> The submitter seeks the above amendments verbatim, or alternatively words to the effect of the above.
Chapter 5: Rural Environment			
19	5.3 Rural Character and Amenity 5.3.3 Policy – Industrial and commercial activities <i>(a)Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone.</i> <i>(b)Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource.</i>	Support in Part	The submitter agrees that the rural industrial integrity of the Rural Zone is an important message to be contained within the PWDP. Notwithstanding this support, the Submitter considers that non-rural industries can operate in the rural zone where they abut infrastructure such as state highways. The Submitter considers that by recognising that the rural environment is influenced by non-rural infrastructure, that some non-rural activities can occur in the zone. A good example of this is in the case of a service station.

<i>Submission Point</i>	<i>Proposed Provision</i>	<i>Submission</i>	<i>Comment: Decision Requested and Reasons</i>
			The following amendment, or alternative wording to the same effect, is sought to Policy 5.3.3: <u>(c) Recognise that activities associated with non-rural infrastructure be provided for within the rural environment.</u>
Chapter 16: Residential Zone			
20	5.6.3 Policy – Subdivision within the Country Living Zone <i>(a) Subdivision, building and development within the Country Living Zone ensures that:</i> <i>(i) The creation of undersized lots is avoided where character and amenity are compromised;</i> <i>(ii) new lots are of a size and shape to enable sufficient building setbacks from any boundary;</i> <i>(iii) building platforms are sited to maintain the character of the Country Living Zone and are appropriately-positioned to enable future development;</i> <i>(iv) existing infrastructure is not compromised;</i> <i>(v) existing lawfully-established activities are protected from reverse sensitivity effects.</i>	Support in Part	The Submitter supports in part Policy 5.6.3 as proposed, to the extent that country living zones may intensify (residentially), thus providing an element of future proofing into the zone. To appropriately enable effective use of the policy, the Submitter seeks a slight amendment so that, in appropriate instances, undersize allotments may be created. Consequently, the following amendment is sought: “ ... <i>(a) Subdivision, building and development within the Country Living Zone ensures that:</i> <i>(i) The creation of undersized lots is avoided discouraged where character and amenity are compromised;</i> ...” The Submitter seeks the above amendment as the word ‘avoid’ is absolute and will restrict flexibility in subdivision design.
Rules Chapter 16: Residential Zone			
21	16.1.3 Restricted Discretionary Activities RD1	Support in part	The Submitter generally supports Rule 16.1.3 for Restricted Discretionary Activities as clear guidance is provided for regarding increasing residential density and infill development.

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	<i>(c)The minimum net site area per residential unit is 300m²;</i>		This support is tempered by the RD criteria of having each unit having a minimum NSA of 300m². The Submitter considers that the area requirement for multi-unit developments be reduced to 200m² for each dwelling unit, as such an area will allow for efficient residential intensification without the need for a more onerous development assessment. Whilst many residential properties will be constrained in obtaining a 200m² NSA (in consideration of manoeuvrability, living court areas etc), a satisfactory urban design can be achieved on smaller allotments – and hence would provide a greater gateway for infill flexibility for the district.
22	16.2.4.1 Earthworks – General P2 <i>Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</i> <i>(a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</i>	Support in part	The Submitter supports the permitted activity status for earthworks associated with building platforms. The Submitter seeks to amend the permitted activity rule by expanding the coverage to that of accessway formation as well. The sought amendment is as follows (or words to similar effect): P2 <i>Earthworks for the purpose of creating a building platform <u>and</u> <u>accessway</u> for residential purposes within a site, using imported fill material must meet the following condition:</i>
23	16.3.5 Daylight admission P1 <i>Buildings must not protrude through a height control plane rising at an angle of 37 degrees</i>	Oppose	The submitter requests that the permitted activity rule is expanded to have the daylight admission to be taken from 3m above ground level.

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	<i>commencing at an elevation of 2.5m above ground level at every point of the site boundary.</i>		Increasing the parameter as sough will align the PWDP with other district plans in the region and hence provide a consistent standard for development and design professionals across the region. Greater housing choice will also be enabled.
24	16.3.8 Service court P1 <i>(a)A service court must be provided for each dwelling and minor dwelling, each with all the following dimensions:</i> <i>(i)minimum area of 15m²; and</i> <i>(ii)contains a circle of at least 3m diameter.</i>	Support in Part	The submitter agrees that a 15m ² service court is an appropriate area for a residential dwelling and an area to provide for servicing needs. The Submitter does not agree that a 3m diameter shape factor is appropriate given that service areas should be discreet areas and hence located to the side or rear of a property. Having a 3m diameter circle is not conducive to discreetly locating a service court – and by effect will require a 3m side or rear yard setback. A more appropriate dimension is for at least a 3m diagonal line that is no less than 1.5m in width.
25	16.3.9.3 Building setback – Waterbodies P1 <i>(a)Any building must be setback a minimum of:</i> <i>(i)23m from the margin of any;</i> <i>A.lake; and</i> <i>B.wetland;</i> <i>(ii)23m from the bank of any river (other than the Waikato and Waipa Rivers);</i> <i>(iii)28m from the margin of both the Waikato River and the Waipa River; and</i>	Oppose in part	The Submitter opposes proposed Rule 16.3.9.3 in regard to a 23m setback from a wetland. A wetland as defined under the RMA is broad reaching- and hence covers an array of features each of which vary in scale and effect (i.e., an ephemeral water course has different attributes to that of a stream, river, manmade drainage channel). Having a nominal 23m setback applied to such a wide variation of water features is inappropriate and introduces significant inefficiencies (from a development perspective) which is contrary to Part 2 of the RMA and the sustainable management of natural and physical resources.

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	(iv) 23m from mean high water springs.		Notwithstanding the above, as a 'lake' can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies. The Submitter seeks that Council amend Proposed Rule 16.3.9.3 as follows: (a) Any building must be setback a minimum of: (i) 23m from the margin of any; A. lake <u>over 4ha</u>; and B. wetland; (ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (v) <u>10m from a managed wetland</u> This submission applies to all other PWDP Zones where the wetland setback provision has been proposed. Along with all associated consequential amendments.
26	16.4.1 Subdivision – General RD1 (a) Subdivision must comply with all of the following conditions: (i) Proposed lots must have a minimum net site area of 450m², except where the proposed lot is an access allotment or utility allotment or reserve to vest;	Support in Part	The Submitter generally supports the RD16.4.1 rule – however, the following amendments are sought: 16.4.1 (a) (iii) Where roads are to be vested in Council, <u>and where practicable</u>, they must follow a grid layout; ...

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	(ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater; (iii) Where roads are to be vested in Council, they must follow a grid layout; (iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created; (v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document. (b) Council's discretion shall be restricted to the following matters: (i) Subdivision layout; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Amenity values and streetscape landscaping;		16.4.1 (a)(v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in <u>general</u> accordance with that structure plan document. 16.4.1 (b) (ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; Reasons for Submission: The Submitter has a long association with land use development within the Waikato Region – and hence appreciates efficient transportation corridor design for any given project. Grid road layouts are obviously the most efficient transportation design – and naturally will be incorporated whenever practicable to do so. However, when developing land for residential land use, natural features will need to be provided for, and hence could prevent a 'grid' layout being achieved. The above amendment is considered appropriate to recognise a grid roading layout is not always achievable. Amendment to 10.4.1(a)(v) is sought to enable development to occur based on on-site variables as opposed to strict adherence to high-level structure planning documents. The over reliance on structure plan detail has been addressed throughout this submission and is the reasoning behind the decision sought.

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	(vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines); (viii) Vehicle and pedestrian networks; (ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and (x) Provision of infrastructure.		
27	16.4.4 Subdivision - Multi-unit development RD1 (a) Multi-Unit development must comply with all of the following conditions: (i) An application for land use consent under Rule 16.1.3 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council; (ii) The Multi-Unit development is able to be connected to public wastewater and water reticulation; (iii) The minimum existing lot size where a new freehold (fee simple) lot is being created must be 300m² net site area. ...	Support in Part	The Submitter supports in part proposed Rule 16.4.4 to the extent that appropriate Council design guidance on multi-unit developments is helpful from a development perspective. Notwithstanding this support, the Submitter seek that the minimum NSA for each unit be reduced to that similar to abutting territorial authorities. Such a reduction would require each unit to have a NSA of no less than 200m². The Submitter considers that there is plenty of physical evidence that can be provided to Council assuring that a 200m² NSA is suitable to house multi-unit developments. Allowing a smaller NSA will enable efficient use of land, particularly in regard to infill housing areas.

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28	16.4.13 Subdivision creating reserves RD1 <i>(a)Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries.</i> 	Oppose in Part	The Submitter opposes proposed Rule 16.4.13 as it seeks to impose a development constraint that may not feasibly be possible or practicable. Whilst the Submitter agrees that in many instances, reserves should provide access from transportation corridors, on-site variables (topography, subdivision layout, security etc.) could mean that a 50% road frontage is not possible, thus defaulting the development to a higher order planning assessment. The Submitter understands that such a proposed standard is proposed (in part) to enable passive surveillance and maintenance access; however, in many instances a 50% road boundary is unrealistic with other design considerations available for CPTED principles (i.e., low fences etc.). In regard to the above, the following amendment is sought to Rule 16.4.13 as proposed: <i>(a)Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries as much as is practicable.</i>
29	16.4.16 Subdivision of land containing an Environmental Protection Area C1	Support in Part	The Submitter supports in part proposed Rule 16.4.16 as development within close proximity to delineated EPAs needs appropriate recognition to facilitate natural process and mitigate any potential adverse effects of development on such areas. Notwithstanding the above, the Submitter considers that from a developers' perspective a planting and management plan be

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	<i>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following conditions:</i> <i>(i) Include a planting and management plan for the area, prepared by a suitably-qualified person, containing exclusively native species suitable to the area and conditions;</i> <i>(ii) Planting must be undertaken prior to the issue of the s224(c) certificate.</i>		prepared and submitted to Council as a condition of consent (as opposed to be prepared as part of a consent application). Once the developer has the confidence of consent being issued for any particular project – detailed design plans can include the provision of landscape plans and planting specifications. The Submitter seeks the following amendment: <i>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following <u>as</u> conditions <u>of consent</u>:</i>
Chapter 22 Rural Zone			
30	22.2.3.1 Earthworks – General P3 <i>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</i> <i>(i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</i>	Support in Part	The Submitter supports the permitted activity rule for earthworks in part. The Submitter seeks that the permitted activity rule be amended to include earthworks associated with the construction of accessways to building platforms as this currently gets overlooked by many developers – and often triggers an unexpected land use consent. The Submitter contends that earthworks for accessways is inherent in subdivision consent – and has subsequently already been considered by Council on the basis of effects. Further to the above, the Submitter would like to point out that earthworks restrictions will still comply in regard to NZS 4431:1989 compliance. In consideration of the decision sought, and reasoning why, the following amendment is sought to P3:

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			(a) Earthworks for the purpose of creating a building platform <u>and accessway</u> for residential purposes within a site, using imported fill material must meet the following condition: ...
31	22.3.7.5 Building setback – water bodies P1 (a) Any building must be set back a minimum of: (i) 32m from the margin of any; A. Lake; and B. Wetland; (ii) 23m from the bank of any river (other than the Waikato River and Waipa River); (iii) 28m from the banks of the Waikato River and Waipa River; and (iv) 23m from mean high water springs.	Oppose in Part	The Submitter opposes the arbitrary use in the PWPD of the generic term ‘wetland’ when requiring setbacks. Wetlands are defined in the RMA as: “wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”. Such all-encompassing terminology is inappropriate for use within the PWDP as it will have a significant impact on land development that may not carry any reasonable environmental benefit (i.e., a man-made swale or drainage channel). The Submitter seeks that setbacks for man-made stormwater infrastructure and / or modified waterbodies (managed wetlands) be identified under all applicable waterbody setback rules be 10m. Notwithstanding the above, as a ‘lake’ can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies. In consideration of the above, the following amendment is sought: 22.3.7.5 Building setback – water bodies P1 (a) Any building must be set back a minimum of:

<i>Submission Point</i>	<i>Proposed Provision</i>	<i>Submission</i>	<i>Comment: Decision Requested and Reasons</i>
			(i) 32m from the margin of any; A. Lake <u>over 4ha</u>; and B. Wetland; (ii) 23m from the bank of any river (other than the Waikato River and Waipa River); (iii) 28m from the banks of the Waikato River and Waipa River; and (iv) 23m from mean high water springs. <u>(v) 10m from a managed wetland</u>
32	22.4.1.1 Prohibited subdivision PR1 <i>Any subdivision within the Urban Expansion Area involving the creation of any additional lot.</i>	Oppose	The Submitter opposes proposed Rule 22.4.1.1 PR1 in its entirety. The Submitter appreciates that land within the Urban Expansion area is being preserved so as to enable future urban growth that is aligned with strategic agreements between Hamilton City Council (HCC) and the Waikato District Council; however, the use of prohibition to manage future use in the area is too 'heavy handed', and furthermore precludes a collaborative approach to land use management within the District between Council, developers and land owners. Urban expansion boundary across the country are subject to a higher level of land use management, whereby a well-considered and strategic concept land development plan can precede subdivision scheme plans - this is exemplified in HCC Peacocke Structure Plan Area (Stage 2). Market conditions and the rights of the landowners should not be unreasonably withheld through limited district plan provisions such as Prohibited Activity Rules (the submitter also notes that such an

<i>Submission Point</i>	<i>Proposed Provision</i>	<i>Submission</i>	<i>Comment: Decision Requested and Reasons</i>
			activity status is grossly inefficient to remove in the case where rural land is unexpectedly required by Council inside the life of the PWDP). Rather, a collaborative approach between all parties should be supported by the territorial authority whilst aligning with their primary objective in serving the Waikato District's local communities in a fair and reasonable manner. In consideration of the above sentiment, the Submitter seeks that the Prohibited subdivision rule 22.4.1.1 is removed; and is further replaced by a cascading objective, policy and rule set whereby subdivision of Rural and Country Living Zone land within the Urban Expansion Area is a Non-complying Activity and will be subject to an approved Concept Plan of development.
33	22.4.1.1 Prohibited subdivision PR2 <i>(a) Subdivision of a Record of Title issued prior to 6 December 1997, which results in more than one additional lot being located on high class soil.</i>	Oppose	The Submitter has worked within the Waikato District's land development sector for over 20 years and is fundamentally opposed to Council's use of prohibition as a land management tool. There is an acknowledgement that subdivision of the district's rural resource needs to be carefully and responsibly managed by Council; however, such management is poorly provisioned in the PWDP The submitter contends that a non-complying activity rule is more appropriate.
34	22.4.1.1 Prohibited subdivision PR3 <i>(a) Subdivision of a Record of Title issued after 6 December 1997, which results in any additional lot being located on high class soil.</i>	Oppose	The Submitter has worked within the Waikato District's land development sector for over 20 years and is fundamentally opposed to Council's use of prohibition as a land management tool. There is an acknowledgement that subdivision of the district's rural resource needs to be carefully and responsibly managed by Council; however, such management is poorly provisioned in the PWDP

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			The submitter contends that a non-complying activity rule is more appropriate.
35	22.4.1.2 General subdivision RD1 <i>(a) Subdivision must comply with all of the following conditions:</i> <i>(i) The Record of Title to be subdivided must have issued prior to 6 December 1997;</i> <i>(ii) The Record of Title to be subdivided must be at least 20 hectares in area;</i> <i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment.</i> <i>(iv) The additional lot must have a proposed area of between 8,000m² and 1.6 ha;</i> <i>(v) Land containing high class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person) must be contained within the boundaries of only two lots as follows:</i> <i>A. one lot must contain a minimum of 80% of the high class soil; and</i> <i>B. the other lot may contain up to 20% of high class soil.</i>	Support in Part	Notwithstanding the above submissions - regarding the use of prohibition in the district's land use management - the Submitter also seeks to lessen the minimum rural residential lot size (in the Rural Zone) from the 8,000m² as proposed to 3,000m². The Submitter wishes to relay to Council landowners concerns regarding the Rural Zone subdivision design standards, and how this affects large farming succession planning, whereby landowners who wish to retain their dwellings and rural amenity but are no longer able to continue with the labour-intensive commitment to productive land use. By enabling greater flexibility in the area quantum for rural subdivision, retiring farmers can more effectively retain their rural lifestyle, without the more onerous requirement to occupy and maintain land parcels above their means or capacity. In consideration of the above reason for a lessened rural minimum lot size, the following amendment is sought to proposed Rule 22.4.1.2: <i>(iv) The additional lot must have a proposed area of between <u>83,000</u>m² and 1.6 ha;</i>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
36	22.4.1.4 Boundary relocation RD1 <i>(a)The boundary relocation must:</i> <i>(i)Relocate a common boundary or boundaries between two existing Records of Title that existed prior to 18 July 2018;</i> <i>(ii)The Records of Title must form a continuous landholding;</i> <i>(iii)Not result in any additional lot;</i> <i>(iv)Create one lot of at least 8000m² in area.</i>	Support in Part	The Submitter supports proposed Rule 22.4.1.4 to the extent that there is no longer the requirement for boundaries subject to the proposed rule need to be under that same ownership. The Submitter seeks to amend proposed Rule 22.4.1.4 in so that it aligns with the above submission point – in particular enabling property boundaries to be relocated around a minimum allotment size of 3,000m². The Submitter seeks the following amendment to Rule 22.4.1.4: <i>(iv)Create one lot of at least 83000m² in area.</i> The reason for the amendment is so that greater flexibility in the area quantum for rural subdivision and allowing more effectively for retiring farmers to retain their rural lifestyle, without the more onerous requirement to occupy and maintain land parcels above their means or capacity.
37	22.4.1.5 Rural Hamlet Subdivision RD1 <i>(a)Subdivision to create a Rural Hamlet must comply with all of the following conditions:</i> <i>(i)It results in 3 to 5 proposed lots being clustered together;</i> <i>(ii)All existing Records of Title form one continuous landholding;</i> <i>(iii)Each proposed lot has a minimum area of 8,000m².</i>	Support in part	The Submitter supports in part proposed Rule 22.4.1.5 Rural Hamlet Subdivision to the extent that it will allow for appropriate rural communities to be comprehensively designed under the PWDP boundary relocation provisions. The Submitter seeks to amend proposed Rule 22.4.1.5 Rural Hamlet Subdivision RD1 as follows: <i>(iii) Each proposed lot has a minimum area of 83,000m².</i> The reason for the amendment is so that greater flexibility in the area quantum for Hamlet boundary relocation subdivision and allowing more effectively for retiring farmers to retain their rural

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<i>(iv)Each proposed lot has a maximum area of 1.6ha;</i> <i>(v)The proposed balance lot has a minimum area of 20ha; and</i> <i>(vi)It does not create any additional lots beyond the number of existing Records of Title.</i>		lifestyle, without the more onerous requirement to occupy and maintain land parcels above their means or capacity.
38	22.4.1.6 Conservation lot subdivision RD1 <i>(a)The subdivision must comply with all of the following conditions:</i> <i>(i)The lot must contain a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table below:</i> ...	Support in Part	The Submitter supports in part proposed Rule 22.4.1.6 Conservation lot subdivision RD1 as contiguous areas of land containing ecological significance should not be fragmented, nor should spatially separate areas of land containing ecological significance be considered as one area due to non-connectivity. Notwithstanding the above, the Submitter considers that land immediately abutting ecologically significant Natural Area that due to landform/topography or other shared environmental attribute (i.e., wetness etc.) should also be used - to an appropriate degree – to calculate conservation allotment provisions. The land abutting significant natural areas are often sharing of habitat criteria of the abutting areas – and hence should be recognised by the PWDP has holding inherent ecological values (i.e., a section of gully network). In consideration of the above rationale, the following amendment to proposed <u>Rule 22.4.1.6 Conservation lot subdivision RD1</u> is sought: <i>(a)The subdivision must comply with all of the following conditions:</i> <i>(i)The lot must contain a contiguous area of existing Significant Natural Area, or environmental conditions favourable to extending a Significant Natural Area, either as shown on the planning maps or as</i>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			determined by an experienced and suitably qualified ecologist in accordance with the table below: ... The reason for the above submission point is for Council to appreciate a landowner's ability to rehabilitate peripheral areas of Significant Natural Areas under the conservation allotment provisions. Such an amendment will have a measurable, positive, environmental effect that can be managed in perpetuity.
39	22.4.4 Subdivision - Road frontage RD1 <i>(a) Every proposed lot as part of the subdivision with a road boundary, other than proposed lot containing an access or utility allotment right of way or access leg must have a width along the road boundary of at least 60m.</i>	Support in Part	The Submitter supports in part proposed Rule 22.4.4 Subdivision - Road frontage RD1. Support for this proposed rule is tempered to the effect that a 60m width may not always be appropriate in the event that the actual or potential adverse effects on traffic safety are less than minor. The Submitter contends that a more meaningful road frontage dimension be provided through an assessment of the existing and proposed traffic effect of any given development, as well as the criteria contained within the district plan detailing the required sight visibility and operational speed environment (as well as vehicle separation distances). The Submitter considers that the proposed frontage rule is superfluous, as engineering criteria adherence alone should be used to regulate road frontage widths. As a consequence of the above, the Submitter seeks the removal of 22.4.4 Subdivision - Road frontage RD1(a).

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
40	22.4.9 Subdivision - Building platform RD1 <i>(a) Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that:</i> <i>(i) Has an area of 1,000m² exclusive of boundary setbacks;</i> <i>(ii) Has an average gradient not steeper than 1:8;</i> <i>(iii) Is certified by a geotechnical engineer as geotechnically stable;</i> <i>(iv) Has vehicular access in accordance with Rule 14.12.1 P1 (Transportation)</i> <i>(v) Is not subject to inundation in a 2% AEP storm or flood event;</i> <i>(vi) a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3.</i>	Support in Part	The Submitter is in general support of the PWDP providing design guidance on the subdivision process – such as the location and dimension for building platforms. The Submitter does not support the PWDP requiring that a 1,000m² building envelope as this presents an excessively conservative development footprint. The Submitter seeks that proposed rule 22.4.9 Subdivision - Building platform RD1(a)(i) be amended as follows: <i>(i) Has an area of 1,000m² 500m² exclusive of boundary setbacks;</i> The reason for the sought amendment is so that overly restrict design criteria are removed from the PWDP and that more adaptive solutions can be considered by the developer without the need for an expanded assessment matters through Council's unrestricted discretion.
Chapter 23: Country Living Zone			
41	23.2.3.1 Earthworks – General P1 <i>(a) Earthworks within a site for:</i> <i>(i) Ancillary rural earthworks; or</i>	Support in Part	The Submitter supports the permitted activity rule for earth works in part. The Submitter seeks that the permitted activity rule be amended to include earthworks associated with the construction of accessways

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<i>(ii) Construction and/or maintenance of tracks, fences or drains; or</i> <i>(iii) A building platform for a residential activity including an accessory building.</i>		to building platforms as this currently gets overlooked by many developers – and often triggers an unexpected land use consent. The Submitter contends that earthworks for accessways is inherent in subdivision consent – and has subsequently already been considered by Council on the basis of effects. Further to the above, the Submitter would like to point out that earthworks restrictions will still comply in regard to NZS 4431:1989 compliance. In consideration of the decision sought, and reasoning why, the following amendment is sought to 23.2.3.1 Earthworks – General P1(a)(iii): (b) <i>(iii) A building platform <u>and accessway</u> for a residential activity including an accessory building....</i>
42	23.2.3.1 Earthworks – General P2 <i>(a) Earthworks within a site for purposes other than those contained in P1 (excluding the importation of fill material) must meet all of the following conditions:</i> <i>(i) Do not exceed a volume of more than 250m³ and an area of more than 1000m² within a site over any single 12 month period;</i> <i>(ii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</i>	Support in Part	The Submitter notes that a 250m³ limit is the same as for the residential zone. Given the different activities undertaken for rural residential purposes (in relation to scale), an increase in the limit to 500m³ is considered appropriate. The Submitter notes that a soil disturbing quantum would be better to align with the provisions of the Waikato Regional Plan. The Submitter seeks that in rural environments, a 0.5m setback for earthworks is more appropriate from a boundary. A 1.5m setback is too restrictive, particularly in cases such as a swale is required. The following amendments are sought to the permitted Country Living Zone earthworks rule:

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	(iii)Earthworks are set back 1.5m from any boundary; (iv)Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (v)Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi)Do not divert or change the nature of natural water flows, water bodies or established drainage paths.		(i)Do not exceed a volume of more than 250<u>500</u>m³ and an area of more than 1000m² within a site over any single 12 month period; ... (iii)Earthworks are set back 10.5m from any boundary;
43	23.3.7.5 Building setback - Waterbodies P1 (a)Any building must be set back a minimum of: (i)23m from the margin of any; A.lake; and B.wetland;	Oppose	The Submitter opposes the arbitrary use in the PWPD of the generic term 'wetland' when requiring setbacks. Wetlands are defined in the RMA as: "wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions". Such all-encompassing terminology is inappropriate for use within the PWDP as it will have a significant impact on land development in the Country Living Zone that may not carry any reasonable environmental benefit (i.e., a man-made swale or drainage channel). The Submitter seeks that setbacks for man-made stormwater infrastructure and / or modified waterbodies (managed wetlands) be identified under all applicable waterbody setback rules be 10m.

<i>Submission Point</i>	<i>Proposed Provision</i>	<i>Submission</i>	<i>Comment: Decision Requested and Reasons</i>
			As a 'lake' can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies. In consideration of the above, the following amendment is sought: 23.3.7.5 Building setback – Waterbodies P1 (a) Any building must be set back a minimum of: (i) 23m from the margin of any; A. Lake <u>over 4ha</u>; and B. Wetland; (ii) 23m from the bank of any river (other than the Waikato River and Waipa River); (iii) 28m from the banks of the Waikato River and Waipa River; and (iv) 23m from mean high water springs. <u>(v) 10m from a managed wetland</u>
44	23.4.1 Prohibited subdivision PR1 Any subdivision within Hamilton's Urban Expansion Area involving the creation of any additional lot.	Oppose	The Submitter opposes proposed Rule 23.4.1 PR1 in its entirety. The Submitter appreciates that land within the Urban Expansion area is being preserved so as to enable future urban growth that is aligned with strategic agreements between Hamilton City Council (HCC) and the Waikato District Council; however, the use of prohibition to manage future use in the area is too 'heavy handed', and furthermore precludes a collaborative approach to land use management within the District between Council, developers and land owners.

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			Urban expansion boundaries across the country are subject to a higher level of land use management, whereby a well-considered and strategic concept land development plan can precede subdivision scheme plans - this is exemplified in HCC Peacocke Structure Plan Area (Stage 2). Market conditions and the rights of the landowners should not be unreasonably withheld through limited district plan provisions such as Prohibited Activity Rules. Rather, a collaborative approach between all parties should be supported by the territorial authority whilst aligning with their primary objective in serving the Waikato District's local communities in a fair and reasonable manner. In consideration of the above sentiment, the Submitter seeks that the Prohibited subdivision rule 23.4.1 is removed; and is further replaced by a cascading objective, policy and rule set whereby subdivision of Country Living Zone land within the Urban Expansion Area is a Non-complying Activity and will be subject to an approved Concept Plan of development.
45	23.4.2 General Subdivision RD1 <i>(a) Subdivision must comply with all of the following conditions:</i> <i>(i) All proposed lots must have a net site area of at least 5000m².</i>	Support in Part	The Submitter contends that a rural residential allotment should provide flexibility for the different kinds of activities in the Country Living Zone. As a consequence, allotments down to an area of 3,000m² should be provided for to allow such flexibility as a restricted discretionary activity. In consideration of the above reason, the following amendment is sought to Rule 23.4.2 RD1 <i>(i) All proposed lots must have a net site area of at least <u>53,000</u>m².</i>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
46	23.4.3 Subdivision within identified areas D1 <i>(a) Subdivision of any lot containing any these areas:</i> <i>(i) High Natural Character Area;</i> <i>(ii) Outstanding Natural Character Area;</i> <i>(iii) Outstanding Natural Landscape;</i> <i>(iv) Outstanding Natural Feature;</i> <i>(v) Significant Amenity Landscape dune;</i> <i>(vi) Coal Mining Area;</i> <i>(vii) Aggregate Resource Area;</i> <i>(viii) Aggregate Extraction Area.</i>	Support in Part	The submitter seeks that the discretionary activity trigger 'Coal Mining Area' be removed given that such an overlay applies to a large area of land, with the degree of influence being inconsistent across large land holdings across the district. A more appropriate consideration will be for the Coal Mining Policy Area to be assessed by Council as a matter of limited discretion given the variable nature of the impact the overlay will hold over affected landowners. In consideration of the above, the following amendment is sought to 23.4.3 D1 ... <i>(vi) Coal Mining Area;</i> ...
47	23.4.8 Subdivision - Building platform RD1 <i>(a) Subdivision, other than an access allotment or utility allotment, must provide a building platform on the proposed lot that:</i> <i>(i) has an area of 1000m² exclusive of boundary setbacks;</i> <i>(ii) has an average gradient no steeper than 1:8;</i> <i>(iii) has vehicular access in accordance with Rule 14.12.1 P1 Infrastructure Chapter 14;</i>	Support in Part	The Submitter is in general support of the PWDP providing design guidance on the subdivision process – such as the location and dimension for building platforms. The Submitter does not support the PWDP requiring that a 1,000m² building envelope as this presents an excessively conservative development footprint. The Submitter seeks that proposed rule 23.4.8 Subdivision - Building platform RD1 (a)(i) be amended as follows: <i>(i) Has an area of 1,000m² <u>500m²</u> exclusive of boundary setbacks;</i>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	(iv) is certified by a geotechnical engineer as geotechnically stable; (v) is not subject to inundation in a 2% AEP storm or flood event; (vi) a dwelling could be built on as a permitted activity in accordance with Rule 23.3.		The reason for the sought amendment is so that overly restrict design criteria are removed from the PWDP and that more adaptive solutions can be considered by the developer without the need for an expanded assessment matters through Council's unrestricted discretion.
Chapter 24: Village Zone			
48	24.3.6.3 Building setback - Waterbodies P1 (a) A building must be set back a minimum of 30 from: (i) the margin of any: A. Lake; B. Wetland; and C. River bank, other than the Waikato River and Waipa River.	Oppose	The Submitter opposes the arbitrary use in the PWDP of the generic term 'wetland' when requiring setbacks. Wetlands are defined in the RMA as: <i>"wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions".</i> Such all-encompassing terminology is inappropriate for use within the PWDP as it will have a significant impact on land development in the Village Zone that may not carry any reasonable environmental benefit (i.e., a man-made swale or drainage channel). The Submitter seeks that setbacks for man-made stormwater infrastructure and / or modified waterbodies (managed wetlands) be identified under all applicable waterbody setback rules be 10m. As a 'lake' can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies. In consideration of the above, the following amendment is sought: 24.3.6.3 Building setback - Waterbodies

<i>Submission Point</i>	<i>Proposed Provision</i>	<i>Submission</i>	<i>Comment: Decision Requested and Reasons</i>
			P1 (a)A building must be set back a minimum of 30 from: (i) the margin of any: A.Lake <u>over 4ha</u>; B.Wetland; and C.River bank, other than the Waikato River and Waipa River. <u>D. 10m from a managed wetland</u>

The Submitter seeks to be heard in support of the above submission points

Melanie Hunkin

From: Tim Lester <Tim.Lester@bluewallace.co.nz>
Sent: Tuesday, 16 July 2019 8:15 a.m.
To: DistrictPlan
Subject: Further Submission from Blue Wallace Surveyors Ltd
Attachments: PWDP FS (Final).pdf
Categories: Further Submission



To whom it may concern,

Please find attached further submissions on the Proposed Waikato District Plan.

Blue Wallace is recorded as original Submitter No. 662.

Copies of the attached will also be issued to the applicable original submitters.

Please provide receipt of the attached further submissions via return email.

Regards

Tim Lester
Planner

Blue Wallace Surveyors Ltd.
Mob: 021 993 223 | Ph: 07 839-7799 (DDI ext. 210)
PO Box 38 | 25 Harwood St | Hamilton 3240
www.bluewallace.co.nz

ECM Project: DPRPh5-084
ECM #
Submission #
Customer #
Property #



Further Submission Form
In support of, or in opposition to,
submission/s on notified:

ECM Project: DPRPh5-04
ECM #
FS #
Customer #
Property #

Proposed Waikato District Plan – Stage 1

Clause 8 of Schedule 1, Resource Management Act 1991



Closing date for further submissions: 9am on Monday 27 May 2019

To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

1. Further Submitter details: (mandatory information)	
Full name of individual/organisation making further submission:	Blue Wallace Surveyors Ltd
Contact person (if different from above)	Tim Lester
Email address for service	tim.lester@bluewallace.co.nz
Postal address for service	PO Box 38, Hamilton 3240
	Postcode: 3240
Preferred method of contact	☒ Email ☐ Post
Phone numbers	Daytime:
	Mobile: 021 993223
Correspondence to	☐ Submitter ☒ Contact person ☐ Both

2. Eligibility to make a further submission (for information on this section go to RMA Schedule 1, clause 8)
I am:
☒ A person representing a relevant aspect of the public interest; In this case, also specify below the grounds for saying that you come within this category; or
☒ A person who has an interest in the proposal greater than the interest that the general public has. In this case, also specify below the grounds for saying that you come within this category; or
My reasons for selecting the category ticked above are:
Land Development professional service provision

3. Request to be heard at a hearing
☒ Yes, I wish to be heard at the hearing in support of my further submission; or
☐ No, I do not wish to be heard at the hearing in support of my further submission

4. Joint submission
If others make a similar submission, I will consider presenting a joint case with them at the hearing
☒ yes ☐ no

5. Checklist for further submission being made

- ☒ I have filled in the table on the next page with details of my further submission.
- ☐ I have added 21 further pages/sheets that form part of my further submission.
- ☒ I understand that I am responsible for serving a copy of my further submission on the original submitter(s) within 5 working days after it is served on Council.

6. Signature of further submitter (a signature is not required if you make your submission by electronic means)

Signature of further submitter (or person authorised to sign on their behalf)

Signature:  Date: 14/7/2019
(type name if submitting electronically)

7. Return this form no later than 9am Monday 27 May 2019 by:

- Delivery to any Waikato District Council office or library
- Post to Waikato District Council, Private Bag 544, Ngaruawahia 3742
- Email to districtplan@waidec.govt.nz

8. Important notes to person making a further submission:

A. Content of further submission

A further submission must be limited to a matter in support of, or in opposition to, an original submission.

A further submission cannot introduce new matters that were not raised in original submissions.

Please note that your further submission (or part of your further submission) may be struck out if the authority is satisfied that at least one of the following applies to the further submission (or part of the further submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the further submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

B. Serving a copy of your further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on Council.

C. Privacy Information

Council will make all further submissions, including name and contact details, publicly available on Council's website. Personal information will also be used for the administration of the submission process and will be made public.



Blue Wallace Surveyors Ltd.

Our Ref: 18067

Client: Blue Wallace Surveyors Ltd

16 July 2019

Waikato District Plan Review Team

Waikato District Council

Private Bag 544

Ngaruawahia 3742

New Zealand

Murray Wallace B.Surv., MNZIS

Tony Tynan B.Surv., MNZIS

25 Harwood Street, Hamilton 3204

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www.bluewallace.co.nz

- Registered Land & Engineering Surveyors
- Land Development Consultants
- Resource Management Planners
- Members of the Consulting Surveyors of New Zealand
- Registered Professional Surveyors

Phone 07 839 7799

Transmittal via e-mail: districtplan@waikato.govt.nz

Attention: District Plan Review Team

RE: Further Submission by Blue Wallace Surveyors Ltd on the Proposed Waikato District Plan

To Whom it may concern,

Please find attached a Further Submission lodged by Blue Wallace Surveyors Ltd (original Submitter No. 662) in regard to the notified Proposed Waikato District Plan (PWDP).

Submitter details are as follows:

Organisation	Blue Wallace Surveyors Ltd
Attention	Tim Lester
Email	tim.lester@bluewallace.co.nz
Phone No.	021993223
Postal Address	PO Box 38, Hamilton 3240
I am not a person who could gain an advantage in trade competition through this submission.	
I wish to be heard	Yes

Blue Wallace Surveyors Ltd (Blue Wallace) is a Hamilton based firm of Surveyors, Engineers and Planners with over 20 years' experience in land development matters within the Waikato Region.

Blue Wallace deals primarily with resource management planning, land development engineering design and cadastral surveying to private individuals, local body authorities, companies and developers.

Blue Wallace has had a close working relationship with the Waikato District Council – particularly in the areas of subdivisions in the District. As a consequence, we feel that it is important to be meaningfully engaged with the PWDP development so as to provide our perspective on current and future subdivision and land use regulation in the Waikato District.

As a result of Blue Wallace's land development interest in the district, the following set of PWDP further submissions have been prepared for Council's consideration.

Blue Wallace (original Submitter No. 662) has provided a number of specific submissions which relay support, support in part, or opposition to the notified draft provisions of the PWDP. Such submissions reflect our own professional judgement on land development matters, as well as being reflective of the commercial reality of land development that ensure that we can act as efficiently and effectively as possible for our broad range of Clients.

Whilst each of the submission points are self-explanatory in their reasons and decisions sought, we contend a more detailed reasoning to the decisions sought can, and will, be provided during the hearing phase of the process; hence, Blue Wallace wish to be heard in support of the submissions below.

Any conformation of the points raised in the submission below can be made to Blue Wallace Surveyors Ltd via tim.lester@bluewallace.co.nz.

Regards



Tim Lester

For Blue Wallace Surveyors Ltd

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
Kewwa Low Geotec Low Ltd	klow@xtra.co.nz	45	1	Support	The Submitter agrees with the point that the proposed rezoning of the land located at 2044 River Road to Rural will have an isolated and 'unfair' economic impact on the landowner without any identified beneficial environmental outcome for the Site or surrounding areas (which is dominated by Rural Residential land use).	Blue Wallace seek that Council accept the submission point and retain the property's Country Living Zone status in the PDP.
Gary McMahon	mahoon@xtra.co.nz	50	1	Support	The Submitter agrees with this point as it is consistent with the Blue Wallace Surveyors Ltd (BWS) submission and provides necessary flexibility for appropriate development within the Country Living Zone.	Blue Wallace seek that the submission point be allowed in full.
Waikato Regional Council	Lisette.balsom@waikatoregion.govt.nz	81	143	Support	The submission point shares the view of the Submitter that the objective is appropriate to guide development.	Blue Wallace seek that the submission point be allowed in full.
Waikato Regional Council	Lisette.balsom@waikatoregion.govt.nz	81	166	Oppose	The submission point is opposed as the Submitter contends the prohibition of land for subdivision is too	Blue Wallace seek that the submission be rejected, and a

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					heavy handed. It is considered that a co-operative approach would be more appropriate, and a more equitable solution could be developed.	more appropriate compromise be implemented.
Waikato Regional Council	Lisette.balsom@waikatoregion.govt.nz	81	167	Oppose	This will further restrict the ability for farmers to be able to retain rural lifestyle following retirement (succession planning). The 20ha area is considered to be appropriate.	Blue Wallace seek that the submission point be declined in full.
Waikato Regional Council	Lisette.balsom@waikatoregion.govt.nz	81	173	Oppose	The submitter opposes this submission point as it will increase the lot size requirement and restrict farmers ability to retain rural lifestyle following retirement (i.e., succession planning). The 20ha area is appropriate.	Blue Wallace seek that the submission point be rejected and the current 20ha area be retained as written.
Martin Lynch	mslynch@xtra.co.nz	161	1	Support	BWS agrees with this point in that rezoning the property located 2044 River Road from Country Living to Rural is illogical in consideration of the surrounding rural-residential environment. Further, by rezoning the land to Rural in the PDP, reverse	Blue Wallace seek that Council accept the submission point and retain the property's Country Living Zone status in the PDP.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					sensitivity effects will ensue on established rural residential land use surrounding the Site.	
Martin Lynch	mslynch@xtra.co.nz	161	2	Support	The Submitter supports this point as prohibiting subdivision in the Country Living Zone UEPA is unreasonable given that provision for future urbanisation can still be provided at the subdivision stage of development. The Submitter seeks that provision for Subdivision in the UEPA is provided for, albeit with an expectation that a higher density concept plan is approved as part of the assessment process.	That Council accept the submission point and provide a mechanism to be able to subdivide Country Living Zone Land contained within the UEPA.
Katherine Wilson (Property Council New Zealand)	rona@propertynz.co.nz	198	7	Support	This submission point shares the view by Blue Wallace, in that the dwelling quantum set by this objective is too rigid and greater consideration should be given to market demand.	That the submission be accepted by Council.
EnviroWaste New Zealand Ltd	jeremyt@barker.co.nz	302	44	Support	The Submitter supports this submission point as it acknowledges that non-rural	Blue Wallace seek that the submission point

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					activities can be provided within the rural zone in appropriate instances.	be accepted in full.
EnviroWaste New Zealand Ltd	jeremyt@barker.co.nz	302	31	Support	The Submitter supports this submission point as it recognises that there is environmental benefit to extending significant areas of vegetation and this should be acknowledged in the District Plan.	Blue Wallace seek that the submission point be allowed in Full.
Metro Planning Ltd	brian@metroplanning.co.nz	312	2	Support	The Submitter supports the submission point requesting the activity status be converted to noncomplying, as the prohibition of subdivision is unnecessarily heavy handed by Council and precludes collaboration.	Blue Wallace seek that the submission point be allowed in full.
Gwyneth & Barrie Smith	neil@subdivision.co.nz	332	9	Support	The Submitter supports this submission point, as it acknowledges that the prohibition of subdivision is too heavy handed. The submitter also supports the replacement of the term 'lot' with 'record of title'.	Blue Wallace seek that the submission point be allowed in full.
Auckland Council	unitaryplan@aucklandcouncil.govt.nz	372	19	Oppose	The submission point is opposed as the Submitter contends the prohibition of	Blue Wallace seek that the submission be

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					land for subdivision is too heavy handed. It is considered that a co-operative approach would be more appropriate, and a more equitable solution could be developed.	rejected, and a more appropriate compromise be implemented.
Alan Bekhuis	alan@casedimage.com	396	1	Oppose	The Submitter opposes this submission point as topographical constraints and slope do not necessarily prevent development at a residential density. Points made in the submission relating to transportation are noted; however, a comprehensive Traffic Impact Assessment can be provided for any future residential development whereby connections to the wider transportation network can be assessed and provided for based on merit. In providing a rural-residential 'belt' to the south-east of the Ngaruawahia Township will restrict population growth and expectation that could	Blue Wallace seek that Council reject the submission point – and retain the proposed residential zoning to the south-east of Rangimarie as currently notified in the PDP.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					be provided for one of the Waikato Districts key growth areas.	
Heather Perring (BTW)	info@btw.nz	445	4	Support	The Submitter supports this submission point to the extent that it acknowledges more flexibility is required considering that the future proof strategy is subject to change after 2017.	Blue Wallace seek that the submission be allowed in full.
Perry Group Limited	aaron.collier@aurecongroup.com	464	1	Support	This submission point is supported for the following reasons: - It identifies that flexibility is needed when considering future growth areas. - Future Proof will be subject to future amendments. - There are other relevant documents to guide development in the district - Growth should not be restricted to within towns.	Blue Wallace seek that the submission be supported in full.
CKL	andrew.wood@ckl.co.nz	471	44	Support	The Submitter supports this submission point in principle, as it is substantively similar to the Blue Wallace submission point and acknowledges that it is not always practical to follow a	Blue Wallace seek that the submission point be allowed in full.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					grid layout. The less definitive wording is more appropriate than how it is currently worded.	
CKL	andrew.wood@ckl.co.nz	471	2	Support	The Submitter supports this submission point as it is appropriate for accessways to be included as a permitted activity considering that they are inherent to subdivision development.	Blue Wallace seek that the submission point be allowed in full.
Anna Noakes	noakesa@gmail.com	524	43	Support	This submission point shares the view of the Submitter that the objective is suitable and should be retained.	Blue Wallace seek that the submission point be allowed in full.
Lance Vervoort (Hamilton City Council)	laura.galt@hcc.govt.nz	535	77	Oppose	BWS does not consider that the Hamilton City Council submission point is accurate when stating that a prohibited activity status is imperative in the UEPA to ensure that the objectives and policies are achieved. Similar to urban expansion areas within Hamilton City (i.e., Peacockes Stage 2) the provision of a concept plan addressing future integration with impending urbanised land use can, and should be	Blue Wallace seek that the point is rejected based on a more considered planning solution that will rationalise both parties' interests.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					considered as a sensible approach to development in the PDP urban expansion areas opposed to a catch-all prohibited 'space saving' approach. A more appropriate and equitable planning solution for development in the UEPA is that of collaboration between landowners and affected parties (i.e., HCC) to achieve mutually beneficial outcomes.	
Lance Vervort (HCC)	laura.galt@hcc.govt.nz	535	12	Oppose	The Submitter appreciates the submitters support for this objective; however, the Submitter contends that mapping areas would require an extensive planning process and may place unnecessary restrictions on land not identified in these mapped areas. The Submitter suggests that the objective as written is appropriate and that lower-level consent assessments will be appropriate to determine the suitability of growth areas.	That the second portion of this submission point which specifically references adding tables, maps and growth areas, be declined by Council.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
Hamilton City Council	laura.galt@hcc.govt.nz	535	72	Oppose	The submission point is opposed as the Submitter contends the prohibition of land for subdivision is too heavy handed. It is considered that a co-operative approach would be more appropriate, and a more equitable solution could be developed.	Blue Wallace seek that the submission be rejected, and a more appropriate compromise be implemented.
Transpower New Zealand Ltd	pauline.whitney@boffamiskell.co.nz	576	49	Support (in part)	The Submitter supports in part this point as it is agreed, the absolute nature of the wording.... within Section 1.4.3.2(b) that "Non-rural activities must occur in towns, villages and defined growth areas, and the expansion of such areas should be managed so that adverse effects on rural areas are minimised."	
Terry Withers	john@planmanconsultants.co.nz	598	10	Support	This submission point shares the view of the Submitter that the objective is suitable and should be retained.	Blue Wallace seek that the submission point be allowed in full.
Michael Draper	ms.draper@xtra.co.nz	608	1	Support	BWS support this submission point as it confirms the	Blue Wallace seek that Council

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					intent of rezoning land to residential to the north of the Ngaruawahia Township.	accept this submission for the reasons provided in the initial submission.
Paul Liddle	26 King Street Ngaruawahia 3720	665	1	Support	The Submitter supports this submission point as it confirms the intent of rezoning land to residential to the north of the Ngaruawahia Township.	Blue Wallace seek that Council accept this submission for the reasons provided in the initial submission.
Bruce Stirling	20 Starr Road Ngaruawahia 3791	674	1	Support	BWS support this submission point as it confirms the intent of rezoning land to residential to the north of the Ngaruawahia Township.	Blue Wallace seek that Council accept this submission for the reasons provided in the initial submission.
Federated Farmers of New Zealand	plemiere@fedfarm.org.nz	680	234	Support	BWS support this point in that it is agreed that a prohibited activity status for rural zone subdivisions is unduly restrictive – and hence does not enable (or even consider that) a proposed development to be assessed on its merit.	BWS seek that this submission point is accepted by Council.

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
Sharp Planning Solutions Ltd	sharp.k19@gmail.com	695	145	Support	The Submitter considers that this point appropriately advises users of the district plan that demographic changes (i.e., growth) are not constant – but rather are subject to population ‘spikes’ that cannot be accurately forecast.	Blue Wallace seek that Council accept the submission point.
Sharp Planning Solutions Ltd	sharp.k19@gmail.com	695	155	Support	The Submitter supports this point to the extent that provision for uneven population growth should be provided across the Waikato District. The Submitter supports an increase in growth in the Taupiri Township given the effect that the Huntly bypass section of State Highway 1 will have on the transportation dynamic of the area (i.e. decrease in traffic associated with the re-routed SH1).	The Submitter seeks that Council accept this submission point – and further, that additional consideration be provided to increasing residential development capacity in an around the Taupiri Township to account for uneven population growth, as well as the effect of eth SH1 Huntly bypass.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
Sharp Planning Solutions	sharp.k19@gmail.com	695	170	Support	The submitter supports this submission point to the extent that it creates consistency between other Councils and will allow for housing greater housing choice.	Blue Wallace seek that the submission point be accepted in full.
Waikato District Council	will.gauntlett@waidc.govt.nz	697	560	Oppose	The Submitter considers that undersized lots can be appropriate in certain instances so opposes the definitive nature of this submission point. The amendment sought by Blue Wallace will provide appropriate flexibility in subdivision design.	Blue Wallace seek that the submission point be rejected.
Eastside Heights Ltd (c/- CKL)	jade.shepherd@ckl.co.nz	699	1	Support	The Submitter agrees that retaining the residential land use zoning of the properties specified will facilitate orderly and well managed urban growth in the Huntly township	Blue Wallace seek that Council accept the submission point for the reasons specified.
Sue Robertson Tamahere Community Committee	tamaherecommunitycommittee16@gmail.com	724	15	Support	The Submitter supports this point as it corresponds with our initial submission. A smaller rural-residential allotment should be provided for so as to allow	Blue Wallace seek that Council accept the submission point in its entirety.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					flexibility for farm succession planning (i.e., a smaller rural residential allotments for retiring farmers). An 8,000m ² minimum allotment is neither practical from a farming (productivity) or lifestyle perspective.	
New Zealand Transport Agency (NZTA)	kim.harriscottle@nzta.govt.nz	742	18	Oppose	BWS does not support the broad-scale amendment sought by this submission point to defer or withdraw the 'Live' zoning from the PDP planning maps. The reasons for the point – whilst acknowledged by the Submitter - do not recognise that development within the proposed zones will be subject to robust Transportation Impact Assessments that will involve meaningful consideration of the State highway network as appropriate. The degree of relief sought by the submission point will undermine areas whereby integration of the surrounding and wider transportation network can	The Submitter seeks that Council reject this submission point due to its broad over-reaching coverage across the district, as well for its ambiguity in regard to and within the district that can appropriately integrate with the surrounding State highway network.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					readily be achieved (i.e., Taupri post SH1 Huntly bypass commissioning).	
Kim Harris-Cottle (NZTA)	kim.harriscottle@nzta.govt.nz	742	20	Support (in part)	The Submitter supports this submission point to the extent that it promotes higher density development. This will contribute to creating a compact urban form.	Blue Wallace seek that Council allow the portion of the submission point that refers to higher density development.
Kim Harris-Cottle (NZTA)	kim.harriscottle@nzta.govt.nz	742	84	Support	The Submitter supports this submission point as artificial and managed watercourses should not be put through the same restrictive requirements as natural water courses. Defining a 'watercourse' will help to distinguish these water bodies.	Blue Wallace seek that the submission point be allowed in full.
NZTA	kim.harriscottle@nzta.govt.nz	742	231	Oppose	The Submitter opposes this submission point to the extent that it supports the 60m road frontage. It is considered that the 60m width is superfluous and other means would be better used to maintain road safety.	Blue Wallace seek that the submission point be rejected.
The Surveying Company	leigh@subdivision.co.nz	746	108	Support (in part)	The Submitter supports this submission point to the	Blue Wallace seek that Council

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

Original Submitter	Address	Original Submitter No.	Submission Point	Support or Oppose	Reason	Decision Sought
					extent that it promotes higher density development in appropriate locations. This will contribute to creating a compact urban form.	accept the submission point to the extent that it refers to higher density development.
The Surveying Company	leigh@subdivision.co.nz	746	96	Support (in part)	The Submitter partially supports this submission point as it acknowledges that a grid layout may not always be the most appropriate road design.	Blue Wallace seek that the point be allowed in part where it suggests amending the policy.
The Surveying company	leigh@subdivision.co.nz	746	97	Support	The Submitter supports this submission point as it promotes smaller lots sizes around existing centres as they represent an appropriate area for intensification.	Blue Wallace seek that the submission point be accepted in full.
The Surveying Company	leigh@subdivision.co.nz	746	116	Support	The Submitter supports this submission point as it acknowledges that rural activities need a larger permitted earthworks volume. 500m ² is a more suitable volume.	Blue Wallace seek that the submission point be allowed in full.
Madsen Lawrie Consultants	ben@madsen-lawrie.co.nz	838	17	Support	Blue Wallace agrees with this point as it is consistent with the BWS submission and provides necessary flexibility	Blue Wallace seek that the submission point be allowed in full.

Further Submission Lodged by Blue Wallace Surveyors Ltd on the proposed Waikato District Plan: 16/07/2019

<i>Original Submitter</i>	<i>Address</i>	<i>Original Submitter No.</i>	<i>Submission Point</i>	<i>Support or Oppose</i>	<i>Reason</i>	<i>Decision Sought</i>
					for appropriate development in the Country Living Zone.	
Waikato District Health Board	Richard.Wall@waikatodhb.health.nz	923	68	Support	The submission point shares the view of the Submitter that the objective is appropriate to guide development.	Blue Wallace seek that the submission point be accepted in full.
Brian Nabbs and Margaret Forsyth	brian@briannabbs.co.nz	978	1	Support	BWS agree with the submitter that further archaeological assessment needs to take place before cultural significance certainty can be applied to the property.	Blue Wallace seek that the submission point is accepted – and the at the cultural significance notation on the PDP Planning Map is removed and not reapplied until the significance is confirmed.



RMA Form 5

Proposed Waikato District Plan

Submission form

19 OCT 2018

Time..... Initials.....
NGARUAWAHIA

ECM Project: DPRPh5-03

ECM #

Submission #

Customer # 29899 70641

Property #

To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

Closing date for submissions: 5pm on Tuesday 9 October 2018

Submitter details: (please note that the (*) are required fields and must be completed)

First name*: Kimai & I-Jay	Last name*: Huirama
Organisation:	
On behalf of: Ngati Tamainupo	
Postal address*:	
Suburb:	Town/City*:
Country:	Postal code*:
Daytime phone: 02102647451	Mobile: 0276443436
Email address*: Kimhuirama@gmail.com	
Please tick your preferred method of contact* ☒ Email ☐ Postal	
Correspondence to* ☒ Submitter ☐ Agent ☐ Both	
Trade competition and adverse effects:* ☐ I could ☒ I could not gain an advantage in trade competition through this submission.	
Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991.	
Would you like to present your submission in person at a hearing? ☒ Yes ☐ I do NOT wish to speak in support of my submission and ask that this submission be fully considered. If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case). ☐ Yes ☐ No	

Please complete the following for every submission point:

Provision number (e.g. 22.4.1.2 P2(a)):

Physical address of the property concerned (if relevant to your submission):

5851 Great South Road Ngauwāhia, 2831 River Road Ngauwāhia.

Do you:

☐ Support ☒ Oppose ☐ Neutral

The decision I would like is:

Ngaati Tamainupoo would like to protect some of the significant burrow pits on these sections and any other section those we would deem to be of high cultural significance (eg proximity to Puke I a hua and size)

My Reason for the above are:

The principal rohe for Ngaati Tamainupoo is Whaingaroa (Raglan area, near the Waitetuna harbour) and Ngaaruawaahia.

M The Marae is located on ancestral land at Whaingaroa (Raglan), and also maintains a mana whenua link to the Ngaaruawaahia rohe through whakapapa to the ancestor, Ngaere, and sites of cultural and historical significance, namely Puke-i-ahua marae, Hakarimata, Te Huinga o Nga Wai (the 'Point'), Waikato River and Waipa river.

We are mana whenua who are descendants of Ngaere, the chief of Pukeiahua Pā in the 1700s. Our marae is Mai Uenuku ki te Whenua, located in Whaingaroa (Raglan). Many of our marae members are fourth and fifth generation residents of Ngāruawāhia. Our mana whenua link to Ngāruawāhia comes from our connection to this land and the sites of significance from the ancestral story of how Ngāruawāhia got its name.

Our aim for the Hapu is to protect and preserve Ngāti Tamainupō identity and integrity. In order to do this we need to engage meaningfully with other stakeholders in the community to ensure that our stories are shared authentically and respectfully.

Please return this form **no later than 5pm on 9 October 2018** to:

Waikato District Council, 15 Galileo Street, Private Bag 544, Ngauwāhia 3742, or e-mail: districtplan@waikato.govt.nz

Signed:

Date:

(A signature is not required if you make your submission by electronic means)

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.

Sandra Kelly

From: Susan Chibnall
Sent: Tuesday, 30 October 2018 8:23 a.m.
To: Sandra Kelly
Subject: FW: Maori Sites

ECM Project: DPRPh5-03
ECM #
Submission # **178**
Customer #
Property #

Susan Chibnall
Policy Planner



Strategic Planning & Resource Management Team

Waikato District Council

■ P 07 824 8633 ■ F 07 824 8091 ■ Call Free 0800 492 452 ■ DDI 07 824 5705
Private Bag 544, Ngaruawahia 3742
www.waikatodistrict.govt.nz

 Please consider the environment before printing this e-mail

From: Brian Nabbs [mailto:brian@briannabbs.co.nz]
Sent: Friday, 26 October 2018 3:55 a.m.
To: Susan Chibnall
Cc: Sheryl Paekau; 'Marg Forsyth'; Toni Ensor; Vishal Ramduny
Subject: Maori Sites

Dear Susan,

WDC has our Submission (below)

I note Submissions closed on 9 October. Please:

- confirm receipt of our Submission; and
- advise us of the next step in the process.

Sincerely,

Brian Nabbs and Margaret Forsyth

p 07 823 9306 | **f** 07 823 9183
e bsnabbs@xtra.co.nz
a 11 Anzac Street, Cambridge
P.O. Box 829 Cambridge

From: Maddi McMeekin [mailto:maddi@briannabbs.co.nz]
Sent: Wednesday, 22 August 2018 1:52 p.m.
To: Susan Chibnall
Cc: Sheryl Paekau; Vishal Ramduny
Subject: Maori Sites

Dear Susan,

Thank you for forwarding to me recently - in response to WDC's letter of 10 May re District Plan Review - the information re proposed Maori sites of significance on our property.

For the purposes of clarity, I record that the proposed site is S.14/117 ('Proposed site')

We would like the opportunity to address the matter.

There are a number of issues which we wish to ensure are addressed reasonably and responsibly. WDC's Feedback Form is too small to set out these issues so we set them out below. Please therefore receive this email as a feedback form.

1. The purposes and sentiments of s.6 of the RMA are acknowledged.
Equally WDC is statutorily obliged to take into account the provisions of section 14 of the Local Government Act
2. Each of us, Margaret and Brian, are tangata whenua
The principles of the Treaty of Waitangi, and WDC's obligations thereunder, need to be taken into account
Our property at 212D Newell Road is taonga
3. The Proposed Site falls within WDC's Country Living zone.
The zone contemplates and permits residential use and development
I refer to s.10 of the RMA
The use was lawfully established before the rule became operative or the proposed plan was notified
4. Within the buffer for the proposed site (s.14/117), WDC has to date permitted residential development
5. The local iwi would have previously been consulted on the implementation of the Country Living zone. The community and WDC are each entitled to rely upon this previous consultation
6. Based upon the information provided by you, WDC's proposal appears inconsistent with evaluation reports prepared to date, especially the NZAA reports of 1961 (Edson and Morgan) and 2002 (O Wilkes) ('Previous Reports')

O Wilkes New Zealand Archaeological Association 2002;

'In my opinion this is probably not a pa, and if it is a pa, then it is a very old one..... Edson also marked it as a possible site on his N65 index sheet and Morgan obviously must have walked past it without seeing anything.

The proposal appears prime facie in breach of WDC's obligations under s.32 of the Act

7. The Previous Reports are significant
If WDC wishes to deviate from these findings then WDC must undertake further balanced evaluation. This does not appear to have been undertaken
8. The matters to be considered by WDC in changing its District Plan are set down in s.74
S.31 sets out the boundaries
Prohibition of development on an unconfirmed site (i.e. not significant) does not fall within s.31
Nor does the matter fall under Part 2 of the Act.
9. If not unequivocally proven as significant - then the extent of the buffer is unreasonable
10. If not
- adequately significant or
- sufficiently proven

then the activities permitted in the Country Living zone should continue as a permitted activity.

11. You have suggested that we engage with Ngati Haua
It is however WDC who wish to impose the Proposed Site - not us
It is thus, most respectfully, for WDC - not us - to engage with WDC
12. S.78 requires WDC to give consideration to the views and of persons likely to be affected
13. These views are presented pursuant to s.82 especially but not limited to s.82 (1)(b)
14. The site must be **significant**. The two Previous Reports, each concluded that no paa existed on the site: or, if it did, it was not significant
It is only recently-presented whaikorero that is suggesting the existence of a Paa site. And then such evidence does not adequately and unequivocally determine the specific location of the site.
The community is to respect issues significant to Maori Equally however, WDC is obliged to respect and maintain the integrity of the Previous Reports. The recent evaluation - based upon whaikorero - is not able to predominate.
WDC is obliged to question, or at least reserve its position on the location of the site (if any) and thereafter determine whether the site crosses the threshold of sufficient significance
For WDC to adopt any other position would be a breach of inter alia s.28 of the Local Government Act

Brian Nabbs and Margaret Forsyth

p 07 823 9306 f 07 823 9183
e maddi@briannabbs.co.nz
a 11 Anzac Street, Cambridge
P.O. Box 829 Cambridge

Appendix 11: Excerpts from interim guidance and direction provided by the IHP

[Attached to cover email.]

IN THE MATTER OF
AND
IN THE MATTER OF

the Resource Management Act 1991

Waikato DC Variation 3

Waikato District Council IPI
Interim Guidance #1
PDP Variation 3 - Urban Fringe QM
14 March 2023

This interim guidance from the Independent Hearing Panel (IHP) is provided in respect of the proposed Urban Fringe qualifying matter (UFQM) included in the Waikato District Council (WDC) PDP Variation 3 – Enabling Housing Supply.

The purpose of this interim guidance is twofold:

- (a) to inform all parties of the Panel’s thinking, having read the submissions, having heard evidence and legal submissions from submitters at the initial strategic hearing on 15-17 February 2023, and having issued Direction #10 inviting further submissions on the matter; and
- (b) to guide parties’ preparations for the substantive hearing on Variation 3 commencing on 26 July 2023.

BACKGROUND

In brief, the proposed Variation 3 UFQM sought to constrain the application of the Medium Density Residential Standard (MDRS) within any General Residential Zone (GRZ) to the area which is within the defined 800m walkable catchment from a town centre zone (or equivalent). The UFQM was proposed as an “other matter” under s.77I(j) RMA, subject to satisfying the requirements of s.77L.

The notified UFQM was both supported and opposed in submissions and further submissions.

In evidence and submissions filed in advance of, and given orally at, the strategic hearing the Panel was advised by Mr Ebenhoh (Planning and Policy Manager) and Ms Parham (counsel) that WDC would not be pursuing the UFQM in its notified form, or producing evidence on the matter, as it had concluded that the concept had difficulty meeting the legal requirements of s.77L RMA. That provision stipulates three mandatory conjunctive requirements as follows:

77L Further requirement about application of section 77I(j)

A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—

- (a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and*
- (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and*
- (c) includes a site-specific analysis that—*

- (i) *identifies the site to which the matter relates; and*
- (ii) *evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and*
- (iii) *evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.*

The Panel notes that WDC is reviewing the implications of its position for the provisions that apply in the GRZ and will be addressing this matter in its s.42A report and filing evidence on that for the substantive hearing. The Panel confirmed an evidence exchange timetable for the substantive hearing in Direction #10.

Counsel also submitted that the option of withdrawing the UFQM was not open to it under s.80G(1)(c) or cl.95 Part 6 of Schedule 1 (which identifies the clauses of Part 1 of Schedule 1 that apply, and which does not identify the plan withdrawal clause 8D).

Parties opposed to the UFQM, and who indicated agreement with WDC's conclusion, have sought clarification of its status from the Panel in order to avoid the necessity and expense of producing evidence and witnesses on that matter for the substantive hearing.

This interim guidance addresses that request, but before doing so we summarise the two options put forward by Council at the procedural hearing on 24 February 2023.

OPTION 1 - INTERIM GUIDANCE

Issuing interim guidance, which would indicate the Panel's preliminary view on the question but would not be a determination as such.

Council considered this option potentially less attractive because uncertainty may remain about whether any party intends to pursue the UFQM until evidence is exchanged mid-2023. To remedy that, Council proposed a timetable for exchanging submissions from those persons supporting or opposing the UFQM prior to the Panel issuing any guidance.

OPTION 2 – EARLY RECOMMENDATION DECISION

As an alternative option, Part 6 cl.100 of Schedule 1 RMA allows the Panel to provide its recommendation in 1 or more written reports at different times. Council proposed that the Panel make an early recommendation, with a similar timetable for submitters to advise their intent and, as necessary, exchange submissions and evidence.

Council also noted that no legal submissions were made in support of the UFQM at the February Joint Hearing.

Prior to making a decision on the appropriate option, the Panel issued Direction #10 on 3 March 2023 requiring submitters who were seeking to rely upon UFQM to advise whether they wished to pursue the matter and inviting submissions. No advice in support of the UFQM was received by the 10 March 2023 deadline.

Accordingly, per paragraph 23(d) of that Direction, the Panel has moved to consider the matter on the papers.

On the basis of the material currently before the Panel, and in the absence of any opposing submissions, the Panel considers that the UFQM does not meet the s.77L RMA statutory tests for a qualifying matter, and Council's proposal to abandon that mechanism and to consider whether alternative provisions are necessary in the General Residential Zone in the absence of the UFQM and supporting those through the s.42A report and evidence is warranted.

Had Council indicated that it simply sought to delete the UFQM without considering the introduction of alternative provisions, then we might have been minded to issue a recommendation per Option 2. However, as Council is considering alternative provisions and because those provisions remain as-yet unknown to the Panel and submitters, we think it safer to leave the UFQM on the table to avoid any potential scope issues that might arise for those new provisions should we effectively determine the matter. While not determinative of our view, that approach also avoids any judicial review risk associated with the issuing of such a recommendation as well as any delay to proceedings that might result thereby - regardless of the merits (i.e., whether or not the judicial review is upheld).

CONCLUSION

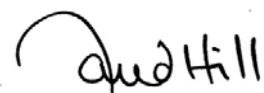
The Panel has, therefore, determined that interim guidance should be issued, making it very clear that at this juncture we are satisfied that the urban fringe issue does not meet the QM requirements of s.77L RMA. Furthermore, the Panel accepts that WDC (or any other party) is under no obligation to “defend” that matter in evidence in light of its stated position on the question.

This interim guidance is not binding on submitters (including the Council) or on the Panel.

The Panel does not invite any further evidence or legal submissions in relation to this topic and will not enter into debate on this interim guidance. However, submitters and their representatives are welcome to raise any questions and seek clarification of this interim guidance.

INTERIM GUIDANCE: URBAN FRINGE

1. Variation 3 to the Proposed Waikato District Plan as notified identified and proposed a qualifying “other matter” related to the urban fringe that applies to the General Residential Zone, restricting the MDRS to an 800m walkable catchment from the four main town centres.
2. Council no longer supports that QM as satisfying the requirements of s.77L RMA but is not persuaded that it can withdraw that provision because of s.80G(1)(c) and cl.95 Part 6 of Schedule 1.
3. No legal submissions following the Joint Hearing in February 2023 contended otherwise.
4. Having provided all parties who supported the urban fringe QM through submissions the opportunity to submit on the matter, but having received no such indication from any party, the Panel has concluded that the urban fringe is a not qualifying matter under s.77L(j) as it does not appear to satisfy the requirements of s.77L RMA.
5. Submitters who contend that the urban fringe QM is not lawful do not need to provide submissions or evidence on that matter. In the event that submitters who supported that QM produce evidence or legal submissions on the matter at the substantive hearing despite this interim guidance, opportunity for rebuttal may be allowed.



David Hill
Chairperson
Independent Hearing Panel

14 March 2023

IN THE MATTER OF
AND

the Resource Management Act 1991

IN THE MATTER OF

Waikato IPIs – Hamilton CC PC12,
Waipā DC PC26 and **Waikato DC
Variation 3.**

RESOURCE MANAGEMENT ACT 1991

DIRECTION #10

INDEPENDENT HEARING PANEL

Purpose: The purpose of Direction #10 is to address the procedural matters raised in memoranda filed before and in oral submissions made at the procedural hearing on 24 February 2023.

PROCEDURAL ISSUES AND TIMETABLING

1. The Panel has considered the submissions made at the Procedural Hearing on Friday, 24 February 2023 and makes the following directions.

1. All Waikato IPIs

(a) Scope inclusionary zoning / affordable housing

2. The Panel directs the following timetable for the issue of whether inclusionary zoning / affordable housing is within scope:
 - (a) Submissions on behalf of the submitters in support of their relief being within scope to be lodged with the hearing coordinator by 5pm 10 March 2023;
 - (b) Any party who considers that submissions seeking inclusionary zoning are beyond the scope of the Waikato IPIs to lodge written legal submissions with the hearing coordinator by 5pm 17 March 2023;
 - (c) Submissions by the Councils in response to be lodged with the hearing coordinator by 5pm 24 March 2023;
 - (d) Submissions in reply by submitters in (a) above to be lodged with the hearing coordinator by 5pm 31 March 2023; and
 - (e) Subject to the need for a scope hearing, the Panel will aim to issue its determination by 15 April 2023.
3. If the Panel finds that inclusionary zoning/housing affordability falls outside the scope of one or more of the Waikato IPIs, that hearing will proceed without considering those submissions.
4. If the Panel considers inclusionary zoning/housing affordability either is or may be within scope of one or more of the Waikato IPIs, this issue will be heard as a separate topic and may be heard jointly with a timetable to be confirmed by the Panel at a later date.

(b) Financial Contributions

5. Submissions on PC26 relating to Financial Contributions (Section 18) will be heard jointly with submissions on PC12 relating to Financial Contributions (Chapter 24) at the end of the HCC PC12 hearing.
6. The Panel directs the same timetable as applies to the HCC PC12 hearing (set out in para [13] below for this issue.

2. Hamilton City Council PC 12

(a) Scope – Rezoning

7. The Panel directs the following timetable for the issue of whether the rezoning submission points made by Waikato Racing Club (266.2), Station Corner (233.1), Pragma (182.1 & 219.1), Te Awa Lakes JV/Horotiu Farms Ltd (249.8), Metlifecare Ltd (288.1, 288.42, & 288.8), D&B Yzendoorn (347.1), and SJ & ZG Yzendoorn (201.7) are within scope:
 - (a) Submissions on behalf of the submitters in support of their relief being within scope to be lodged with the hearing coordinator by 5pm 6 April 2023;
 - (b) Submissions by HCC and any other party in response to be lodged with the hearing coordinator by 5pm 4 May 2023;
 - (c) Submissions in reply by submitters in (a) above to be lodged with the hearing coordinator by 5pm 10 May 2023; and
 - (d) Subject to the need for a scope hearing, the Panel will aim to issue its determination by 9 June 2023.

(b) HCC Conferencing

8. Expert conferencing for HCC topic areas shall be scheduled as follows:
 - (a) technical three water infrastructure matters during the week of 1 May 2023;
 - (b) all other topics will occur during the weeks of 12 and 19 June 2023.
9. Should it be necessary, further directions regarding conferencing will be issued in April 2023.

(c) Substantive hearing

10. Council favours a topic-based hearing approach and provided an indicative list of such at the Procedural hearing as follows:
 - a) Technical three waters network evidence and connections policy:
 - i. Consent limits.
 - ii. Headworks constraints.
 - iii. Network constraints.
 - iv. Capacity.
 - v. Connections policy evaluation and relationship with ODP.
 - b) Application of Te Ture Whaimana as a QM:
 - i. The 'matter' relationship between land use and infrastructure.
 - ii. Examination of areas affected by overlay.
 - iii. Nature of constraints to MDRS achieved by overlay.
 - iv. Testing in section 32 terms.

- v. Green policies.
 - c) Application of HHAs as a QM:
 - i. Relationship with PC9.
 - ii. Testing legal effect (section 6) of each HHA.
 - iii. Treatment of special character zones.
 - d) Application of Natural Hazards as a QM:
 - i. Updating ODP mapping with Floodviewer information.
 - ii. Testing extent of QMs against Floodviewer.
 - iii. Discretion under Clause 99, Schedule 1.
 - iv. PC14 relationship.
 - e) Application of all other QMs:
 - i. Reviewing remaining QMs against statutory tests.
 - f) Response to Policy 3 requirements:
 - i. City Centre treatment (Stage 1).
 - ii. Medium and High Density Zone changes.
 - iii. Walkable catchments.
 - iv. Measuring commensurate.
 - g) Financial Contributions:
 - i. Testing purpose, objectives, policies.
 - ii. Methodology for calculating charges.
 - iii. Implementation, collection, enforcement, monitoring.
 - h) Plan Provisions (by Chapter):
 - i. Density, heights.
 - ii. Setbacks, site coverage, permeability, outlook space, landscaping, height to boundary.
 - iii. Assessment criteria.
 - iv. Transport/mobility provisions.
11. The Panel agrees that a topic-based approach is appropriate but with flexibility for submitters to appear and present on all topics at one time to avoid having to return several times.
 12. A final list of hearing topics will be notified to submitter parties mid-year.
 13. Any remaining scope issues not dealt with at earlier hearings – e.g. activity based ones] – will be heard at the substantive hearing.
 14. The Panel directs the following timetable for all HCC PC 12 topics (other than those scope matters the subject of separate timetabling noted at paras [2] and [7] above):
 - (a) An updated Section 42A Report is to be lodged with the hearing coordinator by 5pm 7 July 2023;
 - (b) Evidence on behalf of HCC is to be lodged with the hearing coordinator by 5pm 14 July 2023;
 - (c) Evidence on behalf of submitters is to be lodged with the hearing coordinator by 5pm 28 July 2023;
 - (d) Reply evidence on behalf of HCC and of any submitters in response to other submitters' evidence is to be lodged with the hearing coordinator by 5pm 11 August 2023;

- (e) All legal submissions relating to the substantive hearing are to be lodged with the hearing coordinator by 5pm 31 August 2023.

3. Waipā District Council PC 26

(a) Scope – Rezoning

- 15. Direction #9 confirmed the timetable to apply to the issue of whether the rezoning submission points made by (Triple 3 Farm Limited 59.1; CKL NZ Limited 65.31, Retirement Village Association 73.125 and Ryman Healthcare Limited 70.125) are within scope.
- 16. Submitters requested a right of reply. Waipā DC did not object provided it did not affect the date of the Panel's determination on scope.
- 17. There being no objection the timetable is amended as follows:
 - (a) Submissions on behalf of the submitters in support of their relief being within scope to be lodged with the hearing coordinator by 5pm 17 February 2023;
 - (b) Submissions by Waipā DC to be lodged with the hearing coordinator by 5pm 24 February 2023;
 - (c) Any reply submissions by submitters in (a) above to be lodged with the hearing coordinator by 5pm 6 March 2023; and
 - (d) Subject to the need for a scope hearing, the Panel will aim to issue its determination by 10 March 2023.

(b) Substantive hearing

- 18. Council submitted that a topic-based hearing on submissions was not required.
- 19. The timetable for the substantive hearing was set out in Direction #4.
- 20. No changes were sought to that timetable so it remains in force.

4. Waikato District Council Variation 3

(a) Scope – Rezoning

- 21. The Panel directs the following timetable for the issue of whether the rezoning submissions made by Halm Fan Kong (13), Greig Developments Ltd (20), Howard Lovell (27), Horotiu Farms Ltd (49), and if not withdrawn prior the submission point by Kāinga Ora (106.15), are within scope:
 - (a) Submissions on behalf of the submitters in support of their relief being within scope to be lodged with the hearing coordinator by 5pm 15 March 2023;
 - (b) Submissions by WDC and any other party in response to be lodged with the hearing coordinator by 5pm 24 March 2023;
 - (c) Any reply submissions by submitters in (a) above to be lodged with the hearing coordinator by 5pm 31 March 2023; and
 - (d) Subject to the need for a scope hearing, the Panel will issue its determination by 21 April 2023.

(b) Urban Fringe QM

22. The Panel directs any submitters who support the Urban Fringe QM to advise the Panel whether they wish to pursue the matter and identify the subject matter of evidence to be provided at the substantive hearing by 10 March 2023.
23. If any submitter does wish to pursue this matter then the following timetable will apply:
 - (a) Council is to provide its legal submissions by 14 March 2023;
 - (b) Any submitters in support of the Urban Fringe QM are to provide evidence and legal submissions by 24 March 2023;
 - (c) Any submitters in opposition to the Urban Fringe QM are to provide any evidence and legal submissions (or to advise the Panel they rely on evidence and submissions filed as part of the Joint Hearing or by the Council) by 31 March 2023;
 - (d) If no submissions or evidence are filed in support the Panel will consider the matter on the papers (including those already received);
 - (e) If submissions or evidence are filed in support, the Council is to liaise with the parties and advise the Panel whether the parties agree to the matter being determined on the papers by 5 April 2023;
 - (f) Any such determination by the Panel under paragraphs [d] or [e] may take the form of either interim guidance or a formal recommendation decision.

(c) Conferencing/mediation

24. The following timetable for the circulation of information from Council and conferencing/mediation is directed:
 - (a) For the Havelock Precinct, informal meetings with parties in advance of conferencing to be arranged by the Council on 5 – 6 April 2023;
 - (b) Council to circulate qualifying matters and controls for the Havelock Precinct (excluding infrastructure capacity and stormwater) by 24 April 2023;
 - (c) Council to circulate information on infrastructure capacity and any additional controls to give effect to Te Ture Whaimana by 5 May 2023;
 - (d) Council to circulate any other qualifying matters required as a result of removing the Urban Fringe QM (other than those related to (a) and (b) above) by 19 May 2023;
 - (e) Havelock Precinct – week of 15 May 2023;
 - (f) Infrastructure capacity – week of 22 May 2023;
 - (g) Pookeno stormwater – week of 22 May 2023;
 - (h) Tuurangawaewae Marae and cultural viewshafts to Taupiri Maunga and Hakarimata Ranges – week of 29 May 2023;
 - (i) Conferencing or mediation on any other topic, including Te Ture Whaimana –

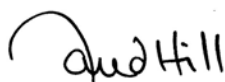
week of 29 May.

(d) Substantive hearing

25. The Panel agrees that the Kiwirail and Waka Kotahi scope matters can be dealt with as part of the substantive hearing.
26. The following timetable for the substantive hearing of Variation 3 is directed:
 - (a) Council's section 42A report: 13 June 2023;
 - (b) Council's expert evidence in chief: 20 June 2023;
 - (c) Submitters evidence in chief: 4 July 2023;
 - (d) Any rebuttal evidence (of the Council or submitters): 11 July 2023;
 - (e) Legal submissions: 18 July 2023;
 - (f) Hearing commencing 26 July 2023.

(e) Late submissions

27. Council has received a late submission request from First Gas Limited. That late submission has been referred to the Panel for decision. Council has advised that it does not oppose the acceptance of that late submission.
28. The Panel is satisfied that accepting that submission creates no prejudice to any party given that it will be notified for further submissions. The Panel directs that notification to occur promptly following the issue of these directions.
29. Any queries or correspondence related to this Direction should be sent through to the Hearing Coordinator, Steve Rice at steve@riceres.co.nz .



David Hill (Chairperson)
Independent Hearing Panel

3 March 2023

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister of Transport
Leader of the House
Associate Minister of Finance
Associate Minister for Sport and Recreation



CB-COR1448

17 APR 2025

Jacqui Church
Mayor of Waikato District Council
Waikato District Council
Email: jacqui.church@waidc.govt.nz

cc Craig Hobbs
Chief Executive
Email: craig.hobbs@waidc.govt.nz

Dear Jacqui

On 31 October 2024, I received a letter from former Chief Executive, Gavin Ion, referring two rejected Independent Hearings Panel recommendations and the Council's alternative recommendations to me in relation to Waikato District Council's intensification planning instrument, Variation 3 Enabling Housing Supply to its Proposed District Plan.

The recommendations relate to:

- the rezoning of 46 Jackson Street, Ngāruawāhia from General Residential Zone to Medium Density Residential Zone 2 (MRZ2) (Matter A); and
- in relation to 5837 Great South Road:
 - the introduction of rule MRZ2-S1A
 - the application of a qualifying matter to the area of the property that is subject to a Site and Area of Significance to Māori
 - rezoning the part of the property subject to the Site and Area of Significance to Māori from General Residential Zone to MRZ2 (Matter B).

I note officials at the Ministry for the Environment (the Ministry) sought clarification from Council officers on several matters from 7 November 2024 to 27 February 2025. Requesting this information was necessary to inform my consideration of these matters. I thank Council staff for working with Ministry officials on providing the requested information.

I have made a decision on Matter A, and I am not making a decision on Matter B at this time.

Matter A

With resolution of the appeal on the Proposed District Plan relating to the Matter A site, I have accepted the Independent Hearings Panel's recommendation to rezone 46 Jackson Street, Ngāruawāhia to Medium Residential Zone 2. My decisions for Matter A have been made in accordance with Schedule 1, clause 105 of the Resource Management Act 1991. The reasons for my decision are that it:

- complies with requirements under the Resource Management Act 1991 to implement the Medium Density Residential Standards

- is consistent with how other land that was zoned General Residential in Ngāruawāhia has been amended by Variation 3
- is consistent with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the National Policy Statement on Urban Development 2020, particularly by providing greater development capacity for the site.

Matter B

I do not propose to make a decision on Matter B at this time given the ongoing appeal on provisions in the Proposed District Plan.

I will review the situation for Matter B regularly and will keep under consideration whether it becomes appropriate for me to make a decision on Matter B at any time (including, potentially, prior to the resolution of the appeal).

I therefore ask that Council officers update Ministry officials at least every three months from the date of this letter on the progress of the relevant appeal, and to inform Ministry officials as soon as a decision is made on the appeal.

I want to thank the Independent Hearings Panel and Council staff for the work undertaken to progress the Intensification Streamlined Planning Process.

Ministry officials will contact Council staff to inform them of my decision.

Yours sincerely



Hon Chris Bishop
Minister Responsible for RMA Reform