

Peter Findlay, Houchen Road - Plan Change 41 Decisions

PART 1: INTRODUCTION

1. The Waipa District Council's appointed hearing commissioners (the Commissioners) for this plan change request were Councillors Sharpe and Webber, and Independent Chairman Alan Withy. They have heard and considered a private plan change request by Peter Findlay (Findlay) which sought to apply a rural residential policy area annotation to approximately 125ha of land in the Houchen Road area and the removal of the special landscape character area overlay. This decision report provides the Commissioners assessment and resolutions on the plan change and is presented in the following Parts:

- Part 1: Introduction
- Part 2: Resolutions
- Part 3: Reasons for Decision
- Part 4: Background and Proposal
- Part 5: Statutory Framework
- Part 6: Plans and Policies
- Part 7: Assessment
- Part 8: Section 32 Analysis
- Part 9: Submissions and Further Submissions
- Part 10: Approved Plan Change Provisions (with Modifications)

PART 2: RESOLUTIONS

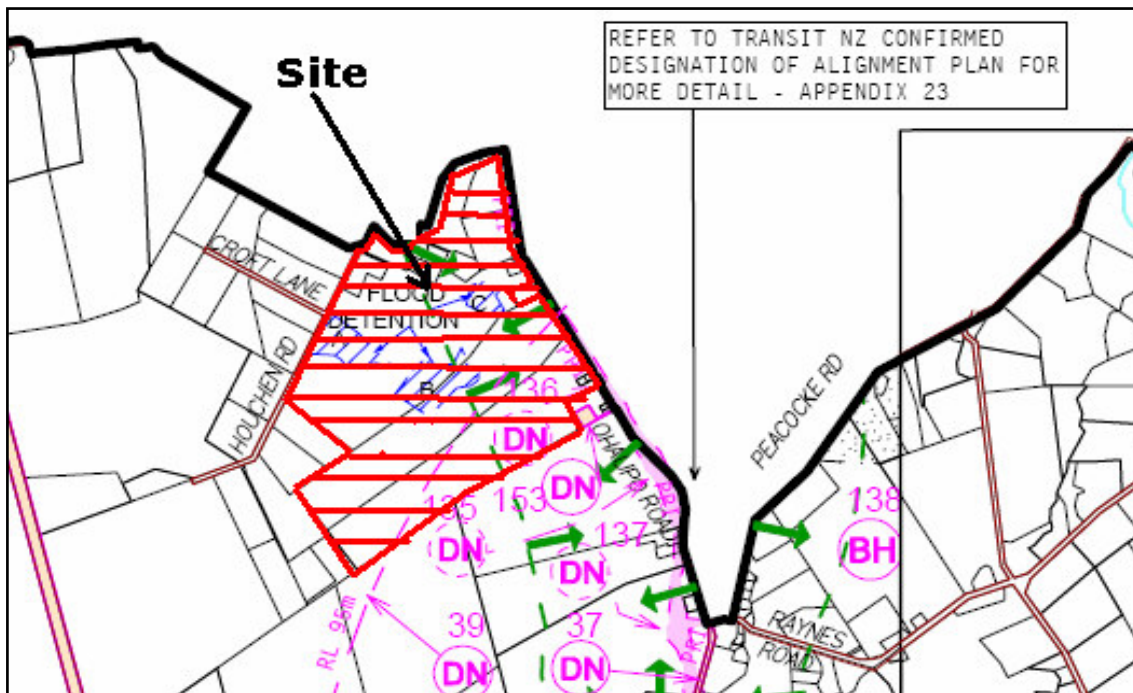
2. ***That the commissioners, acting under delegated authority pursuant to Section 34A(1) of the Resource Management Act 1991 determines pursuant to section 73(2) and clause 29(4) of the first schedule of the Resource Management Act 1991 (RMA), Plan Change 41 to the Waipa District Plan by Peter Findlay be approved with modifications as detailed in this decision report.***
3. ***That the submissions and further submission to Plan Change 41 be decided in accordance with the resolutions contained within this decision report (refer Part 9).***
4. ***In accordance with Section 37 of the RMA, the time period for receiving the submission (F61) from Golden Ridge Farm Limited and Golden Valley Farm Limited be extended to 20 September 2004 to enable this submission to be formally received and included in the assessment of Plan Change 41.***

PART 3: REASONS FOR DECISIONS

5. The full assessment and discussion of reasons for the Commissioners decisions on Plan Change 41 are contained within this decision report with the individual submissions and further submissions discussed in Part 9. By way of summary and to encapsulate the main findings of the Commissioners, the following summary reasons are provided:
- i) The Commissioners are satisfied that the proposed plan change will promote the sustainable management of resources and is therefore in accordance with the purpose of the Resource Management Act 1991 (RMA).
 - ii) The landscape effects in terms of both surrounding residents and the wider locality have been addressed. On-site mitigation will be appropriate for the development, the specifics will be addressed at subdivision consent stage. It was considered by the Commissioners that the Special Landscape Character Area was of limited value in this area given the limited viewing opportunities from the State Highway and the already modified environment. The removal of the Special Landscape Character Area annotation is appropriate.
 - iii) The existing Waipa District Plan has objectives and policies that provide significant guidance in regards to the development of Rural-Residential Policy Areas. On balance the intent of these relevant objectives and policies have been met and therefore approval of the plan change accords with Section 5 of the RMA. The Commissioners consider that the plan change as modified by this decision will establish rules which clearly achieve the purpose of the RMA and that approving the plan change will effectively and efficiently achieve the objectives.
 - iv) Traffic and transportation matters were raised by a number of parties. Transit NZ and Hamilton City had particular concerns about the impact on the SH3/Houchen Road intersection and the wider strategic road network. The Commissioners are satisfied that traffic related issues have been adequately assessed and that the proposed mitigation measures can be put in place to mitigate the effects of the subsequent development that stem from the plan change approval. Additional detailed assessment is required and conditions can be further imposed at the subdivision resource consent stage.
 - v) Appropriate assessments of the effects of the proposed plan change on servicing for water, wastewater, and stormwater have been undertaken such that the development could be served to appropriate levels.
 - vi) Appropriate assessments of potential flooding effects has demonstrated that appropriate mitigation can be put in place through the subdivision consent stage to ensure no increase in flooding for the subject site or adjacent housing areas will be generated.
 - vi) The Commissioners had some concerns over the provision of what is in essence large lot residential housing in areas of significantly deep peat soils. While some engineering solutions were available avoidance where possible was preferred to avoid exacerbating this natural hazard. Therefore, restricted development of the areas of deeper peat soils is required.

PART 4: BACKGROUND AND PROPOSAL

6. In February 2004 Peter Findlay lodged a private plan change (PC-41) request with the Waipa District Council to change the status of his jointly owned property from Rural Zoned land to Rural (Rural Residential Policy Area). Initially the application excluded the rural land between Mr Findlay's property interests and the neighbouring residentially zoned land. However, the application was subsequently amended such that additional properties were included in the area to become a RRPA.
7. The site is shown as:



8. The site is located on the eastern side of Houchen Road, this road forms the boundary between Hamilton City and Waipa District. Part of the property also borders State Highway 3. The subject site is currently zoned rural. The planning maps show the site as subject to a special landscape character area being the Hamilton to Te Awamutu Scenic Corridor - SH3. The planning maps also show the site as having three stormwater flood detention areas, it also includes a peat area, which is an identified hazard and is subject to Designation 39 (the Hamilton Airport flight path height restrictions). The size of the proposed area for inclusion in this plan change is approximately 125ha.
9. The area proposed for a rural-residential policy area is largely used for dairy farming, pastoral grazing and a small proportion used for rural residential or lifestyle housing. Several existing dwellings are located on the subject site and some associated farm buildings.
10. The site description and details plus elaboration on the proposal were provided at the hearing in the evidence by some of the applicants witnesses Peter Findlay, Dr Richard Chapman, Dave Searjeant, Colleen Priest and Peter Cochrane.
11. The legal descriptions and land areas are as follows:

Owner	Legal Description	Land area (m²)
Alderton	Lot 1 DPS 76077	9,492
Alderton	Lot 1 DPS 84715 & Lot 4 DPS 59241	731,670
Findlay	Lot 1 DPS 29779	293,250
Vogel	Lot 1 DPS 59241	7,855
Stewart	Lot 1 DPS 67389	16,346
Freight Enterprises Ltd	Lot 1 DPS 73903 & Lot 1 DPS 8453	6,014
Hawkins	Lot 2 DPS 4371	1,224
The Crown	Lot 1 DPS 4371	1,019
Fleming	Lot 2 DPS 57383	5,263
Baigent	Lot 1 DPS 52642	6,680
Baigent	Lot 1 DPS 83410	13,468
Houchen Trust	Lot 1 DPS 18315	17,099
Urlich	Lot 2 DPS 11478	35,398
Urlich	Lot 2 DP 362467	6,337
Marshall	Lot 3 DPS 11478	44,503
Harker	Lot 12 DPS 11478	52,925
Harker	Lot 1 DP 366401	2,500
Total		1,251,043 m²

PART 5: STATUTORY FRAMEWORK

12. The private plan change process is subject to the provisions of the Resource Management Act 1991 (RMA). Any plan change is subject to the purpose and principles of the RMA (Sections 5 to 8) with the overriding purpose of the RMA *'to promote the sustainable management of natural and physical resources'*.
13. Part 2 of the first schedule to the RMA outlines the procedures for private plan changes linking the private plan process to the provisions of Part 1 (Council Initiated plan changes).
14. Section 74 sets out the matters, which the Commissioners must consider in relation to changing a District Plan.
15. Council must carry out an evaluation of the plan change in accordance with S.32.
16. After considering a plan change, Council may decline, approve or approve subject to modifications the plan change (sub-clause 29(4)). Clause 10 specifies the manner in which a Council shall set out its decision that must include reasons for accepting or rejecting any submission.
17. At the hearing of the application it was noted that as the plan change request was lodged prior to the 9 August 2005 that the request should be considered prior to the Resource Management Amendment Act 2005 coming into effect. However, there were no issues of contention raised through the process of the hearing of the statutory considerations that apply.

PART 6: PLANS AND POLICIES

18. There are three documents relevant to this private plan change application; the Operative Waipa District Plan 1997 (WDP), the Waikato Regional Plan (WRP) (not yet fully operative), and the Regional Policy Statement (RPS). The Waipa District Plan is the principal planning document, as the plan change seeks to amend the WDP by providing a RRPA over the subject site.
19. It is noted there is no overriding statutory or non-statutory strategic planning document that provides guidance for regional or sub-regional growth. Therefore the individual district plans and the RPS become more significant in terms of assessment. The Commissioners were informed that such a document is in the process of being developed, however the early versions of this are still likely to be 2 years away.

Waipa District Plan

20. The WDP provides the resource management framework for subdivision and landuse consent activities within the Waipa District. Part 1 of the WDP sets out the objectives and policies for the District, while Part 2 sets out the rules. The relevant objectives and policies to this proposed plan change are considered to be those listed below in relevant issue categories:

Objectives and Policies relating to Sustainability & Prime Agricultural Land:

Objective RU1

To manage the rural environment so that changes induced by humankind do not significantly affect the ability of the land and water to sustain the activities of human, animal and plant communities.

Policy RU39

To ensure that prime agricultural land remains available for future primary productive use.

Policy RU40

To encourage uses which would compromise the future use and availability of prime agricultural land to locate in alternative rural or urban locations.

Objectives and Policies relating to Landscape Character Areas:

Policy RU1

To identify the different landscape areas with the District and create controls and performance standards appropriate to special circumstances of each area and design guidance as may be required.

Policy RU5

To protect the existing landscape quality and the views to landscape features from Sh3

Policy RU6

To preserve the peat lakes and their landscape setting and the views to them from SH3

Policy RU7

To ensure that buildings and shelter belts are carefully sited and are of a scale and size which will not intrude into views.

Objectives and Policies relating to Water Management:

Policy RU30

To support the Waikato Regional Council through the control of land use activities in ensuring that all sectors of the community are provided with natural water of good quality.

Policy RU31

To control land subdivision and development which would contribute to an overloading of or damage to the drainage system in the District.

Objectives and Policies relating to Rural Residential Areas:

Policy RS67

To use the following criteria for assessing the location of additional rural-residential areas proposed by means of an application for a Change to the District Plan made under Section 73 of the Act.

- a) New areas should be sited adjoining or in the vicinity of existing small settlements or existing Rural Residential Areas or urban areas (provided that future urban growth is not compromised) in order to assist in providing better community services and containing rural fragmentation.*
- b) Avoidance of prime agricultural land in order to ensure it can be sustained for use by future generations.*
- c) Avoidance of Special Landscape Character Areas which would be adversely affected by residential development.*
- d) Avoidance of further development in any areas which may require public and community services to be uneconomically extended to service these areas.*
- e) Avoidance of frontage development to Primary Roads for traffic safety reasons and to ensure maintenance of a free flow of traffic along the road without interference from adjoining land uses.*
- f) Avoidance of areas which are physically unsuitable for development.*
- g) Avoidance of locations close to activities which may have an adverse effect on the rural-residential area, or where the existence of rural residences may have a reverse effect on the operation of that activity (airport, rural industries, quarries, apiaries, factory farms, agricultural research centres etc.).*
- h) Avoidance of areas close to rivers or lakes and special topographical features to which access should be safeguarded and in order to prevent possible contamination of water areas.*
- i) Avoidance of any adverse effect on historical and cultural areas including Maori ancestral lands, water sites, waahi tapu and other taonga.*

Note: this policy is also annotated by a significant explanation, the important part of this is:

"When assessing the suitability of an area for a new Rural residential Area or extension of an existing area, Council will consider the matters set out in Policy RS67. Each of the matters listed are considered to be important and overall judgement will be made by the Council as to the suitability and desirability of a proposed Rural Residential Area having regard to the criteria listed. However, failures to comply with every single will not necessarily mean that a particular proposal will be refused by Council. Each factor will be given weight appropriate to the circumstances and Council will take an overall judgement approach when making its decision".

Policy RU52

To establish appropriate locations for new village settlements including settlements for 'rural-residential' development.

Policy RU53

To identify significant landscape features at the fringe of urban areas and village settlements which should be used to limit the spread of urban development into rural areas and to preserve the rural and urban character of the District.

Objective RS1

To manage the development of residential activities in urban and rural areas in order to:-

- i) minimise any adverse effects on the natural and physical resources of the District;*
- ii) avoid as far as possible and practicable any significant adverse effects on the qualities of the environment; and*
- iii) maintain the social and physical well-being and health of the residents of the District.*

Policy RS59

To define the extent of 'village settlements' areas with regard for the aggregation of existing dwellings and other non-farming buildings and land uses and the subdivision of land into small lots.

Policy RS60

To allow for new rural residential areas (large-lot residential development).

Policy RS65

To ensure that all uses of land in 'village settlements' and a rural-residential area have a satisfactory potable water supply and a sewage and stormwater disposal system.

Objectives and Policies relating to Subdivision:

Objective SU3

To ensure that when land is subdivided or developed, effective, efficient and environmentally appropriate utility services are provided to meet the requirements of the proposed use of the land.

Policy SU14

To provide for subdivision for rural residential development in defined areas.

Note: There is explanation that accompanies this policy the critical part being:

"The strategy of this plan is to meet the demand for rural-residential living, while minimising these effects, to identify and zone some specific areas for rural residential development, and in addition to describe the criteria that the Council will have regard to in considering proposals for further rural-residential areas".

Policy SU22

To provide for the subdivision for rural-residential development of land which is not prime agricultural land and which cannot be properly managed as part of a farm holding.

Policy SU24

To ensure that land subdivision and development does not have as adverse effect on the safe and efficient functioning of primary roads including state highways.

21. The objectives and policies of the WDP set out above are considered those relevant to assessment of the proposal. Clearly Policy RS67 is the substantive policy in relation to RRPA's. This policy identifies in the first instance that the plan change process should be used for rural residential development, and in the second instance provides the fundamental considerations for assessing any plan change applications for new RRPA's.

Waikato Regional Policy Statement and Plans

22. The Operative RPS provides the planning framework for the wider Waikato Region. The function of the Regional Council is to ensure the integrated management of resources across the region. The Regional Council is directly responsible for discharge to land, air and water as well as contaminants and hazardous substances. The RPS provides little, if any, real guidance regarding appropriateness of urban growth expansion or land uses that may be applicable to this development. Of those that may be relevant are:

Section 3.3.9 Policy One

Land use practices should occur in a manner designed to avoid degradation of soil versatility and productive capacity".

Section 3.8.3 Policy One, Implementation Method:

2. *Territorial Authorities will:*

- i) *develop specific objectives, policies rules and/or methods in district plans that control the use of land (except for in the beds of lakes and rivers and the coastal marine area) for the avoidance or mitigation of natural hazards*

Section 3.8.4 Policy One, Implementation Method:

1. *Through regional plans, district plans, civil defence plans and hazard specific mitigation plans, identify (among other factors) areas of risk and natural hazard management options.*

Section 3.8.4 Policy Two, Implementation Method:

2. *Through regional plans, district plans and resource consents ensure that land uses avoid or mitigate the effects of natural hazards.*

Waikato Regional Plan (WRP)

23. It is understood the WRP is subject to some outstanding environment court appeals/references. However, it provides limited direction in terms of land use planning. It does give direction in terms of environmental effects issues. At consent stage any necessary consents under this plan will need to be obtained.

PART 7: ASSESSMENT

Part II of the Resource Management Act 1991

24. The guiding purpose of the Resource Management Act 1991 (RMA) is the '*sustainable management of natural and physical resources*'. Part of the definition of sustainable development refers to the social, economic and cultural wellbeing of people and communities.
25. The pertinent points from Part II were considered to be:
- *Section 5 defines sustainable management - as managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety..... (while undertaking several matters).*
 - *Section 7(b) - the efficient use of natural and physical resources.*
 - *Section 7(c) - the maintenance and enhancement of natural and physical resources.*
 - *Section 7(f) - maintenance and enhancement of the quality of the environment.*
 - *Section 7 (g) - any finite characteristics of natural and physical resources.*

26. Overall, the Commissioners are satisfied that the private plan change is consistent with Part II of the RMA. Allowing for the rural residential use provides for integrated management and effects can be avoided, remedied or mitigated through the subsequent subdivision process. The issues considered for this are set out below.

Key Issues

27. In reaching the conclusion to approve this plan change the Commissioners had particular cognisance of eight main issues, which determined whether the plan change should be approved. These were determined having given regard to the application, the applicant's witnesses who presented, submissions, submitters presentations and the officers report. These eight issues in essence determined if the use of the land for rural residential purposes constitutes a sustainable use of the land resource.

Prime Agricultural Land

28. While the District Plan through Policy R67 provides a clear direction that Prime Agricultural Land is to be protected in this instance the evidence from Dr Chapman was that in effect its productive use is limited without substantial capital investment. The subsequent evidence of John Sweeney was such that the alternative uses for the land were limited also confirming significant investment into the land would be required, and this was unlikely due to the uncertainty of the W2 route/southern links.

Landscape

29. In terms of landscape the Commissioners were convinced by the evidence presented by Colleen Priest that the landscape effects could be mitigated through the implementation phase at subdivision time. The inclusion of the landscape concept plan into the District Plan was deemed appropriate along with the removal of the specified Landscape Character Area annotation.

Traffic/Transportation Issues

30. Significant evidence was provided in this hearing in terms of traffic (from the Applicant, Transit, Hamilton City, and Bloxam Burnett and Oliver representing Council) and the necessary mitigations to avoid adverse traffic effects. Having heard the relevant evidence the Commissioners were satisfied that solutions which could be implemented are available and that these were fair and reasonable to all parties. While this would involve considerable negotiation of costs sharing, these discussion were better left to the subdivision consent stage.

Servicing (fire fighting, water and wastewater)

31. Evidence presented at the hearing satisfied any concerns that the subject area could be serviced sufficiently to meet the future density of development. Specific detail at subdivision stage would be required for wastewater disposal but adequate solutions were available. Water would be provided by way of roof tank system, which is in accordance with conventional methodology for rural type uses. Fire fighting can be met through on-site supply with a secondary back up of use from the stormwater ponds. This was considered sufficient to meet the New Zealand Fire Service Code of Practice. This plan change is premised on the basis that limited servicing is provided, and this is supported by Policy RS67. Hamilton City Council officers confirmed their Council has no intention of making services available.

Stormwater/Flooding

- 32 Considerable evidence was provided by Peter Cochrane of Tonkin and Taylor and this was measured against evidence provide by a submitter Mr Murtagh in respect to the height of Houchen Road and its function in terms of flood protection and as part of the on site stormwater detention system. It is clear there are some discrepancies over how the system functions now and the plan change will allow these issues to be resolved so a long term robust solution and certainty is available. Hamilton City Council officers confirmed their belief that engineering solutions are available. The consent stage and vesting of assets is outside this process but the subsequent subdivision will likely be a catalyst for resolving these issues.

Peat Soils

- 33 It was acknowledged that at subdivision and building consent stage there were potentially solutions available for building sites. Also at this stage further consideration of solutions would need to be considered. Mark Mitchell a geotech engineer representing Council and Gary Boys, Council's Building Manager, set out some issues in terms of differential settlement and potential increases in the subsidence of peat caused by the development. This becomes more pronounced with increased depths of peat. The solution that seems acceptable is to have larger lots on deeper soils. This way those on the larger lots are aware they are in a semi rural environment and they are not expecting residential quality environments and house curtilages. This will allow sufficient room for on site stormwater and wastewater services and help avoid exacerbation of the peat hazard.

Specific Assessment Criteria

- 34 While the outcome of the decision is approval of the plan change it was considered the uniqueness of the site and circumstances meant specific assessment criteria for future subdivision are warranted. These include and incorporate a number of matters: lot sizes, structure plans and access requirements such that the eventual subdivision would be evaluated under the appropriate criteria. The limited discretionary activity status provides the most efficient balance between ensuring mitigations are put in place while providing certainty in regards to avoiding future unnecessary litigation in all matters save those that need to be resolved with external authorities.

Integrated Management

- 35 It became clear through the submissions of Hamilton City Council that while this area may eventually be contained within the Hamilton City Urban boundary there are no plans for urbanisation of this area. Further, given the work being undertaken on the adjacent Peacocks Road growth area/structure plan it is likely this will provide urban expansion opportunities for at least the next 20-30 years. It was further confirmed by HCC that no opportunity for Rural-residential land use was being provided for in that area.
- 36 The submission from Transit New Zealand highlighted some perceived strategic roading network issues, but it was clear that the designation of the "southern links" or "W2" had been in the pipeline from as early as the mid 1980's and that a designation is likely on the site in the next few years. It is clear that a portion of the subject site will be lost to the designation. This presence of this future designation limits productive use and capital investment in this rural land holding, and retaining it for rural uses is inefficient.

- 37 In summary the subject site was limited for further rural productive use, it was subject to a significant blight by the future road expansion, and there is identified demand for this type of land use in the vicinity. There is not strategic direction afforded this area and no servicing is proposed. Therefore, making this land available for rural residential use constitutes a sustainable use of this resource.

Policy R67

- 38 As the overriding policy direction is set out in this policy this decision needed to be directly related to this policy to ensure the plan change was appropriate. While some of this assessment repeats that included above it is commented upon in specific terms as:

The reporting officers report stated:

"Policy RS67 is the substantive policy in relation to RRPAs. This policy identifies the fundamental considerations in assessing any plan change applications for new RRPAs."

- 39 The Commissioners agree with that statement and proceeds to assess the proposal in terms of that Policy. Policy RS67 has a detailed explanation setting out how it should be interpreted. Of particular importance is the quote:

"When assessing the suitability of an area for a new Rural Residential Area or the extension of an existing area, Council will consider the matters set out in Policy RS67. Each of the matters listed are considered to be important and an overall judgement will be made by the Council as to the suitability and desirability of a Proposed Rural Residential Area having regard to the criteria listed. However, failure to comply with every single criteria will not necessarily mean that a particular proposal will be refused by Council. Each factor will be given weight appropriate to the circumstances and Council will take an overall judgement approach when making its decision."

- 40 There was a lot of evidence from submitters raising problems with development of the land. Many of these issues would more appropriately be dealt with at subdivision consent stage and the commissioners are satisfied that they are capable of suitable resolution. The following considers each of the criteria listed in Policy RS67.

Location and Vicinity [Criterion (a)]:

- 41 This first criterion under RS67 reads:

"New areas should be sited adjoining or in the vicinity of existing small settlements or existing rural residential areas or urban areas (provided that future urban growth is not compromised) in order to assist in providing better community services and containing rural fragmentation."

- 42 The site is adjacent to existing residential development on the Hamilton City Boundary and is isolated by being surrounded by the city on one side, peat on the other, and the proposed designation of the W2 route.

- 43 It was considered that this development would not compromise any of the existing growth strategies tabled by the Hamilton City Council and in fact would complement the proposals for Peacocke Structure plan as there has been no allowance for rural residential in this area.

- 44 The proposal states that the lots would be self sufficient and therefore it is envisaged that there would be little demand on the Hamilton City Council services. Hamilton City

Council stated no willingness to provide stormwater, sewerage, and water supply services.

- 45 The Commissioners conclude that the proposal meets the test of Criterion (a) in that it is adjacent Hamilton.

Prime Agricultural Land [Criterion (b)]:

- 46 The Commissioners were agreed that it had been demonstrated by Dr Chapman that while some prime agricultural land was evident, this was broken by other topographical features and lower quality soils.

- 47 There was other supporting evidence that the site was of lesser quality and possible diversification opportunities were virtually eliminated. The class 2S5 will be preserved to a certain extent by having larger lot sizes and also because it was demonstrated how the building can be limited because it is not concentrated.

- 48 This proposal is not inconsistent with Council's general policies to preserve the integrity of the prime agricultural land within the district.

Special Landscape Character Areas [Criterion (c)]:

- 49 The Commissioners were impressed by the landscape proposals of Colleen Priest and consider they counter-balance any losses of landscape amenity from State Highway 3. Therefore, removal of the landscape protection area zone is acceptable.

Public and Community Services [Criterion (d)]:

- 50 The evidence did not establish any impact on public and community services to decline the proposal, which cannot be mitigated by conditions of the consent at subdivision approval time sufficient to decline the proposal.

Traffic Issues [Criterion (e)]:

- 51 It was evident that the impact of the subsequent subdivision resulting from the plan change would have some impact on the Houchen Road and State Highway 3 intersection. Although the traffic engineers were not in total agreement they did establish that measures could be implemented to resolve problems as they arose. There was some disagreement about whose responsibility the upgrades were.

- 52 The commissioners are therefore satisfied for the plan change to proceed but at the subdivision stage conditions should be imposed to resolve the traffic issues at that time.

- 53 It was noted that Hamilton City's plans for developing Dixon Road in the next few years would have to be taken into consideration when looking at both intersections. The evidence established that there were also problems at Dixon Road, which would require integrated solutions. Evidence was provided to the Commissioners indicating stage 1 is to be released in 2008 of 40ha in mainly residential development sufficient for 500 dwellings and the impact of this on the state high way would be far greater than the proposed plan change 41.

- 54 The Commissioners acknowledge that there are problems with three parties involved identifying the appropriate cost sharing balance for the upgrade works. This will be a major issue but they are satisfied that these issues could be satisfactorily resolved with

adequate communication and appropriate negotiations which will need to be concluded before a subdivision consent is granted.

Physically Unsuitable Land [Criterion (f)]:

- 55 This clause requires avoidance of areas that are physically unsuitable for development. The Commissioners accept the evidence of Mr Mitchell and others that this requirement can be met subject to suitable subdivision consent conditions should the rezoning proceed.

Reverse-sensitivity Issues [Criterion (g)]:

- 56 These matters are commonly advanced in opposition to proposals in rural areas. However on the basis of the submissions and evidence at the hearing and having considered all the written submissions, the Commissioners conclude that reverse-sensitivity issues do not comprise valid arguments against this proposal.

Topography and Contamination [Criterion (h)]:

- 57 This clause is in parts inapplicable and in other parts able to be satisfied. It is not considered to comprise a prohibition against the proposal.

Historical and Cultural Areas [Criterion (i)]:

- 58 There was no evidence to suggest that this criterion applies to this plan change application.

PART 8: SECTION 32 ANALYSIS

- 59 Mr Findlay produced a S.32 analysis as part of the private plan change documentation. Sub-section 32(2) also requires Council to carry out a further evaluation prior to making its decision on the plan change with the evaluation to assess the extent to which each objective is the most appropriate way to achieve to purpose of the Act. Council must also assess whether the policies and rules are the most appropriate methods in terms of their effectiveness and efficiency to achieve the objectives.
- 60 During the course of the hearing the Commissioners received evidence in relation to the wording of a number of the proposed rule changes. The Commissioners have considered these in light of the overarching decision and in isolation having regard to the matters set out in reasons for decision. Their assessment and final determination on each of the proposed changes is such that appropriate assessment is required and any effects are avoided, remedied or mitigated.
- 61 The critical part of the Section 32 assessment process is the test that the method or rule (in this case rural residential policy areas annotation) is the most appropriate for achieving the objectives. This has been demonstrated above. The individual roles simply ensure that practical efficient use of this resource occurs.

PART 9: SUBMISSIONS AND FURTHER SUBMISSIONS

- 62 Due to the number of submissions received as part of this plan change, submissions have been grouped into common topics and issues. However, decisions in this grouping do not mean that consideration of individual submissions has not been undertaken. The decisions are set out in the following tables:

Support

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
43	K Bell	Support		Accept
6	J Ent	Support		Accept
5	WH & DM Hooker	Support	WH & DM Hooker	Accept
63	R & T Jones	Support	Golden Valley Ridge Farm Ltd & Golden Valley Farm Limited	Accept
25	Z & C Ulrich	Support	Golden Valley Ridge Farm Ltd & Golden Valley Farm Limited	Accept
<p>Discussion: All of the above submissions are general submissions in support of the Plan Change. The submissions generally did not indicate any reasons why they support the plan change. As the overall decision is to approve the plan change these submissions are accepted. The further submissions in opposition to the supporting submissions are therefore be accepted.</p>				
<p>Decision: That submission 43,6,5,63 & 25 be accepted That further submission by WH & DM Hooker and Golden Valley Ridge Farm Ltd & Golden Valley Farm Limited be rejected.</p>				
<p>Reasons for Decisions: The use of the site is the efficient use of the natural and physical resource.</p>				
<p>Resulting Modifications to the Plan Change Request: Specific changes included in Part 10 to this decision.</p>				

Traffic/Transportation

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
23	SI Bignall	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
3	AJ Bloodworth	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
14	TG Brookes	Amend	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
32	RVC Brown	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
20	G Buller & S Shearer	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
16	B & R Cowling	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
2	L Crawford	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
52	PW Dumble	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
41	V Glasgow	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
61	Golden Ridge Farm Ltd & Golden Valley Farm Ltd.	Oppose	Transit NZ	Reject
			JF Spencer	Reject
9	JS Graham	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
34	GE Hawkins	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
35	LF Hawkins	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
50	R Jenkinson	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			JF Spencer	Reject
44	TW Jones	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
67	J & H Keen	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
26	DP Korteweg	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
22	GK & VM Kreegher	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
27	C & B Kurth	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
40	D Lanting	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
12	NL & LJ Lawrence	Oppose		Reject
70	RG & L Leversha	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
58	JWG & RA Magill	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
46	EJ Mills	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			JF Spencer	Reject

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
60	PC Molan	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
8	T Moltzen	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
62	PJ Morris	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
66	K & G Nicolls	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
18	J Oddy	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
45	MC Owens	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
51	J Pharaoh	Not Stated	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	
15	B & C Potter	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
47	J & M Pudney	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
21	RM Randall	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
			JF Spencer	Reject
31	JV Richards	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
10	WT & J Roberts	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
33	AD & ES Robertson	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
57	FT Rowe	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
71	J & J Ryburn	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
49	JE Sampson	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
			Transit NZ	Reject
54	J & A Saunders	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
55	JF Spencer	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
56	M & R Simon	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
48	JC & R Sisley	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
55	JF Spencer	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
17	RM Stewart	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
4	G Theobald	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
68	Transit NZ	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			NZ Fire Service Commission	Reject
			Hamilton City Council	Reject
			JWG & RA Magill	Reject
24	SJ Wakefield	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
73	B Walker	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
72	J Walker	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
36	A Wallace	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
13	TR Ward	Amend	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
53	N & J Williams	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject
38	BV & j Young	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			Transit NZ	Reject

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
<p>Discussion: The above submissions all raise concerns in relation to possible traffic effects if the development was to go ahead. Traffic can be broken down into a number of individual aspects.</p> <p>The majority of the submitters believed that the proposal would increase the amount of traffic at the already busy Houchen Road and SH3 intersection. Submitters feel that there is already an existing traffic problem and the proposal will further compound this. Therefore they consider that the increased congestion would have a more than minor impact and disagree with the traffic report by Gabites Porter that states otherwise.</p> <p>In addition submitters felt that the increase in traffic would compromise the rural nature of the area and increase noise pollution. Also submitters identified that the increase in traffic could impact on pedestrian safety as well as emergency vehicle response times.</p> <p>Concern was also raised in relation to the increase in traffic and there were no alternative entrance and exits proposed.</p> <p>The further submissions by Golden Ridge Farm Limited and Golden Valley Farm Limited supported the opposing submissions on the basis that they outlined the effects on the roading network and the potential for traffic conflict at the Houchen Road and SH3 intersection. NZ Fire Service commission also submitted supporting the decline of the proposal due to the limited ability for emergency vehicles to respond in a timely manner.</p> <p>The submission of Transit NZ sought that the applications be declined and the further submission supported the opposing submissions that sought to decline the plan change on the basis that the intersection would be adversely affected by the traffic. Further assessments by Transit NZ indicated that the development would have a significant adverse effect on the safe and sustainable function of the intersection.</p> <p>The traffic impacts based on the substantive evidence of all witnesses and submitters were considered and suitable mitigations are seen to be available.</p>				
<p>Decision: That the above submissions and further submissions be rejected</p>				
<p>Reason for Decision: The plan change will not compromise the surrounding traffic system, and the potential adverse effects have been appropriately addressed to ensure that the mitigations can be appropriately implemented through the subdivision stage.</p>				
<p>Resulting Modifications to the Plan Change Request: Part 10 to this decision contains specific changes to the District Plan. Specific to traffic are new rules 10.6.1.3B(b). Also new rural noise requirement 2.4.24(8) and inclusion of the structure plan in the Appendices.</p>				

Stormwater, Wastewater and Water Supply

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
16	B&R Cowling	Oppose		Reject
52	PW Dumble	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
69	Environment Waikato	Neither	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
			JWG & RA Magill	Reject
59	M Ginnane	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
61	Golden Ridge Farm Ltd & Golden Valley Farm Ltd.	Oppose	JWG & RA Magill	Reject
65	Hamilton City Council	Conditional	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject in part
			NZ Fire Service Commission	Reject in part
			JWG & RA Magill	Reject in part
7	G & M Hawkins	Oppose		Reject
34	GE Hawkins	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
1	Inness SM	Not Stated	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject in part
50	R Jenkinson	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
22	GK & VM Kreegher	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
12	NL & LJ Lawrence	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
39	WR Mason	Amend	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject in part
28	GJ Murtagh	Amend	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject in part
15	B & C Potter	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
47	J & M Pudney	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
10	WT & J Roberts	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
71	J & J Ryburn	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
49	JE Sampson	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
48	JC & R Sisley	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
42	CA Slabber	Amend	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject in part

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
55	JF Spencer	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
36	A Wallace	Oppose	Golden Ridge Farm Ltd & Golden Valley Farm Ltd	Reject
13	TR Ward	Amend		Reject in part
38	BV & J Young	Oppose		Reject

Discussion:

The above submissions all raised issues related to the disposal of stormwater, wastewater and the supply of water on the site.

Submitters were concerned that the land, with poor draining peat soils was not suitable for sewage disposal through traditional methods such as septic tanks and soak holes. Submitters therefore considered that the poor draining land would be inappropriate for subdivision. Submitters were also concerned that with an additional 140 lots the volume of stormwater would increase and compromise the capabilities of the existing stormwater detention ponds. These concerns were that at present the area struggles to cope with stormwater runoff, as there is little capacity for over flow and therefore the increased pressure on the system may cause downstream flooding.

The submission by Hamilton City Council also raises the issue with water supply and thus water for fire fighting purposes. Submitters also highlight the already inadequate water supply in the area.

Three further submissions were received. The first was received from Golden Ridge Farm Ltd & Golden Valley Farm Ltd, this submission supported the opposing submissions that address the suitability of the soils for drainage for stormwater and/or effluent disposal.

Secondly the NZ Fire Service submission that supports the submission by Hamilton City Council is in opposition to the proposal because of the issue of water supply to the area.

Thirdly is JWG and RA Magill who oppose Councils submission for a variety of reasons.

Through additional evidence provided at the hearing it was determined that such servicing can be achieved.

Decision: Reject the above submissions

Reason for Decision: The applicant has addressed these issues and provided sufficient evidence at the hearing that water, stormwater, and wastewater can be effectively disposed of, in a manner that will not compromise the existing environment. Commissioners are therefore satisfied that the potential adverse effects created from the disposal of stormwater and wastewater have been adequately mitigated. Appropriate assessment is required at subdivision stage.

Resulting Modifications to the Plan Change Request: Specific changes included in Part 10 to this decision. Specific to servicing is the new rule 10.6.1.3B (c) and (d). Plus the inclusion of the Structure Plan as Appendix 22.

Prime Agricultural Land

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
37	PM Cateley	Oppose		Reject
19	T & K Fluhler	Oppose		Reject
34	GE Hawkins	Oppose		Reject
35	LF Hawkins	Oppose		Reject
29	JAA & CH Hendriks	Oppose		Reject
50	R Jenkinson	Oppose	JWG & RA Magill	Reject
58	JWG & RA Magill	Oppose		Reject
30	Pandarosa Farms Ltd	Oppose	JWG & RA Magill	Reject

Discussion:

The above submissions all identify that the site is an area of Prime Agricultural Land. It was highlighted through these submissions that the particular farming practices on the site were not necessarily reflective of those surrounding the site. The land is not considered useless and the property has the potential to be relatively productive if farmed correctly.

The further submission by TWG & RA McGill states that the proposal unfairly minimises the potential future subdivision of the land, which is practically relevant to Prime Agricultural soils. They also state that the rezoning will also have reverse sensitivity issues in relation to farming activities on properties with an agricultural land use.

Decision: That the above submissions and further submissions be rejected

Reason for Decision: As part of this proposal the applicant submitted a geological assessment and assessment by Dr Chapman about the limited productive nature of the soil. Based on this assessment this issue has been addressed and the submissions in opposition are rejected. Therefore the Commissioners are satisfied that the plan change will not compromise the objectives and policies of the District Plan.

Resulting Modifications to the Plan Change Request: Specific changes included in Part 10 to this decision. No specific rules relative to protection of prime agricultural land are included.

Ecological Values and Special Landscape Character Area

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
52	PW Dumble	Oppose		Reject
19	T & K Fluhler	Oppose		Reject
44	TW Jones	Oppose	JWG & RA Magill	Reject
58	JWG & RA Magill	Oppose		Reject
47	J & M Pudney	Oppose		Reject
48	JC & R Sisley	Oppose		Reject

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
55	JF Spencer	Oppose	JWG & RA Magill	Reject
<p>Discussion: These submissions raise issue in relation to the ecological and landscape effects of the proposal. Concerns were raised that the special landscape character will be destroyed and also the consequential loss of habitat. Specifically the concerns for the special landscape area were not just aimed at protecting the views from the State Highway but protecting the existing landscape quality and preserving the peat lakes and landscape settings.</p> <p>Further Submission was received by JWG & RA McGill, supporting.</p>				
<p>Decision: That the above submissions and further submissions all be rejected</p>				
<p>Reason for Decision: The commissioners consider that the potential effects on the ecological values and landscape character of the area will not be compromised as they have been adequately addressed in the landscape assessment as provided as part of the hearing. The commissioners were in agreement that the peat lakes and wetlands shall be preserved through planting and protected through covenants to ensure that the ecological value of the area will not be lost.</p>				
<p>Resulting Modifications to the Plan Change Request: Specific changes included in Part 10 to this decision. Specific rules are included in 10.6.1.3B (d) for ecology and (e) for landscape. The inclusion of the landscape plan in the appendices is also required.</p>				

Visual and Amenity Values

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
9	JS Graham	Oppose		Reject
7	G & M Hawkins	Oppose		Reject
34	GE Hawkins	Oppose		Reject
64	Houchen Charitable Trust	Oppose	Anglican Diocese of Waikato	Reject
44	TW Jones	Oppose		Reject
62	PJ Morris	Oppose		Reject
18	J Oddy	Oppose		Reject
51	J Pharaoh	Oppose		Reject
<p>Discussion: The submissions received were opposed to the plan change. Submitters were concerned with the amenity values of the site and indicated that the rural character will change and the proposal will change the nature and intensity of activities and buildings in the rural area and therefore detracting from the rural character. Concerns were also raised in relation to the impact on visual amenity. As with landscape, as the substantive decision is for decline those submissions would be rejected. However, should the applicant be able to demonstrate it is appropriate to change the land use pattern for the site then the submission would be rejected. A substantive submission was presented by the Houchen Road Charitable Trust at the hearing, while the Trust has a unique development the amenity on the development was not considered sufficiently unique to justify applying special circumstances.</p>				

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
Decision: Reject the above submissions and further submissions				
Reason for Decision: Again the commissioners are satisfied these issues have been adequately addressed, as outlined in the landscape assessment prepared for this plan change. The landscape assessment indicated that the site would be appropriate for a rural residential policy area because of its close proximity to the built up area of Hamilton City, the adjacent SH3 and proposed future urban arterial route. Commissioners are also satisfied that appropriate measures will be put in place to ensure the visual and amenity values of the area will be maintained.				
Resulting Modifications to the Plan Change Request: Specific changes included in Part 10 to this decision. Specific rules are included in 10.6.1.3B (e) for landscape. The inclusion of the landscape plan in the appendices is also required. The inclusion of new rule 2.4.24(8) assists in preventing reverse sensitivity to use of the adjacent State Highway.				

Social Impact

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
36	A Wallace	Oppose		Reject
Discussion: The submission discusses the possibility of the negative social impact on the surrounding residents, brought about by much closer housing, higher noise and the loss of notable attractive scenic views that would be destroyed by this development.				
Decision: Reject this submission				
Reason for Decision: Commissioners cannot see any effects in terms of social impact.				
Resulting Modifications to the Plan Change Request: Specific changes included in Part 10 to this decision. No specific changes in respect to social impact are included.				

Inconsistency with Waipa District Plan

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
61	Golden Ridge Farms Ltd & Golden Valley Farm Ltd	Oppose	JWG & RA Magill	Reject
58	JWG & RA Magill	Oppose		Reject
<p>Discussion: The applicant makes the assumption that the land within Houchen Road is compromised for rural activities by the proximity of Hamilton City, the submitter believes this to be not valid and considers the application has been inadequately addressed. It does not show Council's programmes for reviewing the District Plan and how the proposal is consistent with the purpose and principles of the legislation given in Part II of the Act. Consistency with the District Plan has been addressed through the individual criterion of Policy RS67.</p>				
<p>Decision: Reject</p>				
<p>Reasons for Decision: The commissioners are satisfied that the proposal will not be inconsistent with the objectives and policies of the Waipa District Plan, and have addressed any potential adverse effects.</p>				
<p>Resulting Modifications to the Plan Change Request: Specific changes included in Part 10 to this decision. No specific modifications for this issue.</p>				

Out of Sequence Development

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
58	JWG & RA Magill	Oppose		Reject
<p>Discussion: Submitter has concerns that there is no consideration provided in the plan change documentation to assess the potential impact on urban growth and Hamilton City itself. The Hamilton City Council identified that matters have changed in terms of strategic growth management since the plan change was notified. They provided additional detail of proposed sub-regional growth evaluation however they confirmed that any outcomes are still some time off. Therefore little regard to this is warranted at this stage.</p>				
<p>Decision: Reject</p>				
<p>Reasons for Decision: Development in the location would not compromise any future tangible growth options.</p>				
<p>Resulting Modifications to the Plan Change Request: Specific changes included in Part 10 to this decision. No specific modifications for this issue.</p>				

Precedent

Sub #	Submitter	Support/ Oppose	Further Submitter	Accept/ Reject
47	JM Pudney	Oppose		Reject
55	JF Spencer	Oppose		Reject
Discussion: Submitters feel that if this development is to go ahead it will set a precedent in the area and encourage others to do the same. The Commissioners were satisfied that this change meets the tests of the RMA and any subsequent applications would also need to demonstrate they meet these tests on their own merit.				
Decision: Reject the submission				
Reasons for Decision: Precedent is not a relevant matter in of itself in determining the appropriateness of the propose plan change.				
Resulting Modifications to the Plan Change Request: Specific changes included in Part 10 to this decision. No specific modifications for this issue.				

Petition (Submission 74)

The petition raises concerns over traffic and consequential effects generated. As set out in the main report traffic effects can be mitigated, therefore the submission is rejected.

PART 10: APPROVED PLAN CHANGE PROVISIONS (WITH MODIFICATIONS)

The Commissioners have resolved to approve Plan Change 41 to the Waipa District Plan with modifications to ensure effects are avoided remedied or mitigated.

Section 3.4.7 Settlements in Areas

1. At the end of the section add a bullet point to the list of rural residential areas:
 - *Houchen Road, Hamilton vicinity*
2. The following rule shall be inserted into the District Plan to form new Rule 10.3.2 subclause 4. :

"4. *Any subdivision in the Houchen Road Rural Residential Policy Area shall be a **Limited Discretionary Activity**. The Council may exercise control over the matters referred to in Rule 10.6.1.3B and the general provisions of sections 1,5,10 and 12 of the District Plan.*

3. The following rule shall be inserted into the District Plan to form a new Rule 10.6.1.3B.

"Standards and Terms for Houchen Road Rural Residential Policy Area

a) Lot Sizes and Dimensions

In the Houchen Road Rural Residential Policy Area (RRPA), the following requirements shall apply:

- i The lot shall comply with any larger site area requirement of the Waikato Regional Council in relation to the size of a site or any appropriate legal instrument for the disposal of stormwater and sewage; and*
- ii Council is satisfied that there is sufficient area on each allotment to adequately dispose of stormwater and sewage effluent within the boundaries and provide a duplication of the disposal systems; and*
- iii Within the peat soil areas (see Houchen Road RRPA Structure Plan):*
 - the average of the net lot areas shall not be less than 2ha.*
 - the minimum net lot area shall be 1ha on peat areas over 2.5 metre depths.*
- iv Within the non-peat soil areas (see Houchen Road RRPA Structure Plan):*
 - the average of the net lot areas shall be not less than 3,500 m².*
 - the minimum net lot area shall be 2,500 m².*
 - for any allotment under 3,500 m² there shall be a corresponding allotment over 3,500 m².*
- v The average net lot areas shall not include the balance of any existing lot exceeding 4 ha.*
- vi The standards contained in Rule 10.6.1.2(b), (c), (d) and (e) shall apply.*

b) Traffic and Rounding

- i The subdivision and development of the area within or to the south of the potential SH W2 route alignment on the Houchen Road RRPA Structure Plan shall be deferred until such time as Transit New Zealand determines the future alignment of the proposed Hamilton southwest arterial road OR two years, which ever time is the earlier.*
- ii The carriageway of Houchen Road shall be widened as a condition of subdivision consent from near the Hamilton City/Waipā District boundary to the main access road to the subdivision as depicted on the Houchen Road RRPA Structure Plan. Carriageway widths and engineering design shall be in accordance with the Waipā District Council's Code of Practice standards.*
- iii At least one priority 'T' intersection on Houchen Road to access the Houchen Road RRPA shall be provided as a condition of subdivision consent. The location of the access road shall meet the Waipā District Council's Safe Stopping Distance design criteria.*
- iv A concrete (or similar approved all weather surface material) footpath extending from the existing concrete footpath on Houchen Road to a safe crossing location, and then extending to the proposed intersection of the main access road to the Houchen Road RRPA shall be provided as a condition of subdivision consent.*
- v The subdivision and development of the Houchen Road RRPA will be subject to appropriate mitigation being undertaken on the SH3/Houchen Road intersection. To help determine what is appropriate mitigation consultation with Transit New Zealand and Hamilton City Council as parties with an interest in the upgrade of the Houchen Road/State Highway 3 intersection shall occur.*

Note: If agreement with these parties is not reached through this consultation notification, or service of notice (limited notification), as deemed appropriate will be required.

- vi For any lots created for residential purposes within 80 metres (measured from the nearest painted edge of the carriageway) of State Highway 3 or land that is subject to a notice of requirement or designation for the highway shall be subject to covenants/consent notices on the titles of any private lots advising of the requirements of rule 2.4.24(8).*
 - vii The internal roads of the Houchen Road RRPA shall be located generally in accordance with the Houchen Road RRPA Structure Plan and shall enable non-State Highway access to land held in all existing certificates of title within the Houchen Road RRPA.*
- c) Geotechnical*
- i The subdivision and development of any land within the Houchen Road RRPA which contains peat soils as shown on the Houchen Road RRPA Structure Plan shall be subject to detailed investigations by a suitably qualified person in accordance with Rule 1.7.1 of the District Plan.*
- d) Hydrological*
- i The stormwater detention ponds and related systems (including the connections between the two ponds, the inlet to Pond A and outlets from Pond A and Pond B) and reserves are to be transferred to Waipā District Council at valuation with the timing of transfer and the precise land areas to be determined in accordance with the Houchen Road RRPA structure plan at the*

time of subdivision. Such ponds and structures any upgrade in terms of discharge consents shall be set out in management plan for the vested assets.

- ii Suitable demonstration of appropriate provision being put in place for fire fighting protection of future houses on individual lots.*

e) Landscape

- i A landscape development plan shall be prepared and implemented as a condition of subdivision consent for the Houchen Road RRPA. The landscape development plan shall be generally in accordance with the Houchen Road RRPA Landscape Concept Plan and shall show the following:*

- *Size and species of existing vegetation to be maintained*
- *Areas to be subject to the management and eradication of plant pest species*
- *Areas to be planted as part of the wetland/reserve enhancement*
- *Names and details of proposed species for planting*
- *Details of proposed maintenance*

- ii The subdivision and development of any land within the Houchen Road RRPA shall be subject to covenants/consent notices on the titles of any private lots (as consent notices pursuant to section 221 of the RMA or similar) within or close to the low lying flood plain area as generally depicted on the Houchen Road RRPA Landscape Concept Plan. The intent of the proposed covenants is to maintain the planting undertaken pursuant to the landscape development plan and to protect the watercourses, stormwater detention area and wetland margins from inappropriate plant species and development.*

f) General

- i The subdivision and development of the PC41 area shall be generally in accordance with the Houchen Road RRPA Structure Plan and shall be undertaken in a manner that does not frustrate the future development of any part of the RRPA.*
- ii Matter contained in the assessment criteria in Rule 10.6.1.5.*

5. Add new rule 2.4.24(8)

For any new dwellings and any alteration(s) to existing dwellings, within the Houchen Road Rural Residential Policy Area, constructed within 80 metres (measured from the nearest painted edge of the carriageway) of State Highway 3 or land that is subject to a notice of requirement or designation for the highway:

- *the dwelling or alteration must be designed, constructed and maintained to meet the "satisfactory" internal design sound levels in Australian New Zealand Standard AS/NZS2107:2000 Recommended Design Sound Levels and Reverberation Times for Building Interiors; or*
- *prior to the construction of any habitable building(s) on the site, an acoustic design certificate from a qualified acoustic engineer is to be provided to Council demonstrating that the above internal sound levels of Australian New Zealand Standard AS/NZS2107:2000 Recommended Design Sound Levels and Reverberation Times for Building Interiors; or*
- *the dwelling or alteration must be designed, constructed and maintained in accordance with the schedule of typical building construction set out in Appendix A to Australian New Zealand Standard AS/NZS2107:2000 Recommended Design Sound Levels and Reverberation Times for Building Interiors.*

6. The Houchen Road RRPA Structure Plan and the Houchen Road RRPA Landscape Concept Plan shall be incorporated into the District Plan as Appendix 22.

Please note, prior to inclusion in the District Plan the applicant is required to provide a revised version of the Structure Plan to Council showing an indicative road access to Exeter Street and provision for a future roading link to State Highway 3 when the State Highway designation is lifted. The roading pattern on the structure plan shall also reflect a likely development scenario taking into account the revised provision in respect to peat soils. Additionally, the Structure Plan should show a footpath/cycleway link between the proposed road extension from Exeter Street and the main road link in the subdivision.