

# RMA HEARINGS PANEL REPORT



**To:** RMA Hearings Panel Commissioners

**From:** Hannah Palmer, Consultant Planner (on behalf of Waipā District Council)

**Subject:** **Section 42A Hearing Report on Private Plan Change 12, submissions and further submissions**

**Hearing Dates:** 22, 24 and 25 March 2021

**File Reference:** 10561390

## Executive Summary

The Waipā District Council has received a private plan change request from Sanderson Group Limited (SGL) and Kotare Properties Limited (KPL) (collectively referred to as ‘the applicant’) to the Waipā District Plan (WDP), identified as Private Plan Change 12 (PPC12). PPC12 seeks to rezone the T2 Growth Cell in Te Awamutu from a Deferred Residential Zone to a Residential Zone ahead of its planned release in 2035.

PPC12 includes a structure plan for the entire T2 Growth Cell and proposes additional rules and an appendix to the WDP to facilitate its development. The plan change proposes the uplift of the current Deferred Residential Zoning for the entire of the T2 Growth Cell, although releasing land for development in two stages. Immediate release of land for development is sought for Stage 1 which includes the southern part of the growth cell, and it is proposed that the rules of the Residential Zone apply to Stage 1 from the date of uplift. Stage 2 includes the northern part of growth cell and it is proposed to zone this residential, although the applicant has requested the rules of the Deferred Residential Zone apply until 2035.

Following the provision of further information by the applicant in October 2020, in accordance with Schedule 1, Part 2, Clause 25 of the Resource Management Act (RMA) the Council decided to *accept the private plan change request in whole*, rather than in part or convert it to a resource consent.

PPC12 was publicly notified for submissions on 2 November 2020 with submissions closing on 27 November 2020, attracting 28 submissions. The summary of submissions was notified on 14 December 2020 with the period for further submissions closing on 15 January 2021. Three further submissions were lodged. There were no late submissions.

There were 18 submissions received in support (or support in part) of PPC12 and 10 submissions opposing (or opposing in part) the plan change. Submissions in support have highlighted the need for a high quality retirement village within Te Awamutu and noted that there would be high demand for such a facility.

Submissions in opposition have raised concerns around whether early release of the T2 Growth Cell is appropriate, the potential adverse effects arising from the future land use change from rural to urban (including whether historic heritage and/or archaeological sites would be appropriately protected) and the adequate provision of, and pressure on, infrastructure.

**Timeframes and Staging:** A detailed assessment of the issues raised in relation to the timing of the release of the T2 Growth Cell and whether it can be developed in advance of 2035 is set out in this report. This assessment concludes that:

- (a) The early release of the southern portion (Stage 1) of the T2 Growth Cell for residential development is consistent with the planning policy framework within which the proposal must be considered and is supported by higher level planning documents including the National Policy Statement for Urban Development 2020 (NPS-UD) and the Waikato Regional Policy Statement (WRPS).
- (b) The WDP provides for and anticipates the uplift of Deferred Zones (including the T2 Growth Cell) over time and specifically notes that these “*are areas that have been identified as being suitable for conversion from the current land use to a new land use*”. The uplift process is subject to WDP Rule 14.4.1.10(a) to (g) which includes requirements in relation to limiting any amendments to the WDP, structure planning, infrastructure, land supply and the uplift process. I consider that PPC12 satisfies the relevant requirements of Rule 14.4.1.10.
- (c) In principle I agree with the staged release of the T2 Growth Cell is an appropriate approach to balance the supply of residential land and meet the short to medium term demand within Te Awamutu, alongside other open Growth Cells. I consider that the proposed structure plan and supporting planning provisions (i.e. proposed Appendix S23) will ensure that the entire Growth Cell is developed in an integrated way and that staging the development will not adversely affect this.
- (d) However, I consider that it is more appropriate to uplift the Deferred Residential Zone for **Stage 1 only** at this time, and that Stage 2 should remain as Deferred Residential Zone until 2035. This is because the detailed design for Stage 2 of the T2 Growth Cell is not as far advanced as Stage 1 and the housing capacity released through Stage 1 is sufficient to meet project growth demand in the short to medium term. Further, I consider that the approach meets the necessary requirements of the WDP and higher order planning documents.

**Ecology:** Issues have been raised on potential ecological impacts of the development, particularly in relation to potential adverse impacts on bats. Council staff engaged an independent Ecological Consultant to undertake a review of the ecological assessment provided with the application. The Consultant agrees with management measures set out in the application to avoid, remedy, or mitigate effects on all flora and fauna. With regard to protecting long-tailed bats, it is recommended that a further detailed tree assessment be undertaken closer to the time of construction to ensure that there is no risk of bats roosting in trees at the time of felling. These issues can be addressed through the consent process, and this review has confirmed that there will need to be appropriate conditions on any resource consent to ensure that impacts on bats are avoided (where possible) and appropriately mitigated.

**Traffic and transport:** Issues have also been raised by some submitters in relation to additional traffic generation, safety, and transport connections and capacity within Te Awamutu. Council’s Transportation Manager and Development Engineers have reviewed the plan change application and confirmed that the Integrated Transportation Assessment (ITA) appended to the application provides a relevant assessment of traffic effects such that the plan change can proceed. The assessment notes that at the time of relevant future consents, conditions will be recommended by Development Engineering to best mitigate potential effects, and these will likely require the submission of ‘As-built plans’, design and construction details including quality assurance assessments to further assess effects at a detailed level.

**School capacity:** One submission has raised concerns about the impact of the development on local school capacity. In relation to concerns about schooling capacity, the Ministry of Education’s submission confirms

that the proposed residential subdivision (as part of Stage 1) is “located close to several schools that currently have existing network capacity to absorb an increase in student numbers in the area.”

**Heritage:** The submission and further submission from Heritage New Zealand Pouhere Taonga (Heritage NZ) has sought to provide further protection of Isla Bank heritage property located at 67 Pirongia Road. This property is located within the northern most area of the T2 Growth Cell i.e. within Stage 2. The submission included a request that Council consider amending the Waipā District Plan heritage schedule to include the setting of Isla Bank in the listing.

PPC12 includes provisions that the northern part of growth cell will remain Deferred Residential Zone until 2035 which will effectively ensure a staged approach to the development of the T2 Growth Cell. The application notes the WDP has already addressed effects on heritage items on a District-wide basis and contains objectives and rules that will apply to any future resource consents to develop close to or around the building. If the Stage 2 structure plan area is developed it will be the Isla Bank landowner’s decision as to the extent to which (if at all) their land is incorporated into the wider development plans. Therefore, there is no need to implement any site specific rules in PPC12 to protect the heritage item.

I concur with the applicant’s assessment of this issue and further note that I am recommending the retention of Deferred Residential Zoning for Stage 2 of the T2 Growth Cell. Additionally, in relation to this issue, it is relevant to note that within the 2021 to 2035 timeframe it is highly likely that there will be fundamental changes to the planning framework in New Zealand, notably through the RMA reforms proposed under the current government. It is reasonable to consider that within this timeframe that there will likely be a future District Plan review where this issue may be more appropriately considered within the wider context.

**Three Waters:** Council’s Development Engineers have reviewed the proposed provision of key infrastructure for T2 including stormwater, wastewater, and water supply. In relation to the provision of three waters for the T2 Growth Cell, engineering advice has confirmed that there are no reasons not to support the plan change. The receiving council infrastructure for wastewater was originally sized to cater for both T1 and T2 development and is still deemed adequate for connection. Modelling results have determined that there is sufficient water supply under the provision that upgrades are undertaken to the existing reticulation network via way of detailed design for booster pump installation/operation. Relying on these assessments, I consider there are no in principle infrastructure concerns associated with the future development of the T2 Growth Cell.

In relation to the above, it is important to note that there are some outstanding issues in relation to the detailed design of stormwater, wastewater, water provision, transport layout and the design/layout of the residential and retirement village components of the PPC12. Council’s Development Engineers consider that these issues can be further addressed through the resource consent process as more detailed development plans is provided. Based on this advice, I consider that PPC12 can be supported.

Staff have reviewed the issues raised by submitters in relation to, viewshafts, vistas and amenity and construction effects such as noise, dust, earthworks, and effects on surrounding residences and are of the view that these matters should be more appropriately addressed at the detailed development stage, through relevant resource consent processes. I concur with this assessment and further note that the proposed PPC12 planning provisions include design objectives, design measures and rule requirements to ensure that comprehensive landscape design, including the consideration of vistas, will be part of the development of the Growth Cell.

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The Proposed Private Plan Change has been assessed in terms of background, the statutory framework of the Resource Management Act 1991, relevant policy considerations and submissions received.

**Recommendation:** Subject to contrary or additional information being presented at the Hearing, it is **recommended that PPC12 be approved with modifications** in accordance with revised provisions set out in Appendix 1a to this report and as follows:

- (a) **That the Deferred Residential Zoning is uplifted for Stage 1** of the T2 Growth Cell and that Residential Zoning is applied to Stage 1. For the avoidance of doubt the staging for T2 is as shown on the structure plan contained in Appendix 2 to this report;
- (b) **That the Deferred Residential Zone for land within Stage 2 of the T2 Growth Cell continue to apply** (as indicated on the Structure Plan) and that this zoning remains until 2035.

It is noted that should the above recommendation be accepted by the Hearings Panel a further Plan Change process will be needed for Stage 2 in accordance with WDP requirements if this is to occur prior to 2035. Furthermore, the above recommendation will necessitate some minor consequential amendments to the WDP to ensure that the proposed provisions are appropriately integrated. These changes are minor and not fundamental to the integrity of the WDP or any decision on the plan change and will be confirmed following the hearing.

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Appendix 1 – Applicant Proposed Rules and Appendix (District Plan Amendments)

Appendix 1a – Recommended changes to applicant proposed District Plan amendments

Appendix 2 – Structure Plan Map

Appendix 3 – Waipā District Council - Clause 25 Report (decision to accept Private Plan Change 12)

Appendix 4 – Waipā District Council – Summary of Te Awamutu Growth Cells

Appendix 5 – Waipā District Council - Further information request and applicant response (including letter from Stantec)

Appendix 6 – Applicant’s supplementary Section 32AA evaluation

Appendix 7 – Correspondence with submitters

Appendix 8 – WSP review of ecological assessment

Appendix 9 – Development Engineering Assessment of Private Plan Change

Appendix 10 – Non-notified Report Stormwater Discharge – Waikato Regional Council

## **1 INTRODUCTION**

- 1.1.1 My full name is Hannah Olivia Palmer. I am an Environmental Consultant for Place Group Limited, and have held this position since 2017.
- 1.1.2 I hold the qualification of Postgraduate Diploma in Resource and Environmental Planning obtained in 2011 from the University of Waikato. I also hold a Postgraduate Diploma in Earth Science and a Bachelor of Science from the University of Waikato. I am an Associate member of the New Zealand Planning Institute.
- 1.1.3 I have over 9 years' planning experience and have previously held planning positions at Opus International Consultants, Latitude Planning Limited, and Southland District Council. I have been involved in a range of resource management projects including preparation of evidence for the Proposed Auckland Unitary Plan and Proposed Waikato District Plan, preparation of Section 32AA evaluations, preparation and processing of resource consents, policy analysis and district plan review.
- 1.1.4 Place Group Limited were engaged to process this application for a Private Plan Change (to be known as PPC12) on behalf of Waipā District Council in May 2020. I became involved with PPC12 in November 2020 following the departure of my colleague Tim Wilson and have since taken over the role of Council Reporting Officer in respect of this project. I visited the proposed site for PPC12 on 19 January 2021 and am familiar with the application, requests for further information, relevant assessments and process completed to date.

## **1.2 CODE OF CONDUCT**

- 1.2.1 I can confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my 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 I express.
- 1.2.2 I am authorised to prepare and present this Section 42A Report on the Council's behalf to the PPC12 hearings commissioners.

## **1.3 CONFLICT OF INTEREST**

- 1.3.1 To the best of my knowledge, I confirm that I have no real or perceived conflict of interest in relation to PPC12.

## **1.4 PREPARATION OF THIS REPORT**

- 1.4.1 I am the author of this report which has been prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA). This report considers the merits of the private plan change request from Sanderson Group Limited (SGL) and Kotare Properties Limited (KPL) (the 'applicant') for the rezoning of the growth cell known as T2, the submissions and further submissions ('submissions') that were received by Waipā District Council ('Council').

- 1.4.2 The data, information, facts, and assumptions I have considered in forming my opinions are set out in this report. Where I have set out my professional opinions, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2 SCOPE OF REPORT**

### **2.1 MATTERS ADDRESSED BY THIS REPORT**

- 2.1.1 PPC12 must be prepared in accordance with the Council’s functions under Section 31 of the RMA, Part 2 of the RMA, and its obligation to have particular regard to an evaluation report prepared in accordance with Section 32 of the RMA, any further evaluation required by Section 32AA of the RMA, and to be in accordance with matters to be considered by a territorial authority as set out in Section 74 of the RMA.

- 2.1.2 The provisions that are covered by this report include the relevant provisions, objectives, and policies of the following:

- Resource Management Act 1991
- National Policy Statement for Urban Development 2020 (NPS-UD)
- National Policy Statement for Freshwater Management 2020 (NPS-FM)
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-SC)
- Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River
- Iwi Joint Management Agreements
- Waikato Regional Policy Statement
- Operative Waipā District Plan
  - Part D, Section 2 – Residential Zone
  - Part D, Section 14 – Deferred Zone
  - Part E, Section 15 – Infrastructure, Hazards, Development and Subdivision
  - Plan Change 5 – Waipā 2050 Growth Strategy
  - Plan Change 13 – Streamlining the “uplift” of Deferred Zones
- Section 32 – consideration of alternatives, benefits and costs

- 2.1.3 The scope of my report relates to providing an analysis of the information provided by the applicant as well as submissions and further submissions received in relation to PPC12 against the considerations outlined in Section 104 of the RMA. My assessment has also been guided by the following non-statutory documents:

- Future Proof Growth Strategy (2017)
- Waipā 2050
- Iwi Environmental Plans
- Te Awamutu Kihikihi Town Concept Plan



2.1.4 In preparing this report I have relied on expert advice sought from Council staff with regard to, park and reserves, traffic and roading, three waters infrastructure, and urban growth. The application has been reviewed by these experts and their input has been provided on this report to help guide and inform the assessment of PPC12 and the recommendations on the submissions and further submissions.

2.1.5 By way of clarity this is a report on the merits of the plan change and submissions and contains recommendations to the Hearings Panel on whether to approve PPC12. The Hearings Panel will make decisions based on the submissions that have been lodged and all information presented up to and at the time of the hearing. The recommendations made in this report are not the decision of the Hearings Panel.

## **2.2 REPORTING APPROACH**

2.2.1 This Section 42A report is set out as follows:

- Section 3 provides an overview of Private Plan Change 12 (PPC12) proposal.
- Section 4 provides an analysis of the statutory and policy context for the matters to be considered and determined through the hearings process.
- Section 5 provides an analysis of the submissions including recommendations in relation to individual submission points. Submissions have been allocated and addressed by topic. Submissions and further submissions associated with each topic have been summarised into tables with recommendations on whether the submission should be accepted, accepted in part, or rejected.
- Section 6 sets out my overall conclusions and recommendations on whether to approve, approve with modifications or decline PPC12.

2.2.2 To save repetition of appendices and information in this Section 42A Report, the Waipā District Council website should be referenced for copies of the full PPC12 Application and appendices to the application, as well as copies of submissions and further submissions and the decisions requested.<sup>1</sup>

## **2.3 PRIVATE PLAN CHANGE PROCESS – SCHEDULE 1**

2.3.1 The process for determining plan change requests is set out in Schedule 1, Part 2, Clauses 21 to 29 of the RMA. For a private plan change request, the process involves 7 high level steps as follows<sup>2</sup>:

1. *The applicant lodges a private plan change request with the council.* The application for PPC12 was received on 12 August 2020.
2. *The council processes the request, can request further information and commission reports if necessary.* Further information in relation to PPC12 was requested by the Council on 9 September 2020 (refer Appendix 5). The applicant provided a response to this request on 18 September 2020.

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<sup>1</sup> <https://www.waipadc.govt.nz/our-council/waipā-district-plan/wpdc-variations/current-plan-changes/plan-change-12-pending>

<sup>2</sup> <https://qualityplanning.org.nz/node/585> - private plan change process

3. *The council may modify the request with the applicant's permission if appropriate. The Council has not proposed any modifications to the applicants request.*
4. *The council decides whether to adopt, accept, or reject the request, or convert the request to a resource consent. The Council determined to accept the request on 12 October 2020.*
5. *The council publicly notifies a request that it has adopted or accepted allowing submissions and further submissions to then be made. PPC12 was notified for submissions on 30 October 2020 and for further submissions on 14 December 2020.*
6. *The council holds a hearing where it assesses the request and submissions made and then issues a decision on the request. This report provides an assessment of the plan change request and submissions for further determination by the Hearings Panel.*
7. *The council decision is open to appeal to the Environment Court.*

2.3.2 Steps 1 to 5 above have been completed as noted. Importantly, in relation to step 4 and 5 above and in accordance with Schedule 1, Part 2, Clause 25 the Council has made a determination to *accept* the private plan request in whole, rather than in part or convert it to a resource consent. The Clause 25 determination report setting out this decision is provided in Appendix 3.

2.3.3 In relation to step 6, Schedule 1, Part 2, Clause 29(4) of the RMA sets out that after considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority (in this instance the Hearings Panel):

- (a) *may decline, approve, or approve with modifications the plan or change; and*
- (b) *must give reasons for its decision.*

2.3.4 This Section 42A Report sets out Council staff assessment of the plan change request and recommends that the private plan change be approved subject to amendments to the proposed rule framework (approve with modifications).

## **3 OVERVIEW OF PLAN CHANGE**

### **3.1 PLAN CHANGE SCOPE**

3.1.1 PPC12 proposes changes to the zoning and planning framework of the District Plan, including additional rules and a new appendix which sets out a framework for the future development of the T2 Growth cell (refer Section 42A Report Appendix 1 and 1a for the proposed provisions). It should be noted that following notification, the Applicant made minor additional amendments to the proposed provisions to be included in the WDP. These amendments were included by the Applicant to better reflect proposed staging (as outlined in proposed Rule 15.4.2.92) in Appendix S23 - Te Awamutu T2 Growth Cell Structure Plan. These changes do not materially affect what was notified.

3.1.2 The scope of PPC12, and therefore the hearing considerations, extends across the following sections of the District Plan:

- Section 2 – Residential Zone
- Section 14 – Deferred Zone

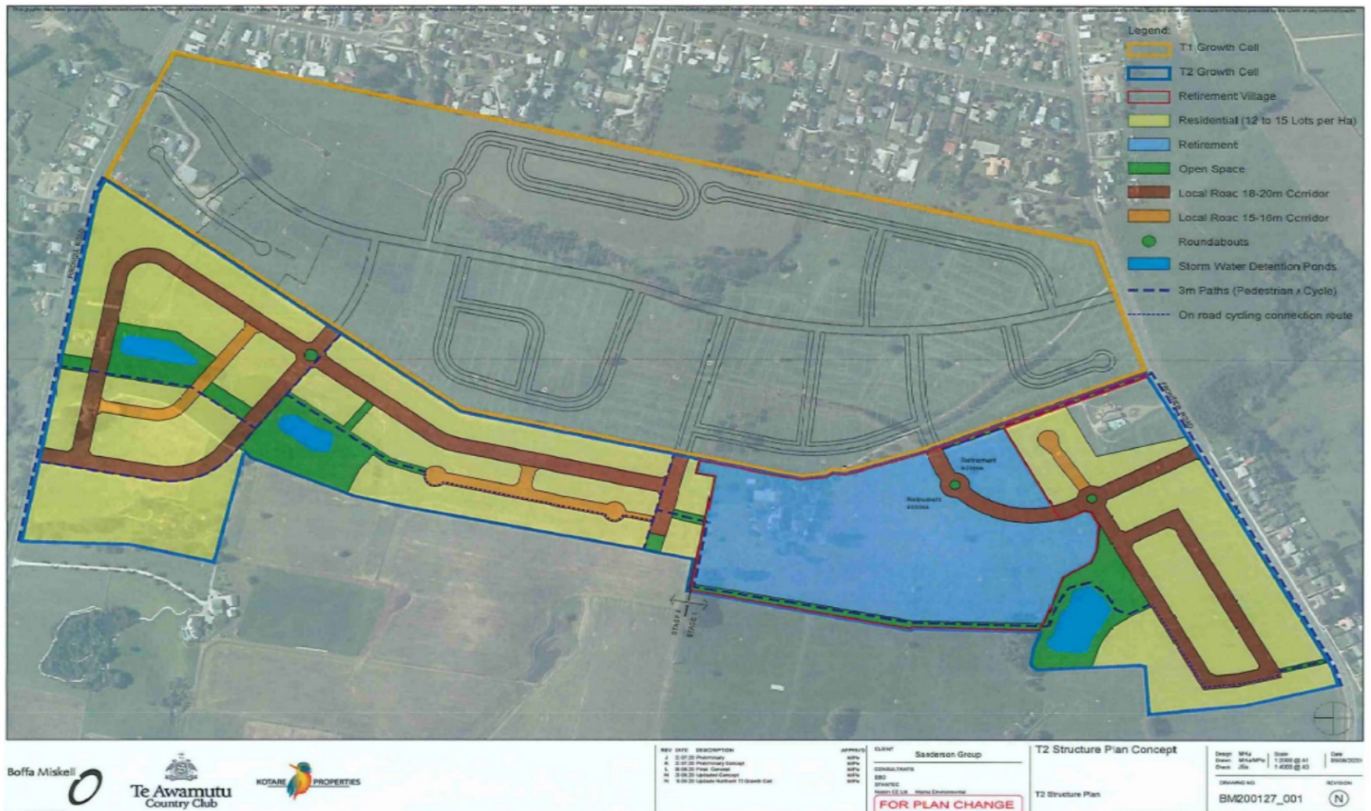
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- Section 15 – Infrastructure, Hazards, Development and Subdivision
- Volume 2 – Appendices (Growth Management Structure Plans and Concept Plans)
- Volume 3 – Planning Maps

### 3.2 PRIVATE PLAN CHANGE 12 PROPOSAL

- 3.2.1 The applicant has collectively lodged a private plan change request to the Waipā District Plan (WDP), identified as Private Plan Change 12 (PPC12). PPC12 seeks to uplift the Deferred Residential Zone currently applied to the T2 Growth Cell in Te Awamutu and rezone the entire T2 Growth Cell as Residential Zone, with proposed provisions to stage the development. PPC12 includes a structure plan for the entire T2 Growth Cell. A copy of the structure plan is provided below and is also in Appendix 2 of this Section 42A report.
- 3.2.2 SGL is focussed on providing high quality retirement villages in New Zealand and have been involved in retirement village developments in Tauranga, Queenstown, Hamilton and Tamahere. SGL have identified further demand for the type and quality of aged care facilities they offer in the Waikato, including specific demand in the Te Awamutu area. SGL have identified this demand as being a key driver to progress PPC12 ahead of the anticipated 2035 release. SGL have teamed up with KPL, a local developer, who will also develop approximately 105 residential lots in the area marked as ‘Stage 1’ on the T2 Growth Cell Structure Plan.
- 3.2.3 The T2 Growth Cell is located to the west of Te Awamutu and is accessed from Frontier Road to the south, and Pirongia Road to the north of the site. The T2 Growth Cell is set out in Appendix S1 of the WDP and is identified in the Waipā Growth Strategy 2050 as being available for release for development after 2035. Below is a map taken from the application showing the location of the T2 Growth Cell and the subject of this plan change request.

#### APPENDIX A - PROPOSED STRUCTURE PLAN



- 3.2.4 The plan change will enable the applicant to further progress land use and subdivision resource consents to undertake a residential subdivision and develop a retirement village as indicated in the submitted structure plan. The design for the retirement village and residential subdivision have now progressed to a point where resource consent applications (bulk earthworks and subdivision) have been lodged with Council to develop the southern portion of the T2 growth cell (i.e. the retirement village area). These applications have been lodged in anticipation of a favourable outcome on PPC12. The development design for the southern half of the T2 Growth Cell is therefore far more advanced than the northern half, noting that the landowners of the northern half have no immediate interests in developing.
- 3.2.5 Once rezoned, the applicants propose to undertake the development in two stages. Stage one which comprises the southern portion of the T2 growth cell (approximately 18.2ha of 40.2ha) would see development of a retirement village housing comprising 98 standalone retirement villas, as well as approximately 105 residential dwellings. This would yield a total of 203 residential dwellings within the T2 Growth Cell – i.e. 41% of the estimated dwelling capacity of the Cell.
- 3.2.6 Stage two which comprises the northern portion of the T2 Growth Cell (approximately 22.8ha) would be residential in nature and is proposed to be developed post 2035 to deliver a further 289 dwellings (approximately). Until 2035, it is proposed that farming operations would continue in the northern portion of the T2 Growth Cell.
- 3.2.7 To give effect to the staging of development within the T2 Growth Cell, the applicants are proposing that the deferred zone is uplifted for the entire T2 Growth Cell and T2 is zoned residential, with the WDP provisions of the Deferred Residential Zone continuing to apply to Stage 2 until 2035.
- 3.2.8 The primary components of PPC12 (as notified) are:
- The establishment of a retirement village development comprising approximately 9.56ha of land in the southern section of the growth cell, that will include the following development / amenities:
    - Approximately 98 standalone retirement villas;
    - A care facility including a dementia unit;
    - A club house including a café that will be open to the public;
    - A health spa; and
    - Recreational amenities including a croquet lawn and bowls green, walkways and cycleways.
  - General residential development for the remainder of the growth cell to the north and south of the retirement village. This development is to be integrated with the retirement village, and the adjoining T1 Growth Cell to the east.
  - The residential development within Stage 1 comprises approximately 8.95ha, and will include:
    - Approximately 105 residential lots;

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- A stormwater reserve, including a stormwater treatment wetland to vest in Council;
  - A recreation reserve to vest in Council;
  - Various pedestrian and cycle paths to vest in Council; and
  - Infrastructure and utility connections, as necessary.
- The residential development proposed within the northern half of the growth cell (approximately 22ha), consists of road network, stormwater and recreation reserves, pedestrian and cycle paths and infrastructure and utility connections. It is noted that the northern half of T2 is not owned by the applicants, but they have discussed the overall development and rezoning with those landowners. The applicants have initiated the necessary investigations and design to support a Structure Plan for the whole of T2, but there is less certainty over the nature and timing of development of the northern half of the growth cell.

### 3.2.9 PPC12 seeks to incorporate the following changes to the WDP:

- Rezoning the entirety of the T2 Growth Cell (approximately 41ha) from the existing ‘Deferred Residential Zone’, to ‘Residential Zone’.
- Insertion of a structure plan for the entirety of the T2 Growth Cell as Appendix S23 – Te Awamutu T2 Growth Cell Structure Plan. The structure plan includes a supporting appendix setting out:
  - Purpose statement for the T2 Growth Cell Structure Plan.
  - A description of the key elements of the structure plan, including pedestrian and cycle connections throughout the site, local road connections and internal cross sections, open space network consisting of stormwater swales, treatment ponds, and recreational spaces.
  - Design measures to address the key elements, including buffer planting areas, and requirements relating to building offsets, fencing, and building heights and specimen tree planting requirements.
- Insertion of a provision after Rule 15.4.2.90 as Rule 15.4.2.91 requiring all subdivision and development of land before 2035 in Stage 2 shall comply with the Rural zone rules, whereas from 2035 subdivision or development of land shall comply with the Residential zone rules. This is to reflect the proposed staging of the structure plan outlined above.

3.2.10 The applicant’s proposed amendments to the WDP as a result of PPC12 are provided in Appendix 1. This shows applicant tracked changes to reflect the proposed staging of development of the T2 Growth Cell.

3.2.11 The applicant has consulted with a number of stakeholders, including local iwi, Heritage NZ, and adjoining landowners in relation to PPC12. Written approval was provided with the application from the following landowners:

**Table 1:** Written approvals provided with PPC12 application

Address	Landowner/occupier
36 Pirongia Road	Victoria Beale
24 Pirongia Road	Ross & Beatrice McGowan

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Address	Landowner/occupier
73 Pirongia Road	Colin and Lynn Pinkerton
35 Pirongia Road	Emma Spiers
10 Frontier Road	Rodney James & Raewyn Spiers
39 Pirongia Road	Blenddyn & Elizabeth Sterling
38 Burn Road	Peter, Steven, Tracy & Yvonne Thompson

- 3.2.12 The following assessment in this report addresses the plan change provisions as notified on 20 October 2020 and the subsequent amendments to these provisions (as set out in Appendix 1).
- 3.2.13 In conjunction with PPC12, the applicant has also submitted to Council two resource consent applications associated with the development of the southern area of T2, a land use consent for earthworks and a subdivision consent. These consents are currently on hold, under Section 37A, pending decisions on PPC12. Any decisions made by the panel on PPC12 will not anyway prejudice or pre-determine any decision on these applications.

## 4 STATUTORY AND POLICY CONTEXT

- 4.1.1 The below sets out the statutory framework for consideration of PPC12 and an assessment of whether or not the plan change is consistent with this framework.

### 4.2 RESOURCE MANAGEMENT ACT 1991 (RMA)

- 4.2.1 The purpose of the RMA is set out in Section 5 and is to promote the sustainable management of natural and physical resources. Sustainable management means:

*Managing the use, development and protection of natural and physical resources in a way and at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

- 4.2.2 In the context of this report the natural resources of the District include the land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all physical resources including infrastructure. The careful management of these resources is vital in order to enable the community to provide for their social and economic wellbeing in an appropriate way and at an appropriate rate. In order to achieve this purpose, it is necessary to appropriately manage and plan the pattern of land use development.
- 4.2.3 Section 6 of the Act requires all persons exercising functions and powers under the Act in relation to managing the use, development, and protection of natural and physical resources, to recognise and provide for matters of national importance. It is considered that PPC12 is **consistent** with Section 6.

- 4.2.4 Section 7 of the Act identifies other matters that particular regard is to be given to. As set out in the application, those matters of key relevance to the plan change include ‘(a) kaitiakitanga’, ‘(aa) the ethic of stewardship’, ‘(b) the efficient use and development of natural and physical resources’, ‘(c) the maintenance and enhancement of amenity values’, ‘(d) intrinsic values of ecosystems’, ‘(f) maintenance and enhancement of the quality of the environment’ and ‘(g) any finite characteristics of natural and physical resources’. The application includes the following assessment of these matters *“The proposal is considered to be an efficient use of land, allowing for residential development to occur in a location already identified for future residential development. Appropriate infrastructure will be provided to maximise the development potential of the land and to ensure that environmental effects are avoided in the first instance and thereafter mitigated on the surrounding environment. The plan change will provide the opportunity for the restoration and enhancement of the existing gully areas and creation of multipurpose wetlands allowing for stormwater management, recreation opportunities and creating a high level of amenity...”* I agree with this assessment and consider that PPC12 is **therefore consistent with** the relevant matters in Section 7.
- 4.2.5 Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account during decision-making. A cultural impact assessment has been provided with the application with the purpose of ensuring the significance of the relationship of mana whenua - Ngāti Apakura, is articulated, acknowledged, and understood in order to ensure any works as proposed under PPC12, is approached in a manner that respects, acknowledges and maintains the integrity of this relationship.
- 4.2.6 The CIA concludes that from a mana whenua perspective PPC12 and the proposed development of the retirement village and subdivision is **“not inconsistent”** with the relevant policies of iwi management plans, and any impacts on cultural values associated with the area will be less than minor. Overall, I therefore consider that the principles of the Treaty **have been taken into account** through the preparation of PPC12.
- 4.2.7 Under Section 32 of the RMA Council must examine whether the objectives of the proposal and its provisions are the most appropriate way for achieving the purpose of the Act. This assessment was set out in the ‘Section 32 Report’ prepared on behalf of the applicant and in support of the proposed plan change and was incorporated into the application at the time of notification. A request by Council to the applicant to further supplement their Section 32 Report with an analysis of the proposed provisions was made on 16 February 2021. This information was supplied on behalf of the applicant on 18 February 2021 and has been included in Appendix 6 of this Section 42A Report.
- 4.2.8 The purpose of a District Plan (Section 76) is to assist councils to carry out their functions in order to achieve the purpose of the Act. The functions of district councils are listed in Section 31 of the Act and include:
- Integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the District.
  - The control of any actual or potential effects of the use, development, or protection of land.
- 4.2.9 **Having reviewed the application, I consider the purpose and contents of the plan change are consistent with the purpose of a district plan pursuant to Section 76 of the Act.**

## The role of RMA Part 2

- 4.2.10 The role of Part 2 in the assessment of planning documents (particularly the requirement to give effect to higher order planning documents under Section 75 of the RMA) has been the subject of the Supreme Court’s decision in *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited [2014]*.<sup>3</sup>
- 4.2.11 The implication of the Supreme Court’s decision is that in assessing PPC12, an overall judgement approach cannot be relied on to justify a departure from directive policies in the higher order documents. There is a hierarchy of planning documents and subordinate plans that must implement the objectives and policies of a National Policy Statement (NPS) (and arguably a Regional Policy Statement (RPS)<sup>4</sup>) and, if they are directive, must do so as an “*obligation*”. When considering an NPS (and arguably an RPS, and regional or district plan), it has been determined that Part 2 should not be referred to, or a “*balancing*” interpretation should not be undertaken unless the policy statement does not “*cover the field*” (i.e. *address the relevant issues*), or the wording is uncertain or conflicting.<sup>5</sup> This is because the relevant higher order statutory planning documents are assumed to already give substance to Part 2.
- 4.2.12 However, in considering the above, the timing of higher order planning documents is particularly relevant. Planning instruments released post *King Salmon* are considered more likely to give effect to Part 2 and greater care to ensure plan provisions are expressed in the way they are intended is more likely to have been taken.
- 4.2.13 Of note is that although the Waikato Regional Policy Statement (WRPS) was made operative on 20 May 2016, two years after the Supreme Court released its decision on *King Salmon* in 2014, when the *King Salmon* decision was released the proposed WRPS was in the appeal stage. It may therefore be said that the caveat of “incomplete coverage” applies in respect of giving substance to Part 2 matters, as this cannot be determined with certainty. In light of this, when considering PPC12, if the Hearing Panel is uncertain as to whether a higher order planning document (including the WRPS) gives effect to Part 2, it is considered appropriate and necessary to refer back to Part 2.
- 4.2.14 In the case of PPC12, I consider the most relevant higher order documents (and directions) are those set out within the WRPS, the National Policy Statement for Urban Development 2020 (NPS-UD), the National Policy Statement for Freshwater Management 2020 (NPSFM) and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-SC).
- 4.2.15 I consider the relevant higher order statutory directions have been given effect to as required, applying the approach in *King Salmon*. In terms of whether the NPS-UD and the NPS-FM “covers the field” (i.e. addresses the relevant issues), it is considered that these instruments meet this caveat in respect of PPC12. Further assessment on the statutory and policy context to be considered in making a decision on PPC12 is provided below.

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<sup>3</sup> *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited [2014] NZSC 38*

<sup>4</sup> <https://www.buddlefindlay.com/insights/implications-of-the-new-zealand-king-salmon-supreme-court-decision/>

<sup>5</sup> <https://www.buddlefindlay.com/insights/implications-of-the-new-zealand-king-salmon-supreme-court-decision/>



### 4.3 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020 (NPS-UD)

4.3.1 The National Policy Statement on Urban Development 2020 (NPS-UD) directs councils to plan for growth and ensure a well-functioning urban environment for all people, communities, and future generations. This includes:

- Ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi).
- Ensuring that district/city plans make room for growth both ‘up’ and ‘out’, and that rules are not unnecessarily constraining growth.
- Developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions.
- Aligning and coordinating planning across urban areas.

4.3.2 The NPS-UD was developed by the Ministry for the Environment and the Ministry of Business, Innovation and Employment and contains objectives and policies that councils **must give effect** to in their resource management decisions.

4.3.3 Waipā District Council is considered a high growth ‘Tier One’ local authority, and as such all policies of the NPS-UD 2020 are relevant. One of the key policies of the NPS-UD 2020 in the context of PPC12 is Policy 8 which requires:

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

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

4.3.4 Although PPC12 is out of sequence with the anticipated release of the T2 Growth Cell (i.e. release was anticipated in 2035), the plan change seeks to provide for the requirements of the NPS-UD by increasing the land available for residential development in accordance with the Future Proof Sub-regional Growth Strategy and the Waipā 2050 District Growth Strategy residential growth projections. Furthermore, the plan change seeks to integrate with the adjacent T1 Growth Cell and wider Te Awamutu urban environment.

4.3.5 It should be noted that the NPS-UD will require several changes to WDP and the WRPS to ensure appropriate effect is given to the NPS-UD. Whilst these changes have not yet occurred, it is my view that significant weight can be given to the objectives, policies and implementation methods set out in the NPS-UD as the highest order planning instrument. Subordinate planning documents (notably the WDP) will become consistent with the direction set in the NPS-UD over time.

4.3.6 Given the above, PPC12 is considered to be **consistent** with the NPS-UD which directs local authorities to be responsive to plan changes that add significant development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents or is out of sequence with planned land release.

#### 4.4 NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020

- 4.4.1 The National Policy Statement for Freshwater Management 2020 (NPS-FM) supersedes the 2014 (and 2017) versions of the NPS and came into effect on 3 August 2020. It is primarily implemented by regional councils. However territorial authorities have the ability to influence water quality and to a limited extent water quantity through the management of land use practices, policy frameworks e.g. promoting the treatment of stormwater at source and water demand management.
- 4.4.2 In addition, the NPS-FM 2020 requires an integrated approach to freshwater management. Implementation method 3.5(4) of the NPS-FM requires every territorial authority to include objectives, policies, and methods in this district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.
- 4.4.3 Given the information provided in the application for PPC12 around the appropriate management of stormwater and the favourable subsequent assessment of this information by Council’s Development Engineers, I consider that PPC12 is **consistent** with the NPS-FM.

#### 4.5 DRAFT NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND (NPS-HPL)

- 4.5.1 The draft NPS-HPL seeks to improve the way highly productive land is managed under the RMA to recognise the full range of values and benefits associated with its useful primary production; maintain its availability for primary production; and protect it from inappropriate subdivision, use and development.<sup>6</sup>
- 4.5.2 Proposed Policy 1 of the NPS-HPL requires regional councils and territorial authorities to map highly productive land, and the NPS-HPL seeks to redirect urban growth away from these areas.
- 4.5.3 The T2 Growth Cell is likely located on what would be considered High Class Soil (and therefore could be considered highly productive) under the Land Use Capability Maps. However, it is important to note that *Appendix A: Criteria to identify highly productive land* which is attached to Proposed Policy 1 states that ‘*Highly productive land excludes: (b) areas that have been identified as future urban zones in district plans.*’<sup>7</sup>
- 4.5.4 The NPS-HPL is still draft and may be subject to change, and therefore the Hearings Panel is not required to give the draft NPS-HPL any weight in decision-making.<sup>8</sup> However, given that submissions on the proposed NPS-HPL have now closed it is in my view unlikely that the above direction will be substantially amended.
- 4.5.5 Given the above, it is my opinion that PPC12 is **outside the scope of the NPS-HPL** as the area was zoned ‘deferred residential’ prior to the formation of the proposed NPS-HPL. For the avoidance of doubt, my interpretation of ‘deferred residential’ is that it is synonymous with ‘future urban’.

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<sup>6</sup> Ministry for Primary Industries & Ministry for the Environment (2019). *Valuing highly productive land – A discussion document on a proposed national policy statement for highly productive land*. MPI Discussion Paper 2019/05.

<sup>7</sup> Ibid

<sup>8</sup> Confirmed by the Environment Court in *Mainpower NZ Limited v Hurunui District Council* [2011] NZEnvC 384 at [27]

#### 4.6 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 (NES-SC)

- 4.6.1 Section 74(1)(f) of the RMA requires territorial authorities to consider regulations when changing its district plan. The NES-SC regulation came into effect on 1 January 2012 and is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.<sup>9</sup>
- 4.6.2 Appendix J of the PPC12 application provides a preliminary and detailed site investigation in accordance with the NES-SC and concludes that resource consent will be required as a controlled activity under the NES-SC, and potentially under the WRPS and WDP prior to development of the site.
- 4.6.3 In accordance with Section 104A of the RMA (Determination of applications for controlled activities), consent must be granted unless there is insufficient information to determine whether or not the activity is a controlled activity. This is the lowest level of activity status requiring consent, and in my opinion, indicates that any effects in relation to potential contamination of the site **can be adequately and safely mitigated** to ensure the site is safe for human habitation.

#### 4.7 OPERATIVE WAIKATO REGIONAL POLICY STATEMENT

- 4.7.1 Section 75 of the Act requires district plans to give effect to any relevant Regional Policy Statement. Regional Policy Statements are required to achieve the purpose of the Act by providing an overview of the resource management issues of the region, and policies and methods to achieve integrated management of the natural and physical resources.
- 4.7.2 Overall, PPC12 is considered to give effect to the WRPS (within the overall context of the WDP), particularly Objective 3.12 – Development of the built environment (including transport and other infrastructure) and associated land use occurring in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes. I have reviewed the assessment of the WRPS provided in Section 7.4 of the PPC12 application and agree with the assessment provided.

#### 4.8 TE TURE WHAIMANA O TE AWA O WAIKATO – WAIKATO RIVER VISION AND STRATEGY

- 4.8.1 Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River was developed by the Waikato River Guardians Establishment Committee, iwi and communities of the Waikato River catchment. The Waikato River co-management legislation (Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act)) establishes the Vision and Strategy in law. The Vision and Strategy is the primary direction setting document for the Waikato River including its catchment which includes most of the Waipā District.
- 4.8.2 The Vision and Strategy is deemed to be part of the Waikato Regional Policy Statement (and therefore must be given effect to by the district plan).

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<sup>9</sup> <https://www.mfe.govt.nz/land/nas-assessing-and-managing-contaminants-soil-protect-human-health/about-nas>

- 4.8.3 Council has joint management agreements in place with several iwi that have rohe within the district. The Council has discussed and provided information on the draft plan change in accordance with the joint management agreements and the Schedule 1 process of the RMA.

#### **4.9 IWI JOINT MANAGEMENT AGREEMENTS**

- 4.9.1 Waipā District Council has a number of Joint Management Agreements (JMAs) with iwi authorities. Of relevance to PPC12, are the JMAs with Maniapoto Maori Trust Board (MMTB) and Waikato Raupatu River Trust (the Trust). The following sets out the key requirements of these JMAs and how these have been considered in the processing of PPC12.

##### **Waikato Raupatu River Trust**

- 4.9.2 The Waikato Raupatu Claims Settlement Act 1995 gave effect to certain provisions of the deed of settlement between the Crown and Waikato dated 22 May 1995 and settled certain Raupatu claims made to the Waitangi Tribunal by Robert Te Kotahi Mahuta, the Tainui Maaori Trust Board, and Ngaa Marae Toopu (Wai 30). This led to the agreement of a new deed of settlement which included provisions related to joint management agreements. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted to give effect to that deed of settlement and subsequently a Joint Management Agreement with Waipā District Council was made.
- 4.9.3 This agreement includes giving appropriate weight to relevant matters provided for in the Settlement Act 2010, respecting the mana whakahaere rights and responsibilities of Waikato-Tainui, recognising the statutory functions, powers and duties of both parties, and recognising the Trust's rights to participate in processes where circumstances may be appropriate.
- 4.9.4 Schedule B of the Agreement outlines the anticipated process with regards to Schedule 1 of the Resource Management Act 1991 (RMA), in accordance with Section 46(1) and 46(2) of the Act. With regards to PPC12, the applicant has engaged with Waikato-Tainui as part of the pre-application consultation. This engagement resulted in Waikato-Tainui referring the applicant to Ngati Apakura as mana whenua. The outcomes of this engagement are set out in the applicants Cultural Impact Assessment. Council's Relationships Strategic Partnerships Manager has advised that Council's JMA requirements have been met through the consultation undertaken and an agreement between Waikato Tainui and Maniapoto whereby Waikato Tainui are deemed to be the presiding JMA iwi authority for the location of this site.

##### **Maniapoto Māori Trust Board (MMTB JMA)**

- 4.9.5 As outlined above, the Nga Wai o Maniapoto (Waipā River) Act 2012 (the Waipā River Act) was enacted to give effect to the Maniapoto Deed, and a deliverable of this settlement was the establishment of a joint management agreement between the local authorities and the Maniapoto Māori Trust Board.
- 4.9.6 The agreement covers matters relating to the Waipā River, activities within its catchment, matters relating to the exercise of functions, duties and powers in relation to monitoring and enforcement, Resource Management Act planning documents and applications, and other duties as agreed between the relevant parties.
- 4.9.7 Section 6 of the agreement outlines the expectations with regard to planning documents. Early engagement and the consideration of a Joint Working Party are the relevant considerations with

regard to PPC12. Council staff corresponded with the Maniapoto via representation on the Iwi Consultative Committee prior to the public notification of PPC12 in accordance with the agreement.

- 4.9.8 In considering the JMAs, the scope of what is relevant in my view is the first consideration before following the procedural processes set out in the JMAs. Both JMAs include provisions setting out the scope of what is to be considered and included for consideration by the iwi authorities.
- 4.9.9 In the case of the MMTB JMA, the scope is limited to matters relating to the Waipā River and activities within its catchment affecting the Waipā River. PPC12 seeks to uplift the deferred residential zoning to residential zoning ahead of the 2035 anticipated timeframe identified in the Waipā District Growth Strategy 2050. The site is already anticipated for development, it is only a matter of timing. On this basis, the proposal to rezone the growth cell does not result in any direct impacts on the Waipā River.
- 4.9.10 It is noted that the Mangapiko Stream (tributary of the Waipā River), is located to the north of the site. Resource consent has been obtained by the applicant from Waikato Regional Council (WRC) for the discharge of stormwater from the southern half of the growth cell. The stormwater from the site eventually discharges to the Mangapiko Stream, approximately 3km from the site. This consent considered the adverse effects to be minor, with no specific cultural effects identified. It is noted that resource consents to discharge contaminants into the environment that may impact the Waipā River are better placed to consider iwi interests, rather than PPC12.
- 4.9.11 Similarly, with the JMA between Council and the Trust, the requirements of the JMA are reliant on the extent to which the plan change relates to the vision and strategy for the Waikato River. On this basis, I do not consider the proposal to uplift a deferred residential zoning to enable development in a growth cell that is identified within the District Plan for development, to impact on the vision and strategy for the Waikato River. On this basis, in my view, the procedural steps set out in the JMA are not overly relevant for PPC12.

### **Mana Whakahono a Rohe**

- 4.9.12 RMA Schedule 1, Clause 26A, Mana Whakahono a Rohe, explicitly requires Council to comply with any iwi participation agreements. In this instance, there are currently no statutory partnership agreements in place.

### **Cultural Impact Assessment**

- 4.9.13 The applicant has consulted with mana whenua for the purpose of informing the assessment of cultural values, including the preparation of a Cultural Impact Assessment (CIA). The CIA includes several recommendations for the applicant relating to establishing relationships with mana whenua, ensuring appropriate cultural protocols are adhered to, cultural health indicator frameworks are implemented as appropriate, and a partnership agreement established between the applicant and Kawenata. The applicant has accepted the recommendations and has committed to implementing them through the subsequent resource consenting, design, and construction phases for the PPC12 site.

## 4.10 WAIPĀ DISTRICT PLAN

- 4.10.1 The WDP became operative in 2016. PPC12 seeks to make limited changes to the WDP. These changes include:
- A change to the zoning on Planning Maps 7 and 38 within the WDP;
  - The addition of a structure plan, including purpose, design objectives and design measures, and a description of the structure plan into Volume 2 of the WDP as Appendix S23;
  - Additional rules relating to the T2 Growth Cell area in Section 2 – Residential Zone and Section 15 – District-wide provisions of the WDP to address specific landscape and visual impacts and provide for staging of the growth cell.
- 4.10.2 Also of relevance is the alignment of PPC12 with the relevant objectives and policies of Part C, Section 1 – Strategic Policy Framework, and adherence to the process for uplifting deferred zones set out in Part D, Section 14 – Rule 14.4.1.10, and the assessment criteria for structure plans outlined in Section 21 – Criteria 21.1.14.1.
- 4.10.3 In respect of Section 1, this is a plan change application for an uplift of a Deferred Residential Zone to Residential, and the T2 Growth Cell has already been earmarked for this purpose. I therefore consider PPC12 aligns with the assessment of the T2 Growth Cell against the relevant objectives and policies of Section 1 of the WDP that was undertaken at the time the Growth Cells were incorporated into the WDP through Plan Change 5. Further assessment of PPC12 against the objectives and policies set out in Section 1 is therefore not necessary in my opinion.
- 4.10.4 Section 7.2 of the PPC12 application provides an assessment of the plan change against Rule 14.4.1.10 and the assessment criteria for structure plans in Criteria 21.1.14.1. I am in general agreement with this assessment and have provided further specific analysis in response to submissions on the interpretation of Rule 14.4.1.10 in Section 5 of this report.
- 4.10.5 Regarding the proposed addition of a structure plan and rules relating to the T2 Growth Cell area, the applicant has provided a supplementary evaluation of these provisions under Section 32(3) of the RMA. This was provided on 18 February 2021 in response to a request from Council to assess whether these proposed provisions were indeed the most appropriate option to achieve the outcomes stated in PPC12 and the wider statutory and policy framework. This supplementary Section 32 evaluation can be found in Appendix 6 of this report. I agree with and have adopted the evaluation provided.

### **Plan Change 5**

- 4.10.6 It is important to note Plan Change 5 which became operative on 14 March 2019. Plan Change 5 is an amendment to the District Plan to incorporate key changes made to the updated Waipā 2050 Growth Strategy.
- 4.10.7 These changes are important in taking account of revised population projections and the requirements of the National Policy Statement on Urban Development Capacity (NPSUDC – now NPS-UD). Plan Change 5 rezoned all of the growth cells identified in the Waipā 2050 Growth Strategy zoned as Rural to Deferred Zoning and introduced changes for release of deferred zones. These amendments included changes to Section 1 - Strategic Policy Framework, Section 14 - Deferred Zone, Appendix S1 - Growth Cells, Staging, Predictions for Release and Infrastructure Requirements and the Planning Maps of the District Plan.

**Proposed Plan Change 13**

- 4.10.8 As at the time of preparing this report, Proposed Plan Change 13 has been approved for notification by Council's Strategic Policy & Planning Committee with notification anticipated at the end of March 2021<sup>10</sup>. This following section has been included for completeness in the event that PC13 is notified prior to the hearing date for PPC12.
- 4.10.9 During the District Plan review process, submissions were received requesting a more streamlined approach to the “uplift” of Deferred Zones. Deferred Zones are shown on the District Planning Maps and identify areas anticipated for future growth, in alignment with the Waipā 2050 Growth Strategy (‘the Growth Strategy’). A Deferred Zone signals the future use of the area but restricts development and subdivision from occurring prior to a structure plan being approved and the necessary infrastructure either being in place or other arrangements have been made with Council.
- 4.10.10 At the time of the District Plan review, a submitter specifically requested that the process of ‘uplifting’ the Deferred Zone should avoid the need to go through a plan change due to the identification in the Growth Strategy and District Plan. The result of the consideration of this submission is the provisions outlined in Section 14 – Deferred Zone of the District Plan. In essence Section 14 provides an avenue for structure plans to be approved via a resource consent process and the Deferred Zone to then be uplifted by way of a Council resolution.
- 4.10.11 As part of a general review of the District Plan, Council have identified a technical and legal issue with the current process of uplifting Deferred Zones. This means that from December 2019, Council have had to put a hold on the process of seeking Council resolution and updating the Planning Maps as the process for uplifting Deferred Zones. As a result, the District Plan needs to be updated to reflect best practice.
- 4.10.12 Proposed Plan Change 13 addresses these technical and legal issues and has been through the pre-consultation phase and is currently on hold awaiting public notification. As PPC12 is seeking a plan change to uplift the deferred zoning rather than taking the avenue of Council resolution or resource consent to achieve residential zoning, Proposed Plan Change 13 therefore is of no relevance to decision-making for PPC12.

**4.11 SECTION 32 – CONSIDERATION OF ALTERNATIVES, BENEFITS AND COSTS**

- 4.11.1 An evaluation of alternatives, benefits and costs of a plan change and an evaluation report are required to be carried out by a person requesting a private plan change and this is to be made available for public inspection prior to public notification. (This material was placed on Council’s website [www.waipādc.govt.nz](http://www.waipādc.govt.nz) at notification as part of the submissions process). A further assessment is required to be made by Council prior to making a decision on the plan change. Section 32 analysis is an evolving process and information presented in Hearing evidence will also contribute to the Hearing Panel’s deliberations.
- 4.11.2 Section 32(3) states that evaluations must examine:

*(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*

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<sup>10</sup> <https://www.waipādc.govt.nz/our-council/waipā-district-plan/wpdc-variations/current-plan-changes/proposed-plan-change-13#:~:text=Plan%20Change%2013%20is%20a,have%20already%20been%20made%20live.>

*(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

4.11.3 Section 32(4) requires that an evaluation must also take into account:

*(c) the benefits and costs of policies, rules, or other methods; and*

*(d) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

4.11.4 The proposal does not propose to change or amend any plan objectives or to include any new objectives. Section 32(6) states that Objective means:

*(a) for a proposal that contains or states objectives, those objectives;*

*(b) for all other proposals, the purpose of the proposal.*

*Proposal Means - a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act*

*Provisions means - (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change;*

*(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.*

4.11.5 Assessment of proposed objectives in terms of ‘appropriateness’ can include consideration of their relevance, usefulness, achievability and reasonableness. In determining whether proposed rules or other methods are ‘appropriate’ means of achieving desired objectives, consideration of their efficiency and effectiveness is also necessary.

### **Applicant’s Section 32 Evaluation**

4.11.6 The applicant has provided a s32 analysis as part of the PPC12 application. This firstly sets out the legislative requirements and considerations for a Section 32 Evaluation. Secondly it assesses the issues with the current situation (status quo). Thirdly the analysis evaluates the benefits and costs of potential options that may achieve the purpose of the plan change in this location, and fourthly assesses the preferred option before an overall conclusion is made.

4.11.7 A supplementary assessment under Section 32 of the RMA which expanded the original Section 32 assessment to include an assessment of the suitability of the proposed provisions to be inserted into the Waipā District Plan was also provided on the 18 February 2021. This supplementary assessment has been included as an addendum to the application and can be found in Appendix 6 to this report.

4.11.8 The applicant’s Section 32 assessments conclude:

- In relation to addition of Rules 2.4.2.4(d), 2.4.2.9(g) and 2.4.2.20 - *“The amendments chosen are consistent with the District Plan approach to applying development standards. It is inefficient to introduce a new separate resource consent rule for sites on the perimeters or require covenants to be registered on the titles. The environmental benefits outweigh any minor costs of reduced development potential.”*
- In relation to addition of Rule 15.4.2.69(v) and Appendix S23 that *“the approach is consistent in relation to other structure plans in the Waipā District Plan. The approach chosen provides clear direction for future development and requires coordination between owners.”*



## WAIPĀ DISTRICT PLAN: PRIVATE PLAN CHANGE 12 – GROWTH CELL T2 REZONING

- In relation to addition of Rule 15.4.2.91 that *“the approach is consistent with the District Plan and achieves environmental benefits that outweigh the minor additional development costs.”*
- In relation to addition of Rule 15.4.2.92 that *“the new rule is effective and efficient as it reflects landowner intentions and increases consistency with the Growth Cell staging.”*
- A full copy of the applicant proposed provisions can be found in Appendix 1.

### **S32AA: Further Section 32 Evaluation**

- 4.11.9 A further analysis on the Section 32 Evaluation is required, under Section 32AA, **prior to making a decision** on a private plan change. To assist in determining whether PPC12 achieves the purpose of the RMA, it is appropriate to examine the proposed new rules in the context of the WDP established ‘higher order’ objectives, policies and anticipated environmental outcomes.
- 4.11.10 The RMA Part 2 analysis (purpose and principles) is set out in Section 4.2 of this Section 42A report and it is considered that the PPC12 achieves the purpose of the Act.
- 4.11.11 The new rules proposed have also been assessed against the relevant WDP objectives and policies. With the exception of proposed Rule 15.4.2.92, I agree with the applicant’s assessment of the rules as outlined above and overall the approach is consistent with the direction, purpose and outcomes sought through the WDP. Given this, in respect of these rules and provisions, I have adopted the applicant’s s32 evaluation for the purposes of this report.
- 4.11.12 Proposed Rule 15.4.2.92 relates to zoning and staging of development. Legal advice has been sought from Tompkins Wake in relation to the appropriateness of this provision and applying the rules of another zone (Deferred Residential Zone) to a piece of land that would have different underlying zoning (e.g. Residential Zone) should PPC12 be approved without amendment. Advice received in respect of stage 2 states that Tompkins Wake *“do not consider that Council can decide that a Residential zone is appropriate, then apply the rules of another zone (Deferred Residential). This approach in fact indicates that the Residential Zone is not appropriate and would therefore not satisfy a section 32 assessment.”* Furthermore, *“The applicant’s request that the rules of the Deferred Residential zone continue to apply to Stage 2 of the T2 Growth Cell suggest that a Residential zone would not be appropriate for the whole of the Growth Cell.”*
- 4.11.13 I agree with the legal advice received in respect of proposed Rule 15.4.2.92 in relation to zoning and staging and have recommended amendments to the proposed provisions as a result. These are contained in Appendix 1a of this Section 42A Report.
- 4.11.14 Pursuant to Section 32AA of the Act a further evaluation may be required to be undertaken in support of the release of decisions on the proposed plan change should the panel recommend approval.

## **4.12 RESERVES ACT 1977**

- 4.12.1 There are no relevant Reserves Act 1977 matters covered within this plan change.

#### 4.13 NON-STATUTORY POLICY CONTEXT

4.13.1 The Hearings Panel is not required to give any weight to the following non-statutory documents in consideration of submissions or in decision-making. Non-statutory documents can however be considered in the context of a plan change and given such weight as the Hearing Panel considers appropriate, having regard to the hierarchy of RMA documents. This approach has been established through Case Law.<sup>11</sup>

##### **Future Proof**

4.13.2 Future Proof is a joint growth management project between a cluster of local authorities (being Hamilton City, Waikato, and Waipā Districts (with Matamata-Piako District as an observer) and Waikato Regional Council). It establishes a strategic plan for land use, infrastructure and roading which provides for the future needs of the sub-region. Waka Kotahi NZ Transport Agency is also involved as a major partner, recognising the importance of coordinating transportation planning with land use. The land use and settlement pattern and Future Proof Growth Strategy have been incorporated within the Waikato Regional Policy Statement, which in turn informs the Waipā 2050 Growth Strategy and the WDP.

##### **Waipā 2050**

4.13.3 Waipā 2050 is a framework supporting Future Proof and is focused on planning for the future in an integrated and coordinated manner. The Waipā 2050 Growth Strategy and the Te Awamutu Kihikihi Town Concept Plan sit within a suite of documents under Waipā 2050 and provide guidance for where, how, and when specific areas of Te Awamutu should be intensified and developed. Due to projected residential growth, 3,436 additional households are required to match a population of approximately 18,430 by 2050 (or roughly 104 households per annum) – not all of this growth will be able to occur as infill. Waipā 2050 helps to ensure that the release of greenfield land is planned so that development occurs in a coordinated and considered manner. PPC12 which covers the entire T2 Growth Cell allows such consideration.

4.13.4 The pre and post 2035 growth cells in the Waipā 2050 Growth Strategy were created to indicate the amount of land needed to service the growth in population both in the short, medium and long term. However, the Waipā 2050 Growth Strategy was not designed to hinder development required in response to unprecedented growth and demand and in this way, in my view, the staging set out within the Strategy should be considered as a guide only.

4.13.5 Overall, PPC12 is considered to be consistent with the intent and direction set out in the Waipā 2050 Growth Strategy and Future Proof. It is noted that the consistency of PPC12 with the Waipā 2050 Growth Strategy was raised as matter in submissions and this is addressed further in the analysis of submissions (Section 5 below).

##### **Iwi Environmental Plans**

4.13.6 There are several iwi with rohe within the Waipā District (Ngāti Apakura, Ngāti Maniapoto, Raukawa and Waikato – Tainui). Appendix L of the PPC12 Application provides a Cultural Impact

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<sup>11</sup> Tram Lease Limited v Auckland Council [2015] NZEnvC 133 at [81]; South Epsom Planning Group Inc v Auckland Council [2016] NZEnvC 140 at [168-184]; Friends of Shearer Swamp Inc v West Coast Regional Council [2012] NZEnvC 6 at [12]; St Lukes Group Ltd v The Auckland City Council A132/2001, 3 December 2001.

Assessment (CIA) prepared by Norman Hill (Cultural/Environmental Specialist) which includes an analysis of relevant iwi environmental management plans.

4.13.7 Having regard to the requirements of iwi environmental management plans and the site context, the CIA includes the recommendations over four key areas (Kaitiakitanga – Guardianship, Whakapapa – Heritage, Ngā Wai Ora- Freshwater and Kotahitanga- Partnership) for future implementation:

- **Recommendation 1:** To establish, grow and maintain relationships with mana whenua by entering into working or formal relationships with mana whenua to oversee the implementation of the project and the relevant conditions and undertakings. This could also include facilitating economic and social development opportunities for mana whenua.
- **Recommendation 2:** Ensure that cultural protocols are established for not limited to:
  - Observing tikanga before works commence.
  - The placement of cultural features within the development.
- **Recommendation 3:** That an accidental discovery protocol (ADP) be implemented as part of any future consent granted/or work undertaken.
- **Recommendation 4:** That any contractors involved in earthworks be given appropriate guidance on mana whenua tikanga and protocols including an understanding of the ADP which may be delivered by a mana whenua representative or designate, and that agreement is duly noted.
- **Recommendation 5:** A cultural health indicator framework for water quality standards and water quantity take in relation to Mangapiko Stream be applied.
- **Recommendation 6:** A partnership Kawenata be developed, agreed, and signed by mana whenua and Sandersonss Group Ltd and Kotare Properties.

4.13.8 The CIA concludes *“overall from a mana whenua perspective, it is considered that PPC12 and the proposed development of the retirement village and subdivision will not be inconsistent with the relevant policies of iwi management plans or have overly negative impacts on the cultural values associated with the area.”* I adopt this assessment and note that the recommendations proposed will need to be further considered through appropriate resource consent processes.

#### **Te Awamutu Kihikihi Town Concept Plan**

4.13.9 The purpose of the Te Awamutu Kihikihi Town Concept Plan (part of the Waipā 2050 strategic framework) is to guide the sustainable growth of the Te Awamutu and Kihikihi area. It seeks to provide for the social, cultural, and economic well-being of the community while protecting the existing environment for residents and visitors to enjoy in the future. Although, the T2 Growth Cell sits outside of the boundary shown for the extended Te Awamutu town centre in the Te Awamutu Town Concept Plan, this plan is now 11 years old and it is considered that overall, PPC12 is **consistent** with the strategic intent of this plan.

## **5 ANALYSIS OF SUBMISSIONS**

### **5.1 PROCEDURAL ISSUES**

5.1.1 PPC12 was publicly notified for submissions on 2 November 2020 with submissions closing on 27 November 2020, attracting 28 submissions. The summary of submissions was notified on 14 December 2020 with the period for further submissions closing on 15 January 2021. Three further submissions were lodged. There were no late submissions. The summary of submissions and full copies of all submissions and further submissions can be found on the Waipā District Council website.

5.1.2 It is important to note that under the RMA Council is not required to make individual decisions on each and every submission or the specific relief sought in them. The opportunity exists for submitters to clarify their reasons in hearing evidence presentation, including presentation of a joint case with others who have made similar submissions if desired, noting that they cannot expand on the scope of their submissions. 17 submitters have indicated that they wish to be heard at a PPC12 hearing.

5.1.3 No formal pre-hearing meetings have been held with submitters.

### **5.2 COMMENTS ON SUBMISSIONS GENERALLY**

5.2.1 No submitters acknowledged any trade competition interests. Other than trade competitors the RMA allows 'any person' to make a submission.

5.2.2 Persons making submissions in many instances are unlikely to fill in the forms exactly as required by the First Schedule and the Regulations, even where the forms are provided to them by the local authority. The Act encourages public participation in the resource management process; the ways whereby citizens participate in that process should not be bound by formality.

5.2.3 Some submissions have indicated opposition to the proposal and have generally not recommended any amendments to the proposal in the event that PPC12 is approved and residential development proceeds.

5.2.4 No submitters have provided expert evidence in support of their submissions to date. It is assumed that expert evidence will be presented at the Hearing in support of the primary issues in contention. In line with s41B of the RMA and Council practice for Plan Changes, briefs of evidence are to be requested from the applicant and submitters for pre-circulation prior to the Hearing. I will provide a supplementary statement at the hearing on any briefs of evidence and whether these materially alter my recommendations to the hearings panel.

### **5.3 CORRESPONDENCE FROM SUBMITTERS**

5.3.1 Council's Manager District Plan and Growth, the PPC12 consultant representative and the Chair of Council's Regulatory Committee attended a meeting with community members at their invitation (largely the comprising neighbouring property landowners/occupiers along Frontier Road, Te Awamutu) on 18 November 2020 as part of the submissions process. This meeting included discussions on the details of PPC12, the key matters for consideration, provision of information on the submissions process and advice to the community about where to access

further information on the plan change. Follow up from this meeting including providing direct web links/information in relation to the plan change documents to those parties that were interested.

- 5.3.2 The applicant has been proactive in requesting meetings with submitters to seek resolution of submitter issues where possible. These discussions with submitters have resulted in the provision of additional information on the plan change in relation to submission made as below.
- 5.3.3 Since the close of submissions, Council has received further correspondence from the applicant in relation to submissions made by FONTERRA (sub. 23) and MILLER (sub. 6). Discussions between the applicant and Fonterra centred around clarifying the proposed staging of the PPC12 i.e. clarifying that the development of northern half of the structure plan area is delayed until 2035. These discussions have reduced Fonterra’s initial concerns with the proposal, notably concerns around the assumptions used to inform the Integrated Traffic Impact Assessment provided with the application.
- 5.3.4 Scott Miller has been in correspondence with Council and the applicant regarding the concerns raised in his submission about fencing, obstruction of views and dust nuisance. The submitter has now confirmed that he met with SGL to discuss PPC12 and is happy with proposal as is. A summary of further correspondence with these submitters is provided in Appendix 7 to this report.

**5.4 ASSESSMENT OF SUBMISSIONS BY TOPIC**

- 5.4.1 The following provides an assessment of the submissions and further submissions received, including recommendations, grouped by topic. The majority of topics raised in submissions fall within the broad categories of effects identified by the applicant. It should be noted that the grouping of submissions by topic outlined in the sections to follow, differs slightly to the grouping presented in the ‘Summary of Decisions Requested by Topic’ document released on the Waipā District Council website. This is due to some of the topics being combined for ease of reporting in this Section 42A Report.
- 5.4.2 The submissions and further submissions received on PPC12 have been grouped into four broad topic areas for assessment as follows:
- Topic 1: Whole of plan change submissions including whether early release of the T2 Growth Cell is appropriate.
  - Topic 2: Land use change from rural to urban and related environmental effects.
  - Topic 3: Provision of and pressure on infrastructure.
  - Topic 4: Submissions on matters outside of the Plan Change.
- 5.4.3 There are a number of sub-topics which relate to specific points raised in submissions and these are addressed under the four overall topic areas as set out in Table 2.

**Table 2:** Topic and sub-topic areas raised in submissions and further submissions.

Topic	Sub topic areas
Topic 1: Whole of Plan Change Submissions and whether	(a) Support for additional retirement facilities/growth cell development (b) Open growth cell capacity assessment, staging, and compliance with WDP provisions

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Topic	Sub topic areas
early release of the T2 Growth Cell is appropriate	(c) Growth cell integration
Topic 2: Land use change from rural to urban and related environmental effects	(a) Urban sprawl and the loss of high class (elite) soils (b) Transport connections, traffic generation and safety (c) Heritage and archaeology (d) Viewshafts, vistas and amenity (e) Ecological effects (f) Construction effects – disruption, noise, and earthworks
Topic 3: Provision of and pressure on infrastructure	(a) Infrastructure (general) (b) Water supply (c) Wastewater and Stormwater Management (d) Schooling capacity
Topic 4: Submissions on matters outside of the scope of PPC12	(a) Consultation (b) Fencing (c) Funding and rates

5.4.4 The following sections of the report discuss the decisions requested in submissions about the PPC12 and where possible recommend how the hearing panel could respond to the matters raised and decisions requested in submissions. While the relevant statutory matters (identified in Section 4 of this report) will not necessarily be referred to directly in the assessment that follows, the assessment and recommendations give consideration to all statutory documents and any other relevant matters.

### 5.5 OVERALL ANALYSIS – KEY CONSIDERATIONS

5.5.1 In analysing the issues raised in submissions, it is noted that many submission points relate to the finer detail of the future development of T2, as opposed to whether it is appropriate to uplift of the zoning of the T2 Growth Cell. The uplift of the zoning ahead of the planned 2035 timeframe, in my view, is the primary consideration for the hearings panel in determining whether to approve PPC12. Further detail in relation to environmental effects will be, in my opinion, more appropriately assessed under subsequent land use and subdivision consents should PPC12 be approved.

5.5.2 As noted above, I am of the view that at this stage of the process, a decision on whether to approve PPC12, should rest on whether it is appropriate to uplift the deferred residential zoning of Stage 1 of the T2 Growth Cell ahead of schedule, based on:

- Alignment of PPC12 with the relevant statutory and policy context;
- Whether there is sufficient existing infrastructure capacity or feasible infrastructure solutions to cater for the early release of Stage 1 of the T2 Growth Cell;
- Whether there is appropriate integration across the T2 Growth Cell, with the adjacent T1 Growth Cell and with the wider Te Awamutu urban area.

**5.6 TOPIC 1: WHOLE OF PLAN CHANGE AND EARLY RELEASE OF THE T2 GROWTH CELL**

5.6.1 A range of submissions have been lodged on PPC12 providing general perspectives on the merits of the whole plan change and in many instances these submissions provide more specific submission points.

5.6.2 The following subtopics have been identified through these submissions and are assessed separately below:

- Support for additional retirement facilities/growth cell development
- Open growth cell capacity assessment, staging, and compliance with WDP provisions
- Disconnect in and between growth cells
- Proposed provisions relating to the T2 Growth Cell
- Urban sprawl and the loss of high class (elite) soils

5.6.3 Submissions and further submissions that relate to each sub-topic are summarised in the table at the beginning of each section.

5.6.4 In relation to Topic 1, it is important to address the alignment of PPC12 with key documents which outline the strategic planning framework for the plan change and guide how and when growth should occur. The applicant has provided an assessment of PPC12 against the NPS-UD and the WRPS in Sections 7.3 and 7.4 of the application. This assessment concludes that PPC12 gives effect to, and is consistent with, the relevant objectives and policies of these planning instruments. I agree with this assessment.

**5.6.5 Topic 1(a) - Support for additional retirement facilities/growth cell development**

**Table 3:** Summary of submissions in support of PPC12 and/or retirement facilities

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
2/1	T Keyte	Support	Te Awamutu is significantly lacking in retirement villages with little option for elderly residents in the area.	Approve the bringing forward of Plan Change 12 and retirement village.	<b>Accept</b>
3/1	E Wright	Support	Support the retirement village as proposed. There is high demand for a facility.	Support decision as proposed	<b>Accept</b>
4/1	C Chisholm	Support	Support the retirement village. Prefer to stay in Te Awamutu at a retirement village.	Support decision as proposed	<b>Accept</b>
7/1	R Russo	Support	Of retirement age, looking for suitable living in Te Awamutu. The proposed retirement village is attractive.	Approve the plan change and the retirement village	<b>Accept</b>

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Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
9/1	R Speirs	Support	New retirement village will help alleviate the current waiting list on existing facilities and will be a valuable asset to the community.	Support	<b>Accept</b>
10/1	L O'Carroll	Support	Impressed with the Sanderson Estate in Tamahere, the Mount and Wanaka. It will enhance Te Awamutu and required for the aging population.	Go ahead with the proposal.	<b>Accept</b>
11/1	D and H Spiers	Support	Te Awamutu needs another retirement Village. Frontier Road is a good location.	Support	<b>Accept</b>
21/1	M Underhill	Support in Part	Support the retirement village but oppose the residential development.	Defer residential subdivision until 2035	<b>Accept in part</b>
22/1	H Ashmore	Support	Support the proposal as may want to use the public facilities.	Support decision as proposed	<b>Accept</b>
25/1	V Kay	Support	Increase in 70+ residents requires an increase in these developments.	Support	<b>Accept</b>
26/1	P Kay	Support	It will be an asset to Te Awamutu.	Like the plan change to proceed	<b>Accept</b>
27/1	G Kay	Support	Development is beneficial to community.	Proceed	<b>Accept</b>

**Assessment – Topic 1(a)**

5.6.6 General support for PPC12 and particularly the provision of retirement village facilities is noted through the submissions listed in Table 3. Demographic analysis on the structure of the Waipā district's population reveals an ageing profile with strong and sustained growth in the age category of 60 years plus.<sup>12</sup> The aged (60+) proportion of the district's population has grown from 21.9% in 2013 to 23.6% in 2018 – and makes up almost of quarter of the whole population.<sup>13</sup>

5.6.7 Given these demographic trends and related retirement facility demand profile for the District, I concur with the submissions that support the provision of additional retirement facilities within Te Awamutu as part of the T2 Growth Cell.

<sup>12</sup> Cameron, M.P.(2020). *2020 Update of Population, and Family and Household, Projections for Waipā District, 2013-2063*. Commissioned Research Report Prepared for Wāipā District Council. National Institute of Demographic Analysis. University of Waikato.

<sup>13</sup> Infometrics 2020 – Waipā District Profile



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5.6.8 The only submission which requires further assessment relates to UNDERHILL Sub:21/1. Reasons presented in this submission for opposing the early release of the residential component of PPC12 centre around ensuring *‘resources can accommodate the ones underway before allowing sections at 10 Frontier Road to go ahead’*. It is inferred from this submission point that *‘resources’* means infrastructure, and *‘ones’* means other growth cells. These points are further addressed in analysis below. The proposed staging of development also goes some way in addressing the concerns of UNDERHILL with the bulk of residential subdivision to occur post 2035. However, I consider that the residential subdivision indicated as part of Stage 1 is appropriate given the residential zoning that would be applied to Stage 1 should PPC12 be approved. This submission is therefore Accepted in Part.

### Recommendations:

- Accept submission points 2/1, 3/1, 4/1, 7/1, 9/1, 10/1, 11/1, 22/1, 25/1, 26/1 and 27/1. I consider that the applicant has adequately demonstrated that Stage 1 of the T2 Growth Cell can be appropriately serviced as set out further under Topic 3 below and therefore can be released for development.
- Accept in Part submission point 21/1.

### 5.6.9 Topic 1(b) - Open Growth Cell Capacity Assessment, Staging and Compliance with District Plan Provisions

**Table 4:** Summary of submissions relating to open growth cell capacity assessment, staging and compliance of structure plan layout with District Plan provisions.

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
12/1	Frontier Developments Ltd	Oppose	The plan change request has not met the test as per 14.4.1.10(d)(i) of the District Plan in relation to open growth cells. Noting T1 growth cell is open and development ready but not anticipated to be completed within the next three years due to anticipated growth in Te Awamutu.	Requests that further analysis of open cells and their development ready status is provided in order for Council to be able to sufficiently determine 14.4.1.10(d)(iii). Objects to the uplift of the deferred status of the whole T2 area.	<b>Accept in part</b>
FS2/5	Oak Ridge Holdings Ltd.	Support	Number of open growth cells may impact on infrastructure capacity and roading. Opening T2 may undermine public confidence in District Plan and District Growth Strategy Rule 14.4.1.10.	12/1 - Council to consider the integrity effects on the growth strategy.	<b>Accept in part</b>
FS3/1	J Hatwell and M Johnston	Support	Insufficient information provided as to how Stage 2 development will not commerce until 2035, as proposed, should Plan Change 12 be approved.	12/1 - Decline Plan Change request.	<b>Reject</b>

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Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
12/5	Frontier Developments Ltd	Oppose	Layout of the subdivision does not comply with the District Plan rules. Objects to the proposed layout with respect to direct access to collector roads, and frontage to reserves.	No specific relief is sought.	<b>Reject</b>
12/11	Frontier Developments Ltd	Oppose	Comments and noted objections to the proposed amendments to the District Plan – particularly in reference to proposed provision 15.4.2.92 regarding retention of deferred status until 2035 and non-complying status for breach. However, the submitter queries the legality of this provision. How would the breach be considered under the RMA s104D gateway test?	Requests that further analysis of open cells and their development ready status is provided in order for Council to be able to sufficiently determine 14.4.1.10(d)(iii). Objects to the uplift of the deferred status of the whole T2 area.	<b>Accept in part</b>
17/4	G. Blackstock	Oppose	Dwelling sites available prior to 2035 have the potential to accommodate growth in excess of the 2050 plan. Question whether there is a need for Council to approve bringing the development of T2 forward, or is the issue to do with Council planning.	No specific relief is sought.	<b>Reject</b>
FS2/1	Oak Ridge Holdings Ltd.	Support	Bringing forward T2 may undermine the Waipā 2050 Growth Plan sequencing.	17/4 - Council to confirm the land supply is limited to part of the T2 cell that can be serviced (3 waters and roading) without loss of capacity for other planned growth cells.	<b>Accept in part</b>
17/7	G. Blackstock	Oppose	How is Council providing for a growing population and suitable housing for those less financially able.	Oppose the proposal.	<b>Reject</b>
20/1	Oak Ridge Holdings Ltd	Oppose	Opposes the uplift of T2 Growth Cell due to concerns around reduced level of service in Council's water and wastewater reticulation with respect to undeveloped zoned urban land or land planned for	Council includes a rule in the District Plan that provides for the extent of the Stage 1 - T2 Growth Cell area to be developed but classifies other stages in advance of 2035 a non-complying or prohibited activity. The	<b>Reject</b>

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Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
			urban growth between now and 2035.	Stage 1 T2 area should be capped at 203 dwellings as per PPC12 request.	
24/1	J Hatwell and M Johnston	Oppose	Oppose PC12 on the basis the Applicant has incorrectly interpreted Rule 14.4.1.10 of the District Plan and not proven that there is less than three years supply of land that is development ready.	Council does not approve the changes sought.	<b>Reject</b>
FS2/8	Oak Ridge Holdings Ltd.	Support	Submission recognises there is a discrepancy in the application with respect to open growth cells Rule 14.4.1.10.	24/1 - Council to maintain integrity of Growth Study particularly as it relates to servicing capacity.	<b>Accept in part</b>
28/5	D Nicoll	Oppose	Bringing rezoning forward and infrastructure concerns.	<ol style="list-style-type: none"> <li>1. Only build retirement village.</li> <li>2. Sections should be at least 700m<sup>2</sup> and have a water tank.</li> <li>3. No access on Frontier Road.</li> </ol>	<b>Reject</b>

### Assessment – Topic 1(b)

5.6.10 The key issues raised through the submissions on this topic are as follows:

- Whether it is appropriate to uplift the deferred residential zoning for the T2 Growth Cell ahead of the 2035 timeframe anticipated in the WDP.
- The applicant’s assessment of open growth cell capacity within Te Awamutu.
- Whether release of the T2 growth cell ahead of time will place pressure on the infrastructure network.

5.6.11 A further assessment of impact of the development on infrastructure is provided under Topic 3. Issues in relation to timing of uplift and growth cell capacity are addressed below.

#### **Timing of uplift of the deferred residential zone and open growth cell capacity assessment**

5.6.12 As set out in Section 4 of this report and in relation to my assessment of Topic 1(b), I consider the early release of the southern portion (Stage 1) of the T2 Growth Cell for development is consistent with the planning policy framework within which this proposal must be considered. Additionally, I consider that PPC12 is generally supported by specific provisions contained within higher level planning documents including the NPS-UD and the WRPS.

5.6.13 Part D, Section 14 of the District Plan sets out the provisions relating to uplift of Deferred Zoning, particularly Rule 14.4.1.10. This rule includes a number of requirements summarised as follows:

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- Proving to the satisfaction of Council that within the relevant town or village there are less than three Open Growth Cells or there is less than three years supply of land that is 'Development Ready' for Te Awamutu;
- The Deferred Zone will be required to be rezoned for its intended future use, i.e. Residential in this instance (via a plan change);
- A structure plan for the entire growth cell, is to be approved by way of a change to the Waipā District Plan;
- The Development Infrastructure required to service the Deferred Zone area is either in place, or Council is satisfied that there is a solution to deliver the necessary infrastructure (this can be outlined at a high level in the structure plan);
- That the rules of the Deferred Zone will apply until the precondition that no amendments are required to the District Plan objectives, policies or rule framework has been met.

5.6.14 The intent of Rule 14.4.1.10 is primarily to support Council to ensure that it can provide the supporting infrastructure and services for new development growth areas in a staged and planned manner. Careful consideration should therefore be given to out of sequence or unplanned for development proposals.

5.6.15 Of particular relevance to Rule 14.4.1.10 and to uplifting the Deferred Zoning is the alignment of PPC12 with Objective 14.3.1 and Policies 14.3.1.1, and 14.3.1.3 – 14.3.1.6 of the WDP. These provisions state:

### ***Objective - Deferred Zoning 14.3.1***

*Land intended for conversion from its current land use to an alternative land use in order to respond to growth demands is clearly identified, occurs in a planned manner, and its resources are protected for its anticipated future use.*

### ***Policy - Identified deferred zoning 14.3.1.1***

*Land which is intended to be converted from its current land use to respond to growth demands will have its current zoning and its deferred zoning clearly identified.*

### ***Policy - Structure planning 14.3.1.3***

*To provide a framework for new growth areas through a comprehensive and integrated structure planning process.*

### ***Policies - Process for rezoning land***

*14.3.1.4 – All Deferred Zones are able to be rezoned for their intended future use, subject to Policy 14.3.1.5 below, provided it is in accordance with the timing, location and extent of the growth cells as outlined in Appendix S1 of the Plan, no amendments to the District Plan objectives, policies or rule framework are required, the process in Policy 14.3.1.5 has been followed, and adverse effects are avoided, remedied or mitigated. In respect of the timing for the release of growth cells, there is provision within the rule framework for the release of additional growth cells where Council is satisfied there is less than three years supply of development ready land in any town or village within the district.*

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14.3.1.5 – *To provide for the rezoning of deferred land to its intended future use where it is consistent with the provisions in the Regional Policy Statement relating to sub-regional growth.*

14.3.1.6 – *Deferred Zones (except as identified in Policy 14.3.1.7) will be rezoned for their intended future use by way of a plan change, or by Council resolution.*

- 5.6.16 In assessing PPC12 against the above provisions, the WDP provides for and anticipates the uplift of Deferred Zones (including the T2 Growth Cell) over time and states that these zones “*are areas that have been identified as being suitable for conversion from the current land use to a new land use.*” Furthermore, an acceptable structure plan for T2 has been provided and no changes to existing WDP objectives, policies and rules are proposed other than new additions to the rules framework. Advice from Council Engineers has also been received that Stage 1 of the T2 Growth Cell can be adequately serviced (or suitable solutions exist) from an infrastructure perspective. It is therefore considered that these requirements of Rule 14.4.1.10 have been met.
- 5.6.17 In respect of the requirement to prove to the satisfaction of Council that within the relevant town or village there are less than three Open Growth Cells, or there is less than three years supply of land that is ‘Development Ready’ for Te Awamutu, the following assessment is provided.
- 5.6.18 The National Policy Statement for Urban Development Capacity 2016 (NPS-UDC) and the superseding NPS-UD 2020 require Tier 1 (high growth) local authorities, such as Waipā District, to provide more than sufficient (sufficient plus a competitive margin) development capacity to meet expected demand for housing development.
- 5.6.19 The uplift of Stage 1 of PPC12 is aligned with the NPS-UD which directs local authorities to be responsive to plan changes that add significant development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents or is out of sequence with planned land release.
- 5.6.20 The 2020 Update of Population, and Family and Household, Projections for Waipā District, 2013-2063 commissioned by Waipā District Council and undertaken by the National Institute of Demographic and Economic Analysis (University of Waikato), concludes that the general population trend is one of increasing population.<sup>14</sup> It is noted that to gain a full understanding of development capacity and supply within the Waipā district (and other districts), Market Economics have been commissioned by Future Proof partner councils to provide an assessment of the above matters and that this will unlikely be available before the hearing, however it may be available to assist the deliberations of the Hearings Panel.
- 5.6.21 Submissions from FRONTIER DEVELOPMENTS LTD, BLACKSTOCK, and HATWELL & JOHNSTON raise concerns around the incorrect interpretation by the applicant of Rule 14.4.1.10, particularly in relation to the number of open growth cells and supply of development ready land. These submissions infer that the requirements for early release of growth cells have not been met due to there being sufficient capacity to accommodate growth within existing open growth cells.
- 5.6.22 Appendix 4 of this Section 42A Report provides an overview of the status of the growth cells surrounding Te Awamutu. The commentary on this appendix has been provided by Council staff.

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<sup>14</sup> Cameron, M.P.(2020). *2020 Update of Population, and Family and Household, Projections for Waipā District, 2013-2063*. Commissioned Research Report Prepared for Wāipa District Council. National Institute of Demographic Analysis. University of Waikato.

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Further to this, Council’s Consultant Engineer Richard Bax has provided the following commentary in respect of these submissions:

*Of the ‘open’ growth cells –*

- *T1 Growth Cell is extensive and could potentially have over 350 lots;*
- *T6 Growth Cell is a large lot residential growth cell and is therefore catering to a different market, and is also reliant on council water supply, stormwater and roading upgrades. These upgrades are not in the Long Term Plan;*
- *T8 Growth Cell is only just starting to be constructed in Stage 1 with the developer having consent for 99 lots;*
- *T9 Growth Cell is nearing completion other than the developers stage 4 which requires further roading infrastructure to be provided by Council.*
- ***Effectively there are only two open growth cells.***

5.6.23 This capacity sits below the projected demand of 169 households / annum for Te Awamutu / Kihikihi anticipated in Waipā 2050 Growth Strategy as set out below.<sup>15</sup> Three years supply based on this demand equate to 507 new lots. In this respect it is considered that PPC12 satisfies the requirements of 14.4.1.10(d)(i). As noted above, the Council has engaged Market Economics to undertake a further analysis of the capacity and demand requirements. Any updated analysis will be tabled at the hearing for consideration.

<b>TABLE 1: CAMBRIDGE &amp; TE AWAMUTU / KIHIKIHI HOUSEHOLD DEMAND 2017-2050</b>					
<b>Location</b>	<b>2017 Population</b>	<b>2050 Estimated Population</b>	<b>2050 Households</b>	<b>Annual Household Demand</b>	<b>Annual Land Supply Required</b>
Cambridge	16,100	30,300 (+14,200)	13,500 (+7,000)	212	18ha
Te Awamutu / Kihikihi	13,000	18,400 (+5,400)	8,700 (+3,400)	104	9ha

<b>TABLE 2: CAMBRIDGE &amp; TE AWAMUTU / KIHIKIHI HOUSEHOLD DEMAND 2017-2027</b>					
<b>Location</b>	<b>2017 Population</b>	<b>2027 Estimated Population</b>	<b>2027 Households</b>	<b>Annual Household Demand</b>	<b>Annual Land Supply Required</b>
Cambridge	16,100	23,200 (+ 7100)	9,800 (+3400)	340	28 ha
Te Awamutu / Kihikihi	13,000	15,700 (+2700)	7,000 (+1700)	169	14ha

5.6.24 I am therefore of the opinion, given the policy direction set in the NPS-UD 2020, the increasing trend in population growth identified by the National Institute of Demographic and Economic

<sup>15</sup> <https://www.waipadc.govt.nz/repository/libraries/id:26zgz4o7s1cxbyk7hfo7/hierarchy/our-council/waipā2050/documents/Waipā%202050%20Growth%20Strategy%20-%20Final%20November%202017.pdf>

Analysis and the above assessment of open growth cells, that should Stage 1 infrastructure be able to be adequately catered for, the requirements of Rule 14.4.1.10 of the WDP have been satisfied.

- 5.6.25 However, I note that the information provided by the applicant in the application relating to open growth cell capacity and demand for residential sections/retirement facilities is based on data set out in Waipā 2050 Growth Strategy and anecdotal evidence around the demand for retirement facilities. It is therefore requested that any further available information in relation to demand and yield that may support the applicant's assessment of open growth cell capacity be provided in evidence. I may make further recommendations to the Hearings Panel based on the review of this evidence.
- 5.6.26 In considering the early release of the T2 Growth Cell, it is also important to address staging of development. OAK RIDGE HOLDINGS LIMITED submission seeks relief of including provisions in the WDP around staging of development, with a more stringent activity status applied to the northern portion of the T2 Growth Cell (Stage 2) for any development that occurs in this area ahead of 2035. Furthermore, the submission by FRONTIER DEVELOPMENTS questions the legality of proposed Rule 15.4.2.92 and how a breach of this rule would be considered under the RMA s104D gateway test. I note that staging and activity status has been addressed by the applicant through the proposed provisions to be inserted into the WDP, and I have included recommended amendments to these provisions as set out in Appendix 1a of this Section 42A Report. These recommended amendments, particularly the recommendation to delete proposed Rule 15.4.2.92 and only uplift the Deferred Zoning for Stage 1 of the T2 Growth Cell addresses these concerns.
- 5.6.27 In my opinion, the staged release of T2 is considered appropriate to balance the supply of residential land and meet the short to medium term demand within Te Awamutu, alongside other open Growth Cells. I consider that the proposed structure plan and supporting planning provisions (i.e. proposed Appendix S23) will ensure that the entire Growth Cell is developed in an integrated way and that staging the development by only uplifting the zoning for the southern portion (Stage 1) of the T2 Growth Cell will not adversely affect this. Further, I consider that the approach meets the necessary requirements of the WDP and higher order planning documents.

**Recommendations:**

- Reject submission points 12/5, 17/4, 17/7, 20/1, 24/1, 28/5, and further submission point FS3.1 for the reasons outlined above.
- Accept in part submission points 12/1, 12/11, and further submission points FS2/1, FS2/5 and FS2/8. An assessment of open growth cell capacity has been undertaken and I consider that the applicant has adequately demonstrated that Stage 1 of the T2 Growth Cell can be appropriately serviced as set out further under Topic 3 below and therefore can be released for development. Furthermore, the recommendations set out in this Section 42A report have been considered in the context of the policy framework which includes the Waipā 2050 Growth Strategy.

**5.6.28 Topic 1(c) - Growth Cell Integration**

**Table 5:** Summary of submissions relating the disconnect in and between growth cells (integration)

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
12/2	Frontier Developments Ltd	Oppose	The proposal and supporting documentation have focused on the southern half of T2 and there is a lack of information and supporting documentation for the northern half of the site. The northern half is held in multiple landowners without a clear direction which may result in piecemeal development with little cohesion.	The northern half of the T2 growth cell should remain deferred residential.	<b>Accept</b>
FS3/2	J Hatwell and M Johnston	Support	Lack of clarity regarding Stage 2 or T2 area and how this would be implemented as the application proposes, i.e. not until 2035, should PC 12 be approved by Council.	12/2 - Decline Plan Change request.	<b>Reject</b>
12/3	Frontier Developments Ltd	Oppose	The proposal to develop the southern half of T2 initially is disjointed with the surrounding environment as the adjoining T1 growth cell is developing from the north off Pirongia Road. This will lead to a disconnect from the southern T2 growth cell with the remaining Te Awamutu town and a void of empty T1 land between the existing residential land and proposed T2 development. The proposal is inconsistent with the Te Awamutu Town Concept plan 2010, Waipā 2050 and the District Plan.	No specific relief sought.	<b>Reject</b>

**Assessment – Topic 1(c)**

5.6.29 The applicant proposes that the northern half of the T2 growth will remain deferred until 2035 and to give effect to this, PPC12 includes a rule that the northern half (Stage 2) of the Structure Plan area cannot develop before 2035, as follows:

*15.4.2.92: In the T2 Growth Cell Structure Plan area subdivision and development in the Stage 1 area is allowed in accordance with the Residential Zone rules, but such subdivision and development in Stage 2 is not allowed until 2035. The Deferred Zone rules apply in Stage 2 until 2035.*



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*Activities which fail to comply with this rule will require resource consent for a non-complying activity.*

- 5.6.30 Legal advice on the above proposed Rule 15.4.2.92 has been received, and as a result of this advice I recommend that this rule is not accepted (see Appendix 1a) and that the uplift of Deferred Zoning to Residential is restricted to Stage 1 only at this time. In my opinion, and based on the advice received, this recommended approach is considered to be more legally robust.
- 5.6.31 As noted in Section 4 above, the T2 Growth Cell sits outside of the boundary shown for the extended Te Awamutu town centre in the Te Awamutu Town Concept Plan (June 2010). Despite this, it is considered that overall, PPC12 is consistent with the vision, objectives and principles of this plan.
- 5.6.32 It is important to note that this Town Concept Plan is approximately 11 years old and the more contemporary (and statutory) document that is relevant to a decision on PPC12 is the WDP. As previously mentioned, the WDP provides for and anticipates the uplift of Deferred Zones (including the T2 Growth Cell) over time and specifically notes that these “are areas that have been identified as being suitable for conversion from the current land use to a new land use”. The uplift process is subject to WDP Rule 14.4.1.10 which includes a number of requirements which have been outlined in the assessment of subtopic 1(b) above.
- 5.6.33 As detailed in the assessment of subtopic 1(b) and further in the sections below, I consider that PPC12 satisfies the relevant requirements of Rule 14.4.1.10 and therefore the current zoning of the southern part (Stage 1) of T2 can be uplifted.
- 5.6.34 Notwithstanding the above, the uplift of PPC12 is aligned with the NPS-UD which directs local authorities to be responsive to plan changes that add significant development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents or is out of sequence with planned land release.
- 5.6.35 Concerns raised around the detailed layout for the southern half of the site, including its integration with the T1 growth have been considered at a high level through the provision of a structure plan with PPC12. These matters will need to be further considered through subdivision and land use consents following the uplift of Deferred Zoning for Stage 2 noting that these processes will ensure the assessment of the environmental effects of the development(s) at a detailed level. Further detail in relation to layout of Stage 2 should be, in my opinion, more appropriately assessed under subsequent land use and subdivision consents which would follow the uplift of Stage 2.

### **Recommendations:**

- Accept submission point 12/2 as PPC12 is consistent with the provisions contained within the PPC12 request.
- Reject submission point 12/3 and further submission point FS3/2 for the reasons outlined above.

**5.7 TOPIC 2: LAND USE CHANGE FROM RURAL TO URBAN AND RELATED ENVIRONMENTAL EFFECTS**

**5.7.1 Topic 2(a) - Loss of High Class (elite) Soils and Urban Sprawl**

**Table 6:** Summary of submissions relating to loss of high-class soils

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
1/2	R & D Swarbrick	Oppose	No case made out for further urban growth. Loss of farming land.	T2 to revert to rural.	<b>Reject</b>
5/1	T Houghton	Oppose	Slow and stop Waipā towns to be subject of urban sprawl.	Oppose the proposal to rezone the site to residential.	<b>Reject</b>
8/1	J Sinclair	Support in part	Proposed retirement village and residential subdivision compromise elite soils. Contrary to advice received in relation to own development plans. Why Sanderson can subdivide, when I was refused.	No specific relief sought.	<b>Reject</b>

**Assessment – Topic 2(a)**

5.7.2 The SWARBRICK and HOUGHTON submission points are concerned with urban sprawl as a result of the plan change. As set out in Section 4 of this report the WDP and Waipā Growth Strategy anticipate the development of T2 Growth cell for residential purposes. In my view the suitability of the site for development, including any adverse impacts of extending the urban footprint of Te Awamutu (i.e. urban sprawl) has been adequately assessed as appropriate through the processes undertaken to develop these documents.

5.7.3 In regard to the SWARBRICK and SINCLAIR submissions, I have set out my assessment of the draft NPS-HPL in Section 4 of this report and note that whilst the T2 Growth Cell is likely located on what would be considered High Class Soil (and therefore could be considered highly productive) under the Land Use Capability Maps. It is important to note that Appendix A of the NPS-HPL: Criteria to identify highly productive land which is attached to Proposed Policy 1 states that *‘Highly productive land excludes: (b) areas that have been identified as future urban zones in district plans.’*

5.7.4 The NPS-HPL is still draft and may be subject to change (although noting that submissions have now closed), and therefore the Hearings Panel is unable to give the draft NPS-HPL any weight in decision-making.

5.7.5 Given this, it is my opinion that the T2 Growth Cell falls outside the scope of the draft NPS-HPL as the area was zoned ‘deferred residential’ prior to the formation of the proposed NPS-HPL. My interpretation of ‘deferred residential’ is that it is synonymous with ‘future urban’.

**5.7.6 Recommendations:**

- Reject submission points 1/2, 5/1 and 8/1 for the reasons outlined above.

**5.7.7 Topic 2(b) - Transport connections, traffic generation and safety concerns**

**Table 7: Summary of submissions relating to transport**

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
1/3	R & D Swarbrick	Oppose	Increased traffic.	T2 to revert to rural	<b>Reject</b>
5/2	T Houghton	Oppose	<p>Council is building towns to be reliant on the motor vehicle, placing additional stress on CBD amenity and creating safety concerns as in Cambridge.</p> <p>Congestion, lack of parking, no public transport or bicycle networks.</p> <p>Do not want to become the next 'Hamilton'</p>	Council to not adopt the rezoning from 'Deferred Residential' to 'Residential' and improve and give effect to town planning first.	<b>Reject</b>
12/10	Frontier Developments Limited	Oppose	<p>Concerns around infrastructure provision, specifically:</p> <ul style="list-style-type: none"> <li>▪ The proposal will result in changing Frontier and Pirongia Roads to collector roads. These road upgrades should be undertaken before development of T2. Cycle lanes do not connect with existing cycle lanes. A 3.5m land width is not sufficient for a shared cycle and vehicle lane.</li> <li>▪ The western boundary pedestrian link is within private land. Public corridor should be formed to provide this function and not be used for stormwater swales.</li> <li>▪ Proposed layout requires vehicle crossings to Frontier Road. Traffic safety issues with this. T1 does not have any</li> </ul>	The matters identified should be addressed by the applicant.	<b>Reject</b>

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Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
			<p>sections directly accessing Frontier or Pirongia Roads.</p> <ul style="list-style-type: none"> <li>WDC roading requirements not being maintained.</li> </ul>		
17/5	G Blackstock	Oppose	Concerns around increase in traffic generation. Questions around whether a bypass is required in this area.	Council declines the proposal.	<b>Reject</b>
19/4	N & S Phillips	Support in part – Do not oppose the retirement village, it is just the residential subdivision	<p>Oppose the development.</p> <p>Bought their property 2 years ago and were told development on the site would not occur until 2035. Specific Issues:</p> <ul style="list-style-type: none"> <li>Infrastructure not in place to support what is already there, let alone another big development.</li> <li>Traffic increase.</li> <li>Water runoff increase.</li> </ul>	Council declines the residential subdivision component of the proposal.	<b>Reject</b>
21/2	M Underhill	Support in part	Sun strike on Frontier Road is dangerous, the proposed entrance at the top of Frontier Road is a hazard.	<ol style="list-style-type: none"> <li>Move entrance to the site as per submission attachment (further west).</li> <li>Defer residential subdivision until 2035.</li> </ol>	<b>Reject</b>
23/1	Fonterra Limited	Support	Support PPC12 subject to further assessment on the impacts on the wider transportation network. Concerns around the assumptions in the Applicant's Integrated Traffic Assessment (ITA) around direction for traffic leaving the Growth Cell. Concerns around increased traffic outside Fonterra's Te Awamutu site.	Requests the Applicant amend the ITA to address the concerns raised and hold a meeting with the Applicant and Council to discuss the points raised and/or include a rule in the plan requiring a Broad ITA that considers the impacts of the proposed development on the wider transportation network.	<b>Reject</b>
28/2	D Nicoll	Oppose	Road dangerous enough especially with sunstrike.	No access on Frontier Road.	<b>Reject</b>

**Assessment – Topic 2(b)**

5.7.8 A number of issues were raised by submitters in relation to additional traffic generation, transport connections and safety.

5.7.9 In respect of these issues the PPC12 application states:

*Taking into account future development of growth cell T2 and the above other sources of traffic growth traffic volumes are predicted to increase on:*

- *Frontier Road from the existing 1,500-1,600 vpd to 3,000-4,200 vpd. The ITA concludes that a daily volume of 3,000-4,200 vpd is well within the expected and acceptable range as a future collector road and can be suitably accommodated subject to the proposed upgrades along the Structure Plan frontage; and*
- *Pirongia Road from the existing 2,660 vpd to 5,300-6,550 vpd. The ITA concludes that 5,300-6,550 vpd is well within the expected and acceptable range for a collector road and can be suitably accommodated, subject to the proposed upgrades along the Structure Plan frontage.*

*The ITA concludes that the planned transport networks and upgrades to the existing network are appropriate to accommodate the activities generated by the rezoning of the growth cell. The traffic and transport elements of the plan change have been appropriately established within the proposed structure plan. The network will ensure a safe and efficient road environment and integration of the T2 growth cell with the wider Te Awamutu area. As such, the transportation effects of the rezoning are considered to be less than minor and appropriately managed through the design.*

*Traffic volumes can therefore be accommodated within the existing road network, subject to the proposed upgrades of both Frontier and Pirongia Roads along the Structure Plan frontage.*

*Road infrastructure has been modelled from previous roading development within the Waipā District and modified with input from Stantec and Boffa Miskell. See plans Nicklin CE 4500-03 and 4500-08 within Appendix A for layout and road section concepts as they relate to the subdivision component of T2 South. Parking bays are proposed to be recessed and a central island is proposed for the main 20m 'Road 1'. Two roundabouts, one culdesac, and three access lots are also proposed. Roading upgrades are proposed for the north-western side of Frontier road abutting the development and speed limits are to be considered. More detailed design will be undertaken as part civil design works in due course.*

*T2 South provide connectivity to both Frontier Road and the T1 development, and T2 North has dual connectivity to the T1 development and connectivity to Pirongia road. Walkways and Cycleways are also proposed, linking roading and reserves and providing increased recreational connectivity. Roading infrastructure is anticipated to be of a similar nature to T2 South. See reports from Boffa Miskell and Stantec for further detail related proposed roading infrastructure, design, and layout for the T2 Growth Cell.*

5.7.10 Council's Development Engineers have reviewed the plan change application and confirmed that the Integrated Transportation Assessment (ITA) appended to the application provides a relevant assessment of traffic effects such that the plan change can proceed. The assessment notes that at time of relevant future consents, conditions will be recommended by Development Engineering to best mitigate potential effects, and these will require the submission of design, construction in accordance with approved plans, quality assurance and submission of 'As-built plans' to further assess effects and ensure compliance.

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5.7.11 Development Engineers have since further noted that a range of improvements are proposed to Frontier Road (funded through the Long Term Plan) to further manage the increase in traffic including, kerbing, lighting, shared cycle footpath on northern side of road and lowering the vertical curve at the current urban boundary to improve road safety.

5.7.12 Relying on the above advice, I am satisfied that the transport connections will be appropriately designed, that integration will occur, and the development will improve the provision of transport within the area. In this respect I consider that the concerns raised by submitters in relation to transport capacity and design can be rejected.

5.7.13 In respect of the FONTERRA submission on traffic generation, as noted above discussions with the applicant have clarified the proposed staging of the PPC12 and this has reduced Fonterra’s initial concerns with the proposal, notably concerns around the assumptions used to inform the ITA.

### Recommendations:

- Reject submission points 1/3, 5/2, 12/10, 17/5, 19/4, 21/2, 23/1 and 28/2 for the reasons outlined above.

### 5.7.14 Topic 2(c) - Effects on Heritage and Archaeology

**Table 8:** Summary of submissions relating to the effects on Isla Bank house

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
14/1	Heritage New Zealand Pouhere Taonga	Support in Part	Proposal will result in earthworks, which in the event of unrecorded archaeology being present has the potential to damage the finite archaeological resource.	Prior to a decision being made, an archaeological assessment relating to Stage 2 is further updated to include the author's opinion on the effects of the proposed works on archaeological values and if a walkover is required to form this opinion.	<b>Reject</b>
14/2	Heritage New Zealand Pouhere Taonga	Support in Part	Lack of specific provisions relating to the protection of the house and setting known as Isla Bank, a HNZPT listed Category 2 historic place, and Waipā District Council scheduled heritage item Category B. At the time of subdivision and further development could result in adverse effects on historic heritage.	1. Requests the Applicant to undertake an amendment of the structure plan to show a revised development layout that includes the retention in on lot of; Isla Bank and the associated gardens, driveway and entrance, and also shows development layout in the immediate surrounds that takes into account the desirability of retaining	<b>Reject</b>

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Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
				<p>open space to the east of Isla Bank.</p> <p>2. Seeks that the "proposed District plan Amendments" are amended at S23.4 Design Measures, to include the recommendation from the Boffa Miskell report as follows; " Design integration of the boundary treatment with the retention of the entrance gates associated with heritage item property (Isla Bank Villa)".</p> <p>3. Seeks that the Waipā District Plan Heritage Schedule is amended to reflect the full extent of the setting of the Historic Place Isla Bank.</p>	
17/3	G Blackstock	Oppose	Property is registered as Historic Places 2, change in zoning has implications on ability to sell and its value.	Provide a scale plan of future infrastructure and how it directly affects the property.	<b>Accept in part</b>
FS1/1	Heritage New Zealand Pouhere Taonga	Support	HNZPT considers that there is a need to minimise the impacts of PPC12 on the historic heritage values of "Isla Bank". This can be achieved by establishing the likely location of building and infrastructure in a manner that avoids adverse impacts on Isla Bank and its setting as described by HNZPT.	17/3 - that the concept plan is amended to reflect the location of development and infrastructure, in a way that avoids adverse effects on Isla Banks and its setting as described by HNZPT.	<b>Reject</b>

**Assessment – Topic 2(c)**

5.7.15 Submission point 14/1 from HERITAGE NZ has sought to provide protection of unrecorded archaeology in relation to development of stage 2 of the T2 Growth Cell. I consider that this is more appropriately addressed at the time of consent.

5.7.16 Submission point 14/2 and further submission<sup>16</sup> from HERITAGE NZ has sought to provide further protection of Isla Bank heritage property located at 67 Pirongia Road, including consideration of

<sup>16</sup> Further Submission #1 (FS1)

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the listing of its setting. The application states (and I concur) in relation to this matter “Neither the District Plan nor the Heritage NZ listing identify the setting as part of the item to be protected. The building is contained in a separate title of 1.6389ha (Lot 1 DP 514120)”.

5.7.17 This property is located within northern most area of the T2 Growth Cell. As noted above, PPC12 proposes that the northern part of growth cell will remain Deferred Residential Zone until 2035. The PPC12 application notes the WDP has already addressed effects on heritage items on a District-wide basis and contains objectives and rules that will apply to any future resource consents to develop close to or around the building. If the Stage 2 structure plan area is developed it will be the Isla Bank landowner’s decision as to the extent to which (if at all) their land is incorporated into the wider development plans. Therefore, there is no need to implement any site-specific rules in PPC12 to protect the heritage listing. I concur with the applicant’s assessment of this matter.

5.7.18 Additionally, in relation to this matter, it is relevant to note that within the 2021 to 2035 timeframe it is highly likely that there will be fundamental changes to the planning framework in New Zealand, notably through the RMA reforms proposed under the current government. It is reasonable to consider that within this timeframe that there will also likely be a future District Plan review where this issue may be more appropriately considered.

5.7.19 Submission point 17/3 from BLACKSTOCK requests the provision of a scale plan of infrastructure as it relates to Stage 2 and the proximity of future development to heritage listed house Isla Bank. The application includes an indicative infrastructure plan for the site, setting out the servicing layout. Further detail in relation to infrastructure will be provided as part of the development of Stage 2 of T2 post 2035.

### **Recommendations:**

- Reject submission points 14/1, 14/2 and further submission (FS1/1) for the reasons outlined above.
- Accept in part submission point 17/3 as PPC12 provides indicative plans for infrastructure provision within the T2 growth cell.

### **5.7.20 Topic 2 (d) - Construction effects – disruption, noise and earthworks**

**Table 9:** Summary of submissions relating to disruption, noise and earthworks

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
1/1	Swarbrick	Oppose	Disruption and noise	T2 to revert to rural	<b>Reject</b>
6/1	Miller	Support in part	Home gets covered in dust from construction	Home gets washed occasionally	<b>Reject</b>
16/5	Galloway and McNamara	Oppose	Concerns regarding the right to quiet enjoyment of property, particularly from vibration effects from heavy machinery, noise pollution, dust and dirt, and light pollution not	Rezoning to residential remain deferred to 2030-2050 as per the District Growth Strategy.  Alternatively, consent is given to develop the 9.5ha retirement village only, with the remainder of the	<b>Accept in part</b>



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Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
			currently seen in the rural area.	property to be retained as rural.	
19/3	Phillips	Oppose	Oppose the development. Bought their property 2 years ago and were told development on the site would not occur until 2035. Specific Issues: <ul style="list-style-type: none"> <li>• Construction work for years</li> <li>• Traffic increase</li> </ul>	Do not oppose the retirement village, it is just the residential subdivision	<b>Accept in part</b>
21/4	Underhill	Support in part	Health effects from dust.	Move entrance to the site as per submission attachment (further west). Defer residential subdivision until 2035	<b>Reject</b>
21/5	Underhill	Support in part	Building up the site will cause further water flow into garage under house on 29 Frontier Road causing an unhealthy home.	Defer residential subdivision until 2035. Do not build up sections along Frontier Road (Lots 1 to 14) that may cause water flow to houses across the street.	<b>Reject</b>
28/3 & 28/4	Nicoll	Oppose	House damage from heavy machinery vibration, noise, and dust effects	1. Only build retirement village 2. No access on Frontier Road	<b>Accept in part</b>

### Assessment – Topic 2(d)

5.7.21 A range of submissions were received outlining concerns around earthworks effects, disruption and noise associated with the development of the T2 Growth Cell as summarised above.

5.7.22 As noted above, I am of the view that at this stage of the process, a decision on whether to approve PPC12 should rest on whether strategically it is appropriate to uplift the Deferred Residential Zoning of Stage 1 of the T2 Growth Cell ahead of schedule, based on:

- Alignment of PPC12 with the relevant statutory and policy context.
- Whether there is sufficient existing infrastructure capacity or feasible infrastructure solutions to cater for the early release of Stage 1 of T2.
- Whether there is appropriate integration of T2 with the adjacent T1 Growth Cell and wider Te Awamutu urban area.

5.7.23 Further detail on potential mitigation in relation to these environmental effects should be, in my opinion, more appropriately assessed under subsequent land use and subdivision consents should PPC12 be approved by the Hearings Panel. I do not consider that any further assessment of these effects is required at this stage in the process.

**Recommendations:**

- Reject submission points 1/1, 6/1, 21/4, and 21/5 as these effects are more appropriately addressed through resource consent processes.
- Accept in part submission point 16/5, 19/3, 28/3 and 28/4 as PPC12 will provide for the construction of the retirement village.

**5.7.24 Topic 2 (e) - Viewshafts, vistas and amenity**

**Table 10:** Summary of submissions relating to viewshafts and amenity

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
6/1	Miller	Support in part	Have nice views of Pirongia and don't want to be obstructed	Retain views of Pirongia looking west.	<b>Reject</b>
12/4	Frontier Developments Limited	Oppose	The proposed structure plan is lacking of, and does not provide satisfactory cognisance of east-west vistas. East-west vista will be hindered with the bulk retirement village development.	No specific relief sought.	<b>Reject</b>
12/7	Frontier Developments Limited	Oppose	Landscape and visual assessment does not take into account adverse effects associated with a disconnected development from the existing residential area.  Does not consider effects from future residents of T2 looking outward or the interface between T1 and T2	Requests further consideration of viewshaft, vistas, and visual experiences for future T2 residents and the interface between T1 and T2.	<b>Reject</b>
15/3	Wheeler and Fraser	Oppose	Small sections in a semi-rural area.  Removal of bush and trees	That the Council stick with original timeframe for development and work on appropriate planning first.	<b>Reject</b>
21/6	Underhill	Support in part	Effects on views to Pirongia	<ol style="list-style-type: none"> <li>1. Move entrance to the site as per submission attachment (further west).</li> <li>2. Defer residential subdivision until 2035</li> <li>3. Covenants that only single storey buildings can be constructed.</li> </ol>	<b>Reject</b>

**Assessment – Topic 2 (e)**

5.7.25 A range of submitters have raised concerns about the impact of the development of T2 on landscape, views/vistas and residential amenity. Council’s Senior Reserves Planner has reviewed the application and has made comment at a detailed level in relation to the provision and design of reserves within T2 and has noted the following further considerations which will need to be addressed at subdivision stage:

- Ensuring that appropriate consideration is given to the northwest and southwest corners as medium – long term main gateways into Te Awamutu.
- Addressing on-street parking capacity for the recreation reserve – at 2,700m<sup>2</sup> the reserve will be too small to provide any parking within the reserve.
- Activating the reserve through the provision of a café that would be utilised by reserve users and better connect the retirement village residents to the wider community.

5.7.26 The environmental effects related to these aspects and those raised in relevant submission will be assessed in more detail under subsequent land use and subdivision consents should PPC12 be approved. This assessment will be guided by the provisions of PPC12 which includes a comprehensive range of design objectives that any development on the site will need to demonstrate compliance/alignment with as follows:

- *S23.3.1 Create a walkable greenfields residential area that connects seamlessly to the neighbouring T1 Growth Cell and supports the neighbourhood commercial centre in T1.*
- *S23.3.2 Provide strategic east-west road connections.*
- *S23.3.3 Provide for a range of housing types, achieving a yield of 12-15 units per net developable hectare, with higher density development being provided through a retirement village typology.*
- *S23.3.4 Ensure that residential development adjoining Frontier Road and Pirongia Road is sympathetic to existing residential development.*
- *S23.3.5 Provide for vistas over adjoining rural land to Mt Pirongia and Mt Kakepuku.*
- *S23.3.6 Recognise the visual and landscape sensitivity of the interface with rural land to the west.*
- *S23.3.7 Reduce vehicle speeds on Pirongia Road and Frontier Road to reflect their urban character and manage the transition from a rural to an urban traffic environment.*

5.7.27 I therefore consider that matters can be appropriately assessed and managed through the framework set out in Appendix S23 of the proposed plan change provisions, as well as the rules and performance standards set out for the Residential Zone of the WDP. In addition to this, PPC12 proposes a rule to comprehensive and sensitive landscape design within T2 as follows:

*15.4.2.91 - In the T2 Growth Cell Structure Plan area a landscaping plan shall be prepared and implemented as a condition of subdivision consent. The landscaping plan shall be in general accordance with the Te Awamutu T2 Growth Cell Structure Plan and shall as a minimum include the following;*

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*A planting area of a minimum of 2m wide adjoining the western boundary adjoining Rural zoned land shall be planted in a mix of native shrubs and trees with a minimum mature height of 1.5m, including specimen trees within the 2m wide area generally located near side boundaries. This rule shall not apply to retirement villages.*

*A plan of landscaping treatment along the Frontier Road boundary and the Pirongia Road boundary, including specimen trees. Any hedges are to be no higher than 1.2m.*

*Details of proposed street tree planting in accordance with Rules 15.4.2.26 and 15.2.27.*

*Details of wetland and reserve planting.*

*Landscape design for proposed neighbourhood playground.*

*Design and landscape treatment of cycleway and pedestrian network.*

*Entrance and lighting features for the retirement village.*

*Landscape treatment of communal recreational areas in the retirement village.*

*Provision for maintenance of the landscaping.*

### **Recommendations:**

- Reject submission points 6/1, 12/4, 12/7 and 15/3 as these are detailed matters that can more appropriately be addressed through resource consent processes.
- Reasons for rejecting submission point 21/6 in reference to deferring residential subdivision until 2035 have already been covered previously in this report.

### **5.7.28 Topic 2 (f) - Ecological effects**

**Table 11:** Summary of submissions relating to ecological effects

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
12/6	Frontier Developments Limited	Oppose	The ecology report in the application notes the presence of bats and lizards.	Efforts should be made, prior to any earthworks, to protect bat and lizard habitats.	<b>Accept in part</b>
16/2	J Galloway and N McNamara	Oppose	Subdivision risks impact on the long-tailed bats	Rezoning to residential remain deferred to 2030-2050 as per the District Growth Strategy. Alternatively, consent is given to develop the 9.5ha retirement village only, with the remainder of the property to be retained as rural.	<b>Accept in part</b>

**Assessment – Topic 2(f)**

- 5.7.29 FRONTIER DEVELOPMENTS LIMITED and GALLOWAY/MCNAMEARA have raised concerns in relation to ecological impacts of the development particularly in relation to potential adverse impacts on bats.
- 5.7.30 Council staff engaged an independent Ecological Consultant to undertake a review of the ecological assessment provided with the application. This review concludes *“For the most part, the terrestrial values of the project are Low and overall effects on ecological values Very Low. Only long-tailed bats, due to their threatened status, are of Very High ecological value. Due to a Moderate magnitude of effect from the loss of commuting, foraging and possibly roosting habitat the overall effects on this species is High.*
- 5.7.31 The Consultant agrees with management measures set out in the application proposed to avoid, remedy, or mitigate effects on all flora and fauna. The Consultant further recommends with regard to long-tailed bats that a further detailed tree assessment be undertaken closer to the time of construction to ensure that there is no risk of bats roosting in trees at the time of felling. This review has confirmed that there will need to be appropriate conditions on any resource consent to ensure that impacts on bats are avoided (where possible) and appropriately mitigated.
- 5.7.32 Relying on the above assessments, I consider that there will be no more than minor adverse effects on site ecology as a result of uplifting the deferred zoning of stage 1 of the T2 Growth Cell and that these matters will be further (and more appropriately) addressed through future consenting processes.

**Recommendations:**

- Accept in part points 12/6 and 16/2 as these effects can be appropriately addressed through resource consent processes.

**5.8 TOPIC 3: PROVISION OF AND PRESSURE ON INFRASTRUCTURE**

**5.8.1 Topic 3 (a) - Infrastructure (general)**

**Table 12:** Summary of submissions relating to effects on infrastructure

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
15/2	P Wheeler and R Fraser	Oppose	Te Awamutu's infrastructure is not equipped to handle current subdivisions let alone proposed ones.	That the Council stick with original timeframe for development & work on appropriate planning first.	<b>Reject</b>
16/6	J Galloway and N McNamara	Oppose	Current infrastructure not sufficient to support the development.	Rezoning to residential remain deferred to 2030-2050 as per the District Growth Strategy. Alternatively, consent is given to develop the 9.5ha retirement village only, with the remainder of the	<b>Accept in part</b>

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Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
				property to be retained as rural.	
FS2/7	Oak Ridge Holdings Ltd.	Support	Submission seeks deferring the zoning to align with the Waipā 2050 Growth Strategy.	16/6 - Council to maintain integrity of Growth Study particularly as it relates to servicing capacity.	<b>Reject</b>
19/1	N & S Phillips	Oppose	Oppose the development. Bought their property 2 years ago and were told development on the site would not occur until 2035. Specific Issues: <ul style="list-style-type: none"> <li>▪ infrastructure not in place to support what is already there, let alone another big development</li> </ul>	Consent is given for the retirement village but not residential subdivision	<b>Reject</b>

### Assessment – Topic 3(a)

- 5.8.2 Council’s Development Engineers have undertaken a comprehensive review of the infrastructure reports provided as part of the PPC12 application. This has included an assessment of earthworks, roading/access, water supply, wastewater, stormwater, and foundations (i.e. geotechnical assessment) for the T2 Growth Cell.
- 5.8.3 Overall, the Development Engineering team is satisfied that the development of the T2 Growth Cell can be adequately serviced through the provision of appropriate infrastructure. The conclusions resulting from of the review and discussions with the applicant’s Engineering Consultants are provided in Appendix 9 to this report.
- 5.8.4 Relying on the above, I consider that the submissions raising concerns about provision of infrastructure generally are adequately addressed through the Engineering assessments completed for PPC12. Further analysis on the findings of Development Engineering review is discussed under each of the topic below.
- 5.8.5 Additionally, it is important to note that any future subdivision consents within the Growth Cell will be subject to confirmation of detailed infrastructure design and the final steps in the subdivision process are not able to be completed (under RMA section 224) until all the necessary infrastructure is in place.

### Recommendations:

- Reject submission points 15/2, 16/6, 19/1 and Further Submission point FS2/7 for the reasons set out above.

**5.8.6 Topic 3 (b) - Water supply (Domestic, Industrial and Fire)**

**Table 13:** Summary of submissions relating to water supply for domestic, industrial and firefighting purposes

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
1/4	Swarbrick	Oppose	Insufficient water	T2 to revert to rural	<b>Reject</b>
12/9	Frontier Developments Limited	Oppose	Concerns around infrastructure provision, specifically: <ul style="list-style-type: none"> <li>▪ The booster pump required to provide water supply should be provided ahead of development. Objects to any DCs that may be placed on T1 as a result of these upgrades.</li> </ul>	The matters identified should be addressed by the applicant.	<b>Reject</b>
15/1	Wheeler and Fraser	Oppose	Te Awamutu's infrastructure is not equipped to handle current subdivisions let alone proposed ones. Water or lack of is already inadequate and have severe water restrictions	That the Council stick with original timeframe for development & work on appropriate planning first.	<b>Reject</b>
17/6	Blackstock	Oppose	Concerns around adequate water supply	Council declines the proposal	<b>Reject</b>
FS2/2	Oak Ridge Holdings Ltd.	Support	Water supply concerns.	17/6 - Council to confirm that water supply to T2 does not undermine the development of other planned growth cells 2021-2035.	<b>Accept in part</b>
18/1	Fire and Emergency New Zealand	Support in part	Concerns around adequate water pressure through the development and existing pressure issues across the district. Concerns regarding water supply network not being able to achieve FW3 which is a requirement for the proposed retirement village and all other structures characterised by a fire hazard category.	Plan change to be amended to include a rule provision that requires adequate water supply is provided to the development prior to construction of any structures. Adequate to mean in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and the Regional Infrastructure Technical Specifications	<b>Reject</b>
FS2/3	Oak Ridge Holdings Ltd.	Support	Support concern about water pressure for firefighting.	18/1 - Council to confirm that water supply to T2 does not undermine development	<b>Accept in part</b>

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Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
				of other planned growth cells 2021-2035.	
19/2	Phillips	Oppose	Oppose the development. Bought their property 2 years ago and were told development on the site would not occur until 2035. Specific Issues: <ul style="list-style-type: none"> <li>Water supply</li> </ul>	Consent is given for the retirement village but not residential subdivision	<b>Reject</b>
20/2	Oak Ridge Holdings Ltd	Oppose	Opposes the uplift of T2 Growth Cell due to concerns around reduced level of service in Council's water and wastewater reticulation with respect to undeveloped zoned urban land or land planned for urban growth between now and 2035	Council do not rezone land to residential until it is demonstrated that there are no adverse effects on the water or wastewater network supply to planned urban growth areas in Te Awamutu, or mitigation measures are proposed and confirmed to avoid or reduce these network effects to an acceptable level	<b>Accept in part</b>
23/2	Fonterra Limited	Support	Concerns around the release of T2 Growth Cell ahead of timeframe and what that means for the continued availability of water supplied by Council to Fonterra's Te Awamutu site.	Provide further information to satisfy concerns. Hold a meeting with Applicant and Council to discuss concerns.	<b>Accept in part</b>
FS2/4	Oak Ridge Holdings Ltd.	Support	Concerns of release of T2 ahead of Waipā 2050 Growth Plan timing.	23/2 - Support Fonterra's request to hold a meeting to discuss and undertake modelling to confirm any deficiencies and upgrades required.	<b>Accept in part</b>
28/1	D Nicoll	Oppose	Water supply issues, always in water restrictions	Sections should be at least 700m2 and have a water tank	<b>Reject</b>

**Assessment – Topic 3(b)**

5.8.7 Council’s Development Engineers have reviewed the civil Infrastructure report provided by Nicklin regarding water supply for the T2 Growth Cell (refer Appendix 9). This review confirms:

*(A water supply) connection will be made to existing council infrastructure. Modelling results from Opus (3-39433.00 WSP T2 Water Supply Assessment July 2020: 176 – 186 of 548) have determined that there is **sufficient supply** under the provision that upgrades are undertaken to the existing reticulation network via way of detailed design for booster pump installation/operation.*



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*At present, the booster supply design is being worked into an IFS agreement with Opus and will service both the T2 initial stages and T1 developments later stages. At time of relevant future consent, conditions will be recommended by development engineering to mitigate potential effects in conjunction with the information provided in the report. Conditions will likely include the submission of design, construction, quality assurance and as built drawings [sic] as well as separate connection applications if required.*

5.8.8 Relying on the above advice, I am satisfied that the T2 Growth Cell that there is adequate water supply to service the T2 Growth and that the concerns raised by submitters in this respect can be rejected.

### Recommendations:

- Reject submission points 1/4, 12/9, 15/1, 17/6, 18/1, 19/2, and 28/1 for the reasons set out above.
- Accept in part submission points 20/2 and 23/2, and Further Submission points FS2/2, FS2/3 and FS2/4. The applicant held a meeting with Fonterra and their concerns have now been reduced. Council engineers have confirmed that the early release of the T2 Growth Cell will not adversely affect water supply infrastructure and suitable solutions exist to ensure adequate pressure.

### 5.8.9 Topic 3 (c) - Wastewater and Stormwater

**Table 14:** Summary of submissions relating to wastewater

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
12/8	Frontier Developments Limited	Oppose	<p>Concerns around infrastructure provision, specifically:</p> <ul style="list-style-type: none"> <li>▪ Stormwater design calculations and accommodating stormwater events beyond the 10yr design leading to potential effects downstream. Does not reflect the new NES for Freshwater Regulations 2020</li> </ul> <p>The infrastructure report states that T2 will have a pump station discharging into Stage 3 of T1 but has not been incorporated into the design of T1. An alternative provision is required.</p>	The matters identified should be addressed by the applicant.	<b>Reject</b>
FS2/6	Oak Ridge Holdings Ltd.	Support	The submission questions the available wastewater and stormwater capacities	12/8 - Council to confirm that the growth cell can be serviced without affecting	<b>Accept in part</b>

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Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
			and identifies inaccuracies re assumptions - pump station.	planned growth cell development.	
19/5	N & S Phillips	Do not oppose the retirement village, it is just the residential subdivision	Oppose the development. Bought their property 2 years ago and were told development on the site would not occur until 2035. Specific Issues: Water runoff increase	Consent is given for the retirement village but not residential subdivision.	<b>Reject</b>
20/3	Oak Ridge Holdings Ltd	Oppose	Opposes the uplift of T2 Growth Cell due to concerns around reduced level of service in Council's water and wastewater reticulation with respect to undeveloped zoned urban land or land planned for urban growth between now and 2035.	Council do not rezone land to residential until it is demonstrated that there are no adverse effects on the water or wastewater network supply to planned urban growth areas in Te Awamutu, or mitigation measures are proposed and confirmed to avoid or reduce these network effects to an acceptable level	<b>Accept in part</b>

**Assessment – Topic 3(c)**

5.8.10 Council Engineering staff have assessed the provision of wastewater for the T2 Growth Cell as set out in the application and have concluded:

*The residential/retirement village infrastructure will gravitate to a receiving wastewater pump station and then ultimately connect to infrastructure located along Pirongia Road (Likely receiving Asset ID: 20190725094422). The receiving council infrastructure was originally sized to cater for both T1 and T2 development and is still deemed adequate for connection.*

*At time of relevant future consent, conditions will be recommended by development engineering to be mitigate potential effects in conjunction with the information provided in the report. Conditions will likely include submission of design, construction in accordance with approved plans, quality assurance and submission of 'As-built plans'.*

5.8.11 Similarly the stormwater strategy for the T2 Growth Cell has been assessed as follows:

*From a development engineering perspective, compliance with the technical review from Waikato Regional Council is heavily relied upon for assessment of effects as the discharge consent will eventually be owned by Waipā District Council. An outcome likely to occur, is the addition of on lot devices being required, this will also be to meet the NZBC Clause E1 Surface drainage requirements at later building consent. With statement above, compliance with Section 9 of the Waipā Stormwater Bylaw - Private stormwater systems, and councils business cases for stormwater enforcement of these systems, the effects of the proposed plan change are deemed less than minor when mitigated by way of conditions.*

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*At time of relevant future consent, conditions will be recommended by development engineering to be mitigate potential effects in conjunction with the information provided in the report. Conditions will likely include Submit design with emphasis on treatment and volume control measures, Construction in accordance with approved plans, Quality assurance, submission of 'As-built plans' and relevant operation/maintenance plans/implementations.*

5.8.12 Relying on the above advice, I am satisfied that the T2 Growth Cell can be adequately serviced through the reticulation and appropriate treatment of wastewater and stormwater and that the concerns raised by submitters can be rejected.

5.8.13 I do however note that a key area of concern that will need to be addressed through any future resource consent is in regard to the location of the pump station near to the playground/reserve area. If this location is to remain as proposed, it would be expected that in the detailed design stage emphasis on mitigation of potential effects relating to odour and amenity will be had, this may occur by way of dosing control and odour air filtration systems and potential screen planting to mitigate amenity effects.

### **Recommendations:**

- Reject submission points 12/8, 19/5 for the reasons set out above.
- Accept in part submission point 20/3 and Further Submission FS2/6 as this has been confirmed as outlined above.

### 5.8.14 **Topic 3(d) - Schooling capacity**

**Table 15:** Summary of submissions relating to schooling capacity

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
13/1	Ministry of Education	Not Stated	Concerns that increase in residential activity may have implications on schooling capacity in the area.	Requests that Council and the developer continue to engage with the Ministry with respect to the staging and timing of the residential development to understand the impact on the school network.	<b>Accept</b>

### **Assessment – Topic 3(d)**

5.8.15 The submission by the MINISTRY OF EDUCATION raises some concerns in relation to pressure on schooling capacity should the whole of the T2 Growth Cell be developed over the short term. However, the submission also further confirms that the proposed residential subdivision (within the southern part of T2 – stage 1) is *“located close to several schools that currently have existing network capacity to absorb an increase in student numbers in the area.”*

5.8.16 The submission also notes *“The Ministry recognises that the T2 Growth Cell has been identified for future development in the District Plan for some time as part of 15 growth cells in the Waipā District Growth Strategy 2050.”*

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5.8.17 Given that there is capacity to absorb the growth planned for Stage 1, I consider that any concerns have been addressed through the provisions as proposed through PPC12, which limit the development of the northern part of the T2 Growth Cell until 2035. Council will continue to engage with MOE on schooling requirements for Te Awamutu as part of its wider strategic engagement.

### **Recommendation:**

- Accept submission point 13/1 as outlined above.

## **5.9 TOPIC 4: MATTERS OUTSIDE SCOPE OF THE PLAN CHANGE**

**Table 16:** Summary of submissions on matters outside of scope

Submission / point #	Submitter name	Support / Support in Part / Oppose	Summary	Relief sought	Staff Recommendation
1/5	Swarbrick	Oppose	Hidden subsidies paid by ratepayers.	T2 to revert to rural	<b>Reject</b>
6/1	Miller	Support in part	Do not want to have to build or pay for a fence	Not to pay for fencing and contractors to finish fencing	<b>Reject</b>
16/3	Galloway and McNamara	Oppose	Concerns with communication from the Applicant. The initial proposal changed to a residential subdivision with little communication. Proposal is a significant deviation from the Councils strategic growth strategy and should involve wider consultation.	Rezoning to residential remain deferred to 2030-2050 as per the District Growth Strategy. Alternatively, consent is given to develop the 9.5ha retirement village only, with the remainder of the property to be retained as rural.	<b>Reject</b>
17/2	Blackstock	Oppose	Apart from the developer, there are 2 other residences in the zone. Council has made no effort to liaise	No specific relief sought	<b>Reject</b>

### **Assessment – Topic 4**

5.9.1 Several submitters have raised concerns that are considered outside the scope of a decision on PPC12 as noted above and can therefore not be considered further.<sup>17</sup>

5.9.2 Out of scope matters include concerns with consultation undertaken by the applicant and communication with Council. A summary of the consultation undertaken by the applicant is provided within the PPC12 application and it is understood that this has informed the development of plan change. In relation to communication with submitters, this has been ongoing throughout the submission process and correspondence is outlined above.

<sup>17</sup> Option 5 vs Marlborough District Council, NZ High Court.

5.9.3 It is noted that the issues raised by MILLER have been resolved, such that this submitter has confirmed he is now happy with the PPC12 (refer Appendix 7 for the correspondence).

**Recommendations:**

- Reject submission points 1/5, 6/1, 16/3 and 17/2 as these are considered to be outside the scope of a determination on PPC12.

## **6 CONCLUSIONS AND RECOMMENDATIONS**

### **6.1 CONCLUSIONS**

6.1.1 This report has been prepared pursuant to Section 42A of the Resource Management Act 1991 to address planning-related issues associated with the Private Plan Change request (PPC12) lodged with Council on 13 August 2020.

6.1.2 The application as submitted, together with additional specialist reports, and further information provided, is in accordance with the requirements of the Resource Management Act 1991 and provides a suitable basis on which to assess the potential effects of the Plan Change.

6.1.3 This report has examined the characteristics of the site and locality, the statutory requirements associated with the Resource Management Act 1991 and its purpose of sustainable management and the specific considerations applying to Plan Changes, including an assessment of the proposed new rules and appendix.

6.1.4 In my opinion, the provisions as amended and set out in Appendix 1a to this report are appropriate and are in accordance with the objective and policy framework of the WDP. Further changes to the objectives and policies within the WDP are not required.

6.1.5 I agree with the Section 32 evaluation provided by the applicant in respect of these provisions and recommend that the Hearings Panel accepts, with modification, the wording of the proposed provisions as outlined in Appendix 1a to this report.

6.1.6 It is noted that to give effect to the proposed provisions some minor consequential amendments to Waipā District Plan will be required. These amendments relate to ensuring that the correct linkages to the T2 Structure Plan are provided. Given the minor nature of these amendments, it is considered that further evaluation of these changes under Section 32AA of the RMA is not necessary.

**Recommendations**

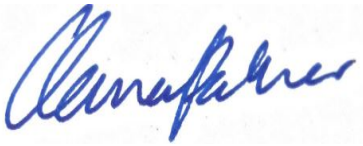
6.1.7 It is recommended pursuant to Clause 10 and Clause 29 of the First Schedule to the Resource Management Act 1991 that:

- (a) Private Plan Change 12 be approved with modification by the Hearings Panel in accordance with the revised provisions set out in Appendix 1a to this report and as follows:
  - (i) That the Deferred Residential Zoning is uplifted for Stage 1 of the T2 Growth Cell and that Residential Zoning is applied to Stage 1. For the avoidance of doubt the staging for T2 is as shown on the structure plan contained in Appendix 2 to this report.; and

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- (ii) That the Deferred Residential Zone for land within Stage 2 of the T2 Growth Cell continue to apply (as indicated on the Structure Plan) and that this zoning remains until 2035.
  - (b) Recommended amendments and the submissions and further submissions be determined in accordance with this report;
  - (c) The submissions analysed be either accepted either in whole or in part or rejected as recommended in this report.
- 

**Report prepared by:**



Hannah Palmer  
**CONSULTANT PLANNER**

**Report reviewed and approved by:**



Tony Quickfall  
**MANAGER DISTRICT PLAN AND GROWTH**