

# **Proposed Plan Change 12: Structure Plan and Rezoning of Growth Cell T2**

**Incorporating**

## **Decisions of Hearings Panel and Section 32AA Evaluation Report**

**14 May 2021**

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## Report information

<b>Approved to notify</b>	 Clare St Pierre – Hearings Panel Chairperson 13 May 2021
<b>Date publicly notified</b>	14 May 2021



# A

## Part A – Decision Report

## Part A – Decision Report

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### 1 Introduction and decision

#### 1.1 Introduction

- 1.1.1 This decision report contains Waipā District Council’s decision under Clause 10 and Clause 29(4) of the First Schedule of the Resource Management Act 1991 on Proposed Private Plan Change 12 to the Waipā District Plan (the Plan Change).
- 1.1.2 The Plan Change was lodged by Sanderson Group Limited and Kotare Properties Limited and seeks to allow for residential development within Growth Cell T2 to occur, and to outline the high-level infrastructure and servicing requirements of the growth cell to guide future development.
- 1.1.3 The structure plan is divided into two stages, with the southern Stage 1 (18.2ha) able to be developed immediately initially and the northern Stage 2 (22.8ha) identified for development beyond 2035.
- 1.1.4 Decisions on the plan change including those changes to be made as a result of submissions have been addressed in the appended section 32AA report – Part B of this decision report.

#### 1.2 Decision

- 1.2.1 Pursuant to Clause 10 and Clause 29(4) of the First Schedule of the Resource Management Act 1991, Private Plan Change 12 by Sanderson Group Limited and Kotare Properties Limited to the Waipā District Plan is **APPROVED WITH MODIFICATIONS** shown in (a) and (b) below together with the decisions on submissions and further submission set out in Part A and the final amendments contained within Part B.

Modification to Private Plan Change 12 as lodged:

- (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).

#### 1.3 Format of Decision Report

- 1.3.1 The decision report contains 2 parts. Part A is the decision report which has:
- Decision on Plan Change 12 and submissions and further submissions.

- Table of Decisions on individual submission and further submission points.

1.3.2 Part B of the report contains the section 32AA report.

1.3.3 Part C of the report contains the tracked change version of district plan amendments.

## 1.4 Hearing

1.4.1 Private Plan Change 12 was heard by the Hearing Panel on 22 and 23 March 2021. The hearing Panel members were Accredited Hearings Commissioners Clare St Pierre (Chairperson), Roger Gordon and Michael Lester.

1.4.2 The following record of attendance is provided as a minute of the hearing:

### DAY 1 – 22 MARCH 2021

#### Applicant

Applicant attendees	
Vanessa Hamm	Legal counsel
Laura Murphy	Legal counsel
Nathan Sanderson	Applicant
John Illingsworth	Applicant
Ciaran Murphy	Civil engineer
Hayden Vink	Stormwater engineer
Mark Apeldoorn	Transportation engineer
Jo Soanes	Landscape architect
Philip Osborne	Economist
Norman Hill	Cultural advisor
John Olliver	Planner (BBO)
Emily Patterson	BBO observer
Brendon Russo	Sanderson Group observer
Amanda Tunley	Kotare Properties observer

#### Submitters

Submitter name	In attendance
Paul Wheeler	Paul Wheeler

## Waipā District Council Team

<b>Council attendees</b>	
Hearing Secretary	Jenny Nemaia
Hearing Panel support	Tony Quickfall
Policy advisor - RMA	Hannah Palmer
Policy advisor - LGA	David Totman
Transportation	Bryan Hudson
Consultant engineer	Richard Bax
Development engineering	Tony Coutts
Legal counsel	Wendy Embling
Jo Cook-Munro	Observer
Angus McKenzie	Observer

## In attendance observing

<b>In attendance</b>	
Marcus Gower	Councillor

## Tabled Evidence

<b>Party</b>	<b>Person</b>	<b>Type</b>
Applicant	Vanessa Hamm	Legal submission

## **DAY 2 – 23 MARCH 2021**

### Applicant

<b>Applicant attendees</b>	
Vanessa Hamm	Legal counsel
Laura Murphy	Legal counsel
Nathan Sanderson	Applicant
John Illingsworth	Applicant
Brendon Russo	Sanderson Group
Ciaran Murphy	Civil engineer
Amanda Tunley	Kotare Properties Limited
John Olliver	Planner

Applicant attendees	
Emily Patterson	BBO planner observing
Brad Carson	BBO planner observing

### Submitters

Submitter name	In attendance
Richard and Diane Swarbrick	Richard Swarbrick
Tony Houghton	Tony Houghton
Scott Miller	Scott Miller
Graeme Blackstock	Graeme Blackstock
Martine Underhill	Martine Underhill
Paul Wheeler and Rebecca Fraser	Paul Wheeler (spokesperson)
Joan Galloway and Neil McNamara	
Nigel and Sharlene Phillips	
Diane Nicoll	

### Waipā District Council Team

Council attendees	
Hearing Secretary	Jenny Nemaia
Hearing Panel support	Tony Quickfall
Policy advisor - RMA	Hannah Palmer
Assisting Planner	Claudia Richardson
Policy advisor - LGA	David Totman
Transportation	Bryan Hudson
Consultant engineer	Richard Bax
Development engineering	Tony Coutts
Legal counsel	Wendy Embling

### Tabled Evidence

Party	Person	Type
Council	Wendy Embling	Legal submission
Council	Hannah Palmer	S42A Officers conclusions

## 1.5 Overview of Private Plan Change 12

- 1.5.1 PPC 12 is a private plan change received by the Waipā District Council for the uplifting of the Deferred Residential Zoning of Growth Cell T2 to be replaced by Residential zoning ahead of the planned release in 2035. PPC 12 also included a structure plan for the T2 Growth Cell and provided additional rules for its development. The plan change would rezone the whole of the T2 Growth Cell but would release the land for development in two stages. The application seeks to only release stage 1 of the Growth Cell (the Southern end) at this stage and the Residential development rules would apply to that area from the date of uplift. The area contained in Stage 2 of the development would continue to have the rules applicable to a Deferred Residential zone up until 2035.

## 1.6 Statutory context

### RESOURCE MANAGEMENT ACT 1991

- 1.6.1 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.*

- 1.6.2 In the context of this application 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. In order to achieve this purpose, it is necessary to appropriately manage and plan the pattern of land use development.

- 1.6.3 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. We consider that PPC12 is consistent with Section 6.

- 1.6.4 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...”* We agree with this assessment and consider that PPC12 is therefore consistent with the relevant matters in Section 7.

- 1.6.5 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 (CIA) 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.
- 1.6.6 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, we therefore consider that the principles of the Treaty have been taken into account through the preparation of PPC12.
- 1.6.7 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 was included in Appendix 6 of the Section 42A Report.
- 1.6.8 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.

1.6.9 Having reviewed the application and heard the evidence presented at the hearing, we 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**

1.6.10 The role of Part 2 in the assessment of planning documents (particularly the requirement to give effect 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>

1.6.11 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. While no evidence was presented during the hearing, the Panel notes that that the Court of Appeal “Davidson Decision<sup>1</sup>” subsequently reversed the NZ King Salmon presumption that Part 2 should not be taken into account. The legal position following the Court of Appeal’s decision is that it is permissible to have recourse to Part 2 in resource consent applications.

1.6.12 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.

1.6.13 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.

1.6.14 The Panel further notes that both these cases relate to resource consents, and their relevance to a Private Plan Change is a matter of principle rather than substance.

1.6.15 In the case of PPC12, we 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

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<sup>1</sup> R J Davidson Family Trust vs Marlborough District Council 2018

Management 2020 (NPSFM) and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-SC).

- 1.6.16 We consider the relevant higher order statutory directions have been given effect to as required, applying the approach in *King Salmon* and *Davidson Family Trust* as these relate to a plan change. 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.

### NATIONAL POLICY STATEMENT FOR URBAN DEVELOPMENT

- 1.6.17 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.

- 1.6.18 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.

- 1.6.19 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:*

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

- 1.6.20 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.

- 1.6.21 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 our 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.
- 1.6.22 Given the above, and the evidence presented by the planner for the applicant Mr Olliver, we agree that PPC12 is 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.

### **WAIKATO REGIONAL POLICY STATEMENT (WRPS)**

- 1.6.23 In the S42A report, and in the evidence of Mr Olliver, consideration was given to the RPS in relation to this application. Both parties agreed that this application achieved the requirement and purpose of the Act in particular Objective 3.12 – development of the built-up environment (including transport and other infrastructure) and associated land use occurring in an integrated, sustainable and planned manner.
- 1.6.24 Having reviewed the assessment of the Applicant in section 7.4 of the application, the s42A report and the written evidence of Mr Olliver we agree with the conclusion they reach.

### **OPERATIVE WAIPĀ DISTRICT PLAN**

- 1.6.25 The Waipā District Plan (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.
- 1.6.26 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 – Assessment Criteria 21.1.14.1.

- 1.6.27 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. We 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 our opinion.
- 1.6.28 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 Assessment Criteria 21.1.14.1. We are in general agreement with this assessment.
- 1.6.29 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. We agree with and have adopted the evaluation provided.

### **PROPOSED PLAN CHANGE 13**

- 1.6.30 As at the time of the hearing, Proposed Plan Change 13 had been approved for notification by Council's Strategic Policy & Planning Committee and notification occurred on 22 March 2021<sup>10</sup>.
- 1.6.31 One of the provisions provided in Proposed Plan Change 13 is 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.
- 1.6.32 This Plan Change was discussed. The Panel were advised that PC13 has no legal effect (at the time of the hearing), and no weighting has been given to PC13 for the purposes of determining Private Plan Change 12. The panel noted that PC13 proposes a more efficient way of uplifting Deferred Zoning in the future.

## **1.7 Consideration of issues raised by the experts**

### **Transport**

- 1.7.1 Mr Mark Apeldoorn addressed the transport issues raised by PPC12. He concluded that in accordance with his initial Integrated Transportation Assessment there were no traffic or transport reasons why the PPC12 should not be approved.
- 1.7.2 In his evidence he considered the submissions which related to traffic.

- 1.7.3 Submitters Swarbrick, McNamara and Galloway, Blackstock and Phillips raised concerns about the increase in traffic volumes. In his expert opinion, while there will be an increase in traffic volumes the effects will be mitigated by infrastructure upgrades, a lowering of the speed limit on Frontier Rd, and there is ample road network capacity to accommodate the proposal. He also noted that the inclusion of a retirement home in the development would result in a lessening of traffic density than from a standard development.
- 1.7.4 In answer to Mr Houghton's concerns about reliance on motor vehicles and lack of pedestrian and cycleways, he stated that the Structure Plan made provision for a multi-modal transport network.
- 1.7.5 We agree with both the S42A report and the evidence of Mr Houghton that the transportation effects of the rezoning and will be appropriately managed through design and the effects will be less than minor.

### **Ecology**

- 1.7.6 An Ecological Assessment of the site of PPC12 was undertaken by Ecology New Zealand as to the suitability of the site for urban development.
- 1.7.7 They concluded that after inspection of the site there were no ecological matters that could not be adequately managed at the Resource Consent stage of the development of T2 by way of conditions or Management Plans to ensure that the effects would be no more than minor.
- 1.7.8 We agree with the assessment of both Ecology New Zealand and the S42A report conclusions.

### **Development in Te Awamutu**

- 1.7.9 Mr Illingworth appeared on behalf of the Applicant to outline for the Panel the current and future projected market demands for residential housing in the Te Awamutu area. He stated that his company Kotare Properties Limited had been approached by the applicant Sanderson Group to complete a joint development of Stage 1 of T2.
- 1.7.10 He submitted that a major reason for this approach related to the high cost of development costs of the infrastructure that would be required to be installed over Stage 1. From his experience, and after consultation with other developers in the area, in his judgement based on current sales and demand, there was a need for this residential development to go ahead alongside the proposed Sanderson development and he supports the recommendations in the S42A report. In his judgement the residential properties would all be sold in 3 ½ years.
- 1.7.11 He then referred to matters raised by some neighbours concerning noise and dust during development of the site. He stated that there was a bore on site and there would be two watercarts employed to minimise dust. Any houses affected by dust

would be washed down by the developer. A noise monitor would also be on site during development.

## **Engineering – Wastewater and Potable Water**

### **Wastewater**

- 1.7.12 Mr Murphy outlined that the overall wastewater strategy would be similar for both stage 1 and stage 2 of the proposed residential T2 growth cell. There would be a gravity reticulation network to a centralised point where a wastewater pumping station will be constructed and will vest in the Waipā District Council. Development of the wastewater system had been discussed with the Council engineering Department who advised him that currently upgrading is being done to the Te Awamutu Wastewater Treatment Plant which would provide capacity on an ongoing basis.

### **Potable Water**

- 1.7.13 Mr Murphy addressed the concerns of submitters R & D Swarbrick, P Wheeler and R Fraser, J Galloway and Neil McNamara, G Blackstock and D Nicoll all of whom were concerned that the current Te Awamutu water supply was in their opinion insufficient and led to potable water rationing at certain times of the year. In answer to their concerns Mr Murphy referred to the Parallel Road Water Treatment Plant which is to be completed in 2021.
- 1.7.14 In his opinion this water treatment plant will provide additional water to the Te Awamutu supply, and with planned metering by the council, will in itself assist in reduction of water consumption.
- 1.7.15 In conclusion Mr Murphy said there are no reasons, in his expert opinion, in relation to wastewater or water supply for this plan change not to be approved.

### **Stormwater**

- 1.7.16 Mr Vink outlined in his evidence that the subject site is a localised pasture-based feature with no existing watercourse or wetland. The site drains to the West into the Mangapiko Stream approximately 3 kilometres away.
- 1.7.17 A stormwater management strategy has been developed for the site in accordance with best practice outlined in the Waikato Stormwater Guideline 2020 (TR2020/07) and the Waikato Regional Infrastructure Technical Standards 2018 (RITS). The Plan would be comprised of a piped reticulation network covering both the retirement home and the residential development. Catchment flows from the entire Kotare Properties Ltd residential development area (9.26ha) and approximately half of the Sanderson Group Ltd retirement village development catchment (4.92ha) would be conveyed directly to a proposed stormwater management wetland device located within the central reserve area. The wetland is designed to provide water quality treatment, peak flow attenuation of the two and ten year events and extended

detention of catchment flows in accordance with TR2020/07, with discharges occurring via a controlled outlet to the downstream outlet channel.

- 1.7.18 Conveyance of catchment flows from the remaining/north western retirement village development catchment (4.4ha) would be directly to a proposed vegetated swale device extending down the western site boundary. The swale is designed to provide water quality treatment and extended detention of catchment flows including provision of detention check dam measures along the length of the swale to achieve the extended detention requirements in accordance with TR2020/07. Discharge from the southern end of the swale for the water quality/ED event flows will discharge via a controlled pipe outlet to the downstream channel. However, larger flows will divert to a high flow channel into the adjacent wetland device with provision for attenuation of peak flows from this catchment to predevelopment levels within this device.
- 1.7.19 Mr Vink also advised the hearing that a stormwater discharge consent AUTH142118.02.01 has been obtained from the Waikato Regional Council. This, he stated, confirms that the Stormwater Management Plan will ensure that the potential downstream effects will be no more than minor. He considered that the points raised in the submissions of Fonterra and Martine Underhill will be adequately addressed by the Management Plan.

### **Landscaping**

- 1.7.20 Ms Soanes in her evidence stated that a change in the landscape had long been envisaged and identified in Waipā 2050. She said that in any plan change for further development it was inevitable that there would be a change in the character of the landscape. She noted that this change had already occurred in the developments being undertaken in T1 opposite the site T2.
- 1.7.21 She outlined in some detail the landscaping that would occur following the considerable earthworks that were to be undertaken to develop the site. She was in agreement with the recommendations that are included in the Structure Plan and which have been included in the rules proposed as part of the plan change.
- 1.7.22 In conclusion it was her opinion that the proposed plan change would achieve long term enhancement of the landscape character and qualities of the site resulting in the enhancement of T2 and the wider surrounding area.

### **Economics**

- 1.7.23 Mr Osborne outlined the population growth that has and is still occurring in the Waipā District and stated that this growth is expected to continue for the next 10 – 30 years. Referring to the S42A report he noted that there are presently only two open cells and that the capacity of T1 and T8 are insufficient to meet the estimated 3 year demand of 507 dwellings.
- 1.7.24 In his opinion the provision of greater housing choice in the residential part of the T2 development, decreased marginal infrastructure costs with the combined



development by the residential developer and the retirement village and competitive demand from the additional 98 retirement units will have a positive effect on product pricing.

### **Cultural Issues**

- 1.7.25 Mr Hill provided evidence relating to the cultural issues that may arise as a result of PC12 being approved. He advised that a Cultural Impact Assessment (CIA) had been prepared for the plan change which included recommendations for accidental discovery protocols, inspections and site visits prior to physical works, placement of cultural features within subsequent development proposals and establishment of a cultural health indicator framework for water quality and quantity for the Mangapiko Stream. The CIA also recommends a partnership between the developers and mana whenua be established to allow for mana whenua to oversee implementation of the project and subsequent resource consents.
- 1.7.26 Mr Hill concluded that there are no significant effects on the cultural values associated with the area, subject to the recommendations set out in the CIA which Sanderson and Kotare have agreed to implement.
- 1.7.27 There were no submissions relevant to cultural matters and he concluded that there were no reasons why the proposed plan change could not be approved.

### **Planning Matters**

- 1.7.28 Mr Olliver presented the Planning evidence for the Applicant and said that his evidence should be considered alongside the other expert evidence presented in support of the Applicant.
- 1.7.29 He advised that Plan Change 12 (PC12) seeks to rezone Growth Cell T2 of the Waipā District Plan (WDP) from Deferred Residential to Residential, effectively uplifting the deferred status of the current zoning. It is also proposed to insert a structure plan into the District Plan for the entire Growth Cell T2 area, which outlines a high-level overview of the infrastructure requirements of the growth cell and potential development pattern.
- 1.7.30 He stated the evaluation of PC12 against the statutory framework of the RMA leads to an assessment against the provisions of the strategic planning instruments, in particular the Waikato Regional Policy Statement, National Policy Statement –Urban Development (NPS-UD), Waipā District Plan (WDP), Waipā 2050 Growth Strategy and Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 ('Settlement Act').
- 1.7.31 PC12 utilises an existing pathway in the WDP to allow the deferral to be uplifted, making the zone 'live' via a private plan change. Because T2 has been allocated to

future residential growth since the last District Plan review in 2012, the residential development is anticipated and planned for. It is only the timing that is changed.

- 1.7.32 Population and housing growth predictions in the Future Proof subregion are quickly becoming out of date as economic growth and spill over impacts of Auckland and Hamilton are being felt in Waikato townships. A recent update of population predictions indicates that Waipa District's growth rate is significantly higher than has previously been assumed in the planning documents such as the WRPS and Waipa 2050. In addition, the NPS-UD has placed greater emphasis on local authorities being more responsive to plan changes that provide additional development capacity, even when they are out of sequence.
- 1.7.33 In his opinion, PC12, including the amended plan provisions incorporated in his evidence, meets all the necessary statutory tests and gives effect to the strategic planning framework, rapidly-changing as it is. It is the most appropriate way of achieving the existing objectives in the WDP and is considered the most appropriate way of achieving the purpose of the RMA.
- 1.7.34 He concluded by stating that he supported the recommendation in the s42A report to amend the plan change so that the deferred zoning remains in place on Stage 2 of the Structure Plan area.
- 1.7.35 Having addressed the submissions relevant to planning matters he concluded that there were no reasons why the proposed plan change could not be approved.

#### **The Developer**

- 1.7.36 Mr Sanderson presented evidence on behalf of his family owned business. He stated the business has developed a total of ten retirement villages and is also involved in other commercial developments. He stated that the current planned development on T2 arose from a shortage of retirement accommodation in the Te Awamutu area with long waiting lists for the Highfield Estate Retirement Village. If PC12 is granted the company intends to commence earthworks in October 2021 and the first homes would be completed in October 2022.

#### **Legal Counsel for the Applicant**

- 1.7.37 Mrs Vanessa Hamm appeared as counsel for the applicant at the hearing. In her submission she notes that if approved the developments will provide Te Awamutu with a much needed retirement village together with a high quality residential subdivision. She made two requests for amendments to the original application. First that the development of the whole of T2 be done in two stages with only the Southern part of T2 being rezoned as Residential. This was recommended in the S42A report and is accepted by the applicant. The Applicant also requested that the location of Isla Bank be noted in the Structure Plan.
- 1.7.38 She noted that there would be no proposed changes to the objectives and policies of the District Plan. The changes proposed would be within sections 2 and 15 of the plan, the introduction of a new Appendix S23 – Te Awamutu T2 Growth Cell Structure

Plan and a Structure Plan for the T2 Cell. The Planning maps would also need to be updated accordingly.

- 1.7.39 Referring to the Statutory obligations when considering a private plan change, she referred to the evidence of Mr Olliver outlined earlier in this decision and in her submission PPC12 has regard to the relevant statutory obligations.

## **1.8 Submissions and Further Submissions**

- 1.8.1 Following notification of PPC12, two Written Approval of Affected Persons were received from

- Colin and Lynn Pinkerton
- Emma Spiers

## **1.9 Analysis of Submissions received by topic**

### **Disruption and Noise**

- 1.9.1 Mr and Mrs Swarbrick (1), M/s Galloway and Mr McNamara (16) Mr and Mrs Phillips (19) and M/s Nicoll (28) opposed the application because of concerns with the disruption during development of dust and noise. While they were in support of the Retirement Village, they mainly opposed the additional residential sections. Having heard the evidence of Mr Illingworth the Panel is satisfied that the effects of noise and dust can be mitigated by conditions imposed at the Resource consent stage.

The Panel accepts these submissions in their support for the retirement village but rejects the submissions regarding noise and dust as it is our opinion that these issues will be addressed at the Resource Consent stage

### **District Plan General provisions.**

- 1.9.2 Frontier Developments (12) objected to the subdivision not complying with the District Plan rules in respect of access to collector roads and frontage to reserves. The evidence of Mr Apeldoorn has satisfied the Panel that there are no roading issues that cannot be resolved with the proposed improvements planned to roading pedestrian walkways and cycleways.

The Panel rejects this submission

### **District Plan provisions - Growth Cells**

- 1.9.3 Frontier Developments (12), Mr Blackstock (17), Oakridge Holdings Ltd (20), Messrs Hatwell and Johnston (24) and M/s Nicoll (28) opposed the uplift of Growth Cell T2 as there were sufficient sites available and uplifting of the zoning would provide sites

in excess of those needed until 2050. The submitters were also concerned about the ability of Council to supply sufficient water and wastewater between now and 2035.

- 1.9.4 Having considered the evidence of Mr Illingworth and Mr Sanderson and the evidence tabled by Council on the level of uptake the Panel are satisfied that there is a need and demand in Te Awamutu for both a further retirement village and additional residential sections to satisfy current demand.

The Panel rejects the above submissions.

### **Ecology**

- 1.9.5 M/s Nicoll (12) and M/Galloway and Mr McNamara (16) raised the issue of the presence of long tailed bats in the vicinity of the subject site. The ecologists report presented to the hearing noted that there was no current evidence of the long-tailed bats but this could be dealt with by a condition placed within the resource consents prior to development. The Panel is satisfied that this will provide the protection sought by the submitters.

The Panel rejects these submissions.

### **Effects on existing Homes**

- 1.9.6 Mr Miller (6), M/s Martine (21) and M/s Nicoll (28) submitted that the effect of the residential subdivision would create negative effects on their current views of Pirongia and also that the runoff from the development would cause damage to existing homes. They were also concerned at the noise and vibrations during construction and development.
- 1.9.7 The Panel appreciates the submitters concerns but is satisfied that the conditions imposed by Resource Consents will mitigate the effects that they express in their submissions.

The Panel rejects these submissions.

### **Submissions in General Support**

- 1.9.8 Three submissions were received from Mr Ashmore(22), Mr Kay(26) and M/s Kay(27) who were in support of the whole plan change and the development being approved and undertaken.
- 1.9.9 The Panel accepts these submissions.

### **Growth Cells**

- 1.9.10 Frontier Developments Ltd(12) submitted that the development should remain Deferred Residential and that the proposal is inconsistent with the Town Concept Plan for Te Awamutu 2010, Waipā 2050 and the District Plan. The Panel agrees with the Northern half of T2 remaining in Deferred Residential but supports the

development of the Southern half of T2 and do not find it to be inconsistent with the above plans.

- 1.9.11 The Panel accepts in part as to the Northern half of T2 remaining as Deferred Residential but rejects the submission that the Southern half of T2 should also remain Deferred Residential.

#### **Health and Dust**

- 1.9.12 Submitter Mr Blackstock (17) raised issues of dust, water supply and effects of views of Pirongia. The Panel is satisfied that the dust and water supply issues have been well covered by the applicant's expert evidence and can be mitigated by conditions included in Resource Consents.

The Panel rejects this submission.

#### **Historic Place Status**

- 1.9.13 Mr Blackstock (17) also raised the issue of the Historic Place Isla Bank being registered as Historic Place 2. He was concerned that this plan change would have negative implications for the sale of his property. The Panel is unable to comment on this issue as no evidence was produced in support.

#### **Infrastructure in General**

- 1.9.14 Mr Wheeler and M/s Fraser (15), M/s Galloway and Mr McNamara(16) and Mr & Mrs Phillips(19) were all of the opinion that the current Te Awamutu infrastructure was not sufficient to support the proposed Retirement Home and the residential subdivision. From evidence presented at the hearing, the Panel is satisfied that with the developments outlined for the expansion of infrastructure it will be sufficient to service the development.

The Panel rejects these submissions.

#### **Infrastructure Stormwater**

- 1.9.15 Frontier Developments(12) and Mr & Mrs Phillips(19) expressed concerns over the wastewater runoff. The Panel heard the expert evidence and are satisfied that these concerns can be satisfied by conditions of consent at Resource Consent stage.

The Panel rejects these submissions.

#### **Infrastructure – Water**

- 1.9.16 Oak Ridge Holdings (20), Mr & Mrs Swarbrick(1), Frontier Holdings(12), Mr Wheeler and M/s Fraser(15), Mr Blackstock(17), Mr & Mrs Phillips(19), M/s Underhill(21) and M/s Nicoll(28) raised issues of the adequacy of the current potable water supply to service the two developments proposed under the plan change, if consented. During the hearing, in the application and in the S42A report and in the expert evidence of Mr Murphy, all agreed that the development of the Parallel Treatment plant in 2021

together with a booster pump, and the installation of water meters, would enable sufficient potable water to be supplied to the development. The Panel accepts this evidence and agree with the conclusions reached. We are also of the opinion that the submission of Fonterra(23) for the supply of industrial water will also be satisfied by this development.

1.9.17 While the Panel agrees and accepts this evidence that sufficient supplies will be available, we also acknowledge that at certain times of the year water restrictions may still be required.

1.9.18 The Panel rejects these submissions.

#### **Fire and Emergency New Zealand(18)**

1.9.19 While supporting in part this submission, the Panel were advised that further discussions will be held at Resource Consent stage to ensure that the firefighting issues regarding adequacy of water supply are resolved.

The Panel accepts the submission in part.

#### **Land use change from Rural to Urban**

1.9.20 Mr & Mrs Swarbrick(1), Mr Houghton(5), M/s Sinclair(8), Mr Wheeler and M/s Fraser(15), Mr McNamara and M/s Galloway(16), and Mr Blackstock(17) submitted that they objected to the uplifting of the Deferred Residential zoning prior to the planned date of 2035. While the Panel was sympathetic to the conversion from rural to residential and the loss of productive land, the Panel also acknowledges and accepts the need for more residential land to be zoned to accommodate the projected growth in Te Awamutu. We were provided with evidence from the applicant's experts, supported by the S42A report, that there is an immediate demand for a further retirement village and that the future growth in the region will require residential sections to meet the projected demand.

The Panel rejects these submissions.

#### **Archaeological Sites**

1.9.21 Heritage New Zealand(14) referred to the possible damage to these sites during excavation and the protection of the Isla Bank site. These matters are included in the Structure Plan and the possible damage to the sites will be addressed in the Resource Consent conditions. The request for the Waipa District Plan Heritage Schedule be

amended to reflect the full extent of the setting of Isla Bank is rejected as being out of the scope of this Plan Change.

### **Schooling Capacity**

- 1.9.22 Ministry of Education(13) asked that they be consulted on the timing of the development. We agree that this should be undertaken by the developers as the development proceeds.

The Panel accepts this submission.

### **Support for Retirement facilities.**

- 1.9.23 General support for the development of the Retirement home complex was received from Mr Chisholm(4), M/s Kay(25), Mr Keyte(2), M/s O'Carroll (10), Mr Russo(7), Mr & Mrs Don Spiers(11), Mr Rodney Spiers(9), M/s Underhill(21) and M/s Wright(3). All the submitters acknowledged the need for the retirement facility in Te Awamutu. M/s Underhill asked that the entrance way be moved further West. The Applicant replied that this would receive their consideration.

The Panel accepts these submissions.

### **Traffic**

- 1.9.24 Submitters Mr & Mrs Swarbrick(1), Mr Houghton(5), Frontier Developments(12), Mr Blackstock(17), Mr & Mrs Phillips(19), M/s Underhill(21), Fonterra(23) and M/s Nicoll(28) expressed various concerns over the traffic effects that would arise as a result of the proposed development to T2. During the hearing considerable evidence was presented regarding the traffic effects of the development and is outlined above in this decision. The Panel is satisfied that the traffic effects will be addressed by the applicant with the speed restrictions and the modifications to the roading network as outlined in the application and the evidence at the hearing.
- 1.9.25 Sunstrike was also raised but in the opinion of the experts that is a natural phenomenon and cannot be addressed in this decision.

The Panel rejects these submissions.



**B**



**Part B – Section 32AA Evaluation**



## Part B – Section 32AA Evaluation

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### 1 Background and context

#### 1.1 Introduction

##### SECTION 32 REQUIREMENTS

1.1.1 Section 32 of the Resource Management Act 1991 (“The Act”) is a key component of the policy development process for all District Plan matters. As part of the application for the Plan Change submitted to Waipa District Council (WDC), an evaluation under section 32 of The Act was provided. This assessment was prepared by Bloxam Burnett & Olliver (BBO) on behalf of Sanderson Group and Kotare Properties Limited (the Applicant) and was publicly notified with the application.

1.1.2 Section 32 requires a council or supporter of a private plan change to evaluate the purpose of a proposal along with the proposed policies and methods, including rules.

The evaluation must:

- (a) Assess the scale and significance of the problem or issue;
- (b) Examine whether the objectives of the plan change are the most appropriate way to achieve the purpose of the RMA;
- (c) Examine whether the proposed approach is the most appropriate way of achieving the objective;
- (d) Identify and assess the benefits and costs of new provisions, including any assumptions and risks; and
- (e) Assess the risks of acting or not acting if there is uncertain or insufficient information.

1.1.3 In response to a request from the section 42A Officer for an evaluation of the proposed plan provisions to support the implementation of the Plan Change, a further supplementary Section 32AA Evaluation was prepared and supplied by BBO on behalf of the Applicant prior to the hearing. For clarity, the supplementary Section 32AA Evaluation which was included as Appendix 6 to the publicly notified Council Section 42A Report, is considered to be part of the original section 32 evaluation prepared on behalf of the Applicant.

1.1.4 A decision on a private plan change is made under clauses 10 and 29(4) of the First Schedule to The Act. Clause 29(4) requires that after considering a plan change, undertaking a further evaluation of the plan change in accordance with Section 32AA of The Act, and having particular regard to that evaluation, the local authority may only then decline, approve, or approve with modifications the plan change, and must give reasons for its decision. This further evaluation is provided below and has been

undertaken in accordance with Section 32AA and Clause 29(4) of the first schedule of The Act.

## SECTION 32AA REQUIREMENTS

1.1.5 Section 32AA of the RMA sets out the requirements for undertaking and publishing further evaluations. The section states that:

- “(1) A further evaluation required under this Act -*
- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
  - (b) must be undertaken in accordance with section 32(1) to (4); and*
  - (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
  - (d) must -*
    - (i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
    - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*
- (3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act”.*

1.1.6 This report is an evaluation undertaken by the WDC in accordance with Section 32AA of the RMA in relation to the Plan Change. The report focuses on the changes that have been made as a result of submissions and deliberations from the Hearings Panel since the Plan Change was publicly notified, and assesses the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

1.1.7 The level of analysis provided corresponds with the scale and significance of the changes, and the Best Practice Guide for section 32 evaluations released by the Ministry for the Environment has been followed where relevant.

1.1.8 A copy of the marked-up changes to the proposed provisions has been included in Part C.

1.1.9 Note that where the term ‘Proposal’ has been used in this report, this refers to the ‘Plan Change’.

## **1.2 Background**

1.2.1 The background to the Plan Change has been comprehensively outlined in Section 1.1 of the publicly notified application, and for brevity has not been repeated here.

1.2.2 It should be noted that the section 32 evaluation (and supplementary evaluation) undertaken by BBO was not challenged through submissions or in the hearing process.

## **1.3 Objective of Proposed Private Plan Change 12**

1.3.1 The purpose and objective of the Plan Change is to uplift the deferred residential zoning for the southern part of the T2 Growth Cell (Stage 1) to enable residential development to occur now, and to outline, via insertion of a structure plan into the Waipa District Plan, the high-level requirements of the growth cell to guide future development.

1.3.2 Through a response to a further information request from Council dated 18th September 2020, the original application was amended to provide for staging of subdivision and development within the T2 Growth Cell due to plans being further progressed for the southern portion (Stage 1) of the growth cell.

1.3.3 To give effect to staging, the applicant proposed that the deferred residential zone be uplifted to residential for the entire of the T2 Growth Cell and for staging to occur through the imposition of proposed Rule 15.4.92. This rule sought to allow subdivision and development in stage 1 in accordance with residential zone rules, and to restrict these activities in the stage 2 area until 2035 by applying the deferred residential zone rules to this portion of the growth cell.

1.3.4 In the hearing process that followed, it was resolved to delete proposed Rule 15.4.2.92 and to instead uplift the deferred residential zone for the southern portion of the T2 Growth Cell only (Stage 1), and for the northern portion to remain as ‘deferred residential zone’ (Stage 2).

## **1.4 Overview of key amendments**

1.4.1 Section 32AA requires that all proposed changes to the Waipa District Plan since the original section 32 evaluation was undertaken be assessed in accordance with section 32(1) to (4) of the Act (amending proposal). This evaluation should be undertaken at a level of detail that corresponds to the scale and significance of the changes.

1.4.2 In respect of the Plan Change, these changes are:

- (a) Uplift of the Deferred Residential Zone to Residential for Stage 1 (southern portion) of the T2 Growth Cell only, including consequential amendments to Planning Maps 7, 8 and 38. This is in place of uplifting the deferred residential

zoning for the T2 Growth Cell in its entirety and seeking staging of subdivision and development through applicant proposed Rule 15.4.2.92.

- (b) Changes to applicant proposed provisions which sought amendments to existing rules within Sections 2 and 15 of the Waipa District Plan to reflect the objectives of the Plan Change. These include minor amendments to rule wording to assist with interpretation, and to ensure that terms already defined in the District Plan are used. Amendments also include the decision to retain reference to Pirongia Road within the rules, despite the fact deferred residential zoning for this portion of the T2 Growth Cell (stage 2) remains.
- (c) Changes to new applicant proposed Rule 15.4.2.91. Changes to this rule include the requirement to prepare a landscaping plan at the time of subdivision application, rather than for this to be prepared and implemented as a condition of subdivision consent. Minor amendments have also been made to assist with rule interpretation, and to ensure the consistent use of defined terms within the District Plan.
- (d) Insertion of a structure plan for the T2 Growth Cell and corresponding design objectives and measures as Appendix S23 to the Waipa District Plan. This includes minor amendments to wording to better reflect the intent of the Plan Change and to provide a level of protection for the historic heritage item 'Isla Bank Villa' in the consideration of subdivision design.
- (e) The scale and significance of the changes since notification are considered to be low.

## 2 Section 32AA Further Evaluation

### 2.1 Overview

2.1.1 The following sections set out:

- (a) Issues with retaining the Deferred Residential Zoning for Stage 1 of the T2 Growth Cell
- (b) An examination of the extent to which the objectives of the Plan Change are the most appropriate way to achieve the purpose of The Act;
- (c) An analysis of whether the provisions proposed are the most appropriate way to achieve the objective of the Plan Change;
- (d) A summary of the reasons for deciding on the provisions.

Where information from the original section 32 evaluation has been accepted and no further evaluation is needed, this has been made clear.

## **2.2 Issues with retaining the Deferred Residential Zoning for Stage 1 of the T2 Growth Cell**

2.2.1 Ministry for the Environment best practice for section 32 evaluations is to first identify the issues that the proposed change in zoning is intending to address which in turn provides the rationale for the proposal. That is, the reason/s why retention of the existing deferred residential zone (which has an underlying rural zone) is not appropriate. These issues have been canvassed in the Section 32 evaluation provided as part of the Plan Change application. The Hearing Panel accepts the description of these issues, and further expansion as part of this section 32AA evaluation is therefore not considered necessary.

## **2.3 Is the proposal objective the most appropriate way of achieving the purpose of the Act?**

2.3.1 The applicant in section 4.1.1 of their Plan Change application provides an assessment of whether uplifting the deferred residential zoning is the most appropriate way to achieve the purpose of the Act. This assessment has been accepted by the Hearing Panel, however a key change since the original section 32 evaluation is that although the Structure Plan for T2 will continue to apply across the entire growth cell, development is now proposed to be staged, with the deferred residential zoning being uplifted for only the southern portion of the T2 Growth Cell (stage 1).

2.3.2 This amendment is not considered to materially affect the conclusions reached in the original section 32 evaluation, and given the evidence heard in hearing and through submissions, only uplifting the deferred zoning for Stage 1 is considered to better achieve the purpose of the Act for the following reasons:

- Development of the northern portion of the T2 Growth Cell (stage 2) will now occur at a later timeframe allowing for detailed planning to be further progressed before this area is developed. This will ensure more robust integration between development across the entire growth cell;
- Addressing staging of development through retention of deferred residential zoning for stage 2 (rather than a rule) ensures that any development that may occur ahead of 2035 in the northern portion of the T2 Growth Cell will be assessed against the appropriate objectives, policies, and rules framework in the Waipa District Plan (deferred residential zone which reverts to rural zone), which in turn supports the purpose of the Act;
- Only uplifting the deferred zoning for stage 1 provides a level of protection for the heritage listed house 'Isla Bank', by allowing further time for the owner of Isla Bank and Heritage New Zealand to seek appropriate amendments to the Waipa District Plan through subsequent planning processes to better reflect the importance of the setting of the house. These amendments were raised by Heritage New Zealand but were considered to be outside of the scope for the Plan Change. The staged uplift of deferred zoning is considered to better

recognise and provide for section 6(f) of the Act – protection of historic heritage at this time.

## **2.4 Assessment of options to achieve the proposal objective**

2.4.1 Section 2.2 and 2.3 of the Plan Change application provides an assessment of options to achieve the proposal’s objective, including an analysis of benefits and costs for each option (section 32(1)(b)(i)). The Hearing Panel accepts the analysis of options to achieve the proposal’s objective. The options canvassed by the applicant are listed below:

- Do nothing;
- Lodge non-complying activity resource consents;
- Wait until 2035, when land within Growth Cell T2 was scheduled to be developed;
- Wait for the next Waipa District Plan review and make submissions to seek the rezoning; and
- Rezone the land by private plan change.

2.4.2 The conclusion reached in the applicant’s section 32 evaluation was that rezoning the land by private plan change is the most appropriate planning method for achieving the primary objective of the proposal. Reasons for selecting this option are provided in section 2.4 of the Plan Change application and briefly these are:

- Rezoning of the land properly enables and supports residential land use to occur in the immediate future; this is not currently catered for adequately within the existing deferred zoning of the properties.
- Insertion of a structure plan into the District Plan allows for infrastructure requirements to be considered in light of the larger development area to ensure that the land can be appropriately serviced.
- Rezoning for residential purposes will assist in the provision of additional dwellings and a range of housing options, particularly for retirement living.
- Rezoning of the land also allows appropriate provisions to be developed and implemented to ensure that development is of a high quality and provides a high level of liveability.

2.4.3 These reasons have been accepted by the Hearing Panel and are not materially affected by the change to remove applicant proposed rule 15.4.2.92 regarding staging, as the outcomes remain the same.

## **2.5 Anticipated effects of implementing the proposal**

2.5.1 Section 32(1)(c) of the Act requires that when undertaking an evaluation examining whether the provisions in the proposal are the most appropriate way to achieve the objectives (section 31(b)(i-iii)), that the level of detail provided corresponds to the

scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

- 2.5.2 In respect of the above, section 2.2 of the Plan Change application states *“The level of detail is therefore informed by the assessment of effects contained in section 5 of this report. Those effects are in turn informed by the existing environment. They establish a baseline against which to assess effects. As set out in section 5 of this report the baseline is set by the non-fanciful activities that could be established on the site under the existing zoning, including ancillary residential activities. This means that the effects are moderate or minor.”*
- 2.5.3 Section 5.12 of the Plan Change application provides an overall conclusion on effects resulting from uplifting the deferred residential zone for stage 1 which states: *“The environmental effects described in this report are consistent with the effects anticipated when the land was given a Deferred Residential zone and are broadly in line with those expected with the urbanisation of rural land. There are no environmentally sensitive features of the land that require any different approach to other residential growth cells on the outskirts of Te Awamutu. Importantly, urban services can be extended and upgraded to service the site, largely extending westward from the adjacent T1 cell and along the existing Pirongia and Frontier Roads. The only issues requiring a slightly different approach are the landscape and visual effects of interfaces with existing rural and residential neighbours, that are addressed by additional rules.”*
- 2.5.4 The coverage of anticipated effects from implementing the Plan Change as provided in section 5 of the application is considered comprehensive and has been supported by numerous technical reports provided as appendices to the application. The assessment of effects has also been supported by technical advice from both the Council and applicant during the hearing for the Plan Change, and this information has been made publicly available.
- 2.5.5 Changes to the provisions for the Plan Change post notification, which are outlined in sections 1.4 and 2.7 of this further evaluation report, are very minor in nature. These changes are not considered to alter the anticipated effects of implementing the Plan Change, other than to provide positive effects in respect of heritage protection, and to tighten the interpretation of provisions to ensure the risk of unintended effects is reduced. Further expansion of commentary as part of this Section 32AA Evaluation in relation to anticipated effects is therefore not considered necessary.
- 2.5.6 However, it is noted that whilst the Plan Change application has stated that the effects assessment (and Section 32 Evaluation) has been undertaken at a level that corresponds with the scale and significance of effects, no analysis has been provided in the application as to how this determination was made. Whilst it is not a strict requirement under the Act, best practice regarding determination of scale and significance requires several considerations to be taken into account before reaching

a conclusion on whether scale or significance of effects is low, medium, or high.<sup>1</sup> This assessment has therefore been undertaken below in respect of the original Section 32 Evaluation, as well as the changes to the applicant proposed provisions, to ensure robustness of the overall decision on the Plan Change.

## 2.6 Overall assessment of scale and significance of effects

- 2.6.1 Under the Act, the level of information and detail to be provided as part of the Section 32AA Evaluation relates to the scale and significance of the effects anticipated from the implementation of the proposal, which in turn is informed by the anticipated effects. A proposal of low scale and significance will therefore require a less detailed assessment. Scale refers to the size or magnitude of the effects and significance refers to the importance of the effects, e.g. whether this is at a national, regional, or local level.
- 2.6.2 The following assessment of the overall scale and significance of these effects has been undertaken using a ranking approach (high, medium, low),<sup>2</sup> and has been presented in Table 1 below. This table has been informed by information provided as part of the Plan Change application, hearing, and Council technical advice. The analysis concludes that the overall scale and significance of uplifting the deferred residential zoning for stage 1 of the T2 Growth Cell is low.

**Table 1: Assessment of overall scale and significance**

Considerations	Commentary	Scale Ranking	Significance Ranking
Reason for change	The T2 Growth Cell is not scheduled for development until at least 2035. Until the site is rezoned, any development on the site is subject to the Rural Zone rules which will require any residential development to be assessed for resource consent as a non-complying activity. Council staff have indicated, during pre-lodgement consultation, that non-complying resource consents are not the preferred process; rather a plan change to rezone the site to make it appropriate for residential development is preferred.	N/A	N/A
Degree of shift from status quo	The Plan Change proposes a change in zoning from Rural to Residential which will see a change to the existing landscape in terms of visual effects,	Medium	

<sup>1</sup> Ministry for the Environment. 2017. A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Legislation Amendment Act 2017. Wellington: Ministry for the Environment.

<sup>2</sup> Based on the Ministry for the Environment Guide to Section 32 Analysis: Ministry for the Environment. 2017. A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Legislation Amendment Act 2017. Wellington: Ministry for the Environment.



Considerations	Commentary	Scale Ranking	Significance Ranking
	amenity, and the types of activities which can occur on the land within the growth cell. However, this change has been anticipated through deferred residential zoning, and the provisions proposed are discrete in that they only apply to the T2 Growth Cell.		
Who and how many will be affected?	Degree of public interest in the Plan Change is low with 28 submissions received. 10 of these submissions were in support and 18 were in opposition or opposition in part. Issues raised by submitters in opposition, primarily related to resource consent matters, and these can be addressed through subsequent resource consent processes.  The Plan Change will provide opportunity to increase housing capacity within the district.	Low - Medium	Low
Degree of impact on, or degree of interest from Maori/Iwi?	The Plan Change affects private property.  The Cultural Impact Assessment (CIA) prepared for the Plan Change application included recommendations for accidental discovery protocols, inspections and site visits prior to physical works, placement of cultural features within subsequent development proposals and establishment of a cultural health indicator framework for water quality and quantity for the Mangapiko Stream.  The CIA also recommended a partnership between the developers and mana whenua be established to allow for mana whenua to oversee implementation of the project and subsequent resource consents. These recommendations have been agreed to by the applicant.  Subject to these recommendations being implemented, the conclusion was drawn in the CIA that there are no significant effects on the cultural values associated with the area. Furthermore, there were no submissions relevant to cultural matters.	Low	Low
When will effects occur?	Effects will not occur until development of the site commences. When this happens, effects will be temporary while development is being undertaken and once residences and retirement village are constructed there will be a permanent change to status quo; however this change has been anticipated for this site through its current deferred residential zoning.	Low to Medium	Low
Geographic scale of impacts	Impacts are very localised.	Low	Low
Anticipated effects	The Plan Change application has provided a detailed description of effects, with the primary	Medium	Low

Considerations	Commentary	Scale Ranking	Significance Ranking
	<p>effects relating to amenity and infrastructure. Although effects are cumulative, they are not unanticipated and suitable mitigation can be provided through conditions of consent in subsequent planning processes.</p> <p>The Plan Change will contribute to increasing the housing capacity of the district thereby having a positive effect for future generations.</p> <p>Environmental effects are primarily at the local level, while economic effects are expected to contribute positively on a larger scale to the district economy.</p> <p>In respect of economic effects, implementation of the Plan Change will contribute approximately 200 employees per annum on average over a six-year period for the retirement village component.<sup>3</sup> The economic contribution of the development of approximately 105 dwellings on the remainder of the Stage 1 T2 Growth Cell equates to an addition of a further \$80M over a 6-year timeframe supporting over 1,100 fulltime employment positions in the district through direct, indirect and induced activity.<sup>4</sup></p> <p>More in-depth discussion of economic effects relating to the implementation of the Plan Change is contained in the statement of evidence provided by the applicant's economist Phillip Osborne.</p> <p>Overall, the Plan Change is considered to have a positive impact on Part 2 Matters specified under the Act including the opportunity for economic growth and employment.</p>		
Degree of policy risk, implementation risk, or uncertainty	<p>Rezoning is not a novel or untested approach and the Plan Change has garnered minor interest from the wider community by way of submissions and further submissions indicating that any effect will be minor and localised. The evidence base for changing the zoning is strong. Benefits and costs of the proposal are demonstrated in the Applicant's Section 32 and Supplementary Section 32 analysis and are supported by evidence given in the Hearing. Furthermore, the change in zoning is not dependent on other initiatives being implemented nor is the implementation timeframe challenging.</p> <p>The degree of risk is therefore considered low.</p>	Low	Low
<b>Overall ranking:</b>	<b>Low</b>		

<sup>3</sup> Statement of Evidence of Phillip Mark Osborne – Economics, 15 March 2021

<sup>4</sup> Statement of Evidence of Phillip Mark Osborne – Economics, 15 March 2021

## 2.7 Analysis of individual changes

2.7.1 The tables below provide an overview of the applicant proposed plan provisions to be inserted into the Waipa District Plan, as well as the changes to these provisions made by the hearings panel following the receipt of submissions, evidence, and technical advice both before and during the hearing for the Plan Change. As there are no changes to existing objectives within the District Plan, the evaluation of provisions will be undertaken against existing plan objectives and the purpose of the plan change.

2.7.2 It is important to assess at a high level whether the proposed provisions integrate with the objectives and policies framework to ensure correct assessment pathways are provided at the time of application for resource consent. Looking at the objectives and policies framework in relation to the proposed provisions also assists in assessing the efficiency and effectiveness of the provisions in achieving the objectives (within the relevant sections of the Waipa District Plan, and the overall objective/purpose of the Plan Change) in accordance with section 32(1)(b)(ii) of the Act.

**Table 2:** High level assessment of objectives and policies for integration with proposed provisions

Objectives and Policies
No changes to objectives and policies have been proposed by either the applicant or the hearings panel in relation to uplifting the deferred residential zoning for stage 1 of the T2 Growth Cell. The relevant objectives and policies which give rise to the provisions in the tables that follow are outlined below, along with an assessment on integration of these objectives and policies with the proposed provisions (as amended by the hearings panel).
<b>Part C, Strategic Policy Framework – Section 1.3</b>
<p>Objective 1.3.1 – Settlement Pattern</p> <ul style="list-style-type: none"> <li>▪ <i>Policy 1.3.1.1 – Settlement Pattern</i></li> <li>▪ <i>Policy 1.3.1.2 – Towns</i></li> </ul> <p>Objective 1.3.2 – Planned and integrated development</p> <ul style="list-style-type: none"> <li>▪ <i>Policy 1.3.2.1 – Implement Proposed Waikato Regional Policy Statement, Future Proof 2009 and Growth Strategy</i></li> <li>▪ <i>Policy 1.3.2.2 – Co-ordination of Subdivision and Development in Deferred Zones</i></li> <li>▪ <i>Policy 1.3.2.3 – Sequencing and Staging: accommodation for the aging population</i></li> <li>▪ <i>Policy 1.3.2.4 – Efficient use of zoned and serviced land</i></li> <li>▪ <i>Policy 1.3.2.6 – Co-ordination between subdivision and development and infrastructure</i></li> <li>▪ <i>Policy 1.3.2.8 – Uneconomic expansion of existing infrastructure</i></li> </ul> <p>Objective 1.3.3 – Tāngata whenua</p> <ul style="list-style-type: none"> <li>▪ <i>Policy 1.3.3.1 – Cultural and historic relationship</i></li> </ul> <p>Objective 1.3.4 – Environmental and heritage protection and recreation values</p> <ul style="list-style-type: none"> <li>▪ <i>Policy 1.3.4.1 – Management of adverse effects</i></li> </ul> <p>Objective 1.3.5 – Implementation of the Waikato River Vision and Strategy</p> <ul style="list-style-type: none"> <li>▪ <i>Policy 1.3.5.1 – Health and well-being of the Waikato and Wāipa Rivers</i></li> </ul>

## Objectives and Policies

Objective 1.3.6 – Energy and resource efficiency, design, character and amenity

- *Policy 1.3.6.1 – Urban design, character and amenity*
- *Policy 1.3.6.3 – Energy and resource efficiency*
- *Policy 1.3.6.4 – Implement visions and strategies in Town Concept Plans*

### Part D, Zone Provisions – Section 2 (Residential Zone)

Objective 2.3.1 – Key elements of residential character

- *Policy 2.3.1.2 – Te Awamutu*

Objective 2.3.2 – Neighbourhood amenity and safety

- *Policy 2.3.2.1 – Building setback: road boundary*
- *Policy 2.3.2.3 & 2.3.2.4 – Building setback: side boundaries*
- *Policy 2.3.2.5 – Height of Buildings*
- *Policy 2.3.2.6 – Site coverage and permeable surfaces*
- *Policy 2.3.2.9 – Maintaining low ambient noise environment*
- *Policy 2.3.2.16 – Earthworks*
- *Policy 2.3.2.19 – 2.3.2.21 – Safety and design*

Objective 2.3.3 – On-site amenity values

- *Policy 2.3.3.1 & 2.3.3.2 – Building setback from rear and side boundaries*
- *Policy 2.3.3.3 – Daylight*
- *Policy 2.3.3.4 – Outdoor living area*
- *Policy 2.3.3.5 – Maximum building length*

Objective 2.3.4 – Providing housing options

- *Policy 2.3.4.1 – Sustainable and efficient use of land*
- *Policy 2.3.4.2 – Secondary dwellings*
- *Policy 2.3.4.6 – Retirement village accommodation and associated care facilities and rest homes*

Objective 2.3.5 – Comprehensive design and development

- *Policy 2.3.5.1 – Comprehensive design of in-fill housing, compact housing, retirement village accommodation and associated care facilities, rest homes, and visitor accommodation*

Objective 2.3.6 – Non-residential activities

- *Policy 2.3.6.1 – Maintain residential function*
- *Policy 2.3.6.2 & 2.3.6.3 – Non-residential activities*
- *Policy 2.3.6.4 – Non-residential activities in structure plan areas*

### Part E, District Wide Provisions – Section 15 (Infrastructure, Hazards, Development and Subdivision)

Objective 15.3.1 – Integrated development: site design and layout

## Objectives and Policies

- *Policy 15.3.1.1 – Understanding the constraints and opportunities of a site by undertaking a site and surrounding area analysis*
- *Policy 15.3.1.3 – Low impact design*

Objective 15.3.2 – Integrated development: natural hazards and site suitability

- *Policy 15.3.2.1 – Land to be suitable for use*
- *Policy 15.3.2.2 – Consideration of natural hazards*
- *Policy 15.3.2.3 – Consideration of climate change*
- *Policy 15.3.2.4 – Consideration of reverse sensitivity*

Objective 15.3.3 – Integrated development: efficient servicing

- *Policy 15.3.3.1 – Servicing requirements*
- *Policy 15.3.3.2 – Co-ordination between servicing and development and subdivision*
- *Policy 15.3.3.3 & 15.3.3.4 – Roading infrastructure*
- *Policy 15.3.3.5 – Standard of infrastructure*

Objective 15.3.4 – Urban consolidation

- *Policy 15.3.4.1 – Achieving density, design and character*
- *Policy 15.3.4.11 – Avoiding reverse sensitivity on adjacent zones and infrastructure*

Objective 15.3.6 – Integrated development: environmental enhancement

- *Policy 15.3.6.1 – Minimise impacts on the natural environment: low impact design methods*
- *Policy 15.3.6.6 – Managing the future effects of development and subdivision on lakes and water bodies*

Objective 15.3.7 – Maintaining cultural landscapes

- *Policy 15.3.7.1 – Manage the adverse effects on the values of the cultural landscape*

Objective 15.3.8 – Protection of cultural sites, and archaeological sites

- *Policy 15.3.8.1 – Avoid disturbance of cultural sites*
- *Policy 15.3.8.2 – Management of effects on archaeological sites*
- *Policy 15.3.8.3 – Management of cultural sites and archaeological sites at the time of subdivision*

Objective 15.3.9 – Protection of heritage items

- *Policy 15.3.9.1 & 15.3.9.2 – Avoid adverse effects on heritage items*

Objective 15.3.10 – Provision of reserves

- *Policy 15.3.10.1 – Ensuring each greenfield subdivision provides reserve areas*
- *Policy 15.3.10.2 & 15.3.10.4 – Reserve location and design*

Objective 15.3.12 – Giving effect to the Waikato River Vision and Strategy

- *Policy 15.3.12.1 – Maintaining the health and well-being of land and water bodies*

Objective 15.3.13 – Existing consent notices, bonds and other legal instruments

Objectives and Policies
<ul style="list-style-type: none"> <li>▪ <i>Policy 15.3.13.1 – Maintaining existing consent notices, bonds and other legal instruments</i></li> </ul> <p>Objective 15.3.15 – Structure planning</p> <ul style="list-style-type: none"> <li>▪ <i>Policy 15.3.15.1 – Structure planning</i></li> </ul>
Assessment of integration of objectives and policies with proposed provisions
<p>Proposed Rule 15.4.2.91 (outlined in the tracked-change version of proposed provisions in Part C which refers to the requirement for a landscaping plan to be prepared as part of subdivision, is the only standalone rule to be inserted into the Waipa District Plan. All other proposed provisions are amendments to rules which already exist within the District Plan, and consequently the flow from objectives and policies through to these existing rules is already set.</p> <p>Given Rule 15.4.2.91 is a new rule, it is sensible to ensure that there is flow from the existing objectives and policies in the District Plan through to the rule and vice versa, ensuring that the provision proposed is efficient and effective in achieving the objective(s) in accordance with section 32(b)(ii). In assessing Rule 15.4.2.91, the following objectives and policies give rise to this new rule:</p> <ul style="list-style-type: none"> <li>▪ <i>Objective 1.3.4, Policy 1.3.4.1;</i></li> <li>▪ <i>Objective 2.3.1, Policy 2.3.1.2;</i></li> <li>▪ <i>Objective 2.3.2, Policies 2.3.2.19 - 2.3.2.20</i></li> <li>▪ <i>Objective 2.3.5, Policy 2.3.5.1</i></li> <li>▪ <i>Objective 15.3.1, Policy 15.3.1.3</i></li> <li>▪ <i>Objective 15.3.3, Policy 15.3.3.1</i></li> <li>▪ <i>Objective 15.3.10, Policies 15.3.10.1 - 15.3.10.2</i></li> <li>▪ <i>Objective 15.3.12, Policy 15.3.12.1</i></li> </ul> <p>In addition it is considered that Rule 15.4.2.91 assists in ensuring appropriate integration and sympathetic design with the adjacent residential and rural environments – key objectives of the structure plan for the T2 Growth Cell.</p> <p>Overall, it is considered that the objectives and policies of sections 1, 2 and 15 of the District Plan integrate with the proposed changes to the provisions for the Plan Change.</p>

2.7.3 Table 3 below, provides an overview of the applicant proposed provisions as notified, key changes to these provisions by the hearings panel, along with reasons for these changes.

**Table 3: Comparison of changes to provisions**

Provision	Notified version of the Plan Change	Decisions version of the Plan Change	Reasons for changes
<p>Addition to Rule 2.4.2.4 (d)</p>	<p>This provision refers to specifying a minimum setback of 4m from the western rear boundary adjoining Rural zoned land, and that this rule would not apply to retirement villages.</p>	<p>Reference to the ‘western rear boundary’ has been removed and amended to ‘boundaries directly adjoining the Rural Zone.</p> <p>Reference to ‘retirement villages’ has been replaced with ‘retirement village accommodation and associated care facilities’.</p> <p>A subsequent amendment to the second part of Rule 2.4.2.4 was identified as being necessary (Rule 2.4.2.4 (i)) and this subsection now includes reference to Rule 2.4.2.4 (d).</p> <p>Reference to ‘Te Awamutu T2 Growth Cell Structure Plan Area’ has been amended to ‘T2 Growth Cell Structure Plan Area’.</p>	<p>The notified version of this rule was open to interpretation dependant on lot configuration in relation to rear boundaries. The change makes the intent of this rule clearer.</p> <p>‘Retirement village accommodation and associated care facilities’ is a defined term within the District Plan, and it has been confirmed with BBO that this definition applies to the activities anticipated by the Plan Change.</p> <p>Adding reference to 2.4.2.4(d) into 2.4.2.4 subsection (i) is a minor consequential amendment as a result of adding (d) into Rule 2.4.2.4.</p> <p>Removal of ‘Te Awamutu’ in reference to the T2 Growth Cell Structure Plan Area is to ensure consistency between District Plan rules that refer to structure plans.</p>
<p>Addition to Rule 2.4.2.9 (g)</p>	<p>This provision sets a maximum building height of 5m within the T2 Growth Cell Structure Plan Area on lots adjoining the Frontier and Pirongia Road boundaries.</p> <p><i>It is noted that during the hearing there was discussion regarding removing reference to Pirongia Road from this rule (and others) due to this area of the growth cell falling within Stage 2, which is to retain its deferred residential zoning. This change was supported in the hearing by the section 42A Reporting Officer.</i></p>	<p>Reference to ‘Pirongia Road’ has been retained.</p> <p>Reference to ‘Te Awamutu T2 Growth Cell Structure Plan Area’ has been amended to ‘T2 Growth Cell Structure Plan Area’.</p> <p>This rule has been expanded to make it clear that for all other lots within the T2 Growth Cell Structure Plan Area, the maximum building height of 9m specified in Rule 2.4.2.9 applies.</p>	<p>Whether to keep or remove references to Pirongia Road within the proposed provisions for the Plan Change was discussed at length in deliberations following the hearing.</p> <p>Although the portion of the T2 Growth Cell which fronts Pirongia Road will remain deferred residential zone, it is recommended that reference to Pirongia Road is retained in this rule (and others) to ensure integration across the growth cell once stage 2 deferred residential zoning is uplifted.</p> <p>While stage 2 remains deferred residential zone, development is assessed against the rural zone rules and not this rule. Therefore retaining reference to Pirongia Road is inconsequential for stage 2 for the time-being, however having this reference ensures that when stage 2 is uplifted, development across both stages will be cohesive.</p>

Provision	Notified version of the Plan Change	Decisions version of the Plan Change	Reasons for changes
			Other key changes are to ensure consistency within the District Plan and to assist interpretation of the rule.
Addition to Rule 2.4.2.20	This provision ensures amenity is maintained by restricting fence height within the setback from Pirongia or Frontier Road to 1.2m	Reference to 'Te Awamutu T2 Growth Cell Structure Plan Area' has been amended to 'T2 Growth Cell Structure Plan Area'. Expansion of the rule to exempt fences constructed within the building setback from Pirongia Road where construction has been undertaken to ensure design integration with the entrance gates for Isla Bank Villa.	Addition to the rule is to ensure that there is no conflict between this rule and the design guide in Appendix S23 which references the entrance gates of Isla Bank Villa and the frontage to Pirongia Road.
Addition to Rule 15.4.2.69	This provision lists the T2 Growth Cell Structure Plan as Appendix S23 so subdivision and development are undertaken in general accordance with the approved structure plan	No change	
New rule 15.4.2.91	This rule specifies a requirement for a landscaping plan to be prepared as part of subdivision.	Removal of requirement for landscaping plan to be prepared and implemented as a condition of subdivision consent. Instead this shall be prepared at the time of subdivision application. Reference to 'retirement villages' has been replaced with 'retirement village accommodation and associated care facilities'. Amendment of the advice note to make it clear that this rule applies in addition to the rules of both the residential and deferred residential zone rules.	It is more appropriate to assess landscaping treatment to properly understand effects and mitigation measures at the time of subdivision application, rather than after the subdivision consent is approved. Other key changes are to ensure defined terms within the District Plan are used. In respect of the amendment to the advice note, Section 15 of the District Plan contains District wide provisions that are intended to apply in addition to zone specific rules. The T2 Growth Cell contains land zoned residential (stage 1) and deferred residential (stage 2). Section 14 of the District Plan outlines the rules for the deferred residential zone and directs section 15 to also be considered. It is therefore appropriate to reference in the advice note the deferred residential zone as it is appropriate that this rule applies across the entire growth cell



Provision	Notified version of the Plan Change	Decisions version of the Plan Change	Reasons for changes
			regardless of zoning to ensure integration and cohesiveness in landscape treatment.
New rule 15.4.2.92	This rule seeks staging to ensure that residential development is not allowed in stage 2 until 2035, and that deferred zone rules will apply in this area until this time. <i>*at the time this rule was put forward, uplift of the deferred zoning to residential zoning was sought for the entire of the T2 Growth Cell.</i>	Rule is deleted.	This rule was reviewed in conjunction with Council's legal representative Mrs Embling, who advised that it is more legally robust to retain the deferred zoning for stage 2 than to apply the rules of the deferred zone to residentially zoned land through a rule.  It was agreed in hearing to only uplift the deferred zoning for stage 1 and to delete this rule.
Insertion of new Appendix S23 – Te Awamutu T2 Growth Cell Structure Plan	Appendix S23 sets out the purpose, key elements, design objectives and design measures of the structure plan for the entire T2 Growth Cell.  A key addition to the structure plan in response to the further information request issued by Council is clause S23.1.4 which outlines the staging of development.	Key changes include minor rewording to assist interpretation of clauses S23.1.4, S23.2.5, S23.4.5, and S23.4.9.  Addition of clause S23.4.7 which requires design integration of the Pirongia Road boundary treatment with the retention of the entrance gates for Isla Bank Villa.  Consequential renumbering of subsequent clauses as a result of the addition of S23.4.7.  Amendment to S23.4.9 to generally ensure consistency of built form and layout with adjoining residential development rather than just the adjacent T1 growth cell structure plan.  Amendment of the T2 Growth Cell Structure Plan map showing clear demarcation of Stages 1 and 2, and a notation regarding the location of Councils Heritage Schedule listing for Isla Bank.	The addition of Clause S23.1.4 clearly sets out intended staging of development within the T2 Growth Cell and changes made by the hearing panel to this clause (and Clause S23.2.5) better reflect the timing of development.  Clause S23.4.7 was requested by Heritage NZ and agreed to in hearing.  Integration with residential development in the surrounding area, and not just adjacent residential development in the T1 Growth Cell is important in the context of the wider landscape, as there is already residential development on Pirongia and Frontier Roads. Amendments to Clause S23.4.9 support this to ensure consistency of character.  Amendments to the T2 Growth Cell Structure Plan map were agreed to in hearing.

- 2.7.4 It is noted that the supplementary Section 32AA Evaluation provided by BBO on behalf of the Applicant assesses the efficiency and effectiveness of alternatives to the inclusion of rules in the District Plan to achieve the purpose and objectives of the Plan Change. Alternatives assessed included:
- Do nothing (relying on existing rules in the District Plan)
  - Imposition of building and general covenants
  - Additional resource consent processes
- 2.7.5 This analysis concluded that the suite of provisions proposed are the most appropriate method to achieve the purpose and objectives of the Plan Change. The Hearing Panel agrees with this conclusion and notes that the changes to the applicant proposed provisions made by the hearing panel as identified in Table 3 above do not materially alter the costs and benefits, or conclusions identified in the supplementary Section 32AA Evaluation.
- 2.7.6 However, for completeness section 2.8 below provides a high-level cost, benefit, and risk analysis of the key changes resulting to the provisions following the hearing for the Plan Change.

## **2.8 Cost, Benefit and Risk Analysis of Key Changes**

- 2.8.1 Given the scale and significance of the effects of this proposal is low, the assessment of costs, benefits and risks has been undertaken at a high level for the key amendments outlined in section 1.4 of this further evaluation, rather than for the minor changes to individual provisions. The changes to the provisions outlined in table 3 above give effect to the key amendments outlined in section 1.4, and these have been assessed under the 'Key Amendment' headings below.
- 2.8.2 In addition S32(2)(a)(i) and (ii) requires that the opportunities for economic growth and employment that are anticipated to be provided or reduced are assessed. These have been addressed in the statement of evidence provided by the applicant's economist Phillip Osborne at the hearing for the Plan Change.<sup>5</sup>
- 2.8.3 As mentioned earlier in Table 1, implementation of the Plan Change will result in a gross injection to the District's economy through both CAPEX (during development of the retirement village) and OPEX (on-going operations of the village), along with positive direct, indirect, and induced economic impacts.
- 2.8.4 It is worthwhile noting that the figures presented in Mr Osborne's evidence represent Net Present Value (NPV), which indicates the inherent value differential between current economic benefits and future economic benefits. Mr Osborne notes that additional to the overall loss of 15 years of operational value (e.g. if the T2 Growth Cell

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<sup>5</sup> Statement of Evidence of Phillip Mark Osborne – Economics, 15 March 2021

were to come online as scheduled in 2035), this NPV would suggest that the deferral of this activity for a 15-year period would significantly decrease the net economic benefits to the community by up to 50%.

## **KEY AMENDMENT 1**

- 2.8.5 *Uplift of the Deferred Residential Zone to Residential for Stage 1 (southern portion) of the T2 Growth Cell only and consequential amendments to Planning Maps 7, 8 and 38. This is in place of uplifting the deferred residential zoning for the T2 Growth Cell in its entirety and seeking staging of development through applicant proposed Rule 15.4.2.92. The outcome of this change is the same as that applied for by the applicants.*

### Environmental Costs & Benefits

There are no identifiable environmental costs of this change over and above what has been identified in the applicant's section 32 evaluation. Despite rezoning, actual effects (and therefore costs and benefits) will not occur until such time as resource consents are lodged.

Having staging occur through partial uplift of zoning, rather than through trying to apply the rules of the deferred zone to residentially zoned land through the addition of a specific rule (15.4.2.92), will reduce the risk of misinterpretation and make compliance more straightforward, therefore resulting in avoided costs for the applicant, and an environmental benefit for the community by ensuring that the objectives of the deferred zone are still upheld for Stage 2 until such time as subdivision and development is deemed appropriate. The deletion of applicant proposed Rule 15.4.2.92 is therefore considered appropriate.

### Social Costs & Benefits

There are no identifiable social costs or benefits of this change over and above those identified in the applicant's section 32 evaluation.

### Cultural Costs & Benefits

There are no identifiable cultural costs or benefits of this change over and above those identified in the applicant's section 32 evaluation.

### Economic Costs & Benefits

There are no identifiable economic costs or benefits of this change over and above those identified in the applicant's section 32 evaluation.

## **KEY AMENDMENT 2**

- 2.8.6 *Changes to applicant proposed provisions which sought amendments to existing rules within Sections 2 and 15 of the Waipa District Plan to reflect the objectives of the Plan Change. These include minor amendments to rule wording to assist with interpretation, and to ensure that terms already defined in the District Plan are used.*

*Amendments also include the decision to retain reference to Pirongia Road within the rules, despite the fact deferred residential zoning for this portion of the T2 Growth Cell (stage 2) remains.*

These amendments are outlined in Table 3 of this further evaluation, with specific wording provided in the tracked-change version of the provisions contained in Part C.

#### Environmental Costs & Benefits

The majority of amendments to the provisions have been undertaken to assist with interpretation, and therefore do not have any environmental benefits or costs over and above those already identified in the applicant's section 32 evaluation.

The retention of the reference to Pirongia Road in the rules ensures that when the zoning for Stage 2 of the T2 Growth Cell is eventually uplifted and that area is developed, the whole of the growth cell will be cohesive in terms of setback, fencing, building height, and landscaping, thereby supporting the purpose of the T2 Growth Cell Structure Plan. This will deliver an environmental benefit in terms of amenity to those living within the area or passing through. There is no identifiable environmental cost to retaining the reference to Pirongia Road in the rules.

Changes to Rule 2.4.2.20 exempting fences constructed within the building setback from Pirongia Road, where construction has been undertaken to ensure design integration of the Pirongia Road boundary treatment with the retention of the entrance gates with heritage item property (Isla Bank Villa – Appendix N1, Ref #6), is considered to have a positive benefit for heritage protection.

#### Social Costs & Benefits

There are no identifiable social costs or benefits resulting from the changes to the provisions.

#### Cultural Costs & Benefits

There are no identifiable cultural costs or benefits resulting from the changes to the provisions.

#### Economic Costs & Benefits

Having well defined rules reduces uncertainty and implementation risks thereby reducing the economic cost of complying with the rules for applicants and administration of the plan through consenting processes for Council. As the changes to the provisions are minor amendments to existing rules and no new objectives or policies have been proposed, it is considered that the administration of these provisions can be met with existing Council resources.

There are no other identifiable economic costs or benefits resulting from the changes to the provisions.

### KEY AMENDMENT 3

- 2.8.7 *Changes to new applicant proposed Rule 15.4.2.91. Changes to this rule include the requirement to prepare a landscaping plan at the time of subdivision application, rather than for this to be prepared and implemented as a condition of subdivision consent. Minor amendments have also been made to assist with rule interpretation, and to ensure the consistent use of defined terms within the District Plan.*

#### Environmental Costs & Benefits

There are no environmental costs resulting from the changes to Rule 15.4.2.91 over and above those which have been identified as part of the applicant's section 32 evaluation.

Changing the timing of the provision of information for a landscaping plan to occur as part of a subdivision application, rather than post approval of the subdivision, is expected to deliver a greater environmental benefit to those living within the T2 Growth Cell. This change will allow appropriate mitigation measures to be included as conditions of consent, and for the landscaping plan to be captured as part of a general accordance condition potentially resulting in a higher level of amenity.

#### Social Costs & Benefits

There are no identifiable social costs or benefits resulting from the changes to the provisions.

#### Cultural Costs & Benefits

There are no identifiable cultural costs or benefits resulting from the changes to the provisions.

#### Economic Costs & Benefits

There are no identifiable economic costs or benefits resulting from the changes to the provisions over and above those which have already been identified in the applicant's section 32 evaluation. The only potential cost is in relation to timing of the provision of information which will now be required to be submitted earlier in the subdivision process; this cost will be borne by the applicant for subdivision.

### KEY AMENDMENT 4

- 2.8.8 *Insertion of a structure plan for the T2 Growth Cell and corresponding design objectives and measures as Appendix S23 to the Waipa District Plan. This includes minor amendments to wording to better reflect the intent of the Plan Change and to provide a level of protection for the historic heritage item 'Isla Bank Villa' in the consideration of subdivision design.*

### Environmental Costs & Benefits

There are two key amendments to the structure plan for the T2 Growth Cell. The first is the addition of Clause S23.4.7 which requires design integration of the Pirongia Road boundary treatment with the retention of the entrance gates for the Isla Bank Villa. This addition was requested through submissions by Heritage New Zealand and was accepted in hearing by the applicant. Including this clause is considered to provide an environmental benefit through sympathetic integration of subdivision design so as to not detract from the heritage listing, thereby providing for part 6(f) of the Act.

The second key amendment is Clause 23.4.9 where changes have been made to ensure that the built form and layout of the T2 Growth Cell is generally consistent with surrounding residential development instead of just the adjacent T1 Growth Cell. This change is expected to assist with the consideration and integration of development within T2 with existing residential development on Pirongia Road, Frontier Road and within the T1 Growth Cell, contributing to the retention of character.

There are no identifiable environmental costs associated with the changes proposed to the structure plan, and the environmental benefits will be experienced by those living within and passing through the immediate area.

### Social Costs & Benefits

There are no identifiable social costs or benefits resulting from the changes to the structure plan.

### Cultural Costs & Benefits

There are no identifiable cultural costs or benefits resulting from the changes to the structure plan.

### Economic Costs & Benefits

There may be increased costs to the developer associated with the design integration of the Pirongia Road boundary treatment with the entrance gates for the Isla Bank Villa; however these costs will be dependent on final design and are not yet known.

There are no other identifiable economic costs or benefits resulting from the changes to the structure plan.

## **ASSESSMENT OF RISK**

- 2.8.9 Section 32(2)(c) of the Act requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. Given the low scale and significance rating of the proposal, and that considerable technical evidence was provided in both the application and addressed in hearing by both the applicant and Council representatives, it is considered that there is sufficient information to provide a reasonable and informed understanding of the implications of the changes to the provisions, as well as the Plan Change itself.

## **2.9 Summary of advice from iwi and response to recommendations**

- 2.9.1 Section 32(4A) requires that a plan change prepared in accordance with any of the processes provided for in Schedule 1 of the Act must summarise all advice concerning the proposal received from relevant iwi authorities, and outline the response to the advice, including any provisions of the proposal that are intended to give effect to the advice. Although not required to be covered as part of a Section 32AA further evaluation, assessment against section 32(4A) was not specifically covered in the applicant's section 32 evaluation and has therefore been outlined here for completeness.
- 2.9.2 In respect of the above, a Cultural Impact Assessment (CIA) was prepared by Norman Hill of Epiha Consultants as part of the Plan Change application. The CIA records that mana whenua are Ngati Apakura and Ngati Hikairo and the three iwi with identified interests in the area are Ngati Maniapoto, Raukawa and Waikato-Tainui. These iwi are represented by post-settlement governance entities, being Maniapoto Maori Trust Board, Raukawa Settlement Trust and Te Whakakitanga o Waikato Incorporated, respectively.
- 2.9.3 The CIA concludes that there are no significant effects on the cultural values associated with the area resulting from the Plan Change, subject to the recommendations set out in the CIA being implemented.
- 2.9.4 These recommendations include accidental discovery protocols, inspections and site visits prior to physical works, placement of cultural features within subsequent development proposals and establishment of a cultural health indicator framework for water quality and quantity for the Mangapiko Stream. The CIA also recommends a partnership between the developers and mana whenua be established to allow for mana whenua to oversee implementation of the project and subsequent resource consents.
- 2.9.5 The applicants - Sanderson Group Limited and Kotare Properties Limited, have agreed to implement these recommendations through subsequent consenting processes.

## **2.10 Criteria Assessment**

- 2.10.1 To ensure that the changes to the provisions for the Plan Change are appropriate, a final assessment against whether the provisions are consistent with the purpose of the Act, are effective and efficient in achieving the purpose of the Plan Change, are feasible to implement, and whether the degree of risk is acceptable has been undertaken. In line with the methodology used to assess scale and significance in Table 1, a ranking approach has been used for this assessment.

**Table 4: Criteria Assessment**

Criteria	Assessment	Ranking
Consistency with purpose of Act	The changes to the provisions are considered to increase consistency with the purpose of the Act for reasons already stated in this section 32AA further evaluation.	High
Effectiveness	The changes to the provisions are minor and are considered to enhance the effectiveness of achieving the objective of the Plan Change. The changes provide environmental benefits and reduce uncertainty in interpretation of the provisions. Relying on existing provisions within the District Plan will not achieve the objective of the Plan Change as specific amendments to the provision are required to avoid and/or minimise adverse landscape and visual effects on surrounding properties and the locality, that have been identified for this site. Therefore the proposed provisions and subsequent changes are considered to be most effective.	High
Efficiency	The costs and benefits identified in section 2.8 of this further evaluation report demonstrate that the changes to the provisions are minor and result in the highest net benefit for society.	High
Feasibility	The provisions for the Plan Change are within Council's powers, responsibilities, and resources to implement and oversee.  The degree of risk and uncertainty of the provisions achieving the objective of the Plan Change as well as the objectives of the residential zone is low, as evidenced in Table 2 and section 2.8 of this section 32AA further evaluation.	High
Degree of risk	Council would retain its powers to implement, monitor and enforce the provisions through consent conditions. The degree of risk is therefore considered low.	Low
<b>Overall assessment</b>	Given the above assessment, and information presented as part of the applicant's section 32 evaluation (and supplementary section 32 evaluation) which should be read in conjunction with this section 32AA further evaluation, the changes to the proposed provisions are considered appropriate.	

## 2.11 Reasons for deciding on provisions

2.11.1 Pursuing a private plan change was identified as being the most appropriate option for addressing the issues raised in the applicant's section 32 evaluation. Council agrees with this assessment. The provisions required to deliver the objective of the Plan Change were not adequately covered by existing provisions within the District Plan, and therefore amendments to these provisions, as well as new provisions were required.

2.11.2 The changes to the provisions put forward by the applicant and outlined in Part C increase the clarity of rule requirements and use defined terms within the district plan, thereby reducing ambiguity and the potential for misinterpretation. Furthermore, the changes are considered to provide for greater consideration and protection of historic



heritage and contribute to cohesiveness and integration not only across T2 but with residential development in the immediate surrounding area resulting in greater levels of amenity.

2.11.3 Assessment undertaken as part of this section 32AA further evaluation has shown that the scale and significance of changes is low, the proposed provisions are efficient and effective in achieving the objectives of the Plan Change as well as the residential zone, and the provisions are within Council's powers, responsibilities, and resources to implement and oversee.

2.11.4 Overall, the provisions and subsequent changes are considered to achieve the purpose of the Act.

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- 2.11.3 Assessment undertaken as part of this section 32AA further evaluation has shown that the scale and significance of changes is low, the proposed provisions are efficient and effective in achieving the objectives of the Plan Change as well as the residential zone, and the provisions are within Council's powers, responsibilities, and resources to implement and oversee.
- 2.11.4 Overall, the provisions and subsequent changes are considered to achieve the purpose of the Act.



# C

## **Part C – Tracked changes to Waipā District Plan**

## Part C – Tracked changes to the Waipā District Plan

# Part C – Recommended tracked changes to the Waipā District Plan

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## 3 Amended District Plan text

### 3.1.1 Note:

- Outlined below in BLACK ~~strikethrough~~ and underline text are the amendments to the District Plan incorporating:
  - The proposed plan change amendments as notified
  - Proposed amendments made by the Applicant prior to the hearing
  - Recommended amendments made by the reporting officer in the s42a report
- Outlined below in RED ~~strikethrough~~ and underline text are the amendments as a result the hearing.
- Consequential renumbering of provisions / references / page numbers in the Plan will be required due to the proposed changes recommended below.

## Section 2 – Residential Zone

1. **Add the following to Residential Zone Rule 2.4.2.4 after Rule 2.4.2.4(c), and make the following amendment to Rule 2.4.2.4 (i) for clarity.**

### **Rule - Minimum building setback from internal site boundaries**

2.4.2.4

.....

(a) ....

(d) In the ~~Te Awamutu~~ Along T2 Growth Cell Structure Plan ~~a~~Area boundaries which are directly adjoining the Rural Zone, the minimum building setback ~~from the western rear boundary adjoining Rural-zoned land~~ shall be 4m. This rule shall not apply to retirement villages accommodation and associated care facilities.

Provided that:

- (i) Other than in the locations listed above in 2.4.2.4(a) to ~~(c)~~ (d), one internal setback per site may be reduced from 2m to 1.5m, provided that where an existing building on the site has an internal setback of 1.5m or less, the setback from the remaining internal site boundaries shall be at least 2m.

2. **Add the following to Residential Zone Rule 2.4.2.9**

### **Rule - Maximum height**

2.4.2.9

.....

(a) ....

(g) In the ~~Te Awamutu~~ T2 Growth Cell Structure Plan ~~a~~Area buildings on lots adjoining the Frontier Road boundary or Pirongia Road boundary - 5m'. For all other lots within the T2 Growth Cell Structure Plan Area, the maximum building height specified in Rule 2.4.2.9 applies.

3. Add the following to Residential Zone Rule 2.4.2.20

Rules - Neighbourhood amenity and safety

2.1.2.19 ....

2.4.2.20 ....

Except:

- (a) ~~....~~ In the ~~Te Awamutu~~ T2 Growth Cell Structure Plan ~~a~~Area all fences within the building setback from Frontier Road or Pirongia Road shall be no more than 1.2m in height, whether or not they are visually permeable. For the avoidance of doubt, this rule does not apply to fences constructed within the building setback from Pirongia Road where construction has been undertaken to ensure design integration in accordance with S23.4.7 of Appendix S23.

**Section 15 – Infrastructure, Hazards, Development and Subdivision**

4. Add the following to Rule 15.4.2.69 after item (u)

'(v) ~~Te Awamutu~~ T2 Growth Cell Structure Plan Appendix S23'

5. Add the following after Rule 15.4.2.90

'~~Te Awamutu~~ T2 Growth Cell Structure Plan Area

15.4.2.90A In the T2 Growth Cell Structure Plan ~~a~~Area a landscaping plan shall be prepared at the time of subdivision application 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;

- (a) Overall design approach.
- (b) A planting area of a minimum of 2m wide adjoining the western boundary adjoining Rural zoned land shall be planted in a mix of nativeshrubs and trees with a minimum mature height of 1.5m, including specimen trees within the 2m wide area generally located near side boundaries. For the avoidance of doubt, ~~This~~ Rule 15.4.2.91(b) shall not apply to retirement villages accommodation and associated care facilities.
- (c) 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.
- (d) Details of proposed street tree planting in accordance with Rules 15.4.2.26 and 15.2.27.
- (e) Details of wetland and reserve planting.
- (f) Landscape design for proposed neighbourhood playground.
- (g) Design and landscape treatment of cycleway and pedestrian network.
- (h) Entrance and lighting features for the retirement village accommodation and associated care facilities.
- (i) Landscape treatment of communal recreational areas which are part of the

retirement village accommodation and associated care facilities. in the retirement village.

(j) Provision for maintenance of the landscaping.

Activities which fail to comply with this rule will require resource consent for a discretionary activity.

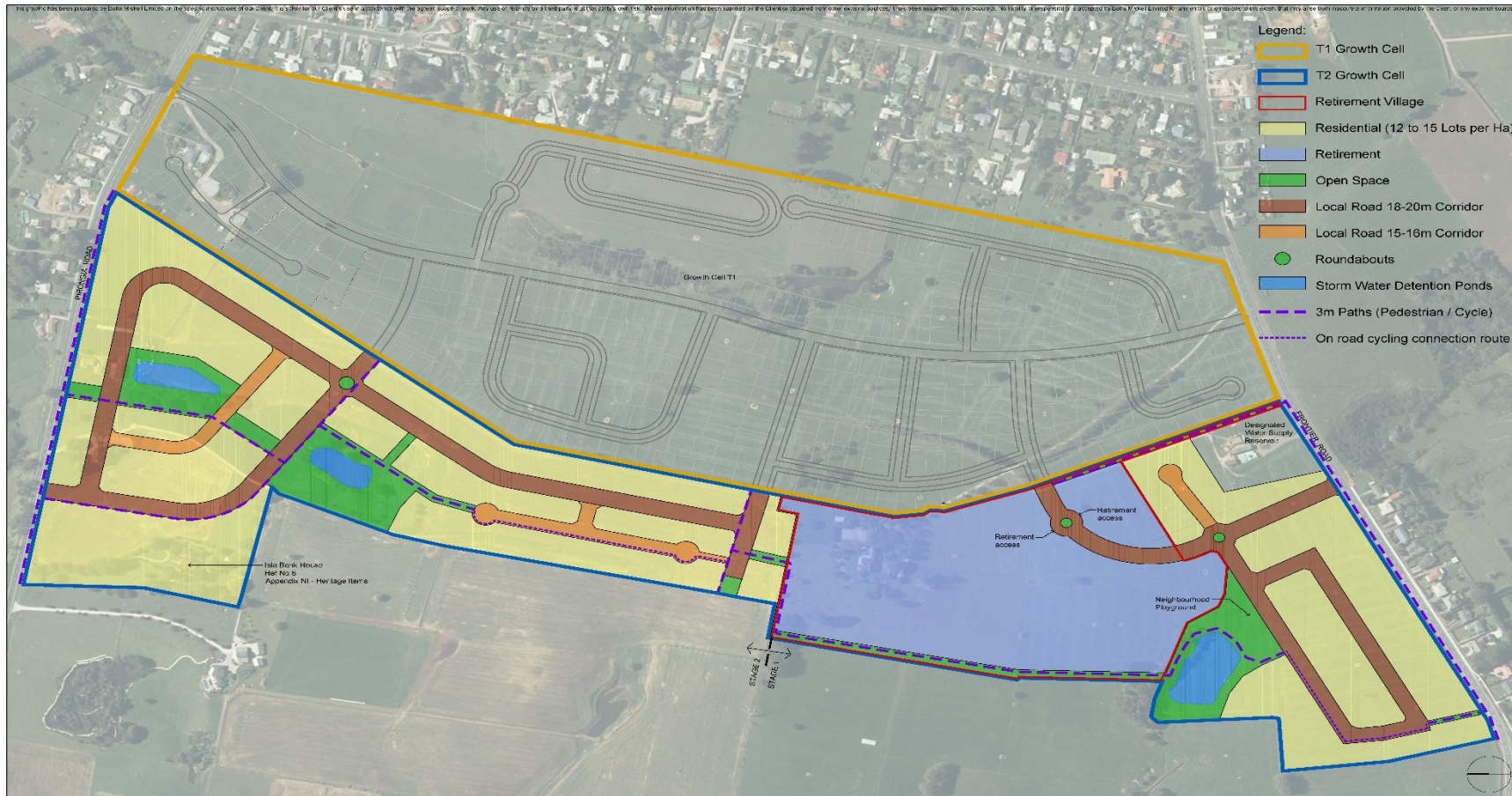
Advice note: These rules apply in addition to the rules of the Residential and Deferred Residential Zone rules.

~~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.~~




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

6. Add the following new Appendix after Appendix S22

**Appendix S23 - T2 Growth Cell Structure Plan**



- Legend:**
- T1 Growth Cell
  - T2 Growth Cell
  - Retirement Village
  - Residential (12 to 15 Lots per Ha)
  - Retirement
  - Open Space
  - Local Road 18-20m Corridor
  - Local Road 15-18m Corridor
  - Roundabouts
  - Storm Water Detention Ponds
  - 3m Paths (Pedestrian / Cycle)
  - On road cycling connection route

REV	DATE	DESCRIPTION	APPROVED	C. ENT
1	23/07/24	Final Review	MPU	Sandersen Group
2	27/07/24	Final Review Approved	MPU	
3	28/07/24	Final Review Approved	MPU	
4	01/08/24	Final Review Approved	MPU	
5	02/08/24	Final Review Approved	MPU	
6	03/08/24	Final Review Approved	MPU	

**T2 Structure Plan**

T2 Structure Plan

Drawn	MW	Scale	1:2000 @ A1	Date	06/05/2020
Checked	MW/MPU	Scale	1:5000 @ A2		
Project No.	2019/12/01		Revision		
Project No.	BM200127_001		Revision	(P)	



## **S23.1 Purpose**

S23.1.1 The purpose of the T2 Growth Cell Structure Plan is to enable general residential development and to incorporate a site strategically located in the centre of the cell for a retirement village, integrated with residential development to the north and south.

S23.1.2 The Structure Plan is to integrate with and complement the adjacent T1 Structure Plan area and existing residential development on Frontier Road and Pirongia Road.

S23.1.3 The structure plan covers an area of some 38ha and is located at the western extent of Te Awamutu.

S23.1.4 The structure plan is divided into two stages, with the southern Stage 1 (18.2ha) able to be ~~development~~ developed immediately initially and the northern Stage 2 (22.8ha) suitable identified for development ~~able to be developed~~ after beyond 2035.

## **S23.2 Key Elements**

S23.2.1 The Structure Plan is designed to have a clear and legible structure, with pedestrian and cycle connections throughout the site connecting to Pirongia Road to the north and Frontier Road to the south and integrating with the adjacent T1 Growth Cell Structure Plan. The pedestrian/ cycle connection through the retirement village is to be accommodated within a multi-use stormwater/open space swale running along the western boundary.

S23.2.2 The Structure Plan provides three local road connections into Growth Cell T1. A supporting network of local roads and cul-de-sacs for access are also shown. The internal local road cross-sections are based on an 18-20m corridor width and a 15-16m corridor width as shown on the Structure Plan. These indicative widths allow for flexibility in final cross-section design.

S23.2.3 The open space network has multiple functions of pedestrian and cycle access, stormwater detention and treatment ponds, stormwater treatment swales, ecological rehabilitation and recreational space.

S23.2.4 Key design drivers are to provide an appropriate rural interface to the west and a positive interconnected relationship with adjacent residential development to the east.

S23.2.5 The Structure Plan is staged so that the southern half (Stage 1) is enabled for development first-initially, with the northern half (Stage 2) identified for development ~~to be developed after~~ beyond 2035.

## **S23.3 Design Objectives**

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.

#### **S23.4 Design Measures**

The proposed design measures to address the above key objectives are;

S23.4.1 A buffer planting area along the western boundary, where residential development adjoins the rural area.

S23.4.2 A combined open space area/shared pathway/stormwater swale adjoining the western boundary of the retirement village site.

S23.4.3 A minimum building offset of 4m along the western rural boundary where residential subdivision adjoins the boundary.

S23.4.4 A limit on fencing height of 1.2m along the Frontier Road and Pirongia Road boundaries.

S23.4.5 A limit on building height of 5m ~~on lots fronting along the~~ Frontier Road and Pirongia Road boundaries.

S23.4.6 A specimen tree planting requirement along the Frontier Road and Pirongia Road frontages.

~~S23.4.7 Design integration of the Pirongia Road boundary treatment with the retention of the entrance gates associated with heritage item property (Isla Bank Villa – Appendix N1, Ref # 6).~~

S23.4. ~~87~~ Speed change gateway treatments on Pirongia Road and Frontier Road at the western extent of the structure plan area with kerb build outs and supporting landscaping and signage.

S23.4. ~~98~~ Generally adopting the Residential Zone rules for consistency of built form and layout with ~~the T1 structure plan area~~ adjoining residential development.

S23.4. ~~109~~ A design speed environment for internal roads of 40km/hr.

S23.4. ~~110~~ Provision of landscape plans at resource consent stage to include the following;

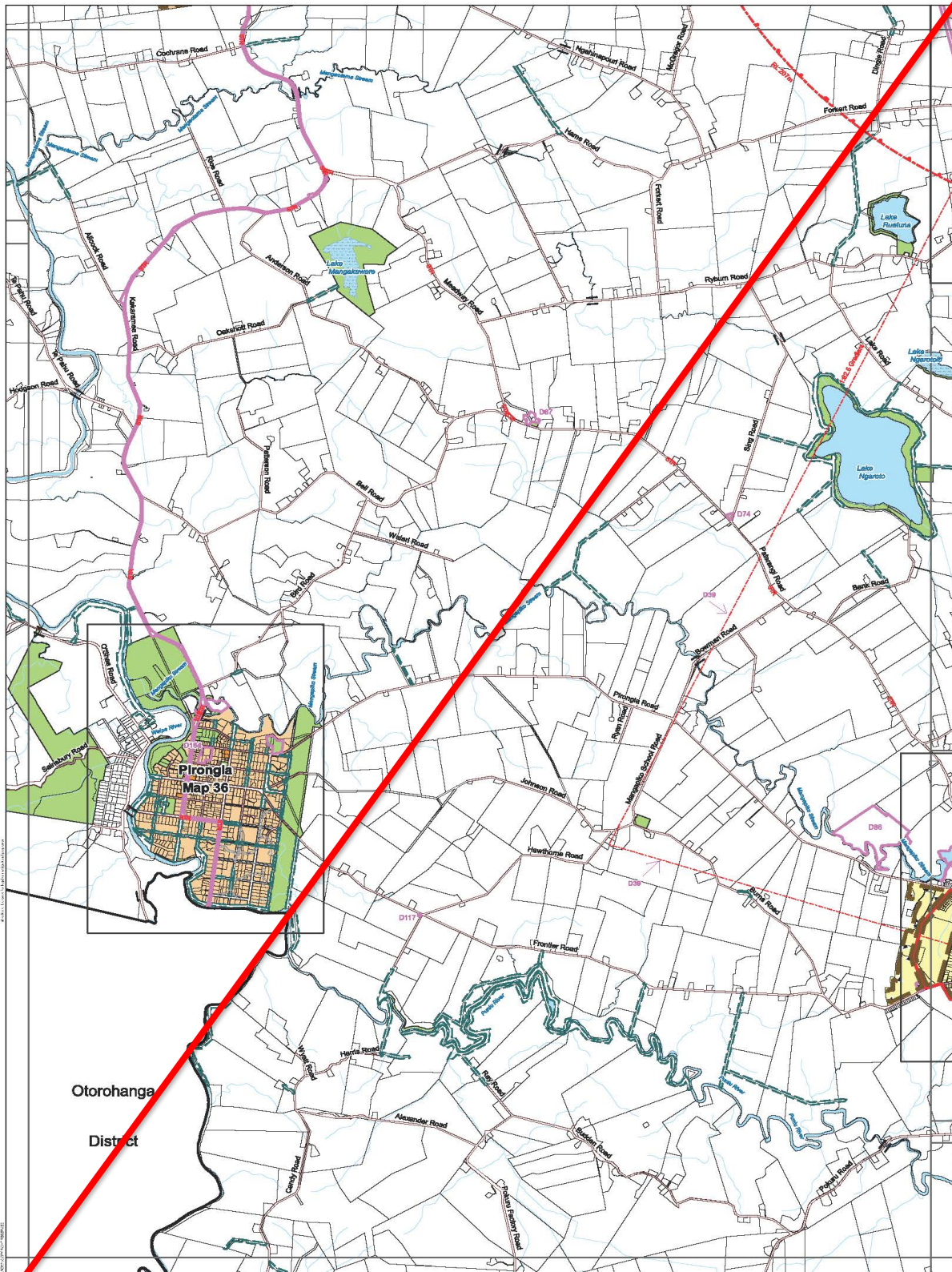
(a) Design approach

- (b) Street tree and amenity planting
- (c) Boundary treatments including planting and fencing
- (d) Wetland and reserve planting
- (e) Reserve and recreational play space
- (f) Cycleway and pedestrian network
- (g) Entrance and lighting features for the retirement village
- (h) Communal recreational areas in the retirement village.

#### S23.4.124 Indicative local road cross-sections

<u>Road Reserve width</u>	<u>Carriageway width</u>	<u>Lane width</u>	<u>Cycle width</u>	<u>Street parking width</u>	<u>Front berm</u>	<u>Footpath width</u>	<u>Utilities corridor</u>
<u>18-20m</u>	<u>5.7m total width within the 18m reserve. 9m inclusive of 1.5-2m planted median within the 20m reserve.</u>	<u>5.7m total width within the 18m reserve. 3.5m each within the 20m reserve.</u>	<u>On-street in 40km/hr or lower speed zones. Shared environment plus off-carriageway paths in 50km/hr or above speed zones.</u>	<u>2.2m indented bays</u>	<u>1m both sides</u>	<u>2 @ 1.5m</u>	<u>2.55m both sides</u>
<u>15-16m</u>	<u>5.7m</u>	<u>5.7m total width</u>	<u>Shared environment on-street.</u>	<u>2.2m indented bays</u>	<u>-</u>	<u>2 @ 1.5m</u>	<u>2.55m both sides</u>

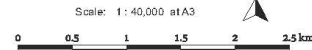
**7. Amend Planning Maps 7, 8 and 38 to rezone Stage 1 of the Te Awamutu T2 Growth Cell Structure Plan Area from Deferred Residential Zone to Residential Zone.**

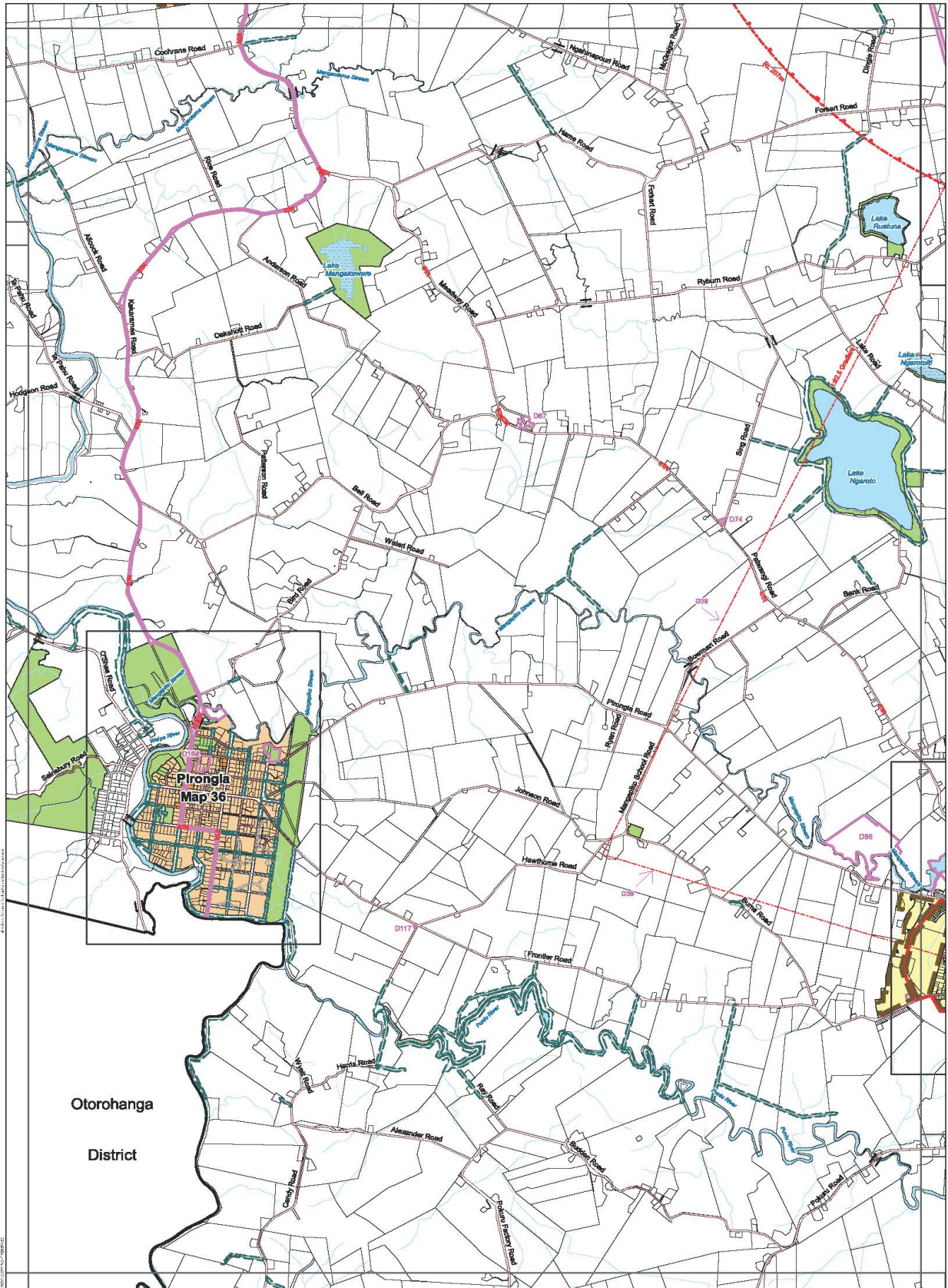


**7 Zones**



Waipa District Plan  
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Otorohanga  
District

**7** Zones

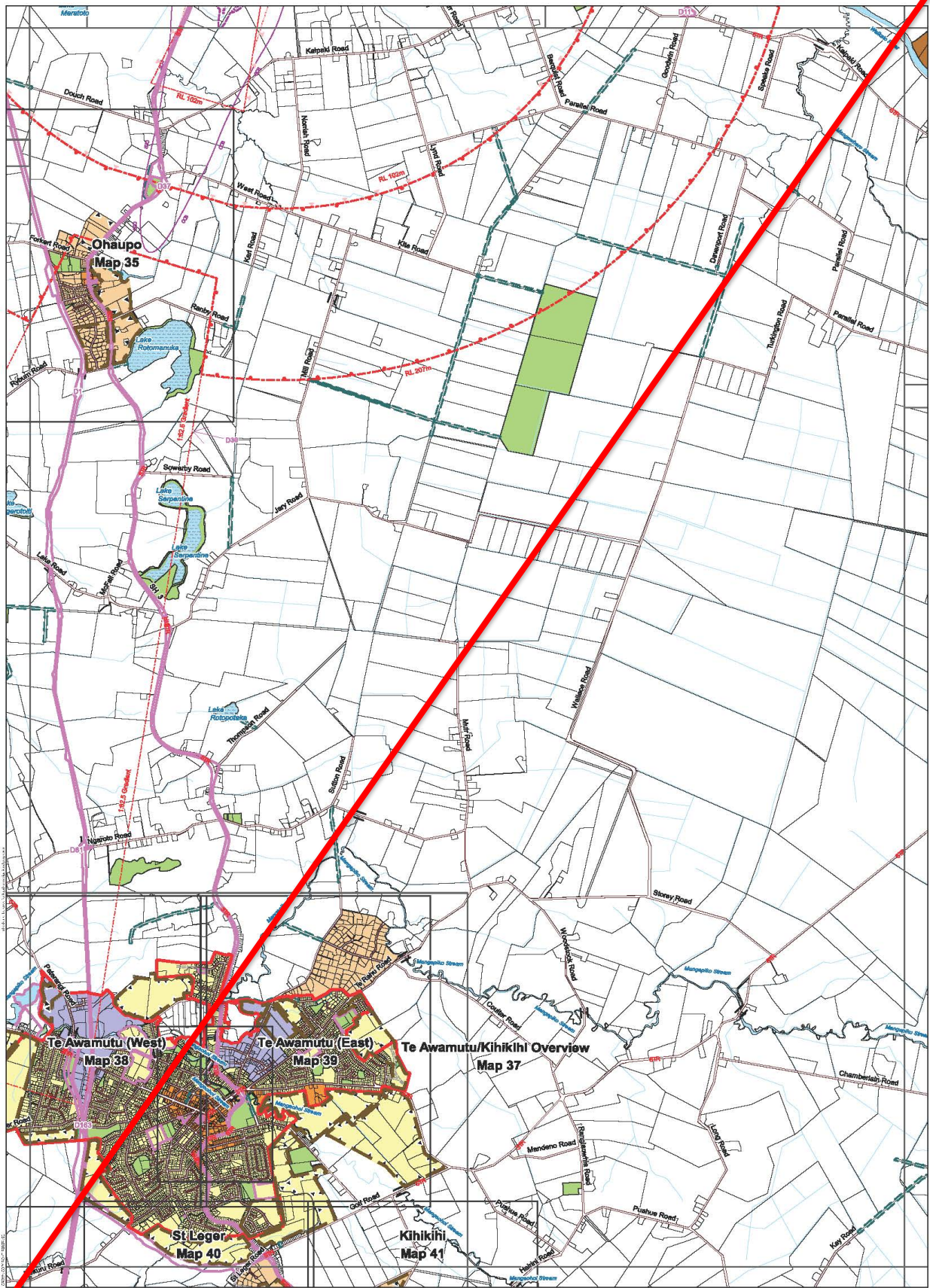


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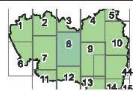
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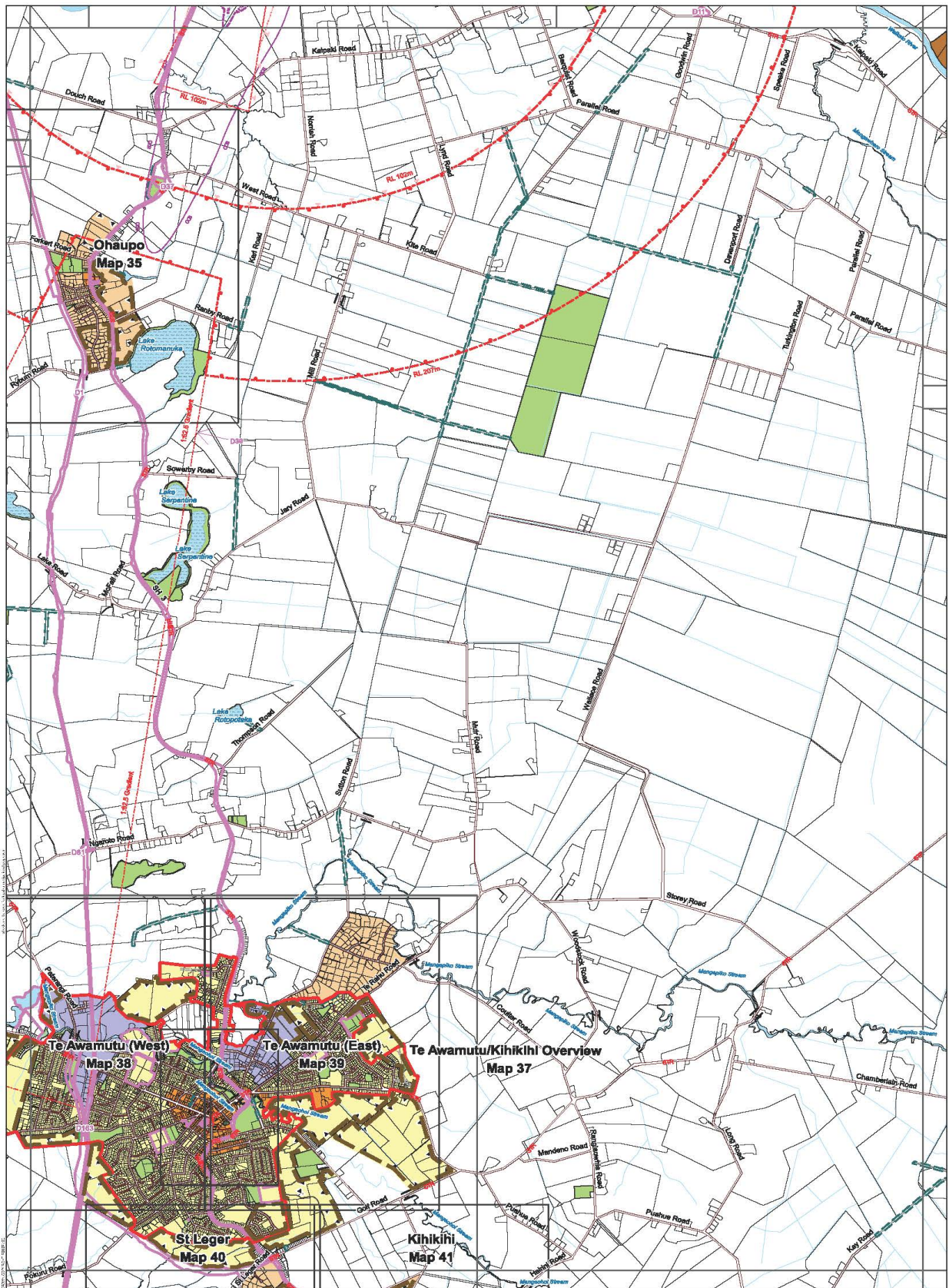


8 Zones

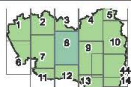


Ohaupo/Te Awamutu Overview  
 Waipa District Plan  
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8 Zones



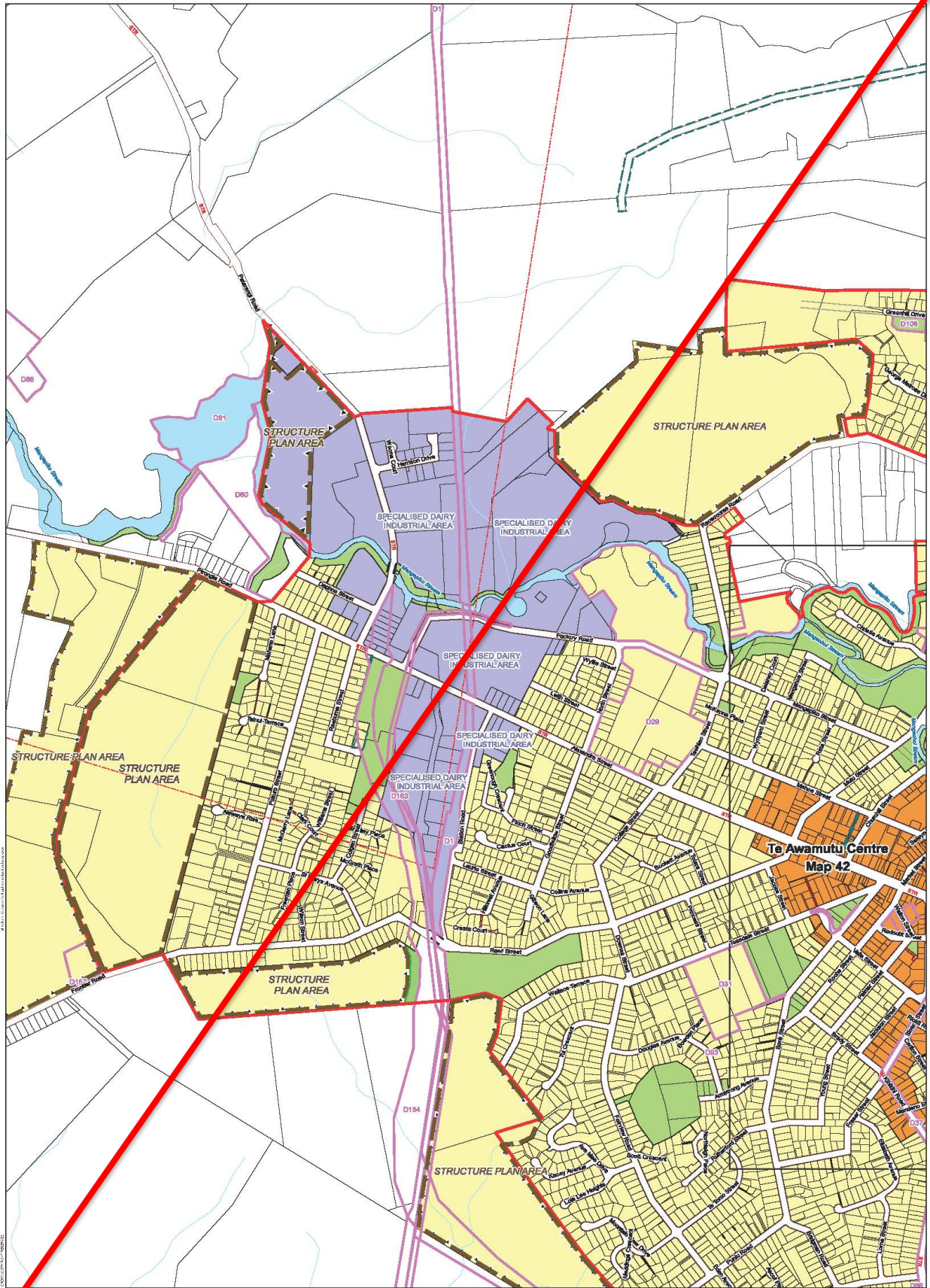
Ohaupo/Te Awamutu Overview

Waipa District Plan  
Page Version - 14 May 2021

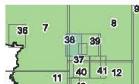
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**38** Zones



**Te Awamutu (West)**

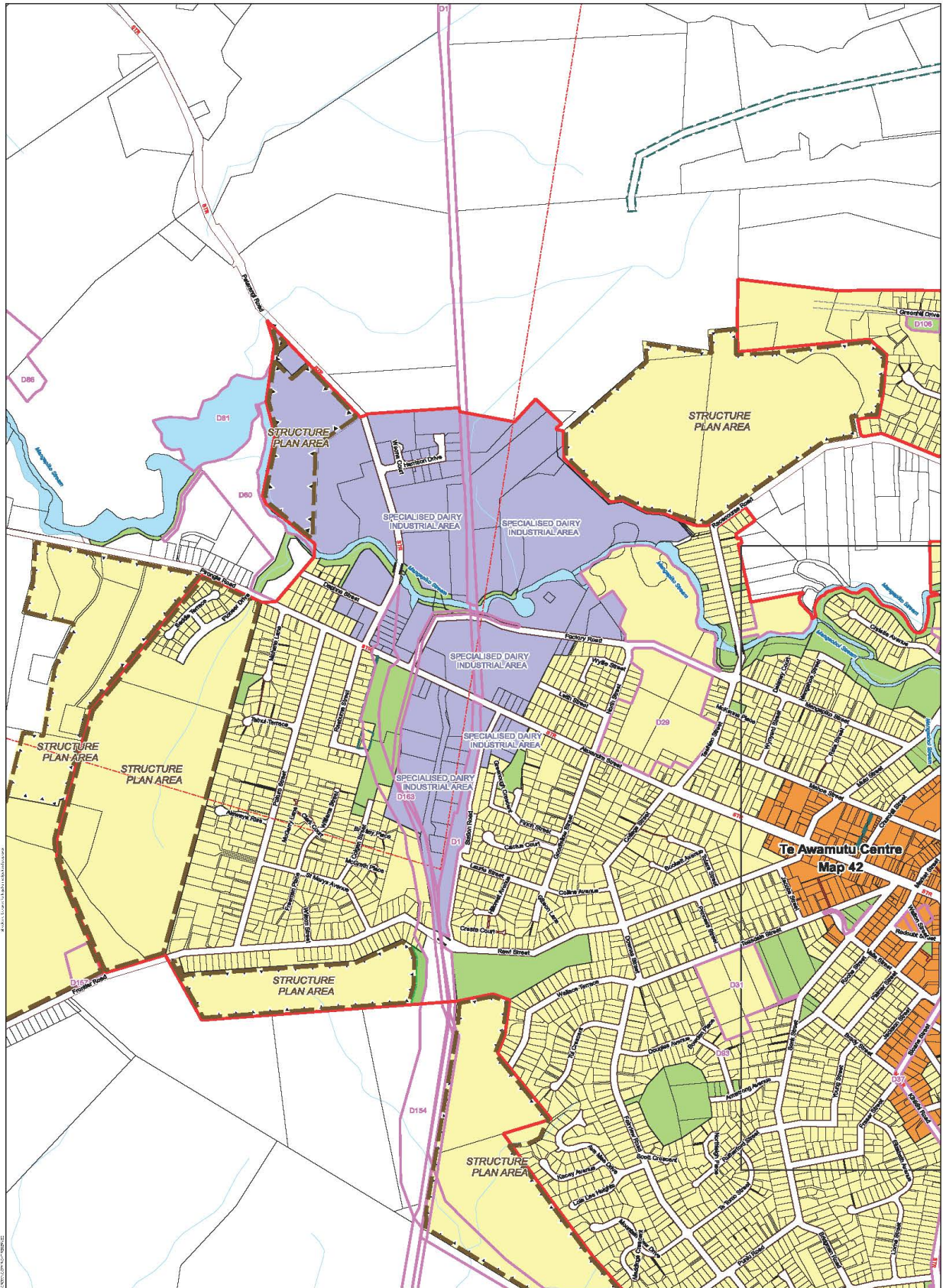
Waipa District Plan

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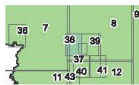
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**38** Zones



**Te Awamutu (West)**

Waipa District Plan

Page Version - 14 May 2021

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VERSION**

Scale: 1 : 10,000 at A3



8. **Addition of T2 Growth Cell Structure Plan to the Waipa District Plan (showing clear demarcation of Stages 1 and 2) as Appendix S23, and update to the T2 Growth Cell Structure Plan to provide a notation regarding the location of Council’s Heritage Schedule listing for Isla Bank.**