

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a hearing for Proposed Plan Change 17 – Hautapu
Industrial Zones to the Operative Waipā District Plan

STATEMENT OF EVIDENCE OF KATRINA ROSE ANDREWS

For the Waikato Regional Council

PLANNING

DATED 26 MAY 2023

INTRODUCTION

1. My name is Katrina Rose Andrews. I am a Policy Advisor in the Strategic and Spatial Planning Team at the Waikato Regional Council (WRC). I have been in this role since August 2022.
2. I hold a Bachelor of Environmental Planning from the University of Waikato and am an Intermediate Member of the New Zealand Planning Institute. I have over four years' experience in resource management planning within the Waikato region.
3. As a member of the Strategic and Spatial Planning Team for WRC I am involved in implementing the Waikato Regional Policy Statement (WRPS) and working with the territorial authorities of the Waikato region and with neighbouring regional councils to assist in the development of consistent integrated regional policy. This includes preparing submissions and planning evidence in relation to district plan changes.
4. I am also part of the project team for Proposed Waikato Regional Policy Statement Change 1 – National Policy Statement on Urban Development 2020 and Future Proof Strategy Update, which updates the WRPS to give effect to the National Policy Statement on Urban Development 2020.
5. Previous to my role at WRC, I was a resource consents planner at the Waikato District Council. This role involved processing a range of applications for land use and subdivision consent under the Resource Management Act 1991 (RMA) and providing planning guidance to customers on development proposals.
6. I confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2023. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

7. My statement of evidence is given on behalf of WRC. My statement reinforces the WRC further submission to Proposed Plan Change 17 – Hautapu Industrial Zones (PC17) and reflects my professional opinions as a resource management policy advisor.
8. WRC did not lodge an initial submission to PC17, however made a further submission via Clause 8, Schedule 1 of the RMA.
9. The further submission responded to submission points relating to two topics: the definition of 'dry industry' and associated policy and rules, and a request for additional rezoning of rural land by the Hautapu Landowners Group (HLG).

10. WRC did not file evidence in advance of the original hearing date for PC17. At the time that evidence was due, the part of HLG's submission requesting that its land be rezoned to Deferred Industrial Zone had been deemed "out of scope" by the Hearings Panel (as recorded in Minute #8) and WRC was not aware of the objection lodged by HLG against this decision. Instead, a letter to the Hearings Panel¹ was tabled outlining WRC staff's position on the Section 42A Report recommendations relating to the proposed definition, policy and rules for dry industry activities.
11. As the part of HLG's submission requesting additional rezoning has since been determined to be within scope of the proposed plan change (as recorded in Minute #11), my statement of evidence will focus on this request. I also note that the Addendum to the Section 42A Report on PC17 (hereon referred to as the 'Section 42A Addendum') responds to WRC's letter to the Panel and provides an updated recommendation in relation to the proposed definition of 'dry industry'.² I will therefore also comment briefly on this recommendation.
12. Accordingly, my evidence addresses the following:
 - The Section 42A Addendum recommendation in relation to 'dry industry'.
 - HLG's submission requesting that approximately 16ha of land adjoining the PC17 area be rezoned from Rural to Deferred Industrial Zone.

SUMMARY OF EVIDENCE

13. The WRC further submission addressed alignment of PC17 with the WRPS and National Policy Statement for Highly Productive Land 2022 (NPS-HPL), as well as stormwater management considerations in relation to 'dry industry' activities.
14. My statement of evidence discusses:
 - The proposed definition of 'dry industry' within PC17.
 - Assessment of the HLG rezoning request against the requirements for urban rezoning of highly productive land under the NPS-HPL.
 - Assessment of the HLG rezoning request against the relevant provisions of the WRPS and Proposed WRPS Change 1 - National Policy Statement on Urban Development 2020 and Future Proof Strategy Update.
15. I support the amendment to the definition of 'dry industry' recommended in the Section 42A Addendum in response to the WRC letter to the Hearings Panel dated 13 March 2023.
16. I am of the view that there is insufficient evidence to demonstrate that the requested rezoning of the HLG site to Deferred Industrial Zone meets the test under Clause 3.6(1)(a) of the NPS-

¹ Waikato Regional Council Letter to the Plan Change 17 Hearings Panel, dated 13 March 2023. [09. Waikato Regional Council Letter to the Hearings Panel - Proposed Plan Change 17 \(waipad.govt.nz\)](https://www.waipad.govt.nz/09-waikato-regional-council-letter-to-the-hearings-panel-proposed-plan-change-17)

² Addendum to Section 42A Hearing Report on Proposed Plan Change 17 Hautapu Industrial Zone, paragraphs 3.1.1-3.1.4.

HPL. I consider that further evidence is required in relation to this clause to demonstrate that the requested rezoning gives effect to the NPS-HPL.

17. I consider that an assessment of the HLG rezoning request is required against the relevant provisions of the WRPS, as well as provisions within Proposed WRPS Change 1, to inform decision-making on this aspect of the HLG submission and demonstrate that the rezoning gives effect to the WRPS as required under the RMA.

'DRY INDUSTRY' DEFINITION

18. In response to the WRC letter to the Hearings Panel, the Section 42A Addendum recommends a change to the proposed definition of 'dry industry' as follows:

Means any industrial operation that does not use water for processing, manufacturing, or production purposes; and does not discharge nor generate any liquid effluent from its operation (aside from domestic wastewater).

Includes any industrial operation that uses and/or disposes of water from processing, manufacturing and production but is self-contained on site. The activity does not require the use of council water and wastewater infrastructure and is adequately able to treat primary discharge stormwater ~~via~~ [prior to](#) soakage disposal on site.

19. I support this proposed amendment. It addresses the concerns, outlined in the WRC letter to the Panel, that without amendment the definition reads as implying that soakage disposal is an adequate primary treatment method for stormwater.

HAUTAPU LANDOWNERS GROUP REQUEST FOR ADDITIONAL REZONING

WRC Further Submission

20. In response to the part of HLG's submission seeking rezoning of approximately 16ha of land adjoining the PC17 area from Rural to Deferred Industrial Zone, the WRC further submission stated:

"The land requested by this submitter for rezoning is not identified for future industrial development in the district plan or Future Proof Strategy, which was endorsed by Future Proof partners, including Waipā District Council, in July 2022.

The decisions on the Future Proof Strategy were made on the basis that there is sufficient capacity for housing and business land in the Future Proof sub-region through existing zoned land and land identified for future development.

If additional rezoning was to be considered, there would need to be an assessment against the WRPS and [WRPS] Proposed Change 1....Further, as the land is classified as [Land Use Capability Class] 1 there would need to be an assessment against the WRPS objectives and

policies relating to high class soils (LF-O5, LF-P11 and LF-M41) and the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) prior to any rezoning.”

21. The following sections of my evidence will discuss these matters, with reference to statements of evidence prepared on behalf of HLG and the Section 42A Addendum.
22. I note that my evidence discusses the HLG request specifically in relation to alignment with the higher-order policy documents of the NPS-HPL and WRPS. I do not address the full range of relevant statutory documents or effects of the proposed rezoning, which are assessed in the Section 42A Addendum.

National Policy Statement for Highly Productive Land 2022

23. The NPS-HPL came into force on 17 October 2022 and has one objective; *“Highly productive land is protected for use in land-based primary production, both now and for future generations”*.
24. The NPS-HPL requires regional councils to map highly productive land within their regions and notify a proposed regional policy statement containing these maps no later than three years after the commencement date. In the interim, a transitional definition of ‘highly productive land’ applies under Clause 3.5(7) as follows:

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

- (i) zoned general rural or rural production; and*
- (ii) LUC 1, 2, or 3 land; but*

(b) is not:

- (i) identified for future urban development; or*
- (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

25. The PC17 area, including the C9 Growth Cell and ‘Area 6’, comprises Land Use Capability (LUC) Class 1 soils. However, as identified in the Section 42A Report, PC17 was notified prior to the commencement date of the NPS-HPL. Therefore, under Clause 3.5(7)(b)(ii), the NPS-HPL does not apply to the PC17 area as notified.

26. Mr Chrisp, in his statement of evidence on behalf of HLG, implies that if the additional 16ha of land sought to be rezoned by HLG is included as part of PC17, the NPS-HPL would also not apply to this area.³
27. The Section 42A Addendum, however, states that legal advice from counsel for Waipā District Council (WDC) has confirmed that the HLG site is subject to an assessment against the NPS-HPL.⁴ This is based on a recent Environment Court decision (*Balmoral Developments v Dunedin City Council [2023] NZEnvC 59*), where a submission on a plan change was held to not form part of a notified Council plan change, and therefore did not fall within the exemptions of Clause 3.5(7) of the NPS-HPL.
28. I agree that the HLG site does not fall within the exemptions under Clause 3.5(7)(b). At the commencement date of the NPS-HPL, the HLG land was not 'identified for future urban development' as defined in the NPS-HPL and was not subject to PC17 as notified.
29. This is consistent with the Ministry for the Environment's Guide to Implementation for the NPS-HPL, which states that "*With respect to submissions on proposed plans, plan changes or variations, submissions do not form part of a council-initiated or adopted plan change, and consideration of the NPS-HPL is relevant*".⁵
30. As the HLG site comprises LUC Class 1 soils and does not meet the above exemptions, it is considered 'highly productive land' and is therefore subject to an assessment against the NPS-HPL. The district plan must give effect to any national policy statement under RMA section 75(3)(a).
31. I agree with the opinion of Ms Bolouri that a request for Deferred Industrial rezoning meets the definition of 'urban rezoning' under the NPS-HPL.⁶ As identified in the Section 42A Addendum, Clause 3.6 is the relevant implementation clause for proposals seeking to rezone highly productive land from rural to urban.
32. Clause 3.6(1) requires that:

Tier 1 and 2 territorial authorities may allow urban rezoning of highly productive land only if:

(a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and

³ Statement of Evidence of Mark Chrisp, paragraph 8.1(c).

⁴ Addendum to Section 42A Hearing Report, paragraph 4.1.4.

⁵ National Policy Statement for Highly Productive Land: Guide to Implementation, prepared by the Ministry for the Environment, dated March 2023, page 18. [NPS-Highly-Productive-Land-Guide-to-implementation.pdf \(environment.govt.nz\)](https://www.environment.govt.nz/nps-highly-productive-land-guide-to-implementation.pdf)

⁶ Addendum to Section 42A Hearing Report, paragraph 4.1.8.

(b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and

(c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

33. This is supported by Clauses 3.6(2) and (3), which provide some guidance on the evaluation under Clause 3.6(1)(b), in relation to considering a range of reasonably practicable options for providing the required development capacity, “within the same locality and market”.
34. Policy 5 of the NPS-HPL is directive and requires that “*The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement*”. Therefore, urban rezoning of highly productive land can only occur when all three tests of Clause 3.6(1) are met.

Clause 3.6 Assessment

35. This section of my evidence refers to the NPS-HPL and the National Policy Statement on Urban Development 2020 (NPS-UD), as well as the Ministry for the Environment’s Guide to Implementation for the NPS-HPL (hereon referred to as ‘the Implementation Guide’).
36. I acknowledge that the Implementation Guide is not a policy statement nor plan and does not carry legal weight. However, the NPS-HPL is a relatively new national policy statement, and the guidance has been prepared by the Ministry for the Environment to help local authorities, applicants and planners understand and implement it.
37. Furthermore, as the NPS-HPL only has one objective, to protect highly productive land both now and for future generations, I consider it important that the policies and implementation clauses which give effect to this objective are applied and assessed as intended. The Implementation Guide provides a means to assist with this.
38. In relation to Clause 3.6(1)(a), the Implementation Guide states the following:

“The intent is the test could support the rezoning of HPL to an urban zone if needed to provide for short term (within next 3 years) and/or medium term (3–10 years) sufficient development capacity as this is required to be zoned for housing and business land for it to be ‘plan-enabled’ (refer Clause 3.4 of the NPS-UD). Rezoning HPL to an urban zone to provide for long-term development capacity (10–30 years) would not meet this test. This is to avoid the premature loss of HPL to urban rezoning and ensure the maximum amount of HPL remains available for land-based primary production until it is actually needed to be rezoned to provide sufficient development capacity.”⁷

⁷ NPS-HPL Implementation Guide, page 44.

39. In assessing Clause 3.6(1)(a), the Section 42A Addendum refers to the assessment undertaken by Mr Heath in his statement of evidence on behalf of HLG. I note that in reviewing the evidence in relation to Clause 3.6(1)(a), I do so within my expertise as a planner, not an economics expert.
40. Mr Heath's evidence explains that the Future Proof Business Development Capacity Assessment 2021 (BDCA) determined that there is sufficient industrial land capacity in the Cambridge-Karapiro area to meet demand in the short and medium terms. However, in the long term, there is a shortfall of approximately 3.1 hectares of industrial zoned land by 2050.⁸
41. Mr Heath, however, identifies that employment growth in the Future Proof area (of Hamilton City and Waipā and Waikato districts⁹) between 2020 and 2022 exceeded that projected in the BDCA for the longer three-year period of 2020 to 2023.¹⁰ He states that both the wider Future Proof area market and the Cambridge-Karapiro catchment are experiencing a more rapid rate of growth in the industrial market than anticipated by the BDCA.¹¹
42. Mr Heath concludes that *“with industrial growth in Cambridge tracking at twice the anticipated BCDA rate, if this is maintained then the estimated industrial land provision provided for within this area is likely to be consumed by 2035”*.¹²
43. The Section 42A Addendum, at Paragraph 4.1.11, states that *“it concluded that there is a shortfall of business land supply within the sub-region (including the Waipā District) and that additional land is required to meet demand over the short-term and medium-term. The additional 16ha that is proposed by HLG to be rezoned Deferred Industrial under PC17 is concluded to be necessary to provide sufficient development capacity in accordance with the NPS-UD”*.
44. I note that the Section 42A Addendum states that this position is corroborated by evidence from Mr David Totman on behalf of WDC and his involvement with Future Proof discussions, however I am unclear on how this conclusion was reached.
45. Mr Heath's evidence predicts that the industrial land allocation for the Cambridge area is likely to be consumed by 2035; this does not align with the NPS-UD and NPS-HPL definition of 'short term' (within the next three years) or 'medium term' (between three and ten years). Further, in assessing the impact of Plan Change 19, which rezoned land at Carter's Flat in Cambridge from industrial to commercial in January 2023, Mr Heath states that (my emphasis added in **bold**):

“In my opinion it is reasonable, and prudent for future planning, to expect an increase in industrial land demand or a greater shortfall in industrial land provisions in Cambridge.

⁸ Statement of Evidence of Tim Heath, paragraphs 18-20.

⁹ Noting that Matamata-Piako District Council has also joined Future Proof since the BDCA was prepared.

¹⁰ Statement of Evidence of Tim Heath, paragraph 23.

¹¹ Statement of Evidence of Tim Heath, paragraph 28.

¹² Statement of Evidence of Tim Heath, paragraph 30.

*However, based on my analysis, this expected larger shortfall in industrial land provisions is unlikely to be offset by the rezoning of the Kama Trust land in the **longer term**, particularly given that a portion of the land would be allocated for stormwater infrastructure requirements associated with the existing Industrial Zone and this site.”¹³*

46. In his statement of evidence, Mr Heath provides an assessment against Clause 3.6(4) of the NPS-HPL. This clause is not applicable to PC17, as it applies to territorial authorities that are not Tier 1 or 2 under the NPS-UD (WDC is a Tier 1 territorial authority). Regardless, Mr Heath states the following in relation to Clause 3.6(4)(a), which is similar to the applicable Clause 3.6(1)(a); *“my economic analysis, as well as the BCDA, indicates the rezoning of the Site to Deferred Industrial Zone is required to meet long industrial land sufficiency requirement of the district”*.¹⁴
47. I disagree with the conclusion reached in Paragraph 4.1.12 of the Section 42A Addendum that the HLG site meets this first test of Clause 3.6(1) of the NPS-HPL. In my opinion, there is not currently sufficient evidence to demonstrate that the approximately 16ha of Deferred Industrial Zone land sought in HLG’s submission is needed to meet a shortfall of industrial land in the short or medium term, as in the intention of the test under Clause 3.6(1)(a).¹⁵ In my reading of Mr Heath’s evidence, the conclusions reached appear to relate to a predicted long-term shortfall.¹⁶
48. Rezoning more rural land than is necessary to provide the required development capacity does not align with Clause 3.6(5) of the NPS-HPL, which requires that *“Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment”*.
49. I acknowledge that, as identified by Mr Heath and Ms Bolouri, the current BDCA for the Future Proof sub-region was prepared in 2021 and some aspects of this assessment are now out of date. An updated BDCA is currently being prepared for Future Proof, to inform an update to the Future Proof Strategy to meet the requirements of a Future Development Strategy under the NPS-UD. This process will enable the Future Proof partners to take an integrated, sub-regional approach to planning for development capacity to meet demand identified in the updated BDCA, as is the established approach for strategic planning across the sub-region.¹⁷
50. Overall, I consider that there is insufficient evidence to demonstrate that the requested rezoning of the HLG land meets the test under Clause 3.6(1)(a) of the NPS-HPL. In my view, further evidence is required to demonstrate that the requested rezoning gives effect to the NPS-HPL.

¹³ Statement of Evidence of Tim Heath, paragraph 40.

¹⁴ Statement of Evidence of Tim Heath, paragraph 50.

¹⁵ As explained in the NPS-HPL Implementation Guide.

¹⁶ Statement of Evidence of Tim Heath, see paragraphs 40, 50, 54 and 59.

¹⁷ An integrated approach to managing and protecting highly productive land across territorial authority boundaries is also supported by Clause 3.2(1)(b) of the NPS-HPL.

Waikato Regional Policy Statement

51. The WRC further submission stated that if rezoning of the HLG site was to be considered, an assessment is required against the WRPS and Proposed WRPS Change 1 - National Policy Statement on Urban Development 2020 and Future Proof Strategy Update ('Proposed Change 1').
52. The Section 32 and 42A Reports for PC17 provide an assessment of the proposed plan change against the WRPS and Proposed Change 1, however, no assessment against these documents has been undertaken in submitter evidence or the Section 42A Addendum in relation to the requested rezoning of the HLG site.

Operative WRPS

53. District plans are required to give effect to any regional policy statement under RMA section 75(3)(c).
54. Policy UFD-P11 of the WRPS relates to development within the Future Proof area. Of particular relevance to the HLG request, this policy directs that:

Within the Future Proof area:

1. *new urban development within Hamilton City, Cambridge, Te Awamutu/Kihikihi, Pirongia, Huntly, Ngāruawāhia, Raglan, Te Kauwhata, Meremere, Taupiri, Horotiu, Matangi, Gordonton, Rukuhia, Te Kowhai and Whatawhata shall occur within the Urban Limits indicated on Map 43 (5.2.10 Future Proof map (indicative only));*
- ...
3. *new industrial development should predominantly be located in the strategic industrial nodes in Table 35 (APP12) and in accordance with the indicative timings in that table except where alternative land release and timing is demonstrated to meet the criteria in UFD-M49;*
4. *other industrial development should only occur within the Urban Limits indicated on Map 43 (5.2.10 Future Proof map (indicative only)), unless there is a need for the industry to locate in the rural area in close proximity to the primary product source. Industrial development in urban areas other than the strategic industrial nodes in Table 35 (APP12) shall be provided for as appropriate in district plans;*
5. *new industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 35 shall not be of a scale or location where the development undermines the role of any strategic industrial node as set out in Table 35;*
- ...

7. *where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern; and...*
55. The HLG site is located outside of the Urban Limits indicated on Map 43 and represents an alternative land release that is not in accordance with the allocation limits and timing in Table 35. Therefore, an assessment against Method UFD-M49 is required, as well as consideration of the principles of the Future Proof land use pattern.
56. Method UFD-M49 directs that:
- District plans and structure plans can only consider an alternative residential or industrial land release, or an alternative timing of that land release, than that indicated in Tables 34 and 35 in APP12 provided that:*
- 1. to do so will maintain or enhance the safe and efficient function of existing or planned infrastructure when compared to the release provided for within Tables 34 and 35;*
 - 2. the total allocation identified in Table 35 for any one strategic industrial node should generally not be exceeded or an alternative timing of industrial land release allowed, unless justified through robust and comprehensive evidence (including but not limited to, planning, economic and infrastructural/servicing evidence);*
 - 3. sufficient zoned land within the greenfield area or industrial node is available or could be made available in a timely and affordable manner; and making the land available will maintain the benefits of regionally significant committed infrastructure investments made to support other greenfield areas or industrial nodes; and*
 - 4. the effects of the change are consistent with the development principles set out in APP11.*
57. For ease of reference, a copy of the general development principles under Appendix APP11, along with full copies of UFD-P11 and UFD-M49, are attached as Appendix 1 to this statement of evidence.
58. In relation to the above method, Principal Reason UFD-PR11 of the WRPS explains that:
- “UFD-M49 provides for some flexibility in the staged release of residential and industrial land while ensuring that the relevant growth management principles established in the Future Proof growth strategy are not compromised. The method provides an opportunity for district plans and structure plans to refine Table 35. The importance of Table 35 to the efficient integration of land use and infrastructure in the Future Proof sub-region is such that alternative land release is only expected to occur where comprehensive and robust evidence has been provided to satisfy the criteria in UFD-M49.”*
59. In regard to UFD-M49(2), as discussed above, I do not consider that sufficient evidence has been provided to demonstrate that the requested rezoning of the HLG land is required to meet a shortfall in industrial land in the short to medium term.

60. Ultimately, I consider that a full assessment of the HLG rezoning request is required against the relevant provisions of the WRPS. Without this I am unable to conclude that the proposed rezoning gives effect to the WRPS.

Proposed WRPS Change 1

61. Proposed Change 1 to the WRPS was notified on 18 October 2022, shortly after PC17. The purpose of Proposed Change 1 is to update the WRPS to give effect to the NPS-UD and reflect the updated Future Proof Strategy 2022.¹⁸

62. Submissions on Proposed Change 1 closed on 16 December 2022 and further submissions closed on 15 February 2023. A hearing was held on 8-9 May 2023 and is currently adjourned until 9 June 2023.

63. Section 74(2)(a) of the RMA requires that when changing a district plan, a territorial authority shall 'have regard to' any proposed regional policy statement. Therefore, the provisions of Proposed Change 1 are relevant for the Panel to consider when making a decision on PC17.

64. Policy UFD-P11 and Method UFD-M49 are proposed to be amended as part of Proposed Change 1. These amendments include adding references to proposed new Responsive Planning Criteria for out-of-sequence and unanticipated developments in APP13, which were highlighted in the WRC further submission as being of relevance to the HLG request.

65. The amendments proposed to these provisions are an important element of Proposed Change 1, as they are needed to address requirements within the NPS-UD relating to responsive planning.¹⁹ The proposed changes to UFD-M49 and APP13 also reflect the approach within the Future Proof Strategy 2022, which differentiates four types of out-of-sequence/unanticipated development.

66. Two criteria within proposed APP13 that I particularly wish to highlight in relation to the HLG request are:

- Criteria A(A) - *"That the development would add significantly to meeting a demonstrated need or shortfall for housing or business floor space, as identified in a Housing and Business Development Capacity Assessment or in council monitoring."*
- Criteria A(C) – *"That the development is consistent with the Future Proof Strategy guiding principles, and growth management directives (as set out in Sections B2, B3, B6, B7, B8, B9 and B11 of the strategy)."*

¹⁸ The Future Proof Strategy was updated in 2022 to reflect the Hamilton-Waikato Metropolitan Spatial Plan and Hamilton to Auckland Corridor Plan, as well as the NPS-UD. This update was undertaken using the special consultative procedure of the Local Government Act 2002.

¹⁹ NPS-UD, Policy 8 and Clause 3.8.

67. These criteria again link to points discussed earlier in this statement of evidence in relation to demonstrating that the proposed rezoning is required to meet a shortfall in industrial land and consistency with the Future Proof growth management approach.
68. Overall, I consider that an assessment of the HLG rezoning request should be undertaken against the provisions of Proposed Change 1, particularly UFD-P11, UFD-M49 and APP13 mentioned above, to inform decision-making on the rezoning request.

CONCLUSION

69. I support the amendment to the definition of 'dry industry' recommended in the Section 42A Addendum in response to the WRC letter to the Hearings Panel dated 13 March 2023.
70. I am of the view that there is insufficient evidence to demonstrate that the requested rezoning of the HLG land to Deferred Industrial Zone meets the test under Clause 3.6(1)(a) of the NPS-HPL. I consider that further evidence is required in relation to this clause to demonstrate that the requested rezoning gives effect to the NPS-HPL.
71. I consider that an assessment of the HLG rezoning request is required against the relevant provisions of the WRPS to ensure that the plan change is giving effect to the WRPS, as well as provisions within Proposed WRPS Change 1, to inform decision-making on this aspect of the HLG submission.
72. My conclusions and recommendations seek to give effect to the NPS-HPL and WRPS as higher-order policy documents under the RMA.



Katrina Rose Andrews
Policy Advisor
Strategic and Spatial Planning
Waikato Regional Council

26 May 2023

Appendix 1: Provisions of the Operative Waikato Regional Policy Statement (WRPS) referenced in this Statement of Evidence

UFD-P11 – Adopting Future Proof land use pattern

Within the Future Proof area:

1. new urban development within Hamilton City, Cambridge, Te Awamutu/Kihikihi, Pirongia, Huntly, Ngāruawāhia, Raglan, Te Kauwhata, Meremere, Taupiri, Horotiu, Matangi, Gordonton, Rukuhia, Te Kowhai and Whatawhata shall occur within the Urban Limits indicated on Map 43 (5.2.10 Future Proof map (indicative only));
2. new residential (including rural-residential) development shall be managed in accordance with the timing and population for growth areas in Table 34 (APP12);
3. new industrial development should predominantly be located in the strategic industrial nodes in Table 35 (APP12) and in accordance with the indicative timings in that table except where alternative land release and timing is demonstrated to meet the criteria in UFD-M49;
4. other industrial development should only occur within the Urban Limits indicated on Map 43 (5.2.10 Future Proof map (indicative only)), unless there is a need for the industry to locate in the rural area in close proximity to the primary product source. Industrial development in urban areas other than the strategic industrial nodes in Table 35 (APP12) shall be provided for as appropriate in district plans;
5. new industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 35 shall not be of a scale or location where the development undermines the role of any strategic industrial node as set out in Table 35;
6. new industrial development outside the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the arterial function of the road network, and on other infrastructure;
7. where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern; and
8. where land is required for activities that require direct access to Hamilton Airport runways and where these activities cannot be accommodated within the industrial land allocation in Table 35, such activities may be provided for within other land adjacent to the runways, providing adverse effects on the arterial road network and other infrastructure are avoided, remedied or mitigated.

The relevant objectives are:
<i>IM-O2 – Resource use and development</i>
<i>IM-O3 – Decision making</i>
<i>UFD-O1 – Built environment</i>

UFD-M49 – Criteria for alternative land release in the Future Proof area

District plans and structure plans can only consider an alternative residential or industrial land release, or an alternative timing of that land release, than that indicated in Tables 34 and 35 in APP12 provided that:

1. to do so will maintain or enhance the safe and efficient function of existing or planned infrastructure when compared to the release provided for within Tables 34 and 35;
2. the total allocation identified in Table 35 for any one strategic industrial node should generally not be exceeded or an alternative timing of industrial land release allowed, unless justified through robust and comprehensive evidence (including but not limited to, planning, economic and infrastructural/servicing evidence);
3. sufficient zoned land within the greenfield area or industrial node is available or could be made available in a timely and affordable manner; and making the land available will maintain the benefits of regionally significant committed infrastructure investments made to support other greenfield areas or industrial nodes; and
4. the effects of the change are consistent with the development principles set out in APP11.

UFD-PR11 – Adopting Future Proof land use pattern

UFD-P11 limits urban development to the land use pattern and sequencing that has been established through the Future Proof process. New urban development can occur in centres that do not have urban limits (areas not listed in UFD-P11(1)), as long as it is consistent with Tables 34 and 35. Parts (3) to (8), along with Table 35, provide clear guidance on where industrial development should occur in the Future Proof area. This is very important to ensure integrated planning of industrial land use and infrastructure. Future industrial development should focus on the support and protection of identified industrial nodes.

UFD-M47 recognises that although the Strategy has determined a settlement pattern for the Future Proof area, the detail of urban limit lines and future commercial and industrial development locations down to property level need to be determined through district plan processes. The method also recognises that district plan provisions, such as rules, need to ensure development is managed in accordance with UFD-P11.

UFD-M48 recognises that to achieve the Future Proof land use pattern, sufficient land needs to be zoned for development and that appropriate provisions need to be made for servicing this development.

UFD-M49 provides for some flexibility in the staged release of residential and industrial land while ensuring that the relevant growth management principles established in the Future Proof growth strategy are not compromised. The method provides an opportunity for district plans and structure plans to refine Table 35. The importance of Table 35 to the efficient integration of land use and infrastructure in the Future Proof sub-region is such that alternative land release is only expected to occur where comprehensive and robust evidence has been provided to satisfy the criteria in UFD-M49.

Map 43 provides an overview of urban limits in order to guide implementation of the settlement pattern at a district level. It is expected that district level planning mechanisms such as structure planning and district plan zoning will establish the urban limits at a property scale.

APP11 – Development principles

General development principles

New development should:

- a. support existing urban areas in preference to creating new ones;
- b. occur in a manner that provides clear delineation between urban areas and rural areas;
- c. make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;
- d. not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;
- e. connect well with existing and planned development and infrastructure;
- f. identify water requirements necessary to support development and ensure the availability of the volumes required;
- g. be planned and designed to achieve the efficient use of water;
- h. be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;
- i. promote compact urban form, design and location to:
 - i. minimise energy and carbon use;
 - ii. minimise the need for private motor vehicle use;
 - iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;
 - iv. encourage walking, cycling and multi-modal transport connections; and
 - v. maximise opportunities for people to live, work and play within their local area;
- j. maintain or enhance landscape values and provide for the protection of historic and cultural heritage;
- k. promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;
- l. maintain and enhance public access to and along the coastal marine area, lakes, and rivers;
- m. avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);
- n. adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;
- o. not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;
- p. be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;
- q. consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tangata whenua connections within an area should be considered;
- r. support the Vision and Strategy for the Waikato River in the Waikato River catchment;
- s. encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and
- t. recognise and maintain or enhance ecosystem services.