

SECTION 42A REPORT

Rebuttal Evidence

Hearing 1: Chapter 1 Introduction

Report prepared by: Debbie Donaldson, Perception Planning
Limited

Date: 1 October 2019



Contents

1. INTRODUCTION	4
1.1. BACKGROUND	4
2. PURPOSE OF THE REPORT	4
3. CONSIDERATION OF EVIDENCE RECEIVED	5
3.1. MATTERS ADDRESSED BY THIS REPORT	5
4. CORRECTIONS TO THE S42A REPORT	6
4.1. CORRECTIONS TO LIST OF SUBMITTERS AND FURTHER SUBMITTERS	6
4.2. FURTHER SUBMISSIONS	6
4.2.1. FURTHER SUBMISSIONS FROM T&G	6
4.2.2. FURTHER SUBMISSIONS FROM HORTICULTURE NEW ZEALAND	7
4.2.3. SUBMISSION FROM A NOAKES AND WITHERS FAMILY	10
4.2.4. CORRECTION TO FURTHER SUBMISSION NUMBERS	10
4.2.5. CORRECTION OF MINOR ERRORS	10
5. EVIDENCE IN SUPPORT OF S42A RECOMMENDATIONS	11
5.1. KIWIRAIL	11
5.2. TRANSPOWER	11
6. EVIDENCE ON CHAPTER 1.4 – ISSUES FOR WAIKATO	12
6.1. PORTS OF AUCKLAND LIMITED	12
6.2. TATA VALLEY LIMITED	12
6.3. HERITAGE NEW ZEALAND	14
7. EVIDENCE ON CHAPTER 1.4 – ISSUES FOR WAIKATO	15
7.1. HOUSING NEW ZEALAND	15
7.1.1. FURTHER SUBMISSION FROM ROSITA DARNES (FS1365.11)	17
7.2. MIDDLEMISS FARM HOLDINGS LTD	18
7.2.1. SUBMISSION 749.1	18
7.2.2. ORIGINAL SUBMISSION 749.2	21
7.2.3. ORIGINAL SUBMISSION 749.3	21
7.2.4. SUBMISSION 749.4	23
7.3. HAVELOCK VILLAGE	23

7.4. NEW ZEALAND STEEL HOLDINGS LIMITED	25
7.4.1. SUBMISSION 827.38	25
7.4.2. SUBMISSION 827.39	25
8. EVIDENCE ON OTHER MATTERS	27
8.1. E AND R FINLAY	27
9. S32AA ANALYSIS	27

I. INTRODUCTION

I.1. Background

1. My full name is Deborah Jane Donaldson. I am a Senior Planner with Perception Planning Limited, a resource management planning consultancy based in Martinborough in the Wairarapa.
2. I was contracted by the Waikato District Council (Council) in 2019 to provide recommendations in the form of a Section 42A report.
3. I wrote the original s42A report for Hearing I: Chapter I Introduction.
4. In the interests of succinctness I do not repeat the information contained in section I.1 to I.4 of the s42A report for Hearing I: Chapter I Introduction, and request that the Hearings Panel take this as read.

2. PURPOSE OF THE REPORT

5. Paragraph 18 in the directions of the Hearings Panel dated 26 June 2019, states:

If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.

6. The purpose of this report is to consider the primary evidence and rebuttal evidence filed by submitters and provide rebuttal evidence to the commissioners.
7. Evidence was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel¹:
 - a. Housing New Zealand Corporation [749, FS1269]
 - b. Middlemiss Farm Holdings Limited [794, FS1330]
 - c. Ports of Auckland Limited [FS1087]
 - d. Tata Valley Limited [574, FS1340]
 - e. Havelock Village Limited [FS1291]
 - f. Transpower [576, FS1350]
 - g. Heritage New Zealand [599, FS1323]

¹ Hearings Panel Directions 21 May 2019

- h. Kiwirail [986]
 - i. E and R Findlay [FS1311]
8. Late evidence was filed by the following submitters:
 - a. New Zealand Steel Holdings Limited [827] on 23 September 2019
 9. New Zealand Steel Holdings Limited sought leave for the filing of late evidence from the Hearings Panel on 23 September 2019.
 10. No rebuttal evidence was filed.

3. CONSIDERATION OF EVIDENCE RECEIVED

3.1. Matters addressed by this report

11. The main topics raised in evidence and rebuttal evidence from submitters included:
 - Corrections to the s42A Report
 - Submitters in Support of s42A Recommendations
 - Evidence on Chapter 1.4 Issues for the Waikato
 - Evidence on Chapter 1.5 What does this mean for Waikato
 - Evidence on other matters
12. In general, the submitters that provided evidence have focused their evidence on discrete submission points where they agree or disagree with my recommendations from the s42A report.
13. For this reason, I have structured the report by topic with the submissions grouped under the relevant topic heading. Analysis and recommendations are provided for each submitter.
14. In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:
 - s42A recommendations are shown in red text (with underline and ~~strike-out~~ as appropriate); and
 - Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

4. CORRECTIONS TO THE S42A REPORT

4.1. Corrections to list of Submitters and Further Submitters

15. Submitters have highlighted some minor errors in the List of Submitters and Further Submitters contained at beginning of the s42A report.
16. Mainland Poultry Limited (FSI265) is listed in the table, however Mainland Poultry Limited did not make a further submission in relation to Chapter I – Introduction. For this reason, I recommend that the s42A report is amended to remove reference to Mainland Poultry Limited (FSI265) from the list of Further Submitters.
17. Zeala NZ Ltd (trading as Aztech Buildings) made submissions relating to Chapter I. I note that this submitter has been referred to within the table as “Trading as Aztech Buildings”. I recommend that the s42A report is amended to refer to Zeala NZ Ltd (trading as Aztech Buildings) as opposed to ‘Trading as Aztech Buildings’, to correct this error.

4.2. Further Submissions

18. Following the publication of the s42A report, it was noted that further submissions from T&G and Horticulture New Zealand were omitted from the s42A report. These further submissions will now be addressed in this rebuttal evidence.

4.2.1. Further submissions from T&G

19. This table contains T&G’s further submissions and my recommendations on those points:

Further Submission Number	Original Submission Point	Support /Oppose	S42A Officer Recommendation on Further Submission
FSI171.62	680.11 (Federated Farmers NZ)	Support 680.11	Within the s42A report (para 146 and 152) it is recommended that the submission 680.11 is accepted. I maintain my recommendation within the s42A report and for this reason recommend the further submission of T&G (FSI17162) is accepted.
FSI171.63	680.14 (Federated	Support 680.14	Within the s42A report (Section 5.5.8.2) it is recommended that the submission 680.14 is accepted in part. I maintain my recommendation within the s42A report and for this reason recommend the further

	Farmers NZ)		submission of T&G (FSI 171.63) is accepted in part.
--	-------------	--	---

4.2.2. Further Submissions from Horticulture New Zealand

20. This table contains Horticulture New Zealand's further submissions and my recommendations on those points:

Further Submission Number	Original Submission Point	Support /Oppose	S42A Officer Recommendation on Further Submission
FSI 168.6	281.2 (Zeala Ltd trading as Aztech Buildings)	Oppose 281.2	Within the s42A report (para 127 and 138) it is recommended that submission 281.2 is rejected. I maintain my recommendation within the s42A report and for this reason I recommend the further submission of Horticulture NZ (FSI 168.6) is accepted.
FSI 168.16	372.4 (Auckland Council)	Support 372.4	Within the s42A report (para 189 and 191) it is recommended that submission 372.4 is rejected. For the reasons outlined in the s42A I recommend the further submission of Horticulture NZ (FSI 168.16) is rejected. It is noted however submission 372.4 will also be addressed within Hearing 3.
FSI 168.7	394.1 (Gwenith Sophie Francis)	Oppose 394.1	Within the s42A report (para 135-136 and 138) it is recommended that submission 394.1 is rejected. I maintain my recommendation within the s42A report and for this reason I recommend the further submission of Horticulture NZ (FSI 168.7) is accepted.
FSI 168.10	394.2 (Gwenith Sophie Francis)	Oppose 394.2	Within the s42A report (para 144 and 152) it is recommended that submission 394.2 is rejected. I maintain my recommendation within the s42A report and for this reason I recommend the further submission of Horticulture NZ (FSI 168.10) is accepted.
FSI 168.25	394.5 (Gwenith Sophie Francis)	Oppose 394.5	Within the s42A report (para 270 and 288) it is recommended that submission 394.5 is rejected. I maintain my recommendation within the s42A report

			and for this reason I recommend the further submission of Horticulture NZ (FSI 168.25) is accepted.
FSI 168.11	576.1 (Transpower NZ)	Oppose	Within the s42A report (para 152) it is recommended that submission 576.1 is accepted. I maintain my recommendation within the s42A report and for this reason I recommend the further submission of Horticulture NZ (FSI 168.25) is rejected.
FSI 168.5	680.9 (Federated Farmers NZ)	Support	Within the s42A report (para 124-125) it is recommended that submission 680.9 is rejected. This further submission has not altered my recommendation on this submission. For this reason, I recommend the further submission of Horticulture NZ (FSI 168.5) is rejected.
FSI 168.27	692.32 (WEL Networks Limited)	Oppose	Within the s42A report (para 282 and 286) it is recommended that submission 692.32 is accepted. This further submission has not altered my recommendation on this submission. For this reason, I recommend the further submission of Horticulture NZ (FSI 168.27) is rejected.
FSI 168.8	695.159 (Sharp Planning Solutions)	Oppose	Within the s42A report (para 135-136 and 138) it is recommended that submission 695.159 is rejected. I maintain my recommendation within the s42A report and for this reason I recommend the further submission of Horticulture NZ (FSI 168.8) is accepted.
FSI 168.9	794.3 (Middlemiss Farm Holdings Limited)	Oppose	Within the s42A report (para 135-136 and 138) it is recommended that submission 794.3 is rejected. Within this rebuttal evidence below, I recommend that the submission is accepted in part. I therefore recommend the further submission of Horticulture NZ (FSI 168.9) is accepted in part.
FSI 168.12	794.4 (Middlemiss Farm Holdings Limited)	Oppose	Within the s42A report (para 148-150) it is recommended that submission 794.4 is rejected. I maintain my recommendation within the s42A report and for this reason I recommend the further submission of Horticulture NZ (FSI 168.12) is accepted.
FSI 168.4	797.3 (Fonterra Limited)	Support	Within the s42A report (para 112 and 116) it is recommended that submission 797.3 is rejected. This further submission

			has not altered my recommendation on this submission. For this reason, I recommend the further submission of Horticulture NZ (FSI 168.4) is rejected.
FSI 168.13	797.5 (Fonterra Limited)	Support	Within the s42A report (para 152) it is recommended that submission 797.5 is accepted. I maintain my recommendation within the s42A report and for this reason I recommend the further submission of Horticulture NZ (FSI 168.13) is accepted.
FSI 168.14	797.6 (Fonterra Limited)	Support	Within the s42A report (para 166) it is recommended that submission 797.6 is accepted. I maintain my recommendation within the s42A report and for this reason, I recommend the further submission of Horticulture NZ (FSI 168.13) is accepted.
FSI 168.23	797.7 (Fonterra Limited)	Support	Within the s42A report (para 226) it is recommended that submission 797.7 is accepted. I maintain my recommendation within the s42A report and for this reason I recommend the further submission of Horticulture NZ (FSI 168.23) is accepted.
FSI 168.1 FSI 168.3 FSI 168.17 FSI 168.18 FSI 168.19 FSI 168.20 FSI 168.21 FSI 168.22	81.14 81.83 81.84 81.85 81.86 81.87 81.88 81.89	Support	Within the s42A report (para 156-159) it is recommended that the listed submissions are rejected. These further submissions have not altered my recommendation on these submission. For this reason, I recommend the further submissions of Horticulture NZ are rejected.
FSI 168.26	942.44 (Tainui o Tainui)	Oppose	Within the s42A report (para 277-278 and 288) it is recommended that submission 942.44 is rejected. I maintain my recommendation within the s42A report and for this reason I recommend the further submission of Horticulture NZ (FSI 168.26) is accepted.

4.2.3. Submission from A Noakes and Withers Family

21. An email was received from John Manning of Planman Consultants Limited², stating that submissions from A Noakes (524) and Withers Family Trust (598) regarding Chapter 1.12.1 had not been directly addressed in the s42A report.
22. These submissions were not addressed in the s42A report as the submissions and further submissions relating to Chapter 1.12.1 will be heard within Hearing 3. For this reason, I have not addressed these submissions within this rebuttal evidence.

4.2.4. Correction to Further Submission numbers

23. In Tata Valley Limited's evidence, Ms Fisher³ highlighted some minor amendments required to Appendix I of the s42A report to correct errors in the referencing of further submission point numbers.
24. I recommend that Appendix I (page 12) of the s42A report is amended to read:

Original	574 - TaTa Valley Limited	574.8		Neutral/Amend	Rejected	5.4.4.2
Further	Mercury NZ Limited	574.8	FSI384.1056	Oppose	Reject	5.4.4.2

Original	574 - TaTa Valley Limited	574.19		Support	Accepted in part	5.4.4.2
Further	Mercury NZ Limited	574.19	FSI 384.1045	Oppose	Accept in part	5.4.4.2

4.2.5. Correction of Minor errors

25. It is noted that paragraph 105 of the s42A report reads:

10 submissions and 23 further submissions were received in relation to Chapter 1.4.3 – Economic growth.

26. This should refer to Chapter 1.4.2, not Chapter 1.4.3.

² Email from John Manning to Waikato District Council dated 18th September 2019

³ Statement of Primary Evidence of Ailsa Jean Fisher on behalf of Tata Valley Limited – Planning - 16th September 2019

5. EVIDENCE IN SUPPORT OF S42A RECOMMENDATIONS

5.1. Kiwirail

27. A letter was received from Kiwirail⁴, confirming that Kiwirail agrees with the recommendations contained within the s42A report with respect to the following submissions:

- 986.1
- 986.2
- 986.3

Recommendation

28. No further analysis is required and I recommend that the recommendations contained in the s42A report on these submission points stand.

5.2. Transpower

29. A letter was received from Transpower⁵, confirming that Transpower agrees with the recommendations contained within the s42A report with respect to the following submissions:

- 576.1
- 576.2
- 576.3
- 576.4
- 576.49
- FS1350.1

Recommendation

30. No further analysis is required and I recommend that the recommendations contained in the s42A report on these submission points stand.

⁴ Letter from Pam Butler, Kiwirail dated 11th September 2019.

⁵ Letter from Pauline Whitney, Transpower dated 16th September 2019.

6. EVIDENCE ON CHAPTER 1.4 – ISSUES FOR WAIKATO

6.1. Ports of Auckland Limited

31. Written evidence was received from Mark Nicolas Arbuthnot for Ports of Auckland Limited (POAL)⁶.
32. POAL made a further submission (FSI087) supporting the primary submission of Future Proof Implementation Committee (606.1), which sought to retain the issues outlined in Chapter 1.4 as notified. Within the s42A report (Appendix I page 13) it was recommended that both the original submission and this further submission was accepted in part.
33. Mr Arbuthnot's evidence agrees with the recommended changes to Chapter 1.4 as outlined within the s42A report.

Recommendation

34. For this reason, it is recommended that the recommendation within the s42A at Appendix I (page 13) remains, and the further submission of POAL(FSI087) is accepted in part.

6.2. TaTa Valley Limited

Analysis

35. Written evidence was received from Alisa Jean Fisher on behalf of Tata Valley Limited⁷.
36. The original submission of Tata Valley Limited (574.8) sought an amendment to Chapter 1.4.3.1(a) to include the following sentence '*These activities also provide tourism opportunities to showcase the districts rural character and activities*'.
37. An assessment of this submission is provided within paragraph 129 and 138 of the s42A report. The s42A report recommends that the submission is rejected.
38. In evidence, Ms Fisher states⁸ that 'In terms of relief sought by submission 574.8 the proposed amendment (outlined above) provides for vertical integration as it forms part of the combined and integrated set of changes to the Proposed Plan to provide for the

⁶ Statement of Evidence of Mark Nicholas Arbuthnot for Ports of Auckland Limited in relation to Hearing 1 – Chapter 1 Introduction, 16th September 2019

⁷ Statement of Primary Evidence of Ailsa Jean Fisher on behalf of Tata Valley Limited – Planning - 16th September 2019

⁸ Statement of Primary Evidence of Ailsa Jean Fisher on behalf of Tata Valley Limited – Planning - 16th September 2019, para 7.4

bespoke Resort Zone'. Ms Fisher considers that rural tourism is an important resource management issue that should be acknowledged in the Plan⁹.

39. In addition, Ms Fisher considers that 'rural tourism is an important resource management issue that should be acknowledged in the Plan... The tourist sector is one of New Zealand's key industries and subsequently needs to be given consideration and incorporation within into the PWDP'. Ms Fisher points to parts of the WRPS, the Waikato Economic Development Strategy 2015 (WEDS) and the Waikato District Blueprint where economic growth, including the tourism sector, is discussed¹⁰.
40. Ms Fisher also highlights (with reference to the further submission of Perry International Trading Group Limited (FSI348.14)) Zealong Tea Estate as an existing and successful productive rural activity and tourism activity.
41. I appreciate the information that has been provided in Ms Fisher's evidence, and I acknowledge that rural activities may provide the opportunity for tourism related activities. I consider that acknowledging the potential of rural activities to create tourism opportunities could be provided for within Chapter 1.4.3.1.

Recommendation and Recommended Amendments

42. I recommend, however, that the wording as proposed by Tata Valley Limited's (574.8) submission is amended slightly as follows:
- (a) *Productive rural activities are those activities that use rural resources for economic gain or which cannot be carried out easily or appropriately in an urban setting. Farming **Rural**¹¹ activities, including dairy, dry stock, horse breeding/training, honey production, horticulture, pig and poultry, mining, and forestry are all significant industries in economic terms for the Waikato district. These activities may also provide tourism opportunities to showcase the districts rural character and activities'. (Tata Valley Limited (574.8))*
43. In light of this analysis, the S42A recommendation for Tata Valley Limited's (574.8) submission should be changed from 'reject' to 'accept in part', and Appendix I (page 12) of the s42A report is amended as follows:

Original	574 - TaTa Valley Limited	574.8		Neutral/ Amend	Rejected Accept in	5.4.4.2
-----------------	----------------------------------	--------------	--	---------------------------	-------------------------------	----------------

⁹ Statement of Primary Evidence of Ailsa Jean Fisher on behalf of Tata Valley Limited – Planning - 16th September 2019, para 7.5

¹⁰ Statement of Primary Evidence of Ailsa Jean Fisher on behalf of Tata Valley Limited – Planning - 16th September 2019, para 7.5

¹¹ RMA 1991 Schedule 1, Clause 16 (Minor Amendment)

					part	
Further	Charlie Harris	574.8	FSI303.50	Support	Reject Accept in part	5.4.4.2
Further	Mercury NZ Limited	574.8	FSI384.105 6	Oppose	Reject Accept in part	5.4.4.2
Further	New Zealand Health Food Park Limited	574.8	FSI301.50	Support	Reject Accept in part	5.4.4.2
Further	Perry International Trading Group Limited	574.8	FSI348.14	Support	Reject Accept in part	5.4.4.2
Further	Te Whakakitenga o Waikato Incorporated	574.8	FSI108.87	Oppose	Accept Accept in part	5.4.4.2

6.3. Heritage New Zealand

Analysis

44. Written evidence was received from Carolyn Anne McAlley on behalf of Heritage New Zealand Pouhere Taonga with respect to submission point 559.6.
45. This submission (559.6) sought to include a discussion relating to historic heritage in Chapter 1.4. My analysis of this submission is discussed in detail in paragraphs 174-178 of the s42A report, but in summary I recommended the inclusion of a new section to Chapter 1.4, specifically discussing historic heritage.
46. Ms McAlley's evidence generally supports the s42A report's recommendation, but she requests amendments to better align the issue with historic heritage in the proposed District Plan. Ms McAlley seeks the following amendments (in black text) to the wording proposed in the s42A:
- "1.4.6 Historic Heritage*
The Resource Management Act requires that the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. The finite historic H heritage resources, some of which are often fragile, and may be adversely affected by activities, development or lack of care and maintenance. There is a need to allow communities to alter and grow, while ensuring that significant historic heritage resources are recognised and protected so they are retained for both present and future generations".
47. Ms McAlley provided analysis for the amendments in paragraph 5.1 of her evidence.

48. I consider that the amendments proposed in Ms McAlley's evidence provide greater clarity of the issue, and reflect the policy and rule framework in the proposed plan that relate to historic heritage.

Recommendation and Recommended Amendments

49. I recommend the following amendment to the recommendations in paragraph 180 of the s42A report (the suggested text is blue).
50. Amend chapter 1.4.6 Historic Heritage to read as follows:

The Resource Management Act requires that the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. The finite historic heritage resources, some of which are often fragile, and may be adversely affected by activities, development or lack of care and maintenance. There is a need to allow communities to alter and grow, while ensuring that significant historic heritage resources are recognised and protected so they are retained for both present and future generations". (Heritage New Zealand (559.6))

51. I continue to recommend that Heritage New Zealand's (559.6) submission is accepted as outlined within Appendix I (page 12) of the S42A report. I also recommend that the further submission from Mercury NZ Limited (FS1384.102) is rejected as outlined within Appendix I.

7. EVIDENCE ON CHAPTER 1.4 – ISSUES FOR WAIKATO

7.1. Housing New Zealand

52. Written evidence was received from Matthew Armin Lindenberg on behalf of Housing New Zealand Corporation (Housing NZ)¹².
53. Housing NZ's (749.91) original submission sought to add the following text to Chapter 1.5.4 – Urban Growth.

d) Urban growth and residential development should focus on a compact urban form with growth concentrated in and around existing town centres and urban settlements.

¹² Evidence of Matthew Armin Lindenberg for Housing New Zealand Corporation (749, FS1269) – Planning - 16th September 2019

54. I analysed this submission in paragraphs 223-225 of the s42A report, where I recommended rejecting the submission.
55. The written evidence received from Housing NZ (at para 5.4), highlights that Housing NZ strongly support the approach of concentrating growth around existing towns and villages, by focusing urban growth on centres and transport nodes and corridors. Housing NZ considers that this approach implements the directives in the NPS-UDC.
56. Mr Lindenberg's evidence suggests alternative wording to what was proposed in Housing NZ's original submission in order to emphasise and reaffirm the 'compact urban form' growth model set out in the future proof strategy, and to link the discussion in Chapter 1.5.1 with the discussion in Chapter 1.5.4. Mr Lindenberg proposes the following changes (underlined)¹³;

1.5.4 Urban Development

(c) It is important that the district's settlement pattern is consistent with the Future Proof Strategy's 'compact urban form' settlement pattern, as set out in the (RPS), with the expectation that any growth within Waikato district is managed within the population and land allocation limits, as included within the WRPS or as addressed by the Future Proof Strategy and any subsequent changes made to the WRPS.

57. I consider the alternative wording proposed by Mr Lindenberg does provide a link between compact urban form and urban growth in Chapter 1.5, which are two outcomes that the Plan seeks to achieve in the district which are intrinsically linked.

Recommendation and Recommended Amendments

58. I recommend that the minor amendment to the wording of Chapter 1.5.4 as proposed in Mr Lindenberg's evidence is accepted.
59. I recommend the following amendments;
- Amend Chapter 1.5.4(c) to read;
- (c) It is important that the district's settlement pattern is consistent with the Future Proof Strategy's compact urban form settlement pattern, as set out in the (RPS), with the expectation that any growth within Waikato district is managed within the population and land allocation*

¹³ Evidence of Matthew Armin Lindenberg for Housing New Zealand Corporation (749, FS1269) – Planning - 16th September 2019 paragraph 5.11

limits, as included within the WRPS or as addressed by the Future Proof Strategy and any subsequent changes made to the WRPS. (Housing NZ(749.91))

60. I therefore also recommend that the S42A recommendation about HNZC's submission (749.91) is changed from 'reject' to 'accept in part', and that Appendix I (page 18) of the s42A report is amended as follows (amendments in blue):

Original	749 - Housing New Zealand Corporation	749.91		Neutral/Amend	Rejected <u>Accept in part</u>	5.5.5
Further	Mercury NZ Limited	749.91	FSI384.46	Oppose	Accept <u>Accept in part</u>	5.5.5
Further	Auckland Council	749.91	FSI129.6	Support	Reject <u>Accept in part</u>	5.5.5
Further	New Zealand Transport Agency	749.91	FSI202.34	Support	Reject <u>Accept in part</u>	5.5.5
Further	Rosita Dianne-Lynn Darnes	749.91	FSI368.11	Support	Reject <u>Accept in part</u>	5.5.5

7.1.1. Further submission from Rosita Darnes (FSI365.11)

61. An email was received from John Manning of Planman Consultants Limited in relation to the Housing NZ submission (749.91). His email stated that the further submission from Rosita Darnes (FSI365.11) on Housing NZ's submission (749.91) was not directly addressed in the s42A report. Ms Darnes' further submission supported Housing NZ's submission.
62. While the further submission was not directly addressed in the S42A analysis of the original submission, it is referred to in the table in relation to submission point 749.91, and in Appendix I (page 18) of the S42A report along with a recommendation, and was considered during the analysis of the original submission. Given the large number of further submissions, further submissions were only directly referred to in the body of the report where they specifically provided information that was relied on for the assessment. FSI 365.11 did not introduce any new information. For these reasons, the submission was not specifically referenced in the analysis section of the s42A report.
63. No changes are therefore necessary.

7.2. Middlemiss Farm Holdings Ltd

64. Written evidence was received from Shane Alexander Hartley on behalf of Middlemiss Farm Holdings Ltd¹⁴.

7.2.1. Submission 749.1

Analysis

Amendments to Chapter 1.4.2.3(a)(vi)

65. Mr Hartley's evidence (paragraphs 4.1- 4.16) relates to changes sought to Chapter 1.4.2.3(a)(vi) in Middlemiss Holdings Limited's original submission (794.1). The amendments to Chapter 1.4.2.3(a)(vi) as requested by Middlemiss Holdings Limited (794.1) were recommended to be rejected as discussed in the s42A report at paragraphs 109 and 116 and in Appendix 1.
66. Mr Hartley states that as it currently reads, the issue in Chapter 1.4.2.3(a)(vi) is incorrectly worded. He considers it is too limited in scope as it generically references all subdivisions and intensification, and ignores other threats to the soils resource¹⁵. Mr Hartley goes on to reference provisions of the RPS and the Auckland Unitary Plan. He maintains that the amendment proposed to Chapter 1.4.2.3(a)(vi) in the original submission of Middlemiss Holdings Limited is appropriate because the objective, policies and methods following from it would be more focused on addressing the soil qualities that should be protected.
67. While I appreciate the information provided in Mr Hartley's evidence, I maintain my position that the *"wording as proposed by the submitter would result in a clause that says that soil quality and soil resources are under threat from all subdivision and that all intensification of land use is inappropriate. In practice, subdivision and intensification of land use would (in most cases) require resource consent to establish. The associated decision-making process would involve an assessment and determination as to whether the proposed development is appropriate, and resource consent would only likely be granted when there is no threat to soil quality and soil resources"*¹⁶.
68. The purpose of Chapter 1.4.2.3(a) is to 'generally' identify economic issues that the district is facing and that the Plan provisions have been developed to address. The purpose of 1.4.2.3(a)(vi) is to identify that due to subdivision and intensification of land, soil resources

¹⁴ Statement of Primary Evidence of Shane Alexander Hartley on behalf of Middlemiss Farm Holdings(Sub 794 and FS1330) 16th September 2019

¹⁵ Statement of Primary Evidence of Shane Alexander Hartley on behalf of Middlemiss Farm Holdings(Sub 794 and FS1330) 16th September 2019, paragraph 4.2

¹⁶ S42A Paragraph 109.

and soil quality are under threat. The provisions of the Plan then provide for the ways in which this threat will be managed¹⁷.

69. For these reasons, I maintain my recommendation that the submission of Middlemiss Holdings Limited (794.1) be rejected, for the reasons as outlined in the s42A report at paragraphs 109 and 116 and in Appendix 1.
70. I note that Mr Hartley's evidence proposes amendments to the definition of High Class Soils in the proposed Waikato District Plan. This definition is not being considered in Hearing 1 but will be addressed in Hearing 5 – Definitions¹⁸. For these reasons, I do not provide any further analysis of Mr Hartley's evidence on this matter.

Amendments to Chapter 1.4.2.3(a)(ix)

71. Paragraphs 4.1- 4.16 of Mr Hartley's evidence relate to changes sought to Chapter 1.4.2.3(a)(ix) in the original submission of Middlemiss Holdings Limited (794.1), requesting the addition of a reference to the '*sustainability of ecosystem services*'. Mr Hartley maintains the request to make appropriate reference to 'ecosystem services' at this level in the Plan.
72. Mr Harley refers to the use of the term 'ecosystem services' within the Waikato Regional Policy Statement (WRPS) and documents relating to appeals on the Auckland Unitary Plan.
73. I note that the terms 'ecosystem services' is used in Rules 22.2.8 and 22.2.9 in the proposed District Plan. The rules relate to 'Indigenous vegetation clearance outside a Significant Natural Area (SNA)'. There is no definition of 'ecosystem services' provided for within the proposed District Plan. The Glossary of the WRPS defines ecosystem services as;

Ecosystem services – the benefits people obtain from ecosystems. These include:

- a) provisioning services (such as food and water);
- b) regulating services (such as flood and disease control);
- c) cultural services (such as spiritual, recreational, and cultural benefits); and
- d) supporting services (such as nutrient cycling);

that maintain the conditions for life on Earth.

74. The purpose of Chapter 1.4 of the Introduction is to outline the issues for the Waikato District, and in particular Chapter 1.4.2.3 identifies economic challenges facing the district.

¹⁷ Proposed Waikato District Plan, Objective 5.1.1, Objective 5.2.1, Policy 5.2.2 and Policy 5.2.3

¹⁸ Middlemiss Farm Holdings Ltd have made a further submission in opposition to the original submission of Horticulture NZ (419.124) on the definition of 'High Class Soils'

75. Paragraph 4.21 of Mr Harley's evidence notes that 'reference (to ecosystem services) enables consideration of the more holistic and comprehensive objectives, policies and methods to address the issue, including consideration of economic development opportunities and constraints within the umbrella of 'ecosystem services'.'
76. It is important to note that including a reference to 'ecosystem services' in the economic issues for the district (Chapter 1.4.2.3) will not result in the term being used more within the Plan, nor would it would result in more comprehensive objective, policies or methods within the Plan to address 'ecosystem services'. It will, however, acknowledge the economic development challenges for the district that comes from growth pressure, while maintaining and enhancing the natural environment and the sustainability of ecosystem services.
77. WRPS method 11.1.2 requires district plans to recognise that adverse effects on biodiversity may include loss of ecosystem services. This requirement is addressed later in the PWDP, but it would be helpful to add reference to ecosystem services in Chapter 1.4.2.3.
78. In light of Mr Hartley's evidence, and that ecosystem services relate specifically to the benefits that people obtain from ecosystems¹⁹, I consider that it would be appropriate to reference ecosystem services in Chapter 1.4.2.3(a)(ix).

Recommendations and Recommended Amendments

79. For the above reasons, I recommend that Chapter 1.4.2.3(a)(ix) is amended to read:

With growth pressure in both the Urban and Rural sectors, maintaining and enhancing the natural environment and ensuring the sustainability of ecosystem services. (Middlemiss Farm Holdings Limited (794.1)

80. In light of the above, I recommend that the s42A recommendation regarding the submission of Middlemiss Holdings Limited (794.1) should be changed from 'reject' to 'accept in part' and Appendix I (page 19) of the s42A report is amended as follows;

Original	794 - Middlemiss Holdings Limited	794.1		Neutral/Amend	Rejected Accept in part	5.4.3
Further	Mercury NZ Limited	794.1	FSI 384.47	Oppose	Accept Accept in part	5.4.3
Further	TaTa Valley Limited	794.1	FSI 340.14	Supp	Reject Accept	5.4.3

¹⁹ Waikato Regional Policy Statement – Definition of 'Ecosystem Services'

			4	ort	in part	
--	--	--	---	-----	---------	--

7.2.2. Original Submission 749.2

Analysis

81. Paragraphs 4.22 to 4.26 of Mr Hartley's evidence relate to changes sought to Chapter 1.4.3(a) and (b) as part of the original submission of Middlemiss Holdings Limited (794.2). Middlemiss Holdings Limited sought that the word 'productive' is deleted from 1.4.3(a).
82. Within the s42A report this submission is discussed at paragraphs 122 and 125 with a recommendation that the submission of Middlemiss Holdings Limited (794.2) is rejected.
83. Mr Harley's evidence states that there are potentially a range of 'rural uses' that are not productive, and that the current wording creates room for future debate (especially in objectives and policies) as to whether a proposed activity is productive or not²⁰.
84. I can appreciate the concerns of Mr Hartley, and have been made aware from the Council, of examples where activities, such as chicken farms, mushroom farms or even racehorses, are rural activities, that require a rural setting, but do not make use of the productive capacity of soils, and as such there may be arguments as to if these are 'productive activities'.
85. As outlined within the s42A report at paragraph 122, a submission was received from Fonterra Limited (797.20) seeking a definition of 'productive rural activities'. It is also noted that NZTA (742.80) have made a submission seeking a definition of 'Rural Activities'. For this reason, I consider that it is appropriate for these matters to be considered within Hearing 5 – Definitions. It is recognised that consequential amendments may be required to Chapter 1 following decisions on such matters.

Recommendation

86. At this time, I maintain my position as stated in paragraphs 122 and 125 of the s42A report and the analysis provided above, that the submission of Middlemiss Holdings Limited (794.2) is rejected.

7.2.3. Original Submission 749.3

Analysis

²⁰ Statement of Primary Evidence of Shane Alexander Hartley on behalf of Middlemiss Farm Holdings (Sub 794 and FS1330) 16th September 2019, paragraph 4.24 and 4.25

87. Paragraphs 4.27- 4.30 of Mr Hartley’s evidence relate to changes sought to Chapter 1.4.3.1 (a), (b) and (c) as part of the original submission of Middlemiss Holdings Limited (794.3). Mr Hartley proposes changes to the text of 1.4.3.1 to better provide for rural subdivision and activities that address and encourage biodiversity maintenance, enhancement and restoration. The changes Mr Hartley proposes are in paragraph 4.29 of his evidence.

Recommendations

88. I have reviewed the changes proposed by Mr Hartley in relation to Chapter 1.4.3.1 (a) and (b) and the evidence provided. The information provided in his evidence or the changes proposed to the text do not alter my assessment in paragraphs 131-133 of the S42A report.

89. I do, however, consider that the amendments proposed by Mr Hartley to the first two sentences of Chapter 1.4.3.1 (c) would improve clarity of the section. For this reason, I recommend that Chapter 1.4.3.1 (c) is amended to read:

“Rural areas are vulnerable to small-scale change that, cumulatively, can have an ~~an profound~~ effect on their efficient use for rural production and other rural activities. The ~~continued~~ modification of the rural environment through land use subdivision, and development as a result of residential and commercial growth, can adversely affect ~~their~~ natural and physical qualities and character. These qualities and character are important in maintaining investment in rural activities, which proportionally contribute the most to the district’s GDP and provide a context to the development and sustainability of rural towns and villages”. (Middlemiss Holdings Limited (794.3) – Evidence of Shane Hartley)

90. In light of the above, I recommend that the recommendation that relates to Middlemiss Holdings Limited’s submission (794.3) is changed from ‘reject’ to ‘accept in part’ and Appendix 1 (page 19) of the s42A report is amended as follows:

Original	794 - Middlemiss Holdings Limited	794.3		Neutral/ Amend	Rejected Accept in part	5.4.4.3
Further	Federated Farmers	794.3	FSI 342.217	Oppose	Reject Accept in part	5.4.4.3
Further	Mercury NZ Limited	794.3	FSI 384.49	Oppose	Reject Accept in part	5.4.4.3
Further	Perry International Trading Group Limited	794.3	FSI 348.26	Support	Accept Accept in part	5.4.4.3
Further	TaTa Valley Limited	794.3	FSI 340.145	Support	Accept	5.4.4.3

					Accept in part	
--	--	--	--	--	----------------	--

7.2.4. Submission 749.4

Analysis and Recommendations

91. Paragraphs 4.31-4.40 of Mr Hartley's evidence relates to changes sought to Chapter 1.4.3.2(a), (b) and (c), as part of the original submission of Middlemiss Holdings Limited (794.4). Mr Hartley outlines objectives and policies of the National Policy Statement for Freshwater Management (NPSFM), the development of the proposed National Policy Statement for Indigenous Biodiversity (NPSIB), and relevant policies of the New Zealand Coastal Policy Statement (NZCPS). Mr Hartley said it is appropriate to consider the implications or likely implications of these documents as part of the submission process.
92. Section 75 of the RMA requires a District Plan to give effect to any National Policy Statement and the NZCPS. Mr Hartley's evidence does not say whether he considers the proposed District Plan complies with section 75 or not.
93. The evidence provided by Mr Hartley has not changed my recommendation in paragraphs 148-150 of the s42A with respect to submission 749.4. I therefore recommend that the submission of Middlemiss Holdings Limited (794.4) is rejected as stated in paragraph 152(a) of the s42A report.

7.3. Havelock Village

Analysis

94. Written evidence was received from Mark Seymour Manners Tollemache on behalf of Havelock Village Limited²¹.
95. Mr Tollemache's evidence requests amendments to Chapter 1.5.4(c) as follows:

"It is important that the district's settlement pattern is consistent with the Future Proof Strategy's settlement pattern, as set out in the (RPS), with the expectation that any growth within Waikato district is managed ~~within the population and land allocation limits, as included in accordance with the WRPS or as addressed by the Future Proof Strategy process and any future amendments~~ and any subsequent changes made the WRPS."

²¹ Primary Evidence of Mark Seymour Manners Tollemache on behalf of Havelock Village Limited – Planning- 16th September 2019

96. The amendments recommended by Mr Tollemache do not relate to any original or further submission point by Havelock Village Limited. Havelock Village Limited did not make a submission on Chapter 1.5.4, or a submission that would provide scope to make the changes Mr Tollemache requests.
97. I agree, however, that the some of the wording proposed by Mr Tollemache for Chapter 1.5.4(c) would be more appropriate, as it provides a more general statement around the need for growth to be consistent within the RPS and Future Proof Strategy, without specifically stating the direction of the RPS and Future Proof Strategy. This means that if the Future Proof Strategy is amended or the RPS changed, the wording of Chapter 1.5.4(c) would remain accurate.
98. I note that there is a submission from Anna Noakes (524.8) and The Withers Family Trust (598.3) who submitted on 1.5.2(a) opposing in part, stating that ‘Future Proof is a dynamic document and will undergo change throughout the term of the plan, and that references to the current document may be misleading’.
99. I consider that these submissions would provide the scope to make the changes Mr Tollemache requested in his evidence.

Recommendation and Recommended Amendments

100. For the reasons outlined above I recommend that amendments are made to Chapter 1.5.4(c) as outlined below:

“It is important that the district’s settlement pattern is consistent with the Future Proof Strategy’s settlement pattern; as set out in the (RPS), with the expectation that any growth within Waikato district is managed ~~within the population and land allocation limits, as included in accordance with the WRPS or as addressed by the Future Proof Strategy and any subsequent changes made the WRPS.~~” (Anna Noakes (524.8) and The Withers Family Trust (598.3).

101. In light of the above, I recommend that the recommendation that relates to Anna Noakes (524.8) and The Withers Family Trust (598.3) submissions are changed from ‘reject’ to ‘accept in part’ and Appendix I (Appendix I – A Noakes Pg 9 and Withers Fmaily Trist page 13) of the s42A report is amended as follows:

Original	524 - Anna Noakes	524.8		Neutral/ Amend	Rejected <u>Accept in Part</u>	5.5.3
Further	Mercury NZ Limited	524.8	FSI 384.82	Oppose	Accept Accept in	5.5.3

					Part	
Original	598 - Withers Family Trust	598.3		Oppose	Rejected Accept in part	5.5.3
Further	Mercury NZ Limited	598.3	FSI 384.10 9	Oppose	Accept Accept in part	5.5.3

7.4. New Zealand Steel Holdings Limited

102. Written planning evidence was received from Sarah McCarter on behalf of New Zealand Steel Holdings Limited²². Written evidence was also received from Grant Huggins – Manager of Mining and Services on behalf of this submitter²³.

7.4.1. Submission 827.38

103. New Zealand Steel Ltd's submission (872.83) requested that Chapter 1.4.3 is retained as notified.

104. Ms McCarter's evidence supports the retention of Chapter 1.4.3 as notified, as recommend within paragraph 126 of the s42A report. No further analysis is required and I recommend that the recommendation to accept the submission of New Zealand Steel Ltd (872.83) stands.

7.4.2. Submission 827.39

Analysis

105. New Zealand Steel Ltd's submission (872.89) sought to include a new section within Chapter 1.5 to address productive rural activities and mineral extraction.

106. This submission was addressed in paragraph 190-191 of the s42A report, with a recommendation to reject the submission.

107. Ms McCarter's evidence considers that mineral resources and their extraction should be consistently referenced throughout the Plan, and therefore a new Chapter 1.5.7.8 should be added which recognises the importance of mineral extraction and the challenges that the sector faces. Ms McCarter suggests the following wording:

Mineral extraction

²² Primary Statement of Evidence of Sarah McCarter, Senior Planner, Tonkin and Taylor Ltd, on behalf of New Zealand Steel Holdings Limited 23rd September 2019.

²³ Primary Statement of Evidence of Grant Huggins, Manager of Mining and Services on behalf of New Zealand Steel Holdings Limited 23rd September 2019.

(a) Waikato District contains a number of established extractive industries, including sand mining and coal mining, along with areas where extraction of mineral resources may potentially occur in the future.

These activities are important to the economic wellbeing of the district, and should be effectively and efficiently utilised in a sustainable manner. These activities are commonly located in rural areas where reverse sensitivity can be an issue for established extractive industries. Access to, and utilisation of, these resources needs to manage the positive and adverse effects of mineral resource extraction.

108. Chapter 1.4 of the Plan identifies the resource management issues for the Waikato. Chapter 1.4.3.1 recognises mining as a rural activity and that it is an activity which is significant in economic terms for the Waikato. This chapter of the Plan also recognises that lifestyle uses of rural land can be sensitive to the effects of mining, and the potential for reverse sensitivity conflicts. Chapter 1.4.3 states that “in line with the RPS a district plan must ensure thatdevelopment is directed away fromidentified significant mineral resources and their identified access routes.”
109. The way the Plan responds to these issues is contained within the provisions of the Rural Zone, and Objective 5.4.1 and Policy 5.4.2.
110. Chapter 1.5 does not specifically state or provide an overview for how each ‘industry or activity’ that takes place within the Waikato District will be managed by the provisions of the Plan. Instead, Chapter 1.5 seeks to provide an overview of the how the Plan provisions respond to overall resource management issues across the district, as opposed to specific issues, or industry.
111. I note that Ms Fraser considers that because ‘Energy’ is specially referenced in Chapter 1.5, mineral extraction should be as well. I consider that ‘energy’ can be differentiated from ‘mineral extraction’ given its regional and national significance, and obligation within the RMA at s7, to have particular regard to the efficiency and end use of energy and the benefits derived from the use and development of renewable energy.

Recommendation

112. I do not consider that it is necessary to provide a specific section in Chapter 1.5 about mineral extraction, and therefore maintain my recommendation in paragraphs 190-191 of the s42A report.

8. EVIDENCE ON OTHER MATTERS

8.1. E and R Finlay

- I 13. A summary of photographic evidence to be presented at the hearing has been provided by E and R Finlay to support their submission.
- I 14. I have noted that E and R Findlay are in the list of submitters and further submitters at the beginning of the s42A report, but they have not made a further submission with respect to Chapter 1 – Introduction. For this reason I recommend that the s42A is amended to remove E and R Findlay from the list of further submitters for Hearing 1.
- I 15. At this time, they have not presented further evidence to comment on. If necessary, I will respond to evidence presented by the submitter at the hearing during my right of reply.

9. S32AA ANALYSIS

- I 16. As outlined within the s42A report, Section 32AA of the RMA requires a further evaluation of changes made to the Plan since the Plan was completed. This relates to changes to objectives and provisions of the Plan (which are the policies, rules or other methods that implement or give effect to the objectives of the Plan). The sections of the Plan that this report relate to do not include objectives or provisions and therefore I do not consider it is necessary to undertake any s32AA further evaluation of the amendments I have recommended above.



Debbie Donaldson
Consultant Planner – Perception Planning Limited

1st October 2019