

# SECTION 42A REPORT

Rebuttal Evidence

## Hearing 6: Village Zone – Subdivision

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Date: 6/12/19



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# I Introduction

## I.1 Background

1. My full name is Jonathan Guy Clease. I am employed by a planning and resource management consulting firm Planz Consultants Ltd, as a senior planner and urban designer.
2. I am the writer of the original S42A report for Hearing 6: Village Zone –Subdivision.
3. My qualifications and experience are set out in the S42A report in section 1.1, with my agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 set out in section 1.2.
4. The text changes as a result of this rebuttal evidence are set out in Appendix 2. Changes that are a result of the original S42A report are shown in red, with changes arising from this rebuttal evidence shown in blue.

## 2 Purpose of the report

5. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 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 filed by submitters.
7. Evidence was filed by the following submitters:
  - a. Counties Power [405]
  - b. Heritage New Zealand Pouhere Taonga [559]
  - c. Horotiu Properties Limited [397]
  - d. Horticulture New Zealand [419]
  - e. Greig Metcalfe [602]
  - f. Fire and Emergency New Zealand [378]
  - g. KiwiRail Holdings Limited [986]
  - h. Vineyard Road Properties Ltd [626]
  - i. The Surveying Company [746]
  - j. The Ministry of Education [781]
  - k. Hamilton City Council [535]
  - l. The Department of Corrections [496]
  - m. New Zealand Transport Agency [742]
  - n. Terra Firma Resources Ltd [732]
  - o. Transpower NZ Limited [576]
  - p. Siska Falconer Rahui Pokeka [271]
  - q. Waikato Regional Council [81]
8. Evidence was received from a number of the above parties regarding the Village Zone land use and activities provisions. These statements are addressed in the separate rebuttal evidence by Mr Kelly Cattermole. I have read Mr Cattermole's rebuttal evidence in

preparing this statement. The focus of my rebuttal evidence is the evidence received on subdivision provisions for the Village Zone.

### 3 Consideration of evidence received

#### 3.1 Evidence in support of the S42A report recommendations

9. Evidence in support of the S42A report recommendations relating to subdivision matters was received from the following parties:
  - a. Counties Power
  - b. Hamilton City Council
  - c. Heritage New Zealand Pouhere Taonga
  - d. KiwiRail
  - e. Waikato Regional Council.
10. A statement was received from Siska Falconer seeking Council support for changing Huntly's name to its original Te Reo name of Rāhui Pōkeka and seeking greater recognition of the sacredness of Taupiri Mountain. The outcomes sought by this party are considered to be beyond the scope of matters that can be addressed through the hearing on the Village Zone provisions.
11. For completeness, no evidence was received disagreeing with the S42A recommendations or seeking alternative relief in relation to the following Village Zone subdivision policies and rules (noting consequential amendments to rule numbering following recommended reordering in the earlier S42A report):
  - Policy 4.1.5 – Density
  - Policy 4.7.4 – Lot sizes
  - Objective 4.3.1 – Village Zone Character
  - Policy 4.3.2 - Character
  - 24.4.3 – Boundary adjustments
  - 24.4.5 – Title boundaries – existing buildings
  - 24.4.6 – Title boundaries – Significant Natural Areas and Notable Trees
  - 24.4.7 – Title boundaries – Maaori sites and Maaori areas of significance to Maaori
  - 24.4.8 – Subdivision of land containing heritage items or archaeological sites
  - 24.4.9 -Title boundaries – Significant Amenity Landscape, High Natural Character Area, Outstanding Natural Character Area, or Natural Hazard Area
  - 24.4.10 – Road Frontage
  - 24.4.11 – Building Platform
  - 24.4.12 – Subdivision creating reserves
  - 24.4.13 – Subdivision of Esplanade Reserves and Esplanade Strips
  - 24.4.14 – Subdivision of land containing mapped off-road walkways, cycleways, bridleways

## Topics addressed in submitter evidence

12. The main topics raised in evidence from submitters that are in disagreement with the recommendations of the original S42A report for Hearing 6: Village Zone –Subdivision included:
  - a. Village Zone provisions in relation to Te Kowhai (Greig Metcalfe [602])
  - b. Rezoning of a 27 ha block of land adjacent to Lake Puketirini near Huntly (Terra Firma Resources Ltd [732])
  - c. Rezoning of a 7.5ha block in Horotiu (Horotiu Properties Ltd [397])
  - d. Minimum site size for Vineyard Road Estate (Vineyard Road Properties Ltd [626])
  - e. Management of versatile soils and rural-urban interface issues (Horticulture NZ [419])
  - f. The appropriate location within the District Plan for rules controlling subdivision adjacent to the National Grid (Transpower NZ Ltd [576])
  - g. Assessment of services for firefighting (Fire and Emergency New Zealand [378])
  - h. Provision for retirement villages (Greig Metcalfe [602])
13. These submissions collectively seek amendments to Policy 4.3.3 and Rules 24.4.1 and 24.4.2, along with changes to zone boundaries. I have therefore structured my response to address each of these matters in turn.

## 7 Te Kowhai provisions

### 7.1 Analysis

14. Hamilton City Council lodged evidence in support of the proposed policy and rule framework put forward in the S42A report. The submitter has sought that the geographic extent of the 'Village Future Urban Density Precinct' in Tuakau and Te Kowhai be mapped. Maps of the proposed precincts are shown in Appendix 3, along with maps of the two townships in both the Operative Plan and the Proposed Plan (as notified) to assist the Panel and submitters in graphically understanding the changes to zone boundaries.
15. Mr Houlbrooke, on behalf of Greig Metcalfe [602], has provided evidence relating to a 68ha property located on the western edge of Te Kowhai. This area comprises a large part of the greenfield land identified as Village Zone in Te Kowhai.
16. Mr Houlbrooke provides a summary of the various planning documents and initiatives underway that identify Te Kowhai as a suitable location for future urban growth. He also identifies that these initiatives such as the Hamilton to Auckland ('H2A') corridor project and the recently released draft 'Waikato 2070' growth strategy ('the Strategy') identify Te Kowhai as a growth area and may lend some impetus and focus to the provision of network infrastructure.
17. I understand that Waikato 2070 is a long-term growth strategy that is being prepared under the Local Government Act. The period for comments is open until late January, with a hearing planned for March and adoption by Council likely to follow a couple of months after. The adoption of Waikato 2070 is timetabled to occur prior to the Panel considering rezoning requests under Hearing 25.
18. The Metcalfe block is identified in the Strategy as being potentially suitable for urban growth in the 10-30 year period, and to a Residential Zone density i.e. 450m<sup>2</sup>. At this point in time the Strategy is in draft form only. I am also mindful of the extended time period that the

Strategy covers, whereby over the next 30 years development of this block to Residential Zone densities may be feasible. I note that if a servicing solution can be found, a Residential rather than Village Zoning for this block may be appropriate, as indicated in the Strategy. I am not aware of submission scope to enable an alternative Residential zoning for this block as part of the current District Plan Review process. Given the longer timeframes anticipated before servicing becomes available, a plan change to a Residential Zone could potentially be pursued in the future.

19. For now, I have placed little weight on the Strategy beyond noting that the Strategy is generally consistent with my initial recommendation regarding the identification of this block as a potential growth area, and the absence of reticulated services within the next ten years.
20. In short, Mr Houlbrooke and I are in agreement that the Metcalfe block is appropriate for identification in the District Plan as a potential future urban growth area. Mr Houlbrooke likewise agrees that there is benefit in a structure plan being developed for the area to ensure future growth is integrated and achieves good urban design outcomes.
21. The submitter is seeking the ability to develop a portion of the site as unserviced 3,000m<sup>2</sup> lots in the short term. The geographic extent of such lots is proposed to be identified through a structure plan process. I understand that the intention is that these lots would be in locations on steeper slopes where further intensification is not anticipated i.e. they would be 'end state' large lots and would thereby avoid the challenges presented by subsequent ad hoc intensification. No alternative rule text is put forward to achieve this outcome and the number and location of such lots sought by the submitter is likewise unclear.
22. Mr Houlbrooke has provided examples (and a high level report from Tonkin and Taylor) of various small 'package plant' wastewater solutions to overcome the absence of a reticulated wastewater system and lack of capacity in the nearby wastewater networks. Such plants could be either vested in Council or retained in private ownership and managed through a body corporate or similar mechanism. I note that such plants would need to obtain the relevant discharge consents from the Waikato Regional Council. In my experience, and confirmed through feedback from Watercare Waikato, I am cautious regarding the long-term robustness of such plants. There is a community expectation that in the event of such plants proving costly to maintain that they will be taken over by Council as the alternative of existing households having a broken treatment system and/or discharges occurring into the environment are unacceptable. In my experience councils nationally are therefore generally reluctant to facilitate such plants as an urban growth solution as the liability for such systems tends to ultimately fall back on ratepayers and is invariably a less cost-effective solution than the provision of a few, larger treatment plants owned and operated by the relevant local authority.
23. I nonetheless agree that there may be stand-alone engineering solutions capable of providing reticulated services to discrete blocks of land. The Policy references to reticulation in the S42A report (Objective 4.3.1(c) and Policy 4.3.3(b)) refer simply to 'reticulation' and do not specify that such networks must be publicly held. I therefore agree that the reference to 'public water and wastewater infrastructure' in Rule 24.4.2 be amended to 'reticulated water and wastewater infrastructure'. I also note the need for a minor correction to the recommended wording in 24.4.2 RDI(b) such that connection needs to be to both reticulated water and wastewater, rather than water 'or' wastewater. Both services need to be available to support sustainable urban growth.
24. Overall I consider that the outcomes sought by the submitter and the framework recommended in the S42A report are not that far apart. The S42A recommended framework delivers the following:
  - a. Identification of the block as being suitable for urban growth at a strategic level;
  - b. A requirement for a structure plan to be in place;

- c. A requirement for connections to reticulated services to be available;
  - d. A fully discretionary consent pathway to advance development prior to a structure plan or services being available and a restricted discretionary pathway once these two triggers have been met and without the need for a further plan change.
25. The recommended rule framework therefore largely delivers the outcome sought by the submitter. The only difference is that there is no permitted or restricted discretionary pathway for new unserviced 3,000m<sup>2</sup> lots. There is, however, a discretionary consent pathway available, albeit with a challenging policy hurdle. Alternatively, if the submitter is correct that there are servicing solutions capable of being readily designed, consented, and privately funded in a cost-effective manner for this block, and a structure plan produced, then the block can be developed down to 800m<sup>2</sup> densities (with the potential for some larger lots in appropriate locations), as desired by the submitter.
26. I do not agree that the provisions should be amended to enable an unknown number of 3,000m<sup>2</sup> unserviced lots to be readily developed for the reasons set out in my S42A report.

## 7.2 Recommendations

27. I agree with Mr Houlbrooke that the references to public water and wastewater infrastructure in Rule 24.4.2 should be amended, as set out below. Following review of the rule recommended in the S42A report, it is recommended that a consequential advice note is added to clarify the process by which a structure plan is to be 'approved by Council'. Otherwise my recommendations remain as set out in the S42A report.

### *Rule 24.4.2 RD1*

- (a) *Subdivision in Te Kowhai and Tuakau outside of the Village Future Urban Density Precinct must comply with the following condition:*
  - (i) *Proposed lots not connected to ~~public~~ reticulated water and wastewater infrastructure must have a minimum net site area of 3,000m<sup>2</sup>, except where the proposed lot is an access allotment, utility allotment, or reserve lot.*
- (b) *Subdivision in Te Kowhai and Tuakau within the Village Future Urban Density Precinct where the lots are not connected to ~~public~~ reticulated water ~~or~~ and wastewater infrastructure must comply with the following condition:...*

### *Rule 24.4.2 RD2*

- (a) *Subdivision in Te Kowhai and Tuakau where the proposed lots are able to connect to ~~public~~ reticulated water and wastewater infrastructure must comply with all of the following conditions:*
  - (i) *Proposed lots must have a minimum net site area of 800m<sup>2</sup>, except where the proposed lot is an access allotment, utility allotment, or reserve lot; and*
  - (ii) *Within the Village Future Urban Density Precinct have a layout that is in general accordance with a structure plan that has been approved by Council.*

*Note: The structure plan shall either be included in the District Plan through a plan change process, or have been approved through a subdivision consent.*

## Section 32AA evaluation

28. The amendments do not alter the substantive s32AA evaluation that I have undertaken as a part of my original report and as such, will not be repeated here.



## 8 Rezoning of Puketirini Block, Huntly

### 5.1 Analysis

29. Terra Firma Resources [732] control a 27ha block of land adjacent to Lake Puketirini near Huntly. This block has a Rural Zone in the Operative District Plan, with this rural zoning proposed to be retained in the Proposed District Plan. Terra Firma Resources Ltd are seeking that the block be rezoned to a mix of Village Zone and Residential Zone.
30. As a consequence of the desired rezoning, the submitter is seeking the inclusion within Rule 24.4.2 of a reference to Puketirini in order to expand the rule's current geographic focus beyond just Tuakau and Te Kowhai.
31. This submission is primarily focussed on a change in zone boundary. As such, the merits of the rezoning is appropriately addressed in upcoming Hearing 25 which is focussed on confirming the location of zone boundaries and the consideration of any rezoning requests.
32. I agree with the submitter that in the event of the Panel agreeing through Hearing 25 that this block is suitable for rezoning, then it would be appropriate to include a reference to Puketirini in Rule 24.4.2.

### 5.2 Recommendations

33. In the absence of more detailed evidence to support a rezoning (and this matter being outside the scope of my s42A report), I consider it to be premature to amend Rule 24.4.2. Depending on the substantive consideration of the merits of rezoning in Hearing 25, the Panel may need to revisit the wording of this rule as a consequential amendment.

## 9 Rezoning of Horotiu Block

### 5.1 Analysis

34. Horotiu Properties Ltd [397] control a 7.5ha block of land at Sullivan Road, Horotiu. They have lodged a submission seeking the block be rezoned to Village Zone or Residential Zone, or Countryside Living Zone, in descending order of preference. Their evidence confirms that reticulated wastewater is not available, with wastewater proposed to be managed either through individual septic tanks or through a small communal package plant. The submitter is seeking to amend Policy 4.3.3 and Rule 24.4.2 so that this policy and rule applies to all Village Zones, rather than just Tuakau and Te Kowhai.
35. As set out in the S42A report, there is a clear difference in approach proposed for the Village Zones between these two larger townships with their focus on greenfield growth (post-reticulation) and the balance of the Village Zones where maintenance of an existing low density residential environment is sought. I do not consider the policy and rule approach to Tuakau and Te Kowhai should be extended to all Village Zones.
36. The appropriate zoning of this block of land is a separate matter. Fundamentally, this submission is seeking rezoning, with three possible alternative zones put forward. Consideration as to which of these zones (or retention of the Rural Zone) is the most suitable outcome is appropriately undertaken as part of Hearing 25. These hearings will occur late 2020, once the Panel have considered the wider policy and rule frameworks applying to the various zones. As noted above, the Waikato 2070 growth strategy will have been adopted by Council by that time as an other matter for the Panel to consider in determining the appropriate zoning of individual blocks.
37. Rejecting the proposed amendments to Policy 4.3.3 and Rule 24.4.2 sought by the submitter does not preclude the substantive consideration of the merit of this block for rezoning as part of Hearing 25.

## 5.2 Recommendations

My recommendations on Policy 4.3.3 and Rule 24.4.2 remain as set out in the S42A report.

# 10 Vineyard Road Estate

## 5.1 Analysis

38. Vineyard Road Properties Ltd control a block of land at Te Kauwhata. This block has a Countryside Living Zoning under the Operative District Plan. It is a greenfield development site that is being progressively built out. The first two stages are largely complete in terms of roading, with a number of new dwellings having been erected. As noted by the submitter, stage three still has a rural appearance. The submitter seeks that the minimum density for the block be 2,000m<sup>2</sup>, whereas the S42A report recommended a 5,000m<sup>2</sup> minimum following consideration of the issues raised by further submitters (recent residents of the first two stages).

39. In essence the Panel have three options in front of them in terms of density. In descending order of site size these options are:

- a. A site specific clause with a 5,000m<sup>2</sup> minimum as recommended in the S42A report. Upon reflection and subject to scope this could be achieved through either the proposed text amendment to Rule 24.4.1 set out in the S42A report, or rezoning to a Countryside Living Zone;
- b. Reliance on the generic Village Zone provisions with a 2,500m<sup>2</sup> minimum (noting this is a reduction on the 3,000m<sup>2</sup> minimum as notified);
- c. A site specific clause with a 2,000m<sup>2</sup> minimum as sought by the submitter in evidence.

40. I agree with the submitter's evidence that compliant building platforms can be located on 2,000m<sup>2</sup> sites. This somewhat misses the point regarding the wider character and amenity outcomes sought to be achieved through higher minimum lot sizes. In my view the provisions applying to this block turn on a tension between the expectations of recent residents against the efficient use of land through a higher density, and consideration of whether the character and circumstances of this block are sufficiently distinctive to warrant additional complexity in the District Plan through a site-specific clause versus the simple adoption of the generic Village Zone provisions.

## 5.2 Recommendations

41. My recommendations remain as set out in the S42A report, however this is finely balanced especially with regard to Stage 3 which is yet to be developed and does not have an established residential character.

# 6 Versatile soils and rural-urban interface

## 6.1 Analysis

42. Mr Hodgson on behalf of Horticulture New Zealand [419] largely agrees with my S42A recommendations on Policy 4.3.2 and associated Rule 24.4.2 regarding the growth of Tuakau and Te Kowhai and associated requirement for the development of large greenfield blocks to be subject to a structure plan process. The development of a structure plan will enable the rural-urban interface issues to be appropriately addressed through a more detailed site analysis.

43. Mr Hodgson draws on the separate brief of evidence prepared by his colleague Ms Lynette Wharfe and submitted as part of Hearing 3 regarding Policy 4.1.10 which provides strategic

policy direction regarding the growth of Tuakau. Ms Warfe sought an amendment to clause (ii) of this policy so that it provided for:

*Existing **farming and horticulture**, intensive farming, strategic infrastructure and industrial activities are protected from the effects of reverse sensitivity by considering the location of new residential development.*

44. Clearly the Panel will be making a separate decision on Policy 4.1.10 with the benefit of having heard the breadth of submissions and evidence on these strategic policies. I would simply note that the amendment sought by Ms Wharfe and as detailed in Mr Hodgson's evidence does not present any problems for the Village Zone framework and on its face is a helpful amendment for providing policy direction regarding the particular soil resource in Tuakau.
45. Mr Hodgson likewise agrees with the inclusion of an additional matter of discretion recommended in the S42A report to enable consideration of reverse sensitivity issues when considering subdivision applications under Rule 24.4.2 RD1 and RD2. The recommended wording of the matter of discretion is limited to reference only to Tuakau. Mr Hodgson considers that the scope of Horticulture New Zealand's submission is sufficiently broad to also enable application to Te Kowhai, with the soil resource adjacent to the periphery of Te Kowhai also justifying the need for the matter of discretion.
46. I have reviewed again the original submission by Horticulture New Zealand and agree that there appears to be sufficient scope to enable the recommended matter of discretion to be broadened to also include Te Kowhai.
47. Rule 24.4.2 relates only to Tuakau and Te Kowhai. By deleting the reference to Tuakau, the matter of discretion by default will then encompass both areas. It will not however apply to any other Village Zones as these are managed through the separate Rule 24.4.1.

## **6.2 Recommendations**

48. It is therefore agree with the submitter's evidence that the matter of discretion to Rule 24.4.2 RD1(c)(ix) and Rule 24.4.2 RD2(b)(viii) be amended as follows:

*Reverse sensitivity effects ~~on farming activities~~ on land identified as high class soils and/or existing rural production activities in Tuakau.*

## **6.4 Section 32AA evaluation**

49. The amendments do not alter the substantive s32AA evaluation that I have undertaken as a part of my original report, and as such will not be repeated here.

# **8 Subdivision adjacent to the National Grid**

## **4.1 Analysis**

50. Waikato District Council ('WDC') [697] lodged a submission seeking the inclusion of additional rules to control subdivision adjacent to the National Grid. The proposed District Plan is structured such that each zone has its own self-contained set of subdivision provisions. The new rule has therefore been sought to be repeated in the subdivision framework for every zone. Transpower have instead sought that the rule be consolidated in a single Chapter in the interests of District Plan efficiency.
51. I consider there is a high degree of agreement between the parties. There is agreement on the need for a stand-alone rule controlling subdivision adjacent to the National Grid. The need for such inclusion was the key outcome sought in the WDC's submission, with Transpower not opposing the need for such a rule. The only question is where this rule is best located – either repeated in each zone's subdivision rules, or consolidated into a single

chapter, with a cross-reference in each of the zone-specific subdivision rules to alert Plan users.

## 4.2 Recommendations

52. Either approach delivers the desired outcome of a rule to manage the effects of subdivision adjacent to the National Grid. The approach of a consolidated rule as sought by Transpower appears to better align with the National Planning Standards ('NPS'). Issues of Plan structure and alignment with the NPS are to be considered in a later hearing. If the Panel ultimately decide that a consolidated approach with a cross-reference is more efficient and effective then I am quite comfortable with that structural approach. In the meantime, and to ensure the rule does not become 'lost', it is recommended that it be retained within the set of provisions relating to subdivision in the Village Zone.

# 9 Firefighting water supply

## 9.1 Analysis

53. Evidence was received from Mr Craig Sharman on behalf of Fire and Emergency New Zealand ('FENZ') [378] regarding the appropriate wording relating to the provision of an adequate water supply for firefighting. We agree on the need for a matter of discretion. I also agree that where reticulated water supply infrastructure is available, such networks have generally been designed to make adequate provision for firefighting (and new networks should certainly be designed to meet requirements). The difference in opinion is in relation to the practicality of requiring such provision for more isolated, non-serviced locations. The matter of discretion recommended in the S42A report is as follows:

*Rule 24.4.1 RDI(c)(viii) and Rule 24.4.2 RDI(c)(xi)*

*The provision of water supply for firefighting where practicable*

54. The evidence from FENZ seek two changes to these two rules. The first change is an additional condition that must be met in order for the application to be processed on a restricted discretionary basis of "proposed lots must be connected to water supply sufficient for firefighting purposes". Where this condition is not met the application would become a fully discretionary activity.
55. The second change is the insertion of an additional matter of discretion "provision of infrastructure, including water supply for firefighting purposes".
56. In terms of Plan structure, I do not consider the proposed additional condition to be necessary. The only matter of relevance is the suitability of firefighting infrastructure, and as such full discretionary status seems to be unnecessarily broad. We agree on the need for an assessment matter. My concern with the wording as sought in their evidence is that it is potentially quite onerous, especially for the more isolated Village Zone communities, with the costs and residential design implications of providing such infrastructure disproportionate to the benefits.
57. Mr Sharman disagrees with the S42A report that it is impracticable and unlikely for many properties in the Village Zone to connect to a water supply with sufficient volume and pressure to meet firefighting standards. Conversely, from my observations of the hundreds of existing dwellings in unserviced Village Zones, virtually none currently have access to such a supply. The practical challenges of such a requirement are to a certain extent borne out by the near complete lack of such provision in the existing long-established areas. I agree that new development creates the potential to better provide for servicing than what has taken

place in the past, but it does illustrate that very few existing residents have seen the benefits or practicality of providing sufficient water supply for firefighting.

58. Mr Sharman references the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 ('the Code')<sup>1</sup> as the key document for setting out suitable solutions. This Code has been designed primarily for urban fire districts (as set out in the Code's introduction) and to assist with the design of reticulated supplies. It does include, as a guide, various measures that can be put in place for rural or more isolated/ unserviced properties. The guidance includes reference to consideration of practicality.
59. The Code as a guide for rural/ unserviced residential sites requires vehicle access to the site to be via a gradient of no greater than 16 degrees, be surfaced such that it is trafficable by a fire fighting appliance at all times, be reinforced along its length to be capable of supporting a vehicle with an axle laden weight of 20 tonnes, have a turning radius greater than 11m, tank storage of some 25-30m<sup>3</sup> and tank location within 6m of a reinforced hardstand area capable of supporting a fire appliance. In my experience such requirements are collectively challenging to achieve for residential dwellings and domestic driveways on 2,500m<sup>2</sup> properties in village contexts, especially where located on hillslopes or accessed via long private driveways or rear lots.
60. I am particularly mindful that I am assessing this issue as a planner, rather than as a fire engineer or emergency responder. From my experience as a planner dealing with proposed houses in rural and unserviced village locations, consideration of firefighting water supply is appropriate, however the provision of such is unlikely to be practicable in all circumstances (or if technically possible carries with it disproportionate costs for residential dwellings). The Code has not been written as a District Plan document and as far as I am aware, its detailed provisions have not been subject to a s32 assessment as to their appropriateness on a clause-by-clause basis, as would be the case if there were proposed as rules through a District Plan Review. As with any cross-referencing in District Plans to external documents that have been developed for different purposes, there can be tensions when those documents are then incorporated into a District Plan by reference such that their detailed contents then take on the function of rules. Ultimately from a planning perspective it comes down to the assessment required under s32 as to whether the costs of a rule outweigh the benefits. House fires are low occurrence but potentially high impact events. Having adequate access to a firefighting water supply can assist in reducing the effects of a fire in the unlikely event that it occurs. Consideration of such supply is therefore an appropriate matter to consider when assessing subdivision applications. Such consideration for rural or isolated contexts does in my view however require cognisance of the practicalities and costs associated with achieving an optimal solution on this single issue.
61. I note that the submitter has sought the inclusion of new rules in Chapter 14: Infrastructure and Energy Service Connections for Subdivisions Rule 14.3.1.8 to include specific reference to the Code. The Chapter 14 amendments would then apply across all zones. Given that this matter is also an issue for Rural and Countryside Living zones in particular (given their unserviced nature), it may well be that the hearing on Chapter 14 is the most appropriate forum for considering this issue comprehensively, rather than through a series of zone-specific subdivision provisions.

## 9.2 Recommendations

62. There is agreement with the submitter as to the need for a matter of discretion that provides the scope for the Council to consider firefighting services when considering subdivision applications. In terms of the specific wording of this matter my recommendation is to retain the wording set out in the S42A report.

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<sup>1</sup> [https://shop.standards.govt.nz/catalog/4509:2008\(SNZ%20PAS\)/scope](https://shop.standards.govt.nz/catalog/4509:2008(SNZ%20PAS)/scope)

## 9 Retirement Villages

### 9.1 Analysis

63. Greig Metcalfe [602] and the Waikato District Council [697] both sought the inclusion of provisions to enable the development of retirement villages as a means of providing for the needs of a part of the community. The management of retirement villages in the Village Zone is addressed primarily in the separate rebuttal evidence (and S42A report) of Mr Cattermole. In summary he is recommending that provision is made for retirement villages as a Restricted Discretionary activity in the three larger townships of Tuakau, Pokeno, and Te Kowhai, in the event that they can be serviced by reticulated infrastructure. Provision is not made for this more intensive form of housing in the smaller Village Zones due to the very low density character of these areas, the general lack of reticulated infrastructure, and the distance from services, community facilities, and public transport.
64. Consequential amendments are required to the subdivision rules to align with the recommended land use provisions. In my experience the term 'retirement villages' encompasses a spectrum of facilities from detached cottages, apartments, to more intensive rest home, hospital and dementia care facilities. From a subdivision perspective individual units within a retirement village are typically held on a 'licence to occupy' basis and as such rules requiring units to be held on their own fee simple title with a large minimum area are problematic.
65. It is proposed that for retirement villages connected to reticulated infrastructure, no minimum lot size apply. The key process for determining character and urban design outcomes is undertaken through the land use matters of discretion set out in Mr Cattermole's evidence.

### 9.2 Recommendations

66. As a consequence of Mr Cattermole's recommendation that provision is made for retirement villages as a restricted discretionary activity in the three larger townships of Tuakau, Pokeno, and Te Kowhai, amendments are recommended to Village Zone Subdivision Rules 24.4.1 and 24.4.2 as follows:

#### *Rule 24.4.1 RD1 Subdivision - General*

- (i) *Proposed lots outside of Te Kowhai and Tuakau must have a minimum net site area of 2,500m<sup>2</sup>, except where the proposed lot is an access allotment, utility allotment or reserve to vest.*
- (ii) *For retirement villages in Pokeno that are connected to reticulated water and wastewater infrastructure there shall be no minimum lot size.*

#### *Rule 24.4.2 RD2 Subdivision – Te Kowhai and Tuakau*

- (a) *Subdivision in Te Kowhai and Tuakau where the proposed lots are able to connect to reticulated water and wastewater infrastructure much comply with all of the following conditions:*
- (i) *Proposed lots must have a minimum net site area of 800m<sup>2</sup>, except where the proposed lot is an access allotment, utility allotment, or reserve lot; and*
- (ii) *Within the Village Future Urban Density Precinct have a layout that is in general accordance with a structure plan that has been approved by Council.*
- (iii) *For retirement villages that are connected to reticulated water and wastewater infrastructure there shall be no minimum lot size.*

## Appendix I: Table of amended recommendations

Having reviewed the submitter evidence, no changes are proposed to my original recommendations as to whether submissions should be accepted or rejected.

## Appendix 2: Recommended amendments

### 24.4.1 Subdivision – General

	Amend the Title as follows: 24.4.1 Subdivision – General ( <u>outside Te Kowhai and Tuakau</u> )
RDI	Amend Rule 24.4.1 Subdivision -General, as follows: <p>(a) (i) Proposed lots <u>outside of Te Kowhai and Tuakau</u> must have a minimum net site area of <del>3000m<sup>2</sup></del> <u>2,500m<sup>2</sup></u>, except where the proposed lot is an access allotment, utility allotment or reserve to vest.</p> <p><u>(ii) For retirement villages in Pokeno that are connected to reticulated water and wastewater infrastructure there shall be no minimum lot size.</u></p> <p><u>(b) Proposed lots located in the Vineyard Road Estate in Te Kauwhata must have a minimum net site area of 5,000m<sup>2</sup>, except where the proposed lot is an access allotment, utility allotment or reserve to vest.</u></p> <p><del>(b)</del> (c) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Shape, location and orientation of proposed lots;</li> <li>(ii) Matters referred to in the infrastructure chapter;</li> <li>(iii) Consistency with the matters, and outcomes sought, in Appendix 3.1 (Residential Subdivision Guidelines);</li> <li>(iv) Impacts on stormwater and wastewater disposal;</li> <li>(v) Impacts on Significant Natural Areas;</li> <li>(vi) Impacts on identified Maaori Sites of Significance; <del>and</del></li> <li><u>(vii) Roads and pedestrian networks;</u></li> <li><u>(viii) The provision of water supply for firefighting where practicable; and</u></li> <li><u>(ix) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of regionally significant infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks.</u></li> </ul>
DI	Subdivision that does not comply with a condition of Rule 24.4.1 RDI.

### 24.4.2 Subdivision – Te Kowhai and Tuakau

RDI	(a) Subdivision in Te Kowhai and Tuakau <u>outside of the Village Future Urban Density Precinct</u> must comply with <del>all of</del> the following conditions: <ul style="list-style-type: none"> <li>(i) Proposed lots not connected to public water and wastewater infrastructure must have a minimum net site area of 3000m<sup>2</sup>, except where the proposed lot is an access allotment, <u>utility allotment</u>, or reserve lot.</li> </ul> <p>(b) <u>Subdivision in Te Kowhai and Tuakau within the Village Future Urban Density Precinct where the lots are not connected to <del>pubic</del> reticulated water <del>or</del> and wastewater infrastructure must comply with the following condition:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Have a minimum net site area of 20 hectares, except where the proposed lot is an access allotment, utility allotment, or reserve lot.</u></li> </ul>
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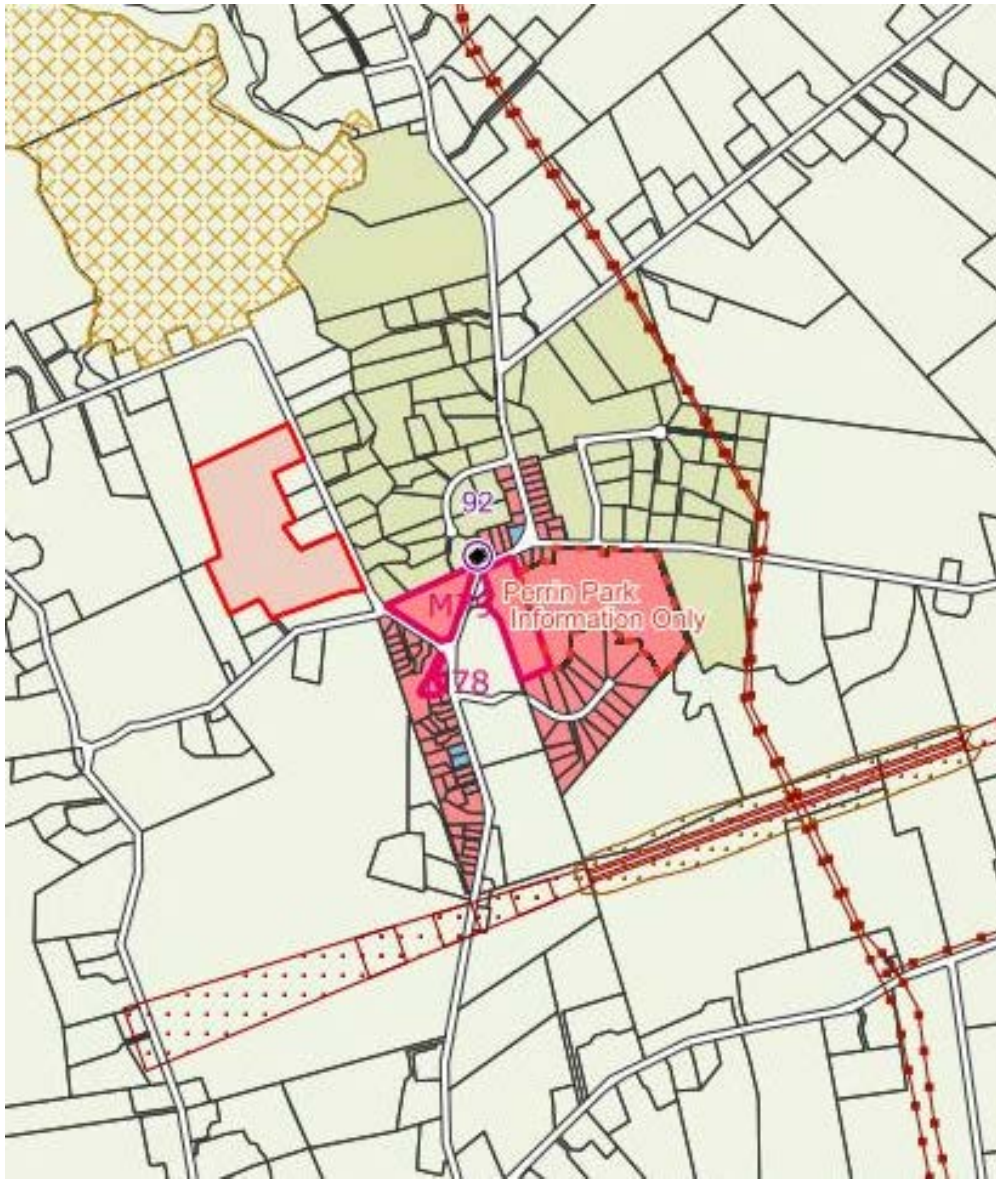


	<p>(c) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Shape, location and orientation of proposed lots;</li> <li>(ii) Position of proposed building platforms and driveways to ensure future subdivision is not compromised;</li> <li><u>(iii) Indicative future lot boundaries that demonstrate how the proposed lots can be subdivided in the future to achieve a gross density of a minimum of 8 households per hectare;</u></li> <li><del>(iii)</del> <u>(iv)</u> Matters referred to in the Infrastructure chapter;</li> <li><del>(iv)</del> <u>(v)</u> Consistency with the matters, and outcomes sought, in Appendix 3.1 (Residential Subdivision Guidelines);</li> <li><del>(v)</del> <u>(vi)</u> Impacts on stormwater and wastewater disposal;</li> <li><del>(vi)</del> <u>(vii)</u> Impacts on Significant Natural Areas;</li> <li><del>(vii)</del> <u>(viii)</u> Impacts on identified archaeological sites and Maaori Sites of Significance;</li> <li><u>(ix)</u> Reverse sensitivity effects <del>on farming activities</del> on land identified as high class soils <u>and/or existing rural production activities in Tuakau.</u></li> <li><u>(x) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of regionally significant infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks;</u></li> <li><u>(xi) The provision of water supply for firefighting where practicable; and</u></li> <li><del>(viii)</del> <u>(xii)</u> Roads and pedestrian networks.</li> </ul>
RD2	<p>(a) Subdivision in Te Kowhai and Tuakau <u>where the proposed lots are able to connect to public reticulated water and wastewater infrastructure</u> must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li><del>(i) Proposed lots connected to public water and wastewater infrastructure</del> must have a minimum net site area of <del>1,000m<sup>2</sup></del> <u>800m<sup>2</sup></u>, except where the proposed lot is an access allotment, <u>utility allotment</u>, or reserve lot; <u>and</u></li> <li><del>(ii) Within the Village Future Urban Density Precinct have a layout that is in general accordance with a structure plan that has been approved by Council.</del></li> </ul> <p><u>Note: The structure plan shall either be included in the District Plan through a plan change process, or have been approved through a subdivision consent.</u></p> <p><u>(iii) For retirement villages that are connected to reticulated water and wastewater infrastructure there shall be no minimum lot size.</u></p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Shape, location and orientation of proposed lots;</li> <li>(ii) Position of proposed building platforms and driveways to ensure future subdivision is not compromised;</li> <li>(iii) Matters referred to in the Infrastructure chapter;</li> <li>(iv) Consistency with the matters and outcomes sought in Appendix 3.1 (Residential Subdivision Guidelines);</li> <li>(v) Impacts on stormwater and wastewater disposal;</li> <li>(vi) Impacts on Significant Natural Areas;</li> <li>(vii) Impacts on identified archaeological sites and Maaori Sites of Significance;</li> <li><u>(viii)</u> Reverse sensitivity effects <del>on farming activities</del> on land identified as high class</li> </ul>

	<p>soils <u>and/or existing rural production activities in Tuakau</u>;</p> <p><u>(ix) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of regionally significant infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks;</u> and</p> <p><del>(viii)</del> <u>(x)</u> Roads and pedestrian networks.</p>
DI	Subdivision that does not comply with Rule 24.4.2 RD1, or RD2.

# Appendix 3: Zone Maps

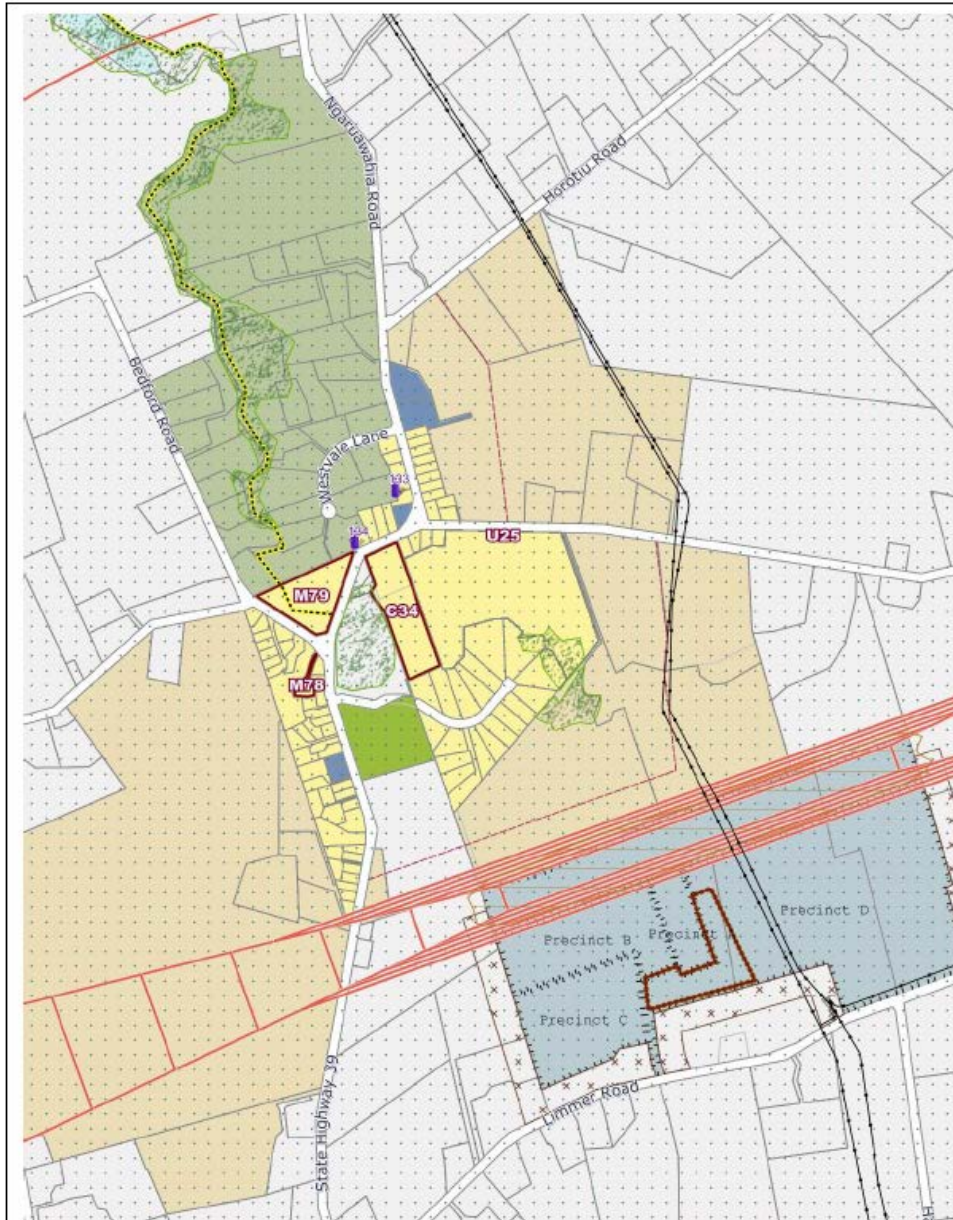
## Te Kowhai Operative District Plan



Pink = Living Zone

Light green = Country Living Zone

## Te Kowhai Proposed District Plan as notified

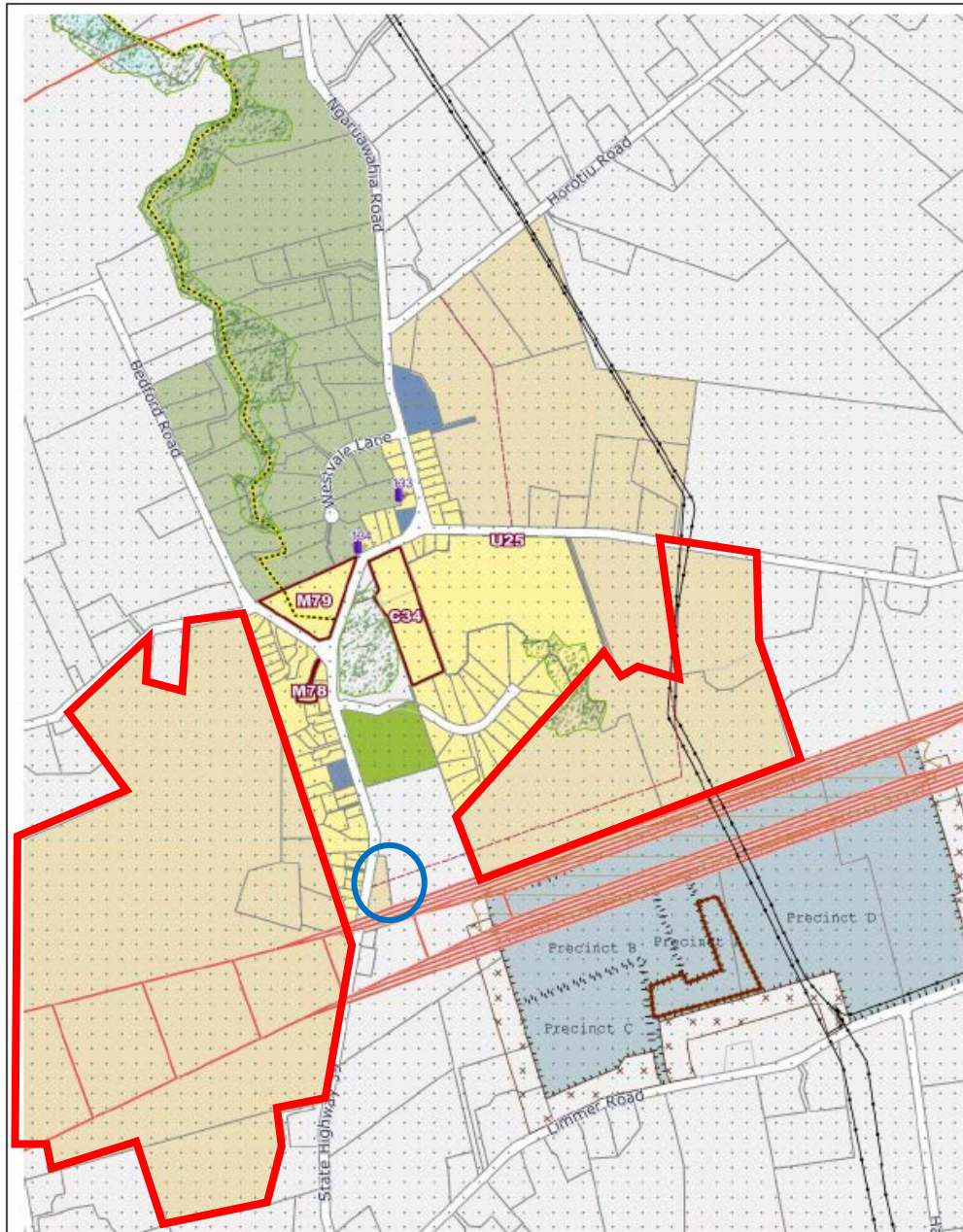


### Key Changes from Operative to Proposed Plans:

- Living Zone in the Operative Plan (Pink) changes to Residential Zone Proposed Plan (yellow);
- Block northwest of Ngaruawahia Rd stays Country Living Zone in both Operative & Proposed Plans (green);
- Block northeast of Ngaruawahia Rd goes from Country Living (Operative Plan) to Village Zone (beige), with a small part going to Business Zone (blue);
- Rural blocks southeast and southwest of the township go from Rural Zone to Village Zone;
- Note Te Kowhai airpark to the south (light blue)



## Te Kowhai Proposed District Plan as recommended

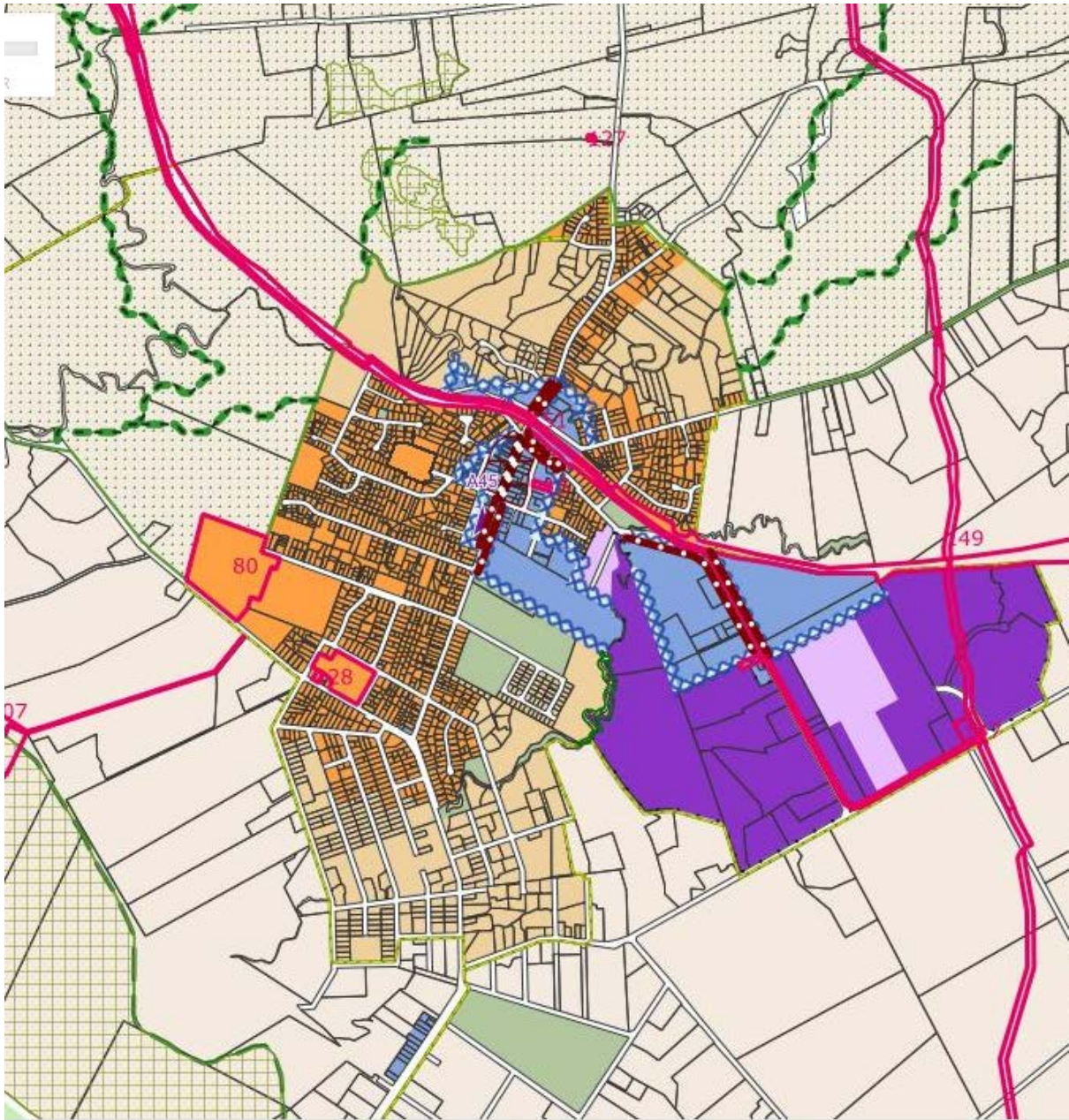


Red outline = Recommended 'Village Future Urban Density Precinct'. Note the western extent of the Village zone and precinct extends beyond the Planning Map, with the zone and precinct ending at the boundary with Woolrich Rd.

There is a small discrete block to the east of State Highway 39 (shown in blue circle) that has a Rural Zone in the Operative Plan and a Village Zone in the Proposed Plan. Given the discrete nature of this lot and its relatively small size it is recommended that it not be included within the precinct i.e. it simply has a Village Zoning.



## Tuakau Operative District Plan

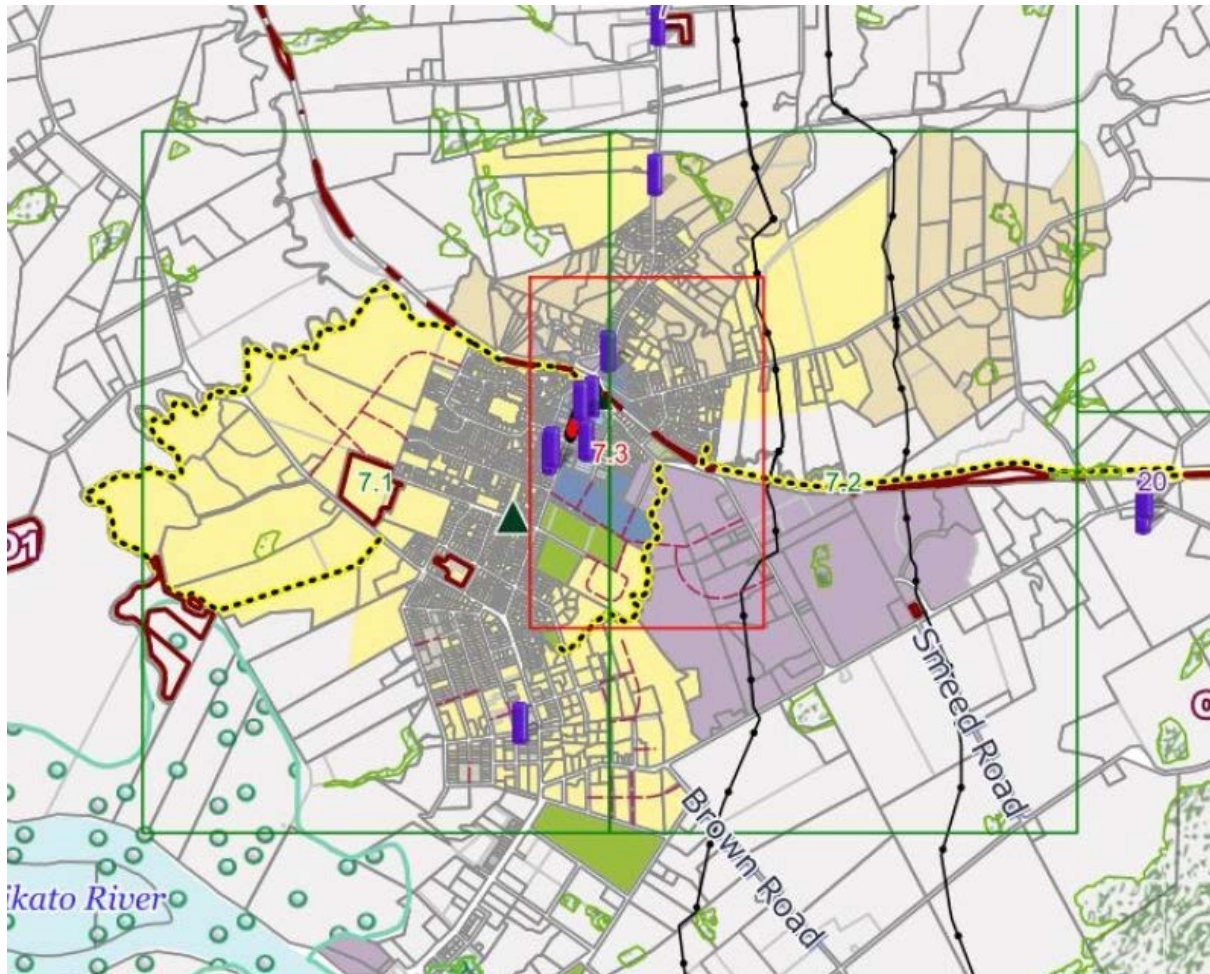


Fawn = Rural Residential Zone

Orange = Residential Zone



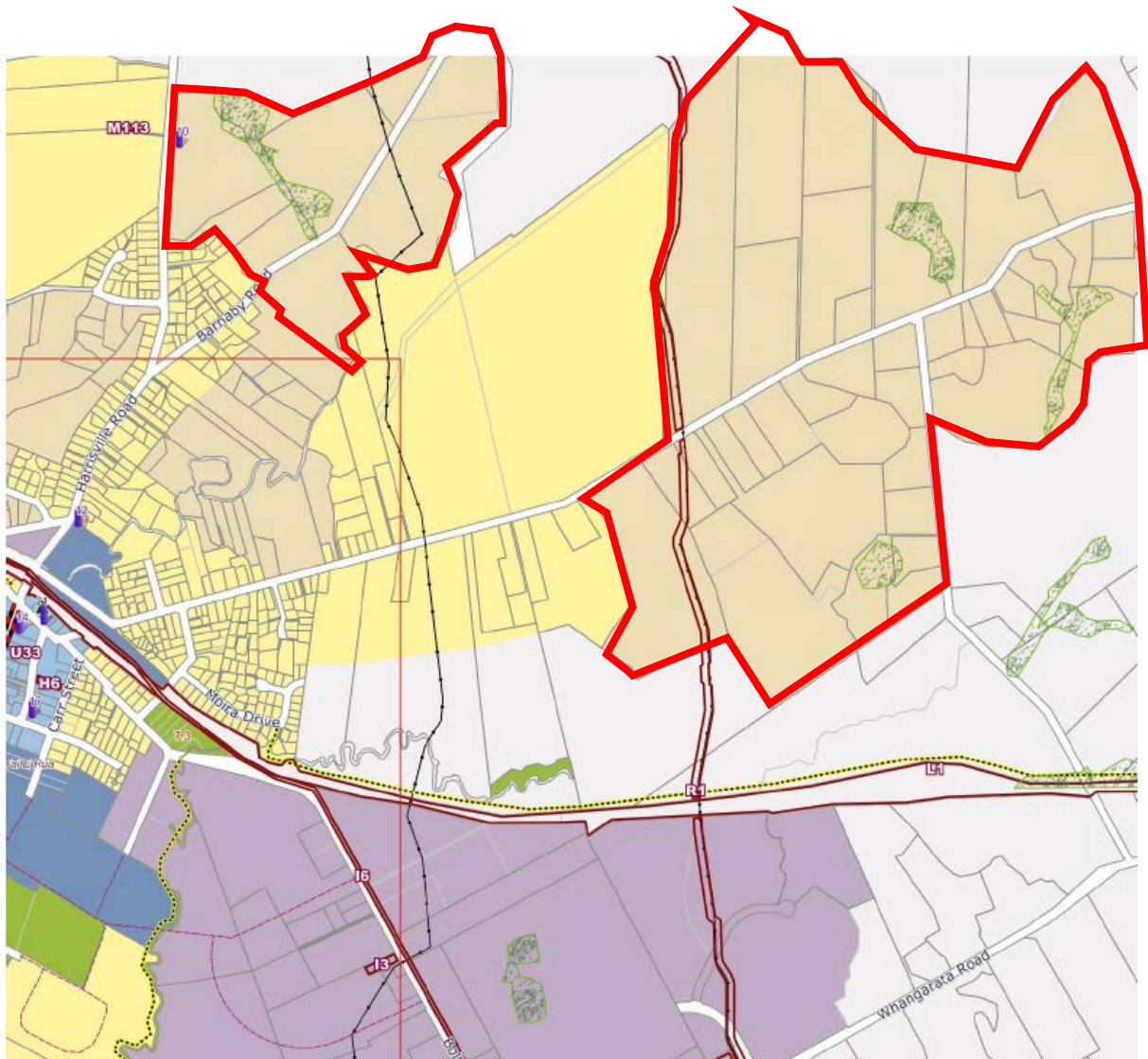
## Tuakau Proposed District Plan



### Key Changes from Operative to Proposed Plans:

- Southern Rural Residential Zone in the Operative Plan changes to Residential Zone (yellow);
- Northern Rural Residential Zone mostly changes to Village Zone (beige), with small pockets around the urban edges going to Residential;
- Far northern and separate northeastern blocks change from Rural Zone to Village Zone;
- Note proposed large greenfield growth areas to the west and also between the north and northeastern Village Zone blocks going from Rural to Residential Zoning. Similar servicing issues are anticipated for these greenfield Residential Zone areas that will require assessment at the upcoming hearings on that topic.

## Tuakau Proposed District Plan as recommended



Red outline = Recommended 'Village Future Urban Density Precinct'. Note the southern Rural Residential zones in the Operative Plan in Tuakau are all proposed to change to Residential zone. The Precinct extent therefore reflects just the north and northeastern blocks that are changing from a Rural Zoning in the Operative Plan to a Village Zone in the Proposed Plan.