

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 12 to the Operative Hamilton City District Plan, Proposed Plan Change 26 to the Operative Waipā District Plan and Variation 3 to the Proposed Waikato District Plan

**OPENING LEGAL SUBMISSIONS OF COUNSEL FOR WAIPĀ DISTRICT COUNCIL
FOR JOINT OPENING HEARING**

Dated 10 February 2023

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1. INTRODUCTION

- 1.1 These Opening Legal Submissions are submitted on behalf of Waipā District Council (the **Council**) in respect of Proposed Plan Change 26 to the Operative Waipā District Plan (**Plan Change 26**). Plan Change 26 is an Intensification Planning Instrument (**IPi**) under section 80E of the Resource Management Act 1991 (**the Act**).
- 1.2 Counsel for the Council, jointly with counsel for Hamilton City Council and Waikato District Council, has submitted Joint Opening Legal Submissions on 8 February 2023 (**Joint Opening Legal Submissions**). The Joint Opening Legal Submissions are adopted by the Council in their entirety and will be referred to in these submissions to avoid repetition.
- 1.3 These Opening Legal Submissions will address:
- (a) The Council's position on Plan Change 26;
 - (b) The Waipā context and planning for growth;
 - (c) The scope of Plan Change 26;
 - (d) Policy 3 of the National Policy Statement on Urban Development (**NPS-UD**);
 - (e) The incorporation of the Medium Density Residential Standards (**MDRS**);
 - (f) The approach to qualifying matters;
 - (g) Financial contributions; and
 - (h) Issues raised in submissions.
- 1.4 Strategic planning evidence has been submitted by Tony Quickfall, the Council's Manager, District Plan and Growth. Technical evidence to be called by Council on Plan Change 26, including the proposed qualifying

matters, will be presented at the substantive hearing scheduled for 26 April to 4 May 2023.¹

2. **RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT ACT 2022**

2.1 The Resource Management (Enabling Housing Supply and other matters) Amendment Act 2022 (**Amendment Act**) applies to “Tier 1 territorial authorities” which are listed in section 2 of the Act. The Council is only listed as a Tier 1 territorial authority due to its proximity to Hamilton. Waipā District itself does not contain any Tier 1 urban environments and, as submitted by the Council to the Select Committee at the time, should not have been included in the Amendment Act.

2.2 While the Amendment Act amends the Resource Management Act, it does not itself contain a separate purpose statement.² Accordingly, the provisions of the Amendment Act must be interpreted and implemented in a manner which gives effect to the purpose and principles of the Act.

3. **COUNCIL’S POSITION ON PLAN CHANGE 26**

3.1 This plan change process is unlike any other plan change process under the Act. In particular:

- (a) The Council was required by section 80E of the Act to notify an IPI by 20 August 2022. While the usual requirements for consultation under Schedule 1 applied, this timeframe did not provide sufficient time for preparation of the IPI alongside

¹ Refer to Direction #5 for timetabling of exchange of submissions and evidence for the substantive hearing of Plan Change 26.

² Other than a requirement that the ISPP achieve an expeditious planning process: section 80D of the Act.

meaningful consultation with the Council's iwi partners or other sectors of the Waipā community.

- (b) The Council is unable to withdraw the IPI.
- (c) The IPI is required to incorporate the MDRS unless qualifying matters apply.
- (d) The IPI is required to give effect to Policy 3(d) of the NPS-UD in advance of Council's other obligations under the NPS-UD.

3.2 Consequently, Plan Change 26 is not the plan change that Council would have chosen to notify to address its obligations under the NPS-UD. Nor is the Council, or its officers, obliged to support the Plan Change. Nevertheless, the Council intends to appear and call evidence at this joint opening hearing and the substantive hearing for the assistance of the Panel, and to endeavour to ensure that the purpose and principles of the Act can be achieved to the greatest extent possible within the Waipā District.

4. **THE WAIPĀ CONTEXT AND PLANNING FOR GROWTH**

4.1 The evidence of Tony Quickfall describes the towns within Waipā District and the strategically-planned approach to growth that has been taken by the Council since at least 2009. In particular:

- (a) As a Future Proof partner, the Council has been involved in the Waikato Future Proof Growth Strategy since 2009. This sub-regional strategy informed the Waipā District Plan review in 2012.
- (b) The Future Proof Growth Strategy was reviewed in 2017 following the commencement of the National Policy Statement on Urban Development Capacity 2016. In response, the Council prepared the Waipā 2050 Growth Strategy.
- (c) A number of plan changes to the Operative Waipā District Plan (**Operative District Plan**) were notified to implement the

Waipā 2050 Growth Strategy – the last of these, Plan Change 13, was made operative on 28 July 2022.

4.2 The Council’s pro-active approach to growth planning continues with its current strategy entitled “Ahu Ake” which will be the subject of community consultation this year.

4.3 The Housing and Business Capacity Assessment 2021 records that, at a total level, the Waipā District had sufficient plan-enabled and commercially feasible capacity to meet demand (including a 20% margin) in the short term, medium term and long term.³

5. THE SCOPE OF PLAN CHANGE 26

5.1 Section 4 of the Joint Opening Legal Submissions sets out the mandatory elements and the discretionary elements in an IPI. In respect of Waipā District, Plan Change 26 must:

- (a) Incorporate the MDRS into relevant residential zones; and
- (b) Give effect to Policy 3(d) of the NPS-UD in urban environments.

5.2 In respect of the discretionary elements of the IPI, Plan Change 26:

- (a) Modifies the MDRS where necessary to accommodate qualifying matters; and
- (b) Proposes changes to the financial contributions provisions in the District Plan.

5.3 For clarification, Plan Change 26 does not:

- (a) Rezone any land which was not already zoned residential in the Operative District Plan.
- (b) Enable a greater level of development than provided for under the MDRS.⁴

³ Prepared by Market Economics and summarised in Appendix 2 of Tony Quickfall’s evidence.

⁴ Section 77H of the Act.

- (c) Propose any amendments to the papakāinga provisions in the Operative District Plan. As explained by Mr Quickfall, a separate plan change will be prepared to address papakāinga.

6. **POLICY 3 OF THE NPS-UD**

- 6.1 Policy 3 of the NPS-UD (as amended by the Amendment Act) is set out at paragraph 7.4 of the Joint Opening Legal Submissions. The policy provides for a hierarchy of heights and densities surrounding city centre zones, metropolitan centre zones, rapid transit stops, and the walkable catchments of these, down to neighbourhood centre zones, local centre zones and town centre zones. This hierarchy of heights and densities around centres and rapid transit stops supports other objectives and policies of the NPS-UD relating to public transport, reductions in greenhouse gas emissions and integrated infrastructure planning.
- 6.2 The requirement to incorporate the MDRS into relevant residential zones essentially adds minimum heights and densities into this hierarchy which apply across the whole of the residential zone without regard to the location of centres or rapid transit stops.
- 6.3 This approach may be effective in a city which contains all of the categories of centres, as more lenient heights and densities can be enabled in and around centres, with the MDRS providing appropriate heights and densities outside of those centres.
- 6.4 However, the towns in the Waipā District do not contain city centre zones, metropolitan centre zones or rapid transit stops, so only policy 3(d) applies. Policy 3(d) requires the Council to provide heights and densities of urban form which are commensurate with the level of commercial activity and community services in the town centres. This creates the potential for the heights and densities that are supported by Policy 3(d) to be the same or less than what would be required by

the MDRS. As the MDRS represents the minimum heights and densities that can be applied (subject to qualifying matters which must meet strict criteria), the outcome is that the same heights and densities are applied across the whole of the residential zones regardless of proximity to centres. This outcome potentially undermines other objectives and policies of the NPS-UD in relation to public transport, emissions reduction and integrated infrastructure planning, but is an unavoidable outcome of the Amendment Act.

- 6.5 The application of Policy 3(d) within Waipā District will be addressed in evidence at the substantive hearing. The Council acknowledges the evidence to be presented on behalf of Kāinga Ora and the Waikato Regional Council on these issues and intends to engage in discussions with the submitters regarding how best to give effect to the NPS-UD within the constraints of the Amendment Act.

7. **INCORPORATION OF THE MDRS**

- 7.1 The identification of “relevant residential zones” is addressed in paragraphs 6.10 to 6.16 of the Joint Opening Legal Submissions. The District Plan has not yet been modified to reflect the National Planning Standard. At present, the District Plan contains the following residential zones:

- (a) The “Residential Zone” which applies to land within Cambridge, Te Awamutu, Kihikihi and Karapiro;
- (b) The “Large Lot Residential Zone” which applies to land in Pirongia and Ohaupo, as well as land on the outskirts of Cambridge, Te Awamutu, Kihikihi and Karapiro;
- (c) The “Deferred Residential Zone” and the “Deferred Large Lot Residential Zone” which applies to growth cells on the outskirts of Cambridge, Te Awamutu and Kihikihi and in various rural settlements which have been identified as suitable for

residential or large lot residential development post 2035, and which will require a plan change process to create a live zone.

- 7.2 Only the current Residential Zone falls within the definition of “relevant residential zone”. Plan Change 26 therefore proposes to create a new Section 2A: Medium Density Residential Zone which applies to all of the Residential Zoned land in Cambridge, Te Awamutu and Kihikihi.⁵ The remaining Residential Zone will continue to apply to Karapiro, and any new residential areas in the future.⁶
- 7.3 I submit that any submissions which seek changes to the Large Lot Residential Zone, the Deferred Residential Zone, the Deferred Large Lot Residential Zone or the current Residential Zone are outside the scope of Plan Change 26.
- 7.4 Plan Change 26 has incorporated the MDRS by inserting the following provisions into the Operative District Plan:⁷
- (a) The mandatory objectives and policies⁸;
 - (b) New activity rules for residential units⁹;
 - (c) New rules relating to notification of applications for residential units¹⁰ ;
 - (d) New performance standards for residential units¹¹;
 - (e) New activity rule for subdivision for the purpose of residential units¹²;

⁵ While Kihikihi had a population of less than 5000 in the 2018 census, it is intended to become part of the Te Awamutu urban environment: section 2(1)(b)(ii).

⁶ Accordingly the only changes to Section 2: Residential Zone are to remove matters that relate to Cambridge, Te Awamutu and Kihikihi that are no longer required in that section.

⁷ As required by section 80H of the Act, the objectives and policies and the density standards are shown shaded orange.

⁸ Objectives 2A.3.1 and 2A.3.2 and Policies 2A.3.2.1, 2A.3.2.3, 2A.3.2.5, 3A.3.2.6 and 2A.3.2.7.

⁹ Rules 2A.4.1(b) and 2A.4.1.3(b).

¹⁰ Rule 2A.4.1A.

¹¹ Rules 2A.4.2.1 to 2A.4.2.5, 2A.4.2.10 to 4.2.21 and 2A.2A.4.2.23 to 2A.4.2.24.

¹² Rule 15.4.1(l).

- (f) Exemptions from the minimum lot size and shape provisions for subdivision for residential units¹³; and
- (g) New rules relating to notification of applications for subdivision for the purpose of residential units¹⁴.

7.5 I submit that, provided the MDRS has been properly incorporated into the Operative District Plan by these provisions, neither the Council nor the Panel is required to assess the effects of these provisions.

8. THE APPROACH TO QUALIFYING MATTERS

8.1 The provisions of the Act relating to qualifying matters are set out in Section 8 of the Joint Opening Legal Submissions.

8.2 While section 77I provides that a specified territorial authority **may** make the MDRS or the relevant building height or density requirements under Policy 3 of the NPS-UD less enabling of development only to the extent necessary to accommodate one or more qualifying matters, I submit that it would not be possible for the Council to achieve the purpose and principles of the Act without the careful application of qualifying matters.

Existing qualifying matters

8.3 Section 77K of the Act provides an alternative evaluation process for qualifying matters that are already contained within an Operative District Plan such as the Waipā District Plan. This recognises that these matters have already been the subject of a Schedule 1 process, and ensures that these matters are not relitigated through the IPI process. Instead, the focus of section 77K is on:

- (a) Identifying the area to which the qualifying matter applies;

¹³ Rule 15.4.2.1A.

¹⁴ Rule 15.4.1A.

- (b) Specifying the alternative density standards that are proposed for that area; and
- (c) Describing, in general terms for a typical site in the area, the effect of the qualifying matter on the level of development that would have been permitted by the MDRS.

8.4 As the Waipā District Plan was wholly operative prior to notification of Plan Change 26¹⁵, most of the qualifying matters contained in the plan change are existing qualifying matters. These are set out in detail in Appendix Two to the Section 32 report. In summary, they include matters relating to:

- (a) The safe and efficient operation of nationally significant infrastructure¹⁶, including the National Grid Yard and State Highways;
- (b) Outstanding natural features and landscapes¹⁷;
- (c) Significant indigenous vegetation and significant habitats of indigenous fauna¹⁸;
- (d) Public access to and along lakes and rivers¹⁹;
- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga²⁰;
- (f) The protection of historic heritage from inappropriate subdivision, use and development²¹; and
- (g) The management of significant risks from natural hazards.²²

¹⁵ Two plan changes have been notified since notification of Plan Change 26, however these plan changes do not relate to residential zones. Plan Change 17 proposes to extend the Industrial Zone in Hautapu, and Private Plan Change 20 proposes to extend the Airport Business Zone.

¹⁶ Section 77I(e) of the Act.

¹⁷ Section 77I(a) and section 6(b) of the Act.

¹⁸ Section 77I(a) and section 6(c) of the Act.

¹⁹ Section 77I(a) and section 6(d) of the Act.

²⁰ Section 77I(a) and section 6(e) of the Act.

²¹ Section 77I(a) and section 6(f) of the Act.

²² Section 77I(a) and section 6(h) of the Act.

- 8.5 The focus of the Council’s evidence, and the Panel’s consideration, of these qualifying matters will be the extent to which it is necessary to modify the MDRS to accommodate these qualifying matters. I submit that the Council is not required to present evidence in support of matters such as historic heritage and significant natural areas that have already been the subject of a Schedule 1 process as part of the Operative Waipā District Plan.
- 8.6 A small number of existing qualifying matters do not fall within subsections (a) to (i) of Section 77I and will therefore fall to be considered under section 77I(j) as any other matter that makes higher density, as provided for by the MDRS or Policy 3 of the NPS-UD, inappropriate in an area. These are set out in detail in Appendix Two to the Section 32 report, and include matters such as:
- (a) Character clusters;
 - (b) Protected trees; and
 - (c) Structure plans relating to specific growth cells.
- 8.7 In respect of existing qualifying matters which are “other matters” under section 77I(j) the Council’s evidence at the substantive hearing will provide a site-specific evaluation as required by section 77L. This site-specific evaluation will focus on the reasons why intensification in these areas is inappropriate and will evaluate a range of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics.

New qualifying matters

- 8.8 Plan Change 26 introduces a number of new rules which modify the MDRS as a result of qualifying matters. In all of these cases, the qualifying matter itself was already contained in the Operative District Plan and could therefore have been categorised as an existing qualifying matter. However, as the rules that are proposed to modify the MDRS to accommodate the qualifying matter are new, the Council has provided the more comprehensive evaluation required by section 77J of the Act. The new qualifying matters are addressed in Appendix Three of the Section 32 report and are discussed in more detail below.
- 8.9 Before discussing the qualifying matters below, it is important to recognise that while section 77I requires each qualifying matter to be categorised into the relevant subsection, in reality the qualifying matters overlap. The significant features of the Waipā District that the Council is seeking to protect are the Waikato and Waipā rivers and their catchments. The Waikato River and the Karapiro Stream²³ flow through Cambridge. The Mangapiko and the Mangaohoi Streams flow through Te Awamutu. The values associated with these rivers and streams are recognised by all of the following qualifying matters:
- (a) The preservation of the natural character of rivers and their margins, and the protection of them from inappropriate subdivision, use and development²⁴;
 - (b) The protection of outstanding natural features and landscapes from inappropriate subdivision use and development²⁵;
 - (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna²⁶;

²³ The definition of “river” in section 2 of the Act specifically includes streams.

²⁴ Section 77I(a) and section 6(a) of the Act.

²⁵ Section 77I(a) and section 6(b) of the Act.

²⁶ Section 77I(a) and section 6(c) of the Act.

- (d) The maintenance and enhancement of public access to and along lakes and rivers²⁷;
- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga²⁸;
- (f) A matter required in order to give effect to a national policy statement, being the National Policy Statement on Freshwater Management 2020²⁹;
- (g) A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River (**Te Ture Whaimana**)³⁰;
- (h) Open space provided for public use, but only in relation to land that is open space³¹;
- (i) A matter necessary to implement, or to ensure consistency with, iwi participation legislation³²

8.10 While the Section 32 report, and my discussion below, focusses on the most significant qualifying matter or matters, it is important to recognise that the protection of the Waikato and Waipā rivers and their catchments is relevant to all of these qualifying matters, and that all of these values of the rivers and streams are already identified in the Operative District Plan.³³

Te Ture Whaimana

8.11 Section 77I(c) of the Act specifically provides for a matter required to give effect to Te Ture Whaimana to be a qualifying matter. The significance of Te Ture Whaimana to the Waipā District is already

²⁷ Section 77I(a) and section 6(d) of the Act.

²⁸ Section 77I(a) and section 6(e) of the Act.

²⁹ Section 77I(b) of the Act.

³⁰ Section 77I(c) of the Act.

³¹ Section 77I(f) of the Act.

³² Section 77I(h) of the Act.

³³ As set out in Appendix Three of the Section 32 report.

recognised in the Operative District Plan³⁴ and is addressed by Mr Quickfall in his evidence for the Council, and Mr Williams in his evidence for Hamilton City Council.

8.12 In order to give effect to Te Ture Whaimana, Plan Change 26 proposes to introduce two infrastructure overlays which modify the MDRS for sites within the overlays. In particular:

- (a) The Infrastructure Constraint Qualifying Matter Overlay has been applied where intensification to the extent enabled by the MDRS would have high or critical impacts on wastewater and water infrastructure, which is likely to result in adverse effects on the Waikato River. For sites within the overlay, the rules of Plan Change 26 provide for two residential units as a permitted activity, with three or more residential units requiring resource consent as a restricted discretionary activity.
- (b) The Stormwater Constraint Qualifying Matter Overlay has been applied where intensification to the extent enabled by the MDRS would have high or critical impacts on stormwater infrastructure, which is likely to result in adverse effects on the Waikato River. For sites within the overlay, the rules of Plan Change 26 provide for a maximum site coverage of 40% as a permitted activity, with site coverage exceeding 40% requiring resource consent as a restricted discretionary activity.

Natural character of rivers/public access to and along rivers

8.13 Section 77I(a) provides for the matters of national importance in section 6 of the Act to be qualifying matters. Section 6(a) provides for the preservation of the natural character of rivers and lakes, and section 6(d) provides for the maintenance and enhancement of public

³⁴ As set out in Table 1 of Appendix Three to the Section 32 report.

access to and along lakes and rivers. The significance of these matters within the Waipā District is recognised in the objectives and policies of the Operative District Plan.³⁵

- 8.14 In order to protect the significant values of these rivers and streams³⁶, Plan Change 26 proposes to introduce a River / Gully Proximity Overlay which applies within 120m of these waterways. For sites within the overlay, the rules of Plan Change 26 provide for a maximum site coverage of 40% as a permitted activity, with site coverage exceeding 40% requiring resource consent as a restricted discretionary activity.

Open spaces/significant indigenous vegetation

- 8.15 Section 6(c) of the Act requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Section 771(f) also provides for open space provided for public use to be a qualifying matter. The Operative District Plan already contains objectives, policies and rules relating to Significant Natural Areas, Reserves and biodiversity corridors.³⁷
- 8.16 In order to protect significant indigenous vegetation and public open space, Plan Change 26 proposes the following new setbacks within the Medium Density Residential Zone:
- (a) A setback of 4m from the boundary of a site adjoining a reserve; and
 - (b) A setback of 20m from the boundary of a site adjoining a Significant Natural Area.

³⁵ Table 2 of Appendix Three to the Section 32 report.

³⁶.

³⁷ Table 3 of Appendix Three of the Section 32 report.

Character clusters

- 8.17 Cambridge, Te Awamutu and Kihikihi all have a unique character which represents the history and growth of the towns and is highly valued by the communities of these towns.
- 8.18 The Operative District Plan contains an existing framework for the identification and protection of historic heritage and the identification of groups of dwellings as character clusters. As the character clusters are an “other matter” which makes higher density inappropriate in an area, the Council has engaged an expert to carry out a site-specific evaluation of its character clusters as part of Plan Change 26.
- 8.19 As a result of that assessment, Plan Change 26 proposes to add additional character clusters to the District Plan. Accordingly, the Council has provided a more comprehensive assessment of the character clusters under section 77J of the Act.

9. **FINANCIAL CONTRIBUTIONS**

- 9.1 As set out in section 10 of the Joint Opening Legal Submissions, section 77T of the Act enables the Council to include financial contribution provisions, or to change its financial contribution provisions as part of its IPI.
- 9.2 Plan Change 26 proposes the following key changes to the Operative District Plan’s financial contribution provisions (in Section 18 of the Operative District Plan):
- (a) Amendments to the financial contributions so that they apply to permitted activities as enabled by section 77E of the Act;
 - (b) A new financial contribution entitled “Te Ture Whaimana” which seeks to enable restoration and protection of the

Waikato and Waipā rivers through matters such as riparian enhancement and erosion control measures;³⁸ and

- (c) A new financial contribution entitled “Residential amenity” which seeks to contribute to the creation of public open spaces and streetscape amenity to offset adverse effects of residential development density.³⁹

9.3 The submission by Waikato Tainui seeks clarity regarding who will administer the fund for financial contributions for Te Ture Whaimana. I submit that, in accordance with the Act, the Council is responsible for the use of financial contributions for the purposes for which they have been received.⁴⁰ However, the Council has commenced discussions with Waikato Tainui regarding appropriate administrative arrangements outside of the District Plan, recognising the need for consistency between the Councils.

10. ISSUES RAISED IN SUBMISSIONS

10.1 The Themes and Issues Report for the Joint Opening Hearing identifies the key issues relating to the Waipā District that are raised in submissions on Plan Change 26 and was prepared by Damien McGahan, planner with Aurecon, on behalf of the Council.⁴¹ Mr McGahan is available to answer any queries of the Panel relating to the Waipā-specific issues. Mr McGahan will be preparing the Section 42A report for the Council for the substantive hearing.

10.2 As the issues raised in submissions have been addressed in the relevant sections above and will be the subject of detailed evidence at the substantive hearing, I do not propose to address those issues in detail in these submissions. However, I can advise the Panel that the

³⁸ Rule 18.5.1.5 of Plan Change 26.

³⁹ Rule 18.5.1.4 of Plan Change 26.

⁴⁰ Section 111 of the Act.

⁴¹ Page 22 onwards of the Themes and Issues Report dated 15 December 2022.

Council will be carrying out discussions with a number of submitters in advance of the substantive hearing and will propose amendments to Plan Change 26 where it is considered appropriate.

10.3 In respect of the evidence to be presented on behalf of submitters at this joint hearing, I make the following two points of clarification:

(a) In respect of paragraph 5.2 of the evidence of Craig Mathieson for Fonterra Limited, the proposed rules in Plan Change 26 provide for two dwellings per site (rather than three dwellings) within the Medium Density Residential Zone as a result of the Infrastructure Constraint Qualifying Matter Overlay. However, the criteria which apply to an application to exceed two dwellings does not specifically address reverse sensitivity effects.

(b) In respect of paragraph 4.19 of the evidence of Michael Campbell for Kainga Ora, the intention of Plan Change 26 was to remove the Compact Housing Overlay as it is not required alongside the MDRS; some further amendments to the plan provisions may be required to achieve this.

11. **CONCLUSION**

11.1 In conclusion, the Council has been engaged in planning for growth for many years through its strategic growth strategies and particularly its partnership in Future Proof. These strategies seek to provide for commercially feasible growth capacity in locations and at rates which protect the matters of importance to the Waipā District, particularly the Waikato and Waipā rivers and their catchments.

- 11.2 The primary focus of the substantive hearing will be to ensure that the MDRS is incorporated into the Operative District Plan in a way that continues to protect the matters of national importance, as well as the site-specific matters which make intensification inappropriate.

Signed this 10th day of February 2023



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