

**PLAN CHANGE 7 – ROTOKAURI NORTH
PRIVATE PLAN CHANGE**

to

HAMILTON CITY DISTRICT PLAN

**SECTION 42A HEARING REPORT
10 September 2021**

**Report on Plan Change 7 - Rotokauri North Private
Plan Change**

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1 Introduction

- 1.1 My name is Craig Melville Sharman. I hold the qualifications of a Bachelor of Resource and Environmental Planning and a Master of Philosophy (Geography) from Massey University. I am a Senior Associate Planner for Beca Limited based in Hamilton. I was admitted as a Member of the New Zealand Planning Institute in 2003.
- 1.2 I have 23 years' professional planning experience and have been a planner based in Hamilton since 2004. I worked for Hamilton City Council between 2004 and 2006 in consenting and policy roles, and as a planning consultant since 2006. As a result I am highly familiar with the Hamilton City District Plan and am familiar with the strategic land use, growth management and environmental issues in and around Hamilton City.
- 1.3 In respect of the Rotokauri growth cell, as a consultant appearing on behalf of Hamilton City Council, I was part of the section 42A reporting team for Variation 18 - Rotokauri Structure Plan and Stage One Rezoning in 2008. I am familiar with the Rotokauri Structure Plan ('RSP') that was formulated in 2006-2008 and was subsequently incorporated into the then Hamilton City District Plan by way of Variation 18.
- 1.4 I was also the lead planner for the preparation of the notice of requirement for the Rotokauri Greenway, the primary stormwater management corridor for the southern portion of the Rotokauri growth cell. The notice of requirement was lodged in April 2019 and confirmed in April 2020 following a hearing. Through this work I am familiar with the RSP, the Rotokauri Integrated Catchment Management Plan ('Rotokauri ICMP') and growth-related planning issues within the Rotokauri locality.
- 1.5 I have been involved in numerous district plan review and plan change processes over the past twenty years in a variety of roles. This includes being the lead planner for the South Waikato District Plan review process from 2009 to 2015, being a part of the project team for the Waipa 2050 District Growth Strategy and subsequent plan change process and leading much of the early work on the Peacocke Structure Plan from 2005 to 2006. This work has included appearing regularly at Council hearings and giving expert planning evidence.
- 1.6 I have prepared this report pursuant to section 42A of the Resource Management Act 1991 ('RMA'). I have considered and assessed the relief sought in the submissions and further submissions received in relation to Plan Change 7 – Rotokauri North Private Plan Change Request ('PPC7'). PPC7 was notified on a limited notified basis on 21 February 2020, with the submission period closing on 23 March 2020. Eighty submissions (including three late submissions) and eight further submissions were received on PPC7. A summary of submissions and decisions requested was then prepared, and further submissions called for in November 2020 with eight further submissions received prior to the close on 18 December 2020. At the conclusion of this report I have made recommendations to the independent commissioner hearing panel which has delegated authority to hear and determine submissions on PPC7 and make a decision on the private plan change request.
- 1.7 There are a number of support appendices to this report. These are as follows:
 - Appendix A – Summary of Submissions Received
 - Appendix B – Tracked Change District Plan Chapters
 - Appendix C – Section 32AA Report
 - Appendix D – Supporting Technical Reports
 - Appendix E – Plan Change 7 – Technical Planning and Infrastructure Report

- 1.8 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.9 I have received and rely upon expert advice relating to transport, stormwater, water and wastewater, geotechnical, ecology, visual and landscape, archaeology, and urban design matters. The advice received on these matters has informed the recommendations in this report and I have identified in this report where this advice is relied upon. These supporting reports are attached to this report as **Appendix D**.
- 1.10 I have also relied on a Council officer report prepared by Mr Paul Ryan which addresses various infrastructure matters and the proposed amendments to the District Plan provisions. This report articulates the position of Council units on PPC7 with a particular focus on the management of future assets vested in Council and proposed amendments to the district plan. This supporting officer report is attached to this report as **Appendix E**.
- 1.11 No formal pre-hearing meetings concerning submissions covered by this evidence have been undertaken pursuant to clause 8AA, Schedule 1 of the RMA. However, some informal pre-hearing discussions have been conducted with the plan change proponent with the aim of limiting the points remaining in contention, particularly in respect of the proposed amendments to district plan provisions.
- 1.12 The plan change proponent subsequently submitted several revised reports in June and July 2021 that superseded several reports within the plan change as notified in February 2020. The additional reports submitted and the corresponding reports superseded are stated within the letter prepared by Berry Simons Environmental Law dated 27 August 2021 on behalf of the plan change proponent. At sections 6-8 of that letter, confirmation has been provided that:
- *The Sub-Catchment Integrated Catchment Management Plan ('ICMP') has been amended. The amended ICMP (dated August 2021) replaces in its entirety the ICMP Assessment that was notified as part of Attachment 9 to the Assessment of Environmental Effects ("AEE") for PC7.*
 - *Attachments J and K to the ICMP have been amended. The amended attachments replace in their entirety Attachments J and K to the ICMP Assessment that were notified as part of Attachment 9 to the AEE for PC7.*
 - *Attachment L to the ICMP that was notified as part of Attachment 9 to the AEE for PC7 has been deleted. There is no replacement Attachment L to the ICMP, so the attachments to the ICMP now end at Attachment K.*
 - *Updated traffic modelling work has been undertaken and reported in an addendum to the Integrated Transport Assessment ('ITA') that was notified as Attachment 13 to the AEE for PC7 (which was also replaced by an updated ITA provided with the Green Seed submission on PC7). The addendum to the ITA further expands on (and should be read in conjunction with) the information supplied via submission.*
 - *The Rotokauri North Structure Plan has been amended. The amended Structure Plan replaces the Structure Plan that was included in Attachment 4 to the AEE for PC7.*
 - *In addition, in response to a specific query from the Council following notification of PC7, bat monitoring was undertaken by Tonkin + Taylor. The results of that monitoring were provided to the Council in a report titled "Long-tailed bat survey – Rotokauri North*

Subdivision”, prepared by Tonkin + Taylor and dated 25 June 2020. That report now also forms part of the documentation supporting PC7.

- *Green Seed’s consultants have also provided the following responses to Council’s peer review of draft versions of the above documents, which also now form part of the PC7 documentation:*
 - *(a) SC-ICMP Stormwater Peer Review Response, prepared by BBO and dated 23 July 2021;*
 - *(b) SC-ICMP W-WW Peer Review Response, prepared by BBO and dated 3 August 2021.*
- *In addition, in response to a specific query from the Council following notification of PC7, bat monitoring was undertaken by Tonkin + Taylor. The results of that monitoring were provided to the Council in a report titled “Long-tailed bat survey – Rotokauri North Subdivision”, prepared by Tonkin + Taylor and dated 25 June 2020. That report now also forms part of the documentation supporting PC7.*

1.13 These additional reports have been reviewed by the Council’s consultant team, and are referenced within the various technical assessments prepared and attached to this report as **Appendix D**. These reports were also made available to all submitters via Council’s website on or about 6 September 2021, with a letter also being sent by Council advising submitters of the hearing dates and that additional information provided by the plan change proponent was now available on the website.

1.14 This report is prepared in accordance with section 42A of the RMA and focuses on the merits of the plan change itself including amendments to District Plan provisions applying to Rotokauri North, and the matters raised in the submissions and the relief sought by the submitters. In addressing the submissions I have also pursuant to clause 29, Schedule 1 of the RMA, recommended consequential changes arising from submissions or other relevant matters, to assist the Hearing Commissioners with their decision-making.

Background to Private Plan Change 7

1.15 Hamilton City Council and central government signed the Hamilton Housing Accord on 22 December 2016 as a way to increase housing supply and improve housing affordability in Hamilton. The Accord was a significant part of the city’s response to the Housing Accords and Special Housing Areas Act 2013 (HASHAA) and outlined targets for the number of dwelling and section consents to be issued in Hamilton for the three years from 2016 to 2019.

1.16 On 10 May 2018, the Council resolved to recommend to the government that the Rotokauri North plan change area be declared a Special Housing Area pursuant to the Hamilton Housing Accord. The subsequent declaration was gazetted on 26 August 2019. On 30 August 2019, Green Seed Consultants Limited applied to the Council for a Qualifying Development (QD) resource consent pursuant to section 25(1) of HASHAA. The consent lodged was for land modification, infrastructure development and subdivision associated with the provision of 151 single dwellings and 16 duplex units, and the associated subdivision. A further information request from Council regarding the QD application was sent to Green Seed Consultant Limited on 24 September 2019. This QD application covered approximately 15.1 hectares located on land bounded by Te Kowhai Road (State Highway 39) approximately mid-way along the plan change area’s frontage with State Highway 39, as shown on Figure 1 below. The QD application was formally withdrawn on 9 September 2021.



Figure 1 Extent of Qualifying Development Rotokauri North

- 1.17 A private plan change request for Rotokauri North was then submitted to Council in April 2019. Following an assessment of completeness, a resolution from Council to accept the private plan change request pursuant to clause 25 of the Schedule 1 RMA process was passed on 5 September 2019. Council then proceeded with limited notification of the private plan change request, as PPC7 on 21 February 2020. A private developer agreement ('PDA') was also agreed between the parties on 29 August 2019 to articulate shared understandings and to provide a framework for on-going collaboration regarding infrastructure development in Rotokauri North.
- 1.18 A consultant team was engaged by Council to assist with the evaluations in late 2018 and early 2019 to initially provide feedback on the completeness of the private plan change request, and then following the notification of PPC7 to fully evaluate the contents in respect of the merits of the amendments sought. Draft evaluation reports were prepared on behalf of Council and findings conveyed to the plan change proponent in 2019.
- 1.19 Following the close of the submissions period on 23 March 2020, a summary of submissions and decisions requested was prepared, but there was a delay in the process due initially to the COVID-19 lockdown, and a period of time where the PDA terms and implementation were being discussed between Council and the plan change proponent. The process resumed with further submissions being called for on 20 November 2020 and the period closing on 18 December 2020.
- 1.20 During the above pause period an update of the technical assessments undertaken on behalf of Council was provided to the plan change proponent (via a letter dated 26 August 2020). This update provided a summary of the initial findings of each of the assessments and provided comments on remaining points of contention. The purpose of doing this was to provide an opportunity to the plan change proponent to respond to these points prior to the hearing, given the delay in the statutory process.
- 1.21 Broadly these points of contention were in respect of the Rotokauri North Sub-Catchment Integrated Catchment Management Plan ('RNICMP' or 'sub-catchment ICMP'), transport

proposals and the transport modelling undertaken, and with the proposed amendments to the District Plan. As noted above the plan change proponent has subsequently submitted revised reports in response to issues that arose and the above findings of Council's consultant team.

- 1.22 Section 2 of this report below outlines the nature and scope of PPC7; Section 3 provides analysis of the submissions and further submissions received; Section 4 is an assessment of the environmental effects associated with the plan change; Section 5 is a statutory assessment of the plan change against the relevant statutory documents; Section 6 discusses the section 32 report contents submitted with PPC7 and the section 32AA analysis undertaken; Section 7 is a detailed analysis of the proposed amendments to the District Plan incorporated within PPC7, and the subsequent proposed revisions to those provisions; Section 8 contains a Part 2 RMA assessment; and Section 9 outlines the recommendations to the Hearing Commissioners contained within this report.
- 1.23 The analysis within this section 42A report needs to be read in conjunction with the technical reports and memos prepared by the Council consultant team and Council officers attached as **Appendices E and F**.
- 1.24 By way of clarity this is a report on the merits of the plan change and the submissions received, and that contains recommendations to the Hearing Commissioners. The Hearing Commissioners will make decisions based on the submissions that have been lodged and all information presented at the time of the hearing. The recommendations made in this report are not the Commissioner's decision.

2 Proposed Plan Change

Summary of Proposed Amendments

- 2.1 The private plan change request submitted by Green Seed Consultants Limited ('the plan change proponent') seeks to rezone approximately 140 hectares of land within Rotokauri North from Future Urban Zone to Medium Density Residential Zone (137.6 hectares) and Business 6 Zone (1.2 hectares). The plan change also seeks to insert the proposed Rotokauri North Structure Plan ('RNSP') into the District Plan and give it statutory weight, in place of the existing RSP in respect of Rotokauri North.
- 2.2 A series of amendments to District Plan provisions are proposed to give effect to the RNSP, and to apply some bespoke plan provisions to the structure plan area. The existing Natural Open Space Zone covering the land containing the significant natural area (SNA 11 Kereru Bush, alternatively known as Burbush Road Forest or Perkins Bush) remains unchanged. The approximate housing yield within Rotokauri North is estimated by the plan change proponent as being up to 2,000 houses.
- 2.3 In more detail, PPC7 proposes changes to the zoning and policy notations applying to land within the Rotokauri North growth cell; the insertion of the RNSP to apply to the growth cell in substitution of the existing RSP; and proposes various amendments to several chapters of the District Plan. PPC7 applies to approximately 140 hectares of land in Hamilton's north west referred to as the Rotokauri North Structure Plan Area. The land is currently zoned Future Urban as it forms part of Rotokauri Stage 2 (the RSP will continue to apply to Rotokauri Stage 1 and the remainder of the Rotokauri Stage 2 area not within the Rotokauri North Structure Plan Area. The RSP will have no statutory effect within the Rotokauri North

Structure Plan Area but would continue to apply to the remainder of the Rotokauri growth cell (referred to in this report as Rotokauri South). The key elements of the plan change include:

- Applying the Medium Density Residential Zone to approximately 137 hectares, to enable up to 2000 residential units comprising a mixture of single dwellings, duplex dwellings, terraced houses and ancillary dwellings.
- Applying the Business 6 Zone to approximately 1 hectare, to enable a neighbourhood commercial centre.
- The insertion of the Rotokauri North Structure Plan within Chapter 3 Structure Plans and Appendix 2 Structure Plans.
- Amendments to the District Plan planning maps within Appendix 17 Planning Maps to display the altered zonings and policy notations.
- Amendments to the following chapters and appendices of the District Plan to give effect to the plan change:
 - Chapter 3 – Structure Plans
 - Chapter 4 – Residential Zone
 - Chapter 23 – Subdivision
 - Chapter 25 – City-wide
 - Appendix 1 – District Plan Administration
 - Appendix 2 – Structure Plans
 - Appendix 9 – Natural Environments
 - Appendix 15 – Transportation
 - Appendix 17 – Planning Maps – Maps 12A, 12B, 13A, 13B, 14A, 14B and Locality Plan/Legend.

2.4 Section 3.2.3 of the plan change document contains a table displaying the various amendments to chapters and appendices of the District Plan as proposed within PPC7. Attachment 4 to the plan change document then contains those chapters and appendices with text changes shown in blue annotated text, and with replacement diagrams. It is worth noting that the Attachment 4 chapter and appendices also display changes proposed by Private Plan Change 2 Te Awa Lakes and Plan Change 6 Regulatory Efficiency and Effectiveness and Programme. Both of these plan changes are now operative, and the **Appendix B** 'tracked change' chapters and appendices now include the operative text introduced through these other plan changes.

2.5 The amendments to the District Plan proposed within PPC7 have been drafted to have statutory effect only within the Rotokauri North Structure Plan Area. The scope of the hearing is therefore limited to the above chapters of the District Plan and as they relate to the Rotokauri North Structure Plan Area only.

2.6 A full copy of the private plan change document is not attached to this report, but is available on Council's website at the following web address:

[https://www.hamilton.govt.nz/our-council/council-publications/districtplans/ODP/Pages/Plan-Change-7-%E2%80%93-Rotokauri-North-\(Private-Plan-Change\).aspx](https://www.hamilton.govt.nz/our-council/council-publications/districtplans/ODP/Pages/Plan-Change-7-%E2%80%93-Rotokauri-North-(Private-Plan-Change).aspx)

Full copies of the submissions and further submissions received are available on Council's website and are not appended to this report.

Key Features of the Plan Change

- 2.7 The primary feature of the plan change is the proposed uplifting of the current Future Urban Zone from the plan change area, and replacement with urban zoning, to enable urban development to proceed within Rotokauri North. The arrangement of the proposed Business 6 Zone and the Medium Density Residential Zone, and the absence of other zones such as industrial and commercial zonings, establishes the intended juxtaposition of land uses within the plan change area.
- 2.8 The introduction of the RNSP diagrams and supporting text within Chapter 3 Structure Plans, together with the associated amendments to the existing RSP diagrams and text in the same chapter, then establishes the intended key urban features and land use elements within Rotokauri North. The proposed structure plan (Figure 2-8A) as revised with the August 2021 reports and documents displays the location of:
- the intended zones including the height overlay area,
 - a layout of transport networks (minor arterial, collector and local transport routes and key intersections),
 - an intended closure of a portion of Burbush Road,
 - a notation indicating that no direct access from SH39 is permitted for properties fronting the state highway corridor and that a landscape buffer is required,
 - the indicative location of the 'green spine' being the primary stormwater conveyance and treatment corridor and corridor for active transport modes,
 - the location of the Ohote Stream and Te Otamanui Stream, and
 - the location of indicative neighbourhood reserves.
- 2.9 Figures 2-9A – 'Rotokauri North Strategic Infrastructure – Water and Wastewater' and Figure 2-9B – 'Rotokauri North Strategic Infrastructure – Transport Network and Reserves' are then supporting diagrams that provide additional detail to the structure plan. The former diagram displays indicative location of a water supply and a wastewater network for Rotokauri North with supporting information regarding pump station locations and the staged roll-out of these networks. The latter diagram displays indicative locations for the transport network, the indicative location of neighbourhood reserves, and the indicative location of a larger community reserve in the south-eastern corner of the growth cell. In respect of transport, the diagrams need to be looked at in conjunction with Attachment 13 to the plan change being the Integrated Transportation Assessment Report. This report details the arterial and collector network of transport corridors, and proposals for public transport and pedestrian/cycleway routes to connect Rotokauri North with the wider transport networks, both existing and proposed.
- 2.10 The RNICMP is Attachment 9 to the plan change document and includes a series of supporting technical reports. The RNICMP set out the three waters proposals for the future roll-out of water supply, stormwater management, and wastewater infrastructure in Rotokauri North. The RNICMP has a particular focus on stormwater management given that potentially relatively large areas of land within the growth cell will be required for stormwater management to prevent unacceptable downstream adverse effects.
- 2.11 The plan change also incorporates the Rotokauri North masterplan (concept 6) which is a schematic growth cell layout presented within **Attachment 15** to the plan change document, being an Urban Design Assessment prepared by Ian Munro. The schematic shows in greater detail a possible layout for neighbourhoods and a local street network, the location and extent of neighbourhood reserves and the 'green spine'. The masterplan appears to be intended to provide a schematic at a finer grain than the structure plan diagrams but is

intended by the plan change proponent as an illustrative drawing rather than a blueprint to drive precise development detail. The masterplan provides a useful articulation of the plan change proponent's intended pattern of development within Rotokauri North.

- 2.12 The various amendments proposed to District Plan provisions within the plan chapters listed above then provide the framework of provisions to give effect to the change in zoning, and the implementation of the RNSP and RNICMP. All of the proposed amendments to plan provisions have been drafted with the intention that they have a statutory impact only within the Rotokauri North land area subject to PPC7. The District Plan amendments are numerous, reflective of the 'greenfield' medium density residential land use pattern proposed for the majority of the Rotokauri North area, and where the plan change proponent has sought bespoke provisions to apply rather than attempting to apply existing District Plan provisions that apply elsewhere within the city. The more detailed reasoning for why this is necessary is discussed in Section 4 Assessment of Effects, and Section 7 Amendments to the District Plan.

Key Differences Introduced by the Rotokauri North Structure Plan

- 2.13 There are several notable differences between the RSP currently within the District Plan and the proposed RNSP incorporated within the plan change. As related to the Rotokauri North location the key differences are as follows:

- The collector transport network displayed on the RNSP
- The location and extent of 'future reserves'
- Differences with the 'green drainage corridor', particularly the absence of the southern arm
- The location of the Business 6 Zone on the RNSP, relative to the 'community focal point' on the RSP
- The presence of some Medium Density residential land to the east of the indicative alignment of the minor arterial corridor, and the absence of a 'transitional interface'
- The absence of the 'ridgeline character area'
- Changes to the 'cycleway/walkway' network shown on the RSP and
- The presence of Medium-Density Residential on the RNSP

- 2.14 The RNSP collector corridor network is different from that shown on the RSP. Both proposed networks have a connection with State Highway 39 to the north, both connect to Exelby Road to the west, both have connections to the south for future connection to urban development in that direction, and both have a connection with the minor arterial corridor at the eastern extent of the plan change area. Both proposed networks also have a central west-east collector corridor, which is a more direct linear corridor on the RNSP, with greater offsets and shorter stretches of corridor on the RSP. Importantly, whilst the form of the corridors is somewhat different, the function of the corridors to connect north-south and east-west exist, and the key connections are present with the minor arterial corridor which is the primary connector to the remainder of the city's transport network (once it is constructed). The merits of these differences are described within Section 4 under the heading 'transportation effects', and in more detail within the Transportation Assessment attached to this report within **Appendix D**.

- 2.15 There are some significant differences with the location and extent of 'future reserves' between the two structure plans. The RSP has two large 'future reserves' (intended as sports parks) on flat ground within Rotokauri North, one to the west and one to the east. The RSP also recognised the significant natural area (SNA - Kereru Bush) as does the proposed RNSP. The RNSP Figure 2-8A displays three 'indicative neighbourhood reserves'

and 'green spine' for stormwater management purposes, and Figure 2-9B displays a large 'future' community reserve in the south-east corner of the growth cell in the same location and approximate extent as the RSP. The impact of the differing reserves proposals is described in Section 4 of this report under the topic heading 'infrastructure effects'.

- 2.16 The RSP displays a 'green drainage corridor' in Rotokauri North in recognition that the Ohote Stream is the main natural watercourse in the locality (the Te Otamanui Stream travels in a northerly direction from Rotokauri North also). The RSP shows an alignment that is primarily east to west, but with a southern arm that serves land to the south that is outside the plan change area. The revised RNSP displays an east-west stormwater corridor somewhat further to the south but with a similar alignment, and now with a stormwater corridor towards the south (the 'as notified' RNSP did not) connecting with land to the south within the catchment. The merits of the proposals for stormwater management and the relative differences from the RSP are discussed in Section 4 of this report under the heading 'stormwater effects', and in more detail within the Morphum stormwater assessment attached to this report as **Appendix D**.
- 2.17 The location of the Business 6 Zone on the RNSP, relative to the 'community focal point' displayed on the RSP is different. The 'community focal point' is displayed on the RSP adjacent to the eastern sports park location. The phrase 'community focal point' is described within Chapter 3 Structure Plans as a "future commercial/community focal point" (3.6(b) and (c)) and "a future neighbourhood centre node is shown in Stage 2 to serve the day-to-day needs of the future residential community within Stage 2" (3.6.2.3(d)). It is apparent from the description of the RSP proposals that this neighbourhood centre provides for the commercial needs of the northern part of the growth cell, to complement the larger suburban commercial centre in the south located near Te Wetini Drive and the WINTEC campus. It is also apparent that the 'community focal point' is intended as a commercial centre as well as a community focal point. Effectively the plan change proposal to zone land further to the north as Business 6 Zone represents a shift of the community focal point to the north. The merits of this are discussed in Section 4 of this report under the topic heading 'land use effects'.
- 2.18 The presence of some medium density residential land to the east of the indicative alignment of the minor arterial corridor and the absence of a 'transitional interface' represents a change from the RSP. The RSP utilised the minor arterial transport corridor as a means of transitioning land use from industrial (employment area) to the east with residential to the west. In addition the RSP displays a 'transitional interface' notation within the industrial area as part of this land use transition, although with no clear means of implementation. The merits of this are discussed in Section 4 of this report under the topic heading 'land use effects'.
- 2.19 The plan change proposes to not implement the 'ridgeline character area' notation from the RSP. In the Rotokauri Stage 1 area the 'ridgeline character area' is implemented through zoning (Special Natural Zone) and policy notation (Rotokauri Ridgeline Area) with the statutory effect of that being minimum lot sizes, boundary setbacks and other provisions being more restrictive in these locations. The plan change proposal is to not implement the 'ridgeline character area' within Rotokauri North, with the Medium Density Residential Zone applying without modification. The merits of this are discussed in Section 4 of this report under the topic heading 'landscape and visual effects'.

- 2.20 The RSP displays an extensive 'cycleway/walkway' network along the various collector routes, the 'green drainage corridor' and linking to the various sports parks and reserves proposed. The plan change active mode proposals are not evident on the revised structure plan diagrams at all. This absence of off-road walking and cycling provisions proposed is described within Section 4 under the heading 'transportation effects', and in more detail within the Transportation Assessment attached to this report as **Appendix D**.
- 2.21 The density of proposed residential development is substantially different to that displayed on the RSP. The RSP has a single medium density residential area located on land near the suburban centre in the south of Rotokauri, but otherwise with 'general residential' density assumed. The plan change proposals are for medium density residential development across the entirety of Rotokauri North (except for the Business 6 Zone). The merits and implications of this are discussed in Section 4 of this report under several of the topic headings.

Site Context

- 2.22 The majority of the land subject to the plan change request (133 hectares) is described within the plan change documents as being 'within the umbrella' of the plan change proponent. This means either land ownership or legal agreements are in place with a separate landowner that allow the plan change proponent 'control' of the landholdings. There are several properties located within the plan change area that are not within either the ownership of the plan change proponent or subject to a legal agreement. These properties comprise approximately seven hectares in land area. PPC7 is proposed to apply to these properties.
- 2.23 The Rotokauri North Structure Plan Area is within the Rotokauri urban growth cell which has been identified by Hamilton City Council for future urban growth. The Future Urban Zone currently applied to the land indicates that the intended future land use is urban, but the Rotokauri North location is Rotokauri Stage 2 indicating that urban infrastructure is not available within the growth cell nor currently funded in the Council's Long Term Plan 2021-2031. In this sense the urban development of Rotokauri North is 'out of sequence', although clearly envisaged within statutory planning documents. The plan change document attachments include a sub-catchment integrated catchment management plan document and supporting infrastructure reports with proposals for an infrastructure roll-out to enable urban development to proceed.

Site History

- 2.24 The locality has been farmed since the early 1900s with land drainage installed and the indigenous vegetation cleared. The Kereru Bush significant natural area is the main surviving remnant of the previous indigenous forest vegetation, which along with the previous wetland vegetation has been virtually entirely removed. This is fairly typical for the wider Rotokauri locality and the wider Waikato region.
- 2.25 Current settlement is in the form of sporadic rural housing with rural pastoral land use predominating. Te Kowhai Road, Exelby Road and Burbush Road form the long-standing rural roading network in Rotokauri North. The Waikato Expressway has severed the original alignment of Te Kowhai Road linking with Te Rapa Road, with the current connection towards the east being Koura Drive/State Highway 39. To the south Rotokauri Road, Burbush Road and Exelby Road link Rotokauri North with the remainder of Hamilton city. Exelby Road and State Highway 39 form the boundary of Hamilton city with the centreline of the roads being the jurisdictional boundary with the Waikato District. The plan change area

therefore has a long interface with the Rural Zone of the Waikato District (as per the Operative and Proposed Waikato District Plans).

- 2.26 The existing RSP (Chapter 3 and Appendix 2 of the District Plan) displays the intended adjacent urban land uses. To the south of the plan change area is land intended for residential land use within Stage 2 of the RSP (currently Future Urban Zone). Land to the east of the plan change area is intended for employment (primarily industrial) land use (currently Future Urban Zone). Land to the north east (north of Te Kowhai Road) is within the Te Rapa North Deferred Industrial growth cell (currently Te Rapa North Deferred Industrial Zone) and subject to proposed Plan Change 10 – Te Rapa North Deferred Industrial Land (currently being formulated with no statutory effect at this time).
- 2.27 Section 2 of the PPC7 document provides a detailed description of the detail of properties within the plan change area, the description of the plan change area, the historic and current land uses, and information on the topography and geology, the watercourses and drainage network, the hydrogeological characteristics and the catchment boundaries that exist. This description is concurred with and need not be repeated in this report.

Section 32 Report

- 2.28 Attachment 5 to PPC7 is a Section 32 Report in support of the proposed plan change and rezoning request. Section 6 of this report addresses section 32 and 32AA RMA requirements, with **Appendix C** to this report containing a Section 32AA Report to assist the Hearing Commissioners.

3 Analysis of Submissions

- 3.1 A total of eighty submissions (including three late submissions) and eight further submissions were received on PPC7. The tables below summarise the submissions received and are arranged under the headings ‘in support’, ‘in support in part’ and ‘in opposition’. There are considered to be nineteen submissions in support of the plan change; five submissions supporting the plan change in part; and fifty-six submissions in opposition to the plan change.
- 3.2 The Submission Analysis and Recommendations tables below provide a set of recommendations in response to submission points in accordance with clause 10 of Schedule 1 RMA. A full summary of submissions (including the late submissions) prepared by Council is attached also as **Appendix A**, and full copies of the submissions and further submissions received are located on Council’s website. Section 4 of this report then considers the issues raised within the submissions as part of the wider discussion on potential environmental effects.

Late Submissions

- 3.3 In terms of the three late submissions received from the Waikato Regional Council, Te Whakakitenga o Waikato Incorporated and Lorraine van Asbeck, it is recommended that all three be accepted by the Hearing Commissioners and be considered in the plan change process.
- 3.4 The late submission received from Waikato Regional Council is dated 25 March 2020 and was received by Council two days after the close of the submission period. The lateness of

the submission is not considered to compromise any other party given the only two day period that had elapsed following the close of the submission period.

- 3.5 The submission received from Te Whakakitenga o Waikato Incorporated was received by Council on 30 March 2020 (five days after the close of submissions), although it is understood that the submission was initially submitted within the submission period to Mr Steve Rice (Rice Resources Ltd) who was acting as secretarial support to Council. The submission has been treated as being late given it was not formally received by Council until after the submission period closed.
- 3.6 The submission received from Lorraine van Asbeck was received on 21 May 2020 being forty working days late. Whilst received substantially outside the submission period, the submission identifies safety and other issues with direct access onto State Highway 39, stormwater, transport noise and devaluation of land as issues. Whilst the submission cites some property specific effects, the broader environmental effects being raised are points made in other submissions. Further the lateness of the submission is not considered to compromise any other party given that further submissions were not called for until November 2020 with all parties having a substantial amount of time to consider the issues raised.

Submission Analysis and Recommendations Tables - Submissions in Support

- 3.7 The submissions that were received in support of PPC7 are listed in the table below. Pro-forma submissions have been included with all parties listed in the submitter column.

Submitter(s)	Submitter Comment(s)	Relief Sought in Submission(s) and Recommended Response to Relief Sought
Philip Laird; Chris Laird; Jianfeng Zhou; Quiong Yang; Lilly Investments (265 and 372 Exelby Road); Green Seed Holdings Limited (350 Exelby Road and 335 Te Kowhai Road); River Garden NZ Ltd; Charles Ma; Green Seed Consultants Limited	All support the plan change in its entirety and seek that it be approved as proposed. The submitters support the plan change as it includes specific planning provisions to require 'affordable housing' for first home buyers; the plan change provisions have been developed to ensure they result in exceptional community outcomes; and that the provisions are specific and more appropriate to the plan change area rather than the default provisions from the Hamilton District Plan.	Approve Plan Change 7, including the extent of the Medium Density Residential Zone and Business 6 Zone, the Rotokauri North Structure Plan, the proposed district plan provisions to apply to Rotokauri North, and opposes changes being made to the plan change. Recommendation The recommendations within Section 9 of this report do recommend approval to the plan change, although with numerous amendments to district plan provisions as displayed in detail within Appendix B and for the reasons described within the section 42AA report attached as Appendix C. Accept in part.

Brian and Eleanor Robertson	Support the plan change in its entirety as it will provide affordable housing, a good opportunity for landowners to develop the land and has good transport networks to Auckland with the expressway close by.	Approve Plan Change 7. Recommendation The recommendations within Section 9 of this report do recommend approval to the plan change, although with amendments to district plan provisions. Accept in part.
Sung Ho Jung and HA Rim Jung	Support the plan change.	Approve Plan Change 7. Recommendation The recommendations within Section 9 of this report do recommend approval to the plan change, although with amendments to district plan provisions. Accept in part.
Keith and Jennifer Patterson; Eleanor Robertson, Jillian Marsh and Jennifer Patterson (Perkins Family Trust)	Support the plan change as it is becoming difficult to maintain the land as a rural unit with environmental regulations. Consider it is an optimum time to develop the land, and the city will benefit from more affordable housing in the north of Hamilton.	Approve Plan Change 7. Recommendation The recommendations within Section 9 of this report do recommend approval to the plan change, although with amendments to district plan provisions. Accept in part.
Douglas and Jillian Marsh; Hamish and Claire Marsh	Support the plan change in so far that it will be at small cost to Hamilton ratepayers and the Council has a large part in the development.	Approve Plan Change 7. Recommendation The recommendations within Section 9 of this report do recommend approval to the plan change, although with amendments to district plan provisions. Accept in part.
Te Whakakitenga o Waikato Incorporated and Rotokauri North Tangata Whenua Working Group	The submitters support the plan change and the collaborative approach to environmental management within the Waikato-Tainui rohe, and recognises that the plan change proponent has met this aspiration in its consultation and collaboration with mana whenua and Waikato-Tainui in the development of PPC7. The submitter considers that the plan change proponent has met the objectives and strategies of Te Ture Whaimana – the Vision and Strategy for the Waikato River, and the Waikato-Tainui Environmental Plan regarding PPC7 through	Approve Plan Change 7, subject to any further amendments necessary to reflect and provide for the recommendations in the Cultural Impact Assessment report prepared by the Rotokauri North Tangata Whenua Working Group. Recommendation The recommendations within Section 9 of this report do

	<p>mitigation recommended in the Cultural Impact Assessment (CIA). The submitter has appreciated that a good faith working relationship has been established through the working group and the site visits and bi-monthly meetings to work through the plan change.</p> <p>The submitter seeks that the plan change be approved subject to any further amendments the panel considers necessary to reflect and provide for the recommendations in the CIA.</p>	<p>recommend approval to the plan change, although with amendments to district plan provisions that are not direct responses to the Cultural Impact Assessment report.</p> <p>Accept in part.</p>
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3.8 The above points are further discussed in Section 4 of this report under the headings of ‘positive effects’, ‘transportation effects’, ‘landscape and visual effects’ and ‘urban design and amenity effects’.

Submission Analysis and Recommendations Tables - Submissions in Support in Part

3.9 The submissions that were received in support of PPC7 in part (for the reason that the submissions broadly support the plan change but also seek amendments), as described in the table below.

Submitter(s)	Submitter Comment(s)	Relief Sought in Submission(s) and Recommended Response to Relief Sought
Richard Ruske	<p>Generally supports the plan change but seeks a more detailed understanding of the catchment wide servicing proposals to enable residential development beyond the boundaries of the plan change area, and considers the plan change currently lacks connectivity with the adjoining land.</p> <p>Concerned that the plan change does not identify the future reserve shown in the Rotokauri Structure Plan resulting in uncertainty over the future boundary conditions. PPC7 does not identify the community focal point shown in the Rotokauri Structure Plan resulting in uncertainty of where key community facilities will be provided.</p> <p>Concerned also with a lack of clarity regarding stormwater within the southern Rotokauri catchment and the effect that the plan change will have on it. Seeks that consideration be given to the effects of large rainfall events on the southern Rotokauri</p>	<p>Approve Plan Change 7, subject to any further amendments necessary, including rezoning the Rotokauri North Structure Plan area to a combination of Medium Density Residential and Business 6 (Neighbourhood Centre) Zone.</p> <p>The submitter seeks clarity on the interface of the proposed zoning and whether PC7 enables or precludes the community park in the south-western corner of the growth cell as is shown on the Rotokauri Structure Plan. Also seeks clarity on the potential delivery mechanism of the community focal point.</p> <p>The submitter seeks that the collector road shown in the Rotokauri Structure Plan to be provided as it provides key linkages to network infrastructure.</p> <p>Seeks clarity on how PPC7 provides for connectivity of infrastructure to adjacent and/or upstream land.</p> <p>Seeks a more detailed understanding of catchment wide servicing to enable</p>

	<p>catchment and that water quality information provided be qualified to understand potential effects.</p> <p>The submitter opposes the collector road which links the minor arterial road east of the plan change area to the subject site not being included within the plan change, and requests that this be included as it provides linkages to network infrastructure.</p> <p>The submitter opposes the Far Western Interceptor being used for wastewater disposal for the plan change, and states that the capacity within the Far Western Interceptor will be reached if it is used, and that no other intensification or growth will be viable within the wider Rotokauri area without significant capital expenditure. This will lead to increased developer contributions being required by other developments in the future.</p>	<p>residential development beyond the boundaries of the PPC7 area.</p> <p>Recommendation</p> <p>The recommendations within Section 9 of this report do recommend approval to the plan change, although with amendments to district plan provisions. The plan change proponent has also revised the Rotokauri North ICMP report, the structure plan diagrams and collector transport network, and also provided additional clarification of the three waters infrastructure proposals. The connectivity with the proposed networks with the land to the south has been enhanced, particularly in respect of stormwater proposals. In addition capacity within the wider wastewater network is now better understood.</p> <p>The large community park the submitter refers to is not shown on the primary RNSP diagram but is shown on Figure 2-9B and does form part of the PDA agreement between Council and the plan change proponent. It will be delivered in the south-eastern corner of the growth cell approximately in the location shown on the Rotokauri Structure Plan diagram. The delivery of the community focal point will be via the commercial centre proposed and elements of the community park.</p> <p>Accept in part.</p>
Bo Ram Yu	<p>Generally supports the plan change, as considers it will provide affordable housing in Hamilton. Concerned that the submitter's property has direct access onto State Highway 39 (SH39) and with higher volumes of traffic as a result of the development considers would have to demolish buildings as they face the road. Submitter does not wish to accept the inconvenience if access blocked onto SH39 from the property and seeks that instead a new main road be built prior to any blocking off of his access from SH39.</p>	<p>The submitter seeks that vehicle access from the property direct to State Highway 39 continue to be provided for.</p> <p>Furthermore that the plan change includes the requirement for a local road to be developed to provide access to 301 Te Kowhai Road from adjoining lots.</p> <p>Recommendation</p> <p>The recommendation is to accept in part the submission as any existing property with vehicle access directly onto the state highway has existing use rights and can continue to rely on the existing entrance. The submitter is correct that traffic volumes along the state highway</p>

		will increase over time, including from traffic generated by the plan change area. The revised structure plan proposals are to have a single connection to State Highway 39 from the plan change area, but the submitter's relief that an additional access be provided is not a suitable outcome.
Waka Kotahi New Zealand Transport Agency	<p>The submitter supports the plan change subject to some amendments that are sought to ensure that Waka Kotahi meets its obligations under the Land Transport Management Act. The submitter supports provisions that avoid new driveway crossings onto SH39, that ensures that development is co-ordinated with the delivery of infrastructure, that a landscape buffer for any cycleway is provided and that the development undertakes a commensurate level of infrastructure design, funding and implementation.</p> <p>The submitter seeks that the following amendments are made to PPC7:</p> <ol style="list-style-type: none"> 1. A new policy that addresses the importance of minimisation effects on SH39. 2. Requirement for a new intersection (a roundabout, with no interim priority controlled T-intersection option) be included within the plan change at the Collector 1/SH39 intersection, to reduce the likelihood of high-severity side impact crashes. 3. Provision of a segregated two-way cycle path alongside SH39. 4. The submitter does not support the additional collector access connection to SH39 and seeks that this be removed. 	<p>The submitter seeks the relief described in the left-hand column.</p> <p>Recommendation</p> <p>The submission is accepted in part as the objectives and policies supported by the submitter (Policy 3.6A.2.4d, Objective 3.6A.2.5, Policy 3.6A.2.5a) have been amended in minor ways; the new policy sought has been recommended for inclusion (Policy 3.6A.2.4e) with amended wording; the second proposed collector corridor connecting with SH39 has been deleted, and Rule 3.6A.4.2 now does include intersection upgrade 'trigger' thresholds; the staging/infrastructure upgrade 'trigger' rule has been revised to reflect the removal of staging by the plan change proponent; recommended changes to rule provisions requiring a walking/cycling network as sought by the submitter; consultation with Waka Kotahi is a requirement of recommended integrated transportation assessment reporting rules, as sought by the submitter; that a 3.5 metre wide shared walking/cycling path is a requirement as recommended; and that Policy 3.6A.2.4d) and Rule 23.7.8e) amendments clearly state that no additional vehicle entrances to State Highway 39 from the plan change area is permitted, but there remain existing accesses that have existing use rights to be retained.</p> <p>Accept in part.</p>
Waikato Regional Council	The submitter generally supports the plan change as rezoning of the subject area is in accordance with the Future Proof Strategy growth areas and the residential growth allocations as	<p>The submitter seeks the relief described in the left-hand column.</p> <p>Recommendation</p>

	<p>included in the Waikato Regional Policy Statement.</p> <p>The submitter supports the conclusions reached in the transport assessment regarding public transport but seeks greater clarity about how walking and cycling will be handled through the development, and whether the provision of walking and cycling is sufficient to cater for increased mode shift.</p> <p>The submitter requests that an objective and a policy be added regarding protection of existing aquatic values and provisions that include assessment criteria for earthworks to consider effects on pest and disease management to be added to the plan change.</p> <p>The submitter has also asked for clarification as to the climate change scenarios used as part of the assessments for flooding, stormwater and catchment management.</p>	<p>The plan change is recommended for approval, but with numerous changes recommended to provisions to enhance the effectiveness of the district plan framework.</p> <p>The challenge with achieving mode shift of 30% or similar within greenfield areas has been recognised, with recommended provisions on public transport infrastructure and walking and cycling infrastructure. These provisions require developers to provide infrastructure early in the development, together with amendments to the structure plan diagrams to incorporate the intended public transport and walking/cycling networks for Rotokauri North. Broad ITA consultation requirements also include engagement with WRC in respect of public transport provision.</p> <p>An objective and policy on protection of existing aquatic values has not been added, but the suite of existing objectives and policies is considered adequate in the context of the sub-catchment ICMP that has been developed for Rotokauri North. There are specific requirements in Rule 3.6A.4.2 and elsewhere to implement the RNICMP. Pest and disease management is beyond the scope of the city's functions however and is not covered in detail within the RNICMP. The climate change responses are now considered to be clearer through the Morphum review of the RNICMP and the revised work undertaken by BBO on behalf of the plan change proponent. This material is available to the submitter.</p> <p>Accept in part.</p>
Ministry of Education	<p>The submitter supports the plan change as it will provide much needed housing for Hamilton. As the plan change will provide for more growth in Rotokauri North, the submitter states that a new primary school will be needed within the wider area.</p>	<p>The submitter seeks continued engagement with Council and the plan change proponent in relation to staging and timing of development.</p> <p>Further that walking and cycling connections are provided for to enable a co-ordinated approach in safely</p>

	<p>The submitter seeks that given the level of increase in housing provision in Rotokauri North as a result of the private plan change that the plan change proponent and Council engage further with the submitter regarding staging and timing of the development to manage the potential impact on the school network.</p> <p>The submitter also seeks that a walking and cycling network be developed within the plan change area to enable the future community to safely access housing and social infrastructure.</p>	<p>accessing all forms of housing and social infrastructure.</p> <p>Recommendation</p> <p>Whether further engagement occurs with the submitter, Council and the plan change proponent is not a plan change matter.</p> <p>The walking and cycling proposals have been refined further in response to several submissions. Amendments to rules requiring provision of walking and cycling infrastructure are recommended, as is the inclusion of an indicative walking and cycling network on the structure plan diagrams (with an additional Figure 2-9C). Accept in part.</p>
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3.10 The above points are further discussed in Section 4 of this report under the headings of ‘stormwater effects’, ‘infrastructure effects’, ‘transportation effects’, ‘landscape and visual effects’, ‘urban design and amenity effects’, and ‘land use effects’.

Submission Analysis and Recommendations Tables - Submissions in Opposition

3.11 The submissions that were received in opposition to PPC7 are listed in the table below. Pro-forma submissions have been included with all parties listed in the submitter column based on the summary of submissions prepared by Council (attached as **Appendix A**).

Submitter(s)	Submitter Comment(s)	Relief Sought in Submission(s) and Recommended Response to Relief Sought
Maureen Leet and Gary Martin	<p>Oppose specific provisions within the plan change as they have concerns around the impact the plan change may have on the property at 365 Te Kowhai Road. In particular the submitters wish to ensure that the property is enhanced and not compromised by Objective 23.2.2 regarding enhanced amenity values, seek an explanation of Objective 23.2.3, seeking assurance that the plan change will result in medium density and not high density housing, wish to see significant trees protected and a plan of the development, wishes to see a</p>	<p>The submitter seeks greater clarity on how subdivision objective 23.2.2 applies to enhancing and maintaining existing amenity; seeks the inclusion of a 25m setback from the state highway in the form of a greenbelt; seeks retention and protection of existing significant/mature trees; seeks clarity on the timing of development, and potential for deferral; and opposes potential for use of poor quality building cladding.</p> <p>Recommendation</p> <p>Objective 23.2.7 and associated policies have been revised to act as the primary objective/policy</p>

	<p>25 metre wide greenbelt between the road and the houses, opposed to 'cheap' building cladding, and seeking that the commencement of the development be deferred.</p>	<p>context for Rotokauri North subdivision decision-making. The objective, policies and associated rule framework aim to give effect to the urban design proposals included within the plan change urban design report.</p> <p>The plan change as revised does now include a proposal for a planted visual buffer along the state highway frontage of the plan change area (located within the plan change area). Whilst not 25 metres in width it will serve to provide an effective visual separation between the future housing within the plan change area and the state highway and rural environment beyond.</p> <p>In respect of the retention and protection of existing significant/ mature trees, the Kereru Reserve significant natural area will continue to have protection, but it is not considered necessary to protect other large individual trees located within the plan change area (although there are recommended bat roosting provisions related to larger trees). As the development progresses substantial plantings will occur, particularly in the 'green spine' area with overall an increase in planted areas anticipated.</p> <p>In respect of clarity on the timing of development and the potential for deferral, should the plan change and rezoning be approved, there remains no certainty as to the timing of development as that represents a commercial decision for the landowners/developer.</p> <p>The submitter's concern around the potential for use of poor</p>
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		<p>quality building cladding is not able to be responded to as part of this plan change process.</p> <p>Accept in part.</p>
Lorraine van Asbeck	<p>Submitter concerned about the extent of increased traffic from the plan change area onto SH39. Opposes an intersection at Collector Road 1/SH39 as will be difficult to access the submitters property driveway and cause safety issues. Opposes a roundabout at the same location as will compromise the property access and increase stormwater runoff adding to flooding already experienced on the property, as well as noise disturbance and a devaluation of the property. Seeks that no direct access onto SH39 be provided from the plan change area.</p>	<p>Seeks no direct access onto Te Kowhai Road/SH 39 from the proposed Rotokauri North Subdivision.</p> <p>Recommendation</p> <p>The submitter’s relief sought is that no direct access should be permitted onto State Highway 39 from the plan change area. The plan change process has clarified that there will be a single intersection only from a road within the plan change area to connect with the state highway, and that otherwise no future houses within the plan change area will have direct access to the state highway (existing property accesses can remain in place).</p> <p>Accept in part.</p>
Tina and Simon Warnock; Lance and Karen Managh; Dennis Dove and Diane Godden; Arie and Batami Pundak; Rob and Barb Barris; Peter and Kerry Santner; Miranda Collinson; Kay and Mark Moroney; Tania Browning; Judith Browning; Ann Harvey; Shane and Antonia Withey; Nilesch Amit Kumar; Shane and Virginia Henderson; Peter and Christine Frampton; Bruce and Robyn Whittaker	<p>These submitters oppose the plan change in its entirety as they consider it is contrary to Objective 3.3.2 and Objective 3.3.4 of the Hamilton District Plan. These objectives require that new development is appropriately serviced and integrated to minimise city network impacts and to develop an integrated and efficient pattern of land use and transportation to sustainably manage impact of development on transport infrastructure.</p> <p>The submitters oppose removing the plan change area from the Rotokauri Structure Plan, as the transport infrastructure to support the development is not currently in place, and</p>	<p>This group of submitters have signed a pro forma submission that seeks that either the plan change be declined; or as an alternative relief that the deletion in Rule 3.6d to exempt Rotokauri North from the provisions of the Rotokauri Structure Plan be declined, and instead approve the development subject to requiring the developer to adhere to all existing Rotokauri Structure Plan provisions, including:</p> <ul style="list-style-type: none"> • Requiring the developer to construct the Rotokauri minor arterial corridor • Provide an ITA that adequately assesses impacts on the wider transport network and have that ITA peer reviewed

<p>David and Cathy Dewes; Callum and Catherine Thorley; Gerard Guzzo; Peter Caddigan; Julie Caddigan; Josh and Michaela Gill; Stuart Barris (these submitters all signed the same submission)</p> <p>KE Benson; Jo Stirling; Glenn Stirling; Meena Powell; Steven Powell; Juanita Martin (these submitters all signed the same submission)</p> <p>Jo Austin, Lisa Pulman, Paul Rothery, Susan Rothery, Zachary Pulman-Gaby, Natalie and Dion Ward-Allen, Noelle Bryant, Julie Caddigan, Jennifer Mckenzie, Ewen Drysdale, Barry Heerdegen, Dianne Heerdegen, Rebecca Miles, Pae Henry, Hiipora (Sybil) Nelson, Jo and Chris Miles, Lana Miles, Jane and Dave Sole, Martin and Amanda Verhoeven, Murray and Sharon Stewart, Larissa Underhill, Shane Cowling, Kaya Macmillan (these submitters all signed the same submission)</p>	<p>the plan change does not provide appropriate alternatives. The increased traffic on the existing roading network as a result of the development would adversely impact the health and well-being of the community, with poor outcomes in terms of road safety, noise and vibration and increased travel times.</p> <p>These submitters are of the opinion that the plan change, as it stands currently, is attempting to avoid the full cost of providing transport infrastructure to cater for the demand that the development will create.</p> <p>The submitters request that the plan change is either declined in full; or alternatively that the proposed inclusion of the Rotokauri North Structure Plan be declined and instead that the development must continue to adhere to all existing Rotokauri Structure Plan provisions.</p>	<ul style="list-style-type: none"> • Cater for the demand generated within the wider transport network • Require the developer to fund all necessary road network upgrades and additions, and • Provide a full economic assessment of the financial impact on the remainder of the Rotokauri Structure Plan area and including the likely cost of the required roading upgrades. <p>Recommendation</p> <p>The plan change proponent has revised the transportation assessment and has undertaken further work with Council staff on the infrastructure provision to be ‘rolled out’ as part of the development of Rotokauri North. In addition there have been substantial changes to Rule 3.6A.4.2 which dictates the pieces of infrastructure that must be provided by the developer, prior to development proceeding and/or with specified infrastructure upgrade thresholds. The Council consultant review team were also concerned with potential health and well-being effects of users of Exelby Road and Burbush Road if traffic volumes increased substantially, given the poor alignment and standard of those roads. The recommended provisions include thresholds for the construction of the Rotokauri minor arterial corridor, and an early ‘roll-out’ of public transport and walking/cycling infrastructure to provide mode choice to future Rotokauri North residents. These recommended provisions will effectively</p>
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		<p>manage the potential issues identified by the submitters.</p> <p>Accept in part.</p>
<p>Jennifer Lesley Mackenzie and Ewen Murray Drysdale</p>	<p>Oppose the plan change in its entirety as Exelby Road cannot handle the increase in traffic without major upgrades and it would make the roads extremely dangerous. Affordable housing will bring 'lower socio-economic people' to the neighbourhood, and crimes and burglaries will increase. Concern around construction impacts (dust, noise, loss of trees), and the permanent loss of the ruralness of the neighbourhood is stressful and very disappointing.</p>	<p>Relief sought not clearly defined but appears to be that the plan change should be declined, or alternatively that Exelby Road should be upgraded; that 'special housing' be avoided entirely; and that noise, dust, pollution all be avoided, and that existing trees be retained to avoid exacerbating global warming.</p> <p>Recommendation</p> <p>The concern with the ability of Exelby Road to handle an increase in traffic safely is acknowledged. There have been substantial changes to Rule 3.6A.4.2 which dictates the pieces of infrastructure that must be provided by the developer, prior to development proceeding and/or with specified infrastructure upgrade thresholds. The Council consultant review team were also concerned with potential health and well-being effects of users of Exelby Road and Burbush Road if traffic volumes increased substantially, given the poor alignment and standard of those roads. The recommended provisions include thresholds for the construction of the Rotokauri minor arterial corridor, and an early 'roll-out' of public transport and walking/cycling infrastructure to provide mode choice to future Rotokauri North residents. These recommended provisions will effectively manage the potential issues identified by the submitters.</p> <p>The concerns around construction impacts and the</p>

		<p>loss of trees cannot be responded to at the plan change scale, but subdivision requirements around erosion and sediment control (including dust) and noise management during construction will be in place. Whilst apart from the significant natural area, existing trees are not being protected, but the plan change 'green spine' proposals represent a significant re-establishment of stream margins and wetlands with substantial planting being part of the proposals as detailed within the revised RNICMP.</p> <p>Accept in part.</p>
Stuart and Sue MacFarlane	<p>Strongly oppose the development as consider it would devalue the surrounding properties, cause noise and dust pollution during construction and cheaper housing would attract more crime to the area.</p> <p>Requests that the zoning change to medium density residential does not go ahead.</p>	<p>Do not allow the re-zoning within Rotokauri North.</p> <p>Recommendation</p> <p>The recommendation is that the plan change be approved, subject to the various amendments to district plan provisions as detailed within Sections 7 and 9 of this report and as displayed in Appendix B.</p> <p>Decline the relief sought.</p>

3.12 The matters within the above submission points are also further discussed in detail within Section 4 of this report.

Further Submissions Received

3.13 Eight further submissions were subsequently received following the release of the summary of submissions and decisions requested. Full copies of the further submissions received are located on Council’s website. Several of the further submissions are considered invalid however as they do not support or oppose an original submission as required pursuant to clause 8(2) Schedule 1 RMA.

3.14 Further submissions were received from the following:

- FS1: Smith – appears to be an invalid further submission as does not support or oppose an original submission pursuant to clause 8(2) Schedule 1 RMA.
- FS2: Leet – appears to be an invalid further submission as does not support or oppose an original submission pursuant to clause 8(2) Schedule 1 RMA.
- FS3: Orient Europharma – in support of submission 4 (Jung) which support PPC7.

- FS4: Hugh van Asbeck – appears to be an invalid further submission as does not support or oppose an original submission pursuant to clause 8(2) Schedule 1 RMA.
- FS5: Lorraine van Asbeck – in opposition to submission 13 (Waka Kotahi) in respect of SH39 road corridor and intersections with Collector Road 1.
- FS6: Yu – in opposition to submission 13 (Waka Kotahi) in respect of the SH39 road corridor, and ownership issues with the cycleway parallel to SH39. The further submission also identifies a need for additional arterial west-east routes to alleviate SH39, and inconsistencies between plan change documents, although neither appears as points made within submission 13.
- FS7: Green Seed – in support of submissions 2, 3 (in part), 4-6, 13 (in part), 15, 17-24, 35, 74-77 and 79; and opposes submissions 1, 7-10, 12, 13 (in part), 14, 16, 25-34, 36-73, 78 and 80.
- FS8: Mackness – supports submission 80 (Waikato Regional Council) regarding the alignment of the plan change with strategic planning documents, hydrogeology, and public transport outcomes.

3.15 Recommendations are made below in respect of each of the further submissions received.

Further Submitter(s)	Submission in support or in opposition to	Recommendation
FS1: Smith	Does not support or oppose any other submission.	Considered invalid.
FS2: Leet	Does not support or oppose any other submission.	Considered invalid.
FS3: Orient Europharma	In support of submission 4 (Jung)	Accept in part, as submission 4 is likewise being accepted in part (as it sought approval of PPC7 without amendment).
FS4: Hugh van Asbeck	Does not support or oppose any other submission.	Considered invalid.
FS5: Lorraine van Asbeck	In opposition to submission 13 (Waka Kotahi)	Accepted in part insofar as some elements of the Waka Kotahi submission have been accepted, as addressed in the table above.
FS6: Yu	In opposition to submission 13 (Waka Kotahi)	Accepted in part insofar as some elements of the Waka Kotahi submission have been accepted, as addressed in the table above.
FS7: Green Seed	In support of submissions 2 (Robertson), 3 (in part) (Ministry of Education), 4 (Jung), 5 (P. Laird), 6 (C. Laird), 13 (in part) (Waka Kotahi), 15 (RNTWWG), 17 (Zhou), 18 (Yang), 19 (Lily Investments 372 Exelby	Accept in part insofar as the further submission supports submissions generally in support of the plan change, and the plan

	<p>Road), 20 (Lily Investments 265), 21 (Green Seed Holdings Ltd 350 Exelby Road), 22 (Green Seed Holdings Ltd 335 Te Kowhai Road), 23 (River Garden NZ Ltd), 24 (Charles Ma 329 Te Kowhai Road), 35 (Green Seed Consultants Ltd), 74 (Patterson), 75 (Robertson / Marsh / Patterson), 76 (Marsh), 77 (Marsh) and 79 (Te Whakakitenga o Waikato Inc);</p> <p>In opposition to submissions 1 (Martin/Leet), 7 (Managh), 8 (Warnock), 9 (Dove/Godden), 10 (Pundak), 12 (Barris), 13 (in part) (Waka Kotahi), 14 (McKenzie / Drysdale), 16 (Santner), 25-33 (various), 34 (Ruske), 36 (Yu), 37-72 (various), 73 (McFarlane), 78 (van Asbeck) and 80 (WRC).</p>	<p>change is recommended to be approved, but subject to numerous changes to district plan provisions, as detailed within Appendix B and the section 32AA report (Appendix C).</p> <p>Accept in part insofar as the further submission opposes these submissions in opposition to the plan change. Whilst the recommendation is to approve the plan change, there are substantial modifications to district plan provisions recommended, some of which are relief sought by the submitters being opposed by this further submission.</p>
FS8: Mackness	In support of submission 80 -Waikato Regional Council.	Accept in part, insofar as some elements of the Waikato Regional Council relief have been accepted, as described in the earlier table regarding the submission.

- 3.16 The points supported or opposed within the above further submissions (where valid pursuant to clause 8 Schedule 1 RMA) are included within the discussions above in response to submissions, and below in respect of environmental effects.

4 Evaluation of Issues and Environmental Effects

- 4.1 This section of the report evaluates the range of potential positive and adverse environmental effects associated with the proposed plan change, addresses submitter issues insofar as they raise environmental effects, and evaluate remaining issues. Section 6 of the plan change document addresses environmental effects supported by the technical appendices to that report. The evaluations below draw on that material, as well as the supporting technical peer review reports attached to this report as **Appendix D**, and with the benefit of having reviewed the submissions received. The conclusions reached below on environmental effects and issues of concern have then informed recommended changes to district plan provisions (as shown within **Appendix B**) and the supporting updated section 32AA report (attached as **Appendix C**).

- 4.2 The evaluations below are structured on a series of topic headings. These are:

- Positive effects of the plan change
- Stormwater
- Infrastructure
- Transportation
- Landscape and visual
- Ecological
- Archaeological
- Land contamination
- Cultural
- Urban design and amenity
- Geotechnical and
- Land use

4.3 This assessment of effects has evaluated the plan change, as revised with the supplementary reports received in June and July 2021. The additional reports are as described at Section 1.12 of this report but are revisions to the sub-catchment ICMP document and several support appendices, the transport assessment, an ecology (bat survey) report, and with corresponding amendments to the structure plan diagrams (as included within the revised RNICMP document). In general the assessment of environmental effects submitted with the plan change is concurred with, except where stated below. Whilst generally robust it should be noted that the plan change assessment of environmental effects was prepared in April 2019 and therefore does not reflect any of the revisions to the reports as submitted in August 2021.

Positive Effects of the Plan Change

4.4 The Plan Change 7 document at Section 6.11 describes positive effects of the plan change proposal. In summary these positive effects are that the Future Urban Zoning for Rotokauri North will be replaced with 'live' urban zones, thus enabling housing and limited commercial development to occur to meet strong demand within the city. PPC7 enables up to 2,000 dwellings to be constructed across the 140 hectares of the growth cell, within an already identified growth cell. The PPC7 proposed provisions also contain an affordability provision with the aim of delivering 10% of the total housing yield at an "affordable rate" to first home buyers.

4.5 The other positive effect cited in the PPC7 report is that the medium density urban form proposed will "create an appropriately designed community that provides high quality amenity for residents". The specific detail of how the urban design proposals will achieve this are described within Attachment 15 to the PPC7 document and summarised below under the 'urban design effects' heading. The Council review team has workshopped district plan provisions extensively with the plan change proponent to refine the district plan provisions proposed. The focus of the workshops were to make amendments to enhance the clarity, consistency (in respect of operation of rule provisions relative to the remainder of the city) and effectiveness of the proposed provisions to achieve the urban design aspirations articulated within the plan change. Many of these changes were to ensure consistency of terminology and use of terms defined within the district plan. Also amendments to ensure that the effectiveness of the plan amendments to provisions will achieve the intended outcomes.

4.6 The other positive effect not described in Section 6.11 of the PPC7 report is in respect of the stormwater proposals. The RNICMP and supporting reports detail a set of proposals to restore the historic flood plain within the Ohote and Te Otamanui Stream catchments. This

represents a substantial investment for stormwater management purposes, that also has a significant positive ecology and habitat benefit for indigenous flora and fauna. The stormwater effects are described in the following section below but are considered to generate ecological and amenity benefits to the wider Rotokauri North locality.

- 4.7 Given the above the extent of positive environmental effects are considered to be moderate in scale. There is a documented shortage of dwellings and land zoned and serviced for housing, and PPC7 contributes to meeting this need. The urban design proposals are considered to be robust and will contribute to a high quality future urban environment. The stormwater proposals will also generate positive environmental benefits relative to the currently highly degraded pastoral environment that exists in Rotokauri North. These positive effects should be part of the evaluation of potential adverse environmental effects as described below.

Stormwater

- 4.8 Potential stormwater effects are broadly addressed within the plan change document in Sections 6.6 (Ecological), 6.7 (Infrastructure, Traffic and Development) and 6.8 Hazards and Land Contamination), and in detail within Attachment 9 to PPC7 being the RNICMP prepared by Tollemache Consultants Limited. The RNICMP has several supporting reports attached to it also. These include a Groundwater Assessment Report, a Stream Classification Report, a Receiving Environment and Rapid Erosion Assessment, a Rotokauri North Catchment Stormwater Modelling Report, a Flood Impact Assessment, a Catchment Modelling Report, a Stormwater Modelling Report, and a Water and Wastewater Servicing Options Report. Some of these reports have been revised also or removed from the plan change entirely, as described in detail at Section 1.12.
- 4.9 The RNICMP and supporting reports have been reviewed by Morphem Environmental Limited on behalf of Council, with the review report attached to this report within **Appendix D**. This consists of a Stormwater Technical Assessment report and two earlier memorandums attached dated 13 July 2021 and 6 September 2021. The purpose of the memorandums was to report matters of concern to BBO who are representing the plan change proponent on stormwater matters. The BBO response letter dated 23 July 2021 responded to the matters of concern in the first Morphem memorandum, but at the time of writing this report BBO had not been able to respond to the further matters reported in the second Morphem memorandum. It is anticipated that the plan change proponent will respond to these prior to or at the hearing.
- 4.10 Whilst there are several outstanding technical points to be responded to, the Morphem report states that sufficient information exists to conclude that the RNICMP sets out clearly how stormwater will be managed suitably in the Ohote and Te Otamanui catchments in the Rotokauri North Structure Plan area, and demonstrates that stormwater management in the Mangaheka and Rotokauri South major sub-catchments is also conceptually feasible but with a need to be further worked through in future design phases. The RNICMP is sufficiently robust to enable feasible implementation of the structure plan area through the future subdivision and land use consenting processes to achieve the intended outcomes. The RNICMP has been based on a 1D SWMM model and 2D HEC-RAS model prepared, as well as a plan showing the locations and footprints of the key stormwater wetlands, stream reaches and swales. A table showing the areas and volumes provided by each wetland is also provided. It is also noted that the catchment is very flat, and that parts of the structure plan area may need to be lifted in order to achieve adequate fall in some areas.

4.11 However, the Morphem report also concludes that whilst the general approach of the RNICMP is considered appropriate and adaptable to the future consenting and detailed design requirements as development proceeds, that there are details in the BBO documentation that are inconsistent or anomalous. Further that the following information should be added to the RNICMP document as it evolves prior to the hearing to better reflect the intent of the RNICMP to meet the relevant objectives and requirements. These are as follows:

- The sub-catchment ICMP Table 10 Drainage design criteria for Piped Drainage infrastructure should have the criteria “with road subsoil drainage connections above the 10 year HGL” or similar added to the end.
- The sub-catchment ICMP Table 10 Drainage design Criteria for Cross Culverts should add the word designation replaced with Rotokauri North Development Area.
- The sub-catchment ICMP Table 13 should specify the following for the Rotokauri South Area:
 - a. Interim storage of 1200m³/ha required for any development ahead of the Rotokauri South Green Corridor
 - b. Phosphorous removal of 70% TP
- That Figure 2-8A Rotokauri North Structure Plan should have the indicative ‘green spine’ areas for the Mangaheka Catchments added to the Plan as are indicated in Stormwater Systems Report Figure 3-1.
- That cross sections and long sections of the main ‘green spine’ channels and their furthest contributing catchments should be provided in the Stormwater Systems Report. Water levels have been provided in a table, long sections have been described in meetings and cross sections provided in peer review response comments and these should be included in the Stormwater Systems Report for clarity.
- That staging and trigger rules should provide for the design and consenting of all stormwater infrastructure and effects upstream and downstream of each area within the five sub-catchments. These evolving designs should be incorporated in sub-catchment ICMP iterations and approved by Council.

4.12 In respect of submitters, the primary stormwater submission is from Waikato Regional Council and there are wide-ranging responses to the points made regarding hydraulic performance, climate change and hazards. The RNICMP has been completely re-written from that submitted with the plan change when notified and represents a significant change to the stormwater proposals. As reflected on the structure plan diagrams, the ‘green spine’ is now acknowledged by the plan change proponent as a substantial land area as required for stormwater management (both quality and quantity), as well as an environmental enhancement feature that re-establishes the former stream and wetland environment that would have existed within Rotokauri North prior to land modification. Subject to the above technical points being responded to during the hearing, the revised RNICMP now represents a significant environmental enhancement opportunity, a strong response to the Vision and Strategy for the Waikato River and wider statutory framework, and an opportunity for high quality public open space through the centre of Rotokauri North. The recommended amendments to the district plan provisions (the objectives and policy framework, and the implementing rule framework) together with the re-written

RNICMP, provide a robust and effective response to the Waikato Regional Council submission.

- 4.13 Other stormwater related submissions were received in support from the Te Whakakitenga o Waikato Incorporated and Rotokauri North Tangata Whenua Working Group which are acknowledged. A submission also received from Ruske (submission 34) that identified stormwater matters in the southern portion of Rotokauri North including a part of the Rotokauri South catchment that will be managed under the Rotokauri ICMP (as opposed to the RNICMP). These matters are addressed in the Morphum report but broadly that design responses will be required to achieve compliance with the various catchment management plans, but that the proposals are feasible and robust.
- 4.14 The stormwater effects of the plan change are considered to be effectively managed through the revised RNICMP submitted and I consider are less than minor given the proposed approaches and implementing district plan provisions recommended. Whilst this represents a part of the transformation of Rotokauri North to urbanisation with substantial changes to the watercourses in the growth cell, the changes will also provide benefit to habitat values and the stormwater effects are considered acceptable effects.

Infrastructure

- 4.15 The potential effects on infrastructure networks are described in Section 6.7 of the plan change document. As with stormwater, on behalf of the plan change proponent BBO have substantially revised the water and wastewater proposals, that now supersede the earlier reports on the topic. The reports have been reviewed by AECOM in respect of water and wastewater, Morphum in respect of stormwater, and more generally the Technical Planning and Infrastructure Report, all as attached to this report within **Appendix D** and **Appendix E**. Given that stormwater is addressed above, this section focuses on water and wastewater. BBO prepared a memorandum dated 3 August 2021 titled 'Sub-catchment ICMP – Water and Wastewater System Report – Peer Review Response'. There is also a report prepared by BBO dated 30 July 2021 titled 'Rotokauri North Sub-catchment ICMP - Water and Wastewater System Report'. These reports now collectively form the water and wastewater proposals.
- 4.16 In respect of water, there is a high level of acceptance of the proposals as these have been refined through meetings direct with Council water asset staff. The AECOM report concludes with water supply that *"I have no further comments on the water servicing concept. The internal servicing concept is reasonable and should be subject to ongoing design and consultation with HCC, which should be documented in a rule provision. A rule provision in the plan change should document the required strategic water mains that are to be extended into the development."* In respect of this latter point Rule 3.6A.4.2 does incorporate detail regarding the future 'roll-out' of the water network and the plan change proponent's responsibilities in this regard. Water supply capacity will be sufficient to service the Rotokauri North development as it progresses. The structure plan diagrams broadly display the water network 'roll-out' that is required.
- 4.17 In respect of wastewater, the key area of contention has been the temporary use of a southern connection point to the Far Western Interceptor (FWI) line, and a permanent northern connection to the FWI. Further, what the 'trigger point' should be for the temporary southern connection to transfer to the northern connection (given the southern connection is required to service other development in the longer term). In respect of wastewater pipe sizes and gradients, there remains unknown items of information in this

regard. The AECOM report states that: *“It should be noted that all sizes and gradients, particularly in regard to upsizing for future resilience, should be subject to further discussions with HCC throughout the future design process. The Memo and Report acknowledge this in a number of sections. It is my opinion that plan change rule provisions related to wastewater should not state sizes or other design output parameters. There is not yet enough certainty around the final solution to state exacting outputs, even though the concept as presented is reasonable.”*

- 4.18 As with water supply, the future wastewater network is indicatively shown on the structure plan diagrams, detailed in the BBO reports, and Rule 3.6A.4.2 establishes a proposed rule to ensure the orderly ‘roll-out’ of the wastewater network to serve Rotokauri North. As noted above and unlike the equivalent water supply rule, the wastewater rule does not specify pipe sizes or other precise details, and this will be agreed through subdivision consent and engineering approval processes. There are not considered to be any other wastewater network concerns and the proposals are considered robust and acceptable.

Transportation

- 4.19 The potential transportation effects associated with PPC7 are described within Section 6.7 of the plan change document and within the Integrated Transportation Assessment Report (ITA) prepared by Commute Transportation Consultants (Attachment 13 to PPC7). This report has been subsequently superseded by an updated report attached to Green Seed’s own submission (submission 35) and supplemented by an Addendum ITA dated 22 July 2021. The reports now respond to the revised structure plan transport corridor network and also respond to early Council review comments on the ITA submitted with submission 35. These reports now collectively form the transportation proposals for Rotokauri North and have been reviewed by Gray Matter Limited, on behalf of Council with the review report attached to this report within **Appendix D**.
- 4.20 The transport proposals are considered to be generally appropriate and provide good links to significant transport corridors (State Highway 1 at Koura Drive, State Highway 39 (SH39) and the future Rotokauri north-south minor arterial). The revised transport proposals include the deletion of one of the collector connections with SH 39 and adjustments to the wider collector corridors proposed. The main areas of concern identified by Gray Matter are in respect of the proposals in terms of the support for passenger transport (PT) and multi-modal connections (walking and cycling) to the wider network beyond the structure plan area; and the timing of transport corridor upgrades. This is considered to be largely due to the out of sequence nature of the timing and the lack of existing services and safe facilities for pedestrians, cyclists and bus users along nearby transport corridors, and the unsuitability of the existing rural road network to accommodate additional traffic. The ITA report also appears to assume that the ‘with minor arterial scenario’ is likely, whereas the ‘without minor arterial scenario’ is treated as being at worst a temporary arrangement.
- 4.21 The Gray Matter report states there are very few options to provide interim public transport services or walking and cycling connections until the remainder of Rotokauri is developed (as there is nothing to connect to the east or south). In respect of PT, the out of sequence nature of the plan change does not initially support the provision of public transport services and will likely rely on private vehicle travel unless a funding agreement for demand responsive services is in place. This will obviously not reduce reliance on the private vehicle or reduce vehicle kilometres travelled, or to provide any pathway to reduction in carbon emissions for the future Rotokauri North community. An effective response in this regard would require the early ‘roll out’ of PT infrastructure and removal

of funding constraints. Similarly with walking and cycling, the district plan provisions need to require an early roll-out of a network that links as early in the development cycle as possible with the wider city walking and cycling network.

- 4.22 The Gray Matter reviewer expresses concern with the network upgrade triggers proposed in the ITA report and the consequential adverse traffic safety and efficiency effects that will likely arise. This concern is heightened given that the Council's Long Term Plan 2021-2031 has no construction funding for the Rotokauri arterial network, and therefore the 'without minor arterial scenario' is the more likely scenario for the early stages of development in Rotokauri North. Further that without these upgrades the potential safety and efficiency adverse effects on road users of Exelby Road, Burbush Road and Rotokauri Road, will be unacceptable if traffic volumes built to the levels predicted in the ITA report. These points are described in detail at Section 4 of the Gray Matter report, as are a set of revised 'trigger points' for requiring the upgrade of key transport corridors and intersections. It is these recommendations that form the basis for the recommended revisions to Rule 3.6A.4.2 below.
- 4.23 The transport recommendations deriving from the Gray Matter report are that the structure plan diagrams be amended to reflect the recommendations for off-road walking and cycling facilities (as per Figure 14 of the Gray Matter report), and the PT network displayed at Figure 15. Collectively these are considered to be a robust basis for a future PT and off-road walking/cycling network to remedy the out of sequence issue described above.
- 4.24 In respect of submitters, Section 5 and Attachment C to the Gray Matter report provide a summary of responses to transport-related submissions, as does Section 3 of this report. Waka Kotahi, Waikato Regional Council, Ruske and the pro forma submission that a large number of submitters submitted, are the primary submissions on the transport topic. Recommended amendments to district plan provisions and the revisions to the structure plan diagrams (both by the plan change proponent and as proposed within Figures 14 and 15 of the Gray Matter report) provide a substantial response to submitter issues. In respect of the pro form submitters, it is acknowledged that the traffic safety concerns being expressed have validity and do need to be addressed. The suite of recommendations is considered to do this effectively.
- 4.25 The recommendations to revise Rule 3.6A.4.2 (as per the 'live' chapters in **Appendix B**) give effect to these remedies in respect of PT provision, off-road walking and cycling provision, and establishing clear and effective 'trigger points' for the required upgrades to transport corridors and intersections. Subject to these recommendations being accepted, the transportation effects are considered acceptable.

Landscape and Visual

- 4.26 The potential landscape and visual effects associated with PPC7 are described in Section 6.5 of the plan change document and the Landscape and Visual Effects Assessment undertaken by LA4 Landscape Architects (Attachment 17 to PPC7). This report has been reviewed by Mansergh Graham Landscape Architects (MGLA), with the review report attached to this report within **Appendix D**.
- 4.27 The MGLA reviewed the LA4 landscape and visual assessment report, identified the key issues relating to landscape and amenity, provided a discussion on the merits of the Ridgeline Character Area concept (RCA), summarised the planning context in terms of

landscape and amenity, provided a summary of the proposed planning provisions introduced by PPC7, a review of the Council Infrastructure and Technical Report and the recommended amendments to district plan provisions in respect of neighbourhood parks and the ecological rehabilitation plan/landscape concept plan, and a review of the public submissions received.

- 4.28 The main findings of the MGLA assessment are that the LA4 report identifies and addresses the effects of the proposed plan change at a high level (commensurate with a level predictable by the structure plan). Further that the LA4 assessment focused on the identification of existing landscape and natural character and the change that is likely to occur in terms of effects on natural character, landscape character and visual character/amenity. Also that the correct landscape context (spatial extent) has been identified for the assessment (the extent of the potentially affected landscape), and that the potential effects on adjoining properties, the surrounding road network and the wider area have all been assessed. Further that the relevant physical attributes and elements of the landscape have been identified and described briefly in terms of landform and catchment, land use, streams and watercourses, vegetation and soils. The wider landscape context is identified and discussed in terms of existing zoning and the extent of the RCA is identified.
- 4.29 In most respects the MGLA report concurs with the LA4 assessment. Some points that are raised in the MGLA report are that there is no particular clarity as to how the RCA would terminate at the southern boundary of the plan change area; there is a lack of clarity as to how the masterplans contained within the plan change (the urban design assessment) interact with the LA4 assessment; and that the revised structure plan diagram (derived from the revised RNICMP document) was prepared after the LA4 assessment was completed which introduces some uncertainty. In respect of this latter point the MGLA report supports the changes shown on the revised structure plan diagram.
- 4.30 In respect of landscape effects, the MGLA report highlights the high level nature of the LA4 assessment, meaning that the report does not identify how the landscape proposals will be implemented or if the landscape proposals represent an appropriate response to the loss of rural character identified. In respect of visual effects, the MGLA report notes the proposed structure plan includes a landscape buffer along the northern State Highway 39 boundary of the plan change area, but not on the eastern, western or southern boundaries. The MGLA report notes that the LA4 assessment identifies the visual effects on neighbouring properties as moderate to high, being a more than minor effect in terms of the RMA.
- 4.31 The key issues relating to landscape and amenity effects identified in the MGLA report are:
- Management of landscape features and landscape amenity across the plan change area.
 - Consistency in approach to the management of contiguous landscape features (mainly the ridgelines and spurs) between the Rotokauri North Plan change area and the Rotokauri Structure Plan area.
- 4.32 Whilst the MGLA expresses some concerns on several matters, the broad conclusion is that the level of assessment is adequate and that the above more detailed points can be addressed at the time of subdivision consent through the provision of the various landscape, ecological and urban design requirements recommended. The MGLA report concludes in this regard that the issues can be addressed by the inclusion of a set of district planning provisions that seek to 'bridge the gap' between the proposed structure plan and the level of detail that would normally be contained within a master plan. This could be achieved by providing a greater level of guidance around how development within the proposed structure plan area should occur.

- 4.33 The MGLA report provides supporting analysis of the Rule 23.7.8 f) and g) provisions regarding provision of neighbourhood parks, and Rule 23.7.8 h) and the associated Appendix 1 1.2.2.23 (Rotokauri North Landscape Concept Plan). In respect of the former the MGLA supports the provision of neighbourhood parks within 500 metres of all dwellings but identifies that three (and possibly four) are likely. In terms of the latter, the MGLA report makes clear that the Landscape Concept Plan provision is a response to the biodiversity, mana whenua values and urban amenity requirements, as much as strictly a landscape management tool. Also that the level of information to be provided could be integrated and refined. The MGLA report states that this is due to the opportunities for landscape development and ecological restoration being effectively limited to the “green spine” and neighbourhood reserve areas identified in the proposed structure plan. In this regard the amendments proposed to the above provisions (see Section 7 of this report) are intended to address this. The Landscape Concept Plan provisions (Rule 23.7.8 h) and Appendix 1 1.2.2.23) have been revised to only apply to larger scale subdivision applications (greater than two hectares), and with revised wording to ‘sharpen’ the effect of the provision to key matters. I consider that the provision as revised now provides an important ‘bridge’ between the broad aspirations of the urban design masterplans prepared by the plan change proponent and district plan provisions. The Landscape Concept Plan also provides a key mechanism for the rule framework to implement the objectives and policies applying to Rotokauri North in respect of landscape/amenity matters.
- 4.34 In respect of submitters, the MGLA report evaluates the most relevant submissions, the issues raised and the relief sought. The number of submissions on the topic are few, with broadly expressed points being raised primarily regarding the changes in the environment with urbanising a rural environment. The MGLA conclusion in respect of submitter concerns is that the amended provisions referred to above will reasonably address the issues raised in submissions on landscape matters. I would concur and add that the urban design framework proposed within the plan change and as implemented through the amendments to the district plan provisions will be effective in this regard also.
- 4.35 In summary the MGLA report concludes that:
- “with the inclusion of a set of provisions that provides a greater level of certainty around the development of the parks and reserve network, the proposed plan change is capable of managing the potential landscape and wider scale amenity effects through the implementation of the proposed structure plan. While there are some uncertainties around how such development may proceed and the “flavour” of the expected enhancements on landscape and urban amenity (at a development level), I consider that this can be adequately managed by requiring the development of an integrated landscape development plan at the time of subdivision.”*
- 4.36 On the basis of the above I can concur that the landscape and visual effects can be managed with effects that are acceptable. The landscape and visual effects have to be seen in the context that the plan change involves urbanising a currently rural environment, albeit one that has been identified as an urban growth cell for over a decade. The broad concerns around the RCA and the ambiguity of the masterplans is addressed within Section 7 of this report, as these are key issues in the determination of the plan change.

Ecological

- 4.37 In respect of the potential ecological effects associated with PPC7, the plan change document at Section 6.6 addresses this matter and relies largely on a 'Receiving Environment and Rapid Erosion Assessment' report prepared by Morphum Environmental Limited on behalf of Council (dated September 2018 and Attachment 12 to PPC7), supplemented by a Long-Tailed Bat Survey Report prepared by Tonkin and Taylor dated 25 June 2020. These reports have been reviewed by John Turner (WSP ecologist) with the review report attached to this report within **Appendix D**.
- 4.38 The ecological assessment undertaken by WSP reviews the potential ecology effect of the plan change proposals, the consistency of the plan change with statutory planning documents in respect of ecology and considers the proposed district plan provisions. Broadly the outcome of the report is that the characteristics of the terrestrial vegetation and habitats within the plan change area have been evaluated, and that aside from Kereru Reserve significant natural area that the vegetation is highly modified and has low intrinsic ecological value. The report then goes on to describe habitat potential for birds, lizards and long-tailed bats. The anticipated bird species present within the plan change area are likely to be common native and introduced species, meaning the development of the locality is unlikely to result in significant adverse effects on native bird populations.
- 4.39 In respect of suitable habitat for native lizard species, there are potential habitats currently in the areas of rank vegetation, around woody debris and within gardens where there is well established vegetation and potentially accumulation of organic matter. There is also potential lizard habitat within Kereru Reserve, with Copper Skink the most likely present, being a species classified as "Not Threatened". The report concludes that it is less likely that "At Risk" or "Threatened" species are present, although the possibility cannot be completely discounted. The ecology report concludes that effects on lizards are not a major risk issue with the plan change, with opportunity to manage potential effects on lizards during the subdivision and site development process to support resource consent applications, and any applications for a Department of Conservation (DOC) Wildlife Authority possibly needed prior to site clearance.
- 4.40 In respect of long-tailed bats, the report states that they are known to be found widely in the areas surrounding Hamilton with the threat status for the species elevated to "Nationally Critical" in 2018. The potential effects on long-tailed bats have been a concern for other developments in the rural and peri-urban zones around Hamilton, including the Waikato Expressway and the Southern Links/Peacockes growth cell. Within both the Kereru Reserve, and across the wider growth cell area where there are many mature exotic trees, there is potential to provide suitable roosting habitat for this species. The bat survey results indicate that the Kereru Reserve site is of low value for long-tailed bats given size and other factors, however it is still possible that long-tailed bats use the site periodically. The WSP report also notes that annual city-wide surveys undertaken as part of Project Echo have shown increasing bat activity within the Hamilton City and in the northern part of the City, including within Waiwhakareke Natural Heritage Park in 2020 (being circa 3km from the North Rotokauri development cell). The WSP report concludes that given the apparent expansion of bat activity within the city, including Waiwhakareke, that inclusion of rules in the district plan requiring further bat survey prior to site clearance are appropriate.
- 4.41 In respect of aquatic ecology, the WSP ecology report reviews the various reports submitted in support of the sub-catchment ICMP and reviews the potential for the 'green spine' proposals to enhance the currently very degraded aquatic environments that exist. The

broad conclusion is that the plan change proposals and especially the 'green spine' proposals will remediate and mitigate potential adverse effects of the development, and will likely result in enhancement of the ecological value of the watercourses. The WSP report states that:

"the proposed 'green spine' provides an opportunity to enhance the form and function of the existing streams and develop green corridors through the site that are of higher ecological value than currently exist. Provided the approach to habitat enhancement detailed in the Stormwater System Report is implemented, ecological enhancement will be achieved. Inclusion of provisions within the district plan to ensure that the 'green spine' is enhanced and managed appropriately are recommended to ensure this occurs."

4.42 The WSP report recommends several district plan provisions to ensure that the ecological values within Rotokauri North are protected and enhanced. These are covering the following topic areas:

- Rule relating to any subdivision lot where the 'footprint' includes the 'green spine' to ensure implementation of the intended ecological enhancement occurs and fish passage is maintained where necessary.

- Rule relating to any subdivision lot where the 'footprint' includes the Kereru Reserve Significant Natural Area to ensure the ecological values of the Reserve are fully defined and that the proposed protection and enhancement of these values occurs.

- Rule requiring assessment of potential bat roost trees on any subdivision exceeding two hectares in area to minimise the risk of killing and injuring roosting bats during site clearance. The application of the rule to subdivisions greater than two hectares seeks to strike a balance between the level of risk of encountering bats within the site and avoiding onerous provisions for smaller scale subdivisions.

- A rule has been included requiring survey for lizards on any subdivision exceeding two hectares in area to minimise the risk of killing and injuring lizards during site clearance. As above the application of the rule to subdivisions greater than two hectares seeks to strike a balance between the level of risk of encountering lizards within the site and avoiding onerous provisions for smaller scale subdivisions.

4.43 In respect of submitters, the submitters raise broad ecological points only (in particular the Waikato Regional Council submission) and these are responded to within Section 3 of this report.

4.44 Subject to these rules being imposed as part of the suite of amendments to the district plan (within Rule 23.7.8h) and Appendix 1 1.2.2.23 d) to f)), the recommendation within the WSP report is that the ecological effects are considered to be accepted, and that there are some significant positive ecological effects able to be achieved also. I concur with the findings of the WSP report and consider that any potential adverse effects on ecological matters as development progresses can be managed satisfactorily such that any adverse effects are acceptable.

Archaeological

4.45 The potential archaeological effects associated with PPC7 are described within Section 6.4 of the plan change document and in the Archaeological Assessment prepared by CFG Heritage Limited (Attachment 6 to PPC7). This report has been reviewed by Simmons and Associates Limited (SAL), with the review report attached to this report within **Appendix D**.

- 4.46 The archaeological assessment undertaken by SAL sought to assess the completeness and technical accuracy of the CFG report for assessing the Plan Change 7 area, the effects of the development on archaeological values, and the recommended measures to avoid or mitigate potential effects to archaeological sites. The SAL assessment reports that the CFG archaeological assessment report uses a standard archaeological methodology to identify sites in the Rotokauri North Private Plan Change 7 area. Further that the research work includes a search of archaeological site records, reports, old maps and cadastral plans, historic aerial photographs, old newspaper articles and other information sources, albeit only a few of these documents are included in the CFG assessment report. There are no recorded pre-1900 archaeological sites identified by CFG in the Plan Change 7 area, supplemented by an archaeological survey carried out in June 2018. The SAL report states that the CFG report is of a sufficient standard to provide surety about the CFG assessment results, conclusions, and recommendations.
- 4.47 Both the CFG and SAL reports have concluded that there is a low risk of exposing pre-1900 archaeological deposits or features during works associated with development of the PPC7 development, and that there is no need for archaeological authorities to be applied for prior to works. The CFG recommendations that an accidental discovery protocol (APD) be relied on prior to works commencing, and that ongoing mana whenua engagement should occur.
- 4.48 The SAL report advises that there are no submission issues identified relating to archaeological issues. Further the report provides a statutory assessment that evaluates the proposal against the RPS and HCDP heritage provisions and found the PPC& proposals to be consistent. It is acknowledged also in the SAL report that section 6 of the RMA identifies protection of historic heritage as a matter of national importance.
- 4.49 The recommendation with the SAL assessment report is that an ADP be imposed via resource consent conditions prior to works commencing on site. This will be imposed on relevant resource consents as standard practice on large-scale earthworks in 'greenfield' growth cells. I concur with the findings of the SAL report and consider that any potential adverse effects on archaeological matters as development progresses can be managed satisfactorily such that any adverse effects are acceptable.

Land Contamination

- 4.50 The potential land contamination effects associated with PPC7 are described within Section 6.8 of the plan change document and in the Preliminary Site Investigation Report (PSI) prepared by HD Geo Limited (Attachment 8 to PPC7). This report has been reviewed by GHD Limited, with the review report attached to this report within **Appendix D**.
- 4.51 The PSI report identified one possible HAIL site and identified that pastoral farming activities across Rotokauri North in general have potential contamination in the form of persistent fertilizer and pesticide use, as well as possible asbestos-containing materials within some of the buildings on the land. The PSI has made recommendations for sampling and site analysis to occur prior to development occurring. This forms an appropriate response to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES Soil).
- 4.52 The GHD Limited review report concurs with the PSI recommendations. A Detailed Site Investigation (DSI) report will need to be prepared in conjunction with the subdivision process for subdivision sites within the growth cell. This will provide Council with detailed

information of land contamination found across Rotokauri North as subdivision applications progress.

- 4.53 In respect of submitters, there are no submitter issues raised in respect of land contamination effects that require a specific response.
- 4.54 I concur with the GHD Limited review conclusions that at the plan change stage no further action is required. I consider that the potential adverse environmental effects associated with land contamination are able to be managed effectively such that they will be acceptable.

Cultural

- 4.55 This matter is summarised within Section 6.4 of the plan change document. A Cultural Impact Assessment has been prepared by the Rotokauri North Tangata Whenua Working Group as part of the formulation of PPC7 (Attachment 18 to PPC7).
- 4.56 It is clear from the involvement of mana whenua in the process to date and from the above report, and the submission received from the working group that strong support from mana whenua for PPC7 exists. The submission in support from Te Whakakitenga o Waikato Incorporated and Rotokauri North Tangata Whenua Working Group commended the process, stating that the:

“collaborative approach to environmental management within the Waikato-Tainui rohe, and recognises that the plan change proponent has met this aspiration in its consultation and collaboration with mana whenua and Waikato-Tainui in the development of PPC7. The submitter considers that the plan change proponent has met the objectives and strategies of Te Ture Whaimana – the Vision and Strategy for the Waikato River, and the Waikato-Tainui Environmental Plan regarding PPC7 through mitigation recommended in the Cultural Impact Assessment (CIA).”

- 4.57 The submitter seeks that the plan change be approved subject to any further amendments the panel considers necessary to reflect and provide for the recommendations in the CIA. It is apparent from the submission that a strong working relationship has been established with the plan change proponent. It should also be noted that Council staff have been part of this at points in the process. As Rotokauri North is developed, the plan change proponent and Council will need to ensure that the eleven recommendations within the CIA report are implemented. As the CIA recommendations are wide-ranging and involve elements that cannot be implemented through district plan provisions, the parties will need to continue to actively collaborate as development progresses.
- 4.58 I consider that the mana whenua engagement has been robust and effective in managing potential cultural effects associated with urban development within Rotokauri North. Accordingly the extent of effects in respect of cultural matters are considered acceptable.

Urban Design and Amenity

- 4.59 The urban design considerations and potential amenity effects arising from the future urban development associated with PPC7 are broadly addressed in Sections 6.2 and 6.3 of the plan change document and described in detail within the Urban Design Assessment prepared by Ian Munro (Attachment 15 to PPC7). This report has been reviewed by Colin Hattingh,

Council's Senior Urban Design Planner, with the review report attached to this report within **Appendix D**.

- 4.60 Mr Hattingh's report is supportive of the conclusions of the Urban Design Assessment and the proposals within it for a future medium density residential zoning for Rotokauri North. Mr Hattingh has reviewed the Urban Design Assessment and Planning Assessment in support of the plan change in respect of urban design matters. The report also provides some background on the pre-lodgement collaborative design workshops conducted that led ultimately to the masterplan diagrams included within the plan change Urban Design Report, and the 'reverse-engineering' process that led from the masterplan and resulted in the structure plan diagram and eventual set of implement district plan provisions. The report also supports the over-arching urban design principles applied in the Ian Munro report.
- 4.61 In summary the report concludes:
- "From an urban design perspective, the proposed suite of provisions applicable to the Rotokauri North Structure Plan Area, are supported. In my opinion, they are complimentary to each other and will assist in the delivery of a well-connected and integrated medium density residential neighbourhood as described in the Urban Design Assessment.*
- The only concerns are related to the proposed location of the two-bay car parking area and seeking further clarification on the proposed removal of service yards and what alternatives are available to residents for the storage of bins."*
- 4.62 In respect of the two above issues, the proposed two-bay joint car parking solution is not supported and will be discouraged by Council through future urban design reviews and subdivision processes as being an impractical site layout. Also the proposed removal of the 'service area' rule provision (being clotheslines and refuse storage) for the plan change area is not supported in the Council 'Technical Infrastructure and Planning Report', nor supported by this report. There is a recommendation in Section 7 of this report for a revised Rule 4.8.6 Service Areas provision, rather than not applying the rule to the plan change area at all as proposed within the plan change.
- 4.63 In respect of submitters, none of the submissions express detailed concerns regarding the specific urban design proposals or the district plan provisions to implement them. As detailed in Section 3 and **Appendix A** the submissions do address wider amenity matters as responded to below.
- 4.64 As described the plan change includes a comprehensive set of urban design proposals supported by a set of amendments to district plan amendments to implement them. The masterplan diagrams within the Urban Design Report are illustrative but display an intended broad layout for the key urban design elements within the growth cell. An aspect that is less well developed is the interface with surrounding land. This relates both to land within the Waikato District to the north and west, and land within the city boundary to the south, being Future Urban Zone land covered within the RSP. These are each addressed below.
- 4.65 In addition, many of the submissions express concern with 'spill-over' amenity and transport effects from the growth cell, and the plan change being 'out of sequence' with previous assumptions about the development of the Rotokauri growth cell.

- 4.66 In respect of the properties to the north and west, State Highway 39 and Exelby Road provides a separation buffer. In addition the structure plan and associated district plan provisions require a landscape buffer to be created along the State Highway 39 frontage (within the growth cell). The purpose of all of these measures is to enable a land use transition from urban to rural and reduce potential for reverse sensitivity effects. This is a fairly common form of transition around the edges of the city in locations such as Rototuna (Kay Road and Gordonton Road), in Ruakura (Silverdale Road and Nevada Road), at Templeview and at Melville (Collins Road locality). Many of these instances have a road or railway line acting as a land use buffer, as is the case with Rotokauri North. This is not considered problematic in terms of reverse sensitivity effects given the width of the road corridors providing a separation distance.
- 4.67 In respect of amenity there are starkly different built forms expected between the Waikato District Rural Zone and Hamilton City residential zones, but this is not unanticipated given the existing RSP and that Rotokauri as a growth cell came into Hamilton City for urbanisation in 1989. PPC7 represents an earlier timing of development and introduces medium density housing rather than typical suburban low density housing. The earlier timing introduces no new element that would otherwise not be anticipated and given the need for housing in response to NPS-UD and housing supply issues in the city, is needed. The proposals around medium density housing were not anticipated when the RSP was formulated and does represent a new element to be considered.
- 4.68 Since 2011 when the RSP was incorporated into the district plan, the trend in housing supply has been to smaller lots sizes and an increase of the proportion of terraced and duplex housing typologies. The trend to compact living environments and medium density housing in 'greenfield' areas has been particularly prevalent in the past five years given rapidly increasing land prices, the financial affordability challenges of local authorities to extended infrastructure networks reflects in development contributions, a recognition that community demand is high for one and two bedroom dwelling forms, and the government policy responses to enable higher density housing and earlier release of land supply to alleviate housing supply challenges. The Operative District Plan is generally enabling of duplexes and compact housing forms, and this is now supported by the NPS-UD and the wider government and regional policy settings (as Waikato Regional Council intend to instigate a plan change to the RPS to better reflect and give effect to the NPS-UD).
- 4.69 The plan change is based on medium housing provision at the outset, supported by urban design proposals broadly that have then been translated into district plan objectives, policies, rules and other methods to give effect to the urban design aspirations. Many of these provisions are bespoke to Rotokauri North to deliver the intended street network, rear lanes, small lot sizes, the orientation of housing within the lots, encourage compact and walkable neighbourhoods and associated design elements in a comprehensive package of implementation measures. I consider that these will be effective in delivering a high quality built form with high amenity values. Whilst much of this is focused on internal amenity matters within the plan change area, the external interface will be influenced by this too. Generally high quality and compact housing will be the eventual outcome, which is an expected outcome given the Future Urban Zone that is the existing zoning for Rotokauri North. Whilst the eventual built form will be quite different from one side of State Highway 39 and Exelby Road to the other, this in itself is not an unacceptable effect and is a fairly common feature on the edge of towns and cities.

- 4.70 The southern boundary of the plan change is somewhat different in two key aspects. Firstly that there is no transitional element such as a road, and secondly that the land to the south is within the city boundary and will in future be developed for urban purposes. The interface in this location is therefore a transitional interface that in time will be urban on both sides. The revised ICMP and structure plan diagram give greater recognition to the need to provide for stormwater management that links to the south (given landform and the catchment boundaries), and the collector road network provides for future connections to the south to ensure a well-integrated and connected urban environment. Unlike in considering the land within the Waikato District, the land to the south will transition in land use away from rural uses, and whilst the timing of that is unclear there is an inevitability about that.
- 4.71 As per the recommendations within Section 3 of this report in response to individual submissions, protection of rural amenity and character to the south of the plan change area is not supported by the wider policy framework. Rather the land to the south will be urbanised in future and for that reason I do not consider that there need be a prescribed landscape buffer or any other transitional element required. Rather, as with all large urban growth cells, the urban/rural interface is constantly moving as individual developments proceed. That development now appears likely to proceed north to south rather than the previously assumed direction does not change this, nor create any additional or different amenity effects that those anticipated.
- 4.72 In summary, the urban design and amenity effects have been evaluated and are considered acceptable. The plan change includes a wide range of mechanisms within district plan amendments proposed to achieve strong amenity and urban design outcomes within the Rotokauri North growth cell. These have been recommended for amendment to enhance outcomes (as shown in **Appendix B** 'live' chapters), but these are matters of detail rather than fundamental issues. Urban design and amenity effects around the 'edges' of the structure plan area are considered acceptable given the future urbanisation that will occur to the south, and the sufficient buffering effect of transport corridors and landscape buffers elsewhere.

Geotechnical

- 4.73 The potential geotechnical effects associated with PPC7 are addressed in Section 6.8 of the plan change document and as described in the Geotechnical Assessment Report prepared by HD Geo Limited (Attachment 7 to PPC7). This report has been reviewed by GHD Limited, with the review report attached to this report within **Appendix D**.
- 4.74 The GHD review report has found that the HD Geo Limited report is generally thorough and robust, and sufficiently evaluates the potential for liquefaction and other geotechnical issues to be managed effectively as Rotokauri North urbanises. Whilst soil conditions are challenging in places and will require further assessment, that this further assessment can be conducted at the time of subdivision. This enables subdivision-specific measures to be incorporated within each subdivision as it occurs. There is not needed to be specific geotechnical responses at the scale of the plan change and re-zoning however.
- 4.75 In respect of submitters, there are no specific issues identified by submitters that need to be addressed.
- 4.76 Whilst addressing geotechnical conditions at a subdivision level will impose costs on developers as subdivision of land within Rotokauri North progresses, the land is generally suitable for urban development. On the basis of the above report I consider that the

geotechnical effects can be satisfactorily managed at the time of subsequent subdivision, such that any potential adverse effects are able to be managed effectively and are acceptable.

Land Use

- 4.77 Potential land use effects are addressed within Section 6.9 (Reverse sensitivity) and 6.10 (Economics) of the plan change document, and within the Property Economics Limited retail economic review for the proposed small-scale mixed use neighbourhood commercial centre and associated rezoning (Attachment 14 to PPC7).
- 4.78 The proposal to zone Business 6 land for a future neighbourhood commercial centre is supported. The Rotokauri Structure Plan similarly had a commercial/community node within the northern part of Rotokauri to provide for local commercial need. The conclusions at Section 6.10 of the plan change document and Property Economics Limited retail economic review are supported given the scale of the land to be rezoned and the Business 6 Zone provisions to be applied. These will ensure that the nature and scale of the commercial centre is complementary to other commercial centres in Rotokauri and the wider city and do not challenge the centres hierarchy within the Operative District Plan. The 1.2 hectare area (and indicative 4,000m² commercial floor area) is considered suitable as a scale, being large enough to meet local need, but without creating potential for a commercial centre that draws traffic from a wider residential catchment. The Business 6 Zone is also typically applied to small-scale commercial centres with directly adjacent residential land use, and accordingly there are no concerns with potential amenity effects in this regard.
- 4.79 That the location of the Business 6 Zone land is different to the location of the 'community focal point' displayed on the RSP is not considered significant. The location is approximately the same, is at or near the junction of Burbush Road and the future west-east collector route, will be adjacent to or near a portion of the 'green spine' open space/stormwater network and is well positioned to serve a wide residential catchment. The more northerly location relative to that shown on the RSP is slightly less accessible to future housing development to the south of the plan change area, but not significantly so.
- 4.80 As described in Section 2 of this report there are several differences between the RNSP and the existing RSP. Most relevant to the 'land use effects' topic (and not addressed above) are:
- The location and extent of 'future reserves'
 - Differences with the 'green drainage corridor', particularly the absence of the southern arm
 - The extent of residential land in the north-east of the plan change area, and interface with adjacent employment land.
- 4.81 The revised Rotokauri North Structure Plan displays the location of three intended 'indicative neighbourhood parks'. These would provide localised passive and active recreation, typically with playground type facilities to serve local need. The location of these parks is indicative and broadly are the same as those shown in the structure plan as notified with the plan change. Importantly the district plan provisions recommended (see Section 7 of this report) seek that all dwellings within the structure plan area be located within a 500 metre distance from at least one of the neighbourhood parks. The 500 metre distance being based around a comfortable walkable distance. However as noted within the

MGLA report within Figure 5, the location of the three neighbourhood parks, whilst indicative, would not enable this to be achieved without shifting these parks to closer to the mid-point between the north and south boundaries of the growth cell, and/or providing a fourth neighbourhood park.

- 4.82 In many respects this can be satisfactorily resolved through future subdivision consent processes and need not be a matter that needs to be resolved at the structure plan level. The 500 metre distance is used as a proxy for what constitutes a suitable walkable catchment and is not itself a critical threshold. The 'green spine' proposals also involve substantial areas of future public open space. Whilst predominantly serving stormwater management functions, it is likely that to some extent there will be space for passive recreation alongside the 'green spine' and with walking and recreation opportunities. Apart from the south-eastern corner of the growth cell all parts of the growth cell will be comfortably within 500 metres of the 'green spine' which can serve a similar function to the neighbourhood parks. Whilst noting that point made in the MGLA report, the locations are indicative and not determinative, and will be provided as part of the individual subdivision applications that are submitted with Council in future.
- 4.83 The other significant recreational feature is the larger community park shown on the Rotokauri North Strategic Infrastructure – Transport Network and Reserves (Appendix 2 Figure 2-9B). The location is in the south-eastern corner of the Rotokauri North growth cell, which is the same location as shown on the RSP, and on several of the masterplan concept drawings included within the Urban Design Report. This location is also based on the location of flat and generally suitable land. The RSP also displayed a second 'sports' park' further to the west, although Council staff have advised that a single large community park will be sufficient to provide for sports field and other facilities for organised recreation. The PDA agreement between Council and the plan change proponent is also based on the provision of a community park in the south-eastern corner of the plan change area, and this facility will be delivered through the PDA mechanisms in due course.
- 4.84 There are substantial differences to the extent and location of the 'green spine' as shown on the revised RNICMP and structure plan diagram, relative to the notified structure plan. The changes acknowledge the expansive extent of land required for stormwater management in Rotokauri North given the site characteristics, and the proposals now explicitly provide for the portion of the catchment to the south of the plan change area to be provided for with the 'green spine' proposals. The revised 'green spine' now also provides a separation between the Ohote Stream and the Te Otamanui Stream. The revised 'green spine' proposals are now considered realistic and generally suitable, provide suitable levels of connection to the catchment to the south which otherwise has no outlet, and will provide a green open space network to form the 'spine' of the plan change area.
- 4.85 It is also apparent that the revised structure plan is now much more closely aligned with the later masterplan concept drawings included within the Urban Design Assessment (Concept Masterplans 5 and 6 particularly) and results in greater consistency between structure plan and masterplan, relative to the earlier structure in the notified plan change. From an urban form and land use perspective the revised structure plan proposals in respect of the 'green spine' are supported and are considered a substantial enhancement to the now superseded structure plan.
- 4.86 A further land use element of the Rotokauri Structure Plan that is different on the proposed RNSP is that the minor arterial corridor forms the land use boundary between employment

to the east and residential to the west. This has predominantly been maintained by PPC7, with the exception of the northern end near the State Highway 39/Burbush Road roundabout. A property on the eastern side of the future minor arterial corridor is proposed as medium density residential land use and will be the only locality within the plan change area that directly abuts future employment land. This has the potential to generate a poor transition between land uses with reverse sensitivity and amenity effects. This appears to have been recognised within the Urban Design Report (Attachment 15 to the plan change) as 'Concept 5 Masterplan' and 'Concept 6 Masterplan' both display an open space buffer along the plan change boundary with the adjacent employment land. This would be consistent with many localities within the city where industrial and residential land uses are abutting with amenity buffers to provide a level of separation.

- 4.87 As a remedy it is recommended that the 'landscape buffer' notation shown along the State Highway 39 plan change frontage also be applied to the land within the plan change area to the east of the future minor arterial corridor, as shown on the RNSP. This would provide a level of separation and give effect to the concept masterplans included within the Urban design assessment. Building setbacks within the Industrial Zone (Rotokauri Employment Area) are otherwise five metres with a maximum setback of ten metres from public roads. This creates the potential for reverse sensitivity effects and the remedy for this should be accommodated within the plan change area itself, given it is the plan change that is generating this concern. Applying the landscape buffer notation to ensure that a planted buffer strip is created along this north-eastern boundary of the plan change area is a simple and effective measure to avoid issues in this regard.
- 4.88 The other aspect of this is that there is a loss of industrial land supply to the city as a result of the plan change proposal in this location. This would be at the scale of several hectares of land only and given the large-scale employment area provided for within the wider Rotokauri Structure Plan, the proportion of land being removed is small-scale and unlikely to have a noticeable effect on the city's industrial land supply. Subject to the above reverse sensitivity issue being managed this change is considered acceptable and is supported.
- 4.89 In respect of submitters, these have been responded to in Section 3 of this report and within the comments above. The submitter themes are largely around 'edge' effects and the ability for land to the south to connect to the collector road network within Rotokauri North, and with the stormwater network given that a part of the Ohote Stream catchment lies to the south of the plan change area (in particular the submission received from Ruske).
- 4.90 In summary the land use effects described above are considered broadly consistent with the RSP, and where there are differences these land use effects are considered acceptable. In this regard there is a recommendation above that the landscape buffer be extended further eastwards to also provide a buffer with the adjacent industrial zone land to the east also, to prevent what otherwise may be unacceptable reverse sensitivity and amenity effects.

Summary of Environmental Effects and Issues

- 4.91 The above assessment of the effects of the plan change has been wide-ranging and considered many different environmental effects, including those issues of concern to submitters. Stormwater effects and ecological effects are considered less than minor effects given the 'green spine' proposals now forming the core of the sub-catchment ICMP proposals and the positive habitat effects generated. They represent a significant habitat enhancement opportunity to re-establish a stream and wetland corridor through Rotokauri North.

- 4.92 Numerous minor amendments have been recommended to district plan provisions to ensure strong urban design, landscape and amenity outcomes are achieved, including around the 'edges' of the plan change area. These have been identified within the 'live' chapters contained within **Appendix B** to this report (with red text).
- 4.93 There are some concerns about unacceptable effects with transport, and several additional district plan provisions have been recommended to ensure that a public transport network and an off-road walking and cycling network are commenced early in the development of Rotokauri North. Subject to these recommendations being included, transport outcomes will be acceptable. A suite of provisions requiring the 'roll out' of three waters, transport and reserves infrastructure has also been proposed, to ensure that potential effects from the 'out of sequence' element of the plan change are well mitigated.
- 4.94 There are also positive effects with the additional housing supply able to be brought online. This will enhance housing affordability, housing choice and a range of different housing typologies within the north-west of the city. This is much needed and will supplement housing supply being brought online elsewhere in the city. Overall the medium density amenity and urban design aspirations within the plan change area are strong and the implementation means (as supplemented by recommended amendments to provisions) will be robust and effective.
- 4.95 Overall the environmental effects being generated are considered acceptable and generally consistent with the statutory planning framework.

5 Statutory Assessment

- 5.1 The plan change proponent has evaluated the key statutory planning documents in Section 7 of the plan change document. I largely agree with the plan change proponent's evaluations against the key statutory planning documents and adopt it for the purposes of this report, except where I have stated below. The discussion below is in the same sequence as within the plan change document.

Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River)

- 5.2 The plan change document describes the overarching purpose being to restore and protect the health and wellbeing of the Waikato River for future generations. The plan change document provides a response to the Vision and Strategy as part of the regional policy statement discussion. Likewise in this report the Vision and Strategy is discussed below.

National Policy Statements

- 5.3 The national policy statements in force at the time of the writing of this report are:
- National Policy Statement on Urban Development 2020
 - National Policy Statement for Freshwater Management 2020
 - National Policy Statement for Renewable Electricity Generation 2011
 - National Policy Statement on Electricity Transmission 2008
 - New Zealand Coastal Policy Statement 2010
- 5.4 I concur with the plan change document which focuses on the National Policy Statement on Urban Development (NPSUD) and the National Policy Statement for Freshwater Management (NPSFW) as the most relevant national policy statements. However the discussion on the NPSUD is based on the now superseded National Policy Statement on

Urban Development Capacity 2016, and the discussion on the NPSFW is based on the now superseded 2010 statement. Accordingly an assessment is provided below in respect of these two national policy statements as revised.

National Policy Statement on Urban Development 2020

- 5.5 The NPSUD has been promulgated since the notification of PPC7 and came into effect in August 2020. This means that the plan change documentation evaluated the earlier national policy statement that is now superseded. For that reason the evaluation with the plan change document cannot be relied upon.
- 5.6 The NPSUD represents a key part of the government’s response to housing supply and affordability issues. The key objectives are to achieve ‘well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future’, and ‘providing sufficient development capacity to meet the different needs of people and communities’. The primary responses required to it are from territorial authorities who have various requirements to update district plans in respect of intensification provisions and removal of minimum car parking requirements, the preparation of Future Development Strategies and Housing and Business Development Capacity Assessments. There are varying timeframes for implementation within the NPSUD that territorial authorities must meet.
- 5.7 There is a strong likelihood that the RPS (discussed below) will be revised to give effect to the NPSUD, and the Future Proof Sub-regional Growth Strategy is being revised to reflect amongst other things the policy direction of the NPSUD. Hamilton City Council is also considering a range of possible amendments to the district plan as a response to the NPSUD. At the time of writing this report none of these changes to the RPS, the district plan or to growth strategies for the city and sub-regional have occurred, with the provisions being as they were prior to the NPSUD having legal effect. Despite this unchanged framework of regional and city planning statutory documents, there are clear policy directions within the NPSUD that are relevant to consideration of this plan change. As per clause 3.1 of the NPSUD there is a general obligation on decision-makers under the RMA to give effect to the objectives and policies of the NPSUD.
- 5.8 An evaluation of the plan change against the objectives and policies of the NPSUD is provided in the following table:

<p>Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</p>	<p>The intent of the plan change is to provide a compact and quality urban design-led residential development supported by a small-scale commercial node. Rotokauri North has been planned as an extension of Hamilton City, rather than a self-contained community. For this reason employment and the majority of commercial/community services will be provided outside of the plan change area. A larger commercial centre is planned to the south within the Rotokauri growth cell, public transport will be extended based around the rail/bus hub at Tasman Road. Cycling and walkway facilities are proposed both within the growth cell, but also connecting to the developing active mode networks within the Waikato Expressway corridor and the wider Rotokauri growth cell to the south. The urban design elements of the plan change are considered strong and will be effective in achieving a</p>
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	well-functioning urban environment that provides for the social, economic, and cultural wellbeing of the future Rotokauri North residents.
Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.	The plan change contributes to the city achieving this with the bringing forward of a growth cell that has housing affordability as a core concept. The 1,500 to 2,000 dwellings to be provided within the growth cell will make a significant contribution to providing additional housing in the city at a time of housing shortage and affordability challenge. The plan change area is within the wider Rotokauri growth area and is already committed to urban development. In addition, the medium density housing proposals will provide a higher yield than envisaged in the RSP in 2011, and as a result having a positive effect on housing affordability, a more diverse housing typology and greater housing choice for future residents.
Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: <ul style="list-style-type: none"> a) the area is in or near a centre zone or other area with many employment opportunities b) the area is well-served by existing or planned public transport c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment. 	As stated above the RSP and Hamilton City District Plan have not been altered to directly respond to the NPSUD. The plan change area is within an identified urban growth cell, is near to an area with employment opportunities (being the employment areas within Te Rapa and Rotokauri), and more widely the remainder of the city. The Rotokauri North locality will become increasingly well served by public transport as the number of residents increases to the point that extending the bus network is viable. There is demonstrably high demand for housing in the city that Rotokauri North will provide. The recommendations include a suite of public transport measures to encourage early public transport use.
Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.	As a 'greenfield' growth cell the plan change provides the opportunity to establish a quality urban environment. The compact, urban design-led medium density approach to Rotokauri North is strongly supported by proposed district plan amendments to ensure a high quality outcome for the future community. The suite of district plan provisions supported by the structure plan and infrastructure proposals will be effective in providing for a quality urban environment and amenity values.
Objective 5: Planning decisions relating to urban environments, and [Future Development Strategies] FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).	The plan change proponent has engaged mana whenua through a working party collaborative approach, and that party has supported the plan change via a submission. The working party process has sought to effectively implement the principles of Te Tiriti o Waitangi and is considered successful in this regard.
Objective 6: Local authority decisions on urban development that affect urban environments are: <ul style="list-style-type: none"> a) integrated with infrastructure planning and funding decisions; and 	Consideration of this plan change request is highly integrated with decision-making on infrastructure provision, through a private developer agreement and the suite of trigger/staging provisions for construction of key pieces of strategic infrastructure. For a growth cell with up to 2,000 dwellings the infrastructure

<ul style="list-style-type: none"> b) strategic over the medium term and long term; and c) responsive, particularly in relation to proposals that would supply significant development capacity. 	<p>provision is strategic and would be delivered over a period of five to ten years.</p>
<p>Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.</p>	<p>Not directly applicable to consideration of the plan change request.</p>
<p>Objective 8: New Zealand’s urban environments:</p> <ul style="list-style-type: none"> a) support reductions in greenhouse gas emissions; and b) are resilient to the current and future effects of climate change. 	<p>The planned extension for bus services to Rotokauri North will ensure that at full development it is well served by public transport. The interim arrangements during the initial development of parts of the growth cell will not be as well served however, given that public transport services are unlikely to be extended by the regional council until there is sufficient demand for such services. This is typical of new development areas in the city with a resulting time lag. This will result in a high level of trips being made by private motor vehicle in the early stages of the development, with an increasing proportion of trips being via bus as dwelling numbers grow in Rotokauri North. It is important to note that Access Hamilton requires an average of 30% mode share across the city, and in ‘greenfield’ areas an even higher level of mode shift is necessary to achieve this as an average across the city. It is known that once people move into a new neighbourhood and commence using car travel for all trips, that it becomes increasingly difficult to change that behaviour once a bus service does start up. For this reason an indicative future public transport network has been proposed for incorporation into the structure plan diagrams. This is to be supplemented with a rule framework that requires the early ‘roll-out’ of that network as developed proceeds.</p> <p>The sub-catchment ICMP work has effectively included consideration of the effects of climate change on rainfall patterns and potential flooding susceptibility.</p>
<p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <ul style="list-style-type: none"> a) have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and 	<p>The plan change includes provisions promoting medium density and compact housing, based on a minimum lot size of 280m². The plan change promotes a number of housing typologies (duplexes, terraced homes, apartments, detached dwellings) at a variety of densities, and with housing affordability provisions. The plan change has incorporated mana whenua perspectives from the beginning and will need to ensure this also occurs during subsequent design phases. Limited provision for commercial businesses is a part of the proposal, although it is a residential development primarily. In respect of accessibility, the master plans prepared as part of the urban design report supporting the plan change and the stormwater layout diagrams, demonstrate that a large network of public open space (recreation, stormwater</p>

<ul style="list-style-type: none"> c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and e) support reductions in greenhouse gas emissions; and f) are resilient to the likely current and future effects of climate change. 	<p>management and other) will be provided throughout the growth cell. Public transport and active mode transport provision is well integrated within wider plan change proposals, and the proposal will increase competition for land availability between locations. Emissions and climate change resilience has been responded to above in relation to Objective 8.</p>
<p>Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</p>	<p>Not directly applicable to consideration of the plan change request, but clearly the earlier development of Rotokauri North than anticipated assists with provision of housing land within the city to meet high demand.</p>
<p>Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:</p> <ul style="list-style-type: none"> a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and building heights of least 6 storeys within at least a walkable catchment of the following: (i) existing and planned rapid transit stops (ii) the edge of city centre zones (iii) the edge of metropolitan centre zones; and c) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of: (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or (ii) relative demand for housing 	<p>As above the regional policy statement and district plan have not yet been amended in response to the NPSUD. The plan change request is not within the city centre or a metropolitan centre zone but does serve to support it given Rotokauri North is an extension of the city's urban area. Being in 'all other locations' (i.e. Rotokauri North) the plan change has a high quality urban designed intent approach through district plan provisions and supporting urban design information to provide for a strong outcome-focused, compact, medium density residential development. The density and height are based around a minimum 280m² lot size supported by a set of specific plan provisions to deliver on the intended high-quality outcomes. There is high demand for housing within the city and the level of accessibility via bus eastward to the Rotokauri public transport hub on Tasman Road and southwards to Taiatea Drive will in time provide high levels of accessibility by public transport. This will be supplemented by connecting the Rotokauri North cycleway/walkway network to the city network. Recommendations within this report include the incorporation of a network of off-road walking and cycling facilities within Rotokauri North, that also links to the existing city network; and a preferred public transport network based on advice from Waikato Regional Council that acts as an extension of the city's bus network into Rotokauri North. These measures (and the rules to implement them early in the development process) are considered critical to the integration of Rotokauri North into the city, and to encourage mode shift to public transport and walking/cycling from early in the Rotokauri North development.</p>

and business use in that location.	
<p>Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.</p>	<p>Not directly applicable to consideration of the plan change request. The regional policy statement and district plan applying to Rotokauri North have not been amended to include height or density requirements. The plan change request incorporates density and height provisions however suitable to a medium density environment.</p>
<p>Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:</p> <ul style="list-style-type: none"> a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or b) relative demand for housing and business use in that location. 	<p>Not applicable as Hamilton City is a tier 1 local authority.</p>
<p>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <ul style="list-style-type: none"> a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1) d) any relevant contribution that will be made to meeting the 	<p>As above, the regional policy statement and district plan applicable to Rotokauri North have not yet responded to the NPSUD. In many respects the plan change itself is acting as the vehicle for responses to the NPSUD. The medium density and compact urban form envisaged for Rotokauri North is a change from the low density suburban style development assumed when the Rotokauri Structure Plan was developed a decade ago. This reflects housing affordability and land supply constraints as well as the NPSUD itself. As a 'greenfield' development the plan change does not represent a change to an existing urban environment but does represent a change from the lower density urban development previously assumed for Rotokauri more widely. The amenity and other concerns regarding this are expressed strongly through submissions in opposition received. The benefits of well-functioning urban environments as promoted through NPSUD must also be part of the decision-making context for the plan change request. The plan change brings forward housing land supply in the city which is needed to meet strong demand, and has taken into account the effects of climate change through the ICMP stormwater modelling work undertaken.</p>

<p>requirements of this National Policy Statement to provide or realise development capacity</p> <p>e) the likely current and future effects of climate change.</p>	
<p>Policy 7: Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.</p>	<p>Not directly applicable to consideration of the plan change request.</p>
<p>Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:</p> <ul style="list-style-type: none"> a) unanticipated by RMA planning documents; or b) out-of-sequence with planned land release. 	<p>The plan change is strongly supported by this policy. Rotokauri North is part of Stage 2 Rotokauri and is therefore anticipated by RMA planning documents but out-of-sequence with planned land release. Previously it had been assumed that Rotokauri would continue residential development from the south in a northwards direction, and that employment development would extend westwards from the eastern part of the growth cell. The growth cell proponent has sought to resolve the infrastructure impediments to enable urban development in Rotokauri North to occur. The plan change also incorporates a suite of district plan provisions that includes triggers/staging for infrastructure development to ensure close alignment between land use development and infrastructure provision. The plan change would add significantly to development capacity for housing in the city and with a robust district plan framework for creating a well-functioning urban environment.</p>
<p>Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</p> <ul style="list-style-type: none"> a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and 	<p>The plan change proponent has engaged mana whenua through a working party collaborative approach, and that party has supported the plan change via a submission. The working party process has sought to effectively implement the principles of Te Tiriti o Waitangi and is considered successful in this regard.</p>

<p>d) operate in a way that is consistent with iwi participation legislation.</p>	
<p>Policy 10: Tier 1, 2, and 3 local authorities:</p> <p>a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and</p> <p>b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and</p> <p>c) engage with the development sector to identify significant opportunities for urban development.</p>	<p>Rotokauri North is an identified growth cell within Future Proof which is a collaborative strategy involving Hamilton City and Waikato District Councils (amongst other partners), and infrastructure providers have been engaged with as part of this plan change process. The plan change includes three waters, parks and reserves and transport proposals for a roll-out of infrastructure as the growth cell develops. This is a plan change promulgated by the development sector to bring forward development in this location from the previously assumed development timeframe.</p>
<p>Policy 11: In relation to car parking:</p> <p>a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and</p> <p>b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.</p>	<p>As the plan change was notified prior to the NPSUD taking legal effect there were minimum car parking proposals typical of pre-NPSUD urban development. Subsequent to the NPSUD the car parking provisions have been revised such that the only car parking district plan provisions recommended are maximum requirements to limit provision of car parking. In all respects the car parking provisions recommended are entirely consistent with Policy 11.</p>

5.9 In my view the proposed plan change (as revised in 2021) represents a robust and suitable response to the NPSUD. The plan change is strongly supported by Policy 8 in particular as an 'out of sequence' development. More broadly the plan change is considered to be consistent with the policy direction and outcomes promoted by the NPSUD, and that the outcomes achieved will be in accordance with the objectives of the NPSUD and acceptable.

National Policy Statement on Freshwater Management 2020

- 5.10 The NPSFW has been promulgated since PPC7 was publicly notified and therefore the plan change document provides an evaluation of the former national policy statement. For that reason the evaluation within the plan change document cannot be relied upon.
- 5.11 The NPSFW manages freshwater in a way that seeks to give effect to the concept of Te Mana o te Wai, improve degraded water bodies and maintain or enhance all others, provides an expanded framework of national objectives, avoid further loss or degradation of wetlands and streams, map existing wetlands as a means of encouraging restoration, identification of targeted outcomes for fish abundance, diversity and passage to address in-stream barriers, set an aquatic life objective for fish species, and monitor and report annually on freshwater indicators.
- 5.12 In the context of the Waikato region the NPSFW will be implemented alongside Te Ture Whaimana o Te Awa (the Vision and Strategy for the Waikato River). The implementation of

the NPSFW is also in conjunction with the associated national environmental standard (see below). The primary plan change response to the NPSFW and Te Ture Whaimana o Te Awa o Waikato is the sub-catchment RNICMP document. This document was fully revised by the plan change proponent in 2021 in recognition that the ICMP document lodged with the plan change as notified had some significant flaws and information gaps that needed to be addressed. The revised sub-catchment ICMP document has been fully evaluated by Morphum on behalf of Council who concluded it is generally robust and will deliver the necessary stormwater management means to ensure suitable levels of water quality and quantity management are achieved in Rotokauri North. My evaluation within this report on this matter relies on the technical advice of Morphum as stormwater management specialists.

- 5.13 As described in Section 4 of this report under the headings 'stormwater effects' and 'ecological effects' the ICMP and broader plan change proposals are considered robust responses to the NPSFW and Te Ture Whaimana o Te Awa o Waikato, at the strategic level possible within a plan change and RNICMP scale. A robust evaluation of existing values has been conducted, the downstream environment is well understood, and the potential effects arising from the quality and quantity of stormwater generated from the urbanisation of Rotokauri North is well understood and considered acceptable. In my view the proposed plan change as revised in 2021 represents a robust and suitable response to the NPSFW, and that the outcomes achieved will be in accordance with the objectives of the NPSFW and acceptable.

National Environmental Standards

- 5.14 The national environmental standards in force at the time of the writing of this report are:
- National Environmental Standards for Air Quality 2004
 - National Environmental Standards for Sources of Drinking Water 2007
 - National Environmental Standards for Telecommunication Facilities 2016
 - National Environmental Standards for Electricity Transmission Activities 2009
 - National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
 - National Environmental Standards for Plantation Forestry 2018
 - National Environmental Standards for Freshwater 2020
 - National Environmental Standards for Marine Aquaculture 2020
- 5.15 I concur with the plan change document which focuses on the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES Soil) as being the most relevant national environmental standard. As described at Section 7.4 of the plan change document a preliminary site investigation report (PSI) has been undertaken (Attachment 8 to PPC7). As noted above this report has been reviewed by GHD Limited on behalf of Council, with the review report attached to this report as **Appendix D**. The PSI report is considered robust and thorough and the conclusions are concurred with. Whilst it is likely that a future NES Soil consenting process will be required prior to development, in respect of considering the merits of this plan change request the plan change is not considered contrary to the NES Soil in any respect.
- 5.16 The National Environmental Standards for Freshwater 2020 (NES Freshwater) have been promulgated since the notification of PPC7. The NES Freshwater will be significant during future subdivision and consenting processes, particularly in implementing the RNICMP stormwater proposals and undertaking earthworks in and around identified wetlands, streams and drains. The NES Freshwater sets out requirements for carrying out certain

activities that pose risks to freshwater and freshwater ecosystems. The standards are designed to protect existing inland and coastal wetlands, protect urban and rural streams from in-filling, ensure connectivity of fish habitat (fish passage), set minimum requirements for feedlots and other stockholding areas, improve poor practice intensive winter grazing of forage crops, restrict further agricultural intensification until the end of 2024, and limit the discharge of synthetic nitrogen fertiliser to land, and require reporting of fertiliser use.

- 5.17 Whilst the NES Freshwater (in conjunction with the NPSFW) has wide-ranging statutory effect and has substantially altered the consenting environment for works impacts on watercourses, at the macro-scale of a plan change request for rezoning of land and amending district plan provisions, the NES Freshwater is less relevant to considerations in terms of the merits of the plan change request. The key assessment matter in this regard is considered to be the NPSFW which has been addressed above.

Waikato Regional Policy Statement

- 5.18 The Waikato Regional Policy Statement (RPS) became operative in May 2016 and sets the overarching policy framework under the RMA for the Waikato region. All regional and district plans in the Waikato region must give effect to this document. Section 7.5 of the plan change document analyses the extent to which PPC7 is consistent with the RPS policy framework. The evaluation addresses the following key sections of the RPS:

- Section 4 Vision and Strategy for the Waikato River;
- Section 6 Built Environment;
- Section 6A Development Principles;
- Section 8 Fresh Water Bodies;
- Section 10 Heritage;
- Section 11 Indigenous Biodiversity;
- Section 12 Landscape, Natural Character and Amenity;
- Section 13 Natural Hazards;
- Section 14 Soils.

- 5.19 Section 8 of the RPS (Fresh Water Bodies) and Section 4 of the RPS (Te Ture Whaimana o Te Awa o Waikato, Vision and Strategy for the Waikato River, which also has the status of a national policy statement and is incorporated in full within the RPS) are significant, with a focus on restoring and protecting the health and wellbeing of the Waikato River. The RNICMP is the primary response to the Vision and Strategy as it evaluates the characteristics of the existing environment, provides modelling outcomes for the urbanisation of Rotokauri North in respect of water quality and quantity, and details management responses to manage effects. The RNICMP has been evaluated by Morphum and the Council review team and found to be generally robust and suitable to achieve the objectives of the Rotokauri ICMP and Mangaheka ICMP. Importantly the recent revisions to the RNICMP have provided the necessary assurance that the objectives to be met, and the implementation means to meet them, are now more strongly aligned and will be effective.

- 5.20 Given the importance of the Vision and Strategy for the Waikato River, and that the Oho Stream and Te Otamanui Stream discharge to the Waipa River and ultimately the Waikato River, it is critical that the water quality and quantity achieved meets the rigorous objectives of the Rotokauri ICMP and the Mangaheka ICMP. The 'green spine' proposals now provide the clear means through which stormwater management in Rotokauri North can meet these ICMP documents and the objectives within them. Whilst the Morphum review reports have

identified some technical matters to be resolved, these are around detail and not fundamentals.

- 5.21 The stormwater management measures now proposed for Rotokauri North are considered suitable responses to the stormwater challenges in the growth cell. They also provide ecological enhancement opportunities given the 'green spine' proposals are effectively re-establishing a stream and wetland environment that would have previously existed, with habitat enhancement opportunities in addition to the stormwater management function.
- 5.22 Section 6 (Built Environment) and Section 6A (Development Principles) establishes a strong framework for managing urban growth. As described in the plan change document the strategic focus is on directing urban growth to identified growth cells, to coordinate growth with the provision of infrastructure, and to implement the FutureProof sub-regional growth strategy by providing appropriately zoned and serviced land for urban development over short and longer term timeframes. The plan change document states that the plan change is enabling an urban development in an integrated, sustainable and planned manner and which will enable positive environmental, social, cultural and economic outcomes as promoted by the RPS framework.
- 5.23 The plan change document concludes that the plan change is consistent with the RPS strategic direction within Section 6 Built Environment, and the development principles prescribed in Section 6A. In summary, that Rotokauri North is part of an identified growth cell in accordance with FutureProof and the RPS, and whilst 'out of sequence' with infrastructure funding and roll-out given that it had been assumed Rotokauri North would not be developed for several decades, that infrastructure can still be coordinated with land use suitably, and that the recognised natural features are being protected through the plan change and the RNICMP.
- 5.24 RPS Policy 6.14 'Adopting Future Proof land use pattern' establishes a framework for the orderly and coordinated release of land for urban development, both in terms of location and timing. Policy 6.14 sets out that new urban development shall occur within the locations identified; that new residential development shall be managed in accordance with the timing established; and that where alternative land release patterns are promoted through a district plan change that justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern. Rotokauri is an identified future growth cell as shown on Table 6C. In respect of timing of land release, 'Hamilton Greenfield' which includes Rototuna, Rotokauri, Ruakura and Peacockes has land release targets for 2006 to 2061, with Rototuna and Stage 1 Rotokauri having provided the bulk of recent land release, with Rotokauri Stage 2 (including Rotokauri North), Peacockes, and Ruakura the future land release locations post-2041.
- 5.25 Implementation method 6.14.3 'criteria for alternative land release' amplifies in more detail the criteria for considering an alternative location or in this case timing of land release, being:
- a) to do so will maintain or enhance the safe and efficient function of existing or planned infrastructure when compared to the release provided for within Tables 6-1 and 6-2;
 - b) [not relevant]
 - c) sufficient zoned land within the greenfield area or industrial node is available or could be made available in a timely and affordable manner; and making the land

available will maintain the benefits of regionally significant committed infrastructure investments made to support other greenfield areas or industrial nodes; and

- d) the effects of the change are consistent with the development principles set out in Section 6A.

5.26 Existing or planned infrastructure in the context of Rotokauri North means the Te Rapa Section of the Waikato Expressway (already operational), extension of wastewater and water services from Te Rapa (partly funded but not completed), the green drainage corridor within Rotokauri North (would be provided as part of the urbanisation of Rotokauri North), the construction of the minor arterial transport corridor serving Rotokauri and the related east-west extension of Te Kowhai Road (a notice of requirement to designate the corridors to be lodged early 2022), and re-construction of the existing rural road network of Exelby Road and Burbush Road (not funded). Other significant infrastructure in the locality is the State Highway 39 corridor administered by Waka Kotahi. There are not considered to be any 'regionally significant committed infrastructure investments'. Potential impacts on infrastructure has been evaluated within Section 4 of this report above and found to be able to be managed without unacceptable effects.

5.27 In response to the development principles that new development should achieve as stated within Section 6A of the RPS I comment as follows:

- a) *support existing urban areas in preference to creating new ones;*

The plan change proposals clearly achieve this given that Rotokauri North is within Hamilton City, will function as part of the Hamilton urban area, and is an identified growth cell within Future Proof.

- b) *occur in a manner that provides clear delineation between urban areas and rural areas;*

The plan change proposals demonstrate this will be the case. The city boundary with Waikato District is located along the centreline of Exelby Road and State Highway 39, meaning that the roading corridors will form part of the transition from urban to rural. The plan change proposals also incorporate measures to manage the urban-rural transition such as a landscape buffer along the state highway frontage.

- c) *make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;*

There are wider initiatives through changes to the District Plan in recent years to enable greater intensification of existing neighbourhoods within the city such as duplex housing and apartments, with approximately 50% of housing growth now being redevelopment of existing parts of the city. The NPSUD will likely have the effect of increasing the extent of housing supply provided within existing neighbourhoods, but the city's growth cells remain important. The plan change has proposed medium density residential zone for the entirety of the residential portion of the plan change area. This will ensure a compact urban form that uses the land resource in an efficient way.

- d) *not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;*

As discussed above and in Section 4 of this report under 'infrastructure effects', the plan change proposals are considered to demonstrate the safe, efficient and effective operation and use of infrastructure and the Council peer reviewers are also supportive of the plan change conclusions in this regard. The plan change proposals allow for future infrastructure needs appropriately to the extent that this is possible in a plan change proposal. Transport improvements have been identified and incorporated into the plan change provisions along with relevant trigger levels for provision of those improvements. Accordingly the plan change will not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, subject to the recommended amendments to district plan provisions, and especially Rule 3.6A.4.2, the staging and infrastructure provision rule.

d) connect well with existing and planned development and infrastructure;

The RNSP represents a more detailed refinement of the RSP and the infrastructure roll-out planned. The plan change proposals are considered to connect well to existing and planned development and infrastructure, as evaluated within Section 4 of this report. It is noted that submitters have expressed concern with the currently undeveloped land to the south, although this is a transitional situation given that the land towards the south will also be developed for urban purposes in time. A suite of district plan provisions have been amended to ensure strong levels of integration between land use development and the 'roll-out' of infrastructure.

f) identify water requirements necessary to support development and ensure the availability of the volumes required;

The plan change documents include supporting reports that evaluate the availability of the necessary water, and this has been confirmed by the Council review team.

g) be planned and designed to achieve the efficient use of water;

The plan change proposals incorporate water efficiency measures in general accordance with the district plan provisions in this regard.

h) be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;

The plan change proposals do not result in any issues in this regard. The most prevalent natural hazard is inundation and surface flooding but the sub-catchment ICMP proposals to manage stormwater will be effective in this regard.

i) promote compact urban form, design and location to: minimise energy and carbon use; minimise the need for private motor vehicle use; maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport; encourage walking, cycling and multi-modal transport connections; and maximise opportunities for people to live, work and play within their local area;

The plan change proposes a medium density residential zone for the entirety of the residential portion of the plan change area. The resulting compact urban form will assist in supporting the viability of public transport provision and walkable neighbourhoods. This is supported by the 'green spine' drainage corridor proposals and the extent of planned walkway and cycleway connections. Despite the proposals within the plan change area, there is an element of being disconnected from the remainder of the city for the short to medium term, which over time will be reduced as the remainder of the Rotokauri growth cell urbanises. In response there are recommendations to include public transport network and off-road walking/cycling networks within the structure plan diagrams, and to ensure the orderly and early 'roll-out' of these networks to provide transport mode choices for the future residents of Rotokauri North.

j) maintain or enhance landscape values and provide for the protection of historic and cultural heritage;

The plan change proposals do not seek to give effect to the 'ridgeline character area' concept from the RSP, but this approach is supported for reasons described in Section 4 of this report. The protection of historic and cultural heritage is well managed by the plan change with no concerns in this regard.

k) promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;

The plan change acknowledges the presence of the significant natural area within the growth cell which is already protected within the District Plan. Otherwise the ecological and habitat values are aquatic which will be enhanced through the stormwater proposals promoted within the sub catchment-ICMP document. This includes the setting aside for stormwater management of substantial areas within the plan change area.

l) maintain and enhance public access to and along the coastal marine area, lakes, and rivers;

There are no coastal marine area, lakes or rivers within the plan change area, but the plan change is creating public access along the various 'green spine' drainage corridors. This will serve to enhance public access to waterways within the plan change area substantially.

m) avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);

The sub-catchment ICMP has provided a robust framework in this regard and the proposals are supported by the Council review team as being effective.

n) adopt sustainable design technologies, such as the incorporation of energy efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;

The sub-catchment ICMP and wider design proposals adopted have provided a robust framework in this regard, and the District Plan has requirements for sustainability features as listed which will apply to Rotokauri North.

o) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;

The plan change is not considered to result in incompatible land uses or generate reverse sensitivity effects. It is acknowledged that a number of the submitters have asserted that the plan change is incompatible with the existing rural and rural-residential land uses to the south, particularly in respect of greater use of the existing road corridors and the rural-urban divide created. These matters have been discussed in detail within Section 4 of this report. To the north and west State Highway 39 and Exelby Road form part of the land use transition, with the plan change incorporating the use of landscape buffers also. The plan change is considered consistent with the above clause.

p) be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;

The projected effects of climate change for Rotokauri North are increased rainfall intensity and potential inundation of parts of Rotokauri North in a large storm event. The sub-catchment ICMP proposals have incorporated provision for the projected effects of climate change.

q) consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua connections within an area should be considered;

The plan change has been formulated with the Tangata Whenua Working Group as part of that process and is endorsed by that group.

r) support the Vision and Strategy for the Waikato River in the Waikato River catchment;

The plan change proposals as encapsulated through the sub-catchment ICMP seek to support the Vision and Strategy for the Waikato River. Rotokauri North is within the catchment of the Waipa River which in turn flows into the Waikato River. The plan change proposals include substantial areas of land proposed for the management of stormwater, to achieve key parameters for the quality and quantity of water that enters the Ohote Stream and downstream catchment. The plan change is considered to support the Vision and Strategy.

s) encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and

The plan change achieves this to the extent possible within a plan change and consistent with the District Plan intent in this regard.

t) recognise and maintain or enhance ecosystem services.

The ecosystem services within Rotokauri North relate to the significant natural area (being retained without change and already protected) and the aquatic environment within the

Ohote Stream, Te Otamanui Stream and connecting farm drains. The sub-catchment ICMP proposals will result in significant enhancement to aquatic ecosystem services.

- 5.28 In summary the plan change proposals are considered to be consistent with the above development principles. Furthermore that the plan change is not contrary to any of the above principles.
- 5.29 In respect of heritage, the plan change document described that heritage outcomes are consistent with the policy direction of the RPS (Section 10); and that in respect of indigenous biodiversity (Section 11) that the significant natural area (referred to as Kereru Reserve) is retained, that indigenous vegetation and habitat in the plan change area is sparse, and that the RNICMP has identified aquatic habitat values and management strategies in response.
- 5.30 In respect of landscape values, natural character and amenity (Section 12) that there are no outstanding landscape areas or significant amenity landscapes, and the significant natural area identified (Keruru Reserve) is the other primary amenity feature of the locality. The Rotokauri Ridgeline Character Area is an identified landscape feature within the district plan as a local landscape feature but has no recognition within the RPS. In respect of natural hazards (Section 13) the anticipated hazards are primarily flooding, inundation and liquifiable soils. These are thoroughly addressed within the RNICPM and support technical reports and the Geotechnical Assessment (Attachment 7 to PPC7). These reports have been reviewed by the Council reviewers and the conclusions are concurred with.
- 5.31 In respect of Section 14 Soils, the Rotokauri North locality has been identified as an urban growth cell for many years and was brought into the city boundary in 1989 for that purpose. As an identified growth cell the urban development of the structure plan area is consistent with the RPS in respect of the protection of the soil resource as it directs urban growth to identified locations and therefore protects soils within the Waikato District.
- 5.32 For the reasons given above, the plan change is considered to be consistent with the RPS. This includes consistency with the alternative land release provisions of Section 6: Built environment.

Waikato Regional Plan

- 5.33 The operative Waikato Regional Plan (WRP) implements the RPS and contains policy and methods to manage the natural and physical resources of the Waikato region. Plan Change 1 Healthy Rivers remains subject to appeals to the Environment Court, but otherwise the WRP is fully operative. Section 7.6 of the plan change document describes that following the outcome on the private plan change request, that subdivision and development will require regional consents for earthworks near watercourses, stream diversion, groundwater diversion and similar consents, and will be considered against the provisions of the WRP at that time.
- 5.34 This is concurred with as physical works within the plan change area will require a suite of regional consents once the plan change process is at a conclusion and will be dealt with at that time. Of more significance is the RNICMP and stormwater management proposals to implement it. The RNICMP needs to generally be consistent with the objectives and outcomes of the Rotokauri ICMP document (June 2017) and the Mangaheka ICMP (January 2019) that have been certified by Waikato Regional Council pursuant to the Comprehensive Stormwater Discharge Consent (CSDC) that Council holds as granted by Waikato Regional Council. This CSDC establishes a process for integrated catchment management plans to be

prepared by Council and then evaluated by Waikato Regional Council through a process prescribed in a condition of the CSDC.

- 5.35 In this regard the evaluation focus has been on the rigour and robustness of the RNICMP document (Attachment 9 to the PPC7) and the ‘consentability’ of the proposals contained within it pursuant to the WRP, the RPS, the NPSFW and the National Environmental Standards for Freshwater. The assessment has been led by Morphum and is contained within **Appendix D** to this report. In summary that evaluation has found that the proposals are robust and consistent with good stormwater management practice and the key statutory policy documents.

Other Management Plans and Strategies

- 5.36 Section 8 of the plan change document provides an assessment of various ‘other matters’ and non-statutory planning documents. These are listed below with the following paragraphs being evaluations in response:

- Future Proof Growth Strategy
- Hamilton Urban Growth Strategy
- Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao
- The Waikato Plan
- Waikato Regional Land Transport Plan
- Waikato Regional Public Transport Plan
- Regional Walking and Cycling Strategy
- Access Hamilton Strategy

Future Proof Growth Strategy

- 5.37 The Future Proof Strategy is a 30 year growth management and implementation plan for the Hamilton, Waipa and Waikato sub-region. The strategy was developed in 2009 with a 2017 refresh of the document with updated projections and implementation measures. Section 8.1 of the plan change document describes that the Future Proof Strategy identifies Rotokauri as one of the urban growth cells to accommodate growth within Hamilton, with an assumed average residential density of 16 household units per hectare, and with an indicative timing for land release of 2036-2045.

- 5.38 The plan change document discussion then traverses the responsive framework within the Future Proof Strategy for consideration of changes to the identified settlement pattern or the timing of land release and staging of particular areas. PPC7 presents the advancement of part of what Future Proof refers to as ‘Rotokauri Stage 2’ by fifteen years given the 2036-2045 timeframe within the strategy. The statement within the Future Proof Strategy in this regard is:

“When considering proposals for change, such as the land uses identified in the settlement pattern or the timing and staging for land development set out in the Future Proof Strategy, it is critical that the guiding principles that underpin the settlement pattern are not compromised. Despite any change in global, national, regional or local circumstances, these guiding principles remain the foundation of strategic growth and development in the sub-region. Therefore when considering any changes to land use or the timing and staging of land development from that set out in the Strategy, they form the basis of any criteria developed to assess the merits of particular proposals.”

- 5.39 Section 8.1 of the plan change document addresses the key guiding principles of Future Proof and addresses the matters listed within the strategy for considering proposals for change. In summary these are:
- that a Future Proof partner (in this case Hamilton City Council) giving effect to the then National Policy Statement for Urban Development Capacity (as it was in 2017);
 - that it does not interfere with any other Future Proof partner (in this case Waikato District Council) delivering on its Future Proof commitments;
 - that existing or committed public and private sector infrastructure investment and upgrades is not compromised with the plan change proponent funding network extensions into Rotokauri North, acknowledging that with the on-going upgrades to wastewater and water supply treatment plants in the city being relied upon for capacity somewhat earlier than would have been planned;
 - that the advancement of urbanisation at Rotokauri North does not alter any of the reverse sensitivity or land use compatibility considerations with the adjoining portions of Waikato District;
 - that PPC7 is a direct response to the housing supply pressures being experienced nationwide and within the Waikato region; that an outcome of advancement of Rotokauri North urbanisation is that it does not adjoin urban development to the south or east;
 - that provision is being made for future public transport within Rotokauri North but has not been planned in detail as part of the plan change process;
 - that no major central government investment is required to support the advancement of urbanisation in Rotokauri North; and
 - that ongoing engagement with mana whenua has been a feature of the formulation of PPC7.
- 5.40 The points above are addressed in the discussion below in respect of the Hamilton-Waikato Metropolitan Spatial Plan, as this represents the latest evolution of Future Proof and responds more directly to recent central government directives regarding housing supply and urban development imperatives.

Hamilton Urban Growth Strategy (HUGS)

- 5.41 Section 8.2 of the plan change document addresses HUGS which dates from 2010 and therefore reflects the city's boundaries as at that time. It is outdated by more recent population projections and is now largely superseded by Future Proof and the Hamilton-Waikato Metropolitan Spatial Plan. I consider that these latter documents represent a more robust framework for consideration of the merits of PPC7.

Tai Tumu, Tai Pari, Tai Ao

- 5.42 Tai Tumu, Tai Pari, Tai Ao is the Waikato-Tainui Environmental Plan prepared by Waikato-Tainui Te Kauhanganui Incorporated in 2013. Section 8.3 of the plan change document provides an assessment of the proposed plan change against the provisions of Tai Tumu, Tai Pari, Tai Ao. In particular a focus on Sections 6 Consultation and Engagement with Waikato-Tainui, 7 Towards Environmental Enhancement, 10 Tribal Strategic Plan, 11 Vision and Strategy for the Waikato River, 14 Customary Activities, and 15 Natural Heritage and Biosecurity. The plan change document asserts that the plan change is consistent with the outcomes being sought throughout the Tai Tumu, Tai Pari, Tai Ao document.
- 5.43 It is apparent that the Tangata Whenua Working Group is the primary means through which the plan change proponent has worked with Waikato-Tainui and hapu representatives. This collaborative effort has sought to ensure that the perspectives of mana whenua as

expressed through Tai Tumu, Tai Pari, Tai Ao are applied to the urbanisation of Rotokauri North.

- 5.44 I consider that PPC7 is broadly consistent with Tai Tumu, Tai Pari, Tai Ao and the outcomes, objectives and approaches expressed because:
- The Tangata Whenua Working Group has provided a forum for ongoing discussions about how Rotokauri North development can give effect to Tai Tumu, Tai Pari, Tai Ao and aspirations of mana whenua, with support expressed for the proposals by the Tangata Whenua Working Group.
 - The RNICMP has sought to identify how stormwater management can be undertaken to ensure that downstream watercourses (the Ohote Stream, the Te Otamanui Stream, the Mangaheka Stream, the Waipa River, the Waikato River) are not detrimentally affected, either by the quantity or the quality of water entering those watercourses from an urbanised Rotokauri North. Giving effect to the Vision and Strategy for the Waikato River requires enhancements of water quality to be achieved, with the 'green spine' proposals capable of achieving this.
 - The RNSP makes good provision for recreation reserves, the protection of the significant natural area (Keruru Reserve), and the 'green spine' proposals provide opportunity to protect and enhance the upper reaches of the Ohote Stream and Te Otamanui Stream with public access, recreational opportunities, environmental enhancements through planting, and opportunity for customary activities to be practiced. Whilst illustrative only, the Rotokauri North masterplan displays the potential extents of the 'green spine' and public reserves within the plan change area. These proposals represent an opportunity to restore wetland and stream habitats that prior to establishment of farming in the locality would have been present in Rotokauri.
 - Ongoing collaboration with the Tangata Whenua Working Group will provide opportunities for cultural expression of values within Rotokauri North, through naming of streets and places, active involvement in planting programmes and fauna monitoring, and the installation of signage and story-boards within reserve areas for story-telling and recording of historical events.
- 5.45 PPC7 is considered to be consistent with the outcomes sought within Tai Tumu, Tai Pari, Tai Ao, subject to effective implementation of the RNICMP and RNSP proposals.

The Waikato Plan

- 5.46 The Waikato Plan was adopted in 2017 and is the overarching strategic plan for the whole region. It was developed by the region's leaders to address the challenges the region faces. It provides an action plan to support the integrated development of the region for the next 30 years. Section 8.4 of the plan change document sets out the key priorities from The Waikato Plan with a conclusion that the plan change supports these priorities. I would concur and consider there is no element of the plan change that is contrary to The Waikato Plan.

Regional Land Transport Plan

- 5.47 Section 8.5 of the plan change document evaluates the extent of consistency with the land transport plan and describes the key principles of the plan. The plan change concludes that with the proposed upgrades and extension to the existing land transport infrastructure in Rotokauri that the plan change area can be well served by a safe, efficient and effective transport system in accordance with the intent of the land transport plan. The plan change evaluation is that the plan change proposals are supportive of the land transport plan.

- 5.48 I consider the broad transport proposals within the plan change to be consistent with the outcomes that the regional land transport plan is seeking to promote. But clearly the key issue is the staging and timing of the rollout of transport infrastructure, and the ability of the plan change proponent to ensure these transport upgrades and extension occur in a timely manner and avoid a long period of time with poor integration with the remainder of the city transport network. This matter is considered within Section 4 of this report in respect of transport effects where it is generally positive, but subject to a suite of rules to implement an indicative future public transport network for Rotokauri North, and an indicative future off-road walking and cycling network. Developers will have responsibility for providing these networks as development proceeds.

Regional Public Transport Plan

- 5.49 Section 8.6 of the plan change document describes that the strategy sets out the strategic direction for public transport provision for the decade 2018-2028. The discussion acknowledges that the public transport provision to Rotokauri North are 'very limited', with the plan change setting out broad proposals for future provision of public transport.
- 5.50 It does need to be acknowledged that public transport provision to the south of Rotokauri is also limited, but that now the Rotokauri Transport Hub on Tasman Road has been opened the potential for better penetration with buses, and integration between bus and train services will improve. The current Frankton bus service currently extends to the Rotokauri Rise subdivision but extends no further north due to lack of demand. The potential effects of the lack of public transport provision in the early stages of the plan change area development are described within Section 4 of this report. The plan change is not considered to be inconsistent with the Regional Public Transport Plan.

Regional Walking and Cycling Strategy

- 5.51 Section 8.7 of the plan change document describes that the strategy sets out the strategic direction for provision of walking and cycling. Further that the plan change proposals incorporate provision for walking and cycling paths within the structure plan area, and that the plan change is consistent with the strategy.
- 5.52 Whilst I would concur, clearly the effective implementation of providing active mode connections within the growth cell, and importantly with connections to the wider city network, are key. As with the above discussions this is largely about staging and timing to ensure early provision of these active transport routes. This matter is considered within Section 4 of this report in respect of transport effects.

Access Hamilton

- 5.53 Access Hamilton is Hamilton City Council's strategy for managing the city's transport needs over a 30 year horizon and is the city's primary response to the various regional transport strategies. It is a transport strategy that seeks to integrate with land use planning and considers all modes of transport, accessibility and mobility for all, and incorporates a Vision Zero goal of eliminating deaths from the city's transport network. Access Hamilton also promotes a 30% mode shift for the city, which requires a higher level for greenfield areas given that typically achieving such a mode shift in existing areas of the city is difficult.
- 5.54 In respect of Rotokauri, Access Hamilton will be used to guide decision-making on funding priorities and roll-out of transport corridors, alongside Council's Long Term Plan 2021-2031 which has been recently finalised. Council is also progressing the Rotokauri Arterials Designation project which is seeking to secure corridors for the arterial transport network

within Rotokauri (the corridors as shown on the Rotokauri Structure Plan) through the RMA designation process. Of most relevance to Rotokauri North this includes the north-south minor arterial corridor shown along the eastern boundary of Rotokauri North. At the time of writing this report the alignment identification and design process for these corridors and associated stormwater management is ongoing, with lodgement of a notice of requirement intended for early 2022.

- 5.55 The plan change document (Section 8.8) concludes that given the various transport proposals included within PPC7 that the plan change is consistent with the goals set within Access Hamilton. I would concur but as above the transport infrastructure roll-out and the alignment with population growth within the growth cell are the key elements in this regard. These implementation matters are considered within Section 4 of this report in respect of transport effects, including a suite of additional district plan provisions for public transport and off-road walking and cycling networks.

Hamilton-Waikato Metropolitan Spatial Plan

- 5.56 Whilst not addressed within the plan change document (as it was not promulgated until September 2020), the Hamilton-Waikato Metropolitan Plan (Metro Spatial Plan) is increasingly the key strategic planning document in the region. The Metro Spatial Plan is being delivered through the Future Proof partnership and is one of the initiatives being delivered as part of the broader Hamilton to Auckland Corridor Plan being led by central government to direct funding priorities and strategic outcomes.
- 5.57 The Metro Spatial Plan has a 100 year time horizon, is a strongly collaborative effort between multiple agencies, seeks stronger transport integration between the Waikato and Auckland, highlights the significance of the Waikato River as a blue-green corridor, promotion of a radical transport mode shift to public transport, promoting the pre-eminence of the Hamilton central city as the regional civic centre, establishing the concept of an economic corridor, linking to Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River) and wider iwi social and economic aspirations, and enabling quality denser housing options and neighbourhoods. Central government are also seeing spatial planning documents such as the Metro Spatial Plan as the basis for significant implementation funding.
- 5.58 Importantly in respect of this latter element the Metro Spatial Plan is promoting much higher urban densities and greater concentration of future population growth within existing settlements, particularly Hamilton. For the Rotokauri growth cell the Metro Spatial Plan has set a net density target of between 20 and 40 dwellings per hectare, much higher than that assumed within HUGS, the Rotokauri Structure Plan, and Future Proof. This is a response to central government's urban growth agenda. The urban growth agenda is a programme aimed at increasing land supply and housing supply in high growth areas and removing barriers to infrastructure funding.
- 5.59 The Metro Spatial Plan represents the latest policy response to the rapidly evolving central government direction on urban growth and housing supply issues. The NPSUD is similarly a marked change in direction from earlier policy direction and is a far more directive policy direction from government. The current RMA reform programme is also likely to be similarly focused on achieving quality dense urban outcomes to increase housing supply. It does need to be acknowledged that the Hamilton City District Plan, the RPS, Future Proof and the various other strategies and plans discussed above were produced prior to the Metro Spatial Plan and do not yet reflect the central government urban growth agenda.

- 5.60 The key area of relevance to the Metro Spatial Plan is that the increased densities flagged for Rotokauri supports the proposed medium density residential zoning being prompted within the plan change, and the advancement of urban areas already flagged for development where infrastructural barriers are able to be resolved. For these reasons the plan change is considered to be consistent with the Metro Spatial Plan strategic direction and contribute to giving effect to the Metro Spatial Plan.

Summary

- 5.61 The above discussions highlights the significant changes to the wider urban development and housing policy framework since the plan change was submitted to Council and subsequently limited notified. It is anticipated that the plan change proponent will respond to this updated policy framework prior to or at the hearing. However the recent government direction expressed in the NPSUD and other documents, and the alignment with government funding announcements to increase housing supply through infrastructure provision, are considered to support the premise of PPC7.
- 5.62 Subject to the district plan amendments satisfactorily delivering on the intent of the plan change, the plan change is considered to be supported by the evolving wider statutory planning framework.

6 Section 32 / 32AA RMA

- 6.1 The plan change is supported by a Section 32 Assessment Report (Attachment 5 to the plan change). The report is dated April 2019 and was lodged with Council as part of the plan change document submitted.
- 6.2 Sections 1 and 2 of the report outline the purpose of the report and the requirements of section 32 of the RMA. Section 3 of the report then provides a high-level evaluation of the plan change rationale and purpose, with Sections 4 and 5 focusing on broad approaches and alternatives, with Section 6 summarising the evaluations undertaken. Section 7 of the report briefly outlines the consultation undertaken and Section 8 provides an overall conclusion. The appendices to the report then contain a series of tables with more detailed evaluations in respect of the individual district plan chapters and provisions within each being amended.
- 6.3 The conclusion of the report is that:
- “the objectives of the PPC are consistent with the purpose of the RMA as they: provide for growth in an identified growth area in Hamilton whilst maintaining and enhancing the core environmental values; propose provisions that are the most appropriate means of achieving the objectives as they provide a framework which will ensure that the development of the PPC area is comprehensive, integrated and efficient in its layout and form. Moreover, they will ensure that additional housing, and housing targeted at first home buyers, can be provided.”*
- 6.4 The Section 32 Assessment Report has been evaluated and was considered robust and thorough and suitable for supporting the plan change request.

- 6.5 Section 32AA of the RMA requires a further evaluation of any changes that have been made to the proposal since the initial section 32 evaluation was completed. Such further evaluations are to be undertaken at a level of detail that corresponds to the scale and significance of the changes. In this regard the plan change has been amended since notification in several regards. Firstly that the plan change proponent has revised the plan change proposals substantially with the August 2021 revised documents (see Section 1.12 of this report). Secondly that Council staff have fully evaluated the proposed amendments to the district plan from a workability, effectiveness, clarity and consistency perspective, resulting in a set of recommended amendments, as detailed within the Technical Planning and Infrastructure Report (attached as **Appendix E** to this report).
- 6.6 As described within the following section of this report, the recommended amendments are in respect of detailed matters to enhance clarity and consistent use of terminology with the remainder of the district plan, rather than representing any significant change in the intent of the provisions. The Technical Planning and Infrastructure Report provided statements of the rationale for the individual changes.
- 6.7 Attached to this report as **Appendix C** is a Section 32AA Report with additional evaluations that focus on the amendments being recommended within this report. The Section 32AA Report should be read in conjunction with the Technical Planning and Infrastructure Report (**Appendix E** to this report) which contains additional detail on the recommended amendments. The Section 32AA Report evaluations have been undertaken at a level of detail that corresponds to the scale and significance of the changes (relative to the notified plan change).
- 6.8 In summary, the Section 32AA Report concludes that the recommended amendments to district plan provisions (relative to the notified plan change) represent enhancements in effectiveness and clarity, achieve greater consistency with the remainder of the district plan, avoid any statutory impact outside of the Rotokauri North plan change area, and that do not challenge the structure of the district plan. The evaluations have concluded that the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA; and that the provisions in the proposal are the most appropriate way to achieve those objectives.
- 6.9 The benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions are described, including the opportunities for economic growth anticipated to be provided or reduced, and employment anticipated to be provided or reduced, and including the risk of acting or not acting. The additional evaluations have concluded that the amended provisions remain:
- i. effective and efficient;
 - ii. largely neutral and slightly positive with regards to costs and will generate benefits through an improved ability to manage the potential adverse effects of the urbanisation of Rotokauri North through a more clear and enforceable set of district plan provisions with removal of consistency issues with existing district plan definitions, terminology and application;
 - iii. greater clarity as to the 'roll-out' of infrastructure and associated staging of development within Rotokauri North, including on managing 'edge effects' on land outside of the plan change area; and
 - iv. that the assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions is low. The evidence base on the potential environmental effects and the risk of acting or not

acting is considered robust with areas of uncertainty or insufficient information not being significant.

- 6.10 The Section 32AA Report is part of the set of recommendations for consideration by the Hearing Commissioners.

7 Amendments to the District Plan

- 7.1 As stated in Section 2 of this report the plan change proposes a series of amendments to chapters and appendices of the Hamilton City Operative District Plan. These are as follows:
- Chapter 3 – Structure Plans
 - Chapter 4 – Residential Zone
 - Chapter 23 – Subdivision
 - Chapter 25 – City-wide
 - Appendix 1 – District Plan Administration
 - Appendix 2 – Structure Plans
 - Appendix 9 – Natural Environments
 - Appendix 15 – Transportation
 - Appendix 17 – Planning Maps – Maps 12A, 12B, 13A, 13B, 14A, 14B and Locality Plan/Legend.
- 7.2 Attached as **Appendix B** to this report are the above chapters and appendices with recommendations as to further amendments to provisions. These recommendations reflect the Plan Change 7 – Technical Planning and Infrastructure Report attached to this report as **Appendix E**. This report represents the perspectives of the various asset and policy units within Hamilton City Council in respect of the plan change proposals, and more specifically the proposed amendments to the district plan.
- 7.3 The district plan amendment recommendations in **Appendix B** also address the matters raised in submissions and the relief sought. The Analysis and Recommendations Table within Section 3 of this report provides responses and recommendations, in some cases with recommendations in respect of district plan amendments in accordance with the Schedule 1 process of the RMA. In some instances, in addressing the relief sought, consequential amendments have also been proposed.
- 7.4 The recommendations within **Appendix B** are also reflective of recent discussions with the plan change proponent to update and revise the amendments as part of wider amendments to the plan change, the RNICMP proposals, the Rotokauri North Structure Plan, and the Rotokauri North masterplan. The purpose of **Appendix B** is to provide the Hearing Commissioners with a set of recommendations on plan amendments, and to facilitate discussion throughout the hearing. Shown in blue text are proposed amendments from PPC7 as notified, and in red text are recommendations in response to the above considerations and that reflect recent discussions, as follows:
- Additions: underlined; and
 - Deletions: ~~strikethrough~~.

Recommendations

A summary of the district plan amendments as recommended are as follows.

Chapter 3 – Structure Plans

- 7.5 PPC7 sought wide-spread changes to Chapter 3: Structure Plans, with the insertion of 3.6A being a specific set of structure plan provisions for Rotokauri North. Revised figures are proposed at Figure 3.1a) and 3.6.3a), and there is a small administrative change at 3.6d). Section 3.6A is entirely new to the district plan and is being introduced via PPC7. It consists of 3.6A 'Overview and Vision', 3.6A.1, 3.6A.2, 3.6A.3, 3.6A.4 (consisting of 3.6A.4.1 to 3.6A.4.7).
- 7.6 Several significant changes are recommended to the Chapter 3 provisions being introduced via PPC7. To maintain consistency with the District Plan, objectives and policies are recommended to be relocated to Chapter 4 – Residential Zone (where they relate to housing matters) and to Chapter 23 – Subdivision (where they relate to subdivision matters). This is preferred to the consolidation of all Rotokauri North related objectives and policies in Chapter 3. The remaining provisions within Chapter 3 are primarily the newly introduced Rule 3.6A Rotokauri North. Fairly wide-ranging amendments to the 'as notified' provisions are recommended to the commentary within 3.6A 'Overview and Vision', 3.6A.1, 3.6A.2, 3.6A.3 and 3.6A.4. This especially relates to the infrastructure rules Rule 3.6A.4.2 to 3.6A.4.7 which are a critical suite of rules that have been substantially amended in response to the review of the plan change, and particularly the absence of staging now proposed by the plan change proponent. Rationale and supporting analysis for these recommended amendments are provided within the Plan Change 7 – Technical Planning and Infrastructure Report attached to this report as **Appendix E**, and within the Section 32AA report attached as **Appendix C**.
- 7.7 The more contentious provisions within Chapter 3 are Policy 3.6A.2.4(g) and Rule 3.6A.4.6 relating to transport matters; and Rules 3.6A.4.2 and 3.6A.4.3 relating to staging and infrastructure 'trigger' matters. At the time of the writing of this report there remained significant points of difference with the plan change proponent regarding the merits of these provisions, with amendments proposed within the Technical Reports (**Appendix D**) and the Technical Planning and Infrastructure Report (**Appendix E**). As stated in Section 9 of this report these are outstanding reports that will be addressed in evidence during the hearing.

Chapter 4 – Residential Zone

- 7.8 PPC7 sought wide-spread changes to Chapter 4: Residential Zones, to apply a planning framework to residential development within Rotokauri North. Amendments to provisions, either as sought by PPC7 as notified or as recommendations within this report, are in respect of Objective 4.2.14, Policy 4.2.14 a) to k) and the associated explanation, and Rules 4.5.4, 4.6.3, 4.6.5, 4.6.6, 4.6.7, 4.7.1, 4.7.12, 4.8, 4.8.2, 4.8.3, 4.8.4, 4.8.5, 4.8.6, 4.11 and 4.14. There are also some administrative amendments (statements about whether a rule applies to Rotokauri North or not) at 4.1.3, 4.5.1, 4.5.2, 4.5.3 and 4.6.2.
- 7.9 Wide-ranging amendments of a reasonable minor nature were proposed within the Technical Planning and Infrastructure Report attached to this report as **Appendix E**, and these have been discussed in detail with the plan change proponent in a series of collaborative workshops. The amendments can be broadly characterised as enhancing the level of consistency with the remainder of the District Plan, ensuring the use of terms defined within the District Plan and simplifying where possible the wording of provisions. The objective and policies relocated from Chapter 3 have also been subject to various amendments, to achieve clarity on intended outcomes, to use terminology consistent with the remainder of the District Plan and to simplify where possible. Rationale and supporting analysis for these recommended amendments are provided within the Plan Change 7 –

Technical Planning and Infrastructure Report attached to this report as **Appendix E**, and within the Section 32AA report attached as **Appendix C**.

- 7.10 Whilst the plan change proponent may identify matters in Chapter 4 that they wish to address at the hearing, in most respects the amendments recommended within the district plan chapters in **Appendix B** have been resolved between Council and the plan change proponent.

Chapter 23 – Subdivision

- 7.11 PPC7 sought wide-spread changes to Chapter 23: Subdivision to introduce a robust framework of subdivision provisions to apply to Rotokauri North. There are administrative changes at Objective 23.2.3, Policy 23.2.3a) and the associated explanation, 23.3 and 23.6.8. There are then substantive changes at Objective 23.2.7, Policy 23.2.7a) and the associated explanation, Table 23.3d), Rules 23.7.1, 23.7.8 a) to h), and 23.8.
- 7.12 As with Chapter 4, the recommended amendments to Chapter 23 – Subdivision are wide-ranging but generally of a minor nature and largely are as agreed with the plan change proponent through the collaborative workshops. The recommended amendments are largely as proposed within the Technical Planning and Infrastructure Report attached to this report as **Appendix E**, and these have been discussed in detail with the plan change proponent in a series of collaborative workshops. The amendments can be broadly characterised as enhancing the level of consistency with the remainder of the District Plan, ensuring the use of terms defined within the District Plan and simplifying where possible the wording of provisions. The objective and policies relocated from Chapter 3 have also been subject to various amendments, to achieve clarity on intended outcomes, to use terminology consistent with the remainder of the District Plan and to simplify where possible. There are important changes to Rule 23.7.8 h) in respect of the ecological and landscape provisions and links to Appendix 1 1.2.2.23. Rationale and supporting analysis for these recommended amendments are provided within the Plan Change 7 – Technical Planning and Infrastructure Report attached to this report as **Appendix E**, and within the Section 32AA report attached as **Appendix C**.
- 7.13 Whilst the plan change proponent may identify matters in Chapter 23 that they wish to address at the hearing, in most respects the amendments recommended within the district plan chapters in **Appendix B** have been resolved between Council and the plan change proponent.

Chapter 25 – City-wide

- 7.14 PPC7 sought several changes to Chapter 25: City-wide, and in particular Rule 25.14 Transportation. Amendments sought by PPC7 and/or recommendations within this report relate to Rule 25.14.4.1(a), (c), (h) and (k), Rule 25.14.4.2(f) and Rule 25.14.4.3(n). These rules collectively apply provisions to Rotokauri North in respect of vehicle crossing locations (distances, sightlines), design and access widths, and design standards for rear lanes and car parking provision.
- 7.15 As with Chapters 4 and 23, the recommended amendments to Chapter 25 – City-Wide (being Rule 25.14 Transportation) Subdivision are generally of a minor nature and largely are as agreed with the plan change proponent through the collaborative workshops. The recommended amendments are largely as proposed within the Technical Planning and Infrastructure Report attached to this report as **Appendix E**, and these have been discussed in detail with the plan change proponent in a series of collaborative workshops. The

transport experts have also had input into the intent and the wording of the Rule 25.14 provisions to ensure alignment with their recommendations. The amendments can be characterised as seeking to ensure the provision wording will achieve the intent of the provision, to enhance the level of consistency with the remainder of the District Plan, ensuring the use of terms defined within the District Plan and general simplification where possible. Rationale and supporting analysis for these recommended amendments are provided within the Plan Change 7 – Technical Planning and Infrastructure Report attached to this report as **Appendix E**, and within the Section 32AA report attached as **Appendix C**.

- 7.16 Whilst the plan change proponent may identify matters in Rule 25.14 that they wish to address at the hearing, in most respects the amendments recommended within the district plan chapters in **Appendix B** have been resolved between Council and the plan change proponent.

Appendix 1 – District Plan Administration

- 7.17 PPC7 seeks to amend 1.1.2 Definitions; 1.2 Information Requirements (1.2.2.23 Rotokauri North a) to e)); 1.3 Assessment Criteria (1.3.3 Restricted Discretionary, Discretionary, Non-Complying Assessment Criteria – O Rotokauri North O1 to O8; and 1.4.3 Medium-Density Residential Design Guidelines (1.4.3.2). Through discussions between Council and the plan change proponent several additional definitions have been recommended within 1.1.2 Definitions; substantial amendments to 1.2.2.23 Rotokauri North information requirements in respect of ecological and landscape requirements; and substantial changes to 1.3.3 Assessment Criteria O1 to O11.
- 7.18 There are significant changes recommended to the Appendix 1 provisions being introduced via PPC7. Appendix 1 contains the various definitions, information requirements to accompany resource consent applications and the assessment criteria matters relating to Rotokauri North. Many of the amendments being recommended within the Technical Planning and Infrastructure Report (**Appendix E**) and within the Section 32AA report (**Appendix C**) are consequential supporting amendments to the wider framework of provisions within the above chapters of the District Plan. Despite this there remain areas of contention that are unresolved through the collaborative workshops relating to several matters.
- 7.19 These more contentious provisions within Appendix 1 are the provisions within 1.2.2.23 and 1.3.3 Criteria O6, O7, O8, O10 and O11 relating to transport matters, and relating to staging and infrastructure ‘trigger’ matters. At the time of the writing of this report there remained some points of difference with the plan change proponent regarding the merits of these provisions, with amendments proposed within the Technical Reports (**Appendix D**) and the Technical Planning and Infrastructure Report (**Appendix E**). As stated in Section 9 of this report these are outstanding reports that will be addressed in evidence during the hearing.

Appendix 2 – Structure Plans

- 7.20 PPC7 seeks to amend the Rotokauri Structure Plan diagrams (displaying the location and extent of Rotokauri North) and the insertion of several new structure plan diagrams specific to Rotokauri North. The amendment to existing diagrams are Figure 2-8 Rotokauri Structure Plan – Land Use, Figure 2-9 Rotokauri Structure Plan – Staging and Transport Network and Figure 2-10 Rotokauri Structure Plan – Open Space Network; with new diagrams to be inserted being Figure 2-8A Rotokauri North Structure Plan; Figure 2-9A – Rotokauri North Strategic Infrastructure – Water and Wastewater; and Figure 2-9B – Rotokauri North

Strategic Infrastructure – Staging, Transport Network and Reserves. The changes to diagrams are supported.

Appendix 9 – Natural Environments

- 7.21 PPC7 seeks to make one amendment to Appendix 9, being the renaming of the existing significant natural area to 'Kereru Reserve' (Schedule 9C, SNA 11). Whilst not actually a public reserve given the significant natural area is located within privately owned land, this name has arisen through the Tangata Whenua Working Group and has been agreed to by the plan change proponent. The name supersedes several other names being 'Burbush Road Forest' and 'Perkins Bush' and is supported.

Appendix 15 – Transportation

- 7.22 PPC7 seeks to make several amendments to the car parking provisions within the appendix. Through subsequent discussion between Council and the plan change proponent an agreed set of alternative amendments have been made, partly in response to the NPS-UD and impending changes to the Hamilton City District Plan in respect of removal of minimum car parking requirements. The agreed changes are the insertion of a new Table 15-1aa), rather than the PPC7 changes to g) and nn) within Table 15-1a. Table 15-1aa) states that for 'all activities;' within Rotokauri North that there are no minimum car parking space requirements. Requirements for loading space and cycle spaces remain applicable to Rotokauri North. This change is supported as impending district plan changes in response to NPS-UD will remove minimum car parking requirements city-wide within a year in any event.

Appendix 17 – Planning Maps – Maps 12A, 12B, 13A, 13B, 14A, 14B and Locality Plan/Legend.

- 7.23 PPC7 introduces amendments to several of the planning maps, to display the change in zoning from Future Urban Zone, to Rotokauri North Medium Density Zone and Business 6 Zone, to the notation within the features planning maps with the height overlay, and to the Locality Plan/Legend to introduce these new visual elements. These are considered functional changes to support the plan change re-zonings and are themselves uncontroversial.

Amendments to District Plan Provisions in Response to Submitter Issues

- 7.24 Some of the above changes to district plan amendments also act as responses to submitter issues raised. Whilst not direct responses to the submitters, the Council consultant review team identified many of the same issues and points of contention as several submitters did. These were transport related points in response to Waka Kotahi, Waikato Regional Council, Ruske and the pro forma submitters. The RNICMP revisions and further assessments carried out have also served as responses to Waikato Regional Council and Ruske regarding stormwater and ecological submission points. The Council review team have also considered closely the 'edge effects' in terms of amenity and land use effects, as described within this report, with the Landscape Concept Plan and Ecological Rehabilitation Management Plan and other ecological management mechanisms being important in this regard. This is discussed further in Section 3 of this report.

8 Part 2 RMA

- 8.1 The plan change document (Section 9) asserts that the proposed plan change is consistent with sections 5, 6, 7 and 8 of the RMA, and this is concurred with. The sustainable management purpose of the RMA is being given effect to through the proposed plan change. The locality is identified as an urban growth cell in several higher order planning

documents and has an existing structure plan in place. The existing Future Urban Zone provisions provide a clear intent that Rotokauri North will in future be urbanised as an extension of Hamilton.

- 8.2 The RNSP and RNICMP revise and add a level of location-specific detail to the existing structure plan and Rotokauri ICMP document and provide comprehensive proposals to manage and enhance watercourses within the growth area to sustain the potential of natural and physical resources, whilst meeting a housing need in the city. The reasonably foreseeable needs of future generations are being acknowledged and safeguarded through the RNSP, the RNICMP and the Vision and Strategy for the Waikato River, with key environmental features with the plan change area being maintained. This includes the significant natural area within the growth cell, and the Ohote, Te Otamanui and Mangaheka streams. In all other respects the plan change area is a highly modified pastoral environment with a general absence of significant environmental or landscape features. The life-supporting capacity of air, water, soil and ecosystems are being safeguarded, albeit within the context of the urbanisation of Rotokauri North.
- 8.3 The key environmental features being the significant natural area and waterways are being retained and enhanced through the proposals. Adverse effects on the environment are being effectively avoided, remedied, or mitigated through the framework of district plan provisions to apply, the continued protection of the key environmental features within Rotokauri North, and the extent of urban design consideration that has been given to future urban development in this location, as will be managed through the district plan provisions.
- 8.4 In respect of section 6 of the RMA, 'Matters of National Importance' to be recognised and provided for, as described within Section 9 of the plan change document, to the extent that Rotokauri North contains wetlands and streams the RNICMP and RNSP documents provide comprehensive approaches to preserve and protect these from inappropriate subdivision, use and development. The central 'green spine' and related proposals enable the preservation and enhancement of the existing watercourses within the growth cell with extensive planting and habitat restoration proposed over large areas of land, as part of the management of urban stormwater proposed.
- 8.5 It is concurred with that there are no outstanding natural features and landscapes, and that the significant indigenous vegetation and significant habitats of indigenous fauna (within the Kereru Reserve significant natural area) are being retained as a key feature of the future urban area. The extent of public access to stream margins is being enhanced significantly given the absence of public access currently. The relationship of Maori, and culture and traditions with ancestral land, water, sites, waahi tapu and other taonga, and the protection of recognised customary activities, have been safeguarded through the Tangata Whenua Working Group process as part of the formulation of the plan change. This is expressed as support from the Tangata Whenua Working Group for the plan change. There is no known historic heritage in Rotokauri North as evidenced by the archaeological reports prepared. The management of significant risks from natural hazards is primarily relating to flooding and liquifiable soils and these are being managed through the RNICMP and the geotechnical investigation and reporting undertaken. The 'green spine' stormwater management proposals can now be considered positive effects in terms of habitat values, public access to waterways and the relationship of Maori to land, water and sites of significance. The proposed plan change is not considered to be contrary to any of the section 6 matters of national importance.

- 8.6 In respect of section 7 of the RMA 'Other Matters' to be had particular regard to, the plan change document responds to the relevant matters in a satisfactory way. The medium density housing proposals are considered to be an effective means to deliver on sub-sections (b) *the efficient use and development of natural and physical resources* and (g) *any finite characteristics of natural and physical resources*. This is particularly relevant given the extensive land areas involved in managing stormwater within the growth cell, as a means of delivering a housing yield that meets community need. In respect of (c) *the maintenance and enhancement of amenity values*, and (f) *maintenance and enhancement of the quality of the environment*, this has been described above in assessing potential environmental effects, given the range of submitter issues on amenity and 'edge' effects of the growth cell. The amendments to the plan provisions will manage such effects to an acceptable extent in accordance with section 7. Kaitiakitanga as a concept has been had regard to through the Tangata Whenua Working Group to the satisfaction of that group. The effects of climate change have been considered within the RNICMP in terms of future rainfall patterns and stormwater modelling. The plan change is considered consistent with the section 7 RMA matters.
- 8.7 Section 8 of the RMA requires that "*all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)*". The Tangata Whenua Working Group process has been an effective means of ensuring mana whenua involvement, with the cultural impact assessment report attached as Appendix 18 to the plan change considered to demonstrate this. The plan change is considered consistent with section 8 of the RMA.
- 8.8 Private Plan Change 7 is considered to be consistent with Part 2 of the RMA for the reasons given above.

9 Recommendations

- 9.1 The private plan change request from Green Seed Consultants Limited seeks to re-zone land within the Rotokauri North urban growth cell, to incorporate the Rotokauri North Structure Plan within the Operative Hamilton City District Plan, to rely on the Rotokauri North Sub-Catchment Integrated Catchment Management Plan as a supporting document for consenting through Waikato Regional Council, and to make amendments to the Operative Hamilton City District Plan to provide a regulatory and consenting framework for future development within Rotokauri North.
- 9.2 The Rotokauri North Structure Plan Area is currently within the Future Urban Zone and is shown within the Rotokauri Structure Plan as a future urban growth cell. The plan change seeks to bring forward the rezoning of Rotokauri North with urban zoning to enable urban development. Whilst 'out of sequence' with previous Council planning through Long Term Plan funding programmes, given that Rotokauri Stage 1 is largely yet to be built, nor has the Rotokauri Greenway stormwater swale been built which is the primary enabler of urban development in the south of the Rotokauri growth cell, the plan change is considered to be consistent with statutory planning documents, particularly the National Policy Statement on Urban Development.
- 9.3 As with any plan change of this scale, there are a number of planning and infrastructure issues that need to be assessed and worked through. With this plan change this relates to

three waters and transport primarily, and in particular stormwater management, public transport provision and provision for cycling/pedestrian routes. Given that land to the south and east have yet to be developed for urban purposes, the Rotokauri North urban growth area will be somewhat disconnected from the remainder of the city for a period of time. The plan change district plan provisions as amended in response to submissions and the Technical Planning and Infrastructure Report (attached as **Appendix E**) has incorporated staging and implementation provisions to ensure that cycle and pedestrian routes are in place at identified trigger points, and that public transport provision has been factored into the structure plan transport corridor and land use layout.

- 9.4 Stormwater management within Rotokauri North presents some significant challenges given the flat topography, high water table and underlying soil conditions. The sub-catchment RNICMP document has been substantially revised to respond to early Council feedback and to provide additional detail as to the proposed responses to achieve the identified RNICMP objectives, and the spatial layout of stormwater management areas within the green spine and elsewhere. The stormwater review undertaken by consultants on behalf of Council has determined that the sub-catchment RNICMP proposals are practicable and will be effective in achieved the objectives and will be generally consistent with Waikato Regional Council consenting requirements pursuant to the RPS and WRP to enable implementation.
- 9.5 The plan change has provided appropriate technical assessments to support the plan change, and the plan change proponent has proactively engaged with key stakeholders and some of the submitters. Whilst the land subject to the plan change is privately owned by a multitude of parties, the plan change proponent has been in ongoing property discussions with the landowners and the landowners have submitted in support of the plan change. Most of the submissions in opposition to the plan change are from property owners/residents from outside of the plan change area, with concerns regarding 'edge' effects and amenity and transport 'spill-over' effects from urban development within the plan change area. This relates to both land within the city boundary to the south of Rotokauri North, and within the adjacent areas of the Waikato District. These potential amenity, transport and other effects have been evaluated and are able to be managed to avoid significant or unacceptable effects. These effect mitigation measures include landscape buffers, district plan provisions (bulk and location controls), staging and transport upgrades to ensure alternative routes that do not rely on Exelby Road and Burbush Road, and the sufficient provision for 'roll-out' of public transport and cycling/pedestrian corridors connecting to the city's network.
- 9.6 The plan change is considered to be consistent with the higher order statutory planning documents. The plan change proposals are consistent with the RPS approach to land release for urban development in respect of location within an identified growth cell, are consistent with the Hamilton City HUGs growth strategy, the Future Proof Sub-Regional Growth Strategy and the Hamilton City Operative District Plan given the existing Future Urban Zone applying to the land. The NPSUD released in 2020 represents the most recent government direction on urban growth issues and provides strong direction that housing supply needs to be increased, and that 'out of sequence' rationales for prevent urbanisation occurring should not be supported. The national policy statement is considered to provide a strong supportive policy position for the plan change.
- 9.7 The alternative land release provisions of the Regional Policy Statement have been reviewed and the plan change is considered to be consistent with these, and with the Section 6A Development Principles. The land release within Rotokauri North is entirely consistent with

the location of new growth areas identified in Future Proof and the Regional Policy Statement, and not significantly inconsistent with the timing of release. In respect of the timing of release there is also clear central government direction to local authorities to accelerate land release for housing within the NPSUD. In particular Policy 8 of the NPSUD that sets clear direction that local authority decision-making should be responsive to plan changes that would add significantly to development capacity, even where this involves development 'unanticipated by RMA planning documents' or 'out-of-sequence with planned land release'. Plan Change 7 is considered an example of such a plan change given the location is within a growth cell identified within Future Proof, that whilst Stage 2 Rotokauri was anticipated as a future growth cell that is not being funded for extension of infrastructure in Council's Long Term Plan 2021-2031 that the opportunity exists for the private sector to lead a plan change process and work with the statutory agencies to achieve an appropriate planning framework for the release and development of the growth cell.

- 9.8 The key response to Te Ture Whaimana o Te Awa o Waikato is the sub-catchment RNICMP prepared for Rotokauri North. Whilst the Council review team did hold concerns with the initial document submitted with the plan change, the revised document provides a robust and implementable approach to managing stormwater within Rotokauri North without generating adverse downstream effects. The plan change is considered to be giving effect to Te Ture Whaimana o Te Awa o Waikato as it represents a substantial environmental enhancement through the 'green spine' proposals and will effectively manage the quality and quantity of stormwater effects beyond Rotokauri North.
- 9.9 The plan change proponent has worked collaboratively with the Council review team on the proposed amendments to the district plan provisions. The aim has been to ensure that the district plan provisions will be effective, have clarity, use consistent terminology to that used throughout the district plan, and do not generate provisions that have a statutory impact beyond the Rotokauri North Structure Plan area. The recommended amendments to district plan chapters as presented in **Appendix B** represent a largely agreed position with the plan change proponent, except where specifically stated otherwise.
- 9.10 There are several matters that require clarification/resolution by the plan change proponent as follows:
- As identified within the Morphem report there are remaining a number of technical points that the plan change proponent is expected to respond to prior to, or at the hearing. Whilst these are technical points rather than fundamental, they do serve to undermine the broader stormwater management proposals promoted in terms of the ability to implement these measures.
 - The sub-catchment ICMP Table 10 Drainage design criteria for Piped Drainage infrastructure should have the criteria "with road subsoil drainage connections above the 10 year HGL" or similar added to the end.
 - The sub-catchment ICMP Table 10 Drainage design Criteria for Cross Culverts should add the word designation replaced with Rotokauri North Development Area.
 - The sub-catchment ICMP Table 13 should specify the following for the Rotokauri South Area:
 - Interim storage of 1200m³/ha required for any development ahead of the Rotokauri South Green Corridor
 - Phosphorous removal of 70% TP

- That Figure 2-8A Rotokauri North Structure Plan should have the indicative 'green spine' areas for the Mangaheka Catchments added to the Plan as are indicated in Stormwater Systems Report Figure 3-1.
 - That cross sections and long sections of the main 'green spine' channels and their furthest contributing catchments should be provided in the Stormwater Systems Report. Water levels have been provided in a table, long sections have been described in meetings and cross sections provided in peer review response comments and these should be included in the Stormwater Systems Report for clarity.
 - That staging and trigger rules should provide for the design and consenting of all stormwater infrastructure and effects upstream and downstream of each area within the five sub-catchments. These evolving designs should be incorporated in sub-catchment ICMP iterations and approved by Council.
- Amendments to the Rotokauri North Structure Plan diagrams are required to achieve better alignment with the words relied upon within Rule 3.6A.4.2, these being Figure 2-8A, Figure 2-9A, Figure 2-9B and the inclusion of a new diagram Figure 2-9C (to display public transport and walking/cycling indicative infrastructure networks).
 - Amendments to Figure 15-4b Transport Corridor Hierarchy Plan to reflect the revised collector transport corridors shown on the Rotokauri North Structure Plan diagrams (as revised).
 - It is understood that there remains a series of recommended district plan provisions that the plan change proponent opposes. It is anticipated that through expert caucusing prior to the hearing, and at the hearing through evidence these points will be addressed.

9.11 Subject to the identified matters being resolved satisfactorily, it is recommended pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 that Private Plan Change 7: Rotokauri North be approved, and that the submissions and further submissions be determined in accordance with this report and the specific recommendations within the submission tables within Section 3 of this report. Amendments to district plan chapters are shown within **Appendix B** to this report and form part of the recommendation.