

**Proposed Plan Change 2 to the Hauraki Section
of the Hauraki District Plan**

Waihi Residential and Industrial Re-zoning

Section 42A of the Resource Management Act 1991 - Planning Report

Plan Change Proposal	
Proposer	Hauraki District Council
Property to which the proposal relates	W2 – Ford Road Industrial • Lot 4 DPS 33318 (RT 814021) • Section 290 BLK XVI SD Ohinemuri SD (RT SA1B/930) • Lot 3 DPS 33318 (RT SA66A/360)
	W4 – Waitete Road/Thorn Road • Lot 1 DP 609857 (RT 1205899) • A portion of Lot 3 DP 609857 (RT 1205900)
	W6 – Bradford Street • Lot 3 DP 478174 (RT 664028) • Lot 1 DP 478174 (RT 664027) • Lot 3 DP 337064 (RT 151700) • Lot 1 DP 337064 (RT 151698) • Lot 2 DP 337064 (RT 151699) • Lot 1 DP 571193 (RT 1035197) • Lot 2 DP 571193 (RT 1035198)
	W7 – Bradford Street Extension • Lot 5 DP 556843 (RT 973524) • Lot 3 DP 556843 (RT 973522) • Lot 2 DP 514746 (RT 799177) • Lot 1 DP 560714 (RT 990151) • Lot 4 DPS 87703 (RTSA69C/133) • Lot 5 DPS 87703 (RT SA69C/134) • Lot 2 DPS 76314 (RT SA60C/913) • Lot 2 DPS 87703 (RTSA69C/131) • Lot 1 DPS 87703 (RTSA69C/130) • Lot 3 DP 560714 (RT 990153) • Lot 1 DP 395073 (RT 380055)

	• Lot 2 DP 560715 (RT 990155) • Lot 1 DP 514746 (RT 799176) • Lot 4 DP 556843 (RT 973523) • Lot 6 DP 556843 (RT 973525) • Lot 5 DP 395073 (RT 380059) • Lot 4 DP 395073 (RT 380058) • Lot 3 DP 395073 (RT 380057) • Lot 1 DP 560715 (RT 990154) • Lot 2 DP 560714 (RT 990152)
Description of Proposal	• Re-zone three distinct and geographically separate areas of land in and around Waihi (W2, W4 and W6 via Planning Maps 31, K3 and K4) and address future development for two of the areas (W2 and W6) via the provision of specific structure plans (text and diagrams) in Section 8.6 to guide future growth for each; and • Amend the permitted density of development (Subdivision Rule 9.4.2.1) within a specific Low Density Residential zoned area (W7) to facilitate a mix of higher density residential uses, along with consequential changes to other yards and minimum residential area in the Low Density Residential Zone (Section 5.8); and • Consequential changes to the District Plan Map K5 and map legend to ensure consistency for similar mapped areas.
Notification Period	18 February 2025 – 21 March 2025.
Further Submission Period	7 – 20 May 2025
Plan Stop	21 August 2025
Plan Stop Exemption	Granted 7 October 2025 on the basis of section 80W(2)(h) of the Resource Management Act 1991.
Hearing Date	25 November 2025
Hearing Location	Hauraki District Council Chambers, Paeroa
Submissions	27
Further Submissions	3

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- D. Summary of submissions
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- F. Recommended amendments to plan change provisions
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Abbreviations used in this report:

AM/PM	Ante Meridiem – before noon – Post Meridiem – after noon
APA	Amenity Protection Area
CAS	Crash Analysis System
CCRA	Climate Change Response Act 2002
Panel	Hearing Panel
ERP	Emissions Reduction Plan (16 May 2022)
Growth Strategy	Hauraki District Growth Strategy Te Rautaki Whakatipu 2050
HCV	Heavy Commercial Vehicle
HDC	Hauraki District Council
HDP	Operative Hauraki District Plan

HNZPT	Heritage New Zealand Pouhere Taonga
HNZPT Act	Heritage New Zealand Pouhere Taonga Act 2014
ITA	Integrated Transport Assessment
LDR	Low Density Residential
LoS	Level of Service
LTP	Long Term Plan
LUC	Land Use Capability
NAP	National Adaptation Plan
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011
NES-F	National Environmental Standards for Freshwater Regulations 2020
NPS-FM	National Policy Statement on Freshwater Management 2020
NPS-HPL	National Policy Statement on Highly Productive Land 2022
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-UD	National Policy Statement for Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement
NZTA	New Zealand Transport Agency – Waka Kotahi
PPC2	Proposed Plan Change 2 – Waihi Industrial and Residential
RMA	Resource Management Act 1991
T+T	Tokin and Taylor
WMMP	Waste Management and Minimisation Plan
WRC	Waikato Regional Council
WRP	Waikato Regional Plan
WRPS	Waikato Regional Policy Statement
W2	Waihi Area 2 – Ford Road
W4	Waihi Area 4 – Waitete/Thorn Road
W6	Waihi Area 6 – Bradford Street
W7	Waihi Area 7 - Bradford Street Extension

Executive Summary

1. Proposed Plan Change 2 - Waihi Residential and Industrial Re-zoning (PPC2) to the Hauraki Section of the Operative Hauraki District Plan (HDP) is a Council-initiated plan change that seeks to re-zone two distinct and geographically separate areas of land in and around Waihi to facilitate either residential or industrial land uses in accordance with proposed structure plans for three of the areas. PPC2 also seeks to amend existing Low Density Residential Zone and Subdivision provisions in relation to a further (fourth) area to allow for an increased density of development.
2. PPC2 was notified for public submissions on 18 February 2025 with 27 submissions received. The summary of submissions was notified for further submissions, with the submission period starting on 7 May 2025. 3 further submissions were received before the closing date of 20 May 2025.
3. The discussion and recommendations in this report are intended to assist the Hearing Panel, and those persons or organisations that lodged submissions on PPC2. The recommendations contained within this report are not the decisions of the Hearing Panel.
4. I support the rezoning of the land to Residential and Industrial on the basis that, for the reasons set out in my report, this is consistent with the relevant statutory considerations set out in section 74 and 75 of the Resource Management Act 1991 (RMA). The rezoning of existing residential areas to allow for an increase in density will provide for additional residential capacity while maintaining residential amenity. Additionally, the technical assessments have demonstrated that rezoning rural land to Industrial is appropriate, and it is consistent with the industrial growth areas set out within the Hauraki District Growth Strategy Te Rautaki Whakatipu 2050 (Growth Strategy).
5. While there remains some uncertainty over the timing and funding of water and wastewater infrastructure upgrades required to service the parts of PPC2, servicing feasibility has been demonstrated, and Council's evidence is that it will deliver upgrades to meet demand. I also support the associated structure plans and proposed requirements relating to the residential and industrial activities within structure plan areas.
6. I recommend several amendments to the proposed provisions to address potential adverse effects on the environment and give effect to the objectives of the Regional Policy Statement and District Plan, the key ones being:
 - Additional ecological requirements;
 - Reflectivity of buildings within the Industrial (W2) area;
 - Pedestrian and cycleway connectivity to the Ohinemuri River;
 - Transportation amendments; and
 - Additional Amenity Protection Area within the Industrial (W2) area.
7. Provided that amendments are made to the provisions to address the issues identified in this report (and listed in Appendix F), then it is my recommendation **that Proposed Plan Change 2 be approved with modifications** under clause 10 of Schedule 1 of the RMA.

1.0 Introduction

8. This report is prepared on behalf of Hauraki District Council (HDC) under the provisions of Section 42A (s42A) of the RMA for PPC2. The purpose of this report is to assess PPC2 under the relevant provisions of the RMA, taking into account the submissions received and to provide recommendations to the Hearing Panel (Panel) on the issues raised.
9. Section 42A(1) of the RMA provides for a Council Officer or Consultant to prepare a report of relevant information provided by any person who made a submission on any matter described in Section 39(1) of the RMA, and allows the decision-maker to consider the report at the hearing.
10. This s42A report has been prepared by Louise Cowan. A statement of qualifications and experience for the author is included below.

1.1 Qualifications & Experience

11. My full name is Louise Grace Cowan.
12. I am employed as a Principal Planning and Policy Consultant at SLR Consulting Limited, based in Hamilton.
13. I hold a Bachelor of Resource and Environmental Planning from Massey University. I have 25 years of experience including in District Plan policy development, section 42A reporting on Council-led and private plan changes and the preparation and processing of applications for resource consent.
14. I have been engaged by HDC to provide planning evidence in respect of PPC2 as described within Section 3.0 below.
15. I declare that I have no conflict of interest regarding this work.

1.2 Expert Witness – Code of Conduct

16. I confirm that the evidence on planning matters that I present is within my area of expertise and I am not aware of any material facts which might alter or detract from the opinions I express.
17. While I acknowledge that this hearing is not bound by the “Code of Conduct for Expert Witnesses” contained in the Environment Court Practice Note 2023, I have nevertheless prepared my evidence in compliance with that Code, and I agree to comply with it throughout the hearing process.
18. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. Where I rely on the evidence or opinions of another, my evidence acknowledges that position, and I explain that reliance. Where I consider that there are uncertainties and knowledge gaps, my evidence identifies these.

2.0 The Site and District Plan Context

2.1 Area W2 – Ford Road – Industrial

19. The area is located south of the established township of Waihi in an area characterised as Rural (refer **Error! Reference source not found.** 1). The area is approximately 11.8373ha.



Figure 1: W2 area – Ford Road, Waihi

20. The area is currently zoned as Rural (refer Figure 2) and the majority of the W2 area is utilised for dairy farming. Soil is identified as LUC 2 with a flat to gently undulating topography. There are no significant landscapes or features.

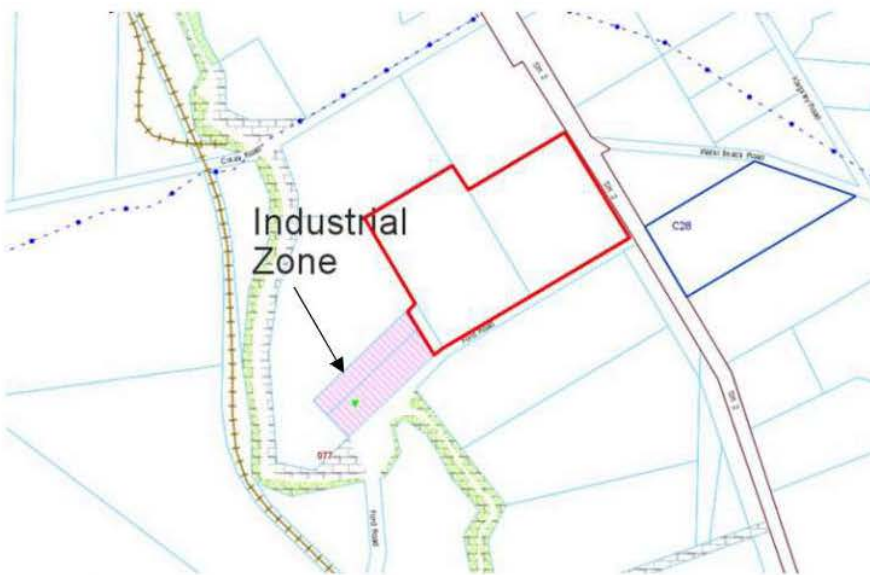


Figure 2: Current HDP Zoning for W2 - Rural. Site outlined in red.

21. The Waimata Stream runs to the west of the area. The W2 area is almost flat in the north-east and is relatively gently sloping down towards the western border along the stream. The area is in pasture with little other vegetation types and is free from erosion features.
22. According to the WRC database, the part of the stream passing to the west of the W2 area is not especially flood prone, with the topography of the true right bank of the stream preventing any flooding from spreading toward the east.
23. There is no HDC stormwater or land drainage infrastructure associated with the area. The area is outside of the catchment for Council's current comprehensive stormwater consent. No HDC wastewater infrastructure exists in this area. There is an existing Council water main on the opposite side of State Highway 2 for the full length of the area's State Highway frontage.
24. Access to the area is available via Ford Road, which is a local road. The land has frontage to State Highway 2 (SH2), however, this is a limited access road in this location. Waka Kotahi has completed upgrades to the intersection of Ford Road where it joins the State Highway.
25. With regard to the wider environment, there is already a small area of Industrial zoned land on Ford Road, which adjoins W2 (shown as pink colour in Figure 2). The existing industrial zoning covers the former cheese factory, five associated houses and approximately 7,000m² of vacant land. There is an existing organic certified kiwifruit orchard immediately adjacent to the northern boundary of the area.

2.2 Area W4 – Thorn Road - Residential

26. Area W4 is located on the north-western fringe of the established township of Waihi in an area characterised as Rural. The whole site is approximately 2.0315ha, with the area for re-zoning comprising a 5,079m² portion of Lot 3 DP 609857 (RT 1205900) along with Lot 1 DP 609857 (RT 1205899) of 1,000m², which equates to 6,079m² in total. The remainder of the site is already zoned as Residential, although the land to the south-west is steep in nature.



Figure 3: W4 area – Thorn Road

27. The area is currently zoned as 'Rural', held in two separate titles, and is utilised in part as a rural residential lifestyle block. It is noted that this portion of land is a discrete area of relatively flat land, surrounded by a steep drop off to an adjoining gully area.



Figure 4: Current HDP Zoning for W4 - Rural. Site outlined in red.

28. Soil is identified as LUC 3 with gently sloping topography. There are no significant landscapes or features and no known natural hazards associated with the area. The area is generally flat and is relatively gently sloping toward the south, mostly grassed and free of erosion features.
29. There is no HDC stormwater or land drainage infrastructure in this area, nor in the adjoining Residential areas, which were required to provide on-site servicing. However, there are HDC water and wastewater services provided within Thorn Road. The existing dwelling located within the site is already provided with a sewer connection and a water meter, as such it would be possible to extend these to service the entirety of W4.
30. Thorn Road has been upgraded to a sealed standard to serve the subdivision to the south and for 100m beyond that land, which is adjacent to the area being proposed for re-zoning.
31. With regard to the wider environment there is an existing horticultural activity to the east, associated with the agricultural training component of Waihi College. This area is zoned Rural and is not part of Designation E16 for education purposes which encompasses the remainder of Waihi College, including the playing fields at the rear which adjoin Thorn Road. Land immediately to the south is zoned and partially developed as residential.

2.3 Area W6 – Bradford Street – Residential

32. The area is located southwest of Waihi town centre and immediately adjoining Residential zone land to the north. The area to be re-zoned is approximately 8.4ha.



Figure 5: W3 area – Bradford Street.

33. The area is currently zoned Low Density Residential and is utilised for a range of low-density residential activities, with lots ranging in size between 5.25ha to 2,500m² in area.

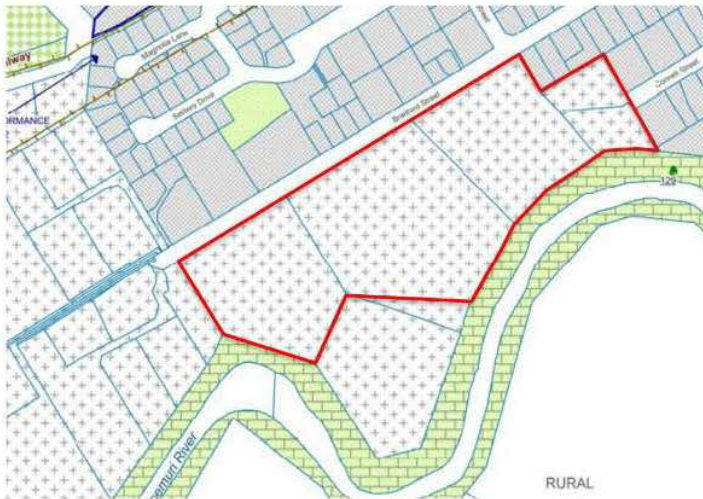


Figure 6: Current HDP Zoning for W6 – Low Density Residential. Site outlined in red.

34. Soil is identified as LUC 2 and LUC 3 with undulating, steeper to more gently sloping land, generally falling towards the Ohinemuri River. There are no significant landscapes or features. Swampy gullies cross the area from Bradford Street to the Ohinemuri River. Land adjoining the Ohinemuri River (which is outside the area proposed for re-zoning) is subject to intermittent flooding. A flood level of 84.75m RL has been determined by earlier investigations. The majority of land proposed for rezoning is above 85m RL.
35. The area comprises gently sloping land and smoothed gullies, which are sloping south toward the Ohinemuri River. Regional hazard mapping along the Ohinemuri River does not overlap with the proposed development areas, however, the WRC regional hazard flood database (Ref. H21) mapped a 1966 flood where the Ohinemuri River overflowed its banks.

36. Otherwise, the area is generally grassed and relatively free from erosion features. The Ohinemuri is the main river in the area.
37. Stormwater currently discharges across the land from the north of Bradford Street, through gullies/open water courses. A reticulated system would need to be installed, and WRC consent obtained, should that area not already be contained within the comprehensive stormwater consent held by HDC.
38. Wastewater reticulation serves land to the north of Bradford Street. There are no HDC wastewater services within the area, and it is anticipated that a pump station would be needed to serve the area south of the road.
39. Water reticulation serves land to the north of Bradford Street. There is capacity available to serve the site via a new water main to be installed by Council with cost recovery from developers.
40. Access to the area would be via Bradford Street with pedestrian access to Connell Street. Upgrading of Bradford Street to an urban standard would be required.
41. With regard to the wider environment, there are a number of existing low density residential lots developed to the north / northwest. The HDC wastewater storage and treatment facility is located approximately 450m to the southwest of the area across the Ohinemuri River.

2.4 Area W7 – Bradford Street Extension – Low Density Residential

42. The W7 area is located southwest of Waihi town centre and immediately adjoining Residential zoned land, to the northeast, land identified for re-zoning to Residential (W6) to the east and Low Density Residential to the southwest. The area is approximately 7.5ha. This area is identified as the Bradford Street Extension ('W7').



Figure 7: W7 area – Bradford Street Extension

43. This area is already zoned Low Density Residential, however, it is intended that an amended set of Low Density Residential (LDR) rules in relation to other yards and minimum residential area, along with a reduced Minimum Net Lot Area requirement via the Subdivision rules be applied. These amended provisions will be consistent with those for the similar existing area (Parry Palms) within the LDR zone to the north. For ease of plan use it is suggested that an additional HDP map overlay will be required for both W7 and the existing Parry Palms area to identify that area specific LDR rules apply.



Figure 8: HDP zoning for W7 – Low Density Residential. Site outlined in red.

44. The area is utilised for a range of low density residential type activities, with lots ranging in size between 2,500m² to 6,559m² in area.
45. Soil is identified as LUC 3 being arable, with moderate limitations, restricting crop types and intensity of cultivation. The area is undulating, with gently sloping terraces, generally falling towards the Ohinemuri River. There are no significant landscapes or features.
46. Stormwater from the existing dwellings in this area are currently discharged onsite. There is an open stormwater drain located to the north adjoining the rear boundaries of 132B and 134C Bradford Street.
47. Wastewater reticulation serves land to the north of Bradford Street. There is no HDC wastewater services for titles to the south of Bradford Street, and it is anticipated that a pump station would be needed to serve this area.
48. Water reticulation serves most of the area, including Grenadier Lane. There is capacity available to serve the site via a new water main.
49. Access to the area would be via Bradford Street and potentially Grenadier Lane.
50. With regard to the wider environment, there are a number of existing low density residential lots developed to the west and north. The HDC wastewater storage and treatment facility is located approximately 250m to the west of the area across the Ohinemuri River.

2.5 Wider Environment - Waihi

51. Waihi is located on the eastern side of the Hauraki District and is at the base of the Coromandel Peninsula. As well as a thriving present-day community, Waihi has a rich mining history and was once one of the most prominent gold and silver mines in the world. Today mining remains a key industry for Waihi, with other industries comprising agriculture and horticulture, including many dairy and livestock farms, along with several kiwifruit orchards.

2.6 Growth Areas

52. The 'Hauraki District Growth Strategy Te Rautaki Whakatipu 2050' (Growth Strategy) addresses the opportunities and challenges of managing growth in a sustainable way and aims to provide a level of certainty to the community and the market. The Growth Strategy provides a framework for guiding future growth decisions by identifying future areas for development within the District and ensuring the provision of sufficient infrastructure to meet the needs of the District's growing communities.
53. The Growth Strategy identifies the key issues for the future development of Waihi as:
- *Defining and managing urban boundaries in the developing north-east and southwest edges of the town and ensuring adequate connections between existing development and new urban areas.*
 - *Providing for future industrial development and providing additional residential capacity while maintaining residential amenity.*
 - *Providing for tourism, and the gateway aspect of Waihi to the Bay of Plenty and vice versa.*
 - *Managing the significant socio-economic effects of the eventual closure of the mine at Waihi.*
54. These issues are addressed in the Growth Strategy by promoting the existing Structure Plan Area (17.3 hectares) in Waihi East for residential development, proposing infill residential development in suitable existing residential areas of Waihi and by identifying and zoning future growth areas for residential and industrial development.
55. The location of future growth areas suggested in the Growth Strategy help define the urban boundaries of Waihi by utilising the natural features of the Ohinemuri River, the Waitete Stream and the hills to the north and west. The growth areas defined via the Growth Strategy are identified in Figure 9 below:

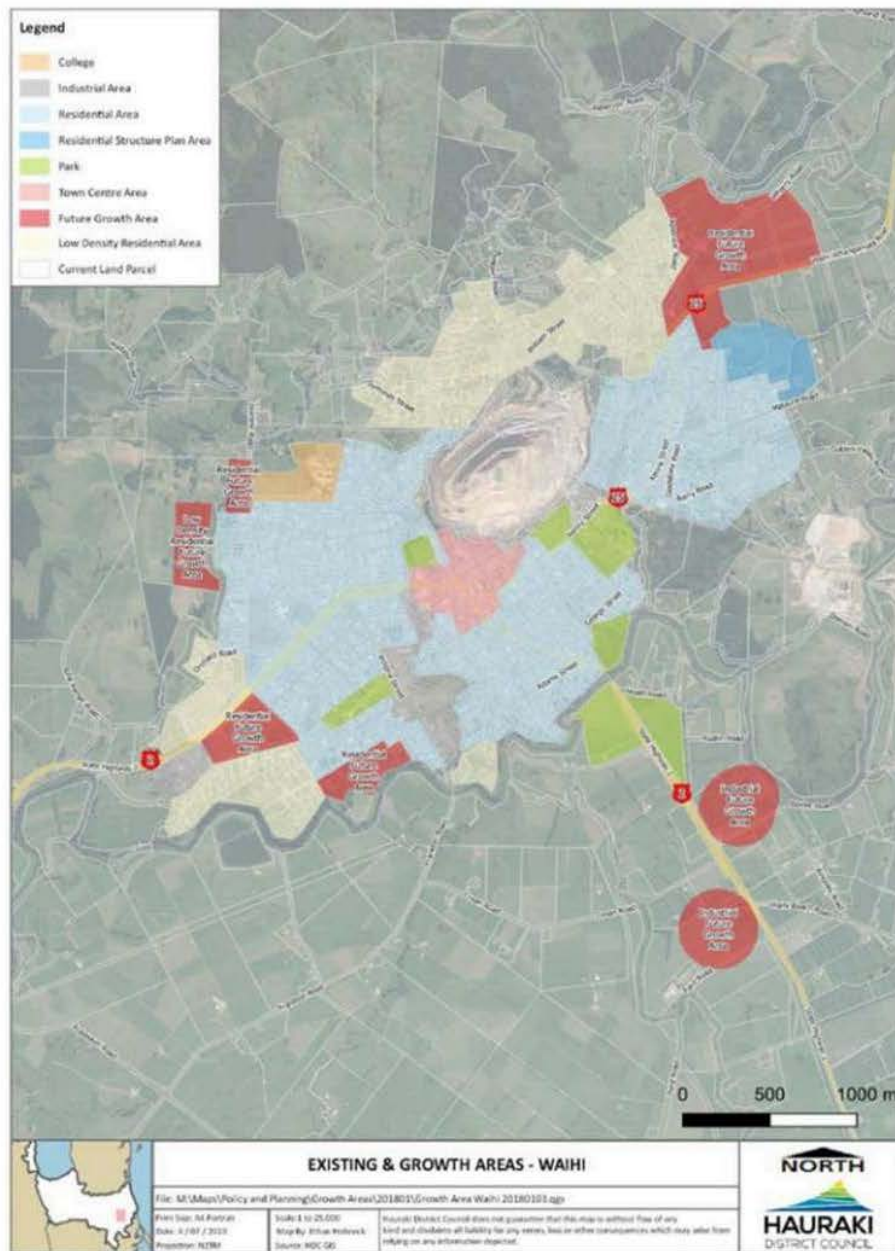


Figure 9: Existing and Future Growth Areas

56. The suggested future residential growth areas are located to the northeast, northwest and southwest of Waihi. These areas provide a logical extension to the urban area of Waihi. They adjoin existing residential areas and are relatively hazard free. The Growth Strategy notes that further hazard assessment will be undertaken during the District Plan Change process and will determine any development constraints and propose methods to manage these.
57. The future industrial growth area is located to the south of Waihi and is separated from residential development to avoid effects on amenity. The growth area builds on existing industrial development and allows for a logical infrastructure extension. The areas proposed as part of PPC2 are entirely consistent with the growth areas anticipated by the Growth Strategy. Refer to Figure 10 below.

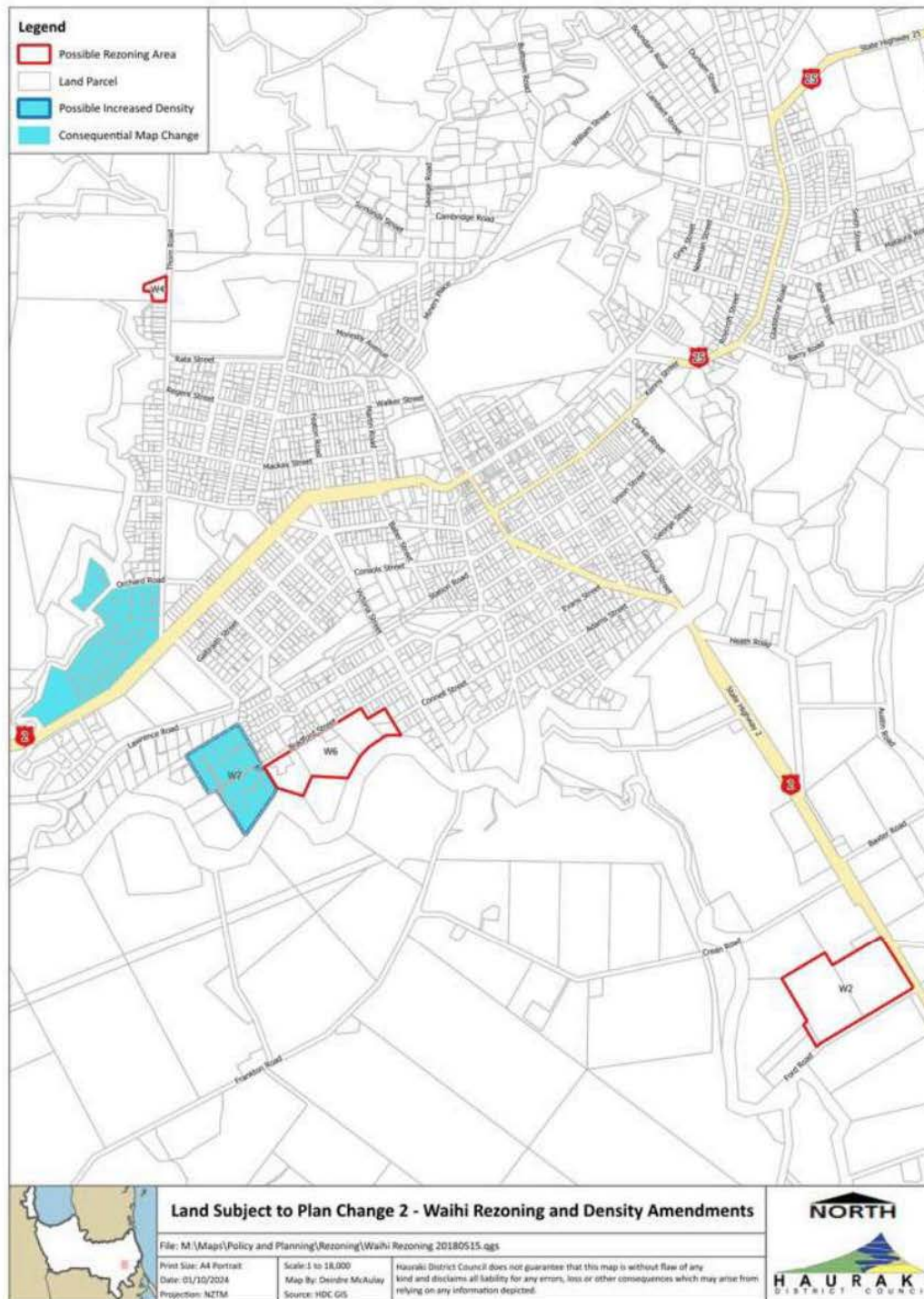


Figure 10: Overview Map: Waihi Proposed Re-zoning Areas

58. There are 'Implementation actions and timeframe's set out in the Growth Strategy. For Waihi, providing for development in identified growth areas, by undertaking District Plan changes, is identified as a short term (1-5 years) action. It was never the intention to re-zone all of the areas identified in the Growth Strategy at once. Instead, the intention was to stage re-zoning/development depending on likely demand. Stage one (being PPC2), was intended to commence within five years of 2019 to respond to the short-term need identified in the Growth Strategy. However, delay, including the advent of the covid pandemic, has seen this timeframe extended.

3.0 Description of the Plan Change

3.1 Waihi Area 2 (W2): Re-zone Rural Zone Land to Industrial Zone

59. W2 – Ford Road Industrial - provides for re-zoning of Rural zone land at Ford Road to Industrial Zone, to enable development in accordance with the existing Industrial Zone provisions of the HDP. It is envisaged that the area will be a mix of industrial activities of varying scales.

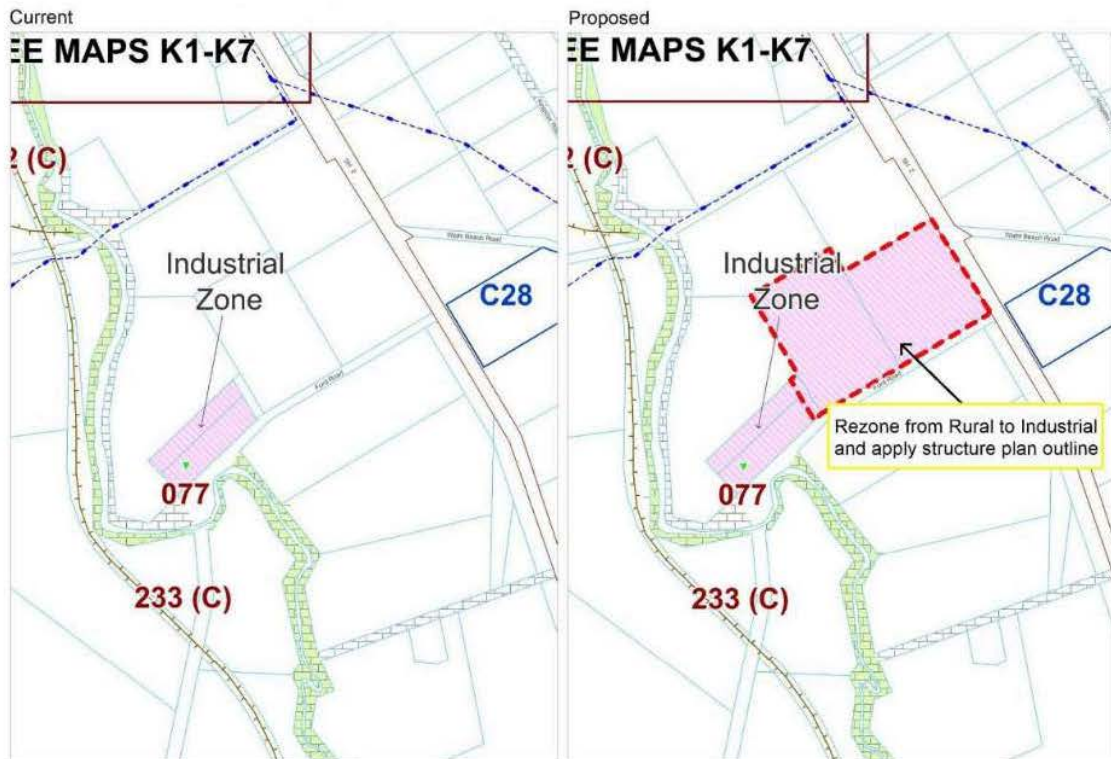


Figure 11: Current Rural and Proposed Industrial Zoning – W2 – Ford Road

60. W2 will be covered by an area specific structure plan (refer Figure 12) with corresponding provisions. The structure plan will identify buffers to neighbouring land uses along with the general location of infrastructure to ensure effective and efficient provision of reticulated services and transportation modes consistent with the use of each area for its identified purpose.

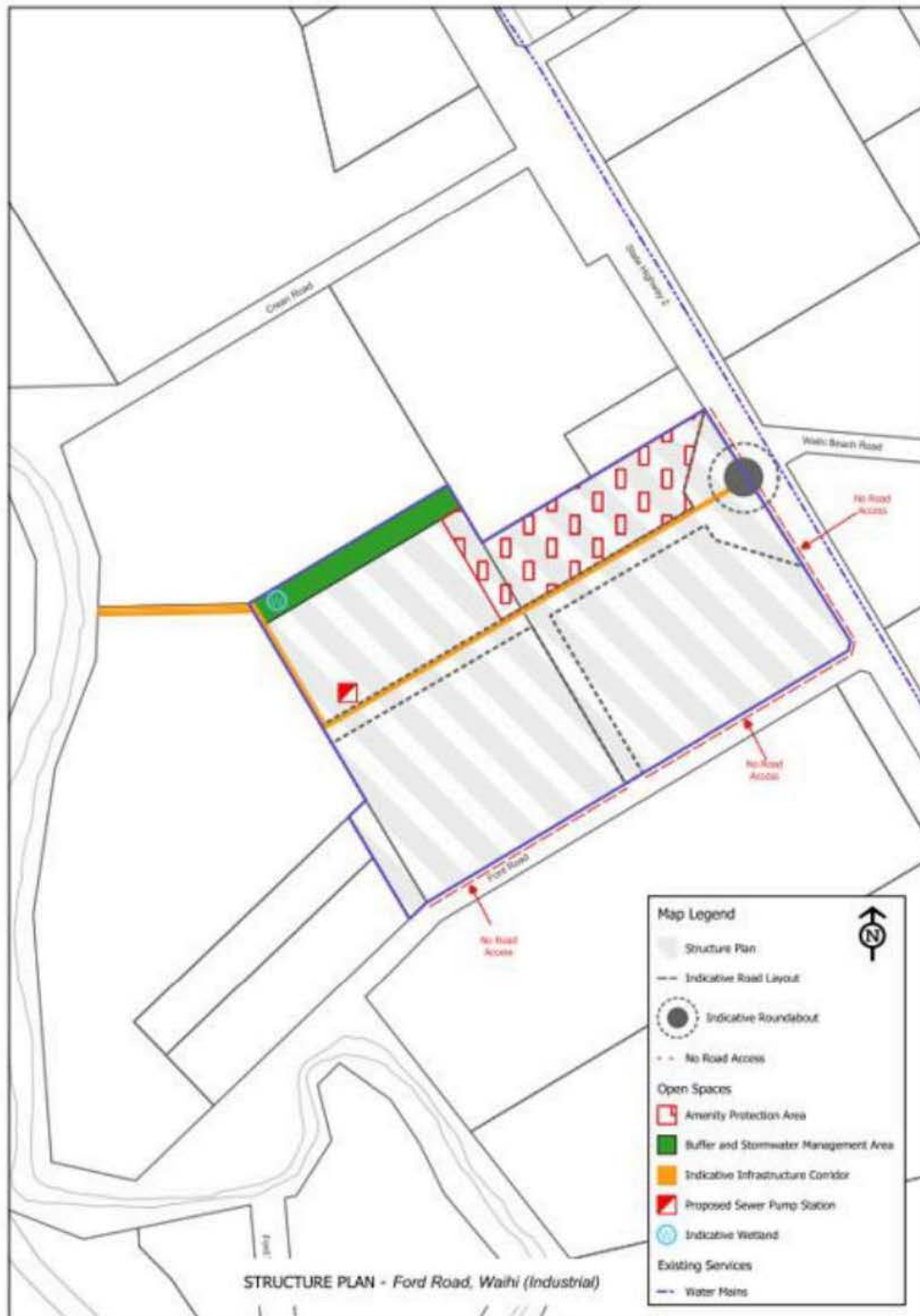


Figure 12: Proposed Structure Plan for W2 – Ford Road Industrial (as notified).

61. The HDP will be supported by additional structure plan provisions and the corresponding updates to existing HDP maps.

3.2 Waihi Area 4 (W4): Re-zone Rural Zone Land to Residential Zone.

62. Provides for re-zoning of an approximately 6,000m², discrete portion of Rural zone land at the northern end of Waitete/Thorn Road to Residential zone (refer Figure 13), to enable development in accordance with the existing Residential Zone provisions of the HDP. This area is the remainder of an existing title, which is already zoned as Residential.



Figure 13: Current Rural and Proposed Residential Zoning – W4 – Thorn Road

3.3 Waihi Area 6 (W6): Re-zone Low Density Residential Zone Land to Residential Zone

63. Provides for re-zoning of Low Density Residential zone land to the south of Bradford Street to Residential zone (refer Figure 14), to enable development in accordance with the existing Residential Zone provisions of the HDP. It is envisaged that the area will contain a mix of residential activities of varying scales.



Figure 14: Current Low Density Residential and Proposed Residential Zoning – W6 Bradford Street

64. W6 will also be covered by an area specific structure plan with corresponding provisions. The structure plan will identify the general location of infrastructure to ensure effective and efficient provision of reticulated services and transportation modes consistent with the use of each area for its identified purpose.

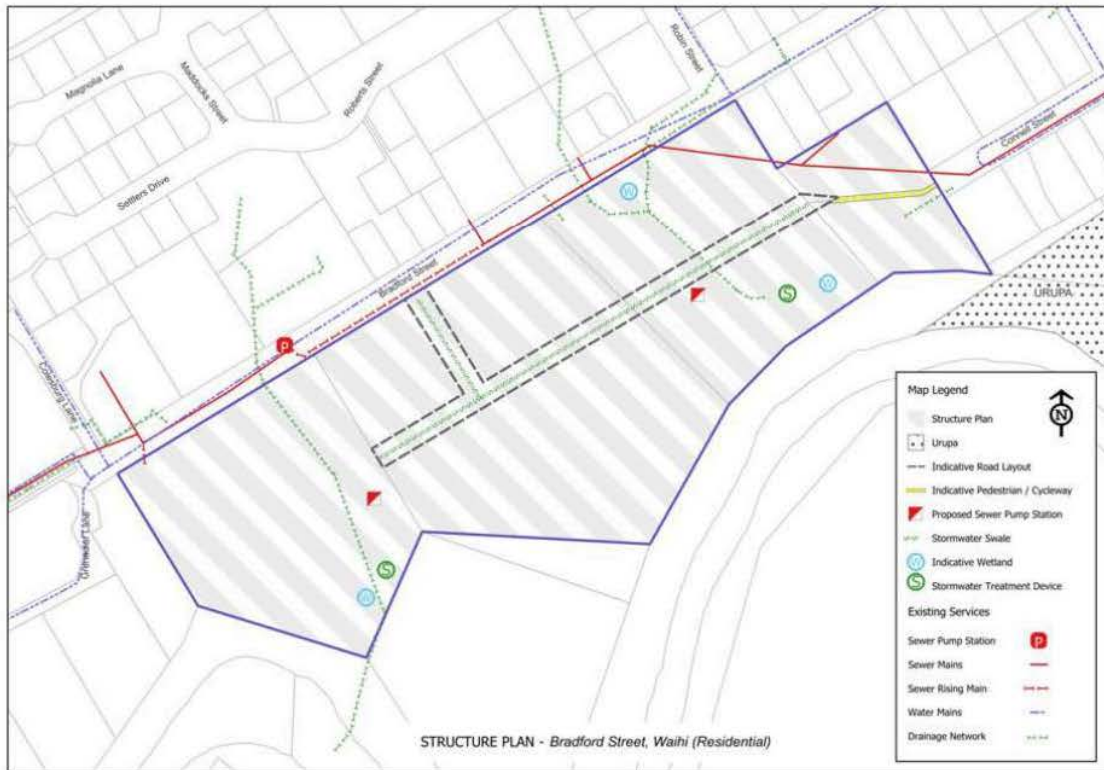


Figure 15: Proposed Structure Plan for W6 – Bradford Street – Residential (as notified).

65. The HDP will be supported by additional structure plan provisions and the corresponding updates to existing HDP maps.

3.4 Waihi Area 7 (W7): Retain as Low Density Residential with a Bespoke Set of Provisions

66. The intention is to retain the existing Low Density Residential zoning, but to provide for a reduced Minimum Net Lot Area, being decreased from the current minimum net lot size of 2,500m² to a minimum net lot size of 1,000m² where suitable wastewater reticulated servicing is available. This will have corresponding other yard and minimum residential area rules applied within the Low Density Residential Zone provisions. This area of difference from the remaining Low Density Residential Zone will be identified via a specific overlay (blue) on Planning Map K5.
67. As a result of the above mapping, a consequential amendment to Planning Map K5 (Waihi SW) is proposed to identify an existing Low Density Residential area (Parry Palms), which already has the provisions as proposed for W7, to the same overlay colour as W7 (refer Figure 16).

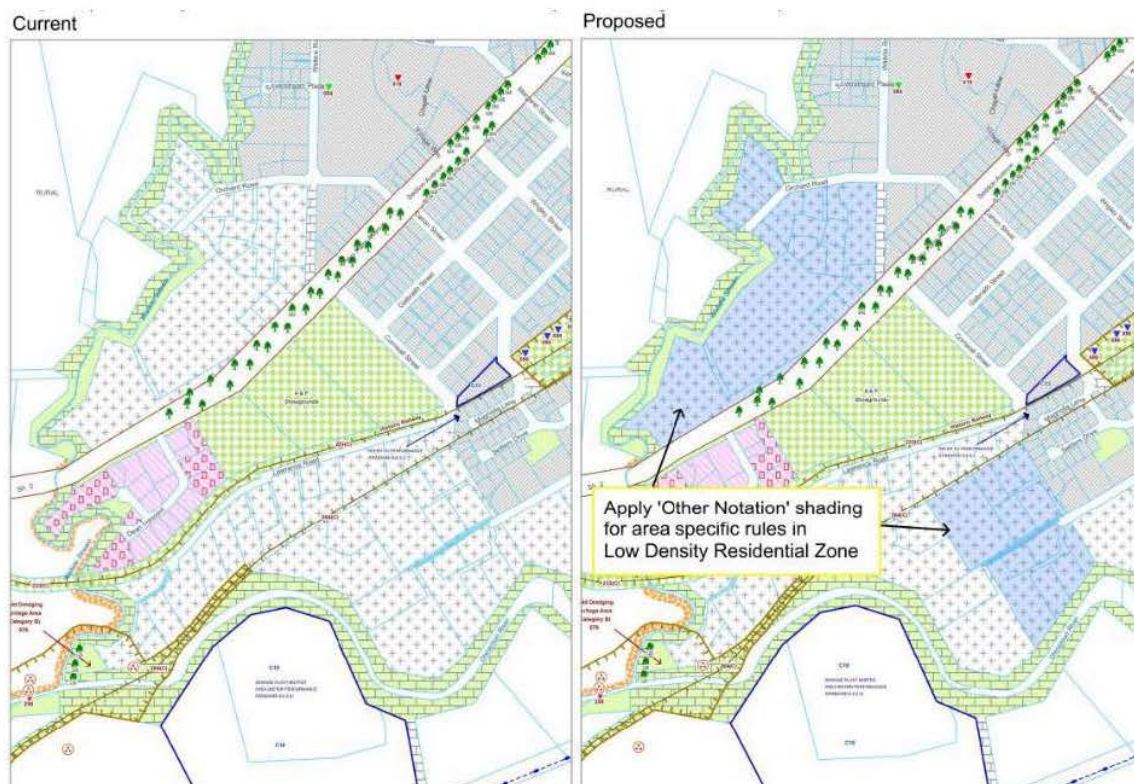


Figure 16: Current and proposed overlay for W& - Bradford Street Extension with consequential change to the Planning Map of Parry Palms Area.

4.0 Statutory Context

68. There are a range of statutory provisions under the RMA that are of relevance to the consideration of Council initiated plan changes, specifically the provisions in the First Schedule of the RMA for the preparation and change of policy statements and plans by local authorities.
69. In accordance with section 74(1) of the RMA a territorial authority must prepare and change its district plan in accordance with:
- (a) *its functions under section 31; and*
 - (b) *the provisions of Part 2; and*
 - (c) *a direction given under section 25A(2); and*
 - (d) *its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
 - (e) *its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
 - (ea) *a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*
 - (f) *any regulations.*
70. In accordance with section 74(2) of the RMA the territorial authority shall have regard to:
- (a) *any—*
 - (i) *proposed regional policy statement; or*
 - (ii) *proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *any—*
 - (i) *management plans and strategies prepared under other Acts; and*
 - (ii) *[Repealed]*
 - (iia) *relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
 - (iii) *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and*
 - (iv) *relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies,—*
to the extent that their content has a bearing on resource management issues of the district; and
 - (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities; and*
 - (d) *any emissions reduction plan made in accordance with section 5ZI of the Climate Change Response Act 2002; and*
 - (e) *any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002.*
71. In accordance with section 74(2A) of the RMA the territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
72. Under section 74(3) of the RMA in preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

4.2 Section 32 Evaluation

73. HDC has completed an evaluation of PPC2 in accordance with section 32 of the RMA (set out in sections 6.0 and 7.0 of the Notification/Section 32 Report). Section 32(1) states that an evaluation must:
- a. *Examine the extent to which the objectives and policies of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - b. *Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
 - i. *Identifying other reasonably practicable options for achieving the objectives; and*
 - ii. *Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - iii. *Summarising the reasons for deciding on the provisions; and*
 - c. *Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.*
74. An assessment under section 32(1)(b)(ii) must –
- a. *Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
 - i. *Economic growth that are anticipated to be provided or reduced; and*
 - ii. *Employment that are anticipated to be provided or reduced; and*
 - b. *If practicable quantify the benefits and costs referred to in paragraph (a); and*
 - c. *Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
75. HDC, in addition to meeting the requirements under s74 and s75 of the RMA is also required to meet a number of specific matters contained in s32 of the RMA relating to costs and benefits, risks of acting or not acting, efficiency and effectiveness, economic growth and employment.
76. I consider that the analysis provided by HDC meets the requirements of s32 of the RMA.
77. I note that an assessment of potential options for the sites was provided in Tables 6, 7, 8 and 9 of the Notification/Section 32 Report, being option 1, “*Proposed Approach*” or option 2, “*Status Quo*”. Option 1, involving rezoning of the land utilising and modifying the existing zone provisions with the inclusion of a structure plan over certain areas is the appropriate way to achieve the objectives of the proposal in accordance with the RMA.
78. Different options for plan change boundaries were also considered in the Notification/Section 32 Report. It is noted that the W2 area initially identified for Industrial Re-zoning was significantly reduced from 25ha to just over 11ha, consistent with cadastral boundaries of the area identified within the Growth Strategy. Additionally, Area W3 previously identified for residential re-zoning was deferred. The option to base boundaries upon a combination of cadastral boundaries, topographical and physical features and Growth Strategy areas is the most appropriate, efficient and effective option. Although some of the landowners, most specifically within and adjoining the W2 area, have expressed opposition to the plan change (further

discussed in section 8 of this report), from a strategic planning perspective I consider that the location of the W2 Area, within an area identified for development within the Growth Strategy and adjoining existing industrial zoned land, is desirable in terms of forming a logical and cohesive zoning pattern.

79. For the reasons set out above and in sections 6 and 8 of this report, under section 32AA of the RMA I consider that some amendments, including ecological requirements, pedestrian and cycleway connectivity, building reflectivity, transportation requirements and an additional Amenity Protection Area, to PPC2 are required. This will ensure that the objective proposed in PPC2 is the most appropriate way to achieve the purpose of the RMA, and that the provisions proposed (including the zoning of the land) are the most appropriate way to achieve the objective. A set of recommended amendments is included in Appendix F to this report.

5.0 Relevant Statutory and Non-Statutory Documents

80. Section 75(3) of the RMA states that a District Plan must give effect to any national policy statement; any New Zealand coastal policy statement; and any regional policy statement. Section 75(4) of the RMA states that a District Plan must not be inconsistent with a regional plan for any matter specified in section 30(1).
81. In addition, under section 74 of the RMA when changing a District Plan regard must be had to any proposed regional policy statement, proposed regional plan, management plans and strategies prepared under other Acts, relevant planning documents recognised by iwi authorities, any emissions reduction plan and any national adaptation plan.
82. An assessment of statutory and non-statutory documents was provided within section 5 of the Notification/Section 32 Report. Below I provide an assessment of relevant statutory and non-statutory documents for PPC2.

5.1 Withdrawal of Proposed Planning Instruments

83. It is noted that s80 was inserted into the RMA, on 21 August 2025, by s26 of the Resource Management (Consenting and Other System Changes) Amendment Act 2025. This section required that a “local authority must withdraw a proposed planning instrument as soon as possible after this subpart commences, but not later than 90 working days after the commencement of this subpart, unless—
- (a) an exemption applies under section 80U; or
 - (b) the local authority has applied for an exemption under section 80V; or
 - (c) the Minister directs against a withdrawal under section 80T.
84. HDC applied in writing for an exemption to the plan stop policy under s80V of the Resource Management Act 1991 (the Act).
85. The Hon Chris Bishop Minister Responsible for RMA Reform advised via letter dated 7 October 2025 that he was “*satisfied that Plan Change 2 meets the criteria under s80W(2)(h) of the Act and should proceed in full. I have taken this decision because Plan Change 2 will amend provisions in the Operative Hauraki District Plan that will better enable housing and industry growth in the areas included in the plan change.*”
86. The Minister granted the exemption request in full to HDC. HDC can proceed with the hearing of PPC2.

5.2 National Policy Statement for Urban Development 2020

87. The National Policy Statement for Urban Development (“**NPS-UD**”) came into force on 20 August 2020 and was amended in May 2022. The NPS-UD applies to all local authorities that have all or part of an “urban environment” within their district and affects planning decisions by any local authority that affect an “urban environment”. Local authorities are either classified as a tier 1, 2 or 3.
88. Certain areas of New Zealand are urban environments under the NPS-UD by virtue of being identified as tier 1 or tier 2 urban environments in the NPS-UD itself. Waihi is not identified in the NPS-UD as a tier 1 or 2 urban environment nor is HDC identified as a tier 1 or tier 2 local authority. However, Waihi would be a tier 3 urban environment if it comes within the definition of “urban environment” under the NPS-UD, and PPC2 would need to give effect to objectives and policies in the NPS-UD.
89. Urban environment is defined under the NPS-UD as:
- “any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*
- a) Is intended to be, predominantly urban in character; and*
- b) Is, or is intended to be part of a housing and labour market of at least 10,000 people.”*
90. Accordingly, an area will come within the definition of urban environment under the NPS-UD if there is evidence that it is both planned to be “predominantly urban in character” and is, or is planned to be, “part of a housing and labour market of at least 10,000 people” at some point in the future.
91. In terms of “when” that point in the future is, the NPS-UD does not specify a date or timeframe for the assessment of when it is “intended” that an area be predominantly urban in character” and “part of a housing and labour market of at least 10,000 people”. However, the NPS-UD includes obligations on local authorities subject to the NPS-UD to plan for the “long term” - defined as meaning “between 10-30 years”, in this case by around 2053.
92. This provides a logical end point for any assessment of whether it is intended an area is predominantly urban in character. Waihi has a population of 5,682 (incorporating Waihi East, North and South and excluding Waihi Rural from Statistics New Zealand figures 2023) with a projected population of 7,189 at 2054. There is no evidence to suggest that Waihi forms part of a “combined” housing and labour market with other urban areas exceeding 10,000 people. Accordingly, Waihi does not meet the second limb of the test for “urban Environment” under the NPS-UD.
93. As such, Waihi it is not an urban environment in terms of the definition within the NPS-UD, it does not meet the threshold to be considered a tier 3 urban environment, therefore, the NPS-UD does not apply to this proposal for re-zoning of land within Waihi.
94. On a more general note, it is noted that the National Policy Statement on Urban Development 2020 contains Policy 2, which identifies that “Tier 1, 2 and 3 local authorities must, 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.”

5.3 National Policy Statement for Freshwater Management 2020

95. The National Policy Statement for Freshwater Management ("**NPS-FM**") came into force from 3 September 2020, was amended in October 2024 and replaces the National Policy Statement for Freshwater Management 2014 (as amended in 2017). The provisions are to be given effect to "as soon as reasonably practicable". PPC2 is required by Section 75(3)(a) of the RMA to give effect to the NPS-FM.
96. The NPS-FM contains the following requirements of relevance to PPC2:
- The management of freshwater in a way that 'gives effect' to Te Mana o te Wai;
 - Tangata whenua are actively involved in freshwater management and Māori freshwater values are identified and provided for.
 - Avoidance of any further loss or degradation of wetlands and streams, their values are protected, and their restoration is promoted;
 - Communities are enabled to provide for their social, economic and cultural well-being in a way that is consistent with the NPS-FM.
97. Specific wetland delineation has been undertaken (refer Appendix J of the Notification/Section 32 Report) in relation to both the Bradford Street and Ford Road sites. Areas that meet the definition of a Natural Inland Wetland have been delineated and a plan and additional requirements in relation to these areas have been included within the structure plan provisions.
98. However, it is noted that depending on the location and nature of future development, site specific consideration of these wetlands and any other areas that may be potential wetlands will need to be undertaken at time of subdivision. Subdivision standards to this effect are also included within the Structure Plan provisions for W2 and W6.
99. Stormwater and sediment management options have been considered to ensure that runoff will not generate adverse ecological effects on waterways or downstream receiving environments. Stormwater management will include attenuation to pre-development levels. Methods to achieve this may include the use of artificial wetlands or similar, to maintain water quality. These measures will be included within the Structure Plan provisions or associated with existing subdivision requirements.
100. The rezoning and subsequent development of the sites offers an opportunity to improve and enhance the existing low biodiversity and riparian habitat values within the sites. These matters will be addressed further in the assessment below as a result of points made in submissions and associated comment from HDC staff and technical advisors.
101. In my opinion, sufficient information has been provided, and measures have been taken to demonstrate that PPC2 and subsequent development will give effect to the NPS-FM.

5.4 National Policy Statement for Highly Productive Land 2022

102. The National Policy Statement for Highly Productive Land 2022 ("**NPS-HPL**") came into force on 17 October 2022. The sole objective of the NPS-HPL is:

"Highly productive land is protected for use in land-based primary production, both now and for future generations."

103. The NPS-HPL contains policies (1 to 9) to support this key objective including policies relating to:

- Avoiding urban or rural lifestyle rezoning or the subdivision of highly productive land;
- The protection of highly productive land from inappropriate use and development;
- The protection of primary production activities on highly productive land from reverse sensitivity effects.

104. Under the NPS-HPL "highly productive land is defined as:

"...land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)."

105. At the time of writing this report, the Waikato Regional Council has not yet notified changes to its regional policy statement to give effect to the NPS-HPL. This means that the "transitional" definition of highly productive land in clause 3.5(7) applies. This provides as follows:

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

a) Is

- i. Zoned general rural or rural production; and*
- ii. LUC 1, 2 or 3 land; but*

b) Is not:

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

106. Applying the transitional definition of highly productive land to PPC2, as at the date of this report:

- a) W6 and W7 are identified as Residential zones, as such the NPS-HPL does not apply to these areas.
- b) W2 and W4 are zoned as rural;
- c) W2 and W4 contain portions of LUC2 and LUC3 land.

107. On the basis of the above the NPS-HPL will apply to those portions of land within W2 and W4 that are identified as LUC2 and LUC3.

108. However, Clause 3.5(7)(b) contains an exclusion from the transitional definition of highly productive land where, at the commencement date, land was "identified for future urban development". "Identified for future urban development" is defined in the NPS-HPL as meaning:

"Identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or identified:

i. In a strategic planning document as an area suitable for commencing urban development over the next 10 years; and

ii. At a level of detail that makes the boundaries of the area identifiable in practice.

109. HDC does not have a published "Future Development Strategy". These are only required under the NPS-UD for tier 1 and tier 2 local authorities, which Hauraki District is not.
110. W2 is identified in a "strategic planning document" being the Hauraki District Growth Strategy Te Rautaki Whakatipu 2050 as "Industrial Future Growth Area". Page 35 of the Growth Strategy addresses implementation actions and timeframes. The table on this page anticipates District Plan changes to re-zone land in Waihi within Industrial Growth Areas within the short term, which is defined as 1-5 years.
111. Although the resolution of the mapping within the Growth Strategy is not particularly high, the cadastral boundaries of the "Industrial Future Growth Area" are identifiable in practice.
112. As such the Growth Strategy sufficiently identifies W2 as suitable for commencing development over the next 10 years at a level that makes the boundaries of the area identifiable in practice. On this basis W2 meets the exclusion clause of 3.5(7)(b)(i) of the definition of highly productive land, and as such the provisions of the NPS-HPL are not applicable to this area.
113. As the Growth Strategy does not contain reference to W4, the NPS-HPL is still applicable. Although I note that HDC staff have advised that W4 was intended to be identified in the Growth Strategy but, due to a mapping error, the adjacent land, which had already been developed, was identified instead.
114. I also note that W4, is an entirely isolated area of relatively flat land, surrounded by a steep drop off to an adjoining gully area to the west and north, road boundary to the east and residential zoned land to the south. The area proposed for rezoning is 6,079m² in total, comprising a 5,079m² portion of Lot 3 DP 609857 (RT 1205900) (with the remaining portion of this title already zoned residential) along with the entirety of Lot 1 DP 609857 (RT 1205899) of 1,000m².
115. The area is currently utilised as a rural residential lifestyle block and contains a single dwelling. This is an existing permanent and long term constraint on the use of the area for highly productive purposes, which will be present in excess of 30 years. Servicing in relation to water supply and wastewater disposal are/can be provided. Waitete/Thorn Road has been upgraded to a sealed standard to serve the subdivision to the south and for 100m beyond that land, which is adjacent to the area being proposed for re-zoning.
116. As such it is considered that W4 is an entirely discrete area in relation to the remainder of the Rural Zone. Re-zoning this area will avoid any significant loss of productive capacity of highly productive land in the District, as this area is already compromised and is not currently used for productive purposes but for rural lifestyle.
117. Given the area's clear segregation, by way of physical (gully) constraints, re-zoning will not result in fragmentation of otherwise large and geographically cohesive areas of highly productive land. Additionally given the remainder of RT 1205900 is already zoned as Residential it results in a "tidying up" of zoning, on the basis of existing cadastral boundaries.

5.5 National Policy Statement for Indigenous Biodiversity 2023

- 118. The National Policy Statement for Indigenous Biodiversity 2023 ("**NPS-IB**") was gazetted on 7 July 2023 and came into force on 4 August 2023 and is an essential part of the Government's response to biodiversity decline in Aotearoa. It provides direction to Councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally.
- 119. The NPS-IB provides increased clarity and direction to Councils on their roles and responsibilities for identifying, protecting and maintaining indigenous biodiversity under the RMA. This is achieved through clear and consistent direction on how to identify and protect significant indigenous biodiversity and manage the adverse effects of subdivision, use and development
- 120. It is limited to land (terrestrial) ecosystems and some aspects of wetlands and applies across all land types/tenures in Aotearoa New Zealand, both public and private.
- 121. Whilst no SNA or similar is identified within any of the sites proposed as part of PPC2, the Ecological Assessment undertaken by HDC recorded one long tailed bat pass. Long tailed bats are identified as "Specified Highly Mobile Fauna" in Appendix 2 of the NPS-IB.
- 122. The Ecological Assessment notes that the "presence of bats in the area should not be considered a hindrance to the proposed plan change and future development of the Bradford Street site as bats are known to continue to thrive in built up areas such as Hamilton City. However, considerations such as bat-friendly lighting design, enhancement of the stream corridors, and appropriate set-back distances and buffer replanting along the Ohinemuri River should be considered as part of any design".
- 123. In this regard it is noted that there is an existing unformed road which is zoned as Reserve (Passive) located between the development site at Bradford Street and the Ohinemuri River. The Reserve (Passive) Zone in this location has limited recreation use, given issues with accessibility, and could be used to protect vegetation and landform.
- 124. There is no intention that any development associated with PPC2 occur within the reserve area. This area will provide an appropriate setback and allow for a buffer between development within W6 and the river. The normal provisions associated with the Residential Zone will apply to any residential sections created, including a setback of 1.5m from any boundary adjoining the Reserve (Passive) Zone. Other methods have been incorporated into the proposed provisions to ensure that PPC2 is consistent with the NPS-IB.
- 125. These matters will be addressed via further assessment, based on technical reporting, below.

5.6 National Environmental Standard for Freshwater 2020

- 126. Similar to the NPS-FM the National Environmental Standards for Freshwater 2020 ("**NES-FW**") came into force on 3 September 2020. The NES-FW establishes requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. These provisions are relevant insofar as they relate to the existing watercourses, drainage systems and wetlands that have been identified within the site.
- 127. Specific assessment has been completed for W2 and W6 in relation to the presence of Natural Inland Wetlands. Specific provisions have also been included within the structure plan for W2 and W6 requiring the provision of an ecological assessment at the time of subdivision, as development may be occurring within proximity of these wetlands. This will ensure that any subdivision or development will comply with

the specific regulations set within the NES-F should they be required. This includes the setback of activities associated with Urban Development from the delineated Natural Inland Wetland that have been identified as being present. In my opinion PPC2 has achieved compliance with the relevant requirements of the NES-FW.

128. Pursuant to Regulation 5, the NES-FW deals with the functions of regional councils and not with the functions of territorial authorities. Therefore, potential future infringements of the regulations may require a resource consent application to Waikato Regional Council. As such, potential future compliance, or otherwise, with the NES-FW, is outside of the scope of further consideration as part of PPC2.

5.7 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

129. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("**NES-CS**") were gazetted on 13 October 2011 and took effect on 1 January 2012. The standards are applicable if the land in question is, or has been, or is more likely than not to have been, used for a hazardous activity or industry and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.
130. While no specific assessment has been completed as part of PPC2, it is considered highly unlikely that any contaminants would be present in such levels and extents so as to preclude the rezoning as proposed, (e.g. by being unviable to remediate to acceptable residential or industrial levels). The NES-CS requirements will need to be addressed at the time of future subdivision.

5.8 Waikato Regional Policy Statement

131. The Waikato Regional Policy Statement ("**WRPS**") was made operative on 20 May 2016 and updated to include changes that have been made since 2016 to give effect to the mandatory requirements of the National Policy Statement for Urban Development 2020 (NPS-UD 2020) and to restructure the WRPS to give effect to the National Planning Standards. It identifies significant issues for the region and provides broad direction and a framework for the management of natural and physical resources of the Waikato Region. PPC2 is required to give effect to the WRPS under section 75(3)(c) of the RMA.
132. The Notification/Section 32 Report as notified identified the objectives and policies of the WRPS that had particular relevance to PPC2, including those pertaining to integrated management, land and freshwater.
133. At the request of WRC, via their submission, I have included an assessment of PPC2 against the relevant provisions of the WRPS including "Ecological and Indigenous Biodiversity", "Urban Form and Development" and "Hazards and Risks". These are included as Appendix G.
134. Relying upon the assessment of Mr Stott, he notes that while the proposed re-zoning is outside of the currently supplied area, an assessment of existing infrastructure for 3 waters has been undertaken which found there is capacity to supply the land subject to the PPC2 with fresh water and wastewater services. Various infrastructure has been identified for upgrading, the cost of which will be recovered through specific developer agreements or development contributions.

135. It is my understanding that the funding and implementation of required three waters infrastructure upgrades will be secured so that the development of the plan change areas is integrated with the provision of required three waters infrastructure as per UFD-P2.
136. Further assessment of these matters is provided in Section 6 of this report.

5.9 Waikato Regional Plan

137. The Waikato Regional Plan ("WRP") is operative and is intended to provide direction regarding the use, development and protection of natural and physical resources in the Waikato Region
138. The WRP manages the effects of land use activities on water and soil resources throughout the Waikato by imposing specific controls on discharges, land uses, and the taking, use, damming and diversion of water.
139. Having reviewed the WRP and taking into account the relevant provisions in it, I consider that PPC2 can be consistent with the provisions of the WRP subject to application for appropriate consents at the time of development as required.

5.10 Hauraki District Plan

140. The Hauraki District Plan (Hauraki Section) ("HDP") was made operative on 26 September 2014, three plan changes have been made to the HDP in the intervening period. There are nine sections to the HDP and a separate set of planning maps.
141. The Key Components of PPC2 are listed in summary below and include:
- Rezone W2 from Rural to Industrial. Provide a Structure Plan to guide development of the area which includes specific objectives, policies and provisions.
 - Rezone W4 from Rural to Residential.
 - Rezone W6 from Low Density Residential to Residential. Provide a Structure Plan to guide development of the area which includes specific objectives, policies and provisions.
 - W7 remains Low Density Residential but with amended provisions in relation to density of development.
142. PPC2 includes changes to the following sections of the HDP:
- Amend Section 5.8 Low Density Residential Zone - Zone Development Standards in relation to other yards and minimum residential area (for a specific area only).
 - Insert additional appendices containing specific Structure Plan provisions and Structure Plan maps for W2 and W6 into Section 8.6 Appendices.
 - Amend Section 9.4.2.1(1)(a), Subdivision standards for Low Density Residential Zone, to allow for an increase in density (for a specific area only).
 - Update Planning Maps 31, K3 (Waihi W) and K5 (Waihi SW).
 - Update Planning Map K5 (Waihi SW) to map an existing Low Density Residential area, which already has the provisions as proposed for W7, to the same overlay colour as W7.

143. Areas W4 and W6 will utilise the existing provisions of the HDP in relation to the Residential Zone. W7 will utilise the existing provisions of the HDP in relation to Low Density Residential Zone (LDR) apart from bespoke LDR and Subdivision rules in relation to development density. Area W2 will utilise the existing provisions of the HDP in relation to the Industrial Zone.
144. Objectives and policies for the both the Residential and Industrial Zones will remain unchanged by PPC2. As the HDP underwent a full and rigorous Section 32 process originally, a full assessment of the existing operative objectives, policies and rules of the HDP that are proposed to be applied to the subject sites through PPC2 is not considered necessary.
145. Specific Objectives, Policies and Rules are intended to be introduced for each of the Structure Plan Areas, which will clearly set out the purpose and intent for each of these separate areas. The inclusion of these provisions within a Structure Plan Area will ensure that each area will effectively integrate with the wider HDP provisions and that the re-zoned land can be incorporated into the developing urban fringe of Waihi. The comprehensive development of the sites will improve the land use efficiency while providing opportunities to ensure the maintenance and enhancement of the character and amenity values of the area.
146. Additional amendments as a result of submissions are proposed, these are addressed in greater detail within the assessment below, but are summarised as follows:
- Ecology related matters;
 - Reflectivity of buildings within the Industrial Zone;
 - Cycle and pedestrian connectivity to the Ohinemuri River;
 - Traffic movements from the Ford Road (W2) site;
 - Additional Amenity Protection Area at the Ford Road (W2) site.
147. It is also noted that the HDP currently refers throughout to the HDC Engineering Manual 2010 (Version 1.0) as containing the applicable design standards for three waters servicing, road design, vehicle access and driveways for new subdivision and development.

5.11 Iwi Management Plans and Acts

148. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. The Hauraki Iwi Environmental Plan is considered relevant to this proposal, and an assessment of this was provided within the Notification/Section 32 Report as notified.
149. Legislation is required to give effect to some elements of the Pare Hauraki Collective Redress Deed, which was signed by the Pare Hauraki Collective and the Crown on 2 August 2018. The Pare Hauraki Collective Redress Bill gives effect to redress in the deed that requires legislation. The Bill is yet to receive Royal assent.

5.12 Emissions Reduction Plan and National Adaptation Plan

150. As part of its consideration of PPC2 the Hearing Panel is required, under section 74(2)(d) and (e) of the RMA, to “have regard” to “*any emissions reduction plan made in accordance with section 5Z1 of the Climate Change Response Act 2002*” and “*any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002*”.
151. The first Emissions Reduction Plan (ERP) was made by the Minister for the Environment in accordance with section 5Z1 of the Climate Change Response Act 2002 and was first published in May 2022. The ERP contains strategies, policies and actions for achieving the 2022-2025 emissions budget. It does not contain any specific direction as to how reductions in emissions should be reflected in decisions made under the RMA.
152. Generally, I consider that PPC2 has provided for alternative transport choices to an extent appropriate to the location and context of the individual sites. Amendments, including pedestrian and cycle links to the Ohinemuri River, are recommended to strengthen the provision of active transport connections.
153. The first National Adaptation Plan (“**NAP**”) in accordance with section 5ZS of the Climate Change Response Act 2002 was published in August 2022. It sets out Central Government’s objectives for adapting to the effects of climate change, and the Government’s strategies, policies and proposal’s for achieving those objectives.
154. Councils have statutory responsibilities to avoid or mitigate natural hazards and to have regard to the effects of climate change when making certain decisions. They are also responsible for civil defence and emergency management, as well as improving community resilience through public education and local planning.
155. The proposed re-zoning of W6 and amended density rules for W7 to allow for a higher density of residential development within an already developed portion of Waihi township does not countermand the intent of the NAP. No particular climate related risks have been identified as affecting any of the other PPC2 areas, including W2 or W4.
156. Assessment of the sites identified for rezoning, in relation to natural hazards, via flood assessment and geotechnical testing, has ensured that PPC2 will only be occurring within areas suitable for development. Appropriate regard has been given to the NAP. No other particular climate-related risks have been identified as affecting the plan change area.

5.13 Heritage New Zealand Pouhere Taonga Act 2014

157. The Heritage New Zealand Pouhere Taonga Act 2014 (“**HNZPT Act**”) promotes the identification, protection, preservation, and conservation of historical and cultural heritage of New Zealand. The HNZPT Act establishes Heritage New Zealand Pouhere Taonga (“**HNZPT**”) and HNZPT functions include identifying, protecting and conserving historic places, waahi tupuna, waahi tapu, to issue authorities under the HNZPT Act, and to act as heritage protection authority under Part 8 of the RMA.
158. The HNZPT Act provides overarching protection for archaeological sites. Under Section 42 of the HNZPT Act no person, without an authority granted, may modify or destroy or cause to be modified or destroyed, the whole or any part of an archaeological site if the person knows or ought reasonably to have suspected

that the site is an archaeological site. Section 44 of the HNZPT Act allows an application to be made to HNZPT for consent to destroy, damage or modify an archaeological site. An archaeological site is defined in the HNZPT Act as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

159. The HNZPT Act is the primary legislation for the management of archaeological sites. However, under s6 of the RMA, a district plan must recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development.
160. In preparing PPC2, Council sought an archaeological assessment in relation to the areas identified for re-zoning. The submission from HNZPT notes that they support PPC2 subject to additional archaeological survey and assessment. I have not suggested any additional assessment at this time, the reasons for which are addressed further in the submission assessment below.

5.14 Wildlife Act 1953

161. The Wildlife Act is the main law that helps protect animals classed as wildlife, including some of New Zealand's most endangered species. The Act does this by controlling how people interact with wildlife. An additional note is proposed alerting persons undertaking activities within the Structure Plan areas to the need to comply with the Wildlife Act 1953 specifically in relation to the presence of indigenous fauna.

5.15 Non-Statutory Documents

162. The following non-statutory document is considered:

Long Term Plan 2021-2031

163. The Long Term Plan 2021-2031 ("**LTP**") sets Council's strategic direction and work programme for the 10 years ahead including the projects it will undertake and how they will be paid for. The Annual Plan provides a yearly update to the budget set out in the LTP. The following activities have been identified in the LTP as being of importance to address during this 10 year timeframe. Those of relevance to PPC2 include:
- Provision of roads and footpaths;
 - Water supply;
 - Wastewater;
 - Stormwater drainage; and
 - Solid waste.
164. Specifically noted in the additional report from Council's Development Engineer, attached as Appendix C, although the Waihi wastewater treatment plant has had ongoing compliance issues additional work has been undertaken to rectify this, with the plant being fully compliant with consented discharge limits since April 2025. Additional funding is set aside in the LTP for further upgrades. The load from the proposed plan change is expected to be within the current plant's operating capacity. Additional focus is being placed on reducing inflow and infiltration within Waihi in the medium to long term which will further improve the resilience of the plant during wet weather events.

165. In my view this provides some reassurance that HDC has anticipated the need for infrastructure upgrades in Waihi and has begun actively planning for their delivery over the next several years.

5.16 Part 2 of the RMA

166. Section 32(1)(a) of the RMA requires assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA in Part 2. Section 72 of the Act also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, section 74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2.
167. The role Part 2 plays in decision-making processes for plan changes was refined by the Supreme Court in *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited*¹ (“King Salmon”).
168. The Supreme Court held that in the absence of invalidity, incomplete coverage or uncertainty of meaning in the relevant higher order statutory planning documents, there is no need to refer back to Part 2 of the RMA when determining a plan change.² This is because the higher order planning document is assumed to already give effect to Part 2. However, if one or more of these three caveats apply, reference to Part 2 may be justified and it may be appropriate to apply the overall balancing exercise.³
169. In this instance I do not think that any of the three caveats i.e. invalidity, incomplete coverage or uncertainty of meaning in the planning documents, apply. However, should the Hearing Panel form a different view I have undertaken a brief Part 2 assessment to assist the Hearing Panel in their decision making.
170. In terms of Section 5 of the RMA, I have identified matters in relation to ecology, pedestrian and cycleway connectivity, reverse sensitivity effects and transportation that I consider should be better addressed in order to provide for economic and social well-being and to mitigate adverse effects of the proposal on the environment.
171. Section 6 of the RMA sets out a number of matters of national importance that must be recognised and provided for. I consider that PPC2 recognises and provides for these matters in the following ways:
- The relationship of Māori with their ancestral lands, water, sites, waahi tapu and other taonga has been recognised and provided for via consultation, and the ongoing opportunities for participation in the process surrounding PPC2.
 - The preservation of the natural character of wetlands, rivers and margins and the protection of them from inappropriate subdivision, use and development has been provided for by the proposed provisions.

¹ [2014] NZSC 38

² At [85] and [88].

³ At [88].

- An archaeological assessment has been undertaken and the existing provisions of the District Plan as well as any HNZPT Act requirements will address future development matters associated with earth disturbance and similar activities for the site.
 - The plan change area is not at significant risk from natural hazards. Stormwater management provisions are proposed.
172. Section 7 of the RMA identifies a number of other matters to be given particular regard. I consider that PPC2 has regard to a number of these matters because:
- The proposal has acknowledged the kaitiakitanga role of iwi and consultation and ongoing engagement has been undertaken with respect to PPC2.
 - Provisions are incorporated to maintain and enhance the quality of the environment via protecting and enhancing freshwater and indigenous vegetation features.
173. Section 8 requires that the principles of the Treaty of Waitangi are taken into account. As noted above, consultation and engagement have occurred with respect to PPC2 and it is noted that no submissions were received from iwi.

6.0 Assessment of Environmental Effects

174. Following the close of the submission period, HDC assigned technical staff in the following fields to review and assess/provide comment on a number of specific areas of concern that were raised by submitters and Council staff:
- Ecology;
 - Transportation; and
 - Three Waters.
175. Additional memoranda in relation to these three matters are appended to this section 42A report as Appendices A, B and C. The conclusions and recommendations of the technical staff are discussed in detail within this section below.
176. The specific effects identified in relation to the proposal include the following:
- Ecology;
 - Transport;
 - Three Waters Servicing;
 - Urban Character and Density;
 - Rural Character;
 - Rural Productivity and Reverse Sensitivity;
 - Connectivity and Open Space; and
 - Landscape.

177. These matters are addressed in greater detail below:

6.1 Ecology

178. Appendix J to the Notification/Section 32 Report included a Technical Memorandum prepared by SLR Consulting who were engaged by HDC to identify and delineate any Natural Inland Wetlands on the sites and identify whether long-tailed bats are using the areas.
179. The recommendations provided within the initial Technical Memorandum advised that *"the wetlands and associated watercourses identified at both sites [W2 and W6] will need to be considered in the structure plan process and in subsequent development designs. They do not necessarily preclude development at the sites but may restrict certain activities within 100 m of them and development within the wetland themselves is unlikely to be allowed or appropriate. These sites provide valuable ecosystem services such as water filtration and attenuation and should be incorporated into the design of the urban form."* Consideration of these matters were included within PPC2 via the incorporation of additional policies.
180. Similarly, the Technical Memorandum noted *"long-tailed bats are likely to be present in the wider landscape of Waihi in low numbers and limited survey work to the west near Waikino supports this. It is likely that bats utilise the Ohinemuri River as a commuting and hunting corridor, but they may also forage over farmland throughout the area. The presence of bats in the area should not be considered a hindrance to the proposed plan change and future development of the Bradford Street site as bats are known to continue to thrive in built up areas such as Hamilton City. However, considerations such as bat-friendly lighting design, enhancement of the stream corridors, and appropriate set-back distances and buffer replanting along the Ohinemuri River should be considered as part of any design."*
181. It is noted that there is an existing paper road located between the boundary of the Bradford Street (W6) site and the Ohinemuri River, which will not be modified, including by way of construction, as part of PPC2. As noted previously the paper road is also already zoned as Reserve (Passive) in the HDP, further constraining the type and nature of any development that can occur within this area. It is my opinion that the presence of the paper road and the Reserve Passive Zone sufficiently addresses the need to provide a set-back distance to the River.
182. Ecological matters will be considered further within the assessment of the submissions below.
183. Areas of indigenous vegetation (over and above the identified wetlands) are not delineated on either structure plan. However, existing provisions of the HDP will apply to all sites, including 6.2.3 Objective 2 *"to maintain and enhance the life supporting capacity of ecosystems, the mauri of natural resources and the extent and representativeness of the District's indigenous biological diversity"*.
184. The original technical memorandum (Appendix J to Notification/Section 32 Report) and the additional memorandum (Appendix A) by the Principal Ecologist identifies means whereby the potential adverse ecological effects of the plan change can be avoided, remedied or mitigated. Further delineation and assessment of the wetland areas will be required as part of consenting the future development of the structure plan areas, and the report acknowledges that the provisions of the NPS-FM and NES-F will likely apply to waterways within the structure plan areas. Additionally, the requirements as specified within the NPS-IB, including in relation to highly mobile fauna (long-tailed bats), will apply.

185. I consider from a planning perspective that the structure plan provisions secure the protection and enhancement of key ecological features (wetlands) present on the site, and I conclude, on the basis of the expert evidence provided, that the effects of the proposed plan change on ecological values will be less than minor and acceptable.

6.2 Transportation

186. A Transportation Assessment was prepared by Tonkin and Taylor ("**T+T**") (Appendix D to the Notification/Section 32 Report) which assesses the transportation aspects of PPC2. A further memorandum in response to submissions was also provided by T+T and is attached as Appendix B to this report.
187. It is firstly noted that the structure plan provisions in relation to Ford Road (W2) Appendix K, 8.6.16.17(8) sets out that any subdivision or activity that establishes the first public road intersection with Ford Road in accordance with the Structure Plan or results in a cumulative total of 100 additional daily traffic movements from the Structure Plan Area at the intersection with State Highway 2 and Ford Road must be accompanied by an Integrated Transport Assessment ("**ITA**") supplied by a suitably qualified traffic engineer. This assessment will need to adhere to appropriate engineering practice and will address matters of access and safety. Any mitigation measures, including upgrades to the road formation and the like will be addressed at this time.
188. Additional reporting by the Transportation Engineer has noted that while the ITA and associated provisions are designed to address any immediate safety concerns, Section 8.6.16.9 of the proposed Structure Plan includes a standard that the construction of a roundabout connection directly from the Structure Plan area to State Highway 2 must occur once the vehicle movements from Ford Road through the State Highway 2 intersection reach 2,400 movements a day. A new provision has been suggested to address the submission from NZTA, that Council, in conjunction with NZTA, commence planning for the roundabout when vehicle movements reach 1,600 per day; or, once the collective risk at the intersection is classified as high or medium high in comparison to other intersections. This will further increase safety for vehicles along the State Highway and those exiting the W2 area.
189. It is however noted that while Ford Road is currently appropriate for its use (Rural Collector Road <700 vehicles/day) it is likely to need incremental upgrades as discussed below.
190. The Transportation Engineer has noted a minor change to the wording of 8.6.16.17 to address the concerns of the NZTA, and this will be discussed further below. The Transportation Engineer has also noted the following considerations for HDC:
- Traffic volumes and safety along Bradford Street could be monitored once development starts. Should issues arise, an assessment to identify any necessary mitigation measures that will be required to address any impacts on the transport network can then be implemented.
 - A cycle/pedestrian connection to the Ohinemuri River may be beneficial for local amenity and recreational needs, and whether or not opportunities for potential connections in the future should be retained via the Bradford Street Structure Plan is a decision for Council in terms of local amenity/recreation.

- Monitoring traffic volumes and safety along Ford Road once development starts to identify any necessary mitigation measures that will be required.
 - Implementing a heavy vehicle restriction south west of the entrance to the site on Ford Road.
 - Prior to the construction of a roundabout Ford Road will likely need incremental upgrades in line with Appendix 1, Table 3.1 (Rural Areas) of the HDP, as traffic volumes increase (for example, widening of lanes, addition of shoulders, etc.), however this is only expected to be required between the development intersection (W2 with Ford Road), and the Ford Road intersection with State Highway 2.
191. It is noted that traffic volumes and effects along Council roads are monitored by HDC as part of its normal functions as a road controlling authority. Monitoring of traffic movements and efficiencies of Bradford Street and/or Ford Road, and surrounding streets can occur post development. This does not need to be specified within the structure plan provisions.
192. With regard to a restriction around heavy vehicle movements south west of the W2 intersection with Ford Road, given that there are existing industrial and rural activities south west of the site, this would be impractical to implement and monitor. However, a suggested amendment would be no right turn for heavy vehicles exiting the W2 site onto Ford Road, to ensure that these vehicles, turn left from W2 and travel only a short length of Ford Road before joining State Highway 2. Amendments will be proposed.
193. In relation to W6, a cycle/pedestrian link to the Ohinemuri River is addressed within the consideration of submissions below.
194. The recommended changes to structure plan provisions in order to implement the Transportation Engineer's recommendations are included in Appendix B to this report. I consider that these changes are the most appropriate way to mitigate the transportation effects of the plan change and would be more effective at achieving the structure plan objectives. With the incorporation of these changes, I consider that the transportation effects of PPC2 will be no more than minor.

6.3 Three Waters Servicing

195. Appendix G and Appendix L to the Notification/Section 32 Report set out the three waters recommendations in relation to PPC2. The reporting concluded that
- *Apart from identified network upgrades and extensions, it can be confirmed that the Waihi Wastewater Treatment Plant has sufficient capacity to feasibly service the land proposed to be rezoned as part of PPC2.*
 - *Apart from identified network upgrades and extensions, it can be confirmed that the Waihi Water Treatment Plant will have sufficient capacity, once planned upgrades are completed, to feasibly service the land proposed to be rezoned as part of PPC2.*
 - *It can be confirmed that sufficient capacity can be achieved through the use of existing, and installation of additional infrastructure to feasibly service the land proposed to be rezoned as part of PPC2 for stormwater related infrastructure."*

196. Mr Stott has further addressed these matters and responded to specific submissions (Appendix C to this report below) as follows:
197. Water supply in Waihi is nearing its consented capacity. Recent upgrades to the Waihi water treatment plant have increased the resilience of the supply and provided for additional treatment capacity over double the consented take. The proposed developments are expected to be able to be serviced by the current consented limits provided there are no 'wet' industries established. Mr Stott has noted that the ongoing improvements in Waihi water loss statistics are demonstrating a trend in the right direction for further water capacity.
198. The Waihi wastewater treatment plant has had ongoing compliance issues. A plan, and significant investment, have been put in place to address these concerns, with the plant being fully compliant with consented discharge limits since April 2025. Additional funding is set aside in the LTP for further upgrades. The load from PPC2 is expected to be within the current plant's operating capacity. Additional focus is being placed on reducing inflow and infiltration within Waihi in the medium to long term which will further improve the resilience of the plant during wet weather events.
199. Based on the technical reporting provided to me, I am of the opinion that there are no specific servicing restraints that would stop PPC2 from proceeding, such that the effects on three waters servicing are no more than minor.

6.4 Urban Character and Density

200. It is acknowledged that in relation to Bradford Street (W6) there will be a change in character, from the existing semi-rural environment to the residential character enabled by PPC2. However, in my view, the change from low density residential (albeit currently undeveloped) to residential land use will not have a substantial impact on the character of the existing urban area, and will not be contrary to the provisions of the HDP. W6, given its location within the existing residential urban environment is a logical location for re-zoning which allows for a change from low density residential to a higher density of residential development.
201. Likewise, the amendments to W7, to enable a higher density of development, based on the availability of connection to reticulated services, will not appear inconsistent with the existing residential character of Waihi and will ensure consistency of plan application across similarly developed areas, such as Orchard Road/Parry Palm Avenue Area.
202. With regard to W4, although there will be a change in character, it is noted that the site is directly adjoining residential zoned and developed sites to the south. W4 will appear as a slight extension to the residential enclave along Thorn Road. Given that a residential dwelling is already constructed on this site, and a separate title of 1,000m² is present, within which another dwelling can be established as of right, the re-zoning of this land, will appear consistent with the wider residential environment associated with Waihi.
203. I consider that the proposed intensity of development is reasonable and would be consistent with the predominant character of the surrounding Residential zones.

6.5 Rural Character

204. With regard to Ford Road (W2) I consider there will be an impact on rural character in this location as it is a substantial change from open rural pastureland to the potential for industrial uses created by PPC2.
205. However, the HDP currently recognises that in addition to traditional farming and forestry activities there is a need to accommodate a diverse range of opportunities for land use activities that enhance the social, economic and cultural wellbeing of the rural community. Some of these activities may have adverse effects that are incompatible with each other. Such activities should be managed to ensure the effects do not detrimentally impact on the physical and natural resources, other rural activities or the amenities of existing residents.
206. I note that the proposed Structure Plan for W2 (PPC2, Section 8.6.16), and amendments I suggest in this report (in 8.6.16.10(2)) consider building design, site layout, vehicle access and landscaping in relation to the adjacent Rural Zone specifically:

Whether the site has been landscaped in a manner that:

- (i) softens the visual impact of industrial uses on the Rural Zone;*
 - (ii) provides a permanent physical buffer between the Rural Zone and Industrial Zone;*
 - (iii) screens unsightly parts of development;*
 - (iv) reduces undesirable elements of industrial activities such as particulates and glare;*
 - (v) reduces the scale of buildings (particularly their height) by incorporating trees capable of growing to a height similar to the buildings.*
207. PPC2 also applies the Amenity Protection Area provisions in relation to the adjoining rural land to the north, where permitted industrial activities, become controlled, with control reserved over the design and appearance of buildings, site layout, location and design of vehicle access and landscape planting. Should the Hearing Panel consider it appropriate, I consider that these provisions could be applied to all land north of the indicative road shown on Structure Plan Map 8.6.16.11 excluding the Buffer and Stormwater Management Area. This will enable a more detailed consideration of potential effects of industrial activities on adjoining properties. This would require an amendment to the Structure Plan map as per Figure 17 below.

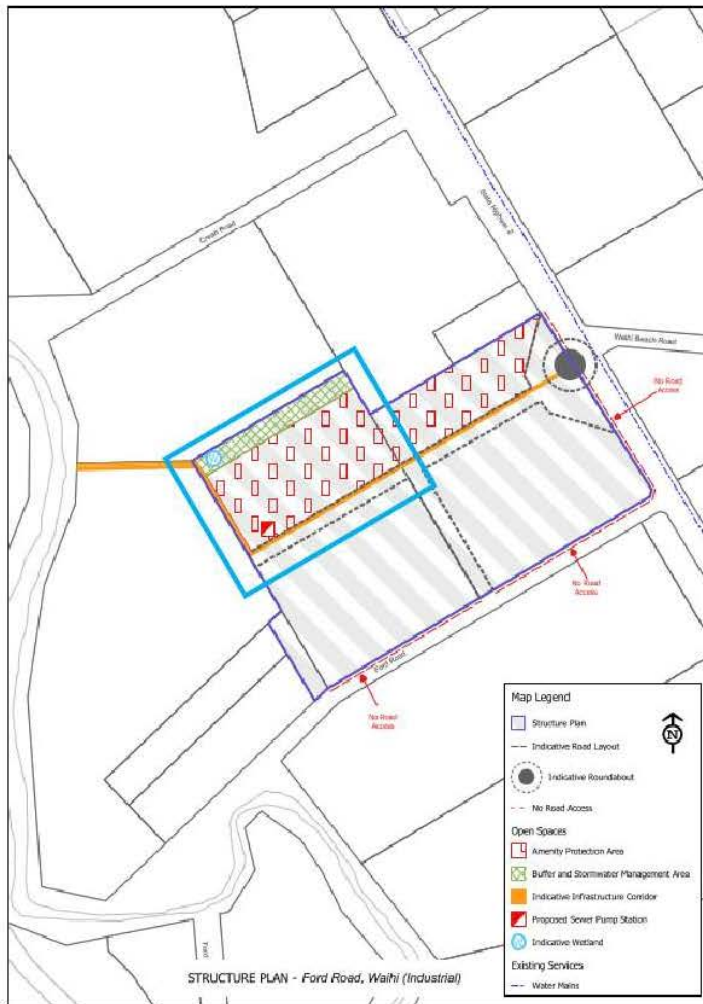


Figure 17: Additional APA area outlined in blue.

208. Consistent with the application of the APA provisions elsewhere within the HDP, an additional buffer between the Industrial zone and rural land to the south is not considered necessary as the width of Ford Road provides an appropriate buffer between activities.
209. With regard to the State Highway frontage there are assessment criteria within the Structure Plan for W2 which adequately address building design, Site Layout, Vehicle Access and Landscaping in relation to the Industrial activities. Additionally, the width of the State Highway Road reserve adequately buffers the Industrial Zone from activities to the east.
210. There is an existing industrial area to the west of the site. The plan change will effectively move the existing industrial interface further to the north and east along Ford Road, and while I consider there will be an impact on rural character from PPC2, this will be acceptable subject to appropriate provisions.

6.6 Rural Productivity and Reverse Sensitivity

211. While it is acknowledged that PPC2, as it relates to W2, will result in the loss of rural productive land, it is also recognised that the Growth Strategy identifies W2 as suitable for commencing development over the next 10 years at a level that makes the boundaries of the area identifiable in practice. On this basis W2

meets the exclusion clause of 3.5(7)(b(i) of the NPS-HPL relating to the definition of highly productive land, and as such the provisions of the NPS-HPL are not applicable to this area.

212. With regard to W4 the NPS-HPL allows under clause 3.10 for an exemption for highly productive land subject to permanent or long-term constraints.
213. As noted previously W4 is an entirely isolated area of relatively flat land, surrounded by a steep drop off to an adjoining gully area to the west and north, road boundary to the east and residential zoned land to the south. The area proposed for rezoning is 6,079m² in total, comprising a 5,079m² portion of Lot 3 DP 609857 (RT 1205900) (with the remaining portion of this title already zoned residential) along with the entirety of Lot 1 DP 609857 (RT 1205899) of 1,000m².
214. RT 1205900 is currently utilised as a rural residential lifestyle block and contains a single dwelling. This is an existing permanent and long-term constraint on the use of the area for highly productive purposes, which will be present in excess of 30 years. Servicing in relation to water supply and wastewater disposal are/can be provided. Waitete/Thorn Road has been upgraded to a sealed standard to serve the subdivision to the south and for 100m beyond that land, which is adjacent to the area being proposed for re-zoning.
215. As such it is considered that W4 is an entirely discrete area in relation to the remainder of the Rural Zone. Re-zoning this area will avoid any significant loss of productive capacity of highly productive land in the District, as this area is already compromised and is not currently used for productive purposes but for rural lifestyle.
216. With regard to W2, should the Hearing Panel consider it appropriate, additional APA setback could be included north of the Indicative Road on Structure Plan Map 8.6.16.11 as an additional measure adjoining the Buffer and Stormwater Management Area to the north. The existing Industrial Zone provisions already address and seek to manage adverse effects, requiring that industrial activities that involve noxious, hazardous or offensive elements locate in a manner that avoids, remedies or mitigates the adverse environmental effects of those activities on adjoining activities and zones, and on the traffic function of main traffic routes. In doing so the provisions of PPC2 also reduce the potential for reverse sensitivity effects to arise in relation to rural activities.
217. Given that the proposed provisions of PPC2 are no more lenient than how the HDP currently addresses the interface between industrial, rural and residential zones, and require adverse effects to be considered during subdivision and future land use, along with additional structure plan specific provisions in relation to landscaping and buffer areas, I consider that the provisions are adequate in this respect.
218. With regard to noise the existing provisions of the HDP will apply in relation to adjoining zones and this matter is discussed further below.

6.7 Connectivity and Open Space

219. In relation to the W6 structure plan area and submissions requesting cycle/pedestrian connections to the Ohinemuri River, HDC staff have conferred with Lisa Moore (Manager – Projects (including Hauraki Rail Trail (HRT)) and Adam Chwesik (Community Facilities Officer) and now note that the HRT is established to the west of the wastewater plant and crosses from the south of the Ohinemuri River to the north, via a swing bridge, and then heads north to connect with the historic rail track/yard where there are heritage

buildings and a public toilet. From here, cyclists can head into town, and according to council staff this route works well as it is.

220. Mr Chwesik has advised that although Council currently has no plans to establish a public walkway/reserve space/s along the Ohinemuri River (in the vicinity of Bradford Street), he thinks it is an idea worthy of future consideration and therefore would support some sort of option being reserved for the future.
221. On this basis two additional routes are proposed for consideration on the Structure Plan map (see yellow dashed line on Figure 18) which follow existing water courses. In the future there would be the opportunity of a walkway connecting the two points and the addition of river side enhancement planting. Providing the potential for this linkage is positive and gives effect to community well-being aspirations.

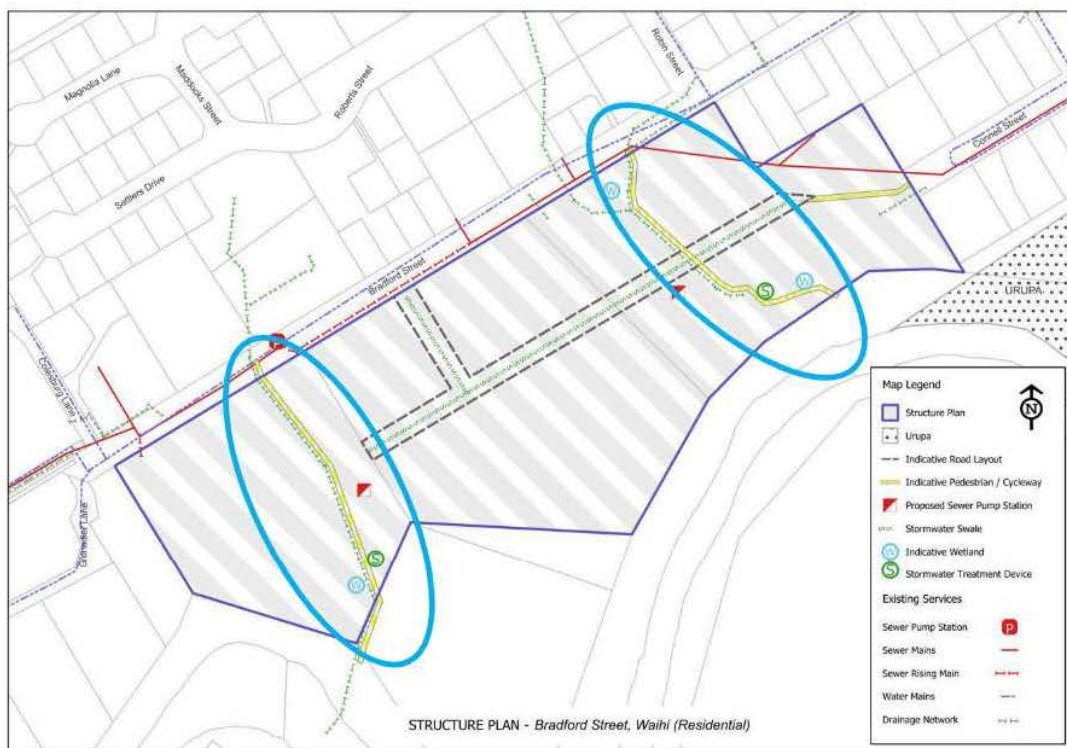


Figure 18: Proposed change to Structure Plan for W6 showing additional pedestrian links to road reserve adjoining Ohinemuri River, circled in blue.

222. In conclusion, the proposed additional connectivity measures will positively contribute to onsite and wider environmental amenity and community wellbeing.

6.8 Landscape

223. The plan change areas are not identified as containing any significant landscape features and are not mapped as an Outstanding Landscape or Feature in the HDP.

224. It is considered that the potential landscape effects from the development enabled by PPC2 will be managed by the proposed provisions to avoid any adverse landscape effects.

7.0 Notification and Submissions

7.1 Notification and Key Dates

225. Table 1 below outlines the chronology of events of relevance to PPC2 proceedings:

Event	Date
Notification Period	18 February 2025 – 21 March 2025.
Further Submission Period	7 – 20 May 2025
Plan Stop	21 August 2025
Plan Stop Exemption	Granted 7 October 2025 on the basis of section 80W(2)(h) of the Resource Mangement Act 1991.
Hearing Date	25 November 2025

Table 1: Chronology of Events for PPC82

7.2 Submissions and Further Submissions

226. 27 submissions were received covering 118 individual topics and subtopics. Three further submissions were received (refer to Appendix D and E for the summary of submissions and a copy of the further submissions). The original submissions and further submission documents can be found on HDC's website.
227. It is noted that the submission by James Hook for The Jamira Trust was received late, being at 6.25 pm on Sunday 23 March 2025, after the close of submissions at 4.30 pm on Friday 21 March 2025. In my opinion, given that no working days had transpired between the close of the submission period and the receipt of the submission, no parties are prejudiced by accepting the submission, however, this is for the Hearing Panel to determine.
228. With regard to the further submissions, it is noted that those prepared by Elizabeth Keys – Secretary for Ford Road Body Corp and Ian and Elizabeth Keys do not meet the statutory requirements in relation to the contents of further submissions, in that they are limited to a matter in support of, or opposition to, an original submission. Neither of these further submissions reference an original submission point and as such they are considered invalid in the context of the further submission process and will not be referred to further within this report. Again, this matter is to be confirmed by the Hearing Panel.

8.0 Consideration of Submissions

229. All submissions received have been categorised based on themes under topic and subtopic headings used in the summary of submissions. As some submissions relate to multiple topics, cross references are included to refer to the discussion and recommendation sections of other topics.
230. Topic headings for the submissions assessed within this report are identified within Table 2 as follows:

Topic	Subtopic
Other	Power/Transformer
Planning Map 31 – Ford Road	Fully Oppose rezoning extent
	Fully Support rezoning extent
	Partial Support rezoning extent
Planning Map K3 – Thorn Road	Heritage
	Land Class (NPS-HPL)
	Traffic
Planning Map K5 – Bradford Street Extent	Fully Oppose rezoning extent
	Fully Support rezoning extent
	Heritage
	Traffic
Planning Map K5 – Bradford Street	Fully Oppose rezoning extent
	Fully Support rezoning extent
	Partial Support rezoning extent
Structure Plan - Ford Road	Amenity
	Ecology
	Environmental Risks
	Future Uses
	Heritage
	Infrastructure
	Land Class (NPS-HPL)
	Land Value
	Map
	Natural Hazards
	Objectives
	Reverse Sensitivity
	Regional Policy Statement
	Stormwater
	Traffic
Structure Plan – Bradford Street	Amenity
	Ecology
	Heritage
	Map
	Natural Hazards
	Traffic

Table 2: Summary of Submissions Topic and Subtopic List.

231. While all submitters have been acknowledged in the summary of submissions (Appendix D) responses have not necessarily been written for each individual submission point. In accordance with clause 29(4)(b) of Part 2 of the First Schedule of the Act, I have provided reasons for my recommendations to allow or

not allow submissions or further submissions generally by themes. Responses have been written for individual submissions that raise matters that differ from other submissions within the same thematic group or that request specific amendments to the plan change provisions.

232. The further submission by The Jamira Trust has been dealt with within the report where the primary submission point has been addressed.
233. The assessment of submissions generally follows the following format:
- Submission Information – summarises matters raised in the submissions with a brief outline of relief sought.
 - Discussion – discusses responses to the relief sought.
 - Recommendation – outlines a recommendation to the Hearing Panel in response to the relief sought to accept, accept in part or reject submissions. Where appropriate, it also includes recommended changes to PPC2 change provisions that I consider represent the most appropriate response in accordance with s32AA. In accordance with section 32AA(1)(c), the assessment of each change has been undertaken at a level of detail that corresponds to the scale and significance of the proposed changes.

8.1 Fully Oppose or Fully Support

Submission Points
Support 1.1, 2.1, 3.1, 5.1, 8.1,19.1, 24.1, 24.2
Oppose 4.1, 6.1, 7.1, 7.2, 12.1, 15.1, 17.1, 18.1, 20.1, 21.1, 22.1, 23.1, 23.2, 25.1, 26.1

Submission Information

234. Seven submissions generally support PPC2 for the reason that it will support the growth of Waihi and release land for appropriate subdivision.
235. Thirteen submitters seek PPC2 be rejected in full for reasons including a lack of necessary infrastructure, that services are not adequate to support it, it will have significant adverse effects, will not protect highly productive land, result in reverse sensitivity effects and the loss of rural amenity and character.

Discussion

236. Based on my overall assessment in this report, as informed by the technical input received from HDC's experts, I do not consider that PPC2 should be rejected in full.

Recommendation

237. I recommend that the Hearing Panel accept 1.1, 2.1, 3.1, 5.1, 8.1,19.1, 24.1 and 24.2, and reject 4.1, 6.1, 7.1, 7.2, 12.1, 15.1, 17.1, 18.1, 20.1, 21.1, 22.1, 23.1, 23.2, 25.1 and 26.1. No particular changes are required for this topic (specific changes are discussed in other topics).

8.2 Three Waters Infrastructure

Submission Points
4.5, 12.3, 15.4, 17.6

Submission Information

238. Four general infrastructure-related submission points were made. The submitters are concerned about a current lack of sufficient infrastructure to service the plan change, particularly in relation to Ford Road (W2). The submitters have further concerns about the potential adverse effects on the environment that may result from the plan change without adequate infrastructure being in place.

Discussion

239. Additional consideration of this matter has been addressed in the Technical Memo included as Appendix C. HDC is committed to securing wastewater treatment capacity to meet the demands from future development, while local reticulation can be funded by the developer.
240. Under the Land Drainage Act 1908 no change in land use is permitted to discharge water in a way that will result in adverse effects on a lower property – including discharge to air or ground. A lower property is also required to accept the flows from the property above it (at pre-development levels). Developing an industrial site no doubt has challenges with regards to maintaining neutrality for stormwater quality and quantity but with the engineering tools available it is not considered an unachievable target. Without specifying the type of industrial activity the site should have, more specific controls cannot be established at the plan change stage and must be addressed at the time of application for land use or subdivision consent when an assessment of specific impacts is undertaken.
241. Water restrictions may apply for wet industry within the industrial area, but this will be addressed via the requirements of Council Water Supply Bylaw, with no requirement to grant water supply for extraordinary use. Feasible servicing options for the plan change area have been identified, and the design details of those, as well as mitigation of associated adverse effects, will need to be addressed at the time of subdivision. The subdivision rules enable HDC to decline any application that does not demonstrate sufficient servicing.

Recommendation

242. I recommend that the Hearing Panel reject submission points 4.5, 12.3, 15.4 and 17.6. No changes are required.

8.3 Transport, Traffic and Map

Submission Points
5.2, 6.4, 10.1, 10.2, 11.11 - 11.18, 16.1 - 16.4, 17.7, 18.4, 19.2, 20.2, 20.3, 21.5, 27.1 - 27.7

Submission Information

243. Eleven submitters have raised matters that relate to transportation. These submission points are addressed in depth within the Technical Assessment provided by T+T in Appendix B.
244. Submitters most notably raised issues in relation to Ford Road (W2) and the suitability of the road to accommodate traffic along with matters of pedestrian and cycle connectivity in relation to Bradford Street (W6).

Discussion

245. The Technical Assessment notes with regard to connectivity associated with Ford Road that this can be addressed as part of the traffic impact assessment required by the first developer. It is noted that the site is approximately 2 kilometres from the urban edge of Waihi, and although it is State Highway there are wide shoulders to enable cycling, should users of the industrial area choose to cycle to work.
246. As noted above, while Ford Road is currently appropriate for its use (Rural Collector Road <700 vehicle/day) it is likely to need incremental upgrades in line with the existing HDP provisions, Appendix 1, Table 3.1 (Rural Areas), as traffic volumes increase (for example, widening of lanes, addition of shoulders, etc.). However, this is only expected to be required for the stretch of Ford Road between the development intersection (W2 with Ford Road), and the Ford Road intersection with State Highway 2, and only until the roundabout is implemented.
247. A change to the wording of 8.6.16.9 (9) is proposed to address the concerns of the NZTA (16.1), as follows:
- (9) *When either of the following conditions is met, the Council in conjunction with NZTA, will commence design, resource consenting and/or designation to enable the roundabout connection referred to above:*
- (a) *Vehicle movements reaching 1,600 movements per day from Ford Road through the State Highway 2 intersection; or*
- (b) *The collective risk of the Ford Road/State Highway 2 intersection is classified as high or medium high compared with other intersections (based on the NZTA High Risk Intersections Guide).*
248. Activity Specific Standard notified as (9) becomes Activity Specific Standard (10) as a consequence of this change. HDC is accepting of this amendment.
249. It is noted that traffic volumes and effects within and along Council roads are monitored by HDC as part of its normal functions as a road controlling authority. Monitoring of traffic movements and efficiencies of Bradford Street and/or Ford Road, and surrounding streets can occur post development. This does not need to be specified within the structure plan provisions.
250. With regard to a restriction around heavy vehicle movements south-west of the W2 intersection with Ford Road, given that there are existing industrial and rural activities south-west of the site, this would be impractical to implement and monitor. However, a suggested amendment would be no right turn for heavy vehicles exiting the W2 site onto Ford Road, to ensure that these vehicles, turn left from W2 and travel only a short length of Ford Road before joining State Highway 2. Amendments will be proposed.
251. With regard to W6, a cycle/pedestrian link to the Ohinemuri River is intended to be provided.

252. Some measures have been proposed to provide for and encourage active transport modes within the structure plan area W6, and I have recommended some amended measures. With these changes, I consider that appropriate provision has been made for appropriate access to and from the structure plan areas.

Recommendation

253. I recommend that the Hearing Panel reject submission points 5.2, 6.4, 10.1, 10.2, 17.7, 18.4, 20.2, 20.3, 21.5, 27.4, 27.5 accept in part submission points 16.2, 17.7 and provide restrictions to right turning heavy vehicles onto Ford Road from within W2 and accept submission points 16.1, 16.3, 16.4, 11.11 – 11.18, 19.2, 27.1 - 27.3, 27.6 and 27.7. Some amendments are proposed.

8.4 Ecology

Submission Points
11.1 - 11.10 and 20.8

Submission Information

254. Two submitters have raised matters that relate to ecology. These submission points are addressed in depth within the Technical Assessment provided by SLR in Appendix A.
255. Submitters most notably raised issues in relation to sedimentation of Waimata Stream, indigenous biodiversity and ecological effects.

Discussion

256. Council's Consultant Ecologist noted that Submission 20.8 raises concerns regarding the potential for sediment to enter the Waimata Stream which is within 200m of the Ford Road structure plan area. A channelised tributary of this stream also runs through the site. The Ecologist noted that it is not clear whether the concern is relating to construction-phase effects or ongoing operational effects or both. Construction phase effects are generally dealt with at the resource consent stage through the requirement to have an erosion and sediment control plan consistent with WRC guidelines. The Ecologist noted that the potential operational phase effects have been dealt with in the proposed subdivision stormwater standards (8.6.16.7(1)(d) and (e)), and activity standards (8.6.16.9(1)) which require comprehensive stormwater design, including reticulation for the whole structure plan area, hydraulic neutrality and treatment of stormwater. These controls are robust enough to ensure that there will be no adverse effects on the Waimata Stream.
257. Indigenous biodiversity is provided for in the PPC2 provisions for the Bradford Street residential area by requiring that mature trees are incorporated into the design of subdivision and that appropriate setbacks from the Ohinemuri River reserve area are established. The Ecologist considers these will allow the river corridor to remain unchanged and any mature trees within the structure plan area will remain available to bats and other fauna.
258. The Ecologist has also noted that WRC requested a new objective be added to the Ford Road Structure Plan so that adverse effects on indigenous biodiversity are managed, a new policy is added to provide for

positive indigenous biodiversity outcomes, and a standard is added to ensure that indigenous biodiversity, namely bats, are protected. The Ecologist noted this would make the proposed provisions for the Ford Road structure plan area compliant with the Ecological and Indigenous Biodiversity provisions in the WRPS. However, the Ecologist also noted that any changes should be commensurate with the level of effect. There is a very low prevalence of bats in the Waihi area, and they are highly unlikely to be habitat-limited, so requiring mature trees to be incorporated into the design of such a small industrial area should be done with care and certainly doesn't need to result in all mature trees being retained. Protections for bats could be limited to sensitive lighting design, requirements to follow tree felling protocols and incorporation of some mature trees in consultation with a bat ecologist.

259. With regard to PPC2, an additional advice note is proposed to alert persons undertaking activities within the Structure Plan areas of their responsibilities under the Wildlife Act 1953. Specific provisions in relation to the removal of mature trees are proposed, along with consideration of lighting design at subdivision stage for W6. It is my opinion, based on this technical evidence, that these provisions adequately minimise any very minor adverse effects on long-tailed bats and other indigenous fauna.

Recommendation

260. I recommend that the Hearing Panel accept in part submission points 11.1 – 11.10 and reject 20.8. Some amendments are proposed including bat sensitive lighting design and tree felling provisions.

8.5 Heritage

Submission Points
14.1 to 14.4

Submission Information

261. One submitter has raised matters that relate to heritage. The submitter most notably raised concerns that an archaeological assessment to inform the effects on archaeological sites is not recommended for growth cell W2 and that works in growth cell W2 can proceed without an authority. This concern is raised on the basis that the Heritage Assessment provided (Appendix E attached to the Notification/Section 32 Report) notes that the Waimata Stream is "fairly close" to the western edge of the site and some caution is recommended as the possibility exists that evidence of Early Māori land use could be present.

Discussion

262. It is noted that the Heritage Assessment provided as Appendix E to the Notification/Section 32 Report assessed growth cell W2 (refer section 8.2 of the Assessment document pages 16 to 22) and concluded that the *"site has undergone little if any landscaping and whilst evidence exists for pre-1900 land use to the south-east of the site in the form of an early abattoir it would appear that there are no apparent heritage features that will be impacted by rezoning. The recommendations of this report with regards to growth cell W2 are that works can proceed without the need for an archaeological authority."*
263. I am aware that the above assessment does not negate the need for caution in relation to any future work as previously undiscovered archaeology may be exposed by earthworks or other activity on the site.

However, it is my opinion that the existing heritage provisions of the District Plan, along with the statutory requirements set by the Heritage New Zealand Pouhere Taonga Act 2014, are the appropriate means by which this matter should be addressed. It is noted that all subdivision within the W2 area is at least a controlled activity, and one of the matters of control is consideration of whether the subdivision (or development of the lots resulting from it, eg earthworks, future building sites, access) may affect known sites and/or features having heritage value. For determining whether a site or feature is of heritage significance reference should be made to Section 6.1.6.8 Appendix 1 – Criteria for Assessing Heritage Significance of the HDP.

Recommendation

264. I recommend that the Hearing Panel reject submission point 14.1 and accept submission points 14.2 to 14.4. No amendments are proposed.

8.6 Natural Hazards

Submission Points
11.19 to 11.22

Submission Information

265. One submitter has raised matters that relate to natural hazards. The submitter most notably raised concerns with regard to the lack of assessment against the provisions of the WRPS in relation to Natural Hazards.

Discussion

266. An additional assessment against the Natural Hazard provisions of the WRPS is provided in Appendix G to this report. This assessment has concluded that PPC2 is proposed in a manner that will avoid intolerable risk to any new development. It is noted specifically in relation to Bradford Street (W6), the area proposed for re-zoning has been limited to land located above the known flood level, with specific requirements at the time of subdivision in relation to assessment by a suitably qualified expert in relation to the risks of flooding from, or in relation to, the Ohinemuri River and any associated overland flow paths.
267. PPC2 does not create the need for additional structural protection works, including hard protection structures. The natural defence provided by the topography of the land is sufficient to address this risk in the first instance.

Recommendation

268. I recommend that the Hearing Panel accept submission points 11.19 to 11.22. No amendments to the PPC2 provisions are proposed.

8.7 Amenity Matters and Buffer Areas

Submission Points
4.2 – 4.4, 6.2, 6.5, 9.1, 9.2, 13.1 to 13.3, 17.2 – 17.5, 18.3, 20.4 – 20.7, 20.10, 21.3, 21.4, 22.2

Submission Information

269. Nine submitters have raised points that relate to amenity matters in relation to both W2 and W6 and/or the provision of additional buffer areas for W2. The submitters most notably raised concerns with regard to a reduction in amenity from additional development and the effects of noise, dust, odour, as well as the lack of clarity in relation to setbacks, vegetation, bunds and other forms of buffer between zones.

Discussion

270. For the purpose of clarification, the Waikato Regional Council deals with matters in relation to discharges to land and air, including dust and odour. The following are the permitted activity standards from the Waikato Regional Plan:

“6.1.8 The following are the standard conditions for permitted activity rules and the standards and terms for controlled and restricted discretionary activity rules for discharges to air:

- (a) There shall be no discharge of contaminants beyond the boundary of the subject property that has adverse effects on human health, or the health of flora and fauna.*
- (b) The discharge shall not result in odour that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property.*
- (c) There shall be no discharge of particulate matter that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property.*
- (d) The discharge shall not significantly impair visibility beyond the boundary of the subject property.*
- (e) The discharge shall not cause accelerated corrosion or accelerated deterioration to structures beyond the boundary of the subject property.”*

271. In addition to the above rule, there is a list of activity specific standards for industrial activities identified in Rules 6.1.9.1, 6.1.10.1 to 6.1.19.1 of the WRP, which if not complied with result in the activity requiring resource consent. In addition, these activities will be subject to the normal complaints and compliance procedures of the Waikato Regional Council.

272. Noise levels will be restricted by the existing provisions of the HDP as identified under section 8.3 Amenity Matters. The noise standards set within 8.3.1.3 of the HDP, of relevance to the interface between the Rural and Industrial zones (L_{Aeq} (15 min) and L_{AFmax}) are as follows:

- (a) Between Sites, within Zones - as it currently applies to the Rural Zone:

All activities in the Rural, Coastal and Karangahake Gorge Zones shall be conducted to ensure that the following noise levels shall not be exceeded within the <i>notional boundary</i> of any <i>residential property</i> within that zone.		
On all days 7.00am - 10.00pm	50dB	NA
On all nights 10.00pm – 7.00am	40dB	65dB

(b) Between Zones as it will apply between the Industrial and Rural zones should PPC2 be implemented:

- Industrial - Town Centre	All activities on any <i>site</i> within these zones shall be conducted to ensure that noise from the <i>site</i> as measured within the <i>zone boundary</i> of a Residential, Low Density Residential and Marae Development Zone or within the <i>notional boundary</i> within the Rural, Coastal, or Karangahake Zone, shall not exceed the following noise levels:		
	Monday – Saturday 7.00am - 10.00pm	50dB	NA
	Sunday and Public Holidays 7.00am - 10.00pm	45dB	NA
	On all nights 10.00pm – 7.00am	40dB	65dB

273. Although there will be no appreciable difference in terms of the level of noise permitted, whether the site is zoned as Rural or Industrial, it is accepted that the nature of the noise within an industrial zone, depending on the type of activity, is different from normal rural activities, including being potentially more continuous, rather than intermittent. Activities associated with industrial use of the land, such as transportation movements or staff numbers, are also likely to be at a more intensive level.
274. Each activity located within a site within the Industrial zone will need to comply with the above standards. However, it is appreciated that cumulative effects, in terms of the scope of activities occurring within the industrial land cannot be addressed at this time, as the nature and scale of the activities are unknown. But on the basis of additional APA, as noted below, I consider that the effects of noise in relation to PPC2 will be reasonable.
275. In relation to submission point 9.2, I have accepted this submission point and suggest amendments with regard to limitations on the light reflectance value of roof, walls and joinery for industrial activities within W2. The light reflectance value is consistent with provisions already in the District Amenity Landscape area (HPD provision 5.1.6(6) and (7)). It is also noted that there are existing rules in the HDP in relation to Glare and Lighting which apply across all zones. Rule 8.2.5.3(1) requires that “*buildings are to be constructed and finished to ensure reflection (glare) from the building surfaces does not reflect into adjoining properties, or into the vision of motorists on a street or road.*” With regard to lighting Rule 8.2.5.3(2) requires “*artificial lighting shall be installed, designed, shaded and arranged in order that the level of lighting measured horizontally or vertically at any point on or directly above the boundary of any adjacent site or road is no greater than 8.0 lux*”.

276. As noted above, PPC2 also applies the APA provisions over Industrial land adjoining Rural land to the north, where permitted industrial activities become controlled, with control reserved over the design and appearance of buildings, site layout, location and design of vehicle access and landscape planting. Should the Hearing Panel consider it appropriate, I consider that these provisions could be applied to all land north of the indicative road shown on Structure Plan Map 8.6.16.11 excluding the Buffer and Stormwater Management Area. This will enable the creation of a wider amenity setback between any future industrial activities and adjoining rural activities to the north.
277. As previously noted, and consistent with the application of the APA provisions elsewhere within the HDP, an additional buffer between the Industrial zone and rural land to the south is not considered necessary as the width of Ford Road provides an appropriate buffer between activities.
278. With regard to the State Highway frontage there are assessment criteria within the Structure Plan for W2 which adequately address building design, Site Layout, Vehicle Access and Landscaping in relation to the Industrial activities. Additionally, the width of the State Highway Road reserve adequately buffers the Industrial Zone from activities to the east.
279. On this basis amendments are proposed to the Structure Plan Map for Ford Road (W2) and new construction material reflectivity criteria are proposed.

Recommendation

280. I recommend that the Hearing Panel reject submission points 4.2 and 4.3, 13.1 to 13.3, 15.1, 18.3, 20.4 – 20.7, 20.10, 21.2, 21.4 and 22.2 and accept in part submission points 4.4, 6.5, 9.1, 9.2, 17.2 – 17.5, 21.3.
281. Amendments are proposed to the Structure Plan Map for W2.

8.8 Future Uses of Industrial Land

Submission Points
12.5, 17.8, 20.9

Submission Information

282. Three submitters have raised questions with regard to a lack of clarity in relation to the potential future uses of the industrial land.

Discussion

283. As noted within the report above, the existing provisions of the Industrial Zone will apply to the re-zoned land, should PPC2 be implemented. As such the following existing definition in relation to Industrial Activity from the HDP will apply:

"Industrial Activity

Means any land, building or part of a building used for the processing, assembly, servicing, testing, repair, packaging, storage or manufacture of a product or produce, including the maintenance, repair and storage

of vehicles, machinery, equipment and materials used in conjunction with this activity, and includes industrial training activities, and the storage and use of hazardous substances associated with an industrial activity, but does not include mineral extraction.”

284. The following listed activities (definition from the HDP in italics below) are also permitted within the Industrial Zone, subject to compliance with specific performance standards, set by the existing zone provisions, and proposed via PPC2:

- Warehouse activities (*any building, or land, where materials, articles or goods are stored pending sale or removal. Any warehouse shall be deemed to include only such offices, showrooms, and wholesale shops as are necessary for, incidental to and part of the principal use of the site as a warehouse*);
- Service stations (*an activity comprising the sale of motor vehicle fuels, including petrol, LPG, CNG and diesel and may also include any one or more of the following: (a) the sale of kerosene, alcohol based fuels, lubrication oils, tyres, batteries, vehicle spare parts and other accessory items normally associated with motoring and convenience items including food and refreshments; (b) car wash facilities. In addition in the Industrial and Township Zones, this activity may include: (a) mechanical repair and servicing of motor vehicles (includes motor cycles, caravans, boat motors, trailers and domestic gardening equipment); (b) warrant of fitness testing*);
- Car, caravan and boat sales/service/repair and valet;
- Farm machinery sales and repair;
- Trade depots (plumbing, electrical, cabinet making, building etc) not associated with a retail activity; and
- Factory shops (*a retail shop on the same site and ancillary to a permitted industrial use selling only items manufactured, processed, repaired or serviced on the site, or items reasonably associated with the principal use such as parts and accessories*) and ancillary retail outlets (*a shop ancillary to an activity (by rule or consent) selling items manufactured, repaired, produced, processed or grown on the same site*) to industrial, trade depot and warehouse activities.

285. The current provisions of the HDP, and thereby the activities permitted as of right under PPC2, are clearly defined. These activities will be permitted on the Ford Road (W2) site subject to the required standards, including requirements in relation to the APA, as discussed above. It is noted that application for resource consent can be made to undertake activities not provided for as permitted, but this would be dealt with on a case by case basis as part of the consent process.

286. To clarify how the activity specific standards for industrial activities in the W2 Structure Plan Area are incorporated into the assessment, I recommend that an additional rule be added to the permitted and controlled activity list and consequentially for activities that do not comply, to the restricted discretionary activity list.

287. It is noted, as per the Three Waters Assessment provided as Appendix C to this report, there will be some limitations on W2 in relation to wet industries. This includes activities with high water use such as dairy and meat industry and food processing, petrol and chemical processing, wool scouring, pulp and paper

processing - all of which subsequently result in high wastewater output. An example of a township with these activities is Morrinsville which is located in close proximity to a number of industrial sites. The Morrinsville Wastewater Treatment Plant receives trade waste from Fonterra's Morrinsville site, Greenlea Premier Meats and smaller discharges from IXOM and Evonik Peroxide.

288. With regard to Waihi it is noted that Council is well aware of the limitations in relation to both water supply and wastewater disposal and "wet industry" will be individually managed via water supply, trade waste and wastewater bylaws as now noted in the provisions.

Recommendation

289. I recommend that the Hearing Panel accept in part submission points 12.5, 17.8 and 20.9. The existing provisions of the HDP provide clear guidance in relation to the nature of activities that are provided for within the Industrial Zone, however to provide clarification in relation to Activity Specific Standards minor amendments to the PPC2 provisions are proposed.

8.9 Land Value

Submission Point
6.3

Submission Information

290. One submission point was received in relation to loss of land value, specifically associated with W2.

Discussion

291. The submitter has not provided any evidence to quantify a potential loss of land value due to PPC2. It is my opinion that the APA as proposed provides a suitable mechanism to manage amenity effects.

Recommendation

292. I recommend that the Hearings Panel reject submission point 6.3 as the plan change should not be declined on the basis of potential changes to property value.

8.10 Highly Productive Land

Submission Points
11.23, 12.4, 18.2, 26.3

Submission Information

293. Four submitters have noted strong opposition to PPC2 based on the loss of highly productive land.

Discussion

294. As noted previously W2 is identified in a "strategic planning document" being the Hauraki District Growth Strategy Te Rautaki Whakatipu 2050 as "Industrial Future Growth Area". Page 35 of the Growth Strategy addresses implementation actions and timeframes. The table on this page anticipates District Plan

changes to re-zone land in Waihi within Industrial Growth Areas within the short term, which is defined as 1-5 years (from June 2019).

295. Although the resolution of the mapping within the Growth Strategy is not particularly high, the cadastral boundaries of the “Industrial Future Growth Area” are identifiable in practice. Utilising this mapping, the overall area initially proposed for re-zoning as Industrial was reduced from approximately 25ha to the 11.8ha that forms part of PPC2 W2 area as notified.
296. The Growth Strategy sufficiently identifies W2 as suitable for commencing development over the next 10 years at a level that makes the boundaries of the area identifiable in practice. On this basis W2 meets the exclusion clause of 3.5(7)(b)(i) of the definition of highly productive land, and as such the provisions of the NPS-HPL are not applicable to this area.
297. As the Growth Strategy does not contain reference to W4, the NPS-HPL is still applicable. Although I note that HDC staff have advised that W4 was intended to be identified in the Growth Strategy but, due to a mapping error, the adjacent land, which had already been developed, was identified instead.
298. I also note that W4, is an entirely isolated area of relatively flat land, surrounded by a steep drop off to an adjoining gully area to the west and north, road boundary to the east and residential zoned land to the south. The area proposed for rezoning is 6,079m² in total, comprising a 5,079m² portion of Lot 3 DP 609857 (RT 1205900) (with the remaining portion of this title already zoned residential) along with the entirety of Lot 1 DP 609857 (RT 1205899) of 1,000m².
299. The area is currently utilised as a rural residential lifestyle block and contains a single dwelling. This is an existing permanent and long term constraint on the use of the area for highly productive purposes, which will be present in excess of 30 years. Servicing in relation to water supply and wastewater disposal are/can be provided. Waitete/Thorn Road has been upgraded to a sealed standard to serve the subdivision to the south and for 100m beyond that land, which is adjacent to the area being proposed for re-zoning.
300. As such it is considered that W4 is an entirely discrete area in relation to the remainder of the Rural Zone. Re-zoning this area will avoid any significant loss of productive capacity of highly productive land in the District, as this area is already compromised and is not currently used for productive purposes but for rural lifestyle.
301. Given the area’s clear segregation, by way of physical (gully) constraints, re-zoning will not result in fragmentation of otherwise large and geographically cohesive areas of highly productive land. Additionally given the remainder of RT 1205900 is already zoned as Residential it results in a “tidying up” of zoning, on the basis of existing cadastral boundaries.

Recommendation

302. I recommend that the Hearing Panel reject submission points 11.23, 12.4, 18.2 and 26.3. No changes are required.

8.11 Waikato Regional Policy Statement

Submission Point
11.24

Submission Information

303. The submitter has requested that HDC includes an additional assessment against the Urban Form and Development provisions of the WRPS.

Discussion

304. Additional assessment has been provided in Appendix G.

Recommendation

305. I recommend that the Hearing Panel accept submission point 11.24. No changes are required but further assessment of the WRPS provisions as requested by the submitter are included in Appendix G.

8.12 Objectives

Submission Point
12.7

Submission Information

306. With reference to 8.6.16.4 of the W2 Structure Plan Area the submitter opposes objectives that focus solely on managing, rather than avoiding, actual or potential adverse effects on people, buildings and activities beyond the Industrial Zone, that the assessment of objectives with regard to impacts on adjoining land is incomplete, that evaluation of alternatives fails to consider other options to enable more efficient use of existing industrially zoned land, and that the assessment as to whether the objectives are appropriate to achieve the purpose of the RMA is insufficient.

Discussion

307. For context it is noted that the Structure Plan objectives and policies are to be read in conjunction with the existing Industrial Zone objectives and policies already present in the HDP. These include the following:

5.12.2 (2) Objective 2

To promote and safeguard the health, safety, convenience, amenity and general welfare of inhabitants, workers and road users within industrial zones and in adjacent non-industrial zones.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

(ii) Industrial, service and limited retailing activities located and provided for in a manner that avoids, remedies or mitigates any adverse environmental effects on adjoining land and activities, the viability of town centres and the traffic function of main traffic routes.

(iii) Industrial activities that involve noxious, hazardous or offensive elements located and provided for in a manner that avoids, remedies or mitigates the adverse environmental effects of those activities on adjoining activities and zones, and on the traffic function of main traffic routes.

308. All activities locating within the W2 Structure Plan area will need to do so in a manner that avoids, remedies or mitigates adverse effects on adjoining land, activities and zones as per the existing policies for the Industrial Zone.

309. The proposed provisions strike a balance between retaining provisions that are currently functioning well within the HDP while including separate structure plan provisions to provide clear direction with regard to the identified growth area.

310. Additionally, the location of W2 has been recognised as creating efficiencies by clustering industrial land together (noting there is already Industrial Zone land adjoining the site to the west), in an appropriate, and previously identified location away from existing residential areas. The proposal is intended to build on the presence of existing industrial land and activities along Ford Road, as there are already industrial scale effects enabled by the HDP in this location.

Recommendation

311. I recommend that the Hearing Panel reject submission point 12.7. No changes are required.

8.13 Environmental Risks

Submission Points
12.2, 15.3, 15.5, 21.2, 26.2, 26.4

Submission Information

312. These four submitters have all noted the potential for significant adverse effects on surrounding rural activities, including horticultural operations, due to pollution, including air and water discharges, increased traffic, and impervious surfaces.

Discussion

313. The HDP currently recognises (5.12.2 (1)(a)(iii) and (2)(a)(i)) that there are other legislation, organisations and procedures that will to a certain degree control the adverse effects of industrial activities.

314. There are existing National Environmental Standards (Air Quality 2004, Storing Tires Outdoors 2021, Greenhouse Gas Emissions from Industrial Process Heat 2023), that would apply, should activities of this nature be undertaken within W2. It is noted that once a national environmental standard comes into force, anyone wanting to undertake an activity that is covered by the national environmental standard may need to apply for resource consent under the national environmental standard. The application for resource

consent is made to the regional council if the relevant rule in the national environmental standard relates to a regional function, and to a district council if it relates to a district function.

315. Additionally, legislation such as the Hazardous Substances and New Organisms Act 1996, which prevent and manage the adverse effects of hazardous substances, take precedent over and above the requirements of the HDP. Likewise, the WRC, via the provisions of the WRP, control discharges to air, water and land.
316. These measures, when appropriately implemented and enforced effectively manage the adverse effects of industrial activities and are consistent with the approach taken throughout the country in relation similar activities, in terms of following a hierarchy of planning implements.

Recommendation

317. I recommend that the Hearing Panel reject submission point 12.2, 15.3, 15.5, 21.2, 26.2 and 26.4. No changes are required.

8.14 Reverse Sensitivity

Submission Points
4.6, 12.6

Submission Information

318. The submitters noted that reverse sensitivity effects may result from the proposal, specifically in relation to new industrial uses within W2.

Discussion

319. For clarification, reverse sensitivity is the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is potentially causing adverse environmental impact to nearby land, and a new, benign activity is proposed for the land. The "sensitivity" is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as not to adversely affect the new activity. Reverse sensitivity occurs when an established activity (such as an industrial operation, airport or farm) faces complaints or legal challenges from new developments (like residential homes or schools) that are sensitive to the impacts of the existing activity.
320. It is my opinion that with the inclusion of the Buffer Area and APA provisions within land to the north of the indicative road on W2, along with implementation and compliance with all other legislation, that the potential for reverse sensitivity effects from existing sensitive activities in the rural zone will be appropriately controlled. If existing activities within the Rural Zone comply with the relevant provisions of the zone, and new industrial activities comply with Industrial Zone and Structure Plan provisions adverse effects should be mitigated.

Recommendation

321. I recommend that the Hearing Panel accept in part submission points 4.6 and 12.6. An additional APA is proposed within the W2 Structure Plan area.

8.15 Out of Scope

Submission Point
2.2

Submission Information

322. The submitter noted that the Council or Government is to invest in upgrades in power/transformer for future subdivision.

Discussion

323. Upgrade or replacement of power supply networks is outside the scope of PPC2. These decisions are made by the electricity providers and will be based on applications for supply at the time of subdivision consent. The need to upgrade power supply/infrastructure will be assessed by the providers based on current capacity and availability of network connectivity. This is not a matter for Council to address in PPC2.

Recommendation

324. I recommend that the Hearing Panel reject submission point 2.2. No changes are required.

9.0 Conclusion

325. After carefully considering the submissions and the valid further submission received in relation to each topic, I can generally support the proposed plan change, including the following aspects:

- The rezoning of land to residential and industrial;
- The structure plans, including three waters infrastructure, roads as well as pedestrian and cycle links;
- The requirements relating to protection and enhancement of identified ecological features (wetlands).

326. However, there are also several aspects of PPC2 where I consider changes are required in order to better achieve the purpose of the RMA and the relevant objectives, including:

- Ecology related matters;
- Reflectivity of buildings within the Industrial Zone;
- Cycle and pedestrian connectivity to the Ohinemuri River;
- Traffic movements from the Ford Road (W2) site;
- Additional Amenity Protection Area at the Ford Road (W2) site.

327. Should information be received and changes be made to address the above matters, **I would recommend that the Hearing Panel approve PPC2 with modifications** under clause 10 of Schedule 1 of the RMA.



Reporting Planner

31/10/2025

Louise Cowan

*Principal Planning and Policy
Consultant –SLR Consulting*

Date