

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 209

IN THE MATTER OF an appeal under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN BETTLEY-STAMEF PARTNERSHIP
(ENV-2022-AKL-018)

Appellant

AND WAIKATO DISTRICT COUNCIL

Respondent

AND FANTESS LIMITED

HAMILTON CITY COUNCIL

Section 274 parties

Court: Environment Judge S M Tepania sitting alone under s 274 of the
Act

Last case event: 31 July 2024

Date of Order: 28 August 2024

Date of Issue: 28 August 2024

CONSENT ORDER



A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) The planning maps are amended in accordance with **Appendix A:** Amended zoning map for the Bettley-Stamef Partnership appeal site to show rezoning of the site from General Rural Zone to Rural Lifestyle Zone; and
- (2) The appeal is resolved in its entirety. Topic 1.4: Zoning – Rest of the district remains extant so far as it relates to other appeals.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent determination relates to an appeal by Bettley-Stamef Partnership (**Appellant** or **Bettley-Stamef**) against part of the decisions of the Waikato District Council (**Respondent** or **Council**) in respect of the Proposed Waikato District Plan (**PDP**). Specifically, the Appellants have appealed the zoning decision relating to land at Matangi Road and Yumelody Lane.

[2] Bettley-Stamef comprises of Sheryl Eileen Bettley, Zane Bettley, Joel Zane Bettley and Petar Mitko Stamef who collectively own the properties at 165D/167A and 167 Matangi Road.

Original Submission and PDP Decision

[3] When the PDP was notified, the Bettley-Stamef properties were included within the Rural Zone. Bettley-Stamef made a submission on the PDP seeking the rezoning of 65ha of land on the Hamilton fringe, which includes the properties owned by Bettley-Stamef and many other landowners, from Rural to Country Living Zone (**the Submission Area**). The National Planning Standards, which came into force

after notification of the PDP, have led to the renaming of these zones as Rural Lifestyle Zone (**RLZ**) and General Rural Zone (**GRUZ**), respectively.

[4] The properties within the Submission Area are detailed below, with the properties owned by Bettley-Stamef highlighted red for reference:

Properties within the Submission Area	
71 Matangi Road (also known as 167 Matangi Road according to WRC Rates Notice)	59 Yumelody Lane
167A Matangi Road	51 Yumelody Lane
165C Matangi Road	29 Yumelody Lane
165B Matangi Road	21A Yumelody Lane
165A Matangi Road	21B Yumelody Lane
145 Matangi Road	61A Yumelody Lane
131 Matangi Road	61B Yumelody Lane
26 Yumelody Lane	61C Yumelody Lane
54 Yumelody Lane	125 Matangi Road
58 Yumelody Lane	158 Matangi Road
60 Yumelody Lane	168 Matangi Road
62A Yumelody Lane	174 Matangi Road
62B Yumelody Lane	

[5] The s 42A report for Hearing 25 rejected Bettley-Stamef's submission and recommended that the Submission Area retain Rural zoning for the following reasons:

- (a) The proposed rezoning would not give effect to the objectives of the National Policy Statement on Urban Development (**NPS-UD**) nor contribute to a well-functioning, well-planned and integrated Hamilton City urban environment.¹ The author noted that as the Submission Area is within the Hamilton fringe, it is considered to form part of the Hamilton City urban environment and thus subject to the provisions of the NPS-UD;

¹ Section 42A Report – Hearing 25: Zone Extents: Rest of District – Hamilton Fringe, at [5]-[7].

- (b) The proposed rezoning would be inconsistent with Objective 3.26 of the Waikato Regional Policy Statement (**WRPS**) as it would not ensure the protection of high class soils for primary production;²
- (c) The proposed rezoning would not give effect to the strategic objectives of the PDP in that it would not appropriately utilise land within the Hamilton fringe, give rise to the efficient servicing of land nor promote compact, sustainable and good quality urban form;³
- (d) The proposed rezoning would be inconsistent with the proposed rural objectives, which seek to protect high class soils, avoid all urban subdivision, use and development within the rural environment and maintain or enhance the productive versatility of rural resources and maintain rural character and amenity;⁴
- (e) The proposed rezoning would be inconsistent with the development principles in the WRPS, for the following reasons:
 - (i) The Submission Area is identified in Future Proof 2017 as a ‘Possible Expansion Area’ which has been flagged as land that may, in time, move from Waikato District’s jurisdiction into the Hamilton City jurisdiction. Rezoning the Submission Area to CLZ would therefore conflict with the foreseeable long-term needs for the expansion of Hamilton City (Principle (b));⁵
 - (ii) Rezoning the Submission Area would result in a further change in the character and amenity of Tamahere (Principles (c), (d) and (f));⁶
 - (iii) Rezoning the Submission Area would be inconsistent with Objective 6 of the NPS-UD and Policy 6.3 of the WRPS as it would enable the establishment of on-site services which might

² Ibid, at [8].

³ At [15].

⁴ At [16].

⁵ At [10].

⁶ At [11].

compromise integration into Hamilton City and its infrastructure (Principle (g));⁷ and

- (iv) Rezoning the Submission Area would not contribute to reduced fuel consumption (Principle (e)) nor the protection of sensitive areas (Principle (h)).⁸

[6] In the s 42A rebuttal evidence for Hearing 25, the s 42A report author revisited the original recommendation on the Bettley-Stamef submission in light of a review of the Strategic Boundary Agreement between Hamilton City Council (**HCC**) and Council (**SBA**). The rebuttal evidence notes that the SBA, which was first executed in 2005 to enable the transition of identified Urban Expansion Areas from Council to HCC, was updated in November 2020 and now excludes Tamahere as a future transfer area. The author considered this change was significant, it rendered the ‘Possible Expansion Area’ notation in Future Proof 2017 redundant and weakened the relevance of Principle (b) of the rural residential specific policies of the WRPS. On the basis that the land is no longer destined for urban development by HCC, the report author recommended that the Submission Area should be rezoned CLZ.⁹

[7] However, despite the revisited recommendation in the s 42A rebuttal evidence, in Decision Report 28O: Zoning – Rest of the district (the **Decision**) the Independent Hearing Panel (**IHP**) rejected part of the relief sought in Bettley-Stamef’s submission.¹⁰ The IHP noted that they agreed with the assessment in the original s 42A report that the rezoning of part of the Submission Area would not give effect to the NPS-UD. Part of the Submission Area (which included the properties owned by Bettley-Stamef) therefore remained GRUZ in the decisions version of the PDP. Significantly, there is no reference in the Decision to the revised recommendation, the reasons for the reversal of the earlier recommendation or the change in status of the Submission Area.

⁷ At [12].

⁸ At [13].

⁹ Section 42A Report – Rebuttal Evidence – Hearing 25: Zone Extents: Rest of District – Hamilton Fringe, at [20]-[26].

¹⁰ Decision Report 28O: Zoning – Rest of the district at [8.3].

[8] In the Decision, the IHP did however accept part of the Bettley-Stamef submission, rezoning three properties within the Submission Area (158, 168 and 174 Matangi Road) from GRUZ to RLZ (**the Other Properties**). The basis for this decision was that:¹¹

- (a) The rezoning was a logical extension of the RLZ, noting that the Other Properties are immediately adjoining the RLZ to the west and the WEX on the eastern boundary; and
- (b) RLZ zoning will better achieve the objectives and policies of the PDP while reflecting the current levels of development and existing character in the area.

[9] For reference, a figure is produced below which shows the part of the Submission Area which remained GRUZ (outlined in red), and the Other Properties within the Submission Area which were rezoned RLZ in the Decision (outlined in blue):



Appeal

[10] On 14 February 2022, Bettley-Stamef appealed the Decision. The appeal seeks that the areas within the Submission Area which remained GRUZ in the decisions

¹¹ Ibid, at [8.9].

version of the PDP (**the Appeal Area**) be rezoned to RLZ, and the retention of the Rural lifestyle zoning of the Other Properties.

[11] Bettley-Stamefs' appeal has been assigned to Topic 1.4: Zoning – Rest of the district. The consent order resolves the appeal in its entirety.

[12] Fantess Limited and Hamilton City Council gave notice of an intention to become a party under s274 of the Act. However, both parties withdrew their interest in the Appeal on 1 and 5 February 2024, respectively.

Agreement reached

[13] Following discussions between the parties and the provision of further information including a transport assessment, a report against the requirements of the NPS-HPL, and planning and legal memorandums; the parties to the appeal have now agreed that it would be appropriate to rezone the Appeal Area to RLZ. This agreement resolves the appeal in its entirety. It is noted that no additional or site-specific objectives, policies or rules have been identified that would be required for the rezoning, apart from an update of the proposed mapping to show the Appeal Area as RLZ instead of GRUZ.

Section 32AA evaluation

[14] Section 32AA of the Act requires a further evaluation for any changes to the proposal since the initial section 32 evaluation report and the decision. Council has prepared a stand-alone s32AA evaluation, which is attached as **Appendix B** to this order.

[15] In summary, the section 32AA assessment concludes that:

- (a) The objectives of the proposed rezoning, to enable Rural Lifestyle development of the properties adjacent to Yumelody Land and Matangi Road, are the most appropriate way to achieve the purpose of the RMA as:
 - (i) The proposal will support future generations of lifestyle residents in accordance with s 5(2)(a) of the Act, given the Appeal Area's

existing constraints and evidence of reverse sensitivity to agricultural activities;

- (ii) The proposal will enable existing and future rural lifestyle residents to provide for their health and safety in accordance with s 5(2) of the Act, in that it will reduce the potential for reverse sensitivity and landuse conflicts;
 - (iii) The proposal constitutes an efficient use of land in that particular location, in accordance with s 7(b) of the Act, as the Appeal Area has permanent constraints for use in agricultural production; and
 - (iv) The proposal will maintain and enhance the quality of the environment in accordance with s 7(f) of the Act as the Appeal Area is predominantly being used for rural lifestyle;
- (b) In terms of section 32AA, the rezoning of the Property is considered the most appropriate method for achieving the objectives of the RLZ, and other related objectives in the decisions version of the PDP, as:
- (i) It will enable the consolidation of the existing rural lifestyle land use pattern which is the predominant land use pattern to the west of the Waikato Expressway;
 - (ii) Any potential effects of each subdivision proposal will be addressed at the resource consent stage;
 - (iii) The Appeal Area is poorly suited to ongoing viable productive activity and its overall contribution is very low, both in terms of soil quality and to rural character; and
 - (iv) Public costs associated with the proposal are minimal with the regulatory and compliance costs recoverable through fee collection at application and monitoring stages.

Consideration

[16] The Court has read and considered the notice of appeal dated 14 February 2022 and the consent memorandum of the parties dated 31 July 2024.

[17] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[18] The Court is satisfied that the agreement reached is one that represents the various interests of the parties. It is clear the parties have considered other reasonably practicable options, the risk of acting or not acting, and assessed costs and benefits. The change of zoning agreed will continue to provide for the effective and efficient administration of the plan provisions. I conclude the parties have taken a considered and balanced approach, and the agreed rezoning is the most appropriate way to achieve the purpose of the Act and the objectives in the PDP. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

Order

[19] The Court orders, by consent, that:

- (a) The planning maps be amended in accordance with **Appendix A** to this order to include the rezoning of the Appeal Area from General Rural Zone to Rural Lifestyle Zone;

(b) The appeal is otherwise dismissed; and

(c) There is no order as to costs.

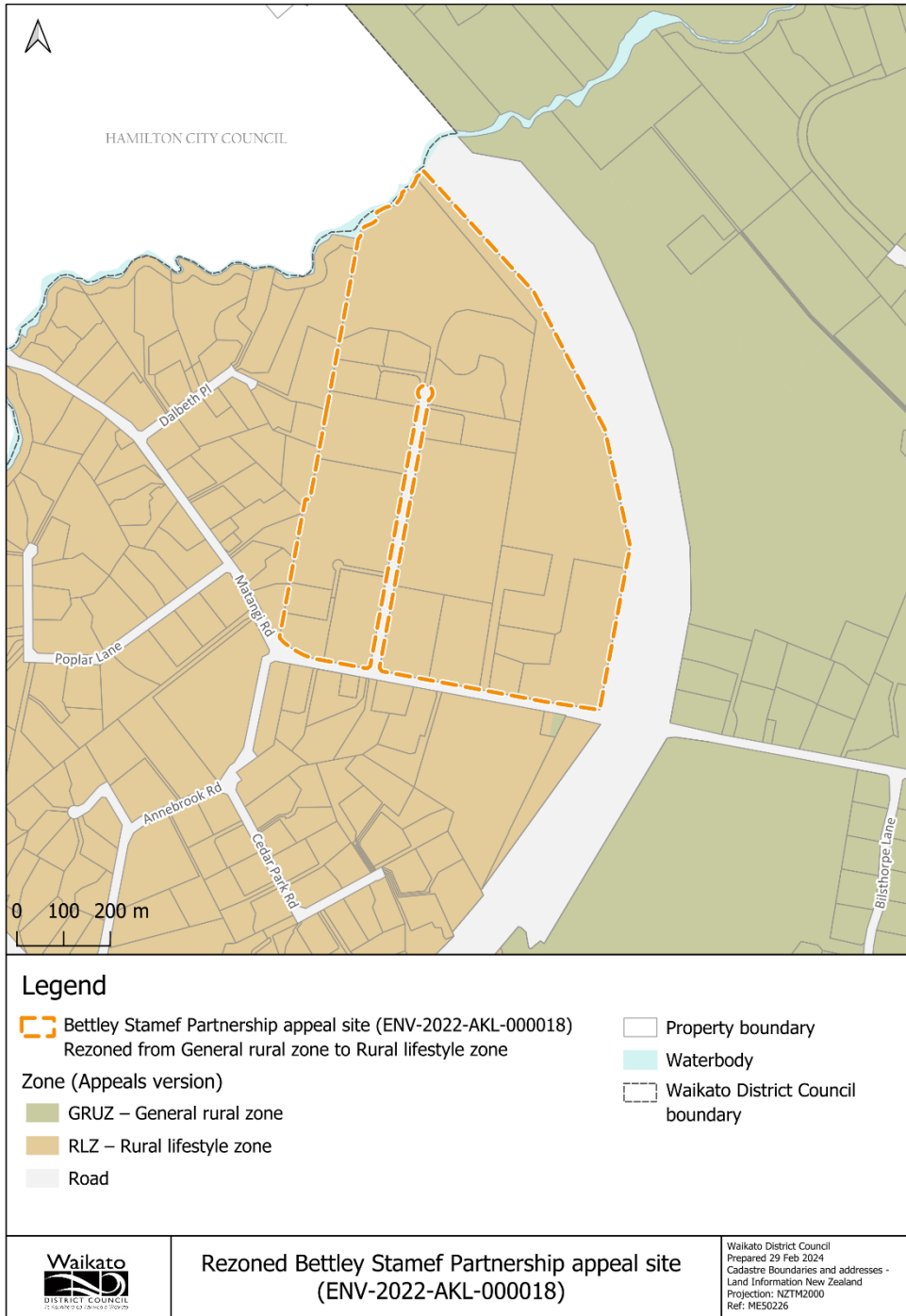
S Tepania

S M Tepania

Environment Judge



Appendix A: Amended zoning map for the Appeal Area



Appendix B – Section 32AA Evaluation

Section 32AA Evaluation

Matangi / Yumelody Lane Rezoning

5 February 2024

1. INTRODUCTION

1.1 Overview

This s32AA evaluation report addresses relevant statutory tests under the Resource Management Act 1991 (**RMA**) as they relate to the appeal from the Bettley Stamef Partnership (**BSP**) on the Proposed Waikato District Plan (**PDP**).

The appeal seeks to rezone 65ha of land (**the site**) in the General rural zone (**GRUZ**) to Country Living which is now Rural Lifestyle zone (**RLZ**) as originally proposed in the submission to the PDP (hereafter, **the proposal**).

The report is organised to firstly consider the scale and significance of the proposal, before addressing in turn the following relevant tests:

- (a) the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA;¹
- (b) whether the relevant policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness² and taking into account:³
 - the benefits and costs of the proposed policies and methods; and
 - the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.

Section 32AA(1)(a) specifies that a further evaluation is required “only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes)”. Section 32AA(3) defines “proposal” as meaning a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act. The last section 32AA evaluation undertaken for this site was in the decision of the Independent Hearing Panel. The decision version of the PDP has retained the zoning of the site as General Rural zone (**GRUZ**). The decision of the Independent Hearings Panel agreed with the s42A evaluation of the reporting planner but remained silent on the changed recommendation in the reporting planners rebuttal evidence to support rezoning to Country Living (now **RLZ**).

¹ RMA, section 32(1)(a).

² Ibid, section 32(1)(b).

³ Section 32(2).

1.2 Scale and Significance of the Effects

Further evaluation reports of this nature are required by the RMA to be undertaken at a level of detail that corresponds to the scale and significance of the change proposed⁴ – the change in this case being the replacement of the Rural zoning (GRUZ) in the notified version to Rural Lifestyle (RLZ).

The scale and significance of the proposal has been determined by a qualitative assessment of relevant factors, as recorded in **Attachment 1**. In summary, the scale and significance of the proposed zoning is assessed as **low** for the following reasons:

- the proposal addresses a relevant resource management issue relating to the Council’s relevant RMA functions;
- the proposal, in combination with applicable national, regional and district rules, will enable the efficient use and development of natural and physical resources;
- no matters of protection to life and property are directly relevant to the proposal;
- the proposal amounts to a minor change in anticipated outcomes for the site, given the already fragmented nature of the site and the fact that the area is not identified for future urban growth;
- the proposal affects an area of land severed by the completion of the Waikato Expressway and has a very confined spatial impact;
- there is no evidence to suggest that the proposal is of particular interest to iwi or the community. The only parties interested through the appeal process are the group of landowners, HCC and Fantess Ltd. The proposal is likely to be of local significance only;
- the proposal is in response to the completion of the Waikato Expressway and the constraints for primary production due to the topography and existing fragmentation. The proposed rezoning is consistent with the current landuse pattern of the site;
- the proposal will not introduce any compliance costs or other financial impacts on third parties;
- with any necessary upgrades and measures being applied at development stage through the applicable district rules, the proposal can be accommodated within the existing transport network, and will neither constrain nor compromise existing or planned infrastructure;
- the proposal will result in a minor change in the site’s existing character; and
- there is a high level of information available to inform decision-making and a corresponding low risk of acting.

⁴ Section 32AA(1)(c).

Consequently, a high-level evaluation of the proposal has been identified as appropriate for the purposes of this report.

2. Evaluation of Objectives

2.1 Appropriateness in terms of the purpose of the RMA

Council must evaluate, in accordance with s32 of the RMA, the extent to which each objective proposed is the most appropriate way to achieve the purpose of the RMA. In this case, there are no proposed changes to objectives, but s32 clarifies that “objectives” can mean the purpose of the proposal.⁵

The purpose of the proposal is to enable Rural Lifestyle development of the properties adjacent to Yumelody Land and Matangi Road.

Section 5

The proposal constitutes sustainable management of natural and physical resources in accordance with s5(1) of the RMA as the site has been severed from the General Rural zone by the completion of the Waikato Expressway and the current landuse pattern is more consistent with the Rural Lifestyle zone. Given the sites existing constraints and evidence of reverse sensitivity to agricultural activities, the proposal will support future generations of lifestyle residents in accordance with s5(2)(a) of the RMA.

The site, consisting of 22 individual lots, is currently used predominately for lifestyle properties with only 5 properties having limited use for silage cropping. The proposal would rezone the approximately 65 hectare site to RLZ to enable the subdivision of lots down to a minimum of 5000m². The landowners independent agricultural report has concluded that the site meets the NPS-HPL tests in clause 3.10 and is therefore not in play in terms of safeguarding the life-supporting capacity of the soil for primary production.

The proposal will enable existing and future rural lifestyle residents to provide for their health and safety in accordance with s5(2) of the RMA, in that it will reduce the potential for reverse sensitivity and landuse conflicts. The evidence indicates that the proposal will have no adverse effects on existing or future planned infrastructure. There is sufficient capacity within the existing trickle feed water reticulation and it is anticipated that each lot would have the ability to dispose of stormwater and wastewater on-site.

In addition to the economic assessment, the transport assessment demonstrates that the impact of the proposal on the transport network will be negligible. Any development will require a resource consent, which provides the opportunity to further avoid, remedy or mitigate any adverse effects on the environment.

⁵ RMA s32(6)

Section 6

There are no section 6 matters of relevance to the proposal.

Section 7

The most relevant section 7 matters are discussed below.

Section 7(b) the efficient use and development of natural and physical resources

The site has permanent constraints for use in agricultural production as it is severed from rural land to the east by the construction of the Waikato Expressway and historic subdivision and development has already fragmented the land into a range of smaller lot sizes. The proposal to recognize rural lifestyle as the predominant land use pattern in the area therefore constitutes an efficient use of the land in that particular location.

Section 7(c) the maintenance and enhancement of amenity values

The proposal will result in a minor change in amenity, as further rural lifestyle development gradually takes place. However, the proposal is a continuation of the existing land use pattern and activities in the area. The proposal is unlikely to result in any reverse sensitivity effects, and will in reality reduce the potential for further conflict with agricultural activities such as cropping.

Section 7(f) maintenance and enhancement of the quality of the environment

The site is predominantly being used for rural lifestyle and the proposal will result in the rezoning of approximately 65 hectares of General Rural zoned land. Currently there are five lots being utilised for silage cropping, with a productive area of approximately 20.1ha.

Section 8 RMA

Section 8 has limited relevance to the proposal. Additional engagement with iwi is anticipated under the PDP at resource consent stage for future development of the site.

Having assessed the objectives of the proposal against Part 2 of the RMA it is considered that they are the most appropriate way to achieve the purpose of the RMA.

3. Evaluation of the Provisions

Section 32 assessments must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives. This must include the identification of alternatives, and cost benefit analysis of the economic, social, environmental and cultural effects of the provisions including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered.

To enable the proposal requires an amendment to the PDP zoning maps to zone some 65 hectares of land accessed from Yumelody Lane and Matangi Road as RLZ;

No other amendments to the PDP are necessary to apply the zoning to the site. The following sections of this report will identify the range of options available, and the efficiency and effectiveness of the preferred provisions.

The following broad options have been identified:

- **Option 1 – GRUZ as notified:** This option would retain the zoning of the site to that which was originally notified in the PDP in 2018.
- **Option 2 – Apply the RLZ to the parts of the site:** This option would apply the RLZ, but would exclude larger lots with highly productive soils currently being used for agricultural activities.
- **Option 3 – Apply the RLZ to the entire site:** This option would apply the RLZ to the 65ha site with no modifications to the standard RLZ provisions.
- **Option 4 – Apply the Settlement zone (SETZ) to the site:** This option would apply the SETZ to the site with no modifications to the standard SETZ provisions. HCC, in its s274 notice, expressed concern that the development of non-rural activities in an unplanned manner in the Rural zone could compromise future urban development from occurring in a comprehensive manner. HCC accepted that there may be opportunities in this location in the future.

The preferred option is Option 3 because it would enable the consolidation of the existing rural lifestyle land use pattern which is the predominant and use pattern to the west of the Waikato Expressway. This approach allows the gradual infilling of rural lifestyle development and ensures that any potential effects of each subdivision proposal is addressed at the resource consent stage. Option 2 has been discarded due to the unconsolidated zoning pattern that would result and the potential for significant reverse sensitivity and land use conflict. Option 4 has been discarded as it is not within the scope of the appeal. **Table 1** below provides a high-level assessment of the proposal's appropriateness in this context. A reasonably practicable alternative, being the GRUZ as notified, has been assessed for comparative purposes.

Table 1: Options analysis for proposed and alternative zoning

Option 1: Notified zoning (GRUZ)	
Costs	Benefits
<p>Environmental</p> <p>Continued silage cropping activity would perpetuate higher levels of nutrient discharges associated with such use – and cumulatively this affects water quality and aquatic ecosystem health.</p>	<p>Environmental</p> <p>The amenity of the area remains unchanged, noting that rural lifestyle is the predominant land use pattern in the area.</p>
<p>Economic</p> <p>This option will have negligible economic cost for the general public. A rural zoning has been in place for several decades, and this option represents a continuation of the status quo.</p> <p>The site requires fertilizer to increase production, which would likely require consent through the regional plan. This involves cost.</p> <p>Opportunity cost if the site remains General rural zone, i.e. potential forgone profit from a missed opportunity.</p>	<p>Economic</p> <p>Continued productive use on the site has very little material economic benefit. Only 20.1ha of the 65ha Site has been identified as suitable to be used for limited silage cropping, however this has been assessed as not economically viable.</p> <p>Retains high class soils for primary productive uses.</p>
<p>Social</p> <p>Risk of reverse sensitivity continuing as existing rural lifestyle occupants have filed complaints with the Regional Council due to adverse effects such as dust from silage harvesting activities.</p>	<p>Social</p> <p>Retains the existing rural character and amenity of the location.</p>
<p>Cultural</p> <p>Agriculture and the associated fertilizers and agrichemicals contribute cumulatively to a reduction in water quality of the Awa.</p>	<p>Cultural</p> <p>There are no cultural benefits.</p>

Opportunities for economic growth

Retaining rural zoning does not create any opportunities for economic growth as the Site would continue to be used predominantly for rural lifestyle and for limited silage production. The rural zoning of 65 hectares is not likely to result in economic growth, even with additional inputs to increase the productivity.

Opportunities for employment

Retaining rural zoning does not create any opportunities for employment as the site would continue to be used for rural lifestyle and for limited silage production.

Certainty and sufficiency of information

The proposal has been subject to an appropriate level of investigation befitting a rezoning of this nature, and there are no material gaps in the knowledge base that give rise to any need for a risk assessment.

Effectiveness and efficiency**Effectiveness**

The rural zoning of the site aligns with the PDP's objectives for maintaining rural character and high-class soils.

However, the site is poorly suited to ongoing viable productive activity and its overall contribution, both in terms of soil quality and to rural character, is very low.

Retaining the GRUZ zoning would not be effective in achieving a cohesive land use pattern. Development pressure is likely to continue east of the Waikato Expressway in larger rural greenfield areas.

This option would achieve PDP objectives such as SD-O8 Highly productive soils, in that it protects high quality soils from urban development, but would not achieve SD-O1 Socio-economic advancement which seeks that the District has a thriving economy.

Efficiency

Option 1 will not be efficient in achieving a cohesive land use pattern.

Option 3: Apply RLZ zoning to the entire Site

Costs	Benefits
<p>Environmental</p> <p>Loss of 20.1 hectares of highly productive soil from silage production. Increase in runoff from impermeable surfaces as development occurs. Minimal change in amenity as the predominant land use is rural lifestyle. Increased contaminant loading as a result of managing wastewater onsite.</p>	<p>Environmental</p> <p>Retirement of land from primary production, and therefore reduction of any nutrient inputs arising from silage production. Potential for increased indigenous vegetation as a result of landscape planting. The estimated trip generation can be accommodated by the sufficient spare capacity available in the immediate surrounding road network without anticipating any capacity upgrades over both the short to longer term (2045 and beyond).</p>
<p>Economic costs</p> <p>Public costs associated with the proposal are minimal. Regulatory and compliance costs necessary to authorise future development of the site will be recoverable through fee collection at application and monitoring stages. Private capital will be required to subdivide and develop rural lifestyle blocks. Any requirements for the upgrade of Bettley and Yumelody lanes can be recovered through development contributions.</p>	<p>Economic benefits</p> <p>Uplift in the value of the site. Increased spend as a result of the development. Additional employment opportunities through development. Economic benefit to Hamilton’s commercial centres through spending and retail activity.</p>
<p>Social costs</p> <p>No costs as the predominant existing land use is rural lifestyle.</p>	<p>Social benefits</p> <p>Reduced risk of reverse sensitivity effects arising from silage production. Provides housing options for Waikato residents. By concentrating development in this location, pressure is reduced on surrounding rural areas, which helps preserve wider surrounding rural character values and fragmentation of rural land elsewhere. The location is already compromised in terms of rural character and amenity by the presence of the Waikato Expressway and existing rural lifestyle development.</p>

	Opportunity to create a more cohesive community.
<p>Cultural</p> <p>No known costs for iwi have been associated with the site’s potential development through the PDP process, and no iwi authority has submitted in opposition, or joined as a s274 party, to the proposal.</p>	<p>Cultural</p> <p>Opportunity to incorporate cultural values into resource management.</p>
<p>Opportunities for economic growth</p> <p>This option would enable economic growth as a consequence of developing rural lifestyle properties, for both the landowners and the local community.</p>	
<p>Opportunities for employment</p> <p>This option would enable employment as a consequence of developing the Site.</p>	
<p>Certainty and sufficiency of information</p> <p>The proposal has been subject to an appropriate level of investigation befitting a rezoning of this nature, and there are no material gaps in the knowledge base that give rise to any need for a risk assessment.</p>	
<p>Effectiveness and efficiency</p>	
<p>Effectiveness</p> <p>The proposal will enable the effective implementation of the relevant PDP objectives.</p> <p>It will provide for the creation of a motorway service centre to support the safe operation of the Waikato Expressway.</p> <p>The option will effectively achieve the following PDP objectives:</p> <ul style="list-style-type: none"> • SD-O1 Socio-economic advancement – the proposal will support economic growth. • SD-O5 Integration of infrastructure and land use – the proposal is able to be serviced for three waters onsite. The transport assessment demonstrates that the existing road network can accommodate all 	<p>Efficiency</p> <p>The proposal represents an opportunity to consolidate the existing land use pattern since the Site has been severed from the rural area to the east by the completion of the Waikato Expressway.</p> <p>The proposed rezoning results in no consequential changes to the planning framework for the RLZ.</p>

vehicles associated with the development.

- SD-O10 Reverse sensitivity – the proposal will not give rise to reverse sensitivity effects and will reduce the potential for land use conflicts.

Overall evaluation

Option 3 is the most appropriate option to achieve the PDP's objectives, when read as a whole. It is anticipated to have a high net benefit, in contrast to Option 1, which is anticipated to result in greater costs than benefits.

Option 1 will make a negligible contribution to rural character values and to the productive potential inherent in the District's high-class soils. Any benefits in those respects are considerably outweighed by the more demonstrable and wide-reaching implementation of the PDP's objectives achieved by Option 3.

The site is already compromised in terms of character and amenity by the presence of the Waikato Expressway and the existing rural lifestyle development. The proposed rezoning from GRUZ to RLZ is a logical consolidation of the predominant land use pattern and avoids further pressure on other larger rural areas.

3.1 Reasons for deciding on the provisions

The rezoning of the Site at Yumelody Lane / Matangi Road is the most appropriate way to achieve the objective of the proposal and the objectives within the PDP. This is as they provide for the development of the Site in a way which will minimise adverse effects.

The proposed provisions are considered to be the most efficient and effective means of achieving the objectives of the PDP as together they will:

- assist in achieving the relevant PDP Strategic Objectives, including SD-O1, SD-O5 and SD-O10;
- enable the Council to fulfil its statutory obligations, including section 31 of the RMA;
- achieves the relevant Part 2 Matters, namely sections 7(b), 7(c), and 7(f) of the RMA;
- achieve the objective of the proposal without the need for wide-reaching changes to the PDP; and
- enable the Council to effectively administer its district plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner.

4. CONCLUSION

Pursuant to s32 of the RMA, the proposed objective of the proposal to rezone the Site at Yumelody Lane / Matangi Road has been analysed against Part 2 of the RMA and is considered to be the most appropriate way to achieve the purpose of the RMA.

The proposed provisions have been compared against reasonably practicable options. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives, as well as the objectives in the PDP.

ATTACHMENT 1 – Scale and Significance Assessment

The matrix below has been used to inform the assessment of the proposal's scale and significance.

Criteria	Scale/Significance			Comment
	Low	Medium	High	
Addresses a resource management issue	X			<ul style="list-style-type: none"> The proposal relates to Council's functions under s31(1)(a), s31(1)(aa) and s31(2) of the RMA. Implements higher order direction from national and regional planning instruments. Enables efficient use and development of natural and physical resources under s7 of the RMA, to be provided for through a resource consent process. The proposal is in response to the presence of the Waikato Expressway.
Addresses a matter that relates to human health or the protection of life and property	X			<ul style="list-style-type: none"> The proposal does not directly relate to a human health matter or the protection of life or property. Application of relevant national, regional and district rules (for example, relating to the handling and remediation of contaminated land, or the potential impacts of natural hazards and climate change) will afford appropriate protections irrespective of the proposal.
Degree of shift from the status quo		X		<ul style="list-style-type: none"> The provisions of the RLZ represent a significant departure from the GRUZ provisions. This is tempered to a degree due to the existing rural lifestyle land use pattern.
Who and how many will be affected/ geographical scale of effect/s	X			<ul style="list-style-type: none"> The geographical scale of the proposal is site-specific. The corresponding scale of effect will be relatively minor, and limited to the site and local vicinity.
Degree of impact on or interest from iwi/ Māori	X			<ul style="list-style-type: none"> Iwi were consulted by the Council in the formative stages of the PDP. Further submissions on the submission from Bettley Stamef Partnership seeking rezoning were not

				<p>received from iwi.</p> <ul style="list-style-type: none"> No iwi authority has joined as a s274 party to the appeal. Additional engagement with iwi is anticipated under the PDP at resource consent stage for future development of the Site.
Degree of likely community interest		X		<ul style="list-style-type: none"> No opposing submissions were made on the zoning of the site by the local community. Only HCC and Fantess Ltd joined as a s274 party in opposition to HCC's appeal, but they have now both withdrawn. Residents seeking rural lifestyle properties will be interested in the development.
Likelihood of resulting in major financial impact on households / community due to compliance or administrative costs	X			<ul style="list-style-type: none"> The proposal is not anticipated to result in any increased compliance costs beyond those incurred by the landowners, particularly as the servicing for water, wastewater and stormwater will all be on site.
Implications for servicing and transport networks	X			<ul style="list-style-type: none"> With any necessary upgrades and measures being applied at subdivision stage through the applicable regional and district rules, the proposal can be accommodated within the existing transport network, and will neither constrain nor compromise existing or planned infrastructure.
Type of effect/s	X			<ul style="list-style-type: none"> The proposal will have minimal impact on the character and amenity values of the Site and local environment. The area is already highly modified by the presence of the Waikato Expressway and rural lifestyle development. Opportunities to enhance biodiversity will be enabled through the development of the site. The proposal will have no effect on community facilities.

Likelihood of significantly reducing development opportunities or land use options	X			<ul style="list-style-type: none"> The proposal will have the opposite effect – it will significantly increase development opportunities and land use options.
Degree of risk and uncertainty	X			<ul style="list-style-type: none"> There is a high level of information to inform decision-making on the proposal, and a correspondingly low risk associated with the proposed provisions.
OVERALL ASSESSMENT	X			For the above reasons, the proposal is assessed as having a low overall scale and significance.