

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 28J: Zoning - Te Kowhai

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Councillor Janet Gibb

Ms Linda Te Aho

Mr Dynes Fulton

Mr Weo Maag

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Glossary of terms

Council	Waikato District Council
NPS-UD	National Policy Statement on Urban Development 2020
Panel	The Waikato District Plan Hearings Panel
PDP	Proposed Waikato District Plan
RMA	Resource Management Act 1991
RPS	Waikato Regional Policy Statement

1 Introduction

- 1.1 This report addresses the subject matter of the Te Kowhai rezoning requests. It should be read along with the overarching Hearing 25 Rezoning Extents report, which provides context and addresses statutory matters relating to the rezoning requests.
- 1.2 Te Kowhai is a small township located approximately 5.5 km west of the urban edge of Hamilton, 10 km south of Ngaaruawaahia, and 25 km east of Raglan.
- 1.3 Te Kowhai has its origins as a small rural service town that provides a hub for local community facilities, including a kindergarten, a primary school, an airfield and associated facilities,¹ a community hall, two churches, sports club and associated playing fields and playground, and a small cluster of local businesses providing for some of the community's day-to-day needs. These include a dairy, takeaway food bar, and a vehicle repair workshop.² The village has an estimated population of a little over 2,000.³
- 1.4 The Te Kowhai rezoning requests that were considered in the section 42A report are grouped by area for the purposes of this report, with the extents set out on Figure 1.

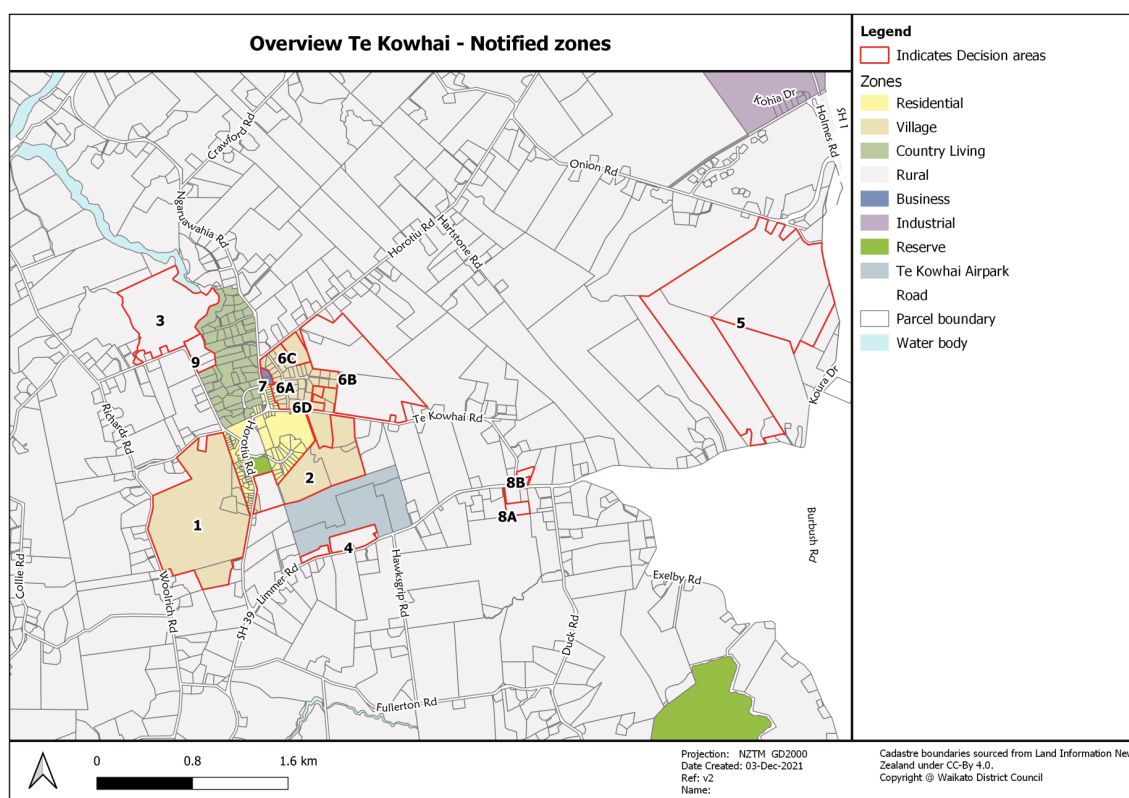


Figure 1: Te Kowhai rezoning requests

- 1.5 The table below sets out the relevant zoning in the Proposed Waikato District Plan (PDP), as notified, relief sought by submitters and the section 42A report recommendation for each of the areas in Figure 1.

¹ Submissions concerning Te Kowhai Airpark are addressed in a separate report entitled Te Kowhai Airpark – Decision 17.

² Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 15, dated 16 April 2021.

³ According to the 2018 census.

Table 1: Summary of Relief Sought and s42A Report Recommendations by Area

Area	Description	Notified zone	Requested zone	Section 42A recommendation
1	Metcalfe block	Village Zone	Village Zone	Future Urban Zone
2	Stead block	Village Zone and Rural Zone	Village Zone	Future Urban Zone
3	359 Bedford Road	Rural Zone	Country Living Zone	Rural Zone
4	Land adjacent to the proposed Te Kowhai Airpark Zone	Rural Zone	Village Zone	Village Zone
5	Rotokauri	Rural Zone	Residential Zone, amended to Future Urban Zone by the time of the hearing	Rural Zone
6	Village Zones	Various	Various	Various
7	Business Zone	Business Zone	Business Zone	Business Zone
8	399 Bedford Road	Rural Zone	Country Living Zone	Country Living Zone
9	Small rural sites	Rural Zone	Country Living Zone	Rural Zone

2 Hearings Arrangement and Evidence Presented

- 2.1 The specific hearing for Te Kowhai was held on the 17 and 18 May 2021 via Zoom. All of the relevant information pertaining to the subject matter of this hearing (i.e. the section 42A report, legal submissions, and evidence) is contained on the Waikato District Council (Council) website.
- 2.2 The following parties submitted evidence to us, the Hearings Panel (Panel), on the Te Kowhai rezoning requests:

Table 2: Hearing Appearances

Submitter	Representative
Council	Mr Jonathan Cleese (author of section 42A report)
Hamilton City Council	Ms Laura Galt
Greig Metcalfe	Mr Bevan Houlbrooke
Hounsell Holdings Limited	Kate Barry-Piceno (legal counsel) and Craig Batchelar
L Schick Trust Company	Mr Lindsay Schick
Marshall and Kristine Stead	Mr Marshall Stead

Warren Jonson	In person
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3 Evidence and Submissions presented at the Hearing (ordered by area in Table 1)

3.1 Mr Clease presented his section 42A report and provided a highlights package of his recommendations on the rezoning requests for Te Kowhai which are summarised by area in Table 1 above. Mr Clease's reasons for each recommendation are captured with the discussion on each area in the following sections.

3.2 We set out below details of the evidence and submissions presented at the hearing, noting that where submitters proposed rezoning but did not provide evidence for, and / or appear at, the hearing, those matters are addressed in Section 4 of this decision.

Area 1: Metcalfe Block

3.3 Mr Greig Metcalfe sought to retain the proposed village zoning of the two titles located at 702 Horotiu Road (Lot 2 DP 456538) and 730 Horotiu Road (Lot 3 DP 353526).

3.4 Mr Bevan Houlbrooke filed planning evidence in support of the Village Zone sought. Mr Houlbrooke made initial comments on the implementation of a Future Urban Zone, however stated that further evidence would be provided in rebuttal, following the release of the specific section 42A report for Te Kowhai.⁴

3.5 The section 42A report noted that the higher order planning directions are somewhat inconsistent with regard to this block. Mr Clease set out that the sites are not included in either the 2009 or 2017 Future Proof Strategies (noting that these areas are indicative and mapped at a reasonably high level), however, the sites are identified as a growth area in Waikato 2070 (within the 10–30-year time period).⁵

3.6 Mr Clease considered that whilst the block is not spatially identified in the Waikato Regional Policy Statement (RPS), the area is nonetheless capable of achieving the principles for new urban areas set out in Section 6A of the RPS. He noted that this general consistency is reflected in the block's identification in Waikato 2070, its location immediately adjacent to the existing village, and the absence of identified ecological, landscape, or cultural values, or the presence of natural hazards, that cannot be resolved via standard practices at the time of subdivision.⁶

3.7 Mr Clease considered that the key issue is the absence of reticulated services being available within a short to medium term timeframe. Whereas Mr Houlbrooke considered that live zoning to low densities with on-site private systems is appropriate, Mr Clease considered that better outcomes are achieved by planning for full future urbanisation once reticulated services are available. He concluded that once services are confirmed the block could then be developed to Residential Zone suburban densities, rather than to Village Zone.⁷

⁴ Evidence in Chief of Bevan Houlbrooke on behalf of Greig Metcalfe, Paragraph 19, dated February 2021.

⁵ Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 118, dated 16 April 2021.

⁶ Ibid, Paragraph 121.

⁷ Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 127, dated 16 April 2021.

- 3.8 Given this, Mr Clease recommended that the sites be zoned Future Urban Zone. Furthermore, he recommended a further consequential amendment to the small pocket of village zoned land located between Mr Metcalfe's block and the existing Residential Zone also be changed to a Future Urban Zone.⁸
- 3.9 Mr Houlbrooke's rebuttal evidence provided an update on servicing and stated that Mr Metcalfe is open to advancing a private development agreement with Council, to help fund the borrowing costs in order to bring forward infrastructure investment.⁹
- 3.10 Mr Houlbrooke reiterated that a Future Urban Zone is not supported by Mr Metcalfe, as his intention is to commence development of the sites within the medium term.¹⁰

Area 2: Stead block

- 3.11 Mr Marshall Stead presented his submission in which he sought:
- a) To amend the zoning of 697 Horotiu Road from Rural Zone to Village Zone; and
 - b) To retain the Village Zone as notified at 703B Te Kowhai Road.
- 3.12 At the hearing, Mr Stead described the surrounding amenities and shortage of available houses in Te Kowhai.
- 3.13 Mr Clease explained that the 697 Horotiu Road site is one of the large greenfield growth areas included in the PDP, with a rule package enabling a transition over time from 3,000 m² lots to 1,000 m² lots once reticulation becomes available. Mr Clease's Hearing 6 section 42A report¹¹ recommended that this block be covered by a precinct overlay that limited subdivision to Rural Zone densities until such time as reticulated services became available. He noted that the provision of such services remains in the 10 plus years timeframe. Given this, Mr Clease recommended that this block be zoned Future Urban Zone. For the same reasons, he also recommended that 703B Te Kowhai Road be rezoned to the Future Urban Zone.¹²

Area 3: 359 Bedford Road

- 3.14 Mr Lindsay Schick presented the submission of L Schick Trust Company to rezone 38.5 ha of land at 359 Bedford Road (Lot 2 DP459844) from Rural Zone to Country Living Zone. No evidence was received in support of the submission.
- 3.15 The section 42A report noted that the site is bounded to the north by an aggregate extraction area containing an existing quarry operation. The western portion of the site adjacent to the Te Otamanui Stream is also subject to flood ponding risk.¹³
- 3.16 Mr Clease noted that the site is not identified for urban growth in Future Proof, the RPS, Waikato 2070, or the Te Kowhai Structure Plan documents. He considered that the site does not align geographically with any of the higher order statutory planning directions

⁸ Ibid, Paragraph 127.

⁹ Rebuttal Evidence of Bevan Houlbrooke on of Greig Metcalfe, Paragraph 9, dated May 2021.

¹⁰ Ibid, Paragraph 18.

¹¹ In respect of the Village Zone provisions.

¹² Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraphs 112-114, dated 16 April 2021.

¹³ Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 148, dated 16 April 2021.

regarding the location of urban growth and that rezoning to an un-serviced Country Living Zone would not align with the principles in Appendix 6A of the RPS or Policy 8 of the National Policy Statement for Urban Development (NPS-UD) for out-of-sequence growth areas. Given this, Mr Clease recommended that the submission be rejected, and the site's Rural Zone be retained.¹⁴

Area 4: Te Kowhai Airpark

- 3.17 Mr Robert Clear sought to rezone 176 Limmer Road from Rural Zone to Village Zone but provided no evidence in support of his request at the hearing.
- 3.18 Mr Warren Jonson presented his submission at the hearing. He sought to rezone 158 Limmer Road from Rural Zone to Village Zone.
- 3.19 Both sites are located between the proposed Te Kowhai Airpark Zone and Limmer Road.
- 3.20 Mr Clease agreed that if the Airpark Zone was confirmed, then retention of these two blocks as Rural Zone would result in an incongruous zone boundary. He recommended that if the Airpark zoning was confirmed, that these two blocks be rezoned to Village Zone. Mr Clease considered the size of these blocks to be modest and that they would not threaten the higher order policy directions regarding urban growth management. He concluded that the rezoning would result in a more logical overall zone boundary and consequently a more coherent village environment.¹⁵
- 3.21 Ms Miffy Foley filed rebuttal evidence on behalf of the Waikato Regional Council (WRC) with respect to the zoning of 158 and 176 Limmer Road (as well as the proposed Te Kowhai Airpark, which is addressed in Decision Report 26). Ms Foley noted that WRC did not attend Hearing 17 on the Te Kowhai Airpark provisions, as their understanding of the process was that this zoning was going to be addressed through the Zone Extents hearings. Notwithstanding this, Ms Foley opposed the village zoning for 158 and 176 Limmer Road and recommended that these sites remain zoned Rural Zone. She considered that rezoning of these parcels also raises the potential for reverse sensitivity effects.¹⁶
- 3.22 Mr Clease responded to Ms Foley's evidence in his rebuttal section 42A report. He noted that the policies and rules associated with the proposed Airpark Zone are the key methods by which the airpark concept is to be determined. He concluded that the direction as to what can occur within that zone was a matter for Hearing 17 to resolve.¹⁷
- 3.23 With respect to village zoning, Mr Clease noted that the Limmer Road lots are bounded by non-rural zoning on at least two sides, are small in scale, and therefore can both be differentiated from submissions seeking rezoning of either large blocks or blocks with just one urban edge. Mr Clease maintained his recommendation, as set out in the section 42A report.¹⁸

¹⁴ Ibid, Paragraph 149.

¹⁵ Ibid, Paragraph 163.

¹⁶ Rebuttal Evidence of Miffy Foley on behalf of Waikato Regional Council, Paragraphs 2.3 and 2.4, dated 27 April 2021.

¹⁷ Rebuttal Section 42A Report, Hearing 25: Rezoning – Te Kowhai, Paragraph 14, dated 10 May 2021.

¹⁸ Ibid, Paragraph 22.

Area 5: Rotokauri

- 3.24 Hounsell Holdings Limited sought to rezone 142 ha of land at 268 Te Kowhai Road and 284 Onion Road from Rural Zone to Residential Zone (which although not immediately adjacent to the Te Kowhai village, is in sufficiently close proximity to warrant it being addressed in this report).
- 3.25 Mr Craig Batchelar presented planning evidence and a section 32AA report on behalf of Hounsell Holdings Limited. His section 32AA report concluded that the most appropriate way to achieve the purpose of the Resource Management Act 1991 (RMA) is to maintain the Rural Zone with the addition of the Hamilton Urban Expansion Area overlay.¹⁹
- 3.26 Mr Cleese noted that the site is not identified for urban growth in Future Proof, the RPS, Waikato 2070, or the Te Kowhai Structure Plan documents. He also stated that there was no evidence to demonstrate that the site can be connected to reticulated services, and the provision of such services to this area is not programmed within the next ten years.²⁰
- 3.27 Mr Cleese recommended rejecting the submission given that geographically the site does not align with any of the higher order planning directions regarding either the extent of growth in, or around, Te Kowhai.²¹
- 3.28 Mr Batchelar filed rebuttal evidence in response to the section 42A recommendation. He considered that given the inherent spatial appropriateness and suitability of the land for urban development, Council should ensure that the site is protected for future urban development and factored into capacity assessments and strategic decisions on infrastructure.²²
- 3.29 Mr Michael Wood filed rebuttal evidence on behalf of the New Zealand Transport Agency. Mr Wood opposed the rezoning of 268 Te Kowhai Road and 284 Onion Road and noted that no Integrated Transport Assessment had been prepared in support of the submission. Furthermore, he considered that the rezoning request was large in scale and would most likely have an impact on the State Highway 1 Horotiu and Te Koura interchanges.²³
- 3.30 In his rebuttal section 42A report, Mr Cleese stated that the site could form part of future growth-related work programmes, such as updates to Future Proof, the ongoing spatial planning work underway, and the Housing and Business Capacity Assessment (HBA) required to be undertaken by the NPS-UD. He also noted that a plan change could be undertaken in the future (initiated by either Council or as a private plan change) to address any shortfalls in capacity identified in an HBA.²⁴
- 3.31 Ms Kate Barry-Piceno presented legal submissions on behalf of Hounsell Holdings Limited. She submitted that based on Mr Batchelar's evidence a Future Urban Zone was

¹⁹ Evidence in Chief of Craig Batchelar on behalf of Hounsell Holdings Limited, Paragraph 7.1, dated 3 March 2021.

²⁰ Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 167, dated 16 April 2021.

²¹ Ibid, Paragraph 169.

²² Rebuttal Evidence of Craig Batchelar on behalf of Hounsell Holdings Limited, Paragraph 5.2, dated 7 May 2021.

²³ Rebuttal Evidence of Michael Wood on behalf of Waka Kotahi NZ Transport Agency, Paragraphs 11.2-11.4, dated 10 March 2021.

²⁴ Rebuttal Section 42A Report, Hearing 25: Rezoning – Te Kowhai, Paragraph 14, dated 10 May 2021.

now supported, and that this was within the scope of their submission which sought a (more intensive) Residential Zone.²⁵

4 Panel's Decision and Reasons

- 4.1 The section 42A report addressed 23 separate submission points and 61 further submission points on the PDP. The section 42A author analysed these and made a recommendation for each submission to be accepted or rejected by us, along with some changes to the PDP planning maps. These recommendations are further referred to below in the order set out on Figure 1 and Table 1.

Te Kowhai as a whole

- 4.2 Ms Laura Galt on behalf of Hamilton City Council (HCC):
- a) Opposed the zoning of further Village Zone land at Te Kowhai;²⁶
 - b) Considered a Future Urban Zone to be the appropriate zoning tool for the Te Kowhai greenfield growth areas;²⁷ and
 - c) Supported the introduction of a Future Urban Zone to enable development capacity across the district, but with appropriate controls in place to ensure growth is managed.
- 4.3 Ms Galt in her rebuttal evidence agreed with the recommendations of the section 42A report with the exception of the recommendation to rezone 176 and 158 Limmer Road from Rural Zone to Village Zone. She noted that HCC still opposed any additional village zoning at Te Kowhai.²⁸
- 4.4 The section 42A report author, Mr Cleese made the following recommendations on the whole-of-town submissions:
- a) Accept in part Ms Jolene Francis' submission to the extent that two large greenfield areas to the south of Te Kowhai are recommended to be a Future Urban Zone;
 - b) Accept in part HCC's submission to the extent that two large greenfield areas to the south of Te Kowhai are recommended to be a Future Urban Zone, and that apart from two small discrete blocks, no further village or country living zoning is recommended; and
 - c) Accept Future Proof Implementation Committee's submission as the recommended Future Urban Zone provisions deliver the outcomes sought by the submitter.
- 4.5 With respect to the overarching submissions for Te Kowhai, we accept Mr Cleese's recommendations. We have amended the PDP to introduce the Future Urban Zone and

²⁵ Legal Submissions of Ms Kate Barry-Piceno on behalf of Hounsell Holdings Limited, Paragraphs 2 and 3, dated 17 May 2021.

²⁶ Submission 535.89.

²⁷ Evidence in chief of Laura Galt on behalf of Hamilton City Council, Paragraphs 41-43, dated 3 May 2021.

²⁸ Rebuttal Evidence of Laura Galt on behalf of Hamilton City Council, Paragraph 12, dated 3 May 2021.

we have applied this to the two large greenfield areas to the south of Te Kowhai as discussed at paragraph 4.7 of this report.

- 4.6 Mr Clease also recommended an amendment to Policy 4.1.17 in respect of Te Kowhai.²⁹ We address this in our Decision Report 5 on Strategic Objectives, but, for the sake of completeness, we note here that we have deleted this policy.

Areas 1 and 2: Metcalfe block and Stead block

- 4.7 We have addressed the Metcalfe and Stead blocks together as they both share similarities, being large greenfield blocks for which Village Zone is sought.
- 4.8 We accept Mr Clease's recommendation and reasons to rezone these blocks Future Urban Zone. In summary, we consider that:
- a) The Village Zone would be an inefficient use of this large greenfield resource which is well connected to the existing settlement; and
 - b) A Future Urban Zone will allow more intensive residential development once it has been appropriately planned and reticulated servicing is available.
- 4.9 We also accept the submissions of WRC and HCC in this regard.
- 4.10 Accordingly, we have rezoned the Metcalfe and Stead blocks as follows:

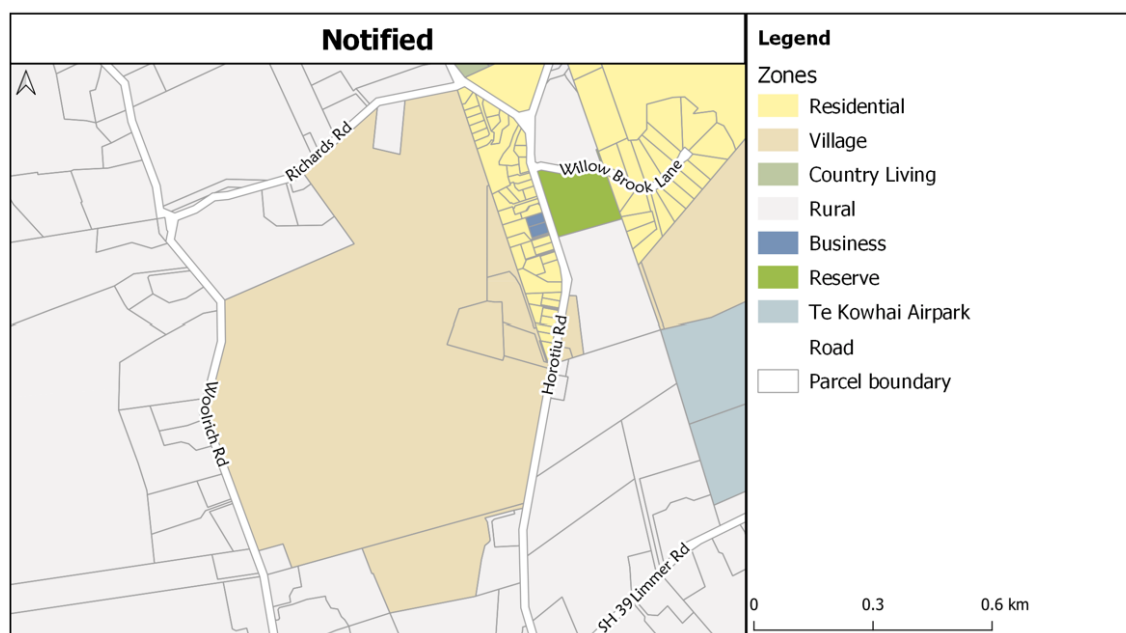


Figure 2: Area 1 Metcalfe notified zoning

²⁹ Section 42A report, Hearing 25: Zone Extents Te Kowhai, Paragraph 89, dated 16 April 2021.

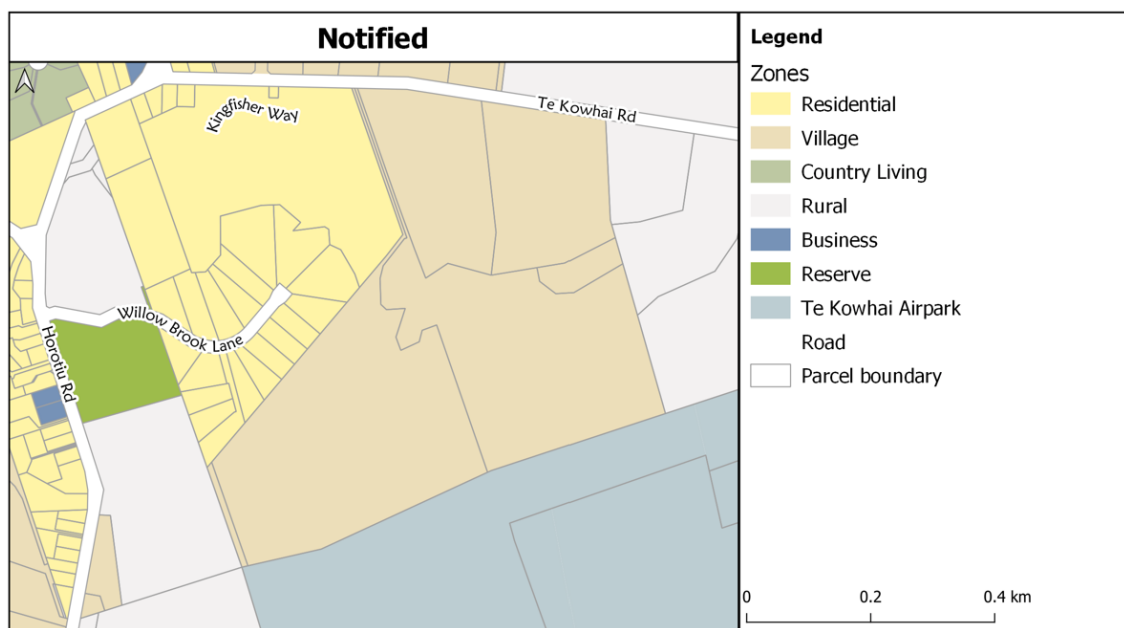


Figure 3: Area 2 Stead Notified zoning

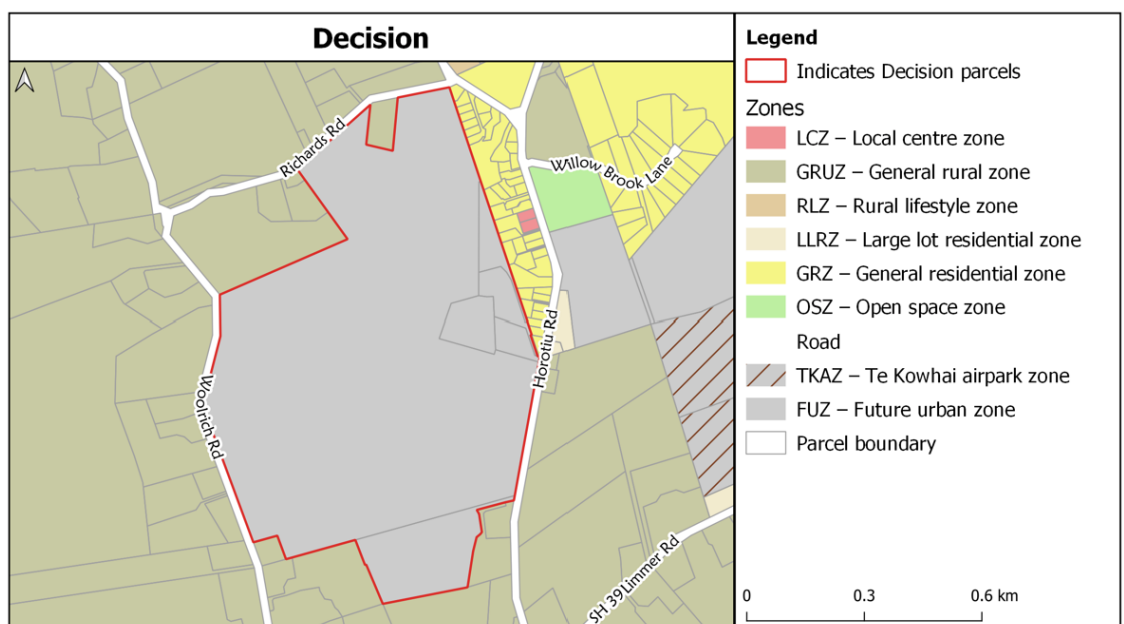


Figure 4: Area 1 Metcalfe decision zoning

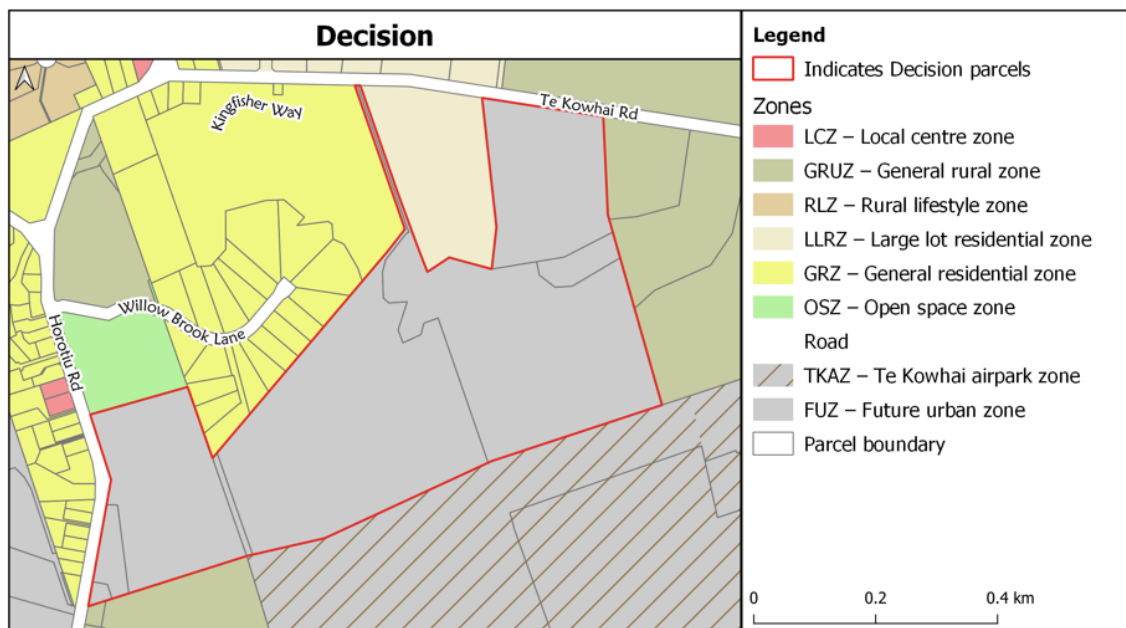


Figure 5: Area 2 Stead decision zoning

Area 3: 359 Bedford Road

- 4.11 With respect to L Schick Trust Company's submission, we accept Mr Clease's recommendation and reasoning to reject the submission and retain this land as Rural Zone. We note, in particular, that the site is not identified for urban growth in Future Proof, the RPS or Waikato 2070.



Figure 6: Area 3 Notified zoning

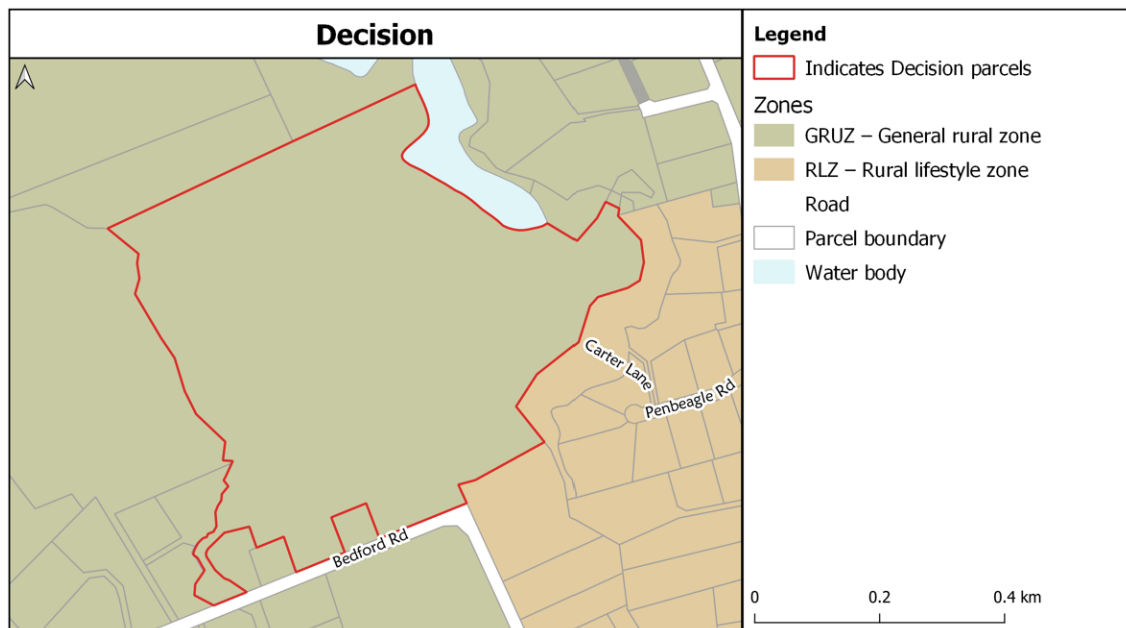


Figure 7: Area 3 Decision zoning

Area 4: Land adjacent to the proposed Te Kowhai Airpark Zone

- 4.12 Because we have approved the proposed Te Kowhai Airpark Zone (subject to some amendment), as set out in Decision Report 26, we agree with Mr Cleese that the sites located between the Airpark and Limmer Road should be rezoned to Village Zone. We find that the rezoning would result in a more logical overall zone boundary and, given the small-scale nature of this rezoning, will not impact on the policy direction in the higher order documents with respect to Village zoning.



Figure 8: Area 4 Notified zoning

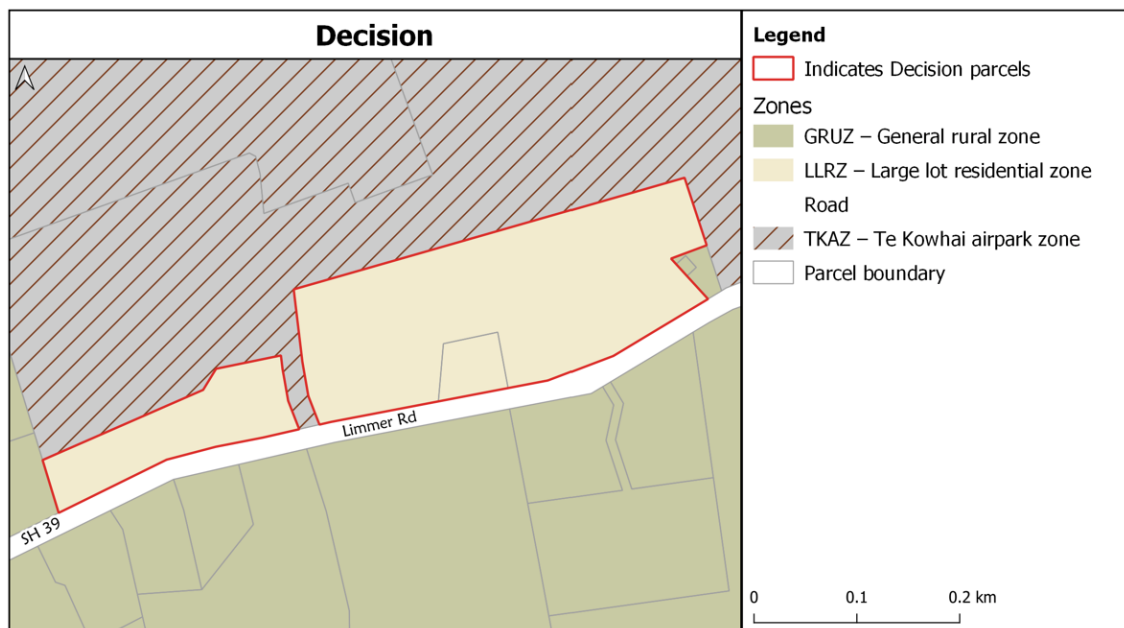


Figure 9: Area 4 Decision zoning

Area 5: Rotokauri

4.13 We accept Mr Clease's reasoning and recommendation to reject the submission for this site and to retain the Rural Zone, most relevantly:

- a) Rezoning to a Future Urban Zone would result in a spot zoning that was isolated from other areas identified for future growth;
- b) Limited information was supplied in the submission and evidence to support a rezoning to either a Residential Zone or Future Urban Zone;
- c) The site is close to an industrial zoning, which could result in reverse sensitivity effects. These potential effects have not been assessed; and
- d) Further consideration of cross-boundary issues is required, given the location of the site. In other words, we considered more work is required to justify a zone change at this time.

4.14 Accordingly, we have retained the Rural Zone as follows:



Figure 10: Area 5 Notified zoning

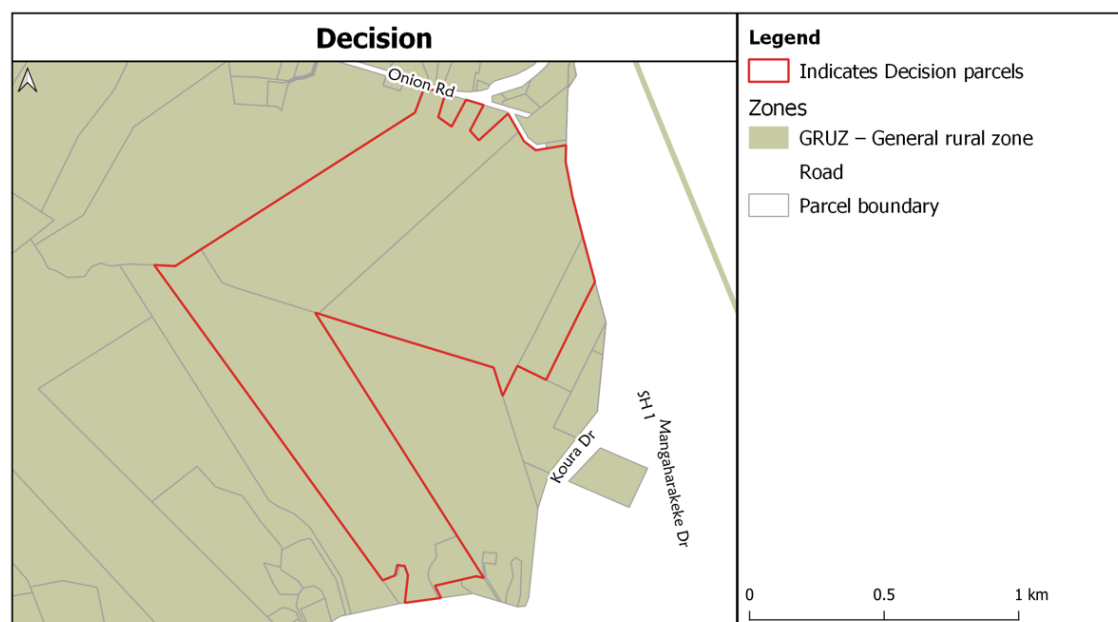


Figure 11: Area 5 Decision zoning

Area 6: Village Zone requests

4.15 Four submitters sought that their respective sites be rezoned to Village Zone or opposed the notified Village Zone extent, namely:

- a) Terra Consultants (CNI) Limited³⁰ sought to retain the notified Village Zone over 714 Te Kowhai Road, shown below (and as Area 6A on Figure 1). In

³⁰ Submission 296.1.

addition, the submitter sought that the rural zoned area to the east of their site be rezoned to Village Zone as a future growth area;

- b) McCracken Surveys Limited³¹ sought to rezone 648 Te Kowhai Road from Rural Zone to Village Zone (Area 6B on Figure 1);
 - c) Ms Sharon Leigh³² opposed the notified Village Zone and sought the Country Living Zone in the ODP be reinstated for 525 Horotiu Road and adjoining properties (Area 6C on Figure 1); and
- ³³ sought to retain the Village Zone at 692 Te Kowhai Road (Area 6D on Figure 1).

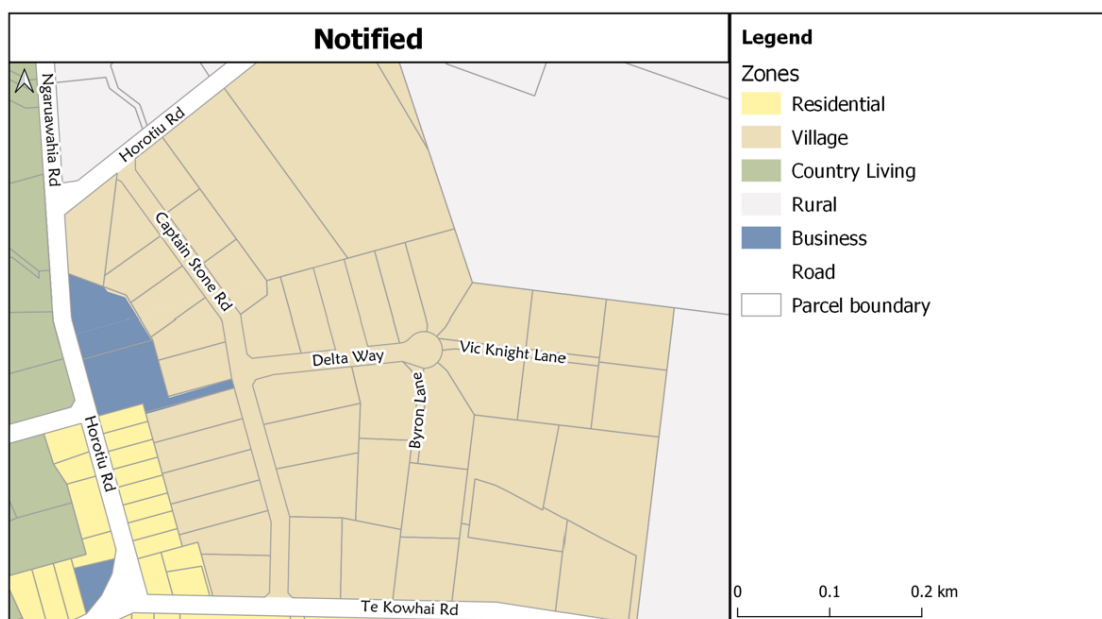


Figure 12: Area 6A: 714 Te Kowhai Road (as notified)

³¹ Submission 943.62.

³² Submission 248.1.

³³ Submission 116.2.

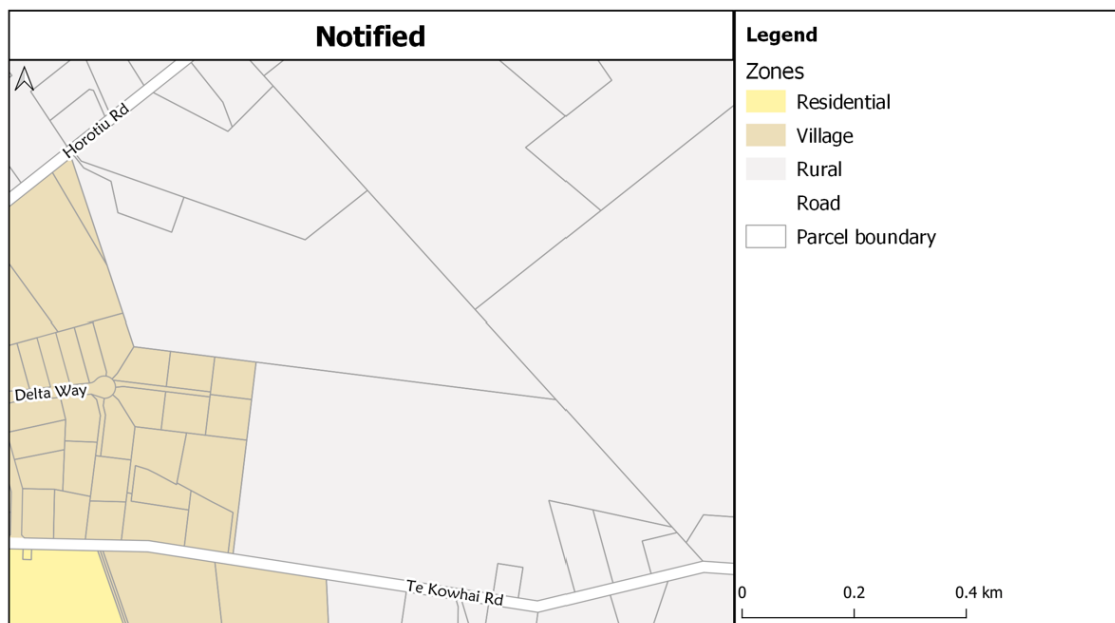


Figure 13: Area 6B: 648 Te Kowhai Road (as notified)



Figure 14: Area 6C: 525 Horotiu Road (as notified)



Figure 15: Area 6D: 692 Te Kowhai Road (as notified)

4.16 Mr Clease noted that the village zoning, as notified in the PDP, is largely reflective of existing character whilst providing for a limited amount of further development.³⁴

4.17 In terms of rezoning sites from Rural Zone to Village Zone, the section 42A report recommended that the Rural Zone be retained as notified, given the lack of consistency with the well-established policy direction in the higher order planning documents, combined with the lack of programmed reticulated services for Te Kowhai over at least the next ten years.³⁵

4.18 Given the above, Mr Clease recommended that we:

- a) Accept in part Terra Consultants (CNI) Limited's submission to the extent that the notified Village Zone is retained and reject its further expansion into the Rural Zone;
- b) Reject McCracken Surveys Limited's submission;
- c) Accept in part Ms Sharon Leigh's submission to the extent that the adjacent rural zoned land to the east of the submitter's property retains a rural zoning (with the submitter's property, along with the adjacent land to the west and south, to retain its Village Zone, as notified); and
- d) Accept the RM & MA Weir Family Trust submission and retain the Village Zone over 692 Te Kowhai Road.

4.19 We accept Mr Clease's recommendations and reasoning and have retained the Village Zone extents as shown in Figures 16-19. We consider that this zoning pattern establishes a logical boundary between the Village Zone and the Rural Zone.

³⁴ Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 100, dated 16 April 2021.

³⁵ Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 102, dated 16 April 2021.

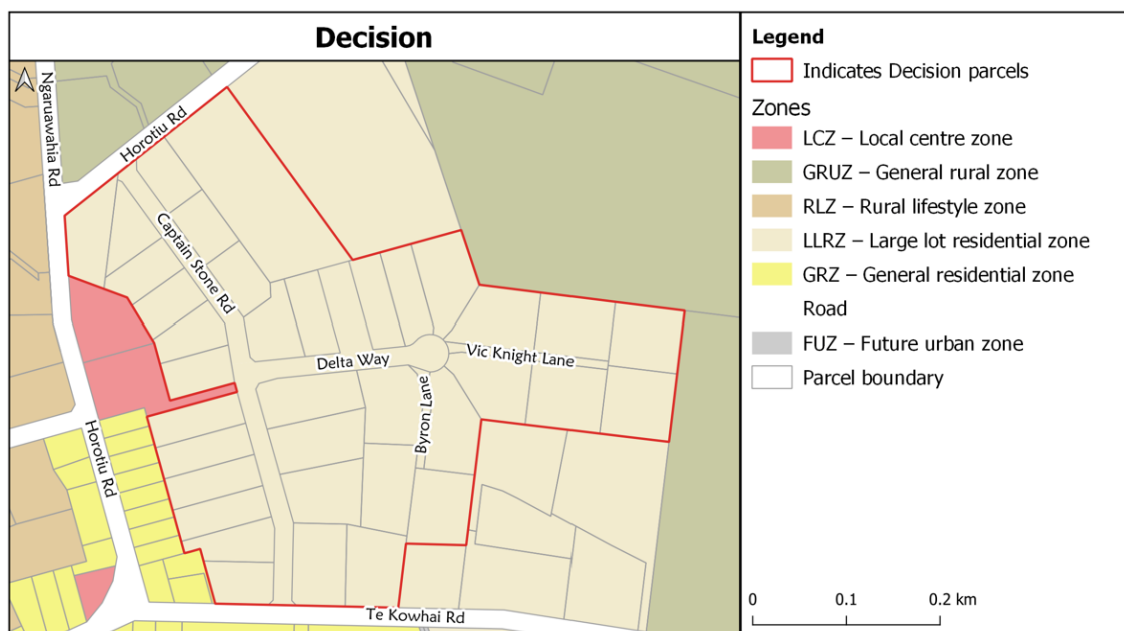


Figure 16: Area 6A: Decision zoning (714 Te Kowhai Road)

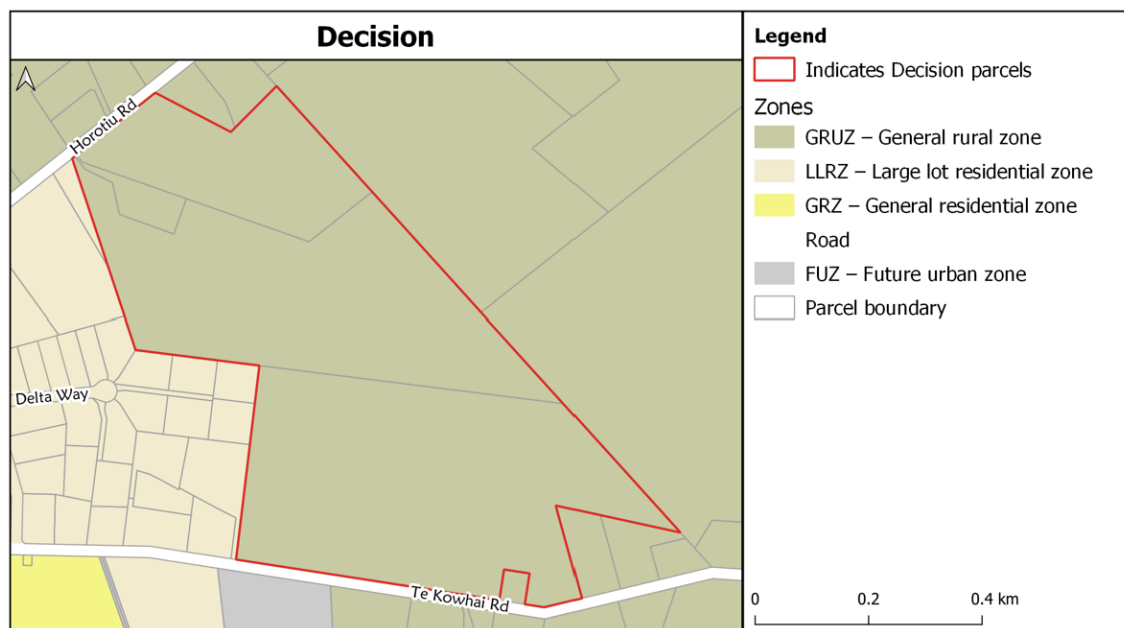


Figure 17: Area 6B: Decision zoning (648 Te Kowhai Road)

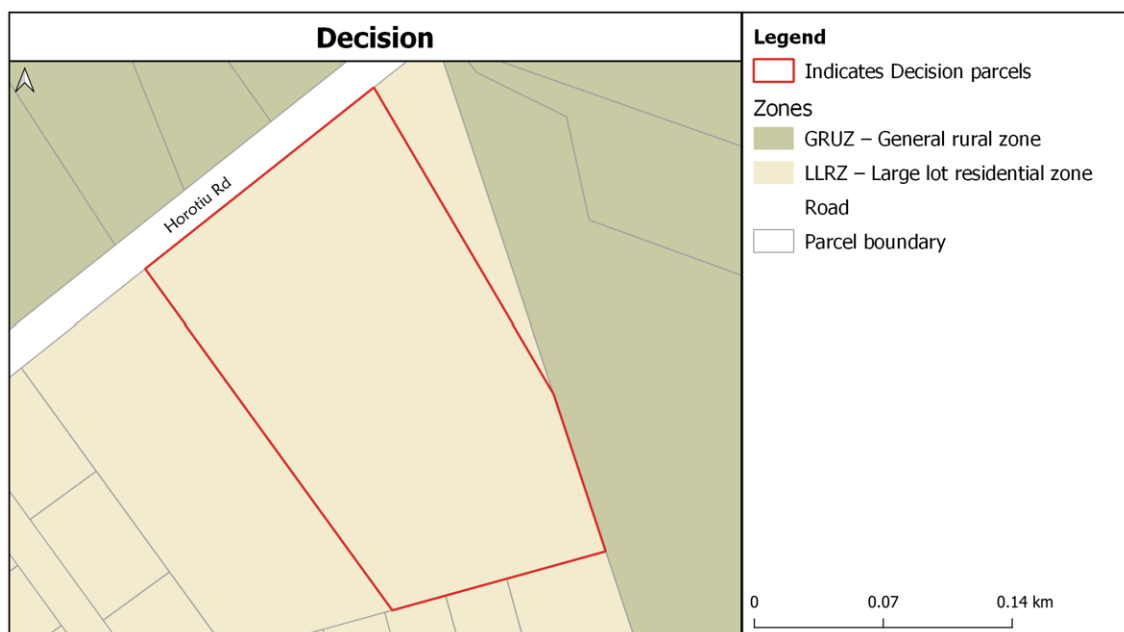


Figure 18: Area 6C: Decision zoning (525 Horotiu Road)

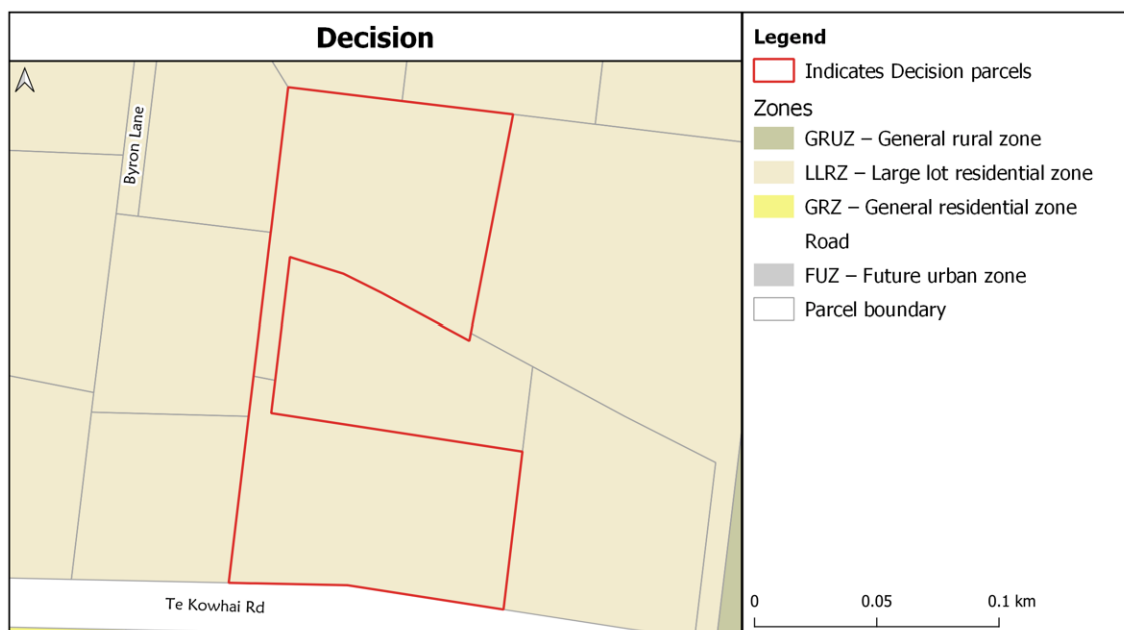


Figure 19: Area 6D: Decision zoning (692 Te Kowhai Road)

Area 7: Business Zone

- 4.20 Terra Consultants Limited (on behalf of Te Kowhai Estates Limited) sought to retain the Business Zone for 561 and 571 Horotiu Road.
- 4.21 Mr Clease considered that the modest scale of the proposed Business Zone will not threaten the district-wide hierarchy of commercial centres and will enable local community needs to be met without having to travel beyond Te Kowhai. Mr Clease

recommended that the submission be accepted, and the Business Zone as notified be retained.³⁶

- 4.22 We accept Terra Consultants Limited's submission and Mr Cleese's recommendation. Accordingly, we have retained the notified Business Zone for 561 and 571 Horotiu Road for the reasons set out by Mr Cleese.

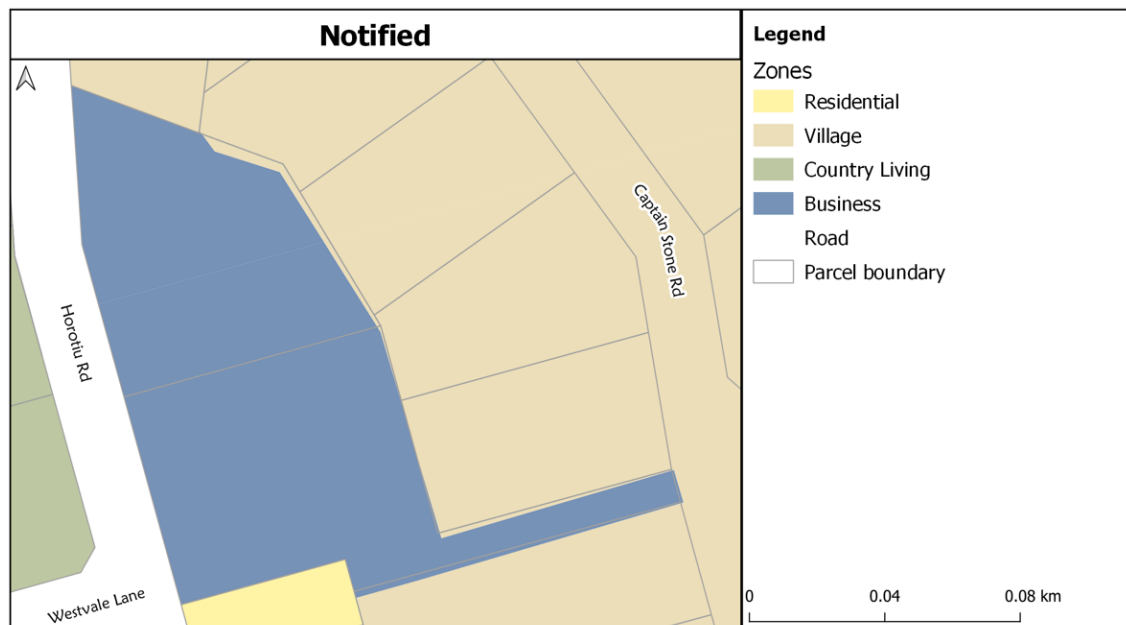


Figure 20: Area 7: Notified zoning

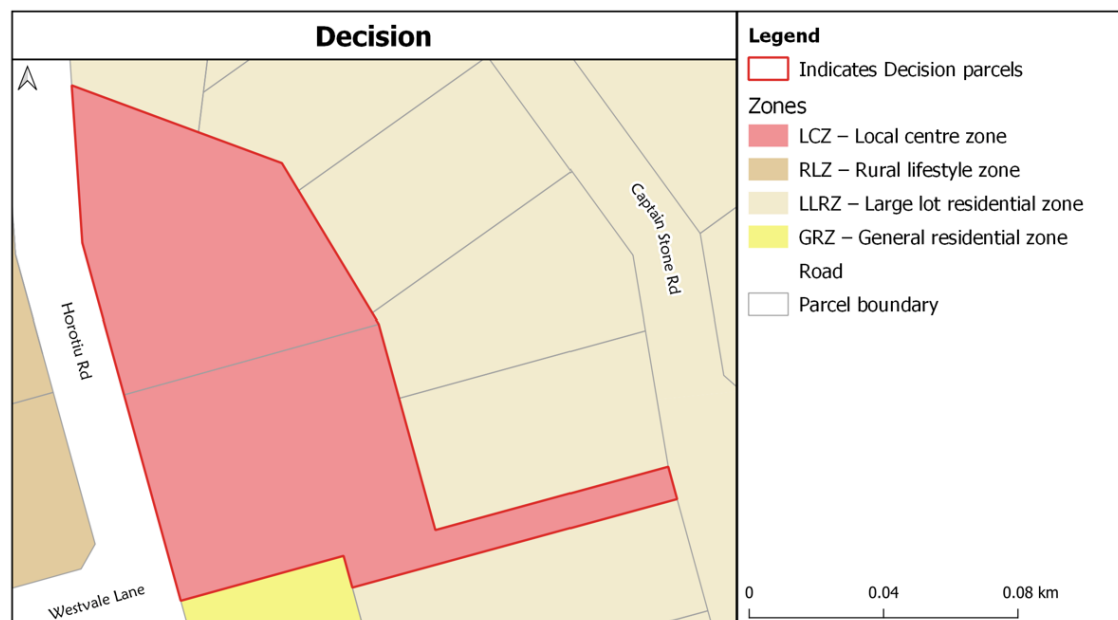


Figure 21: Area 7: Decision zoning

³⁶ Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 106, dated 16 April 2021.

Area 8: Small rural sites

- 4.23 Mr Jason Nadin sought that 11 Limmer Road be rezoned from Rural Zone to Country Living Zone, while Mrs Carol and Mr Gordon Corke sought that 476 Te Kowhai Road be rezoned from Rural Zone to Country Living Zone.
- 4.24 Mr Clease noted that both sites are isolated rural lots located approximately 700 m southeast of the proposed Te Kowhai Airpark. No evidence has been provided by either submitter.³⁷
- 4.25 Mr Clease considered that neither site forms part of a logical extension to either the existing urban zoned township or new greenfield zones in the PDP. He therefore recommended that the rural zoning be retained, and that the submissions be rejected.³⁸
- 4.26 Given that no evidence was filed in support of these rezoning requests, we accept the recommendation of Mr Clease. We have retained the Rural Zone as follows:

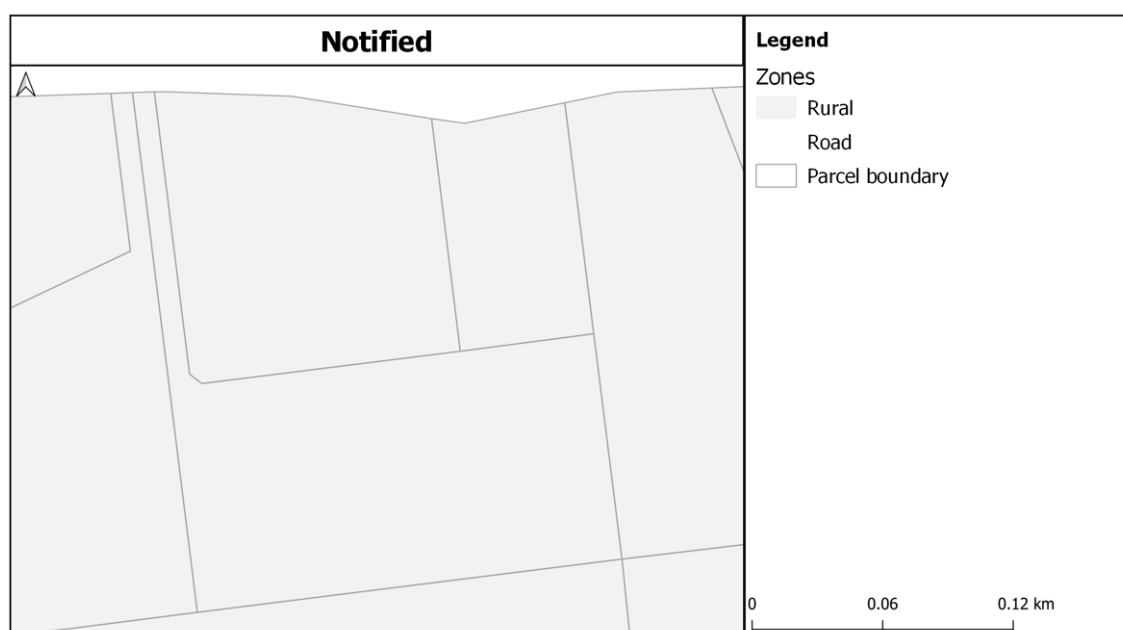


Figure 22: Area 8A Notified zoning (11 Limmer Road)

³⁷ Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 137, dated 16 April 2021.

³⁸ Ibid, Paragraph 138.

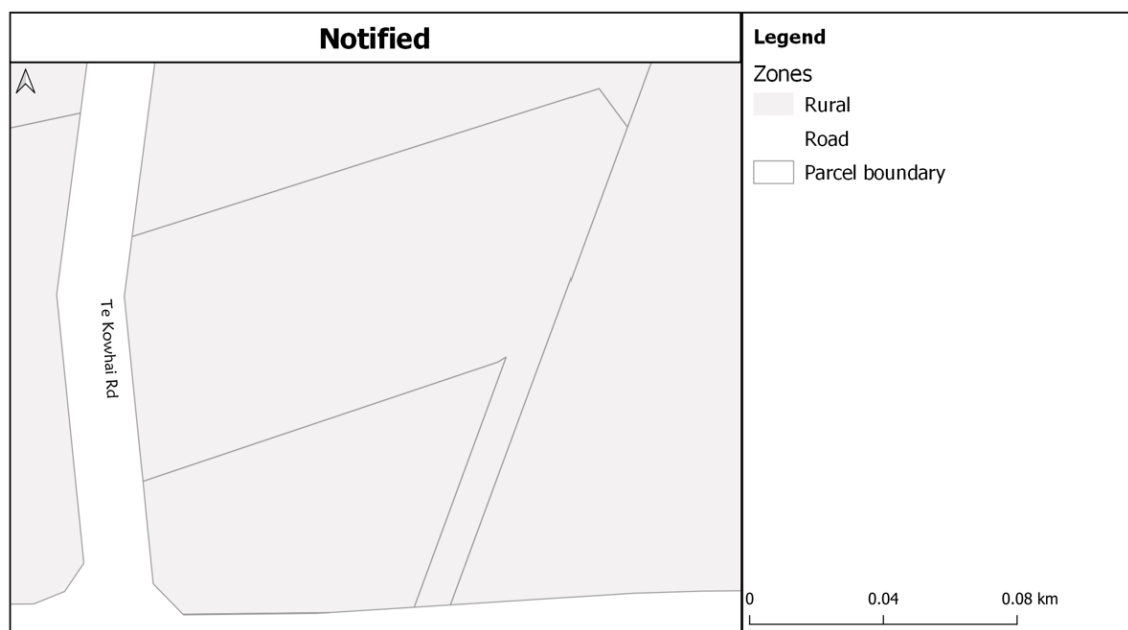


Figure 23: Area 8B Notified zoning (476 Te Kowhai Road)

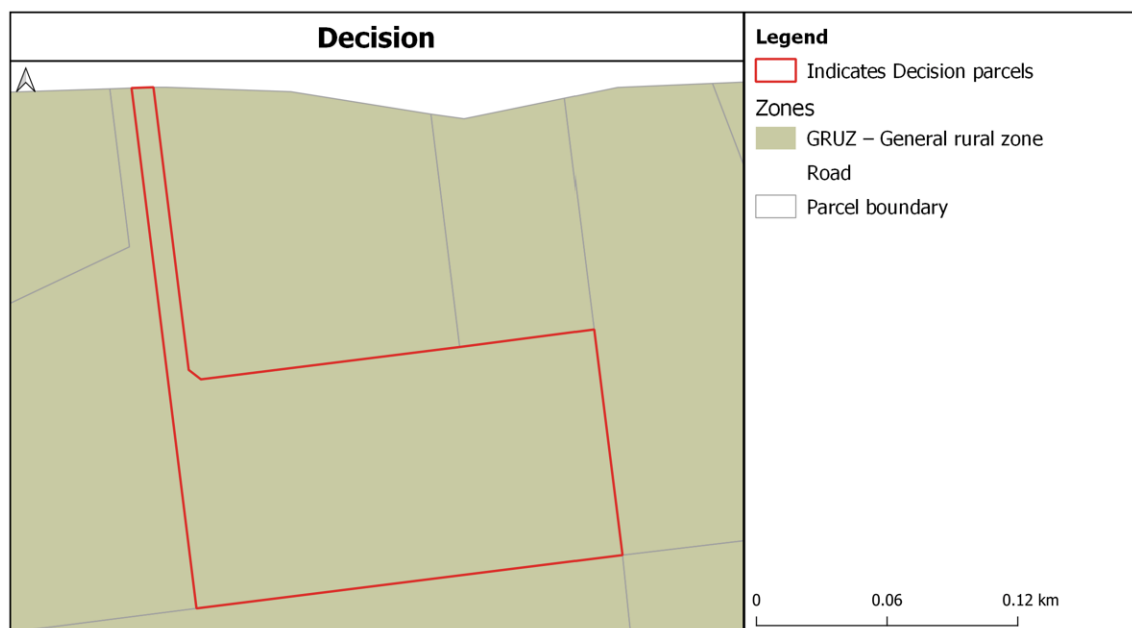


Figure 24: Area 8A Decision zoning (11 Limmer Road)

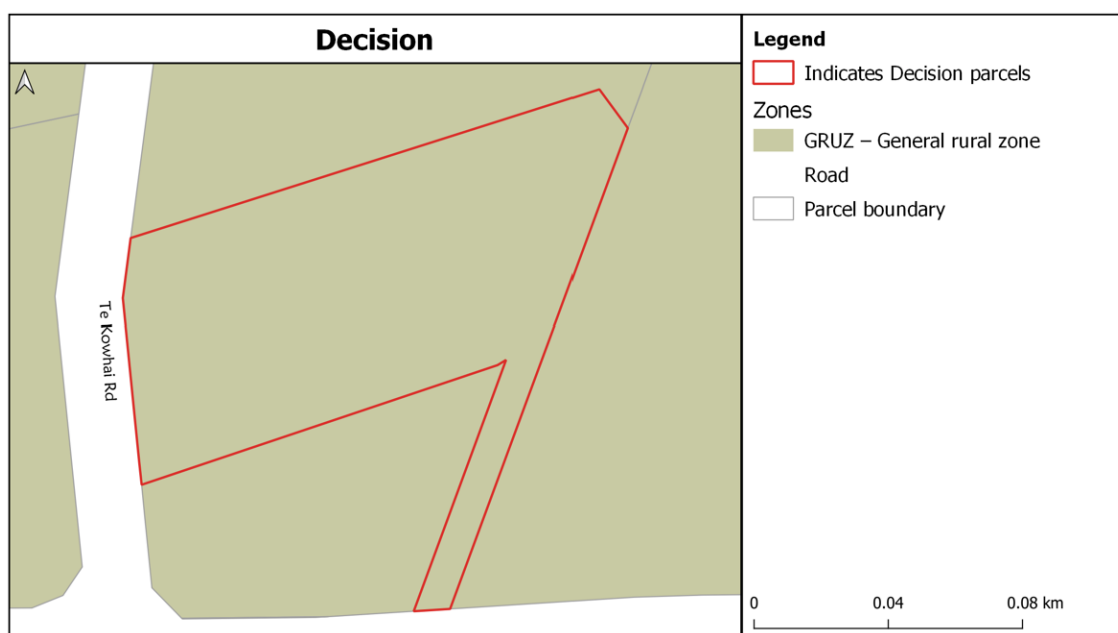


Figure 25: Area 8B Decision zoning (476 Te Kowhai Road)

Area 9: 399 Bedford Road

- 4.27 Year 91 Family Trust sought to rezone 399 Bedford Road from Rural Zone to Country Living Zone. Mr Clease noted that the site is located in relatively close proximity to an existing Country Living Zone to the north of Te Kowhai.³⁹
- 4.28 The section 42A report recommended rezoning the site, and the two immediately adjacent lots, to Country Living Zone. This is on the basis that such a change enables the formation of a more logical zone boundary whilst remaining of sufficiently small scale as to not alter wider urban form or challenge wider urban growth policy directions.⁴⁰
- 4.29 We agree with Mr Clease's recommendation and reasons and have amended the zoning as follows:

³⁹ Section 42A Report, Hearing 25: Zone Extents Te Kowhai, Paragraph 139, dated 16 April 2021.

⁴⁰ Ibid, Paragraph 139.



Figure 26: Area 9 Notified zoning

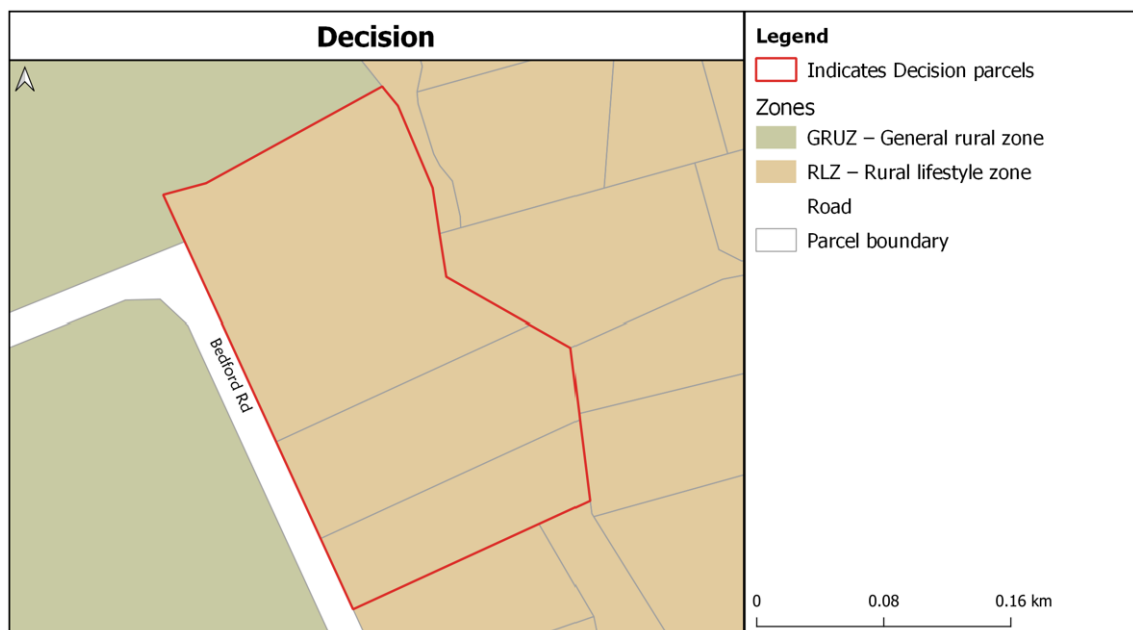


Figure 27: Area 9 Decision zoning

5 Conclusion

- 5.1 We accept the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this decision.
- 5.2 Overall, we are satisfied that the zoning pattern in Te Kowhai (and the activities / development enabled by those zones) will provide a suitable framework for managing urban growth within these areas for the lifespan of the PDP. For completeness, a high level map including our decision is included below.

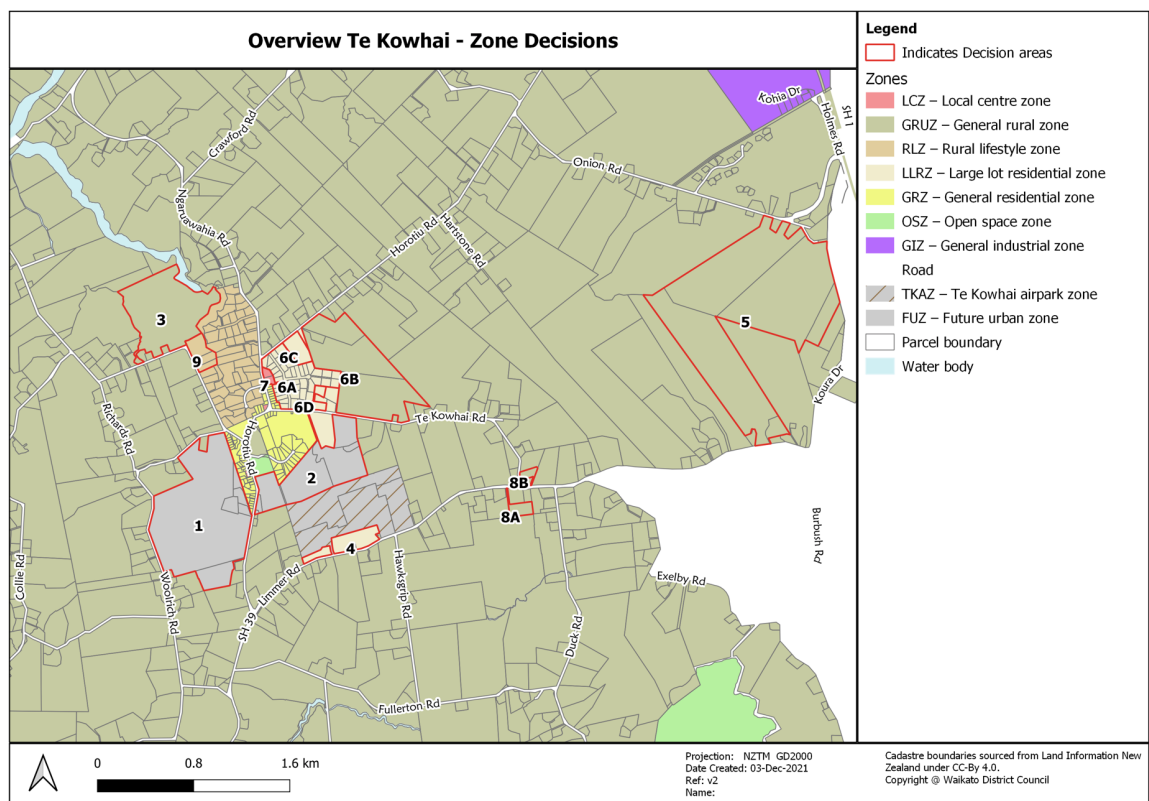


Figure 28: All Te Kowhai PDP Decisions

For the Hearings Panel

Phil Mitchell

Dr Phil Mitchell, Chair

Dated: 17 January 2022