

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 28L: Zoning - Ngaruawahia

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
MDZ	Medium Density Residential Zone
NIMT	North Island Main Trunk Rail Line
ONF	Outstanding Natural Feature
Panel	The Waikato District Plan Hearings Panel
PDP	Proposed Waikato District Plan
RMA	Resource Management Act 1991
RPS	Waikato Regional Policy Statement
SNA	Significant Natural Area

1 Introduction

- 1.1 This report addresses the subject matter of the Ngaaruawaahia rezoning requests and 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 Ngaaruawaahia had a population of 6,621 at the 2018 New Zealand census, an increase of 1,257 people (23.4%) since the 2013 census. As evident by the zoning pattern in the Proposed Waikato District Plan (PDP), the town comprises mostly residential activities, including a large area of Country Living Zoned land adjacent to both the Waipa and Waikato Rivers. Commercial activities are centred around the Business Town Centre, with opportunities for industrial development provided adjacent to Great South Road and the North Island Main Trunk Rail Line (NIMT). An additional pocket of Industrial Zoned land recognising existing land uses is located off Hakarimata Road on the western side of the Waikato River.¹
- 1.3 The Ngaaruawaahia rezoning requests that were considered in the section 42A report are set out on Figure 1.

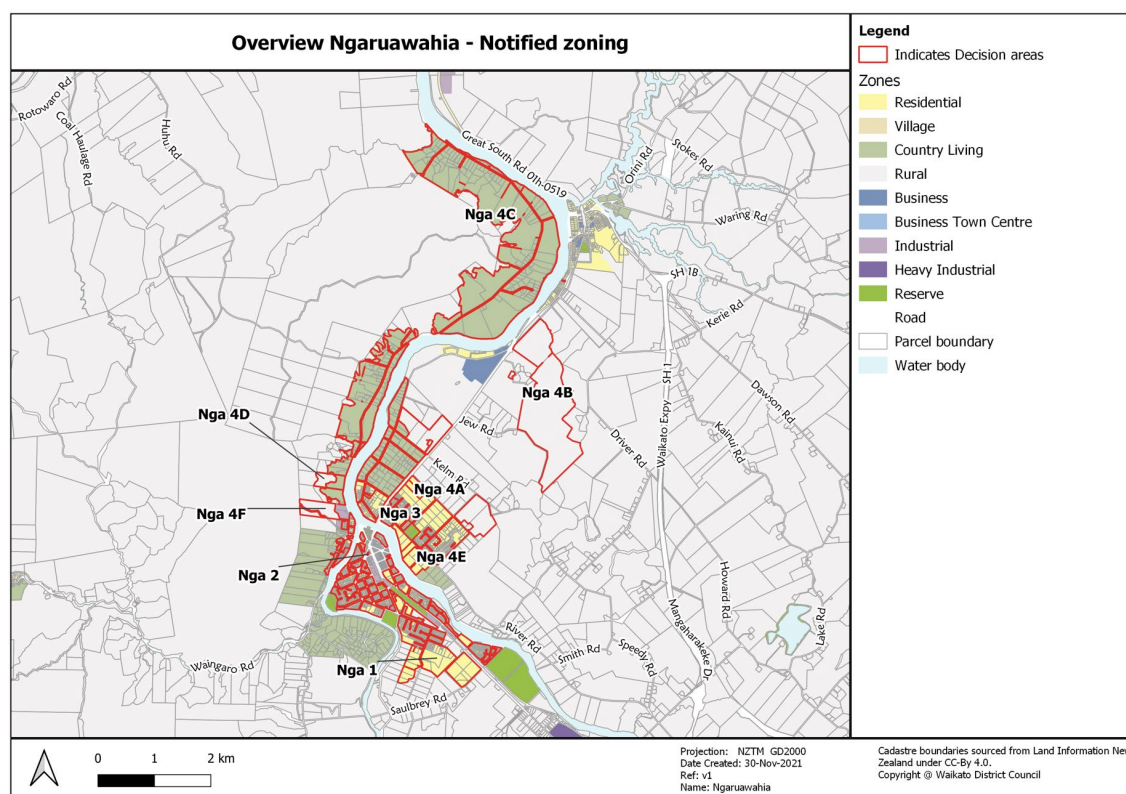


Figure 1: Ngaaruawaahia rezoning requests

- 1.4 The table below sets out the notified zone in the PDP, relief sought by submitters and the section 42A report recommendation for each of the areas in Figure 1.

¹ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 20, dated 16 April 2021.

Table 1: Summary of relief sought and section 42A report recommendations by area

Area	Description	Notified zone	Requested zone	Section 42A recommendation
1	Great South Road, Saulbrey Road and Jackson Street block (Simon Upton, Stephen Roberts, John Allan and Mark De Lautour)	Residential Zone	Rural Zone	Residential Zone (in part)
2	Durham Street block (James Whetu)	Industrial Zone	Business Zone	Industrial Zone
3	Medium Density Residential Zone (Kāinga Ora)	Residential Zone	Medium Density Residential Zone	Medium Density Residential Zone
4A	Retention of notified zoning	As notified (multiple zones)	As notified (multiple zones)	As notified (multiple zones)
4B	Extension of the Residential Zone	As notified	Residential Zone	As notified
4C	Country Living or Rural to Village Zone:	Country Living or Rural Zone	Village Zone	As notified
4D	Extension to the Country Living Zone	Rural Zone	Country Living Zone	As notified
4E	Rezoning of Residential Zoned land to Rural Zone	Residential Zone	Rural Zone	Residential Zone
4F	Rural Zone to Industrial Zone	Rural Zone	Industrial Zone	Rural Zone

2 Hearing arrangement and evidence presented

- 2.1 The specific hearing for Ngaaruawaahia was held on 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 on the Ngaaruawaahia rezoning requests:

Table 2: Hearing appearances

Submitter	Representative
Council	Ms Justine Ashley (author of the section 42A report)
Simon Upton	Mr Grant Eccles, Mr Dave Mansergh and Mr Simon Upton
Stephen Roberts	In person
John Allan	In person
Mark De Lautour	Ms Dee Kiernan and himself
James Whetu	In person
Kāinga Ora Homes and Communities	Mr John Parlane, Mr Philip Osbourne, Mr Cameron Wallace and Mr Philip Stickney

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

- 3.1 Ms Ashley presented her section 42A report and provided a highlights package of her recommendations on the rezoning requests for Ngaaruawaahia – these are summarised by area in Table 1 above. Ms Ashley’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: Great South Road, Saulbrey Road and Jackson Street block

- 3.3 Mr Simon Upton presented his submission in opposition to the notified residential zoning over the block contained by Great South Road, Saulbrey Road and Jackson Street in Ngaaruawaahia. He sought the following:
- a) The preservation of Ngaaruawaahia’s distinct, physical identity;
 - b) The need for a town boundary that respects the topography and drainage of the landscape in the Saulbrey Road area; and
 - c) The need to keep intensive residential development and farming operations separated.

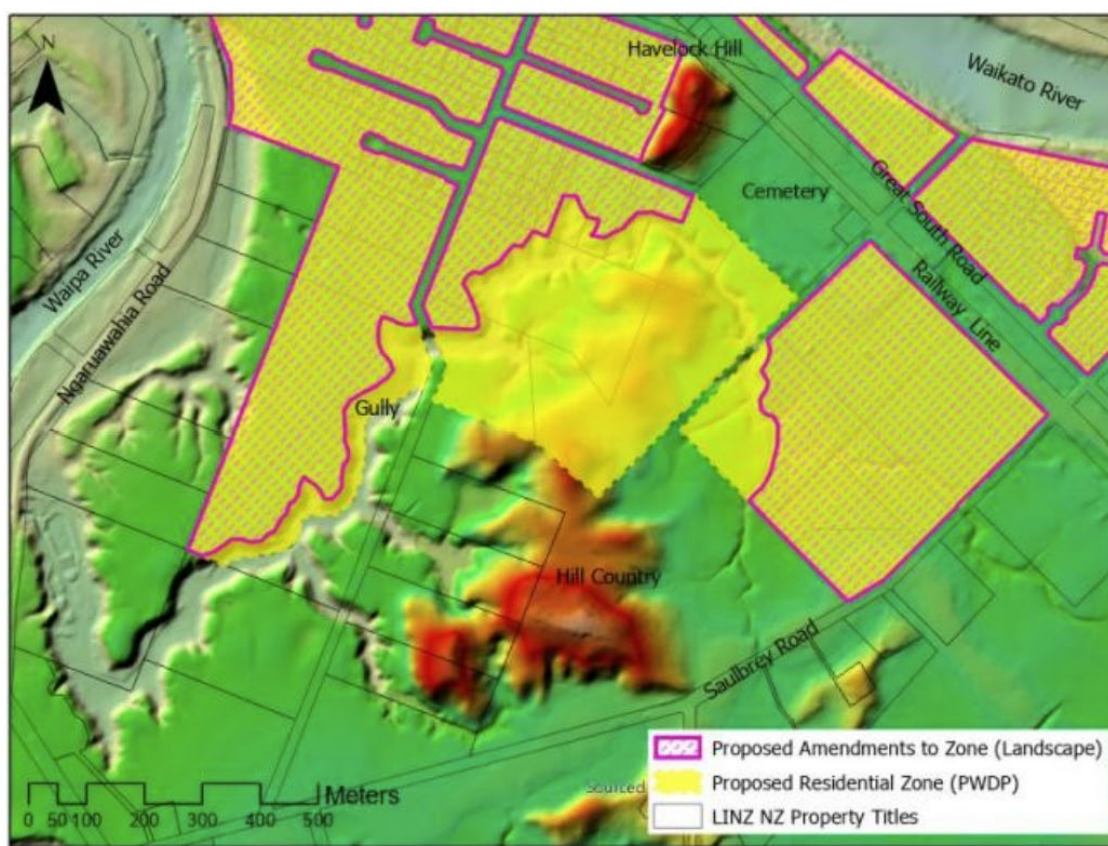


Figure 2: Recommended Residential Zone extent

- 3.4 Mr David Mansergh presented landscape evidence on behalf of Mr Upton. In summary, he recommended a new Residential Zone boundary (as set out in Figure 2). He considered that this boundary is more sympathetic to the topographical features that contribute to existing landscape character and amenity within this part of the Waikato District. He concluded that it is more appropriate to run the zone boundary along the northern edge of the major gully system, in order to avoid higher density development occurring on the elevated land that acts to visually contain the town within the southern extent of the Ngaaruawaahia Township.²
- 3.5 Mr Grant Eccles presented planning evidence on behalf of Mr Upton. In summary, he recommended that the extent of the proposed Residential Zone be reduced to better recognise the natural and physical characteristics of the Saubrey Road area.³ Mr Eccles recommended the zoning be amended as proposed by Mr Mansergh.
- 3.6 Mr John Allan⁴ presented his further submission in opposition to the submission of Mr Upton. Mr Allan owns the site at 25 Rangimarie Road, and he expressed his support of the zoning as notified in the PDP. He stated that there is no wetland on his property, instead there is a drainage ditch which is managed by the Waikato Regional Council (WRC).

² Evidence in Chief of Dave Mansergh on behalf of Simon Upton, Paragraph 37, dated 27 November 2020.

³ Evidence in Chief of Grant Eccles on behalf of Simon Upton, Paragraph 34, dated 9 March 2021.

⁴ Further submission FS1116.1.

- 3.7 Mr Stephen Roberts⁵ presented his further submission in support of Mr Upton's submission. He submitted that there is a need to retain the landscape and amenity buffers given increased residential development in Ngaaruawaahia.
- 3.8 Council submitted⁶ on the zoning for this area and sought that the Residential Zone be reduced to reflect the boundaries set out in the Ngaaruawaahia Structure Plan (refer to Figure 3).



Figure 3: Staging Map from the Ngaaruawaahia Structure Plan

- 3.9 Specifically, Council sought that the following amendment be made to the zoning:

⁵ Further submission FS1119.1.

⁶ Submissions 697.343 and 697.461.

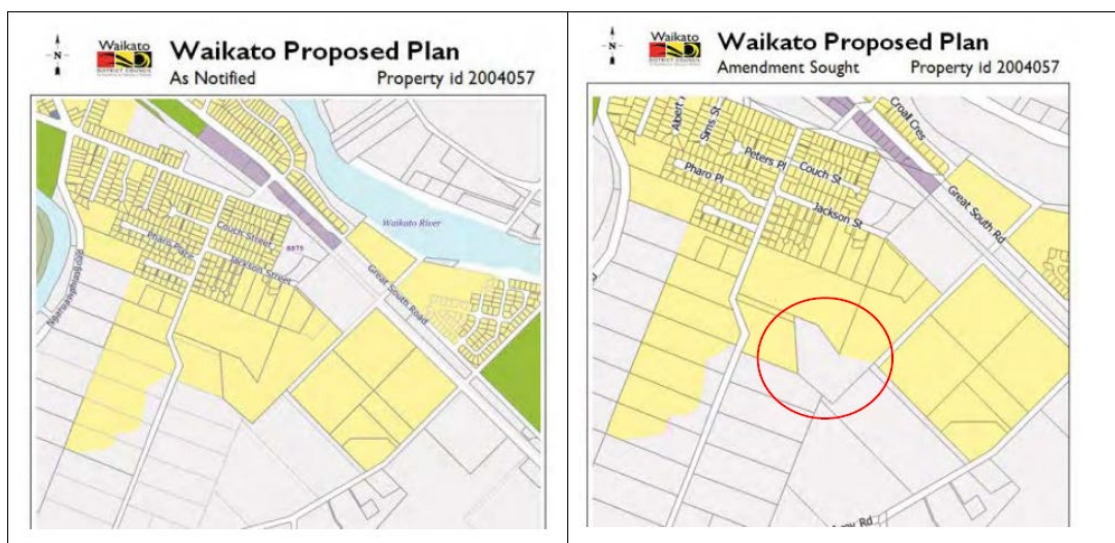


Figure 4: Submission of Waikato District Council

- 3.10 Mr Mark de Lautour⁷ presented his submission with respect to 46 Jackson Street. He opposed the submissions of both Mr Upton and Council and sought that the Residential Zone be retained as notified in the PDP. He submitted that his site is not suitable for farming and would be better suited to a residential development.
- 3.11 In her section 42A report, Ms Ashley recommended that the Residential Zone boundary be amended to the extent sought by Council in their submission, to reflect the Ngaaruawaahia Structure Plan boundary. With respect to Mr Upton’s submission, she considered that the site-specific constraints of the Saulbrey Road residential growth area can be addressed at the time of subdivision. She also considered that with the minor amendment of the zone boundary, the extent of the Residential Zone will give effect to the Waikato Regional Policy Statement (RPS).
- 3.12 Mr Eccles filed rebuttal evidence in response to the section 42A report recommendations. Whilst he did not support the recommendations, he noted that if we were of a mind to accept the section 42A report recommendation, the extent of the boundary should correctly represent the Ngaaruawaahia Structure Plan.⁸ Mr Eccles’ evidence included a comparison of the extent recommended in the section 42A report and that of the Ngaaruawaahia Structure Plan, as follows:

⁷ Submission 40.1.

⁸ Rebuttal Evidence of Grant Eccles on behalf of Simon Upton, Paragraph 6 dated 3 May 2021.

Amended Zoning Sought by Waikato District Council Submission Point 697.461



Amended Zoning Sought to also remove Residential Zone from Upton land parcel (in the event that zone boundary set out in Figure 1 of attached evidence is not accepted)



Figure 5: Comparison of zoning proposals

- 3.13 At the hearing, Ms Ashley clarified that the purpose of Council’s submission is to align the Residential Zone boundary with that of the Ngaaruawaahia Structure Plan. She noted that the Stage N1c development area (from the Structure Plan and which was subsequently inserted into the Operative Waikato District Plan (ODP) through Plan Change 17) extends over a portion of Mr Upton’s land.
- 3.14 Ms Ashley noted that the submitter did not object to the zoning at the time. Given this, she recommended accepting Mr Upton’s submission in part, and changing the extent of the Residential Zone in the PDP to that reflected in the ODP.

Area 2: Durham Street block

- 3.15 Mr James Whetu presented his submission with respect to 2, 6 and 8 Durham Street, Ngaaruawaahia. He sought that the sites be rezoned from Industrial Zone to Business Zone. Mr Whetu presented a series of photos and explained that the properties are currently used for business activities, as opposed to industrial uses.
- 3.16 Mr Whetu advised that he also owns 10 Durham Street, Ngaaruawaahia, and sought that this site be rezoned to the Business Zone as well.
- 3.17 The section 42A report author, Ms Ashley considered that there is limited information available to assess the merits of the above submission points. She considered that both the extent and location of the Business Town Centre and Business Zones in central Ngaaruawaahia would benefit from a more fine-grained analysis of existing land uses. Given this, Ms Ashley recommended that the submission be rejected.

Area 3: Medium Density Residential Zone

- 3.18 Mr John Parlane tabled transportation evidence on behalf of Kāinga Ora Homes and Communities (Kāinga Ora) and addressed transportation effects across the Waikato District with respect to the inclusion, and application, of the Medium Density Residential Zone (MDRZ) in the PDP.
- 3.19 Mr Parlane’s evidence noted that Ngaaruawaahia has been bypassed by State Highway 1 which removed a significant level of through traffic from the town. This has reduced

the level of traffic at key intersections such as at Ellery Street, which was formerly State Highway 39. Similarly, he noted that there is also less traffic using River Road to access the north-eastern suburbs of Hamilton. Mr Parlane considered that these changes mean there is now an opportunity to improve local amenity in Ngaaruawaahia and plan for significant growth in housing without creating congestion or traffic safety problems.⁹

3.20 Mr Philip Osbourne tabled economic evidence on behalf of Kāinga Ora. In terms of the recommended application of the MDRZ, Mr Osbourne's evidence concluded that this represents an improved position to meet the objectives of the Waikato District, due to:

- a) The potential inability for the market to supply sufficient, intensified feasible capacity and diversity under the current PDP provisions and zones;
- b) The provision of greater residential diversity within the lower sectors of the Waikato housing market;
- c) Providing increased certainty regarding the long-term urban form outcome;
- d) Providing greater confidence and certainty within the market and overall investment, regarding the effectiveness of the consolidated form direction;
- e) Reducing marginal infrastructure costs;
- f) Lowering overall site costs; and
- g) Providing economic impetus and support for the centres network.¹⁰

3.21 Mr Cameron Wallace tabled urban design evidence on behalf of Kāinga Ora. His evidence addressed the spatial application of the MDRZ across the Waikato District.

3.22 Mr Wallace's evidence stated that the main elements which distinguish Ngaaruawaahia from other townships is the flat topography and the application of a larger urban grid structure with relatively small individual blocks. He considered that such a block structure, combined with flat topography, is particularly well suited for supporting walking and more intensive residential densities.¹¹

3.23 Mr Philip Stickney tabled planning evidence on behalf of Kāinga Ora. His evidence set out the basis for the MDRZ, included draft provisions and a supporting section 32AA evaluation. Mr Stickney noted that the spatial extent of the MDRZ contained in his evidence had been scaled back compared with the maps provided in the Kāinga Ora submission. He stated that the refinement of the spatial extent is a result of careful analysis of walkability, ground truthing, capacity modelling and economic feasibility. Mr Stickney supported the spatial extent of the MDRZ as included in the section 32AA report appended to his statement.¹²

⁹ Evidence in Chief of John Parlane on behalf of Kāinga Ora Homes and Communities, Paragraph 9.1, dated 17 February 2021.

¹⁰ Evidence in Chief of Philip Osbourne on behalf of Kāinga Ora Homes and Communities, Paragraph 7.5, dated 17 February 2021.

¹¹ Evidence in Chief of Cameron Wallace on behalf of Kāinga Ora Homes and Communities, Paragraph 12.1, dated 17 February 2021.

¹² Evidence in Chief of Philip Stickney on behalf of Kāinga Ora Homes and Communities, Paragraph 6.4, dated 17 February 2021.

- 3.24 The section 42A report generally supported the extent of the MDRZ as recommended by Mr Wallace and Mr Stickney.¹³

4 Panel's Decision and Reasons

- 4.1 The section 42A report addressed 27 separate submission points and 75 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 discussed below in the order set out on Figure 1 and Table 1.

Area 1: Great South Road, Saulbrey Road and Jackson Street block

- 4.2 With respect to Area 1, following a site visit to view the topography and constraints of the area, and in carefully considering the evidence before us, we:
- a) Accept the submission of Mr Upton and evidence of Mr Eccles in part. We have amended the extent of the Residential Zone to remove Mr Upton's site and rezone this area Rural Zone; and
 - b) Accept the submission of Mr de Lautour in full. We have retained the Residential Zone across his full site.
- 4.3 In retaining the Residential Zone across Mr de Lautour's full site (as notified), we accept Ms Ashley's reasoning in that the constraints of Area 1 can be addressed through the subdivision and land-use consent process. With respect to the watercourse which traverses Area 1, we note that consideration of the National Environmental Standard for Freshwater 2020 (if applicable) will be required at the time of preparing a resource consent application.
- 4.4 Given this, we have amended the Residential Zone boundary as follows:

¹³ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri & Horotiu, Paragraph 139, dated 16 April 2021.

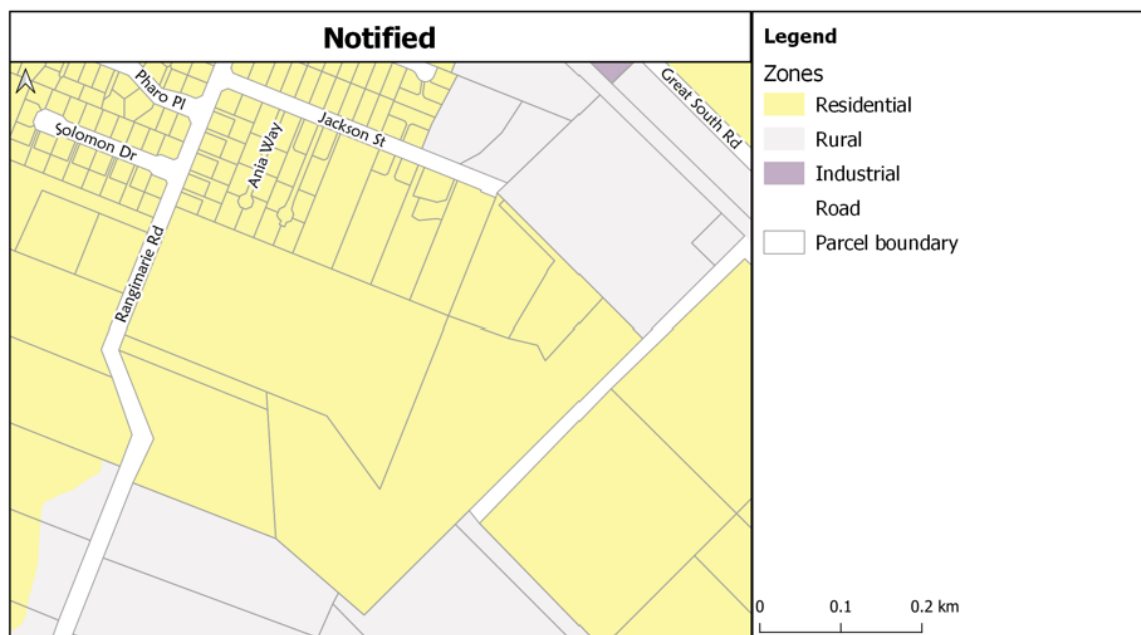


Figure 6: Area 1 Notified zoning

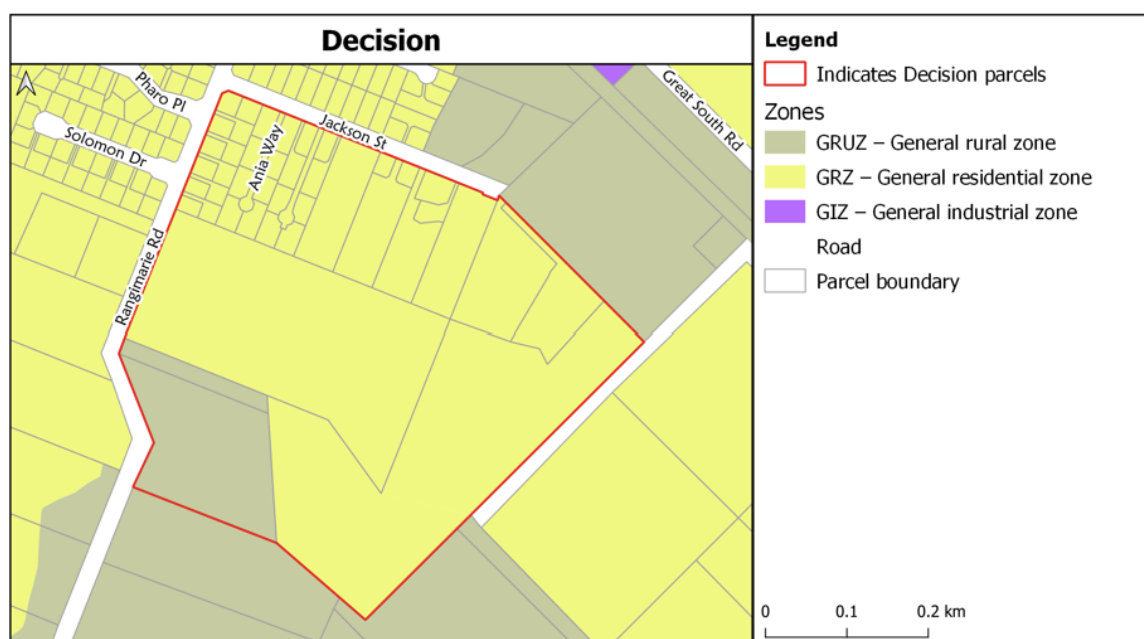


Figure 7: Area 1 Decision zoning

Area 2: Durham Street block

- 4.5 In terms of Area 2, we accept the rezoning request of Mr Whetu for 2, 6, 8 and 10 Durham Street, Ngaaruawaahia from Industrial Zone to Business Zone. We find that this zoning better represents the current land use and activities being undertaken on the sites.

4.6 Accordingly, we have rezoned Area 2 as follows:

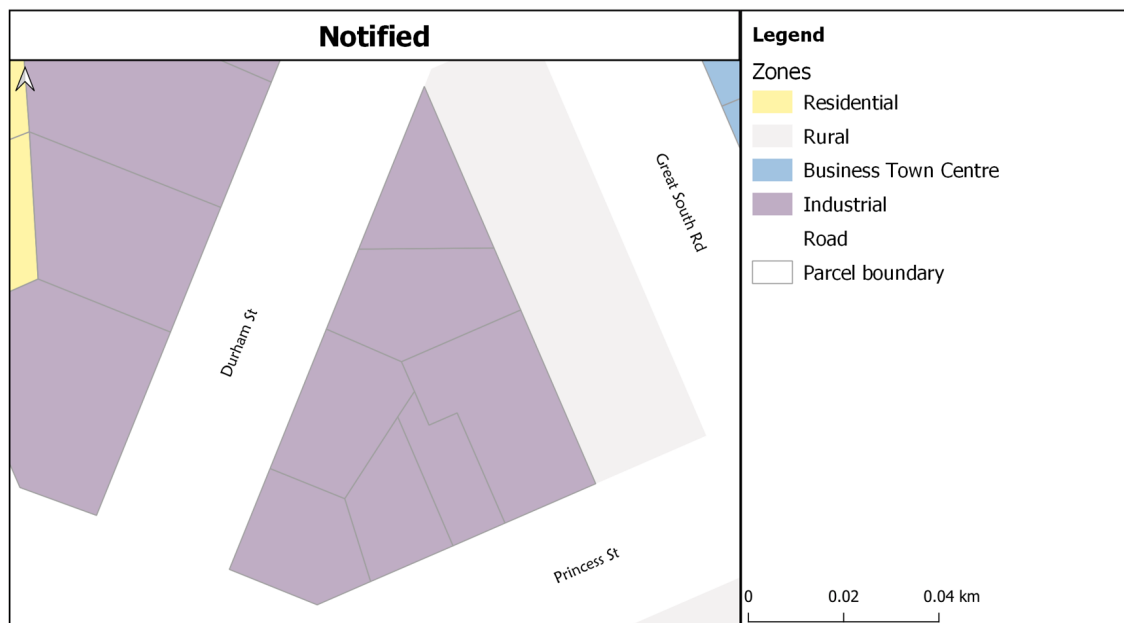


Figure 8: Area 2 Notified zoning

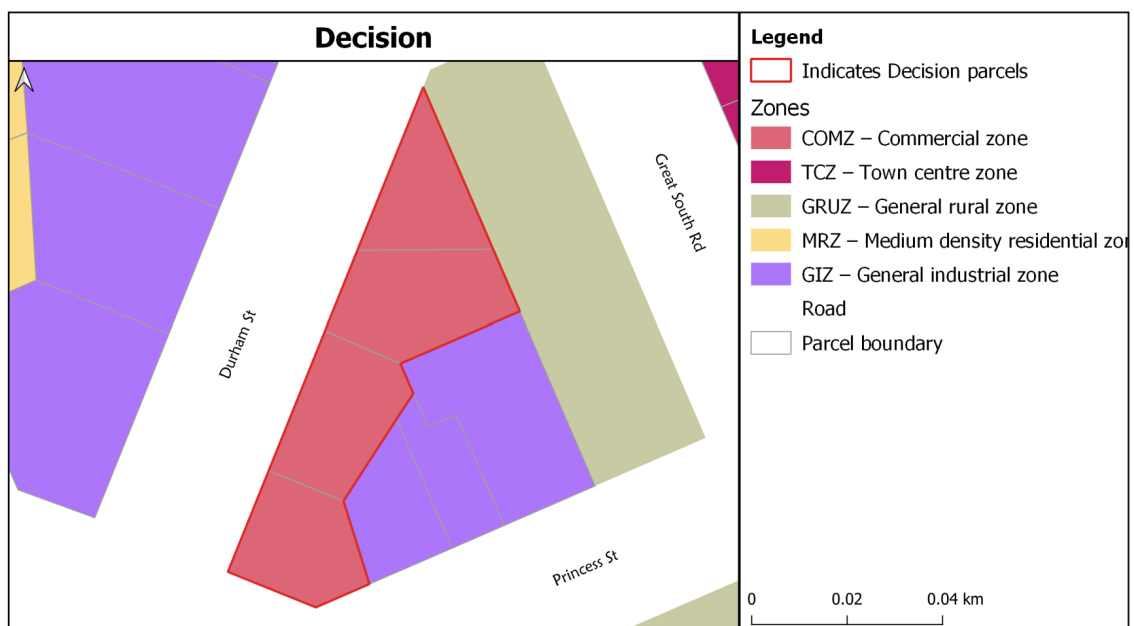


Figure 9: Area 2 Decision zoning

Area 3: Medium Density Residential Zone

4.7 We accept the submission of Kāinga Ora, evidence of Mr Wallace and Mr Stickney and the recommendations and reasoning of Ms Ashley with respect to the spatial application of the MDRZ for Ngaaruawaahia. We have therefore rezoned Area 3 as follows:

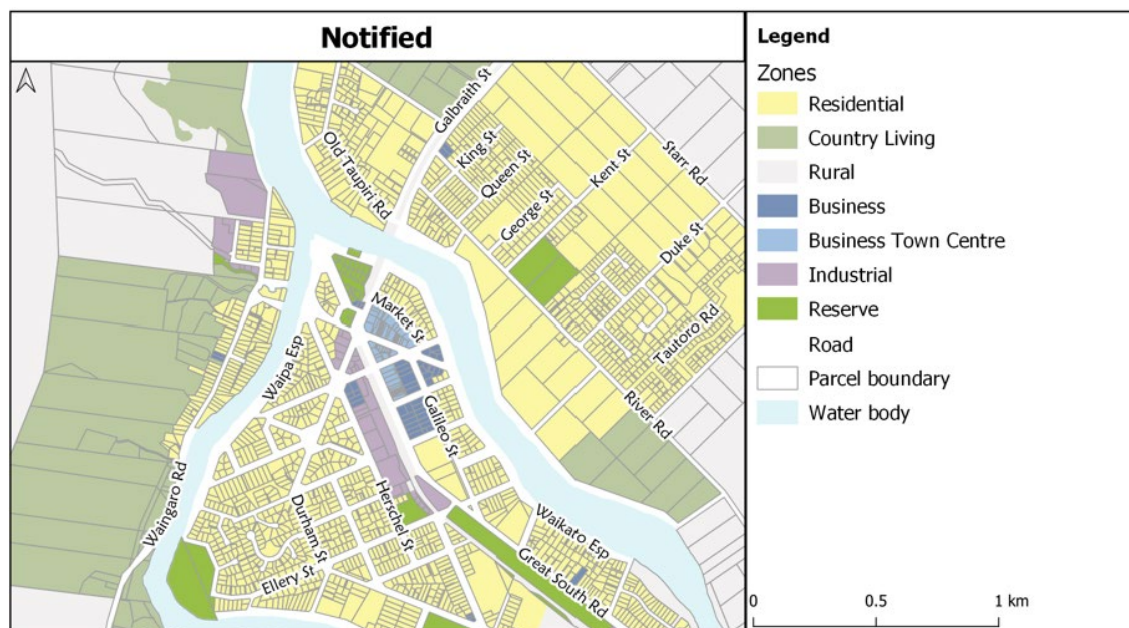


Figure 10: Area 3 Notified zoning

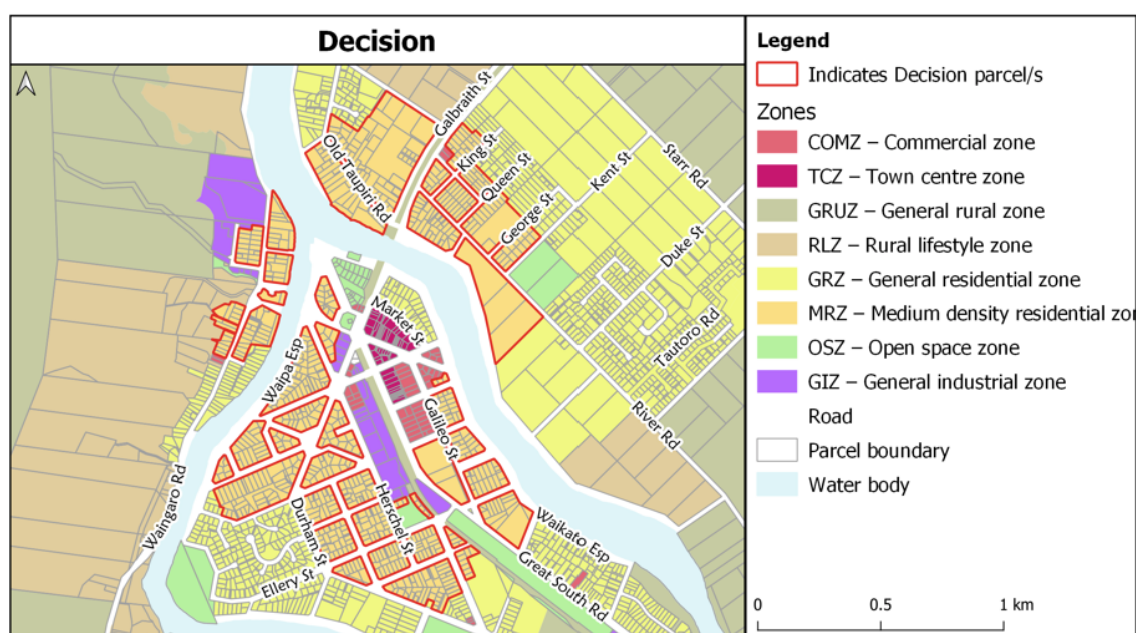


Figure 11: Area 3 Decision zoning

5 Other submissions in which evidence was not filed

Area 4A: Retention of notified zoning:

- 5.1 The following submitters sought to retain the notified PDP zoning for their sites as specified:
- a) Z Energy Limited¹⁴ sought to retain the Business Zone at 106 Great South Road as notified.
 - b) Mr Michael Draper¹⁵ sought to retain the extent of the proposed Residential Zoning (with particular reference to northern Ngaaruawaahia).
 - c) Mr Paul Liddle¹⁶ sought to retain the Residential Zone as notified on the properties within the vicinity of Starr Road, Ngaaruawaahia.
 - d) Mr Bruce Stirling¹⁷ sought to retain the Residential Zoning as notified, with specific reference to Ngaaruawaahia.
- 5.2 With respect to Mr Draper's, Mr Liddle's and Mr Stirling's submissions, Ms Ashley stated that on the basis that there have been no changes to the Residential Zone in this area, she recommended that these submission points be accepted.¹⁸
- 5.3 Ms Ashley also recommended that the submission of Z Energy Limited be accepted on the basis that she has not recommended any changes to the Business Zone.¹⁹
- 5.4 We accept the above submissions and recommendations of Ms Ashley and have retained the zoning as notified with respect to these submissions.

Area 4B: Extension of the Residential Zone

- 5.5 Alstra (2012) Limited²⁰ sought to rezone the site at 138A Starr Road from the Rural Zone to either the Residential Zone or Country Living Zone. In addition, Whenua Holdings Limited²¹ sought to rezone the adjoining site at 134 Duke Street from the Rural Zone to the Residential Zone.
- 5.6 No submitter evidence was filed in support of either of these submission points, although Mr Johnny Kenny of Whenua Holdings Limited did present at Hearing 4.
- 5.7 In her section 42A report, Ms Ashley noted that both of these sites are outside the residential growth areas identified in the Ngaaruawaahia Structure Plan and Waikato 2070. However, she considered that the sites appear to be within the indicative urban limit of Future Proof 2017.²² Notwithstanding this, Ms Ashley recommended that the submissions be rejected as she considered there is insufficient information available to

¹⁴ Submission 589.7.

¹⁵ Submission 608.1.

¹⁶ Submission 665.1.

¹⁷ Submission 674.1.

¹⁸ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 81, dated 16 April 2021.

¹⁹ Ibid, Paragraph 148.

²⁰ Submission 693.12.

²¹ Submission 829.8.

²² Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 83, dated 16 April 2021.

ensure that the rezoning proposals are consistent with Policy 6.1 of the RPS.²³ We accept Ms Ashley's recommendations and reasons and have retained the zoning as notified.

- 5.8 In addition to their submission above, Whenua Holdings Limited also sought to rezone the sites at 42 and 76C Fox Road and 5167C Great South Road from the Rural Zone to the Residential Zone.²⁴
- 5.9 Ms Ashley noted that these sites sit outside the residential growth areas identified in the Ngaaruawaahia Structure Plan, Waikato 2070 and Future Proof 2017. Furthermore, Ms Ashley stated that the western side of Great South Road is subject to a proposal by Waikato-Tainui to create a Special Purpose Zone – Hopuhopu, which would provide for a range of urban activities. She considered that if this rezoning proposal is accepted, the rezoning of the properties at 42 and 76C Fox Road and 5167C Great South Road for residential purposes would exacerbate the extent of ribbon development between Ngaaruawaahia and Taupiri. She considered that this would fail to maintain an urban/rural contrast, at least on the eastern side of Great South Road.²⁵
- 5.10 No submitter evidence was filed in support of this submission point, and Ms Ashley recommended that the rezoning request be rejected. We accept that recommendation and reasons and have retained the zoning as notified.
- 5.11 Mr Don Jacobs²⁶ sought to rezone the property at 7 Uenuku Street to the Residential Zone, as shown on Figure 12 below. No submitter evidence was filed in support of this submission, however, a 'Subdivision Suitability Report' which addressed matters such as geotechnical, stability, flooding, soil contamination and freshwater, stormwater and wastewater (three waters), accompanied the original submission.

²³ Ibid, Paragraph 87.

²⁴ Submission 829.4.

²⁵ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 91, dated 16 April 2021.

²⁶ Submission 768.1.



Figure 12: 7 Uenuku Street

5.12 Ms Ashley noted that the irregularly shaped 6.35 ha property is located in central Ngaaruawaahia and is situated between the NIMT to the north and residential development and Mariner Street to the south. The eastern portion of the property operates as a stormwater drainage reserve by Council (protected by easement). The submission states that the property is highly modified through past land use with sand being taken from the site for the construction of the rail corridor.

5.13 The Subdivision Suitability Report²⁷ supplied with the submission stated that:

- a) The site is not recognised as having a flood hazard risk;
- b) Due to stormwater flows onto the property, ponding does occur on the site;
- c) The site contains an overland flow path (again exacerbated by the current stormwater discharges);
- d) The site has low liquefaction risk under a geohazard assessment (due in part to a low water table);
- e) The site is subject to some erosion;
- f) HAIL activities have occurred on the site and a Detailed Site Investigation will need to be prepared prior to any development;
- g) From a geotechnical perspective, the site contains “good ground” that can support building foundations; and

²⁷ Submission 768.1.

- h) With regard to wastewater, a connection to Council infrastructure will be required.
- 5.14 Ms Ashley also noted that the site was identified as having a potential ponding depth greater than 0.3m in the Catchment Management Plan assessment undertaken as part of the Ngaruawahia Structure Plan process.²⁸
- 5.15 Ms Ashley considered that the Rural zoned block of land located in the centre of a township results in an incongruous zoning pattern, and likewise does not generally align with the higher order planning direction regarding consolidation of growth within existing townships. However, she acknowledged that the notified zoning may not be the optimal long-term zoning for the site as the site is subject to a number of constraints, in particular, unknown levels of soil contamination, stormwater ponding and associated pits, and proximity to the NIMT. Given this, Ms Ashley recommended that the submission be rejected as further assessments are required to address these effects.²⁹
- 5.16 We accept the recommendations and reasons provided by Ms Ashley and have retained the zoning as notified in the PDP with respect to these submissions.

Area 4C: Country Living or Rural to Village Zone

- 5.17 Mr Mark Fendall,³⁰ Mr Riki Manarangi³¹ and the Property Owners on Galbraith Street, Jacobs Lane and Old Taupiri Road³² sought to rezone a number of properties on Hakarimata Road, Old Taupiri Road, Galbraith Street and Jacobs Lane from Country Living to Village Zone.
- 5.18 No submitter evidence was filed in support of these submission points and Ms Ashley considered that, without any assessments on how these properties could be developed and serviced and how potential natural hazard risks have been addressed, that these submissions should be rejected.³³
- 5.19 However, Ms Ashley did consider that a Residential Zone would better align with the settlement pattern envisaged by Future Proof 2017 and Waikato 2070, subject to the scale and potential effects of development in this area being assessed in a more comprehensive and detailed manner.³⁴
- 5.20 We accept the recommendations and reasons of Ms Ashley with respect to the submission points set out above. We have retained the zoning as notified for these sites.

²⁸ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 145, dated 16 April 2021.

²⁹ Ibid, Paragraph 146.

³⁰ Submissions 121.1 and 122.1.

³¹ Submission 409.2.

³² Submission 670.1.

³³ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 101, dated 16 April 2021.

³⁴ Ibid, Paragraph 101.

Area 4D: Extension to the Country Living Zone

- 5.21 Mr Paul Ivory³⁵ sought to amend the zoning of 93 Hakarimata Road from being a split zone of Rural Zone and Country Living Zone to being only Country Living Zone. No submitter evidence was filed in support of this submission point.
- 5.22 Ms Ashley stated that the extent of the Country Living Zone on the site has reduced in size compared to the extent in the ODP. However, she noted that the amended zone boundary reflects the extent of indigenous vegetation on part of the site, which is identified as both a Significant Natural Area (SNA) and part of the Hakarimata Range Outstanding Natural Feature (ONF),³⁶ as shown on Figure 13 below.



Figure 13: 93 Hakarimata Road, with a SNA and ONF (blue dots) over the site

- 5.23 On this basis, Ms Ashley recommended that the submission be rejected, given that both a SNA and an ONF apply over this part of the site.³⁷
- 5.24 We accept the recommendation and reasons of Ms Ashley. Accordingly, we have retained the extent of the zoning as notified in the PDP.

Area 4E: Rezoning of residential zoned land to Rural Zone

- 5.25 Alstra (2012) Limited³⁸ sought to retain the proposed residential zoning of the properties at 38B River Road and 5463B Great South Road, if there are reverse sensitivity provisions protecting the existing intensive farming activities. If no such protection exists, the submitter then sought that these properties be rezoned to Rural (i.e. retain the current ODP Rural Zone). The location of these sites is shown below:

³⁵ Submission 375.1.

³⁶ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 103, dated 16 April 2021.

³⁷ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 104, dated 16 April 2021.

³⁸ Submission 693.10 and 693.11.

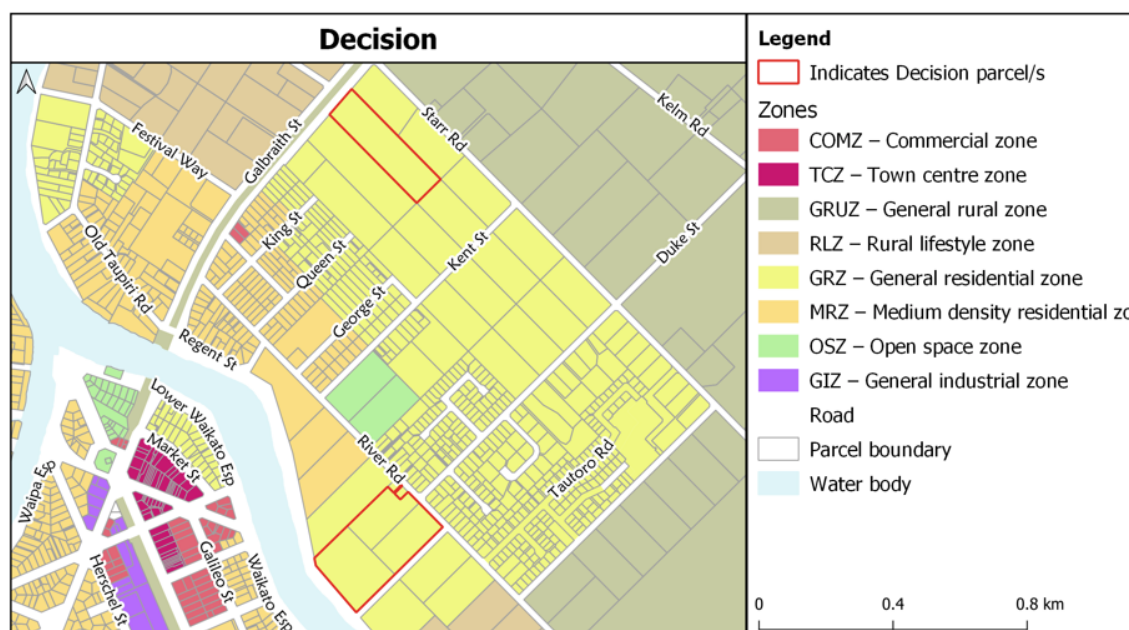


Figure 14: 38B River Road and 5463B Great South Road

- 5.26 Ms Ashley noted that both subject sites currently contain intensive poultry farming activities.³⁹
- 5.27 Ms Ashley summarised the higher order planning documents with respect to the sites and noted that the Ngaaruawaahia Structure Plan identifies the River Road site as part of Stage N3a and the Great South Road site as part of Stage N3c, both of which were programmed in the 2036-2046 timeframe. Similarly, Waikato 2070 indicates that the River Road site is in the 30-year timeframe for development, while the Great South Road site is shown as being within the 10 to 30-year window.⁴⁰
- 5.28 In terms of reverse sensitivity effects on the intensive poultry farming activities, Ms Ashley referred to a proposed rule in the Residential Zone that requires the boundary of allotments to be setback at least 300m from any intensive farming activity. In Decision Report 14: Residential zone, this rule has been retained with non-compliance being a discretionary activity.⁴¹
- 5.29 Given the inclusion of this rule, as recommended in the section 42A report for the Residential Zone, Ms Ashley considered it is appropriate to retain the notified Residential Zones in these locations.
- 5.30 We accept the recommendation and reasons of Ms Ashley, and we have retained the Residential Zoning as notified for both sites.

³⁹ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 107, dated 16 April 2021.

⁴⁰ Ibid, Paragraph 108.

⁴¹ Ibid, Paragraph 110.

Area 4F: Rural Zone to Industrial Zone

- 5.31 Bilimoria Consulting Limited⁴² sought to amend the zoning of 19 Hakarimata Road from Rural Zone to the Light Industrial Zone, as shown below.



Figure 15: 19 Hakarimata Road

- 5.32 Ms Ashley noted that the industrial zoning of 19 Hakarimata Road has been removed in the PDP, compared to the ODP which included Industrial Zoning over part of the site. The section 42A report noted that the amended zone boundary reflects the extent of indigenous vegetation on the site, which is also identified as part of the Hakarimata Range SNA and ONF (refer to Figure 16 for a comparison of the zoning and the notified zoning).

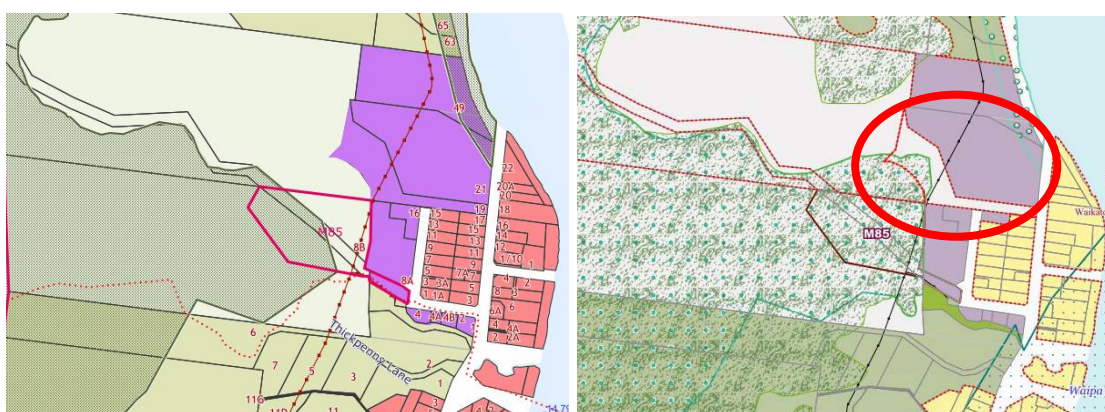


Figure 16: Operative zoning (left) and notified zoning (right)

⁴² Submission 64.1.

- 5.33 Ms Ashley recommended that the Industrial Zone not be reinstated, and that the zoning remain as notified, given the identification of a SNA and ONF over part of the site. She noted that there is only a limited extent of the property at 19 Hakarimata Road being used for industrial purposes.
- 5.34 We note that the SNA and ONF does not extend across the full extent of the previously zoned industrial portion of the site (refer to red circle on Figure 16). Given this, we do not accept Ms Ashley's recommendation and instead we accept the submission from Bilimoria Consulting Limited to reinstate the industrial zoning as identified in the ODP. Accordingly, we have made the following amendments:

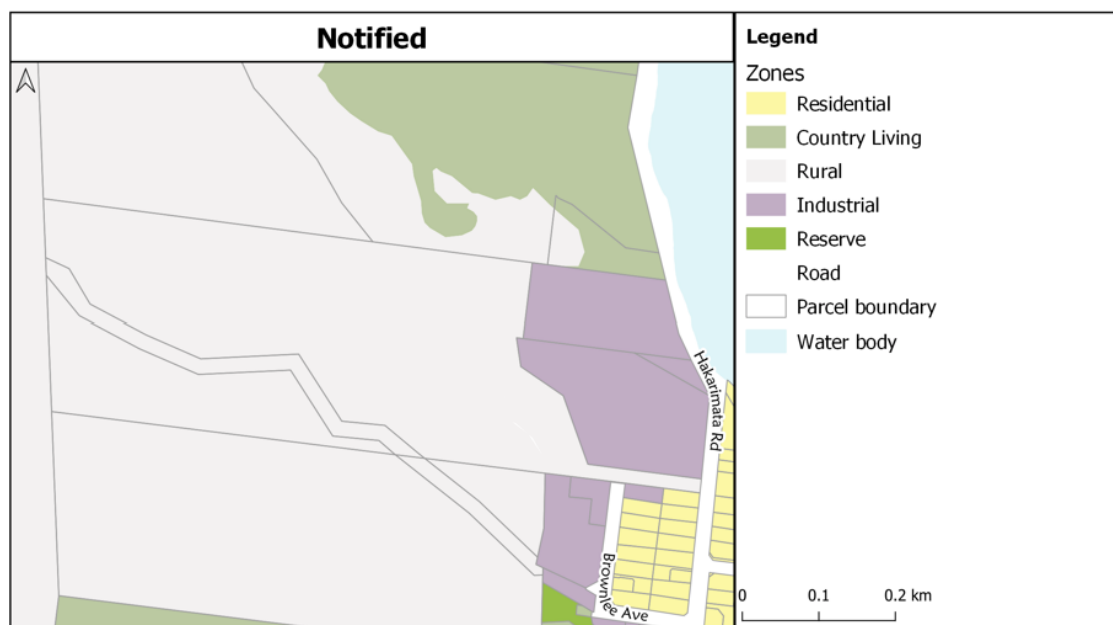


Figure 17: Area 4F Notified zoning (19 Hakarimata Road)

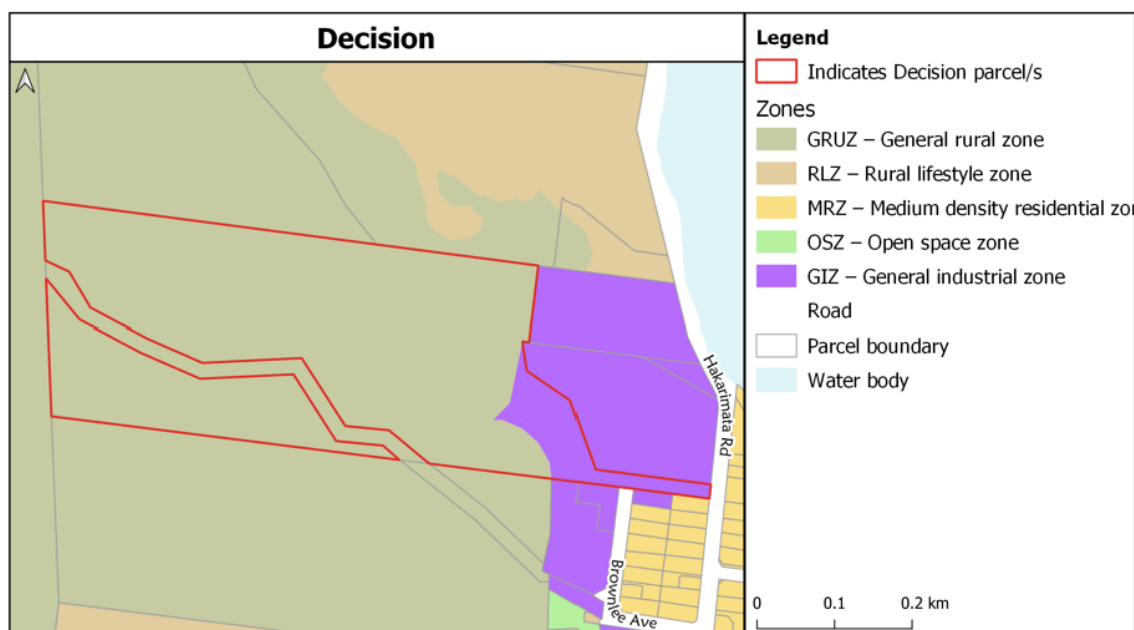


Figure 18: Area 4F Decision zoning (19 Hakarimata Road)

- 5.35 Whenua Holdings Limited⁴³ sought to amend the zoning of the property known as “Wallbank Farm” situated at Wallbank Road from Rural Zone to Industrial Zone, as shown below.



Figure 19: Wallbank Farm

- 5.36 No evidence was filed in support of the submission, and Ms Ashley recommended that the submission be rejected given there is insufficient information to determine whether an industrial zone is the most appropriate method to achieve the objectives of the PDP.⁴⁴

⁴³ Submission 829.5.

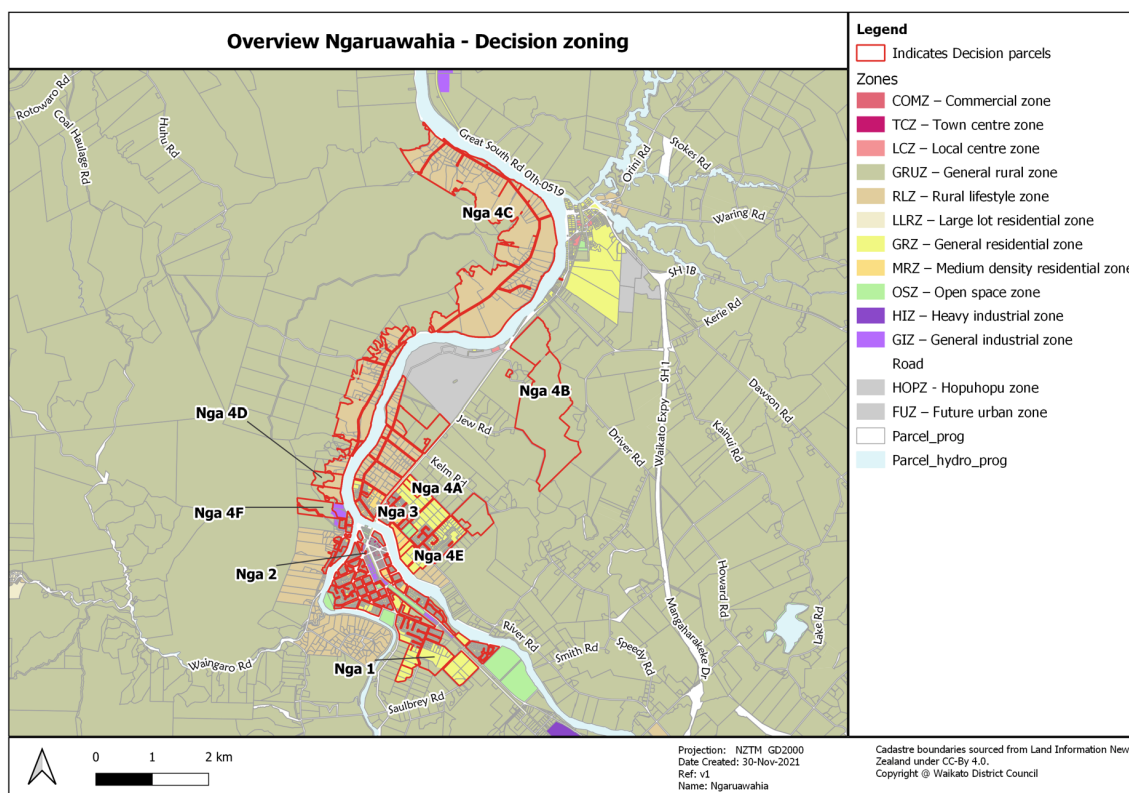
⁴⁴ Paragraph 110, Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 120, dated 16 April 2021.

5.37 We accept the recommendations and reasons of Ms Ashley with respect to Whenua Holdings Limited’s submission and have retained the notified PDP zoning for the subject site.

6 Conclusion

6.1 We accept the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this decision.

6.2 Overall, we are satisfied that the zoning pattern in Ngaaruawaahia (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 setting out our decision is included below.



**Figure 20: All Ngaaruawaahia PDP Decisions
For the Hearings Panel**

Phil Mitchell

Dr Phil Mitchell, Chair

Dated: 17 January 2022