

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 28M: Zoning -Taupiri

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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1 Introduction

- 1.1 This report addresses the subject matter of the Taupiri rezoning requests and should be read along with the overarching Hearing 25 Rezoning Extents decision report, which provides context and addresses statutory matters relating to the rezoning requests.
- 1.2 Taupiri is located adjacent to the Waikato River, north of Ngāruawāhia and has a population of approximately 500. It is overlooked by Taupiri maunga, the sacred burial ground for Māori of Waikato iwi.¹
- 1.3 Council's Growth and Economic Development Strategy (Waikato 2070) identified Taupiri for future residential growth, with the anticipated quantum, location and timing of urban growth being outlined in the Population, Household and Land Capacity Report. This growth projection anticipates modest growth over the next 10-30 years, with the identified urban growth areas providing sufficient capacity to cater for the expected increase in households.²
- 1.4 The table below sets out the notified zone in the Proposed Waikato District Plan (PDP), relief sought by submitters and the section 42A report recommendation.

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

Area	Description	Notified zone	Requested zone	Section 42A recommendation
1	Taupiri Village Expansion Area - Howard Lovell block	Rural	Residential	Rural
2	Taupiri Village Expansion Area - Rudy van Dam block	Rural	Urban Zoning	Rural
3	127 Great South Road	Rural	Residential	Rural

2 Hearing arrangement

- 2.1 The specific hearing for Taupiri 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 Council's website.
- 2.2 The following parties submitted evidence to us on the Taupiri rezoning requests:

¹ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 29, dated 16 April 2021.

² Ibid, Paragraph 32.

Table 2: Hearing appearances

Submitter	Representative
Council	Ms Justine Ashley (author of the section 42A report)
Howard Lovell and Rudy van Dam	Mr Howard Lovell, Mr Rudy van Dam and Mr Tim Lester

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 Taupiri – as summarised by area in Table 1 above. Ms Ashley’s reasons for each recommendation are captured within the discussion on each area in the following sections.

Area 1 and 2: Taupiri Village Expansion Area:

- 3.2 Mr Howard Lovell and Mr Rudi Van Dam sought to rezone land in Taupiri, located between Gordonton Road (State Highway 1) on the eastern boundary, Te Putu Street and Murphy Lane, the North Island Main Trunk Rail Line to the east and Great South Road. They sought rezoning of this land in order to enable urban growth and development (as shown on Figure 1 below).
- 3.3 For completeness, the rezoning proposal includes the land owned by St. Isadore Company Limited identified in bright green on Figure 1 below.

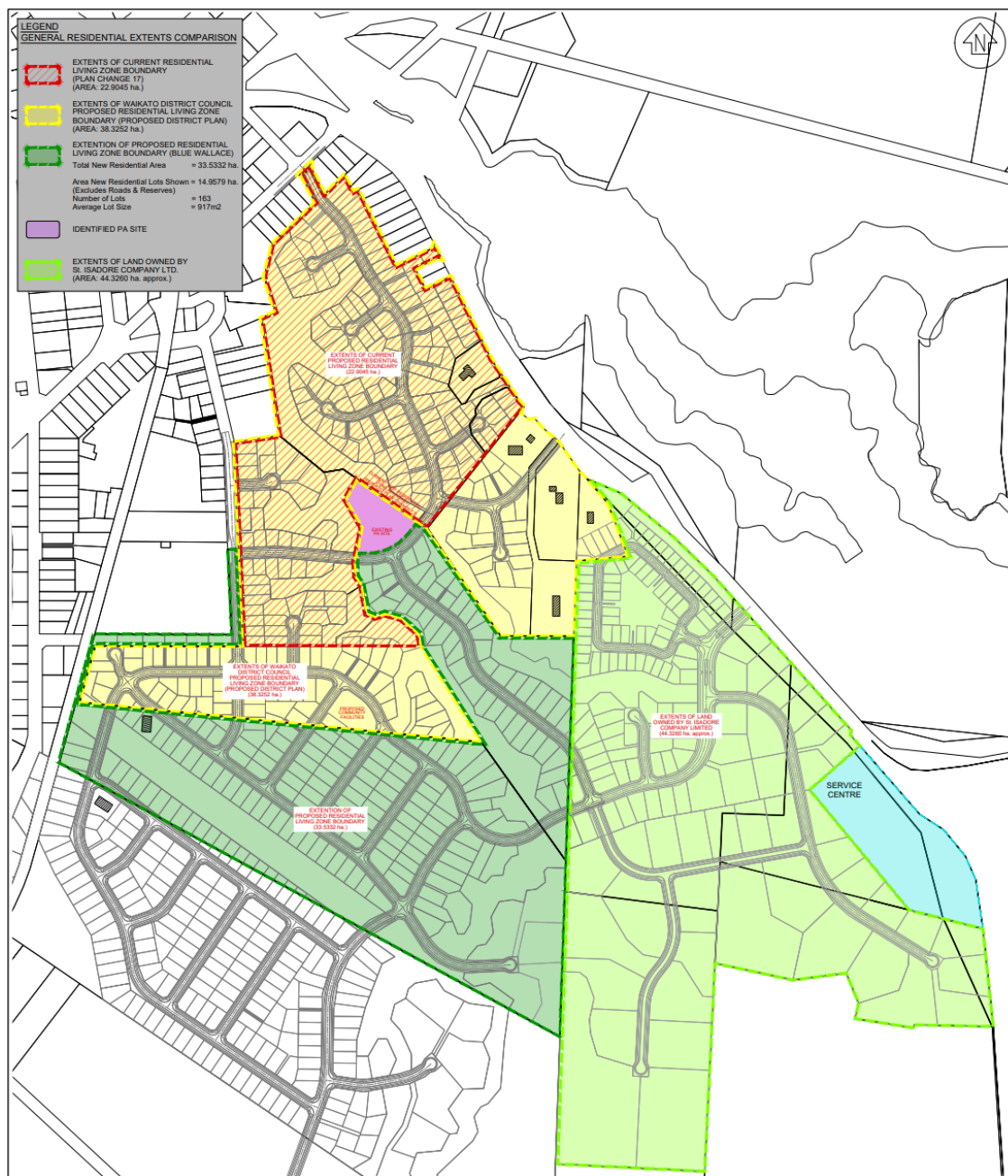


Figure 1: Taupiri Village Expansion Area (Area 1: Howard Lovell block in Dark Green and Area 2: Rudy van Dam block in Bright Green)

- 3.4 Mr Tim Lester presented planning evidence on behalf of Mr Lovell and Mr Van Dam. Mr Lester's evidence referred to the spatial extent of the rezoning proposal as the Taupiri Village Expansion Area (TVEA). He noted that within the TVEA 23 ha is zoned 'New Residential Zone' in the Operative Waikato District Plan (ODP) and an additional 38.3 ha has been rezoned to Residential Zone under the PDP. The rezoning sought by Mr Lovell seeks to increase the amount of land rezoned under the PDP to approximately 95 ha (refer to the dark green area shown on Figure 1 above).

3.5 The rezoning of the St. Isadore Company Limited land would add another 44.3 ha of land to the TVEA (refer to the bright green area on Figure 1).

3.6 Mr Lester prepared a section 32AA report to support the rezoning request. He concluded that:

- a) The objectives and policies of the Residential Zone will not be impacted by the TVEA, and the proposal would be consistent with the purpose of the Resource Management Act 1991 (RMA);
- b) The TVEA will provide for the efficient use of the land resource and maintain and enhance the amenity values and quality of the residential environment;
- c) The proposed rezoning of the TVEA will be consistent with strategic growth strategies such as Future Proof and Waikato 2070;
- d) The provisions for the Residential Zone already presented in the PDP can be adhered to by the future development opportunities within the TVEA; and
- e) The proposed rezoning is considered the most appropriate means of achieving the strategic growth and residential objectives of the PDP.³

3.7 Mr Van Dam presented his submission with respect to the St. Isadore Company Limited site, and shared concept plans for the TVEA. He clarified that a suite of zones is sought, including residential, commercial, and industrial as set out in Figure 2 below.



Figure 2: Concept Plan Presented by Rudy Van Dam

³ Section 32AA Further Evaluation Report, Submitter Number 80517, Section 4, dated February 2021.

- 3.8 Mr Van Dam further submitted that the Waikato District is short of Industrial Zoned land. He noted that the Hamilton Metropolitan Spatial Plan and Waikato 2070 both identify Taupiri as having two industrial parks and therefore Taupiri has potential to reduce the shortfall in Industrial Zoned land.
- 3.9 Ms Miffy Foley presented planning evidence on behalf of the Waikato Regional Council (WRC). In summary, her evidence raised the following points:
- a) A Future Urban Zone (FUZ) would allow for preparation of a structure plan for the area and consideration of infrastructure provision;
 - b) The TVEA is located partly within, and adjacent to, the Waikato Central drainage scheme, and the submitters would need to ensure that stormwater reticulation of any development would not impact on the existing land drainage area;
 - c) Taupiri is identified as a potential long-term industrial location on the village-side of the Waikato Expressway. It is also identified for potential further residential growth within the existing village; and
 - d) Further work is required to determine how this proposal would connect with, and complement, growth in the Ngāruawāhia and Hopuhopu areas.⁴
- 3.10 Ms Ashley noted in her section 42A report that the land subject to Mr Lovell's rezoning request was:
- a) Located within the indicative village limits of Future Proof 2017; and
 - b) Identified as a residential growth area in Waikato 2070, comprising both low density residential and lifestyle allotments over a 10 to 30-year timeframe.
- 3.11 Ms Ashley further noted that the land owned by St. Isadore Company Limited (Area 2) does not appear to be within the urban growth area of Future Proof 2017. However, she noted that Waikato 2070 indicates that this land may be suitable for commercial and industrial development.⁵
- 3.12 Notwithstanding the identification of the TVEA for future growth, Ms Ashley recommended rejecting the submission and considered that rezoning an additional 33.5 ha on top of the 38.3 ha already rezoned through the notified PDP constitutes a significant expansion of Taupiri Village.
- 3.13 However, Ms Ashley did consider that a FUZ could be applied to the land owned by Mr Lovell. The FUZ would maintain urban development potential and signal to landowners and the community that the land is appropriate for future urbanisation.⁶
- 3.14 Mr Lester filed rebuttal evidence in response to the recommendations in the section 42A report. He considered that the rezoning request does not represent a spot zoning and agreed with Ms Ashley that a FUZ could be appropriate for the entire TVEA.⁷

⁴ Evidence in Chief of Miffy Foley on behalf of the Waikato Regional Council, Page 36, dated 10 March 2021.

⁵ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 220, dated 16 April 2021.

⁶ Ibid, Paragraph 219.

⁷ Rebuttal Evidence of Tim Lester on behalf of Howard Lovell and Rudy Van Dam, Paragraph 3.36, dated 3 May 2021.

3.15 In her rebuttal section 42A report, Ms Ashley retained her earlier recommendation that the submission be rejected.⁸

Area 3: 127 – 129 Great South Road

3.16 Mr Lovell sought to rezone his land at 127 – 129 Great South Road from Rural Zone to Residential Zone (refer to Figure 3 below

3.17 Mr Lester presented planning evidence on behalf of Mr Lovell. He considered that the sites are inappropriate for rural production purposes due to the fact they are fragmented from other rural land. Furthermore, he noted that residential land use is located adjacent to the sites to the north, south and west.⁹

3.18 To support the rezoning request, Mr Lester prepared a section 32AA report, which concluded that:

- a) The subject sites can be connected to reticulated water and wastewater services;
- b) The PDP objectives and policies for the Residential Zone will not be impacted upon by the proposal and therefore will be consistent with the purpose of the RMA;
- c) The proposed rezoning will provide for the efficient use of the land resource as well as maintain and enhance the amenity values and quality of the residential environment;
- d) The proposed rezoning will be consistent with Future Proof and Waikato 2070; and
- e) The proposed rezoning is considered the most appropriate means of achieving the strategic growth and residential objectives of the PDP.¹⁰

⁸ Rebuttal Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 13, dated 10 May 2021.

⁹ Section 32AA Further Evaluation Report – Hearing 25 (H25), Submitter Number 974, Section 2, dated 17 February 2021.

¹⁰ Ibid, Section 4.

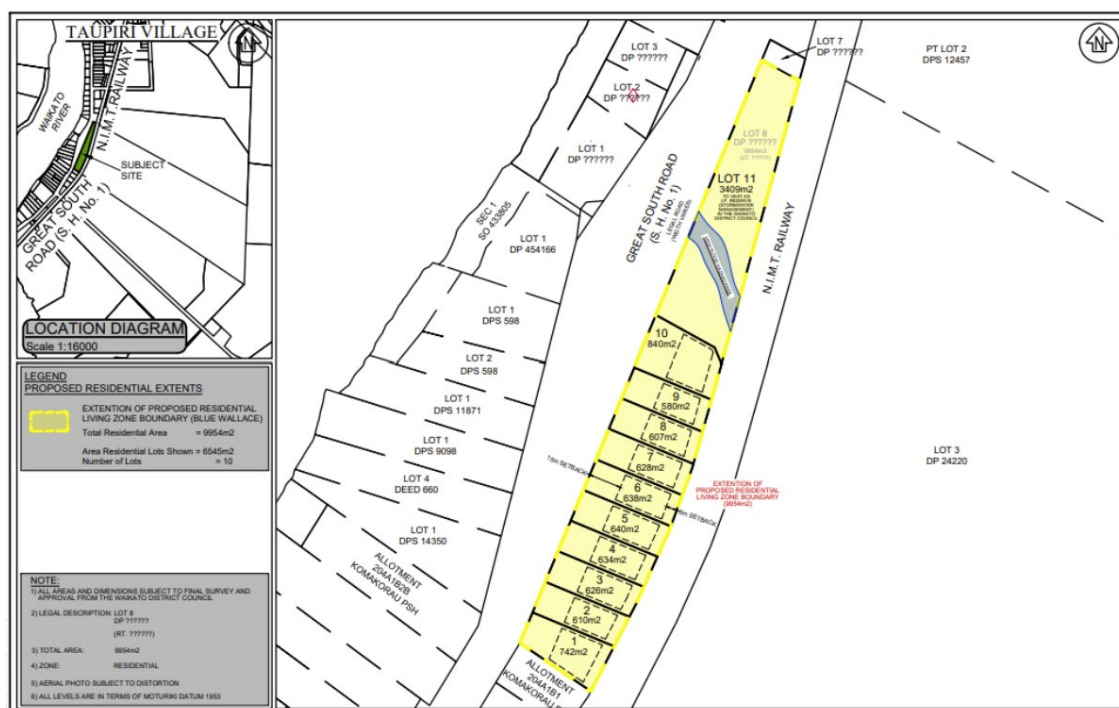


Figure 3: 127 – 129 Great South Road

- 3.19 Ms Laura Galt presented planning evidence on behalf of Hamilton City Council (HCC). She stated that HCC is opposed to an extended residential zoning outside the existing urban limits in Taupiri. She noted that work is still ongoing through Future Proof and the Metro Spatial Plan to understand the extent of residential land required in this location.¹¹
- 3.20 Ms Foley presented planning evidence on behalf of the WRC. She stated that WRC's position on this rezoning request was neutral, provided that the flood-affected part of the site is excluded from any rezoning.¹²
- 3.21 In her section 42A report Ms Ashley noted that the subject site is located outside the identified urban growth area in Future Proof 2017, Waikato 2070, and the Taupiri Structure Plan. She considered that whilst the small size of the site means that it is not of a scale that would threaten the integrity of the urban growth limit contained within the overarching strategic documents, it has obvious limitations in terms of the types of rural activities that could be undertaken on it. She also said that the same could be said for a multitude of other small sites across the Waikato District that adjoin an urban boundary with reticulated services.¹³
- 3.22 Ms Ashley further considered the potential residential amenity implications of locating additional dwellings in between a busy road and a rail corridor, therefore the potential for reverse sensitivity effects. Given this, Ms Ashley recommended rejecting the submission.¹⁴

¹¹ Evidence in Chief of Laura Galt on behalf of Hamilton City Council, Table 2, Page 10 – 11, dated 10 March 2021.

¹² Evidence in Chief of Miffy Foley on behalf of the Waikato Regional Council, Page 36, dated 10 March 2021.

¹³ Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 228, dated 16 April 2021.

¹⁴ Ibid, Section 4.

3.23 Mr Lester filed rebuttal evidence in response to the section 42A report recommendations. He noted that residential dwellings are already located in the general vicinity of the site, which are also bound to the east by the rail corridor. He considered that the effects of the rail corridor can be mitigated through setbacks and acoustic insulation. Mr Lester also referred to the setback rule in the PDP, with respect to residential dwellings located adjacent to rail corridors, which are required to be set back by 5 m. He concluded that such a setback can easily be provided for within the sites proposed for rezoning.¹⁵

3.24 Ms Ashley in her rebuttal section 42A report retained her earlier recommendation that the submission be rejected.¹⁶

4 Panel's Decision and Reasons

4.1 The section 42A report addressed 2 separate submission points and 9 further submission points on the PDP. The section 42A report author then 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 in Table 1.

Area 1 and 2: Taupiri Village Expansion Area

4.2 In terms of the TVEA, we agree that this area should be urbanised, consistent with the higher order planning documents. Given this, we must consider which zone is the most appropriate in order to achieve the objectives of the PDP.

4.3 If we consider the sites separately in terms of the Lovell (Area 1) and Van Dam blocks (Area 2 / St. Isadore Company Limited), we find that more detailed assessments were provided to support the proposed rezoning of the Lovell block to a Live Residential Zone.

4.4 With respect to the Van Dam block, we are not satisfied that sufficient work has been undertaken to determine which zones should be applied to this land. Whilst we acknowledge a concept plan was presented at the hearing by Mr Van Dam, we find that a FUZ would allow for further development and assessment of this concept.

4.5 In addition to the above, we note that there is a high level of consistency across the strategic planning documents with respect to enabling growth across both blocks. Given this, we have rezoned the sites as follows:

- a) Area 1 (Lovell block) from Rural Zone to Residential Zone; and
- b) Area 2: (Van Dam block / Isadore Company Limited) from Rural Zone to FUZ.

¹⁵ Rebuttal Evidence of Tim Lester on behalf of Howard Lovell and Rudy Van Dam, Paragraphs 4.5-4.7, dated 3 May 2021.

¹⁶ Rebuttal Section 42A Report, Hearing 25: Zone Extents Ngaruawahia, Taupiri and Horotiu, Paragraph 13, dated 10 May 2021.

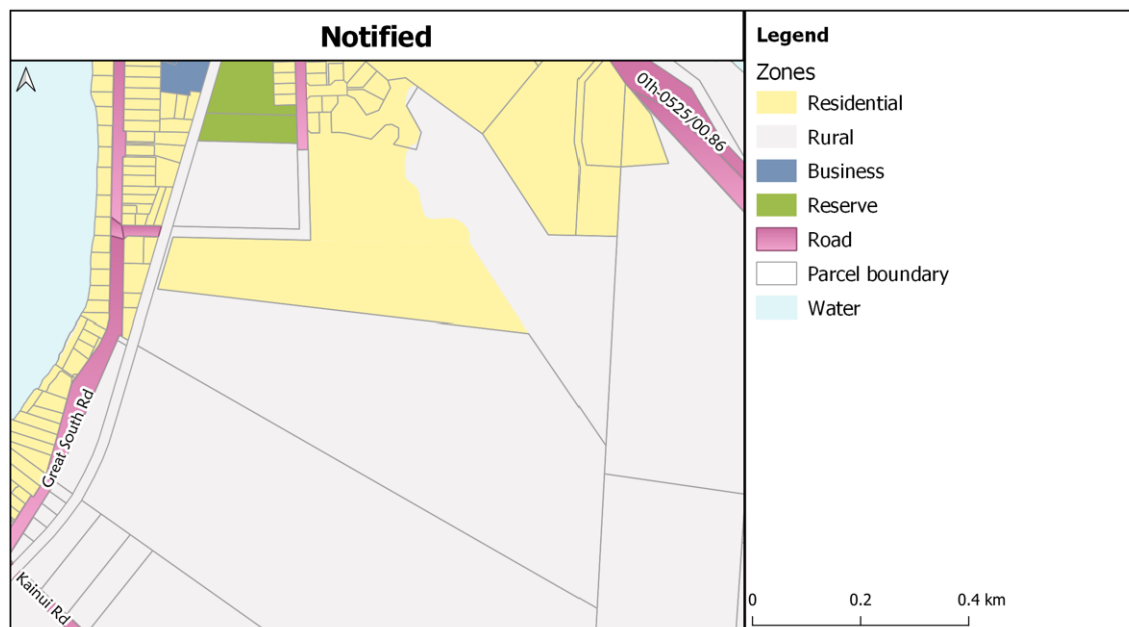


Figure 4: Area 1 Notified zoning

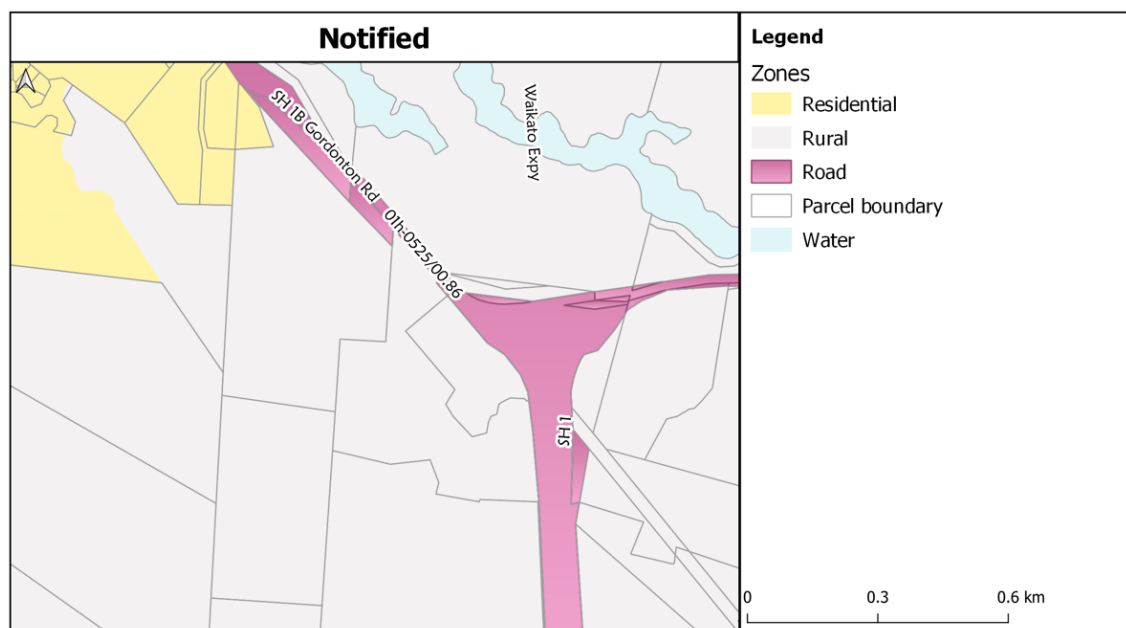


Figure 5: Area 2 Notified zoning

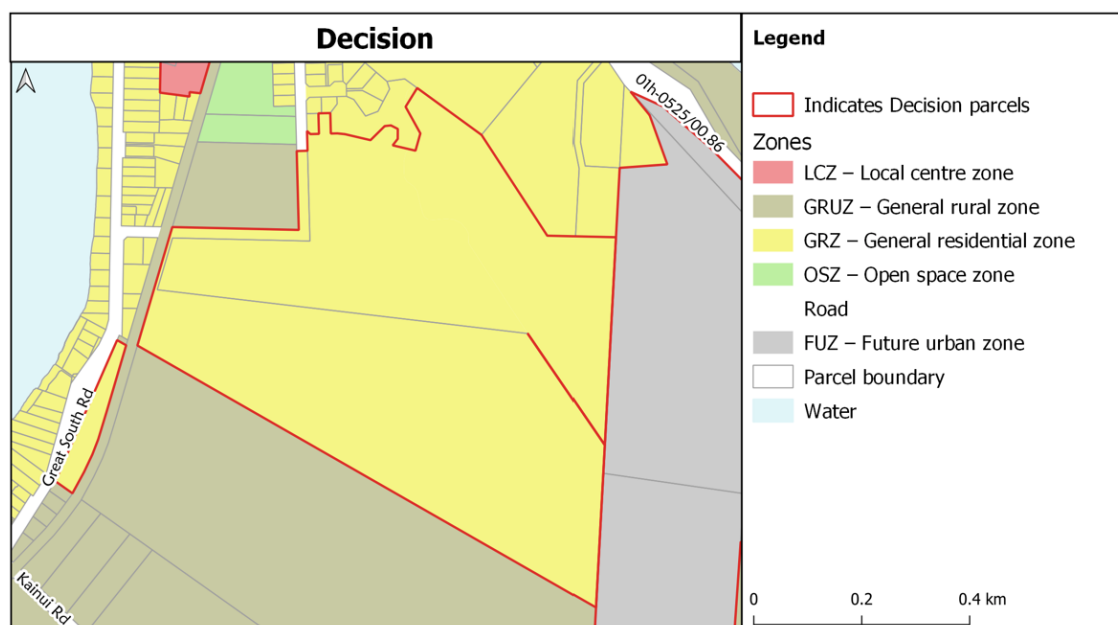


Figure 6: Area 1 Decision zoning

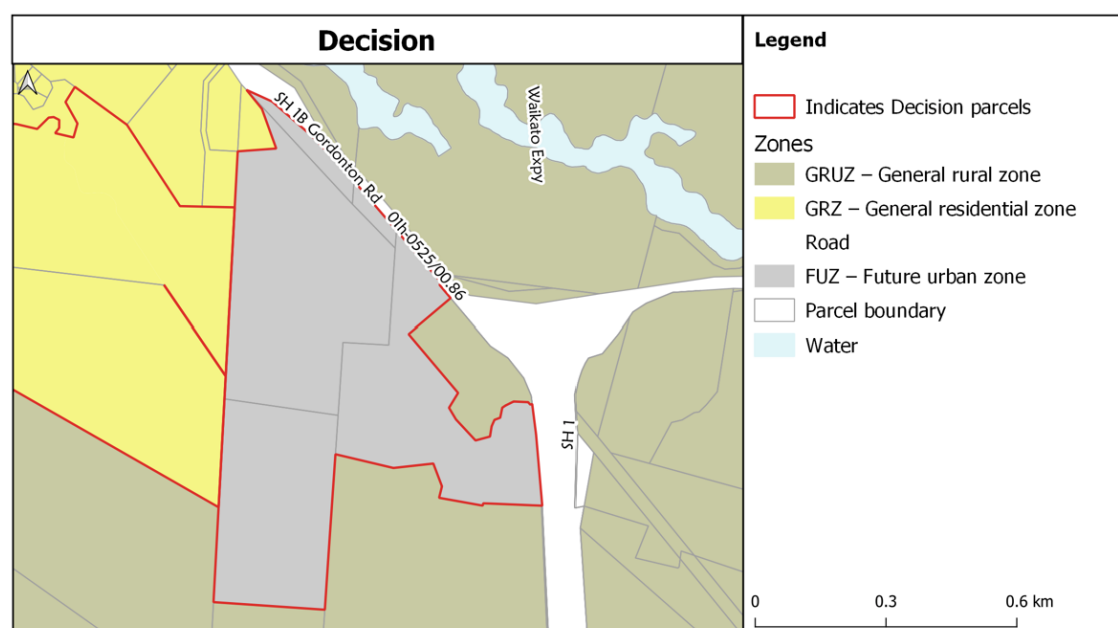


Figure 7: Area 2 Decision zoning

Area 3: 127 – 129 Great South Road

- 4.6 With respect to the sites located at 127 – 129 Great South Road, we accept Mr Lovell's submission and the evidence from Mr Lester. We find that the sites are not suited to a rural land-use given their evident fragmentation, and that rezoning these sites for residential purposes is a more efficient use of the land resource.

4.7 Furthermore, we agree with Mr Lester's evidence that reverse sensitivity effects from the rail corridor can be mitigated through setback rules which are already included in the Residential Zone of the PDP.

4.8 Given this, we have rezoned the sites from Rural Zone to Residential Zone as follows:

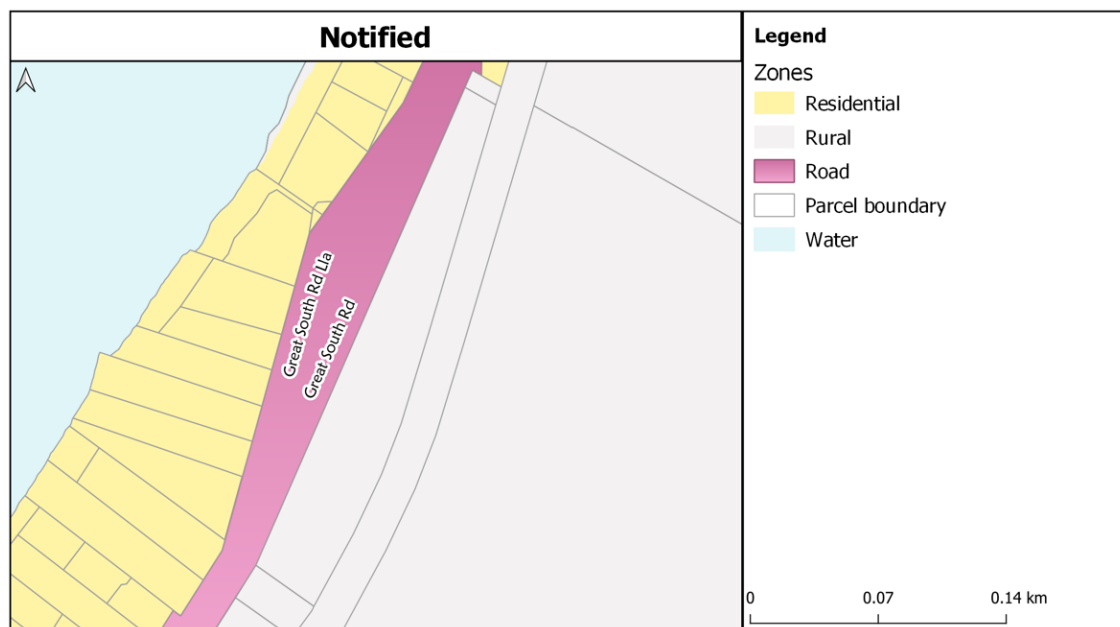


Figure 8: Area 3 Notified zoning

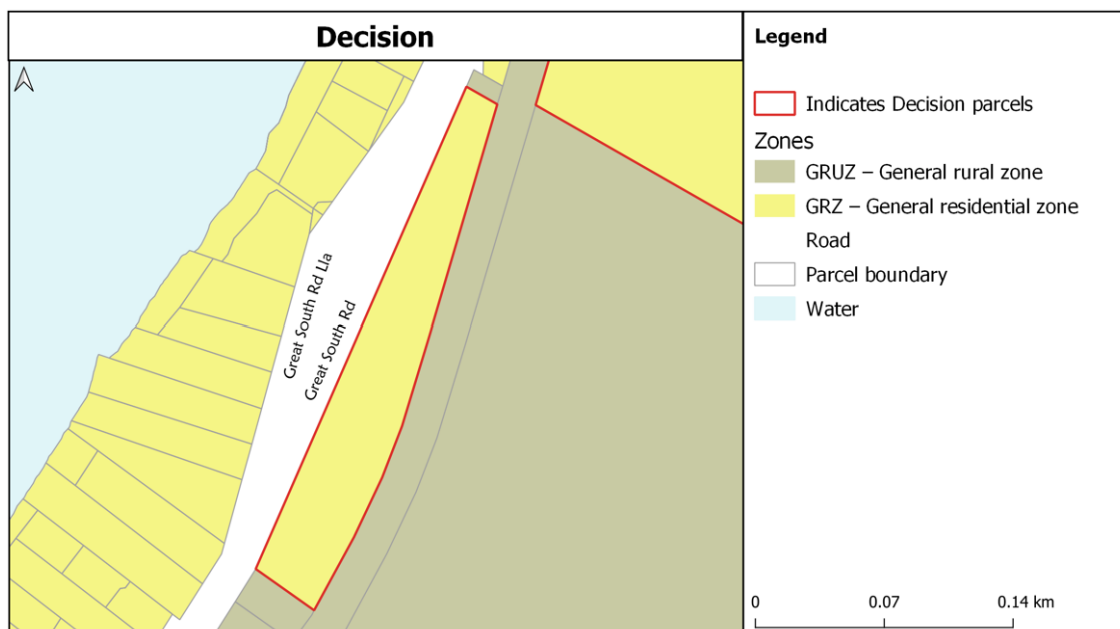


Figure 9: Area 3 Decision zoning

5 Conclusion

- 5.1 The Panel accepts 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 Taupiri (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 the outcomes of our decisions on the Taupiri rezoning requests is set out below.

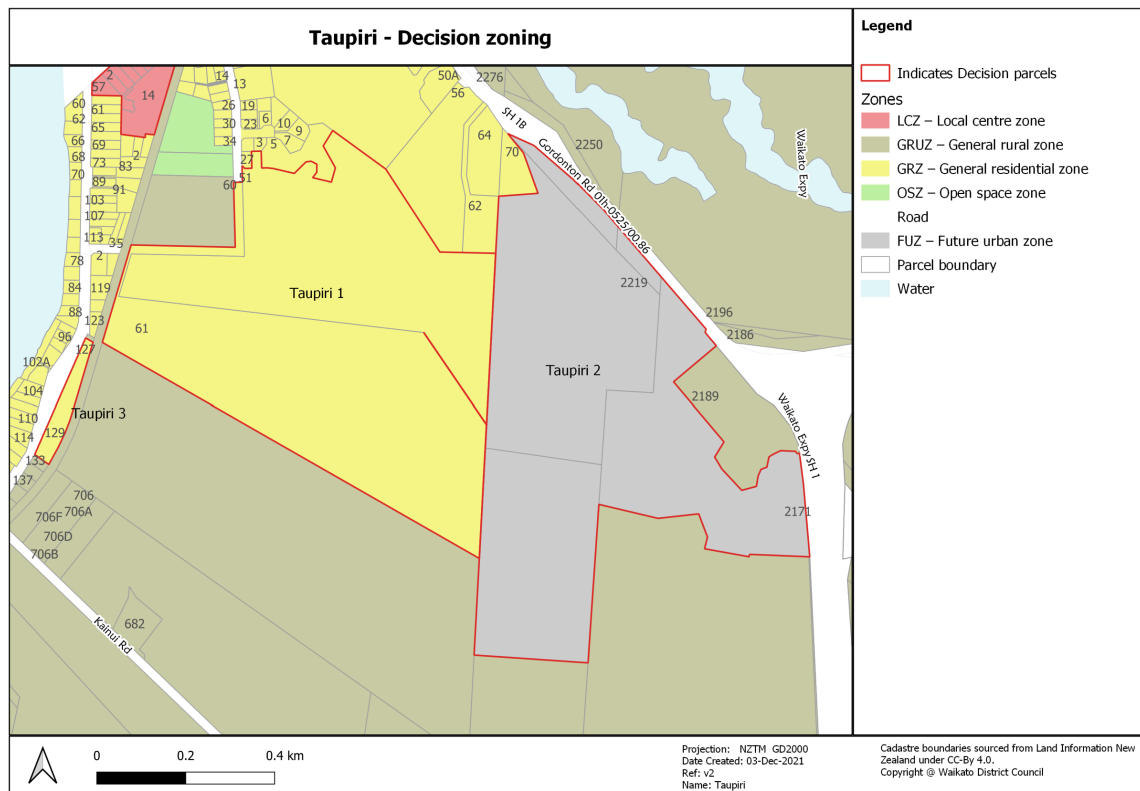


Figure 10: Taupiri PDP Decisions

For the Hearings Panel

Phil Mitchell

Dr Phil Mitchell, Chair

Dated: 17 January 2022