

SECTION 42A REPORT

Opening Statement

Hearing 25: Rest of District – Hamilton Fringe

Report prepared by: Susannah Tait

Date: 09/03/21



1 Introduction

1. Good morning Chair, Commissioners and Submitters. My name is Susannah Tait and I am the writer of the original s42A report for Hearing 25: Rest of District – Hamilton Fringe. I am also the author of the rebuttal evidence in relation to rezonings in the Hamilton Fringe.

2 Background

2. While the Hamilton Fringe falls into the ‘Rest of District’ topic, it was considered that the issues relating to the rezoning of land in the Fringe were sufficiently distinct from the remainder of the district (covered in reports by Ms Catherine Boulton), that it warranted its own report. The Hamilton Fringe encompasses predominantly Rural Zoned land and includes the settlements of Tamahere and Matangi. To assist my assessment, I divided the submissions to rezone land in the Hamilton Fringe into four geographic areas: Puketaha, Ruakura, Tamahere and Matangi.

3 Summary of policy assessment

3. By-in-large I consider that the rezoning requests within the Hamilton Fringe do not pass the ‘policy test’ when considered against the NPS-UD, WRPS and proposed District Plan.
4. As part of my assessment, I concluded that the Hamilton Fringe sits within the Hamilton urban environment and accordingly, the NPS-UD is relevant to the assessment of submissions to rezone land in the Hamilton Fringe. Overall, I found that the submissions on land in the Fringe did not represent well functioning, well planned, co-ordinated or sustainable outcomes. All of the submissions sit outside the urban limits defined in the WRPS and Future Proof 2017 (with the exception of 10 Matangi submissions) and, by-in-large, do not add ‘significant capacity’ and contribute to the sub-regional growth needs; are not serviced, or planned to be serviced, by reticulated infrastructure; are not located near a centre and are not well serviced by public transport, and would not contribute to housing affordability (due largely to the Country Living Zoning sought by many of the submitters).
5. With regards to the WRPS, I considered the rezoning requests against the Objectives 3.12 (Built Environment) and 3.26 (High Class Soils) and related policies.
6. All of the land within the Hamilton Fringe is located on high class soils, accordingly it is to be protected from inappropriate subdivision, development and use. Objective 3.26 is supported by Policies 14.2 and 6.1, which I consider when read together, direct that any subdivision, development or use that is not related to primary production or represents unplanned and uncoordinated growth should be avoided if it reduces the availability of high class soils. With the exception of 10 Matangi submissions, I do not consider that any of the submissions represent planned growth. With respect to the rezoning submissions that lie within the Matangi urban limits, I do not consider that they would be contrary to Objective 3.26 as the WRPS recognises this land is suitable for future urban growth (i.e. subdivision, development and use is planned).
7. Objective 3.12 directs how subdivision, development and use will occur throughout the District. The supporting policies that are particularly relevant to the submissions in the Hamilton Fringe focus on planned and co-ordinated subdivision, development and use (Policy 6.1, co-ordinating growth and infrastructure (Policy 6.3), adopting the Future Proof land use pattern (Policy 6.14) and rural-residential development in Future Proof (Policy 6.17). I do not consider that any of the submissions are planned and co-ordinated or have adopted the Future Proof land use pattern (noting that urban development within the Matangi urban limits is

planned and is consistent with Future Proof, but it would not be co-ordinated with infrastructural requirements). In my original evidence, I clearly set out my assessment of Policy 6.17 as it related to Matangi and Tamahere. I considered that across the submissions there was varying levels of consistency with the Schedule 6A rural residential principles, but when viewed through the conservative lens envisaged by Policy 6.17 (due to the proximity to Hamilton City), I considered that the Tamahere and Matangi rezoning requests would give rise to effects, particularly cumulative effects that would be inconsistent with Policy 6.17.

8. Lastly, I considered the proposed District Plan. Again, with the exception of 10 Matangi submissions, I did not consider that the rezoning requests would satisfy the strategic directions or the Rural environment policy direction. With respect to the land within the Matangi urban limits, I determined that, due to servicing restrictions, only a low density Village Zoning would be possible, but that this was inconsistent with the strategic directions.
9. By-in-large, my assessment has not concerned itself with site specific characteristics because I do not consider that the 'policy test' has been passed. The exception being the land around Yumelody Lane and the Atawhai Assisi retirement village, which I discuss below.

4 Merelina and Grant Burnett [185]

10. On the 3rd of June, I accepted an invitation to meet with Grant and Merelina Burnett and their planning consultant, Steve Bigwood of BBO at 50 Te Awa Lane. While I had visited the area in February 2021, being able to enter the property gave me a fuller appreciation for the property characteristics.
11. Despite our discussions and the visit to the site, I have not changed my position that the property should retain its Rural Zoning as I do not consider that the property passes the 'policy test' that warrants its rezoning. In particular I point to Policy 6.17(a), which raises the issue of cumulative effects from rural residential development. As I noted in my original report, 'the horse has bolted' is not an argument to keep rezoning land to Country Living Zone. I consider that the Burnett's rezoning request will further weaken the integrity of the policy framework resulting in precedent effects and in turn exacerbating the cumulative effects of rural residential development in the Tamahere area.
12. To this end I note that, despite its Rural Zoning, the land immediately south of 50 Te Awa Lane has been subdivided into rural residential sized allotments. In fact, there is only one parcel of land between the Burnett's site, the Waikato River, Pencarrow Road / Hooker Road and the Waipa District boundary (see Figure 1 below) that satisfies the 20ha lot size for the Rural Zone (being the minimum lot size 'cut off' for subdivision (proposed Rule PR3), and by default the minimum functional farming lot size assumed by the Plan). Further still, in the entire Tamahere area between the Hamilton City boundary, the Waikato River, south of State Highway 1 and the Waipa District boundary there are only 12 properties that are 20ha or greater.
13. I consider that the rezoning of the Burnett's land would create a precedent for rezoning land south of the Burnett's / Pencarrow Road / Hooker Road, and possibly even further land within the Tamahere ward given that the vast majority of land already displays rural residential characteristics. I do not think that the characteristics of the Burnett's site are so unique that the precedent effects are overcome. I consider that the scales have already tipped in the Tamahere area, such that the cumulative effects arising from the rezoning of Rural Zoned land to Country Living Zone are, in my opinion, significant on water supply and transport infrastructure, loss of high class soils, and rural production and amenity. To rezone further land would only contribute to this.

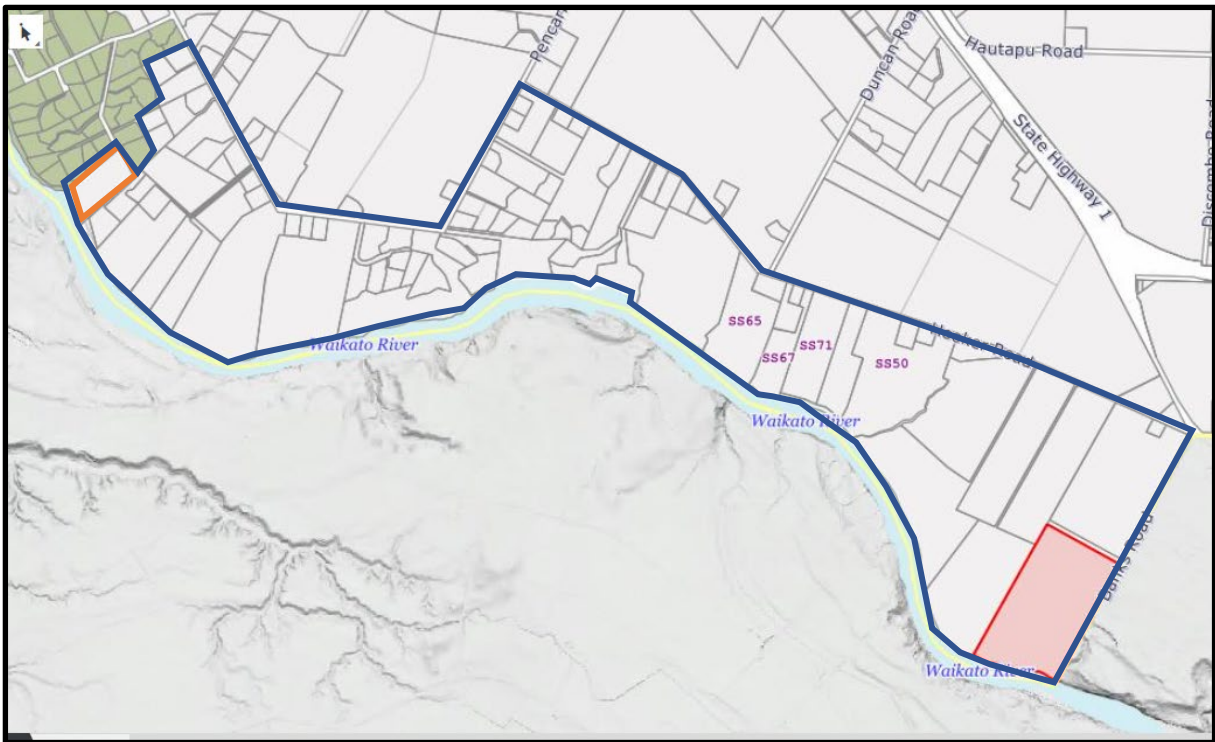


Figure 1: Tamahere subdivision pattern (Red = 20ha lot, orange = the Burnett's, blue = discussion area (source: <https://maps.waikatodistrict.govt.nz/intramaps97/?configId=b2549ae1-f643-4ac6-9586-211ba985dd8f&project=Waikato&module=Proposed%20District%20Plan%20-%211ba985dd8f>)

5 Yumelody Lane

14. As noted in my rebuttal statement, I revised my recommendation on land in Yumelody Lane and the Atawhai Assisi Retirement Village due to the paragraph 15 in the Strategic Boundary Agreement between Hamilton City Council and Waikato District Council 2020, which states that the Councils agree that *Tamahere is excluded from the provisions of this Agreement, and as a future transfer area.* My revised recommendation was that these properties should be rezoned from Rural to Country Living and that this was appropriate due to the clear physical constraints surrounding the land that I considered were sufficient to avoid precedent effects.
15. Further to this recommendation, I note that should the Atawhai Assisi Retirement Village be rezoned to Country Living Zone, it is appropriate that it is subject to the same rules that would apply to the Eventide Retirement Village and the Tamahere Country Club, as set out below:

<u>PX</u>	<u>Tamahere Eventide Retirement Village (Lot 1 & Lot 2 DPS88165 & Pt Lot 2 DPS2182) and Tamahere Country Club Retirement Village (insert CT ref) maintenance, operation, and alteration.</u>	<ul style="list-style-type: none"> (a) <u>The alterations do not increase net floor area.</u> (b) <u>Land Use – Effects in Rule 23.2;</u> (c) <u>Land Use – Building in Rule 23.3 except:</u> <ul style="list-style-type: none"> (i) <u>Rule 23.3.1 (Number of dwellings) does not apply;</u> (ii) <u>Rule 23.3.2 (Minor Dwellings) does not apply;</u> (iii) <u>Rule 22.3.6 (Building Coverage) does not apply.</u>
<u>RDX</u>	<u>Tamahere Eventide Retirement Village (Lot 1 & Lot 2 DPS88165 & Pt Lot 2 DPS2182) and Tamahere Country Club Retirement Village (insert CT ref) alterations and additions that increase net floor area and that meet all of the following conditions:</u> <ul style="list-style-type: none"> (a) <u>Land Use – Effects in Rule 23.2;</u> (b) <u>Land Use – Building in Rule 23.3 except:</u> <ul style="list-style-type: none"> (i) <u>Rule 23.3.1 (Number of dwellings) does not apply;</u> (ii) <u>Rule 23.3.2 (Minor Dwellings) does not apply;</u> (iii) <u>Rule 23.3.6 (Building Coverage) does not apply.</u> 	<ul style="list-style-type: none"> (a) <u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> (i) <u>effects on rural character and amenity.</u> (ii) <u>The visual and amenity effects of building bulk and scale</u> (iii) <u>Connectivity to existing towns and villages, including connections to existing walkways, roads, and public transport;</u> (iv) <u>Connectivity to public reticulated water supply and wastewater, or the adequacy of services provided on-site;</u> (v) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or mineral extraction activities;</u> (vi) <u>Traffic effects.</u>
<u>DX</u>	<u>Retirement Villages not otherwise provided for in Rule PX or RDX.</u>	

6 Noel Smith

16. Mr Noel Smith [FS1183] opposed the rezoning of land by Tainui Group Holdings [341] in the Ruakura. On the 27th of May, Mr Smith provided a summary statement to the Council in support of his further submission.
17. I have reviewed Mr Smith's summary statement. I maintain my recommendation that submission [341.1] and [341.2] by Tainui Group Holdings should be rejected and Mr Smith's further submission be accepted.

7 Andrew and Christine Gore [330]

18. Legal submissions were prepared on behalf of Andrew and Christine Gore [330] and submitted to Council on the 26th of May. Counsel for the submitter asserted that Ms Boulton and I both assessed the Gore's site and reached different recommendations. This is incorrect. This matter has been addressed by Ms Boulton in her opening statement.