

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan

Hearing 25: Zone Extents Rest of District

Report prepared by: Catherine Boulton

Date: 16 April 2021



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List of submitters and further submitters addressed in this report

Submitter	Submission number
Corey Belfield	36.1
Geotec Low Ltd	45.1
Shelley Munro	55.9
Amy Pitcher	79.1
David Hall	103.1
Bruce and Dorothy Chipman	106.1
Neil and Suzanne Cummings	118.1
Amanda Shaw	120.1
Todd Bawden	151.1
Peter Thomson	158.1
Martin Lynch	161.1
Paula Brown	168.1
Nick Hill	177.1
RM and CA Part	180.1
Roger and Bronwyn Crawford	204.1
Joanna Clark	215.1
David and Barbara Yzendoorn	292.4
David and Barbara Yzendoorn	292.6
Farm Limited Diamond Creek	387.1
Bowrock Properties Limited for PAUA Architects	393.1
Horotiu Properties Limited	397.1
Madsen Lawrie Consultants Limited	420.4
Ohinewai Lands Limited	428
Gerard Willis	436.2
Madsen Lawrie Consultants Limited	440.7
Madsen Lawrie Consultants Limited	447.11
Kenneth Rowe	503.1
Dinah Robcke	551.1
Linda Rowe	558.1

Proposed Waikato District Plan

Rest of District

Further Submitter	Further Submission number
Roger and Bronwyn Crawford	FSI020
Pareoranga Te Kata	FSI035
Auckland/Waikato Fish and Game Council	FSI045
Andrew and Christine Gore	FSI062
Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	FSI108
Bowrock Properties Limited	FSI197
Turangawaewae Trust Board	FSI139
New Zealand Transport Agency	FSI202
Dinah Robcke	FSI209
Jennie Hayman	FSI268
Waikato Regional Council	FSI277
Stuart Quigley and Quigley Family Trust	FSI278
Horotiu Properties Limited	FSI286
Blue Wallace Surveyors Ltd	FSI287
Ethan and Rachael Findlay	FSI311
Fonterra Limited	FSI333
Ngati Tamaoho Trust	FSI369
Hamilton City Council	FSI379
Mercury NZ Limited for Mercury C	FSI386
Mercury NZ Limited for Mercury D	FSI387
Mercury NZ Limited for Mercury E	FSI388

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Debbie McPherson	969.1
Quigley Family Trust	989.1

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My full name is Catherine Mary Louise Boulton. I am employed by planning and resource management consulting firm Planz Consultants Limited as a Consultant Planner.
2. I hold a Bachelor of Science (Geography) with a Bachelor of Arts (Honours) and a Master of Resource and Environmental Planning. I am an Associate Member of the New Zealand Planning Institute.
3. I have fourteen years' experience working as a planner, with this work including the development of plan changes and associated s32 assessments, non-RMA policy development and the preparation and processing of resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.

I.2 Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the hearings commissioners.

I.3 Conflict of Interest

6. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest in relation to Rural Rezoning submissions and further submissions, except for at 2044 River Road and 2324 River Road. With respect to 2044 River Road, Fonterra who are further submitters to submissions 45 and 161 are clients of Planz Consultants on other projects, albeit that Planz have not provided any advice to Fonterra regarding the Waikato District Plan Review. As, I have been advised by Council that the rezoning of land in the PWDP was made in error, I address this submission in Section 14 of this report. For 2324 River Road I note that my cousin has prepared submission [151.1] on behalf of the owners. As this land subject to this submission does not relate to a mapping error, my colleague Ms Justine Ashley has provided an assessment and recommendation on this submission to avoid real or perceived conflict of interest. Ms Ashley's assessment is provided in Appendix 4 of this report.

2044 River Road	
Submitter	Submission Number
Geotec Low Ltd	45.1
Horotiu Properties Limited	FS1286.3
Blue Wallace Surveyors Ltd	FS1287.1
Hamilton City Council	FS1379.4
Mercury NZ Limited	FS1386.34
Martin Lynch	161.1
Bowrock Properties Limited	FS1197.5
Horotiu Properties Limited	FS1286.4
Blue Wallace Surveyors Ltd	FS1287.7

<i>Fonterra Limited</i>	<i>FS1333.28</i>
<i>Hamilton City Council</i>	<i>FS1379.39</i>
<i>Mercury NZ Limited</i>	<i>FS1386.136</i>

2324 River Road	
Submitter	Submission Number
Todd Bawden	151.1
<i>Waikato Regional Council</i>	<i>FS1277.9</i>
<i>Horotiu Properties Limited</i>	<i>FS1286.2</i>
<i>Hamilton City Council</i>	<i>FS1379.36</i>
<i>Mercury NZ Limited</i>	<i>FS1386.129</i>

1.4 Preparation of this report

7. I am the author of this report which has been prepared in accordance with section 42A of the RMA.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
9. Whilst this report focusses simply on spot rezoning requests throughout the notified Proposed Waikato District Plan's ('PWDP') Rural zone, the policy and rule frameworks for the sought-after zone (e.g. Country Living Zone, Village Zone) are relevant to my consideration and therefore I have reviewed the s42A recommendations on these alternative zones presented to Hearings 12 and 6 respectively.
10. I have likewise reviewed all submissions and further submissions of relevance to this topic, along with all evidence provided on behalf of submitters.

2 Scope of Report

2.1 Matters addressed by this report

11. This report considers submissions that were received by the Council in relation to rezoning requests within the 'Rest of District' which covers the PWDP's notified Rural Zone. In preparing this report I have had particular regard to the Framework Report prepared by Dr Mark Davey dated 19 January 2021.
12. The 'Rest of District' area largely encompasses the wider Rural Zone properties that fall outside of the larger Waikato District townships (such as Raglan, Hopu Hopu, Tuakau, Te Kauwhata, TaTa Valley, Kimihia Lakes, Te Kowhai, Horotiu, Ngaruawahia and Taupiri, Mercer and Meremere and Ohinewai). Submissions on Rural Zoned blocks of land immediately adjacent to these townships are considered in the s42a reports on these townships.
13. Submissions relating to blocks of land near to Hamilton City Council's boundaries are addressed by my colleague Ms Susannah Tait in a separate s42a report 'Rest of District – Hamilton Fringe', with Ms Tait's report encompassing Tamahere and Matangi areas.
14. Apart from Glen Massey (discussed later) there are no other structure plans of relevance to the submissions received on rezoning within the 'Rest of District'.

2.2 Overview of submissions

15. In general, the primary submissions are seeking that rural sites within the 'Rest of District' be rezoned to either Country Living ('CLZ') or Village Zone ('VZ'). The density of development that could be achieved through rezoning to CLZ or VZ. As notified, CLZ enables development down to 5,000m² lots, and VZ enables 3,000m² lots. Both zones are predicated on reticulated services not being available and therefore sites need to be sufficiently large to manage on-site sewage and stormwater disposal. The change in zoning sought by submitters therefore enables significantly greater density than what is enabled by the Rural Zone provisions of the PWDP. Some of these submissions are specific about the zone they are seeking while others are more general requesting either Country Living or Village zoning. To a lesser extent are submissions requesting alternative zonings such as a Business Zone or Mining Zone and other miscellaneous relief. The submissions and their requested relief are addressed in Sections 4 to 14 of this report.
16. Given that the 'Rest of District' covers a wide area, details of the submissions with a map showing the location of block where rezoning is sought and the requested relief are detailed under Sections 4 to 14 below.

2.3 Structure of this report

17. The assessment of submissions is structured around the zone sought for each block of land as follows:
 - a. Section 4 addresses submissions seeking a rezone of land within the Glen Massey Area.
 - b. Section 5 addresses submissions seeking a rezone of land within the Te Uku Area.
 - c. Section 6 addresses submissions seeking a rezone of land from Rural to Country Living Zone.
 - d. Section 7 addresses submissions seeking land rezoning to Village Zone.
 - e. Section 8 addresses submissions seeking land rezoning to Industrial Zone.
 - f. Section 9 addresses a submission made seeking the rezoning of Maramarua Township.
 - g. Section 10 addresses submissions seeking rezoning to a Residential Zone.
 - h. Section 11 relates to the North Head Mine Site whereby the submission seeks a rezone from Rural to a Maoro Mining Zone.
 - i. Section 12 addresses the submission by Ohinewai Lands Limited
 - j. Section 13 addresses submissions seeking retention of the notified PWDP Zone.
 - k. Section 14 addresses mapping errors.
18. Appendix I provides a table of submission points with the recommendation for both original submissions and further submissions provided within this table. Note that the recommendations on further submissions are not provided specifically within the body of this report but the recommendation on these further submissions logically follows the recommendation on original submissions.
19. Appendix 2 shows recommended amendments to zone boundaries.
20. Appendix 3 provides technical peer reviews for the submission site at Te Uku [387.1]
21. Appendix 4 is an addendum for the consideration of submission [151.1]

2.4 Procedural matters

22. Post notification dialogue has been undertaken with Mr Peter Findlay in relation to the submission from the Village Church [743.2] via phone on 10.3.2021. Mr Findlay outlined for

this submission that they were seeking Village Zone or if more appropriate an alternative zoning such as a special purpose zone for community activities. Mr Findlay outlined aspirations for their property which included extensions to the Village church and that under the current and proposed planning framework there are challenges to the extensions they would like to do.

23. Post notification dialogue has also been undertaken with Madsen Lawrie Consultants Limited [440.7] whereby I emailed and received a response from the submitter's agents (on 10.3.2021) to confirm the land parcel for which rezoning was sought. This is discussed in the analysis of the submission below.

3 Statutory framework

24. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45). The following sections identify statutory documents with particular relevance to this report.

3.1 National Policy Statement for Urban Development

25. The National Policy Statement for Urban Development (NPS-UD) took effect on 20 August 2020. The NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. The eight objectives of the NPS-UD are summarised as follows:
- a. Well-functioning urban environments that consider the social, economic, cultural wellbeing, and health and safety of people and communities;
 - b. Planning decisions improve housing affordability through competition;
 - c. Regional policy statements and district plans enable people to live and businesses and community services to be located in urban areas where there is high demand for housing or business in or near a centre zone which is well-served by public transport;
 - d. Flexible urban environments, including their amenity values can develop and change over time in response to the diverse and changing needs of people, communities and future generations;
 - e. Planning decisions on urban environments take into account the principles of Te Tiriti o Waitangi;
 - f. Local authority decisions on urban development integrate with infrastructure planning and funding and are strategic and responsive;
 - g. Local authorities have robust and frequently updated information about their urban environments to inform planning decisions.
 - h. Urban environments support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change.
26. The NPS-UD is relevant to the consideration of submissions which are seeking rezoning in the context of urban growth and development. Therefore, the district plan must give effect to this higher order document in terms of the strategic growth hierarchy, which is to ensure growth occurs within appropriate zoning and where infrastructure and services are available to support the population and communities.
27. The primary focus of the NPS-UD is the adequate supply of housing and business land, and the delivery of well-functioning urban environments. Its focus is therefore primarily on urban (rather than rural) areas, with the delivery of housing and business capacity to be primarily within and immediately adjacent to urban areas (where the benefits of access to services, mass-transit, and reticulated infrastructure can be provided, rather than through the countryside).

28. The NPS-UD defines the 'urban environment' as being land that is (a) 'primarily urban in character' and (b) that is or is intended to be part of a housing and labour market of at least 10,000 people. Small villages and isolated rural properties may arguably form part of a wider housing and labour market if they are located within easy commuting distance of larger townships, however they are unlikely to have a form or character that is primarily urban in nature.
29. Whilst a separate document, for reference the Future Proof 2017 Strategy identifies that the growth of rural towns and villages should be supported within indicative urban and village limits. As shown on Map 1 of the Future Proof Strategy the indicative 'urban areas' are located at Tuakau, Pokeno, Te Kauwhata, Huntly, Ngaruawahia and Raglan and the indicative 'village limits' include villages at Taupiri, Gordonton, Whatawhata, Te Kowhai, Matangi, Tamahere and Horotiu. I consider this to helpfully align with the NPS-UD direction that submission sites that fall within the 'Rest of District' do not relate to an 'urban environment' in the context of the NPS-UD.
30. Of particular relevance to the rest of District submissions is the lack of programmed reticulated services to the vast majority of submitters sites within the short-medium term. NPS-UD Policy 8 obliges Local Authorities to 'be responsive' to plan changes that are out of sequence or otherwise not contemplated in the relevant planning documents e.g. the Waikato Regional Policy Statement ('WRPS'). Such plan changes are however subject to a number of caveats under Policy 8. The plan change must contribute to a 'well-functioning urban environment', as set out in Policy 1. The plan change must also be capable of delivering 'significant' development capacity, noting that the criteria for 'significant' have yet to be determined.
31. 'Development capacity' is defined in the NPS-UD as the capacity of the land to be developed for housing based on the relevant zone provisions and the provision of adequate development infrastructure to support the development of land for housing. 'Development infrastructure' is in turn defined as three-waters network infrastructure that is controlled by a council or council-controlled organisation. In short, if a proposed growth area is unable to connect to council-controlled reticulated services, then it is unable to meet the definitions of providing 'development capacity' and therefore is unable to be considered under Policy 8.
32. Given that the Rural Zoned area which comprise the Rest of District are not currently provided with any reticulated three-waters infrastructure, and no such provision is programmed within the next ten-year period, any potential growth areas that are not otherwise shown in higher order planning documents are unable to be considered under Policy 8 of the NPS-UD. Even where reticulated services are available, the size of submitter sites is generally modest, which combined with the very low density of housing sought through CLZ or VZ outcomes, means that they are unlikely to reach the required threshold of providing 'significant' capacity.

3.2 National Policy Statement on Electricity Transmission

33. The National Grid runs through the Waikato District and traverses both urban and rural land. There is protection of the National Grid built into the Proposed District Plan through restrictions which control subdivision (and consequential building platforms), buildings and sensitive land uses within a 'National Grid Yard' and 'National Grid Corridor'. Furthermore, I note that Transpower have not submitted on rezoning requests even when they are underneath the National Grid.

3.3 Waikato Regional Policy Statement

34. A high-level assessment of the relevant WRPS provisions as they relate to urban growth and rural land is set out in the Framework Report authored by Dr Davey and the Section 42A

natural and physical resources. Of particular relevance to the rezoning requests is that the WRPS recognises that the Waikato Region will experience growth and development and establishes objectives and policies to address this. Outside of urban growth matters the WRPS also has a strong focus on water quality and quantity issues, the protection of areas with high landscape, ecological value, heritage, and cultural values, and the mitigation of risk presented by natural hazards. The WRPS also provides specific direction on high class soils, primary production and significant industry and mineral extraction. The WRPS provides the following specific directions which are particularly relevant to the Rest of District area:

- **Policy 6.1** requires subdivision, use and development of the built environment, including transport to occur in a planned and coordinated manner with regard to the principles in section 6A (which includes general development principles and principles specific to rural-residential development), potential cumulative effects, consideration of potential long-term effects and with regard to the existing built environment.
- **Policy 6.3** directs that growth be coordinated with the provision of infrastructure.
- **Policy 6.6** directs that the built environment is managed to protect existing and planned regional infrastructure, has regard to the benefits that can be gained from the development and use of significant infrastructure and has regard to the locational, technical and operational practicalities associated with renewable electricity generation and the electricity transmission network.
- **Policy 6.8** directs the development of the built environment to appropriately manage and recognise mineral resources.
- **Policy 6.14** directs the Future Proof land use pattern to be adopted.
- **Policy 6.17** (Rural residential development in Future Proof area) acknowledges that careful management of rural residential development is required that recognises the pressures from and the adverse effects of rural residential development particularly within close proximity to Hamilton City, as well as the potential for adverse effects, conflicts between activities, servicing demands and cross-territorial boundary effects. Lastly the policy states that rural residential development should have regard to the principles in section 6A which include general development principles and principles specific to rural residential development, being:

Chapter 6A – Development principles

General development principles

New development should:

- a) *Support existing urban areas in preference to creating new ones;*
- b) *Occur in a manner that provides clear delineation between urban areas and rural areas;*
- c) *Make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;*
- d) *Not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading where these can be anticipated;*
- e) *Connect well with existing and planned development and infrastructure;*

- f) Identify water requirements necessary to support development and ensure the availability of the volumes required;
- g) Be planned and designed to achieve the efficient use of water;
- h) Be directed away from identified significant mineral resource and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;
- i) Promote compact urban form, design and location to:
- j) Minimise energy and carbon use;
- k) Minimise the need for private motor vehicle use;
- l) Maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;
- m) Encourage walking, cycling and multi-modal transport connections; and
- n) Maximise opportunities for people to live, work and play within their local area;
- o) Maintain or enhance landscape values and provide for the protection of historic and cultural heritage;
- p) Promote positive indigenous biodiversity outcome and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity,
- q) Maintain and enhance public access to and along the coastal marine area, lakes, and rivers;
- r) Avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);
- s) Adopt sustainable design technologies, such as the incorporation of energy efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;
- t) Not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;
- u) Be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;
- v) Consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tangata whenua connections within an area should be considered;
- w) Support the Vision and Strategy for the Waikato River in the Waikato River catchment;
- x) Encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and
- y) Recognise and maintain or enhance ecosystem services.

Principles specific to rural-residential development

As well as being subject to the general development principles, new rural-residential development should:

- a) Be more strongly controlled where demand is high;
- b) Not conflict with foreseeable long-term needs for expansion of existing urban centres;
- c) Avoid open landscapes largely free of urban and rural-residential development;

- d) *Avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;*
- e) *Recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;*
- f) *Recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;*
- g) *Minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;*
- h) *Be capable or being serviced by onsite water and wastewater services unless services are to be reticulated; and*
- i) *Be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.*

High Class Soils

- 37. **Objective 3.25** and **Policy 14.1** seek to manage the soil resource by minimising sedimentation and erosion, maintaining or enhancing the biological, chemical, and physical soil properties; and retaining soil versatility to protect the existing and foreseeable range of uses of the soil resource.
- 38. **Objective 3.26** and **Policy 14.2** are specific to high class soils and seek to avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development. The term 'high class soils' is defined in the WRPS as meaning those soils in Land Use Capability Classes I and II (excluding peat soils) and soil in Land Use Capability Class IIIel and IIIe5, classified as Allophonic Soils.

3.4 Future Proof 2017

- 39. The Future Proof Strategy is a 30-year growth management and implementation plan specific to the Waikato Region. The Future Proof Strategy (2009 version) is embedded in the Regional Policy Statement and through that reference district plans are required to give effect to it.
- 40. The Future Proof settlement pattern has been revised since the WRPS became operative and there is now a 2017 version, with further updates programmed in the future. The Future Proof settlement pattern aims to achieve a more compact and concentrated urban form overtime. This directs growth into key areas within defined urban and village limits as set out in Map 1 of the strategy, included as Figure 2 below. The Strategy aims to have 80% of residential growth occur within identified growth towns and villages. None of the defined urban and village limits are located within the 'Rest of District' and thus is largely irrelevant for the consideration of these submissions. The Future Proof settlement pattern for the Waikato District also recognises that rural residential living is most appropriately located in and around existing towns, villages and rural-residential nodes and should not result in fragmentation of high-class soils¹.

¹ Future Proof 2017, page 60
Proposed Waikato District Plan

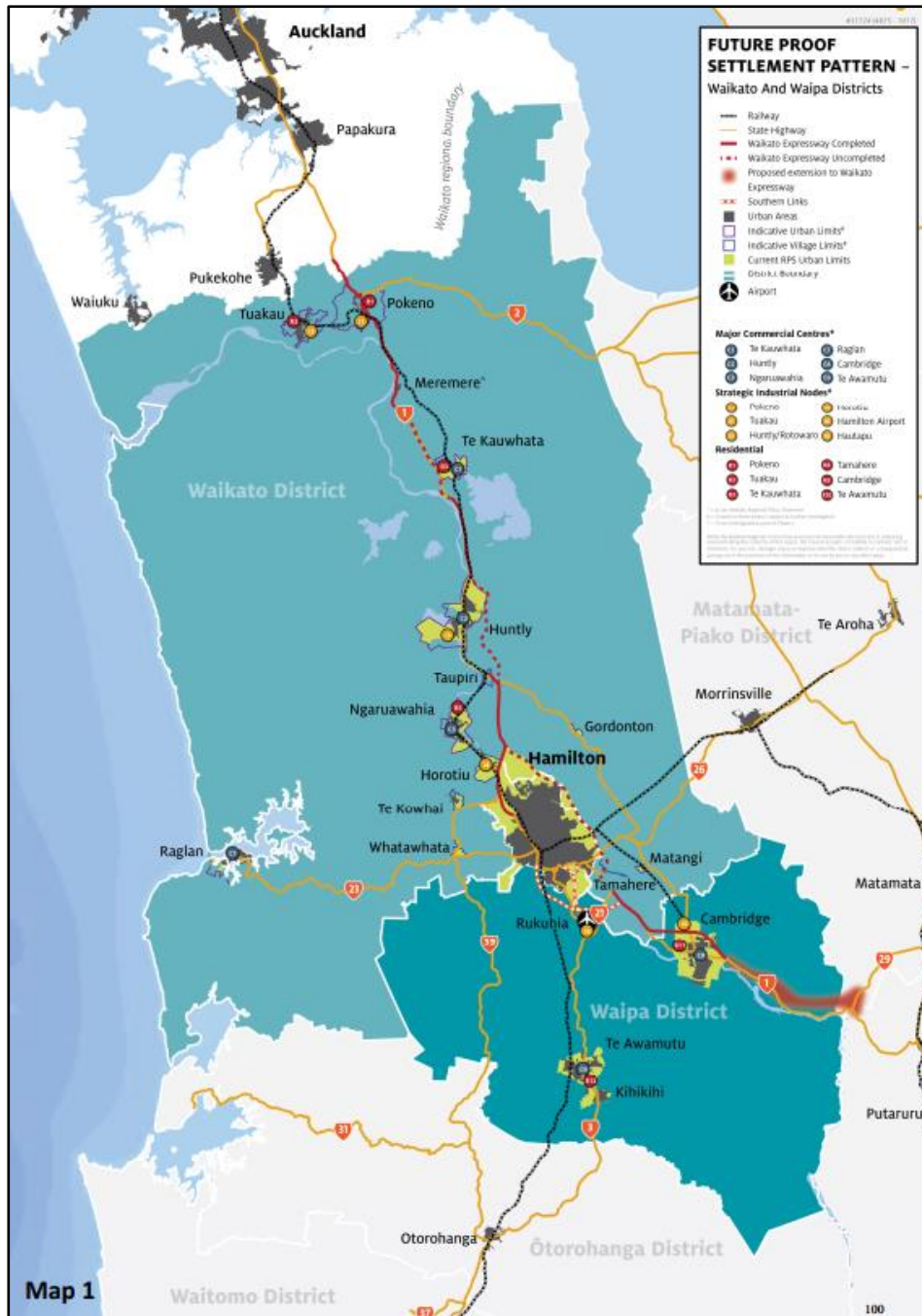


Figure 2: Future Proof Settlement Pattern (Source: Future Proof Strategy, November 2017)

41. The applicable Future Proof Principles relevant to Rural Areas are:

- Encourage development to locate adjacent to existing urban settlements and nodes in both the Waikato and Waipa Districts and that rural-residential development occurs in a sustainable way to ensure it will not compromise the Future Proof settlement pattern or create demand for the provision of urban services.
- Maintain the separation of urban areas by defined and open space and effective rural zoning.
- Recognise and provide for the growth of urban areas, towns and villages within agreed urban limits.

- Protect versatile and quality farmland for productive purposes throughout the provision of limited rural lifestyle development around existing towns and villages and encouraging a more compact urban footprint².

3.5 Waikato 2070

42. Waikato 2070 sets a development pattern for the district to support future growth, which includes identifying specific growth areas and timings for growth (subject to further investigation and feasibility). The Strategy acknowledges that protecting the environmental wellbeing of the district in general is critical and points to the high-class soils which are key contributors to the country's agricultural and horticultural sectors and the significant contribution that the rural environment makes to the local economy as opportunities for the District³. As with the WRPS and Future Proof 2017, Waikato 2070 has a primary focus of accommodating growth in and adjacent to the District's larger towns where services and reticulated infrastructure can be provided. The Strategy sets out a number of Development Plans for settlements throughout the District, however none of these are located in the 'Rest of District' given the focus of accommodating growth in the towns.

3.6 Proposed District Plan policy direction

43. The Rest of District area largely falls within the Rural Zone, although this is not solely the case. Rezoning requests within the Rest of District largely relate to the "up-zoning" of land whereby a greater density of development could be achieved. As set out in sections 4 to 14 of this report rezoning requests are largely seeking a rezone of Rural land to either the Village or Country Living Zone and to a lesser extent to Residential, Industrial, Business, Special Purpose Zone or a retention of an existing zone. I note that the CLZ is considered by the PWDP as a rural zone, evidenced by its inclusion in Chapter 5 Rural Environment and that the Village Zone is an urban zone, included within Chapter 4 Urban Environment of the PWDP.
44. The PWDP policy framework for urban growth has a primary direction that growth is to occur within and immediately adjacent to existing townships. Urban growth is to be both integrated with existing urban areas and is to generally be serviced by reticulated infrastructure (except for Village Zoned allotments that have a minimum 3,000m² area). This general approach to growth is reflective of the outcomes sought by the higher order WRPS (and Map 6C of the WRPS which identifies the general location of growth) and NPS-UD with respect to creating well-functioning urban environments and achieving integrated land use and infrastructure planning (noting that the NPS-UD was gazetted some time after the PWDP was notified).
45. Chapter 5 of the PWDP sets out the policy framework that applies to rural environments. Within the Rural Environment, primacy is to be given to rural production and access to minerals and urban subdivision use and development within the rural environment is to be avoided. This is set out in Objective 5.1.1 of the PWDP which is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5: Rural Environment. This objective address issues specific to the Rural Zone such as conserving high-class soils, reducing fragmentation of productive land and managing the adverse effects of rural activities.

5.1.1 Objective – The rural environment

(a) *Subdivision, use and development within the rural environment where:*

(i) *High class soils are protected for productive rural activities;*

² Future Proof 2017, page 60

³ Waikato 2070, page 14

(ii) *Productive rural activities are supported, while maintaining or enhancing the rural environment;*

(iii) *Urban subdivision, use and development in the rural environment is avoided.*

46. It should be noted that a number of submissions were received on this Objective as well as others and therefore may be subject to change in the Hearings Panel's decision.

3.7 Overview of the District's Rural Zone

47. Council's Section 32 report for the Rural Zone sets out that *the Rural Zone covers approximately 410,000 hectares – that is, 94% of the area of the District. The primary purpose of the zone is to enable a wide range of primary industry and to control the actual and potential effects that activities in the Rural Zone may have on the environment*⁴.

48. Several matters of significance to the Rural Zone are outlined in the Section 32 report with these matters addressed through the objective and policy framework of the PWDP. These matters include:

- The importance of safeguarding the natural resource – Waikato District has comparatively large areas of high-class soils. High-class soils are decreasing nationally which therefore increases the importance of protecting the soil resource for the future wellbeing of the District and the nation. Focus is not only provided to the soil's productive capacity but to the overall contribution that rural land makes to the wellbeing of the Waikato District and the Waikato Region.
- The recognition that Waikato District has several mineral deposits and produces all the coal output for the North Island⁵. The rural area also contains nationally significant transport routes and energy infrastructure and is home to 52% of the population of the District and 72% of businesses in the district. The integration of land use activities and the rural land resource therefore needs to be managed given the effects of these significant resources can impact on Waikato District, Waikato Region and further out to Auckland and New Zealand as a whole⁶.
- Balancing competing and increased demand for rural land is a significant challenge for the Waikato District. This is due in part to the District's location between Auckland and Hamilton and the overall demand for rural-residential development while the increasing population also requires rural land to be used for primary production now and for future generations.

4 Rezoning within the Glen Massey Area

The rezoning proposal

49. Nineteen submissions were received requesting the rezoning of land within the Glen Massey area and several further submissions were received in both support and opposition to this.

⁴ Section 32 Report – Rural Zone, page 4

⁵ Section 32 – Rural Zone, page 4

⁶ Section 32 – Rural Zone, page 4

“...a small village located approximately 12 minutes’ drive west of Ngaaruawaahia and accessed via Waingaro Road. The village is a former coal mining settlement that grew and declined in response to the fortunes of the nearby former Wilton Colliery which developed in the early twentieth century and closed in 1958. Glen Massey is contained by the surrounding rugged hill country. A definite focus of the settlement is the Glen Massey Primary School which serves the wider surrounding farming community as well as the residents of the village... The population of the village has been fairly static in recent times.

Glen Massey is zoned predominantly for residential and rural activities. Although not serviced by reticulated water and waste water, the village comprises land historically zoned for both ‘Living’ and ‘Country Living’ and is surrounded by ‘Rural Zoned’ pastoral farming activities... There are no business activities in the village. The village is valued by its residents for its village and country lifestyle character. It has significant undeveloped ‘Country Living’ zoned land that is available for further residential development depending on market demand and landowner aspirations”⁹.

53. The Structure Plan identifies a list of ‘key moves’ that set out the anticipated changes for the townships. Across the various townships these key moves range in scale from relatively modest public works through to identifying large areas for urban expansion.
54. The key moves¹⁰ for Glen Massey identified in the structure plan are as follows:
 - *Footpaths connecting from the school through the village and along the Wilton Collieries Road;*
 - *More recreational facilities and;*
 - *Focus village identity on its coal mining heritage.*
55. In terms of urban growth, the 2017 Structure Plan direction was for residential expansion in two substantial areas as shown on Figure 4 below.

⁹ The Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai and Glen Massey Structure Plan, Page 24

¹⁰ Section 4.2.5, pg. 39

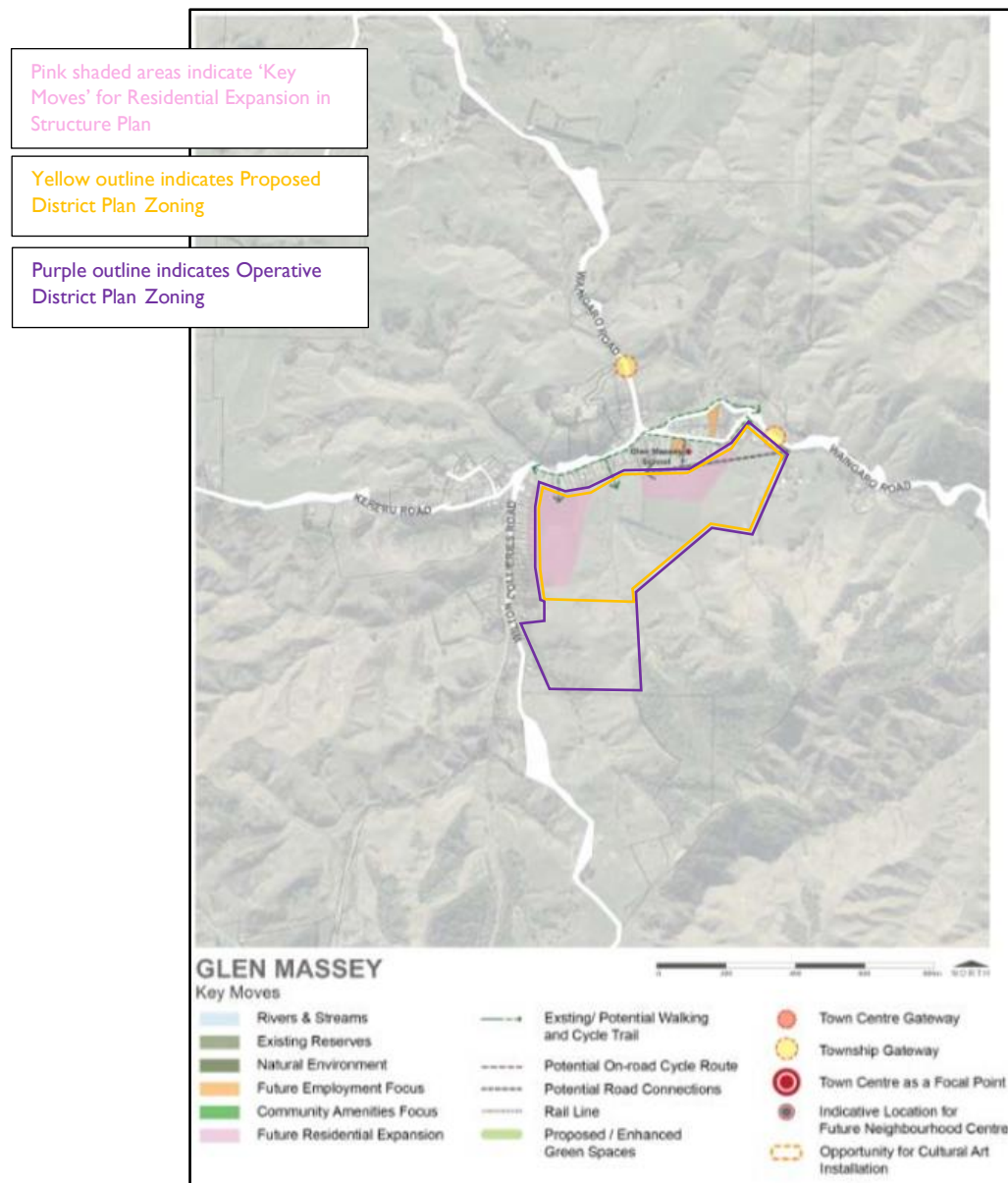


Figure 4: Glen Massey Structure Plan 2017

Plan Change 17 Ngaruawahia and Surrounding Villages

56. At the time the Structure Plan was being developed, the Council was also in the process of developing Proposed Plan Change 17: Ngaruawahia and Surrounding Villages. Plan Change 17 proposed that approximately 40ha of land be rezoned from CLZ to Rural Zone¹¹ leaving approximately 17ha remaining as CLZ in two discrete areas. Figure 5 below is of the Operative District Plan zoning prior to notification of Plan Change 17 and Figure 6 below is of Plan Change 17's notified zoning for the Glen Massey Area.

¹¹ Plan Change 17, Ngaruawahia and Surrounding Villages Stage One Proposed Rezoning, pg. 27

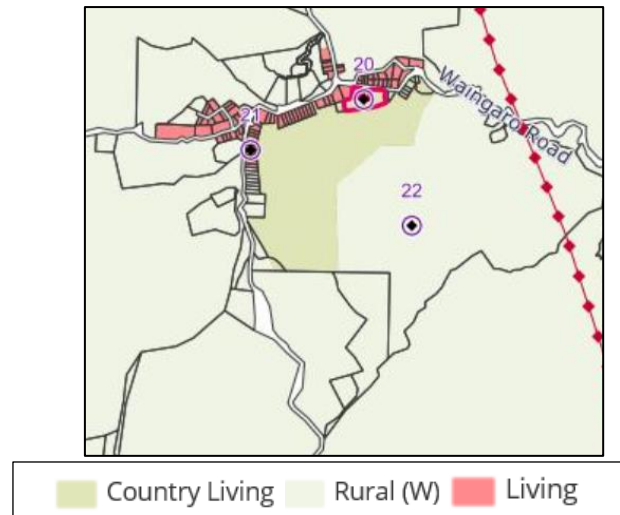


Figure 5: Operative District Plan Zoning (Pre Plan Change 17)

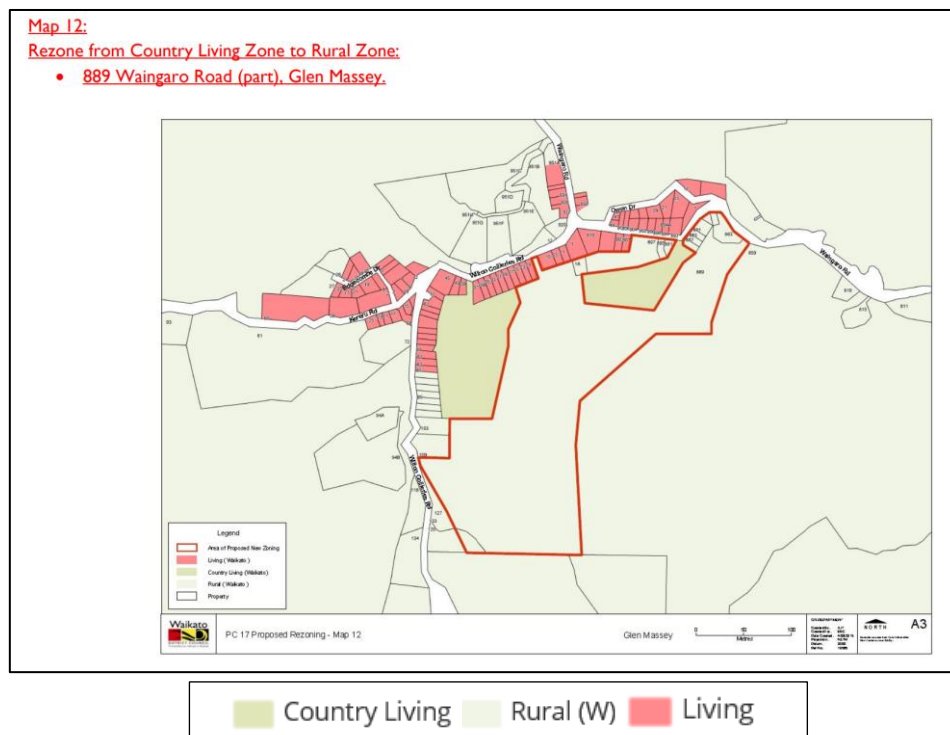


Figure 6: Plan Change 17 Proposed Rezoning¹²

57. Council's Section 42a Planning Report on the Proposed Plan Change outlined that the boundaries of the CLZ were redrawn so that the total CLZ was reduced in size. This was because the area had topographical challenges that would limit the actual potential for CLZ development, that the area did not appear to be under pressure to be developed and that the landowner had not expressed interest in undertaking development¹³.
58. The plan change was submitted on with the submitter raising the practical implications of subdividing a split zoned property that is not aligned with cadastral boundaries. The planner in their Section 42a Report recognised the submitters point as being valid and recommended

¹² Plan Change 17 Ngaruawahia and Surrounding Villages – Section 32 Report, pg. 27

¹³ Proposed Plan Change 17 Ngaruawahia and surrounding Villages – Stage One Proposed Rezoning S42A Planning Report on Submissions and Further Submissions, pg. 72

that the proposed change as notified be revoked and that the larger CLZ area shown on the operative plan (both pre plan change and currently) be retained.

59. The subsequent decision of the Council on Plan Change 17 (which was made operative on 17 February 2017) was that the notified (and reduced) CLZ was not approved.

Proposed District Plan

60. Under the PWDP, the extent of the CLZ at Glen Massey has reduced by approximately 17ha to an area similar to the identified key moves for residential expansion in the Structure Plan.

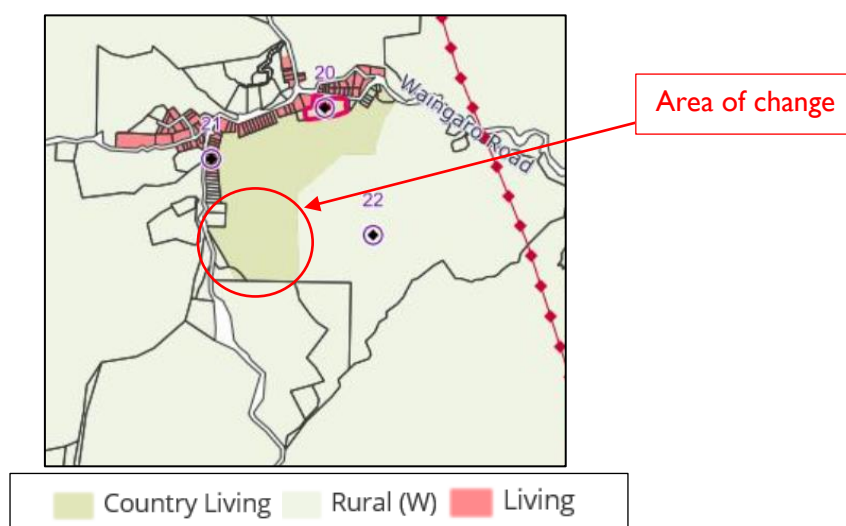


Figure 7: Operative District Plan Zoning (Post Plan Change 17/Current)

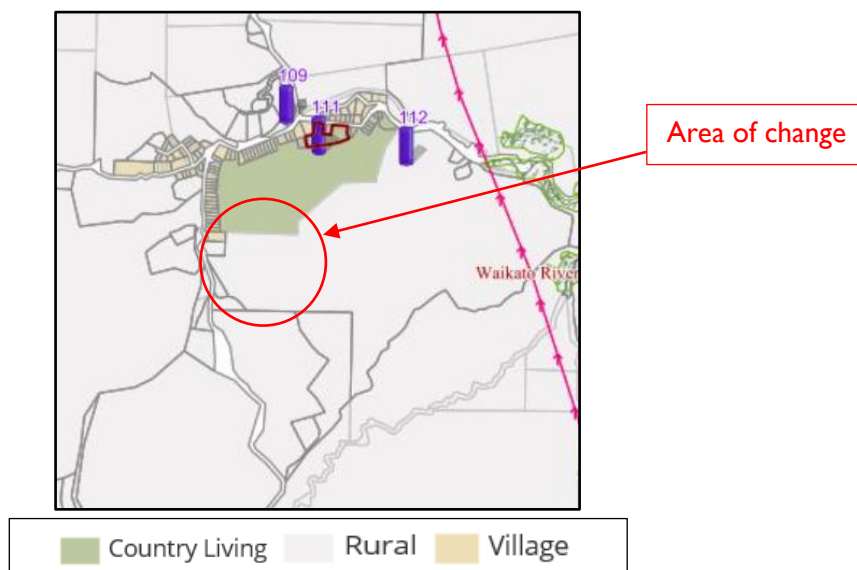


Figure 8: Proposed District Plan Zoning

Submissions [503.1, 558.1, 947.1, 947.2, 948.1, 949.1, 950.1, 951.1, 952.1, 953.1, 954.1, 955.1, 956.1, 957.1, 958.1, 959.1, 960.1 and 989.1] – 233 Wilton Collieries Road

61. 233 Wilton Collieries Road is identified on Figures 9 and 10 below by the red outline.



Figure 9: Submission Site and Surrounding Area (Source: Waikato Intramap)

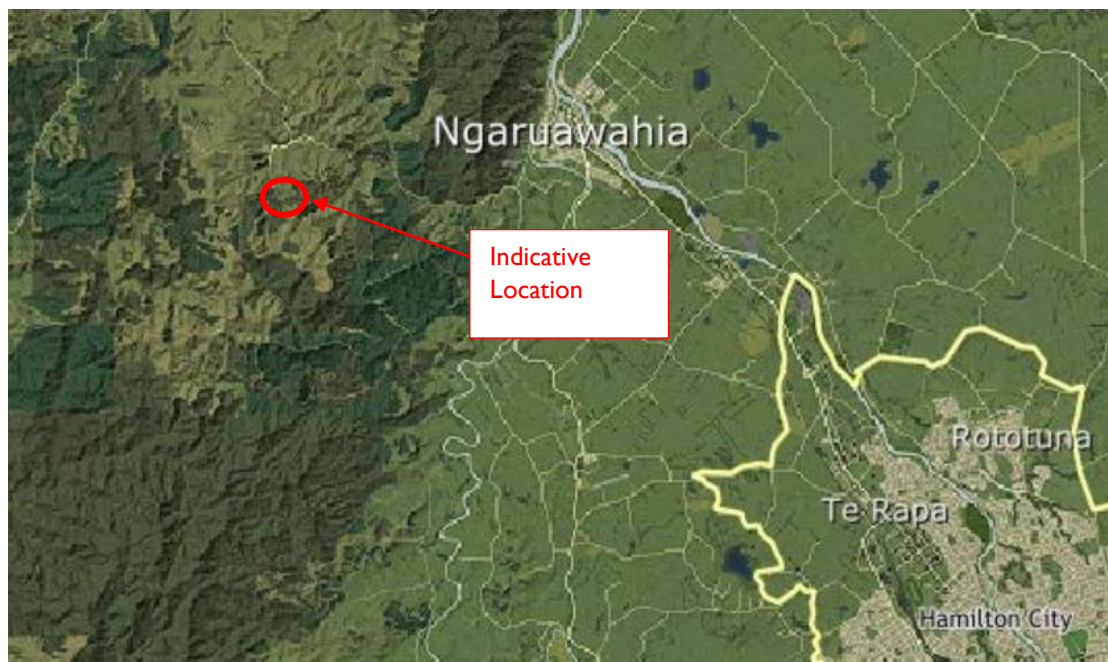


Figure 10: Indicative Site Location and Wider Surrounding Area (Source: Waikato Intramap)

62. Seventeen submissions [503.1, 558.1, 947.1-960.1 and 989.1] were received requesting the rezoning of land (approximately 28.99ha in area) located at 233 Wilton Collieries Road, Glen Massey¹⁴ from the operative and proposed rural zone to a Country Living Zone (sought by most submissions) or to a Village Zone (sought as an alternative by some). Three further submissions were received in response to the requested rezoning at 233 Wilton Collieries

¹⁴ Lot 2 DPS 306389 SEC 15 BLK X NEWCASTLE SD
Proposed Waikato District Plan

Road. The Waikato Regional Council opposed the requested rezone [FSI277.83-FSI277.97 and FSI277.104]. Mercury NZ Limited [FSI388.510 and FSI388.794] also opposed the requested relief. Stuart Quigley and the Quigley Family Trust submitted a Further Submission in support of the requested relief [FSI278.1, FSI278.9-FSI278.22 and FSI278.24].

Submission point	Submitter	Summary of submission
503.1	Kenneth Rowe	Amend the zoning of the property at 233 Wilton Collieries Road (Lot 20 DP 431591 from Rural Zone to Country Living Zone to join up with the Operative District Plan zoning of the neighbouring property.
FSI277.83	Waikato Regional Council	Oppose
FSI278.21	Stuart Quigley and Quigley Family Trust	Support
FSI388.510	Mercury NZ Limited	Oppose
558.1	Linda Rowe	
FSI277.84	Waikato Regional Council	Oppose
FSI278.22	Stuart Quigley and Quigley Family Trust	Support
FSI388.794	Mercury NZ Limited	Oppose
947.1	Stuart Quigley	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Countryside Living Zone; or Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Glen Massey Village Living Zone; and Amend the Proposed District Plan as necessary including provisions, consequential additions and cross references.
FSI278.1	Stuart Quigley and Quigley Family Trust	Support
FSI278.9	Stuart Quigley and Quigley Family Trust	Support
FSI277.104	Waikato Regional Council	Oppose
947.2	Stuart Quigley	Retain the extent of land zoned as Countryside Living and Residential in and around Glen Massey village; AND Amend the Proposed District Plan as necessary, including provisions, consequential additions and cross references.
FSI209.1	Dinah Robcke	Support
FSI278.2	Stuart Quigley and Quigley Family Trust	Support
FSI278.8	Stuart Quigley and Quigley Family Trust	Support
FSI387.1598	Mercury NZ Limited for Mercury D	Oppose

948.I	Christopher James Nicholson	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone to join up with the adjacent site which is zoned Country Living in the Operative District Plan.
FSI277.85	Waikato Regional Council	Oppose
FSI278.10	Stuart Quigley and Quigley Family Trust	Oppose
949.I	Ashley Boyd	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone to join up with the adjacent site which is zoned Country Living in the Operative District Plan.
FSI277.86	Waikato Regional Council	Oppose
FSI278.11	Stuart Quigley and Quigley Family Trust	Support
950.I	Astra Patmore	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living to join up with the adjacent site which is zoned Country Living in the Operative District Plan.
FSI277.87	Waikato Regional Council	Oppose
FSI278.12	Stuart Quigley and Quigley Family Trust	Support
951.I	Ella Newman	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone to join up with the adjacent site which was zoned Country Living in the Operative District Plan.
FSI277.88	Waikato Regional Council	Oppose
FSI278.13	Stuart Quigley and Quigley Family Trust	Support
952.I	Michael Steward	Amend the zoning of a property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone to join up with the adjacent site which was zoned Country Living Zone in the Operative District Plan.
FSI277.89	Waikato Regional Council	Oppose
FSI278.14	Stuart Quigley and Quigley Family Trust	Support
953.I	Precision Built Limited	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living zone to join up with the adjacent site which is zoned Country Living in the Operative District Plan.
FSI277.90	Waikato Regional Council	Oppose
FSI278.15	Stuart Quigley and Quigley Family Trust	Support
954.I	Ian Mathieson	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Rural Living Zone to join up with the Operative District Plan zoning of the neighbouring property.

FSI277.91	Waikato Regional Council	Oppose
FSI278.16	Stuart Quigley and Quigley Family Trust	Support
955.I	Katrina Quigley	Amend the zone of the property at 233 Wilton Collieries, Glen Massey to be returned back to Country Living.
FSI277.92	Waikato Regional Council	Oppose
FSI278.17	Stuart Quigley and Quigley Family Trust	Support
956.I	Joshua Quigley	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone.
FSI277.93	Waikato Regional Council	Oppose
FSI278.18	Stuart Quigley and Quigley Family Trust	Support
957.I	Andrew Paterson	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Rural Living Zone to join up with the Operative District Plan zoning of the neighbouring property.
FSI277.94	Waikato Regional Council	Oppose
FSI278.19	Stuart Quigley and Quigley Family Trust	Support
958.I	Paul McGuire	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Rural Living Zone to join up with the Operative District Plan zoning of the neighbouring property.
FSI277.95	Waikato Regional Council	Oppose
FSI278.20	Stuart Quigley and Quigley Family Trust	Support
959.I	Adri Grobler	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Rural Living Zone to join up with the Operative District Plan zoning of the neighbouring site.
FSI277.96	Waikato Regional Council	Oppose
FSI278.21	Stuart Quigley and Quigley Family Trust	Support
960.I	Carlo Gorissen	The submitter purchased an adjoining property and this change will affect their property value.
FSI277.97	Waikato Regional Council	Oppose
FSI278.24	Stuart Quigley and Quigley Family Trust	Support
989.I	Quigley Family Trust	Amend the property at 233 Wilton Collieries, Glen Massey back to Rural/Country Living.

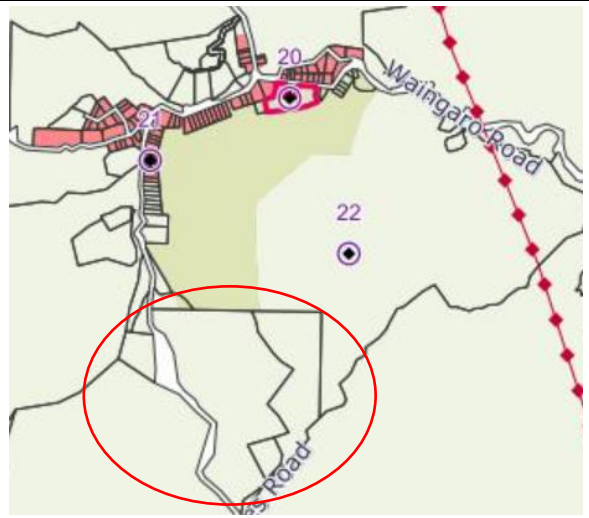
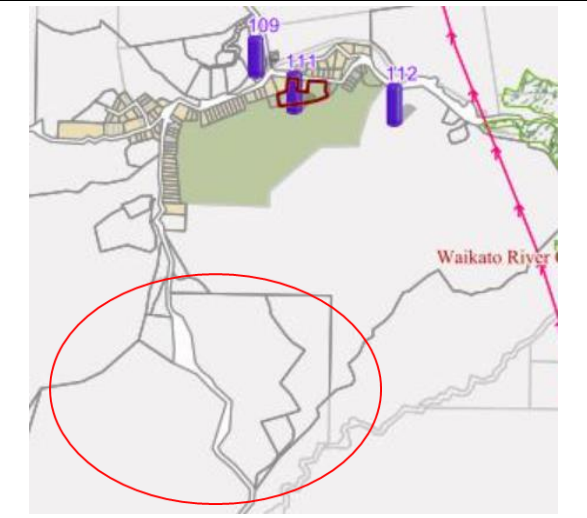
63. Common reasons provided in the submissions to support a rezone to the Country Living Zone were as follows:
- The land is not sustainable for commercial farming given its size (just under 40ha) and proximity to Glen Massey village. Subdivision would be an efficient use of the property given its proximity to the Glen Massey Village, the school and college bus route and housing would be a better use for the site.
 - The property was zoned Country Living Zone in the Operative District Plan.
 - The submitter has stalled a subdivision for 18 lots on the property, only 2 lots have been titled off.
 - There is demand for Country Living Zone lots in the Glen Massey Area and not much supply.
 - Rezoning would be consistent with the objectives and policies that relate to the management of reverse sensitivity issues.
64. The Further Submissions by WRC [1277.83-1277.97, 1277.104] opposed the requested rezone stating that the supply and location of large lot residential and rural residential land must be considered strategically across the district. Stuart Quigley and the Quigley Family Trust support the original submissions requesting rezoning stating that Glen Massey needs rezoning to “Rural Residential or Village” to allow subdivision potential given its proximity to Glen Massey School and the small village. This would enable rural living on farm land that is unsustainable for commercial farming but allows for self-sufficiency.
65. Planning evidence was filed by Ms Morse on behalf of the Quigley Family Trust [947.1] and is the only submitter to provide evidence in support of their original submission, with a s32AA report included in this planning evidence. Ms Morse’s evidence supports rezoning 233 Wilton Collieries Road to the CLZ as was the focus in the original submission, but the evidence also outlines that they are supportive of any decision in relation to submissions at Hearing 12 (Country Living Zone) that reduces the minimum lot size in the CLZ¹⁵. This planning evidence includes an Agricultural Impact Assessment, an Integrated Transportation Assessment and a copy of the now lapsed Subdivision consent.

Analysis

66. Submissions [503.1, 558.1, 947.1-960.1 and 989.1] have focused on having the land at 233 Wilton Collieries Road (which is held in private ownership) rezoned predominantly to CLZ with some submissions seeking an alternative VZ. The submission site is zoned Rural under both the Operative and PWDP. The submission site is 28.9960ha in area. An 18 lot, staged subdivision consent has previously been approved for this property and 2 lots have been created. Subdivision consent was granted on 1 June 2007 but the submitter evidence outlines that the subdivision consent lapsed on 1 June 2017¹⁶ (noting both that this date is beyond the 5 year lapse date provided for on the consent and that the Structure Plan was finalised and decisions on Plan Change 17 were also made). I note that while the submission site has previously been considered as suitable by Council for CLZ development, the policy direction for growth within the Glen Massey area and the wider district appears to have moved on from then.
67. The submission site is located approximately 400m at its closest from Glen Massey Village, the village has both VZ and CLZ zoned land and the surrounding area is zoned Rural. There are no notations on the planning maps relevant to the submission site, except for the notation that the site falls within the Waikato River Catchment.

¹⁵ Evidence of Ms Tracey Morse, para 8

¹⁶ Evidence of Ms Tracey Morse, para 10

Operative District Plan Zone	Proposed District Plan Zone
	
Rural (W) Country Living Living	Rural Country Living Village

68. Glen Massey is not deemed to be an “urban environment” as defined under the NPS-UD and is not programmed to be serviced with reticulated infrastructure. As such it is not capable of providing significant development capacity.
69. 233 Wilton Collieries Road is not located within an indicative urban or village limit in Future Proof 2017, it is not located within the current WRPS urban limits, nor is it within Waikato 2070. As noted above, there is a Structure Plan for Glen Massey Village with identified ‘key move’ areas for residential expansion however, this property is located outside of the Structure Plan Area. Therefore, the rezoning sought by the submissions for 233 Wilton Collieries Road would enable urban development into the Rural Zone beyond current and indicative urban limits defined by the WRPS or Future Proof and is therefore not integrated, sustainable and planned as required by Objective 3.12 of the WRPS.
70. Policy 6.14 of the WRPS identifies areas contained in Future Proof for development and that new residential (including rural-residential) development is to be managed in accordance with the timing and population for growth areas in Table 6-1. The rezoning request does not result in new urban development being directed to a growth area within Urban Limits. Table 6-1 does contemplate some growth occurring in the ‘Waikato Rural Villages’, with the population of these combined villages increasing from an estimate of 9,050 to 12,400 by 2041. Modest growth is therefore anticipated across the villages, with such growth at a level that does not frustrate or run counter to the wider direction that the majority of growth is to be accommodated through the expansion and intensification of the larger townships.
71. Policy 6.17 (Rural-residential development in Future Proof area) provides specific direction on low density housing proposals in the rural area. This policy seeks to manage rural-residential housing in order to address the effects on reverse sensitivity, demand for services, and the wider growth management directions set out in section 6A. In particular the WRPS directs that the district plan includes provisions that strictly limit rural-residential development in the vicinity of Hamilton City. I consider that Glen Massey is within easy commuting distance of Hamilton City and therefore is subject to the direction that such forms of housing are to be strictly limited. The structure plan for Glen Massey, combined with the Operative and Proposed Plans, all provide for some limited growth of the village in the form of low density housing. I consider the extent of the growth provided through the Operative and Proposed

Plan is consistent with the WRPS directions, whereas further expansion would not give effect to a direction that rural-residential housing be strictly limited.

72. Turning to Schedule 6A of the WRPS, I do not consider that the rezoning proposal will achieve the outcomes anticipated by the general development principles and specific rural residential principles. In particular I consider that the rezoning request is inconsistent with the general development principles a), b), c), e), i) and that there is insufficient evidence to determine j), k), m) and o). In this regard I make the following comments:

- The rezoning request could result in the expansion of an existing urban area (Glen Massey Village) but not one which has been identified as being suitable for further urban growth through Future Proof of the WRPS. It is noted that the Country Living Zone over the adjoining land parcel (subject to submission [551.1]) has been reduced in size and no longer extends to the boundary of 233 Wilton Collieries Road. Therefore, if the rezoning request to either Village or Country Living Zone sought by submission [551.1] is not approved, rezoning this land would not result in a contiguous expansion of an existing urban area and would further blur any delineation between urban and rural areas.
- This rezoning request does not make use of an opportunity for urban intensification and redevelopment to minimise the need for urban development in greenfield areas. The submission site is outside of the areas identified for residential expansion under the key moves identified on the Structure Plan, it is outside Future Proof and the WRPS.
- In terms of transport infrastructure, it is recognised that the submissions site has previously had a subdivision consent for 18 lots over the land and that the Integrated Transportation Assessment submitted as evidence concludes that transportation effects of rezoning the land would be less than minor. This report has not been peer reviewed but I recognise that my recommendation does not hinge on transportation matters.
- No public reticulation is available to service the submission site. Future development would need to be self-sufficient.
- Insufficient evidence has been provided to determine whether landscape values will be maintained or enhanced.
- The rezoning request does not promote compact urban form, design and location. The rezoning request would result in an outward expansion of an urban area, which may or may not be in a contiguous area depending on whether Submission [551.1] and their rezoning request is accepted. The evidence outlines that rezoning could create demand for a walkway/cycleway linking with Glen Massey village however the evidence does not provide information on how a walkway/cycleway could be provided at Wilton Collieries Road and it is noted that to connect this to the Glen Massey through the subdivision would require approval from the adjoining landowner.
- Insufficient evidence has been provided in relation to adjacent land uses and the potential for reverse sensitivity effects.

73. In terms of the principles specific to rural-residential development I consider that the rezoning request is inconsistent with e) and that there is insufficient evidence to determine its consistency with b), f) and h). I make the following comments on this:

- Rural-residential development should avoid open landscapes largely free of urban and rural-residential development. However, rezoning the submission site as Country Living or Village will not avoid this.
- Introducing urban development in this location is unlikely to reduce fuel consumption as the development is not located near an employment centre (although it is recognised that employment can occur within the area) or near a current or likely public transport route.
- There is insufficient evidence to determine visual effects and effects on rural character although it is noted that the land has had subdivision approval (although now lapsed) for the creation of 18 lots. However, it is considered that there will be a change to the rural character of the area due to increasing the density of the area.

74. Before turning to the strategic objectives of the PWDP, I note that Ms Morse outlines in her evidence that the Country Living Zone does not constitute urban development as it falls within the Rural Environment (Chapter 5) of the PWDP. While I acknowledge that the Country Living Zone does indeed fall within Chapter 5, the use of a Country Living Zone property is often more residential in nature and used for lifestyle purposes rather than as a rural or productive unit. Therefore, with the PWDP Objectives in mind, I do not consider that rezoning the land at 233 Wilton Collieries Road to either CLZ (or VZ) is the most appropriate way of achieving the objectives of the PWDP. With the most relevant objectives being (1.5.2(a) – ensuring that growth occurs in a defined growth area (Objective 1.12.8(b)(i)) – efficient servicing of land, (Objective 1.12.8(b)(ii)) - promote compact, sustainable and good quality urban form or (Objective 1.12.8(b)(iii)) - focus urban growth in existing communities that have capacity for expansion. As this rezone request is around but not immediately adjacent an existing village and is not located within a defined growth area I also consider that it is not the most appropriate way of achieving (Objective 1.5.1(b), Objective 1.12.3(c), Objective 4.1.2(a) and 5.3.8(a)).
75. I also consider that the rezoning request is not the most appropriate way to achieve the proposed rural objectives of the PWDP. In particular, Objective 5.1.1 which is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5. Objective 5.1.1(a)(iii) which states that urban subdivision, use and development in the rural environment is avoided.
76. Overall, I do not believe that this rezoning request gives effect to the higher order documents, in particular the development principles contained in the WRPS and that it is inconsistent with the PWDP which I acknowledge is still subject to change. As such I recommend that these submission points be rejected.

Submission [551.1] – 859 Waingaro Road

The rezoning proposal

77. 859 Waingaro Road is identified on Figures 11 and 12 below by the **red outline**.



Figure 11: Submission Site and Surrounding Area (Source: Waikato Intramap)



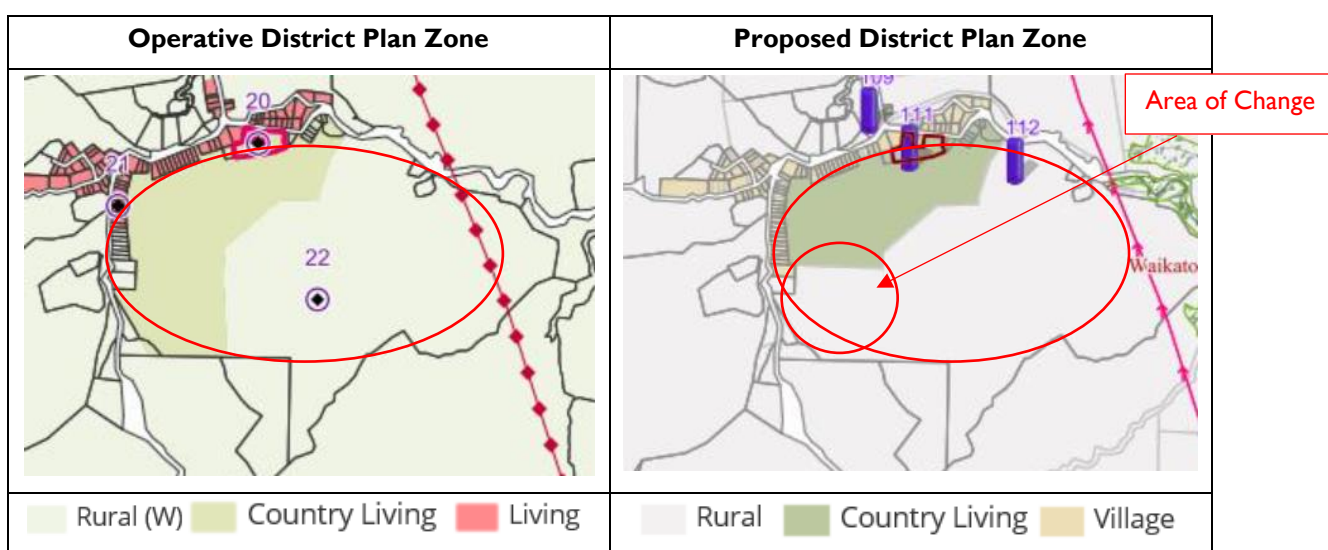
Figure 12: Indicative Site Location and Wider Surrounding Area (Source: Waikato Intramap)

53. Submission [551.1] outlines that under the Operative District Plan, there is an area of approximately 48ha of the property at 859 Waingaro Road (behind the school and to the west) which is zoned Country Living Zone, while the balance of the farm is zoned Rural. The PWDP shows a reduced area of around 32ha as being Country Living Zone (predominantly behind the school). The submitter requests that the 48ha of land be rezoned as Village or alternatively if that rezoning is not approved that the land retain its Country Living Zoning as

it is in the Operative District Plan. The property is approximately 157ha in area¹⁷. This property falls within the Waikato River Catchment overlay and there is an identified heritage item (112 – Former Fowler farmhouse) located on the property but away from the area sought to be rezoned.

551.1	Dinah Robcke	Amend approximately 16ha of the zoning of the property at 859 Waingaro Road from Rural Zone to Country Living Zone as it was in the Operative District Plan or preferably to Village Zone.
FS1278.25	Stuart Quigley and Quigley Family Trust	Support
FS1388.779	Mercury NZ Limited	Oppose

78. Two further submissions were made, [FS1278.25] by Stuart Quigley and Quigley Family Trust is in general support of the submission for the operative district plan zoning to be kept with the Country Living Zone extended up to (and to include) 233 Wilton Collieries Road while the further submission made by Mercury NZ Limited was made in opposition to submission point 55.1.
79. Reasons noted for the submission included that the area zoned Country Living Zone in the Operative Plan provided for a logical extension of the existing Glen Massey village and community. A further reason provided is that at a District scale it would make better sense for residential/lifestyle development to be directed to areas/soils with poor productive capacity.
80. Submitter evidence has been provided to support the rezoning request, this also includes a Site Specific Geotechnical Report prepared by Civil Engineering Services Ltd.



81. Note that the CLZ extent has been reduced in the PWDP, as shown in the red circle above. As an alternative to the two options put forward in the original submission [551.1] the evidence considers that a third option would be rezoning the reduced Country Living Zone notified under the PWDP to Village Zone, and the evidence is focussed on this third option. A potential development baseline has been prepared as part of the evidence, which would

¹⁷ Lot 2 DP South Auckland 92277 and Lot 2 DP 443833

show approximate development yields for the three options. This is included as Figure 13 below.

Zone	Gross Area	Net Area	Lot Yield
OWDP = CLZ	48ha	36ha ¹ 36ha/5000m ²	72
PWDP = CLZ	31ha	27ha ² 27ha/5000m ²	54
VZ as Proposed via submission	31ha	23ha ¹ 23ha/3000m ²	76

1 Assumes that 25% of land will be required for roads, open space or is otherwise not suitable for subdivision to minimum standards.

2 Assumes that 15% of land will be required for roads, open space or is otherwise not suitable for subdivision to minimum standards.

Figure 13: Potential Development Yields for Land at 859 Waingaro Road

82. In considering this submission I note that I have canvassed Council's Section 32 Report but have not found reasons behind the down-zoning of the land. Similarly, I have reviewed supporting information prepared for the Glen Massey Structure Plan but again have not found specific reasons for the loss of Country Living zoned land in this location. Lastly in email correspondence with Council I have been advised that the down-zoning in this location was intentional (rather than a mapping error) as the area "has some significant challenges with regards to topography, road access from Wilton Colliers Road and not having any expected growth, so no demand for capacity"¹⁸. Council has advised that zoning in the proposed plan reflects the land parcel with areas that could be developed.
83. Policy 6.14 (Adopting Future Proof land use pattern) of the WRPS identifies areas contained in Future Proof for development and that new residential (including rural-residential) development is to be managed in accordance with the timing and population for growth areas in Table 6-1. I agree with the evidence which states that it is expected to be unusual for existing zone/development allocations to be ignored when attempting to predict/plan future settlement and population patterns. Therefore, it is expected that these allocations have been provided for in the "Waikato Rural Villages" growth allocations¹⁹ and that development in this location can be managed in accordance with the timing and population for the rural or rural growth area projections.
84. In terms of Policy 6.17 (Rural-residential development in future Proof area), rural-residential development in this location can be managed despite falling outside of urban limits. That is because the land has already been identified for urban development through the Operative Plan and to a smaller extent within the PWDP. I make the following observations with regard to Schedule 6A of the WRPS:
- a) This rezoning request does not seek to create a new urban area, rather it seeks to either retain all land zoned Country Living Zone under the Operative Plan (and either continue with this land being zoned Country Living Zone or rezoned to Village Zone) or to rezone the smaller Country Living Zone as notified under the PWDP as Village Zone. No additional rural zoned land (under the Operative Plan) is sought to have a residential or rural-residential zoning. It is noted that the submission site will have a split zoning which is not generally considered to be desirable but this will be the case with whichever option the panel wishes to proceed with.

¹⁸ Email Correspondence with Donna Tracey, 19.03.2021

¹⁹ Evidence of Leigh Robcke, para 11.4, page 19

- b) The third option put forward in the evidence will make use of an opportunity for urban intensification at a Village Zone scale which will minimise the need for urban development in greenfield areas.
 - c) No evidence has been provided in terms of transport infrastructure, however the CLZ (and therefore the traffic generation) is long-established in terms of transport-related effects created by a yield of approximately 70 lots. I note that Council has advised that there are significant challenges with road access from Wilton Collieries Road and therefore the access point of any future subdivision will need to be carefully designed and located.
 - d) No public reticulation is available to service the submission site. Future development would need to be self-sufficient.
 - e) The submitter evidence outlines that soils in and around Glen Massey do not meet the definition of High Class Soils in the PWDP with the soils subject to this submission generally classified as LUC4²⁰.
 - f) Development is to be directed away from natural hazard areas, this is considered to be of particular relevance to the submission site given Council's recognition that the PWDP reflects the developable area of the submission site. Geotechnical input has been submitted with the evidence which has looked at the PWDP Country Living Zone for Village Zone development purposes and concludes that this land is suitable for Village Zone development.
 - g) Evidence has not been provided to determine whether landscape values will be maintained or enhanced. However, given that an expansion into greenfield land relative to the Operative Plan zone extent is not sought by this submission it is considered that landscape outcomes will be similar to those expected by the Operative Plan zoning. A moderate change in landscape outcomes would occur were the site to change to a Village Zone as one of the options put forward by the submitters, with a higher ratio of dwellings to open space, albeit that the built form will remain one of dwellings set within large garden curtilages.
 - h) The 'key moves' for residential development in the Glen Massey Structure Plan identifies where walking and cycle pathways could be provided to ensure that a compact urban form that encourages walking and cycling within the village can be achieved. Given that the submission site is located immediately adjacent the village direct access to the village can be provided without having to obtain approvals/easements over neighbouring land.
 - i) Insufficient evidence has been provided in relation to adjacent land uses and the potential for reverse sensitivity effects.
85. Turning to the strategic objectives of the PWDP, the site is already identified for low density residential growth in the Operative Plan, with this zoning proposed to be carried over in the PWDP, albeit with the southwestern end of the block reverting to Rural Zoning to reflect topography (see Figure 14 below).

²⁰ Evidence of Leigh Robcke, para 8.4, page 9
Proposed Waikato District Plan

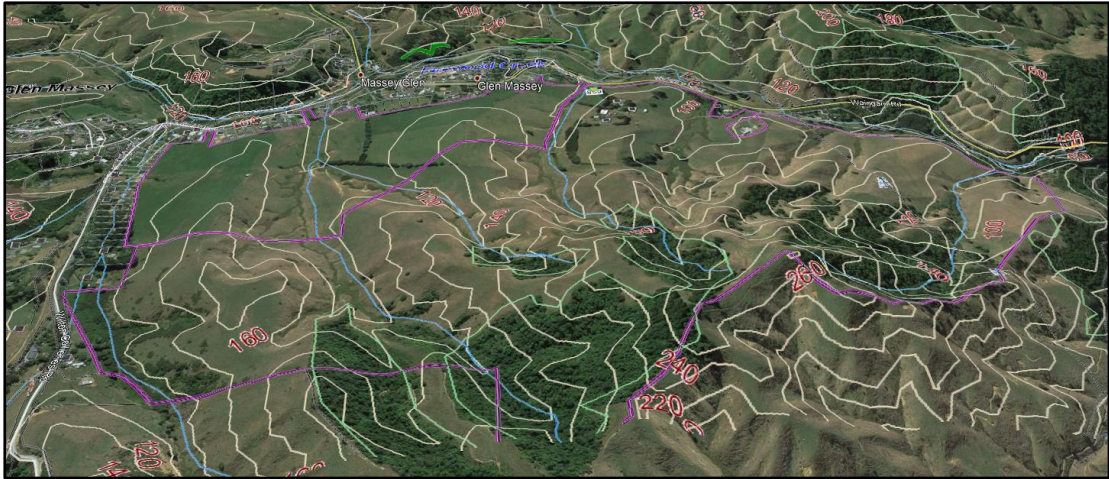


Figure 14: Topography of land at 859 Waingaro Road (Source: Google Earth)

86. The potential for further development in this area has been identified as a key move area for residential growth under the Glen Massey Structure Plan and therefore I see the rezoning as being an appropriate method to achieve the following PWDP Objectives with (1.5.2(a)) – defined growth areas are ‘urban environment’ zones under the PWDP, (Objective 1.12.8(b)(ii)) - promote compact, sustainable and good quality urban form or (Objective 1.12.8(b)(iii)) - focus urban growth in existing communities that have capacity for expansion. This rezone request is immediately adjacent to an existing village and while not located within a defined growth area is located in an area which seeks to provide for residential expansion and therefore rezoning is an appropriate method for achieving (Objective 1.5.1(b), Objective 1.12.3(a) and (c), Objective 4.1.2(a) and 5.3.8(a)). The rezone request is not the most appropriate method for achieving (Objective 1.12.8(b)(i))- efficient servicing of land, as there is no planned reticulated infrastructure to be provided to Glen Massey.
87. For this rezoning request I consider that the panel has four options:
- a) Retain the extent of the Operative Plan Country Living Zone and Rural Zone.
 - b) Rezone the extent of the Operative Plan Country Living Zone to Village Zone.
 - c) Rezone the PWDP Country Living Zone to Village Zone.
 - d) Do nothing/ status quo (Retain the PWDP Country Living and Rural Zones as notified).
88. Firstly, given that sufficient evidence has not been provided on land conditions and the developability over the 48ha (approximate) area of land I recommend that option a) and b) are not pursued by the panel. Then turning to options c) and d) I am comfortable with the submission site having either a Country Living Zone or a Village Zone. If the panel were to choose rezoning the land as Village Zone, this would result in an area of land between the submission site having a Country Living Zone as no submissions to rezone it have been made (see Figure 15 below). This would result in an unusual zoning pattern but to rezone all the land would result in a matter of scope for the panel to consider.



Figure 15: Glen Massey Country Living Zone Not Within Submission Site (outlined in red)

89. If the panel chose to rezone this land as Village, it would result in a similar yield to that possible under the larger Operative Plan zone for Country Living. Because this land has had some 'urban' (Country Living Zoning) over it for many years, rezoning to Village would ensure the same yield could be achieved as under the Operative Plan but this could occur over a smaller and more developable area. Overall, I recommend that the notified PWDP extent of CLZ at the submission site (part of 859 Waingaro Road) be rezoned to Village Zone as sought in the submitter evidence for the reasons provided above and summarised below:
- Rezoning to Village Zone would give effect to the higher order documents. In particular the rezoning will give effect to Policy 6.14 and Table 6-1 of the WRPS given that the anticipated yield of Village Zone sites will be similar to the yield of sites that could be achieved under the Operative Plan's Country Living Zone in this location.
 - The land over which the Village Zone is sought has already been identified for urban (CLZ) development through the Operative Plan. The rezoning request therefore does not seek to create a new urban area and no additional rural zoned land is sought to have a residential or rural-residential zoning.
 - Regard can be given to site-specific constraints and actual and potential effects of the activities at the time of subdivision but overall it is considered that urban development of the area will achieve the outcomes expressed in the general development principles of Chapter 6 of the WRPS.
 - Rezoning to Village Zone has regard to the Glen Massey structure plan and in particular the key moves for residential expansion.
 - Rezoning to Village Zone is the most appropriate method for achieving the Objectives of the PWDP.

4.1 Recommendations

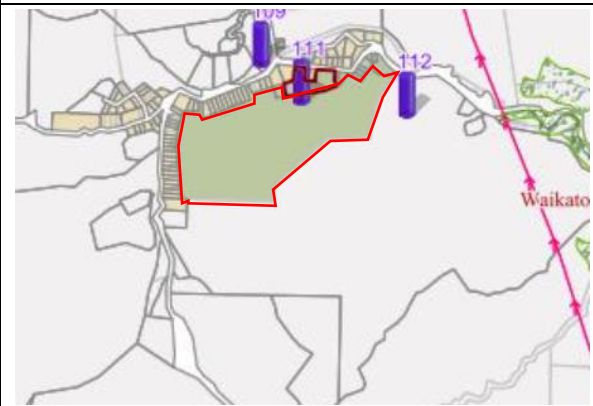
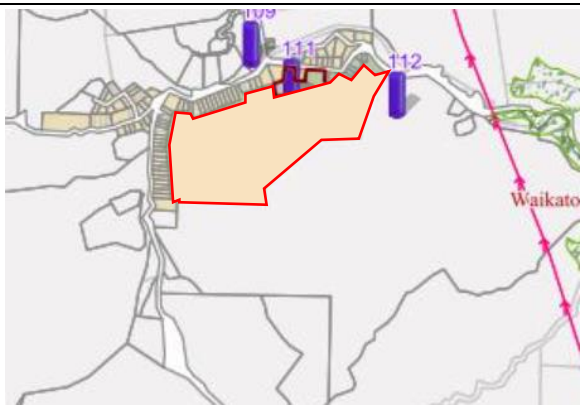
90. For the reasons above I recommend that the Hearings Panel:
- Reject** the submission by Kenneth Rowe [503.1] and retain the Rural Zone.
 - Reject** the submission of Linda Rowe [558.1] and retain the Rural Zone.
 - Reject** the submission of Stuart Quigley [947.1 and 947.2] and retain the Rural Zone.
 - Reject** the submission of Christopher James Nicholson [948.1] and retain the Rural Zone.
 - Reject** the submission of Ashley Boyd [949.1] and retain the Rural Zone.
 - Reject** the submission of Astra Patmore [950.1] and retain the Rural Zone.
 - Reject** the submission of Ella Newman [951.1] and retain the Rural Zone.

- (h) **Reject** the submission of Michael Steward [952.I] and retain the Rural Zone.
- (i) **Reject** the submission of Precision Built Limited [953.I] and retain the Rural Zone.
- (j) **Reject** the submission of Ian Mathieson [954.I] and retain the Rural Zone.
- (k) **Reject** the submission of Katrina Quigley [955.I] and retain the Rural Zone.
- (l) **Reject** the submission of Joshua Quigley [956.I] and retain the Rural Zone.
- (m) **Reject** the submission of Andrew Paterson [957.I] and retain the Rural Zone.
- (n) **Reject** the submission of Paul McGuire [958.I] and retain the Rural Zone.
- (o) **Reject** the submission of Adri Grobler [959.I] and retain the Rural Zone.
- (p) **Reject** the submission of Carlo Gorissen [960.I] and retain the Rural Zone.
- (q) **Reject** the submission of Quigley Family Trust [989.I] and retain the Rural Zone.
- (r) **Accept in part** the submission by Dinah Robcke [551.I] and rezone to Village Zone.

4.2 Recommended amendments

91. The following amendments are recommended:

- (a) That the Planning Maps for Glen Massey be amended to reflect an expansion of the Village Zone over part of the Country Living Zone, as shown within the red outline below.

Proposed District Plan Zone (As Notified)	Proposed District Plan Zone (Recommended)
	
Rural Country Living Village	Rural Country Living Village

4.3 Section 32AA evaluation


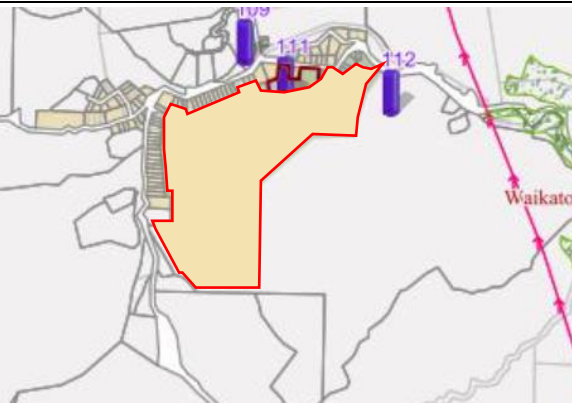
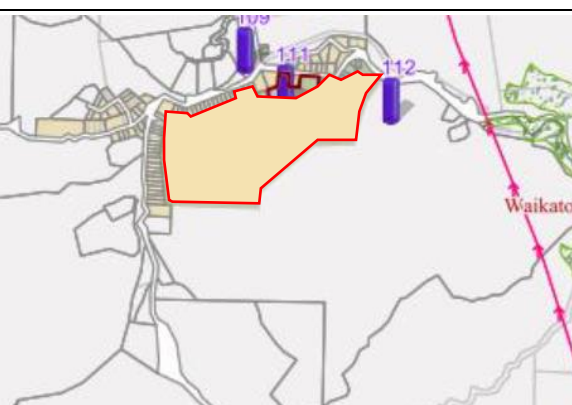
92. A Section 32AA evaluation is completed below. This evaluation provides a summary of the different options, costs and benefits considered as required under Section 32 of the RMA. It explains why the preferred option has been chosen and discusses alternatives considered.

Scale and Significance of the rezoning proposal

93. The rezoning proposal will not result in a substantial change to the zoning framework contained in the PWDP given that the area sought to be rezoned (through the submission [551.I] and the revised area sought through submitter evidence) is already identified under the Operative Plan and PWDP for rural-residential development. These areas of land are relatively modest in area being approximately 48ha and 31ha respectively. The options below consider potential yield from development ranging between 54-120 sites.

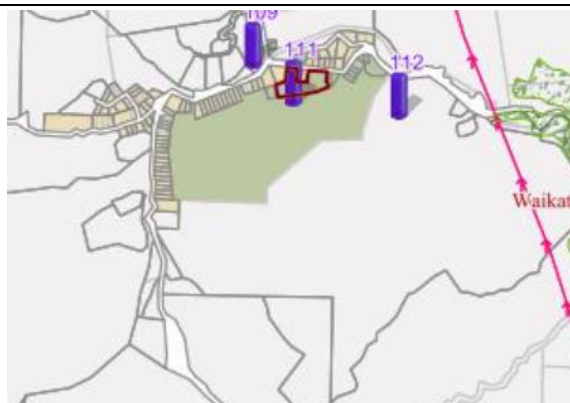
Other reasonably-practicable options

94. As outlined above consideration is given to four reasonably-practicable options, these options are depicted in the table below for clarity:

<p>1. Retain the extent of the Operative Plan Country Living Zone and Rural Zone (as sought by submission [551.1])</p> <p><i>(Based on net areas provided through submitter evidence (Fig. 13) development could result in an approximate yield of 72 sites over CLZ)</i></p>	
<p>2. Rezone the extent of the Operative Plan Country Living Zone to Village Zone (alternatively sought by submission [551.1])</p> <p><i>(Based on net areas provided through submitter evidence development could result in an approximate yield of 120 sites over CLZ)</i></p>	
<p>3. Rezone the PWDP Country Living Zone to Village Zone (as sought by submitter evidence [551.1] and recommended amendment)</p> <p><i>(Based on net areas provided through submitter evidence development could result in an approximate yield of 76 sites)</i></p>	

4. Do nothing/ status quo
(Retain the PWDP Country Living Zone and Rural Zone as notified)

(Based on net areas provided through submitter evidence development could result in an approximate yield of 54 sites)



Costs and benefits

95. **Option 1** – This option would see a larger area of land available for rural-residential development. Submitter evidence and comments from Council indicate that not all this land is seen as being developable. Therefore, the environmental costs associated with this option could be an inefficient use of the land resource. This option also results in a smaller area of rural zoned land available for primary production at the site and greater potential for reverse sensitivity effects as rural-residential development would adjoin neighbouring land rather than the current landholders land.
96. In terms of economic benefits and costs, option 1 would provide for economic growth through development and construction works at the site and for the owner/developer through the sale of land. Development over a larger area of land may result in greater construction costs for roading, cycleways or specific subdivision features. This option would also provide employment benefits as people will be required to work on the development of subdivision and construction of buildings but this option is likely to result in a larger number of people having to travel to their place of employment.
97. This option would provide for rural-residential development adjacent to an existing village and therefore would result in social benefits through growth of a community, with the potential of reserve spaces, public access for cycling, walking over the developed area. A social cost from this option could result from the degree of change to the existing community.
98. This option is not anticipated to result in significant benefits or costs from a cultural perspective.
99. **Option 2** – While this was an option sought through the original submission, the submitters evidence has had another focus (option 3). Not all of this area of land is seen as being easily developable therefore this option could result in an inefficient use of the land resource and a greater potential for reverse sensitivity effects as village zoned land would adjoin a neighbouring properties rural zoned land.
100. This option would grow a community and therefore could result in social benefits.
101. In terms of economic growth and employment, this option provides for a greater level of development construction and building and therefore would result in benefits through this way. However, it is noted that this area of land has had Country Living Zoning for many years with development not taken up and therefore this option could result in too many lots being provided in this area for the actual demand.
102. **Option 3** – This option provides for development at a greater intensity over the more developable area of the site. Rezoning to Village Zone in this location would result in a modest

degree of change (a similar number of sites could be developed over this Village Zone from the number that could be developed over the larger CLZ provided in the Operative Plan). This would provide for environmental benefits in that development would be consolidated in an area already zoned for rural-residential purposes which is adjacent to an existing village. There would be no further greenfield expansion over rural zoned land, rather this option allows for a greater amount of rural zoned land to be retained from what is provided for in the Operative Plan. While a largely congruous extension of the zone boundary would result from this option, there would be a small pocket of Country Living Zoned sites in between parts of the Village Zoned land which I do not consider to be an ideal zoning pattern.

- 103. This Option would grow the residential component of Glen Massey, with this having been provided for through existing zoning, the Glen Massey Structure Plan and it is assumed through the rural growth allocations provided in Table 6-1 of the WRPS. Option 3 would therefore resulting in positive social consequences through growing the community and potentially the school. In addition, this option would provide for economic growth through developing the subdivision and the construction of houses while also ensuring that that a greater area of land will still be provided for primary production and the economic benefits that also brings.
- 104. This option also provides benefits in terms of employment as workers will be required for the development of the land and construction of buildings. A potential cost is that the location of the submission site is not located near an employment centre and therefore residents will likely have to travel to work. This option may also result in a reduction of employment associated with primary production although given the size of the land this would not be anticipated to be significant.
- 105. This option is not anticipated to have significant cultural benefits or costs.
- 106. **Option 4** – This is the status quo option. This option would result in the lowest level of development and therefore this is likely to result in the greatest environmental benefit in this way. The larger minimum area of CLZ sites and the separation distance from neighbouring land reduces the potential for reverse sensitivity effects. However, in terms of environmental costs this option is not likely to result in the most efficient use of the land resource.
- 107. This option would result in economic growth through development and construction works over the land. However, by reducing the area of land that can be developed (from the larger CLZ under the Operative Plan to the smaller CLZ under the PWDP), the economic benefit to the landholder may be significantly reduced which is seen as an economic cost to the landowner/potential developer.
- 108. From an employment perspective this option would result in the same benefits outlined in the other options (employment through development and construction) but also the same costs (travel by residents to employment centres).
- 109. Socially, this option would also result in similar benefits and costs that would result from the options and is not anticipated to result in significant benefits or costs from a cultural perspective.

Risk of acting or not acting

- 110. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.

Decision about most appropriate option

- 111. For the reasons above, Option 3 – rezoning the land to Village Zone is my preferred option and the most appropriate way to achieve the purpose of the RMA and the objectives of the PWDP. Given the existing zoning of the site, it is considered that rezoning the site to Village Zone would not result in a degree of change to the community and therefore from an environmental, social, economic, employment and cultural perspective the area when

considered against the level of development that could be provided for under both the operative and proposed planning regime would remain largely unchanged.

5 Rezoning Within the Te Uku Area

The rezoning proposal

112. One submission (#387) was received for the rezoning of land located on State Highway 23, Te Uku (Pt Lot 1 DP 23893, Lot 4 DP 437598 and Allot 218 Parish of Whaingaroa) from Rural (as notified under the PWDP) to Country Living Zone. Two further submissions (#1277 and #1388) oppose this requested rezoning.

Submission point	Submitter	Summary of submission
387.1	Farm Limited Diamond Creek	Amend the zoning of the property on State Highway 23. Te uku (Pt Lot 1 DP 23893, Lot 4 DP 437598 and Allot 218 Parish of Whaingaroa) from Rural Zone to Country Living Zone.
FS1277.76	Waikato Regional Council	Oppose submission point 387.1
FS1388.87	Mercury NZ Limited	Oppose submission point 387.1

113. The submitter considers that the land is suitable for more intensive development than what is allowed for in the Rural Zone for the reasons outlined in submission 387 which are summarised below:
- Rezoning to CLZ would enable low density residential development to occur within an area which does not currently provide for development of this intensity.
 - The land resource, due to its location across the State Highway from the main farming block is becoming increasingly more difficult to farm as a single productive farming unit because of the business of the State Highway, the size of the property, land topography and location of streams and wetland areas.
 - The location of the proposed CLZ land next to an existing village will concentrate rural lifestyle development in a coordinated manner and ensure other more productive larger rural allotments are protected from future ad-hoc subdivision (i.e. reducing fragmentation of productive farming units).
 - The land is not subject to any special character overlays.
 - The topography of the site ensures that an open space character consistent with the CLZ will be maintained as not all buildings and structures will be visible at the one time.
 - Low density residential development would enable the wetland area and adjoining stream to be protected and therefore environmental gain can be accommodated with development;
 - The rezoning of the site takes into account the existing and future built environment and would not compromise the settlement's built character or visual amenity.
 - The property provides an ideal location for residents accessing both Hamilton and Raglan.
 - The property provides alternative housing and settlement options away from the coast which is subject to sea level rise and coastal hazard planning.
 - Reverse sensitivity can be avoided, remedied or mitigated.
 - Allotments can be provided at a size where onsite water, wastewater and stormwater services can be provided.
 - Only one entry point to the State Highway will be needed ensuring future development will not affect the safety and efficiency of State Highway 23.

- m. Rezoning to CLZ will not be contrary to the rural environment and rural character and amenity objectives and policies of the PWDP.
- n. Council's Section 32 Report states the CLZ responds to growth pressures faced by the District by providing for low density residential/rural residential development.
- o. The rezoning and subsequent development will meet the purpose and principles of the RMA.

114. The submission site is located approximately 10.5km from Raglan township as shown on Figure 16 below.



Figure 16: Submission Site and Surrounding Area (Source: Waikato Intramaps)

115. It adjoins State Highway 23 and falls within the Rural Zone under both the operative and proposed plans. No other overlays or notations are referenced on the plans for this site. Te Uku is a small rural village that includes a primary school and a small cluster of shops serving the local rural community.

Operative District Plan Zone	Proposed District Plan Zone

116. This rezoning request is opposed by the Waikato Regional Council [1277.6] who state that the supply and location of large lot residential and rural residential land must be considered strategically across the whole district and that the district plan must give effect to Policy 6.17 and implementation Method 6.1.5 under the VRPS. The Waikato Regional Council also lodged further submitter evidence whereby they identified that they continued to oppose

submission [#387.1] and seek that additional country living and village zones should be rejected.

Assessment

- I17. The assessment for the rezoning request for submission [387.1] has many similarities to the rezoning requests for 233 Wilton Collieries Road.
- I18. Te Uku is not deemed to be an “urban environment” as defined under the NPS-UD nor will it be if the land is to be rezoned to CLZ (or VZ). As such it is not capable of providing significant development capacity and therefore Policy 8 of the NPS-UD is not applicable.
- I19. The submission site is not located within an indicative urban or village limit identified in Future Proof, it is not located within the current WRPS urban limits nor is it within Waikato 2070. Due to its location outside of identified and planned growth areas it is not considered to be integrated, sustainable or planned as required by Objective 3.12 of the WRPS.
- I20. Submission [387.1] seeks to rezone land that is identified as having high class soil (as set out in AgFirst’s Report in the submitter evidence). This does not give effect to the WRPS, specifically Objective 3.26. To use this land at Te Uku for urban purposes would not be protecting the soils from inappropriate subdivision, development and use because it is seeking to use land outside of the urban limits for urban development.
- I21. In terms of Policies 6.14 (Adopting Future Proof land use pattern) and 6.17 (Rural-residential development in Future Proof) I note that the submission site is not located within an identified urban growth area in any of the higher order documents, Future Proof 2017, the WRPS, Waikato 2070 or any structure plans. I note that the WRPS does contemplate some growth in villages which fall outside of urban limits (provided that this growth is sufficiently modest in scale to not threaten the wider growth direction). In this instance I would consider that the growth sought by rezoning the submission site would be sufficiently modest in scale and located far enough away from Hamilton and other identified growth areas within Waikato District so as not to threaten wider growth directions (noting that in this location a reasonable number of residents would likely commute to employment opportunities). However, the submission site cannot be serviced by reticulated infrastructure which is contemplated for rural villages but is not promoted as a wider urban growth strategy where the direction is towards reticulation to a public system.
- I22. In terms of Policy 6.17 (Rural-residential development in Future Proof) the rezoning request will in my opinion contribute to pressure to fragment the rural land resource. At Te Uku this will occur over an area of the rural resource which has not been identified for future urban growth and therefore creates a pressure to fragment the rural land resource rather than manages it.
- I23. In terms of Schedule 6A of the WRPS while I consider that some of the development outcomes could be met by the rezone request and that that site specific effects can generally be managed, other principles will not. In particular, I consider that the rezoning request is inconsistent with the general development principles a), b), c), e), i) and that there is insufficient evidence to determine m) and o). In this regard I make the following comments:
 - a. Te Uku is a small rural settlement rather than an existing urban area. The settlement consists of a primary school, general store, coffee shop, church and community hall. It has not been identified as an area for urban growth within Future Proof or the WRPS. This rezoning request therefore does not support an existing urban area rather it seeks to create a new one.

- b. While the existing roading network can be considered to provide a delineation between an urban and rural area, the delineation at the Matakotea Stream and to the east is more blurred.
 - c. This rezoning request does not make use of an opportunity for urban intensification and redevelopment to minimise the need for urban development in greenfield areas.
 - d. In terms of transport infrastructure, the evidence is supported by an Integrated Transportation Assessment which provides recommended rules to accompany rezoning to control access to the site and protect the arterial function of SH23 but overall it is concluded that “it is possible for future roading connections to be established to the site. These will improve the resilience of the road network rather than being necessary to address any congestion effects”²¹. Beca has undertaken a review of the transportation assessment provided in the submitter’s evidence (provided in Appendix 3). Beca were in general agreement with the findings of the ITA and statement of evidence and the submitter’s recommendations. Beca outline that as the site is in a rural location with limited local amenities travel is likely to be highly car dependent. They recommend that the route and bus stop locations and their design should be explained in more detail with some input from Waikato Regional Council prior to and if the panel were to rezone this site.
 - e. As identified in the rezoning request, no public reticulation is available to service the submission site. Future development would need to be self-sufficient. Beca has undertaken a review of the submitters evidence and concludes that on site servicing for three waters for the proposed lots of 5000m² is appropriate with the potential to reduce this to 2,500m² following on site investigations. Beca’s review is provided in Appendix 3.
 - f. A Landscape and Visual Assessment has been provided with the submitter evidence, the Assessment concludes that the rezone will affect existing rural character and amenity by enabling greater density of development than what can be achieved through rural zone rules.
 - g. The rezoning request does not promote compact urban form, design and location. While the structure plan provided for the request shows pedestrian walkways, cycleways throughout the site and a footpath may be located across the frontage of the site as part of a subdivision there are not connections beyond this for walking and cycling at this time. In terms of public transport there is currently no formally marked bus stop but the submitter evidence advises that it is possible to hail the bus service that operates five times per day (in each direction) between Raglan and Hamilton.
 - h. Insufficient evidence has been provided in relation to adjacent land uses and the potential for reverse sensitivity effects. However, I do acknowledge that there are likely to be positive social consequences in creating more of a community and growing the school in this location.
124. In terms of the principles specific to rural-residential development I consider that the rezoning request is inconsistent with the development principle e) of Schedule 6A of the WRPS and that there is insufficient evidence to determine its consistency with Schedule 6A rural-residential principles b) and h). I make the following comments on this:

- a. Urban development (either as Country Living or Residential) will add to the density of the area and therefore introduce development in an area which although adjacent to a small rural settlement is largely open and free of built development.
 - b. Introducing urban development in this location is unlikely to reduce fuel consumption as the development is not located near an employment centre (although it is recognised that employment can occur within the area) and while there is a public transport service that passes Te Uku, the current service is limited to five times in either direction per day.
 - c. The rural character of the submission site will be changed through introducing a higher density of development on it than what currently exists and what can be undertaken through rural zone subdivision. The submitter evidence states that by concentrating development in this location pressure is reduced on surrounding rural areas to preserve wider surrounding rural character values and fragmentation of rural land elsewhere. While I consider that consolidating rural-residential development into a specified area is appropriate, there are already areas identified within Future Proof to do just that and the rural zone provisions which provide for minimum lot sizes work to prevent fragmentation and loss of productive soils.
125. Turning to the PWDP, I do not consider that the rezoning requests for submission [387.1] ensures that growth occurs in a defined growth area (1.5.2(a), give rise to the efficient servicing of land (Objective 1.12.8(b)(i)), promote compact, sustainable and good quality urban form (Objective 1.12.8(b)(ii)) or focus urban growth into an existing community that has capacity for expansion (Objective 1.12.8(b)(iii)). This rezone request is around but not immediately adjacent an existing village (which does not have an urban zoning) and is not located within a defined growth area and therefore does not give effect to (Objective 1.5.1(b), Objective 1.12.3(c), Objective 4.1.2(a) and 5.3.8(a)).
126. I consider that the rezoning request is not the most appropriate method of achieving the proposed rural objectives. In particular, Objective 5.1.1 which is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5. Objective 5.1.1(a)(iii) which states that urban subdivision, use and development in the rural environment is avoided.
127. Given the above, consideration I recommend that the rezoning request for submission [387.1] is rejected.

5.1 Recommendations

128. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** the submission by Farm Limited Diamond Creek [387.1] and retain the Rural Zone.

6 Rezoning to Country Living Zone

129. As well as the submissions received at Glen Massey and Te Uku discussed above which have sought Country Living Zoning, other submissions within the 'rest of district' (and outside of Hamilton fringe) which also seek a Country Living Zoning for their submission site. Specifically, the rezoning requests considered in this section of my s42a report are as follows:
- Rest of District (encompassing Horotiu Bridge Road, O'Brien Road, Tauwhare Road, 27 Sullivan Road, 41 Ormsby Road, 679 Whatawhata Road, 479 Boyd Road).

Submissions [79.1, 103.1, 393.1, 397.1, 715.1 967.1, 969.1, 837.1 and 865.1] – Rest of District (encompassing Horotiu Bridge Road, O'Brien Road, Tauwhare Road, 41 Ormsby Road, 679 Whatawhata Road and 479 Boyd Road)

The rezoning proposal

130. In addition to the rezoning requests from Rural to Country Living Zone considered above for large individual sites, there are seven submissions which also seek a change from Rural to Country Living Zone. The sites subject to these submissions are widely distributed across the District, however the assessment and higher order policy direction is common across all six. These six submissions [79.1, 103.1, 393.1, 397.1, 967.1, 969.1, 837.1 and 865.1] and the further submissions received have therefore been considered collectively below.

Submission point	Submitter	Summary of submission
79.1	Amy Pitcher	Amend the proposed zoning of the property at Horotiu Bridge Road, Horotiu (Lot 3 DP 513666 and Valuation Reference 04421/079.21) from Rural Zone to Country Zone.
FS1277.6	Waikato Regional Council	Oppose
FS1379.7	Hamilton City Council	Oppose
FS1386.63	Mercury NZ Limited	Oppose
103.1	David Hall	Rezone O'Brien Road into Country Living Zone.
FS1277.72	Waikato Regional Council	Oppose
FS1379.21	Hamilton City Council	Oppose
FS1386.78	Mercury NZ Limited	Oppose
393.1	Bowrock Properties Limited	Amend the zoning of Lot 3 DP 325499 and Lot 32 DP 81580, Tauwhare Road, Tauwhare from Rural Zone to Country Living Zone or Village Zone.
FS1277.78	Waikato Regional Council	Oppose
FS1035.102	Pareoranga Te Kata	Oppose
FS1379.107	Hamilton City Council	Oppose
FS1388.112	Mercury NZ Limited	Oppose
397.1	Horotiu Properties Limited	Amend the zoning of the property at 27 Sullivan Road, Horotiu (Lot 5 DP 513666) from Rural Zone to Village Zone Or to Country Living Zone Or to Residential zone and amend the PWDP to make any consequential amendments necessary to address the matters raised.
715.1	Khushwin Limited	Amend the zoning of the property at 135 Hull Road, Waiuku from Rural Zone to Living Zone or Country Living Zone.
FS1277.103	Waikato Regional Council	Oppose
FS1387.793	Mercury NZ Limited	Oppose
967.1	Peter Pavich	Amend the zoning of the property at 41 Ormsby Road to change from Rural Zone to Country Living Zone.

FSI045.18	Auckland/Waikato Fish and Game Council	Oppose
FSI277.63	Waikato Regional Council	Oppose
FSI379.373	Hamilton City Council	Oppose
969.1	Debbie McPherson	Amend the zoning of the property at 41 Ormsby Road, Hamilton from Rural Zone to Country Living Zone.
FSI379.375	Hamilton City Council	Oppose
837	Stuart Seath	Amend the zoning at 679 Whatawhata Road, Whatawhata from Rural Zone to Country Living Zone.
FSI197.37	Bowrock Properties Limited	Support
FSI277.58	Waikato Regional Council	Oppose
FSI311.29	Ethan & Rachael Findlay	Support
FSI379.349	Hamilton City Council	Oppose
FSI3871362	Mercury NZ Limited	Oppose
865	Ian and Helen Gavin	<p>Seek land at Lot 3 DP409176 and access leg of Lot 2 DP409176 (474 Boyd Road) to be rezoned to "Country Living" from "Rural".</p> <p>The site is currently occupied by 3 'clusters' comprised of 2 residential dwellings and an adjoining unit made available for respite of struggling individuals or families. The property owner is interested in undertaking a unit title or fee simple subdivision. Under the current zoning subdivision is prohibited therefore rezoning is required for Council to consider this.</p>
FSI379.356	Hamilton City Council	Oppose

131. Common reasons provided for the rezone requests are as follows:

- a. The submitter would like to subdivide the property to provide for family. The land will continue to be used for farming purposes.
- b. The property is close to the Hamilton Boundary.
- c. The property is uneconomic and not suitable for farming activities.
- d. Existing constraints such as road placement rule out ability to enable productive rural activities.
- e. The Country Living Zone would enable better utilisation of the land.
- f. Consistent with the Future Proof Settlement pattern which identifies Horotiu as a growth centre [397.1]
- g. Subdivision is desired to formalise the existing land use (community living) at 474 Boyd Road, Horsham Downs.

132. I have set out the details of the submissions individually, but then assess them holistically underneath.

Submission [103.1] – O'Brien Road, Rotokauri

The rezoning proposal

133. David Hall [103.1] seeks to rezone the properties along O'Brien Road from Rural to Country Living Zone and three submissions were received in opposition to this from Waikato Regional Council [FS1277.72], Hamilton City Council [FS1379.21] and Mercury NZ Limited [1386.78].
134. The reason provided for the rezoning request is that there are 15 houses in O'Brien Road already and there is a need for smaller sized sections close to the city.
135. Waikato Regional Council opposed this submission because the supply and location of large lot residential and rural residential land must be considered strategically across the district. Hamilton City Council opposed the rezoning request as they oppose any further expansion of the CLZ within Hamilton's Area of Interest, they note cross-boundary impacts on Hamilton's infrastructure that further subdivision within the area would likely have and they note the key purpose of the Rural Zone being to protect the productive nature of land and to ensure non-rural activities are more appropriately directed to towns and other areas identified for growth.
136. No evidence has been provided in support of the submission. Evidence has been provided by the Waikato Regional Council which although not specific to this site identifies that the WRC continue to oppose expansion of the Country Living and Village Zones.

Analysis

137. O'Brien Road is located near Hamilton City's boundary (the indicative location of which is identified on Figure 17 below by the red circle).

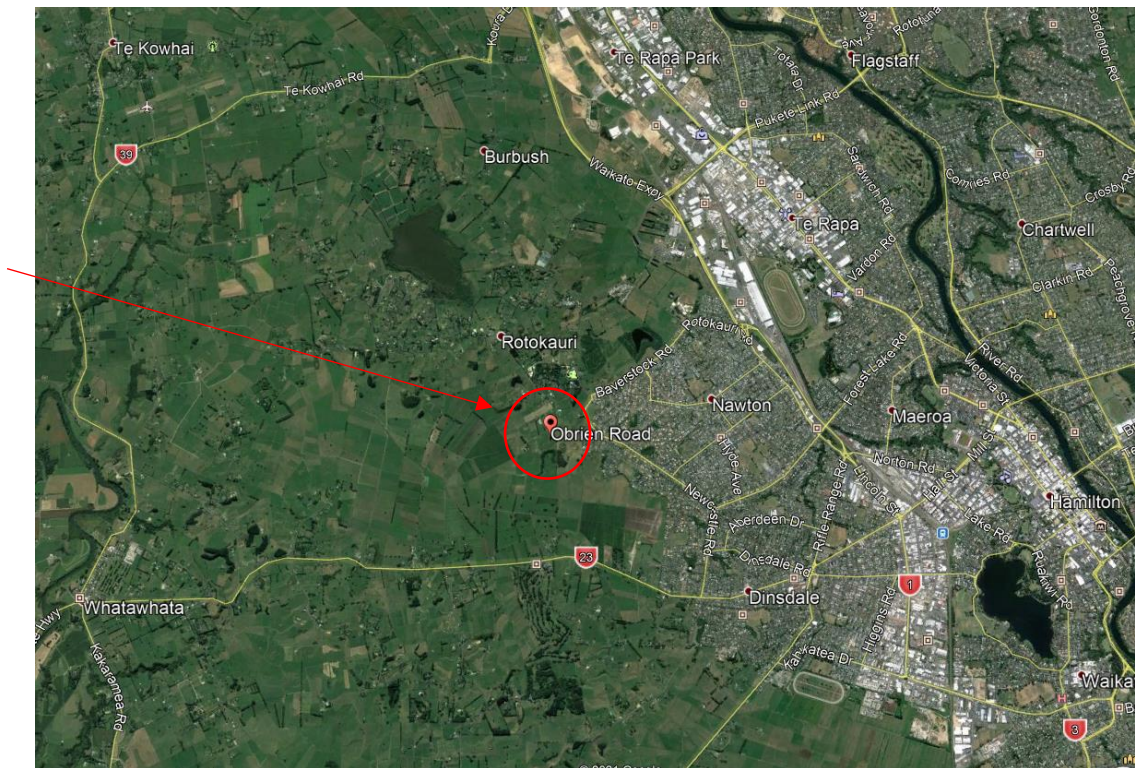

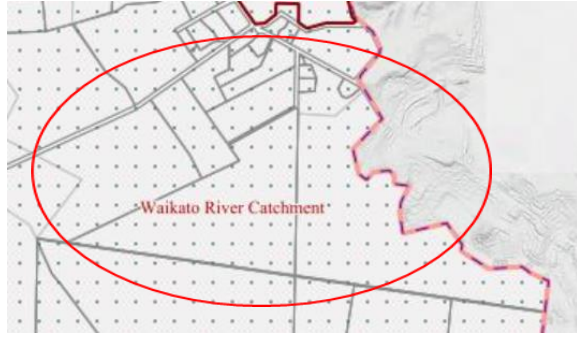





Figure 17: Submission Site and Surrounding Area (Source: Waikato Intramap)

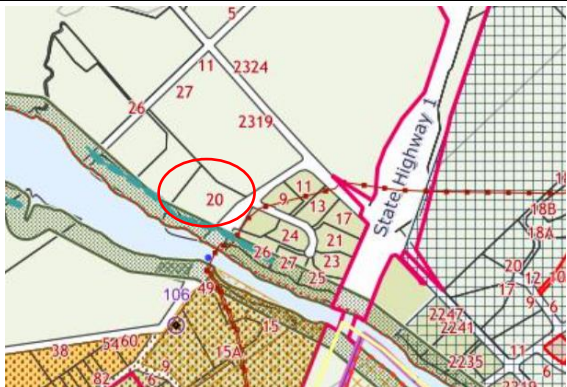







138. It falls within the Waikato River Catchment and within the Hamilton Basin Ecological Management Area. No other notations or overlays are referenced on the planning maps.

Operative District Plan Zone	Proposed District Plan Zone
	
 Rural (W)	 Rural  Hamilton Basin Ecological Management Area

Submission [79.1] – Horotiu Bridge Road

139. Amy Pitcher [79.1] seeks to have the zoning of the property at Horotiu Bridge Road, Horotiu (Lot 3 DP 513666) rezoned from Rural Zone to Country Living Zone. This site is approximately 1.59ha in area. The submission site is located within the Waikato River Catchment and Landscape Policy Area under the Operative Plan and within the Hamilton Basin Ecological Management Area and Waikato River Catchment under the PWDP. The submission site adjoins Local Purpose Reserve and the Waikato River. Three further submissions were received by Council opposing the requested rezone. These submissions were made by the Waikato Regional Council [FS1277.6] and Hamilton City Council [FS1379.7] and Mercury NZ Limited [FS1386.63]. No further submitter evidence has been provided from this submitter. Evidence has been provided from Hamilton City Council, while not specific to this submission it sets out that HCC does not recommend a change of zoning for sites outside the identified growth nodes or those not contiguous with existing residential areas. Fundamentally, HCC supports the growth pattern set out in Future Proof and the WRPS and states that allowing development outside of defined growth areas results in ad hoc development creating unanticipated demand for urban services (transport and three waters)²². Waikato Regional Council's evidence is also in opposition to rezoning within the rest of district that does not meet the higher order documents.

²² Evidence of Hamilton City Council, page 7, paragraph 28
Proposed Waikato District Plan Rest of District

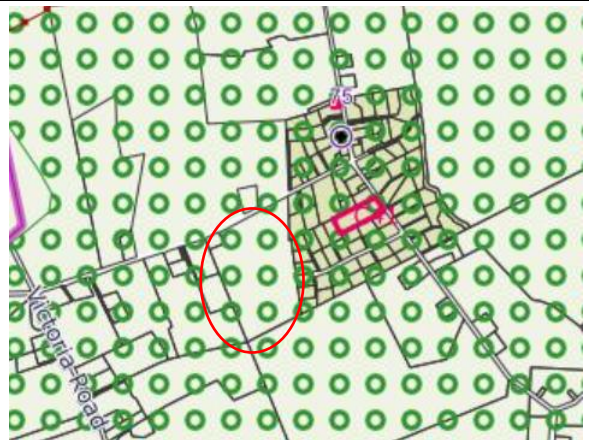
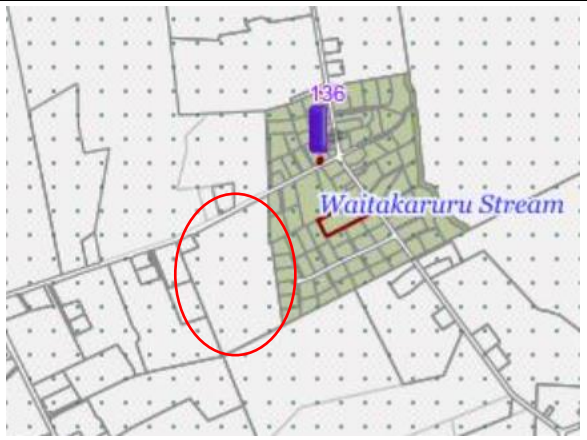



Operative District Plan Zone	Proposed District Plan Zone
	
<p>Rural (W)  Landscape Policy Area </p>	<p>Rural  Country Living </p> <p> Significant Amenity Landscapes</p> <p> Hamilton Basin Ecological Management Area</p>

Submission [393.1] – Tauwhare Road, Tauwhare

The rezoning proposal

140. Paua Architects on behalf of Bowrock Properties Limited [393.1] seeks to rezone the property on the southern side of Tauwhare road adjacent to the Tauwhare Village²³ zoned Country Living as shown on the planning maps below (or alternatively to Village Zone). Four submissions were received in opposition to this rezoning request. These submissions were made by the Waikato Regional Council [FS1277.78], Pareoranga Te Kata [FS1035.102], Hamilton City Council [FS1379.107] and Mercury NZ Limited [FS1388.112]. No further submitter evidence has been provided from this submitter. Hamilton City Council have provided evidence in which they outline that they continue to maintain opposition to the establishment of any additional Country Living Zone within the Area of Interest, particularly in the Urban Expansion Area.
141. Under the Operative Plan, the site is zoned Rural Zone and falls within the Hauraki Gulf Catchment Area overlay under the PWDP the submission site is also zoned Rural and falls within the Hamilton Basin Ecological Management Area.

²³ Lot 3 DP 325499 and Lot 32 DP 81580
Proposed Waikato District Plan

Operative District Plan Zone	Proposed District Plan Zone
	
<p>Rural (W)  Hauraki Gulf Catchment Area</p>	<p>Rural   Hamilton Basin Ecological Management Area</p>

142. The reasons provided for the rezoning request is that²⁴:

- a. There is an opportunity to rezone the site for residential use through the CLZ.
- b. Development of the site could potentially provide for 25-35 residential properties accounting for natural features of the subject site.
- c. Residential development would be consistent with the existing context and feel of both Tauwhare Village to the east and Tauwhare Road to the west.

143. No evidence has been provided in support of the submission.

Submission [397.1] – 27 Sullivan Road

144. Horotiu Properties Limited [387.1] seek to rezone the property at 27 Sullivan Road, Horotiu (Lot 5 DP 513666) to either Country Living Zone, Village Zone or to the Residential Zone. However, it is noted that the submitters evidence states that following the release of the s42A Framework Report, Horotiu Properties Limited made the decision to focus on pursuing a Country Living Zone²⁵. This property is approximately 7.5ha in area and bound on three sides by roads. Under the PWDP, this property has the Hamilton Basin Ecological Area Overlay. Several submissions were received in opposition by Waikato Regional Council [FS1277.24], Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)[FS1108.194], Turangawaewae Trust Board [FS1139.145], New Zealand Transport Agency [F1202.110] and Hamilton City Council [FS1379.114], Mercury NZ [F1388.131].

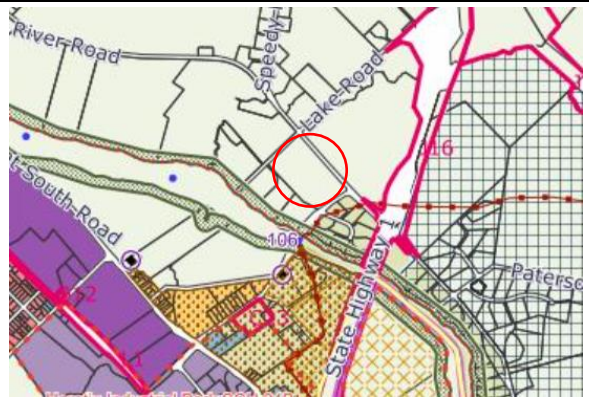
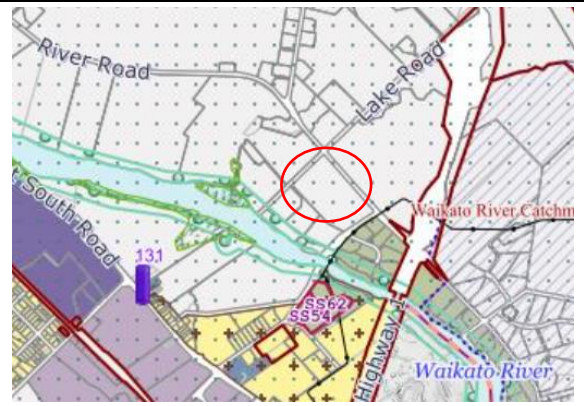
145. The submitter has provided further evidence, this includes a statement of evidence from Andrea Marie Simpson the sole director of Horotiu Properties Limited, a 'Proposed Subdivision Report' prepared by AgFirst which had specific regard to future agricultural or horticultural production at the submission site and an Archaeological Report prepared by Opus.

146. Evidence from further submitters Hamilton City Council [1379] has been received whereby HCC maintains its opposition to the establishment of any additional CLZ within Hamilton's Area of Interest, particularly within the Urban Expansion Area. Waikato Regional Council have

²⁴ Submission [393] for Bowrock Properties Limited, page 3

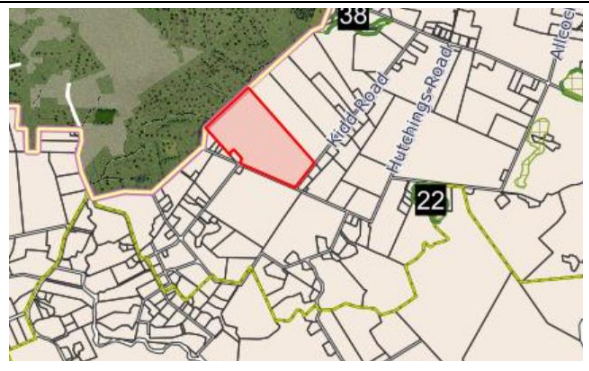
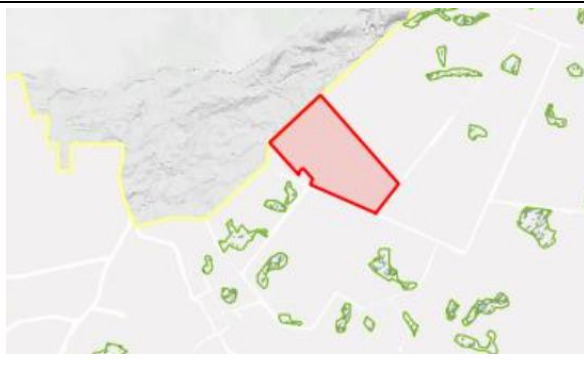
²⁵ Evidence of Tracey Morse for Horotiu Properties Limited, para 8.

also provided further evidence whereby they continue to oppose the expansion of the Country Living Zone and Village Zone.

Operative District Plan Zone	Proposed District Plan Zone
	
<ul style="list-style-type: none"> Rural (W) Country Living New Residential Industrial Park Heavy Industrial Urban Expansion Policy Area 	<ul style="list-style-type: none"> Rural Country Living Residential Industrial Heavy Industrial Urban Expansion Area

Submission [715]– 135 Hull Road

147. Submission [715.1] from Khushwin Limited seeks a rezone of the land at 135 Hull Road from Rural to Living Zone or Country Living Zone (Residential/Rural Residential). Further submissions [1277.103] by the Waikato Regional Council and Mercury NZ [1387.793] oppose the requested relief.

Operative District Plan Zone	Proposed District Plan Zone
	
Rural (F)	Rural

148. Reasons provided in the submission are summarised as follows:

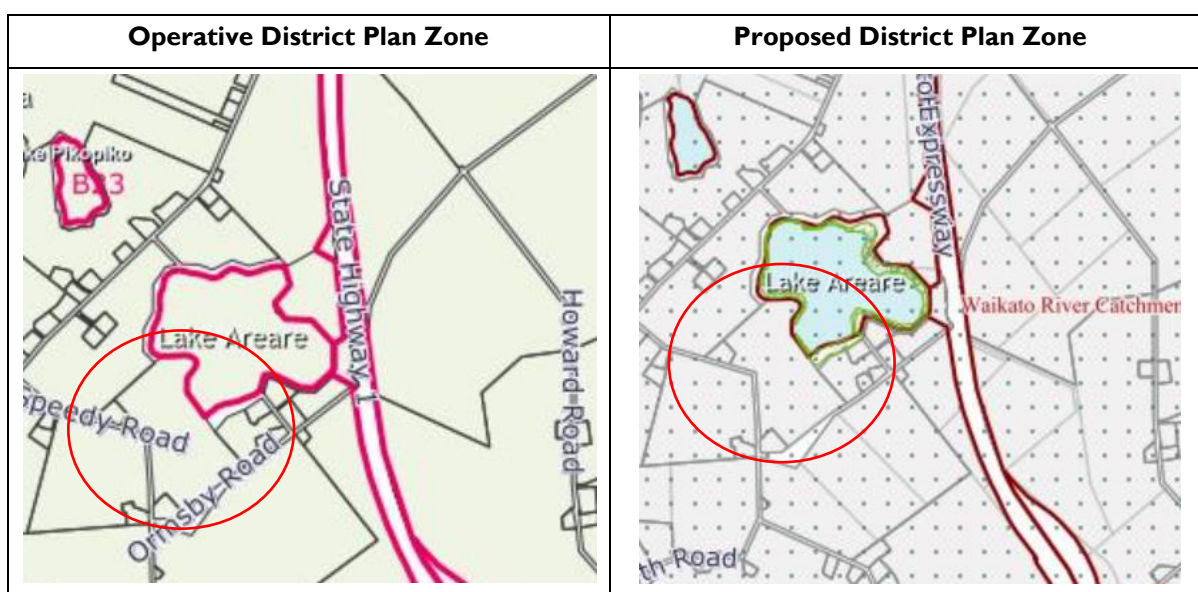
- Adjoining residential land under the jurisdiction of the Auckland Council consists of small residential lots and these lots are all connected to public services except for waste-water disposal.

- b. The rules within the Living Zone could apply to this site meaning that the site could be subdivided for residential development and all development must comply with the relevant rules/standards.
- c. Allowed sections could be required to be larger so that all services are contained on-site e.g., wastewater disposal, stormwater disposal and water use.
- d. Zoning the site to Living Zone with sections that can contain wastewater and stormwater on site will not impact on the reticulated infrastructure of Waiuku which is mostly under the jurisdiction of the Auckland Council.

149. The submission site is located at the northern boundary of Waikato District, it falls within the Waikato River Catchment overlay. Under the Operative District Plan the site is zoned Rural – Franklin Section under the PWDP the site is similarly zoned Rural.


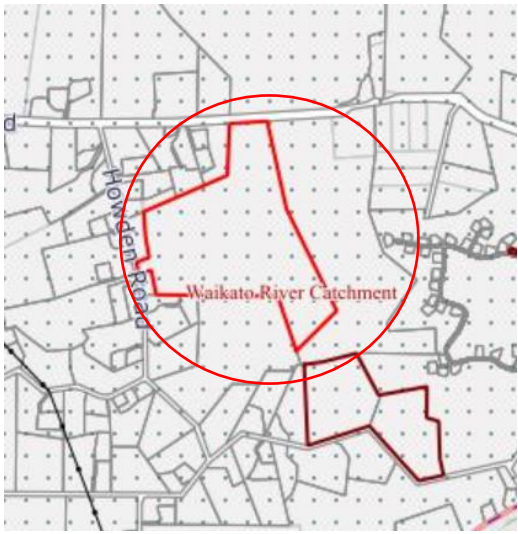
Submission [967.1] and [969.1] – 41 Ormsby Road

150. Peter Pavich [967.1] and Debbie McPherson [969.1] seek to have the land located at 41 Ormsby rezoned as Country Living Zone. This land is comprised of approximately 23ha (Lot 4 DP South Auckland 92371). The submission site falls within the Waikato River Catchment overlay and is located within Hamilton Basin Ecological Management Area. The submission site adjoins the Lake Areare Wildlife Management Reserve (Designation B24) which is an identified Significant Natural Area. The Waikato Expressway is located a short distance to the east. Three further submissions were received by Council opposing the requested rezone. These submissions were made by the Auckland/Waikato Fish and Game Council [FSI045.18], Waikato Regional Council [FSI277.63 and FSI277.64] and Hamilton City Council [FSI379.373 and FSI379.375]. No submitter evidence has been provided.



Submission [837.1] – 679 Whatawhata Road


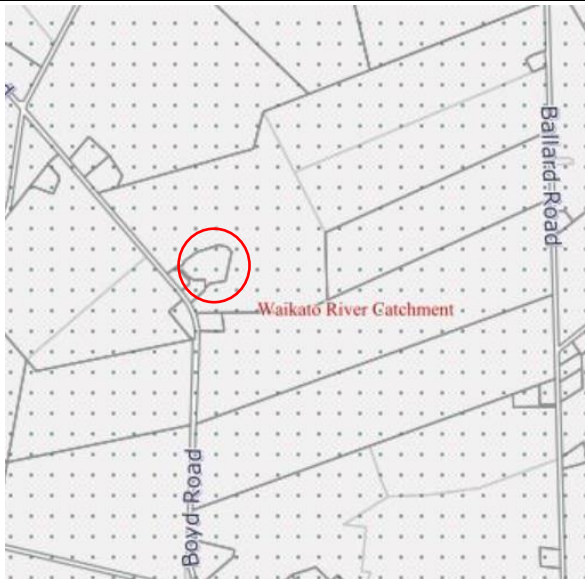
151. Stuart Seath [837.1] seeks to have the land located at 679 Whatawhata Road rezoned as Country Living Zone. This land is comprised of approximately 44.6ha (Lot 1 DP South Auckland 86871) located immediately to the south of State Highway 23. The submission site falls within the Waikato River Catchment overlay and the Hamilton Basin Ecological Management Area. This submission site is located near Hamilton City's boundary. No submitter evidence has been provided.

Operative District Plan Zone	Proposed District Plan Zone
	

152. 5 further submissions were made in response to the request to change the zoning of the property to Country Living Zone. These further submissions were made by Bowrock Properties Ltd [FSI197.37], Waikato Regional Council [FSI27.58], Ethan and Rachael Findlay [FSI311.29], Hamilton City Council [FSI379.349] and Mercury NZ Ltd for Mercury D [FSI387.1362]. The further submissions by Bowrock Properties Ltd and Ethan and Rachael Findlay supported the relief sought by the original submission while the remaining three opposed it.

Submission [865.1] – 474 Boyd Road

153. Ian and Helen Gavin [865.1] seek to have the land located at 474 Boyd Road rezoned as Country Living Zone (Lot 3 DP 409176 and part of the access leg of Lot 2 DP 409176). The submission site falls within the Waikato River Catchment overlay and the Hamilton Basin Ecological Management Area.

Operative District Plan Zone	Proposed District Plan Zone
	

154. Hamilton City Council submitted a further submission opposing the requested relief of a change from Rural Zone to Country Living Zone [FS1379.356].

Analysis

155. Submitter evidence has been provided for submission [397.1], no submitter evidence has been provided for the remainder of the submission points [79.1, 103.1, 967.1, 969.1, 837.1 and 865.1].
156. None of these submission sites are located within an area identified as being appropriate for urban growth within the WRPS, Future Proof (2009 & 2017) or Waikato 2070.
157. As is evident on the Operative Plan and PWDP maps for each of these submission sites above, rezoning this land to Country Living Zone (or in the case of submission [397.1] to Country Living/Village or Residential Zone) would constitute an area of higher density development in a location that geographically does not align with the higher order directions regarding the location of growth within urban limits (all the submission sites sit outside of Future Proof and the Map 6C areas shown in the WRPS). They also do not give effect to the direction contained in WRPS Policy 6.17 in terms of how rural residential development is to be managed, and for those lots close to Hamilton do not give effect to the direction that such development is to be strictly limited. Furthermore, (with the exception of submission [397.1] there is no technical or planning evidence in support of the submission to demonstrate that these submission sites are suitable for urbanisation, including no assessment of matters such as urban design, geotechnical/natural hazards, NES-Contamination, transport, servicing, loss of high class soils, and cultural values. The absence of such supporting evidence does not give effect to WRPS Policy 6.1.8 (Information to support new urban development and subdivision). I recommend that these submissions be rejected.
158. With regard to submission [397.1] I consider that the rezoning request is inconsistent with Objective 3.1.2 which requires development of the built environment to occur in an integrated, sustainable and planned manner as the submissions site is located outside of Future Proof indicative urban and village limits, WRPS urban limits and outside of the Horotiu Development Plan. New urban development will not therefore be directed into the urban limits indicated on Map 6C. With regards to rural residential development, Policy 6.17 of the WRPS directs that careful management of rural residential development needs to recognise the pressures from and the adverse effects of rural residential development particularly within close proximity to Hamilton City, as well as the potential for adverse effects, conflicts between activities, servicing demands and cross-territorial boundary effects. Lastly the policy states that rural residential development should have regard to the principles in section 6A. The submission site is located within commuting distance of Hamilton City and close to the urban expansion area and therefore I consider that encroachment in this area could create pressure from rural residential development and that it has the potential to result in cross-territorial boundary effects particularly as urban development within the urban expansion area progresses northwards within the Hamilton City Council territorial boundary.
159. The submitter evidence is supported by a structure plan, and an archaeological assessment prepared at the time of an earlier subdivision application. However, I consider that there is insufficient evidence to determine how Section 6A general development principles and specific rural-residential principles are met but even without sufficient evidence I consider that the rezoning request does not give effect to the general development principles a), b), c), e), i). Given that insufficient evidence has been provided and that the location of the rezoning request is not give effect to the higher order documents I recommend that this rezoning request is rejected.

6.1 Recommendations

160. For the reasons above I recommend that the Hearings Panel:

- (a) **Reject** the submission by Amy Pitcher [79.1] and retain the Rural Zone.
- (b) **Reject** the submission by David Hall [103.1] and retain the Rural Zone.
- (b) **Reject** the submission by Bowrock Properties Limited [393.1] and retain the Rural Zone.
- (c) **Reject** the submission of Horotiu Properties Limited [397.1] and retain the Rural Zone.
- (d) **Reject** the submission of Khushwin Limited [715.1] and retain the Rural Zone.
- (e) **Reject** the submission of Peter Pavich [967.1] and retain the Rural Zone.
- (f) **Reject** the submission of Debbie McPherson [969.1] and retain the Rural Zone.
- (g) **Reject** the submission of Stuart Seath [837.1] and retain the Rural Zone.
- (h) **Reject** the submission of Ian and Helen Gavin [865.1] and retain the Rural Zone.

6.2 Recommended amendments

161. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

7 Rezoning to Village Zone

7.1 Submissions

162. The policy framework for the Village Zone is contained in Chapter 4: Urban Environment. Under the PWDP, Village zoning is applied to land to reflect and perpetuate the status quo land use patterns for the many small existing settlements scattered across the District. These settlements may be serviced by limited public reticulation, but more commonly no public reticulation is available and the settlements are therefore serviced through on-site methods. This is reflected in the minimum subdivision lot size of 3000m². Alternatively, the Village Zone is also applied under the PWDP to two larger growth areas at Te Kowhai and adjacent to Tuakau which are provided with the option (in the notified PWDP) of being able to be subdivided to 1,000m² when reticulated services become available. Under the Operative Plan, the Village Zone appears only in the Franklin Section.

Submissions [118.1, 215.1, 567.26, 798.27, 440.7, 447.11, 722.1, 743.2, 828.1 and 729.1]

163. Several submissions have been received seeking spot rezoning of Rural Zoned land to the Village Zone, two seeking the Village Zone and Pukekawa Paa to be returned to Rural Zone, one submission seeking the notified Village Zone land be returned back to Living Zone as it was in the Operative Plan and one submission seeking the spot rezoning of land proposed to be rezoned as Business under the PWDP to Village Zone. The submissions seeking a rezone to Village Zone within the 'Rest of District' are [118.1, 215.1, 440.7, 447.11, 743.2, 828.1 and 729.1], the planning maps point to the location of these submission site. It is noted that Submission [204.1] also seeks an expansion of the Village Zone but given this submission points to an error in the PWDP maps this submission is discussed in Section 13 below.


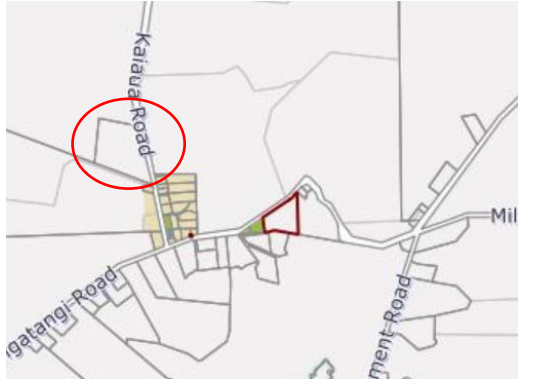


Submission point	Submitter	Summary of submission
118.1	Neil and Suzanne Cummings	Amend the zoning of the property at 1474 Kauaia Road, Mangatangi from Rural Zone to Village Zone.
FS1386.99	Mercury NZ Limited	Oppose
215.1	Joanna Clark	Amend the zone of the front section (near the road) of the property at 730 State Highway 22, Pukekawa from Rural Zone to Village Zone.
FS1268.1	Jennie Hayman	Oppose
FS1369.6	Ngati Tamaoho Trust	Oppose
FS1386.227	Mercury NZ Limited	Oppose
567.26	Ngati Tamaoho Trust	Amend Planning Map 7.9 – Pukekawa, so that the extent of the area included in Plan Change 14 Franklin District does not enable development to “be up the sides of the hill”.
FS1268.3	Jennie Hayman	Support
798.27	Ngati Te Ata	Amend Planning Map Pukekawa 7.9 to remove the area included in Plan Change 14 so that development is not able to be “up the sides” of the Hill around Pukekawa Pa.
FS1387.1285	Mercury NZ Limited	Oppose
440.7	Ben Young for Madsen Lawrie Consultants Ltd	Amend the zoning of the property at 598 Kohanga Road, Onewhero to extend the Village Zone on to Lot 1 DOS 62348 from Rural Zone to Village Zone.
FS1388.271	Mercury NZ Limited for Mercury E	Oppose
447.11	Ben Young for Madsen Lawrie Consultants	Amend zoning of both sides of McKenzie Road, Mangatawhiri from Rural Zone to Village Zone
FS1277.80	Waikato Regional Council	Oppose
FS1388.314	Mercury NZ Limited	Oppose
722.1	Will Phelps	Amend the zoning of the properties located at 5, 9, 11, 15 and 17 Mangatea Road, Te Hoe so that they retain the Operative District Plan zoning (i.e. Living Zone) rather than the proposed Village Zone.
FS1387.796	Mercury NZ Limited	Oppose
743.2	The Village Church Trust	Amend the zoning of the properties on the southern side of Martin Lane bounded by the Waikato Expressway to the south and Resolution Drive/Horsham Downs Link Road to the east from Rural Zone to Village Zone (or suitable equivalent zone).
FS1379.286	Hamilton City Council	Oppose
FS1387.900	Mercury NZ Limited for Mercury D	Oppose
828.1	Linda Young on behalf of 2621 and 2619 River Road	Amend the zoning of the properties at 2621 and 2619 River Road, Ngaruawahia from Rural Zone to Village Zone.

729.1	Naomi and Glen Syred for Maioro Property Limited	Amend the proposed zoning for the property at 77 Maioro Road, Otatau from the Business Zone to the Village Zone.
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164. The submissions seeking spot rezoning to the Village Zone have not been supported with any analytical work, technical expert input or evidential support. Reasons provided in the original submissions for the rezoning requests were commonly the proximity to an existing village, good access from the land to the roading network, contour of the land and the need to provide for the growing demand for smaller sections within these areas.
165. Further submissions were received against submissions [118.1, 440.7, 447.11, 743.2] to rezone to the Village Zone as outlined in the Table above.

Submission [118.1] – 1474 Kaiaua Road

166. Neil and Suzanne Cummings [118.1] seek a rezone of the land at 1474 Kaiaua Road. This land parcel is 6.0627ha in area and adjoins the Mangatangi Village. From a review of WDC's Intramaps, this land falls within the Waikato River Catchment overlay but is not subject to any identified natural hazards.

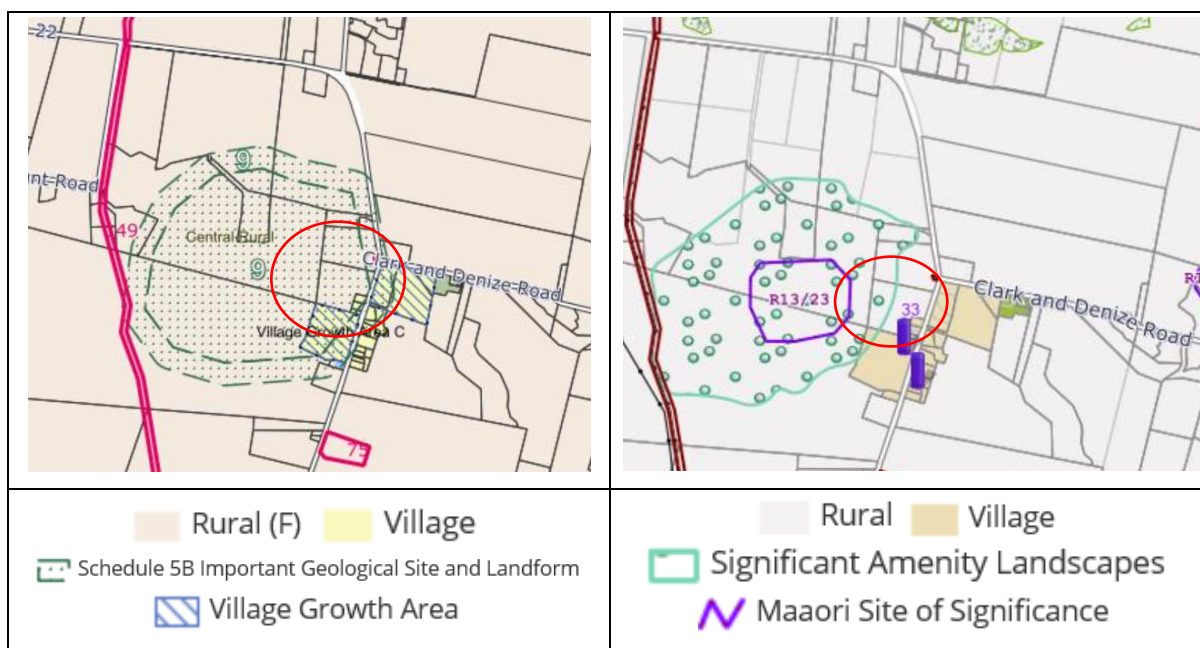
Operative District Plan Zone	Proposed District Plan Zone
	
	

167. One further submission was received in opposition to submission [118.1] made by Mercury NZ Limited.

Submissions [215.1, 567.26 and 798.27] – Pukekawa Pa

168. Joanna Clark [215.1] seeks a rezone of the land at 730 State Highway 22. This land parcel is 3.9906ha in area and adjoins Pukekawa Village. This property is subject to the Waikato River Catchment overlay and partially falls within a Significant Amenity Landscape. Land adjoining this property is identified as a Maaori Site of Significance – Pukekawa Paa (R13/23). The Pukekawa non-denominational Church, a listed Historic Heritage Item also adjoins this property. Submissions [567.26 and 798.27] seek the area included in Plan Change 14 Franklin to be amended so that development is not enabled up the sides of the hill, this area has not been identified in the submission by an address or legal description. I have been advised by Council that Plan Change 14 was responsible for introducing transferable development rights (amongst other matters) and is not specific to this particular area but rather it applied across the district.

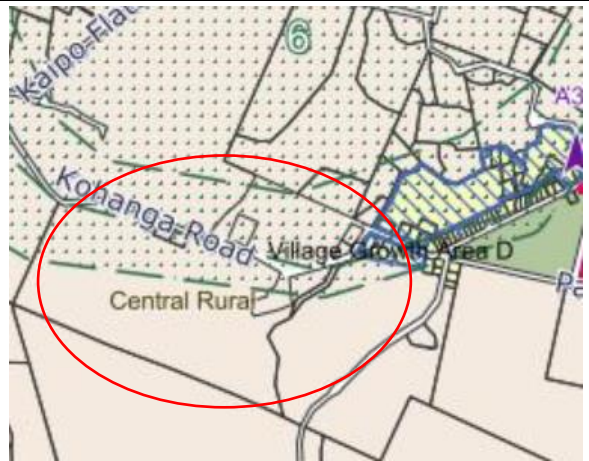
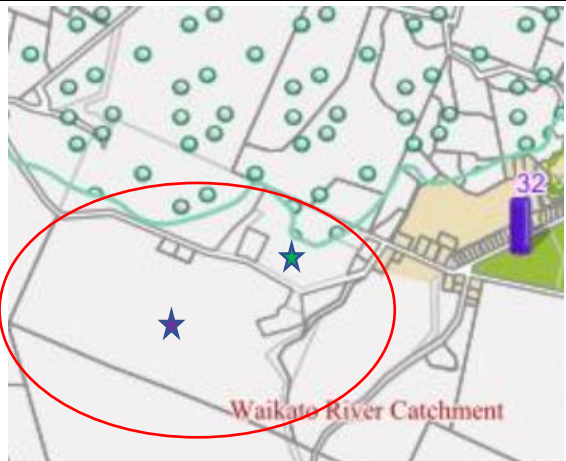







Operative District Plan Zone	Proposed District Plan Zone
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169. Three further submissions were received in opposition to submission [215.1], one being made by Mercury NZ Limited. Jennie Hayman [FSI268] opposes submission [215.1] but wants the development of a structure plan for a village which does not require reticulated services to be provided for. Jennie Hayman [FSI268] also seeks the volcanic feature (Pukekawa) to be recognised as an ONF in addition to the site being recognised as a site of significance to Maaori. This submission refers to the Operative Plan which shows the extent of this geological, archaeological and cultural 'site'. Ngati Tamaoho [FSI369] also outlines that Pukekawa Paa is a significant site for Ngati Tamaoho and request the Pukekawa Village zone beneath the Paa be reduced.

Submission [440.7] – 598 Kohanga Road

170. Madsen Lawrie Consultants Ltd [440.7] seeks land at 598 Kohanga Road to be rezoned to Village Zone. It is unclear in the submission the exact land parcel that the submission refers to given the address and legal descriptions in the submission do not match Council's Intramaps address and legal descriptions or those on Quickmap. In an email to Madsen Lawrie on 10 March 2021, I sought clarification on the land parcel requested to be rezoned, to which I was advised that the original submission sought the land parcel on the northern side of Kohanga Road to be rezoned (identified with a green star below) but I was also advised that the clients "have also expressed interest in re-zoning the property on the southern side of the road as well" (identified with a purple star below). The land parcel to the north is approximately 8.8ha in area while the one to the south is approximately 46.3ha.
171. Under the Operative District Plan, the submission site falls within a Schedule 5B Important Geological Site and Landform overlay and Schedule 5B Buffer overlay. Under the PWDP, this area has been identified as a 'Significant Amenity Landscape' over a reduced area. In this regard, it is noted that Submission [8] by the Geoscience Society of New Zealand seeks that the Onewhero Tuff Ring is included the Schedule, this matter has been discussed in Hearing 21b: Landscapes with a decision on this still pending.

Operative District Plan Zone	Proposed District Plan Zone
	
<p>  Rural (F)  Village </p> <p>  Schedule 5B Important Geological Site and Landform </p> <p>  Village Growth Area </p>	<p>  Rural  Village </p> <p>  Significant Amenity Landscapes </p>





172. Only one further submission [FS1388] was received, this was made by Mercury NZ Limited, this is in opposition to the original submission.
173. Given the difference between the address and legal description provided and the statement that the clients have expressed interest in the southern block to also be considered there is a question of scope to be considered by the Panel here. Despite this, I recommend that the rezoning request for submission [440.7] is rejected with reasons provided in the analysis below.

Analysis of Submissions [118.1, 215.1 and 440.7]

174. Submissions from Neil and Suzanne Cummings, Joanna Clark and Madsen Lawrie Consultants Ltd [118.1, 215.1 and 440.7 respectively] seek land which is immediately adjacent to Village Zoned properties (under both the Operative Plan and the PWDP) to be rezoned, thereby resulting in an outward expansion of Village Zoned land. These adjoining land parcels are larger in size and not representative of the smaller existing settlement properties which they adjoin. It is noted that the existing villages that these submission sites adjoin continue to be of the same size under PWDP as they are in the Operative Plan. These villages have not been identified as growth areas through Future Proof, the WRPS or Waikato 2070 and therefore the direction is that further growth outward is not to be directed to these areas. On this basis I do not support the extension of the Village Zone over these properties.
175. Further to the above, it is noted that the further submission to [215.1] by Ngati Tamaoho [1369.6] recognises that Pukekawa Paa is a significant site for Ngati Tamaoho and that Ngati Tamaoho (through their submission [567] have requested that the Pukekawa Village zone beneath the Paa be reduced. The Geoscience Society of NZ (GSNZ) also submitted [8] a request to rollover existing ONF geoh heritage sites listed in Schedules 5B and 5C of the Franklin Section (Onewhero Tuff Ring) and to identify further geoh heritage sites as ONF (Onewhero Scoria Cone) in the decisions version of the PWDP with this having been considered at Hearing 21B: Landscapes. I note that in Jane Macartney's Concluding Hearing Report she recommends that the Pukekawa Scoria Cone and Onewhero Tuff Ring be identified as 'ONF-geoh heritage' in the decision version of the PWDP. An excerpt of Ms Macartney's report is as follows:

In effect, this alternative approach would provide these important geoheritage features with greater protection than SAL status because any earthworks or building/structure would require resource consent in terms of my recommended rules set out in paragraph 103 of this concluding hearing report.”²⁶

- ## Submission [447.11] – McKenzie Road

- | Operative District Plan Zone | Proposed District Plan Zone |
|--|--|
|  |  |
| <p> Rural (F)</p> | <p> Rural</p> |

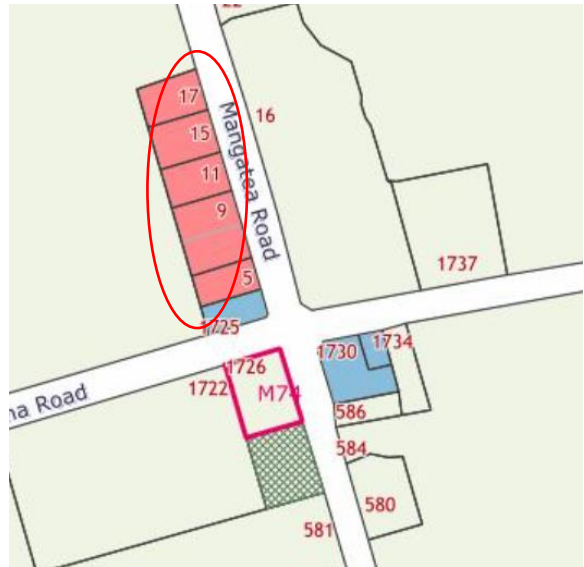

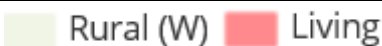

- ²⁶ Concluding Hearing Report – Hearing 21B Landscapes, para 80 and 81, page 22

strategically across the whole district and that the District Plan must give effect to Policy 6.17 and implementation Method 6.1.5 under the WRPS. FSI 388 was made by Mercury NZ Limited.

179. Regarding submission [447.11], it is noted that the land requested to be rezoned is specifically for 63 McKenzie Road, Mangatawhiri with the submission also seeking land along both sides of McKenzie Road to be included in the Village Zone. The submission identifies that the area contains many Village zone sized lots and residentially used properties. While the area does have smaller sized sections (certainly smaller than Rural sized lots), these existing sections of a Village Zone size are scattered and do not fall within a consolidated or defined area. Therefore, rezoning this land would not represent a situation where a Village Zone should be applied to reflect the status quo situation. The location of McKenzie Road is not near any existing town or any area identified for future urban growth under Future Proof, the WRPS, or Waikato 2070. Therefore, I do not recommend this rezoning requested is accepted as rezoning this land would result in a 'spot zone' that does not meet the outcomes sought by (or give effect to) these higher order documents.

Submission [722.1] – 5, 9, 11, 15 and 17 Mangatea Road, Te Hoe

180. Submission 722.1 seeks to retain the Operative Plan zoning (Living Zone) for the properties at 5, 9, 11, 15 and 17 Mangatea Road, Te Hoe. The reasons provided in the submission are somewhat unclear but have been summarised in the summary of submission to state that the existing population and land uses do not reflect a 'village', that the area does not meet the description of a Village Zone, that there is no reticulation or comprehensive community services and that rezoning is expected to result in a rates increase. Only one further submission by Mercury NZ Limited was received.

Operative District Plan Zone	Proposed District Plan Zone
	
	

181. The general approach of the PWDP for villages is that if they are small and isolated then they tend to fall within a Village Zone rather than Residential in terms of their role and policy outcomes. Given, that this submission relates to a village that is a small 'pocket' village which

does not have reticulated servicing, I consider that it is appropriately zoned and I recommend that this submission is rejected.

Submission [743.1] – Martin Lane, Horsham Downs

182. The Village Church Trust [743.1] seeks to amend the zoning from Rural to VZ (or to a suitable equivalent) of the properties on the southern side of Martin Lane bound by the Waikato Expressway to the south and Resolution Drive/ Horsham Downs Link Road to the east as shown in Figure 18 below. Reasons provided for the rezoning in the submission were as follows:

- a. Horsham Downs School, the community Hall and the Village Church are contiguous community facilities which collectively form a village ‘hub’. The southern boundary of the hub abuts an approximate 8ha parcel of land that has become topographically isolated due to the construction of the Waikato Expressway and Resolution Drive/Horsham Downs Link Road.
- b. The Rural zoning of this land does not accurately reflect the extent of environmental change which has already taken place in the locality or the limitations of the block in terms of its rural productive value. The physical constraints render it unsuitable for amalgamation.
- c. The existing on-site activity provides a good fit with ‘community activity’.
- d. Rezoning to Village Zone (or suitable equivalent) allows for growth to be managed within a uniquely constrained and orphaned land block and for the Village Church it lessens the uncertainty associated with a resource consent process²⁷.

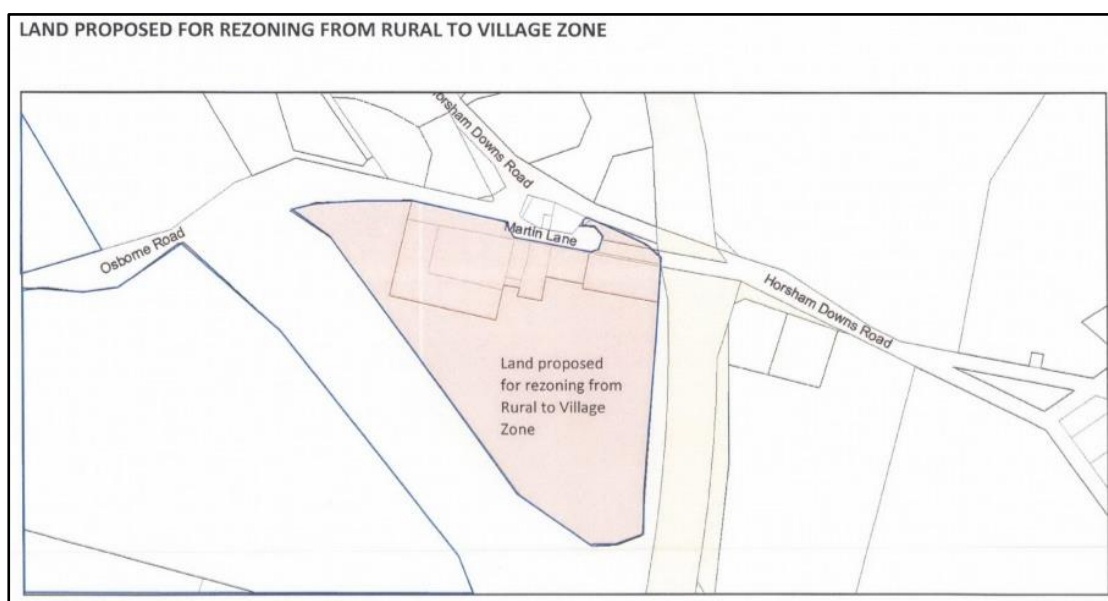


Figure 18: Land Proposed for Rezoning from Rural to Village Zone²⁸

183. This submission also sought an extension of Hamilton’s Urban Expansion Area overlay of the land subject to the submission which totals approximately 11.8ha in area as shown in Figure 19 below. Reasons provided for requesting an extension to the UAE in the submission were:
- a. The submission site already contains three high-use community assets which are more commonly associated with urbanised areas.

²⁷ Submission of Village Church Trust, para 11-16

²⁸ Submission of the Village Church Trust, Attachment 2

- b. That it lends itself to inclusion within the UAE because there are suitable physical constraints that will prevent longer term urban sprawl.
- c. It is anticipated that if the boundary is extended it will facilitate the long-term servicing of Horsham Downs in a more efficient and cost-effective manner.

LAND PROPOSED FOR INCLUSION WITHIN HAMILTON URBAN EXPANSION AREA

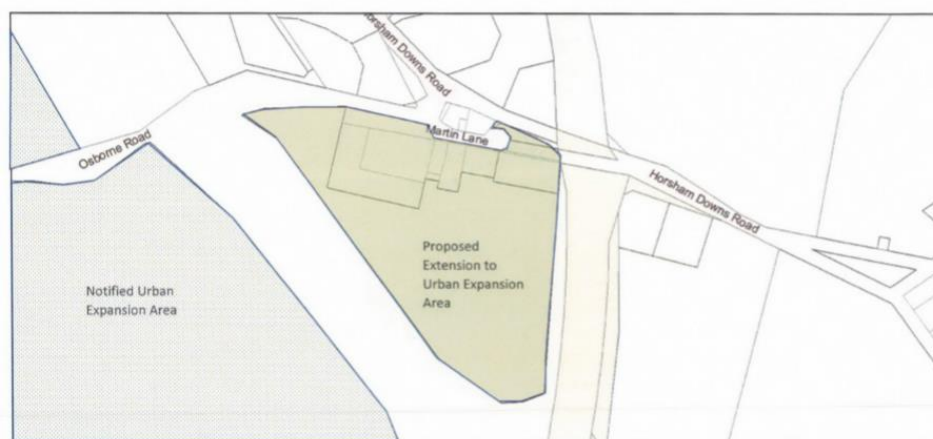

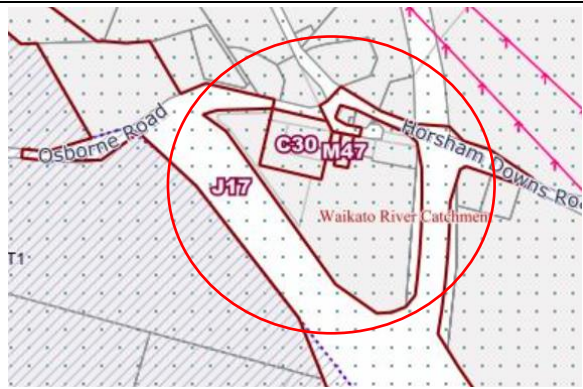


Figure 19: Proposed Extension to Urban Expansion Area²⁹

184. Two designations exist over this land - C30 (Horsham Downs Primary School) and M47 (Local Purpose Reserve for Community Use). This land also falls within the Waikato River Catchment overlay area and within the Hamilton Basin Ecological Management Area. The land is opposite Hamilton's Urban Expansion Area overlay.

Operative District Plan Zone	Proposed District Plan Zone
	
Rural (W)	Rural

185. The further submission from Hamilton City Council [FS1379] opposes the rezoning of properties from Rural to Village Zone (or another similar zone). HCC opposes requests to include additional areas within the Village Zone. The submission highlights the cross-boundary impacts that further subdivision within the area is likely to have on the infrastructure within Hamilton (transport, 3 waters and social infrastructure). Hamilton City Council have provided further evidence and while not specific to this submission site, the evidence supports the Framework s42A author's approach that urban rezoning requests outside of the identified

²⁹ Submission of the Village Church Trust, Attachment 2

growth nodes should not be considered favourably³⁰. The Waikato Regional Council also provided evidence whereby it outlined that for the majority of rural residential rezoning requests within the rest of district, Waikato Regional Council continue to oppose them. Where the WRC were no longer in opposition to the rezoning requests this was clearly set out in their evidence.

186. I have discussed the submission with the submitter (outlined in Section 2.5 above) and understand that they wish to expand the Village Church footprint but that they run into barriers under the current and proposed framework. For this rezoning request I consider there are four alternative options that could be considered to reflect the status quo of the village hub which consists of the Village church and primary school (noting that the primary school is on designated land and therefore zoning provisions do not apply). I consider the adjacent 8 ha piece of land separately. The options for the church site are:
- a. Rezone the land to Village Zone.
 - b. Schedule the land.
 - c. Retain the Rural Zone as notified.
 - d. Insert site specific rules into Chapter 22: Rural Zone.

Rezone the land to Village Zone.

187. Submission [743.1] relates to land which falls outside of any identified growth areas in Future Proof, WRPS or Waikato 2070 (noting that W2070 did not consider the Hamilton fringe areas). It also falls outside the Urban Expansion Area and therefore growth within this area would not give effect to the consolidated and planned growth pattern sought by these higher order documents, specifically Policy 6.14 of the WRPS (Adopting Future Proof land use pattern). I note that the WRPS does contemplate some growth in villages which fall outside of urban limits (providing the growth is modes in scale to not threaten the wider growth direction). In this location, as the site sits just outside of the Urban Expansion Area there would be potential for rezoning to threaten wider growth directions despite the relatively small size of the submission site. Rezoning the land to Village would not give effect to Objective 3.12 of the WRPS which required development to be integrated, sustainable and planned.
188. The land at the submission site is not deemed to be an “urban environment” as defined under the NPS-UD nor will it be if the land is to be rezoned to Village Zone. As such it is not capable of providing significant development capacity and therefore Policy 8 of the NPS-UD is not applicable.
189. Insufficient evidence has been provided to be able to determine whether the site has high class soils. Therefore, I cannot determine whether high class soils would be protected from inappropriate subdivision, use or development if the rezoning request was accepted. Therefore, I am unsure, with the current level of information provided if the rezoning request would give effect to Objective 3.26 of the WRPS.
190. In terms of Schedule 6A of the WRPS while I consider that some of the development outcomes could be met by the rezone request, I note that there is insufficient evidence to show that site specific effects can be managed. Overall, I make the following comments with regard to the development principles.
- a. Rezoning of the land would not support an existing urban area, rather the proposal will result in an expansion into greenfield land for residential purposes.
 - b. The roading network would help to provide delineation between urban areas and rural areas in this location. However, rezoning the land at this current time would result in a ‘spot zone’.

³⁰ Statement of Evidence for Hamilton City Council, paragraph 55
Proposed Waikato District Plan

- c. Rezoning would not make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas as the proposal seeks to expand the Village Zone over a greenfield area.
- d. There is insufficient information to determine whether the safe, efficient and effective operation and use of existing and planned infrastructure would be compromised. However, I do note that at this time 3 Waters servicing is not planned within this area.
- e. As a spot zone is proposed, development would not connect well with existing and planned development and infrastructure.
- f. Water supply would need to be self sufficient at the site at this time.
- g. It is anticipated that new development could be planned and designed to achieve the efficient use of water.
- h. There is insufficient evidence to show that new development would be directed away from natural hazard areas (although it is noted that natural hazards have not been identified on the planning maps) or on high class soils).
- i. Development in this location would not promote compact urban form, as being located in a spot zone, there would be high demand for using private motor vehicles and residents would likely be required to travel to their place of employment.
- j. Insufficient evidence has been provided on whether new development would maintain or enhance landscape values and provide for the protection of historic and cultural heritage. It is noted though that there are no planning map overlays that identify the presence of significant landscape, historic or cultural values over the submission site.
- o. Insufficient evidence has been provided in relation to adjacent land uses. However, I do acknowledge that there are likely to be positive social consequences in creating more of a community and growing the school in this location.

191. The submission [743.1] is relatively broad in scope where it seeks to rezone the submission sites from Rural to Village Zone (or to an alternative urban zone) or alternatively it seeks an amendment to the rules so that community activities are 'permitted activities' under the Rural Zone. This has been considered in Hearing 18: Rural on which a decision is still pending but further discussion is provided on this below.

192. The rezone sought by submission [743.1] includes all of the existing community activities/facilities and educational facility, but it also seeks to have the abutting land (approximately 8ha in area) rezoned to Village Zone. Community activities are recognised as being appropriate through the objective and policy framework of Chapter 4: Village Zone of the PWDP subject to consideration of adverse effects and therefore the Village Zone is generally seen as a good fit for these existing activities and sites at the northern end of the submission site. Through the notified rule provisions for the Village Zone 'community activities' are provided for as permitted activities subject to meeting the bulk and location and effects provisions of the PWDP. However, it is noted that the s42A report on definitions has recommended that the 'community activity' definition be deleted and replaced with a new 'community facility' definition which would similarly cover the existing community hall and church facilities but not require that they are publicly held (in the sense of being owned by either local or central government) which these existing facilities are not. The recommended definition for a 'community facility' is *'land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility'*³¹.

³¹ Section 42a Hearing Report, Definitions, para 909, page 247
Proposed Waikato District Plan

193. Educational activities would be provided for within the relevant objectives and policies in Chapter 4: Village Zone as they fit within 'non-residential' activities. Within the notified PWDP activity rule framework for the Village Zone, educational activities are not specifically provided for and as such require resource consent as a non-complying activity when established or extended on land which is not designated (noting that Horsham Downs School is located on designated land). However, it is noted that Kelly Cattermole's s42A report for the Village Zone Hearing has recommended amendments to the activity tables to recognise that educational facilities are essential social infrastructure. His recommendation is that educational facilities be specifically recognised and provided for as either Restricted Discretionary or Discretionary activities (depending on size)³².
194. While community activities/facilities are provided for within the Village Zone it is recognised that the Village Zone is intended as a residential zone and in this location there are not existing residential activities located on the submission site so rezoning to the Village Zone is not a tool needed to reflect or perpetuate an existing situation where residential activities have already been established. Furthermore, the submission site is not located within the Te Kowhai or Tuakau greenfield growth areas where land has been rezoned to Village Zone to enable growth.
195. I do not recommend that the submission site is rezoned to the Village Zone.

Scheduling of the Submission Site

196. Another tool for providing recognition of existing activities that are not otherwise provided for in the underlying zone provisions is 'scheduling'. Scheduling has been used as a tool in the Operative Plan but in the PWDP there is not a scheduled activities chapter for existing 'out of zone' activities. In the absence of a scheduled activity tool, where an existing facility needs to adapt over time, it falls to either the zone rules to provide a suitable framework for changes to the existing activities or alternatively the facilities are left reliant on any existing resource consents. Ultimately the panel will need to determine whether scheduling is the best fit for the facilities at this land. Scheduling the site would recognise that there are existing facilities (not the school as this falls on designated land) which seek to develop and change over time and specific rules could be provided within the schedule to enable this to happen. However, in the absence of any clear development plans it would be difficult to determine what provisions should be provided within the schedule and what the potential effects of development would be, particularly given the submission site falls over a greater area of land than the existing community facilities do. Scheduling the land would still result in a challenge to the higher order growth directions of the VRPS, particularly Policy 6.14 of the VRPS and Schedule 6A and therefore this approach is not recommended.

Retain the Rural Zone as Notified

197. Community activities/facilities are recognised through the policy framework of Chapter 5: Rural Areas of the PWDP as being a long-established element in rural areas, and an important element in contributing to socially sustainable rural communities. Under the notified PWDP, 'community activities' are not provided for specifically through the land use activities framework. However, a 'Place of Assembly' is listed as being a discretionary activity, the community hall would be covered by the Place of Assembly definition and it is considered that the church could also arguably be covered by this definition. Educational activities are also identified as being discretionary activities.

³² Section 42a Hearing Report, Village Zone – Land Use, para 231, page 87
Proposed Waikato District Plan

198. The s42A report prepared by Jonathan Clease for Hearing 18: Rural Chapter addressed many submissions seeking changes to the policy and rule framework in relation to community activities/facilities. Mr Clease's report states that while community activities/facilities are existing features within rural environments (and can reasonably be expected to expand or establish within these areas) their expansion or establishment does need to be compatible with rural character, amenity values, the safe and efficient functioning of the road network and not result in reverse sensitivity effects on established productive rural activities. Mr Clease also outlines that it is important that community activities/facilities are not of a scale or function that would threaten wider strategic growth management direction for the district. The recommended framework is therefore one in which community activities in rural areas are recognised as forming an anticipated part of rural areas (especially at a policy level) and where new or expanded facilities are able to have their effects (and mitigation) considered through a consent process³³.
199. Mr Clease has recommended that a new restricted discretionary rule provides for education and community facilities where they are not in an Urban Expansion Area and that a consequential amendment is made to Rule 22.1.5 D6 for education and community facilities located in an Urban Expansion Area³⁴. The submission site sits opposite the urban expansion area and therefore if Mr Clease's recommendation is accepted by the panel and included in the decisions version of the PWDP, any expansion to the existing community facilities would be a restricted discretionary activity (subject to meeting the other rules of the PWDP).
200. This is my preferred option as retaining the Rural Zone in this location would not challenge the higher order growth direction contained in the WRPS.
- Insert Site Specific Provision into Chapter 18: Rural
201. Submission [743.1] states that the Rural Zone provisions (as notified) do not allow for the growth of existing on-site facilities. This could be addressed through the provision of a new site-specific permitted activity rule inserted within the Rural Chapter to permit the operation and alteration of the community activities/facilities and education activity on Lot 1 DP 504278 (note that Lot 2 DP 504278 was also referred to in the submission but not found on a search of Quickmaps), Lot 1 DPS76724, Allotment 479 Kirikiriroa Parish, Lots 1 and 2 DPS 3136, Part Allotment 23 Kirikiriroa Parish, Allotment 248 Komakorau Parish, Section 4 and Section 5 SO 500297. It is noted that Mr Clease's s42A report recommended a similar approach for the Atawhai Assisi Retirement Village³⁵. I consider that this could be an alternative tool to use to enable expansion of the existing community focused activities on the site within specified limits if the Panel were minded to grant specific recognition of these existing facilities in the Rural Zone rule framework. Similar to the above consideration on scheduling the land, I consider that this option would also not give effect to the higher order documents as the land does not fall within a growth area identified in the WRPS, Future Proof or Waikato 2070. This would therefore not be the most effective and efficient way to achieve the objectives.

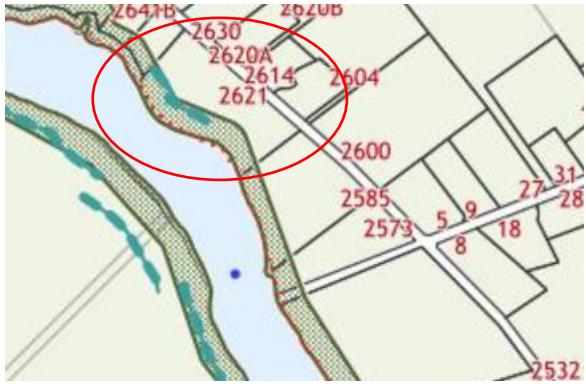






Submission [828.1] – 2619 and 2621 River Road

202. Linda Young [828.1] seeks a rezone of the land at 2619 and 2621 River Road. This land parcel is approximately 4.0493ha in area. From a review of WDC's Intramaps, this land falls within the Waikato River Catchment overlay and the Hamilton Basin Ecological Management Area, it partially falls within a Significant Amenity Landscape and a portion is subject to the Walkway, Cycleway, Bridleway overlay.

³³ Section 42A, Hearing 18 Rural paras 432-435, pages 284-285

³⁴ Section 42A, Hearing 18 Rural, para 441, pages 286-287

³⁵ Section 42A, Hearing 18 Rural, para 480, page 304

Operative District Plan Zone	Proposed District Plan Zone
	
 Rural (W)  Reserve	 Rural  Significant Amenity Landscapes  Walkway Cycleway Bridleway

203. Three further submissions were received in response to submission [828.1]. FS1286 by Horotiu Properties Ltd was submitted in support of the original submission while FS1379 by Hamilton City Council and FS1387 by Mercury NZ Limited was submitted in opposition.
204. Submission [828.1] seeks for 2621 and 2619 to be rezoned to Village Zone. This is sought to compensate for the suggested reserve lot which the submitter believes will significantly devalue their property and allow access right onto their property. Through a review of the Operative Plan and PWDP there is no reserve zoned land over the submission sites but the national walkway (Operative Plan) and walkway, cycleway and bridleway (PWDP) overlays do enable public access along the river edge on the western side of the property. It should be noted that the provisions associated with an indicated walkway, cycleway and bridleway only kick in if a subdivision is undertaken on the site (refer to Policy 8.1.3 Esplanade reserves and walkways). The property is surrounded by rural-zoned land and does not fall within an area where growth is to be directed, it is outside Future Proof, WRPS and Waikato 2070 areas identified for growth. Therefore, rezoning this property would result in a spot-zone and I do not recommend that this rezoning request be accepted.

Submission [729.1] – 77 Maioro Road

205. Maioro Property Limited [729.1] seeks to rezone the land at 77 Maioro Road, Otatau (Lot 1 DP 67943 from Business to Village Zone. No further submissions were received in response to this request. This land parcel is approximately 1.2ha in area and is located on the corner of Maioro Road and Hoods Landing Road on the south western side of the Otatau village. The submission outlines that the site used to be the location of the Otatau Tavern, although this tavern has been closed for at least 10-15 years. From a review of WDC's Intramaps, this land falls within the Waikato River Catchment overlay.

Operative District Plan Zone	Proposed District Plan Zone

206. The notified Business Zone is a continuation of the existing Village Business Zone from the Operative Plan but the submission states that there has not been a business use of the property for 10-15 years. Furthermore, a Subdivision and Land Use Consent (SUB0200/18 and LUC0357/18) was granted in May 2018 for the creation of 9 allotments upon which dwellings can be established at ground level. This consent will lapse in May 2023 unless the consent is given effect to prior to that date or an extension is granted. To date Council has advised that there has been no Section 223 or 224 Certificate applications made for this subdivision.
207. Like the other rezoning requests to Village Zone, this land does not fall within Future Proof, the WRPS or Waikato 2070 areas which are set aside for growth. However, through its existing urban zoning, it is considered that this existing underutilised property could be rezoned to the Village Zone where in this location it would form part of a contiguous zone area which continues to have an urban function.
208. Under the notified PWDP Business Zone, residential activity is permitted but only above ground level, multi-unit development is provided for at ground-floor level as a restricted discretionary activity and stand-alone residential development is provided for as a non-complying activity. In the Village Zone residential activity is a permitted activity at and above ground level. The approved land use consent permits development of the same nature as is provided for as a permitted activity within the Village Zone and therefore the development outcome is the same. Provided with the submission was a Business Land Economic Overview report from Property Economics obtained by WDC in 2018 to assist in assessing the resource consent application. Key points from this Property Economics Report was that Otara does not have the population base or projected growth to sustain its current business zone land provision and that business in Otara is likely to be servicing very localised requirements.
209. It is recommended that the land at 77 Maioro Road, Otara be rezoned to the Village Zone.

7.2 Recommendations

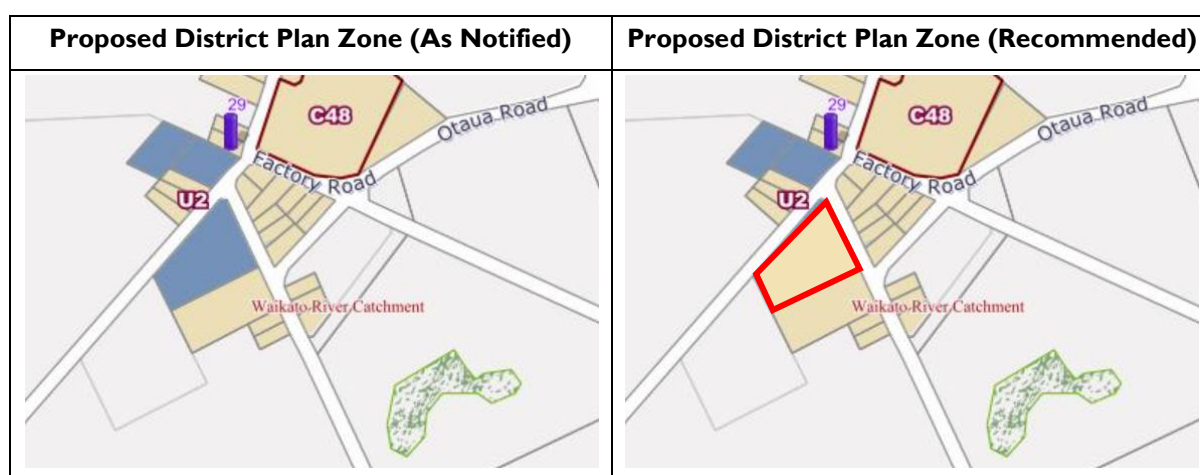
210. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** the submission of Neil and Suzanne Cummings [118.1] and retain the Rural Zone.
 - (b) **Reject** the submission of Joanna Clark [215.1] and retain the Rural Zone.

- (c) **Reject** the submission of Ben Young for Madsen Lawrie Consultants Limited [440.7] and retain the Rural Zone.
- (d) **Reject** the submission of Ben Young for Madsen Lawrie Consultants [447.11] and retain the Rural Zone.
- (e) **Accept** the submission of Ngati Tamaoho Trust [567.26] and retain the Rural Zone.
- (f) **Reject** the submission of The Village Church Trust [743.1] and retain the Rural Zone.
- (g) **Accept** the submission of Ngati Te Ata [798.27] and retain the Rural Zone.
- (h) **Reject** the submission of Linda Young on behalf of 2619 and 2621 River Road [828.1] and retain the Rural Zone.
- (i) **Accept** the submission of Naomi and Glen Syred for Maioro Property Limited [729.1] and rezone the property at 77 Maioro Road to Village Zone.

7.3 Recommended amendments

211. The following amendments are recommended:

- (a) That the Planning Maps for 77 Maioro (Submission [729.1]) be amended so that the submission site is rezoned to Village Zone, as shown with the red outline below.



7.4 Section 32AA evaluation

212. A Section 32AA evaluation is completed below for submission [729.1]. This evaluation provides a summary of the different options, costs and benefits considered as required under Section 32 of the RMA. It explains why the preferred option has been chosen and discusses alternatives considered.

Scale and Significance of the rezoning proposal

213. 77 Maioro Road is a small site which adjoins the Village Zone which it is seeking to be rezoned to. 77 Maioro Road has land use and subdivision consent to subdivide for residential purposes. Therefore, this proposal will not result in a substantial change to the zoning framework contained in the PWDP or to the extent of development that could be undertaken on the site through already approved consents.

Other reasonably-practicable options

214. For each of the submission sites the two most appropriate options are considered to be:
1. Do nothing/status quo
 2. Rezone as sought by the submission –to Village Zone for 77 Maioro Road.

Costs and benefits

215. **Option 1** – Option 1 is not considered to be the most appropriate option given the rezoning to Village would more appropriately reflect development that is provided for through land use and subdivision consent at the submission site. Otherwise, I consider that retaining the status quo would not result in significant environmental, economic, employment, social or cultural benefits or costs.
216. **Option 2** – Rezoning the land at 77 Maioro Road to the zones requested would result in a congruous extension to the existing zoning of the area. For 77 Maioro Road, rezoning to Village would be an efficient use of an existing land resource which has not been used for business purposes for several years, rezoning would therefore result in an environmental benefit.
217. I note that the submission provided an economic assessment that was submitted with the resource consent application for consideration. This assessment outlined that there is already enough business zoned land within the village, therefore adverse effects on capacity of business land within the village or over the wider district were assessed as being less than minor. The rezoning proposal at 77 Maioro Road is therefore not considered to have significant economic or employment costs.

Risk of acting or not acting

218. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment the zoning in these locations.

Decision about most appropriate option

219. For the reasons above, Option 2, rezoning as sought in the submissions is my preferred option. Rezoning would reflect proposed development provided for through an existing and valid land use and subdivision consent at the submission site, it will result in a congruous zone boundary and will continue to support the existing Village despite not having a Business Zoning. Therefore Option 2 is considered the most appropriate way to achieve the purpose of the RMA and the objectives of the PWDP. Overall, rezoning would not result in a degree of change to the community that would result in significant benefits or costs from an environmental, social, economic, employment and cultural perspective.

8 Rezoning to Industrial Zone

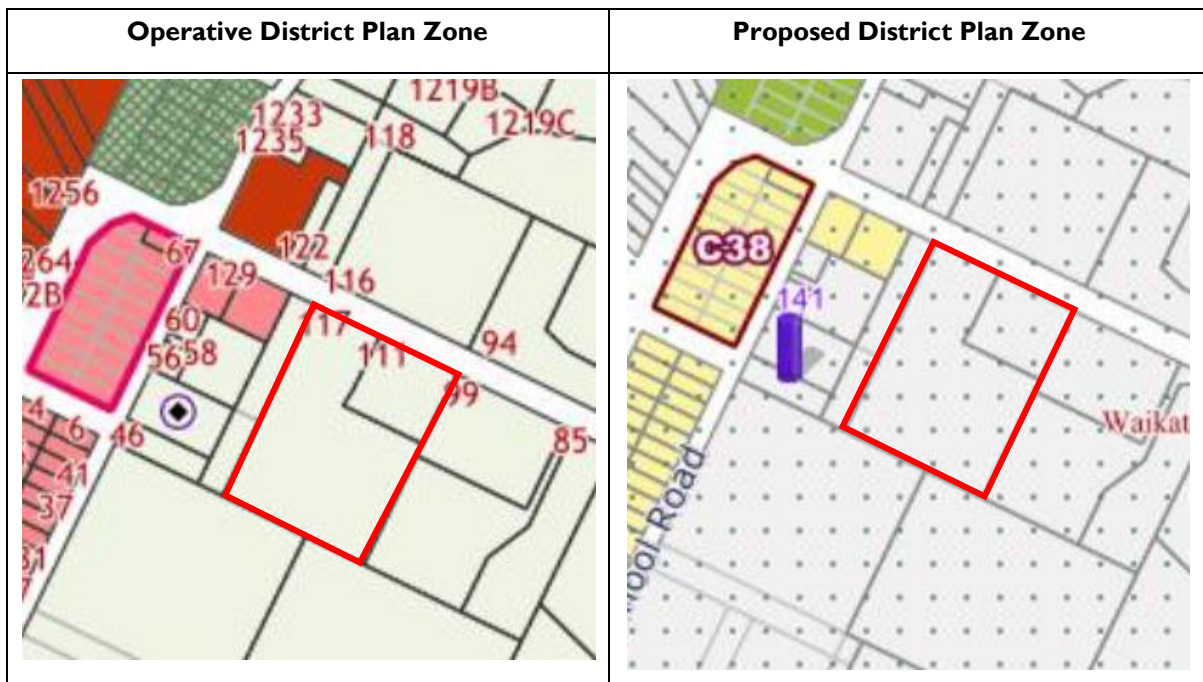
8.1 Submissions

220. GW and PJ Thomson and the Thomson Family Trust [817.1] seek to amend the zoning of the property at 111 and 117 Mason Road from Rural to Industrial Zone. No submitter evidence has been provided in support of this submission point. Only one further submission was received [FS1387.1302] by Mercury NZ Limited. Under the Operative Plan the submission site is within the Waikato River Catchment overlay, and under the PWDP the submission site also is within the Waikato River Catchment overlay as well as the Hamilton Basin Ecological Management Area.

Submission point	Submitter	Summary of submission
817.1	GW and PJ Thomson and The Thomson Family Trust	Amend the zoning of the properties at 111 and 117 Mason Road, Whatawhata from Rural Zone to Industrial Zone. And any further relief or amendments to the Proposed Waikato District Plan as necessary to support the submitter, as set out in the submission.
FS1387.1302	Mercury NZ Limited	Oppose

221. Reasons provided in the submission are summarised as follows:

- The present zoning fails to protect industrial lawfully established activities on the site and the subsequent prevention/restriction on economic development adversely affect the ability of the site to be used by those lawfully established activities.
- The character of the site is not the character reasonably anticipated within a Rural Zone.
- The surrounding zoning results in the potential for adverse reverse sensitivity effects on the present ITM Thomson's business that inhibit the productive capacity of the site.



222. This submission site is included in the 2009 and 2017 Future Proof Strategies (noting that these areas are indicative and mapped at a reasonably high level). The site is therefore also included in the WRPS Map 6C. Based on the site falling within an identified growth area rezoning can be considered to be consistent with the general direction of growth anticipated in the higher order documents. The area has not been identified as a growth area in Waikato 2070 nor has it been identified in the PWDP (through rezoning) for growth.



Figure 20: Future Proof 2017 Indicative Urban Limits for Whatawhata

223. The historical use of the site demonstrates that the property can and is used for industrial purposes. In such instances, the Framework Report outlines that zoning should not be determined by existing resource consents and existing use rights but that these will be taken into account³⁶. The activities authorised by a resource consent or existing use will usually be constrained by consent conditions. These constraints could fall away if rezoning is approved, resulting in activities with new or greater adverse effects.
224. 111 and 117 Mason Road are located in relatively close proximity to existing urban zoning but is separated from the residential zone by rural zoned land. Rezoning this land would result in an isolated pocket that at this time does not form part of a consolidated extension to the existing urban zoned township. The Panel could choose in this instance to include this land and the adjoining rural land between the township as a Future Urban Zone but it is considered that there may be an issue of scope here given that there have been no submissions seeking rezoning of the adjoining land.
225. The s42A report prepared by Mr Clease for Hearing 18: Rural Chapter addressed many submissions seeking changes to the policy and rule framework in relation to the rural zone rules for rural industry. In particular these submissions sought that rural industrial activities be listed as a permitted activity within the Rural Zone. Mr Clease's report states that there are a range of rural industrial activities that have a functional need to be located in rural environments and as a consequence form part of the anticipated character of rural areas. However, when such activities increase in scale beyond that typically encountered on farms they do have the potential to be of a character and intensity that can generate unacceptable effects. The recommended framework is therefore one in which rural industrial activities in rural areas are recognised as forming an anticipated part of rural areas (especially at a policy level) and where new or expanded facilities are able to have their effects (and mitigation) considered through a consent process³⁷.
226. Mr Clease has recommended that the restricted discretionary rule for rural industry sets out what those rural industrial activities are considered to be (of which it is considered that the submitters activities would fall within this list) and adds to the matters of discretion that Council is restricted to when assessing a resource consent application. Overall, it is considered that with both the notified and recommended provisions for rural industry within the Rural Zone (noting that these are subject to change), that there is a consenting and policy pathway should the submitters seek to expand their operations.
227. It is therefore my recommendation that this land continues to be zoned as Rural with operations subject to the Rural Zone provisions and existing resource consents.

³⁶ Framework Report, para 62, page 75

³⁷ Section 42A, Hearing 18 Rural paras 450-457, pages 295-296
Proposed Waikato District Plan

8.2 Recommendations

228. For the reasons above I recommend that the Hearings Panel:

- (a) **Reject** the submission of GW and PJ Thomson and The Thomson Family Trust [817.1] and retain the Rural Zone.

9 Rezoning of Maramarua Township

9.1 Submissions

229. Submission [158.1] was received requesting that Council consider the rezoning of the township of Maramarua to encourage its development as a service centre for State Highway 2. This submission does not specify particular land parcels where rezoning is requested or to what zone it seeks and no further submitter evidence has been provided. Therefore, due to insufficient information, it is recommended that this submission is rejected.

9.2 Recommendations

230. For the reasons above I recommend that the Hearings Panel:

- (a) **Reject** the submission of Peter Thomson [158.1].

10 Rezoning to Residential

10.1 Submissions

Submission point	Submitter	Summary of submission
55.9	Shelley Munro	Amend the Proposed District Plan to extend urban growth areas in the north all the way along State Highway 2.
292.4	David Yzendoorn for David and Barbara Yzendoorn	Amend the zoning of the property at 1002 Gordonton Road, Gordonton from Rural Zone to Residential Zone.
FS1277.12	Waikato Regional Council	Oppose
FS1379.60	Hamilton City Council	Oppose
FS1386.299	Mercury NZ Limited	Oppose
292.6	David Yzendoorn for David and Barbara Yzendoorn	Amend the zoning of the property at 1002 Gordonton Road, Gordonton from Rural Zone to Residential Zone.
FS1379.62	Hamilton City Council	Oppose
FS1386.301	Mercury NZ Limited	Oppose

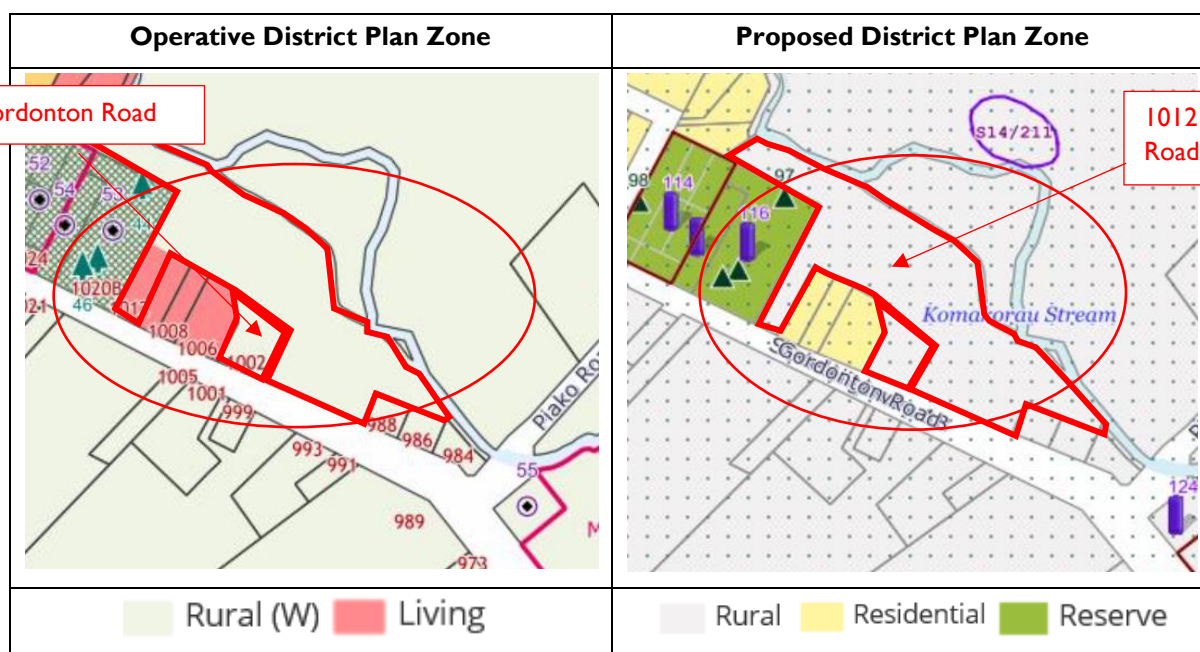
231. Submission [55.9] was received requesting that the PWDP is amended to extend the urban growth areas in the north along State Highway 2. This submission does not specify particular land parcels where zoning is requested to be amended and no further submitter evidence has been provided. Therefore, due to insufficient information it is recommended that this submission is rejected.

Submission [292.4 and 292.6] – 1002 and 1012 Gordonton Road

232. David Yzendoorn for David and Barbara Yzendoorn Submission Submissions [#292.4 and 292.6] seek to have the properties at 1002 and 1012 Gordonton Road respectively rezoned

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from Rural Zone to a Residential Zone. 1002 Gordonton Road has an area of 2500m² while 1012 Gordonton Road has an area of 2.53ha. Under both the Operative Plan and PWDP these submission sites are located within the Waikato River Catchment Overlay and within the PWDP they are subject to the Hamilton Basin Ecological Management Area Overlay. There are no identified natural hazards over this land on Intramaps.



233. Two further submissions were made in opposition to submission [292.4] made by Hamilton City Council [FS1379] and Mercury NZ Limited [FS1386.301], the reasons provided are the same as those for Submission [292.3]. Submitter evidence has been provided in the form of a Section 32AA assessment. I also note that the Waikato Regional Council have outlined they are 'neutral' over the rezoning [292.4] with their reason being that, the subject lot adjoins properties to the north west that are zoned residential, that these properties are of similar size and are all developed lots. Their evidence also states that given this proposal would allow this (already developed) lot to reflect the adjoining zoning lots, the change is in keeping with the current surrounding locality³⁸.
234. 1002 and 1012 Gordonton Road are included in the 2009 and 2017 Future Proof Strategies (noting that these areas are indicative and mapped at a reasonably high level). The site is therefore also included in the WRPS Map 6C. Based on the site falling within an identified growth area rezoning can be considered to be consistent with the general direction of growth anticipated in the higher order documents. The area has not been identified as a growth area in Waikato 2070 nor has it been identified in the PWDP (through rezoning) for growth.
235. The submitter has undertaken an initial assessment of the appropriateness of a residential zoning across the submission sites, however there is still insufficient information available to confirm that the submission sites are suitable for the proposed use. In particular, and as outlined in the Framework Report, evidence on submissions on zoning needs to address the list of matters provided in Implementation method 6.1.8 of the WRPS. In particular, further evidence is required to demonstrate location, type, scale, funding and staging of infrastructure for the area, transport links and connectivity, how existing values (including amenity, landscape, natural character, ecological, heritage, water bodies, high class soils and view catchments) will be managed, potential natural hazards and how these will be managed, how stormwater will be managed. In the absence of this information it is uncertain whether the proposal is able to

³⁸ Statement of Evidence of Waikato Regional Council, page 50.
Proposed Waikato District Plan Rest of District

achieve the Strategic Objectives of the PWDP or satisfy the general development principles set out in Section 6A of the WRPS.

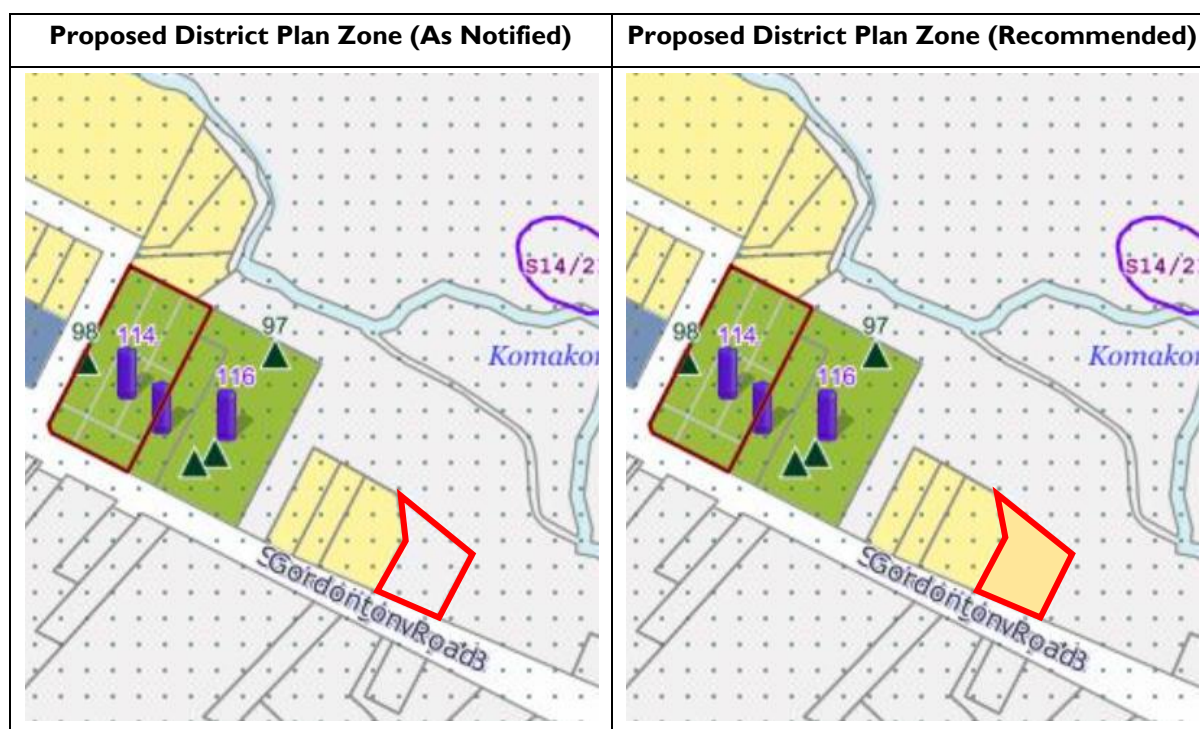
236. Given that 1002 Gordonton Road is a relatively small lot at the end of a strip of residentially zoned properties I consider that it appropriate to rezone this lot to Residential (submission [292.4]). In terms of 1012 Gordonton Road (submission [292.6]) I consider that it could be appropriate to rezone this lot in principle but there is a level of detail that is lacking and if the submitter is able to provide such detail at the hearing then I am open to changing my recommendation. At 2.5ha in area this submission site is a bit small for a Future Urban Zone, however this is an alternative option for the panel to consider. I therefore recommend that these submission points be rejected.

10.2 Recommendations

237. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** the submission of Shelley Munro [55.9].
 - (b) **Accept** the submissions of David and Barbara Yzendoorn [292.4] and rezone to Residential Zone.
 - (c) **Reject** the submission of David and Barbara Yzendoorn [292.6] and retain the Rural Zone.

10.3 Recommended amendments

238. The following amendments are recommended:
- (a) That the Planning Maps for 1002 Gordonton Road (Submission [292.4]) be amended to reflect an expansion of the Village Zone, as shown within the red outline below.



10.4 Section 32AA evaluation

239. A Section 32AA evaluation is completed below for submissions [#292.4]. This evaluation provides a summary of the different options, costs and benefits considered as required under

Section 32 of the RMA. It explains why the preferred option has been chosen and discusses alternatives considered.

Scale and Significance of the rezoning proposal

240. 1002 Gordonton Road is a small sites which adjoins the zone which it is seeking to be rezoned to. The land is not productive rural land due to its small size. Therefore, the rezoning proposal will not result in a substantial change to the zoning framework contained in the PWDP or existing development over the site.

Other reasonably-practicable options

241. The two most appropriate options are considered to be:
1. Do nothing/status quo
 2. Rezone as sought by the submission – to Residential Zone for 1002 Gordonton Road.

Costs and benefits

242. **Option 1** – Option 1 is not considered to be the most appropriate option given the development rezoning would more appropriately reflect the existing development or development that is provided for through land use and subdivision consent. Any further development over this site would be subject to the more restrictive Rural Zone rules which could create economic costs to the landowner through needing to obtain resource consent for any changes at the properties. Otherwise, I consider that retaining the status quo would not result in significant environmental, economic, employment, social or cultural benefits or costs.
243. **Option 2** – Rezoning the land at 1002 Gordonton Road to Residential would result in a congruous extension to the existing zoning of the area. Rezoning would not result in an environmental cost because the site is already developed and too small to be used for rural purposes.
244. I also consider that rezoning the land to residential at 1002 Gordonton Road would not result in any significant economic, employment, social or cultural benefits or costs.

Risk of acting or not acting

245. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment the zoning in these locations.

Decision about most appropriate option

246. For the reasons above, Option 2, rezoning as sought in the submission is my preferred option. Rezoning would reflect the existing development over the submission site and is therefore the most appropriate way to achieve the purpose of the RMA and the objectives of the PWDP. Overall, rezoning would not result in a degree of change to the community that would result in significant benefits or costs from an environmental, social, economic, employment and cultural perspective.

II Rezoning from Rural to Maoro Mining Zone

II.1 Submissions

247. One submission [827.33] was received from New Zealand Steel Holdings Ltd which sought an amendment of the planning maps to rezone the North Head mine site at Port Waikato as the Maoro Mining Zone. No further submissions on this request were lodged.

Submission point	Submitter	Summary of submission
827.32	New Zealand Steel Holdings Ltd	Amend the zoning of the Waikato North Head mine from Rural Zone to a new zone titled "Maioiro Mining Zone" (see submission for extent of the new zone); AND Retain the Aggregate Extraction Area overlay for Waikato North Head mine site; OR Retain the Rural Zoning of the Waikato North Head mining site; AND Add appropriate objectives, policies and rules in Chapter 5 Rural Environment and Chapter 22 Rural Zone; AND Add appropriate objectives, policies and rules in Chapter 5 Rural Environment and Chapter 22 Rural Zone.
827.33	New Zealand Steel Holdings Ltd	<p>Amend the planning maps to rezone the North Head mine site as the "Maioiro Mining Zone" and add provisions for a "Maioiro Mining Zone" within Chapter 9: Specific Zones as follows (or words to similar effect):</p> <p><i>Maioiro Mining Zone</i></p> <p><u>Objective</u></p> <p><i>(1) The ironsand resource at Waikato North Head is effectively and efficiently utilised.</i></p> <p><u>Policies</u></p> <p><i>(1) Provide for ironsand mining and associated activities at Waikato North Head.</i></p> <p><i>(2) Avoid, remedy or mitigate any significant adverse effects associated with activities that require resource consent under the Waikato District Plan and Add a new chapter for Maioiro Mining Zone within Section C Rules (see submission for specific details). And Any other further or consequential amendments required.</i></p>

248. Figure 21 below shows the area requested to be the Maioiro Mining Zone (in faint blue hatch) with excluded areas in red.

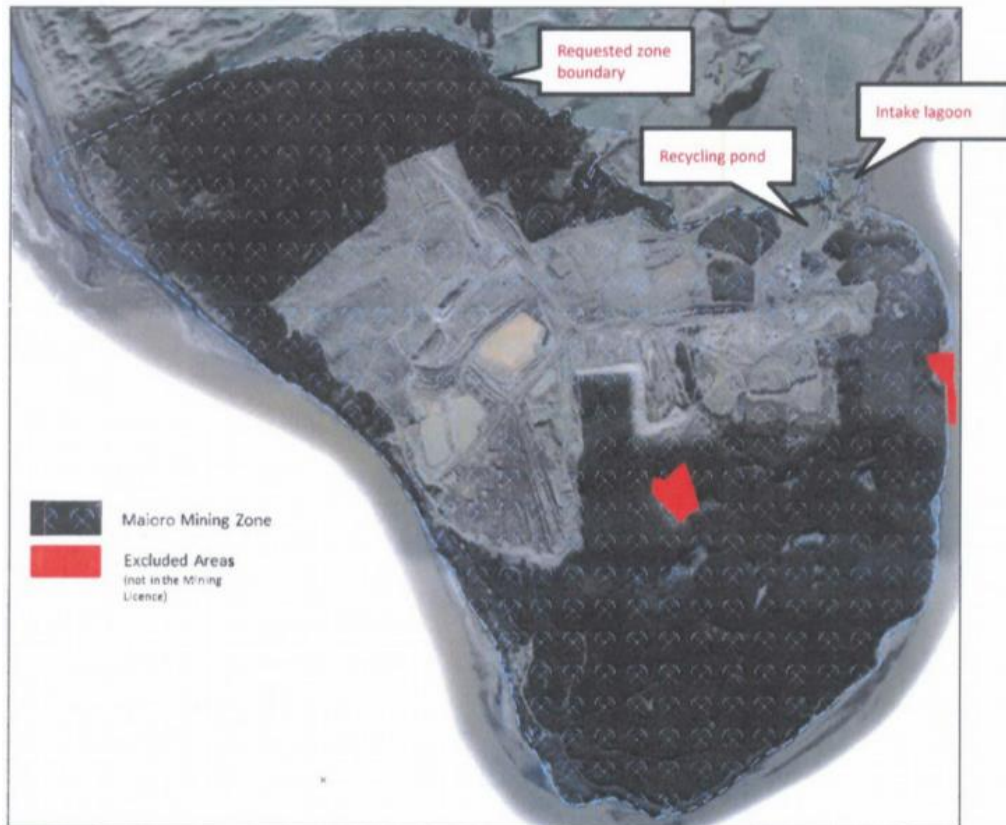
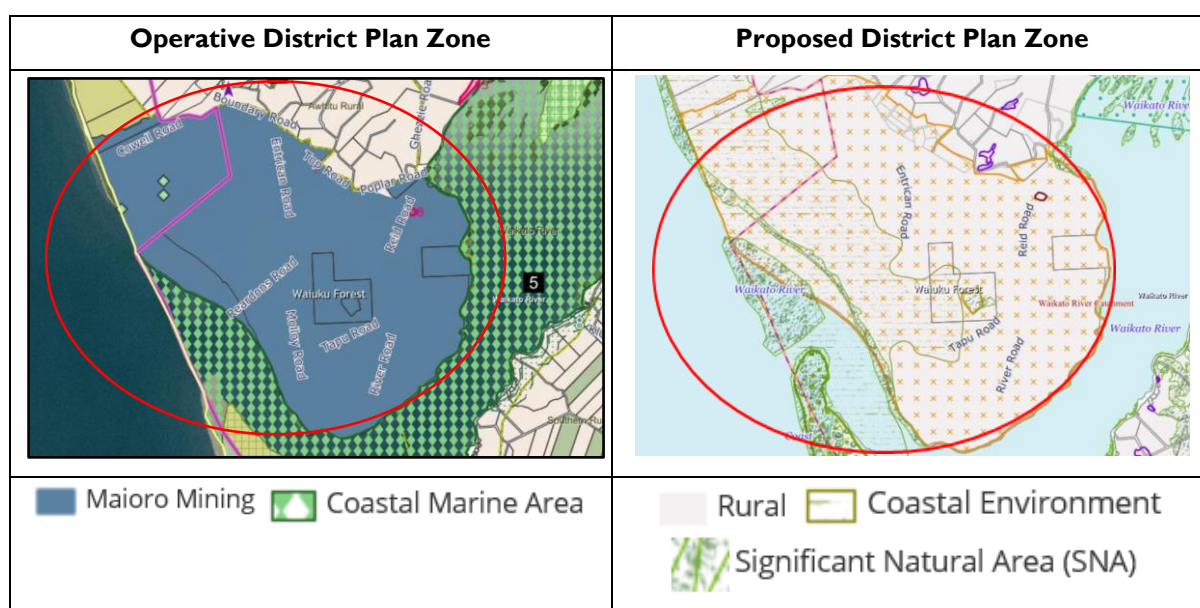


Figure 21: Submission [827]

249. The submitter considers that the North Head Mine site is more appropriately zoned as the “Maioro Mining Zone” rather than “Rural” zone for the reasons outlined in submission [827], with submission point [827.33] summarised below:
- The WNH mine site is sufficiently unique that it warrants specific treatment through the application of a mining zone.
 - A mining zone recognises the long-standing existing nature of the WNH mine site. It is also consistent with the operative Waikato District Plan provisions which identify the WNH mine site as “Maioro Mining Zone” and provides for specific permitted activities. It is essential that the District Plan contains objectives and policies that recognise and provide for the contribution that WNH mine makes to the social and economic wellbeing of the Waikato District and New Zealand.
 - The reasons for removing the Mining Zone given in Council’s Section 32 report are that it “is not the most appropriate because it results in duplication and inefficiencies from administering multiple zones”. NZS submit that a change from the existing, well understood and established specific zoning of the WNH site represents an inefficient departure from a zoning which has operated at the site without issue and reflects the underlying land use which is expected to continue at the site for the duration of the PWDP.
 - The PWDP contains a number of other ‘special zones’ (e.g. Hampton Downs Motor Sport and Recreation Zone) so a special zone for the WNH mine site would not be inconsistent with the structure of the PWDP.
 - There is little efficiency gained by having the WNH mine site within the Rural Zone because specific objectives, policies and rules will still be required. This approach may be less efficient because objectives, policies and rules do not neatly fit into the Rural Zone framework.

250. The submission site is located at Port Waikato on the west coast of Waikato District. It borders the Tasman Sea and the northern shore of the Waikato River. Waiuku forest is located at the North Head Mine site, this forest is part of the Crown's forestry estate. Under the Operative District Plan the mine site is zoned "Maoro Mining Zone". The site also falls within the Schedule 5 Management Area and Waikato River Catchment overlays, has a designation over a small area and then adjoins the Coastal Marine Area. Under the PWDP the mine site is to be rezoned as Rural Zone with an "Aggregate Extraction Area" overlay. Other notations and overlays over the mining site are a Significant Natural Area, designation over part, Coastal Environment overlay and it largely falls within the Waikato River Catchment overlay. The PWDP identifies several overlays and plan notations for the North Head Mine Site.



251. Both the Waikato and Franklin sections of the Operative Plan provide for the protection of existing extractive industries either through special zones or policy overlays with specific rules applying to these areas. In the Franklin Section this is the Aggregate Extraction and Processing Zone and the Maoro Mining Zone, and in the Waikato Section this is the Aggregate Extraction Policy Area Overlay. The removal of the mining zones through the PWDP was to avoid duplication and inefficiencies from administering multiple zones³⁹. I agree that now with the PWDP being one consolidated document rather than separated into two sections that a consistent approach to aggregate extraction is preferred.
252. With regard to the National Planning Standards 2019, I note that an additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:
- Are significant to the district, region or country*
 - Are impractical to be managed through another zone.*
 - Are impractical to be managed through a combination of spatial layers⁴⁰.*
253. In terms of a) above it is considered that the Maoro Mine Site is significant to the district, region and country.

³⁹ Section 32 Report (Rural), page 94

⁴⁰ National Planning Standards 2019

254. I then turn to b) whereby I consider that the Rural Zone with its objectives, policies and rule framework and the use of overlays which provide for extractive industry is an appropriate and practical framework. The substantive assessment of this approach has been considered in Hearing 18: Rural Zone. For the panel to choose to remove the aggregate extraction overlay at the North Head mine site would mean unpicking the general approach to mining taken through the PWDP.
255. Lastly, the question in terms of c) above is whether it is impractical to manage the existing mining activities through a combination of spatial layers. As referred to above, there are several overlays which apply to the North Head mine site, but especially in a coastal environment this is not considered to be uncommon and overall not impractical for managing existing mining activities.
256. Overall, it is noted that no submitter evidence has been provided with only one mining company (Genesis) providing evidence as part of the Rural Zone hearing. I recommend that the panel rejects the relief requested by Submission [827.33].

11.2 Recommendations

257. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** the submission of New Zealand Steel Holdings Limited [827.22 and 827.33] and retain the Rural Zone.

12 Rezoning at Ohinewai

258. A submission was received from Ohinewai Lands Limited [428] seeking that a further growth area (39ha) be signalled within the Ohinewai Structure Plan proposed by Ambury Properties Limited. No 'live' zoning was sought, with the intent to allow for future low density residential use and open space by way of a plan change.
259. The first Directions of the Hearings Panel dated 21 May 2017, invited any submitter who wished to raise any legal or jurisdictional matter that they considered needed to be resolved before the hearings commenced, to file these in writing by 21 June 2019. Mr Simon Berry, legal counsel for Ambury Properties Ltd filed a memorandum requesting that the Ambury Properties Ltd submission be heard in May 2020 and that a decision on its submission be released by mid 2020. The Panel considered this request and subsequently brought forward the timing of an "Ohinewai rezoning" hearing to 14-16 September 2020. The Hearings Panel amended the process for exchange of technical information, and made it specific to the Ohinewai rezoning submissions as set out in its directions of 20 August 2019. This required each of the Ohinewai submitters requesting rezoning to provide all technical reports and supporting documents including section 32AA assessments to Council and all the submitters in advance of the s42A report being prepared. Ohinewai Lands Limited accordingly filed evidence, a s32AA evaluation and appeared at Hearing 19 Ohinewai Zoning.
260. The s42A report prepared by Ms Chloe Trenouth considered the Ohinewai Lands Limited submission and evidence and recommended rejecting it on the basis that⁴¹:
- a. the proposal establishes a new urban area that is not adjacent to an existing urban area and does not integrate with the existing Ohinewai village.

⁴¹ Hearing 19: Ohinewai Rezoning and Development, Chloe Trenouth, 13 March 2020, Paragraphs 343-345

- b. The proposed settlement cannot be a 'self contained' settlement, it lacks size/critical mass to be a fully functioning 'town' and as such it poses significant social and transport issues. The Ambury Properties Ltd proposal includes a population of 2,500 - 3,000 people potentially which is a large settlement in the context of the district.
 - c. There is insufficient planning justification for establishing a Residential zone at Ohinewai, and to do so would not meet the principles of Future Proof or the development principles of the WRPS. The proposal will likely result in demands for the substantial expenditure of public funds on infrastructure, when those funds would be more efficiently used elsewhere, supporting more growth and wider outcomes, overall, such as addressing Huntly's infrastructure needs.
261. Ms Trenouth concluded that she did not support the Ohinewai Lands Limited submission for the same reasons and because the relief sought cannot be met if the Ambury Properties Limited proposal is not supported.
262. At that time, the concept of a Future Urban Zone had not been included in the Proposed District Plan nor communicated as a recommended addition to the Proposed District Plan. This concept crystallised in Mr Jonathan Cleese's s42A report on this matter dated 26 January 2021. On 17 February 2021 Ohinewai Lands Limited filed additional evidence which sought application of the Future Urban Zone to its land in Ohinewai, along with:
- a. Statement of Primary Evidence of Matthew Twose, dated 17 February 2020.
 - b. Section 32AA Report prepared by Harrison Grierson, dated 5 December 2020
263. As this matter has already been addressed by a s42A report, there is no need for me to undertake another full analysis. Although the Hearings Panel have yet to issue a decision on the Ohinewai rezoning submissions, I consider that the zoning of the Ohinewai Lands Limited property hinges on the decision of the Panel on the residential component of the Ambury Properties Ltd proposed development. If the Hearings Panel was of a mind to accept the residential component of the Ambury Properties Ltd proposal, then a Future Urban Zone for the Ohinewai Lands Limited parcel on the southern edge seems logical. Conversely, if the Hearings Panel reject the residential component of the Ambury Properties Ltd development, then there is no value in rezoning the Ohinewai Lands Ltd parcel and it should remain Rural Zone. The Future Urban Zone sought to the north of the Ambury proposal is recommended to be rejected due to insufficient evidence documenting the future uses and constraints of this land.

13 Retention of Notified Zones

Submissions

264. Seven submissions [106.1, 180.1, 420.4, 436.2, 637.14, 639.14, 761.1, 766.32 and 877.1] under the 'Rest of District' group were received in support of the notified zoning.

Submission point	Submitter	Summary of submission
106.1	Bruce and Dorothy Chipman	Retain the Rural Zoning for the property at 1689 Miranda Road Mangatangi.
180.1	Roger Peart of behalf of RMA and CA Peart	Amend the Coastal Zone to a Rural Zone especially for working farms.

436.2	Gerard Willis	Retain the Village zoning for the property at 18 Clark and Denize Road, Pukekawa, as proposed.
FSI268.2	Jennie Hayman	Support
FSI388.271	Mercury NZ Limited	Oppose
637.14	Livestock Improvement Corporation	Retain the boundaries of the “Agricultural Research Centre LIC”. AND Retain the “Agricultural Research Centre LIC/DairyNZ Campus”. AND Retain the “Specific Area/Activity” overlay. AND Retain the underlying Rural Zone.
FSI387.14	Mercury NZ Limited	Oppose
639.14	Dairy NZ Incorporated	Retain the boundaries of the “Agricultural Research Centre LIC” AND Retain the “Agricultural Research Centre LIC/DairyNZ Campus”. AND Retain the “Specific Area/Activity” overlay. AND Retain the underlying Rural Zone.
FSI387.65	Mercury NZ Limited	Oppose
761.1	Lyndendale Farms Limited	Retain proposed Rural zoning for the property at 180 Horsham Downs Road, Horsham Downs (Lot 5 DP 505127) and surrounding properties in the immediate area.
FSI062.107	Andrew and Christine Gore	Support
FSI387.1112	Mercury NZ Limited	Oppose
766.32	Holcim (New Zealand) Limited	Retain the Industrial Zoning of the property at 611 Ridge Road, Bombay as notified.
877.1	Leigh Michael Shaw and Bradley John Hall	Retain the Rural zoning of the property at 58 Puketutu Road, Bombay as notified.

265. Most of these submissions raised points which are relevant to matters addressed in other hearings also. No assessment has been undertaken on the relief sought in these submissions given that these submissions seek retention of the notified zoning, with the exception of submission [766.32] which seeks to retain the Industrial Zoning but to remove the Aggregate Extraction Area. No further submissions were received opposing the relief sought and likewise there are no other primary submissions seeking a change to the zoning of the blocks in question.
266. Submission [106.1] seeks that 1689 Miranda Road remains within the Rural Zone as notified under the PWDP.
267. Submission [180.1] supports the notified zoning at 224 and 223 Okete Road, Raglan. Under the Operative District Plan this property consisted of both the Coastal Zone and Rural Zone. Under the PWDP this property is to be zoned Rural with a Coastal Environment overlay which extends over a greater area than is zoned ‘Coastal’ under the Operative District Plan.
268. Submission [420.4] supports the re-alignment of the Village/Rural zone boundary under the PWDP to match the property boundaries. This submission states that the Operative Plan – Franklin Section had not accurately plotted this line which had resulted in a split zoning over the property.
269. Submission [436.2] wishes to see the existing Village zoning over the property at 18 Clark and Denize Road maintained.

270. Submissions [637.14] and [639.14] confirm that the boundaries of the “Agricultural Research Centre LIC” and the “Agricultural Research Centre LIC/DairyNZ Campus” have been shown correctly as a “Specific Area/Activity” overlay (with an underlying Rural Zone) on the planning maps and it is sought that these boundaries and the underlying Rural Zone is retained.
271. Submission [761.1] supports the proposed Rural Zoning and the designation notations and policy overlays/areas as they relate to the property at 180 Horsham Downs Road.
272. Submission [766.32] supports the retention of the Industrial Zoning of the property at 611 Ridge Road, Bombay as notified. However, it is noted that Submission point [766.33] requests the deletion of the Aggregate Extraction Area Overlay once quarrying activities have ceased, including the site at 611 Ridge Road, Bombay and any additional or consequential relief to give effect to this. The submitter identifies that the overlay extends to part of the Waikato Pit, which has currently ceased extraction and that aggregate extraction is being wound up on the landholdings with a move to rehabilitation. Therefore, the submitter wants the overlay to be lifted once extraction activities cease to enable subdivision.
273. I do not consider it possible to implement the relief sought by Holcim [766.33] because they appear to be wanting the overlay to be removed in the future. The only option available in my opinion, is to either retain the overlay or remove it. If Holcim wish to remove the overlay in the future then the most appropriate avenue for this is by a plan change. However, if the submitter wishes to remove the overlay now this could cause unintended impacts on the ongoing operation of the business unless this is adequately provided for by existing resource consents.
274. The purpose of the Aggregate Extraction Area Overlay is to protect access to and extraction of mineral resources that are lawfully established by avoiding the location of any sensitive land use within the specified buffer areas (Policy 5.4.2).
275. Rule 22.3.7.2 of the PWDP requires a minimum building setback for any sensitive land use within the 200m (sand) or 500m (rock) of an Aggregate Extraction Area as a permitted activity. Subdivision of any land containing an Aggregate Extraction Area is a discretionary activity (Rule 22.4.5). Therefore, if the overlay is removed this protection will no longer be in place. It is also noted that the general development principles of Schedule 6A of the VRPS outline that new development should be directed away from identified significant mineral resource and their access routes. Conversely if in the future it can be demonstrated that extractive activities have ceased and are unlikely to be restarted then in my view the overlay would not preclude a merit-based assessment of a subdivision application from being considered.
276. Submission [877.1] seeks to retain the Rural Zoning of the property at 58 Puketutu Road as notified.

13.1 Recommendations

277. Because the above submissions are in support of the notified zoning over their property, I recommend that the Hearings Panel:
- (a) **Accept** Bruce and Dorothy Chipman [106.1], to the extent that the property at 1689 Miranda Road, Mangatangi remain Rural Zone.
 - (b) **Accept** RM and CA Peart [180.1], to the extent that the property at 224 and 223 Okete Road, Raglan remain Rural Zone.
 - (c) **Accept** Gerard Willis [436.2], to the extent that the property at 18 Clark and Denize Road, Pukekawa remain Village Zone.

- (d) **Accept** Livestock Improvement Corporation and Dairy NZ Incorporated [637.14 and 639.14 respectively], to the extent that the “Agricultural Research Centre LIC” and the Agricultural Research Centre LIC/DairyNZ Campus remain Rural Zone.
- (e) **Accept** Lyndendale Farms Limited [761.1], to the extent that the property at 180 Horsham Downs Road, Horsham Downs remain Rural Zone.
- (f) **Accept** Nicky Hogarth for Holcim (New Zealand) Limited [766.32], to the extent that the property at 611 Ridge Road, Bombay remains Industrial Zone.
- (g) **Reject** Nicky Hogarth for Holcim (New Zealand) Limited [766.33] to the extent that the Aggregate Extraction Overlay remain at 611 Ridge Road, Bombay.
- (h) **Accept** Leigh Shaw and Bradley Hall [877.1], to the extent that the property at 58 Puketutu Road remain Rural Zone.

14 Mapping Errors





278. Through a review of submissions and subsequent discussions with Council officers it is evident that mapping errors in relation to zoning have been made in the notified version of the planning maps. While not submitting on the following areas specifically, Waikato District Council in their submission [#697] expressly sought to amend mapping and zoning areas not identified in Table I which identified specific relief sought and therefore, it is considered that the panel has scope to amend the following mapping errors.

Submission point	Submitter	Decision requested
36.1	Corey Belfield	Requests that land at 369 Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone. This property is a small lifestyle block largely surrounded by properties of a similar scale. The current zoning is a good representative of what the zoning should be. The rural zone rules and regulations are very different from the Country Living Zone and is aimed at a farm or large scale land.
FS1197.2	Bowrock Properties Limited	Support
FS1311.2	Ethan and Rachael Findlay	Support
FS1379.3	Hamilton City Council	Oppose
FS1386.30	Mercury NZ Limited	Oppose
120.1	Amanda Shaw	Requests that land at Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone and the proposed plan maps amended accordingly. Land owners at Scotsman Valley have already made plans and investment decisions that reflect the value of land and subdivision potential of the country zone. It is unfair to change so at this point and there will be not value to the District from rural zoning in terms of agricultural production.
FS1197.3	Bowrock Properties Limited	Support

<i>FS1311.3</i>	<i>Ethan and Rachael Findlay</i>	<i>Support</i>
<i>FS1379.24</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1386.101</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
168.1	Paula Brown	Requests that land at Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone and the proposed plan maps amended accordingly. Land owners at Scotsman Valley have already made plans and investment decisions that reflect the value of land and subdivision potential of the country zone. It is unfair to change so at this point and there will be not value to the District from rural zoning in terms of agricultural production.
<i>FS1197.6</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>
<i>FS1311.5</i>	<i>Ethan and Rachael Findlay</i>	<i>Support</i>
<i>FS1379.43</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1386.147</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
177.1	Nick Hill	Requests that land at Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone and the proposed plan maps amended accordingly. Land owners at Scotsman Valley have already made plans and investment decisions that reflect the value of land and subdivision potential of the country zone. It is unfair to change so at this point and there will be not value to the District from rural zoning in terms of agricultural production.
<i>FS1197.7</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>
<i>FS1311.6</i>	<i>Ethan and Rachael Findlay</i>	<i>Support</i>
<i>FS1379.44</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1386.158</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
673.1	Maree Williams	Requests that land at Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone and the proposed plan maps amended accordingly. Retaining the Country Living Zone gives the opportunity for subdivision.
<i>FS1379.232</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1387.136</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
204.1	Roger & Bronwyn Crawford	Amend the extent of the Village Zone boundary for the property at 34 Wairamarama Onewhero Road, Onewhero to include an additional 6210 m ² of Village Zone. Refer to submission for maps and details
<i>FS1020.4</i>	<i>Roger & Bronwyn Crawford</i>	<i>Support</i>
<i>FS1386.220</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>

Submissions [36.I, 120.I, 168.I, 177.I and 673.I] - Scotsman Valley Road

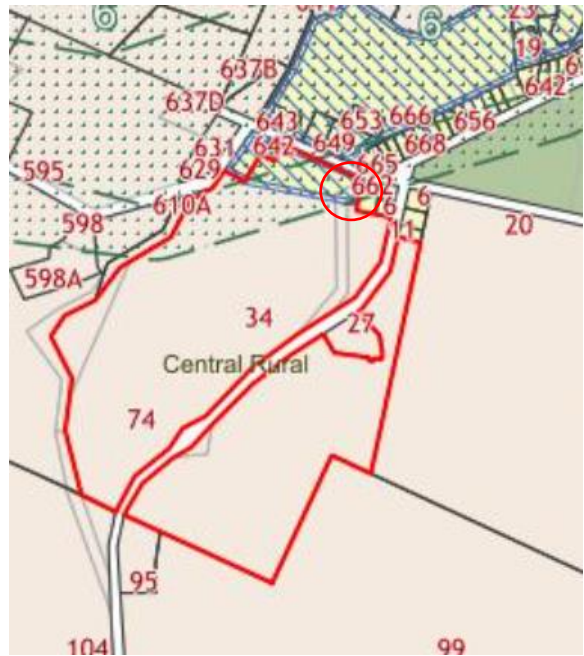
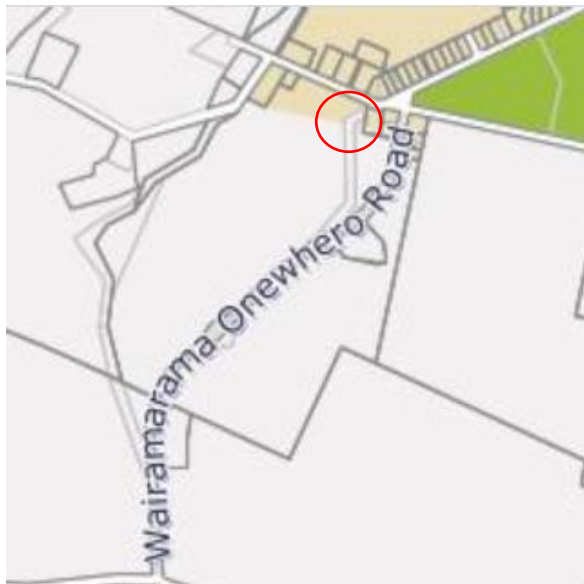







279. A mapping error has occurred at Scotsman Valley Road whereby the existing Country Living Zone which is located over sites from 311A – 491 Scotsman Valley Road and 3-24 Scotsvale Drive Tauwhare has not been carried over into the notified PWDP.

Operative District Plan Zone	Proposed District Plan Zone
	
	

280. Submission points [36.I, 120.I, 168.I, 177.I and 673.I] have sought retention of the Operative Plan's Country Living Zone at Scotsman Valley Road as shown in the table above, these submissions have been made for specific properties but also for the wider Scotsman Valley Road land which fell within the CLZ under the Operative Plan. The main premise of these submissions is that properties within this portion of Scotsman Valley Road have already been developed or plans and investment decisions made based on the current CLZ zoning of the land. The existing development over this land is therefore more intensive than would be expected within a rurally zoned area. Further submissions have also been made supporting the retention of the CLZ in this area [FSI 197 and FSI 311]. FSI 379 by Hamilton City Council opposes the rezoning from Rural Zone to CLZ as they oppose any further expansion of the CLZ within Hamilton's Area of Interest. Given this notified rezoning was made in error, that much of the land has already been developed in a manner consistent with the CLZ and that rezoning to CLZ does not represent an expansion of the CLZ because it has previously held that zoning it is recommended that these primary submissions be accepted and the notified zoning changed from Rural to Country Living Zone to match the Operative Plan zoning.

Submissions [204.I] – 34 Wairamarama Onewhero Road

281. Submission [204.I] sought to add an additional 6210m² of Village Zone and to amend the zoning of land over a portion of the site which did not retain the Operative Plan's Village Zoning though to the notified PWDP planning maps. Subsequent correspondence from the submitter's agent is that they do not wish to further pursue the additional village zoning at this time but do still seek for the zoning error to be amended over Pt Allotment 128A Onewhero Parish (RT: SA26C/349).

Operative District Plan Zone	Proposed District Plan Zone
	
<p>  Rural (F)  Village </p> <p>  Village Growth Area </p> <p>  Schedule 5B Important Geological Site and Landform </p>	<p>  Rural  Village  Reserve </p>

Submissions [45.1 and 161.1] – 2044 River Road

282. Two submissions have been received seeking the rezoning of land at 2044 River Road to Country Living Zone as it was in the Operative District Plan. I queried Council over the reasons why this land had been rezoned to Rural under the PWDP and was advised that this downzoning was made in error. I was also advised that the adjoining property at 2052 River Road had also been downzoned in error. While I note that no specific submission has been received for the property at 2052 River Road, I consider that the Waikato District Council submission [#697] (as discussed above) also provides scope for the adjoining property at 2052 River Road to be rezoned back to Country Living Zone.

2044 River Road		
Submission Point	Submitter	Decision Requested
45.1	Geotec Low Ltd	Amend the zoning of the property at 2044 River Road, Horsham Downs from Rural to Country Living Zone.

FS1286.3	Horotiu Properties Limited	Support
FS1287.1	Blue Wallace Surveyors Ltd	Support
FS1379.4	Hamilton City Council	Oppose
FS1386.34	Mercury NZ Limited	Oppose
161.1	Martin Lynch	Amend zoning of 2044 River Road, Hamilton from Rural Zone to Country Living Zone, therefore retaining the Operative District Plan zoning.
FS1197.5	Bowrock Properties Limited	Support
FS1286.4	Horotiu Properties Limited	Support
FS1287.7	Blue Wallace Surveyors Ltd	Support
FS1333.28	Fonterra Limited	Oppose
FS1379.39	Hamilton City Council	Oppose
FS1386.136	Mercury NZ Limited	Oppose

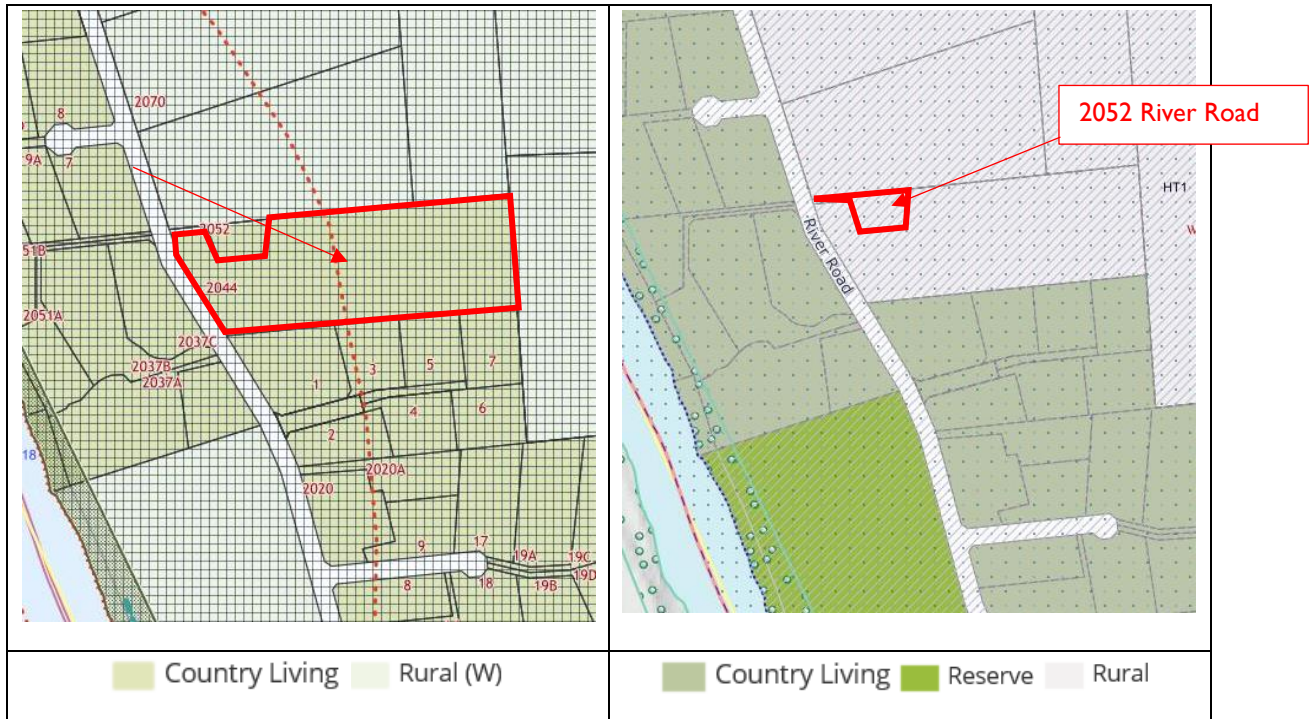
283. I note above, that as Fonterra is a further submitter on these submissions I have a potential or perceived conflict of interest. However, as I have been advised by Council these notified PWDP rezonings were made in error, that the sites are already of a size consistent or more consistent with CLZ than the Rural Zone and that they are already developed, I consider this potential conflict of interest not to be significant.

284. Furthermore, I note that while the Further Submission by Fonterra seeks the protection of the Te Rapa Dairy Manufacturing Site and adjacent industrial land from reverse sensitivity they also sought amendments in relation to the Te Rapa Dairy Manufacturing Facility (located in Hamilton City) which have been addressed in other hearings. Specifically, the s42A reports on Strategic Directions, the Country Living Zone and Rural Zone all discussed these amendments. I note that Mr Jonathan Clease's s42A report for the Rural Zone hearings states that the recommendations in these earlier officer reports was to not include a setback on the basis that the Country Living zoning (and associated housing) already exists within the setback sought by Fonterra and therefore requiring acoustic insulation of future dwellings in the Rural Zone would achieve little purpose in reducing reverse sensitivity risk as the nearer Country Living Zone already placed residents in close proximity to the existing factory⁴².

Operative District Plan Zone	Proposed District Plan Zone
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2044 River Road

⁴² Evidence of Mr Clease s42A Report – Rural Zone Hearing



14.1 Section 32AA evaluation

160. On the basis that the recommended amendment is to correct a mapping error it is not considered that a s32AA evaluation is required to justify this change.

14.2 Recommendations

285. Because the above submissions are in support of the notified zoning over their property, I recommend that the Hearings Panel:
- (a) **Accept** Core Belfield [36.1.1], to the extent that the property at 369 Scotsman Valley Road be rezoned Country Living Zone.
 - (b) **Accept** Amanda Shaw [120.1], to the extent that Scotsman Valley Road be rezoned Country Living Zone.
 - (c) **Accept** Paula Brown [168.1], to the extent that Scotsman Valley Road be rezoned Country Living Zone.
 - (d) **Accept** Nick Hill [177.1], to the extent that Scotsman Valley Road be rezoned Country Living Zone.
 - (e) **Accept** Maree Williams [673.1], to the extent that Scotsman Valley Road be rezoned Country Living Zone.
 - (f) **Accept** Roger & Bronwyn Crawford [204.1], to the extent that a portion of the property at 34 Wairamarama Onewhero Road be rezoned Village Zone.
 - (g) **Accept** Geotec Low Ltd [45.1], to the extent that the property at 2044 River Road be rezoned Country Living Zone.
 - (h) **Accept** Martin Lynch [161.1], to the extent that the property at 2044 River Road be rezoned Country Living Zone.

15 Conclusion

286. I have largely recommended that the submissions to rezone land within the Rest of District be rejected as I do not consider that the rezoning requests give effect to the NPS-UD or the WRPS. The locations where I have recommended that land is rezoned is at 859 Waingaro Road, Glen Massey, 77 Maioro Road and 1002 Gordonton Road, Gordonton. I have also recommended that mapping errors be fixed for land at Scotsman Valley Road, 34 Wairamarama Onewhero Road and 2044 River Road.
287. I consider that the submissions on rezoning should be accepted, accepted in part or rejected as set out in **Appendix I** for the reasons set out above.
288. **Appendix 2** contains recommended amendments to the District Plan maps.
289. **Appendix 3** contains the technical peer review assessments undertaken by Beca in relation to the specific rezoning request at Te Uku [387.1]
290. **Appendix 4** contains an addendum for the consideration of Submission [151.1].

Appendix I: Table of submission points

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
503.1	Kenneth Rowe		Amend the zoning of the property at 233 Wilton Collieries Road (Lot 20 DP 431591 from Rural Zone to Country Living Zone to join up with the Operative District Plan zoning of the neighbouring property.	Reject	4
FS1277.83	Waikato Regional Council	Oppose		Accept	4
FS1278.21	Stuart Quigley and Quigley Family Trust	Support		Reject	4
FS1388.510	Mercury NZ Limited	Oppose		Accept	4
558.1	Linda Rowe		Amend the zoning of 233 Wilton Collieries Road, Glen Massey from Rural to Country Living Zone to join up with the adjacent site which is zoned Country Living Zone in the Operative District Plan.	Reject	4
FS1277.84	Waikato Regional Council	Oppose		Accept	4
FS1278.22	Stuart Quigley and Quigley Family Trust	Support		Reject	4
FS1388.794	Mercury NZ Limited	Oppose		Accept	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
947.1	Stuart Quigley		Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Countryside Living Zone; or Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Glen Massey Village Living Zone; and Amend the Proposed District Plan as necessary including provisions, consequential additions and cross references.	Reject	4
FS1278.1	Stuart Quigley and Quigley Family Trust	Support		Reject	4
FS1278.9	Stuart Quigley and Quigley Family Trust	Support		Reject	4
FS1277.104	Waikato Regional Council	Oppose		Accept	4
947.1	Stuart Quigley		Retain the extent of land zoned as Countryside Living and Residential in and around Glen Massey village; AND Amend the Proposed District Plan as necessary, including provisions, consequential additions and cross references.	Reject	4
FS1209.1	Dinah Robcke	Support		Reject	4
FS1278.2	Stuart Quigley and Quigley Family Trust	Support		Reject	4
FS1278.8	Stuart Quigley and Quigley Family Trust	Support		Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1387.1598	Mercury NZ Limited for Mercury D	Support		Reject	4
948.1	Christopher James Nicholson		Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone to join up with the adjacent site which is zoned Country Living in the Operative District Plan.	Reject	4
FS1277.85	Waikato Regional Council	Oppose		Accept	4
FS1278.10	Stuart Quigley and Quigley Family Trust	Support		Reject	4
949.1	Ashley Boyd		Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone to join up with the adjacent site which is zoned Country Living in the Operative District Plan.	Reject	4
FS1277.86	Waikato Regional Council	Oppose		Accept	4
FS1278.11	Stuart Quigley and Quigley Family Trust	Support		Reject	4
950.1	Astra Patmore		Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living to join up with the adjacent site which is zoned Country Living in the Operative District Plan.	Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1277.87	Waikato Regional Council	Oppose		Accept	4
FS1278.12	Stuart Quigley and Quigley Family Trust	Support		Reject	4
951.1	Ella Newman	Oppose	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone to join up with the adjacent site which was zoned Country Living in the Operative District Plan.	Reject	4
FS1277.88	Waikato Regional Council	Oppose		Accept	4
FS1278.13	Stuart Quigley and Quigley Family Trust	Support		Reject	4
952.1	Michael Steward	Support	Amend the zoning of a property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone to join up with the adjacent site which was zoned Country Living Zone in the Operative District Plan.	Reject	4
FS1277.89	Waikato Regional Council	Oppose		Accept	4
FS1278.14	Stuart Quigley and Quigley Family Trust	Support		Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
953.I	Precision Built Limited	Support	Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living zone to join up with the adjacent site which is zoned Country Living in the Operative District Plan.	Reject	4
FS1277.90	Waikato Regional Council	Oppose		Accept	4
FS1278.15	Stuart Quigley and Quigley Family Trust	Support		Reject	4
954.I	Ian Mathieson		Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Rural Living Zone to join up with the Operative District Plan zoning of the neighbouring property.	Reject	4
FS1277.91	Waikato Regional Council	Oppose		Accept	4
FS1278.16	Stuart Quigley and Quigley Family Trust	Support		Reject	4
955.I	Katrina Quigley		Amend the zone of the property at 233 Wilton Collieries, Glen Massey to be returned back to Country Living.	Reject	4
FS1277.92	Waikato Regional Council	Oppose		Accept	4
FS1278.17	Stuart Quigley and Quigley Family Trust	Support		Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
956.I	Joshua Quigley		Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Country Living Zone.	<i>Reject</i>	4
FS1277.93	Waikato Regional Council	<i>Oppose</i>		<i>Accept</i>	4
FS1278.18	Stuart Quigley and Quigley Family Trust	<i>Support</i>		<i>Reject</i>	4
957.I	Andrew Paterson		Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Rural Living Zone to join up with the Operative District Plan zoning of the neighbouring property.	<i>Reject</i>	4
FS1277.94	Waikato Regional Council	<i>Oppose</i>		<i>Accept</i>	4
FS1278.19	Stuart Quigley and Quigley Family Trust	<i>Support</i>		<i>Reject</i>	4
958.I	Paul McGuire		Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Rural Living Zone to join up with the Operative District Plan zoning of the neighbouring property.	<i>Reject</i>	4
FS1277.95	Waikato Regional Council	<i>Oppose</i>		<i>Accept</i>	4
FS1278.20	Stuart Quigley and Quigley Family Trust	<i>Support</i>		<i>Reject</i>	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
959.1	Adri Grobler		Amend the zoning of the property at 233 Wilton Collieries Road, Glen Massey from Rural Zone to Rural Living Zone to join up with the Operative District Plan zoning of the neighbouring site.	<i>Reject</i>	4
FS1277.96	Waikato Regional Council	<i>Oppose</i>		<i>Accept</i>	4
FS1278.21	Stuart Quigley and Quigley Family Trust	<i>Support</i>		<i>Reject</i>	4
960.1	Carlo Gorissen		The submitter purchased an adjoining property and this change will affect their property value.	<i>Reject</i>	4
FS1277.97	Waikato Regional Council	<i>Oppose</i>		<i>Accept</i>	4
FS1278.24	Stuart Quigley and Quigley Family Trust	<i>Support</i>		<i>Reject</i>	4
989.1	Quigley Family Trust		Amend the property at 233 Wilton Collieries, Glen Massey back to Rural/Country Living.	<i>Reject</i>	4
551.1	Dinah Robcke		Amend approximately 16ha of the zoning of the property at 859 Waingaro Road from Rural Zone to Country Living Zone as it was in the Operative District Plan or preferably to Village Zone.	<i>Accept in Part</i>	4
FS1278.25	Stuart Quigley and Quigley Family Trust	<i>Support</i>		<i>Accept in Part</i>	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI388.779	Mercury NZ Limited	Oppose		Reject	4
387.1	Farm Limited Diamond Creek		Amend the zoning of the property on State Highway 23. Te uku (Pt Lot 1 DP 23893, Lot 4 DP 437598 and Allot 218 Parish of Whaingaroa) from Rural Zone to Country Living Zone.	Reject	5
FSI277.76	Waikato Regional Council	Oppose		Accept	5
FSI388.87	Mercury NZ Limited	Oppose		Accept	5
79.1	Amy Pitcher		Amend the proposed zoning of the property at Horotiu Bridge Road, Horotiu (Lot 3 DP 513666 and Valuation Reference 04421/079.21) from Rural Zone to Country Zone.	Reject	6
FSI277.6	Waikato Regional Council	Oppose		Accept	6
FSI379.7	Hamilton City Council	Oppose		Accept	6
FSI386.63	Mercury NZ Limited	Oppose		Accept	6
103.1	David Hall		Rezone O'Brien Road into Country Living Zone.	Reject	6
FSI277.72	Waikato Regional Council	Oppose		Accept	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1379.21	Hamilton City Council	Oppose		Accept	6
FS1386.78	Mercury NZ Limited	Oppose		Accept	6
393.1	Bowrock Properties Limited		Amend the zoning of Lot 3 DP 325499 and Lot 32 DP 81580, Tauwhare Road, Tauwhare from Rural Zone to Country Living Zone or Village Zone.	Reject	6
FS1277.78	Waikato Regional Council	Oppose		Accept	6
FS1035.102	Pareoranga Te Kata	Oppose		Accept	6
FS1379.107	Hamilton City Council	Oppose		Accept	6
FS1388.112	Mercury NZ Limited	Oppose		Accept	6
397.1	Horotiu Properties Limited		Amend the zoning of the property at 27 Sullivan Road, Horotiu (Lot 5 DP 513666) from Rural Zone to Village Zone Or to Country Living Zone Or to Residential zone and amend the PWDP to make any consequential amendments necessary to address the matters raised.	Reject	6
FS1277.24	Waikato Regional Council	Oppose		Accept	6
FS1108.194	Te Whakakitenga o Waikato	Oppose		Accept	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Incorporated (Waikato-Tainui)</i>				
<i>FSI 139.145</i>	<i>Turangawaewa e Trust Board</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
<i>FSI 202.110</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
<i>FSI 379.114</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
<i>FSI 388.131</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
<i>715.1</i>	<i>Khushwin Limited</i>		Amend the zoning of the property at 135 Hull Road, Waiuku from Rural Zone to Living Zone or Country Living Zone.	<i>Reject</i>	<i>6</i>
<i>FSI 277.103</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
<i>FSI 387.793</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
<i>967.1</i>	<i>Peter Pavich</i>		Amend the zoning of the property at 41 Ormsby Road to change from Rural Zone to Country Living Zone.	<i>Reject</i>	<i>6</i>
<i>FSI 045.18</i>	<i>Auckland/Waikato Fish and Game Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1277.63	Waikato Regional Council	Oppose		Accept	6
FS1379.373	Hamilton City Council	Oppose		Accept	6
969.1	Debbie McPherson		Amend the zoning of the property at 41 Ormsby Road, Hamilton from Rural Zone to Country Living Zone.	Reject	6
FS1379.375	Hamilton City Council	Oppose			6
837.1	Stuart Seath		Amend the zoning at 679 Whatawhata Road, Whatawhata from Rural Zone to Country Living Zone.	Reject	6
FS1197.37	Bowrock Properties Limited	Support		Reject	6
FS1277.58	Waikato Regional Council	Oppose		Accept	6
FS1311.29	Ethan & Rachael Findlay	Support		Reject	6
FS1379.349	Hamilton City Council	Oppose		Accept	6
FS13871362	Mercury NZ Limited	Oppose		Accept	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
865.1	Ian and Helen Gavin		<p>Seek land at Lot 3 DP409176 and access leg of Lot 2 DP409176 (474 Boyd Road) to be rezoned to "Country Living" from "Rural".</p> <p>The site is currently occupied by 3 'clusters' comprised of 2 residential dwellings and an adjoining unit made available for respite of struggling individuals or families. The property owner is interested in undertaking a unit title or fee simple subdivision. Under the current zoning subdivision is prohibited therefore rezoning is required for Council to consider this.</p>	Reject	6
FS1379.356	Hamilton City Council	Oppose		Accept	6
118.1	Neil and Suzanne Cummings		Amend the zoning of the property at 1474 Kauaia Road, Mangatangi from Rural Zone to Village Zone.	Reject	7
FS1386.99	Mercury NZ Limited	Oppose		Accept	7
215.1	Joanna Clark		Amend the zone of the front section (near the road) of the property at 730 State Highway 22, Pukekawa from Rural Zone to Village Zone.	Reject	7
FS1268.1	Jennie Hayman	Oppose		Accept	7
FS1369.6	Ngati Tamaoho Trust	Oppose		Accept	7
FS1386.227	Mercury NZ Limited	Oppose		Accept	7

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
567.26	Ngati Tamaoho Trust		Amend Planning Map 7.9 – Pukekawa, so that the extent of the area included in Plan Change 14 Franklin District does not enable development to “be up the sides of the hill”.	Accept	7
FSI268.3	Jennie Hayman	Support		Accept	7
798.21	Ngati Te Ata		Amend Planning Map Pukekawa 7.9 to remove the area included in Plan Change 14 so that development is not able to be “up the sides” of the Hill around Pukekawa Pa.	Accept	7
FSI387.1285	Mercury NZ Limited	Oppose		Reject	7
440.7	Ben Young for Madsen Lawrie Consultants Ltd		Amend the zoning of the property at 598 Kohanga Road, Onewhero to extend the Village Zone on to Lot 1 DOS 62348 from Rural Zone to Village Zone.	Reject	7
FSI388.271	Mercury NZ Limited	Oppose		Accept	7
447.11	Ben Young for Madsen Lawrie Consultants		Amend zoning of both sides of McKenzie Road, Mangatawhiri from Rural Zone to Village Zone	Reject	7
FSI277.80	Waikato Regional Council	Oppose		Accept	7
FSI388.314	Mercury NZ Limited	Oppose		Accept	7

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
722.1	Will Phelps		Amend the zoning of the properties located at 5, 9, 11, 15 and 17 Mangatea Road, Te Hoe so that they retain the Operative District Plan zoning (i.e. Living Zone) rather than the proposed Village Zone.	Reject	7
FSI 387.796	Mercury NZ Limited	Oppose		Accept	7
743.2	The Village Church Trust		Amend the zoning of the properties on the southern side of Martin Lane bounded by the Waikato Expressway to the south and Resolution Drive/Horsham Downs Link Road to the east from Rural Zone to Village Zone (or suitable equivalent zone).	Reject	7
FSI 379.286	Hamilton City Council	Oppose		Accept	7
FSI 387.900	Mercury NZ Limited for Mercury D	Oppose		Accept	7
828.1	Linda Young on behalf of 2621 and 2619 River Road		Amend the zoning of the properties at 2621 and 2619 River Road, Ngaruawahia from Rural Zone to Village Zone.	Reject	7
729.1	Naomi and Glen Syred for Maioro Property Limited		Amend the proposed zoning for the property at 77 Maioro Road, Otatau from the Business Zone to the Village Zone.	Accept	7

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
817.1	GW and PJ Thomson and The Thomson Family Trust		Amend the zoning of the properties at 111 and 117 Mason Road, Whatawhata from Rural Zone to Industrial Zone. And any further relief or amendments to the Proposed Waikato District Plan as necessary to support the submitter, as set out in the submission.	Reject	8
FS1387.1302	Mercury NZ Limited	Oppose		Accept	8
158.1	Peter Thomson		Amend the zoning of Maramarua township to encourage its development as a service centre for State Highway 2	Reject	9
FS1386.134	Mercury NZ Limited	Oppose			9
55.9	Shelley Munro		Amend the Proposed District Plan to extend urban growth areas in the north all the way along State Highway 2	Reject	10
FS1277.5	Waikato Regional Council	Oppose			10
292.4	David Yzendoorn for David and Barbara Yzendoorn		Amend the zoning of the property at 1002 Gordonton Road, Gordonton from Rural Zone to Residential Zone.	Accept	10
FS1277.12	Waikato Regional Council	Oppose		Reject	10
FS1379.60	Hamilton City Council	Oppose		Reject	10

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI386.299	Mercury Limited NZ	Oppose		Reject	10
292.6	David Yzendoorn for David and Barbara Yzendoorn		Amend the zoning of the property at 1012 Gordonton Road, Gordonton from Rural Zone to Residential Zone.	Reject	10
FSI379.62	Hamilton City Council	Oppose		Accept	10
FSI386.301	Mercury Limited NZ	Oppose		Accept	10
827.32	New Zealand Steel Holdings Ltd		Amend the zoning of the Waikato North Head mine from Rural Zone to a new zone titled "Maioiro Mining Zone" (see submission for extent of the new zone); AND Retain the Aggregate Extraction Area overlay for Waikato North Head mine site; OR Retain the Rural Zoning of the Waikato North Head mining site; AND Add appropriate objectives, policies and rules in Chapter 5 Rural Environment and Chapter 22 Rural Zone; AND Add appropriate objectives, policies and rules in Chapter 5 Rural Environment and Chapter 22 Rural Zone.	Reject	11
827.33	New Zealand Steel Holdings Ltd		Amend the planning maps to rezone the North Head mine site as the "Maioiro Mining Zone" and add provisions for a "Maioiro Mining Zone" within Chapter 9: Specific Zones as follows (or words to similar effect): <i>Maioiro Mining Zone</i> <u>Objective</u> (1) The ironsand resource at Waikato North Head is effectively and efficiently utilised.	Reject	11

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<u>Policies</u> (1) Provide for ironsand mining and associated activities at Waikato North Head. (2) Avoid, remedy or mitigate any significant adverse effects associated with activities that require resource consent under the Waikato District Plan and Add a new chapter for Maoro Mining Zone within Section C Rules (see submission for specific details). And Any other further or consequential amendments required.		
428	Ohinewai Lands Limited		That a further growth area (39ha) be signalled within the Ohinewai Structure Plan proposed by Ambury Properties Limited.	Recommendation dependent on Hearing 19: Ohinewai Rezoning Decision	12
106.1	Bruce and Dorothy Chipman		Retain the Rural Zoning for the property at 1689 Miranda Road Mangatangi.	Reject	13
180.1	Roger Peart of behalf of RMA and CA Peart		Amend the Coastal Zone to a Rural Zone especially for working farms.	Accept	13
420.4	Ben Young for Madsen Lawrie Consultants Limited		Retain the alignment of the Village Zone and Rural Zone Boundary of the property at 3660 Highway 22, Naike, to match the property boundaries.	Accept	13
FS1388.239	Mercury NZ Limited	Oppose		Reject	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
436.2	Gerard Willis		Retain the Village zoning for the property at 18 Clark and Denize Road, Pukekawa, as proposed.	Accept	13
FS1268.2	Jennie Hayman	Support		Accept	13
FS1388.271	Mercury NZ Limited	Oppose		Reject	13
637.14	Livestock Improvement Corporation		Retain the boundaries of the “Agricultural Research Centre LIC” AND Retain the “Agricultural Research Centre LIC/DairyNZ Campus”. AND Retain the “Specific Area/Activity” overlay. AND Retain the underlying Rural Zone.	Accept	13
FS1387.60	Mercury NZ Limited	Oppose		Reject	13
639.14	Dairy NZ Incorporated		Retain the boundaries of the “Agricultural Research Centre LIC” AND Retain the “Agricultural Research Centre LIC/DairyNZ Campus”. AND Retain the “Specific Area/Activity” overlay. AND Retain the underlying Rural Zone.	Accept	13
FS1387.65	Mercury NZ Limited	Oppose		Reject	13
761.1	Lyndendale Farms Limited		Retain proposed Rural zoning for the property at 180 Horsham Downs Road, Horsham Downs (Lot 5 DP 505127) and surrounding properties in the immediate area.	Accept	13
FS1062.107	Andrew and Christine Gore	Support		Accept	13
FS1387.1112	Mercury NZ Limited	Oppose		Reject	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
766.32	Holcim (New Zealand) Limited		Retain the Industrial Zoning of the property at 611 Ridge Road, Bombay as notified.	Accept	13
877.1	Leigh Michael Shaw and Bradley John Hall		Retain the Rural zoning of the property at 58 Puketutu Road, Bombay as notified.	Accept	13
36.1	Corey Belfield		Requests that land at 369 Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone. This property is a small lifestyle block largely surrounded by properties of a similar scale. The current zoning is a good representative of what the zoning should be. The rural zone rules and regulations are very different from the Country Living Zone and is aimed at a farm or large scale land.	Accept	14
FS1197.2	Bowrock Properties Limited	Support		Accept	14
FS1311.2	Ethan and Rachael Findlay	Support		Accept	14
FS1379.3	Hamilton City Council	Oppose		Reject	14
FS1386.30	Mercury NZ Limited	Oppose		Reject	14
120.1	Amanda Shaw		Requests that land at Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone and the proposed plan maps amended accordingly.	Accept	14

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Land owners at Scotsman Valley have already made plans and investment decisions that reflect the value of land and subdivision potential of the country zone. It is unfair to change so at this point and there will be not value to the District from rural zoning in terms of agricultural production.		
FS1197.3	Bowrock Properties Limited	Support		Accept	14
FS1311.3	Ethan and Rachael Findlay	Support		Accept	14
FS1379.24	Hamilton City Council	Oppose		Reject	14
FS1386.101	Mercury NZ Limited	Oppose		Reject	14
168.1	Paula Brown		Requests that land at Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone and the proposed plan maps amended accordingly. Land owners at Scotsman Valley have already made plans and investment decisions that reflect the value of land and subdivision potential of the country zone. It is unfair to change so at this point and there will be not value to the District from rural zoning in terms of agricultural production.	Accept	14
FS1197.6	Bowrock Properties Limited	Support		Accept	14
FS1311.5	Ethan and Rachael Findlay	Support		Accept	14

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1379.43	Hamilton City Council	Oppose		Accept	14
FS1386.147	Mercury NZ Limited	Oppose		Reject	14
177.1	Nick Hill		Requests that land at Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone and the proposed plan maps amended accordingly. Land owners at Scotsman Valley have already made plans and investment decisions that reflect the value of land and subdivision potential of the country zone. It is unfair to change so at this point and there will be not value to the District from rural zoning in terms of agricultural production.	Accept	14
FS1197.7	Bowrock Properties Limited	Support		Accept	14
FS1311.6	Ethan and Rachael Findlay	Support		Accept	14
FS1379.44	Hamilton City Council	Oppose		Reject	14
FS1386.158	Mercury NZ Limited	Oppose		Reject	14
673.1	Maree Williams		Requests that land at Scotsman Valley Road not be rezoned from “Country Living” to “Rural” zone and the proposed plan maps amended accordingly. Retaining the Country Living Zone gives the opportunity for subdivision.	Accept	14

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1379.232	Hamilton City Council	Oppose		Reject	14
FS1387.136	Mercury NZ Limited	Oppose		Reject	14
204.1	Roger & Bronwyn Crawford		Amend the extent of the Village Zone boundary for the property at 34 Wairamarama Onewhero Road, Onewhero to include an additional 6210 m ² of Village Zone. Refer to submission for maps and details	Accept	14
FS1020.4	Roger & Bronwyn Crawford	Support		Accept	14
FS1386.220	Mercury NZ Limited for Mercury C	Oppose		Reject	14
45.1	Geotec Low Ltd		Amend the zoning of the property at 2044 River Road, Horsham Downs from Rural to Country Living Zone.	Accept	14
FS1286.3	Horotiu Properties Limited	Support		Accept	14
FS1287.1	Blue Wallace Surveyors Ltd	Support		Accept	14
FS1379.4	Hamilton City Council	Oppose		Reject	14

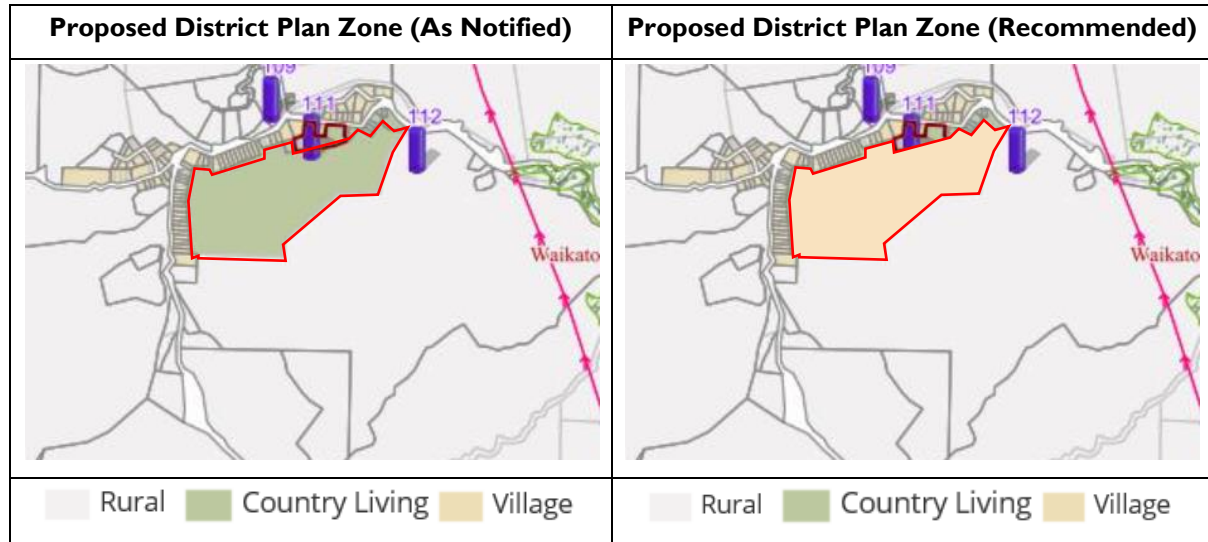
Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1386.34	Mercury NZ Limited	Oppose		Reject	14
161.1	Martin Lynch		Amend zoning of 2044 River Road, Hamilton from Rural Zone to Country Living Zone, therefore retaining the Operative District Plan zoning.	Accept	14
FS1197.5	Bowrock Properties Limited	Support		Accept	14
FS1286.4	Horotiu Properties Limited	Support		Accept	14
FS1287.7	Blue Wallace Surveyors Ltd	Support		Accept	14
FS1333.28	Fonterra Limited	Oppose		Reject	14
FS1379.39	Hamilton City Council	Oppose		Reject	14
FS1386.136	Mercury NZ Limited	Oppose		Reject	14
151.1	Todd Bawden		Amend the zoning for the property at 2324 River Road, Horsham Downs (Lot 3 DP 507442) from Rural Zone to Country Living Zone.	Reject	Appendix 4
FS1277.9	Waikato Regional Council	Oppose		Accept	Appendix 4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1286.2	Horotiu Properties Limited	Support		Reject	Appendix 4
FS1379.36	Hamilton City Council	Oppose		Accept	Appendix 4
FS1386.129	Mercury Limited NZ	Oppose		Reject	Appendix 4

Appendix 2: Recommended amendments

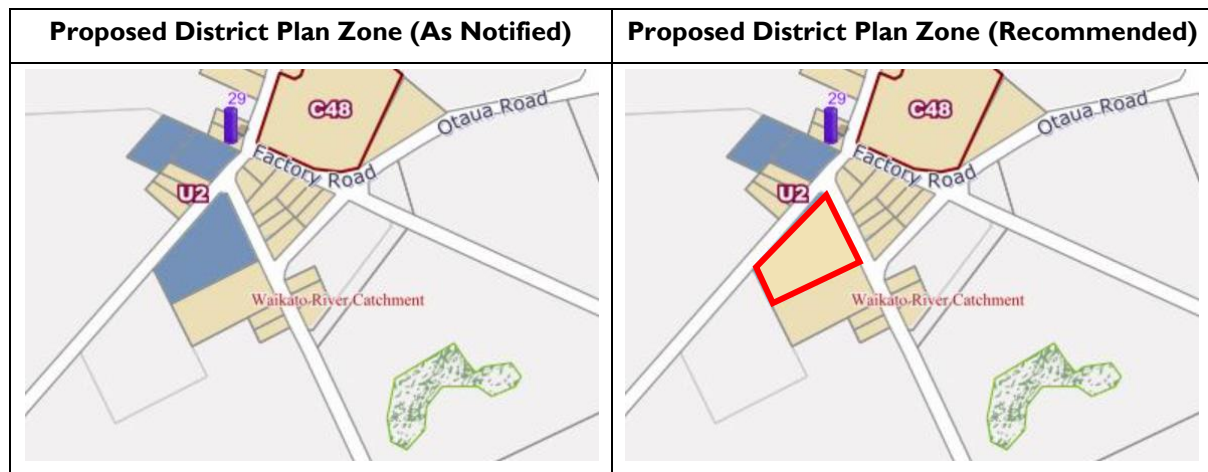
Recommendation 1:

That the Planning Maps for Glen Massey be amended to reflect an expansion of the Village Zone over part of the Country Living Zone, as shown within the red outline below.



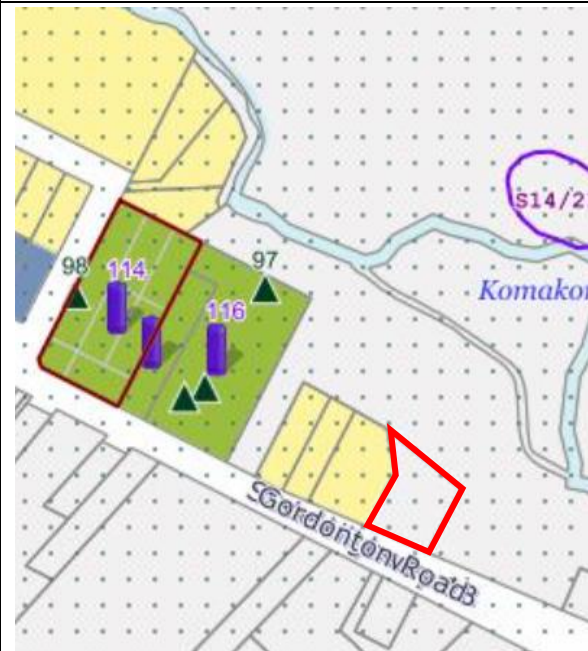
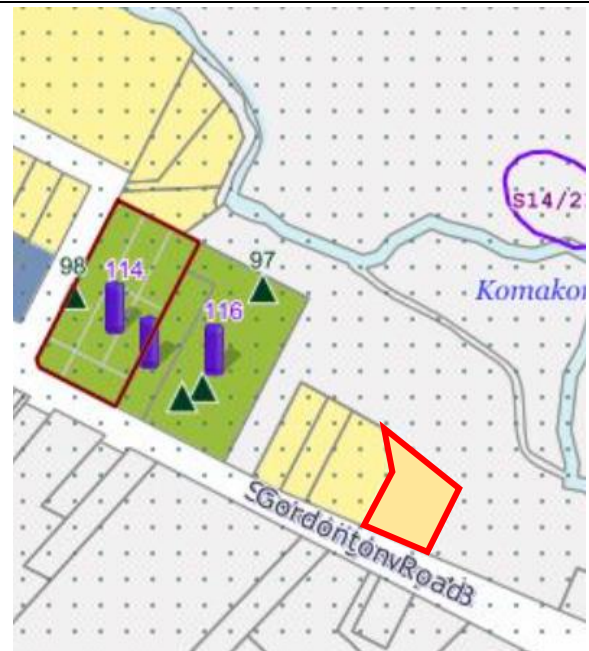
Recommendation 2:

That the Planning Maps for 77 Maioro (Submission [729.1]) be amended so that the submission site is rezoned to Village Zone, as shown with the red outline below.








Recommendation 3:

That the Planning Maps for 1002 Gordonton Road (Submission [292.4]) be amended to reflect an expansion of the Village Zone, as shown within the red outline below.

Proposed District Plan Zone (As Notified)	Proposed District Plan Zone (Recommended)
	



Recommendation 4:

That the Planning Maps for Scotsman Valley Road be amended to fix the mapping error, so that land previously shown as Country Living Zone in the Operative District Plan is rezoned from Rural to Country Living Zone.

Operative District Plan Zone	Proposed District Plan Zone
	
<div style="display: flex; justify-content: space-around;"> <div> Country Living</div> <div> Rural (W)</div> </div>	<div style="display: flex; justify-content: space-around;"> <div> Rural</div> </div>

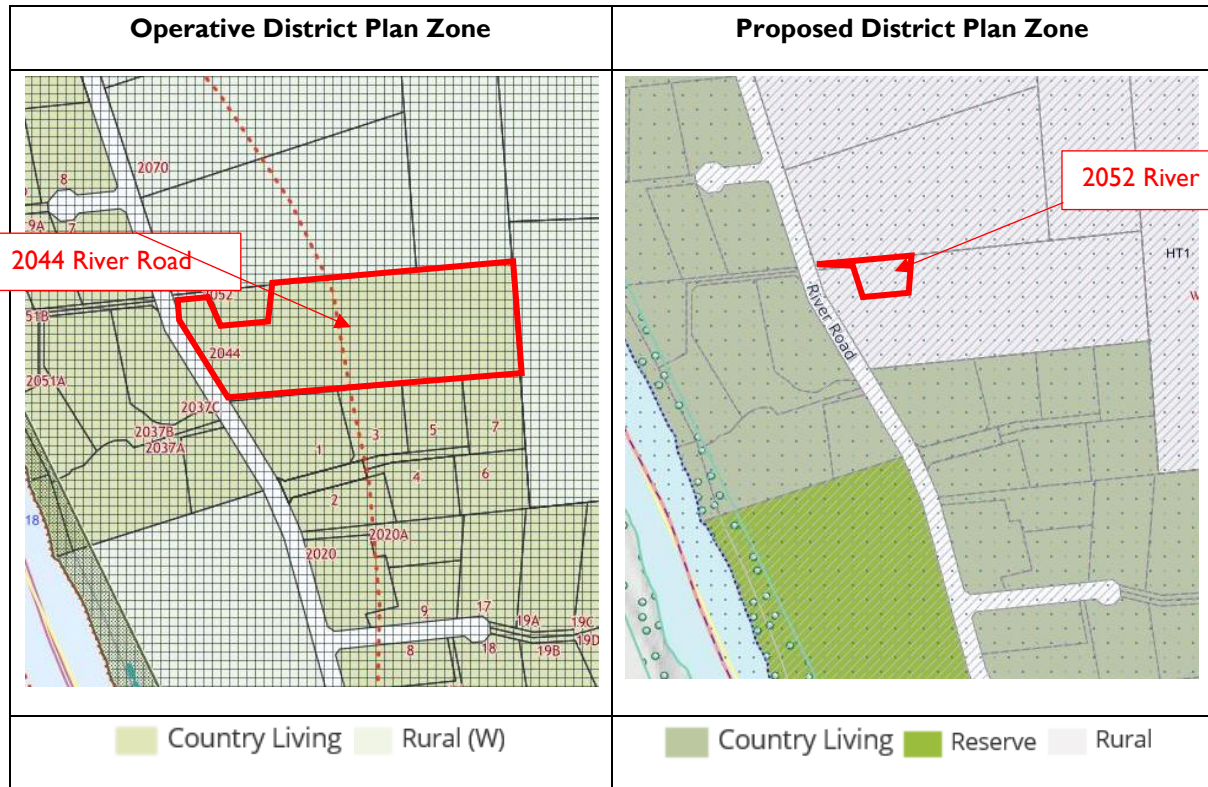
Recommendation 5:

That the Planning Maps for 34 Wairamarama Onewhero Road be amended to fix the mapping error, so that the Village Zone continues over the paper road running through the site.

Operative District Plan Zone	Proposed District Plan Zone
	
<p> Rural (F) Village </p> <p> Village Growth Area </p> <p> Schedule 5B Important Geological Site and Landform </p>	<p> Rural Village Reserve </p>

Recommendation 6:

That the Planning Maps for 2044 River Road be amended to fix the mapping error, so that the site is returned to Country Living Zone as it was in the Operative District Plan.



Appendix 3: Technical Reports

Three Waters and Infrastructure Review Memorandums undertaken by Beca in relation to the specific rezoning request at Te Uku [387.1].

Memorandum

To: District Plan – Resource Management Policy Team, Waikato District Council
Date: 16 April 2021
From: Roger Seyb, Beca Ltd
Our Ref: 4214056-1680710091-12
Copy: Carolyn Wratt, WDC Consultant Planner
Subject: Technical Specialist Review, Three Waters – Te Uku, Rural

Experience and Qualifications

My name is Roger Morgan Seyb.

I am a Senior Technical Director in the Water Resources and Civil Engineering fields employed by Beca Ltd.

I hold a Bachelor of Civil Engineering degree from the University of Auckland. I am a Chartered Engineer and a Chartered Member of Engineering New Zealand.

I have been working in the civil engineering field since 1990, predominately in New Zealand, and have carried out a wide range of civil engineering, water infrastructure and environmental projects from conception to construction during that time.

1. Introduction and purpose

The purpose of this report is to provide a view as to whether:

- a) Sufficient and appropriate information has been included in the assessment;
- b) The assumptions are sound and reasonable;
- c) The proposed solutions are technically feasible and realistic;
- d) The timeframes for upgrades or connections are realistic; and
- e) There are any potential or actual issues that the planner and Hearings Panel need to be aware of.

2. Documents considered

Document reviewed:

Diamond Creek Farm Ltd

STATEMENT OF EVIDENCE OF Bevan Ronald Houlbrooke, 17 February 2021

2.1 Limitations

This review is a limited desk top review carried out by reading the above document and providing general comment on the suitability of the information to be relied upon and recommendations made at the Proposed Waikato District Plan hearing. No site visit has been undertaken and the information referred to in the documents and calculations have not been verified. Detailed information of the site constraints was not available.

3. Overview of technical matters

Te Uku is currently a rural area sought to be rezoned to country living. There are no nearby public services suitable for connecting to. On site provision of the three waters services is considered appropriate.

Memorandum

4. Assessment undertaken

Developable Area

The submitter seeks to rezone some 43 ha of its 252 ha property to County Living with a draft Structure Plan identifying 54 lots (with approx. 140 residents) in accordance with 5000 m² minimum lot sizes.

Submitter's comments on Three Water Services

The submitter states that the lots and development would be self sufficient in terms of three waters infrastructure (Planner's comment on 5.3.8 (f)). Also of note:

- 6.1.8 (e) potential natural hazards. The planner states there are no known significant natural hazards but a detailed geotechnical assessment will be carried out
- 6.1.8 (g) how stormwater will be managed. The planner states stormwater will be managed on site and stormwater from roads will be managed through treatment and soakage areas
- 6.1.8 (j) anticipated water requirements and (k) efficient use of water. The planner states rainwater harvesting is proposed on each lot

Comment

There is no public water supply, wastewater or stormwater infrastructure near Te Uku that could be used to service the development. Raglan would be the closest centre with public services some 8 to 10 km to the west. Connection to this system would require long pipelines at significant cost that would not be warranted for the level of development proposed. The development will therefore need individual lots to be self-sufficient and the new public roads to have a stormwater system to be vested back to Council.

The S42A framework report suggests that lots below 2500 m² would trigger the need for public three waters services. I consider that three waters services are likely to be feasible on the site for lots larger than this. A reduction of the proposed lot size from 5,000 m² to 2,500 m² could therefore be considered subject to specific site investigations to identify constraints such as building platforms, access and stormwater/wastewater disposal areas.

The proposed approach to on site stormwater management using low impact design is acceptable and sufficient space should be available on lots larger than 2,500 m². Roads would need their own stormwater management systems which would be feasible provided sufficient land was set aside.

With respect to the specific planner's comments identified above, I did not identify any flood hazards at a high level but note that specific assessment of flood/overland flow hazards should occur at subdivision stage. The feasibility of soakage for disposal from roads will depend upon the soils on site and could be addressed through the proposed geotechnical assessment.

5. Adequacy of assessment

The assessment to date is considered appropriate for this stage of the development process.

6. Conclusions

In general I consider that on site servicing for three waters for the proposed lots of 5000 m² is appropriate, with the potential to reduce this to 2,500 m² following on site investigations.

Appendix 4: Addendum – 2324 River Road [Submission Point 151.1]

I Introduction

1.1 Qualifications and experience

2. My full name is Justine Mary Ashley. I am a Director of Planz Consultants Ltd, a Christchurch based resource management consulting company. I hold a Bachelor of Resource Studies and a Postgraduate Certificate in Resource Studies from Lincoln University. I have over 20 years experience as a resource management planner and I am a full member of the New Zealand Planning Institute. I am also an accredited hearing commissioner (with chair certification) and have acted as an independent commissioner for local authorities in the Canterbury Region.
3. I have been involved in a wide range of planning projects for both the public and private sector, specialising in policy and plan development. I have spent the last few years in a lead role for the Selwyn District Plan Review, with this work including the overall co-ordination and review of all planning processes, assessment reports, stakeholder and community engagement, draft provisions and associated s32 evaluations. I have also been involved in a number of plan reviews and the preparation and processing of resource consent applications and notices of requirements.
4. With regard to the Waikato District Plan Review, I am the author of the s42a report for Hearing 25: Zone Extents: Ngaruawahia, Taupiri & Horotiu, which addresses those submission points on the Proposed Waikato District Plan that seek to rezone land in and around these townships.

1.2 Code of Conduct

5. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
6. I am authorised to give this evidence on the Council's behalf to the hearings commissioners.

1.3 Conflict of Interest

7. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest. As noted by my colleague, Ms Catherine Boulton, in paragraph 6 of her s42a report (Hearing 25: Zone Extents: Rural Rezonings), her cousin has prepared the submission on behalf of the landowners of 2324 River Road, Horsham Downs. I have therefore prepared this addendum addressing this particular submission point.

1.4 Preparation of this report

8. I am the author of this addendum which has been prepared in accordance with section 42A of the RMA. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
9. In preparing this addendum I have had regard to the information and expert evidence provided in the s42A Hearing 25: Zone Extents – Framework Report prepared by Dr Mark Davey (dated 19 January 2021) and other relevant s42A reports, including Hearing 25: Zone Extents

– Future Urban Zone and Residential Medium Density Zone prepared by my colleague Mr Jonathan Clease (dated 26 January 2021).

2. Rezoning to Country Living Zone (Rest of District)

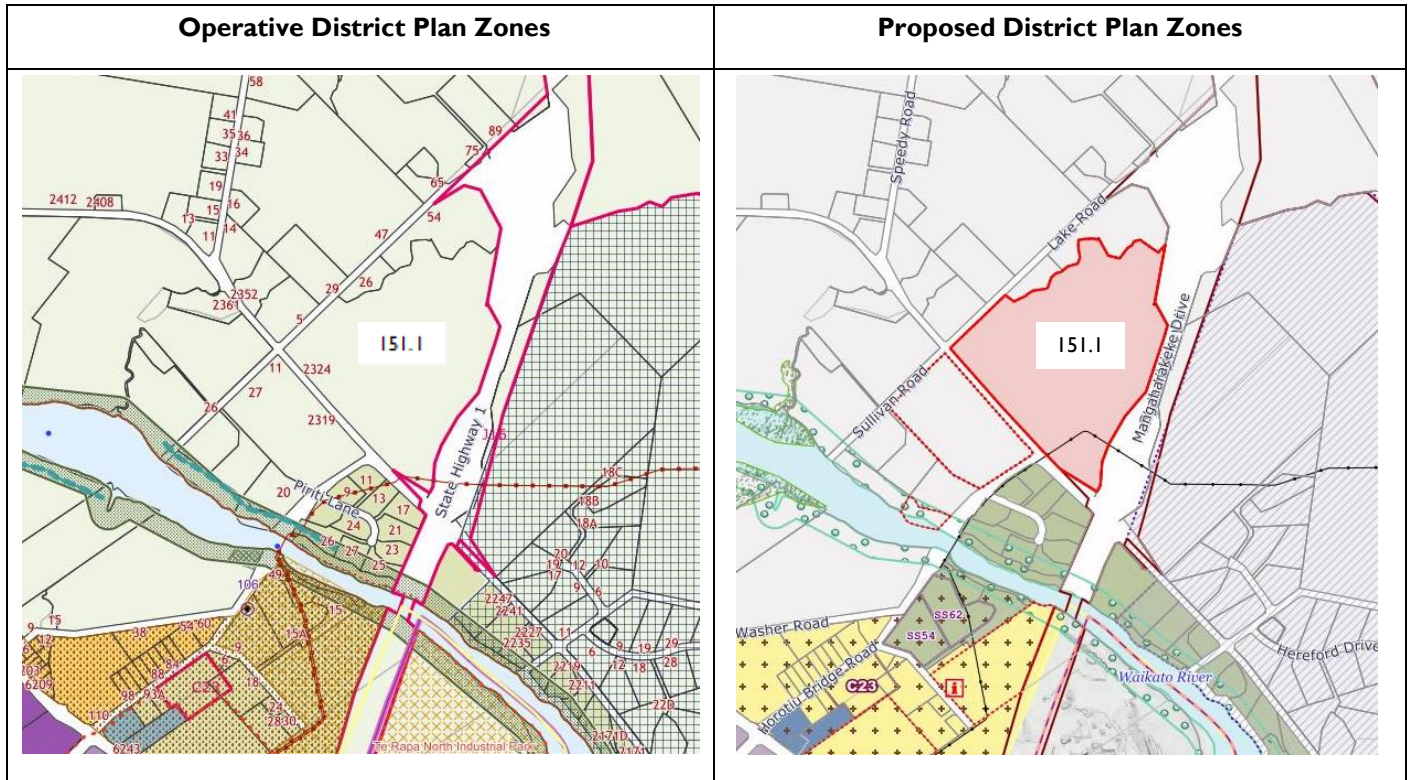
2.1 The rezoning proposal

10. Todd Bawden [151.1] seeks to rezone the 24.18ha property at 2324 River Road, Horsham Downs from Rural to Country Living Zone. The submission states that “it is more important to use the land efficiently for future low density housing sites for accommodating future growth rather than to hold the area as a vacant rural small block of unproductive ‘farm’”, which is surrounded by existing roads. The submitter notes the site’s proximity to the Horotiu Primary School, suburban neighbourhood node of Horotiu, new residential areas (located south-west of the identified area), Industrial Park and Heavy Industrial areas (employment opportunities), business areas (employment opportunities and daily commercial/retail activities) and other country living areas. It is also stated that water infrastructure is readily available and new stormwater and wastewater infrastructure would be established upon resource consent.
11. No evidence has been provided in support of the submission.

Submission point	Submitter	Summary of submission
151.1	Todd Bawden	Amend the zoning for the property at 2324 River Road, Horsham Downs (Lot 3 DP 507442) from Rural Zone to Country Living Zone.
FS1277.9	Waikato Regional Council	Oppose
FS1286.2	Horotiu Properties Limited	Support
FS1379.36	Hamilton City Council	Oppose
FS1386.129	Mercury NZ Limited	Oppose

2.2 Analysis

12. The zoning of the subject site under both the Operative District Plan (ODP) and Proposed District Plan (PDP) is shown in the maps below.



13. This property is outside the residential growth areas identified in the 'Ngaruawahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai and Glen Massey Structure Plan', Waikato 2070, and the indicative urban limit of Future Proof 2017. In addition, the submitter has not provided any technical evidence to demonstrate the suitability of ground conditions (i.e. in terms of stormwater and wastewater discharges, geotech or contaminated soil); neither is there any assessment of the potential impact on the surrounding environment, including the adjoining rural land or the local roading network. The absence of such supporting evidence does not accord with WRPS Policy 6.1.8 (Information to support new urban development and subdivision).
14. Policy 6.17 of the WRPS directs that careful management of rural residential development needs to recognise the pressures from, and the adverse effects of rural residential development particularly within close proximity to Hamilton City, as well as the potential for adverse effects, conflicts between activities, servicing demands and cross-territorial boundary effects. The submission site is located within commuting distance of Hamilton City and is in close proximity to the urban expansion area. As such, I consider that any urban growth within this area needs to be managed in an integrated and co-ordinated manner so as to maintain an urban/rural contrast, support the efficient use of land and provision of infrastructure, and minimise cross-territorial boundary effects.
15. Overall, I consider that rezoning this site to un-serviced Country Living Zone would not align with any of the higher order direction regarding urban growth, including Map 6C in the WRPS, or the overall approach to growth management within the district. In the absence of any technical or planning evidence in support of the submission, it is recommended that submission [151.1] be rejected.

2.3 Recommendation

16. For the reasons above I recommend that the Hearings Panel:
 - (i) **Reject** the submission by Todd Bawden [151.1] and retain the Rural Zone.

Memorandum

To: District Plan – Resource Management Policy Team, Waikato District Council
From: Skip Fourie, Beca Ltd
Copy: Carolyn Wratt, WDC Consultant
Subject: Technical Specialist Review, Transport – Te Uku, Diamond Creek, Raglan
Date: 8 April 2021
Our Ref: 4214056-1680710091-12

Experience and Qualifications

My full name is Gideon Jacobus Scheepers (Skip) Fourie.

I am an Associate Transportation Planner employed by Beca Ltd (Beca), a multi-disciplinary professional services consultancy firm based in New Zealand.

I hold a Bachelor (Honours) of Town and Regional Planning (2007) and a Masters degree specialising in Transportation Planning (2014) from the University of Pretoria in South Africa.

I have a total of 12 years' experience in the field of transportation planning and traffic engineering gained through 6 years of employment in South Africa, 2 years of employment in Dubai, United Arab Emirates and 4 years in New Zealand.

I have wide-ranging experience in traffic and transportation engineering fields, ranging from transport assessments, traffic modelling, safety audits, parking strategies, feasibility studies and business case writing.

1. Introduction and purpose

Beca has been engaged by Waikato District Council (WDC) to support in reviewing statements of evidence filed with the Council accompanying submissions seeking a change in zoning. This review provides high level commentary on the suitability of the information and recommendations to be relied upon at the Proposed Waikato District Plan hearing.

The purpose of this report is to provide a view as to whether:

- a. Sufficient and appropriate information has been included in the assessment
- b. The assumptions are sound and reasonable
- c. The proposed solutions are technically feasible and realistic
- d. The timeframes for upgrades or connections are realistic; and
- e. There are any potential or actual issues that the planner and Hearings Panel need to be aware of.

2. Documents considered

- Statement of Evidence of Judith Victoria Makinson (CKL), Dated: 17 February 2021, Waikato District Plan Review Submission
- Integrated Transport Assessment (ITA), Diamond Creek Farm Ltd Te Uku, dated 15th February 2021. prepared by CKL.

Memorandum

Limitations

As per the agreed scope, this desktop review has been carried out by reading the above documents and providing comment on the suitability of the information and recommendations to be relied upon at the Proposed Waikato District Plan hearing.

No site visits have been undertaken and the information referred to in the documents and calculations has not been verified in detail.

This is not a peer review of the Integrated Transport assessment (ITA), modelling and recommendations. Further assessment may be required.

3. Overview of Technical Matters

Proposal Overview

A Plan Change is proposed to rezone the site known legally as Part Lot 1 DP 23893 in Te Uku from the Rural Zone to Village Zone. It is feasible that the rezoning could allow for 50 houses or potentially 82 lots at higher density assuming minimum lot sizes equivalent to those for an un-serviced Village Zone development (refer to Dave Mansergh Evidence in Chief).

The submitters have also investigated a fully serviced Village Zone concept that could give rise to up to 200 dwellings. All of the options have been considered and were subject to consultation with Waka Kotahi (New Zealand Transport Agency).

Integrated Transport Assessment

The applicant has submitted an ITA that provides assessment on the following traffic and transport topics:

- Introduction and Site Location
- Existing Road Network
 - Road Safety
- Sustainable Travel Modes
 - Walking and Cycling
 - Public Transport
- Committed Environmental Changes
- Development Proposals
- Assessment of Effects
 - Traffic Effects
 - External Access
 - Internal Access
 - Parking
 - Walking, Cycling and Public Transport
- Consultation
- District Plan Compliance
- Conclusions and Recommendations
- Appendix 1: Waka Kotahi Consultation

Memorandum

Assessment of Effects

Based on the assessment of potential traffic and transportation effects associated with up to 200 dwellings on the site, it is concluded by the applicant that:

- The site may generate some 280 vehicles in the peak hour and potentially over 2,000 vehicles per day.
- The capacity of the surrounding road network is able to accommodate the traffic volumes.
- The parking requirements defined in the Proposed District Plan are likely to be achievable.
- External access to the site is provided via State Highway 23 (SH23). This assessment has concluded that the most suitable location for the access is where the speed limit on SH23 is 80km/h.
 - This will result in a non-compliance in terms of separation between the intersection and an existing vehicle crossing
 - It is not possible for an access to the site to be provided that is fully compliant with the standards of the Proposed District Plan.
- It is possible for future roading connections to be established to the site, which will improve the resilience of the road network rather than being necessary to address any congestion effects.

Waka Kotahi Consultation

The applicant has consulted with Waka Kotahi in preparing the ITA. Waka Kotahi indicated that they were not opposed (in principle) to the proposal. They have however raised a number of conditions that should be met. These include:

- The SH 23 intersection design needs to be in line with Austroads and MOSTAM
- Streetlight provision at the SH23 intersection in accordance with design specifications
- Road Safety audit on the intersection
- Vegetation recommendations
 - Removal of vegetation located within the road reserve west of the proposed intersection to ensure minimum sight distance of 282meters is met
- No direct access onto SH 23 from the development
- Footpath recommendations
 - Linkage to Te Uku Village shall be provided at the same time the access road is constructed
- SH 23 underpass recommendations, including safety in design minimums requirements.
 - Lighting
 - Crime Prevention
 - Stream Water Levels (flood risks)
 - handrails
 - Structural impact on the existing state highway bridge

Conclusion

With these above recommendations addressed, the applicant concluded that the transportation effects of the proposed rezoning will be less than minor for either around 50 dwellings under a Country Living Zone, 82 dwellings in an un-serviced Village Zone or up to 200 dwellings in a fully serviced Village Zone.

Memorandum

Recommendations and Mitigation Proposed in Evidence

Regardless of future density, the following proposals/conditions are to be implemented by the applicant to accompany the proposed rezoning to control the access to the site and protect the arterial function of SH23:

- A right bay should be provided on SH23 to facilitate vehicles turning right into the site, to be designed by a suitably qualified professional.
- The vegetation within the SH23 road reserve to the west of the access is trimmed back or removed in order to provide at least 282m of visibility to the west.
- No vehicle crossings to individual lots should be provided directly to SH23.
- Footpath linkage to the village should be provided at the time that the access road is constructed.

4. Assessment undertaken

The submitter has undertaken an ITA of the proposal for the Raglan Rezoning and Structure Plan.

The statement of evidence provides a good general summary of the traffic and transport considerations pertinent to the proposal.

5. Adequacy of assessment

The approach taken by the submitter is appropriate, within the standard approach used throughout the industry and within the prescribed guidelines of a transport assessment.

Generally, the submitter has provided the relevant and required information in order to form a robust assessment of traffic and transportation effects.

Without going into a detailed evaluation/peer review of the ITA, it is considered that the assessment of the traffic and transport related matters has been adequately assessed.

There is some discussion about possible bus connections with this being 'subject to consultation with Waikato Regional Council and Waka Kotahi'. Given the location of the site and limitation in local services and amenities is likely to result in a highly car dependant mode share, I recommend this be advanced including confirming the route and bus stop locations, and their design, and that Waikato Regional Council comment on the likelihood and frequency of bus routes servicing the development.

6. Conclusions

I generally agree with the findings of the ITA and statement of evidence and the submitter's recommendations.

The site is in a rural location with limited local amenities and travel is likely to be highly car dependant. Waka Kotahi has accepted the effects on the road network with the proposed mitigation in place.

I recommend that the route and bus stop locations, and their design, should be explained in more detail, with some input from Waikato Regional Council, before the rezoning is permitted to proceed.

2.4 Recommended amendments

17. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.