

# **SECTION 42A REPORT**

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

## **Hearing 25: Zone Extents**

### **Rest of District – Hamilton Fringe**

Report prepared by: Susannah Tait

Date: 16 April 2021



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### List of submitters and further submitters addressed in this report

Original Submitter	Submission number
Amy and Andrew De Langen	977
Bettley-Stamef Partnership	712
Brian Croad for Tainui Group Holdings Limited	341
Burton Trust	344
David Yzendoorn for David and Barbara Yzendoorn	292
Divina Libre	363
Ethan Findlay	418
Family Jepma on behalf of Family Jepma Trust Account	846
Geoffrey Long	129
Grant and Merelina Burnett	185
Ian and Darienne Voyle	672
Ian Thomas	398
Jonathan Quigley for J and T Quigley Ltd	389
Kim Angelo Libre	426
Kitty Burton	371
Malcolm McDonald	422
Mark Smith	272
Matangi Farms Land Ltd	713
Mel Libre	407
Peter Fitzpatrick	306
Sharp Planning Solutions Ltd	695
Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	765
Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	769
Wendy Oliver	438

Further Submitter	Submission number
AH and DB Finlay Limited	FSI252
Aileen Margaret Downey	FSI158
Alan and Eleanor Ure	FSI380
Andrew and Christine Gore	FSI062
Andrew Mowbray	FSI305
Bernard Wood	FSI081
Bobbie Wisneski	FSI053
Bootleg Brewery	FSI264
Bowrock Properties Limited	FSI197
Burton Trust	FSI203
Christian and Natasha McDean	FSI204
Christina Reymer	FSI156
David Hale on behalf of David and Sharon Hale	FSI074
Dennis and Jan Tickelpenny	FSI280
Department of Conservation	FSI293
Dorothy Derecourt and David Mckeown	FSI094
Ethan and Rachael Findlay	FSI311
Fedor Dronov	FSI300
Gavin Lovegrove and Michelle Peddie	FSI149
Gordon Downey	FSI157
Hamilton City Council	FSI379
Heritage New Zealand Pouhere Taonga	FSI323
Hugh Goodman and Katie Mayes	FSI063
Jack and Alison Jenkins	FSI153

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<i>Jacob Davis and Karly Hurst</i>	<i>FSI152</i>
<i>Jarod Kowhai Huaki</i>	<i>FSI166</i>
<i>Jason Gary Davis</i>	<i>FSI159</i>
<i>Joanne Bedford and Adrian Coote</i>	<i>FSI065</i>
<i>John and Sonia Aubin</i>	<i>FSI250</i>
<i>K Badger and WR Badger Estate</i>	<i>FSI260</i>
<i>Keir Bettley</i>	<i>FSI018</i>
<i>Kerry Ellen Davis</i>	<i>FSI163</i>
<i>Kory Kelly</i>	<i>FSI310</i>
<i>Kylie Cocurullo on behalf of Noel Cocurullo Trust Superannuation Scheme</i>	<i>FSI189</i>
<i>Lyn Kingsbury</i>	<i>FSI064</i>
<i>Malcolm MacDonald</i>	<i>FSI270</i>
<i>Mark D Reinsfield</i>	<i>FSI201</i>
<i>Martin and Maria Rose on behalf of Rose Family Trust</i>	<i>FSI068</i>
<i>Mercury NZ Limited for Mercury C</i>	<i>FSI386</i>
<i>Mercury NZ Limited for Mercury D</i>	<i>FSI387</i>
<i>Mercury NZ Limited for Mercury E</i>	<i>FSI388</i>
<i>Moeraki Farm Limited</i>	<i>FSI256</i>
<i>Monique Reymer</i>	<i>FSI167</i>
<i>Morgan Olsen</i>	<i>FSI160</i>
<i>Mowbray Group</i>	<i>FSI289</i>
<i>New Zealand Transport Agency</i>	<i>FSI202</i>
<i>Newstead Country Preschool</i>	<i>FSI182</i>
<i>Newstead Model Country School</i>	<i>FSI262</i>
<i>Newstead Residents Association</i>	<i>FSI072</i>
<i>Newstead Residents Association</i>	<i>FSI216</i>
<i>Newstead Residents Group</i>	<i>FSI071</i>
<i>Noel Gordon Smith</i>	<i>FSI183</i>
<i>One Mission Society</i>	<i>FSI080</i>
<i>Pam and David Bryant</i>	<i>FSI162</i>
<i>Pekerangi Kee-Huaki</i>	<i>FSI165</i>

<i>Peter Lord Cowell</i>	<i>FSI048</i>
<i>Peter McKenzie</i>	<i>FSI010</i>
<i>Philip and Sheree Lawton</i>	<i>FSI284</i>
<i>Prudence Williams and Stuart Lye</i>	<i>FSI299</i>
<i>Robyn Ballard</i>	<i>FSI324</i>
<i>Ross and Leonie Hopkins</i>	<i>FSI147</i>
<i>Susan and Brett Hopkins</i>	<i>FSI148</i>
<i>Tamahere Eventide Home Trust – Atawhai Assisi Retirement Village</i>	<i>FSI005</i>
<i>Tamara Huaki</i>	<i>FSI164</i>
<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>FSI108</i>
<i>Teresa Bowe</i>	<i>FSI155</i>
<i>Tim Cochrane</i>	<i>FSI373</i>
<i>Waikato Regional Council</i>	<i>FSI277</i>
<i>Wattle Downs Limited</i>	<i>FSI254</i>
<i>Ying-Peng Yu</i>	<i>FSI021</i>
<i>Zane and Sheryl Bettley</i>	<i>FSI008</i>
<i>Zane Bettley</i>	<i>FSI016</i>
<i>Zenders Café and Venue</i>	<i>FSI085</i>

***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 Susannah Vrena Tait. I am employed by planning and resource management consulting firm Planz Consultants Limited as a Senior Planner.
2. I hold the qualifications of Bachelor of Science (Zoology) from University of Canterbury, a Master of Applied Science (Environmental Management) from Lincoln University and a Post Graduate Diploma from Lincoln University. I am a full member of the New Zealand Planning Institute.
3. I have 17 years' experience working as a planner, with this work including the development of plan changes, plan reviews and associated s32 assessments, the preparation of submissions on a number of plan reviews and the preparation and processing of resource consent applications. I reviewed the s42 report prepared by Ms Chloe Trenouth on behalf of Waikato District Council for the Ohinewai (Sleepyhead) land as part of Hearing 19.

## **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 hearing's commissioners.

## **I.3 Conflict of Interest**

6. I confirm that I have no real or perceived conflict of interest.

## **I.4 Preparation of this report**

7. I am the author of this report.
8. The scope of my evidence relates to the evaluation of submissions, further submissions, and evidence received in regard to the rezoning of land within the 'Hamilton Fringe'. This report sits alongside the report prepared by Ms Catherine Boulton providing recommendations on the 'Rest of District' rezonings beyond the Hamilton Fringe.
9. 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.

# **2 Scope of Report**

## **2.1 Matters addressed by this report**

10. This report is prepared in accordance with section 42A of the Resource Management Act (RMA). This report considers submissions that were received by the Council in relation to the zoning of land adjacent to Hamilton City Council's territorial boundary and sits as a subset of submissions seeking rezoning throughout the wider rural areas of the Waikato Proposed District Plan. Where relevant, this evidence also considers the suitability of overlays where relevant to the rezoning request.

## 2.2 Overview of the area/town

11. The 'Rest of District – Hamilton Fringe' encompasses all of the predominantly rural-zoned land around the periphery of Hamilton. For reporting purposes, the Hamilton Fringe area has been addressed separately from the remainder of the 'Rest of District' topic due to area-specific issues and interplay with Hamilton City. The Fringe, particularly Tamahere and Matangi, has experienced rapid growth in the last 15 years, including a 50% population increase in Tamahere alone<sup>1</sup>. This rapid growth has been largely driven by the lifestyle living opportunities within an easy commute to Hamilton.
12. The Hamilton Fringe includes the following settlements:

### Tamahere

13. Tamahere is a rural lifestyle settlement (zoned Country Living) immediately adjoining the southern boundary of Hamilton City.
14. Over the past 80 years or so, the land at Tamahere has been converted from typical Waikato farms to smaller intensive horticulture and lifestyle uses. By 1970, much of it had been subdivided into 4-hectare blocks, although farming continued on the remaining larger blocks and on the small blocks which had been kept in one ownership. Farming gradually reduced and lifestyle block development ultimately accelerated after the Operative District Plan zoned all this area to Country Living Zone (with the Tamahere Policy Area overlaying part of it) to allow the area to be subdivided into 5000m<sup>2</sup> sections (see **Figure 1**). This was done in recognition of its changing character and to further facilitate and manage the transition of the area to low density residential use while maintaining a countryside feel. The Proposed District Plan is not seeking to change the extent of the settlement (see **Figure 2**).



Figure 1: Tamahere, Operative District Plan

<sup>1</sup> <https://en.wikipedia.org/wiki/Tamahere>

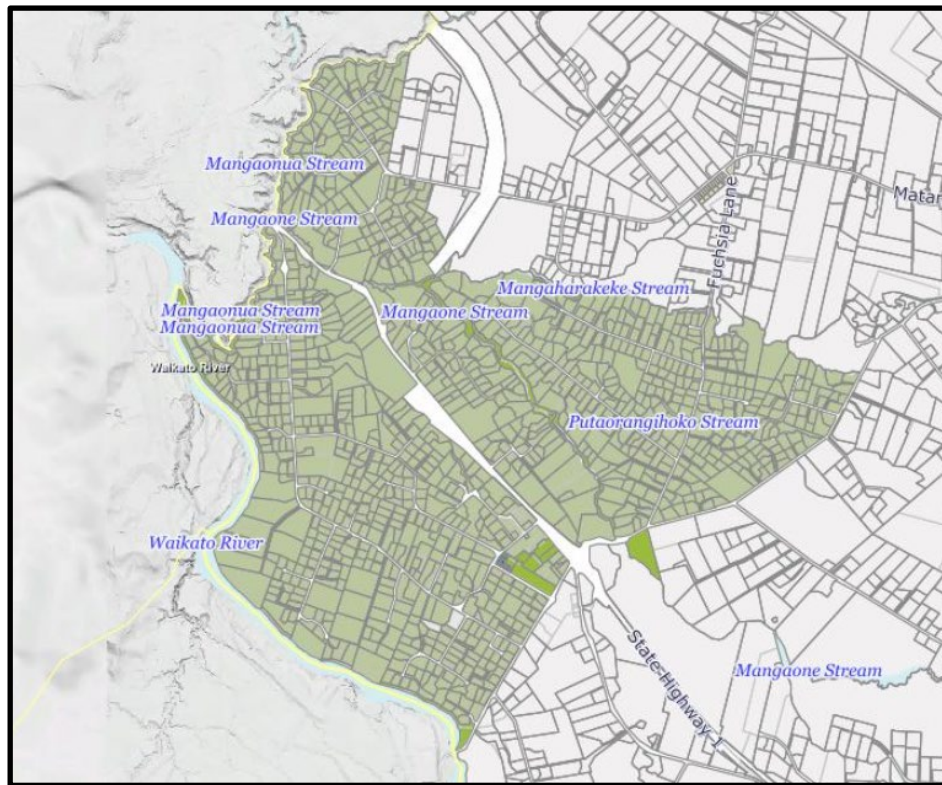


Figure 2: Tamahere, Proposed District Plan

15. Tamahere is bisected by State Highway 1, which is experiencing significant upgrading with the formation of the Hamilton section of the Waikato Expressway. The Hamilton Airport and associated noise and development controls are a dominant feature over much of the Tamahere settlement; this includes the Airport Noise Control Outer Boundary, the Airport Subdivision Control Boundary, the Airport Noise SEL95 Boundary and the Airport Obstacle Limitation Surface. There is a Significant Amenity Landscape overlay and Significant Natural Area overlay along the entire length of the Waikato River adjoining the western side of the Tamahere settlement (and beyond), as well as Significant Natural Area overlays along the various tributary corridors that run through Tamahere to the Waikato River.
16. The Tamahere settlement has a reticulated water supply. No reticulated stormwater or sewer services are available, with dwellings instead reliant on self-contained septic tank systems.

### Matangi

17. The Matangi village is located approximately 5km south east of Hamilton and comprises two short strips of residential development, with a small cluster of local shops on the Matangi Road/Tauwhare Road corner, including the Matangi Dairy Factory site (being addressed by Ms Betty Connolly in a separate report). Matangi also includes a primary school with a current roll of 192<sup>2</sup>. The Rural Zoned land surrounding the village is a mix of actively farmed rural properties and smaller rural lifestyle blocks that typically range in size from 0.5ha to several hectares in area.
18. The operative and proposed zonings of Matangi are shown in **Figures 3** and **4** below. No growth of the village is proposed.

<sup>2</sup> <https://www.educationcounts.govt.nz/find-school/school/population/age?district=&region=&school=1814>



Figure 3: Matangi, Operative District Plan



Figure 4: Matangi, Proposed District Plan

19. The Cambridge Branch Line runs along the eastern side of Matangi, while the National Grid electricity transmission lines wrap around its western side. Reticulated services in the village are limited to the historic Matangi Dairy Factory scheme which services only the existing houses. The Council has no intentions to expand the service capacity in Matangi. There are no notable natural features within the immediate Matangi area.

## 2.3 Overview of submissions

20. A total of 31 rezoning submissions were received within the Hamilton Fringe. A small number of submitters prepared evidence, which was largely limited to planning evidence (with a soils assessment appended).
21. Given the large geographical area covered by this topic, I have divided the submissions in the Hamilton Fringe into geographical areas shown in **Figure 5** below – Puketaha (blue), Ruakura (yellow), Tamahere (red) and Matangi (green).
22. In Matangi, the submissions generally sought to rezone Rural to a more intensive zone (i.e. Country Living, Village or Residential), while in Tamahere the submissions largely sought a Rural to Country Living Zone change. Ruakura is a single submission seeking a large industrial zoning (from Rural). In Puketaha there are three submissions, one seeking an extensive tract of Future Urban-Zoned land, another seeking a spot Business zoning and the third a rezoning of land within the Waikato Expressway to Residential (all Puketaha sites are currently zoned Rural).

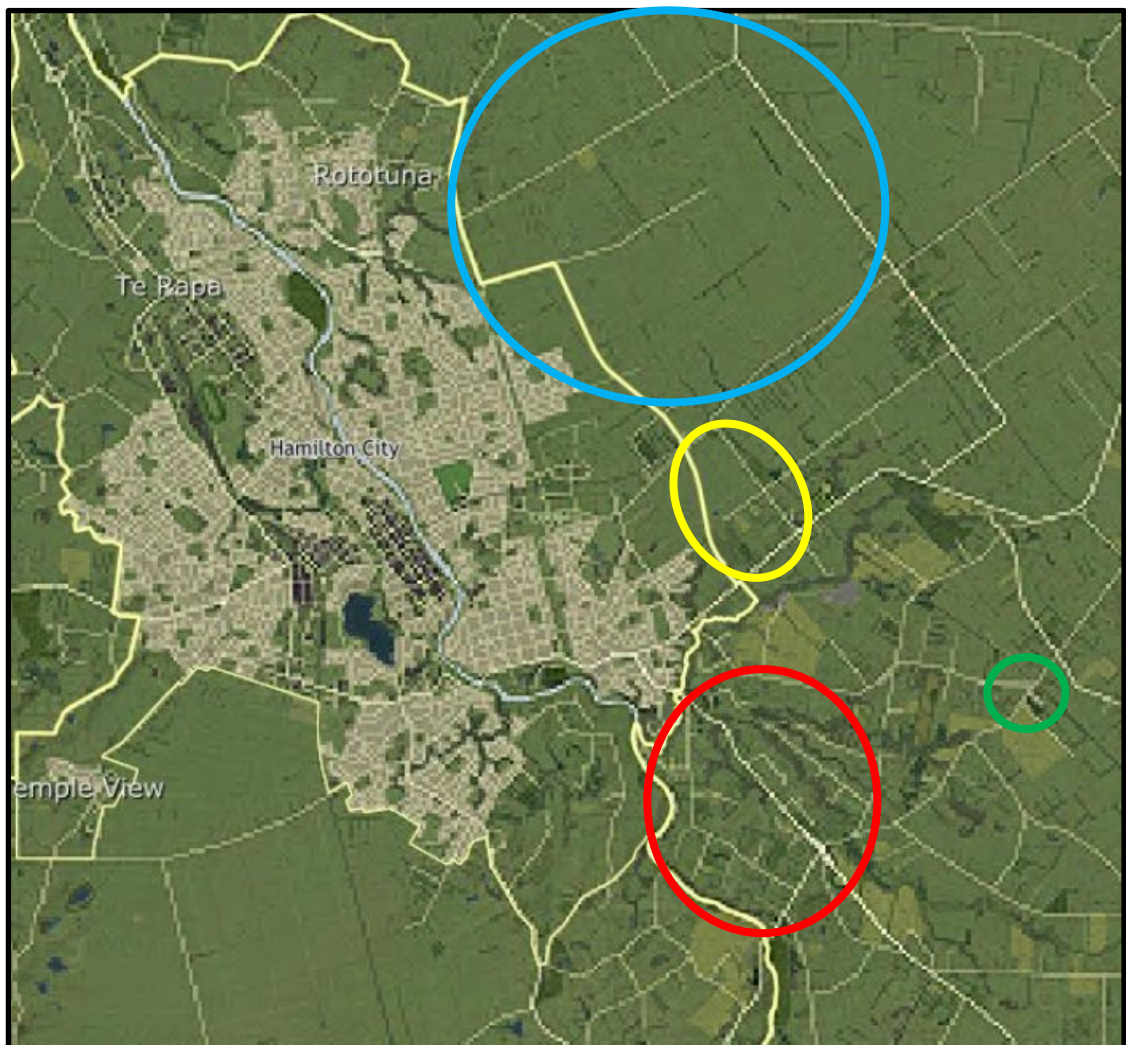


Figure 5: Submission clusters

## 2.4 Structure of this report

23. As noted above, I have divided the submissions in the Hamilton Fringe into geographical areas – Puketaha, Ruakura, Tamahere and Matangi.
24. For Matangi, I have further divided submissions into those within the urban limits (as shown in the Waikato Regional Policy Statement (WRPS), Map 6C) and those submissions outside the urban limits. For Tamahere, I have assessed all the requests for a Country Living Zone and a Village Zone together (being requests for a rural residential outcome). Lastly, for Puketaha, I have considered the two submissions outside the Waikato Expressway together and the submission seeking to rezone land inside the Waikato Expressway on its own.

## 2.5 Procedural matters

25. The statutory framework was considered by the Panel in a recent pre-hearing conference on 5th March 2021. Following this pre-hearing conference, the Panel issued a minute dated 15 March 2021 regarding the s42a Framework Report and provided further direction regarding the correct statutory tests for District Plan development. The minute includes reference to the tests set out in Appendix I to Council's opening legal submissions. This Appendix has since been updated by legal counsel following the pre-hearing conference and has been used to guide the drafting of this report.
26. At the time of writing this report, no other pre-hearing meetings, Clause 8AA meetings, or further consultation on the submissions relating to the Rest of District – Hamilton Fringe rezonings had been held.
27. There are no outstanding procedural matters to consider for this hearing.

## 3 Statutory framework

28. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for the Council (23 September 2019) and the opening planning submissions for the 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 (NPS-UD)

29. Clause 1.3 of the NPS-UD directs that the NPS-UD applies to *“all local authorities that have all or part of an urban environment within their district or region (i.e., tier 1, 2 and 3 local authorities); and planning decisions by any local authority that affect an urban environment”*. An urban environment is defined in the NPS as:  
  
*“any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*  
  - (a) is, or is intended to be, predominantly urban in character; and*
  - (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people”*
30. Future Proof 2017 states that the Hamilton urban area includes the Gordonton, Te Kowhai, Whatawhata, Horotiu, Tamahere-Tauwhare, Matangi, and Taupiri Census Area Units<sup>3</sup>. I consider this to be a sufficient directive that Tamahere and Matangi can be considered to be

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<sup>3</sup> Future Proof 2017, page 95

part of the wider Hamilton urban environment and because of this, the NPS-UD is relevant to the assessment of rezoning requests within these settlements.

31. With regards to Puketaha and Ruakura, I consider that, due to their Hamilton Fringe location and the clear interplay between the Fringe and Hamilton City, these too fall within the Hamilton City urban environment.
32. I have focused my assessment below on Objectives 1 – 8 of the NPS-UD, where Objective 1 directs that urban environments need to be well functioning, and Objectives 2 – 8 and Policy 1, in my opinion, provide the framework or factors for achieving a well-functioning urban environment. My assessment also focuses on Clause 3.2 of the NPS-UD which is critical for achieving ‘sufficient’ development capacity (Policy 2).

### 3.2 National Policy Statement on Electricity Transmission

33. The National Grid passes in close proximity to the southern side of Matangi village, including both 220kV and 110kV transmission lines. The transmission lines adjoin land subject to rezoning submission. The National Grid (110kV) also passes through the area of land at Puketaha that David Yzendoorn [292.3] is seeking to have rezoned.
34. Accordingly, the NPS-ET is considered relevant, specifically Policies 10 and 11 which seek to manage the adverse effects of third parties on the transmission network.

### 3.3 Waikato Regional Policy Statement

35. I consider the WRPS objectives relating to ‘High class soils’ and ‘Built environment’ to be most relevant to the rezoning requests in the Hamilton Fringe.

#### High class soils

36. Objective 3.26 of the WRPS states: *“the value of high class soils<sup>4</sup> for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development”*. Of relevance, this is supported by Policy 6.1 which seeks to ensure planned and co-ordinated subdivision, use and development and Policy 14.2 which seeks to avoid the decline of high class soils due to inappropriate subdivision, use or development. I consider that this objective and related policies are relevant when considering any request to rezone rural land for a higher intensity use within the rural environment. Class I, II and III soils within the District are shown in **Figure 6** below (green hatching); they are primarily confined to the northern and eastern parts of the District.

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<sup>4</sup> High class soils are defined in the Waikato Regional Policy Statement as: *“those soils in Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability Class IIIe1 and IIIe5, classified as Allophonic Soils.”*

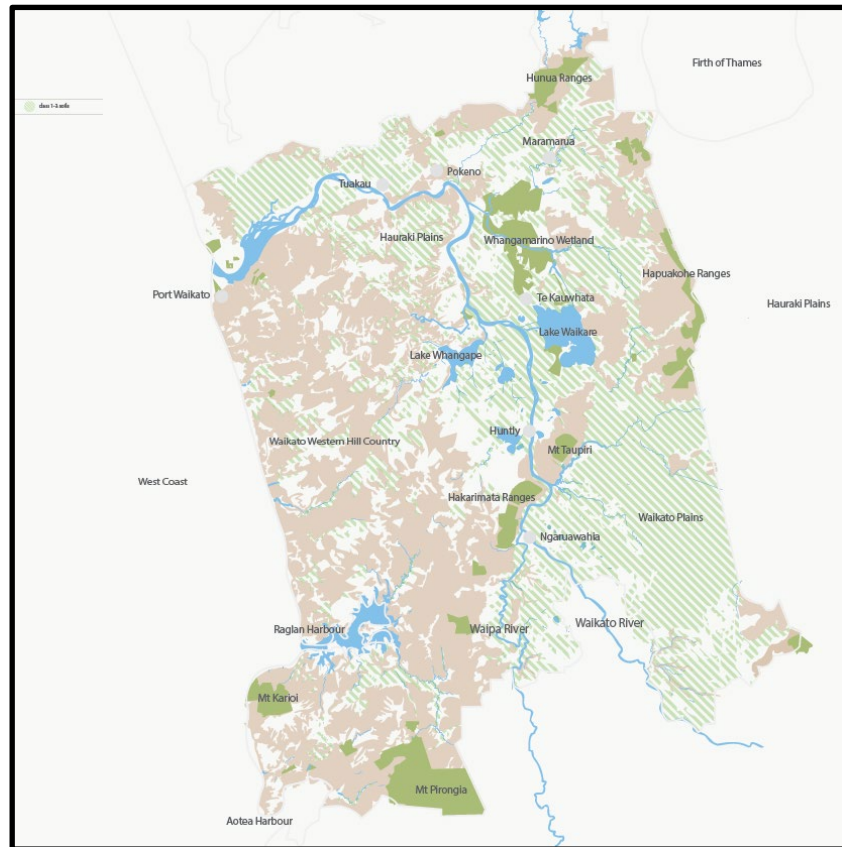


Figure 6: WDC high class soils (source: Waikato 2070)

### Built environment

37. Objective 3.12 states “Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes...” With respect to the rezoning of rural land in the Hamilton Fringe, the following supporting policies are considered relevant: Policy 6.1 (Planned and co-ordinated subdivision, use and development), Policy 6.3 (Co-ordinating growth and infrastructure), Policy 6.5 (Energy demand management), Policy 6.6 (Significant infrastructure and energy resources), Policy 6.14 (Adopting Future Proof land use pattern), Policy 6.15 (Density targets for Future Proof Area) and Policy 6.17 (Rural-residential development in Future Proof Area).

### Specific RPS directions relevant to the Hamilton Fringe

38. On a more specific level, I note the following direction provided by the WRPS with respect to Matangi, Puketaha, industrial development and rural residential development:

### Matangi

39. In Policy 6.14(a)<sup>5</sup> the WRPS recognises Matangi as a growth area and shows the urban limits on Map 6.2<sup>6</sup> (Figure 7) as follows:

<sup>5</sup> Waikato Regional Policy Statement, Policy 6.14, page 6-20

<sup>6</sup> Waikato Regional Policy Statement, Section 6C, Map 6-2, page 6-31



Figure 7: Urban Limits (source Waikato Regional Policy Statement)

40. In order to give Map 6.2 more meaning (i.e. to better understand the extent of land within the urban limits), I have relied on the Proposed Matangi Village concept plan<sup>7</sup> (see **Figure 8**), which has a zoomed-in image of the urban limit extents (shown in purple dotted line), which mirror those found in both the VRPS (and Future Proof).
41. The area of land within the urban limits is approximately 70ha, of which approximately 50ha is zoned Rural.

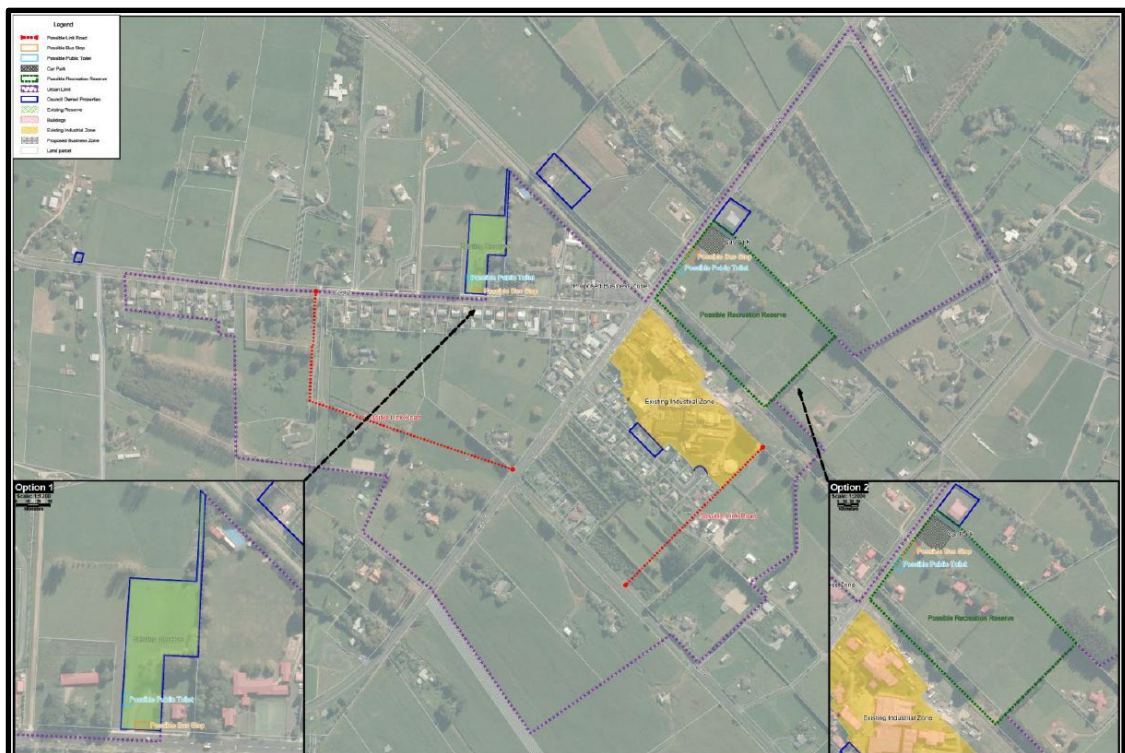


Figure 8: Proposed Matangi Village concept plan, Community Plan 2013 - 2023

<sup>7</sup> Community Plan 2013 – 2023, page 24

42. At Policy 6.15<sup>8</sup>, the density targets for the Future Proof urban growth areas are listed. I note that Matangi's requirement would be 8 – 10 households per hectare provided that it was serviced. I have corresponded with the Council about the existing services in Matangi<sup>9</sup>, and they have advised that this is at capacity and there are no plans to expand capacity.

### Puketaha

43. The land at Puketaha inside the Waikato Expressway, known as the 'R2 growth cell' is identified for future urban growth, i.e. it sits within the urban limits indicated on Map 6.2<sup>10</sup> and outlined in red on **Figure 9** below:

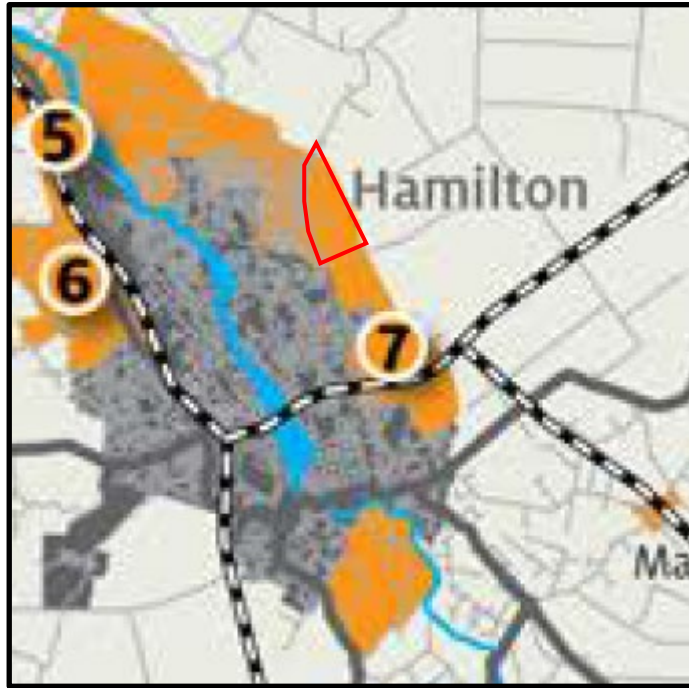


Figure 9: Urban Limits (source Waikato Regional Policy Statement)

### New industrial development

44. Policy 6.14(c) states that “new industrial development should predominantly be located in the strategic industrial nodes in Table 6-2 (section 6D) and in accordance with the indicative timings in that table except where alternative land release and timing is demonstrated to meet the criteria in Method 6.14.3”<sup>11</sup>.
45. In Section 6D of the WRPS, the Ruakura Industrial node is identified as “part of an 820ha parcel of land that has been identified by Hamilton City for future urban growth, known as the R1 growth cell”. Given that the Ruakura Industrial Node has been specifically identified by Hamilton City Council, the rezoning of land that sits adjacent to the strategic industrial node is considered to be outside the node and therefore must fall to be assessed pursuant to Method 6.14.3 (Criteria for alternative land release)<sup>12</sup>.

<sup>8</sup> Waikato Regional Policy Statement, Policy 6.15, page 6-22

<sup>9</sup> Email dated 25 February 2021 from Mark Davey

<sup>10</sup> Waikato Regional Policy Statement, Section 6C, Map 6-2, page 6-31

<sup>11</sup> Waikato Regional Policy Statement, Policy 6.14, page 6-20

<sup>12</sup> Waikato Regional Policy Statement, Policy 6.14.3, page 6-21

## Rural residential development

46. Policy 6.17<sup>13</sup> (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, this includes eight principles specific to rural residential development, being:
- 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) *minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;*
  - g) *be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and*
  - h) *be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.*
47. In terms of implementing Policy 6.17, the WRPS states that district plan provisions and growth strategies will strictly limit rural residential development in the vicinity of Hamilton City<sup>14</sup>, and appropriate agreements will be reached with Hamilton City about the servicing of such development<sup>15</sup>.

## 3.4 Future Proof 2017

48. The Future Proof settlement pattern aims to achieve a more compact and concentrated urban form over time. This directs growth into key areas within defined urban limits. Tamahere, Matangi and the R2 growth cell are located in / defined by urban limits.
49. With respect to Rural Areas, Future Proof acknowledges that rural residential living is best located in and around existing settlements but should not result in the fragmentation of high class soils<sup>16</sup>. The document recognises the likely adverse effects from unmanaged rural residential development including compromising the productivity of rural land, reverse sensitivity issues and increased infrastructure and servicing costs<sup>17</sup>.
50. Future Proof 2017 lists the following principles for rural areas:
- *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.*

<sup>13</sup> Waikato Regional Policy Statement, Policy 6.17, page 6-24 and 6-25

<sup>14</sup> Waikato Regional Policy Statement, Implementation method 6.17.1, page 6-25

<sup>15</sup> Waikato Regional Policy Statement, Implementation method 6.17.2, page 6-25

<sup>16</sup> Future Proof 2017, page 60

<sup>17</sup> Future Proof 2017, page 60

- Protect versatile and quality farmland for productive purposes through the provision of limited rural lifestyle development around existing towns and villages and encouraging a more compact urban footprint<sup>18</sup>.

51. Future Proof includes key information relating to the Hamilton Fringe, specifically:

### **Matangi**

52. With respect to Matangi, Future Proof 2017 shows urban limits (village limits) consistent with the WRPS Map 6.2 (see **Figure 10** below). With respect to the management of village limits, the document states:

*“Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Taupiri, Gordonton, Whatawhata, Te Kowhai, Matangi, Tamahere and Horotiu. These are shown on Maps 1 and 2 but are still indicative and will remain so until further development analysis, for example District Plan review or structure planning has been completed. The expectation is that land within an indicative village limit may be developed to a rural-residential density only unless reticulated wastewater is available, with a single commercial centre providing for the daily convenience needs of residents in the immediate area.*

*The Waikato District is currently facing significant pressures in relation to some of its villages. This is likely to intensify post the Waikato Expressway completion in 2020. To manage this, show leadership and avoid a potential proliferation of private plan changes, it is intended to further investigate whether it is desirable to select one or two villages and prioritise these for future growth and servicing. This approach would see future development being concentrated in one or two existing villages (including Te Kowhai) rather than being scattered across a number of areas. This will be investigated as part of Phase 2 of the Strategy Update in 2018, noting that the Future Proof partners would need to agree to this approach”<sup>19</sup>.*

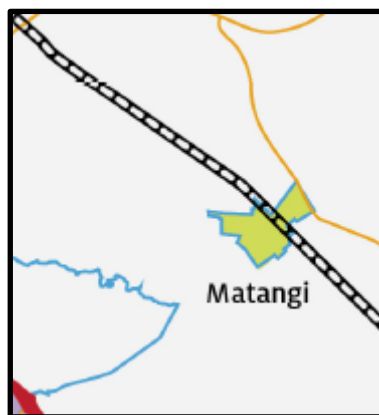


Figure 10: Future Proof Settlement Pattern (Future Proof 2017)

53. Furthermore, Future Proof states that “future zoning in the villages within the Hamilton urban area will be identified as part of a Structure Plan/Concept Plan process in conjunction with the NPS Urban Development Capacity project work. More detailed planning for these will be done at an appropriate time”<sup>20</sup>. I understand that Stage 2 of the Future Proof review is due to be notified mid this year. I assume that this work will assess the NPS-UD growth requirements for the

<sup>18</sup> Future Proof 2017. Page 60

<sup>19</sup> Future Proof 2017, page 33

<sup>20</sup> Future Proof 2017, page 95

sub-region and decide whether it is time to consider channelling some growth into the villages<sup>21</sup>.

54. Matangi has approximately 50ha of available capacity within its urban limits.

### Tamahere

55. Future Proof also identifies village limits for Tamahere (see **Figure 11** below where the thin blue line sets the urban limit for Tamahere). On the western side of State Highway 1, the urban limits extend from the existing State Highway 21 (Airport Road) north to the Hamilton City boundary. The existing Country Living Zone (with the small area of Tamahere Business Zone) covers all land within the urban limits, accordingly there is limited growth capacity within the Tamahere urban limits.
56. Additionally, Future Proof 2017 identifies Tamahere as a possible expansion area that may, in time, move from Waikato District's jurisdiction into the Hamilton City jurisdiction. The land is shown in purple in **Figure 11** below and takes in all the land bound by the new Waikato Expressway, State Highway 1 and the land located between the Southern Links network designation and the existing Hamilton City boundary along Peacocke Road. Note that there is a difference between the possible expansion and the urban limits, with the latter only extending to existing State Highway 21 (or Airport Road).

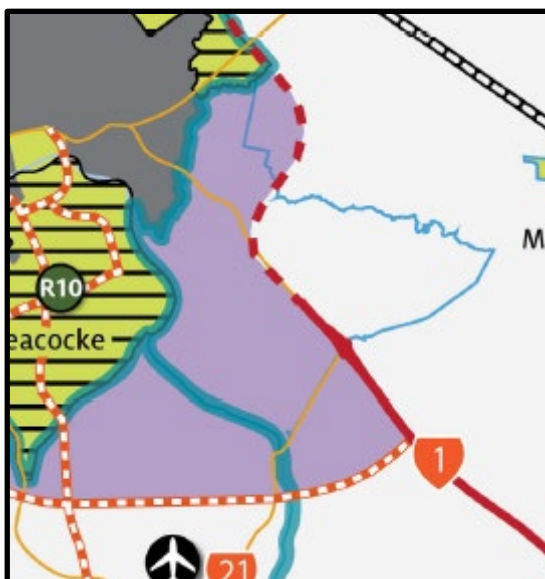


Figure 11: Possible City Expansion Area (in purple) (source Future Proof 2017, Map 2)

57. With regards to Hamilton City Council's 'Area of Influence', for which there is no Future Proof map, but of which the Possible City Expansion Area can reasonably be considered a part, Future Proof says: "it is important that any development close to the boundary with Hamilton City is of a form and scale that it can be integrated into the City's infrastructure networks in the future. The Future Proof partners will need to ensure that this land that has long-term strategic importance is not used up for rural-residential or other development"<sup>22</sup>.

<sup>21</sup> The villages are defined as Gordonton, Te Kowhai, Whatawhata, Horotiu, Tamahere-Tauwhare, Matangi, and Taupiri in Future Proof 2017, page 95

<sup>22</sup> Future Proof 2017, page 33

## Puketaha

58. The land at Puketaha inside the Waikato Expressway is identified for future urban growth (see **Figure 12** below). This area of land is specifically identified as “Future Hamilton Greenfield growth cell R2”.

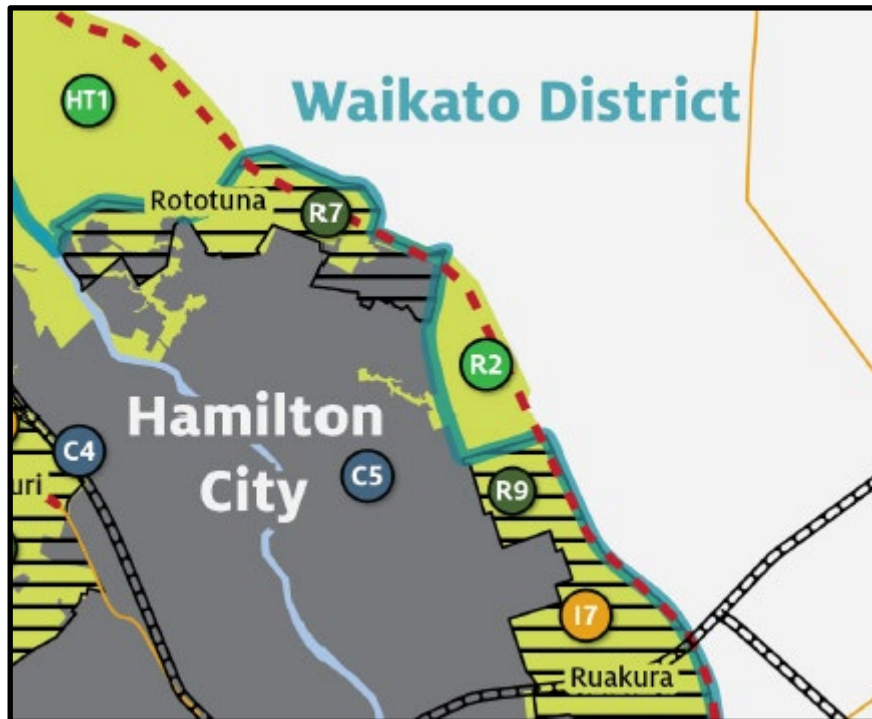


Figure 12: Future Proof Settlement Pattern (Future Proof 2017)

59. Future Proof provides direction for the R2 growth cell, specifically that it is identified in the Strategic Agreement (2005) between Hamilton City Council and Waikato District<sup>23</sup> and that it will be transferred to Hamilton in 2039<sup>24</sup>. However, the strategic agreement should be responsive to the timing of this transfer, taking into consideration triggers, circumstances and opportunities<sup>25</sup>.
60. With regards to the growth cells more generally, Future Proof notes that structure planning for all growth cells should be based on principles of high quality urban design<sup>26</sup> and ensure that infrastructural needs are met<sup>27</sup>.

## 3.5 Hamilton to Auckland Corridor Plan and the Metro Spatial Plan

61. The Future Proof 2017 document is currently under review and the next iteration will take into account, amongst other things, the Hamilton to Auckland Corridor Plan (November 2020) and the Metro Spatial Plan (September 2020). These documents are non-statutory and, as their outcomes have not been adopted into the WRPS, I consider that they have limited weighting.
62. Of relevance to the Puketaha and Ruakura, the Hamilton to Auckland Corridor Plan recognises a band of land sweeping around the western side of the new Waikato Expressway

<sup>23</sup> Future Proof, page 16

<sup>24</sup> Future Proof, page 91.

<sup>25</sup> Future Proof, page 43 and 57

<sup>26</sup> Future Proof. Page 63

<sup>27</sup> Future Proof, page 78

(from Rototuna to Ruakura) as Potential future urban (see the purple hatching in **Figure 13** below).

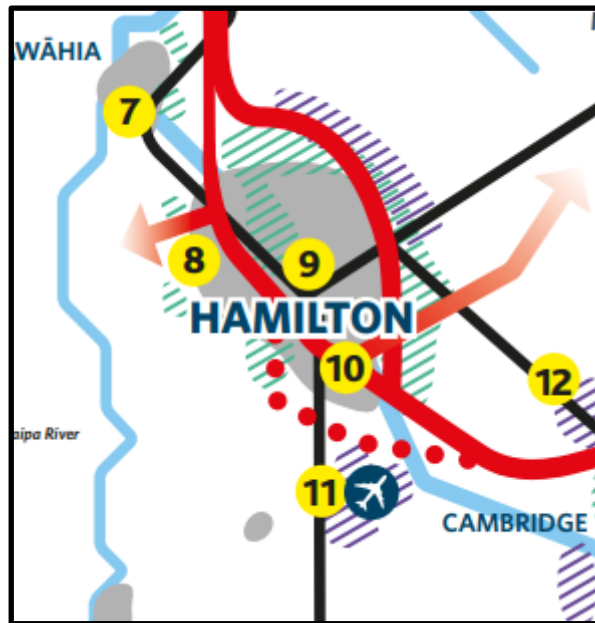


Figure 13: Spatial intent (source: Hamilton to Auckland Corridor Plan)

63. With respect to Ruakura, the Metro Spatial Plan notes the following as Tier One Implementation Initiatives for the Central Corridor Priority Development Area<sup>28</sup>:
- Progress the rezoning of the Tramway Block to provide for initial re-purposing of industrial land for higher density residential development.
  - Investigate alternative land use arrangements for the longterm development of Ruakura, including to the east of the Waikato Expressway.
64. I consider this further below when assessing the rezoning request by Tainui Holdings Group Limited [341.1].
65. With respect to the R2 growth cell in Puketaha, the Metro Spatial Plan notes that future growth areas (including R2) will be planned in order to service the everyday needs of the growing neighbourhoods<sup>29</sup> with net target densities of 30-50 dwellings per hectare<sup>30</sup>.

### 3.6 Waikato 2070

66. Waikato 2070 points to the high class soils and the significant contribution that the rural environment makes to the local economy as opportunities for the District<sup>31</sup>. The Strategy sets out a number of Development Plans for settlements throughout the District, however none of these are located in the Hamilton Fringe.
67. It is significant that Waikato 2070 does not anticipate or provide for further large-scale urban growth over the next 50 years in close proximity to Hamilton City. This is not to say that such growth is not contemplated in the long term, but rather that detailed spatial planning for the Hamilton Fringe area (and potential servicing of such) is expected to occur through other processes such as the regular review of the Future Proof strategy and the Metro Spatial Plan,

<sup>28</sup> Metro Spatial Plan, page 41

<sup>29</sup> Metro Spatial Plan, page 26

<sup>30</sup> Metro Spatial Plan, page 32

<sup>31</sup> Waikato 2070, page 14

and with urbanisation immediately adjacent to Hamilton City's current territorial boundary ultimately led by Hamilton City Council.

68. The focus of Waikato 2070 is therefore very much on the townships located beyond Hamilton Fringe.

### 3.7 Proposed district plan policy direction

69. While there is a small amount of urban-zoned land within the Hamilton Fringe, the area is, by and large, a rural one (or one that has been developed to Country Living densities in the case of Tamahere). No new urban growth areas in Hamilton Fringe were contemplated in the Proposed Plan, and therefore there are no policies specifically providing for such growth, or that provide specific direction of the anticipated outcomes (as is the case for the main towns which are each subject to their own policy in Chapter 4).
70. Urban growth management in the Hamilton Fringe area is therefore simply subject to the strategic directions set out in Chapter 1 and 4 (primarily) regarding how urban growth is to be managed. These strategic objectives are relevant to the Hamilton Fringe submissions because they all seek to rezone Rural land for urban development.
71. Following direction from the Panel dated 17th March 2021, it is recognised that the Proposed Plan policy framework is itself subject to numerous submissions and therefore has not yet been settled. Ultimately the Panel will need to arrive at a zone pattern and policy approach to urban growth management that is both internally consistent, and more importantly gives effect to the higher order documents discussed above.
72. At this point in the process, it is simply noted that there is no specific policy direction for Matangi, Tamahere, or the Hamilton Fringe areas, beyond the general policy direction that applies to urban growth management and the outcomes sought for the specific zones themselves i.e. the suite of policies in the Village, Country Living, and Rural Zones.
73. The only specific policy direction regarding Hamilton Fringe is for those areas that are identified as being within the Hamilton Urban Expansion Area (UEA). These areas are generally located between the existing Hamilton City territorial boundary and the Waikato Expressway. It is intended that ultimately these areas will transfer from being within Waikato District to forming part of Hamilton City's territorial boundary. The proposed policy framework for the UEA is:

#### *5.5.1 Objective – Hamilton's Urban Expansion Area*

- (a) Protect land within Hamilton's Urban Expansion Area for future urban development.*

#### *5.5.2 Policy – Activities within Hamilton's Urban Expansion Area*

- (a) Manage subdivision, use and development within Hamilton's Urban Expansion Area to ensure that future urban development is not compromised.*

74. This objective and related policy are implemented by rules set out in Chapter 22, which I will discuss in section 4 below when I address the rezoning of the R2 growth cell.

## 4 Puketaha

### 4.1 Submissions

75. There were three submissions (with 14 further submissions) made to rezone land in the Puketaha area, summarised as follows:

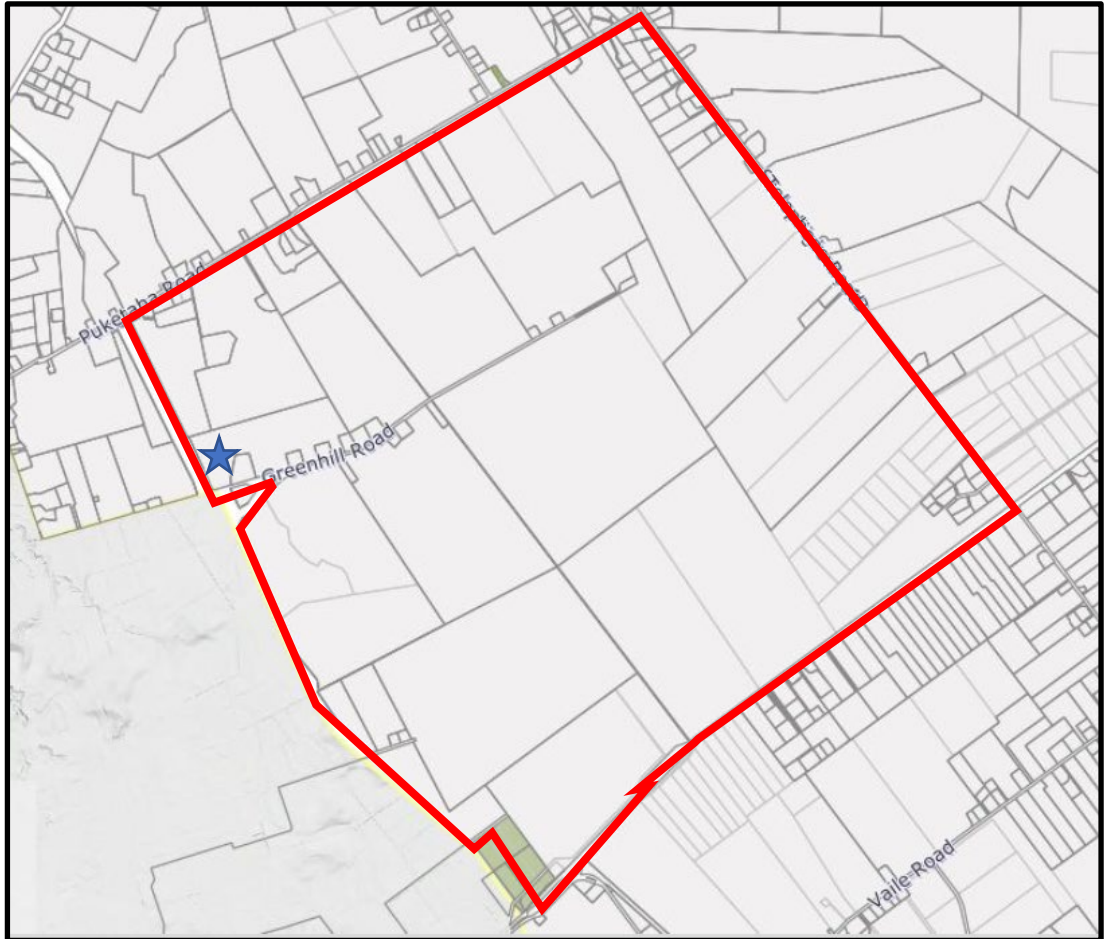
Submission point	Submitter	Decision requested
292.3	David Yzendoorn for David and Barbara Yzendoorn	Amend the zoning of the properties between Gordonton Road, Greenhill Road and the Waikato Expressway (including 83 Greenhill Road, Puketaha) from Rural Zone to Residential Zone.
<i>FSI277.11</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FSI379.59</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FSI386.298</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
344.3	Burton Trust	Identify the area bound by the new Waikato Expressway, Puketaha Road, Telephone Road and Holland Road as Future Urban Zone.
<i>FSI252.4</i>	<i>AH &amp; DB Finlay Limited</i>	<i>Support</i>
<i>FSI254.4</i>	<i>Wattle Downs Limited</i>	<i>Support</i>
<i>FSI256.4</i>	<i>Moeraki Farm Limited</i>	<i>Support</i>
<i>FSI260.4</i>	<i>K Badger and WR Badger Estate</i>	<i>Support</i>
<i>FSI270.2</i>	<i>Malcolm MacDonald</i>	<i>Support</i>
<i>FSI324.4</i>	<i>Robyn Ballard</i>	<i>Support</i>
<i>FSI277.15</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FSI379.383</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FSI386.480</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
422.1	Malcolm McDonald	Amend the zoning of part of the property located at 133 Greenhill Road, Puketaha from Rural Zone to Business Zone with an overlay of Motorway Service Area.
<i>FSI202.111</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>
<i>FSI379.135</i>	<i>Hamilton City Council</i>	<i>Oppose</i>

### 4.2 Analysis

76. All rural land proposed for rezoning in the Puketaha area outside the Waikato Expressway is shown in red in **Figure 14** below. The land sought by Malcolm McDonald [422.1] to be

rezoned sits within the wider area identified by Burton Trust [344.3] and is marked with a blue star in **Figure 14**.

77. A third submission by David Yzendoorn [292.3] is seeking to rezone the R2 growth cell. This land is shown in red in **Figure 15** below.



*Figure 14: Puketaha, land to be rezoned outside the Waikato Expressway*

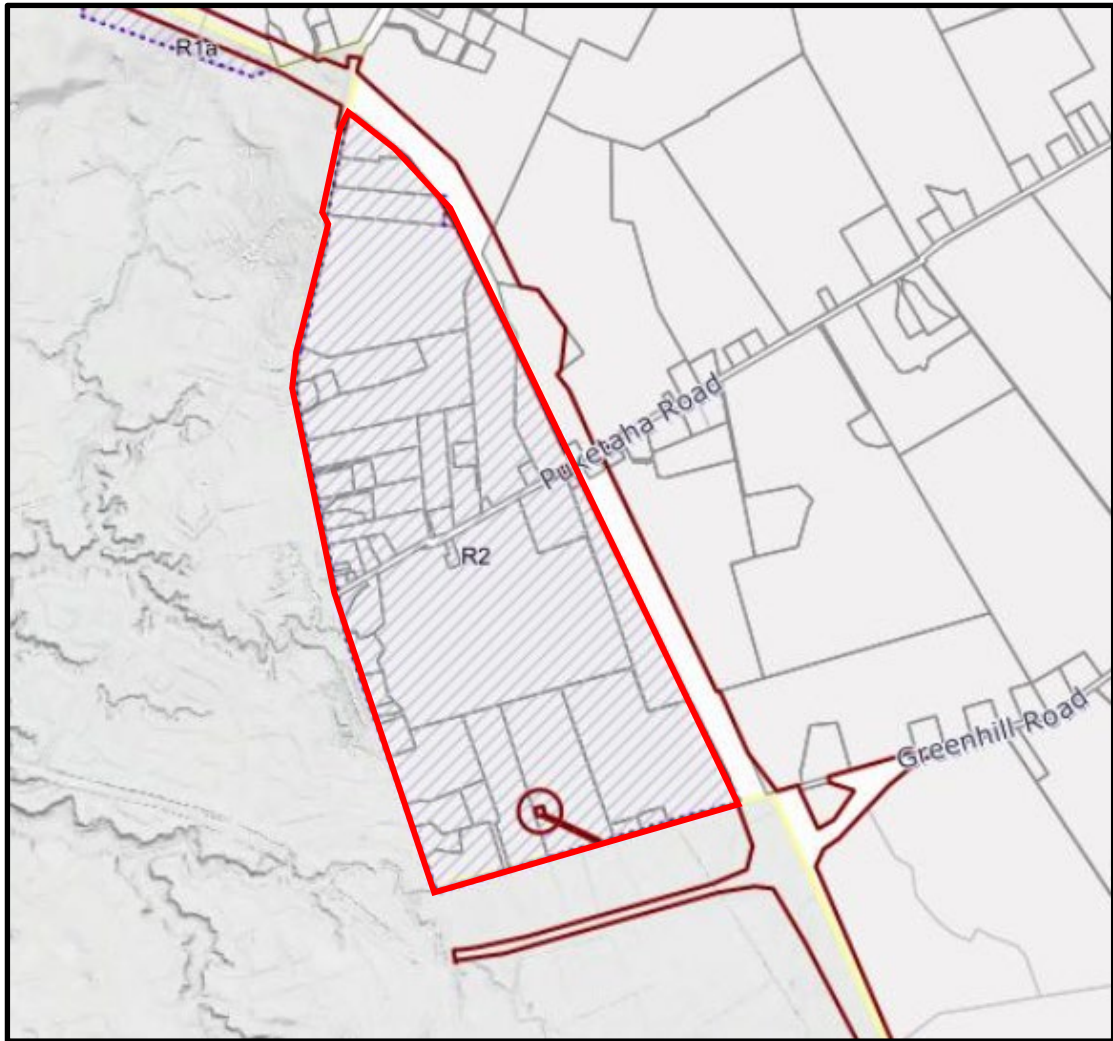


Figure 15: Puketaha, the R2 growth cell

### Land outside the Waikato Expressway

78. As noted in section 3.1 of this report, the Hamilton Fringe is considered part of the Hamilton urban environment. Accordingly, the NPS-UD is relevant to these submissions. There is insufficient detail in the submissions to determine matters such as housing affordability, demand, amenity outcomes and climate responsiveness, and therefore I have to conclude that the submissions to rezone are inconsistent with many of the NPS-UD objectives. However, I do acknowledge that Puketaha will be well serviced by the new Waikato Expressway, and the area is therefore consistent with Objective 3(b) of the NPS-UD.
79. With regards to the servicing of land, the NPS-UD directs that urban development (in this case in the form of a Future Urban Zone) needs to integrate with infrastructure planning (as also directed by WRPS Policy 6.3 and PDP Policy 4.1.4). Furthermore, in order to be contemplated for urban development, land must be infrastructure ready<sup>32</sup>. I consider that rezoning the land (even to a Future Urban Zone) at this time would be inconsistent with Objective 6 and Clause 3.2 of the NPS-UD and would be committing the Council to infrastructure investment that, at this time, has not yet been planned or budgeted for. Overall, I do not consider that the rezoning requests give effect to the NPS-UD.

National Policy Statement – Urban Development, <sup>32</sup> Clause 3.2(1)(b), page 14

80. I do acknowledge that growth in this area may be pursued in time (as indicated by the Hamilton to Auckland Corridor Plan); however, given the non-statutory status of this document I consider that only limited weight can be applied to the possible growth outcomes forecast for this area of the Waikato District. I note that both the NPS-UD (clause 8) and the WRPS (Implementation Method 6.14.3) contemplate out-of-sequence development, or changes to growth areas following capacity reviews. Such development must still result in a well-functioning urban environment and be capable of providing significant capacity. A key element of such provision is that the additional capacity must be capable of being serviced by 'development infrastructure' which is, by definition, to be both reticulated and Council-held. It may be that in the future once the provision of reticulated servicing is further progressed that urban development of this area is appropriate in combination with updated capacity and urban form review such as the regular updating of the Future Proof Strategy.
81. The rezonings sought by the McDonald [422.1] and Burton [344.3] submissions represent urban growth (or 'banked' urban growth as is the case with a Future Urban Zone) beyond the current 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. Rezoning will likewise not give effect to the urban form anticipated in Map 6C.
82. Both submissions seek to rezone land that is identified as high class soils, which is inconsistent with the WRPS, specifically Objective 3.26. To use the Puketaha land for urban purposes would not be protecting the soils from inappropriate subdivision, development and use. In this case, I consider that the two submissions represent inappropriate subdivision, development and use because they are seeking to use land outside of the urban limits for urban development.
83. With respect to the strategic objectives of the Proposed District Plan, the submissions do not represent urban development within a defined area (Objective 1.12.8(b)(i)), as such it cannot be considered an efficient use of land. I note that the Business Zone proposed by Malcolm McDonald [422.1] would be serviced entirely on site<sup>33</sup>, which would place further potential burden on the land resource if additional farmland were used for servicing the site (rather than productive rural activities). Lastly, because the submissions seek to rezone land outside the urban limits, it cannot be considered compact or sustainable (Objective 1.12.8(b)(ii)); however, given the location immediately adjoining Hamilton City, I consider that (with appropriate integration) the rezonings are appropriately focused on an existing urban environment (Objective 1.12.8(b)(iii)).
84. Given that the land sits outside the urban limits and has a Rural zoning, it is appropriate to consider how the rezoning accords with the Proposed District Plan Chapter 5 objectives and policies, in particular the protection of high class soils for rural productive activities and avoiding urban subdivision, use and development.
85. I consider that both a Business Zone with a Motorway Service Centre overlay (developed on LUCII soils<sup>34</sup>) and a Future Urban Zone (extending across high class soils) are inconsistent with the proposed rural objectives. In particular, Objective 5.1.1(a)(i), which doesn't just seek to avoid inappropriate urban subdivision, use and development (as the WRPS does), but all urban subdivision, use and development within the rural environment; as well as Objective 5.2, which seeks to maintain or enhance the productive versatility of rural resources; or Objective 5.3.1, which seeks to maintain the rural character and amenity. I note that this last objective lacks detail to enable a full assessment of rural character and amenity and I understand that this was a matter raised at the rural zone hearings; however, given that urban

<sup>33</sup> Evidence of Ms Tracey Morse, table below para 14 (no page number given)

<sup>34</sup> Soils report (page 4), prepared by Dave Miler of AgFirst and submitted as evidence on behalf of Malcolm McDonald

development of rural land is proposed, I consider it to be inherently inconsistent with the rural character and amenity.

86. Lastly, I acknowledge that a Future Urban Zone allows for the ongoing use of land for rural activities and this sets in place appropriate mechanisms for the land to be developed for urban purposes in time. However, I consider that the idea of allowing urban expansion into this part of the District is really only in its infancy. I consider that very limited weighting can be applied to the outcomes set out in the Hamilton to Auckland Corridor Plan and accordingly, it would be inappropriate to override the proposed objectives and policies, which give effect to the relevant high class soils and built environment objectives of the WRPS.

#### **Additional comments on the McDonald submission (in response to evidence)**

87. Evidence to support the rezoning of 133 Greenhill Road was provided on behalf of Malcolm McDonald, including the planning evidence of Tracey Morse and a soils assessment by Dave Miller of AgFirst.
88. In her evidence, Ms Morse notes that the development proposed by Malcolm McDonald [422.1] is a planned encroachment into the rural environment<sup>35</sup>. I disagree with Ms Morse, as the proposed Motorway Service Centre development is not occurring within an area identified for urban growth, i.e. it is outside the urban limits prescribed by the WRPS (and Future Proof) and accordingly does not represent planned development.
89. Ms Morse considers that the proposed Motorway Service Centre will consolidate growth around the existing Puketaha village<sup>36</sup>. I do not agree with Ms Morse in this regard. Notwithstanding the settlement pattern directed by the WRPS and Future Proof, I consider Puketaha to be a rural community (zoned entirely Rural), rather than a village (which signals, at the very least, an existing low level of urban development).
90. I acknowledge that a site adjoining the motorway is an inherent functional requirement of a Motorway Service Centre<sup>37</sup>. However, in the absence of a traffic impact statement, I do not consider that the traffic effects of the proposed Motorway Service Centre have been adequately addressed by the proponent to determine the appropriateness of rezoning this site for the express purpose of a Motorway Service Centre (as would be the outcome if the Business Zone with overlay were accepted). In the absence of a suitable assessment of effects, it would be inappropriate to proceed with the rezoning of the site.

#### **The R2 growth cell**

91. Given that the R2 growth cell is already planned for growth, with an appropriate agreement in place between Hamilton City Council and Waikato District Council<sup>38</sup> to enable this land to be transferred into Hamilton City's territorial boundary when demand requires, I consider that the development of this land for residential purposes will give effect to the NPS-UD in time. The following discussion therefore addresses the matter of timing and whether the District Plan review is the appropriate mechanism for rezoning the land.
92. As shown in **Figures 9 and 12** above, both the RPS and Future Proof anticipate that the R2 growth cell will be developed for urban purposes. The RPS provides little direction as to when this might happen; however Future Proof directs that the land will be transferred no later than

<sup>35</sup> Evidence of Ms Tracey Morse, table below para 14 (no page number given)

<sup>36</sup> Evidence of Ms Tracey Morse, table below para 14 (no page number given)

<sup>37</sup> Evidence of Ms Tracey Morse, table below para 14 (no page number given)

<sup>38</sup> Future Proof, page 16

2039<sup>39</sup> but notes that the Strategic Agreement should be updated to identify appropriate triggers or considerations for transfer.

93. Last year, following the release of Future Proof 2017, Hamilton City Council and Waikato District Council updated the Strategic Agreement (executed on the 5th of November 2020). This directs that the transfer of land will take into account the impacts of growth on HCC, strategic infrastructure decisions affecting HCC, various (specified) financial considerations and the outcomes of a range of strategic land use planning processes, including Future Proof, the Hamilton - Auckland Corridor Plan and the Hamilton - Waikato Metropolitan Spatial Plan. The revised agreement removed the 2039 date previously specified in the 2005 agreement, but I understand that the intention now is for the transfer to occur sooner than the original 2039 target.
94. Future Proof also notes that the future growth cells need to be subject to a structure planning process with a focus on urban design, transport<sup>40</sup> and infrastructure needs<sup>41</sup>. Council advised<sup>42</sup> that, to date, neither Hamilton City Council nor Waikato District Council has completed any structure planning for the R2 growth cell. I would anticipate that this process would occur at a time that aligns with the transfer process, as well as a Schedule 1 process that would bring the land into the Hamilton City Plan with a suitable zoning in place.
95. The local provisions relevant to this request to rezone the R2 growth cell to Residential are Objective 5.5.1 and Policy 5.5.2 (noted at para 74 of this report). These seek to protect land within the UEA for future development by managing subdivision, development and use. These policies are largely implemented by Rules 22.1.5(NC4) and 22.4.1.1(PRI).
96. Rule 22.1.5(NC4) places a more onerous (non-complying) activity status on certain activities that would otherwise be restricted discretionary or discretionary in the Rural Zone, namely intensive farming, the storage, processing or disposal of hazardous waste, correctional facilities, extractive industry, industrial activity, motorised recreation activity, and transport depots. These activities have a longevity to them (either by way of capital cost, or environmental effect) that would make transitioning the land to a residential use difficult or costly. Rule 22.4.1.1(PRI) prohibits the subdivision of land in the UEA that would create additional lots.
97. Given the strategic agreement in place that will ultimately see this land transferred into the Hamilton City Council jurisdiction for future urban growth, I consider that the proposed UEA overlay with associated rules are appropriate to protect the R2 growth cell from inappropriate subdivision, development and use until such time as the land is transferred and its future urban form can be well planned, integrated and resilient (i.e. well functioning). As such it is recommended that this area retain its Rural Zoning and the UEA overlay is likewise retained.
98. Lastly, as noted earlier, the NPS-ET is relevant to the R2 growth cell. Given that the land will be subject to a structure planning process in due course, I consider that urban development can be appropriately located and designed to ensure that it accords with Policies 10 and 11 of the NPS-ET and can be safely integrated within the National Grid.

### 4.3 Recommendations

99. For the reasons above, I recommend that the Hearings Panel:

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<sup>39</sup> Future Proof, page 91

<sup>40</sup> Future Proof. Page 63

<sup>41</sup> Future Proof. Page 78

<sup>42</sup> Via email on 8 April 2021

- (a) **Rejects** David Yzendoorn for David and Barbara Yzendoorn [292.3], Burton Trust [344.3], Malcolm McDonald [422.1], AH and DB Finlay Limited [FSI252.4], Wattle Downs Limited [FSI254.4], Moeraki Farm Limited [FSI256.4], K Badger and VR Badger Estate [FSI260.4], Malcolm MacDonald [FSI270.2] and Robyn Ballard [FSI324.4] and retains the Rural Zone.
- (b) **Accepts** New Zealand Transport Agency [FSI202.111], Waikato Regional Council [FSI277.11] and [FSI277.15], Hamilton City Council [FSI379.59], [FSI379.135] and [FSI379.383] and Mercury NZ Limited for Mercury C [FSI386.298] and [FSI386.480] and retains the Rural Zone.

#### 4.4 Section 32AA evaluation

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

## 5 Ruakura

### 5.1 Submissions

101. There was one submission (with 58 further submissions) made to rezone land in the Ruakura area, summarised as follows:

Submission point	Submitter	Decision requested
341.2	Tainui Group Holdings Limited	Add a new Ruakura Industrial Zone to the Plan and apply to land in Ruakura east of the Waikato Expressway.
FSI048.1	Peter Lord Cowell	Oppose
FSI053.1	Bobbie Wisneski	Oppose
FSI063.2	Hugh Goodman and Katie Mayes	Oppose
FSI064.2	Lyn Kingsbury	Oppose
FSI065.1	Joanne Bedford and Adrian Coote	Oppose
FSI068.1	Martin and Maria Rose on behalf of Rose Family Trust	Oppose
FSI071.1	Newstead Residents Group	Oppose
FSI072.1	Newstead Residents Association	Oppose
FSI074.1	David Hale on behalf of David and Sharon Hale	Oppose
FSI080.1	One Mission Society	Oppose
FSI081.1	Bernard Wood	Oppose

<i>FSI085.1</i>	<i>Zenders Café and Venue</i>	<i>Oppose</i>
<i>FSI094.4</i>	<i>Dorothy Derecourt and David Mckeown</i>	<i>Oppose</i>
<i>FSI108.39</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Support</i>
<i>FSI147.1</i>	<i>Ross and Leonie Hopkins</i>	<i>Oppose</i>
<i>FSI148.1</i>	<i>Susan and Brett Hopkins</i>	<i>Oppose</i>
<i>FSI149.11</i>	<i>Gavin Lovegrove and Michelle Peddie</i>	<i>Oppose</i>
<i>FSI149.12</i>	<i>Gavin Lovegrove and Michelle Peddie</i>	<i>Oppose</i>
<i>FSI152.1</i>	<i>Jacob Davis and Karly Hurst</i>	<i>Oppose</i>
<i>FSI153.1</i>	<i>Jack and Alison Jenkins</i>	<i>Oppose</i>
<i>FSI155.1</i>	<i>Teresa Bowe</i>	<i>Oppose</i>
<i>FSI156.1</i>	<i>Christina Reymer</i>	<i>Oppose</i>
<i>FSI156.2</i>	<i>Christina Reymer</i>	<i>Oppose</i>
<i>FSI157.8</i>	<i>Gordon Downey</i>	<i>Oppose</i>
<i>FSI158.1</i>	<i>Aileen Margaret Downey Downey</i>	<i>Oppose</i>
<i>FSI159.1</i>	<i>Jason Gary Davis</i>	<i>Oppose</i>
<i>FSI160.1</i>	<i>Morgan Olsen</i>	<i>Oppose</i>
<i>FSI162.1</i>	<i>Pam and David Bryant</i>	<i>Oppose</i>
<i>FSI163.1</i>	<i>Kerry Ellen Davis</i>	<i>Oppose</i>
<i>FSI164.12</i>	<i>Tamara Huaki</i>	<i>Oppose</i>
<i>FSI165.10</i>	<i>Pekerangi Kee-Huaki</i>	<i>Oppose</i>
<i>FSI166.10</i>	<i>Jarod Kowhai Huaki</i>	<i>Oppose</i>
<i>FSI167.1</i>	<i>Monique Reymer</i>	<i>Oppose</i>
<i>FSI182.2</i>	<i>Newstead Country Preschool</i>	<i>Oppose</i>
<i>FSI182.3</i>	<i>Newstead Country Preschool</i>	<i>Oppose</i>
<i>FSI183.8</i>	<i>Noel Gordon Smith</i>	<i>Oppose</i>
<i>FSI189.2</i>	<i>Kylie Cocurullo on behalf of Noel Cocurullo Trust Superannuation Scheme</i>	<i>Oppose</i>
<i>FSI201.2</i>	<i>Mark D Reinsfield</i>	<i>Oppose</i>
<i>FSI202.65</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>

<i>FSI204.2</i>	<i>Christian and Natasha McDean</i>	<i>Oppose</i>
<i>FSI216.2</i>	<i>Newstead Residents Association</i>	<i>Oppose</i>
<i>FSI250.2</i>	<i>John and Sonia Aubin</i>	<i>Oppose</i>
<i>FSI250.3</i>	<i>John and Sonia Aubin</i>	<i>Oppose</i>
<i>FSI262.1</i>	<i>Newstead Model Country School</i>	<i>Oppose</i>
<i>FSI262.2</i>	<i>Newstead Model Country School</i>	<i>Oppose</i>
<i>FSI262.3</i>	<i>Newstead Model Country School</i>	<i>Oppose</i>
<i>FSI277.157</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FSI277.159</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FSI280.2</i>	<i>Dennis and Jan Tickelpenny</i>	<i>Oppose</i>
<i>FSI284.2</i>	<i>Philip and Sheree Lawton</i>	<i>Oppose</i>
<i>FSI284.3</i>	<i>Philip and Sheree Lawton</i>	<i>Oppose</i>
<i>FSI293.21</i>	<i>Department of Conservation</i>	<i>Oppose</i>
<i>FSI299.1</i>	<i>Prudence Williams and Stuart Lye</i>	<i>Oppose</i>
<i>FSI300.2</i>	<i>Fedor Dronov</i>	<i>Oppose</i>
<i>FSI310.2</i>	<i>Kory Kelly</i>	<i>Oppose</i>
<i>FSI373.2</i>	<i>Tim Cochrane</i>	<i>Oppose</i>
<i>FSI380.2</i>	<i>Alan and Eleanor Ure</i>	<i>Oppose</i>
<i>FSI380.3</i>	<i>Alan and Eleanor Ure</i>	<i>Oppose</i>

## 5.2 Analysis

102. Tainui Group Holdings Limited (“TGH”) is seeking to rezone rural land bound by Ruakura Road, Davison Road and the new Waikato Expressway (see **Figure 16** below) from Rural to Industrial. There was a total of 57 further submissions received in opposition to the request to rezone land at Ruakura, these were largely local residents and business owners.

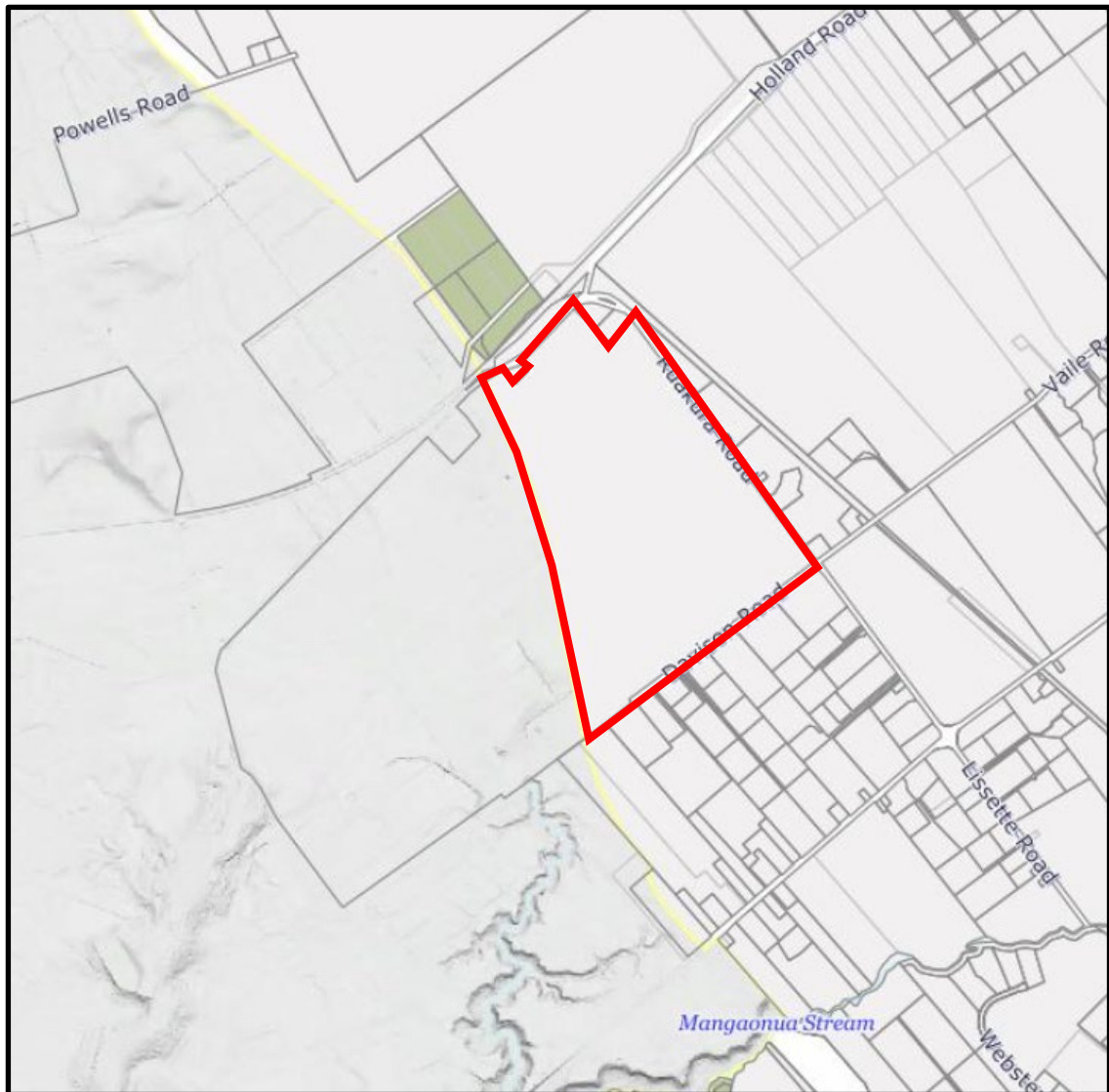


Figure 16: Ruakura, Tainui land seeking a rezoning

103. A Memorandum of Counsel was submitted by Mr Douglas Allen and Ms Alex Devine (of Ellis Gould) on behalf of TGH [341.2]. This acknowledges that “strategic planning issues raised by the relief are currently being progressed in conjunction with the Future Proof partners including Waikato-Tainui, Waikato Regional Council, Waikato District Council (“WDC”), Hamilton City Council and key infrastructure providers. In those circumstances, TGH has not at this stage prepared a full section 32 RMA analysis of its relief and is instead filing this memorandum to record the current position and provide clarity as to how TGH may proceed in the future regarding the zoning of the Ruakura Land”<sup>43</sup>.
104. I draw from this statement that, while the proponent is still seeking that the land be ultimately rezoned, the district plan review may not necessarily be the appropriate vehicle to achieve this change. Notwithstanding this, I set out below my assessment of the rezoning request.
105. As I have noted previously, I consider that the Hamilton Fringe forms part of the Hamilton City urban environment. Accordingly, the NPS-UD applies to the rezoning request. To avoid repetition, my analysis of the NPS-UD at paras 69 and 70 can be relied upon with respect to my assessment of the TGH submission. I do however acknowledge that the rezoning of the TGH land would give effect to Objective 3(a), as well as 3(b) due to its location adjoining a

<sup>43</sup> Memorandum of Counsel, Mr D Allen and Ms A Devine, para 3, dated 17 February 2020

new Waikato Expressway on/off ramp and adjoining an area of significant employment opportunities. However, overall, I do not consider that the rezoning request gives effect to the NPS-UD.

106. The proposed rezoning represents urban growth beyond the current urban limits defined by the WRPS (and Future Proof). I acknowledge that Ruakura (west of the Waikato Expressway) is a Strategic Industrial Node; however, the parcel of land TGH is seeking to rezone is not located predominantly in the node, as directed by Policy 6.14(c) of the WRPS. The land adjoins the Strategic Industrial Node and accordingly I do not consider that its development is anticipated by the WRPS. Further to this, the site sits on high class (LUCI-III) soils and accordingly, the rezoning would be inconsistent with Objective 3.26 of the RPS because soils would not be protected from inappropriate subdivision, development and use (which the rezoning would be because it is an urban use in a rural environment).
107. I am aware of the Tier One Implementation Initiative for the Central Corridor Priority Development Area<sup>44</sup> set out in the Metro Spatial Plan which states “*investigate alternative land use arrangements for the longterm development of Ruakura, including to the east of the Waikato Expressway*”. However, given the non-statutory status of this document I consider that only limited weight can be applied to the possible growth outcomes forecast for this area of the Waikato district.
108. With respect to the strategic objectives of the Proposed District Plan, the submission does not represent urban development within a defined area (Objective 1.12.8(b)(i)), as such it cannot be considered an efficient use of land; furthermore, because the submission seeks to rezone land outside the urban limits, it cannot be considered compact or sustainable (Objective 1.12.8(b)(ii)). However, I do acknowledge the relationship between this site and the already zoned Ruakura land to the west of the Waikato Expressway and I do consider that the site is appropriately focused on an existing urban environment (Objective 1.12.8(b)(iii)).
109. Given the land sits outside the urban limits and has a Rural zoning, it is appropriate to consider how the rezoning accords with the Proposed District Plan Chapter 5 objectives and policies, in particular the protection of high class soils for rural productive activities and avoiding urban subdivision, use and development. Given the soil classification in the Ruakura area (LUCI-III soils<sup>45</sup>) and the urban nature of an industrial development, I consider that the proposed rezoning is inconsistent with the proposed rural objectives and policies.
110. Lastly, I do not consider that some of the key high level effects (servicing, traffic, industrial land supply) of the proposed industrial development have been adequately addressed by the proponent and I am conscious that, if appropriately assessed, it may be determined that this use of the site has adverse effects that are unable to be managed. Accordingly, to rezone the land in the absence of suitable technical reporting would be inappropriate.
111. As with the above discussion on the Burton Trust block, I note that both the NPS-UD (clause 8) and the WRPS (Implementation Method 6.14.3) contemplate out-of-sequence development, or changes to growth areas following capacity reviews. It may be that in the future once the provision of reticulated servicing is further progressed that urban development of this area is appropriate in combination with updated capacity and urban form review such as the regular updating of the Future Proof Strategy and further technical reports addressing various issues such as transport, urban form, and geotechnical and servicing topics.

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<sup>44</sup> Metro Spatial Plan, page 41

<sup>45</sup> Waikato 2070, pages 16 and 17

## 5.3 Recommendations

112. For the reasons above, I recommend that the Hearings Panel:

- (a) **Rejects** Tainui Group Holdings Limited [341.2] and Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) [FS1108.39] and retains the Rural Zone.
- (b) **Accepts** Peter Lord Cowell [FS1048.1], Bobbie Wisneski [FS1053.1], Hugh Goodman and Katie Mayes [FS1063.2], Lyn Kingsbury [FS1064.2], Joanne Bedford and Adrian Coote [FS1065.1], Martin and Maria Rose on behalf of Rose Family Trust [FS1068.1], Newstead Residents Group [FS1071.1], Newstead Residents Association [FS1072.1] and [FS1216.2], David Hale on behalf of David and Sharon Hale [FS1074.1], One Mission Society [FS1080.1], Bernard Wood [FS1081.1], Zenders Café and Venue [FS1085.1], Dorothy Derecourt and David Mckeown [FS1094.4], Ross and Leonie Hopkins [FS1147.1], Susan and Brett Hopkins [FS1148.1], Gavin Lovegrove and Michelle Peddie [FS1149.11] and [FS1149.12], Jacob Davis and Karly Hurst [FS1152.1], Jack and Alison Jenkins [FS1153.1], Teresa Bowe [FS1155.1], Christina Reymer [FS1156.1] and [FS1156.2], Gordon Downey [FS1157.8], Aileen Margaret Downey [FS1158.1], Jason Gary Davis [FS1159.1], Morgan Olsen [FS1160.1], Pam and David Bryant [FS1162.1], Kerry Ellen Davis [FS1163.1], Tamara Huaki [FS1164.12], Pekerangi Kee-Huaki [FS1165.10], Jarod Kowhai Huaki [FS1166.10], Monique Reymer [FS1167.1], Newstead Country Preschool [FS1182.2] and [FS1182.3], Noel Gordon Smith [FS1183.8], Kylie Cocurullo on behalf of Noel Cocurullo Trust Superannuation Scheme [FS1189.2], Mark D Reinsfield [FS1201.2], New Zealand Transport Agency [FS1202.65], Christian and Natasha McDean [FS1204.2], John and Sonia Aubin [FS1250.2] and [FS1250.3], Newstead Model Country School [FS1262.1], [FS1262.2] and [FS1262.3], Waikato Regional Council [FS1277.157] and [FS1277.159], Dennis and Jan Tickelpenny [FS1280.2], Philip and Sheree Lawton [FS1284.2] and [FS1284.3], Department of Conservation [FS1293.21], Prudence Williams and Stuart Lye [FS1299.1], Fedor Dronov [FS1300.2], Kory Kelly [FS1310.2], Tim Cochrane [FS1373.2] and Alan and Eleanor Ure [FS1380.2] and [FS1380.3] and retains the Rural Zone.

## 5.4 Section 32AA evaluation

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

# 6 Tamahere

## 6.1 Submissions

1. There were 12 submissions (with 39 further submissions) made to rezone land in the Tamahere area, summarised as follows:

Submission point	Submitter	Decision requested
185.1	Grant and Merelina Burnett	Amend the zoning of the property at 50 Te Awa Lane, Tamahere from Rural Zone to Country Living Zone.
FS1379.47	Hamilton City Council	Oppose

FSI386.184	Mercury NZ Limited for Mercury C	Oppose
272.1	Mark Smith	Amend the zoning of the properties in Summerfield Land, Tamahere from Rural Zone to Country Living Zone.
FSI197.8	Bowrock Properties Limited	Support
FSI379.54	Hamilton City Council	Oppose
FSI386.277	Mercury NZ Limited for Mercury C	Oppose
363.1	Divina Libre	Amend the zoning for the land located between the Waikato Expressway and the Tamahere Country Living Zone (which includes Yumelody Lane) from Rural Zone to Country Living Zone.
FSI021.7	Ying-Peng Yu	Support
FSI197.11	Bowrock Properties Limited	Support
FSI277.18	Waikato Regional Council	Oppose
FSI386.532	Mercury NZ Limited for Mercury C	Oppose
389.1	Jonathan Quigley for J and T Quigley Ltd	Amend the zoning of 25 Tamahere Drive from Rural Zone to Countryside Living Zone or Village Zone. AND retain the current extent of Countryside Living Zone and Residential Zone located to the west of the submitters' site on Tamahere Drive, Tamahere.
FSI388.91	Mercury NZ Limited for Mercury E	Oppose
407.1	Mel Libre	Amend the zoning for the land located between the Waikato Expressway and the Tamahere Country Living Zone (which includes Yumelody Lane) from Rural Zone to Country Living Zone.
FSI197.18	Bowrock Properties Limited	Support
FSI277.19	Waikato Regional Council	Oppose
FSI379.122	Hamilton City Council	Oppose
426.1	Kim Angelo Libre	Amend the proposed zoning of the land between the Waikato Expressway and the Tamahere Country Living Zone (including Yumelody Lane) from Rural Zone to Country Living Zone.
FSI021.8	Ying-Peng Yu	Support

FSI030.16	Phillip King	Support
FSI062.40	Andrew and Christine Gore	Support
FSI197.20	Bowrock Properties Limited	Support
FSI277.20	Waikato Regional Council	Oppose
FSI379.136	Hamilton City Council	Oppose
FSI388.253	Mercury NZ Limited for Mercury E	Oppose
438.1	Wendy Oliver	Amend the zoning of 50C Cedar Park Road, Tamahere from Country Living Zone to Village Zone (or create a deferred zone.) OR Amend the Country Living Zone rules to allow dispensation to reduce the section lot size down to 2000m <sup>2</sup> to 3000m <sup>2</sup> .
FSI005.3	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Support
FSI379.138	Hamilton City Council	Oppose
FSI388.265	Mercury NZ Limited for Mercury E	Oppose
697.344	Waikato District Council	Amend zoning of the property at 78 Strawberry Fields Land, Tamahere to change from Road Zone to Rural Zone.
FSI387.540	Mercury NZ Limited for Mercury D	Oppose
697.345	Waikato District Council	Amend zoning of property at 6 Bates Road, Tamahere from Rural Zone to Country Living Zone.
FSI387.541	Mercury NZ Limited for Mercury D	Oppose
712.1	Bettley-Stamef Partnership	Amend the zoning of 125, 131 145, 158, 165A, 165B, 165C, 167A, 168, 171 (aka 167), 174 Matangi Road and 21A, 21B, 26, 29, 51, 54, 58, 59, 60, 61A, 61B, 61C, 62A and 62B Yumelody Lane from Rural Zone to Country Living Zone.
FSI005.1	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Support
FSI008.2	Zane and Sheryl Bettley	Support
FSI010.3	Peter McKenzie	Support
FSI016.3	Zane Bettley	Support
FSI018.2	Keir Bettley	Support

FS1021.2	Ying-Peng Yu	Support
FS1021.5	Ying-Peng Yu	Support
FS1197.33	Bowrock Properties Limited	Support
FS1277.46	Waikato Regional Council	Oppose
FS1379.277	Hamilton City Council	Oppose
FS1387.791	Mercury NZ Limited for Mercury D	Oppose
765.1	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Retain the Country Living Zoning of Tamahere Eventide Retirement Village and the surrounding land in the immediate area at 621 State Highway One (Lot 2 DPS 88165), 0 State Highway One (Lot 1 DPS 88165) and 597 State Highway One (Pt Lot 2 DPS 2182) as notified.
FS1387.1130	Mercury NZ Limited for Mercury D	Oppose
769.1	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Amend the zoning of Atawhai Assisi at 158 Matangi Road (Lot 1 DPS 21156, CTSA20A/1259) from Rural Zone to Country Living Zone. AND Amend the zoning of 168 Matangi Road (Lot DPS 6744 and Part Allotment 54 Parish of Tamahere (CT SA3A/912) from the Rural to Country Living Zone. AND amend the zoning of 174 Matangi Road (Section 1 Survey Office Plan 457326 CT 610816) from Rural Zone to Country Living Zone. AND No specific decision sought, but submission opposes the Rural policy overlays/areas for the Atawhai Assisi property and the two adjoining properties. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
FS1197.35	Bowrock Properties Limited	Support
FS1379.316	Hamilton City Council	Oppose

## 6.2 Analysis

114. The submissions in that part of Tamahere located north of State Highway 1 (**Figure 17**) are all seeking rezoning from Rural to Country Living except one submission which seeks to rezone from Country Living to Village (shown in blue in Figure 17). The submissions relating to the area south of State Highway 1 (**Figure 18**) are all seeking rezoning from Rural to Country Living, except one which requested either Country Living or Village Zone, but in evidence has narrowed the relief sought to Village Zone (this is shown in blue on Figure 18 below).

115. Hamilton City Council [1379] was a key submitter opposing the majority of submissions to rezone in Tamahere due to “the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions as provided by the CLZ (compared to the Rural Zone)”.

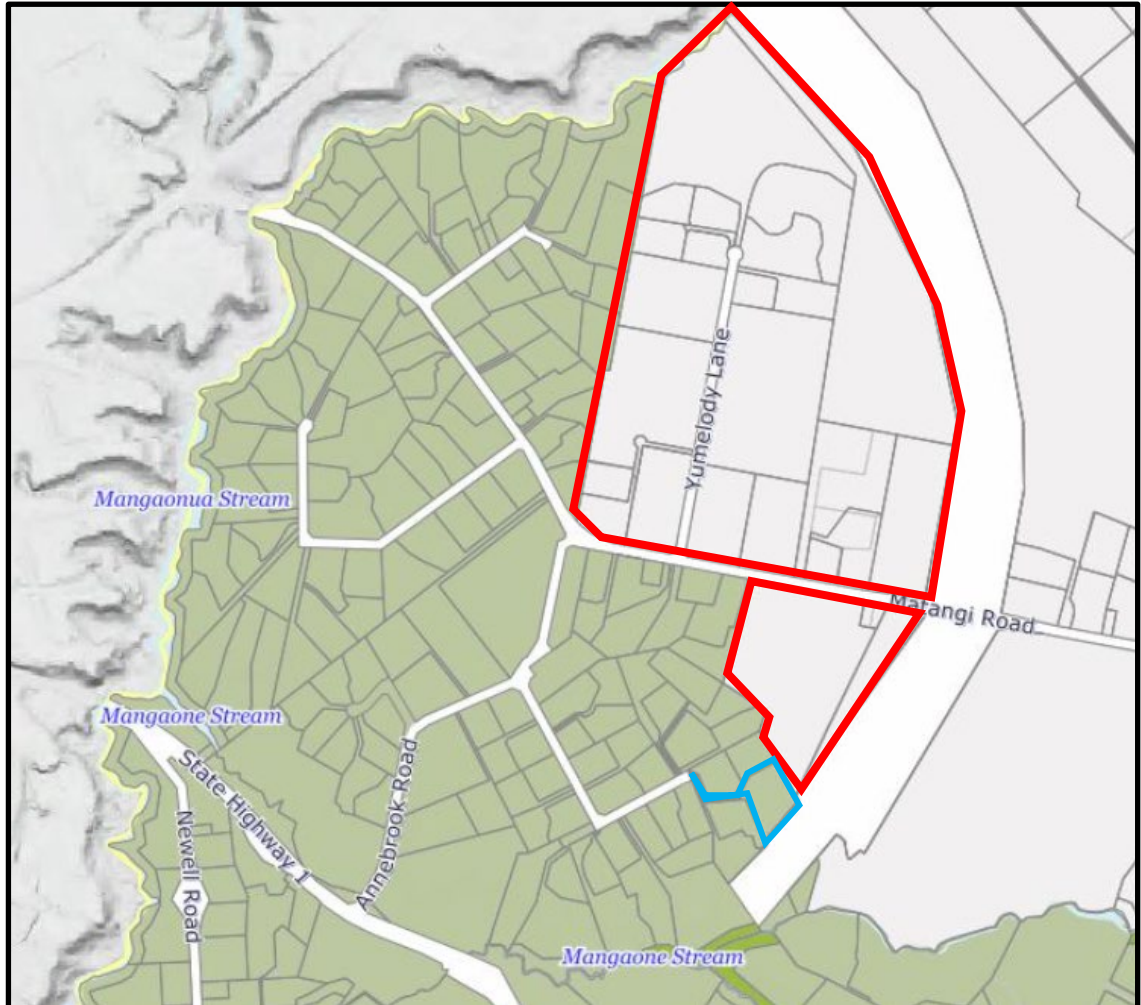


Figure 17: Tamahere, rezonings sought north of State Highway 1

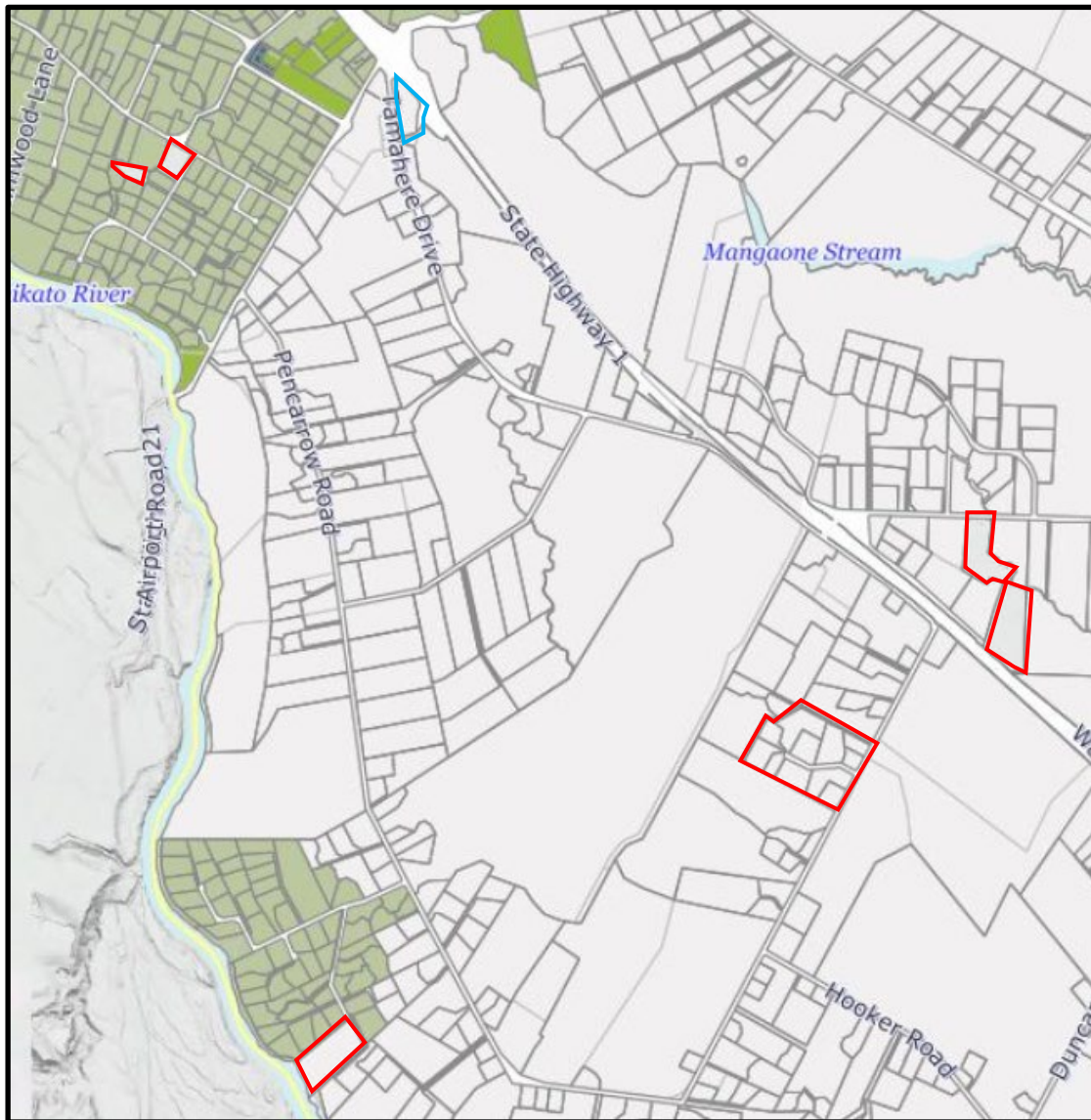


Figure 18: Tamahere, rezonings south of State Highway 1

2. To assess the submissions for Tamahere, I have considered all those submissions that seek a rural residential outcome (Country Living Zone or Village Zone) together. I have provided specific commentary on the Tamahere Eventide retirement villages and 25 Tamahere Drive, and lastly, I have considered the zoning corrections sought by Waikato District Council.

#### **Submissions relating to the Country Living Zone and Village Zone**

3. The submissions of Grant and Merelina Burnett [185.1], Mark Smith [272.1], Divina Libre [363.1], Jonathan Quigley for J and T Quigley Ltd [389.1], Mel Libre [407.1], Kim Angelo Libre [426.1], Bettley-Stamef Partnership [712.1], Wendy Oliver [438.1] and Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village [769.1] seek to rezone land to Country Living Zone or Village Zone.
4. As noted above, the land in the Hamilton Fringe is considered to form part of the Hamilton City urban environment and is therefore subject to the provisions of the NPS-UD.
5. I do not consider the rezoning submissions give effect to Objectives 2, 3(a) and (b), 4, 6 and 8a. Specifically: the rural residential zones are not considered to address the housing

(in)affordability issue where the median sale price in Tamahere is \$1.3M<sup>46</sup>; the area is not located near a centre zone and is not well serviced by public transport; the rezoning of land at Tamahere to rural residential will potentially hinder the Council's ability to meet sub-regional growth needs and will likely prevent integrated and strategic outcomes over time (due to the challenges, including financial, of retrofitting higher density housing and associated infrastructure); and finally, rural lifestyle development tends to promote reliance on private vehicles (rather than public transport).

6. However, due to the very high demand to live in this area, I do consider that the rezoning submissions satisfactorily address Objective 3(c). I also acknowledge that parts of Tamahere are located sufficiently proximate to an area with many employment opportunities that they would be able to satisfy Objective 3(a) (specifically northern Tamahere, which is relatively close to the university and the future Ruakura industrial node).
7. Overall, I do not consider that the requested rezonings scattered throughout Tamahere give effect to the NPS-UD and accordingly do not contribute to a well-functioning, well-planned and integrated Hamilton City urban environment.
8. With respect to high class soils, all submissions seeking to rezone to a Country Living Zone (as well as one seeking a Village Zone) are currently zoned Rural. These sites all sit on high class (LUCI-III) soils<sup>47</sup>. I consider the rezoning of these sites to be inconsistent with Objective 3.26 of the WRPS as it would not protect high class soils for primary production and it would enable the land to be used for residential development not ancillary to rural activity<sup>48</sup>.
- I 16. With regards to rural residential development (which includes the Village Zone), 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* [emphasis added], as well 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, and I note that there are eight principles specifically written for rural residential development.
- I 17. Given that the policy makes specific reference to the Hamilton Fringe, I interpret this to mean that the issues highlighted by the policy are particularly relevant/must be considered more conservatively compared to a property that sits outside the Hamilton Fringe. I consider that this interpretation is reinforced by Principle (a) of the principles specific to rural-residential development listed in the WRPS<sup>49</sup>, which states new rural residential development should be more strongly controlled where demand is high.
- I 18. Turning to the other principles listed in Section 6A of the WRPS, which I think provide greater clarity to the issues raised in Policy 6.17, these state:
  - 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;*

<sup>46</sup> <https://www.oneroof.co.nz/suburb/tamahere-waikato-1870>

<sup>47</sup> Waikato 2070, page 16-17

<sup>48</sup> Rural residential development is defined in the RPS as “residential development in rural areas which is predominantly for residential activity and is not ancillary to a rural or agricultural use, page G-10”.

<sup>49</sup> Waikato Regional Policy Statement, page 6-28

- f) *minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;*
  - g) *be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and*
  - h) *be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.*
9. I note at this point that the WRPS does not identify any urban growth for Tamahere, while Future Proof has identified urban limits that take in the existing Country Living-Zoned land. None of the submissions in question fall within the defined urban limits prescribed by Future Proof.
10. Future Proof 2017 identifies a portion of Tamahere as a possible expansion area that has been flagged as land that may, in time, move from Waikato District's jurisdiction into the Hamilton City jurisdiction<sup>50</sup>. This affects submissions by Divina Libre [363.1], Jonathan Quigley [389.1], Mel Libre [407.1], Kim Angelo Libre [426.1], Wendy Oliver [438.1], Bettley-Stamef Partnership [712.1] and Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village [769.1]. I consider that the rezoning of these sites would conflict with the foreseeable long-term needs for the expansion of Hamilton City (Principle (b)). I acknowledge that, with the exception of Wendy Oliver's land [438.1], these sites are an 'island' of Rural-Zoned land surrounded by the Waikato Expressway to the east and Country Living-Zoned land to the west and south. The lot sizes are small (relative to typical farming allotments), and most contain urban uses (i.e. rural residential development, a retirement village, a childcare centre). I acknowledge that the rezoning of these sites (to Country Living, or a more intensive zoning appropriate to the needs of Hamilton City) is a question of when, not if. At this time however, I maintain that it is more appropriate for them to retain their rural zoning.
11. While Future Proof has ring-fenced a large portion of Tamahere's Country Living Zone with urban limits I consider the Country Living character and amenity (spaciousness, separation, low density) extends beyond the defined urban limits, particularly along long tracts of Pencarrow Road (shown in yellow on **Figure 19** below). I consider that the rezonings would result in a further change in the character and amenity of Tamahere (Principles (c), (d) and (f)), however this change is limited given the environment is already altered by the historical subdivision of land. I do not think 'the horse has bolted' is an acceptable argument to contemplate the rezoning of further land in Tamahere and, given the conservative approach that I think the WRPS promotes for considering rural residential development in the Hamilton Fringe, I do not think it would be appropriate to rezone on the grounds of an already altered landscape.

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<sup>50</sup> Possible City Expansion Area, Future Proof 2017, Map 2

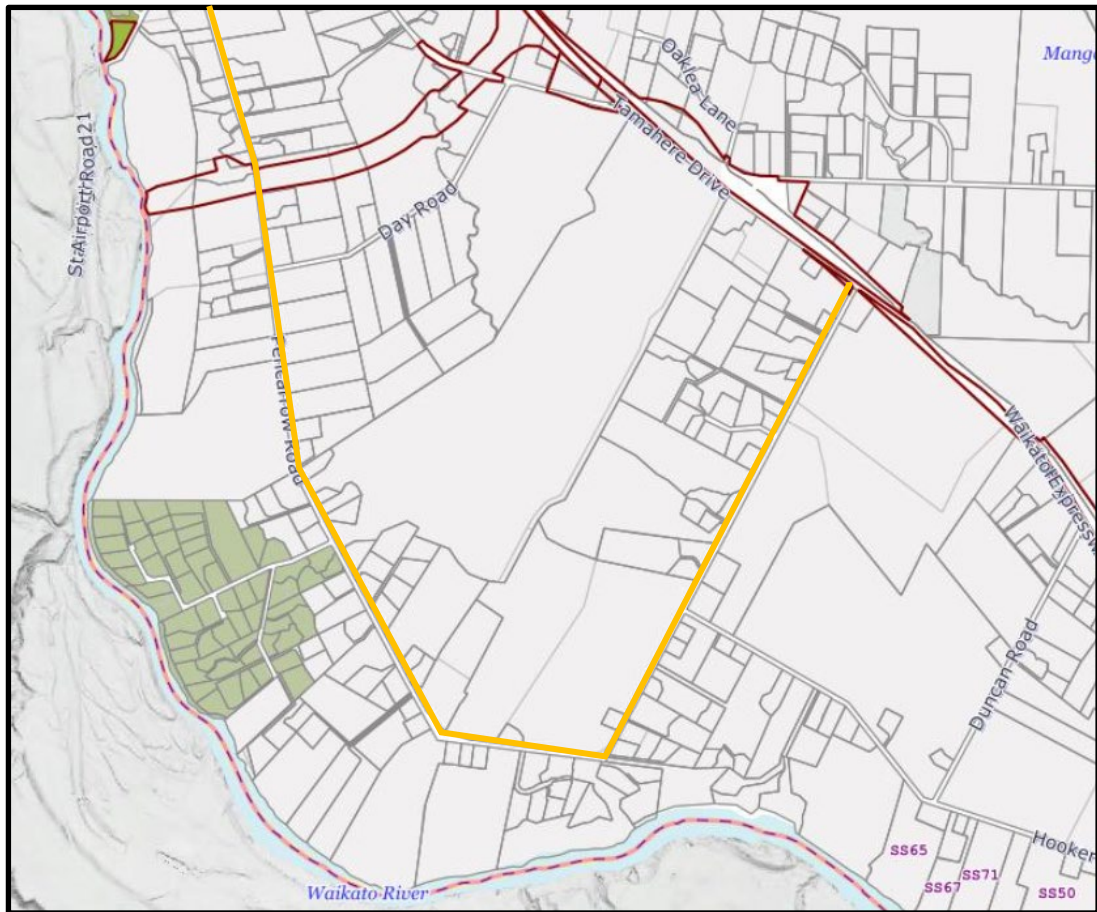


Figure 19: Parcel boundaries south of the Tamahere urban limits (source: <https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f>)

12. With regards to servicing, Policy 6.3 directs that growth and infrastructure needs to be co-ordinated, while Principle (g) directs that (for rural residential development) servicing can occur on a site unless “services are to be reticulated”. Given that the majority of the rezoning requests fall within the possible expansion area for Hamilton, there is a high likelihood that reticulated services will be delivered to many of these sites in the future. I consider that it would be inconsistent with the NPS-UD (Objective 6) and the WRPS (Policy 6.3) if these sites were rezoned and were able to establish on-site services that might compromise integration into Hamilton City and its infrastructure. I acknowledge that not all the submissions sit within the possible Hamilton expansion area and could accommodate services on-site if subdivided further.
13. Lastly, I do not consider that the rezoning of these sites in Tamahere will contribute to reduced fuel consumption (Principle (e)) or the protection of sensitive areas (Principle (h)).
14. On balance, I do not consider that the rezoning requests give effect to the Objective 3.12, Policy 6.1, Policy 6.3, Policy 6.17 or the Schedule 6A principles of the WRPS, particularly when contemplated through a conservative lens, which the WRPS signals is necessary for the Hamilton Fringe.
15. Turning to the strategic objectives of the Proposed District Plan, I do not consider that the rezoning requests appropriately utilise land within the Hamilton Fringe, give rise to the efficient servicing of land (Objective 1.12.8(b)(i)) or promote compact, sustainable and good quality urban form (Objective 1.12.8(b)(ii)). Furthermore, Tamahere is developed to the full extent of its urban limits and therefore has no capacity for expansion ((Objective 1.12.8(b)(iii)).

16. As noted above, all the rezoning requests (except one) seek to rezone Rural-Zoned land. I consider that the Country Living and Village Zones (particularly when developed on high class soils) to be inconsistent with the proposed rural objectives. In particular, Objective 5.1.1(a)(i), which seeks to protect high class soils and avoid all urban subdivision, use and development within the rural environment<sup>51</sup>. As well as Objectives 5.2 and 5.3.1, which seek to maintain or enhance the productive versatility of rural resources and maintain rural character and amenity. I note that this last objective lacks detail; however, spaciousness, separation and very low density can reasonably be considered the desired traits of a rural environment, which would not be achieved by a low density urban land use pattern.
17. Lastly, the submission of Tamahere Eventide Home Trust [765.1] seeks to retain the Country Living Zoning of Tamahere Eventide Retirement Village. I support the retention of the Country Living Zone for the Tamahere Eventide Retirement Village. Its operative zoning is Country Living Zone and it is surrounded by Country Living Zone. It also sits within the urban limits defined by Future Proof for Tamahere. I see no reason to alter the proposed zoning.

**Specific comments on the submissions regarding Tamahere Eventide Home Trust retirement villages**

18. The submission of Tamahere Eventide Home Trust [769.1] seeks to amend the zoning of Atawhai Assisi at 158 Matangi Road; I recommend that this is rejected. While the submission of Tamahere Eventide Home Trust [765.1] seeks to retain the Country Living Zoning of Tamahere Eventide Retirement Village.
19. In both cases, the Trust also sought suitable rules in the relevant zones to accommodate the retirement villages. Through Hearing 18, new rules were recommended in both the Country Living and Rural Zones that provided for the maintenance, operation and alteration of the existing villages as a permitted activity and the expansion of the villages as a restricted discretionary activity<sup>52</sup>.
20. In the case of Atawhai Assisi, appropriate measures have been recommended to protect its ongoing use and possible expansion. Accordingly, rezoning the site (from Rural to Country Living Zone) is not required to maintain service levels or increase operations at this site.

**Specific comments on the submission to rezone 25 Tamahere Drive [389.1]**

21. Planning evidence was provided by Mr Leigh Shaw in support of the rezoning of 25 Tamahere Drive to Village Zone<sup>53</sup>. This evidence is supported by a soils assessment by Dave Miller of AgFirst and a preliminary servicing report by Ormiston Associates Limited. In addition to the rezoning, the submitter is seeking to amend Rule 24.4.2 to enable 1000m<sup>2</sup> minimum lot sizes for the Village Zone in Tamahere as a restricted discretionary activity.
22. In the original submission, Mr Quigley sought to retain the extent of Country Living Zone and Residential Zone along Tamahere Drive. I note there is no Country Living Zone or Residential Zone on Tamahere Drive, accordingly the submission to retain such zonings is not possible.
23. I disagree with Mr Shaw's findings that the property falls within the Future Proof urban limits for Tamahere. The urban limits extend to State Highway 21 (Airport Road), while the possible city expansion area extends to the designation for the future State Highway 21. As such, 25

<sup>51</sup> Rural residential development is defined in the RPS as residential development in rural areas which is predominantly for residential activity and is not ancillary to a rural or agricultural use, page G-10.

<sup>52</sup> [https://wcdsifinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-18/post-hearing-information-requested/hearing-18---rural---appendix-1---text-amendments---jonathan-lease.pdf?sfvrsn=b7128dc9\\_2](https://wcdsifinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-18/post-hearing-information-requested/hearing-18---rural---appendix-1---text-amendments---jonathan-lease.pdf?sfvrsn=b7128dc9_2), page 22-24

<sup>53</sup> The submitter has resolved to pursue a Village zoning for the site, rather than a Country Living Zone. Evidence of Mr Leigh Shaw, para 7, page 2.

Tamahere Drive is not contemplated for urban development by Future Proof (or the Proposed District Plan, given its Rural zoning) in the foreseeable future.

24. Mr Shaw has provided a comprehensive assessment of Principles (a) – (t) in Section 6A of the WRPS, however he has failed to assess the eight principles specific to rural-residential development also listed in Section 6A. As such, I do not think that he has sufficiently considered the need to approach development in the Hamilton Fringe in a conservative way to ensure that it does not block future intensification opportunities, including servicing opportunities.
25. Lastly, Mr Shaw has assessed the proposed rezoning of 25 Tamahere Drive against the NPS-UD and considers that it will assist the Council with meeting its requirements pursuant to Policy 2. However, I do not consider that Tamahere will assist the Council in meeting demand for housing. In order to qualify as 'sufficient', capacity must be plan-enabled, infrastructure-ready, feasible and reasonably expected to be realised (as directed by Clause 3.2(2)). At present, the land is not plan-enabled (although I do appreciate that is the opportunity presented by this district plan review) and the land is not infrastructure-ready (there are no plans to service Tamahere).

### **Zoning corrections**

26. WDC submissions [697.344] and [697.345] seek to rezone two properties within Tamahere to correct zoning discrepancies. Submission [697.344] seeks to rezone 78 Strawberry Fields Lane from Road Zone to Rural Zone, while submission [697.345] seeks to rezone 6, 6A and 20 Bates Road from Rural Zone to Country Living Zone.
27. Firstly, WDC submits that the proposed Rural zoning of 6, 6A and 20 Bates Road is an error. The operative zoning of these sites is Country Living Zone and they are entirely surrounded by Country Living-Zoned properties (both in the operative and proposed planning maps) (see **Figures 20 and 21** below). These sites also sit within the Future Proof urban limits for Tamahere. I consider that it is appropriate to amend the zoning to Country Living Zone.
28. With regards to 78 Strawberry Fields Lane, again, WDC submits that the proposed Road zoning of this property is an error. I note that its operative zoning is Rural Zone and it is entirely surrounded by Rural-Zoned properties in both the operative and proposed plans (see **Figures 22 and 21** below). It is not entirely clear from the proposed planning maps that the proposed zoning is Road Zone (it has a different shading to the adjoining un-zoned road land, but when I click through on the web function to 'Get Rules Proposed Plan' it does direct me to the Infrastructure and Energy Chapter). Notwithstanding, what is likely a shading discrepancy, I support the rezoning of this property to Rural Zone.



Figure 20: 6, 6A and 20 Bates Road, operative zoning (source: <https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f>)



Figure 21: 6, 6A and 20 Bates Road, proposed zoning (source: <https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f>)



Figure 22: 78 Strawberry Fields Lane, operative zoning (source: <https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f>)



Figure 23: 78 Strawberry Fields Lane, proposed zoning (source: <https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f>)

## 6.3 Recommendations

29. For the reasons above, I recommend that the Hearings Panel:

- (a) **Rejects** Grant and Merelina Burnett [185.1], Mark Smith [272.1], Divina Libre [363.1], Jonathan Quigley for J and T Quigley Ltd [389.1], Mel Libre [407.1], Kim Angelo Libre [426.1], Wendy Oliver [438.1], Bettley-Stamef Partnership [712.1] and Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village [769.1] and retains the Rural Zone.
- (b) **Rejects** Bowrock Properties Limited [FS1197.8], [FS1197.11], [FS1197.18], [FS1197.20] and [FS1197.33], Ying-Peng Yu [FS1021.2], [FS1021.5], [FS1021.7] and [FS1021.8], Phillip King [FS1030.16], Andrew and Christine Gore [FS1062.40], Tamahere Eventide Home Trust – Atawhai Assisi Retirement Village [FS1005.1] and [FS1005.3], Zane and Sheryl Bettley [FS1008.2], Peter McKenzie [FS1010.3], Zane Bettley [FS1016.3] and Keir Bettley [FS1018.2] and retains the Rural Zone.
- (c) **Supports** Waikato District Council [697.344] and rezones 78 Strawberry Fields Lane, Tamahere from Road Zone to Rural Zone.
- (d) **Supports** Waikato District Council [697.345] and rezones 6 Bates Road, Tamahere from Rural Zone to Country Living Zone.
- (e) **Supports** Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village [765.1] and retains the Country Living Zone.
- (f) **Supports** Hamilton City Council [FS1379.47], [FS1379.54], [FS1379.122], [FS1379.136], [FS1379.138] and [FS1379.277], Mercury NZ Limited for Mercury C [FS1386.184], [FS1386.277] and [FS1386.532], Mercury NZ Limited for Mercury D [FS1387.540], [FS1387.541] and [FS1387.791], Mercury NZ Limited for Mercury E [FS1388.91] [FS1388.253] and [FS1388.265] and Waikato Regional Council [FS1277.18], [FS1277.19], [FS1277.20] and [FS1277.46]

## 6.4 Section 32AA evaluation

119. Given that the proposed zonings of 78 Strawberry Fields Lane and 6, 6A and 20 Bates Road are errors, I consider that the rezoning of these sites to Rural Zone and Country Living Zone respectively is effective and efficient with minimal costs and risks of acting.

# 7 Matangi

## 7.1 Submissions

120. There were 15 submissions (with 53 further submissions) made to rezone land in the Matangi area, summarised as follows:

Submission point	Submitter	Decision requested
129.1	Geoffrey Long	Amend the zoning of land in the Matangi vicinity from Rural Zone to Country Living Zone.
FS1197.4	Bowrock Properties Limited	Support
FS1277.8	Waikato Regional Council	Oppose

FSI305.26	Andrew Mowbray	Support
FSI311.4	Ethan and Rachael Findlay	Support
FSI379.28	Hamilton City Council	Oppose
FSI386.112	Mercury NZ Limited for Mercury C	Oppose
306.1	Peter Fitzpatrick	Amend the zoning of the land between Taplin, Hoeka and Marychurch Roads, Matangi from Rural Zone to Village Zone or Country Living Zone.
FSI311.8	Ethan and Rachael Findlay	Support
FSI197.10	Bowrock Properties Limited	Support
FSI305.27	Andrew Mowbray	Support
FSI379.68	Hamilton City Council	Oppose
FSI386.359	Mercury NZ Limited for Mercury C	Oppose
371.1	Kitty Burton (Matangi Community Committee)	Amend the zoning of the properties adjacent to the Matangi village, as identified in the Community Plan 2013 from Rural Zone to Village Zone.
FSI264.1	Bootleg Brewery	Support
FSI305.1	Andrew Mowbray	Support
FSI197.12	Bowrock Properties Limited	Support
FSI386.575	Mercury NZ Limited for Mercury C	Oppose
371.2	Kitty Burton (Matangi Community Committee)	Amend the Proposed District Plan to include a Council-driven structure plan for Matangi.
FSI202.9	New Zealand Transport Agency	Support
FSI305.2	Andrew Mowbray	Support
FSI305.3	Andrew Mowbray	Support
FSI311.9	Ethan and Rachael Findlay	Oppose
371.8	Kitty Burton (Matangi Community Committee)	Amend the Proposed District Plan to reconsider the intent of Matangi and the indicative village limits.
FSI305.9	Andrew Mowbray	Support
398.1	Ian Thomas	Amend the zoning of the property at 647 Marychurch Road, Matangi (Lot 1 DP 454288) from Rural to Country Living Zone.

FS1197.15	Bowrock Properties Limited	Support
FS1311.12	Ethan and Rachael Findlay	Support
FS1379.115	Hamilton City Council	Oppose
398.2	Ian Thomas	Amend the zoning of properties on the corner of Marychurch Road and Tauwhare Road, Matangi from Rural Zone to Country Living Zone.
FS1197.16	Bowrock Properties Limited	Support
FS1277.25	Waikato Regional Council	Oppose
FS1311.13	Ethan and Rachael Findlay	Support
FS1379.116	Hamilton City Council	Oppose
398.4	Ian Thomas	Amend the Proposed District Plan to make consequential amendments to enable subdivision and development in accordance with the Country Living Zone provisions for the property at 647 Marychurch Road, Matangi, and surrounding properties.
FS1379.117	Hamilton City Council	Oppose
398.5	Ian Thomas	If the rezoning sought in submission points 398.1 and 398.2 is not supported, amend the zoning of 647 Marychurch Road, Matangi and the properties at the intersection of Marychurch Road and Tauwhare Road, Matangi from Rural Zone to Village Zone or Residential Zone to enable appropriate subdivision and development.
FS1197.17	Bowrock Properties Limited	Support
FS1311.15	Ethan and Rachael Findlay	Support
FS1379.118	Hamilton City Council	Oppose
418.9	Ethan Findlay	Amend the zoning of 7B Llennoc Lane, Tamahere and the surrounding properties (bordered by the high tension power lines, Tauwhare Road, Matangi settlement and the Hautapu rail link as illustrated by the submitter's map) from Rural Zone to a more enabling zone that allows intensification.
FS1197.19	Bowrock Properties Limited	Support
FS1277.26	Waikato Regional Council	Oppose
FS1379.128	Hamilton City Council	Oppose
FS1388.166	Mercury NZ Limited for Mercury E	Oppose

672.1	Ian and Darienne Voyle	Amend the zoning of the property located at 436A Tauwhare Road, Matangi to Residential Zone; OR Village Zone OR Country Living Zone.
FSI 197.29	Bowrock Properties Limited	Support
FSI 305.28	Andrew Mowbray	Support
FSI 311.24	Ethan and Rachael Findlay	Support
FSI 379.231	Hamilton City Council	Oppose
FSI 387.135	Mercury NZ Limited for Mercury D	Oppose
695.141	Sharp Planning Solutions Ltd	Undertake further detailed growth investigations in the following localities, in order of priority. Matangi – Add 1,000m2 serviced lots capacity and enlarge commercial area.
FSI 305.29	Andrew Mowbray	Support
FSI 379.257	Hamilton City Council	Oppose
FSI 387.341	Mercury NZ Limited for Mercury D	Oppose
713.1	Matangi Farms Land Ltd	Amend the zoning of Lot 24 DP 500745 (CFR 745666) , Lot 2 DPS 17858 (CFR SA16A/1340) and Lot 3 DPS 14674 (CFR SA12D/955) on Taplin and Tauwhare Roads, Matangi from Rural Zone to Country Living Zone, or Residential Zone or Village Zone in the alternative.
FSI 197.34	Bowrock Properties Limited	Support
FSI 311.27	Ethan and Rachael Findlay	Support
FSI 379.278	Hamilton City Council	Oppose
FSI 387.792	Mercury NZ Limited for Mercury D	Oppose
846.1	Family Jepma	Amend the zoning at 472 Tauwhare Road, Matangi, from Rural Zone to Village Zone OR Country Living Zone.
FSI 197.38	Bowrock Properties Limited	Support
FSI 311.30	Ethan and Rachael Findlay	Support
FSI 379.355	Hamilton City Council	Oppose
FSI 387.1386	Mercury NZ Limited for Mercury D	Oppose

977.1	Amy and Andrew De Langen	Amend the zoning of the property at 436B Tauwhare Road, Matangi from Rural Zone to Country Living Zone.
FSI289.9	Mowbray Group	Oppose
FSI311.31	Ethan and Rachael Findlay	Support
FSI379.377	Hamilton City Council	Oppose

## 7.2 Analysis

121. In Matangi, submitters generally sought to rezone land from Rural to Country Living, and either Village or Residential. In most cases, submitters nominated a number of alternative zones for consideration by the Council.
122. The full extent of land around the Matangi village that submitters are seeking to rezone is shown in red in **Figure 24** below. There was one submission that made a general request to “amend the zoning of land in the Matangi vicinity, by changing the Rural Zone to Country Living Zone”<sup>54</sup>. Given the non-specific relief sought by this request it has not been mapped on Figure 24.
123. Hamilton City Council [FSI379] was a key submitter opposing all submissions (bar submission [371]) to rezone in Matangi due to “the significant cross-boundary impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport, 3 waters and social infrastructure, HCC opposes more lenient subdivision provisions (compared to the Rural Zone)”.

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<sup>54</sup> SI29.1, Geoffrey Long

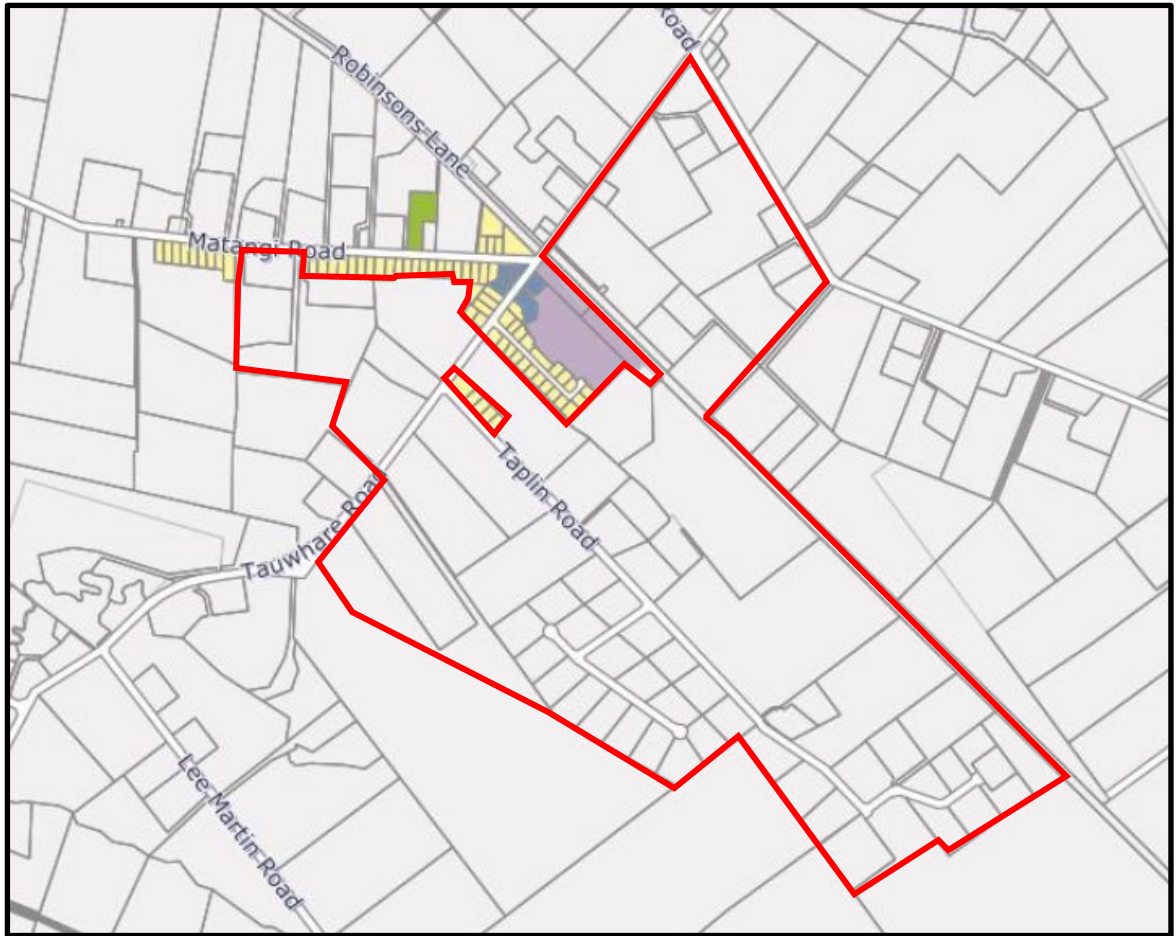


Figure 24: Matangi, extent of rezonings sought by submitters

124. To assess the submissions for Matangi, I will consider all those submissions that fall within the Matangi urban limits together and then those that fall outside the urban limits as a separate group.

#### **Requests to rezone land within the urban limits**

125. Submissions by Kitty Burton [371.1], Ian Thomas [398.1], [398.2], [398.4], [398.5], Ethan Findlay [418.9], Ian and Darienne Voyle [672.1], Matangi Farms Land Ltd [713.1], Family Jepma [846.1] and Amy and Andrew De Langen [977.1] are all seeking urban rezoning (to Residential, Village or Country Living) of land within the urban limits prescribed for Matangi by the Map 6.2 WRPS. Planning evidence has been prepared by Mr Leigh Shaw (of CKL) on behalf of Ian and Darienne Voyle, which includes a subdivision concept plan and a preliminary site investigation. A s32AA report has been prepared by Ms Kitty Burton on behalf of the Matangi Community Committee.
126. I have decided to do a bottom up analysis for Matangi, where I have considered local policy first, followed by regional, and lastly national policy. I acknowledge that this runs counter to my previous assessments, but I consider the layers of information build more naturally that way and assist with helping me form my recommendations to the Panel.
127. Matangi is subject to urban limits as defined by the WRPS (statutory) and Future Proof (non-statutory). The area of land within the urban limits is approximately 70ha, of which approximately 50ha is zoned Rural.

128. The existing Matangi residential and business properties are serviced. I sought clarification on the servicing of Matangi from the Council and they advised<sup>55</sup> that the current services in Matangi are at capacity and there is no planned programme to expand the capacity of the three-waters services. I acknowledge comments by Mr Leigh Shaw<sup>56</sup> that the existing wastewater system has some operational issues and that maintenance or upgrade works will likely be required; however, based on the feedback from the Council, I do not consider that a system upgrade equates to expansion of the wastewater network to enable more intensive development to be accommodated in the urban limits.
129. In the absence of servicing, a Residential zoning of land within the urban limits of Matangi is just not achievable. So I turn to considering the appropriateness of either a Village zoning or a Country Living zoning. Because urban limits are identified, I consider that the Village Zone (being an urban zone provided for in Chapter 4) is the only appropriate zone for all land currently allocated a Rural Zone within the urban limits. A Village Zone would result in a rural residential character, where the minimum lot size is 3000m<sup>2</sup> (Proposed Rule 24.4.1(a)<sup>57</sup>) and there is a requirement for development to be self-sufficient (Proposed Policy 4.3.2(b)<sup>58</sup>).
130. Given the presence of urban limits, I consider that the largely urban growth-focused strategic objectives and the Chapter 4 objectives and policies are relevant. The outcomes for the Village Zone, being low density, semi-rural development with on-site servicing (Policy 4.3.2) run counter to the strategic urban development outcomes intended for the District, specifically compact sustainable, good quality urban environments which utilise land and infrastructure most efficiently in existing urban environments with capacity (Objectives 1.12.8(b)(i), (ii) and (iii)). Accordingly, it is very difficult to reconcile the Village Zone outcomes against the desired strategic outcomes for the District.
131. With regards to the regional issue of losing high class soils, I do not consider the rezoning of Rural land within the urban limits to be at odds with Objective 3.26 of the WRPS. This objective seeks to protect high class soils from inappropriate subdivision, development and use. However, given that the WRPS sets urban limits for Matangi (which will ultimately result in urban development in that location), I do not consider that urban subdivision, development and use can be considered inappropriate.
132. With respect to the built environment, Policy 6.1 directs that subdivision, use and development should occur in a planned and co-ordinated manner. Policy 6.3 reinforces Policy 6.1 by requiring the co-ordination of growth and infrastructure, specifically *“the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure”*.
133. I have canvassed Policy 6.17 above in my analysis of the Tamahere submissions and noted that, because the policy makes specific reference to the Hamilton Fringe, I interpret this to mean that the issues highlighted by the policy are particularly relevant/must be considered more conservatively compared to a property that sits outside the Hamilton Fringe. I consider that this interpretation is reinforced by Principle (a) of the principles specific to rural-residential development listed in the WRPS<sup>59</sup> which states new rural residential development should be more strongly controlled where demand is high.
134. Turning to the other principles listed in Section 6A of the WRPS. The Matangi village is an area of considerable interest to Hamilton City<sup>60</sup>, so I acknowledge that its development may

<sup>55</sup> Via email on 25 February 2021

<sup>56</sup> Evidence of Mr Leigh Shaw, page 6

<sup>57</sup> Proposed Waikato District Plan, Chapter 24, page 17 of 24

<sup>58</sup> Proposed Waikato District Plan, Chapter 4, page 14 of 27

<sup>59</sup> Waikato Regional Policy Statement, page 6-28

<sup>60</sup> HCC submitted on every rezoning submission on the Matangi village

impact in the very long term expansion of Hamilton City, but because it sits outside the possible city expansion area, I do not consider that it would impact on the foreseeable needs of Hamilton (Principle (b)). The Rural land within the urban limits generally ranges in size from 5000m<sup>2</sup> to 4ha, so I would not classify this land as open or spacious and free from urban or rural residential development; I consider the amenity and character of the land in question is already compromised (Principle (c)). The development of land within the urban limits will not result in ribbon development along an arterial (Principle (d)). I was unable to see a bus timetable that services Matangi, accordingly, development of this area would be predominantly reliant on car-based travel into Hamilton (being the main employment centre in the southern part of the sub-region (Principle (e))). As directed by Policy 4.3.2(b), properties in the Village Zone are expected to provide on-site services, so this is wholly consistent with Principle (g). There are no noteworthy natural features in or near the Matangi village (Principle (h)).

- I35. With the exception of Principle (e), I consider that the rezoning of land in the Matangi urban limits would be consistent with the specific rural residential development principles listed in Section 6A.
- I36. To this end, Future Proof sets out restrictions on growth within Matangi (and other villages) in Section 6.4<sup>61</sup>, specifically *“the expectation is that land within an indicative village limit may be developed to a rural-residential density only unless reticulated wastewater is available”*. In addition, the Metro Spatial Plan states that rural residential growth opportunities should be contained within clearly defined boundaries<sup>62</sup>. The Spatial Plan gives only a little direction on what is meant by ‘clearly defined boundaries’ but does point out that *“most residential growth directed to land within urban limits. Some rural-residential living is provided for in specific locations, such as around existing rural villages”*.
- I37. I have found the relevant policies and non-statutory documents to be very conflicting. While Policy 6.1, 6.3 and Principle (a) would suggest that development within the Matangi limits should be tempered, carefully managed and integrated, the assessment of the remaining Principles (b) – (h) and consideration of non-statutory documents would suggest that rezoning of land in the Matangi urban limits to a rural residential level and without reticulated services, may be acceptable.
- I38. So, having laid out the policy conflicts that arise right throughout the relevant framework (with respect to rezoning in the Matangi urban limits), I turn finally to the NPS-UD. As I have noted, the Hamilton Fringe forms part of the Hamilton City urban environment; therefore, the NPS-UD is relevant to these rezoning requests. The NPS-UD has likewise been gazetted since the release of the Future Proof 2017 and WRPS, and therefore there is the potential for these earlier documents to not fully reflect the more recent directions contained in the NPS-UD. Where there is inconsistency between these documents, the higher order direction contained in the NPS-UD must take precedence as a matter that the district plan is to give effect to.
- I39. I do not consider the rezoning submissions give effect to Objectives 2, 3(b) and (c), 4, 6 and 8a. Specifically: rezoning within the Matangi urban limits is unlikely to address the housing (in)affordability issue where the median sale price in Tamahere (which includes Matangi for OneRoof’s analysis) is \$1.3M<sup>63</sup>; the area is not located near a centre zone or area with many employment opportunities and is not well serviced by public transport; the rezoning of land at Matangi to Village Zone will potentially hinder the Council’s ability to meet sub-regional growth needs and will likely prevent integrated and strategic outcomes over time (due to the challenges, including financial, of retrofitting higher density housing and associated

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<sup>61</sup> Future Proof 2017, page 33

<sup>62</sup> Metro Spatial Plan, page 36

<sup>63</sup> <https://www.oneroof.co.nz/suburb/tamahere-waikato-1870>

infrastructure); and finally, rural lifestyle development tends to promote reliance on private vehicles rather than public transport.

140. However, due to the very high demand to live in this area, I do consider that the rezoning submissions satisfactorily address Objective 3(c).
141. Given the servicing constraints, the only option for rezoning within the Matangi urban limits is Village Zone. However, a Village zoning does not enable a variety of homes that meet the needs, in terms of type, price, and location, of different households (Policy 1(a)(i)). Increasing housing in Matangi would not promote good accessibility between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport (Policy 1(c)). And lastly, rezoning in Matangi will not support the competitive operation of land and development markets (Policy 1(d)), nor support reductions in greenhouse gas emissions (Policy 1(e)).
142. With regards to Policy 2 and the provision of sufficient development capacity, Matangi is not considered to assist the Council in meeting demand for housing. In order to qualify as 'sufficient', capacity must be plan-enabled, infrastructure-ready, feasible and reasonably expected to be realised (as directed by Clause 3.2(2)). At present, the land is not plan-enabled (although, as with Tamahere, I do appreciate that is the opportunity presented by this district plan review) and the land is not infrastructure-ready (there is inadequate servicing of Matangi at present and no plans to expand the existing services of Matangi).
143. Overall, I consider that the requested rezonings in Matangi fail to contribute to a well-functioning Hamilton City urban environment. Furthermore, rezoning the land to unserviced Village or Country Living densities would fail to give effect to the NPS-UD.
144. My conclusion regarding the policy framework, and ultimately my recommendation to reject all of the rezoning requests within the Matangi urban limits, raises two questions. Firstly, whether a Future Urban Zone is an appropriate response to the rezoning requests<sup>64</sup> and secondly, whether it is appropriate to rezone land that is already characteristic of the zoning sought by submission(s).
145. I do not consider it appropriate (at this stage) to rezone the land within the urban limits to Future Urban Zone. With no servicing agenda in place for the short, medium or long term, the land is not 'infrastructure-ready' (as defined by the NPS-UD). I think it places pressure on the Council to begin to programme the capital works to service the area and raises the hopes of landowners and the community that an urban outcome will occur in the foreseeable future. I think it is also prudent to wait for the outcomes of the pending Future Proof review, which could dramatically change the future urban growth aspirations for Matangi (either for or against). Accordingly, I do not think a Future Urban Zone is appropriate at this time.
146. I acknowledge Kitty Burton's submission [371.2] that requests the Council undertake a structure planning process to determine the best urban form for Matangi. I believe that this process will have merit in time provided that the forthcoming Future Proof review determines that urban growth should be provided for in Matangi.
147. With regards to the existing smaller allotments within the urban limits (5000m<sup>2</sup> or less). I do not think 'the horse has bolted' is an acceptable argument to contemplate the rezoning of further land despite its size, characteristics or surrounds. It has the potential to erode the integrity of the policy framework, encourage urban creep, and it would result in spot zonings, which is generally not an appropriate planning response for residential anomalies. These properties benefit from existing use rights regardless of their underlying zoning.

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<sup>64</sup> An option raised in the MCC [371] s32AA assessment (provided as evidence)

148. As noted earlier, the NPS-ET has limited relevance to Matangi. Zoning land more intensively within the urban limits will still enable compliance with both the National Grid Yard<sup>65</sup> and National Grid Corridor<sup>66</sup>.

### **Requests to rezone land outside the urban limits**

149. Ian Thomas [398.2] [398.4], Ethan Findlay [418.9] and Matangi Farms Land Ltd [713.1] seek to rezone land outside the Matangi urban limits from Rural Zone to Country Living or Village or Residential. Planning evidence has been prepared by Andrew Wood (of Next Construction), on behalf of Ian Thomas and includes a soils assessment by Mr Dave Miller of AgFirst. Mr Ian Thomas has also provided a statement of evidence to support the requested rezoning, this evidence speaks to the practical viability of farming the property.
150. By and large, my discussion regarding the rezoning of land within the Matangi urban limits is applicable to land outside the urban limits. Accordingly, I will not retrace my assessment of the NPS-UD and WRPS built environment policies, or the Proposed District Plan strategic objectives.
151. With respect to high class soils, all submissions seeking to rezone are currently zoned Rural. These sites all sit on high class (LUCI-III) soils<sup>67</sup>. I consider the rezoning of these sites to be inconsistent with Objective 3.26 of the WRPS as it would not protect high class soils for primary production and it would enable the land to be used for residential development not ancillary to rural activity.
152. I consider the Country Living and Village Zones (particularly when developed on high class soils) to be inconsistent with the proposed Chapter 5 rural objectives. In particular, Objective 5.1.1(a)(i), which seeks to protect high class soils and avoid all urban subdivision, use and development within the rural environment. As well as Objectives 5.2 and 5.3.1, which seek to maintain or enhance the productive versatility of rural resources and maintain rural character and amenity. I note that this last objective lacks detail; however spaciousness, separation and very low density can reasonably be considered the desired traits of a rural environment, which would not be achieved by a low density urban land use pattern.

### **Submission by Geoffrey Long [129.1]**

153. Mr Long's submission merely sought that the zoning of land in the Matangi vicinity be changed from Rural Zone to Country Living Zone. Given the submission sought no specific relief, I am unable to address it. I am optimistic that my recommendations in paras 91 – 111 sufficiently address his submission, if not entirely, then in part.

## **7.3 Recommendations**

30. For the reasons above, I recommend that the Hearings Panel:

- (a) **Rejects** Geoffrey Long [129.1], Peter Fitzpatrick [306.1], Kitty Burton (Matangi Community Committee) [371.1], [371.2] and [371.8], Ian Thomas [398.1], [398.2], [398.4] and [398.5], Ethan Findlay [418.9], Ian and Darienne Voyle [672.1], Sharp Planning Solutions Ltd [695.141], Matangi Farms Land Ltd [713.1], Family Jepma [846.1], Amy and Andrew De Langen [977.1], Bowrock Properties Limited [1197.4], [1197.10], [1197.12], [1197.15], [1197.16], [1197.17], [1197.19], [1197.29], [1197.34] and [1197.38], New Zealand Transport Agency [1202.9], Bootleg Brewery [1264.1], Andrew Mowbray [FS1305.1], [FS1305.2], [FS1305.3], [FS1305.9], [FS1305.26],

<sup>65</sup> Chapter 13, Proposed definition, National grid yard, page 17 of 30

<sup>66</sup> Chapter 13, Proposed definition, National grid corridor, page 18 of 30

<sup>67</sup> Mr Thomas' land is classified as LUCI, Soils report (page 4), prepared by Dave Miler of AgFirst and submitted as evidence on behalf of Ian Thomas.

[FSI305.27], [FSI305.28] and [FSI305.29], Ethan and Rachael Findlay [FSI311.4], [FSI311.8], [FSI311.12], [FSI311.13], [FSI311.15], [FSI311.24], [FSI311.27], [FSI311.30] and [FSI311.31] and retains the Rural Zone.

- (b) **Accepts** Waikato Regional Council [FSI277.8], [FSI277.25] and [FSI277.26], Mowbray Group [I289.9], Ethan and Rachael Findlay [FSI311.9], Hamilton City Council [FSI379.28], [FSI379.68], [FSI379.115], [FSI379.116], [FSI379.117], [FSI379.118], [FSI379.128], [FSI379.231], [FSI379.257], [FSI379.278], [I379.355], and [FSI379.377], Mercury NZ Limited for Mercury C [FSI386.112], [FSI386.359] and [FSI386.575], Mercury NZ Limited for Mercury D [FSI387.135], [FSI387.341], [FSI387.792] and [FSI387.1386] and Mercury NZ Limited for Mercury E [FSI388.166].

## 7.4 Section 32AA evaluation

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

## 8 Conclusion

1. I have largely recommended that the submissions to rezone land in the Hamilton Fringe be rejected. With the exception of the R2 growth cell, I do not consider that the rezoning requests give effect to the NPS-UD or the WRPS.
2. I consider that the submissions on this chapter should be accepted, accepted in part or rejected as set out in **Appendix I** for the reasons set out above.

## 9 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
292.3	David Yzendoorn for David and Barbara Yzendoorn		Amend the zoning of the properties between Gordonton Road, Greenhill Road and the Waikato Expressway (including 83 Greenhill Road, Puketaha) from Rural Zone to Residential Zone.	Reject	4
FSI277.11	Waikato Regional Council	Oppose		Accept	4
FSI379.59	Hamilton City Council	Oppose		Accept	4
FSI386.298	Mercury NZ Limited for Mercury C	Oppose		Accept	4
344.3	Burton Trust		Identify the area bound by the new Waikato Expressway, Puketaha Road, Telephone Road and Holland Road as Future Urban Zone.	Reject	4
FSI252.4	AH and DB Finlay Limited	Support		Reject	4
FSI254.4	Wattle Downs Limited	Support		Reject	4
FSI256.4	Moeraki Farm Limited	Support		Reject	4

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI260.4	K Badger and WR Badger Estate	Support		Reject	4
FSI270.2	Malcolm MacDonald	Support		Reject	4
FSI324.4	Robyn Ballard	Support		Reject	4
FSI277.15	Waikato Regional Council	Oppose		Accept	4
FSI379.383	Hamilton City Council	Oppose		Accept	4
FSI386.480	Mercury NZ Limited for Mercury C	Oppose		Accept	4
422.1	Malcolm McDonald		Amend the zoning of part of the property located at 133 Greenhill Road, Puketaha from Rural Zone to Business Zone with an overlay of Motorway Service Area.	Reject	4
FSI202.111	New Zealand Transport Agency	Oppose		Accept	4
FSI379.135	Hamilton City Council	Oppose		Accept	4
341.2	Tainui Group Holdings Limited		Add a new Ruakura Industrial Zone to the Plan and apply to land in Ruakura east of the Waikato Expressway.	Reject	5
FSI048.1	Peter Lord Cowell	Oppose		Accept	5

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<i>FS1053.1</i>	<i>Bobbie Wisneski</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1063.2</i>	<i>Hugh Goodman and Katie Mayes</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1064.2</i>	<i>Lyn Kingsbury</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1065.1</i>	<i>Joanne Bedford and Adrian Coote</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1068.1</i>	<i>Martin and Maria Rose on behalf of Rose Family Trust</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1071.1</i>	<i>Newstead Residents Group</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1072.1</i>	<i>Newstead Residents Association</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1074.1</i>	<i>David Hale on behalf of David and Sharon Hale</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1080.1</i>	<i>One Mission Society</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1081.1</i>	<i>Bernard Wood</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1085.1</i>	<i>Zenders Café and Venue</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>

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<i>FSI094.4</i>	<i>Dorothy Derecourt and David Mckeown</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI108.39</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Support</i>		<i>Reject</i>	<i>5</i>
<i>FSI147.1</i>	<i>Ross and Leonie Hopkins</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI148.1</i>	<i>Susan and Brett Hopkins</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI149.11</i>	<i>Gavin Lovegrove and Michelle Peddie</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI149.12</i>	<i>Gavin Lovegrove and Michelle Peddie</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI152.1</i>	<i>Jacob Davis and Karly Hurst</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI153.1</i>	<i>Jack and Alison Jenkins</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI155.1</i>	<i>Teresa Bowe</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI156.1</i>	<i>Christina Reymer</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>

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<i>FSI 156.2</i>	<i>Christina Reymer</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 157.8</i>	<i>Gordon Downey</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 158.1</i>	<i>Aileen Margaret Downey</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 159.1</i>	<i>Jason Gary Davis</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 160.1</i>	<i>Morgan Olsen</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 162.1</i>	<i>Pam and David Bryant</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 163.1</i>	<i>Kerry Ellen Davis</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 164.12</i>	<i>Tamara Huaki</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 165.10</i>	<i>Pekerangi Kee-Huaki</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 166.10</i>	<i>Jarod Kowhai Huaki</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 167.1</i>	<i>Monique Reymer</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 182.2</i>	<i>Newstead Country Preschool</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 182.3</i>	<i>Newstead Country Preschool</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI 183.8</i>	<i>Noel Gordon Smith</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>

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<i>FSI189.2</i>	<i>Kylie Cocurullo on behalf of Noel Cocurullo Trust Superannuation Scheme</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI201.2</i>	<i>Mark D Reinsfield</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI202.65</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI204.2</i>	<i>Christian and Natasha McDean</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI216.2</i>	<i>Newstead Residents Association</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI250.2</i>	<i>John and Sonia Aubin</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI250.3</i>	<i>John and Sonia Aubin</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI262.1</i>	<i>Newstead Model Country School</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI262.2</i>	<i>Newstead Model Country School</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI262.3</i>	<i>Newstead Model Country School</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>

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<i>FSI277.157</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI277.159</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI280.2</i>	<i>Dennis and Jan Tickelpenny</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI284.2</i>	<i>Philip and Sheree Lawton</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI284.3</i>	<i>Philip and Sheree Lawton</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI293.21</i>	<i>Department of Conservation</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI299.1</i>	<i>Prudence Williams and Stuart Lye</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI300.2</i>	<i>Fedor Dronov</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI310.2</i>	<i>Kory Kelly</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI373.2</i>	<i>Tim Cochrane</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI380.2</i>	<i>Alan and Eleanor Ure</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FSI380.3</i>	<i>Alan and Eleanor Ure</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
185.1	Grant and Merelina Burnett		Amend the zoning of the property at 50 Te Awa Lane, Tamahere from Rural Zone to Country Living Zone.	<i>Reject</i>	6
<i>FS1379.47</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	6
<i>FS1386.184</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>Accept</i>	6
272.1	Mark Smith		Amend the zoning of the properties in Summerfield Land, Tamahere from Rural Zone to Country Living Zone.	<i>Reject</i>	6
<i>FS1197.8</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>		<i>Reject</i>	6
<i>FS1379.54</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	6
<i>FS1386.277</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>Accept</i>	6
363.1	Divina Libre		Amend the zoning for the land located between the Waikato Expressway and the Tamahere Country Living Zone (which includes Yumelody Lane) from Rural Zone to Country Living Zone.	<i>Reject</i>	6
<i>FS1021.7</i>	<i>Ying-Peng Yu</i>	<i>Support</i>		<i>Reject</i>	6
<i>FS1197.11</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>		<i>Reject</i>	6

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<i>FSI277.18</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
<i>FSI386.532</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
389.1	Jonathan Quigley for J and T Quigley Ltd		Amend the zoning of 25 Tamahere Drive from Rural Zone to Countryside Living Zone or Village Zone. AND retain the current extent of Countryside Living Zone and Residential Zone located to the west of the submitters' site on Tamahere Drive, Tamahere.	<i>Reject</i>	<i>6</i>
<i>FSI388.91</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
407.1	Mel Libre		Amend the zoning for the land located between the Waikato Expressway and the Tamahere Country Living Zone (which includes Yumelody Lane) from Rural Zone to Country Living Zone.	<i>Reject</i>	<i>6</i>
<i>FSI197.18</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>		<i>Reject</i>	<i>6</i>
<i>FSI277.19</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
<i>FSI379.122</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>6</i>
426.1	Kim Angelo Libre		Amend the proposed zoning of the land between the Waikato Expressway and the Tamahere Country Living Zone (including Yumelody Lane) from Rural Zone to Country Living Zone.	<i>Reject</i>	<i>6</i>

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI021.8	Ying-Peng Yu	Support		Reject	6
FSI030.16	Phillip King	Support		Reject	6
FSI062.40	Andrew and Christine Gore	Support		Reject	6
FSI197.20	Bowrock Properties Limited	Support		Reject	6
FSI277.20	Waikato Regional Council	Oppose		Accept	6
FSI379.136	Hamilton City Council	Oppose		Accept	6
FSI388.253	Mercury NZ Limited for Mercury E	Oppose		Accept	6
438.1	Wendy Oliver		Amend the zoning of 50C Cedar Park Road, Tamahere from Country Living Zone to Village Zone (or create a deferred zone.) OR Amend the Country Living Zone rules to allow dispensation to reduce the section lot size down to 2000m <sup>2</sup> to 3000m <sup>2</sup> .	Reject	6
FSI005.3	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Support		Reject	6

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1379.138	Hamilton City Council	Oppose		Accept	6
FS1388.265	Mercury NZ Limited for Mercury E	Oppose		Accept	6
697.344	Waikato District Council		Amend zoning of the property at 78 Strawberry Fields Land, Tamahere to change from Road Zone to Rural Zone.	Accept	6
FS1387.540	Mercury NZ Limited for Mercury D	Oppose		Reject	6
697.345	Waikato District Council		Amend zoning of property at 6 Bates Road, Tamahere from Rural Zone to Country Living Zone.	Accept	6
FS1387.541	Mercury NZ Limited for Mercury D	Oppose		Reject	6
712.1	Bettley-Stamef Partnership		Amend the zoning of 125, 131 145, 158, 165A, 165B, 165C, 167A, 168, 171 (aka 167), 174 Matangi Road and 21A, 21B, 26, 29, 51, 54, 58, 59, 60, 61A, 61B, 61C, 62A and 62B Yumelody Lane from Rural Zone to Country Living Zone.	Reject	6
FS1005.1	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Support		Reject	6

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI008.2	Zane and Sheryl Bettley	Support		Reject	6
FSI010.3	Peter McKenzie	Support		Reject	6
FSI016.3	Zane Bettley	Support		Reject	6
FSI018.2	Keir Bettley	Support		Reject	6
FSI021.2	Ying-Peng Yu	Support		Reject	6
FSI021.5	Ying-Peng Yu	Support		Reject	6
FSI197.33	Bowrock Properties Limited	Support		Reject	6
FSI277.46	Waikato Regional Council	Oppose		Accept	6
FSI379.277	Hamilton City Council	Oppose		Accept	6
FSI387.791	Mercury NZ Limited for Mercury D	Oppose		Accept	6
765.1	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		Retain the Country Living Zoning of Tamahere Eventide Retirement Village and the surrounding land in the immediate area at 621 State Highway One (Lot 2 DPS 88165), 0 State Highway One (Lot 1 DPS 88165) and 597 State Highway One (Pt Lot 2 DPS 2182) as notified.	Accept	6

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
<i>FS1387.1130</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Reject</i>	6
769.1	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		Amend the zoning of Atawhai Assisi at 158 Matangi Road (Lot 1 DPS 21156, CTSA20A/1259) from Rural Zone to Country Living Zone. AND Amend the zoning of 168 Matangi Road (Lot DPS 6744 and Part Allotment 54 Parish of Tamahere (CT SA3A/912) from the Rural to Country Living Zone. AND amend the zoning of 174 Matangi Road (Section 1 Survey Office Plan 457326 CT 610816) from Rural Zone to Country Living Zone. AND No specific decision sought, but submission opposes the Rural policy overlays/areas for the Atawhai Assisi property and the two adjoining properties. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.	<i>Reject</i>	6
<i>6FS1197.35</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>		<i>Reject</i>	6
<i>F6S1379.316</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	6
129.1	Geoffrey Long		Amend the zoning of land in the Matangi vicinity from Rural Zone to Country Living Zone.	<i>Reject</i>	7
<i>FS1197.4</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>		<i>Reject</i>	7
<i>FS1277.8</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Accept</i>	7

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<i>FSI305.26</i>	<i>Andrew Mowbray</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FSI311.4</i>	<i>Ethan and Rachael Findlay</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FSI379.28</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<i>FSI386.112</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<b>306.1</b>	<b>Peter Fitzpatrick</b>		Amend the zoning of the land between Taplin, Hoeka and Marychurch Roads, Matangi from Rural Zone to Village Zone or Country Living Zone.	<i>Reject</i>	<i>7</i>
<i>FSI311.8</i>	<i>Ethan and Rachael Findlay</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FSI197.10</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FSI305.27</i>	<i>Andrew Mowbray</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FSI379.68</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<i>FSI386.359</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
371.1	Kitty Burton (Matangi Community Committee)		Amend the zoning of the properties adjacent to the Matangi village, as identified in the Community Plan 2013 from Rural Zone to Village Zone.	Reject	7
FS1264.1	Bootleg Brewery	Support		Reject	7
FS1305.1	Andrew Mowbray	Support		Reject	7
FS1197.12	Bowrock Properties Limited	Support		Reject	7
FS1386.575	Mercury NZ Limited for Mercury C	Oppose		Accept	7
371.2	Kitty Burton (Matangi Community Committee)		Amend the Proposed District Plan to include a Council-driven structure plan for Matangi.	Reject	7
FS1202.9	New Zealand Transport Agency	Support		Reject	7
FS1305.2	Andrew Mowbray	Support		Reject	7
FS1305.3	Andrew Mowbray	Support		Reject	7
FS1311.9	Ethan and Rachael Findlay	Oppose		Accept	7
371.8	Kitty Burton (Matangi)		Amend the Proposed District Plan to reconsider the intent of Matangi and the indicative village limits.	Reject	7

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Community Committee)				
FS1305.9	Andrew Mowbray	Support		Reject	7
398.1	Ian Thomas		Amend the zoning of the property at 647 Marychurch Road, Matangi (Lot 1 DP 454288) from Rural to Country Living Zone.	Reject	7
FS1197.15	Bowrock Properties Limited	Support		Reject	7
FS1311.12	Ethan and Rachael Findlay	Support		Reject	7
FS1379.115	Hamilton City Council	Oppose		Accept	7
398.2	Ian Thomas		Amend the zoning of properties on the corner of Marychurch Road and Tauwhare Road, Matangi from Rural Zone to Country Living Zone.	Reject	7
FS1197.16	Bowrock Properties Limited	Support		Reject	7
FS1277.25	Waikato Regional Council	Oppose		Accept	7
FS1311.13	Ethan and Rachael Findlay	Support		Reject	7
FS1379.116	Hamilton City Council	Oppose		Accept	7

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
398.4	Ian Thomas		Amend the Proposed District Plan to make consequential amendments to enable subdivision and development in accordance with the Country Living Zone provisions for the property at 647 Marychurch Road, Matangi, and surrounding properties.	<i>Reject</i>	7
FS1379.117	Hamilton City Council	<i>Oppose</i>		<i>Accept</i>	7
398.5	Ian Thomas		If the rezoning sought in submission points 398.1 and 398.2 is not supported, amend the zoning of 647 Marychurch Road, Matangi and the properties at the intersection of Marychurch Road and Tauwhare Road, Matangi from Rural Zone to Village Zone or Residential Zone to enable appropriate subdivision and development.	<i>Reject</i>	7
FS1197.17	Bowrock Properties Limited	<i>Support</i>		<i>Reject</i>	7
FS1311.15	Ethan and Rachael Findlay	<i>Support</i>		<i>Reject</i>	7
FS1379.118	Hamilton City Council	<i>Oppose</i>		<i>Accept</i>	7
418.9	Ethan Findlay		Amend the zoning of 7B Llennoc Lane, Tamahere and the surrounding properties (bordered by the high tension power lines, Tauwhare Road, Matangi settlement and the Hautapu rail link as illustrated by the submitter's map) from Rural Zone to a more enabling zone that allows intensification.	<i>Reject</i>	7
FS1197.19	Bowrock Properties Limited	<i>Support</i>		<i>Reject</i>	7

Submission number	Submitter	Support/ oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI277.26	Waikato Regional Council	Oppose		Accept	7
FSI379.128	Hamilton City Council	Oppose		Accept	7
FSI388.166	Mercury NZ Limited for Mercury E	Oppose		Accept	7
672.1	Ian and Darienne Voyle		Amend the zoning of the property located at 436A Tauwhare Road, Matangi to Residential Zone; OR Village Zone OR Country Living Zone.	Reject	7
FSI197.29	Bowrock Properties Limited	Support		Reject	7
FSI305.28	Andrew Mowbray	Support		Reject	7
FSI311.24	Ethan and Rachael Findlay	Support		Reject	7
FSI379.231	Hamilton City Council	Oppose		Accept	7
FSI387.135	Mercury NZ Limited for Mercury D	Oppose		Accept	7
695.141	Sharp Planning Solutions Ltd		Undertake further detailed growth investigations in the following localities, in order of priority. Matangi – Add 1,000m2 serviced lots capacity and enlarge commercial area.	Reject	7

<b>Submission number</b>	<b>Submitter</b>	<b>Support/ oppose</b>	<b>Summary of submission</b>	<b>Recommendation</b>	<b>Section of this report where the submission point is addressed</b>
<i>FSI305.29</i>	<i>Andrew Mowbray</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FSI379.257</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<i>FSI387.341</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<i>713.1</i>	<i>Matangi Farms Land Ltd</i>		Amend the zoning of Lot 24 DP 500745 (CFR 745666) , Lot 2 DPS 17858 (CFR SAI6A/1340) and Lot 3 DPS 14674 (CFR SAI2D/955) on Taplin and Tauwhare Roads, Matangi from Rural Zone to Country Living Zone, or Residential Zone or Village Zone in the alternative.	<i>Reject</i>	<i>7</i>
<i>FSI197.34</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FSI311.27</i>	<i>Ethan and Rachael Findlay</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FSI379.278</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<i>FSI387.792</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<i>846.1</i>	<i>Family Jepma</i>		Amend the zoning at 472 Tauwhare Road, Matangi, from Rural Zone to Village Zone OR Country Living Zone.	<i>Reject</i>	<i>7</i>
<i>FSI197.38</i>	<i>Bowrock Properties Limited</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>

<b>Submission number</b>	<b>Submitter</b>	<b>Support/ oppose</b>	<b>Summary of submission</b>	<b>Recommendation</b>	<b>Section of this report where the submission point is addressed</b>
<i>FS1311.30</i>	<i>Ethan and Rachael Findlay</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FS1379.355</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<i>FS1387.1386</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<i>977.1</i>	<i>Amy and Andrew De Langen</i>		Amend the zoning of the property at 436B Tauwhare Road, Matangi from Rural Zone to Country Living Zone.	<i>Reject</i>	<i>7</i>
<i>FS1289.9</i>	<i>Mowbray Group</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>
<i>FS1311.31</i>	<i>Ethan and Rachael Findlay</i>	<i>Support</i>		<i>Reject</i>	<i>7</i>
<i>FS1379.377</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>7</i>