

SECTION 42A REPORT

Opening Statement

Hearing 25: Zone Extents

Rest of District

Prepared by: Catherine Boulton

Date: 8 June 2021

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

I Introduction

1. Good morning Chair, Commissioners and Submitters. My name is Catherine Boulton and I am the author of the s42A report, s42A rebuttal report and addendums for Hearing 25 Zone Extents – Rest of District.
2. The purpose of this opening statement is to provide you with a brief overview of the submissions and my recommendations relating to the Rest of District. The larger Waikato townships and their surrounds are addressed by other s42A authors, submissions within the Hamilton Fringe area were considered by my colleague Susannah Tait while the Rest of District area covers the remainder of land within the District.

2 Rest of District Area

2.1 Overview

3. As outlined above and in my s42a report, the ‘Rest of District’ area largely covers Waikato District’s Rural Zone. The Rural Zone covers approximately 410,000 hectares or 94% of the District’s land area and its primary purpose is to enable a wide range of primary industry while also controlling the effects that activities in the Rural Zone may have on the environment¹. Matters of significance to the Rural Zone are identified as being:
 - Safeguarding the natural resource. Waikato has been identified as having comparatively large areas of high-class soils. High-class soils are decreasing nationally and therefore the PWDP recognises the importance of protecting this declining natural resource for the future wellbeing on the District and the nation.
 - Recognition of the importance of the significant resources that are located through the Rural Zone including several mineral deposits, transport and energy infrastructure and the integration of land use activities and the rural land resource.
 - Balancing the competing and increased demand for rural land and the overall demand for that land to be used for rural-residential development.

3 Submissions

3.1 Overview

4. The rezoning requests received within the ‘Rest of District’ predominantly seek to rezone Rural land (as zoned under the Proposed Waikato District Plan) to a zone of higher density although I do note that not all submissions relate to land zoned as Rural under the PWDP.
5. Given that the Rest of District covers a wide area my assessment of submissions was made in relation to specific areas (particularly where rezoning requests were made next to or near land within small villages) or based on common themes. The areas and key themes addressed were as follows:
 - a) Submissions seeking a rezone of land within the Glen Massey area over two submission sites. These submissions requested both Country Living and Village Zoning.
 - b) A request to rezone land within the Te Uku area near Raglan to the Country Living Zone. Further submissions received were in opposition to this rezone request.
 - c) Submitters seeking a rezone of land from Rural to Country Living Zone and/or Village Zone to achieve a higher density as set out in Sections 6 and 7 of my s42a report Further

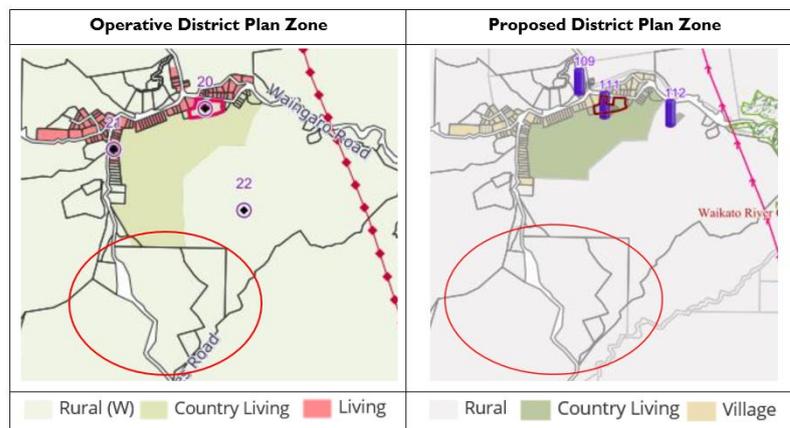
¹ Section 32 Report – Rural Zone, Page 4

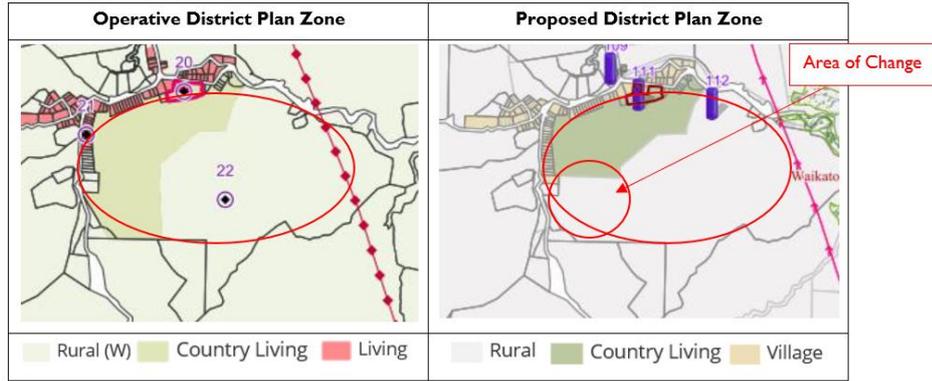
submissions were made in support and opposition to these rezoning requests. Hamilton City Council and Waikato Regional Council were among submitters in opposition to these rezoning requests.

- d) Consideration of a rezoning request from Rural to the Industrial Zone at 111 and 117 Mason Road to recognise the existing and lawfully established industrial activity on the submission site.
- e) Rezoning of Maramarua township to encourage the development of Maramarua as a service centre for State Highway 2. No specific zone was sought.
- f) Consideration of a new special purpose 'Maioiro Mining Zone' to cover the existing lawfully established Maioiro Mine.
- g) Rezoning requests for land at two submission sites within Gordonton to be rezoned to Residential and a rezone request for land along State Highway 2 in the north (no specific submission site given).
- h) Rezoning at Ohinewai.
- i) Submissions seeking the retention of the notified zones.
- j) Rezoning requests which relate to mapping errors confirmed by the Waikato District Council.
- k) A request to rezone land just outside of Tauwhare Village to Country Living Zone or Village Zone (addressed in the addendum to my s42a report).
- l) A request to have a new 'Specific Area' added to the Rural Zone Chapter of the Proposed District Plan for Dilworth School's rural campus (addressed in the s42a addendum).
- m) A request to rezone land at Kay Road to Country Living Zone in the Hamilton City Fringe area.

3.2 Analysis of submissions at Glen Massey

6. In my analysis of submissions at Glen Massey I reached two different recommendations on the rezoning of land for the two submission sites (233 Wilton Collieres Road and 859 Waingaro Road) – shown in the zoning maps respectively below.

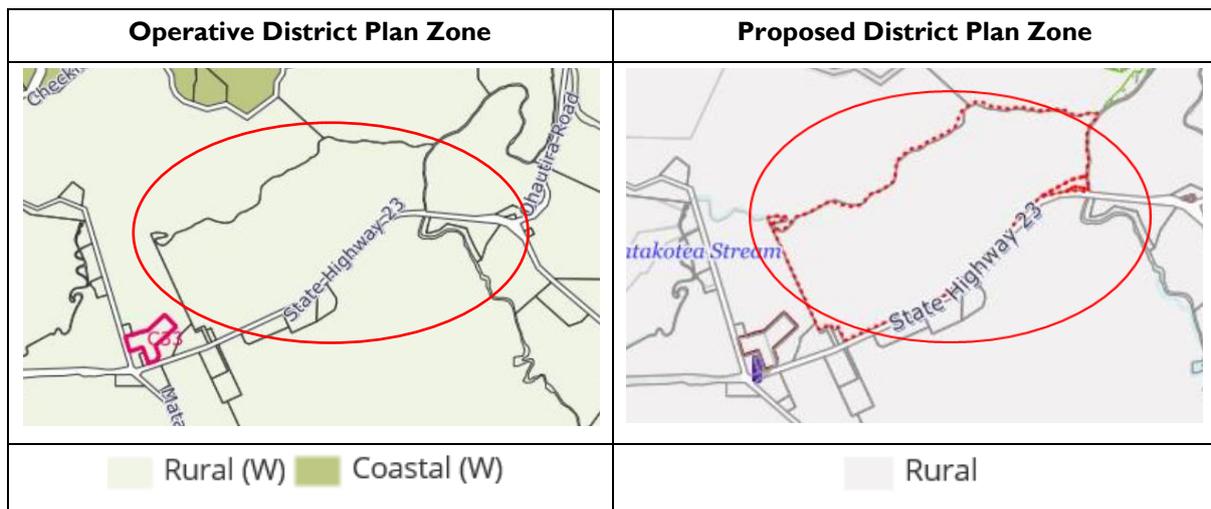




7. For 233 Wilton Collieries Road [503, 558, 947-960 and 989] I recommended that the rezoning request be rejected but for 859 Waingaro Road [551] I recommended that the Country Living Zone boundaries (as notified under the PWDP) be rezoned to the Village Zone.
8. My recommendation to reject the rezoning request for 233 Wilton Collieries Road was made having regard to the higher order policy direction for growth. However, I note that the submitter’s rebuttal evidence considers that my assessment fails to acknowledge that village limits do not apply outside of Hamilton Periphery and that there needs to be a flexible and responsive approach to managing growth. My assessment also referred to development principles from Schedule 6A of the WRPS with these matters addressed in the legal submissions. I am still of the opinion that rezoning would be inconsistent with these development principles.
9. My recommendation to rezone the Country Living Zone portion of land at 859 Waingaro Road (as notified under the PWDP) to Village Zone was made given that this land was already identified for low density rural residential living, that it falls within the Glen Massey Structure Plan area and specifically within the area identified as “key moves for residential development”, that residential growth could be managed in accordance with the timing and population for the rural or rural growth area projections in the WRPS.

3.3 Analysis of submissions at Te Uku

10. Diamond Creek Farm Limited [387] has submitted on the PWDP requesting that land at Te Uku near Raglan (approximately 10.5km away) be rezoned from Rural to Country Living Zone.



11. A further submission and evidence was also received from the submitter in support of the rezoning request. Further submissions in opposition to the rezone request were also made by Mercury and the Waikato Regional Council.
12. My s42a recommendation was that the rezoning request be rejected predominantly because development of the land is not supported by the higher order planning framework. I note that the submitter's evidence set out that because the submission site is not located on Hamilton's periphery that it would not be expected to have village limits identified in Future Proof and that the maps representing the Future Proof Settlement pattern only provide a general indication for the extent of urban areas through the identified indicative urban and village limits. I have not changed my opinion.

3.4 Analysis of submissions seeking Country Living or Village Zoning

13. The submissions received within the 'Rest of District' were mostly received for the rezoning of Rural land to either Country Living Zone or Village Zone. The majority of these submissions were addressed in sections 6 and 7 of my s42a report.
14. My recommendation to reject these submissions was made primarily on the basis that:
 - rezoning each of the remaining submission sites would constitute an area of higher density development in a location that geographically does not align with the higher order directions regarding the location of growth within urban limits (all the submission sites sit outside of Future Proof and the Map 6C areas shown in the WRPS), and/or
 - insufficient technical information has been provided to ensure a sustainable development outcome is achieved as a result of rezoning the land.

3.5 Analysis of submission seeking Industrial Zone

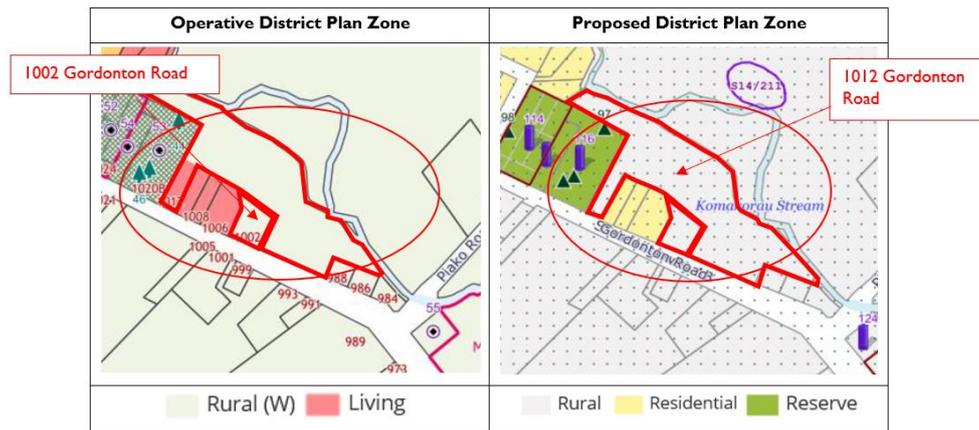
15. One submission was received seeking the amendment to the zoning of the property at 111 and 117 Mason Road from Rural to Industrial Zone [817.1] given that the existing established activities that occur at the site are industrial in nature.
16. My s42a recommendation for this submission was that it be rejected based on lack of consistency with higher order planning documents and the site retain its Rural Zoning. This would then mean that the operations undertaken on the site would be subject to Rural Zone provisions and existing resource consents.

3.6 Analysis of submission seeking the rezone of Maramarua Township

17. One submission was received requesting that Council consider rezoning Maramarua township [158.1] to encourage its development as a service centre for State Highway 2. This submission did not identify any particular land parcels and no further submitter evidence was provided. I recommended that this submission be rejected due to insufficient information.

3.7 Analysis of submissions seeking a rezone of Rural land to the Residential Zone.

18. Two submissions were received for adjoining parcels of land at Gordonton (1002 and 1012 Gordonton Road) [292.4] & [292.6] respectively.



19. I addressed both of these submissions in my s42a report and in my rebuttal. The submissions sought a rezone of land to Residential.
20. My recommendation was that 1002 Gordonton Road be rezoned to residential given that it is a relatively small lot at the end of a strip of residentially zoned property. For 1012 Gordonton Road, I recommended that this site retain its Rural zoning this was initially because there was insufficient evidence for this site to support the rezoning. Further evidence was provided by the submitter. However, after reviewing this evidence my recommendation was for this site to continue to be zoned Rural but I consider that a decision on this submission is finely balanced. If the Panel did want to see small incremental changes in zoning in this area I would not be opposed to it.

3.8 Rezoning at Ohinewai.

21. Although the rezoning of Ohinewai was a matter addressed in Hearing 19, Ohinewai Lands Limited filed additional evidence in the context of Hearing 25 seeking Future Urban Zone.
22. I am of the opinion that a Future Urban Zone seems logical for the 39ha growth area sought by OLL but acknowledge that the Panel with all the background into the previous hearing (of which I have not been part of) has a greater level of oversight and background into the Ohinewai rezonings. I also note that there is a second land area identified by OLL in its further evidence as being appropriate for future industrial land which is located to the north of the industrial land area identified in the Ambury submission. I continue to have concerns about signalling this land as a Future Urban Zone as it is not clear what the eventual intention of that land is and there is little evidence provided at this time to provide that clarity.

3.9 Submissions seeking the retention of the notified zones.

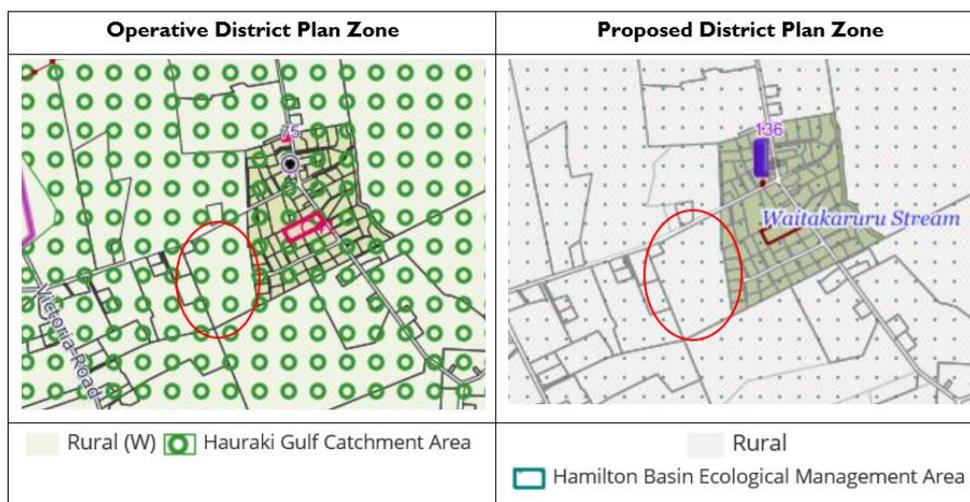
23. Several submissions were received which outlined support for the notified zone and my overall recommendation was that the submissions be accepted.
24. Holcim [766] submitted on the plan requesting the notified Industrial Zoning of the property at 611 Ridge Road, Bombay be retained but that the aggregate extraction area overlay be removed in the future. I would like to clarify that I recommend accepting the request to retain the industrial zoning of the site but reject the request to remove the aggregate extraction area overlay in the future. If Holcim wish to remove the overlay in the future then the most appropriate avenue for this is by a plan change as if removed now it could cause unintended impacts on the ongoing operation of the business unless this is adequately provided for by existing resource consents.

3.10 Rezoning requests which relate to mapping errors confirmed by the Waikato District Council.

25. Several submissions were received in opposition to the notified downzoning of the submission sites at Scotsman Valley Road and 2044 River Road from Country Living to Rural Zone. In discussions with Council, I was advised that these particular rezonings were mapping errors and not made intentionally.
26. A submission was also received for 34 Wairamarama Onewhero Road [204.1] in which a zoning error was made in relation to a small portion of the submission site. In my opinion, it is clear that this is a mapping error and therefore my recommendation is that this submission is accepted. I would like to clarify however, that the submission as originally received sought to add an additional 6210m² of Village Zone into the submission site, this part of the submission was withdrawn and therefore my recommendation to accept the submission is not in relation to the larger rezoning (6210m²) sought.

3.11 A request to rezone land just outside of Tauwhare Village to Country Living Zone or Village Zone (addressed in the addendum to my s42a report).

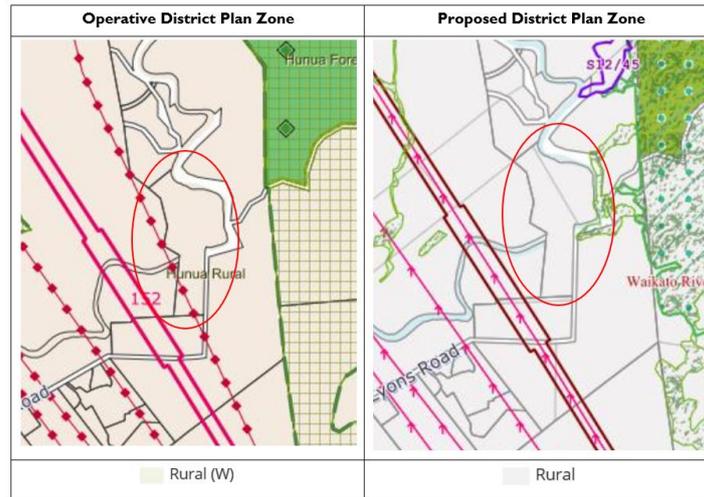
27. Bowrock Properties Limited [393.1] has submitted to rezone the property on the southern side of Tauwhare Road adjacent to the Tauwhare Village from the Rural Zone to Country Living Zone.



28. The submission was addressed in Section 6 of my s42a report with the evidence addressed in the addendum and rebuttal. My assessment concluded with a recommendation to reject the submission as the site does not accord with higher order planning and strategic growth documents. Ms Hannah Palmer prepared the rebuttal evidence on behalf of Bowrock Properties Ltd and I note that in Ms Palmer's opinion I place too much weight on the higher order documents. I note that if the Panel come to a different opinion on this matter than I have that I do not consider the effects of rezoning over this submission site to be insurmountable.

3.12 A request to have a new 'Specific Area' added to the Rural Zone Chapter of the Proposed District Plan for Dilworth School's rural campus (addressed in the s42a addendum).

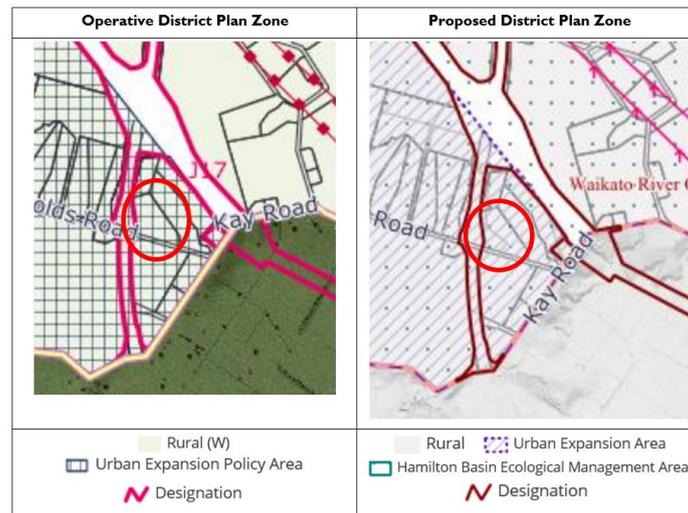
29. Dilworth School [577] has their rural campus located at 500 Lyons Road, Mangatawhiri.



30. As the school is an Independent School, the land on which it is located is not designated. Therefore, the school activity and operation of the facility is subject to resource consents. Dilworth Trust Board submitted on the PWDP to add in a new 'Specific Area' into the Rural Zone Chapter of the PWDP to recognise the existing long-standing non-rural activity which is located within the Rural Zone which would enable further development of the site.
31. My opinion is that the best option is for a Dilworth specific rule to be provided within the Rural zone provisions in line with the recommendation made by Mr Jonathan Cleese in Hearing 18: Rural, as discussed further in my s42a report addendum.

3.13 A request to rezone land at Kay Road to Country Living Zone in the Hamilton City Fringe area.

32. A submission was received from Andrew and Christine Gore [330] which seeks the rezoning of their property from Rural Zone to Country Living Zone.



33. This property is located within Hamilton's fringe but as I was addressing submissions through an addendum on my Rest of District s42a report I undertook the analysis on this submission. This analysis can be found in the addendum to my s42a report. I note that the legal submission refers to there being a different recommendation for the same piece of land by myself and my colleague Ms Susannah Tait. I would like to clarify that my recommendation to reject the Gore's submission was in relation to the submission site at Kay Road and Ms Tait's

recommendation to accept the Gore's submission was in relation to their further submission for land around Yumelody Lane at Tamahere.

34. I have recommended that the submission seeking to rezone land at Kay Road be rejected primarily because:

- the land is outside the settlement pattern identified in Future Proof Strategy (both 2009 and 2017 versions), the WRPS, Waikato 2070 and is therefore not supported by the higher order planning framework.
- The submission site is subject to the UEA for Country Living activities, rezoning land in the UEA is an outcome that is directly in opposition to the purpose of the UEA which is as a holding zone to preserve the potential for long-term urbanisation in a coherent and integrated manner.