

**BEFORE THE HEARING COMMISSIONERS**

**WAIKATO DISTRICT COUNCIL**

**IN THE MATTER OF** The Resource Management Act 1991

**AND**

**IN THE MATTER OF** Submissions to the Proposed Waikato District Plan

**STATEMENT OF EVIDENCE OF ANDREW WOOD FOR I & C THOMAS (SUBMITTER  
#398) – PLANNING**

## **INTRODUCTION**

1. My full name is Andrew Wood and I currently hold the position of Development Manager at Next Construction Limited. I was previously employed as Planning Manager at CKL until January 2021.
2. I have been a practicing planner for 14 years primarily in the private sector in New Zealand. I also have two years planning policy experience in local government overseas. My work experience has been wide ranging in the planning field but has predominantly focused on the land development sector, rural and urban subdivision and planning, and environmental planning.
3. I hold a Bachelor of Science with a specified program in Resource and Environmental Planning and a Master of Science (First Class Honours) from Waikato University.
4. I am a current full member of the New Zealand Planning Institute (MNZPI).
5. I have read the code of conduct for expert witnesses contained in the Environment Court's Practice Note 2014 and have complied with it when preparing this evidence.
6. The submitters are my mother and father in law. My engagement for this evidence is formal and professional. I am not being remunerated for this work but instead are offering my professional expertise and advice to family. I have no financial incentive nor intentions with providing planning advice and this evidence. It is entirely impartial and irrelevant to the landowners. For these reasons I do not consider I have any conflict of interest when acting for the Thomas'.

## **SUMMARY AND SCOPE OF EVIDENCE**

7. This planning evidence is in relation to the submission on behalf of I & C Thomas and addresses the Section 42A Framework Report (the s42A report) prepared by Waikato District Council (WDC) regarding rezoning submissions on zone extents in the Waikato District Proposed District Plan (PDP).
8. The original submission is presumed to be taken as read. The primary site to which this submission relates is legally described as Lot 1 DP 454288 held within record of title 583034 and has an area of 5.4333ha (refer Appendix 1). The property has a rural zoning in the PDP.
9. Lot 1 DP 583034 contains a half round barn but otherwise is in pasture. A building consent for a single residential dwelling is currently being processed by WDC.
10. My recommendation to the submitter has been that a wider area of land should be considered in the rezoning. This is evidenced in the original submission whereby it is considered a more appropriate planning outcome for the rezoning proposal to consider

a more logical set of boundaries rather than a single landholding discrete from surrounding land. The area to which rezoning is considered appropriate is shown in Appendix 2. This area predominantly comprises of rural residential properties ranging in size from approximately 0.5ha to 5ha.

11. The submission therefore seeks to rezone the land identified in Appendix 2 from Rural to Country Living. No amendments to other framework of the PDP are required.
12. In my opinion, rezoning the land to Country Living Zone (CLZ) will provide more consistency with the sustainable management objectives of the RMA and PDP. The property is by literal interpretation, not productive for rural activities. Further evidence presented by AgFirst (Appendix 3) demonstrates that productive use of the land is very unlikely to be able to be achieved. Retaining a rural zoning therefore effectively prohibits the ability of the property to be productive which in my opinion is contrary to the definition of a productive rural activity to which the rural zone enables. I consider most appropriate alternative use when considering the site, the existing environment, and character of Matangi is considered to be rural-residential living.
13. In the event that the submission is not accepted, the submission opposes Prohibited Activity Rule PR3 in Rule 22.4.1.1 which prohibits any subdivision of land on post 1997 titles containing high quality soils. I note that the submitter did not present any additional evidence at the rural zone hearings, noting that it is reliant on the outcome of this rezoning extents decision and that the original submission will be considered should it be required.
14. This evidence is supported by an independent soil productivity assessment prepared by AgFirst (Appendix 3). The AgFirst report concludes that (abridged):
  - The site contains high class soils suitable for a range of agricultural and horticulture activities, however the built-up nature of surrounding properties would impose significant complications and constraints to the typical spray programmes required on such horticultural operations;
  - The small scale of the property and the built-up nature of the surrounding land has restricted land use to moderately intensive cattle grazing;
  - Current carrying capacity is estimated at 18 SU/ha or 2.5 to 3 cow /ha equivalent. Given it is only 5.4 ha then total stock numbers are limited to 20 – 25 animals averaging 300 kg Liveweight per year;

- A shift to country living would most likely result on fewer animals being reared on the land in the future. That being said, current output is modest by any standard;
15. The reality is the predominant activity in the immediate vicinity is rural residential living absent of productive rural activities and therefore it is very unlikely there exists any real opportunity to develop or intensify farming or horticultural activities on the land for which the zone anticipates and provides for. It is therefore determined to not be a sustainable use of the land and that a more appropriate use exists for the area through the CLZ.

### **ASSESSMENT OF RELEVANT OBJECTIVES AND POLICIES OF THE PDP**

16. Appendix 2 of the s42A report provides a matrix of relevant objectives and policies of the PDP that should be considered for a submission seeking rural to country living rezoning. Consideration and assessment of the relevant objectives and policies specified in the matrix is provided below.

<b>Relevant PWDP Objectives and Policies</b>	<b>Consideration</b>
1. Growth occurs in defined growth areas (1.5.2(a))	<p>The CLZ sought as part of this submission is not identified as an urban environment in the PDP, therefore under this lens the proposal is cannot consistent with this objective.</p> <p>It is however noted that the subject site and a majority of the area to which this submission relates was identified as being within Urban Limits (refer Appendix 4) defined by Waikato DC as part of the last District Plan review (2009). This urban limit for Matangi has informed the maps in Future Proof and the Waikato Regional Policy Statement which are the higher order planning documents which determine urban growth and intensification. It is therefore considered that the CLZ proposed is appropriately planned growth of Matangi Village.</p> <p>The site is also considered to be in Matangi Village to which a logical boundary east of the village environment is identified as State Highway 1B (Marychurch Road and Hoeka Road). This is before Tauwhare Road exiting Matangi returns to a 100km/h posted speed limit. These</p>

	characteristics render the site as being within urban limits of Matangi Village in my opinion.
2. Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently. 1.12.8(b)(i)	The submission does not seek urban zoning. The land is not identified for urban purposes either as Rural Zone (RZ) or CLZ. Urban land is restricted to areas where urban infrastructure exists (or is proposed) which support urban environments. Urban infrastructure expansion potential does not exist in Matangi Village (the existing wastewater supply has been at capacity for a substantial period of time). It is considered that CLZ zoning will utilize the soil resource more efficiently as well as providing for some relief to housing supply in the immediate area to which there is high demand. In turn, enabling appropriate provision for rural residential activities in an appropriate zone (the CLZ) will reduce pressures on the same rural residential outcomes being achieved elsewhere in the district, i.e. the rural zone.
3. Promote safe, compact sustainable, good quality urban environments that respond positively to their local context. 1.12.8(b)(ii)	An urban expansion of Matangi is not proposed in the submission nor in the PDP. Urban expansion is precluded by the infrastructure limitations in the village. CLZ is considered commensurate with the nature and scale of development on and surrounding the subject area. Rural residential activities are more appropriate to the subject site and the village as opposed to a rural zoning which restricts rural activities. A productive rural activity is not considered to be viable on this site.
4. Focus urban growth in existing urban communities that have capacity for expansion. 1.12.8(b)(iii)	The subject site and Matangi is not identified as an urban community in the PDP. No urban expansion is proposed nor enabled in the PDP. Hence, a logical expansion to Matangi can appropriately comprise of CLZ and rural residential activities which are consistent with the character of the existing environment.
5. Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance. 1.12.8(b)(vi)	There are no identified nor known areas of cultural, ecological, historic or environmental significance on or about the site. The site and surrounds do not

	<p>comprise green open space nor does it have any outstanding landscapes. The site is in close proximity to the Matangi Dairy Factory which has local and District scale historic significance. This rezoning proposal is considered to complement the proposed submissions to rezone the Matangi Dairy Factory with residential growth supporting economic and employment opportunities sought for that site.</p>
<p>7. Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas' (1.5.1(b); 1.12.3(a); 1.12.3(c); 4.1.2(a); 5.3.8)</p>	<p>The site and Matangi is not identified as a defined growth area in the PDP, yet is identified as having growth potential in Future Proof and the WRPS. The subject area is considered to be in the existing village. The proposed settlement pattern is consolidating the village limits of Matangi.</p>
<p>8. Urban growth areas are consistent with Future Proof Strategy for Growth 2017 (4.1.3(b))</p>	<p>A majority of the subject area is identified within the urban limits of Matangi (Appendix 4) which resulted in it being mapped in Future Proof (Map 6-2) and is therefore considered to be consistent with Future Proof.</p>
<p>13. Infrastructure can be efficiently and economically provided (4.1.3(a))</p>	<p>Three waters infrastructure is not required for the proposed CLZ and onsite methods can be achieved for water supply, stormwater and wastewater disposal. Trickle feed water supply is available in the road reserve and would be connected to if required and/or available.</p> <p>Transportation infrastructure is readily available through the site frontage onto Stage Highway 1B and development contributions would be levied to assist with mitigation of effects. Whilst consultation has not been undertaken with NZTA regarding the submission, it is noted that NZTA has not opposed the submission through its further submission and NZTA has been very active through further submissions highlighting proposals to which they do not support.</p>
<p>15. Subdivision, use and development within the rural environment where:</p> <p>i. High class soils are protected for productive rural purposes;</p>	<p>This submission relies on the several key themes, one of which is that despite comprising high quality soils, the area cannot be used for productive rural activities in a manner which can be</p>

<p>ii. productive rural activities are supported, while maintaining or enhancing the rural environment;</p> <p>iii. urban subdivision use, productive rural activities are supported and development in the rural environment is avoided (5.1.1(A)(i)(ii)(iii); 5.3.8)</p>	<p>considered appropriate in the existing environment. Whilst the area is zoned as a rural environment in the PDP, it is within the local context of a rural residential environment, which the PDP identifies as a rural environment. The proposal is considered to be not inconsistent with this suite of objectives as a result. The loss of productive land is negligible in the context of the site and the District, and is offset by the enabling provision proposed for rural residential activities. Suitable pasture for low intensity grazing will remain albeit in a reduced scale.</p>
<p>16. Rural character and amenity are maintained 5.3.1 (a), 5.3.4 (a) (b)</p>	<p>Whilst the PDP identifies the CLZ as a rural environment, the subject site and surrounding area exhibits rural residential character and amenity values and not rural character and amenity. Traditional rural character and amenity values are akin with interspersed dwellings, large tracts of open green spaces and productive use of the soil resource. None of these traits are exhibited within the subject area hence the determination of it having a rural residential character. For reference, the existing density of the subject area is approximately one dwelling per 1.67ha. There are approximately 14 dwellings in the area, and a reasonable estimate of total dwelling that could result if fully developed in a CLZ scenario would be approximately 35 – 40 dwellings in my opinion (i.e. an additional 21 – 26).</p>
<p>17. Effects on rural character and amenity from rural subdivision</p> <p>a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages. (5.3.8(a))</p>	<p>Consistent with the above, the site is considered to be within an existing village environment with rural residential character and amenity. It is my opinion and that identified in the AgFirst report that productive rural activities are very unlikely to be appropriate on this site.</p>
<p>18. (b) Ensure development does not compromise the predominant open space, character and amenity of rural areas. (5.3.8(b))</p>	<p>Refer 16 and 17 above.</p>
<p>19. Ensure subdivision, use and development minimise the effects of ribbon development. (5.3.8(c))</p>	<p>It is considered highly unlikely that any significant ribbon development effects are possible as a result of the proposal.</p>

	This is due to the existing density of the area (one dwelling per 1.67ha) and is thus already dominated by rural residential uses and not rural uses interspersed with rural residential or residential activities. The road frontage of the subject area is approximately 1150m and 14 existing dwellings and the Matangi Hall exist along this frontage. The additional dwelling potential resulting from CLZ zoning is in my opinion highly unlikely to result significant adverse effects resulting from ribbon development.
20. Subdivision, use and development opportunities ensure that rural character and amenity values are maintained. (5.3.8(e))	Refer 16 above.
21. Subdivision, use and development ensures the effects on public infrastructure are minimised. (5.3.8(f))	It is maintained that infrastructure effects are negligible with the proposed rezoning to CLZ and that the roading network can suitably accommodate additional demand generated from a rezoning.
22. Meets district wide rules and any relevant overlays	There is no planning evidence to suggest that compliance with District Wide and CLZ rules could not be achieved.

17. In summary, it is my opinion that the proposal is not inconsistent with the objective and policy framework of the PDP when considering the limitations on giving effect to the rural zoning on the site, the sites location and existing environment. The subject land cannot be used appropriately for productive rural activities. This, coupled with its location in Matangi Village and within an identified urban area in Future Proof and the RPS, renders a rezoning to be appropriate and consistent with the existing environment.

#### **SECTION 32AA**

18. At the request of the commissioners, consideration of section 32AA of the RMA has been provided in the table below to understand options, costs and benefits since the original evaluation report was released. The s32AA analysis is appropriate to the scale of the rezoning request. This assessment is contained in Appendix 5 and its conclusion is below.
19. It is considered that the proposed rezoning will better uphold the expected outcomes of not only the PDP, but also the RPS, Future Proof and the RMA. These reasons are summarized as follows:



- The site cannot be used for productive rural activities and has significant restrictions on its ability to be used for this purpose;
- The existing environment is best described as rural residential in nature and scale. This is clear when identifying the density of existing dwellings being approximately one dwelling per 1.67ha;
- The site is located within the village of Matangi and is not a rural environment;
- Housing choice is important to consider as part of the PDP process. The PDP does not enable any provision for rural residential housing. Not providing rural residential housing choice will place additional pressure on the rural zone and the rural environment to provide for this outcome;
- High quality soils will be lost as a result of the proposed zoning. However, the quantum is minimal and is not capable of being used appropriately for productive rural activities in any case;
- In my opinion a CLZ zoning does not conflict with the higher order strategic objectives and policies of the PDP;
- Economic production from the site is not appropriate or practical under the proposed zoning. Enabling a CLZ will enable positive economic activity.

## **PLANNING ASSESSMENT**

20. This section provides a more specific planning assessment of potential effects resulting from the rezoning supplementary to the policy assessment provided above. This assessment is to be read in conjunction with evidence above and the s32AA assessment below.

21. The potential effects resulting from the proposed CLZ are summarized as:

- Character and amenity;
- Soil productivity;
- Infrastructure provision;
- Natural hazards;
- Positive effects.

22. Consideration and assessment of the above potential effects is provided below.

### ***Character and Amenity***

23. The evidence above has already presented my opinion of the character and amenity values of the area as being rural residential and not rural. These are quite different environments and rural character is only exhibited to very minor extents in the subject

area through modest grazing activities which are not productive. Such grazing activities are consistent with vast tracts of rural residential areas in Waikato District.

24. The existing density within the subject area, being one dwelling per 1.67ha is the primary evidence of the rural residential character within this locale.
25. I consider that the proposed CLZ will not generate adverse character and amenity effects on the area due to its consistency with the existing environment. I also rely on the AgFirst report which states that undertaking productive rural activities is very unlikely to be achievable, therefore the ability for rural activities to occur in a manner which could change the character and amenity values is not probable.
26. In my opinion, the amenity values are not maintained through the PDP rural zoning which contradicts good planning outcomes and are better provided for and maintained through a CLZ.
27. I therefore conclude that character and amenity effects resulting from the proposal will be negligible.

#### ***Soil Productivity***

28. There is no dispute that high quality soils would be lost as a result of the proposed CLZ.
29. I concur with the assessment from AgFirst which states that the loss of this soil resource is minimal. I also consider the loss of this soil resource to be insignificant at a local scale, and certainly at a District scale.
30. Stocking rates will reduce from that which exists currently, however as previously outlined the existing activities are not productive and do not have a realistic ability to be productive.
31. In my opinion, the high quality soil resource in the subject area cannot be appropriately used for productive rural activities therefore potential adverse effects resulting from the loss of this soil resource are negligible.

#### ***Infrastructure Provision***

32. The proposed CLZ can be entirely reliant on onsite provision for water and wastewater provision. This is extensively demonstrated in and around the subject area and I also rely on my experience in rural residential subdivision in making this conclusion. I do not consider there to be any adverse effects on water, wastewater and stormwater provision.
33. With regard to transportation, based on my experience I consider it highly likely that appropriate transportation outcomes can be achieved. The appropriate time to consider this would be at subdivision consent with specific transportation assessment. I do not

foresee significant transportation barriers to a CLZ for this area. Again I rely on my experience in rural residential subdivision planning in reaching this conclusion.

#### ***Natural Hazards***

34. It is acknowledged that site specific development proposals will always require an appropriate consideration of s106 of the RMA, however it is prudent to consider any potential increase to risk as part of rezoning proposals.
35. A review of published WDC, Waikato Regional Council and a review of other sources (e.g. Geonet) data does not identify the presence of natural hazards on or about the subject site.
36. Liquefaction currently presents an unknown quantum for potential intensification. In determining an appropriate conclusion on potential liquefaction effects I rely on the prevalence of existing development in and around the site and my experience with building developments since s106 has been amended to specifically refer to liquefaction.
37. I firmly believe that any potential liquefaction effect on people or property can be adequately mitigated at the development and building stage so as not to increase the risk of natural hazards on the subject site in a manner which raises concern.

#### ***Positive Effects***

38. The statement from the submitter and the AgFirst report confirm that the site cannot realistically be used for the zones intended purpose for productive rural activities. The proposed rural zone therefore unduly constrains the economic potential of the land. No jobs or income will be lost as a result of the proposed rezoning.
39. In my opinion there are positive economic benefits to not only landowners but also within the wider subject area arising from development potential if a CLZ was implemented. These positive economic benefits will not otherwise be realized with a rural zone.
40. The positive effects likely to be generated will be from:
  - Subdivision potential, land value increases and potential profit through development to landowners;
  - Professional services required to develop land;
  - The construction sector required to develop land for building;
  - The building sector through new housing;
  - Complementing the proposed economic growth at the Matangi Dairy Factory site where additional jobs and potential is proposed;
  - Development contributions (by reducing burden on ratepayers);

- Rates income to WDC;
- Provision of housing choice in an appropriate location which will reduce the demand for the same housing choice in a less appropriate location;
- Reduction of reverse sensitivity effects resulting from some existing rural activities (e.g. maize harvesting).

41. Whilst I am not qualified to estimate the economic value I can objectively assess that the proposed rural zone will not generate any material change to economic potential of the land, however clear positive effects will result from rezoning to CLZ.

## **CONCLUSION**

42. This evidence presents a planning position considering the proposed rezoning of approximately 25ha of rural zone land to CLZ.

43. In my professional opinion I consider that rezoning the subject area to CLZ will better adhere to the sustainable management objectives of the RMA.

44. In the alternative that the CLZ is not supported, relief is sought to amend Rural Zone rule PR3 to be a non-complying activity as outlined in the original submission.

APPENDIX 1 – PDP ZONE MAP SHOWING LOT 1 DP 454288



Figure 1 – Proposed District Plan zoning with subject site identified

The map displays a complex arrangement of land parcels. A large, irregularly shaped area is highlighted in green, representing the subject of the legal proceedings. This area is bounded by a thick green line. The map includes numerous lot numbers, owner names, and area measurements. Key features include the Waikato District Council boundary, the Waikato River, and the Waikato District Council Office. The map is oriented with North at the top.

Key lots and owners within the highlighted area include:

- Lot 1, DP 491111, 3.3428, 711258, J Jiang
- Lot 2, DP 403613, 0.5000, 411037, M L Reynolds
- Lot 3, DP 454288, 0.8809, 583035, Arrows Group Limited
- Lot 4, DP 454288, 0.6921, 583036, Arrows Group Limited
- Lot 5, DP 454288, 0.5101, 583037, Arrows Group Limited
- Lot 6, DP 454288, 0.6805, 583038, Arrows Group Limited
- Lot 7, DP 454288, 0.6805, 583038, Arrows Group Limited
- Lot 8, DP 454288, 0.6805, 583038, Arrows Group Limited
- Lot 9, DP 454288, 0.6805, 583038, Arrows Group Limited
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- Lot 96, DP 454288, 0.6805, 583038, Arrows Group Limited
- Lot 97, DP 454288, 0.6805, 5830

## **APPENDIX 3 – AGFIRST REPORT**



**AgFirst Waikato (2016) Ltd**  
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19 January 2022

Ian Thomas

Dear Ian

Please find attached my report regarding the impact of your proposed rezoning from Rural to Country living.

If you have any questions or comments please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D. Miller".

Dave Miller  
Farm Management Consultant  
B Ag Sc MNZIPIM





Independent  
Agriculture  
& Horticulture  
Consultant  
Network

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## Proposed Rezoning from Rural to Country Living at 647 Marychurch Road

Prepared for:  
- Mr Ian Thomas

Dave Miller  
19<sup>th</sup> January 2021

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## 1.0 PURPOSE

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The purpose of this report was to review the impacts of a proposed rezoning of a 5.43 ha property at 647 Marychurch road Tamahere, from Rural to Country living, on future agricultural or horticultural activities.

## 2.0 EXECUTIVE SUMMARY

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The 5.43 ha property does have good soils and contour which makes it suitable for a wide range of agricultural and horticultural activities.

Working against this is the already relatively small size of the existing property and the proximity of 10 surrounding properties most of which are already less than 0.8 ha.

The impact of this number of neighbours is to limit more intensive agricultural and horticultural activities.

Soils are suitable for horticulture, but the built-up nature of surrounding properties would impose significant complications and constraints to the typical spray programs required on successful horticultural operations.

Technically it would be possible to run a calf rearing operation on this block, however, smell and noise issues would probably rule it out.

The small scale of the property and the built-up nature of the surrounding land has restricted land use to moderately intensive cattle grazing.

A shift to country living would most likely result on fewer animals being reared on the land in the future.

Current carrying capacity is estimated at 18 SU/ha or 2.5 to 3 cow /ha equivalent. Given it is only 5.4 ha then total stock numbers are limited to 20 – 25 animals averaging 300 kg Liveweight per year.

While some owners of 5000m<sup>2</sup> sections may opt to run a few sheep, it would be reasonable to expect that a rezoning and subsequent development into country living lots will see a drop in output from the land.

That being said, current output is modest by any standard.

The reality is the predominant land use in the immediate vicinity is small country living properties. It is therefore very unlikely there exist any real opportunity to develop or intensify farming or horticultural activities on the land.



### 3.0 BACKGROUND

The 5.43 ha property is on flat contour with 2 predominant soil types, one imperfectly drained the other well drained. It is LUC 1 based on Landcare data.

The property is currently fenced into 7 paddocks with 1 and 2 wire internal fences A single ½ round barn provides storage for feed and implements.

All paddocks have reticulated water.

The property is currently used as a moderately stocked grazing block finishing cattle.

Pastures are of average quality and are mixed rye clover swards. Estimated drymatter production is 12tDM/ha/year. Maximum drymatter production is estimated at 15 tDM/ha with increased rates of nitrogen fertiliser and more intensive grazing management.

The property is bisected by a mains gas pipeline, but this has little impact on farming activities.

The property appears to be one of the larger blocks left in the area . Most of the 10 immediate neighbours are less than 0.8 ha.

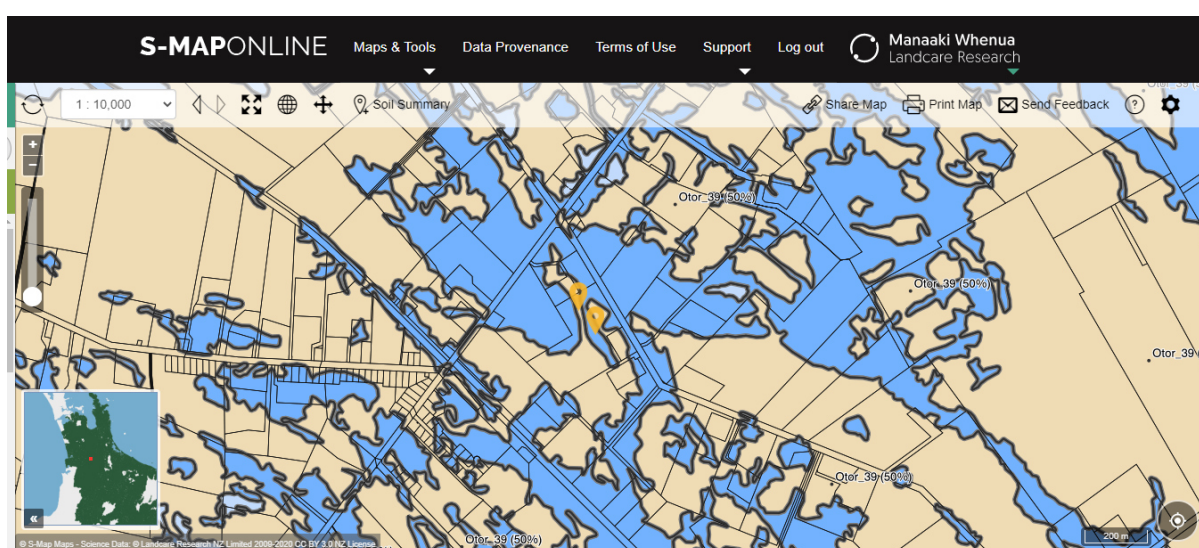
The proposal is to have the property rezoned from Rural to Country living.

### 4.0 SOIL TYPE

S maps indicates 2 predominant soil types at the site.

An estimated 50 % of the area is of the Pukehina soil group which is imperfectly drained and 50% of the Otorohanga group which is deep well drained.

This corresponds with visual inspection of the site.



### 5.0 PASTURE

Pastures are perennial ryegrass clover swards, reasonably well managed through grazing by finishing cattle.



Images of pre and post grazing showing typical pastures on the property.

## 6.0 CARRYING CAPACITY

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Current carrying capacity is estimated at 15 – 18 SU/ha. Because the property is already small in terms of grazing operations it is difficult to run it with the intensity of a larger property. There are very small margins of error on these small properties and as is usual a conservative management approach is taken to mitigate exposure to challenging weather events, both sustained wet and dry periods.

There are no facilities for standing animals off.

Pasture production could possibly be increased to an estimated 15 TDM/ha with the adoption of a more intensive nitrogen program.





Photo showing all stock currently on the property. Animals are in excellent condition as would be expected under a moderate stocking regime.

## 7.0 MAIZE PRODUCTION

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The property has suitable soils and contour for maize production.

Above average yields of 22 – 24 tDM/ha could be expected from this land. There would need to be consideration given to the impact of neighbours who will be concerned about potential impacts of dust during September and October as soil is cultivated and exposed.

There would also need to be discussions with contractors at harvest time to schedule harvest through reasonable hours. Contractors are used to operating 24 hours a day during the harvest but given the close proximity of multiple neighbours it would be unreasonable to harvest between 10pm and 6 am given the surrounding area is now quite intensively populated.

The maize harvested of this property would supply approximately ½ to 2/3 the typical requirements for the average Waikato dairy farm.

## 8.0 HORTICULTURE OPTIONS

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The soils are suitable for a range of horticultural crops. The underground gas line may impose limitations for activities such as Kiwifruit given the need for substantial support structures for crop canopies and shelter belts.

The close proximity of multiple neighbours would complicate any spray programs required for most successful horticultural crops.

There is no boundary clear of nearby housing that would allow spraying during periods of wind from a [particular direction.

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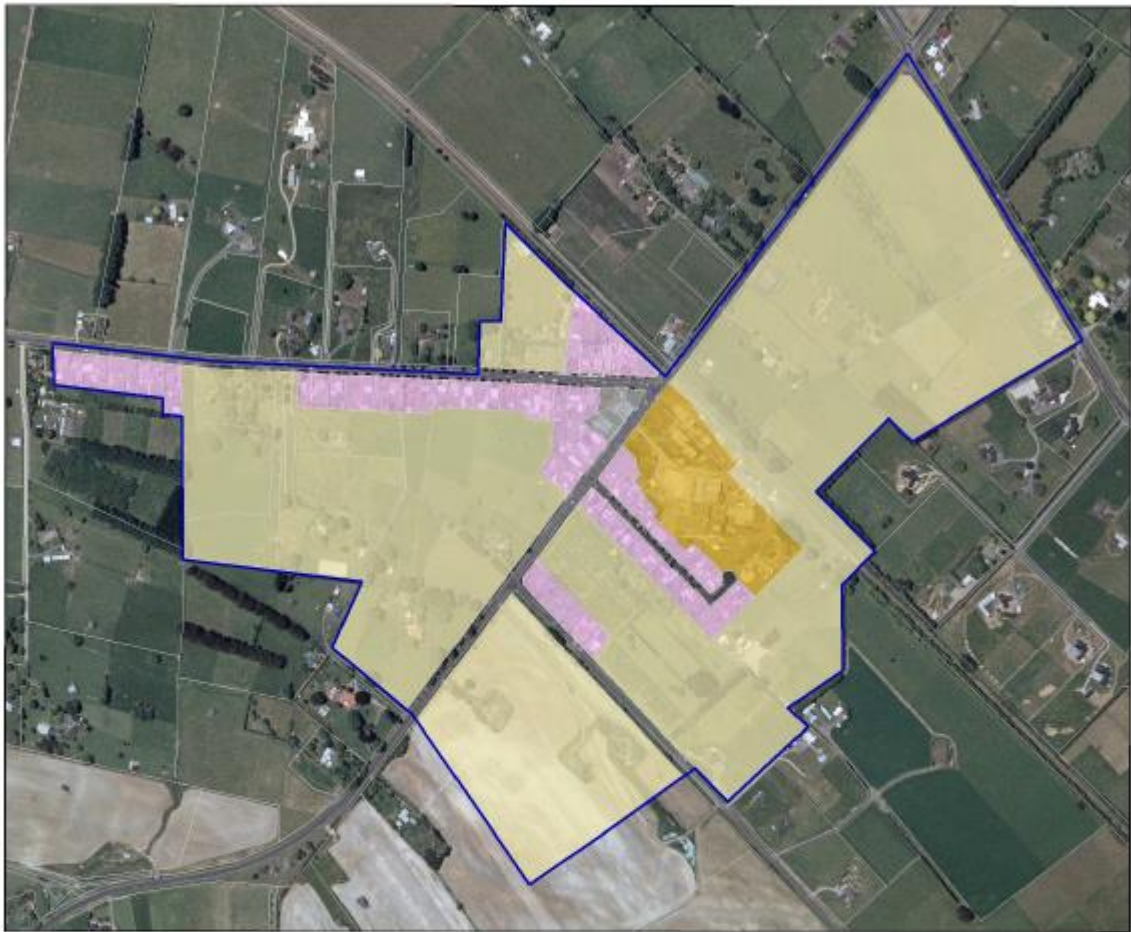
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APPENDIX 4 – MATANGI URBAN LIMITS 2009



## **APPENDIX 5 – S32AA ASSESSMENT**

Table 1: Rezoning proposal

The specific provisions sought to be amended	Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PDP)
<p><b>The rezoning proposal</b></p>	<p>The proposed rezoning submission seeks to change the zoning of the subject site and logical surrounds from Rural Zone to Country Living Zone. The submission enables consideration of Village Zoning should it be considered appropriate for Matangi. The subject site and area to which the submission and this analysis relates are identified in the figures below (from the original submission).</p> <p>The rezoning proposal seeks the following:</p> <ul style="list-style-type: none"> <li>• Oppose to the rural zoning of the site as notified in the PDP;</li> <li>• Rezone the subject site and logical surrounds to Country Living Zone;</li> <li>• Oppose prohibited rule PR3. Should the rezoning request not be successful, the PDP should enable site specific resource consent applications. As a prohibited activity, further subdivision cannot even be applied for despite the property having insignificant potential as a productive rural zoned property for permitted activities in the rural zone;</li> </ul> <p>Enabling appropriate CLZ development in appropriate areas (i.e. towns and villages without infrastructure and thus not being urban development) will provide a supply chain which reduces demand on lifestyle lots being created in the rural zone. The PDP currently does not enable any new CLZ and therefore does not enable a supply chain for rural residential living. Enabling CLZ development will reduce the amount of people desiring subdivision or boundary relocations generally in the rural zone on potentially productive rural land holdings.</p>
<p><b>Relevant objectives of the PDP</b></p>	<p><i>List the key objectives of the PDP that are relevant to the consideration rezoning request forming part of this sec32AA evaluation. For example, strategic objectives and directions on the growth and form of urban or rural development are relevant matters for consideration.</i></p> <p>There is no soil resource dependent activity that can realistically be undertaken on the site that can be considered as a productive use of the soil resource.</p> <p>The relevant objectives and policies of the PDP have been considered and are summarized below. The general premise of the assessment, commensurate with the scale of the request, has been to consider the sites' opportunities to be a productive rural block, character and amenity provisions and high quality soil resource provisions. Due to the scale of the proposal and the rezoning seeking CLZ as the primary outcome, infrastructure provisions have not been considered in any great depth as the site can be self-sufficient for three waters infrastructure (if required) and transportation can be absorbed within the wider roading network.</p> <p>Definitions of the term productive generally refer to outputs being high or increased relative to the resource inputs.</p> <p>Productive is not defined in the PDP hence a logical dictionary definition is appropriate to refer to.</p>

	Productive activities and in particular productive rural activities are inherently associated with vocation, income generation and profit. This cannot be achieved from the site.	
	Chapter 1A – Strategic Directions	
	Chapter 2 – Tangata Whenua	Partnership initiatives in the PDP are supported. The proposed rezoning does not generate any known potential conflicts with the policy direction of Chapter 2. In the very least, any ability to undertake subdivision or development would have accidental discovery protocols. There are no known areas or items of known significance on or about the site.
	Chapter 3 – Natural Environment	The proposal is considered irrelevant to the provisions in this Chapter based on the scale of the request.
	Chapter 4 – Urban Environment	It is not considered that the proposal enables or creates an urban environment. Notwithstanding this, should a Village Zoning be considered appropriate for the site the proposal is considered highly likely to be consistent with the policy direction of 4.3 for Village Zone character.
	Chapter 5 – Rural Environment	There are some provisions of this chapter relevant to rural residential environments as proposed in this submission. The relevant provisions have been considered specifically further below.
	Objective 5.1.1 – The rural environment (a) Subdivision, use and development within the rural environment where: <ul style="list-style-type: none"> <li>i. high class soils are protected for productive rural activities;</li> <li>ii. productive rural activities are supported, while maintaining or enhancing the rural environment;</li> <li>iii. urban subdivision, use and development in the rural environment is avoided.</li> </ul>	The rule framework of the Rural Zone largely achieves these objectives. With regard to the rezoning request, it is considered that there is not conflict with the objective for the following reasons: <ul style="list-style-type: none"> <li>i. the high class soils on the subject site are not suitable for productive rural activities;</li> <li>ii. The sites ability to undertake productive rural activities is significantly impeded by its size, shape and proximity to non-rural activities;</li> <li>iii. Urban development is not proposed.</li> </ul>
	Objective 5.2.1 – Rural resources	Maintaining the life-supporting capacity and versatility of soils is not impacted on a relevant scale as a result of the proposal. It is acknowledged that some high

		class soil will be lost however this needs to be considered on balance with the ability to actually undertake productive rural activities and the sites location in an existing village.
	Policy 5.2.2 – High class soils	As supported by this submission and the consideration from AgFirst, the site has a constrained ability to be used for productive rural activities.
	Policy 5.2.3(b) – Effects of subdivision and development on soils	The site is located on high class soils. The key wording of the policy is the “direction” away from high class soils. The proposal does not align with this policy as the site contains high quality soil. However, this is considered in conjunction with the sites location in Matangi Village where new housing and lifestyle options cannot be directed away from high class soils. The proposal will not remove any significant soil resource from productive use as the site is not currently productive and has very limited capability to be productive. As identified in the AgFirst report, the site currently supports a moderate stocking rate with relatively high inputs needed to sustain this. Should the site end up in rural residential use, it is highly likely that a similar number of animals with high inputs could actually be retained.
	Policy 5.3.7 – Reverse sensitivity effects	The proposed rezoning would not generate notable reverse sensitivity effects as all surrounding properties are in rural residential use. To the contrary, the subject site is the last property in any genuine rural use and has more ability to generate reverse sensitivity effects on existing lawfully establish rural residential use in a manner which could be offensive.
	Policy 5.3.8 – Effects on rural character and amenity from rural subdivision a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.	My initial response is very site specific in that the rural character and amenity values are already compromised to a point whereby in my opinion, they are simply not rural. The subject site, its surrounds, the proposed rezoning area, and an area substantially wider than this is considered to exhibit rural

	<ul style="list-style-type: none"> <li>b) Ensure development does not compromise the predominant open space, character and amenity of rural areas.</li> <li>c) Ensure subdivision, use and development minimise the effects of ribbon development.</li> <li>d) Rural hamlet subdivision and boundary relocations ensure the following: <ul style="list-style-type: none"> <li>i. Protection of rural land for productive purposes</li> <li>ii. Maintenance of the rural character and amenity of the surrounding rural environment;</li> <li>iii. Minimisation of cumulative effects.</li> </ul> </li> <li>e) Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.</li> <li>f) Subdivision, use and development ensures the effects on public infrastructure are minimised</li> </ul>	<p>residential (lifestyle) character and amenity traits as opposed to rural character and amenity.</p> <ul style="list-style-type: none"> <li>a) The subject site is not a productive rural area. The site is also within previously identified indicative urban limits and is considered to be within Matangi Village;</li> <li>b) In my opinion the subject site and surrounds do not exhibit open space, character and amenity values akin to a rural area. Moreover, they are similar to a rural-residential area;</li> <li>c) It is considered that potential ribbon development effects would be minimal due to the site shape and the existing number of dwellings and lifestyle properties in the immediate vicinity of the site.</li> <li>d) Not applicable;</li> <li>e) It is considered that potential subdivision and development of the site would maintain rural character and amenity values by virtue of the site and surrounds offering limited and compromised rural character and amenity within the existing environment;</li> <li>f) The rezoning proposal can be self sufficient for public infrastructure with the exception of transportation for which Development Contributions can be levied.</li> </ul>
	5.6 – Country Living Zone	The submission supports the objective and policy framework in the PDP for the CLZ.
<b>Scale and significance of the rezoning proposal</b>	<p><i>Comment on the scale and significance of the rezoning proposal, to determine whether the rezoning proposal will result in a substantial change to the zoning management framework contained in the PDP. You may consider matters such as:</i></p> <p>The spatial extent of the rezoning request is a logical area comprising three physical barriers, namely the railway line, Tauwhare Road and Marychurch Road (State Highway 1B). The principal area to which the request relates has an area of 5.4ha. With a CLZ zoning as notified this would enable creation of 8 or 9 additional dwellings presuming that subdivision was advanced. Rather than consider the vacant site in isolation, it is considered most appropriate to consider the area in the original submission wider than this. The total area in the submission including</p>	

	<p>neighbouring land is approximately 25ha and contains 15 existing dwellings (one under construction on the subject site). This area of the railway line, Tauwhare Road and Marychurch Road has logical bounds, no productive rural uses and no genuine ability to be used for productive rural use. It is considered that this rezoning is of local significance only to Matangi Village and supports proposed expansion to commercial and industrial activities at the Matangi Dairy Factory as well as increasing economic activity during and after construction for the local community.</p> <p>The existing density of the wider area under consideration is approximately one dwelling per 1.67ha. This demonstrates that the existing environment is consistent with a lifestyle zoning and not a rural zoning. It has been demonstrated that due to the lack of conflict with the rural zone objectives and policies, and thus by default the higher order RPS, that there is merit in the proposal to provide some form of housing choice in Matangi. Currently, there is no available developable land in Matangi for either urban or rural residential use and therefore no ability to increase housing provision in line with the NPSUD.</p> <p>I consider that the proposed rezoning from rural to CLZ would result in consistency with anticipated outcomes for Matangi Village and is entirely consistent with the character and amenity of Matangi Village. If at some point in the future urban infrastructure in Matangi has capacity and additional land could be considered for residential development, the proposed CLZ zoning would not stymie the ability to achieve this outcome. For this conclusion I rely on the Future Urban Zone provisions and history within Hamilton's District Schemes, notably in Rototuna whereby 5,000m<sup>2</sup> lots were enabled as an interim form of subdivision until urban infrastructure was available. One can clearly witness now that urbanisation has occurred and the former 5,000m<sup>2</sup> sites were no barrier to urban development.</p> <p>With regard to the submission point regarding Prohibited Rule PR3, which otherwise remains if this objection is not upheld, implicitly states that the effects of rural-residential development are so bad and irreversible that an application cannot be considered. This is considered out of scale with the scale of the proposed rezoning. The proposal is for an appropriate activity in an appropriate location. Enabling rural residential development in existing towns and villages without infrastructure where rural productive activities cannot occur is appropriate. It is also noted that only subdivision is a prohibited activity. Residential activities, and moreover more than one dwelling per title is not prohibited. Therefore land use consents can be considered on a case by case basis. This has been witnessed in nearby Tamahere whereby a retirement village has been established in the rural zone, otherwise being a Discretionary Activity yet having the same nature of effects (with no controls on scale, only assessment).</p>
<b>The specific provisions sought to be amended</b>	<p><b>Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PDP)</b></p> <p>No proposed or necessary amendments to the PDP are proposed nor required as a result of the proposed rezoning.</p>

	PR3 should be amended and become a non-complying activity to recognize that it is possible for their to be appropriate subdivision in the rural zone.
<b>Other reasonably practicable options to achieve the objectives (alternative options)</b>	<p><i>List the alternative options available here:</i></p> <p><b>Alternative 1:</b>  <i>Urban outcome – either residential or village. Village, if eventuates, can be implement at a large lot scale subject to implementation of urban infrastructure. This is viable but not proposed.</i>  In the alternative that CLZ is not supported, it is requested that Council considers an infrastructure led response to Matangi Village and to enable wastewater provision and thus residential development to occur within existing urban limits.</p>
	<p><b>Alternative 2: Do nothing option</b>  Property remains rural. The property will remain a rural zoned land with subdivision being prohibited. The property cannot support productive rural activities for a variety of reasons. This is not considered to result in any meaningful sustainable management of the land.</p>

Table 2: Benefits and costs analysis of the rezoning proposal

<b>Rezoning Proposal:</b> Rezoning from Rural to CLZ, Thomas, Marychurch Road, Matangi		
	<b>Benefit</b>	<b>Costs</b>
<b>General</b>	The proposal will enable appropriate scale development on a property which otherwise cannot be productively used for rural activities. The proposal will enable a sustainable use of the site by enabling an appropriate scale and form of development.	The loss of high-class soil which will not be utilized for any rural purpose (e.g. grazing). However this is noted to be different to the loss of productive rural land.
Environmental	Ability to provide additional housing demand in a location and of a type which is in high demand.	There are no significant costs identified.
Social	<p>The proposed CLZ will enable a variety of housing supply and choice. Without the proposal, no development potential is enabled in Matangi for residential purposes.</p> <p>Rezoning would remove the ability for any significant change in scale to the existing lawfully established rural use which will genuinely reduce potential reverse sensitivity effects.</p>	There would be an increase in the number of dwellings in the CLZ in due course when development occurs.



<b>Economic – General</b>	<p>Increased value to develop land for rural residential purposes. Creation of jobs associated with:</p> <ul style="list-style-type: none"> <li>Professional services to enable development (e.g. planning, surveying, engineering);</li> <li>Construction industry, roading, civils</li> <li>Stimulus to provide housing in an existing village.</li> </ul>	No notable economic cost identified to the landowner or any other party.
<b>Economic Growth</b>	The proposal will provide housing, employment (predominantly during construction), income, and growth whereas otherwise there is no growth in Matangi. Whilst modest, some growth will support existing and planned commercial and industrial environments in Matangi.	There is no economic cost identified. There is economic risk to development however this is not considered relevant to the rezoning process.
<b>Employment</b>	The existing activity does not currently generate employment and income is not and cannot be profitable. The proposed rezoning will enable significant employment and working hours associated with professional services, construction and resulting rates income to the Council.	The only employment currently related to the activities on the site is the occasional maize cropping subcontracted. The scale of this activity is purely for convenience and is not economically sustainable.
<b>Cultural</b>	<p>No identified benefits.</p> <p>ADP would be expected for any soil disturbing activity.</p>	No identified costs.

Table 3: Evaluation of the proposal

<b>Reasons for the selection of the preferred option.</b>	<ul style="list-style-type: none"> <li>A productive rural activity cannot be undertaken appropriately on the subject site without potential adverse effects on the existing environment. Rural zoning is not considered a sustainable use of the subject site;</li> <li>A CLZ zoning enables development of an appropriate scale without impact on infrastructure;</li> </ul>
<b>Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA.</b>	<p><i>Section 5 of the RMA sets out the purpose of the RMA:</i></p> <p><i>(1) the purpose of this Act is to promote the sustainable management of natural and physical resources.</i></p>

	<p>(2) In this Act, <b>sustainable management</b> means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –</p> <p>(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</p> <p>(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and</p> <p>(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p> <p>Some housing and housing choice/variation is considered to result in a better outcome when compared to the current lack of productive potential. Enabling houses enables houses, jobs, employment and economic stimulus. Retaining fragmented rural land in very small holdings does not result in sustainable management.</p> <p>Development is otherwise prohibited which is onerous. Non-complying is appropriate to send a strong signal that rural subdivision on HQS is not supported except in unique circumstances.</p>
<b>Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions.</b>	<p>It is not considered that sufficient information exists about the subject matter. There is a known quantum with CLZ zoning.</p>
<b>Conclusion</b>	<p>It is considered that the proposed rezoning will better uphold the expected outcomes of not only the PDP, but also the RPS, Future Proof and the RMA. These reasons are summarized as follows:</p> <ul style="list-style-type: none"> <li>• The site cannot be used for productive rural activities and has significant restrictions on its ability to be used for this purpose;</li> <li>• The existing environment is best described as rural residential in nature and scale. This is clear when identifying the density of existing dwellings being approximately one dwelling per 1.67ha;</li> <li>• The site is located within the village of Matangi and is not a rural environment;</li> <li>• Housing choice is important to consider as part of the PDP process. The PDP does not enable any provision for rural residential housing. Not providing rural residential housing choice will place additional pressure on the rural zone and the rural environment to provide for this outcome;</li> </ul>

	<ul style="list-style-type: none"> <li>• High quality soils will be lost as a result of the proposed zoning. However, the quantum is minimal and is not capable of being used appropriately for productive rural activities in any case;</li> <li>• In my opinion a CLZ zoning does not conflict with the higher order strategic objectives and policies of the PDP;</li> <li>• Economic production from the site is not appropriate or practical under the proposed zoning. Enabling a CLZ will enable positive economic activity;</li> <li>• Adverse effects on rural character and amenity values will not result.</li> </ul>
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