

SECTION 42A REPORT

Reply report in response to submitter rebuttal evidence

Hearing 25: Zone Extents

Ngaruawahia, Taupiri & Horotiu

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Date: 10 May 2021



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I Introduction

I.1 Background

1. My full name is Justine Mary Ashley. I am a Director of Planz Consultants Ltd, a Christchurch-based resource management consulting company.
2. I am the author of the s42A report for Hearing 25: Zone Extents – Ngaruawahia, Taupiri & Horotiu.
3. My qualifications and experience are set out in Section I.1 of the s42A report, along with my agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 as set out in section I.2.
4. The recommended amendments to the s42A report are set out in **Appendix I** to this report.

2 Purpose of the report

5. The Hearing Commissioners' Minute on the Hearings for Rezoning Requests (dated 12 May 2020) directs that:
 - (f) *The Council is to prepare Reply section 42A reports to address matters arising in the evidence of the parties, no later than 5 working days prior to the commencement of the hearing;*
6. The purpose of this 'reply' report is to consider any rebuttal evidence filed by submitters and to address any other outstanding matters that may be of benefit to the Hearings Panel.
7. Rebuttal evidence relevant to the s42A report for Hearing 25: Zone Extents – Ngaruawahia, Taupiri & Horotiu was filed by the following submitters:

Submitter	Submission number
Hamilton City Council	535
Howard Lovell and Rudy van Dam	805
Howard Lovell	974
Simon Upton	756

3 Response to submitter rebuttal evidence

3.1 Hamilton City Council [535]

8. The rebuttal evidence by Ms Laura Galt relates to a submission by Perry Group Limited [464.12] that seeks to rezone a 1.3ha piece of land adjoining the Waikato Expressway in Horotiu from Rural to Residential Zone. It is noted that the submitter supports the s42A report recommendation to reject this submission point (as set out in paragraphs 192-199 of the s42A report).

3.2 Howard Lovell and Rudy van Dam [805] and Howard Lovell [974]

9. The rebuttal evidence of Mr Tim Lester relates to the request by Howard Lovell and Rudi Van Dam [805.1] to rezone the 'Taupiri Village Expansion Area' (TVEA), which adjoins the southern boundary of Taupiri; and the submission from Howard Lovell [974.1] to rezone a smaller property at 129 Great South Road, Taupiri, from Rural to Residential Zone.

10. I have read Mr Lester’s rebuttal evidence and I confirm that the reservations outlined in my s42A report regarding both the ‘live zoning’ of the TVEA and the potential for a Future Urban Zone over that part of the site owned by Mr Lovell remain unchanged (paragraphs 212-222).
11. In particular, I am mindful that the rezoning of an additional 33.5ha of land owned by Mr Lovell, on top of the 38.3ha already rezoned through the notification of the PDP, constitutes a significant expansion of Taupiri Village. In my view, the impact of such growth has not been considered in sufficient detail to understand how this development may affect or integrate with the wider township, including any future urban growth on the adjoining St. Isadore Company Ltd land subject to Mr Van Dam’s submission, which sits outside Future Proof 2017. It is also recognised that Waikato 2070 has earmarked the St. Isadore Company Ltd land for future commercial and industrial activities, rather than residential. The high-level assessment contained in the s32AA Further Evaluation Reports does not adequately assess the potential transportation effects of the proposal, neither is there sufficient information provided with respect to how the development will respond to areas of cultural and ecological significance, or reverse sensitivity effects on Transpower’s national grid that traverses the site.
12. In addition, the option of rezoning that part of Mr Lovell’s land subject to the submission to a FUZ, would cover only part of the land comprising the potential growth cell identified in Waikato 2070 and would not secure the wider connections to the south or east as shown on the indicative development plan contained in Mr Lester’s evidence in chief.
13. Similarly, while I acknowledge Mr Lester’s comments in relation to the request to rezone the property at 129 Great South Road, the concerns outlined in my s42A report remain unchanged (paragraphs 223-228).

3.3 Simon Upton [974]

14. The rebuttal evidence of Mr Grant Eccles is in relation to Simon Upton’s [756.1] request to amend the boundary of the proposed Residential Zone on the south side of Ngaruawahia.
15. Notwithstanding that Mr Eccles’ evidence remains unchanged with regard to the merits of Mr Upton’s submission, he advises that the boundary sought in the Waikato District Council (WDC) submission [697.343 and 697.461], and subsequently contained in the s42A recommendation maps (see paragraph 176 of the s42A report), actually corrects the mapping error identified. Mr Eccles advises that “the residential zone should not only be removed from the parcel of land owned by the neighbouring landowner Mr de Latour, but also from the parcel of land owned by Mr Upton”, as indicated by the series of maps contained in Mr Eccles’ rebuttal evidence, including the following:

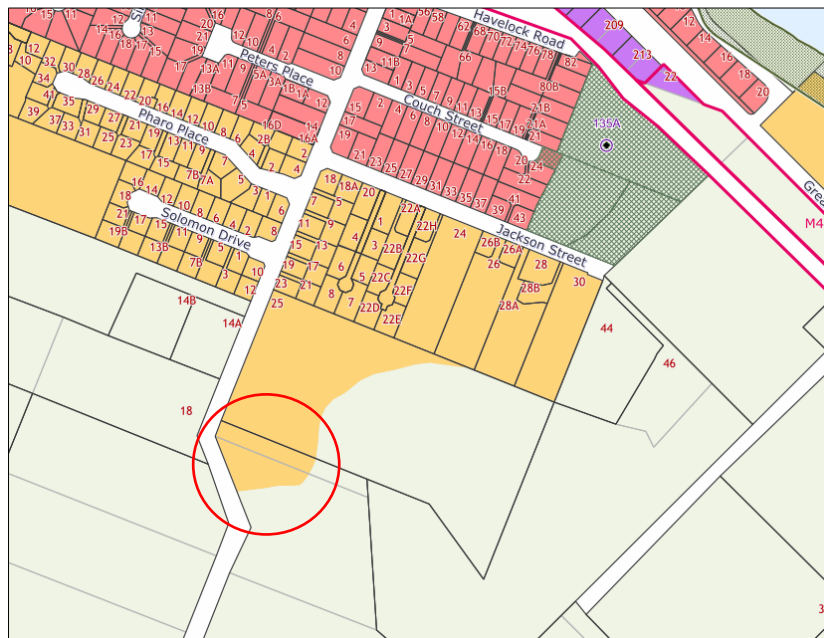
Amended Zoning Sought to also remove Residential Zone from Upton land parcel (in the event that zone boundary set out in Figure 1 of attached evidence is not accepted)



16. The purpose of the WDC submission is to align the Residential Zone boundary with that of the Ngaruawahia Structure Plan, as set out below.



17. The Stage N1c development area identified in the Structure Plan extends over a portion of Mr Upton's land, which was subsequently inserted into the Operative District Plan through Plan Change 17, as shown below (within the red circle).



18. It is understood that the submitter did not object to the zoning at the time, however the Residential Zone boundary in the Proposed District Plan (PDP) can be further amended to reflect the Operative District Plan zoning over the submitter's property. I therefore recommend that the submission by Simon Upton [756.1] be accepted in part.

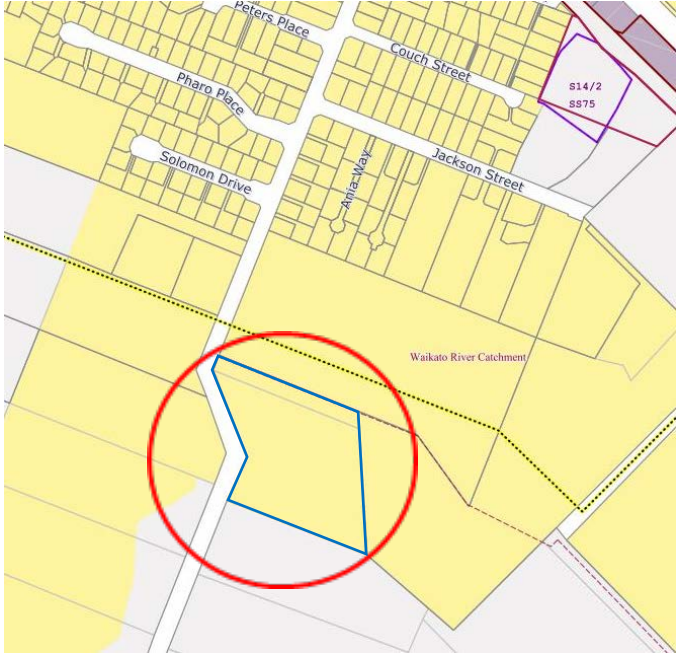
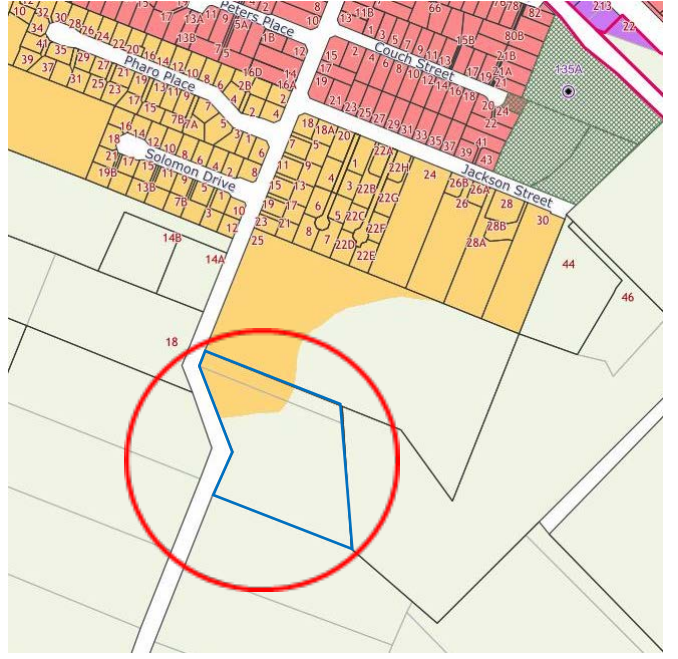
Recommendations

19. For the reasons above I recommend that the Hearings Panel:
- (a) **Accept in part** submission point by Simon Upton [756.1].

3.4 Recommended amendments

20. The following additional amendments are recommended:
- (a) That the Planning Maps for Ngaruawahia be amended by realigning the Residential Zone boundary over Pt Allotment 125A Horotiu Parish and Pt Allotment 124 SBRS OF Newcastle South (Record of Title SA19B/1080) to reflect the boundaries set out in the Operative District Plan, as shown below. The subject site is outlined in blue within the

red circles. Note that this recommendation sits alongside 'Recommendation 2' contained in Appendix 2 of the s42A report to realign the Residential Zone boundary at 86 Saulbrey Road and 46 Jackson Street, immediately to the east of the subject site identified below.

Proposed District Plan Zones	Recommended Amendment (to match the Operative District Plan zone alignment)
	
<p>*Please refer to the legends within the Planning Maps of the ODP and PDP for specific zones, overlays and notations that are not otherwise referred to in the body of this report</p>	

3.5 Section 32AA evaluation

21. On the basis that the recommended amendment to the zone boundary is to further refine a mapping error to align the Residential Zone with the growth area identified in the Ngaruawahia Structure Plan, it is considered that the scale of this change is negligible in the context of both Ngaruawahia and the District as a whole.
22. As such the recommended change is not considered to challenge the higher order growth direction contained in the WRPS and provides a more effective and efficient zone boundary, which was introduced into the ODP through the PC17 process. There are potential costs associated with the change in zoning, in terms of loss of potential development opportunities to the property owner, however the submitter has objected to the residential zoning of their property. The benefits are that the residential zone boundary more closely aligns with the development outcomes anticipated by the Ngaruawahia Structure Plan and as further refined through the PC17 plan change. Given the small size of the affected property, there are not considered to be any significant risks in either acting (changing the zoning of the balance of the property back to Rural) or not acting (retaining the Residential zone), however overall, it is considered that the realignment reflects a zone boundary that is supported by technical assessments and has been through a community consultation process.

4 Other matters

4.1 Withdrawal of submission

23. Since the release of the s42A report, I have been informed that the submission by Warren & Heather Parker [187] has been formally withdrawn. As such, this submission no longer requires consideration in the review of the notified Proposed District Plan.

Appendix I: Table of submission points

Having reviewed the submitter rebuttal evidence, I recommend that the submission by Simon Upton [756.1] be accepted in part. As such, I note the following change to Appendix I of the s42A Report:

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of the s42A report where the submission point is addressed
756.1	Simon Upton	Oppose	Amend the extent of the proposed extension of Residential Zoning on the south side of Ngaruawahia as detailed on Map 20.7 to provide a clear urban boundary and transition to the rural zone that preserves the integrity of the gully system and stream margins on the south side of the existing town and reflects the landscape, visual, open green space, green linkages and amenity values promoted elsewhere in the PDP; AND Defer the re-issue of any amended version of the residential zoning limits detailed in Map 20.7 until the March 2017 Structure Plan has been revised to reflect the strategic directions, objectives and policies of the PDP and has been subjected to full consideration of alternative zone boundaries as required by s 32 RMA.	Reject Accept in part	7
FS1088.2	Mark de Lautour	Not Stated		Accept in part	7
FS1116.1	John Allan on behalf of John and Margherita Allan	Oppose		Accept Accept in part	7
FS1119.1	Stephen Roberts	Support		Reject Accept in part	7
FS1161.1	Alan Bekhuis	Support		Reject Accept in part	7
FS1161.2	Alan Bekhuis	Support		Reject Accept in part	7
FS1108.152	Te Whakakiteng	Oppose		Accept Accept in part	7

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of the s42A report where the submission point is addressed
	<i>a o Waikato Incorporated (Waikato-Tainui)</i>				
FS1379.302	<i>Hamilton City Council</i>	Oppose		Accept Accept in part	7