

SECTION 42A REPORT

Closing Statement

Hearing 25: Zone Extents Ngaruawahia, Taupiri & Horotiu

Prepared by: Justine Ashley

Date: 4 June 2021



I Introduction

1. This closing statement is provided as a response to both the evidence raised by submitters, and questions from the Panel during Hearing 25: Zone Extents – Ngaruawahia, Taupiri & Horotiu held on 17-18 May 2021. I have grouped my response by township, rather than by the order of the submitter’s appearance at the hearing. Unless otherwise stated, the recommendations contained in my original s42A report and subsequent reply report remain unchanged.

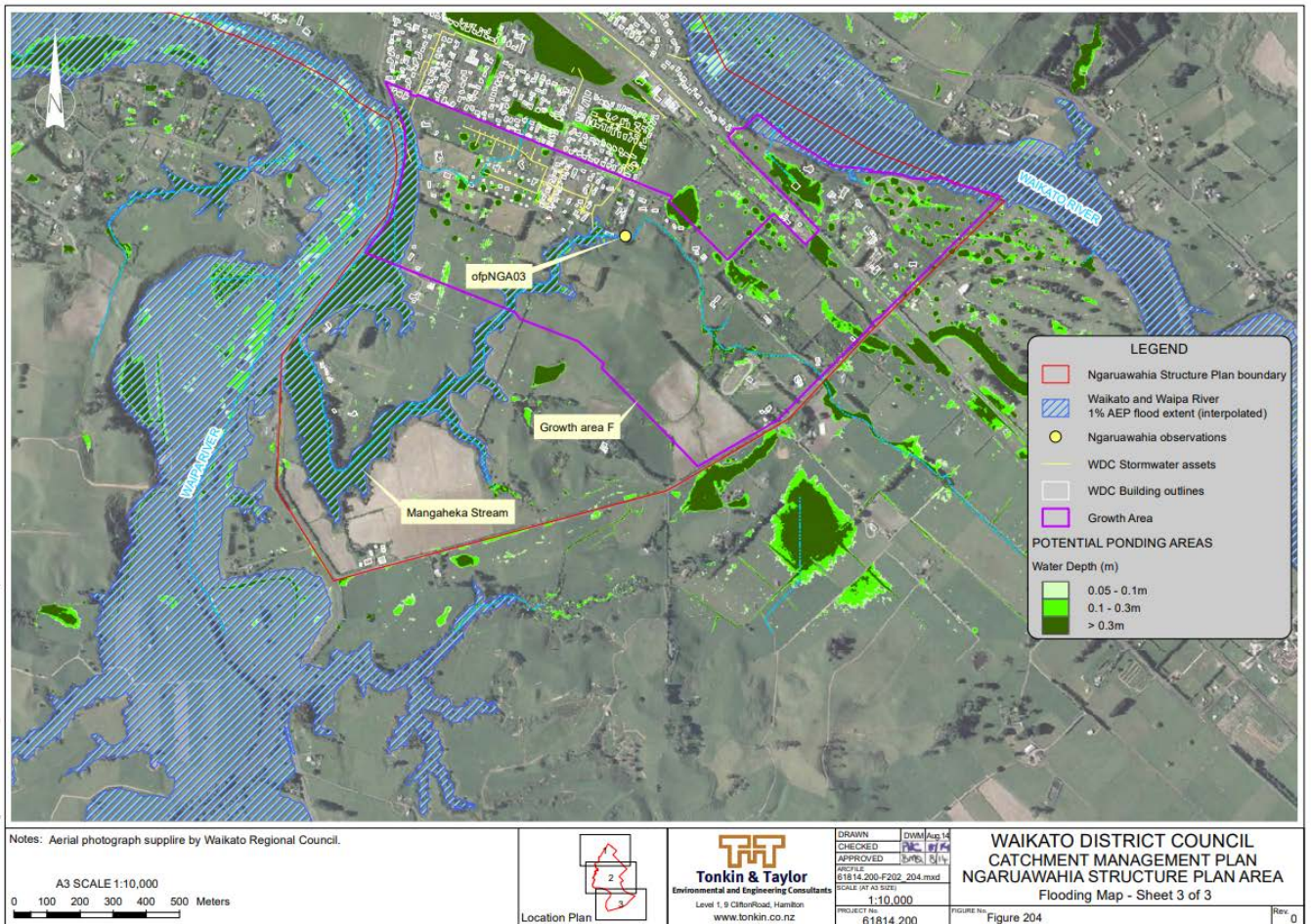
2 Ngaruawahia

2. Mr John Allan [FS1116], Mr De Latour [40], Mr Stephen Roberts [859 & FS1119], and Mr Simon Upton [756 & FS1107] made presentations in support of their original submissions relating to the Saalbrey Road residential growth area, with Mr Upton also being accompanied by Mr Dave Mansergh (landscape architect) and Mr Grant Eccles (planner).
3. While Mr Allan and Mr De Latour advised that in their view any development constraints posed by the topographical features in the locality, including the drainage network, could be overcome at the time of subdivision design, Mr Upton and his advisors considered that these features should form the boundary of the Residential Zone in this locality. Mr Eccles raised particular concern with the ability for any subsequent development to obtain the necessary resource consents under the NPS/NES for Freshwater. Mr Roberts also sought to maintain the visual amenity landscape qualities of the area, including viewshafts through to Havelock Hill (Puke-i-ahua).
4. As noted in my s42A report, the Proposed District Plan (PDP) Residential Zone boundary is intended to reflect the area that was identified as being suitable for urban development during the Ngaruawahia Structure Plan process, which was informed by a range of technical assessments including those relating to landscape, archaeology, geotechnical, urban design, water and wastewater infrastructure, ground contamination and transport. In response to issues raised submitters, I note that a Catchment Management Plan (CMP) was also prepared that “broadly considered the background issues and potential constraints with regard to freshwater ecology and flood hazard to urban growth within the Ngaruawahia and Surrounds Structure Plan Area”¹. The map contained in the CMP relevant to the Saalbrey Road area is shown overleaf (“Ngaruawahia Growth Sector F”) and the “growth constraint summary” contained in the CMP is reproduced below.

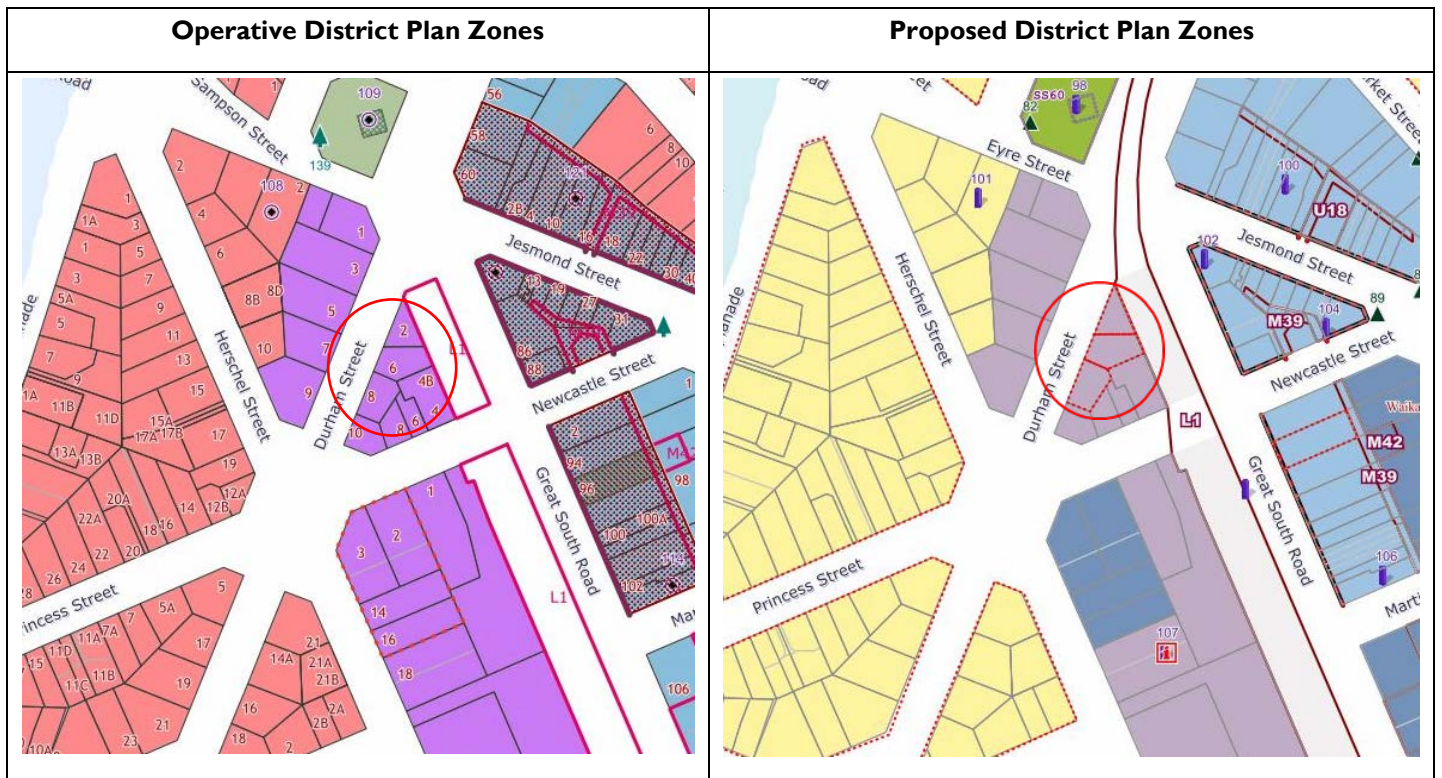
Table 2. Growth constraint summary.

Town/SPA	Taupiri	Taupiri	Horotiu	Ngaruawahia	Ngaruawahia	Ngaruawahia	Glen Massey	Te Kowhai	Te Kowhai
Growth Sector	A	B	C	D	E	F	-	G	H
Ecological constraint	Low	Low	Low	Low	Low	Low to Medium	Low	Low	Low
Flooding constraint	Low	Medium to High	Low	Low	Medium	Low	Low	High	High
Overall constraint to development	Low	Medium	Low	Low	Low to Medium	Low	Low	Medium to High	Medium to High

¹ Catchment Management Plan NgaruawahiaTSurrounds Structure Plan Area, Tonkin & Taylor Ltd, March 2015



5. I have relied on the technical assessments undertaken as part of the Structure Plan process to conclude that the Residential Zone boundary in the Saubrey Road area is suitable for urban development, subject to detailed subdivision layout and design. As such, the recommendations within my s42A report and subsequent s42A reply report remain unchanged.
6. Mr James Whetu [265] made a presentation to showcase the commercial development undertaken at 2, 6 & 8 Durham Street, which predominantly comprises small scale food and beverage and office activities. Mr Whetu outlined the community benefits associated with the redevelopment of these properties and on this basis, he requested that the adjoining site at 10 Durham Street is also rezoned from Industrial to Business. In responding to questions, Mr Whetu advised that while he supported the rezoning of the entire 'triangle' (bounded by Durham Street, Princess Street and the Railway Line), the properties at 4, 6 & 8 Princess Street were not in his ownership and were therefore not subject to his submission.
7. Having regard to the additional information supplied by Mr Whetu, I consider that while ideally the whole triangle is rezoned to Business Zone, the rezoning of 2, 6 & 8 Durham Street (as identified in the map below) from Industrial to Business would better reflect the type of activities established on these sites and support their on-going longevity. I therefore recommend that the submission by Mr Whetu [265.1] be accepted. As the property at 10 Durham Street was not identified in the original submission, there does not appear to be sufficient scope to include this property in the rezoning proposal.



3 Horotiu

8. Mr Mark Arbuthnot (planner) for Ports of Auckland [578 & FS1087], Ms Laura Galt for Hamilton City Council [535 & FS1379], Ms Kate Barry-Piceno (barrister) and Mr Aaron Collier (planner) for Perry Group Ltd [464], Colette Brown and Vanessa Gibson [840 & FS1039] and Brownie Investments [131 & FS1036] (both of whom were represented by Mr Fraser McNutt (planner) all made presentations in support of their submissions relating to the zoning of land in and around Horotiu.
9. Aside from the 'indicative development plan' contained in Mr Collier's summary statement for Perry Group Ltd that provided additional context to the 1.3ha piece of land adjacent to the Waikato Expressway (that the submitter sought to be rezoned from Rural Zone to Residential Zone), no new information arose in relation to the relief sought by submitters. I therefore rely on the assessment of these submission points as set out in the original s42A report.
10. In response to a query from the Chair regarding reference to "Area A" shown over 6257 Great South Road on the 'submitter map' in paragraph 192 of the s42A report, I refer the Panel to paragraph 200 of the s42A report that explains that this rezoning request was part of the Perry Group Ltd submission [464.11], however the submitter no longer wishes to pursue this submission point.

4 Taupiri

11. Mr Howard Lovell and Mr Rudi Van Dam [805 & 974], together with Mr Tim Lester (planner), made presentations in relation to the Taupiri Village Expansion Area (TVEA) rezoning proposal, and also in relation to the rezoning of a small property owned by Mr Lovell at 129 Great South Road, Taupiri.
12. With respect to the TVEA, I note that Mr Lester and I agree that a Future Urban Zone (FUZ) is more appropriate than any form of 'live-zoning' to enable further detailed structure planning

to take place. While I noted the benefits of a FUZ in my s42A report, I had reservations regarding the extent of land that the FUZ could be applied to, and therefore whether the benefits of such zoning could be realised. In particular, I was concerned that Mr Lovell's submission did not provide sufficient scope to cover the full extent of the potential growth area identified in Waikato 2070 and that Mr Van Dam's land was located outside Future Proof 2017 and identified as being required for commercial/industrial purposes, rather than residential, in Waikato 2070.

13. The district plan must give effect to the Waikato Regional Policy Statement (WRPS), which, in turn, is required to give effect to higher-order planning documents, including the NPS-UD. While the WRPS has not yet been updated to respond to the NPS-UD, it nonetheless provides regional direction as to how urban growth should be managed, including Objective 3.12 that outlines the anticipated outcomes for the built environment and Section 6 that directs development to occur within predefined urban limits or where the development meets alternative land release criteria under Implementation Method 6.14.3.
14. As noted in my s42A report, while there does not appear to be any significant infrastructure constraints to developing the TVEA there is currently a lack of technical information available to show how the effects of the change are consistent with the development principles set out in Section 6A, which forms part of the alternative land release criteria. Notwithstanding, I note that if the Panel are comfortable that all of the land subject to submission was suitable for future urbanisation 'in principle', including a mix of commercial/industrial and low density residential development, then a FUZ could be applied as an interim measure to ensure that the subsequent development of the land occurred in a planned and cohesive manner. Given the uncertainties surrounding the timing of any live-zoning and that further work is required to determine the appropriate form of development, I note that the supplementary evidence of Dr Mark Davey advises that yields from FUZ areas have not been factored into the 'supply' analyses for the purposes of the NPS-UD.
15. In terms of the rezoning proposal for 129 Great South Road, I refer to my original s42A report assessment that due to the small size of the site (0.9954ha) the rezoning of this property from Rural Zone to Residential Zone is not of a scale that would threaten the integrity of the urban growth limit contained in the overarching strategic documents.
16. I was however concerned that the same could be said for other small sites across the district that also adjoin an urban boundary and have access to reticulated services. Examples of other land 'sandwiched' in between Great South Road and the North Island Rail Line are evident immediately to the south of the site where the Residential Zone boundary sits to the west of Great South Road, rather than to the west of the Railway Line between Taupiri and Hopuhopu. Overall, I note that if the Panel are agreeable to an extension of the urban boundary along Great South Road, the potential environmental effects of an additional ten dwellings in this location is likely to be insignificant, provided that any reverse sensitivity effects on the operation of the adjoining regionally significant infrastructure are appropriately addressed.