

SECTION 42A REPORT

Closing Statement

Hearing 28: Other Matters General

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I Introduction

1. My name is Susan Chibnall. I am a Policy Planner with Waikato District Council. I am the writer of the s42A report for Hearing 28 Other Matters General, and the corresponding rebuttal.
2. Arising out of the discussions and evidence presented during Hearing 28 Other Matters, this report recounts the presentations from the hearing.

2 Other Matters General

2.1 New Zealand Defence Force (NZDF)

3. The evidence supplied by the NZDF was useful, in that it described the activities that are part of Temporary Military Training Activities. The main point of interest was the noise associated with weapons firing and the use of a setback and not a noise standard to manage any adverse effects. Descriptions were provided of what generally occurs during training exercises which include the use of weapons. In my view this has provided a level of comfort that the environment will not be unduly impacted and that, combined with NZDF being a 'good neighbour', I consider will alleviate any concerns. I recommend that the Panel accept the submission from NZDF.

2.2 Mark Chrisp on behalf of Fonterra

4. Evidence provided by Mr Chrisp on behalf of Fonterra sought the inclusion of a Noise Control Boundary that surrounds the Fonterra site in Te Rapa. In my rebuttal statement, the evidence provided by Mr Chrisp persuaded me to accept his submission and I recommended that the Panel include the Noise Control Boundary on the Proposed Planning Maps. The original submission sought to include a clear link to the specific rule within the Hamilton City Council District Plan. I did not agree, as I considered reference to another Council's district plan would add confusion as to where the responsibility lies in terms of the management of noise. In addition, I am aware that Hamilton City Council is reviewing its district plan. The information provided by Mr Chrisp has not caused me to change my recommendation.

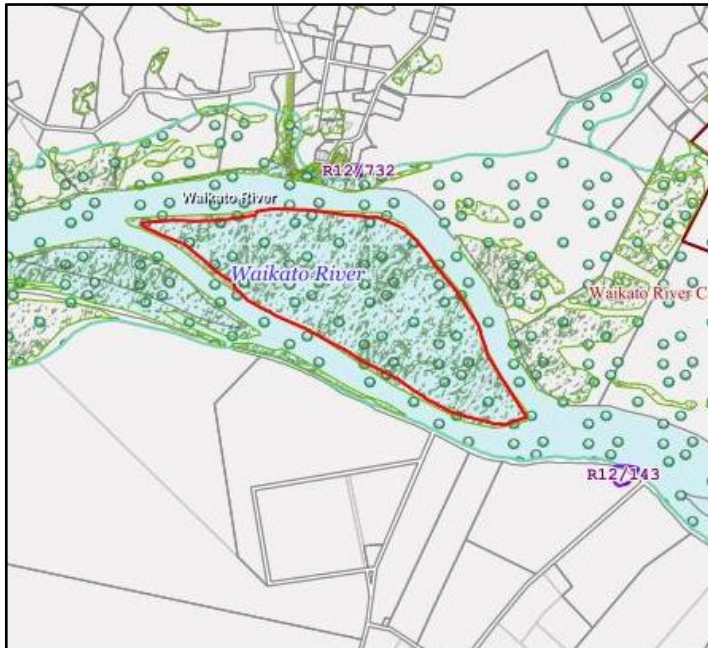
3 Summary of Hearing (Other Matters General)

5. To assist the Hearing Panel and provide a record of other matters presented by submitters at the hearing, I have prepared the following summary of the hearing.

3.1 Smeed

6. Mr Smeed's original submission sought to remove all the overlays from his property known as Kaiwaka Island. The island is subject to the Significant Natural Area (SNA) and Significant Amenity Landscape overlays. Kaiwaka Island is located in the middle of the Waikato River to the northwest of Tuakau (map provided below).

Map showing Significant Natural Area and Significant Amenity Landscape Overlay



With aerial



7. During the s42A process I was unable to contact Mr Smeed, as the cell phone number within council's system was unfortunately incorrect. As a result of my subsequent discussions with Mr Smeed, I have investigated Council's files and can provide the Panel with some background to Mr Smeed's property.
8. Regarding the SNA layer on the property, Kaiwaka Island has been entirely encompassed within the SNA overlay. The entire property is also subject to a Conservation Covenant document which is an agreement between the property owner (Mr Smeed) and the Department of Conservation. The covenant has been imposed on the island as part of a subdivision process under Franklin District Council. The document has specific requirements and also contains a management plan for the island.

9. The criteria for the identification of an SNA are contained in Appendix 2 of the Proposed District Plan, which requires that the area meet one or more of the criteria. Appendix 2 mirrors the Waikato Regional Policy Statement Appendix 11A. The covenant document describes the vegetation and wetland areas. In my view, as the island is subject to a Conservation Covenant, it is highly likely to meet at least one of the criteria in Appendix 2 and WRPS Appendix 11A.
10. Hearing 21 Significant Natural Areas discusses at great length the inaccuracy of the spatial data for SNAs, and the recommendation was to remove the mapping of SNAs from sites unless ground truthing has been undertaken. In respect of Kaiwaka Island, in my view it is not necessary to undertake a site visit, given that the island is subject to a conservation covenant. My recommendation is to retain Kaiwaka Island as an SNA.
11. Kaiwaka Island is also subject to the Significant Amenity Landscape overlay in the Proposed District Plan. In response to submissions from Waikato Tainui, the author of the s42A for Hearing 21b: Landscapes in the concluding hearing report discusses the information provided by Technical Landscape expert Rebecca Ryder (Boffa Miskel). The recommendation is for the mapping of the Waikato River waterbody, including the delta and islands within the river, being included in the spatial overlay as an Outstanding Natural Feature (ONF).
12. Lastly, Kaiwaka Island, as a result of Hearing 27 Hazards, is now subject to the Flood Plain Management Area. This area identifies all land that is subject to flooding during a 1% AEP flood event. The s42A author for Hearing 27C: Flood Hazards and Defended Areas, recommended that this area be included in the Proposed Plan Maps, making the property subject to the proposed rules in Chapter 15.4.
13. In summary, having considered the information gathered, my recommendation for Kaiwaka Island is to retain the Significant Natural Areas, Landscape overlays, and the Hazard overlay areas on the planning maps.

3.2 Andrew Wilson

14. Mr Wilson provided a presentation that discusses the property at Te Akau that has a Maaori Site of Significance identified on it (map below - red outline is Mr Wilson's property).



15. Mr Wilson considers that the area identified by Dr Des Kahotea is incorrect and requests that the delineated Paa (purple line) does not incorporate his property. This matter was discussed in Hearing 20: Maaori Sites and Areas of Significance. The original submission from Mr Wilson sought no specific relief, however supported recognising Maaori culture and spiritual values and sought more clarity regarding the MSOS NZAA R14/52 which identifies Harongarara Paa.
16. The concerns raised by Mr Wilson will be subject to the decision made by the Panel and the recommendation of Dr Kahotea as to the extent of the Paa site, and is most appropriately considered in the context of the s42A report and evidence presented in Hearing 20: Maaori Sites and Areas of Significance.

3.3 Michael Wells

17. Mr Wells presented at the hearing regarding the Heritage Building that has been identified on the property at 1 Old Taupiri Road. The s42A author for Hearing 14: Historic Heritage has recommended that the building be retained in Schedule 30.1 Historic Heritage Items of the proposed plan. Mr Wells provided photographs of the work that has been undertaken on the building, and he considers that the building is no longer original, therefore should not be listed.
18. I have liaised with Alice Morris, the s42A author for Hearing 14: Historic Heritage who has looked at the material presented by Mr Wells. My understanding is that the additions, alterations, and maintenance that have been undertaken to the building over the years are known to Dr McEwan (technical heritage expert) and Dr McEwan has still recommended that the building be registered. In consideration of this, Ms Morris continues to stand by her recommendation that the building be scheduled.

3.4 John Cunningham

19. Mr Cunningham presented evidence that seeks to rezone an area along the Aparangi Street frontage on Waeranga Road, Te Kauwhata from Residential Zone to contain a mixed commercial/residential use. This submission point was addressed in Hearing 10 Residential. The s42A author has recommended rejecting the submission, and below is the analysis made by that author.

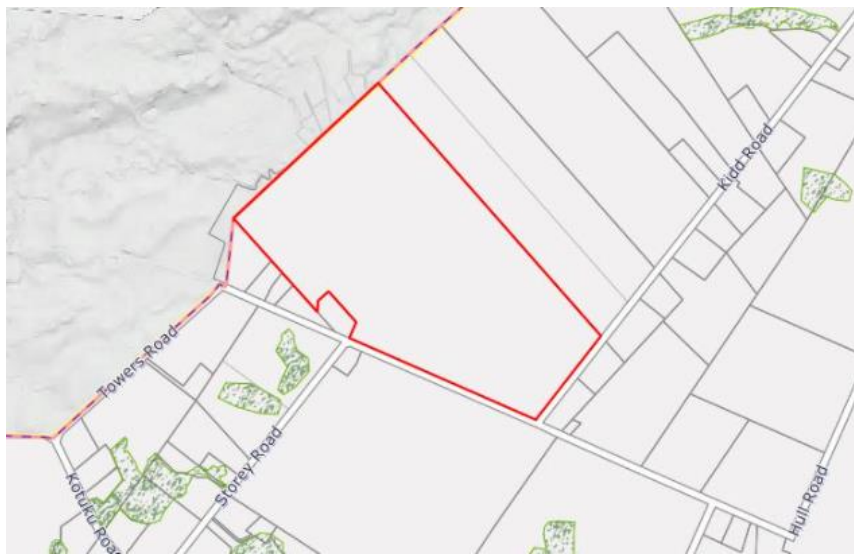
Aparangi Retirement Village Trust [251.1] seeks to amend the PWDP provisions to enable mixed use commercial and residential zoning on a particular road in Te Kauwhata. The reasons provided in the submission are that this area is a growth node and more commercial space is required and providing mixed-use development will aid in future-proofing this area. The submitter has not provided any information, analysis or research to support the proposed amendments. For the reasons stated above, I recommend that the panel reject the relief sought.

20. The presentation given by Mr Cunningham has provided more information that discusses car parking and the shortage of commercial premises available in the area. The information provided by Mr Cunningham was limited and has not caused me to change my recommendation.

3.5 Khushwin Limited

21. Madsen Lawrie Consultants Ltd on behalf of Khushwin Limited presented evidence that supported their original submission to rezone the property at 135 Hull Road, Waiuku from Rural Zone to either Country Living Zone or Living (now referred to as Residential Zone) (map below). The s42A author for Hearing 25: Zone Extents Rest of District analysed the relief sought and recommended to reject the submission as set out below:

(Country Living/Village or Residential Zone) 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). They also do not give effect to the direction contained in WRPS Policy 6.17 in terms of how rural residential development is to be managed,.....



22. The evidence provided shows that the property is currently zoned Rural and is adjoining a residential-large lot zone which is under the jurisdiction of Auckland Council. The evidence sought that the property be rezoned Country Living Zone, and stated that this is not inconsistent with Objective 5.1.1. I do not agree that rezoning this of this property to Country Living Zone is consistent with the strategic direction set out in Objective 5.1.1, which seeks to protect high class soils. It is noted that the soils are shown as versatile soils on the council maps. The evidence states that the soils cannot be used for cropping due to economical constraints. However, in my view, as the property is approximately 42ha in size, it has the capability to support a variety of productive uses.
23. When considering the Waikato Regional Policy Statement (WRPS), the proposed rezoning does not give effect to Objective 3.26 High Class soils, which seeks to protect these soils. Further to this as discussed in Hearing 25 Zone Extents, rezoning the property to Country Living Zone would not be appropriate zoning, as it geographically does not align with higher-order directions regarding location of growth.
24. I agree with the analysis provided in Hearing 25 Zone Extents and I have not been persuaded by the evidence provided to rezone the property to Country Living Zone. I therefore recommend that it remain Rural Zone.