

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan

Hearing 25: Zone Extents

Te Kauwhata

Report prepared by: Jane Macartney

16 April 2021



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List of submitters and further submitters addressed in this report

Original Submitter	Submission number
Michelle Byers	337
Campbell Tyson	687
Carleys Transport Limited	854
Civil Plan Consultants	392
Clyde Juices Limited	943
John Cunningham	250
DPI 2014 Limited	875
Fara Kurima Partnership	474
Five Star Gardens	338
Glenvale Stage 2 Ltd	975
Greenway Orchards Ltd	679
Brian Harris	209
Carol Harris	210
Hugh Green Limited	392
Jagco 2014 Limited	472
Kainga Moana Nui Limited	159
Kainga Ora	749
Amelia Lategan	43
Ian McAlley	368
Kevin Mitchell	163
Doug Nicholson	403
Colin Orr	63
Noelene Searle	325
Tim Searle	162
Kelvin & Joy Smith	537
Juliet Sunde	59
Tui Ridge Limited	508
Turtle Nut Farm Limited	876
Tony Welch	124
Z & Z Developments Limited Partnership	114

Further Submitter	Submission number
Eden Allen	FSI026
Murray Allen	FSI024
Robyn Allen	FSI025
Auckland Waikato Fish and Game Council	FSI045
Bowrock Properties Ltd	FSI197
Karen Broun	FSI122
Murray Broun	FSI124
Campbell Tyson	FSI061
Jasmine Faulkner	FSI128
Ethan & Rachel Findlay	FSI311
Glenvale Stage 2 Limited	FSI070
Lynne Glover	FSI052
Glover Family Trust	FSI144
Hugh Green Limited	FSI078
Brian Julian	FSI259
Danny John Laker	FSI257
Kirsty Laker	FSI249
Lakeside Developments	FSI371
Heather McRobbie	FSI255
Michael Klaja	FSI015
Mercury NZ	FSI386 FSI387 FSI388
Micheline Newton & Michael Klaja	FSI014
Heather and Lew Richardson	FSI115
Dave Roebeck	FSI133
Te Kauwhata Land Ltd	FSI150
Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	FSI108
Waikato Regional Council	FSI277
Z & Z Developments	FSI132

Please refer to Appendix I to see where each submission point is addressed within this report.

Introduction

1.1 Qualifications and experience

1. My name is Jane Macartney.
2. I hold the qualification of a Bachelor of Regional Planning (First Class Honours) degree from Massey University and have been a Full Member of the New Zealand Planning Institute since 1993. I completed the Making Good Decisions course in September 2018 with a grade of excellence.
3. I am familiar with, and experienced in, the processing of resource consents and preparing plans and the Resource Management Act 1991 (RMA). I have given expert planning evidence at local authority hearings, as well as the Environment Court and High Court.
4. I am particularly familiar with the former Franklin District, having worked for the former Franklin County Council and Franklin District Council (FDC).
5. I worked in my own planning consultancy for six years preparing resource consent applications.
6. Up until the disestablishment of FDC in 2010, I had a total of 16 years' experience as a Regulatory Planner and then as the Principal District Planner.
7. In my role as FDC's Principal District Planner, I was responsible for policy planning and managed various plan changes including:
 - Plan Change 14 (Rural Plan Change) - which addressed land use and subdivision for the whole of the Franklin District (except for the towns of Pukekohe, Waiuku and Tuakau). I instructed FDC's team and reviewed evidence for the Environment Court hearing in 2013 which resolved the outstanding appeals to the subdivision methods.
 - Plan Change 20 - Local Government (Auckland) Amendment Act 2004
 - Plan Change 24 - Pokeno Structure Plan, plus various district-wide provisions
 - Plan Change 25 - Hazards, Stormwater, Esplanade Reserves and Earthworks
 - Plan Change 27 - Remedial Minor, Miscellaneous, Tutaenui Floodway Area and Heritage Schedule
 - Plan Change 30 - Home Occupations, Activities in the Rural and Coastal Zones, Standards for Temporary Activities, Standards for Subdivision, Standards for Parking, Loading and Access, Standards for the Business Zone, Standards for Sleepouts, Network and Other Utilities and Residential and Village Zone Standards.
8. Since joining WDC in 2010, I have been a Senior Policy Planner involved in:
 - WDC's Variation 16 - Rural and Coastal Subdivision (which subsequently became Plan Change 2 to the Waikato Section), including specific responses on the topic of transferable development rights.
 - Appeal resolutions for FDC's Plan Change 24
 - Appeal resolutions for FDC's Plan Change 25
 - FDC's Plan Change 30 – WDC's and Hauraki District Council's representative at hearing
 - Plan Change 5 - Vision and Strategy for the Waikato River
 - Plan Change 16 - Tuakau Structure Plan (now withdrawn)
 - Variation 13 to FDC's Rural Plan Change 14 - prohibition of transferable rural lot rights across territorial boundaries.

9. I was not involved in the development of zoning maps for Te Kauwhata in the PWDP. However, I assisted in drafting Chapter 20 (General Industrial Zone), Chapter 21 (Heavy Industrial Zone), Section E (Designations) and Chapter 22 (Rural Zone). I assisted with the Council response in respect to transferable rural lot rights in Hearing 18 (Rural Zone) and am the s42A author for the landscapes topic (Hearing 21B). I also participated in numerous public consultation processes before and after notification of the PWDP.

1.2 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
11. I am authorised to give this evidence on the Council's behalf to the PWDP hearing commissioners.

1.3 Conflict of Interest

12. Although a resident of Waikato District, I confirm that I have no real or perceived conflict of interest in reporting on the submissions addressed in this report.

1.4 Preparation of this report

13. My role in preparing this report is to assess all submissions and related evidence in respect to the zoning of properties in and around Te Kauwhata and make recommendations to the hearing commissioners.
14. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 Scope of Report

2.1 Matters addressed by this report

15. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that were received by the Council in relation to zoning in and around Te Kauwhata. The specific provisions for zones relating to activities, building and subdivision have been addressed in earlier hearings.

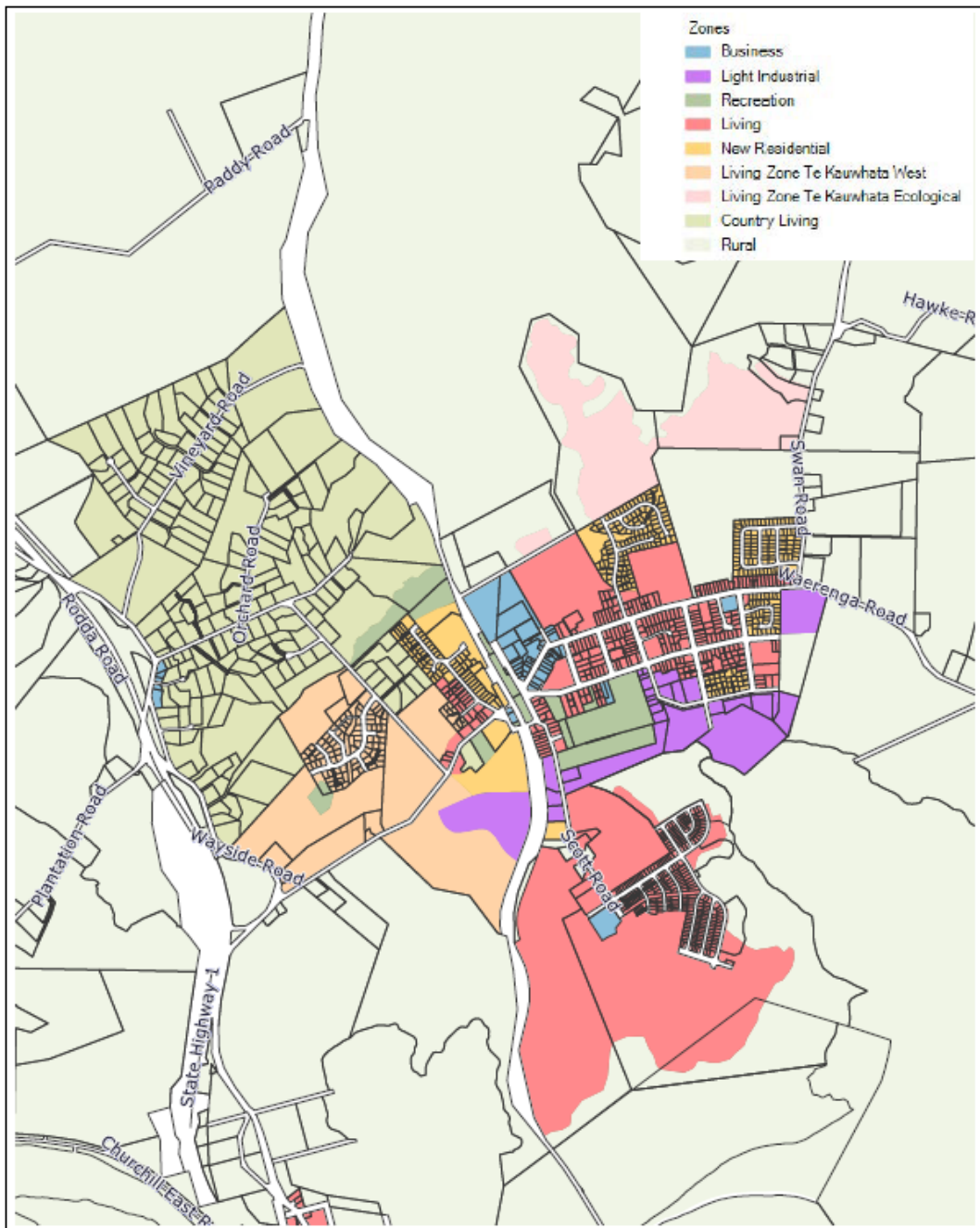
2.2 The village of Te Kauwhata

16. Te Kauwhata village is situated between Meremere and Ohinewai and is bisected by the North Island Main Trunk Railway. The internationally-recognised Whangamarino Wetland is located to the north and Lake Waikare is located to the south. Growth of the settlement is physically constrained by State Highway 1 to the west and south and Lake Kopuera to the north and east. A hard rock quarry is located near the end of Swan Road to the north-east.
17. Europeans first settled the Te Kauwhata area in about 1860 and commenced cultivating land around Lake Waikare. It has a long tradition of agricultural land use and was a centre for horticulture and viticulture. The government established an experimental farm in Te Kauwhata in 1886 where crop research was conducted on vegetables, fruit trees, berries and grapes. The current land use pattern, particularly in between State Highway 1 and the village,

and many road names reflect this history. Te Kauwhata continues to play an important role as a service centre for the surrounding farming areas.

18. A small commercial area located along the main street includes a public library and a variety of retail businesses such as cafés, a hardware store, small supermarket, pharmacy, vet clinic and hotel. The Aparangi Retirement Village, Te Kauwhata Primary School and Te Kauwhata College are in close proximity to the main street and continue to be important community facilities. A mixture of small industries is located predominantly on the outskirts of the village.
19. As at the date of finalising this report in April 2021, Te Kauwhata contained approximately 944 households and a population of 2000. This resident population is contained within the operative Living Zone, Te Kauwhata West Living Zone, Te Kauwhata Ecological Zone, New Residential Zone and Country Living Zone, shown on the following map.

2.2.1 Operative Zones within Te Kauwhata Village



2.2.2 Te Kauwhata Structure Plan (Variation 13 to the OWDP)

20. Despite the 2006 census predicting an overall population decline due to a small increase in dwellings combined with a drop in family sizes, there were other indicators in northern Waikato at that time that pointed to a need to provide for an increased demand in land for housing and services. This included developments at the Springhill Corrections Facility and Hampton Downs Motorsport Park, the effects of growth in Pukekohe and South Auckland, and transport improvements with the Waikato Expressway.
21. The Future Proof sub-regional growth strategy (2009) and the Waikato District Growth Strategy also anticipated a very high level (550% increase) of population growth in Te Kauwhata from 1200 residents in Year 2006 to 7800 residents in Year 2061. This resulted in the upgrading of existing infrastructure and planning for new infrastructure to cater for this significant amount of urban growth.
22. These anticipated growth pressures culminated in Council introducing the Te Kauwhata Structure Plan (TKSP) into the Waikato District Plan in 2009 via Variation 13, and the current zone pattern is largely attributed to that process.
23. Key features of the TKSP included the addition of:
 - 21 ha of Living Zone – therefore providing a total of 42 ha
 - 20 ha of Light Industrial Zone – therefore providing a total of 23 ha
 - 9 ha of Business Zone – therefore providing a total of 11 ha
 - 12 ha of Recreation Zone – therefore providing a total of 27.5 ha
 - A new 4 ha Mixed Use Policy Area overlaying part of the town centre's Business Zone
 - New ecological corridors around margins of the Whangamarino Wetland
 - New urban design guidelines
 - A new objective, policy and rule framework
 - A proposed designation for a heavy traffic bypass which was subject of a notice of requirement at that time.
23. Council's decision on Variation 13 was appealed to the Environment Court by the Te Kauwhata Action Group (TKAG), which comprised owners of Country Living-zoned land. This appeal was confined to the proposed residential area referred to as 'Te Kauwhata West' in between State Highway 1 and the North Island Main Trunk Railway. TKAG sought the same zoning of the proposed residential area as the land they lived on, and issues of urban versus rural amenity were at the fore in their evidence. They also considered that Variation 13 would result in an excess of land zoned for residential purposes.
24. The Environment Court's interim decision on 1 May 2012 and final decision on 7 September 2012 are included as Appendices 2 and 3 to this hearing report. Those decisions resulted in various amendments to the TKSP, although TKAG's substantive appeal points were dismissed. The zone extents and provisions resulting from Variation 13 have been operative since 5 April 2013 and have been carried over to the notified PWDP with little change.
25. While I am of the opinion that the zone provisions resulting from TKSP are now largely outdated, particularly minimum residential lot sizes, I consider that the Court's commentary on new zoning to provide for growth in Te Kauwhata remains relevant to this hearing topic. For example, when considering the purpose of Variation 13 and the town limits, paragraphs [52] and [53] of the Court's interim decision stated this:

[52] Fundamentally, we consider that the appellants have misunderstood the purpose of the Variation. This is to provide for expansion of the Te Kauwhata Village in a managed way, particularly to provide for the population anticipated. Given the agreement of all the experts, including those for the appellants, as to population estimates likely to be achieved, albeit more slowly than originally anticipated, the question is where that population should be provided for in the village. Given that the current village footprint is not of sufficient size, it must be extended. Given the very limited ability to extend to the north and south, due to the wetland and lake, it is clear and accepted by witnesses that expansion must occur to the east and west. In relation to the west, the residential area of the village has already crossed the railway line, and is therefore only limited by State Highway 1. All witnesses accepted that SH1 was an appropriate boundary for the village.

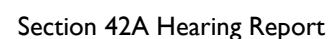
[53] To the east, the demarcation point is not so clear. What is clear, however, is that it is moving into clear rural land where issues as to competition between rural land use and urban use become of some importance. There are limitations in relation to Swan Road, given it is used as access to a major quarry. Although we do not see this as a final boundary line, it is clear that at the time of examination the Council considered Swan Road to be an appropriate demarcation point to the east, given that they had designated a bypass route (around Te Kauwhata village) with Swan Road as its eastern route.

2.2.3 Private Plan Change 20 to the OWDP – Lakeside Developments

26. Private Plan Change 20 (PC20) for Lakeside Developments (Lakeside) was approved by an independent hearings panel in April 2018 in respect to the Waikato Section of the OWDP.
27. PC20 resulted in the creation of a 194 ha Precinct Plan forming an extension to the TKSP area, south of the existing village and alongside Lake Waikare.
28. In summary, this Precinct Plan provides:
 - 132.5 ha to be developed for a variety of medium and higher-density housing typologies in a new Lakeside Residential Zone (Schedule 21E of the OWDP)
 - 1.1 ha to be used as a ‘community hub’ in a new Lakeside Business Zone (Schedule 23C of the OWDP)
 - 17 ha remaining Rural with an ‘open space overlay’ and a ‘cultural and heritage overlay’ in between the residential area and Lake Waikare in a new Lakeside Rural Zone (Schedule 25H of the OWDP).
 - 43.4 ha to be developed as open space.
29. The following aerial photograph and illustration are extracts from the PC20 decision, which indicate the spatial extent of the Precinct Plan and the intended masterplan developments within it.



H25: Zone Extents – Te Kauwhata

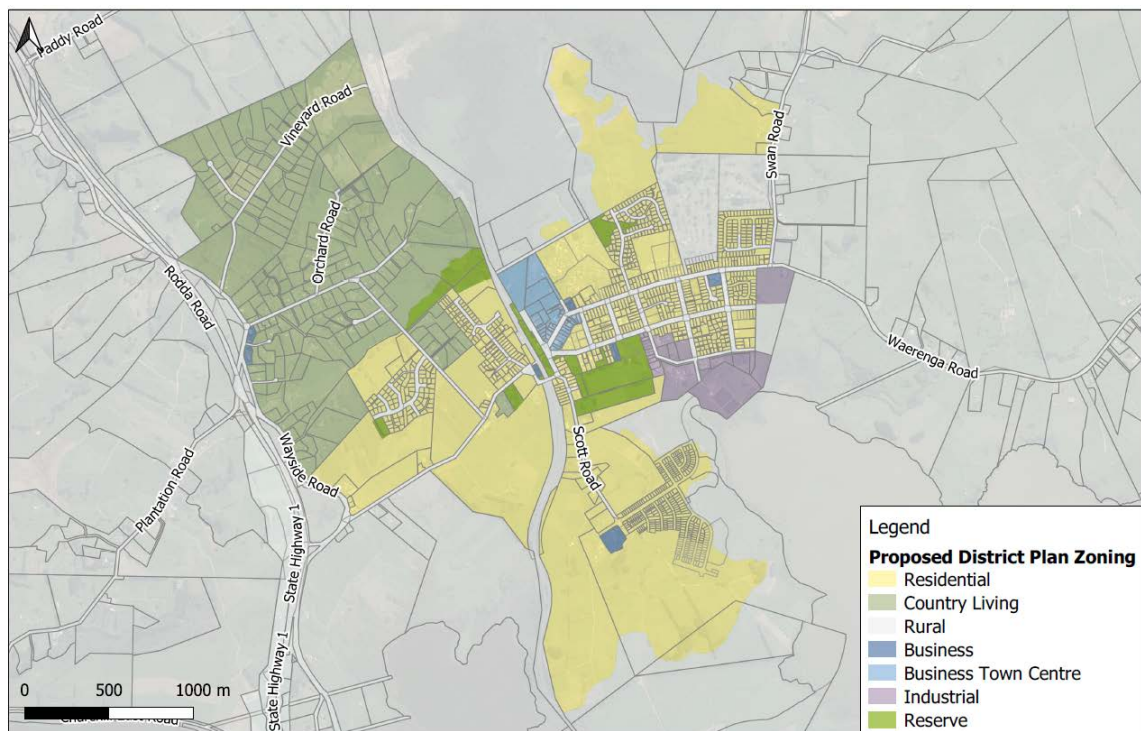


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- Section 42A Hearing Report

31. In early July 2018, Council received confirmation from the government that it was successful in its application for an interest-free loan of \$38 million from its Housing Infrastructure Fund. Combining this loan with another \$38 million from Council's Long Term Plan has allowed the acceleration of water supply and wastewater infrastructure projects to support residential growth in the whole of Te Kauwhata (not just Lakeside).
32. This needed infrastructure involves extensive upgrades to the town's water supply, some local road upgrades, and the construction of a new wastewater treatment plant with the latest membrane bioreactor technology and new pipes so that wastewater can be discharged onto land near the Waikato River, subject to resource consent, instead of into Lake Waikare.
33. The completion of Stage 2A in Lakeside (involving 400 lots) is the critical trigger for the necessary wastewater upgrade. Despite this trigger, Council's contractual arrangement in the Lakeside Development Agreement is to provide a solution to ensure that new titles can still issue. This has involved agreements for:
 - (a) an immediate solution - the operation of additional UV treatment in mid-2021
 - (b) an interim solution - construction and operation of a membrane aerated bioreactor package plant in December 2021
 - (c) an ultimate solution - construction and operation of additional membrane aerated bioreactor components in December 2024.
35. A press release in June 2020 advised that Kainga Ora and Lakeside's property developer (Winton) had entered into a land supply partnership agreement to deliver more than 1300 homes at Lakeside over a 7-8 year period. This agreement also incorporated a review of Winton's existing KiwiBuilt underwrites, as indicated in the Government Built Programme reset in September 2019.
36. The Ministry of Education has recently purchased land central to the Lakeside development for the purpose of establishing a new primary school. It is my understanding that a notice of requirement will soon be lodged with Council to designate this area.

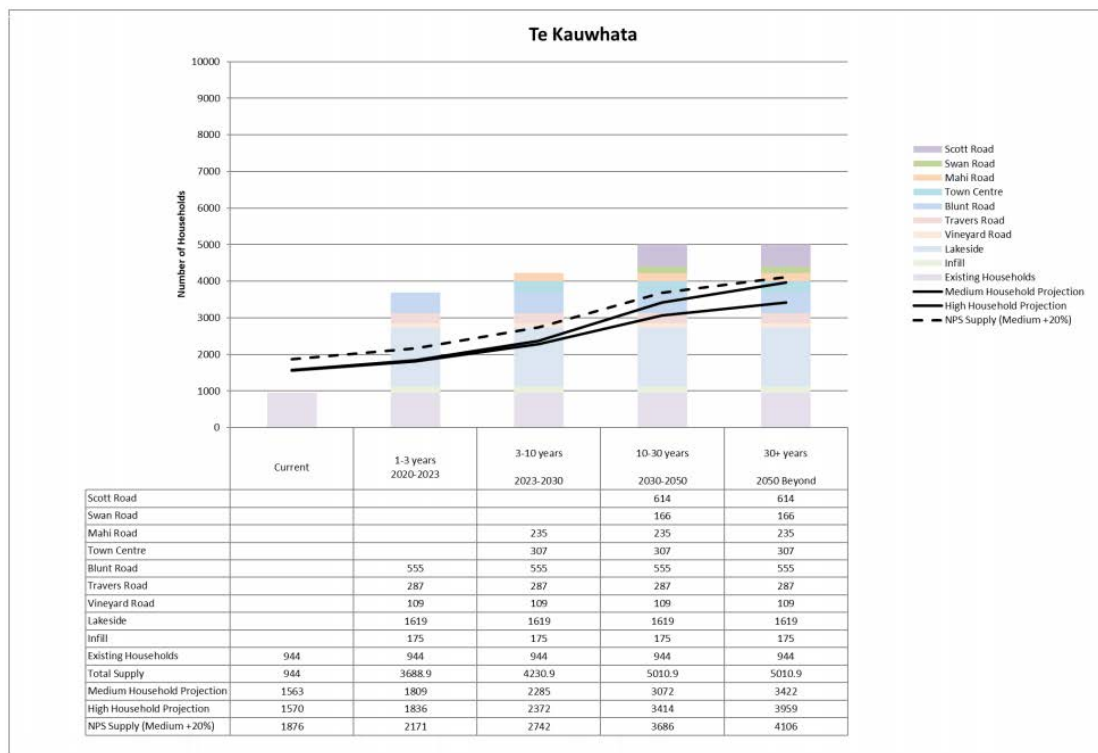
2.2.4 Proposed Zonings within Te Kauwhata Village



37. The proposed zones for Te Kauwhata shown on the map above are essentially a rollover of the operative zones. The only difference is that the four operative residential zones (Living Zone, New Residential Zone, Te Kauwhata West Living Zone and Te Kauwhata Ecological Living Zone) are proposed to be superseded by a single Residential Zone.
38. The PWDP has preserved the provisions for the Te Kauwhata West Living Zone and Te Kauwhata Ecological Zone by showing overlays on the planning maps. These overlays sit over the Residential Zone and provide a direct link to specific provisions in Chapter 16 which were addressed in earlier Hearing 10.

2.2.5 Projected Household Capacity in Te Kauwhata

39. The following graph in Council's s42A framework report indicates projected household capacity for Te Kauwhata over the next 30 years. These growth cells are derived from data that has informed Waikato 2070 and they indicate that the expected demand for new households over this period can be comfortably met, given capacity provided within the urban zones of the PWDP.



2.3 Overview of submissions

40. This zoning topic for Te Kauwhata attracted 30 original submissions and 30 further submissions. Approximately half of the original submissions support the notified zoning of properties within the village. The remaining half request rezonings that would increase the spatial extent of residential, country living and business developments, and reduce the amount of Business Town Centre zoning.
41. Some submissions request minor amendments to the extent of zonings so that there is alignment with defensible boundaries (such as drainage channels) or newly-surveyed boundaries in subdivision consents.

42. Kainga Ora has requested a new Medium Density Residential Zone for Te Kauwhata to provide for a variety of housing types close to the town centre and a density that is greater than that proposed for the Residential Zone.

2.4 Structure of this report

43. To assist the hearings panel and submitters, I have structured this report to address these nine submission topics:
- (a) Support for the notified zoning of specific properties
 - (b) Amendment to the extent of Reserve zoning at 75 Te Kauwhata Road
 - (c) Zoning of properties on Travers Road
 - (d) Requests for industrial zoning at 17 and 52 Scott Road
 - (e) Amendment to the interface between the Residential and Reserves Zones on Lot 1 DP 519545 – Eccles Avenue
 - (f) Requests for a Village Zone and/or Country Living Zone
 - (g) Requests for a Business Zone
 - (h) Requests to reduce the extent of the Business Town Centre Zone
 - (i) A new Medium Density Residential Zone

Appendix 1: Table of submission points

Appendix 2: Environment Court's interim decision on Variation 13 (Te Kauwhata Structure Plan)

Appendix 3: Environment Court's final decision on Variation 13 (Te Kauwhata Structure Plan)

Appendix 4: Recommended map amendments

2.5 Procedural matters

44. There are no procedural matters to note as part of this hearing.

3 Statutory framework

45. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45).
46. The following sections identify the statutory documents that have particular relevance to this report.

3.1 National Policy Statement for Urban Development

47. The NPS-UD took effect on 20 August 2020 and applies to all districts that have an urban environment within their district, and to all decisions that affect an urban environment.
48. The term ‘urban environment’ is defined in the NPS-UD as:
- Any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*
- (a) *Is, or is intended to be, predominantly urban in character; and*
- (b) *Is, or is intended to be, part of a housing and labour market of at least 10,000 people.*
49. In terms of clause (a) of this definition, I consider there is no question that Te Kauwhata is predominantly urban in character, given the extent of existing residential, business and industrial zones located within Future Proof’s ‘indicative urban limits’ and the nature of built development within these zones. In addition, there is a primary school and college that support the existing population, a second primary school is planned to cater for the new extensive residential development at Lakeside, and Te Kauwhata is also serviced with reticulated water and wastewater systems.
50. With respect to clause (b), Te Kauwhata’s population is predicted to reach 6103 by Year 2050. It is therefore not projected to reach a population of 10,000 within the long term, this being a period of 10-30 years as defined by the NPS-UD. However, it is unclear whether a housing and labour market of at least 10,000 people is meant to apply specifically to Te Kauwhata, or whether it can apply to settlements outside it which meet this population threshold. In this regard, Te Kauwhata does provide a source of labour for much larger settlements that include Auckland and Hamilton. However, Te Kauwhata’s contribution to the housing markets in these cities is perhaps less clear. I am not aware of any specific guidance from the Ministry for the Environment and the NPS-UD is too new to have any Court ruling on this matter.
51. Despite this uncertainty, I do not consider that this question of whether Te Kauwhata constitutes an ‘urban environment’ in the context of the NPS-UD is hugely significant to my assessment of submissions in this report. This is because the outcomes sought by the NPS-UD objectives and policies that contain the term ‘urban environment’ are generally addressed elsewhere through sections 5 and 8 of the RMA, and objectives and policies in the WRPS and the PWDP.
52. For completeness however, the following is a list of all NPS-UD objectives and policies which, in my opinion, could be relevant to this zoning topic. I have not listed objectives and policies that concern climate change, or local authorities that do not have the same Tier 1 ranking as Waikato District Council.

Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets.*

Objective 3: *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

- (a) *The area is in or near a centre zone or other area with many employment opportunities*

- (b) *The area is well-served by existing or planned public transport*
- (c) *There is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

Objective 4: *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

Objective 5: *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Objective 6: *Local authority decisions on urban development that affect urban environments are:*

- (a) *integrated with infrastructure planning and funding decisions; and*
- (b) *strategic over the medium term and long term; and*
- (c) *responsive, particularly in relation to proposals that would supply significant development capacity.*

Objective 7: *Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.*

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) *have or enable a variety of homes that:*
 - (i) *meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) *enable Maori to express their cultural traditions and norms; and*
- (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*

...

Policy 2: *Tier 1, 2 and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*

Policy 7: *Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.*

3.2 Waikato Regional Policy Statement

- 53. The statutory consideration of the WRPS for all PWDP hearings was covered in the earlier opening legal and planning submissions for the PWDP process, and are not repeated here.
- 54. The following sections set out the WRPS objectives (Part A) and policies and implementation methods (Part B) that I consider particularly relevant to this hearing topic for Te Kauwhata and worthy of mention.

Objective 3.2 Resource use and development

Recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by maintaining and where appropriate enhancing:

...

- (b) *the life supporting capacity of soils, water and ecosystems to support primary production activities;*

Objective 3.10 Sustainable and efficient use of resources

Use and development of natural and physical resources, excluding minerals, occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste.

Objective 3.12 Built environment

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

...

- (c) *integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*

...

- (g) *minimising land use conflicts, including minimising potential for reverse sensitivity;*
- (h) *anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;*

...

Objective 3.25 Values of soil

The soil resource is managed to safeguard its life supporting capacity, for the existing and foreseeable range of uses.

Objective 3.26 High class soils

The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision use or development.

Objective 3.27 Minimum housing targets for the Future Proof area

The minimum targets for sufficient, feasible development capacity for housing in the Future Proof area are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity (NPS-UDC) 2016.

Area	Minimum Targets (number of dwellings)		
	Short to Medium 1-10 years (2017-2026)	Long term 11-30 years (2027-2046)	Total
Hamilton City	13,300	23,600	36,900
Waipa District	5,700	8,200	13,900
Waikato District	7,100	12,300	19,400
Future Proof Sub-Region	26,100	44,100	70,200

Policy 4.1 Integrated approach

An integrated approach to resource management will be adopted that:

...

(f) takes a long-term strategic approach which recognises the changing environment and changing resource use pressures and trends;

(g) applies consistent and best practice standards and processes to decision making; and

...

Implementation Method 4.1.12 Other plans and strategies

Local authorities should, where appropriate, seek consistency with the objectives and policies of the Regional Policy Statement in other plans and strategies, including:

a) asset management plans;

b) long-term plans;

...

h) structure plans;

i) growth strategies; and

...

Policy 4.4 Regionally significant industry and primary production

The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:

a) recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;

b) recognising the value and long term benefits of primary production activities which support regionally significant industry;

...

(b) coordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;

- (c) maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;
- (d) avoiding or minimising the potential for reverse sensitivity; and
- (e) promoting positive environmental outcomes.

Implementation Method 4.4.1 Plan provisions

District and regional plans should provide for regionally significant industry and primary production by:

- a) identifying appropriate provisions, including zones, to enable the operation and development of regionally significant industry, which for new development is consistent with Policy 6.14 and Table 6-2;
- b) maintaining the life supporting capacity of soil to support primary production;
- c) maintaining and where appropriate enhancing access to natural and physical resources for regionally significant industry and primary production, while balancing the competing demand for these resources;
- d) recognising the potential for regionally significant industry and primary production activities to have adverse effects beyond its boundaries and the need to avoid or minimise the potential for reverse sensitivity effects;
- ...
- g) recognising and balancing the competing demands for resources between regionally significant industry, primary production and other activities;
- ...
- i) promoting positive environmental outcomes.

Policy 6.1 Planned and coordinated subdivision, use and development

Subdivision, use and development of the built environment, including transport, occurs in a planned and coordinated manner which:

- a) has regard to the principles in section 6A;
- b) recognises and addresses potential cumulative effects of subdivision, use and development;
- c) is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and
- d) has regard to the existing built environment

Implementation Method 6.1.1 Regional plans, district plans and development planning mechanisms

Local authorities shall have regard to the principles in section 6A when preparing, reviewing or changing regional plans, district plans and development planning mechanisms such as structure plans, town plans and growth strategies.

Implementation Method 6.1.2 Reverse sensitivity

Local authorities should have particular regard to the potential for reverse sensitivity when assessing resource consent applications, preparing, reviewing or changing district or regional plans and development planning mechanisms such as structure plans and growth strategies. In particular, consideration should be given to discouraging new sensitive activities, locating near existing and planned land uses or activities that could be subject to effects including the discharge of substances, odour, smoke, noise, light spill, or dust which could affect the health or people and/or lower the amenity values of the surrounding area.

Implementation Method 6.1.5 District plan provisions for rural-residential development

Rural-residential development should be directed to areas identified in the district plan for rural-residential development. District plans shall ensure that rural-residential development is directed away from natural hazard areas, regionally significant industry, high class soils, primary production activities on those high class soils, electricity transmission, locations identified as likely renewable energy generation sites and from identified significant mineral resources (as identified through Method 6.8.1) and their identified access routes

Implementation Method 6.1.6 Growth strategies

In areas where significant growth is occurring or anticipated, territorial authorities should develop and maintain growth strategies which identify a spatial pattern of land use and infrastructure development and staging for at least a 30-year period. ...

Implementation Method 6.1.7 Urban development planning

Territorial authorities should ensure that before land is zoned for urban development, urban development planning mechanisms such as structure plans and town plans are produced, which facilitate proactive decisions about the future location of urban development and allow the information in Implementation Method 6.1.8 to be considered.

Implementation Method 6.1.18 Information to support new urban development and subdivision

District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following:

- a) the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;
- b) the location, type, scale, funding and staging of infrastructure required to service the area;
- c) multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;
- d) how existing values, and valued features of the area (including amenity landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;
- e) potential natural hazards and how the related risks will be managed;
- f) potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated site and describes how related risks will be managed;
- g) how stormwater will be managed having regard to a total catchment management approach and low impact design methods;
- h) any significant mineral resources (as identified through Method 6.8.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;
- i) how the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga has been recognised and provided for;
- j) anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply;
- k) how the design will achieve the efficient use of water;
- l) how any locations identified as likely renewable energy generation sites will be managed;
- m) the location of existing and planned renewable energy generation and consider how these areas and existing and planned urban development will be managed in relation to one another; and

- n) the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or corridor, including how sensitive activities will be avoided in the national grid corridor.

Policy 6.3 Coordinating growth and infrastructure

Management of the built environment ensures:

- a) the nature, timing and sequencing of new development is coordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:
 - i) optimise the efficient and affordable provision of both the development and the infrastructure;
 - ii) maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
 - iii) protect investment in existing infrastructure; and
 - iv) ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;
- b) the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated;
- c) the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and
- d) a coordinated and integrated approach across regional and district boundaries and between agencies; and
- e) that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies.

Implementation Method 6.3.1 Plan provisions

Regional and district plans shall include provisions that provide for a long-term strategic approach to the integration of land use and infrastructure and that give effect to Policy 6.3, including by ensuring as appropriate that:

...

- (e) development maintains and enhances the safe, efficient and effective use of existing infrastructure and can be integrated with future infrastructure needs where these can be determined;

...

Implementation Method 6.3.3 Urban growth outside of growth strategy areas

District plans shall ensure that in areas not subject to a growth strategy, urban development is predominantly directed to existing urban areas and is contiguous with, and well connected to them.

Policy 6.8 Access to minerals

Management of development of the built environment appropriately recognises:

...

- (e) the potential for land use development that is inconsistent with nearby mineral extraction activities.

Implementation Method 6.8.3 Managing effects of development on mineral resources

Regional and district plans shall manage the reverse sensitivity effects of development on identified significant mineral resources and mineral extraction activities by discouraging new sensitive activities from locating near identified significant mineral resources and mineral extraction activities.

Policy 6.14 Adopting Future Proof land use pattern

Within the Future Proof area:

a) new urban development within Te Kauwhata, shall occur within the Urban Limits indicated on Map 6.2 (section 6C);

b) new residential (including rural-residential) development shall be managed in accordance with the timing and population growth for growth areas in Table 6-1 (section 6D);

...

55. I have set out below Map 6.2 and the extracts from Table 6-1 relevant to Te Kauwhata.

Map 6.2: Future Proof indicative limits



Table 6-1: Future Proof residential growth allocation and staging 2006-2061

Growth areas	Residential population ¹			
	2006	2021	2041	2061
Te Kauwhata	1020	3430	5825	7675

56. Policy 6.14 refers to strategic industrial nodes in Table 6-2 (section 6D). Te Kauwhata is not listed here.

Policy 6.15 Density targets for Future Proof area

57. Policy 6.15 in the WRPS sets out the average gross density target of 12-15 households/ha for greenfield development in Te Kauwhata.

Policy 6.16 Commercial development in the Future Proof area

Management of the built environment in the Future Proof area shall provide for varying levels of commercial development to meet the wider community's social and economic needs, primarily through the consolidation of such activities in existing commercial centres, and predominantly those centres identified in Table 6-4 (section 6D). Commercial development is to be managed to:

- (a) support and sustain the vitality and viability of existing commercial centres identified in Table 6-4 (section 6D);

...

- 58. The extract below from Table 6-4 (section 6D) indicates Te Kauwhata as a town centre in the Future Proof hierarchy of major commercial centres.

Table 6-4: Future Proof hierarchy of major commercial centres

Functional type	Location	Function description
Town centres	Cambridge Te Awamutu Huntly Ngaruawahia Raglan Te Kauwhata	Retail, administration, office and civic centres providing most commercial and servicing needs, together with non-retail economic and social activity, to their urban and rural hinterland.

Policy 6.17 Rural-residential development in Future Proof area

Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the sub-region, and particularly in areas within easy commuting distance of Hamilton and:

- a) the potential adverse effects (including cumulative effects) from the high demand for rural-residential development;
- b) the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities;
- c) the additional demand for servicing and infrastructure created by rural-residential development;

...

- e) has regard to the principles in section 6A.

Policy 6.18 Monitoring development in Future Proof area

Information will be collected on development and infrastructure trends and pressures in the Future Proof area, so that these trends and pressures can be responded to appropriately and in a timely manner, to support further reviews of the Future Proof Growth Strategy and to assess the need for changes to Policy 6.14.

Policy 6.19 Review of Future Proof map and tables

Waikato Regional Council will consider the need to review Policy 6.14, including the extent, location and release of development as identified in the map and tables in section 6C and 6D, in consultation with Hamilton City Council, Waipa District Council and Waikato District Council, tangata whenua and the NZ Transport Agency, if any of the following situations occur:

- a) *the reporting required by Policy 6.18 and Method 6.18.1 recommends that a review is needed;*
- b) *household and population growth varies by more than 10% over 5 consecutive years from the household and population predictions in the Future Proof Growth Strategy;*
- c) *the Future Proof partners agree that insufficient land exists within the Urban Limits shown in Map 6.2 to cater for the growth anticipated within 10 years of the analysis; or*
- d) *the Future Proof partners agree that exceptional circumstances have arisen such that a review is necessary to achieve Objective 3.12 in the Future Proof area.*

59. 6A in the WRPS (pp 6-27, 6-28) sets out general development principles and specific principles for rural-residential development.

Policy 14.2 High class soils

Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.

Implementation Method 14.2.1 Manage the form and location of development

District plans shall give priority to productive uses of high class soils over non-productive uses including through:

- a) *restricting urban and rural-residential development on high class soils;*
- ...
- e) *directing urban and rural-residential development onto soils of lesser versatility where there is an option to do so;*

3.3 Future Proof 2017

60. In summary, Future Proof 2017 says this about Te Kauwhata:

- Principally planned as a village with amenity benefits.
- The village has played and continues to play an important role as a service centre for the farming areas to the east and west.
- Strategically important in terms of accommodating growth between Auckland and Hamilton.
- Likely to grow due to the proximity to Auckland.
- Connection with Huntly for employment.
- Better public transport and improved opportunities for walking and cycling.

61. Assumptions stated in Future Proof 2017 for Te Kauwhata include:

- Most of Waikato District's growth is greenfield development with an assumption of 12 households per hectare.
- Approximately 80% of growth will be in Pokeno, Tuakau, Te Kauwhata, Huntly, Ngaruawahia, Raglan and the villages.
- Household and population figures are based on Census Area Units (CAU's).
- Council has submitted an application to the Housing Infrastructure Fund to support the Lakeside Development of 1500 additional households in Te Kauwhata. If unsuccessful, the timing of the Lakeside development may be delayed.
- The population projections for Te Kauwhata in the Northern Waikato Business Case have been considered and accommodated.

62. Section 7.2 in Future Proof 2017 addresses the allocation of residential land and describes how household growth has been allocated out to Year 2045 based on the preferred settlement pattern scenario of a compact and concentrated urban form.

63. The figures shown below for Te Kauwhata are extracts from Table 3 in this section which indicate a generally adequate supply to meet demand over the 30 year period, assuming that the carry forwards of undeveloped land will still occur.

Table 3: Future Proof sub-region allocation and staging of residential household growth 2016 – 2045 (summary table)

Decade 1: Years 1 – 10, 2016 - 2025

Area	UoW Low Projections ²¹		UoW Medium Projections	
	Household Demand	Household Supply / Capacity ^{22 23}	Household Demand	Household Supply / Capacity
Te Kauwhata	353	2,579	369	2,579

Decade 2: Years 11 – 20, 2026 – 2035

Area	UoW Low Projections ²⁷		UoW Medium Projections	
	Household Demand	Household Supply / Capacity ^{28 29 30}	Household Demand	Household Supply / Capacity
Te Kauwhata	248	2,398	255	2,382

Decade 3: Years 21 – 30, 2036 – 2045

Area	UoW Low Projections ³⁴		UoW Medium Projections	
	Household Demand	Household Supply / Capacity ^{35 36 37}	Household Demand	Household Supply / Capacity
Te Kauwhata	75	2,741	48	2,718

64. Future Proof 2017 also contains tables of projections for population and household demand for settlements within Waikato District for the three decades between Year 2016 and Year 2045¹.
65. Appendix I of Future Proof contains tables that set out population and household demand based on University of Waikato (UoW) projections. The following extracts indicate that Te Kauwhata is considered to have sufficient capacity in either a UoW Low or Medium growth scenario for all three decades in 2016-2045.

¹ Future Proof 2017, pp 92-94

Decade I: 2016-2025

Period	Population and Household Demand based on University of Waikato (UoW) Projections			
Decade 1: Year 1 – 10 2016-2025	Area	Number of Households 2016	Household Growth 2016-2025	
			UoW Low	UoW Medium
	Te Kauwhata	684	353	369
	Area	Population 2016	Population Growth 2016-2025	
			UoW Low	UoW Medium
	Te Kauwhata	1769	731	774
Household Supply (total capacity of cells)				
Te Kauwhata		2579		
Area	Supply Deficit or Carry Over			
	UoW Low	UoW Medium		
Te Kauwhata	2226	2210		
Strategic Overview and Infrastructure Needs for Growth Areas				
Te Kauwhata: Funding is committed to in the LTP for Rooding, 3 waters and Parks as per the Structure Plan. Council has also applied for the Housing Infrastructure Fund to support the additional 1500 households in the proposed Lakeside Development.				
Certainty				
HIGH DEGREE OF CERTAINTY: Growth cells and capacity known. Infrastructure is in place, committed or about to be committed. Greenfield land either zoned (Pokeno Stage 1, Te Kauwhata, Ngaruawahia Stage 1 and Raglan) or growth management plan/plan change underway (e.g. Tuakau, Huntly) for additional zoning.		LOW DEGREE OF CERTAINTY: Council will be considering a private plan change for Te Kauwhata (Lakeside development) which would accommodate an additional 1500 households within 10 years this has been included in the supply column in decade one it is anticipated that this would be additional growth to the projection from Auckland.		

Decade 2: 2026-2035

Period	Population and Household Demand based on University of Waikato (UoW) Projections		
Decade 2: Year 11-20 2026-2035	Area	Household Growth 2026-2035	
		UoW Low	UoW Medium
	Te Kauwhata	248	255
	Area	Population Growth 2026-2035	
		UoW Low	UoW Medium
	Te Kauwhata	484	505
Household Supply (total capacity of cells)			
	Area	Supply	
		UoW Low	UoW Medium
	Te Kauwhata Carry Over	2226	2210
	Te Kauwhata	172	172
	Te Kauwhata Total	2398	2382
	Area	Supply Deficit or Carry Over	
		UoW Low	UoW Medium
	Te Kauwhata Total	2150	2127
Certainty			
LESS CERTAIN Demand is less certain. Infrastructure planning is in place for some cells (Te Kauwhata) and not in place for others (Tuakau Stage 2) at this stage but is to be addressed in LTP 2018-2028. Cell sequencing and capacity subject to review. New growth cells (i.e. Pokeno Stage 2) informed by a high level concept plan, further work is still to be completed.			

Decade 3: 2036-2045

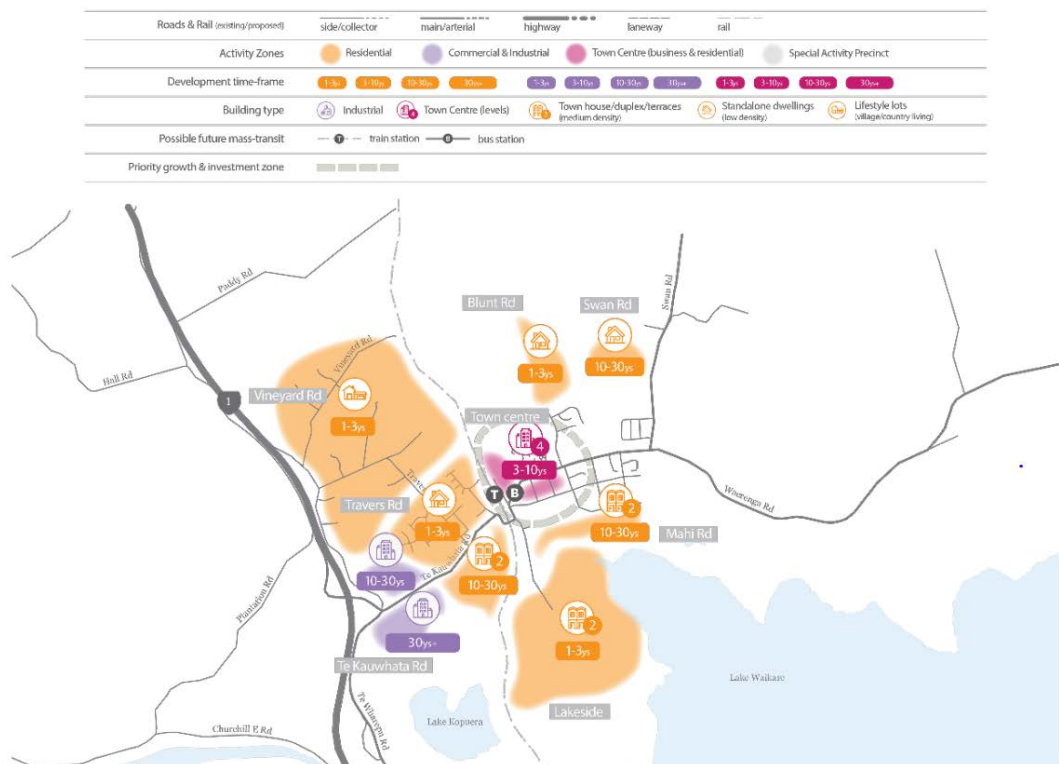
Period	Population and Household Demand based on University of Waikato (UoW) Projections		
Decade 3: Year 21-30 2036-2045	Area	Household Growth 2036-2045	
		UoW Low	UoW Medium
	Te Kauwhata	75	48
	Area	Population Growth 2036-2045	
		UoW Low	UoW Medium
	Te Kauwhata	108	45
	Household Supply (total capacity of cells)		
	Area	Supply	
		UoW Low	UoW Medium
	Te Kauwhata Carry Over	2150	2127
	Te Kauwhata	591	591
	Te Kauwhata Total	2741	2718
	Area	Supply Deficit or Carry Over	
		UoW Low	UoW Medium
	Te Kauwhata	2666	2671
	Total		
Certainty			
<p>UNCERTAIN: Demand is less certain. Not all zoning is in place. Infrastructure planning is not yet in place but to be addressed as part of LTP reviews once zoning has been confirmed. Cell sequencing and capacity subject to review. New growth cells (e.g. Pokeno Stage 3) is based on a high-level concept plan. The Northern Waikato Business Case preferred option shows Tuakau reaching a population of 15,000 – 20,000 people by 2046. To reflect the growth an additional 3600 households has been added onto the existing structure plan projections.</p>			

66. Section 7.3 describes the allocation of commercial business land and the focus of consolidating this land type into existing commercial centres, predominantly those identified in Table 4² in this section. The hierarchy of major commercial centres in this table aligns with Table 6-4 in the WRPS.

3.4 Waikato 2070

67. Waikato 2070 is Council's growth and economic development strategy that has been developed to provide guidance on how, where and when growth is to occur in the district over the next 50 years to achieve its vision of liveable, thriving and connected communities.
68. For Te Kauwhata, the following Map 4.6 in Waikato 2070 illustrates the approximate growth pattern, with a future population capacity of 10,000 after 50 years (i.e. by Year 2070). This document also signals the development of a mass-transit rail system and train station, the timing for which is dependent on growth and funding.

Waikato 2070 – Map 4.6 Te Kauwhata



3.5 Proposed District Plan policy direction

69. Chapter 4 of the PWDP contains objectives and policies that manage the urban environment. The following Objectives 4.1.1 and 4.1.2 set out the strategic direction for urban growth:

4.1.1 Objective – Strategic

(a) *Liveable, thriving and connected communities that are sustainable, efficient and coordinated*

² Future Proof 2017, page 38

(b) National Policy Statement on Urban Development Capacity Minimum Targets

The minimum targets for sufficient, feasible development capacity for housing in the Waikato District area are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity 2016.

70. The s42A report for Hearing 3 (Strategic Objectives) recommends that notified Objective 4.1.1 be deleted and replaced with reference to a strategic objective.

4.12 Objective – Urban growth and development

(a) Future settlement pattern is consolidated in and around existing towns and villages in the district.

71. The s42A report for Hearing 3 (Strategic Objectives) recommends that notified Objective 4.12 be amended to refer specifically to the need for compact urban forms in the towns and villages listed in Policies 4.1.10-4.1.18.

72. The following Policy 4.1.12 is specific to Te Kauwhata as a way to achieve Objectives 4.1.1 and 4.12:

4.1.12 Policy – Te Kauwhata

(a) Te Kauwhata is developed to ensure:

(i) Development is avoided on areas with geotechnical and ecological constraints;

(ii) Lakeside is the only area that provides for the medium term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and

(iii) A variety of housing densities is provided for.

(b) Development of the Lakeside Precincts provides for growth, achieves a compact urban form and creates a high level of amenity and sense of place.

(i) Provides for medium density and higher density housing and including housing for the elderly and a range of housing typology on small lots to assist housing affordability;

(ii) Manages the balance between creating areas for growth and open space, and retaining an appropriate size and capacity flood plain to assist flood management within the Waikato River system;

(iii) Implement a high standard of urban design including lot orientation, outlook to Lake Waikare, streetscape design, connection to the open space network, and access to the Lake Waikare foreshore;

(iv) Creating an Iwi reserve on the easternmost point of the Lakeside development and vesting this land in Iwi;

(v) Integrates with the Te Kauwhata Town Centre through improved connections to Lakeside and Lake Waikare, particularly walking and cycling;

(vi) Mitigates the potential adverse effects on noise sensitive activities in the vicinity of the rail corridor arising from the operation of the North Island Main Trunk line (NIMT), including meeting minimum internal noise and vibration standards and improvements at the Te Kauwhata Road rail crossing.

73. The s42A report for Hearing 3 (Strategic Objectives) recommends that Policy 4.1.12 be amended to require the avoidance or minimising of reverse sensitivity on strategic transport infrastructure networks and the need to retain a floodplain of sufficient size and capacity.
74. The following Objective 4.5.1 and Policy 4.5.2 relate to the Business Zone:

4.5.1 Objective – Commercial function and purpose

(a) Commercial activity is focused within a differentiation of commercial zones and development (comprising the Business Town Centre Zone, the Business Zone, the Business Zone Tamahere and neighbouring centres).

4.5.2 Policy – Commercial function and purpose

(a) Commercial activity develops in a way that:

(i) Ensures the business town centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions;

(ii) Provides for larger scale commercial activities within the Business Zone;

(iii) Provides for small scale convenience retail and community activities within the Business Zone Tamahere and neighbourhood centres.

The following objectives and policies are also relevant, with Policy 4.5.3 and Objective 4.5.12 containing specific references to the Business Town Centre in Te Kauwhata:

4.5.3 Policy - Commercial purpose: Business Town Centre:

(a) The role of the business town centres in Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that:

(i) They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town; and

(ii) The scale of commercial activities support their continued viability as the primary retail, administration and commercial service centre for each town; and

(iii) Enhances their vitality and amenity while providing for a range of commercial and community activities and facilities.

4.5.4 Policy – Commercial purpose: Business Zone

(a) The role of the Business Zone is to support the local economy and the needs of businesses by:

(i) Providing for a wide range of commercial activities; and

(ii) Providing for commercial activities at a scale that supports the commercial viability of towns and villages; and

(iii) Ensuring that commercial activities complement and support the role of business town centres.

4.5.8 Policy – Role and function of the Business Zone

(a) Ensure the role of the Business Zone is complementary to the Business Town Centre Zone by:

(i) Enabling a wide range of commercial activities including large format retail activities within the Business Zone; and

(ii) Discouraging small scale retail activities, administration and commercial services within the Business Zone.

4.5.9 Policy – Employment opportunities: Business Town Centre Zone and Business Zone

(a) Commercial development within the Business Town Centre Zone and Business Zone increases employment opportunities within the district.

4.5.10 Policy – Retail: Business Town Centre Zone and Business Zone

(a) Locate small scale retail activities within the Business Town Centre Zone and discourage large scale activities from establishing within the Business Town Centre Zone.

(b) Locate large scale retail and commercial activities to within the Business Zone.

4.5.11 Policy – Residential upper floors: Business Town Centre Zone and Business Zone

(a) Maintain the commercial viability of the Business Town Centre Zone and Business Zone while:

(i) Providing for mixed use developments, ensuring residential activities are located above ground floor; and

(ii) Avoiding residential activity located at ground level.

4.5.12 Objective – Business Town Centre – Character

(a) The commercial and mixed use character of Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau town centres is maintained and enhanced

(b) The Business Town Centre Zone is promoted as a community focal point

(c) Development of town centre is designed in a functional and attractive manner serving the needs of the community.

75. The following Objective 4.6.1, and Policies 4.6.2 and 4.6.4 are relevant to industry in Te Kauwhata:

4.6.1 Objective – Economic growth of industry

(a) The economic growth of the district's industry is supported and strengthened in industrial zones.

4.6.2 Policy – Provide Industrial Zones with different functions

(a) Recognise and provide for a variety of industrial activities within two industrial zones that have different functions depending on their purpose and effects as follows:

(i) Industrial Zone

A. Recognise and provide for a range of industrial and other compatible activities that can operate in close proximity to more sensitive zones due to the nature and relatively limited effects of these activities, including visual impact from buildings and associated parking and loading spaces, outdoor storage, lighting, noise, odour and traffic, subject to appropriate separation distances.

...

4.6.4 Policy – Maintain industrial land for industrial purposes

- (a) *Maintain industrial zones for industrial activities unless a development is ancillary to an on-site industrial activity and does not undermine the integrity of those zones.*

4 Analysis of Submissions

4.1 Support for the notified zoning of specific properties

Submissions

76. The eight original submissions listed in the following table support the notified zone in the PWDP:

- (a) Country Living Zone for 27 Travers Road
- (b) Country Living Zone for 37 Moorfield Road
- (c) Residential, Business and Rural Zonings at Lakeside
- (d) Residential Zone for 75 Te Kauwhata Road
- (e) Industrial Zone for 42 Rata Street
- (f) Residential Zone for most of 4 Wayside Road
- (g) Residential Zone for 24 Wayside Road.

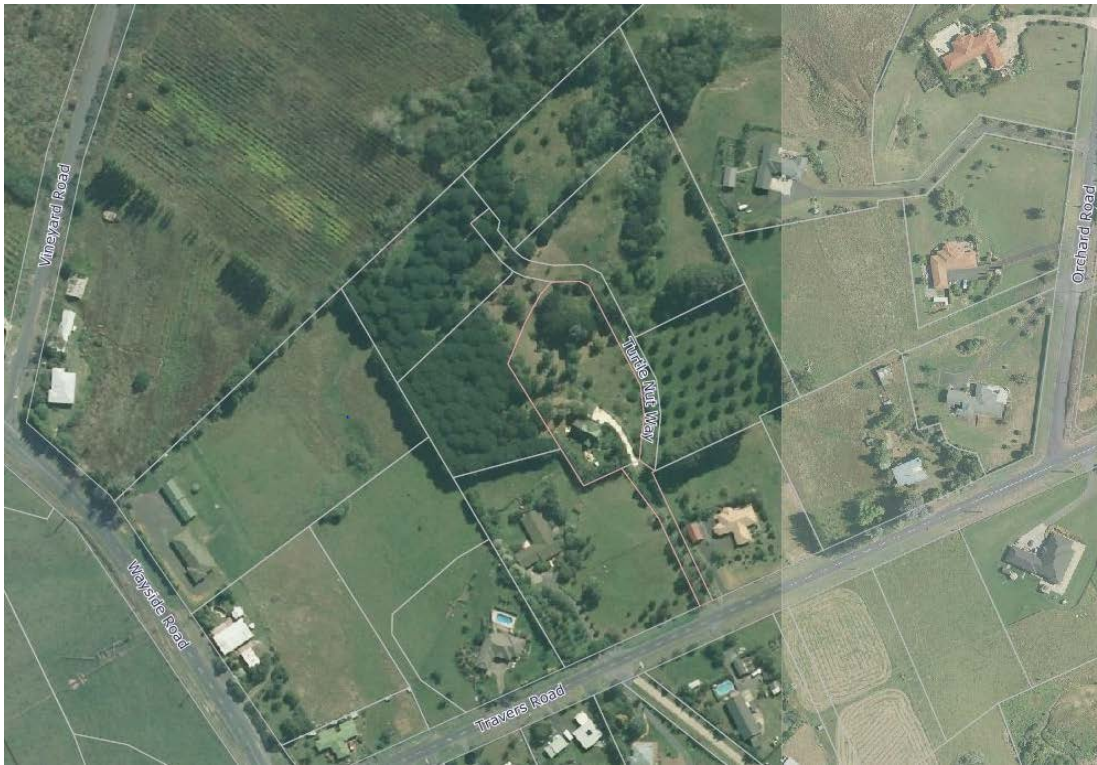
Submission point	Submitter	Decision requested
876.1	Turtle Nut Farm Limited	Retain the Country Living Zoning at 27 Travers Road, Te Kauwhata
FS1387.1446	Mercury NZ Limited	Oppose
875.1	DPI 2014 Limited	Retain the Country Living Zoning of the property at 37 Moorfield Road, Te Kauwhata, as notified
FS1387.1444	Mercury NZ Limited	Oppose
579.43	Lakeside Developments 2017 Limited	Retain the 'roll-over' of the Residential, Rural and Business Zones from Plan Change 20 on sites within the Lakeside Precinct (see Diagram 1 of submission)
FS1388.920	Mercury NZ Limited	Oppose
943.37	McCracken Surveys Limited (now Cheal)	Retain the proposed Residential Zone for the property at 75 Te Kauwhata Road, Te Kauwhata (1003295)
FS1387.1584	Mercury NZ Limited	Oppose
854.1	Carleys Transport Limited	Retain the Industrial Zone of the property at 42 Rata Street, Te Kauwhata, as notified (see map attached to submission)
FS1371.36	Lakeside Development Limited	Oppose

368.34	Ian McAlley	Amend the zoning of the property at 24 Wayside Road, Te Kauwhata, from Te Kauwhata West Residential Zone to Residential Zone
<i>FSI 061.15</i>	<i>Campbell Tyson</i>	<i>Support</i>
<i>FSI 386.569</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
687.1	Campbell Tyson	Retain the proposed Residential zoning of the land at 4 Wayside Road, Te Kauwhata (with the exception of a portion of land at the intersection of Wayside Road and Te Kauwhata Road, as shown in Figure 4 of the submission)
<i>FSI 387.270</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
687.2	Campbell Tyson	Retain the proposed Residential West Te Kauwhata Overlay at 4 Wayside Road, Te Kauwhata (with the exception of a portion of land at the intersection of Wayside Road and Te Kauwhata Road as shown in Figure 4 of the submission).
<i>FSI 150.5</i>	<i>Te Kauwhata Land Limited</i>	<i>Oppose</i>

4.2 27 Travers Road (now 1-6 Turtle Nut Way)

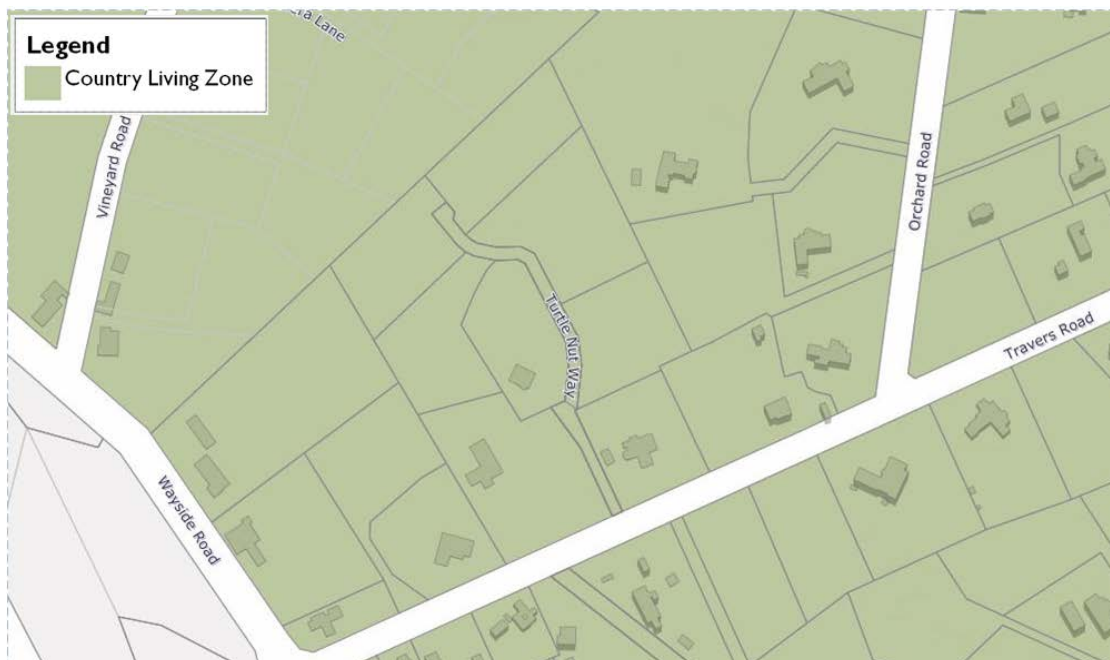
77. Turtle Nut Farm Limited [876.1] supports the notified Country Living Zone (CLZ) for this location on the basis that:
- (a) this would result in an efficient use of land resources
 - (b) subdivision would provide rural-residential growth away from rural and coastal areas
 - (c) there are limited development constraints
 - (d) the property is in close proximity to the existing urban area of Te Kauwhata
 - (e) it provides a buffer between urban and rural living.
78. Following this submission, a subdivision of this property into six lots was consented in April 2018 in terms of the CLZ provisions in the OWDP. These lots are now numbered 1-6 Turtle Nut Way, with private access of Travers Road as shown on the following aerial map.

Aerial map of properties on Turtle Nut Way

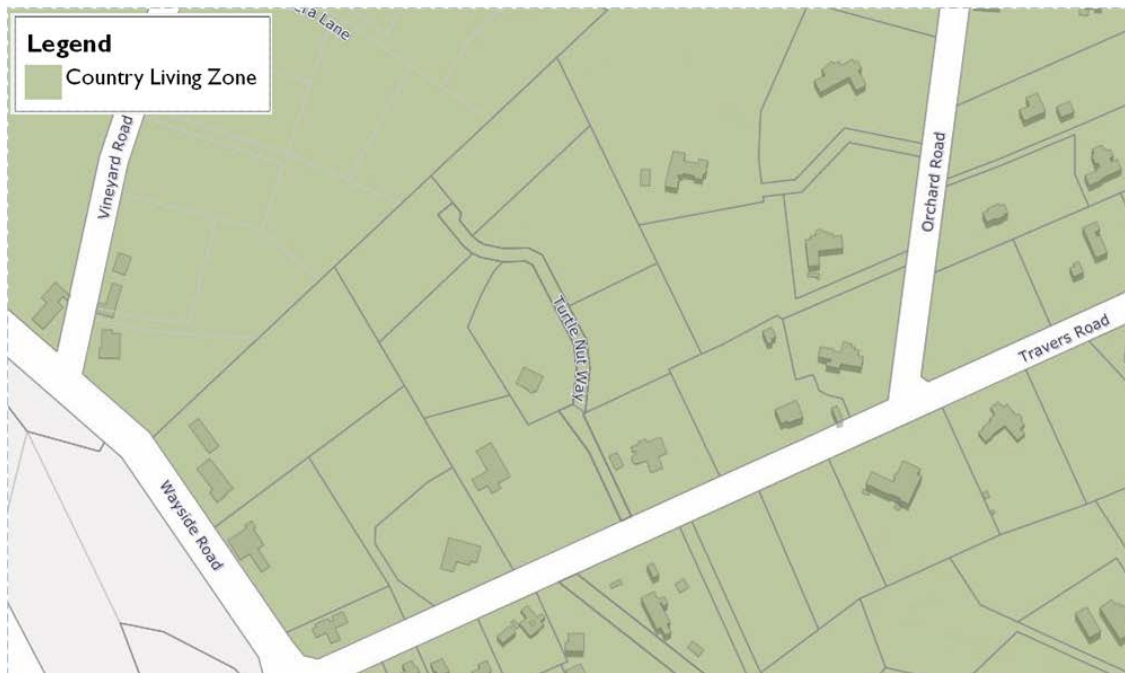


79. The following two maps indicate the Country Living zoning of this location (coloured olive green) in terms of the OWDP and PWDP.

Operative Country Living Zone - Turtle Nut Way



Proposed Country Living Zone - Turtle Nut Way (PWDP)



80. The development potential of what was 27 Travers Road has therefore now been fully realised in terms of the current CLZ provisions.
81. The notified CLZ for this property is only opposed by Mercury, due to what they perceive as hazard concerns. However, no hazard issues were raised in the processing of the subdivision consent process and none are identified in Stage 2 of the PWDP. For this reason, I recommend that the further submission from Mercury NZ Limited [FS/387.1446] be rejected. Without any other submission that might have opposed the notified CLZ for this property, I am left to recommend retaining the CLZ as notified.
82. Of less significance here to my assessment, while I consider that a low-density CLZ does not generate the most efficient use of land resources, retaining the status quo zoning for this location gives effect to Policy 2 in the NPS-UD, in that the new existing titles resulting from the approved subdivision are a component of the development capacity at Te Kauwhata which is considered to be sufficient to meet the expected housing demand over the short term, medium term and long term. Furthermore, development contributions have already been paid for the additional titles to offset the demand on Council's existing and planned infrastructure.
83. I also note that these properties are located within Future Proof's 'indicative urban limits' and the Residential 'Activity Zone' (with a 1-3 year development time frame) in terms of Waikato 2070.
84. Accordingly, for the above reasons, I recommend that submission [876.1] be accepted.

4.3 37 Moorfield Road

85. DPI 2014 Limited [875.1] supports the notified Country Living Zone (CLZ) for this 8.5 ha property shown in red outline on the aerial map below on the basis that:
- (a) this would result in an efficient use of land resources
 - (b) subdivision would provide rural-residential growth away from rural and coastal areas
 - (c) there are limited development constraints
 - (d) the property is in close proximity to the existing urban area of Te Kauwhata
 - (e) it provides a buffer between urban and rural living.

Aerial map of 37 Moorfield Road



86. The following two maps indicate the Country Living zoning of this property (coloured olive green) in terms of the OWDP and PWDP.

Operative Country Living Zone - 37 Moorfield Road



Proposed Country Living Zone – 37 Moorfield Road (PWDP)



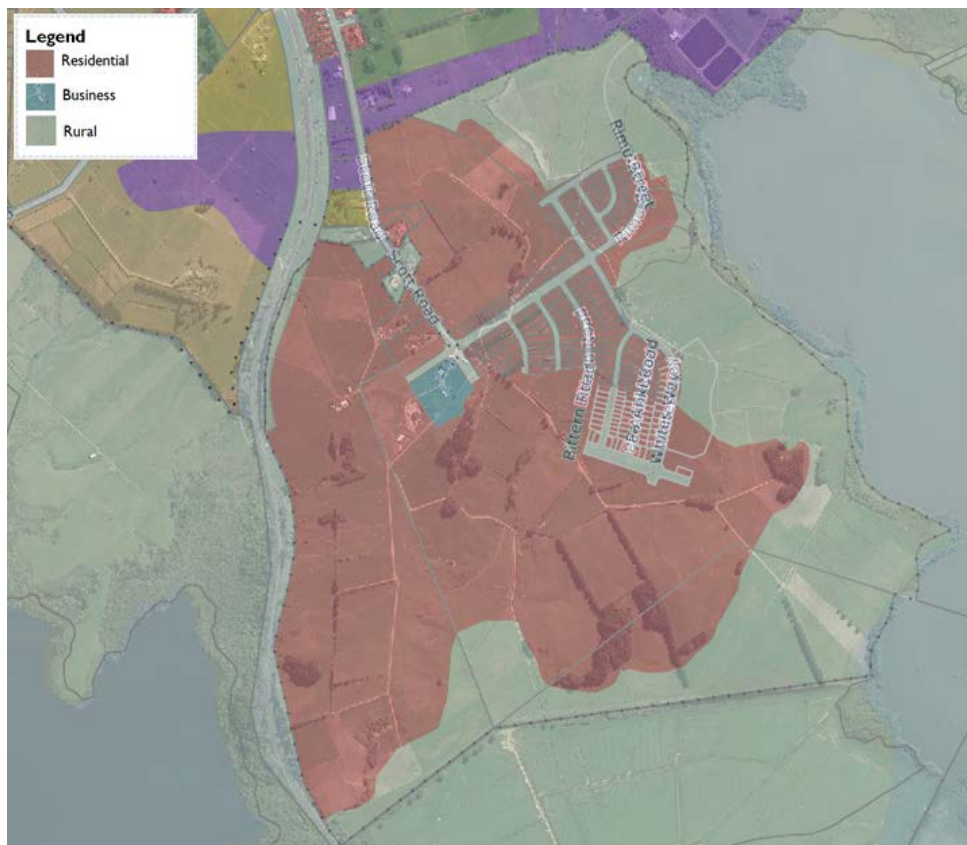
87. The notified CLZ for this property is only opposed by Mercury due to what they perceive as hazard concerns. However, no hazard issues are identified in Stage 2 of the PWDP. For this reason, I recommend that the further submission from Mercury NZ Limited [FS1387.1444] be rejected. Without any other submission that might have opposed the notified CLZ for this property, I am left to recommend retaining the CLZ as notified.
88. Of less significance here to my assessment, while I consider that a low-density CLZ does not generate the most efficient use of land resources, retaining the status quo zoning for this location gives effect to Policy 2 in the NPS-UD in that the existing title is a component of the development capacity at Te Kauwhata which is considered to be sufficient to meet the expected housing demand over the short term, medium term and long term.
89. I also note that this property is located within Future Proof's 'indicative urban limits' and the Residential 'Activity Zone' (with a 1-3 year development time frame) in terms of Waikato 2070.
90. Accordingly, for the above reasons, I recommend that submission [875.1] be accepted.

4.4 Lakeside Developments 2017 Limited (Lakeside)

91. Lakeside [579.43] supports the rollover of the operative Residential, Business and Rural zones within its development into the PWDP. These operative zones for Lakeside shown on the following map are to be considered in conjunction with the Precinct Plan and accompanying Schedules 21E, 23C and 25H discussed earlier.

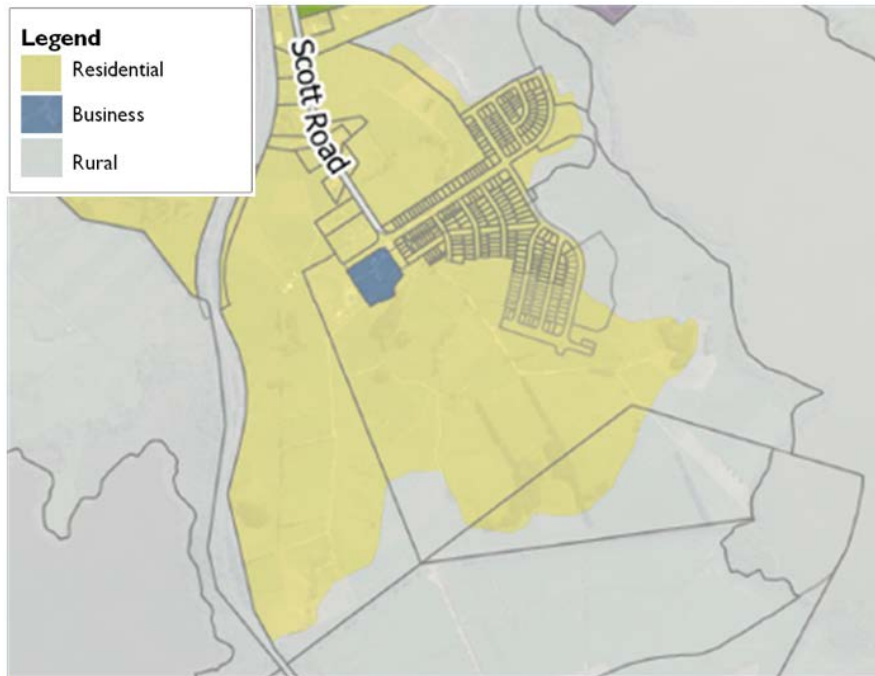
Operative Residential, Business and Rural Zonings at Lakeside

92. The operative Residential, Business and Rural Zones at Lakeside are coloured red, blue and grey respectively.



93. The next map indicates the rollover of these Residential, Business and Rural Zones for Lakeside into the PWDP.

Proposed Residential, Business and Rural Zonings for Lakeside (PWDP)



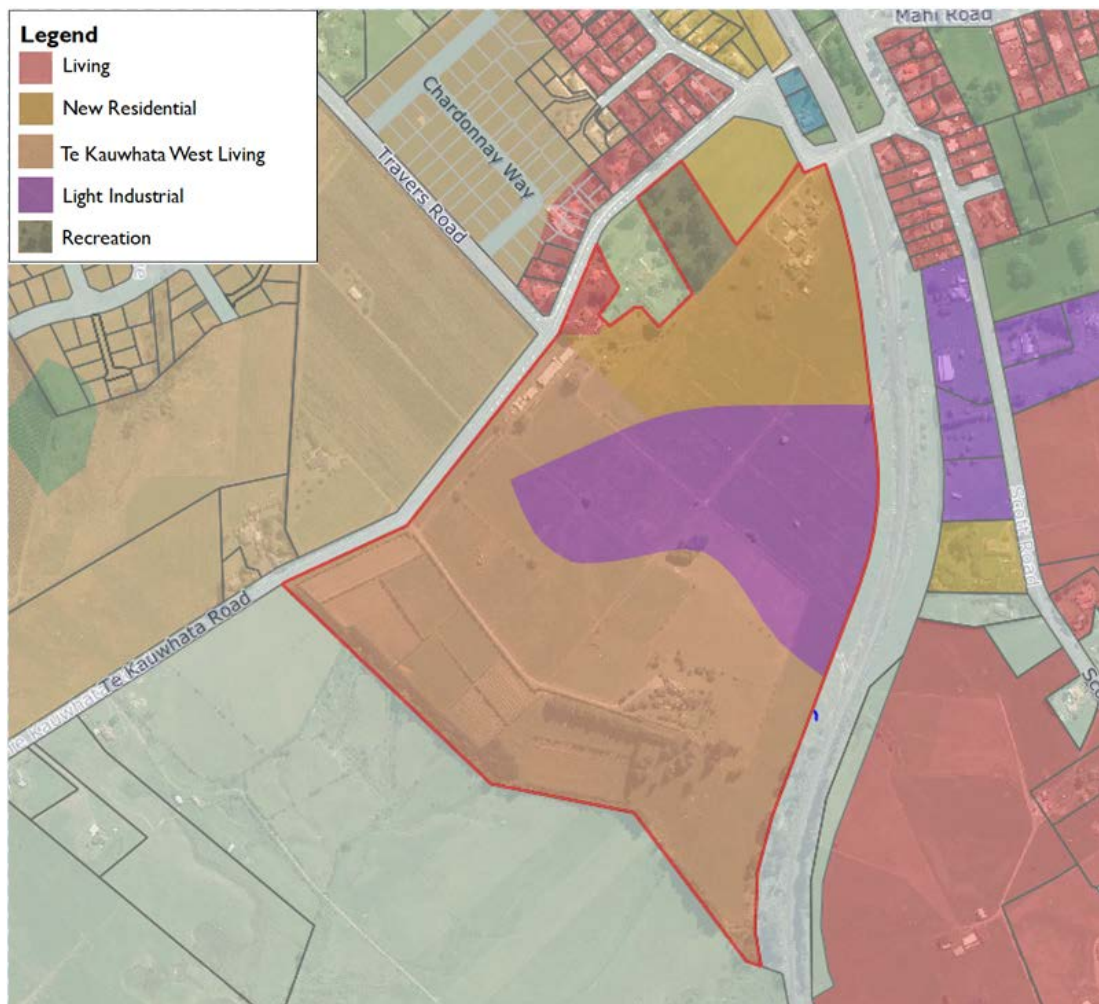
94. Hearing 11 specifically addressed the proposed provisions for Lakeside. I consider the matter of zoning for Lakeside in the PWDP to be straightforward, in that the spatial extent of the Residential, Business and Rural precincts mirror those shown in the OWDP. Furthermore, no hazard issues were identified for Lakeside as part of PC20 or Stage 2 of the PWDP and development is continuing at pace. For this reason, I recommend that the opposing further submission from Mercury [FS/388.920] be rejected.
95. Without any other submission that might have opposed the notified zones for Lakeside, I am left to recommend retaining them without change.
96. I note that the former NPS-UDC (2016) was an integral part of the PC20 proposal. The current NPS-UD 2020 is now relevant to this location, and emphasises even further the requirement to provide sufficient land for urban development over the short term, medium term and long term.
97. In my opinion, retaining the status quo zoning for Lakeside gives effect to Policy 2 in the NPS-UD, in that it is a component of the development capacity at Te Kauwhata which is considered to be sufficient to meet the expected housing demand over the short term, medium term and long term. While I have reservations about Policy 4.1.12(a)(ii), in that it only nominates Lakeside for medium term future growth, the rolling over of the Lakeside Residential and Business zones is consistent with that policy. However, my later analysis on the submission from Kainga Ora, which requests a Medium Density Residential Zone in Te Kauwhata, recommends that clause (a)(ii) in Policy 4.1.12 be deleted because it does not give effect to the NPS-UD.

98. I also note that Lakeside is outside of Future Proof's indicative urban limits, although that is due to timing, because Lakeside did not exist in 2017. Lakeside is located within a Residential 'Activity Zone' (with a 1-3 year development time frame) in terms of Waikato 2070.
99. Accordingly, for the above reasons, I recommend that submission [579.43] be accepted.

4.5 Clyde Juices Limited - 75 Te Kauwhata Road

100. The 35.762 ha property located at 75 Te Kauwhata Road is owned by Clyde Juices Limited.
101. The map below indicates this property in red outline, and the operative Light Industrial, New Residential, Te Kauwhata West Living, Living and Recreation zonings within it.

Operative Light Industrial, New Residential, Te Kauwhata West Living, Living and Recreation Zonings - 75 Te Kauwhata Road



102. The next map shows the Residential and Reserves zonings for this property in terms of the PWDP. Note that the area currently zoned as Light Industrial in the OWDP is proposed to be replaced with (yellow-coloured) Residential zoning, this being largely the result of Council's resolution in March 2016 to uplift the heavy traffic bypass that was to run between Te Kauwhata Road and Scott Road.

4.6 Proposed Residential and Reserves Zoning - 75 Te Kauwhata Road (PWDP)

103. The proposed Residential Zone and Reserves Zone are coloured yellow and green respectively.

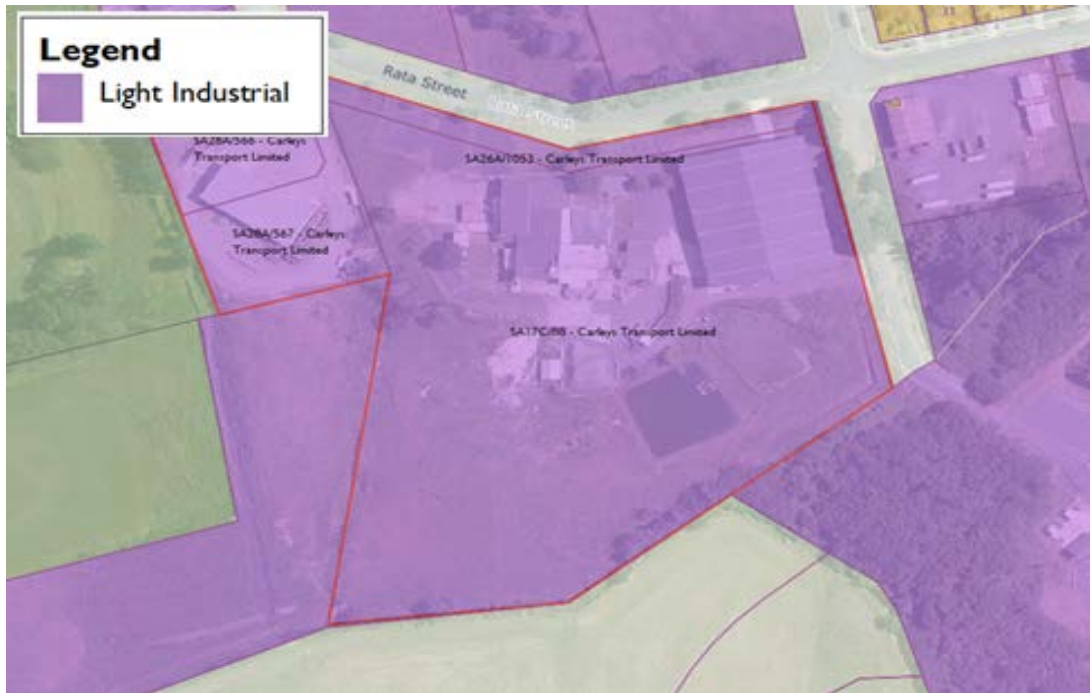


104. McCracken Surveys Limited (now Cheal) has lodged submission [943.37] on behalf of the owner in support of the proposed Residential zoning within this property.
105. The proposed Residential Zone supersedes the operative Living Zone, Te Kauwhata West Living Zone and New Residential Zone, all of which provide for residential development. This standardised zoning assists in the simple administration of the district plan.
106. The proposed Residential zoning is only opposed by Mercury, due to what they perceive as hazard concerns. However, no hazard issues are identified in Stage 2 of the PWDP. For this reason, I recommend that the further submission from Mercury NZ Limited [FS1387.1584] be rejected.
107. Without any other submission that might have opposed the notified Residential Zone for 75 Te Kauwhata Road, I am left to recommend retaining it without change.
108. Of less significance to my assessment, it is also my opinion that the notified Residential zoning gives effect to Policy 2 in the NPS-UD, in that it is a component of the development capacity at Te Kauwhata which is considered to be sufficient to meet the expected housing demand over the short term, medium term and long term.
109. I also note that this property is located within Future Proof's 'indicative urban limits' and a Residential 'Activity Zone' that provides for town house/duplex/terrace (medium density) developments within a 10-30 year timeframe in terms of Waikato 2070.
110. Accordingly, for the above reasons, I recommend that submission [943.37] be accepted.

4.7 Carleys Transport Limited – 42 Rata Street

111. The 4.4997 ha property at 42 Rata Street is owned by Carleys Transport Limited and contains a heavy transportation depot business.
112. The next two maps indicate all four titles comprised in this property in red outline and their Light Industrial zoning (coloured purple) in terms of the OWDP and Industrial in terms of the PWDP.

Operative Light Industrial Zoning – 42 Rata Street



Proposed Industrial Zoning - 42 Rata Street (PWDP)



115. Carleys Transport's submission [854.1] supports the proposed industrial zoning of their property for these reasons:
- (a) an industrial zoning is consistent with the operative zoning
 - (b) suitable industrial land will be provided for support business activities in the Te Kauwhata area
 - (c) an industrial zoning takes account of the existing established business.
116. Lakeside has lodged a further submission [FS1371.36] in opposition to this original submission, giving these reasons:
- (a) Te Kauwhata has been identified as a key area for growth within the northern Waikato. As such, retaining industrial zoning within the area will not support the residential intensification of the area
 - (b) Industrial use and development within the area will not support the long-term commercial needs for Te Kauwhata
 - (c) It will not promote the sustainable management of resources and will not achieve the purpose of the RMA
 - (d) It will not enable the wellbeing of the community
 - (e) It will not meet the reasonably foreseeable needs of future generations
 - (f) It will not enable the efficient use and development of the district's assets
 - (g) It will not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.
117. I consider that there is an issue with respect to the scope of Lakeside's further submission. This is because the original submission supports the notified industrial zoning. Lakeside has not submitted seeking a residential zoning of 42 Rata Street.
118. Leaving this scope issue aside however, Lakeside appears to infer that a residential zoning of 42 Rata Street would be more appropriate than the existing or proposed industrial zoning, although no evidence has been provided to confirm this.
119. I note here that Waikato 2070 does not identify any existing industrial zoning at Te Kauwhata. Instead, it signals the development of a 'Commercial and Industrial Activity Zone' in the vicinity of Te Kauwhata/Wayside/Te Wharepu Roads within a 10-30 year development time frame and therefore beyond the 10 year life of the district plan.
120. The map below indicates the only properties in Te Kauwhata that are zoned Industrial in terms of the PWDP. A significant portion of this land is owned by Council and designated for a refuse transfer station and wastewater treatment/landfill.

Industrial-Zoned land in Te Kauwhata (PWDP)



121. I consider that existing industrial-zoned land that is being used for industrial purposes constitutes a scarce resource and that this needs to be protected for the benefit of the Te Kauwhata community. I invite Lakeside to comment on this matter at the hearing.
122. In my opinion, there is some tension between the statutory 'give effect' directives in the NPS-UD and WRPS, and the requirement to 'have regard' to non-statutory documents that include Future Proof and Waikato 2070. However, the 'give effect' directives are mandatory.
123. While I consider that the development of 42 Rata Street for either industrial or residential use would support the needs of the Te Kauwhata community and achieve the ultimate purpose of the RMA (section 5) to promote the sustainable management of natural and physical resources, there is significant built investment in this property such that rezoning it to residential would not enable efficient use of the existing resources.
124. Furthermore, Policy 2 in the NPS-UD is not weighted in favour of residential development over industrial development, in that it requires Council, at all times, to provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term. In my opinion, rezoning 42 Rata Street to residential would not give effect to this policy, because it would not meet the demand for industrial land over the short term (i.e. within the 10-year life of the district plan).
125. It is also my opinion that retaining the industrial zoning would give effect to Objective 3.2 in the WRPS, in that it provides for sustainable resource use and development and its benefits in enabling people and communities to provide for their economic and social wellbeing. This outcome would also be consistent with Objectives 4.6.1 and 4.6.4 in the PWDP, in that the economic growth of the district's industry would be supported and strengthened and industrial land would be maintained for industrial purposes.

126. Accordingly, for the above reasons, I recommend that the submission from Carleys Transport Limited [854.1] be accepted and that the further submission from Lakeside [FS/371.36] be rejected.

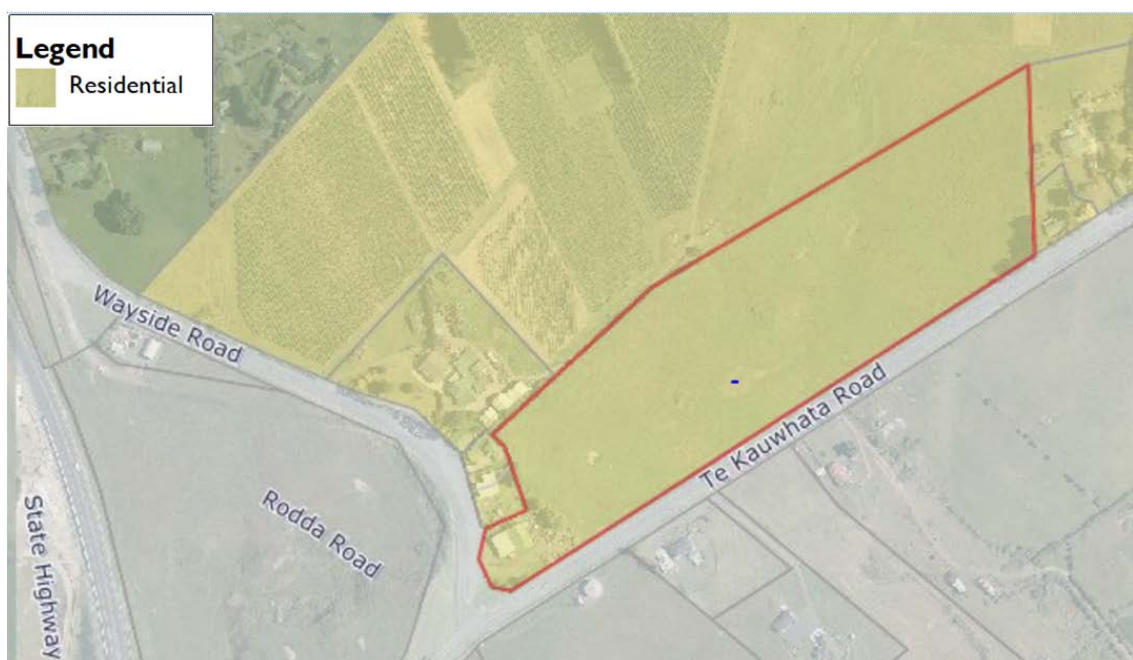
4.8 4 Wayside Road

127. The 5.6860 ha title at 4 Wayside Road is owned by members of the Boldero family.
128. The following two maps indicate this property in red outline and its location within the Te Kauwhata West Living Zone in terms of the OWDP and Residential Zone in terms of the PWDP.

Operative Te Kauwhata West Living Zone – 4 Wayside Road



Proposed Residential Zoning – 4 Wayside Road (PWDP)



129. Campbell Tyson [687.1] supports the proposed Residential zoning of 4 Wayside Road, except for a portion of land at the corner of Wayside Road and Te Kauwhata Road which they request be zoned Business. Campbell Tyson also submits [687.2] in support of retaining the Te Kauwhata West Overlay over 4 Wayside Road, except the part for which they request a Business Zone. A later section of this report will address this Business Zone request, which also captures adjoining 12 and 16 Wayside Road.
130. Te Kauwhata Land Limited has lodged an opposing further submission [FS1/150.5] in respect to Campbell Tyson's submission [687.2]. I consider that this further submitter needs to clarify their position at the hearing, owing to what appears to be two contradictory statements. On the one hand, they oppose the retention of the Residential West Te Kauwhata Overlay at 4 Wayside Road and state that the land should be zoned for standard residential purposes. On the other hand, they support the rezoning of 4, 8, 10, 16 and 24 Wayside from Residential to Business, as long as any effects from commercial uses on adjoining residential land uses are appropriately managed.
131. Aside from this needed clarification, Te Kauwhata Land Limited appears to be primarily concerned with the operative provisions for the Te Kauwhata West Living Zone being carried over into the PWDP through an overlay in the planning maps and the corresponding Rule 16.4.3. This rule requires lots to be larger than those outside the overlay. Campbell Tyson [687.2] seeks that this overlay be retained over most of 4 Wayside Road because of consistency with previous planning documents.
132. I have not addressed this overlay matter here, as the provisions for the Residential Zone have been addressed in earlier Hearing 10 (Residential Zone). Accordingly, I have not made recommendations in respect of Campbell Tyson's submission [687.2] or Mercury's further submission [FS1/150.5] as part of this hearing report. Instead, I consider that both these submission points should be addressed in the last 'Miscellaneous and Integration' hearing for the PWDP because they were unfortunately not addressed in Hearing 10.
133. The property at 4 Wayside Road is part of Area 'D', which is referenced in the Environment Court's decision on Variation 13 (Appendix 2). I consider the following paragraphs relevant to the matter of zoning.
- '[41] ... For our part, we have concluded that the potential rezoning of the land D and M is an appropriate extension to Te Kauwhata for the following reasons:*
- [a] There is already residential development on the western side of the railway line;*
- [b] The railway does not divide the town in any cultural sense, it simply limits access points;*
- [c] The area will always be seen as part of Te Kauwhata because it sits between State Highway 1 and the centre of the town;*
- [d] The main access road to Te Kauwhata is Te Kauwhata Road. Although an alternative might be to use Travers Road, this would travel around the boundary of the subject site.*
- [42] Accordingly, we have concluded that the WDP anticipates residential development around Te Kauwhata and that Areas D and M are appropriate for it. Clearly both the Country Living Zone or other Living Zones would be appropriate zonings on this site. To ascertain the justification for the Te Kauwhata West Living Zone, we must turn to the Variation 13.*
- [62] The purpose of the Court's examination is to discuss which zone is most appropriate or better for this site. Given the matrix of objectives and policies supporting the Te Kauwhata West Living Zone it is difficult to see how the Court would be able to reach any other conclusion that that the*

specialised zoning designed for these areas is the more appropriate zone. It is clearly more efficient in terms of land use and enabling the utilisation of infrastructure, including waste water treatment.

[71] Overall we conclude that the appropriate zoning of this area is Te Kauwhata West Living Zone. This will achieve the purposes of the Act and the objectives and policies of the Plan.'

- 134. In the 9 years that have passed since this Court's decision, the need to provide for more intensive housing development within the Te Kauwhata Structure Plan area has become even more pressing. The PWDP therefore retains the Residential Zone in this location, despite the overlay provisions in Rule 16.4.3 requiring lots that are larger than areas outside the overlay.
- 135. In my opinion, the Court's basis for applying a Residential Zone to 'Area D' remains valid. While I note that Waikato 2070 signals the development of a 'Commercial and Industrial Activity Zone' in this vicinity within a 10-30 year time frame, this falls outside the 10-year life of the district plan, and I consider that the requirement to 'have regard' to this non-statutory document is overridden by the requirement to give effect to Objective 2 and Policy 2 in the NPS-UD, in that it assists in meeting the expected demand for housing over the short term, medium term, and long term. This is a mandatory directive.
- 136. Furthermore, I consider that retaining the residential zoning of 4 Wayside Road gives effect to Objective 3.2 in the WRPS, in that it recognises and provides for the role of sustainable resource use and development and its benefit in enabling people and communities to provide for their economic, social and cultural wellbeing.
- 137. Accordingly, for the above reasons, I recommend that Campbell Tyson's submission [687.1] be accepted in part, to the extent that the whole of 4 Wayside Road be zoned Residential.

4.9 24 Wayside Road

- 138. The 16.52 ha property at 24 Wayside Road is owned by Te Kauwhata Land Limited.
- 139. The following two maps indicate this property in red outline and its operative and proposed zonings in terms of the OWDP and PWDP.

Operative Te Kauwhata West Living Zone and Recreation Zone – 24 Wayside Road



Proposed Residential Zoning – 24 Wayside Road (PWDP)



140. Mr Ian McAlley [368.34] supports the proposed Residential zoning of 24 Wayside Road, on the basis that it would enable greater flexibility in design and development (compared to the operative Te Kauwhata West Living Zone) to accommodate future growth and changes in average household size. Campbell Tyson's further submission [FS1061.15] supports this request.
141. The notified Residential Zone for 24 Wayside Road was only opposed by Mercury, due to what they perceive as hazard concerns. However, no hazard issues are identified in Stage 2

of the PWDP. For this reason, I recommend that the further submission from Mercury NZ Limited [FS1386.569] be rejected.

- 142. Following my full read of submission [368], it is apparent that Mr McAlley is supportive of the Residential Zone, but is opposed to the application of the proposed Te Kauwhata West Overlay to his property. This overlay in the PWDP does not constitute a zone that is separate from the Residential Zone. Instead, the overlay carries over the operative provisions for the Te Kauwhata West Living Zone, which triggers the application of Rule 16.4.3. Under this rule, properties within the overlay require larger minimum lot sizes than properties outside the overlay.
- 143. Planning evidence (from Aiden Kirkby-McLeod) and traffic evidence (from Gray Matter) has been filed on behalf of Mr Ian McAlley to support the deletion of Rule 16.4.3. As a consequence of deleting this rule, the overlay shown on the planning maps would also be removed.
- 144. The provisions for the Residential Zone, including Rule 16.4.3, were considered in earlier Hearing 10. Te Kauwhata Lands Limited presented planning evidence and legal submissions at that hearing and the section 42A author made a recommendation on their submission. The evidence now filed for this zone hearing for Te Kauwhata is consistent with that filed for Hearing 10 and the submitter's position is unchanged. Because this evidence is specific to the provisions within the Residential Zone, as opposed to the zone itself, it is not necessary for me to reassess the merits as part of this hearing report. In my view, to do so would essentially allow the submitter another opportunity to present their case, which has not been afforded to other submitters. This results in potential prejudice to submitters who were party to Hearing 10, but not to this Hearing 25 for Te Kauwhata.
- 145. However, my analysis of zoning for 24 Wayside Road is no different to that for 4 Wayside Road, in that it is also forms part of area 'D' identified in the Environment Court's decision.
- 146. For efficiency, the summarised reasons for my support are that retaining the existing Residential zoning of 24 Wayside Road will give effect to Objective 2 and Policy 2 in the NPS-UD, and Objective 3.2 in the WRPS.

Recommendations

- 134. For the reasons above, I recommend that the hearings panel:
 - (a) **Accept** Turtle Nut Farm Limited [876.1]
 - (b) **Accept** DPI 2014 Limited [875.1]
 - (c) **Accept** Lakeside Developments 2017 Limited [579.43]
 - (d) **Accept** McCracken Surveys Limited (now Cheal) [943.37]
 - (e) **Accept** Carleys Transport Limited [854.1]
 - (f) **Reject** Lakeside Development Limited [FS1371.36]
 - (g) **Accept** Ian McAlley [368.34]
 - (h) **Accept** Campbell Tyson [FS1061.15]
 - (i) **Accept in part** Campbell Tyson [687.1] and Mercury NZ Limited [FS1387.270], to the extent that the whole of 4 Wayside Road be zoned Residential
 - (j) **Reject** Mercury Energy Limited [FS1387.1446, FS1387.1444, FS1388.920, FS1387.1584 and FS1386.569].

135. For the reasons above, I recommend that the hearings panel:

- (a) **Consider** Campbell Tyson [687.2] and *Te Kauwhata Land Limited* [FSI 150.5] in the ‘Miscellaneous and Integration Hearing’ for the PWDP.

Section 32AA evaluation

136. No section 32AA evaluation is required, as I am not recommending any amendment to the notified zones for specific properties addressed in this section of my report.

4.10 Requested amendment to the extent of Reserves Zoning at 75 Te Kauwhata Road

Submission

137. The original submission listed in the following table:

- (a) opposes the extent of Reserves zoning at 75 Te Kauwhata Road and requests that it be limited to the dripline of the mature notable trees.

Submission point	Submitter	Decision requested
943.39	McCracken Surveys Limited (now Cheal)	Amend the planning maps to reduce the amount of Reserves Zoning to only include the dripline of the mature notable trees, from the property at 75 Te Kauwhata (1003295) AND Amend the planning maps as a consequential amendment to extend the Residential Zone for the property at 75 Te Kauwhata Road (1003295)

Analysis

138. The 35.762 ha property at 75 Te Kauwhata Road is owned by Clyde Juices Limited.

139. As indicated by the following two maps, a portion of this property adjoining Te Kauwhata Road is zoned Recreation in terms of the OWDP and Reserves in terms of the PWDP. The extent of these zonings is the same. Both maps also signal the existence of heritage/notable trees in this location.

Operative Recreation Zoning - 75 Te Kauwhata Road



Proposed Reserves Zoning - 75 Te Kauwhata Road (PWDP)



140. McCracken Surveys Limited (now Cheal) has lodged submission [943.39] on behalf of the owner, claiming that this Reserve-zoned land '*was taken by Council when the OWDP was notified*' in 2004. My research, however, confirms that this Reserve-zoned land remains in the ownership of Clyde Juices Limited and has never been vested in Council.
141. The submitter requests a reduction in the amount of Reserve zoning, so that it only captures land within the dripline of the mature notable trees. They therefore do not challenge the Reserves zoning outright.

142. From recent discussions with Mr Philip Barrett (Cheal), my understanding is that the owner (Mr John Wheeler) considers that Council should purchase the whole portion of his land that is zoned Reserves, without any residential development being proposed. However, Parks and Reserve staff have advised that they are unaware of any such negotiations, and that there is presently insufficient funding available for such purchase to occur.
143. The need to vest this Reserves-zoned land would need to be revisited at the time of any future residential subdivision with a potential offset of development contributions payable for new lots. In the meantime, the landowner is free to continue using this Reserves-zoned portion of their property whilst observing the current restrictions that relate to the identified trees.
144. I therefore do not support any change in the configuration of the Reserves-zoned portion as sought by this submission. Instead, I support a rollover of the existing Reserves-zoned portion of this property into the planning maps for the decision version of the PWDP, but relabelling this as a Reserves Zone. This is because there is no Recreation Zone in the PWDP.
145. Accordingly, I recommend that submission [943.39] be rejected.

Recommendation

146. For the reasons above, I recommend that the hearings panel:
- (a) **Reject** McCracken Surveys Limited (now Cheal) [943.39].

Section 32AA evaluation

147. No section 32AA evaluation is required, as I am not recommending any amendment to the extent of notified Reserves Zone within 75 Te Kauwhata Road.

4.11 Zoning of properties on Travers Road

148. Travers Road runs in a west-east direction from its intersection with Wayside Road to its intersection with Moorfield Road. From that point it runs south to its intersection with Te Kauwhata Road. Properties located along the northern parts of Travers Road are zoned Country Living, while properties in the more southern parts are zoned for residential purposes as a result of Variation 13.

Submissions

149. The 14 original submissions listed in the following table request that:
- (a) 102 Travers Road be retained within a CLZ
- (b) 102 Travers Road be rezoned from CLZ to Village
- (c) 114, 126 and 128 Travers Road be rezoned to CLZ.

Submission point	Submitter	Decision requested
43.1	Amelia Lategan	Reconsider the proposed zoning at 102A, 102D and 126 Travers Road
FS1/132.13	Z & Z Developments Limited Partnership	<i>Oppose</i>

59.1	Juliet Sunde	Amend the zoning of the property at 102 Travers Road, Te Kauwhata from Residential Zone to Country Living Zone
FSI 132.1	Z & Z Developments Limited Partnership	Oppose
FSI 386.44	Mercury NZ Limited	Oppose
59.2 and 60.1	Juliet Sunde	Amend the zoning of the properties at 114, 126 and 128 Travers Road, Te Kauwhata from Residential Zone to Country Living Zone
FSI 386.45	Mercury NZ Limited	Oppose
FSI 132.7	Z & Z Developments Limited Partnership	Oppose
63.1	Colin Orr	Amend the zoning of the properties at 126 and 128 Travers Road to Country Living Zone
FSI 132.2	Z & Z Developments Limited Partnership	Oppose
FSI 386.48	Mercury NZ Limited	Oppose
114.1	Z & Z Developments Partnership	Amend the zoning of the property at 102 Travers Road, Te Kauwhata from Country Living Zone to Village Zone AND Amend Rule 24.4.2 Subdivision – Te Kowhai and Tuakau to apply the minimum net site area requirements of 1000m ² to subdivision at 102 Travers Road, Te Kauwhata
FSI 386.95	Mercury NZ Limited	Oppose
162.1	Tim Searle	Retain proposed Country Living Zone in the areas bounding Travers Road and Green Acres Drive, Te Kauwhata
FSI 132.12	Z & Z Developments Limited Partnership	Oppose
FSI 386.138 and FSI 386.139	Mercury NZ Limited	Oppose
163.1	Kevin Mitchell	Amend the zoning of the property at 102 Travers Road, Te Kauwhata from Residential to Country Living Zone
FSI 386.140	Mercury NZ Limited	Oppose
209.1	Brian Neil Harris	Retain the Country Living zoning of the property at 102 Travers Road, Te Kauwhata
FSI 132.8	Z & Z Developments Limited Partnership	Oppose
FSI 386.223	Mercury NZ Limited	Oppose

210.1	Carol Ann Harris	Retain the Country Living zoning of the property at 102 Travers Road, Te Kauwhata
FSI 132.9	Z & Z Developments Limited Partnership	Oppose
FSI 386.224	Mercury NZ Limited	Oppose
250.1	John Cunningham	Amend the zoning of the property at 102 Travers Road, Te Kauwhata, to remain as Country Living Zone (Operative District Plan zoning)
FSI 132.10	Z & Z Developments Limited Partnership	Oppose
FSI 386.252	Mercury NZ Limited	Oppose
325.1	Noelene Searle	Amend the zoning of the property at 102 Travers Road, Te Kauwhata to Country Living Zone
FSI 132.11	Z & Z Developments Limited Partnership	Oppose
FSI 386.378	Mercury NZ Limited	Oppose
337.1	Michelle Byers	Amend the zoning of the property at 102 Travers Road, Te Kauwhata, to retain the Operative District Plan zoning of Country Living Zone
FSI 132.3	Z & Z Developments Limited Partnership	Oppose
338.1	Five Star Gardens Limited	Amend the zoning of the property at 102 Travers Road, Te Kauwhata, to retain the Operative District Plan zoning of Country Living Zone
FSI 132.4	Z & Z Developments Limited Partnership	Oppose
FSI 386.475	Mercury NZ Limited	Oppose

Analysis

150. To assist the analysis, I have grouped these submissions so that they relate to two discrete areas on Travers Road. The first area comprises 102-102D Travers Road, which is primarily zoned CLZ. The second area comprises 114, 126 and 128 at Travers Road, which is zoned Residential in terms of both the OWDP and PWDP.

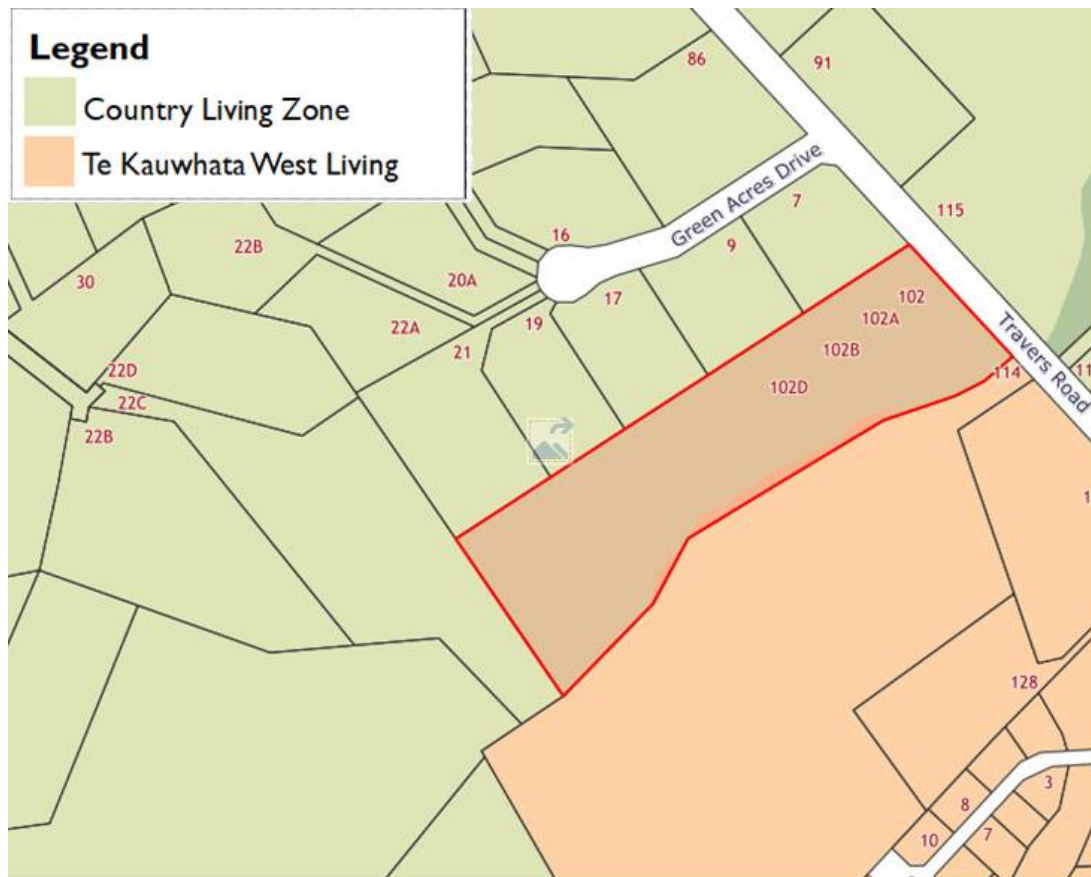
102-102D Travers Road

151. The 3.0215 ha property at 102 Travers Road is owned by Z & Z Developments Limited Partnership (Z & Z).
152. In 2017, Z & Z obtained subdivision consent to create five lots from 102 Travers Road in terms of the CLZ provisions of the OWDP. The balance area to the south of that subdivision (at 114 Travers Road) is zoned Te Kauwhata West Living Zone. Titles have not yet been

issued for what would become 102-10D Travers Road, because Z & Z wishes to await the outcome of the PWDP.

153. The first planning map below indicates small pockets of the operative Te Kauwhata West Living Zone within these surveyed lots. This zoning is the result of Variation 13 and was applied to this location prior to lodgement of the subdivision application which created the southern boundary, and a balance Residential-zoned area that is now 114 Travers Road. The planning maps in the PWDP mirror this operative zoning footprint.
154. The following map indicates the 3.0215 ha area in red outline and its predominant (olive green coloured) Country Living zoning in terms of the OWDP.

Operative Country Living Zone and Te Kauwhata West Living Zone – 102 to 102D Travers Road



Proposed Country Living Zone and Residential Zone – 102 to 102D Travers Road (PWDP)

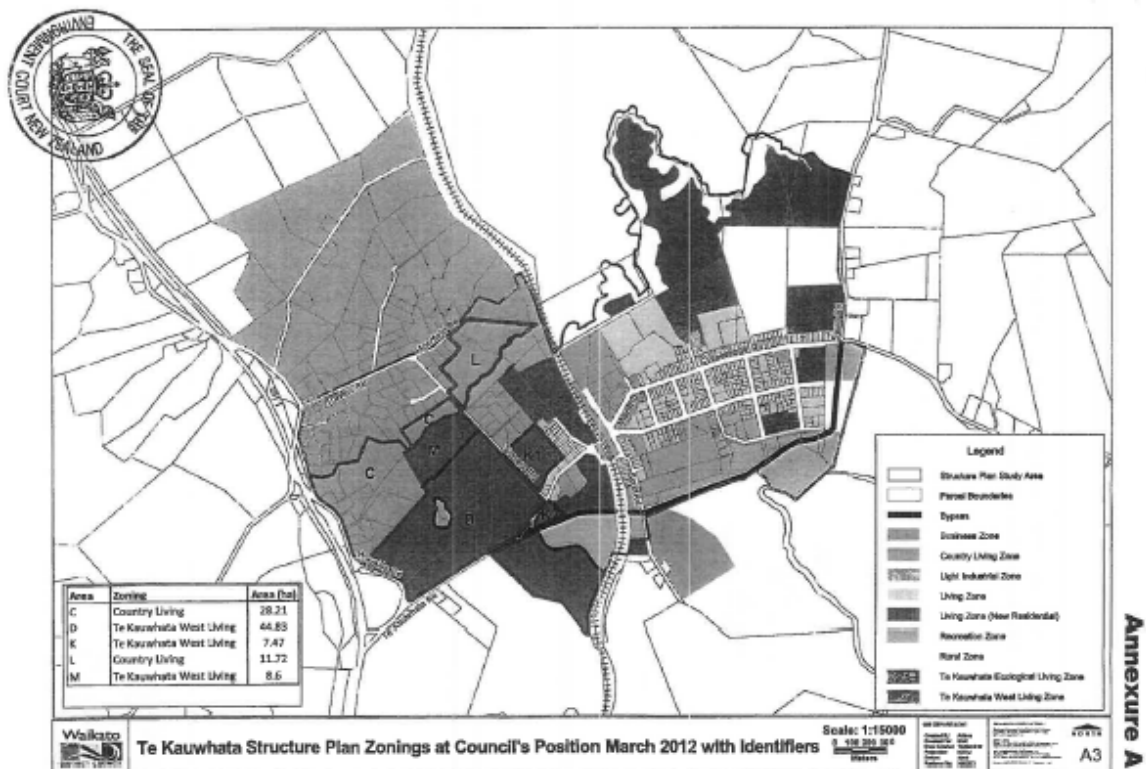
155. The next map indicates this 3.0215 ha area in red outline and its predominant (olive green-coloured) Country Living zoning in terms of the PWDP. A narrow strip of land inside the southern boundary is zoned Residential (coloured yellow).



156. These ten submitters request that the CLZ should continue to apply to this 3.0215 ha site at 102 Travers Road:
- (a) Amelia Lategan (123 Travers Road) [43.1]
 - (b) Juliet Sunde (126 Travers Road) [59.1]
 - (c) Tim Searle (21 Green Acres Drive) [162.1]
 - (d) Noelene Searle (21 Green Acres Drive) [325.1]
 - (e) Kevin Mitchell (7 Green Acres Drive) [163.1]
 - (f) Brian Harris (9 Green Acres Drive) [209.1]
 - (g) Carol Harris (9 Green Acres Drive) [210.1]
 - (h) John Cunningham (22 Moorfield Road) [250.1]
 - (i) Michelle Byers (22C Travers Road) [337.1]
 - (j) Five Star Gardens Limited (22C Travers Road) [338.1].
157. A number of the above-listed submitters own properties adjoining 102 Travers Road that are also zoned CLZ. These submitters give these various reasons for supporting a CLZ:

- (a) 102 Travers Road is prone to flooding and therefore unsuitable for more intensive development.
- (b) There are already sufficient sections in Te Kauwhata to meet projected demand, including those in the Lakeside development.
- (c) The land situated opposite is CLZ.
- (d) Additional residential development would compromise current land uses on adjoining properties, including viticulture and lifestyle activities, and result in security issues for stock.
- (e) More intensive development involving more traffic and light pollution would result in the loss of amenity, including rural views and town.
- (f) There is an expectation that 102 Travers Road would remain CLZ.

158. This CLZ property at 102 Travers Road is identified within Area 'C' (directly north of area 'M') in Annexure A of the Environment Court's interim decision. While this annexure is unfortunately not available in colour, Area 'C' is still legible in the black and white version shown below.



159. I consider that the following paragraph [38] in the interim decision remains relevant to the zoning of 102 Travers Road.

'[38] The land in Areas M and C exhibit rural characteristics, being an orchard, a grape vineyard, and other crops and open pastureland. Given its proximity to State Highway 1 and the town, it cannot be said to have a truly rural character, but nevertheless is clearly currently being used as rural land. The area to the north of D and M, to Travers Road, has a more residential quality. We would describe it, even as it stands, as large lot residential, and perhaps as residential land-in-waiting. We so conclude because the land on the corner of Travers Road and Wayside Road conditions our

expectations as to the type of development, given that the sections in that case appear to be in the order of 800m² -1,000m². There are also houses relatively close to the side of the road along Wayside Road, and Travers Road, most of which give the impression of being residential lots. On many occasions the house and curtilage occupies around 1,000m², and the rest appears to be either in pasture or just mown lawn. The larger sites, towards the interior of the block, are not so easily seen from the road but do give a more open, although still mixed, view. If the sections were developed to 5,000m², this area would clearly appear as a large lot residential area associated with Te Kauwhata.'

160. Paragraph [37] of the Court's decision refers to low-lying wet area which forms part of a catchment draining east towards the Whangamarino Wetland. This feature has been used to delineate the operative zone division where 102 Travers Road is zoned Country Living and 144 Travers Road is zoned Te Kauwhata West Living Zone.
161. While the Court's decision suggested that the area to the north of D and M could be described as 'residential land-in-waiting' (and this would include 102 Travers Road), no change to the operative CLZ is currently signalled in the notified PWDP, nor has any submitter requested that it be rezoned to Residential. I consider that either a private plan change or the next district plan review would be the correct process to seek a Residential zone for this location.
162. The submission from Z & Z [114.1] requests an alternative zoning of Village. They consider this appropriate, on the basis that Te Kauwhata is identified as a growth area in terms of the Waikato District Development Strategy (2015), Future Proof (2017) and the North Waikato Integrated Growth Management Programme Business Case (2017). Supporting evidence has been filed by Mr Sam Shuker (Birch Surveyors Limited) on behalf of this submitter.
163. At the same time however, Z & Z states if the notified Village Zone provisions were to apply to their property, the target of 12-15 households/ha would not be achieved. Their submission therefore includes a concept plan showing 23 lots, each having a minimum area of 1000m², and a new road to vest. They consider that this type of subdivision would provide an appropriate transition between the Residential Zone (Bragato Way) to the south and CLZ (Green Acres Drive) to the north. I have not addressed this subdivision design in this report. This is because Hearing 25 is limited to addressing the spatial extent of zoning, rather than the subdivision provisions of the Village Zone which were considered in earlier Hearing 6.
164. In my opinion, the owner's request for a Village zoning is problematic because:
 - (a) Council's data indicates that Te Kauwhata has sufficient capacity to cater for residential growth projected over the next 30 years (at least up to Year 2050).
 - (b) Even if a shortfall in housing capacity were demonstrated, the creation of a 'spot zone' over a single site is generally not supported by the framework report (refer to paragraph 161 clause (i)).
 - (c) The site is a candidate for more intensive development by potentially rezoning it to Residential, given that it is located within Future Proof's 'indicative urban limits'. However, I am constrained by the scope of submissions to recommend this zoning at this point in time. Furthermore, allowing low urban density development with a spot Village Zone would limit the option of expanding the Residential Zone in this direction due to difficulties in retrofitting established developments and infrastructure. Retrofitting urban residential development into existing 5000m² lots would be challenging, let alone retrofitting 3000m² lots.

- (d) It would not give effect to Policy 10 in the NPS-UD which requires Council, as a Tier 1 local authority, to achieve integrated land use and infrastructure planning.
 - (e) It would not give effect to Objective 3.12 and Policies 6.1 and 6.3 of the WRPS, in that it would not result in development that is integrated, sustained or planned.
 - (f) It would be inconsistent with Objectives 4.1.1 and 4.12 of the PWDP, in that it would result in an undesirable 'inside out' settlement pattern as a result of not being connected, efficient, consolidated and sustainable.
 - (g) The submitter's evidence does not sufficiently address the above concerns.
165. Accordingly, I recommend that the submission from Z & Z [114.1] be rejected and that the notified CLZ for 102 Travers Road be retained.

Recommendations on 102-102D Travers Road

166. For the reasons above, I recommend that the hearings panel:
- (a) **Accept in part** Amelia Lategan [43.1] and Z & Z Developments Limited Partnership [FS1132.13] to the extent that the notified Country Living Zone for 102-102D Travers Road remains without change
 - (b) **Accept** Juliet Sunde [59.1]
 - (c) **Accept** Tim Searle [162.1]
 - (d) **Reject** Z & Z Developments Limited Partnership [114.1]
 - (e) **Accept** Kevin Mitchell [163.1]
 - (f) **Accept** Brian Harris [209.1]
 - (g) **Accept** Carol Harris [210.1]
 - (h) **Accept** John Cunningham [250.1]
 - (i) **Accept** Noelene Searle [325.1]
 - (j) **Accept** Michelle Byers [337.1]
 - (k) **Accept** Five Star Gardens [338.1]
 - (l) **Accept** Z & Z Developments Limited Partnership [FS1132.2]
 - (m) **Reject** Z & Z Developments Limited Partnership [FS1132.1, FS1132.3, FS1132.4, FS1132.8, FS1132.9, FS1132.10, FS1132.11, FS1132.12 and FS1132.13]
 - (n) **Reject** Mercury NZ Limited [FS1386.44, FS1386.95, FS1386.138, FS1386.139, FS1386.140, FS1386.223, FS1386.224, FS1386.252, FS1386.378 and FS1386.475].

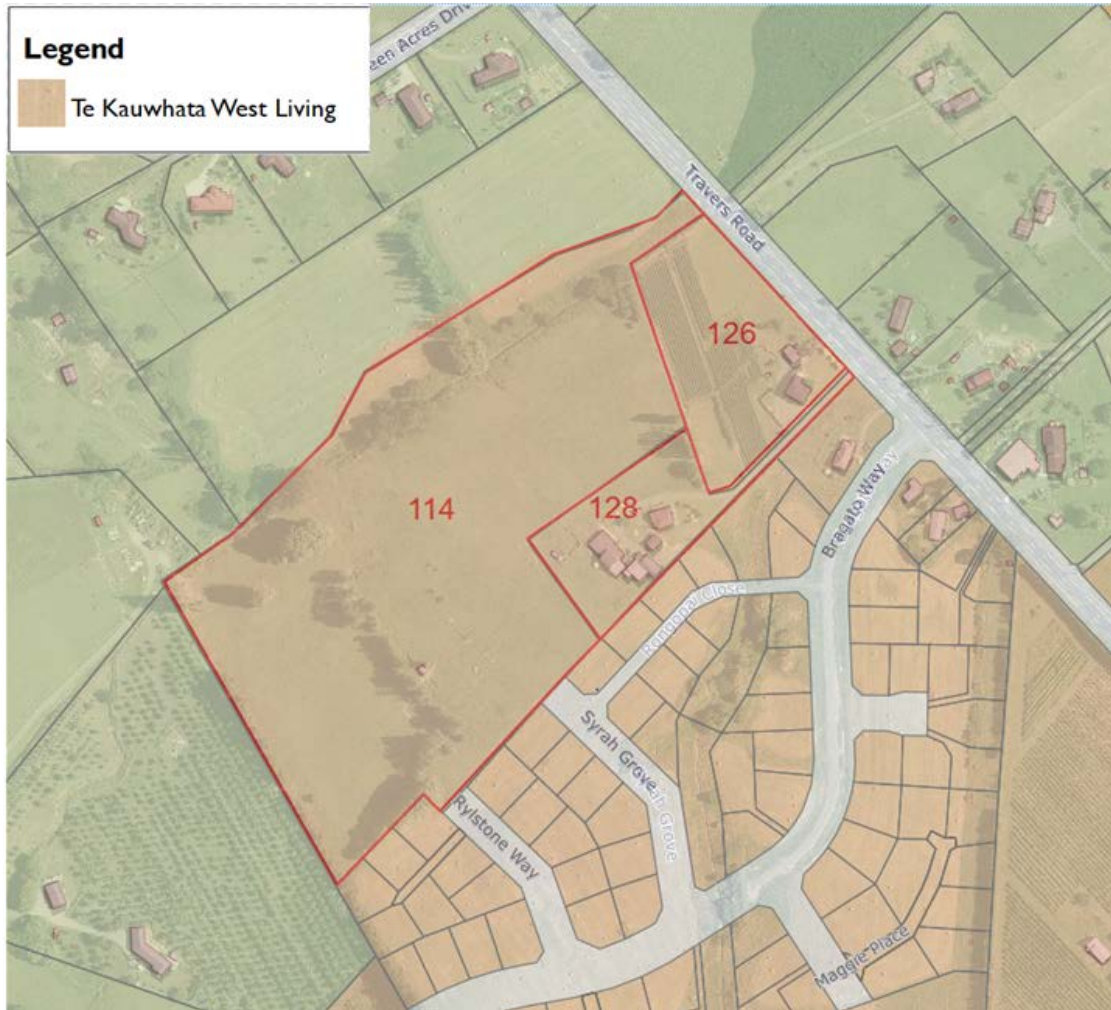
Section 32AA evaluation

167. No section 32AA evaluation is required, as I am not recommending any amendment to the notified CLZ for 102-102D Travers Road.

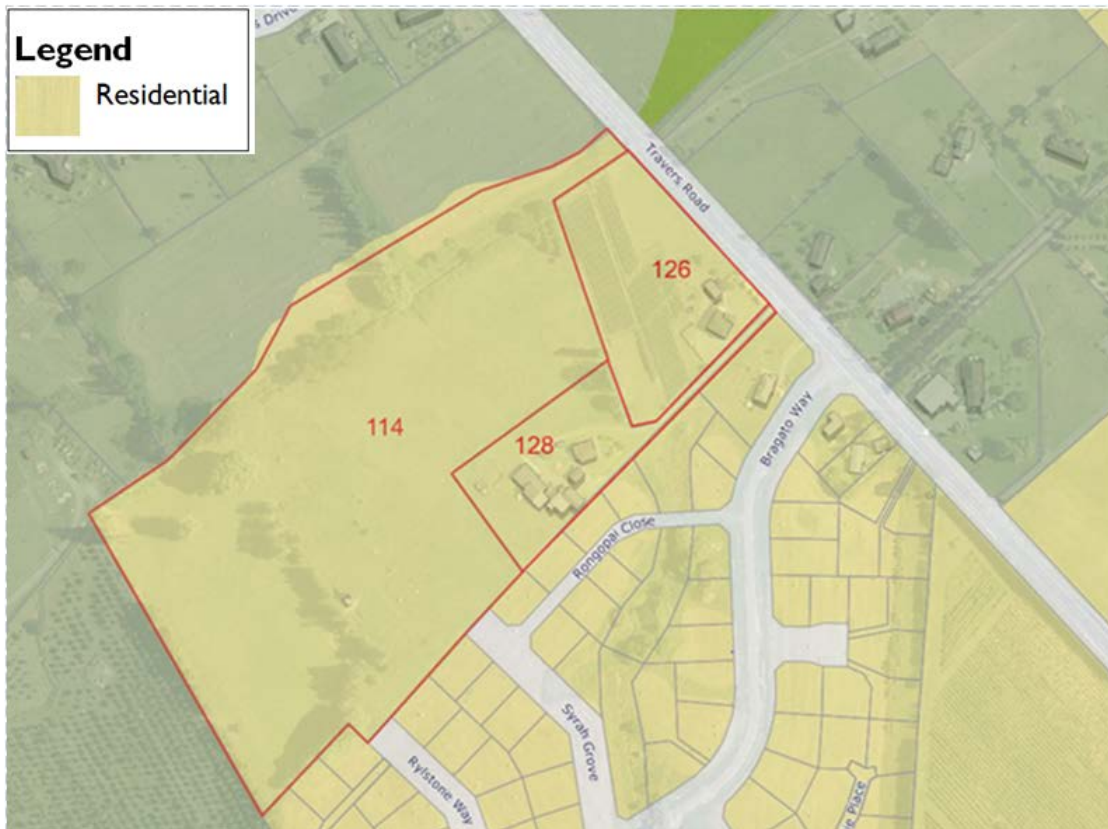
114, 126 and 128 Travers Road

- 168. The 6.5075 ha property at 114 Travers Road is owned by ZH.Y Investments.
- 169. The 1.2156 ha property at 126 Travers Road is owned by Juliet and Ian Sunde.
- 170. The 8000m² property at 128 Travers Road is owned by Colin Orr.
- 171. The following maps indicate these adjoining properties in red outline and their location within the Te Kauwhata West Living Zone (coloured light orange) in terms of the OWDP and Residential zoning (coloured yellow) in terms of the PWDP.

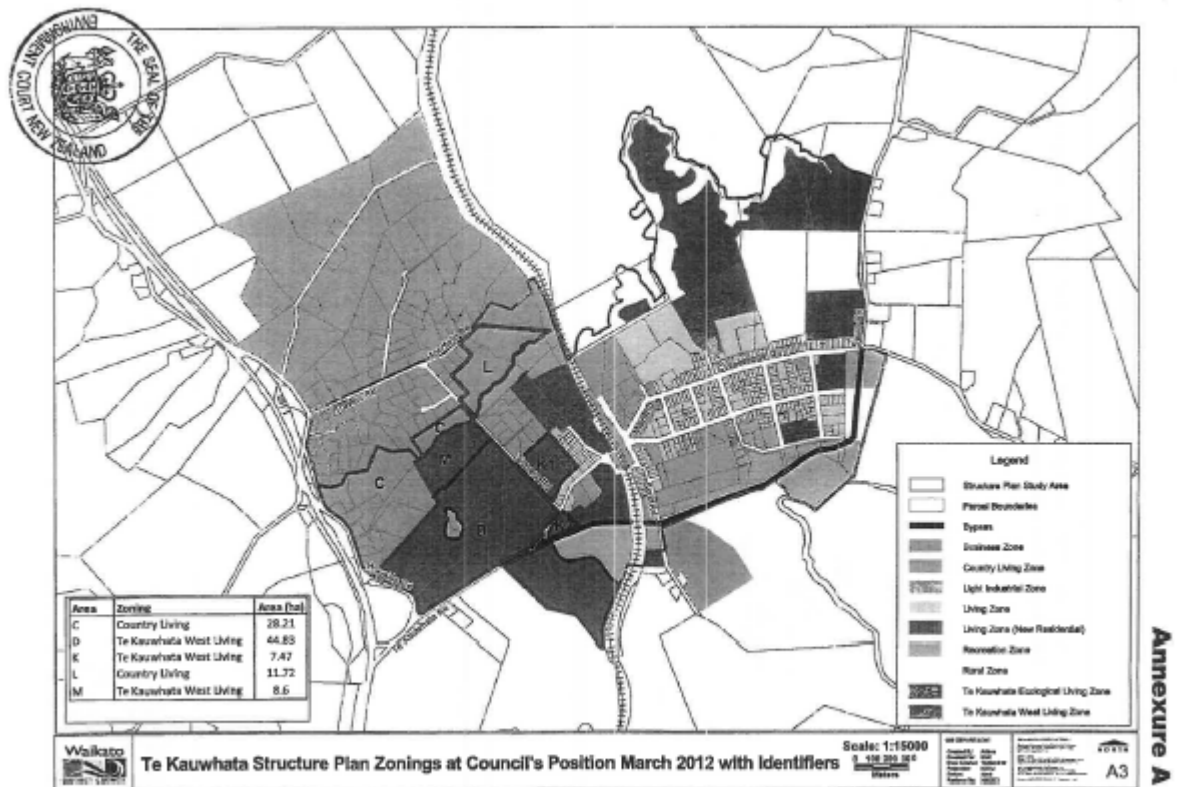
Operative Te Kauwhata West Living Zone – 114, 126 and 128 Travers Road



Proposed Residential Zone – 114, 126 and 128 Travers Road (PWDP)



172. These three original submitters request a reconsideration of the proposed Residential zoning for 114, 126 and 128 Travers Road so that a CLZ is applied instead:
- (a) Amelia Lategan (123 Travers Road) [43.1]
 - (b) Juliet Sunde (126 Travers Road) [59.2 and 60.1]
 - (c) Colin Orr (128 Travers Road) [63.1].
173. The above-listed submitters give these reasons:
- (a) Concerns with flooding
 - (b) Residential development of 128 Travers Road cannot be supported due to the accessway width of only 4 metres
 - (c) 128 Travers Road is suitable for a CLZ given the contour and existing vineyard.
174. The operative Te Kauwhata West Living Zone for these properties is the result of the Te Kauwhata Structure Plan and Variation 13 to the OWDP. This zoning was endorsed by the Environment Court's interim decision where specific reference is made to the 8.6 ha area of land annotated as 'M' in Annexure A of that decision. Area 'M' encompasses 114, 126 and 128 Travers Road and is shown below in the black and white version of this annexure.



175. I consider that the following paragraphs in the Environment Court's interim decision remain relevant to the zoning of 114, 126 and 128 Travers Road.

'[41] ... For our part, we have concluded that the potential rezoning of the land D and M is an appropriate extension to Te Kauwhata for the following reasons:

[a] There is already residential development on the western side of the railway line;

[b] The railway does not divide the town in any cultural sense, it simply limits access points;

[c] The area will always be seen as part of Te Kauwhata because it sits between State Highway 1 and the centre of the town;

[d] The main access road to Te Kauwhata is Te Kauwhata Road. Although an alternative might be to use Travers Road, this would travel around the boundary of the subject site.

[42] Accordingly, we have concluded that the WDP anticipates residential development around Te Kauwhata and that Areas D and M are appropriate for it. Clearly both the Country Living Zone or other Living Zones would be appropriate zonings on this site. To ascertain the justification for the Te Kauwhata West Living Zone, we must turn to the Variation 13.

[58] Although the Country Living Zone does provide a form of residential dwelling, it does not provide for an integration of infrastructure requirements. Nor does it reduce the impact upon the rural land resources. Put in simple terms, 8,000 more people within the Country Living Zone around Te Kauwhata would involve (at 2.3 persons per household) 3,000 homes or 1,500 ha. Mr Raeburn agreed that this would be unacceptable as a demand and we consider that this would be contrary to the objectives and policies of the Plan as a whole.

[62] The purpose of the Court's examination is to discuss which zone is most appropriate or better for this site. Given the matrix of objectives and policies supporting the Te Kauwhata West Living

Zone it is difficult to see how the Court would be able to reach any other conclusion that that the specialised zoning designed for these areas is the more appropriate zone. It is clearly more efficient in terms of land use and enabling the utilisation of infrastructure, including waste water treatment.

[71] Overall we conclude that the appropriate zoning of this area is Te Kauwhata West Living Zone. This will achieve the purposes of the Act and the objectives and policies of the Plan.'

176. I consider that it would be inappropriate to accept the submitter requests to rezone 114, 126 and 128 Travers Road to CLZ and effectively disregard the Environment Court's ruling on this very matter.
177. In the 9 years that have passed since this Court's decision, the need to provide for more intensive housing development within the Te Kauwhata Structure Plan area has become even more pressing. The proposal to retain this Residential zoning is a response to this pressure and, in particular, the directive in the NPS-UD to provide sufficient capacity to meet the expected demand for housing over the short term, medium term and long term. Furthermore, no evidence has been lodged by these submitters to support their request.
178. In my opinion, the Court's basis for applying a Residential Zone to 'Area M' remains valid. Furthermore, retaining this zoning for these three properties will give effect to Objective 2 and Policy 2 in the NPS-UD, and Objective 3.2 in the WRPS.
179. I also note that these three properties are located within Future Proof's indicative urban limits and the Residential 'Activity Zone' (with a 1-3 year development timeframe) in terms of Waikato 2070.
180. Accordingly, I recommend that all three original submissions be rejected.

Recommendations on 114, 126 and 128 Travers Road

181. For the reasons above, I recommend that the hearings panel:
 - (a) **Reject** Amelia Lategan [43.1] insofar as this submission relates to the notified Residential zoning of 126 Travers Road
 - (b) **Reject** Juliet Sunde [59.2 and 60.1]
 - (c) **Reject** Colin Orr [63.1]
 - (d) **Accept** Z & Z Developments Limited Partnership [FS1/32.13] insofar as this further submission relates to the notified Residential zoning of 126 Travers Road
 - (e) **Accept** Z & Z Developments Limited Partnership [FS1/32.2 and FS1/32.7]
 - (f) **Accept** Mercury NZ Limited [FS1386.45 and FS1386.48].

Section 32AA evaluation

182. No section 32AA evaluation is required as I am not recommending any amendment to the notified Residential zoning for 114, 126 and 128 Travers Road.

4.12 Requests for industrial zoning at 17 and 40 Scott Road

183. Scott Road runs south from its intersection with Te Kauwhata and is the primary route to Lakeside.

Submissions

184. The two original submissions listed in the following table request:
- (a) an amendment to the Residential/Industrial Zone interface at 17 Scott Road
 - (b) rezoning of 52 Scott Road from Residential to Light Industrial.

Submission point	Submitter	Decision requested
854.2	Carleys Transport Limited	Amend the zoning of the western portion of the property at 17 Scott Road, Te Kauwhata, from Residential Zone to Industrial Zone, aligning the zone boundary with the open drain (see map attached to submission)
FS1387.1393	Mercury NZ Limited	Oppose
124.1	Tony Welch	Amend the zoning of the property at 52 Scott Road, Te Kauwhata, from Residential Zone to Light Industrial Zone as it was in the Operative District Plan
FS1386.107	Mercury NZ Limited	Oppose

Analysis

17 Scott Road

185. The 4.4691 ha property at 17 Scott Road is owned by Alan and Judy Garrick.
186. The following map indicates the eastern part of this property in red outline and its Light Industrial zoning (coloured purple) in terms of the OWDP.

Operative Light Industrial Zoning - 17 Scott Road



Proposed Residential Zoning and walkway - 17 Scott Road (PWDP)

187. The next map indicates the Residential zoning of the eastern part of 17 Scott Road (coloured yellow) and the location of a pedestrian walkway in terms of the PWDP. Stage 2 of the PWDP does not indicate any hazard on this property.



188. The industrial-zoned property immediately to the east at 42 Rata Street is owned by Carleys Transport Limited, which is used as a heavy transportation depot. Their submission [854.2] requests that a portion of the Garrick property at 17 Scott Road be rezoned from Residential to Industrial, as shown on their map below.

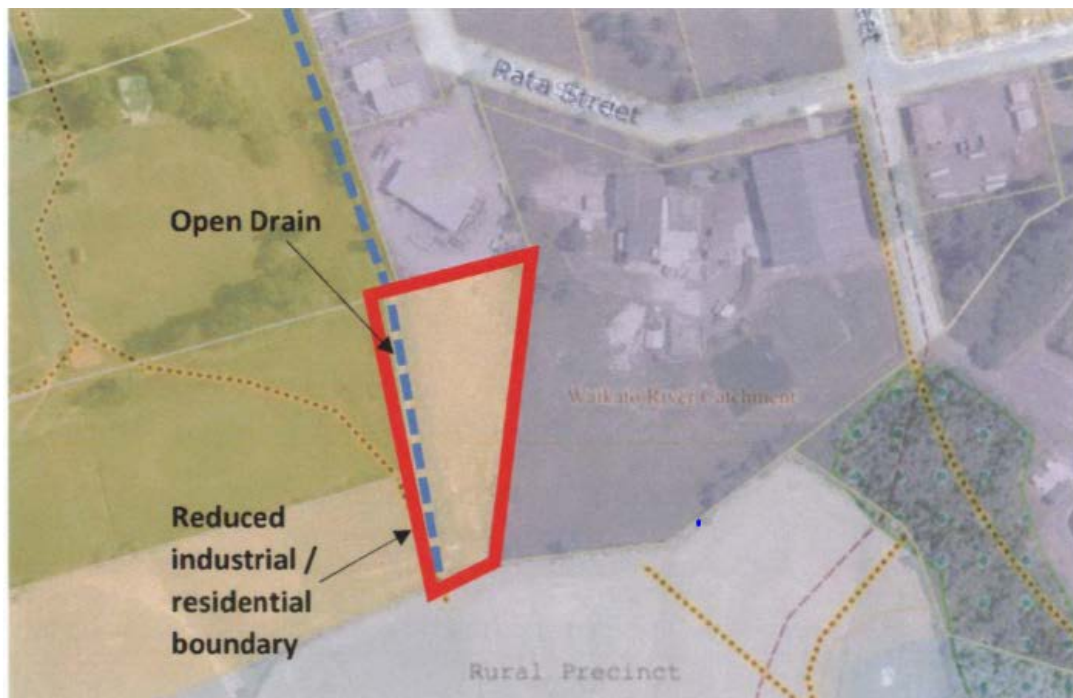


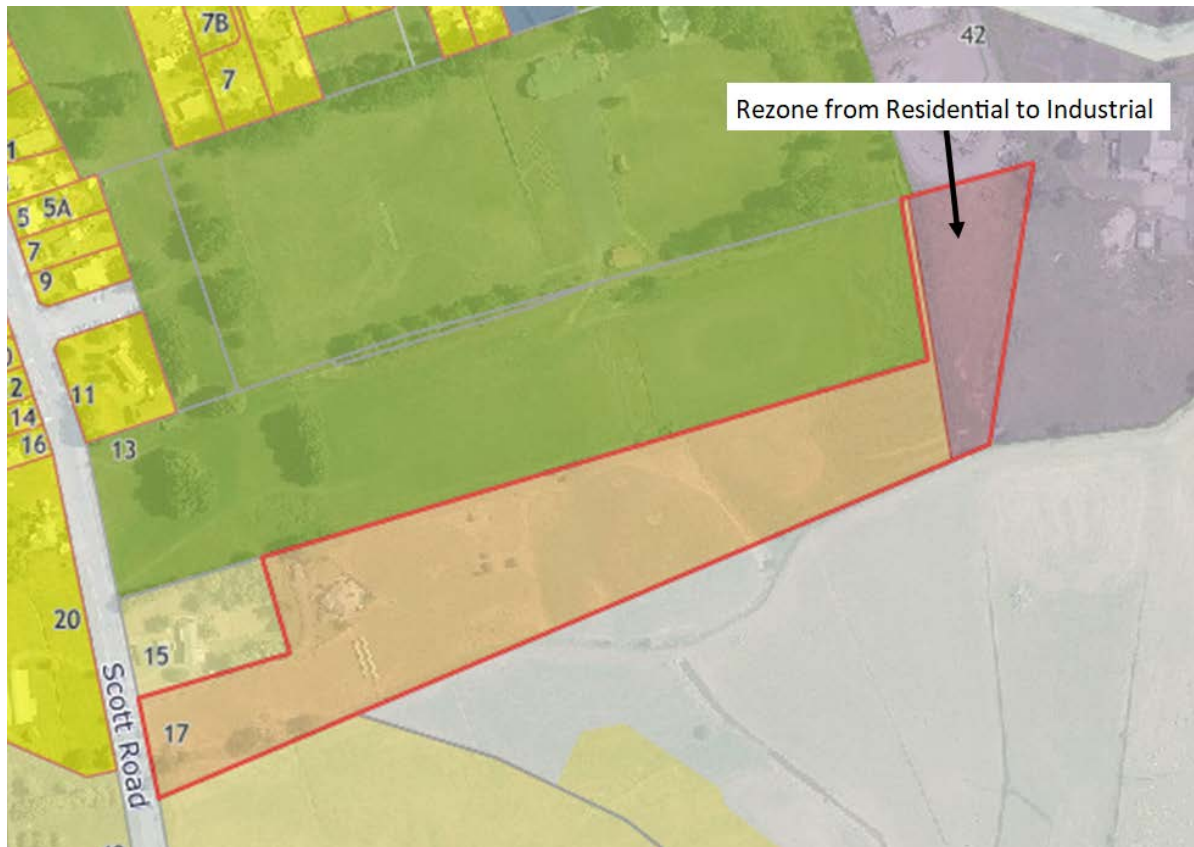
Figure 2: Land subject to this submission identified in red.

189. Carleys Transport gives these reasons for retaining the industrial zoning for this strip of land:
- (a) The proposed residential zoning does not align with any landscape feature – most notably, a large open drain.
 - (b) Access to any residential development on this portion of land is constrained because of this open drain.
 - (c) The request would result in less interface between residential and industrial zones and therefore reduced potential for reverse sensitivity.
190. I agree with these reasons and conclude that the operative industrial zoning for this parcel of land is an appropriate reflection of its physical characteristics, given that there is more association with the adjoining 42 Rata Street than the balance of 17 Scott Road.
191. Amending the zoning in this way would have no detrimental effect on the proposal to develop a walkway through the residential portion of 17 Scott Road, which is annotated on the planning maps in the PWDP. Furthermore, it would not result in any increase in the existing stock of industrial land, as it would simply roll over the operative industrial zoning for this land parcel into the decision version of the PWDP.
192. Accordingly, I recommend that submission [854.2] be accepted.

Section 32AA Evaluation

193. I do not consider that a detailed section 32AA evaluation is required in this instance. This is because accepting submission [854.2] involves a simple rollover of the existing industrial zoning for this strip of land into the decision version of the PWDP. This strip of land clearly has more physical connection with 42 Rata Street than the balance of 17 Scott Road, and the large open drain provides a logical division between the industrial and residential zones.
194. Notwithstanding this need for practicality, it is my opinion that rolling over the existing industrial zoning is the most appropriate way of giving effect to Objective 1 and Policy 2 in the NPS-UD, and Objective 3.2 in the WRPS, in that it will continue to provide for the economic and social wellbeing of the Te Kauwhata community through employment opportunities and the production of industrial goods and services. It is also consistent with Policy 4.6.4 in the PWDP in that it maintains industrial zones for industrial activities.
195. Overall, I conclude that there are more risks in not acting (i.e. retaining the status quo of the notified zoning), as opposed to acting so that the decided zoning rolls over the existing industrial zoning of this part of 17 Scott Road.

Recommended map amendment



40 Scott Road

196. The 5220m² property located at 40 Scott Road is owned by Rebecca and Tony Welch and contains their existing self-storage business.
197. While Tony Welch's submission [124.1] refers to the property immediately to the south at 52 Scott Road which is owned Christine Brown and Humberto Tutolo, it is apparent that their rezoning request relates to 40 Scott Road (Lot 2 DP 531591), which was created by a recent subdivision, as shown by the following subdivision plan and survey plan.

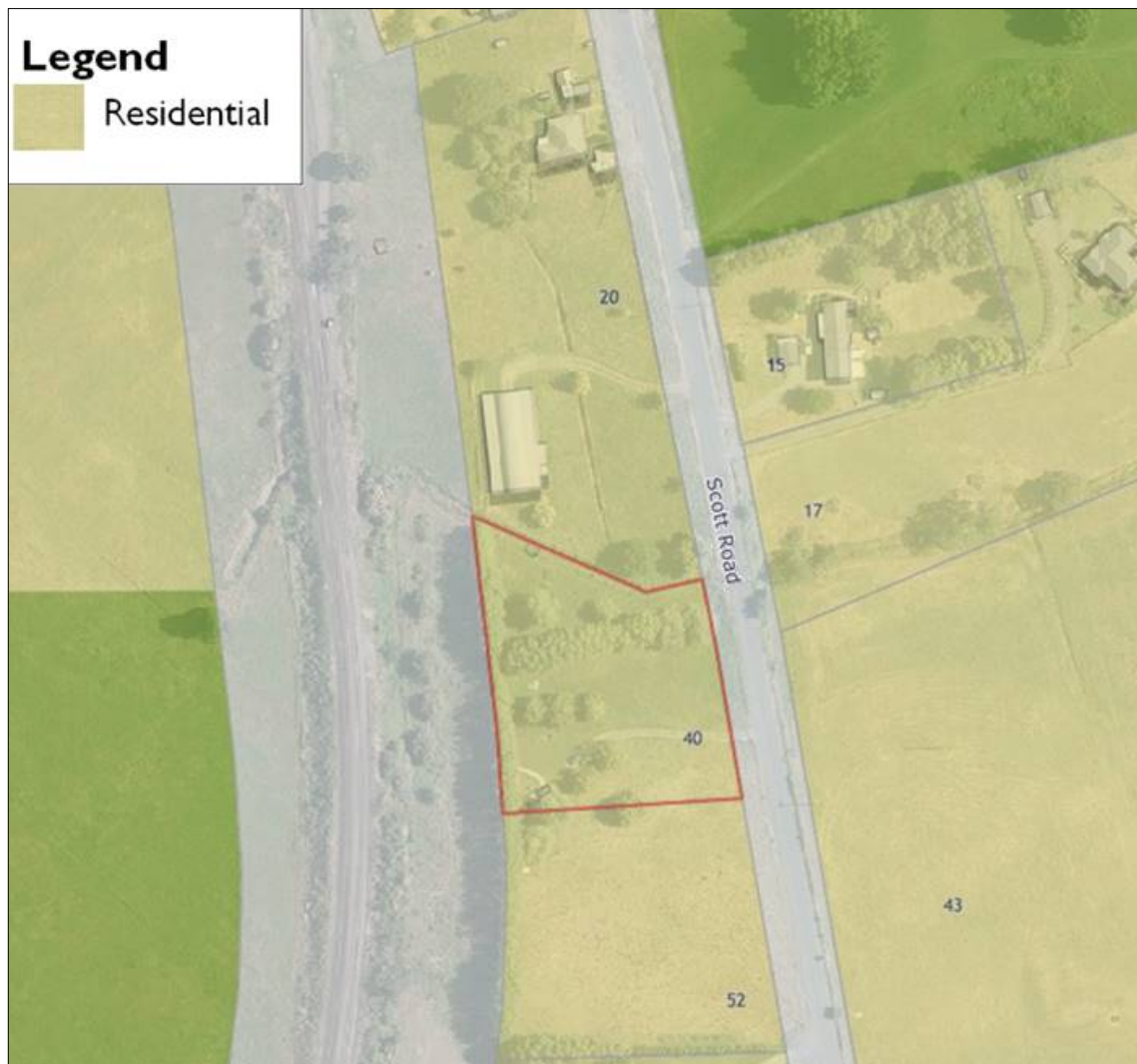
Operative Light Industrial Zoning – 40 Scott Road

198. The following map indicates 40 Scott Road in red outline and its Light Industrial zoning (coloured purple) in terms of the OWDP.



Proposed Residential Zoning - 40 Scott Road (PWDP)

200. The next map indicates the Residential Zoning (coloured yellow) of 40 Scott Road in terms of the PWDP. Stage 2 of the PWDP does not indicate any hazard within this property.



201. Mr Welch requests that the Light Industrial zoning for his property be retained because he is concerned that the proposed residential zoning of his property would mean that he could no longer run his self-storage business.
202. The existing Light Industrial zoning for this property is the result of the Te Kauwhata Structure Plan and Variation 13. In responding to Variation 13 submissions, Council introduced Rule 24D.7, which specifically allows the construction or alteration of no more than one dwelling as a controlled activity within the area hatched in red and shown on the operative planning maps as 'Scott Road 2'. I note here that the area in between mapped 'Scott Road 1' and 'Scott Road 2' represents a hangover of the route for the designated heavy traffic bypass that was removed in 2016.
203. Most of the Welch property at 40 Scott Road and 52 Scott Road are located within 'Scott Road 2' and each now contains a dwelling which has been consented in terms of Rule 24D.7. The proposed Residential zoning of these two properties reflects this existing residential

development and is consistent with the residential zoning of adjacent land to the north, south and east.

204. The existing self-storage business is a permitted activity in terms of the operative Light Industrial zoning. In terms of section 10 of the RMA, this activity would have existing use rights if 40 Scott Road were rezoned to Residential, provided that the effects of the use are the same or similar in character, intensity, and scale to those which existed before notification of the PWDP. Given this statutory protection of Mr Welch's business, and the surrounding residential areas to the north, south and east, I conclude that the proposed Residential zoning of 40 Scott Road remains appropriate and recommend that submission [124.1] be rejected.

Section 32AA Evaluation

205. No section 32AA evaluation is necessary in this instance, as I am not recommending any change to the notified Residential zoning for 40 Scott Road.

Recommendations on requests for industrial zoning

206. For the reasons above, I recommend that the hearings panel:
- (a) **Accept** Carleys Transport Limited [854.2]
 - (b) **Reject** Tony Welch [124.1]
 - (c) **Reject** Mercury NZ Limited [FS1387.1393]
 - (d) **Accept** Mercury NZ Limited [FS1386.107].

4.13 Interface between Residential and Reserve Zones on Lot 1 DP 519545 – Eccles Avenue

207. Eccles Avenue is a no-exit road located on the western side of the main trunk railway. It runs in a northerly direction off Te Kauwhata Road and provides access to properties that are zoned for residential purposes.
208. The railway has physically separated some wetland areas to the north of Eccles Road from the main Whangamarino Wetland. These smaller wetland areas are in private ownership and zoned Recreation in terms of the OWDP.

Submission

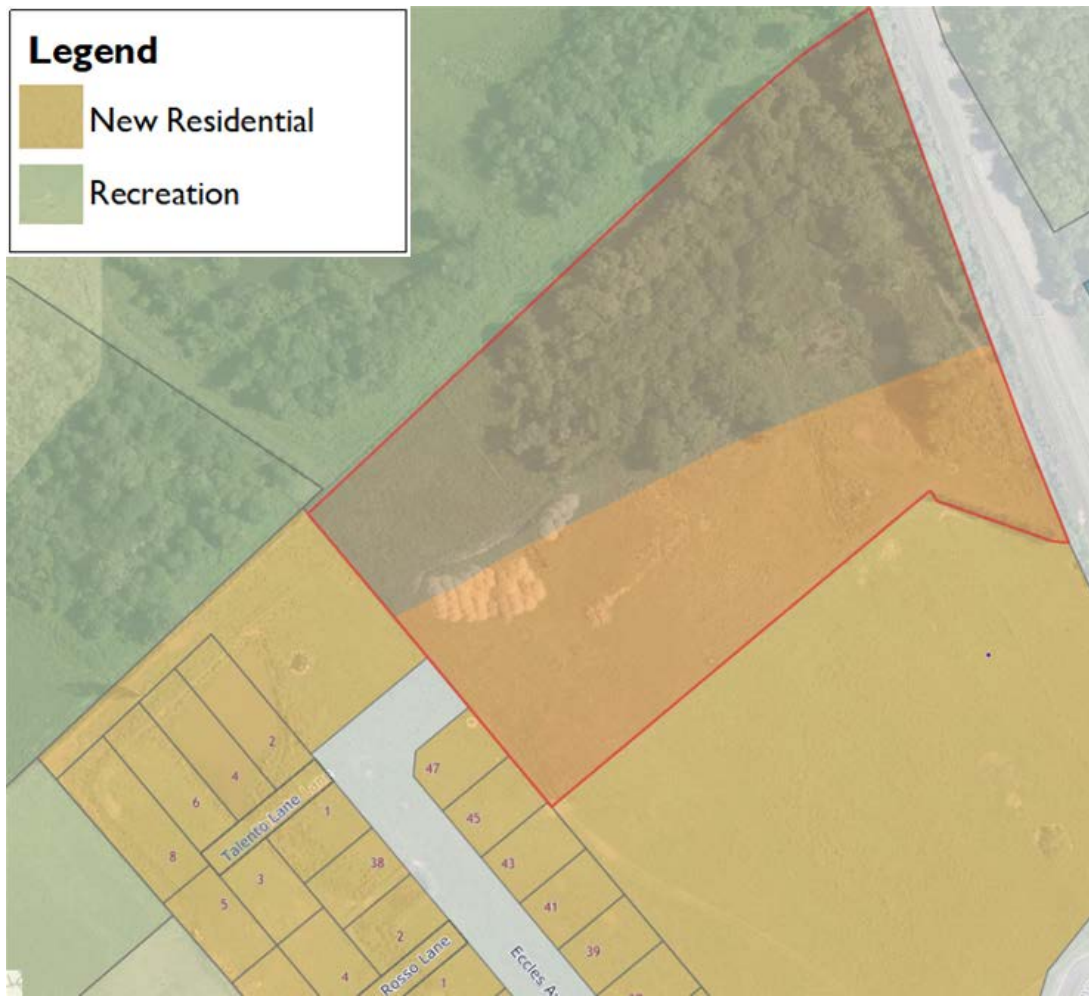
209. The original submission listed in the table below requests:
- (a) an amendment to the interface between the Residential and Reserves Zones on Lot 1 DP 519545 (Eccles Avenue, Te Kauwhata)

Submission point	Submitter	Decision requested
975.1	Glenvale Stage 2 Limited	Amend the zoning of Lot 1 DP 519545 (Eccles Avenue, Te Kauwhata) to reflect the extent of Reserves and Residential Zoned land as sought within the Concept Plan in Attachment B of this submission.
FS1070.1	Glenvale Stage 2 Limited	Support
FS1387.1615	Mercury NZ Limited	Oppose

Analysis

210. The 32.605 ha property (Lot 1 DP 519545) at the end of Eccles Road is owned by The Golden Belt Mining Company Limited.
211. The following two maps indicate this property outlined in red and the interface between the New Residential and Recreation Zones in terms of the OWDP, and the Residential and Reserves Zones in terms of the PWDP. Stage 2 does not indicate any hazard within this property.

Operative New Residential and Recreation Zones - Lot 1 DP 519545

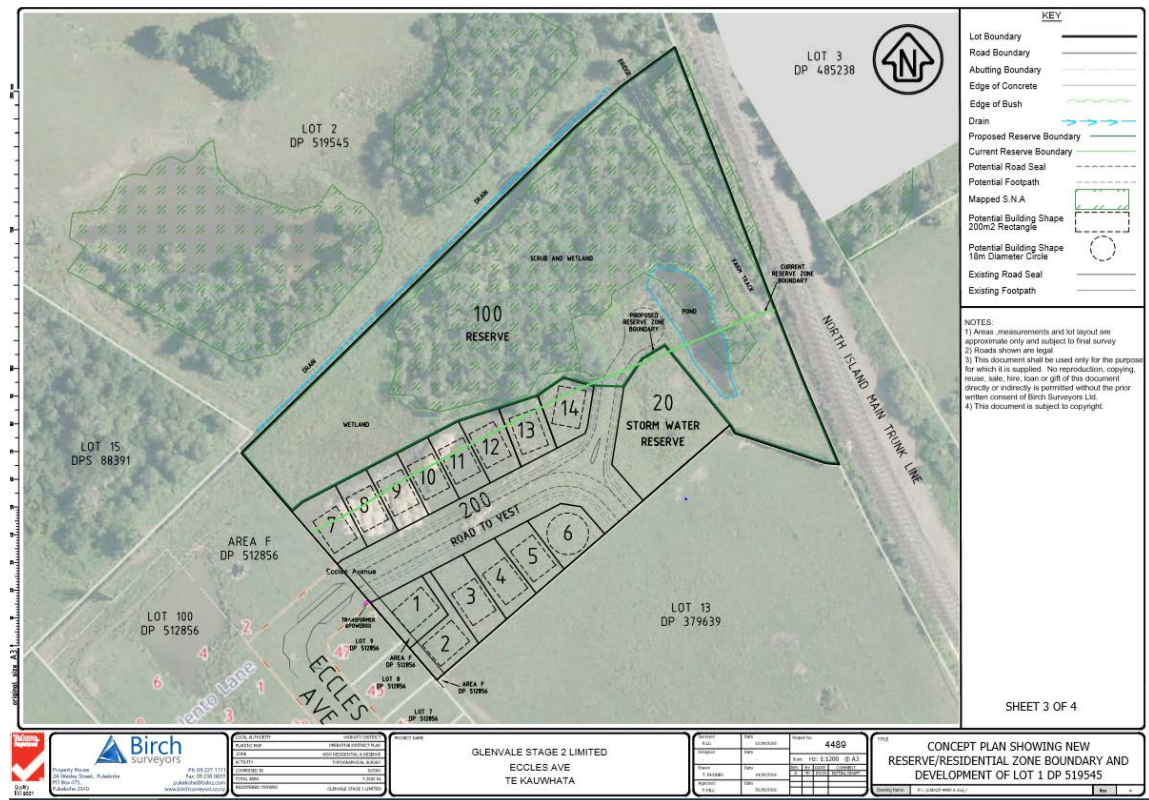


Proposed Residential and Reserves Zoning - Lot I DP 519545 (PWDP)



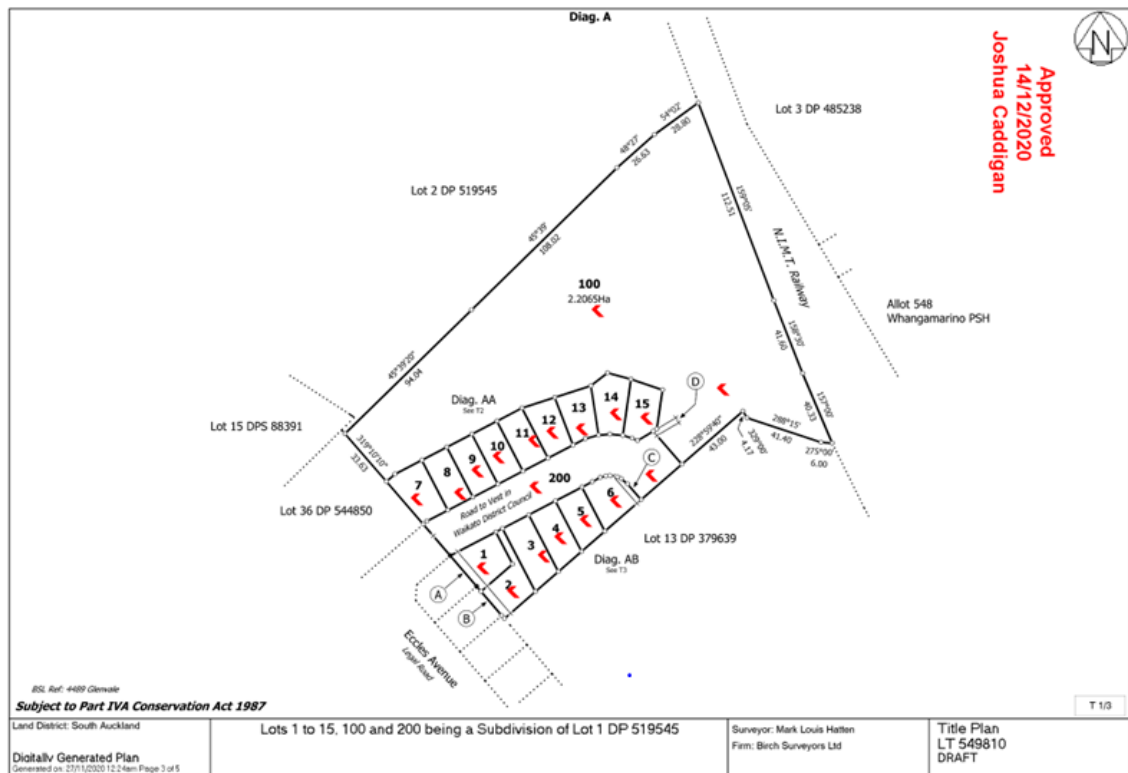
212. The submission from Glenvale Stage 2 Limited (Glenvale) [975.1] requests an amendment to the interface between the Residential and Reserves Zones to reflect the concept plan for subdivision that was being considered during the submission period for the PWDP.
213. The following aerial photograph is taken from Attachment B of the submission, and the green line that is labelled 'Proposed Reserve Zone Boundary' indicates the zone interface that is sought.

Aerial map in Glenvale submission showing concept plan for subdivision



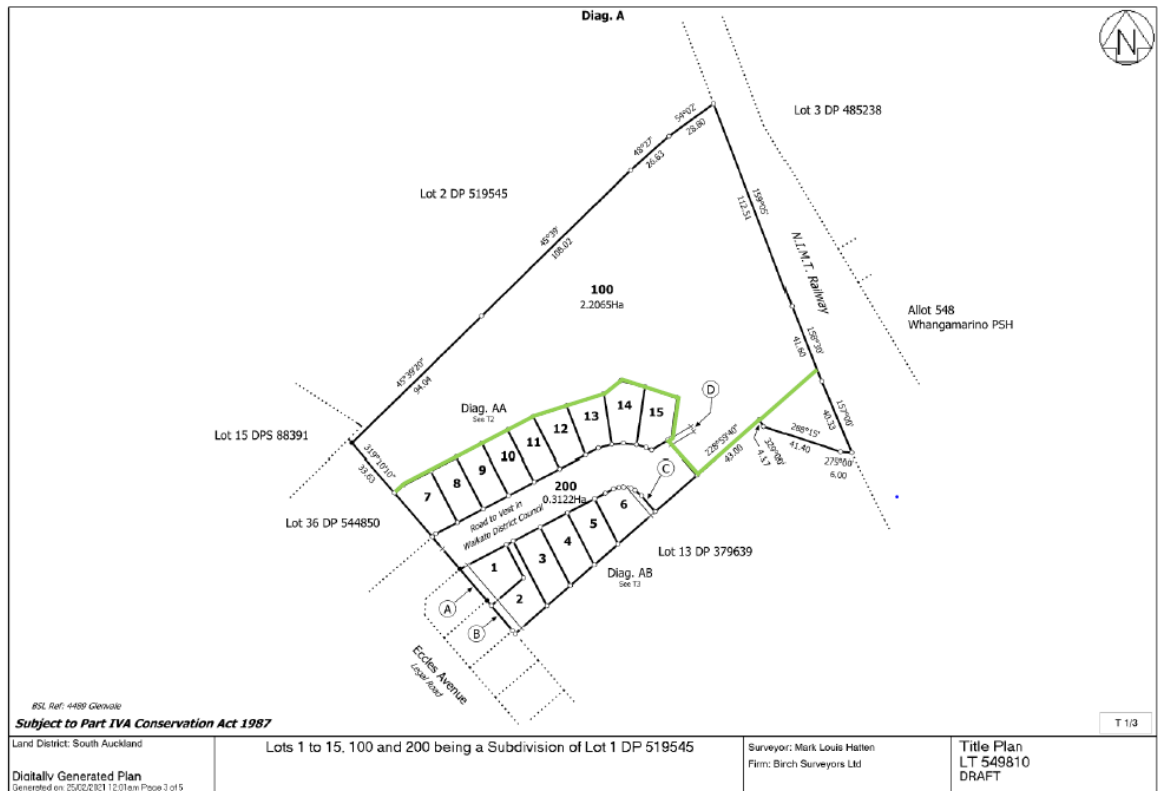
214. A formal subdivision application was approved on 24 October 2019 following lodgement of this concept plan, and this involved the creation of 15 residential lots, and the vesting of road and reserve. Lot 20 shown as stormwater reserve on this aerial map was not created but was instead incorporated into the larger reserve shown as Lot 100. The following survey plan for this subdivision (LT 549810) was approved in December 2020 and the issue of new titles is now imminent.

Survey Plan for LT 549810 approved in December 2020



215. I contacted the surveyor on 2 March 2021 to ascertain the status of Lot 100. While the consent provides an option to vest Lot 100 in Council as Local Purpose (Wetland) Reserve, the surveyor confirmed that the landowner elected to retain it in their private ownership.
216. The following copy of the LT Plan has now been provided by the surveyor with a green line superimposed to indicate a logical interface between the Reserves and Residential Zones. This green line follows the boundaries of Lot 100 for the most part, but leaves a triangular area within the existing Residential Zone because of its potential to be developed for residential purposes at a future date.

Copy of LT Plan showing requested interface between Reserves Zone and Residential Zone (as at 2 March 2021)



217. I agree that the green line on this diagram represents an appropriate division between these two zones. Accordingly, I recommend that all submissions received on this matter be accepted in part.

Recommendations

218. For the reasons above, I recommend that the hearings panel:
- Accept in part** Glenvale Stage 2 Limited [975.1], *Glenvale Stage 2 Limited [FS1070.1]* and *Mercury NZ Limited [FS1387.1615]*, to the extent that the Reserves Zone boundary be amended as shown below.

Recommended map amendment



Section 32AA Evaluation

219. It is appropriate for the Reserves Zone boundary to align with the green line superimposed on a copy of LT 549810 received by Council on 2 March 2021, as this is the result of detailed site investigation.
220. Furthermore, it is appropriate to remove any Reserve zoning within lots that have been approved for residential purposes. Without this occurring, there is the potential for resource consents to be triggered, which is neither effective nor efficient, given the reasons for approving this residential subdivision.
221. For this reason, I consider that there is more risk in not acting (i.e. retaining the zone split as shown in the notified version of the PWDP) as opposed to acting.

4.14 Requests for Village Zoning and/or Country Living Zoning

Submissions

222. The six original submissions listed in the table below request that:

- (a) 228 Waerenga Road be zoned Village rather than Rural
- (b) 20 and 42 Plantation Road be zoned Village/Country Living rather than Rural
- (c) 105 and 105A Hall Road be zoned Country Living rather than Rural
- (d) 116 Swan Road be zoned Country Living rather than Rural
- (e) Various properties on the western and eastern side of Vineyard Road be rezoned to Village rather than Country Living.

Submission point	Submitter	Decision requested
159.1	Kainga Moana Nui Limited	Amend the zoning of all four titles at 228 Waerenga Road, Te Kauwhata from Rural Zone to Village Zone
FS1045.21	Auckland/Waikato Fish and Game Council	Oppose
FS1277.73	Waikato Regional Council	Oppose
FS1108.168	Te Whakakitenga o Waikato Incorporated	Oppose
FS1386.135	Mercury NZ Limited	Oppose
472.1	Jagco 2014 Limited	Amend the zoning of the 44.543 ha properties at 20 and 42 Plantation Road, Te Kauwhata from Rural Zone to the Country Living/Residential Zone (see map attached to submission 474 to which this submission refers)
FS1277.81	Waikato Regional Council	Oppose
FS1388.468	Mercury NZ Limited	Oppose
474.1	Fara Kurima Partnership	Amend the zoning of the 44.543 ha properties at 20 and 42 Plantation Road, Te Kauwhata from Rural Zone to Countryside Living/Residential (see map attached to the submission)
FS1277.82	Waikato Regional Council	Oppose
FS1108.167	Te Whakakitenga o Waikato Incorporated	Oppose
FS1388.469	Mercury NZ Limited	Oppose
508.1	Tui Ridge Limited	Amend the proposed rezoning of Lot 2 DP 481971 and Lot 5 DP 481971 (western side of

		Hall Road, Te Kauwhata) from Rural Zone to Country Living Zone AND Any other consequential amendments necessary to give effect to the matters raised and relief sought in the submission
FSI277.99	Waikato Regional Council	Oppose
FSI108.166	Te Whakakitenga o Waikato Incorporated	Oppose
FSI388.521	Mercury NZ Limited	Oppose
537.1	Kelvin & Joy Smith	Amend the zoning of the property at 116 Swan Road, Te Kauwhata from the Rural Zone to Country Living Zone
FSI108.169	Te Whakakitenga o Waikato Incorporated	Oppose
FSI277.100	Waikato Regional Council	Oppose
FSI388.729	Mercury NZ Limited	Oppose
626.1	Vineyard Road Properties Limited	Amend the zoning of the following properties from Country Living Zone to the Village Zone: Properties on the eastern side of Vineyard Road from 4 to 122 Vineyard Road, Te Kauwhata; and Properties on the western side of Vineyard Road from 186 Wayside Road to 122 Vineyard Road, Te Kauwhata (see map attached to the submission) OR Amend the minimum lot size for the Country Living Zone from 5000m ² to 2000m ²
FSI014.1	Micheline Newton & Michael Klaja	Oppose
FSI015.2	Michael Klaja	Oppose
FSI024.1	Murray Allen	Oppose
FSI025.1	Robyn Allen	Oppose
FSI026.1	Eden Allen	Oppose
FSI052.1	Lynne Glover	Oppose
FSI115.1	Heather and Lew Richardson	Oppose
FSI122.1 and FSI122.2	Karen Broun	Oppose
FSI124.1	Murray Broun	Oppose

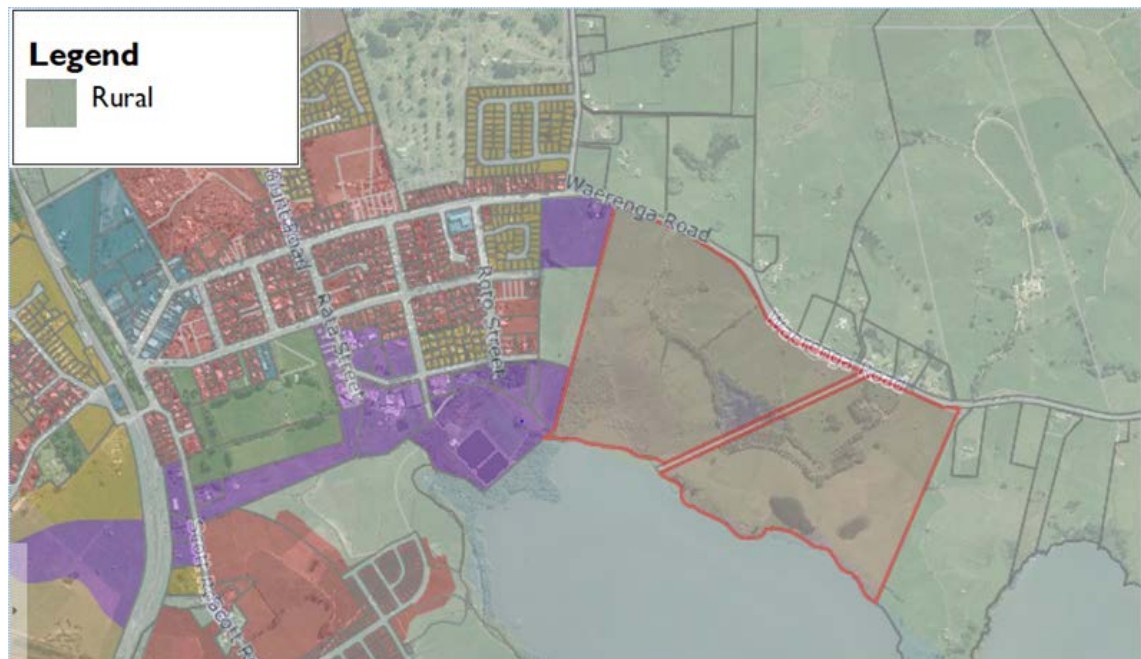
FSI128.1	Jasmine Faulkner	Oppose
FSI133.1	Dave Roebuck	Oppose
FSI144.1	Glover Family Trust	Oppose
FSI249.1	Kirsty Jean Laker	Oppose
FSI255.1	Heather Joy McRobbie	Oppose
FSI257.1	Danny John Laker	Oppose
FSI259.1	Brian Charles Julian	Oppose
FSI197.26	Bowrock Properties Limited	Support
FSI311.21	Ethan & Rachael Findlay	Support
FSI387.20	Mercury NZ Limited	Oppose

Analysis

228 Waerenga Road

223. The property at 228 Waerenga Road comprises four titles, with a total area of 69.9769 ha, and is owned by JW and SN Bodley.
224. The following two maps indicate this property in red outline and its Rural zoning in terms of the OWDP and PWDP.

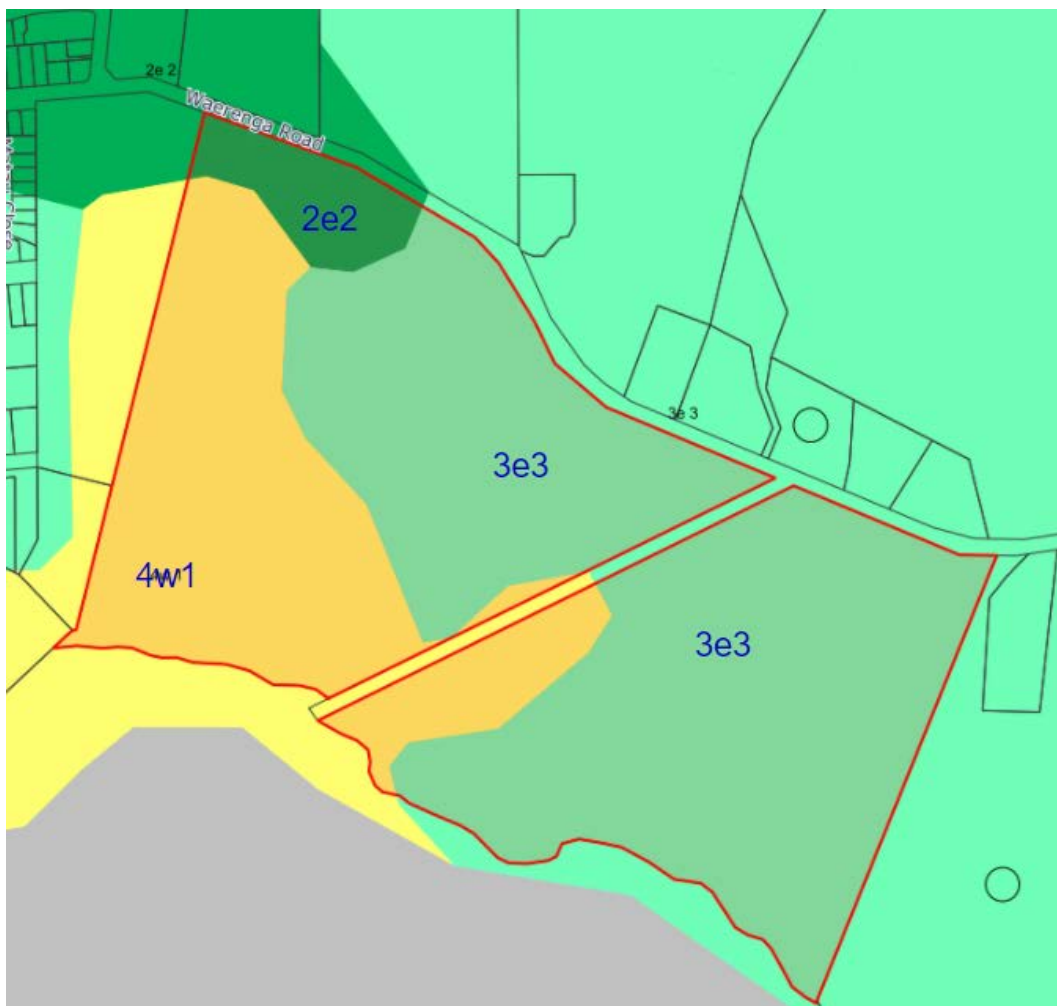
Operative Rural Zoning – 228 Waerenga Road



Proposed Rural Zoning – 228 Waerenga Road (PWDP)



225. The next map indicates that 228 Waerenga Road contains a substantial portion of high class soils (i.e. Classes 2e2 and 3e3).



Source: Waikato District Council's Intramap

226. The western boundary of this property coincides with Future Proof's 'indicative urban limit' and Waikato 2070 does not signal this property for urban growth.
227. The submission from Kainga Moana Nui Limited [159.1] requests that 228 Waerenga Road be zoned from Rural to Village for these reasons:
- (a) The topography is suitable.
 - (b) Existing wetlands, ponds and lake views provide good amenity for Village zoning, noting that these features have been used by various community groups including Scouts, Guides and emergency services.
 - (c) The property is on town water supply.
 - (d) The property has good natural drainage. Wastewater services are adjacent.
229. Four opposing further submissions have been received from *Auckland/Waikato Fish and Game Council* [FS1045.21], *Waikato Regional Council* [FS1277.73], *Te Whakakitenga o Waikato Inc.* [FS1108.168] and *Mercury NZ Limited* [FS1386.135] for these various reasons:
- (a) The supply and location of large-lot residential and rural residential land must be considered strategically across the whole district.
 - (b) The district plan must give effect to Policy 6.17 and Implementation Method 6.1.5.
 - (c) Potential impact on wetlands, wildlife and recreational opportunities.
 - (d) The rezoning is opposed in principle.
 - (e) It is inappropriate to intensify or locate sensitive uses in areas of potential flood hazard risk until information is available to undertake a meaningful assessment.
230. I consider that the requested Village zoning for 228 Waerenga Road is problematic because:
- (a) Council's data indicates that the existing urban zones within Te Kauwhata provide sufficient capacity to meet the expected demand for growth in the short term, medium term and long term, therefore Objective 2 and Policy 2 in the NPS-UD are already given effect to.
 - (b) A low-density Village Zone immediately adjacent to Te Kauwhata's urban limits would not result in integrated land use and infrastructure planning and would therefore not give effect to Policy 10 in the NPS-UD.
 - (c) A low-density Village Zone would not give effect to Objective 3.10 in the WRPS, in that the resulting development would not result in the efficient use and development of natural resources.
 - (d) A low-density Village Zone would not give effect to Objective 3.12, and Policies 6.1 and 6.3 of the WRPS in that it would not result in integrated, coordinated, sustainable and planned built development and associated land use.
 - (e) It would not give effect to Policy 6.14 in the WRPS, in that new urban development in this location is outside Future Proof's indicative urban limits.
 - (f) It would not give effect to Objectives 3.25 and 3.26, and Policies 4.4 and 4.12 in the WRPS, in that a Village zoning would give rise to inappropriate subdivision, use and development of high class soils that need to be protected for the existing and foreseeable range of primary productive uses.
 - (g) It would be inconsistent with Objective 4.1.1 of the PWDP, in that low-density urban development in this location would not achieve liveable, thriving and connected communities that are sustainable, efficient and coordinated.
 - (h) It would be inconsistent with Policy 4.12 of the PWDP, in that it would not result in a consolidated settlement pattern.

- (i) It would be inconsistent with Policy 4.1.12 of the PWDP which nominates Lakeside as the only area that provides for future growth in the medium term.
- (j) It is inconsistent with the settlement pattern anticipated by Waikato 2070.
- (k) Evidence has not been provided by the submitter to address the above concerns.

Recommendation on 228 Waerenga Road

231. For the reasons above, I recommend that the hearings panel:

- (a) **Reject** Kainga Moana Nui [159.1].
- (b) **Accept** Auckland/Waikato Fish and Game Council [FS1045.21], Waikato Regional Council [FS1277.73], Te Whakakitenga o Waikato Incorporated [FS1108.168] and Mercury NZ Limited [FS1386.135].

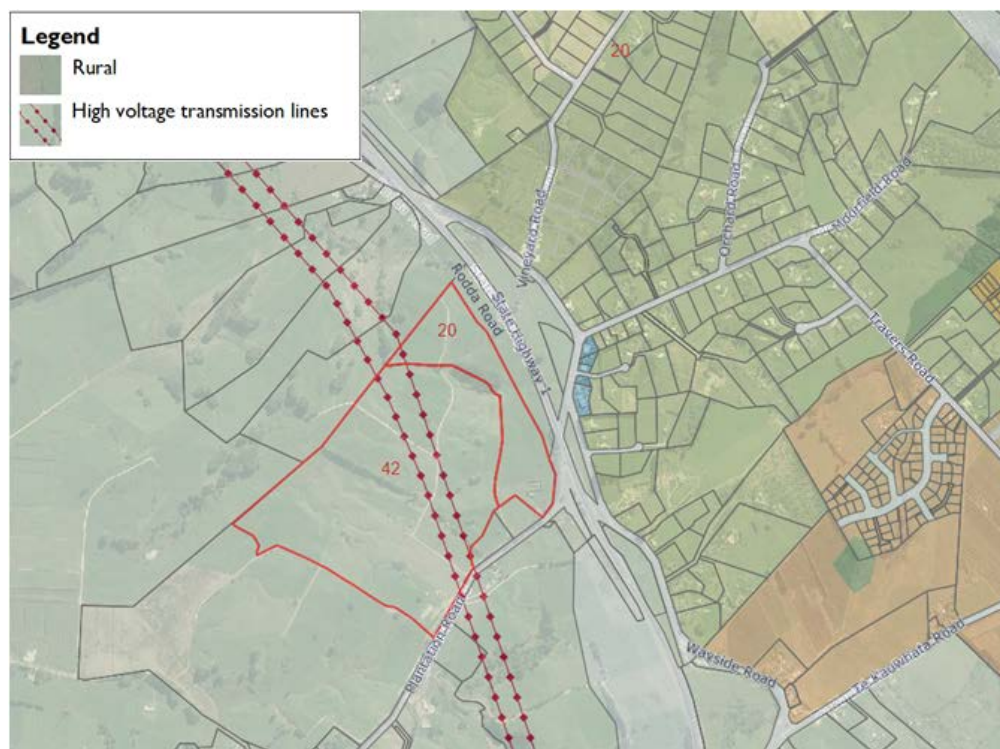
Section 32AA Evaluation

232. No section 32AA evaluation is necessary in this instance, as I am not recommending any change to the notified Rural zoning for 228 Waerenga Road.

Jagco 2014 Limited and Fara Kurima Partnership for 20 and 42 Plantation Road

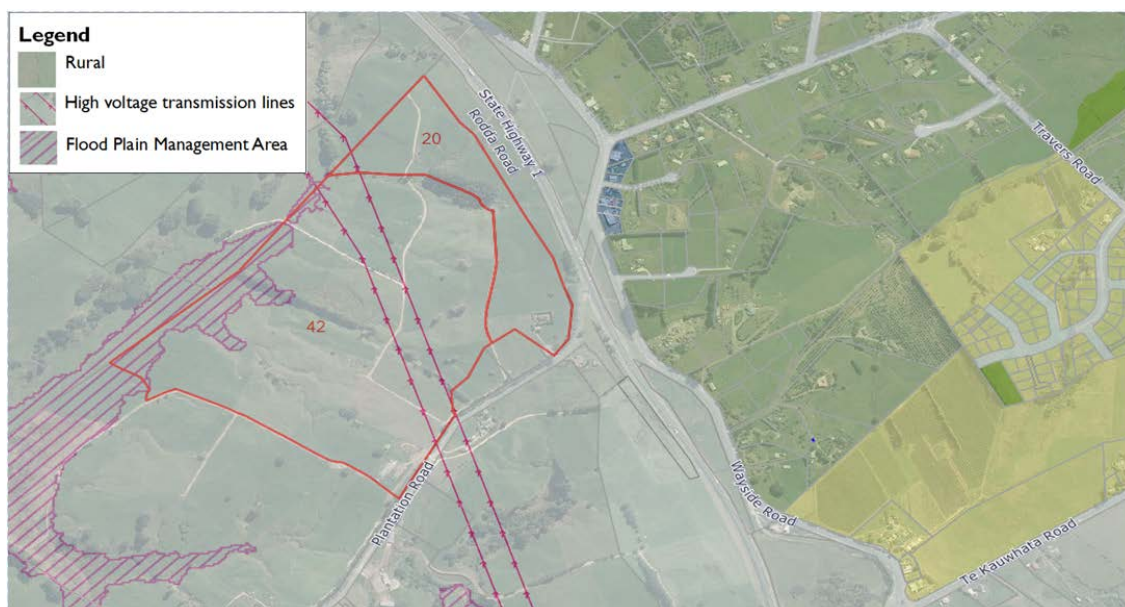
- 233. The 9.1523 ha property at 20 Plantation Road is owned by Jagco 2014 Limited. The adjacent 35.3914 ha property at 42 Plantation Road is owned by Charlotte and John Brown.
- 234. Mr Grant Clune's submission on behalf of Jagco 2014 Limited [472.1] and Ms Charlotte Brown's submission on behalf of Farima Kurima Partnership [474.1] are identical, and they request joint consideration of their request to rezone these properties from Rural to Country Living.
- 235. The following maps indicate the location of both properties in red outline, their Rural zoning in terms of the OWDP and PWDP, and the path of the high voltage transmission lines.

Operative Rural Zoning – 20 and 42 Plantation Road

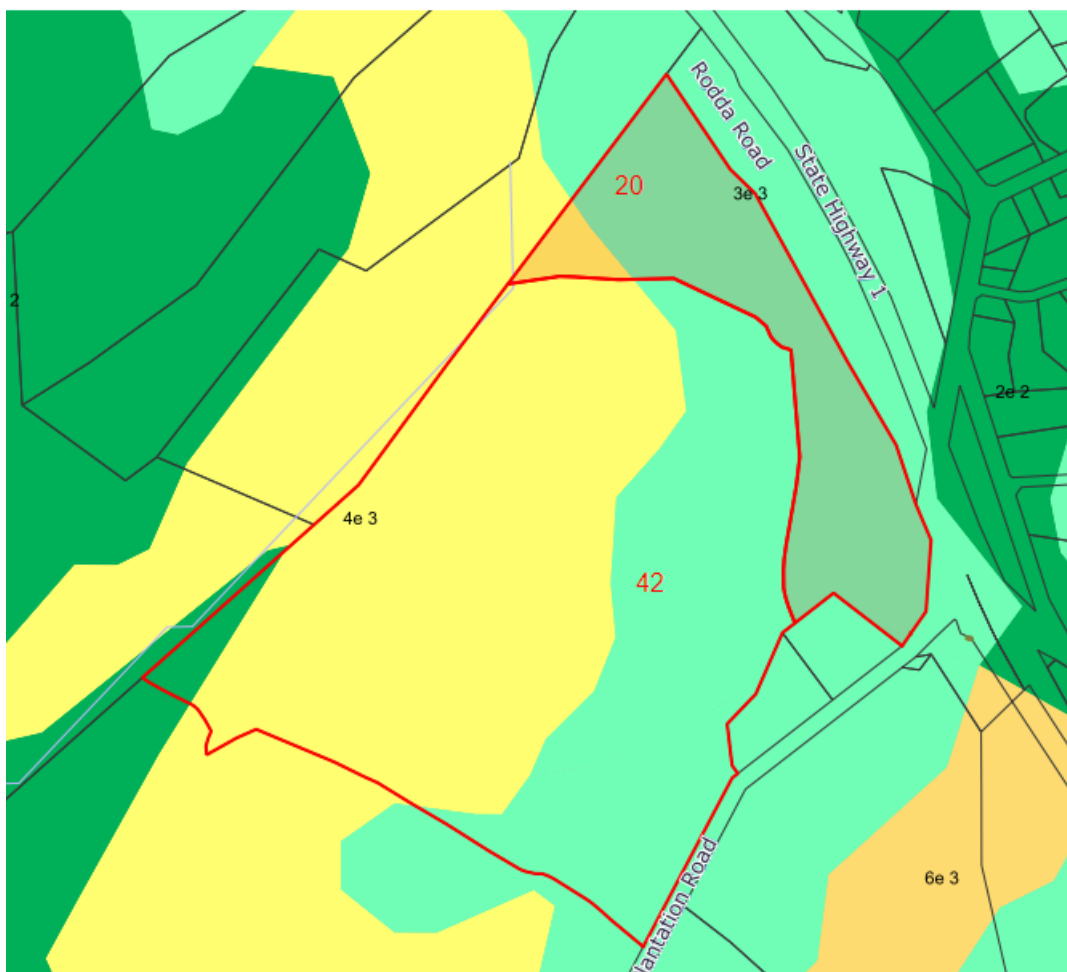


Proposed Rural Zoning – 20 and 42 Plantation Road (PWDP)

236. I note here that Stage 2 of the PWDP identifies part of 42 Plantation Road within a 'Flood Plain Management Area' (shown below with pink diagonal lines).



237. The next map indicates the portion of high class soil (i.e. Class 3e3 coloured aqua) within these properties.



Source: Waikato District Council's Intramap

238. The submissions contain concept plans for a subdivision of these properties with lot areas ranging between 1 acre (4000m²) and 10 acres (4 ha).
239. The submitters' reasons for this rezoning and potential subdivision are:
- (a) Both properties have access to a rural water supply.
 - (b) The properties are located a one minute driving distance from State Highway 1 and are within walking distance of Te Kauwhata township.
 - (c) Both properties are close to Auckland and Hamilton.
 - (d) Countryside living opportunities in the vicinity have already been fully taken up.
240. Five opposing further submissions have been received from *Waikato Regional Council* [FS1277.81 and FS1277.99], *Te Whakakitenga o Waikato Inc.* [FS1108.167] and *Mercury NZ Limited* [FS1388.468 and FS1388.469] for these various reasons:
- (a) The supply and location of large-lot residential and rural-residential land must be considered strategically across the whole district.
 - (b) The district plan must give effect to Policy 6.17 and Implementation Method 6.1.5.
 - (c) The rezoning is opposed in principle.
 - (d) It is inappropriate to intensify or locate sensitive uses in areas of potential flood hazard risk until information is available to undertake a meaningful assessment.
241. Both properties are located outside of Future Proof's indicative urban limits and they are also not signalled for urban development in Waikato 2070.
242. I consider that the submitters' request to apply a CLZ to 20 and 42 Plantation Road is problematic because:
- (a) Council's data indicates that Te Kauwhata's existing urban zones (which include the CLZ) provide sufficient capacity to meet the expected demand for growth in the short term, medium term and long term, therefore Objective 2 and Policy 2 in the NPS-UD are already given effect to.
 - (b) A CLZ in this location would be physically disjointed from Te Kauwhata as a result of intervening Rural-zoned properties and the Waikato Expressway, and would therefore not result in integrated land use and infrastructure planning, and not give effect to Policy 10 in the NPS-UD.
 - (c) A low-density CLZ would not give effect to Objective 3.10 in the WRPS, in that the resulting development would not result in the efficient use and development of natural resources.
 - (d) A low-density CLZ would not give effect to Objective 3.12 and Policies 6.1 and 6.3 of the WRPS, in that it would not result in integrated, coordinated, sustainable and planned built development and associated land use.
 - (e) It would not give effect to Policy 6.14 in the WRPS, in that new urban development in this location would be outside Future Proof's indicative urban limits.
 - (f) It would not give effect to Policy 6.17 in the WRPS and, in particular, the submitter's evidence does not give sufficient regard to the Section 6A General development principles and specific principles for rural-residential development.
 - (g) It would not give effect to Objectives 3.25 and 3.26, and Policies 4.4 and 4.12 in the WRPS, in that a low-density CLZ would give rise to inappropriate subdivision, use and

development of high class soils that need to be protected for the existing and foreseeable range of primary productive uses.

- (h) It would be inconsistent with Objective 4.1.1 of the PWDP, in that low-density urban development in this location would not achieve liveable, thriving and connected communities that are sustainable, efficient and coordinated.
- (i) It would be inconsistent with Policy 4.12 of the PWDP, in that it would not result in a consolidated settlement pattern.
- (j) It would be inconsistent with Policy 4.1.12 of the PWDP which nominates Lakeside as the only area that provides for future growth in the medium term.
- (k) It is inconsistent with the settlement pattern anticipated by Waikato 2070.
- (l) The submitters' evidence has not addressed all of the above concerns.

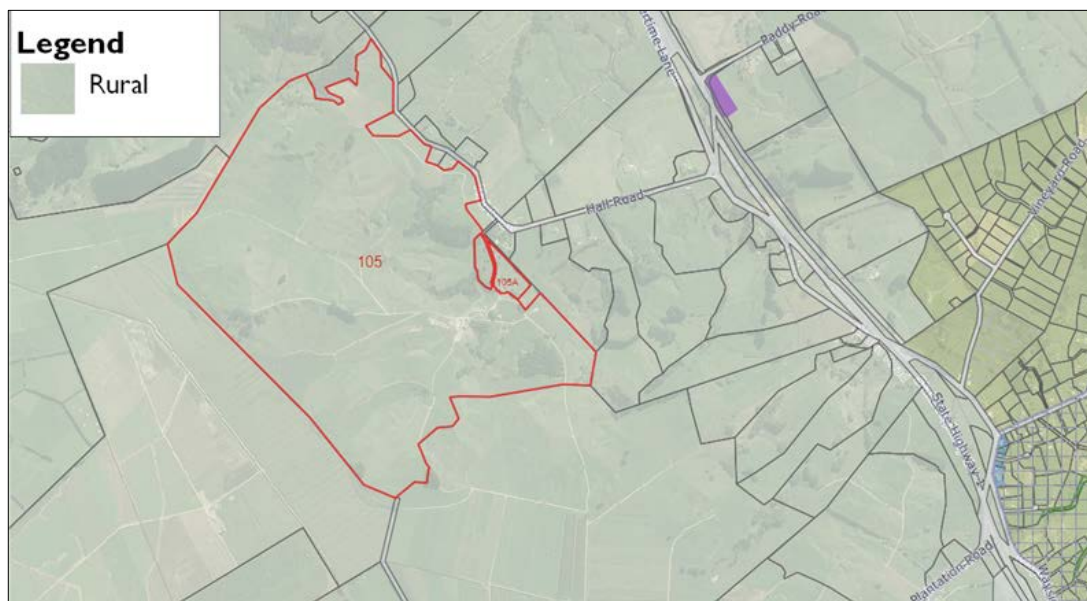
Recommendations on 20 and 42 Plantation Road

243. For the reasons above, I recommend that the hearings panel:
- (a) **Reject** Jagco 2014 Limited [472.1]
 - (b) **Reject** Fara Kurima Partnership [474.1]
 - (c) **Accept** Waikato Regional Council [FSI 277.81 and FSI 277.82]
 - (d) **Accept** Mercury NZ Limited [FSI 388.468 and FSI 388.469]
 - (e) **Accept** Te Whakakitenga o Waikato Incorporated [FSI 108.167]

105 and 105A Hall Road

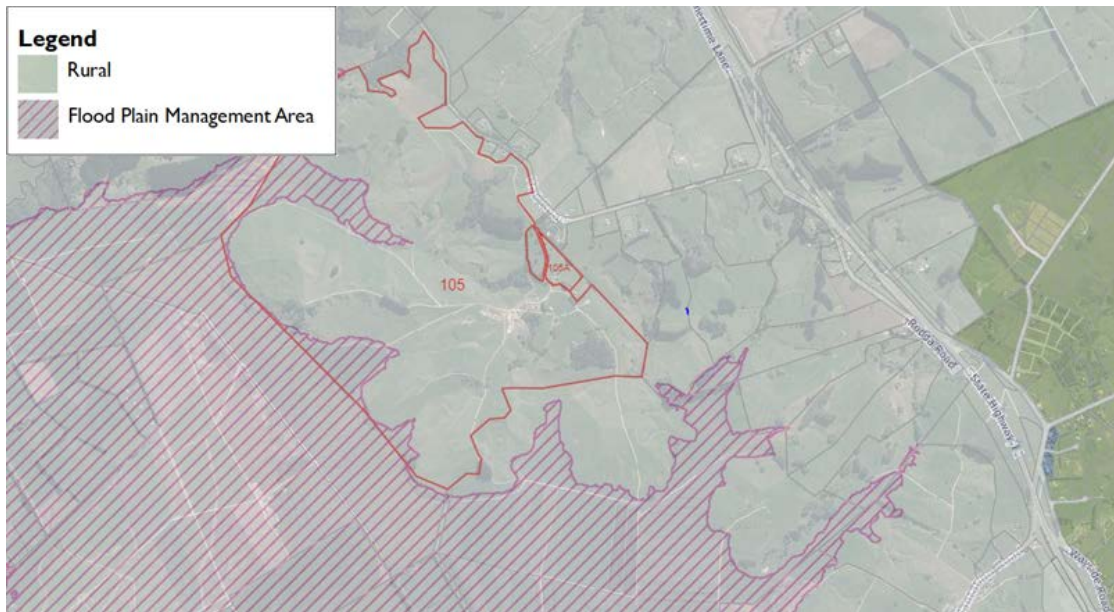
244. Mr Robert Brown's submission on behalf of Tui Ridge Limited [508.1] requests that a 181.06 ha title at 105 Hall Road and an adjoining 2.0360 ha title at 105A Hall Road be rezoned from Rural to Country Living. The total area of approximately 183 ha is used as a dairy unit. Both titles are located west of the Waikato Expressway.
245. The following maps indicate the location of both titles in red outline and their Rural zoning in terms of the OWDP and PWDP.

Operative Rural Zoning – 105 and 105A Hall Road

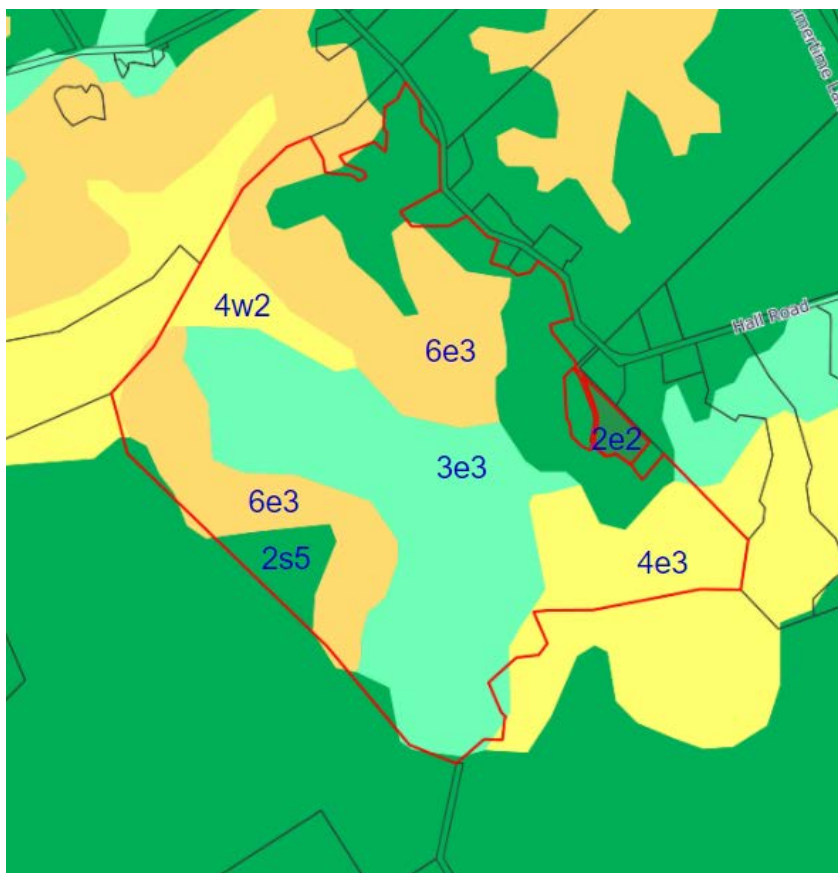


Proposed Rural Zoning – 105 and 105A Hall Road (PWDP)

246. I note that Stage 2 of the PWDP identifies part of 105 Hall Road within a 'Flood Plain Management Area' (shown with pink diagonal lines).



247. The following map indicates the portion of high class soils within these properties. Class 2e2 and 2s5 soils are coloured green and Class 3e3 soils are coloured aqua.



Source: Waikato District Council's Intramap

248. The properties at 105 and 105A Hall Road are located outside of Future Proof's indicative urban limits and they are not signalled for urban development in Waikato 2070.
249. The submitter requests a Country Living Zone for these reasons:
- (a) A previous owner obtained subdivision consent some 19 years ago for a 34-lot farm park, with the balance titles retained for farming. This consent was never given effect to (and has therefore lapsed).
 - (b) There is a desire for lifestyle blocks which are self-serviced and contain adequate space for small-scale agriculture or livestock raising and retain a peri-rural outlook and character.
 - (c) Good links are available to Te Kauwhata and the wider area, given the Waikato Expressway.
250. Three opposing further submissions have been received from *Waikato Regional Council* [FS1277.99], *Te Whakakitenga o Waikato Inc.* [FS1108.166] and *Mercury NZ Limited* [FS1388.521] for these various reasons:
- (a) The supply and location of large-lot residential and rural residential land must be considered strategically across the whole district.
 - (b) The district plan must give effect to Policy 6.17 and Implementation Method 6.1.5.
 - (c) The rezoning is opposed in principle.
 - (d) It is inappropriate to intensify or locate sensitive uses in areas of potential flood hazard risk until information is available to undertake a meaningful assessment.
251. I consider that the submitter's request to apply a CLZ to 105 and 105A Hall Road is problematic because:
- (a) It is not appropriate to rezone these properties on the basis of a subdivision consent which was considered in terms of an historic statutory framework and has since lapsed.
 - (b) Council's data indicates that Te Kauwhata's existing urban zones (which include the CLZ) provide sufficient capacity to meet the expected demand for growth in the short term, medium term and long term, therefore Objective 2 and Policy 2 in the NPS-UD are already given effect to.
 - (c) A CLZ in this location would be physically disjointed from Te Kauwhata as a result of intervening Rural-zoned properties and the Waikato Expressway, and would therefore not result in integrated land use and infrastructure planning and not give effect to Policy 10 in the NPS-UD.
 - (d) A low-density CLZ would not give effect to Objective 3.10 in the WRPS, in that the resulting development would not result in the efficient use and development of natural resources.
 - (e) A low-density CLZ would not give effect to Objective 3.12, and Policies 6.1 and 6.3 of the WRPS, in that it would not result in integrated, coordinated, sustainable and planned built development and associated land use.
 - (f) It would not give effect to Policy 6.14 in the WRPS, in that new urban development in this location would be outside Future Proof's indicative urban limits.
 - (g) It would not give effect to Policy 6.17 in the WRPS and, in particular, the submitter has not provided evidence that gives sufficient regard to the Section 6A general development principles and specific principles for rural-residential development.

- (h) It would not give effect to Objectives 3.25 and 3.26, and Policies 4.4 and 4.12 in the WRPS, in that a low-density CLZ would give rise to inappropriate subdivision, use and development of high class soils that need to be protected for the existing and foreseeable range of primary productive uses.
- (i) It would be inconsistent with Objective 4.1.1 of the PWDP, in that low-density urban development in this location would not achieve liveable, thriving and connected communities that are sustainable, efficient and coordinated.
- (j) It would be inconsistent with Policy 4.12 of the PWDP, in that it would not result in a consolidated settlement pattern.
- (k) It would be inconsistent with Policy 4.1.12 of the PWDP, which nominates Lakeside as the only area that provides for future growth in the medium term.
- (l) It is inconsistent with the settlement pattern anticipated by Waikato 2070.
- (m) The submitter has not provided evidence to address all of the above concerns.

Recommendations on I05 and I05A Hall Road

252. For the reasons above, I recommend that the hearings panel:

- (a) **Reject** Tui Ridge Limited [508.1].
- (b) **Accept** *Waikato Regional Council [FSI 277.99], Te Whakakitenga o Waikato Incorporated [FSI 108.166] and Mercury NZ Limited [FSI 388.521].*

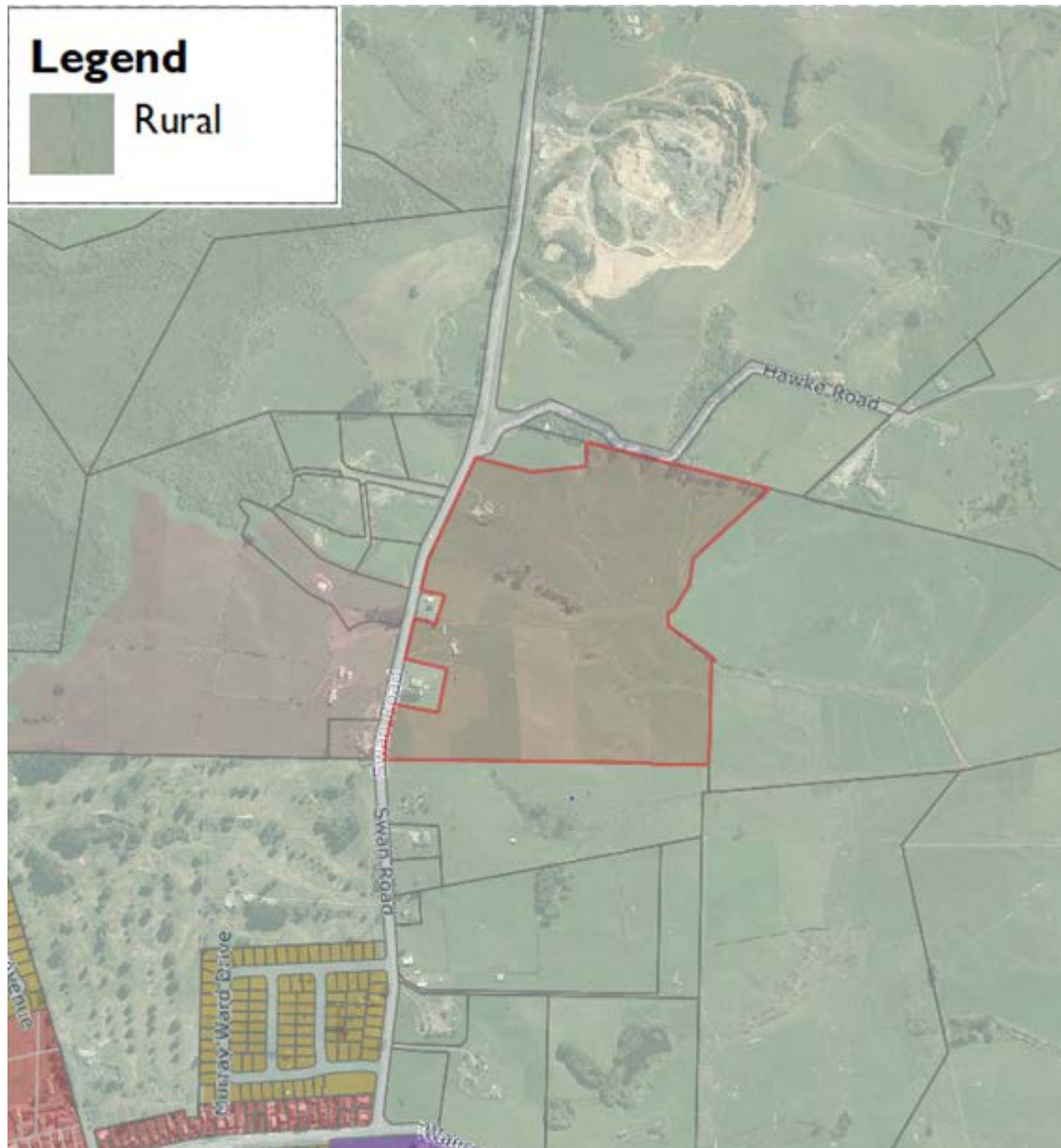
Section 32AA Evaluation

253. No section 32AA evaluation is necessary in this instance, as there is no recommendation to change the notified Rural zoning for I05 and I05A Hall Road.

116 Swan Road

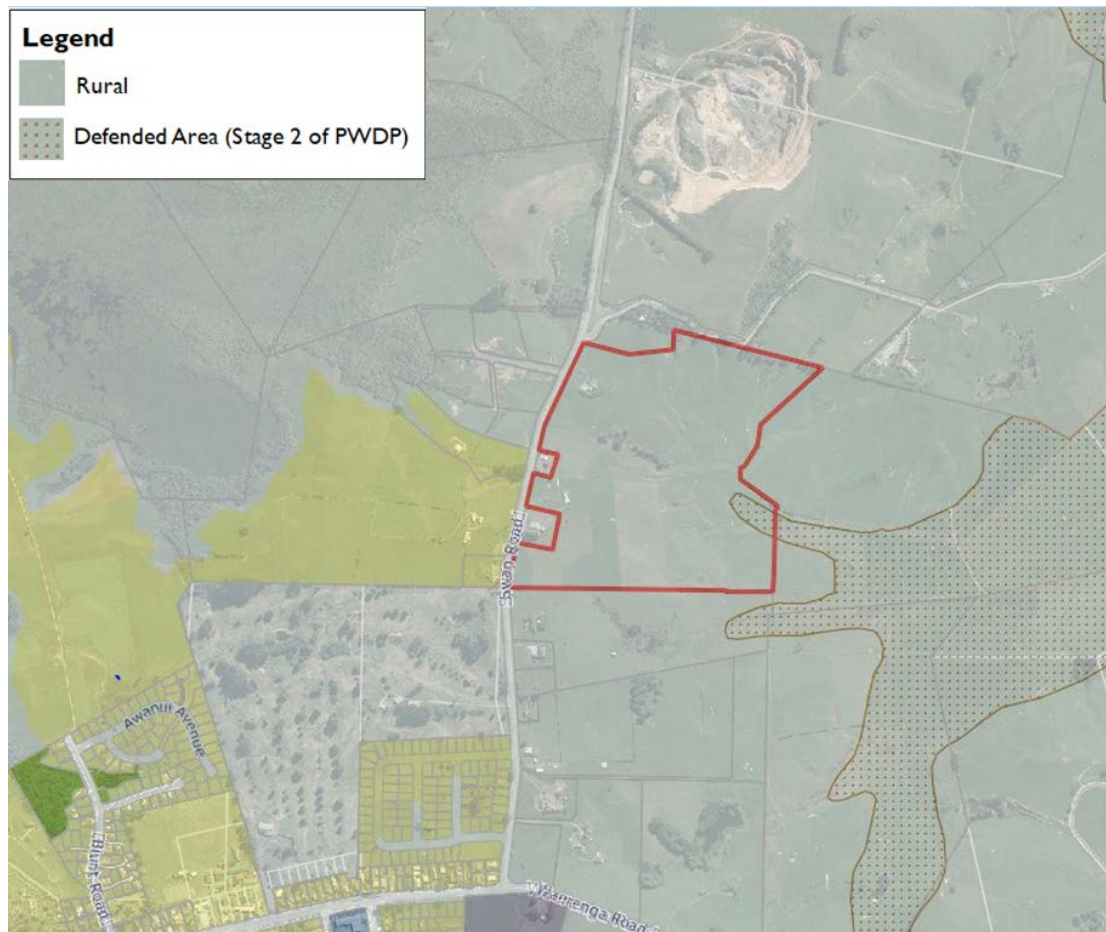
254. The 261.968 ha property at 116 Swan Road is owned by Kelvin and Joy Smith. Their submission [537.1] requests that this property be rezoned from Rural to Country Living.
255. This property is located outside Future Proof's indicative urban limits and it is not signalled for urban development in Waikato 2070.
256. The following maps indicate the location of this property in red outline and its Rural zoning in terms of the OWDP and PWDP.

Operative Rural Zoning – 116 Swan Road

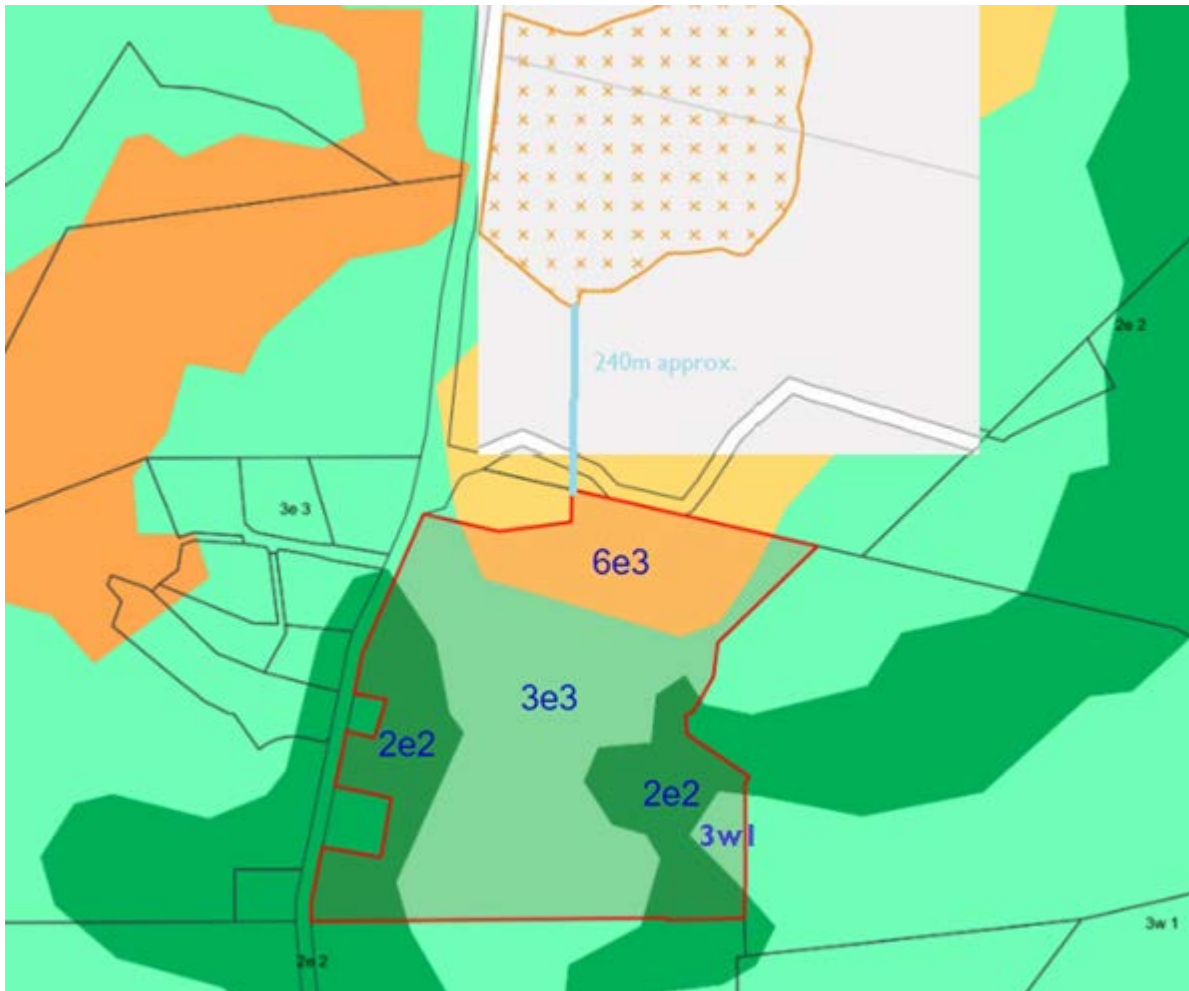


Proposed Rural Zoning – 116 Swan Road (PWDP)

257. Stage 2 of the PWDP indicates the location of a 'Defended Area' at the rear eastern end of this property.



258. The next map indicates the substantial portion of high class soils (i.e. Classes 2e2, 3w1 and 3e3) within 116 Swan Road and the crossed 'Aggregate Extraction Area' from the planning maps, which corresponds with the existing quarry approximately 240 metres to the north.



Source: Waikato District Council's Intramap

259. Kelvin and Joy Smith's submission [537.1] requests that this property be rezoned from Rural to Country Living for the following reasons:
- (a) The recent residential zoning across the road will significantly reduce the farming of their block, given the use of sprays and machinery.
 - (b) The topography is rolling and flat.
 - (c) The property is close to Te Kauwhata.
 - (d) Hawke Road properties on the boundary could be better serviced with a new road running through 116 Swan Road.
260. Three opposing further submissions have been received from *Te Whakakitenga o Waikato Incorporated* [FSI108.169], *Waikato Regional Council* [FSI277.100] and *Mercury NZ Limited* [FSI388.729] for these various reasons:
- (a) The supply and location of large-lot residential and rural residential land must be considered strategically across the whole district.
 - (b) The district plan must give effect to Policy 6.17 and Implementation Method 6.1.5.

- (c) The rezoning is opposed in principle.
- (d) It is inappropriate to intensify or locate sensitive uses in areas of potential flood hazard risk until information is available to undertake a meaningful assessment.

261. I consider that the submitter's request to apply a CLZ to 116 Swan Road is problematic because:

- (a) Council's data indicates that Te Kauwhata's existing urban zones (which include the CLZ) provide sufficient capacity to meet the expected demand for growth in the short term, medium term and long term, therefore Objective 2 and Policy 2 in the NPS-UD are already given effect to.
- (b) A low-density CLZ in this location would not result in integrated land use and infrastructure planning and not give effect to Policy 10 in the NPS-UD.
- (c) A low-density CLZ would not give effect to Objective 3.10 in the WRPS, in that the resulting development would not result in the efficient use and development of natural resources.
- (d) A low-density CLZ would not give effect to Objective 3.12, and Policies 6.1 and 6.3 of the WRPS, in that it would not result in integrated, coordinated, sustainable and planned built development and associated land use.
- (e) It would not give effect to Policy 6.14 in the WRPS, in that new urban development in this location would be outside Future Proof's indicative urban limits.
- (f) It would not give effect to Policy 6.17 in the WRPS and, in particular, the submitter has not provided evidence that gives sufficient regard to the Section 6A general development principles and specific principles for rural-residential development.
- (g) It would give effect to Implementation Methods 6.1.2, 6.1.5 and 6.8.3 of the WRPS, in that the submitter has not provided evidence to address the matter of reverse sensitivity, particularly in regard to the existing quarry located towards the end of Swan Road.
- (h) It would not give effect to Objectives 3.25 and 3.26, and Policies 4.4 and 4.12 in the WRPS, in that a low-density CLZ would give rise to inappropriate subdivision, use and development of high class soils that need to be protected for the existing and foreseeable range of primary productive uses.
- (i) It would be inconsistent with Objective 4.1.1 of the PWDP, in that low-density urban development in this location would not achieve liveable, thriving and connected communities that are sustainable, efficient and coordinated.
- (j) It would be inconsistent with Policy 4.12 of the PWDP, in that it would not result in a consolidated settlement pattern.
- (k) It would be inconsistent with Policy 4.1.12 of the PWDP, which nominates Lakeside as the only area that provides for future growth in the medium term.
- (l) It is inconsistent with the settlement pattern anticipated by Waikato 2070.
- (m) The submitter has not provided evidence to address all the above concerns.

262. Accordingly, I recommend that submission [537.1] be rejected.

Recommendation on 116 Swan Road

263. For the reasons above, I recommend that the hearings panel:

- (a) **Reject** Kelvin and Joy Smith [537.1]

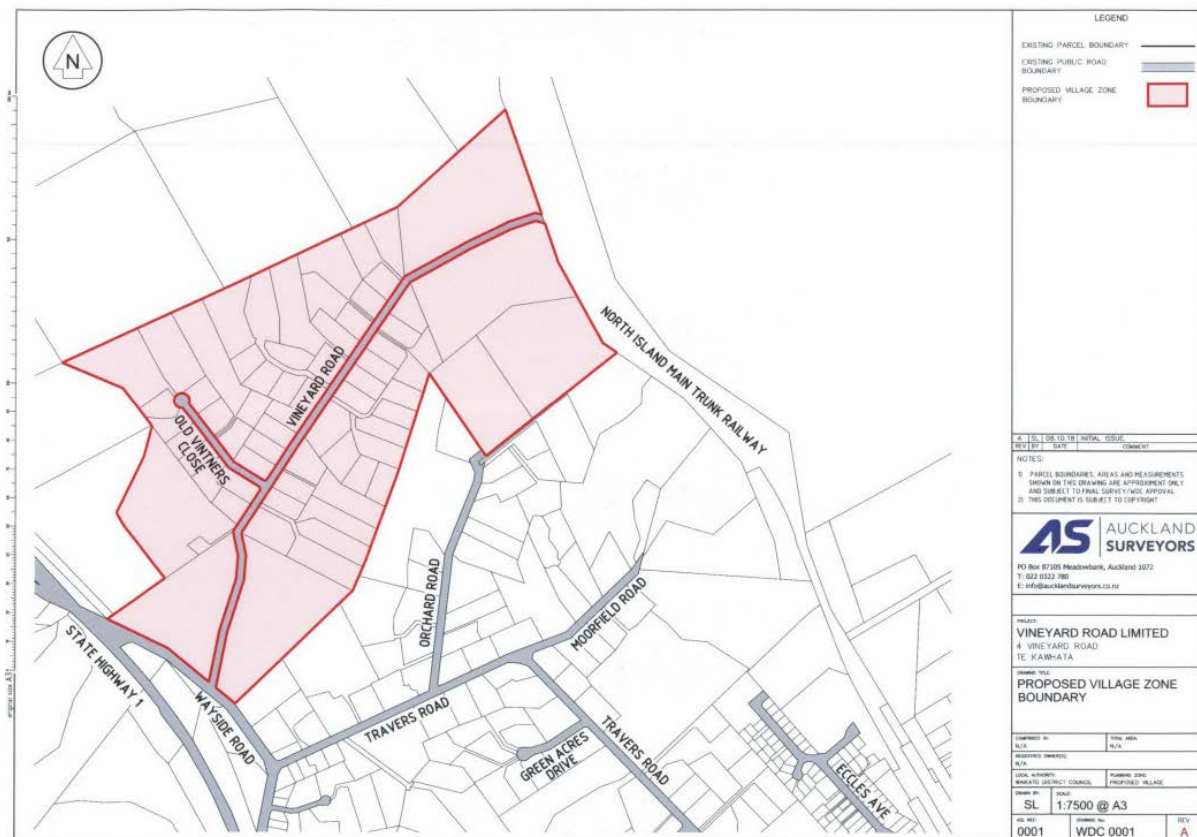
- (b) **Accept** *Te Whakakitenga o Waikato Incorporated [FSI 108.169], Waikato Regional Council [FSI 277.100] and Mercury NZ Limited [FSI 388.729].*

Section 32AA Evaluation

264. No section 32AA evaluation is necessary in this instance as there is no recommendation to change the notified Rural zoning for 116 Swan Road.

Vineyard Road Properties Limited / Muirlea

265. Mr Julian Dawson (legal counsel) lodged the original submission [626.1] on behalf of Vineyard Road Properties Limited, requesting that various properties shown in red outline on their map below be rezoned from Country Living to Village. All of these properties are zoned Country Living in terms of both the OWDP and PWDP.
266. The identified properties are located in the northern part of Te Kauwhata, just inside Future Proof's indicated urban limits, and they are signalled for Country Living development in Waikato 2070 within a timeframe of 1-3 years.



267. The submitter's reasons for a Village Zoning are:
- (a) The PWDP fails to provide an appropriate and efficient opportunity for rural-residential lifestyle development in a manner that best utilises the land resource and reduces pressure of subdivision within rural areas.
 - (b) The Country Living Zone provides for an inefficient rural-residential opportunity because at 5000m², the lots are too small to be productive or grazed, yet too big to be easily managed as lifestyle properties. In comparison, 2000m² still creates a rural-residential character of open space.

- (c) A Village Zone would appropriately provide for that efficient subdivision opportunity, but even at 3000m², this is inefficient because on-site servicing can still be achieved with 2000m².
 - (d) The identified properties on Vineyard Road exhibit a compromised and fragmented rural character, so rural-residential development would not compromise productive potential and will be the best use of the land resource.
 - (e) Changing the zoning from Countryside Living to Village would give effect to the NPS-UDC (2016).
 - (f) A Village Zone is proposed at Te Kowhai and Tuakau, therefore a precedent is already set.
 - (g) Future Proof 2017 aims to achieve a more compact and concentrated urban form over time and a density target of 12-15 households/ha in this location.
 - (h) A Village Zone would not increase the loss of 'productive rural land' given the nature of the existing Country Living Zone.
 - (i) No section 32 rationale has been given for a Country Living Zone – it is neither rural, nor rural-residential.
268. Two supportive further submissions were lodged by *Ethan and Rachael Findlay [FSI 1311.21]* and *Bowrock Properties Limited [FSI 197.26]*. Given the intent of the rezoning request, they say a Village Zone would allow the most efficient land use.
269. The remaining 18 further submissions oppose the requested Village Zone for these reasons:
- (a) Landowners bought from the developer in good faith, with the expectation that these properties would retain their rural character and outlook.
 - (b) The demand for smaller sites has not increased because the housing market had slowed in Auckland and Hamilton during the period 2016-2018.
 - (c) Resulting loss of privacy and potential overshadowing from more intensive building development.
 - (d) More development will worsen the existing situation where properties in this location are already under-serviced, and more development will worsen this situation.
 - (e) Increased development would conflict with the existing private covenants that were imposed by the developer.
 - (f) Resulting overcapitalisation.
 - (g) Negative impact on property values, potential resale, mortgages and insurance packages.
 - (h) Concerns with flooding.
 - (i) Increase in traffic volume and noise.
 - (j) Increase in construction noise.
 - (k) Decrease in traffic safety.
 - (l) Off-street parking concerns.
269. Planning evidence lodged by Mr Nick Williamson advises that the geographic extent of the original submission lodged by Vineyard Road Properties is now significantly reduced, so that the request for a Village Zone relates only to titles owned by Muirlea Limited (Muirlea). Paragraph 38 of his evidence states that this position was confirmed by the submitter's counsel (Mr Julian Dawson) at the earlier Hearing 6 (Village Zone).

270. Therefore, when Mr Williamson's evidence was filed, he indicated that this Figure 1a image illustrated the proposal being advanced by Muirlea with agreement from Vineyard Road Properties.

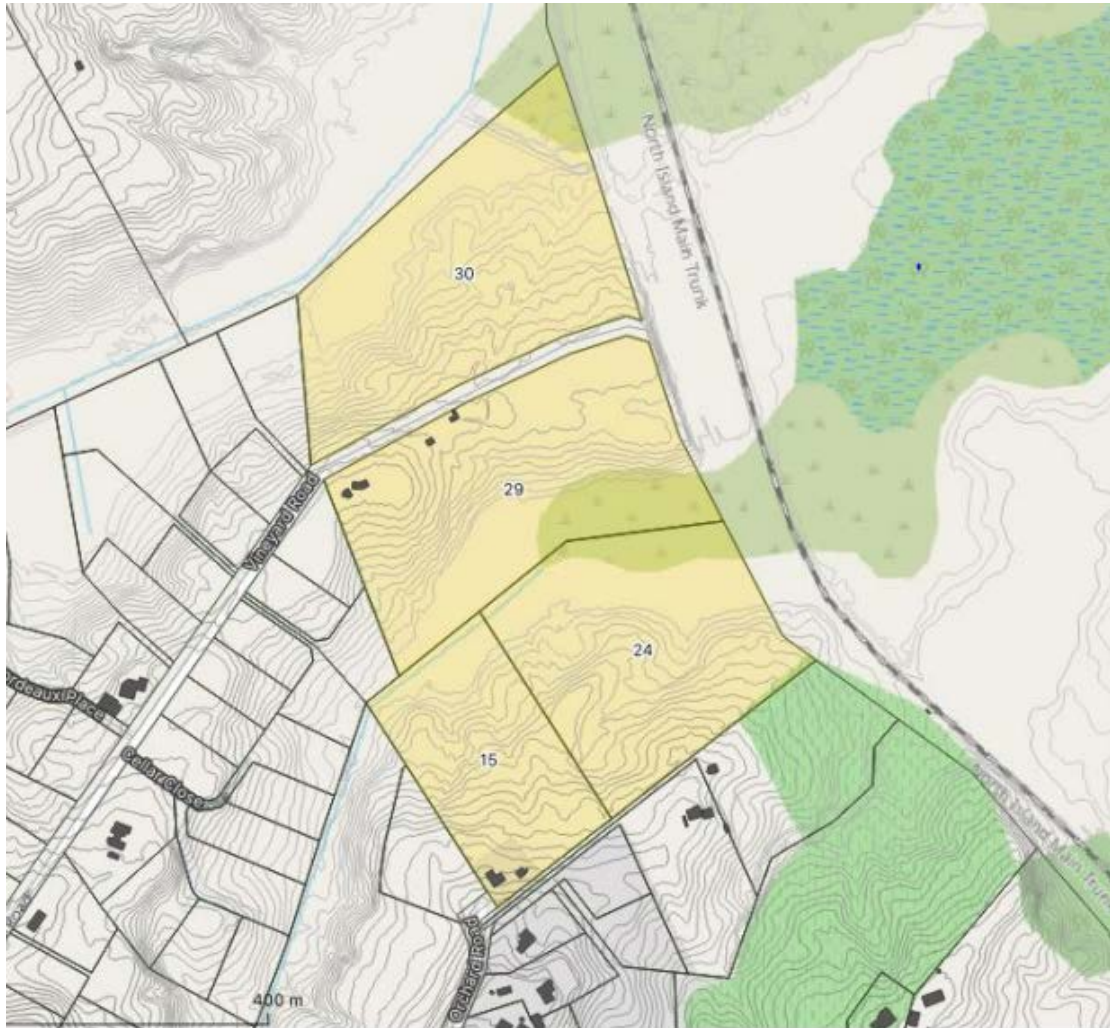
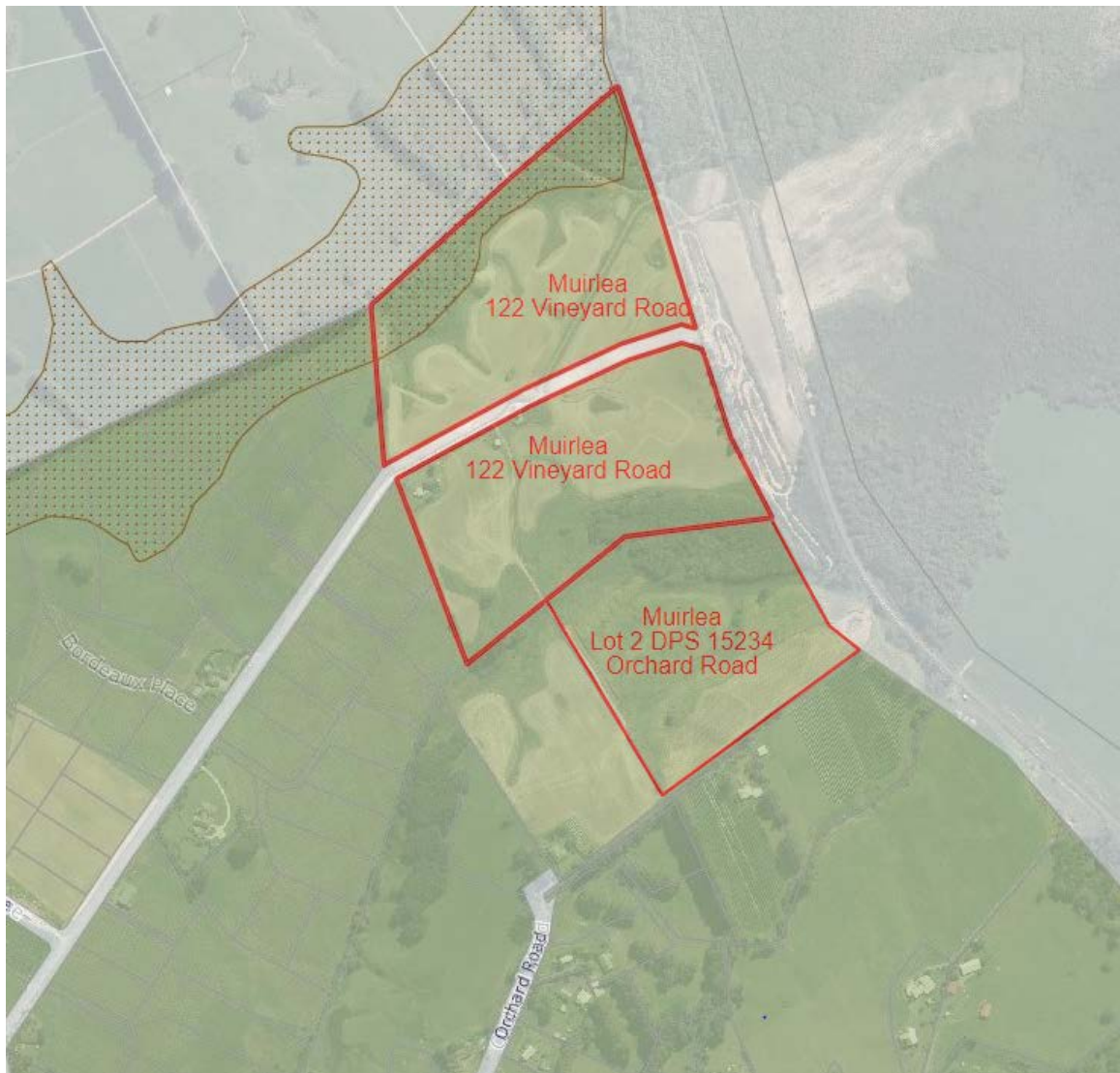


Figure 1a – Extent of current proposal

271. However, following lodgement of Mr Williamson's evidence, Mr Dawson advised that Figure 1a has mistakenly included the property shown by number 15. That property at 64 Orchard Road is owned by Margaret and Philip Hitchcock, not Muirlea.
272. I have therefore developed the following map to assist in understanding which properties submission [626.1] is now confined to.

Map showing revised extent of submission [626.1]



273. This map also indicates that a northern portion of 122 Vineyard Road comprises a 'Defended Area' (shown with brown dots) in terms of Stage 2 of the PWDP.
274. In summary, Mr Williamson's evidence states that:
- (a) The proposed CLZ for Muirlea's landholdings is inappropriate, given the foreseeable demand and requirements for housing in this location.
 - (b) A Village zoning will provide greater efficiency of land use and better achieve the objectives of the PWDP and higher-order planning documents.
 - (c) A minimum lot size of 3000m² within a Village Zone would not achieve 8-10 dwellings/ha, nor would a minimum 2500m² lot size, as recommended in the section 42A report for earlier Hearing 6 (Village Zone).
 - (d) There is no justification for a minimum lot size of 5000m² in the CLZ, other than it being a carry-over from the Waikato Section of the OWDP. By comparison, the Franklin Section specifies a minimum lot size of 3000m² in the existing Rural Residential Zone and, prior to the formulation of the Auckland Unitary Plan, the Runciman Road CLZ in Auckland Council's jurisdiction set a density of one lot/2.5ha gross site area with a net minimum of 2500m² for new lots.

- (e) The Village Zone provides for 3000m² lots where no reticulation is available and 1000m² for serviced lots. By comparison, lots that are in operative Village Zones in the Franklin Section require a minimum size of 800m² for serviced lots and 2500m² for unserviced lots. For 'Village Growth Areas' in the Franklin Section, minimum lot sizes are determined by structure plans.
 - (f) The minimum lot size of 3000m² in the proposed Village Zone does not clearly distinguish between the objectives sought for a Village Zone and CLZ.
 - (g) Te Kauwhata contains 236 ha of CLZ, comprising 190 sites with an average size of 5941m². After discounting existing sites that are less than one hectare (because of them not being able to be subdivided into two 5000m² lots), there is potential for this CLZ to theoretically yield a further 238 lots. In practice however, only 20-25% of developable sites would be created every two years.
 - (h) Zoning 236 ha of CLZ at Te Kauwhata for a maximum yield of 238 lots is very inefficient, particularly when compared with the proposed 132 ha of Village Zone at Te Kowhai which could theoretically yield 406 new lots.
275. While Mr Williamson states (at paragraph 10) that his evidence only applies to the landholdings owned by Muirlea, he sets out various scenarios for lot yield within the larger area described in the original submission lodged by Vineyard Road Properties, depending on different minimum lots sizes and whether a CLZ or Village Zone were to apply. He considers that the scope of the original submission should be drawn on, regardless of the submitter's advice about reducing the submission's geographic extent.
276. As a consequence of Mr Dawson's advice in earlier Hearing 6 and Mr Williamson's evidence that submission [626.1] now only relates to the Muirlea properties, my analysis does not extend to all properties that were originally identified. Notwithstanding this situation, the crux of the issue here is what zone is appropriate for this location, rather than the subdivision provisions for the Village Zone (i.e. lot yield) which were addressed earlier in Hearing 6. For this reason, I have not considered Mr Williamson's yield calculations in reaching a recommendation on this original submission.
277. I consider that the requested Village zoning, for the Muirlea properties at 122 Vineyard Road and Lot 2 DPS 15234 on Orchard Road, is problematic because:
- (a) Council's data indicates that the existing urban zones within Te Kauwhata provide sufficient capacity to meet the expected demand for growth in the short term, medium term and long term, and therefore Objective 2 and Policy 2 in the NPS-UD are already given effect to.
 - (b) A low-density Village Zone at the perimeter of Te Kauwhata's urban limits would not result in integrated land use and infrastructure planning, therefore would not give effect to Policy 10 in the NPS-UD.
 - (c) A low-density Village Zone would not give effect to Objective 3.10 in the WRPS, in that the resulting development would not result in the efficient use and development of natural resources.
 - (d) A low-density Village Zone would not give effect to Objective 3.12, and Policies 6.1 and 6.3 of the WRPS, in that it would not result in integrated, coordinated, sustainable and planned built development and associated land use.
 - (e) It would result in an undesirable 'spot zone', which is not supported by paragraph 161 clause (i) in the s42A framework report.

- (f) It would be inconsistent with Objective 4.1.1 of the PWDP, in that low-density urban development in this location would not achieve liveable, thriving and connected communities that are sustainable, efficient and coordinated.
- (g) It would be inconsistent with Policy 4.12 of the PWDP, in that the resulting 'outside in' low-density urban development would not achieve a consolidated settlement pattern.
- (h) It would be inconsistent with Policy 4.1.12 of the PWDP, which nominates Lakeside as the only area that provides for future growth in the medium term.
- (i) It is inconsistent with the settlement pattern anticipated by Waikato 2070.
- (j) The submitter's evidence has not addressed all the above concerns.

Recommendations

278. For the reasons above, I recommend that the hearings panel:

- (a) **Reject** Vineyard Road Properties Limited [626.1], Bowrock Properties Limited [FS1197.26] and Ethan and Rachael Findlay [FS1311.21].
- (b) **Accept** Micheline Newton and Michael Klaja [FS1014.1], Michael Klaja [FS1015.2], Murray Allen [FS1024.1], Robyn Allen [FS1025.1], Eden Allen [FS1026.1], Lynne Glover [FS1052.1], Heather and Lew Richardson [FS1115.1], Karen Broun [FS1122.1 and FS1122.2], Murray Broun [FS1124.1], Jasmine Faulkner [FS1128.1], Dave Roebuck [FS1133.1], Glover Family Trust [FS1144.1], Kirsty Jean Laker [FS1249.1], Heather Joy McRobbie [FS1255.1], Danny John Laker [FS1257.1], Brian Charles Julian [FS1259.1] and Mercury NZ Limited [FS1387.20].

Section 32AA Evaluation

279. No section 32AA evaluation is necessary in this instance, as there is no recommendation to change the notified CLZ for the Muirlea properties at 122 Vineyard Road and Lot 2 DPS 15234 Orchard Road.

4.15 Requests for Business Zoning

Submissions

280. The four original submissions listed in the table below request that:

- (a) 15 titles on Saleyard Road be located in a Business Zone rather than Business Town Centre Zone.
- (b) 10 Baird Road be located in a Business Zone rather than Business Town Centre Zone.
- (c) Part of 4, and 8, 10, 16 and 24 Wayside Road be zoned Business rather than Residential.

Submission point	Submitter	Decision requested
392.1	Hugh Green Limited	<p>Amend the zoning of the following properties at Saleyard Road, Te Kauwhata from Business Town Centre to Business:</p> <p>Legal Description Certificate(s) of Title Section 59 Town of Te Kauwhata SA63B/35 and SA63B/36 Part Allotment 544, 546 Parish of Whangamarino and Defined on Deposited Plan 25060 SA31D/969, SA31D/970 and SA31D/971 Lot 5 Deposited Plan South Auckland 18623 SA57C/113, SA31D/972 and SA31D/973 Lot 1 Deposited Plan South Auckland 17707 SA31D/318, SA31D/319 and SA31D/320 Allotment 548 Parish of Whangamarino SA49D/648 Lot 1 Deposited Plan South Auckland 58730 SA50D/460 Lot 2 Deposited Plan South Auckland 58730 SA50D/503 Lot 2 Deposited Plan South Auckland 17707 SA16C/1076 AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.</p>
403.6	Doug Nicholson	Amend the zoning for the property at 10 Baird Avenue, Te Kauwhata from Business Town Centre to Business Zone
FS1078.6	Hugh Green Limited	Support

679.1	Greenways Orchards Limited	Amend the zoning of the properties in Te Kauwhata listed below from Residential Zone to Business Zone: Part of 4 Wayside Road (to be a split zone) 8 and 10 Wayside Road 16 and 24 Wayside Road Refer to the map in this submission which indicates the extent of Business zoning requested by this submitter
FSI150.1	Te Kauwhata Land Limited	Support
FSI387.150	Mercury NZ Limited	Oppose
687.7	Campbell Tyson	Amend the zoning at 4 (partial - split zone), 8, 10, 16 and 24 Wayside Road, Te Kauwhata from Residential Zone to Business Zone (see figure 4 in the submission for land identified)
FSI150.7	Te Kauwhata Land Limited	Support
FSI387.272	Mercury NZ Limited	Oppose

Analysis

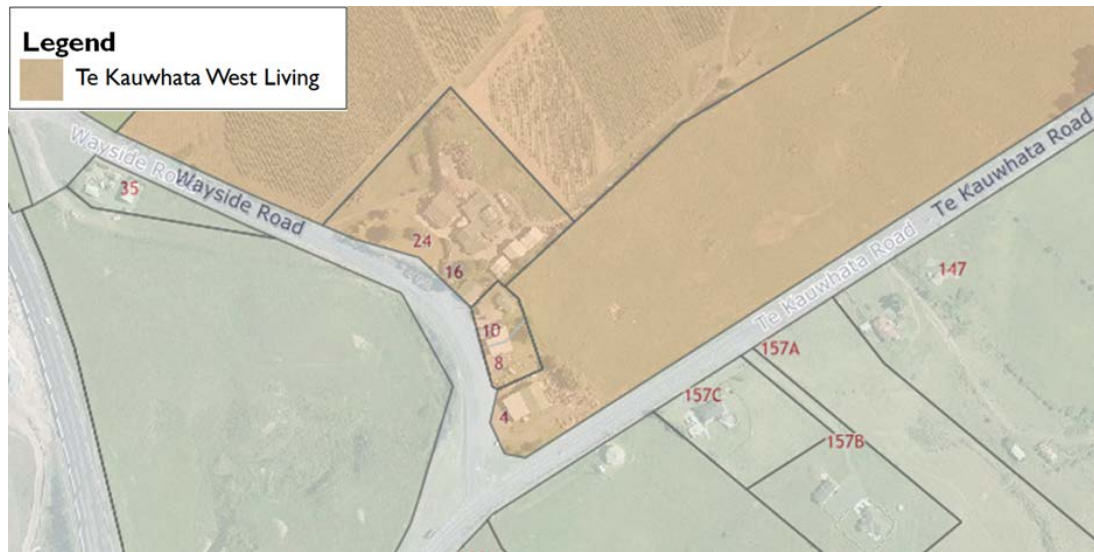
4, 8, 10, 16 and 24 Wayside Road

281. The submissions from Greenways Orchard Limited [679.1] and Campbell Tyson [687.7] both seek a Business Zone for part of 4, and 8,10, 16 and 24 Wayside Road. The following map from Campbell Tyson's submission indicates the extent of this zoning request (coloured blue).



282. The next maps indicate the zoning of this location in terms of the OWDP and PWDP.

Operative Te Kauwhata West Living Zone – 4, 8, 10, 16 and 24 Wayside Road



Proposed Residential Zone – 4, 8, 10, 16 and 24 Wayside Road (PWDP)

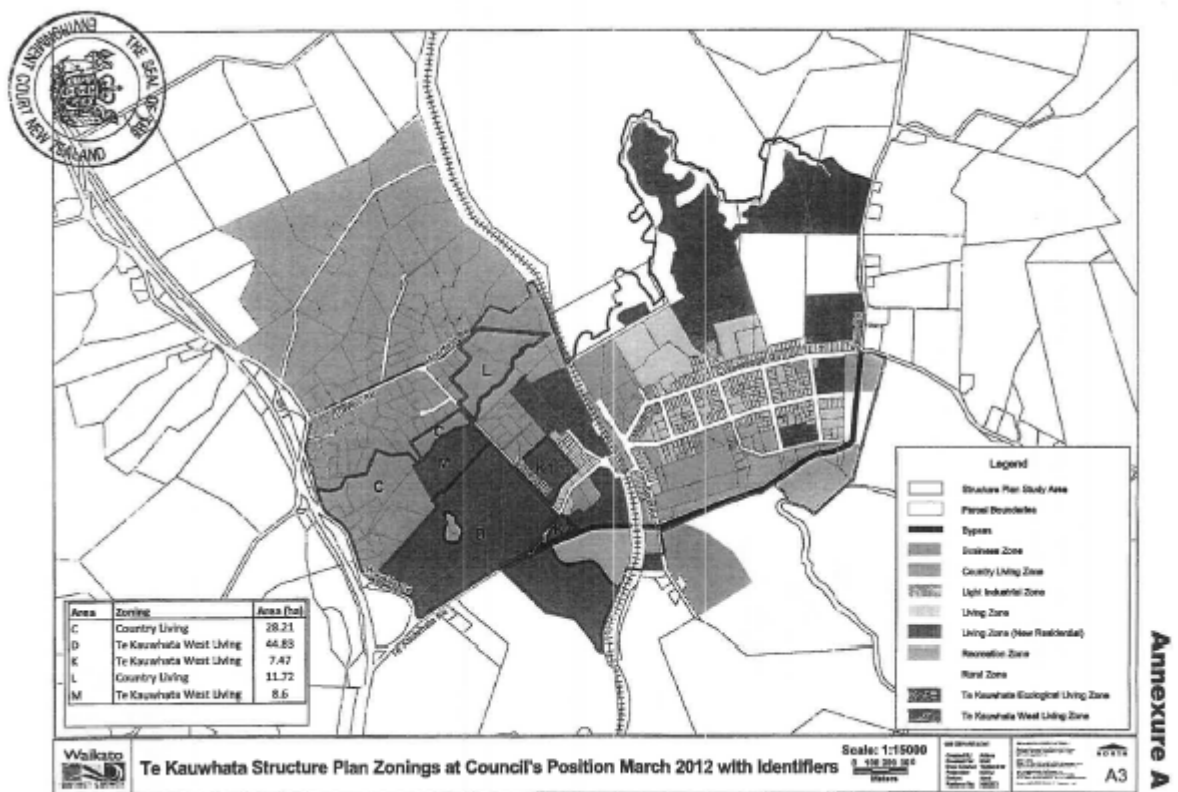


283. The submitters request a Business zoning for these reasons:

- (a) A number of post-harvest buildings are located on the property at 16-24 Wayside Road which have been used for the packing, distribution and sale of fresh produce.
- (b) A Business Zone would protect the existing business activities and capital investment.
- (c) The sites are near State Highway 1, therefore subject to a high number of passing vehicle users, including residents of Te Kauwhata.
- (d) A Business Zone would allow a diversity of land use.
- (e) Noise, glare, emissions from traffic and associated infrastructure on State Highway 1 would result in conflicts with residential use and the need for a higher level of on-site amenity.

- (f) A Business Zone would provide a buffer between the State Highway 1 on-ramp and the Residential Zone.

284. I consider that *Te Kauwhata Land Limited* needs to clarify their two supportive further submissions [FS1150.1 and FS1150.7] at the hearing. This is because both submission points appear to contain two contradictory statements. On the one hand they oppose the retention of the Residential West Te Kauwhata Overlay at 4 Wayside Road and state that the land should be zoned for standard residential purposes. On the other hand, they support the rezoning of 4, 8, 10, 16 and 24 Wayside from Residential to Business, as long as any effects from commercial uses on adjoining residential land uses are appropriately managed.
285. In respect to Mercury's opposing further submissions [FS1387.150 and FS1387.272], Stage 2 of the PWDP does not identify these properties as containing any natural hazard.
286. The operative Te Kauwhata West Living Zone is the result of the Environment Court's decision on Variation 13. The 44.83 ha area of land annotated as 'D' in following Annexure A of that decision encompasses 4, 8, 10, 16 and 24 Travers Road.



287. I consider that the following paragraphs in the Environment Court's decision remain relevant to this location.

'[41] ... For our part, we have concluded that the potential rezoning of the land D and M is an appropriate extension to Te Kauwhata for the following reasons:

[a] There is already residential development on the western side of the railway line;

[b] The railway does not divide the town in any cultural sense, it simply limits access points;

[c] The area will always be seen as part of Te Kauwhata because it sits between State Highway 1 and the centre of the town;

[d] The main access road to Te Kauwhata is Te Kauwhata Road. Although an alternative might be to use Travers Road, this would travel around the boundary of the subject site.

[42] Accordingly, we have concluded that the WDP anticipates residential development around Te Kauwhata and that Areas D and M are appropriate for it. Clearly both the Country Living Zone or other Living Zones would be appropriate zonings on this site. To ascertain the justification for the Te Kauwhata West Living Zone, we must turn to the Variation 13.

[62] The purpose of the Court's examination is to discuss which zone is most appropriate or better for this site. Given the matrix of objectives and policies supporting the Te Kauwhata West Living Zone it is difficult to see how the Court would be able to reach any other conclusion that that the specialised zoning designed for these areas is the more appropriate zone. It is clearly more efficient in terms of land use and enabling the utilisation of infrastructure, including waste water treatment.

[71] Overall we conclude that the appropriate zoning of this area is Te Kauwhata West Living Zone. This will achieve the purposes of the Act and the objectives and policies of the Plan.'

288. In the 9 years that have passed since this Court's decision, the need to provide for more intensive housing development within the Te Kauwhata Structure Plan area has become even more pressing. Council's proposal to retain a residential zoning here is a response to this pressure.
289. While I accept that a Business Zone would also give effect to Policy 2 in the NPS-UD, the submitters have not provided evidence to support such zoning in this particular location. Retaining the supply of residential zoning in this location would give effect to Objective 2 in the NPS-UDC, because it would assist in improving housing affordability by supporting competitive land and development markets. Conversely, a Business Zone in this location would not give effect to this Objective 2.
290. In terms of the WRPS, I am concerned that the requested Business Zone would not give effect to Objective 3.12, in that permitting large-scale retail and commercial activities has the potential to generate reverse sensitivity effects. This is because such rezoning would have the result of creating a zone interface between Business and Residential zones, where no such interface currently exists. The certainty of effects from the existing business activities would therefore be replaced with uncertainty for adjacent residents in terms of what they might expect with the type and frequency of effects from future business activities. I consider this poor planning practice, meaning that the outcome would not give effect to Policy 4.1.
291. Similarly, Policy 6.1 would not be given effect to, in that the cumulative effects of subdivision, use and development for a Business zoning in this location and the general development principles in 6A have not been appropriately addressed by any submitter evidence.
292. It is also my opinion that a spot Business Zone in this location risks undermining the role of Te Kauwhata's town centre because of the substantial separation distance between them and therefore the lack of consolidation. Without submitter evidence, I am therefore left to conclude that this requested zoning would not give effect to Policy 6.16.
293. In respect to the PWDP, I consider that a Business zoning in this location would be inconsistent with Objectives 4.1.1 and 4.5.4, in that it would not facilitate a coordinated community and it does not complement or support the role of Te Kauwhata's business town centre.

294. I note that Waikato 2070 signals the development of a 'Commercial and Industrial Activity Zone' in this vicinity within a 10-30 year time frame. Notwithstanding that this signals this type of development outside the 10-year life of the district plan, the requirement to 'have regard' to this non-statutory document is overridden by the mandatory directive to give effect to Objective 2 and Policy 2 in the NPS-UD which, together, place significant emphasis on retaining, rather than diminishing, the existing stock of residential land.
295. It is also my opinion that any increase in the stock of Business-zoned land at Te Kauwhata should be subject to a comprehensive investigation that addresses reverse sensitivity effects, economics, traffic impact and urban form. I do not consider it prudent to rezone on the basis of submissions that are not supported by evidence on these matters.
296. The submitters suggest that a Business Zone would protect their activities and capital investment. In my view, however, if these activities were legally established and remain in operation, then they are already afforded statutory protection by virtue of existing use rights in terms of section 10 of the RMA. These rights would enable some extent of future development, provided that the effects of the business use are the same or similar in character, intensity, and scale to those which existed before notification of the PWDP. I consider that this situation is no different to that when Variation 13 was decided by Council and when the Environment Court reached its decision to apply a residential zone here rather than a Business Zone. From my research to date, it is not abundantly clear whether existing use rights apply at the present time and no submitter evidence has been provided on this matter. It would be helpful for the submitters to provide further detail at the hearing.

Recommendations on requests for Business zoning at 4, 8, 10, 16 and 24 Wayside Road

297. For the reasons above, I recommend that the hearings panel:
- (a) **Reject** Greenways Orchards Limited [679.1]
 - (b) **Reject** Campbell Tyson [687.7]
 - (c) **Reject** Te Kauwhata Land Limited [FS1150.1 and FS1150.7]
 - (d) **Accept** Mercury Energy Limited [FS1387.150 and FS1387.272].

Requests to amend the extent of the Business Town Centre Zone

298. I have grouped together the two submissions from Hugh Green Limited (Hugh Green) [392.1] and Doug Nicholson [403.6], as they both deal with the proposed Business Town Centre Zone (BTCZ), which applies to the block of land between Saleyard Road and Baird Road.
299. Hugh Green requests that the spatial area of the proposed BCTZ be substantially reduced so that the land described in their submission is zoned Business instead. Their reasons for reducing the extent of BCTZ are:
- (a) There is no clear justification for a BCTZ.
 - (b) A Business Zone provides for a greater variety of activities.
 - (c) There is currently a small amount of Business-zoned land in Te Kauwhata and none is vacant.
 - (d) Large-scale retail is needed to support the town centre (such as a supermarket).

300. Doug Nicholson's property at 10 Baird Road is located within the area which is the subject of Hugh Green's submission. He also requests that a Business Zone for his property, for the reason that it does not have main street frontage.
301. The following map indicates the geographic extent of Hugh Green's submission [392.1] in red outline, Mr Nicholson's property within it, and the zoning of this location in terms of the OWDP. Note that the operative Business Zone is shown in blue and the operative Mixed Use Policy Area is shown with diagonal purple lines.

Operative Business Zone and Mixed Use Policy Area



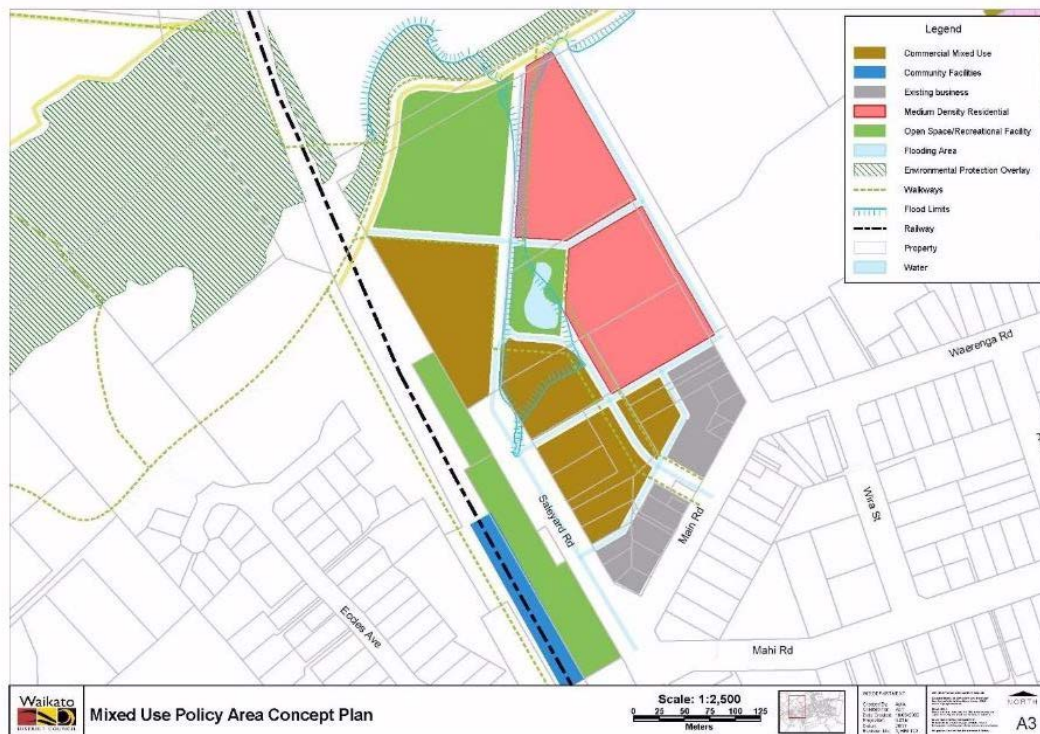
302. The operative Mixed Use Policy Area was introduced through the Te Kauwhata Structure Plan and Variation 13. Rule 23A.3 in the OWDP says this:

23A.3 Mixed Use Policy Area

The Mixed Use Policy Area is an extension of the existing town centre encompassing the area bounded by Saleyard Rd and Baird Ave to the boundary of the Whangamarino Wetland and has an underlying Business Zone. The type of activity expected in the Mixed Use Policy Area is similar to the activities expected in a standard Business Zone elsewhere in the district, such as retailing, office accommodation, professional rooms as well as medium density residential, travellers accommodation and community facilities. The purpose of the policy area is to ensure that an integrated approach to development is undertaken to establish a range of activities that suit the area and cater for the expected growth of the village. Without this integrated approach each landowner could develop individually and the expected outcome for the area would not be achieved.

It is envisaged that the area will create an attractive and lively extension for business activities that will promote a mix of retail, community facilities, business and residential uses while maintaining views and pedestrian access to the Whangamarino Wetland. Activities should be attractively designed, easily accessible and fully integrated into the surrounding environment. Ecological enhancement and connection of the Whangamarino Wetland to the town centre promotes integration with one of the most important natural features of New Zealand. Community facilities are seen as an integral component of the area and should be provided as and when the community requires them. Space for such facilities needs to be allocated at the outset of development so that the opportunity to develop the facilities is retained. Medium density housing development attractively designed that incorporates public open space will encourage the vibrancy of the area.

303. Rule 23A.4 provides for subdivision, use and development in this Mixed Use Policy Area as a restricted discretionary activity. This rule requires a comprehensive development plan that is in accordance with the following concept plan.



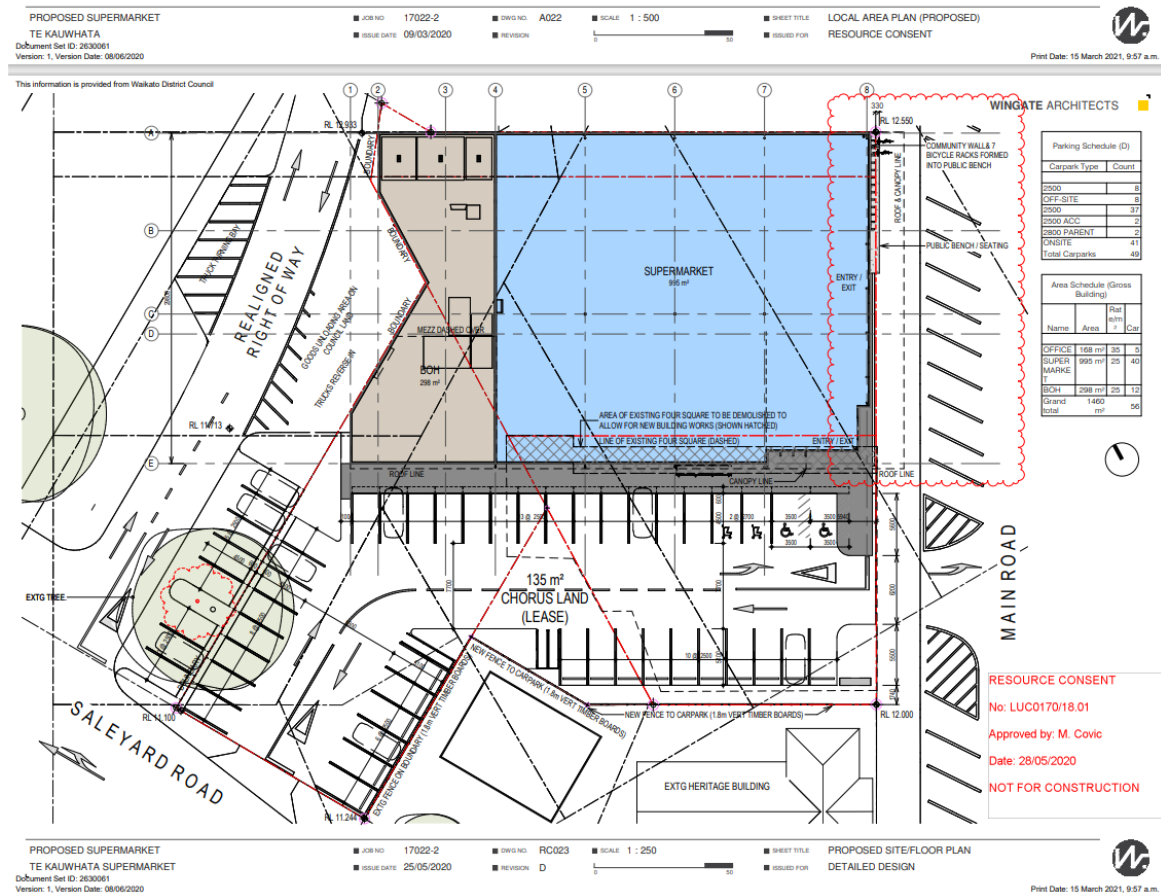
Proposed Business Town Centre Zone – Te Kauwhata (PWDP)

304. The next map indicates the geographic extent of submission [392.1] in red outline (which includes Mr Nicholson's property at 10 Baird Avenue), and the zoning of this location in terms of the PWDP.
305. Note the proposed BTCZ is coloured light blue on this map. The darker blue colour represents the proposed Business Zone and applies to the three properties on the eastern side of Baird Road.



306. Planning evidence from Mr Aaron Grey (CivilPlan Consultants) and economic evidence from Mr Adam Thompson has been filed for Hugh Green in support of expanding the Business Zone. In summary, their evidence contends that the allocation of 12 ha of Business-zoned land in Te Kauwhata is insufficient to provide for large-scale business activities. Evidence has not been filed by Mr Doug Nicholson.
307. Messrs Grey and Thompson state that vacant Business-zoned land needs to be provided for a supermarket. However, in preparing their evidence, they may have been unaware that the existing Four Square supermarket on 4 Main Road is to be soon demolished to make way for a carparking area that will be used by a new larger supermarket to be developed on the adjacent site at 6 Main Road.

308. The plan below indicates the approved building layout:



309. Resource consent for the new supermarket was issued in May 2020 and was required in terms of the operative Business Zone rules in the Waikato Section, only because various development standards would not be met, including traffic movements, landscaping, earthworks and signage. Building consent for the new supermarket was issued in February 2021. I invite Messrs Grey and Thompson to comment at the hearing as to whether this approved supermarket development changes their position in any way.
310. The operative Mixed Use Overlay is the result of the Te Kauwhata Structure Plan and Variation 13 to the OWDP, and was a direct response to the growth of Te Kauwhata's resident population projected at that time. It provides an opportunity for both residential and small-scale commercial activities to co-locate to increase the vibrancy of the town centre while maintaining views and pedestrian access to the Whangamarino Wetland.
311. As a result of the NPS-UD and current population and household projections, Te Kauwhata's existing urban footprint needs to accommodate even more capacity for housing and small-scale retail development. The proposed BTCZ therefore increases the area where small-scale retail and residential activities can co-locate so that it applies to the entire block of land between Saleyard Road and Baird Avenue, but directs that residential activities be located above ground level. If anything, I consider that the anticipated growth of Te Kauwhata supports an increase in the extent of small-scale retail businesses in the town centre, rather than a decreased scale, as sought by the submitters. In my opinion, larger-format retail activities should be located in the Business Zone and outside of the town centre, because they typically require large properties and are less reliant on pedestrian traffic.

312. While both the Business Zone and BTCZ provide for residential living above ground level, the primary difference is the scale of business activities at ground level. The need for this differentiation is reflected in Objective 4.5.1 and Policy 4.5.2, which direct that business town centres are maintained as the primary focal point for retail, administration, commercial services and civic functions where there is a high reliance on pedestrian traffic. In contrast, the Business Zone enables large-format retail but discourages small-scale commercial activities.
313. I consider that the submitters' request to reduce the extent of the BTCZ is problematic because:
- (a) It would not give effect to Policy 4.1 in the WRPS, in that it does not take a long-term strategic approach that recognises the changing environment and changing resource use pressures and trends.
 - (b) It would not give effect to Policy 6.16 in the WRPS, in that it would not provide for an appropriate variation of commercial development to meet the community's social and economic needs or support and sustain the vitality and viability of Te Kauwhata's commercial centre.
 - (c) It would be inconsistent with Objectives 4.5.2, 4.5.3 and 4.5.12 of the PWDP, in that it would erode the ability for the business town centre to be the primary focal point for retail, administration, commercial services and civic functions, and it would compromise the ability for the town centre to be developed in a functional and attractive manner, serving the needs of the community.

Recommendations on extent of Business Town Centre Zone

313. For the above reasons, I recommend that the hearings panel:
- (a) **Reject** Hugh Green Limited [392.1 and FS1078.6] and Doug Nicholson [403.6].

Section 32AA Evaluation

314. No section 32AA evaluation is necessary in this instance, as there is no recommendation to change the extent of the notified BTCZ at Te Kauwhata.

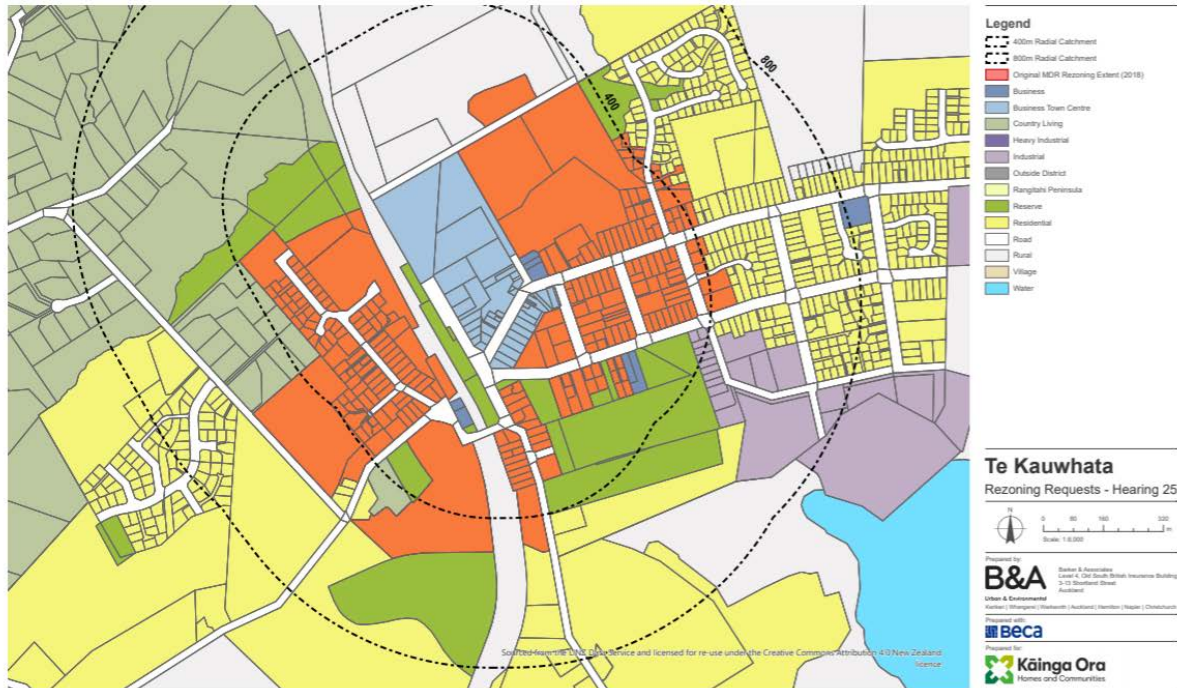
4.16 Medium Density Residential Zone

315. The submission from Kainga Ora (KO) [749.124] requests a Medium Density Residential Zone (MDRZ) in various settlements throughout the district, including Te Kauwhata. KO's request for an MDRZ was considered in earlier Hearing 3 (Strategic Objectives) and Hearing 10 (Residential Zone), and would enable apartments, terrace housing and multi-unit housing, therefore enabling higher-density residential living.
316. These earlier hearings focused on the provisions, and the relationship of the MDRZ with the Residential Zone. In addition, Mr Jonathan Cleese prepared a section 42A hearing report in January 2021 which considered the concept and potential provisions for medium density residential development.
317. Stage 2 of the PWDP does not indicate any hazard within the MDRZ sought by KO for Te Kauwhata. Therefore, I recommend that the opposing further submission from *Mercury Energy* [FS/387.1043] be accepted in part.
318. The following evidence has been provided in support of KO's submission:
 - (a) Planning evidence (Mr Philip Stickney – Beca Limited)
 - (b) Urban design evidence (Mr Cameron Wallace – Barker & Associates Limited)
 - (c) Transportation evidence (Mr John Parlane – Parlane & Associates Limited)
 - (d) Economic evidence (Mr Philip Osborne – Property Economics Limited).

Analysis

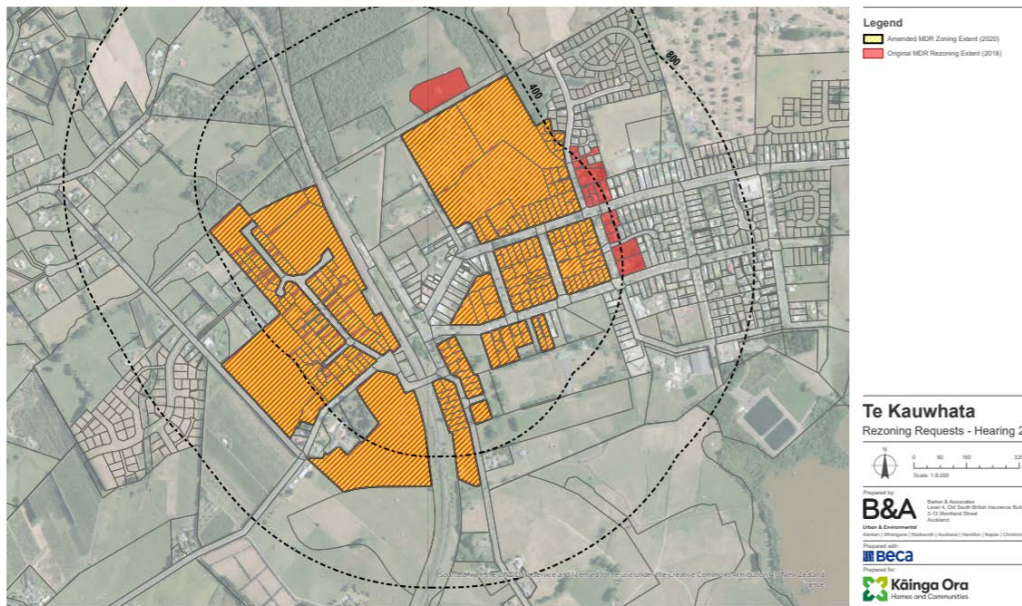
319. I have read the report prepared by Mr Cleese which suggests an approach to the analysis of requests for an MDRZ.
320. KO's original spatial extent of MDRZ is shown on their map below. They state that this spatial extent was determined using ground-truthing, slope analysis, walking catchment analysis, natural hazard analysis, and is deliberately close to the town centre, strategic transport corridors and in proximity to community services and amenities. I consider that this approach is consistent with good planning practice in respect to promoting higher densities close to urban centres where there are available services and facilities within residents' typical walking distance.
321. KO's original spatial extent of requested MDRZ is coloured orange in the following map that is shown on page 82 of Mr Wallace's evidence. The black hatched lines represent 400 metre and 800 metre radial distances measured from the Business Town Centre Zone and Business Zones on Main Street.

Proposed Waikato District Plan Original MDR Zone request

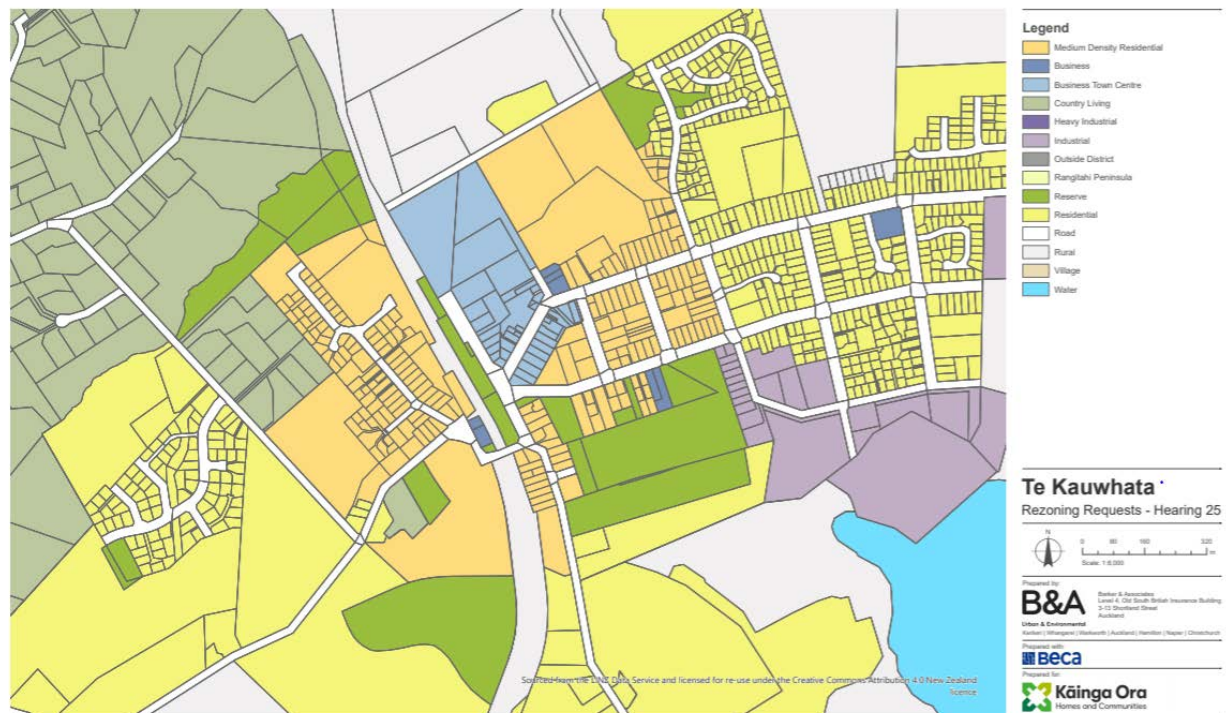


322. Since lodgement of their original submission, KO now proposes a slightly reduced spatial extent of MDRZ to reflect what they say are more logical boundaries such as streets and/or public space that form natural boundaries. They also state that various properties at 46-50 and 65 Te Kauwhata Road, and nine properties numbered 26-40 Blunt Road are not included in this reduced spatial extent because they were not identified in KO's original submission and are thus out of scope.
323. The following maps from pages 86 and 88 of Mr Wallace's evidence indicate the properties subject of KO's revised MDRZ request, these being coloured red with yellow stripes. The properties coloured red are no longer subject to KO's proposed MDRZ.

Proposed Waikato District Plan MDR Zone extent comparison



Proposed Waikato District Plan Amended Zoning Plan

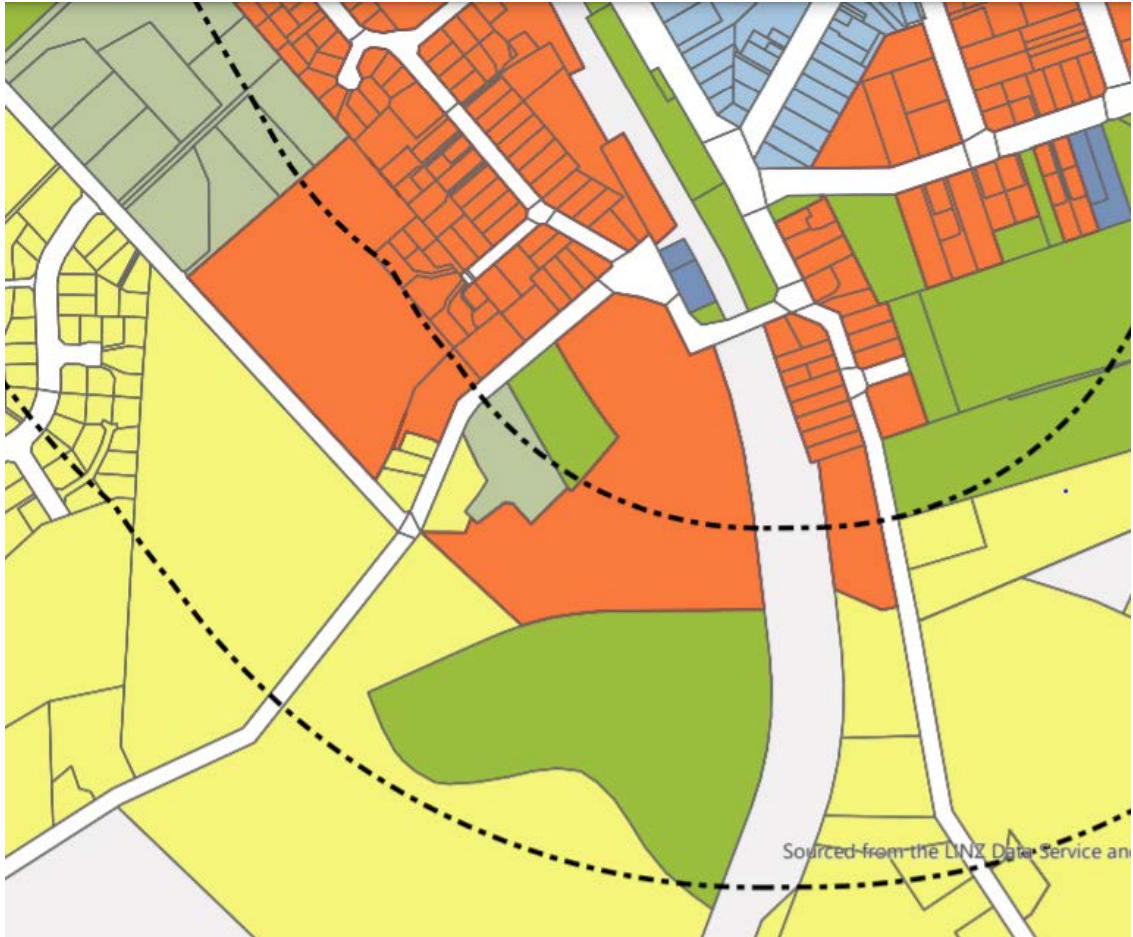


324. I accept that an MDRZ would provide even more housing capacity in Te Kauwhata, along with opportunities for a greater variety of housing types and lot sizes. In turn, this would create a variety of pricing points, and consequently greater flexibility with respect to housing affordability. This capacity would contribute to the efficient use of scarce land resources to meet the NPS-UD capacity requirement.
325. While Council's analysis indicates that there is already sufficient capacity within Te Kauwhata, the NPS-UD does not restrict Council in providing greater capacity, because these capacity

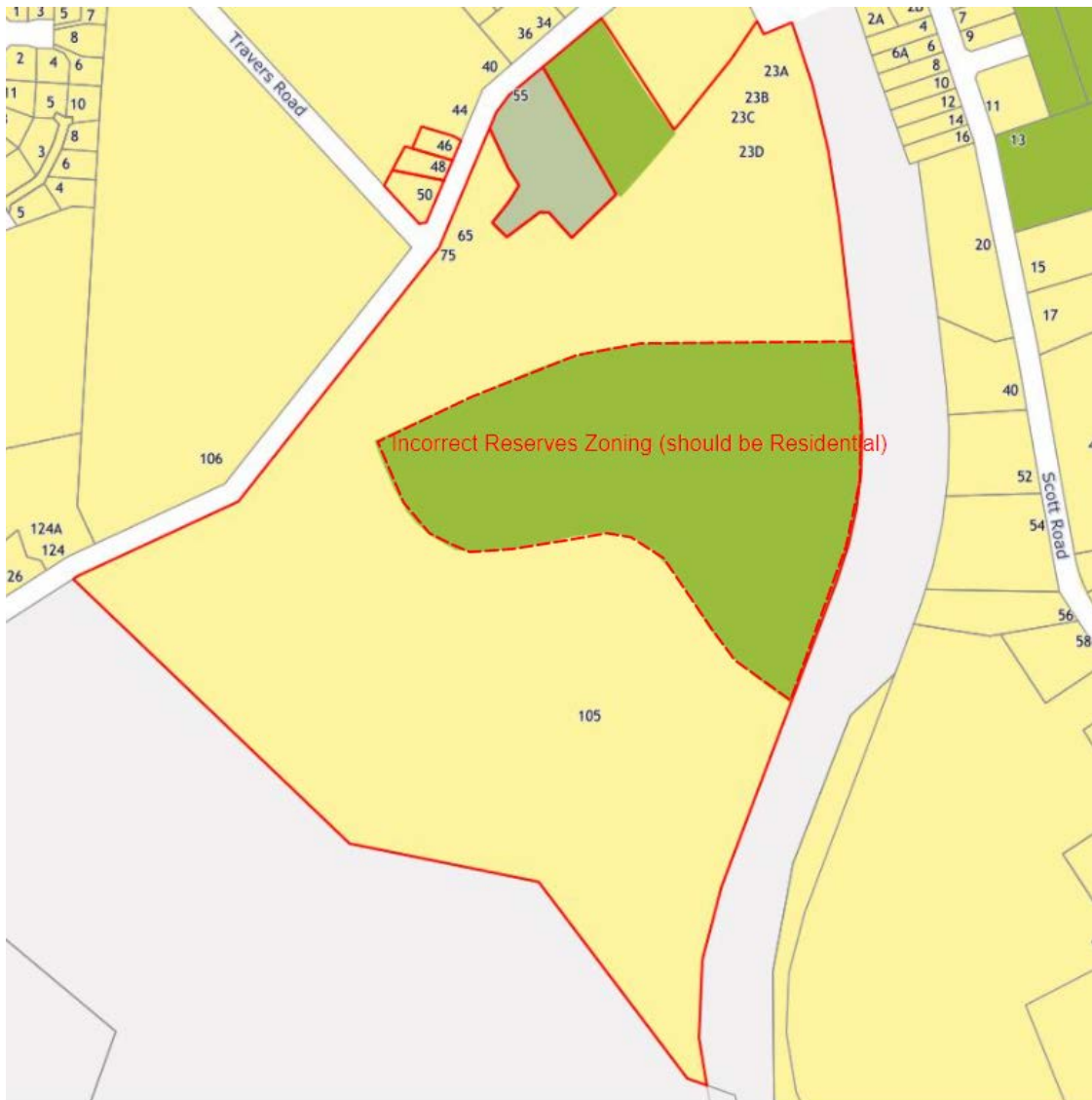
numbers are minimums, as opposed to targets. An MDRZ is therefore more enabling and would better contribute to providing housing choice, market competition and affordability compared to standard fee simple subdivision in terms of the proposed Residential Zone.

326. KO's planning and urban design evidence draws on Objectives 1, 3 and 8 and Policies 1, 3, 4 and 6 in the NPS-UD. These explicitly refer to an 'urban environment' which is defined in the NPS-UD. Given my earlier discussion about this definition in section 3.1 of my report, I consider that it would be helpful for Mr Stickney to further discuss his statement (in paragraph 8.8 of his evidence) that, "The rationale for the 'three-tier' static approach is that the largest territorial authorities – such as WDC – have the capability and capacity to implement all NPS-UD policies." (My emphasis in underline.) It may be that KO is taking a view that an 'urban environment' in the context of the NPS-UD is dependent on the relationship between urban settlements, a view which could be equally valid. In this regard, Te Kauwhata does provide a source of labour for much larger settlements that include Auckland and Hamilton, each having well in excess of 10,000 people. However, Te Kauwhata's contribution to the housing market in Auckland and Hamilton is perhaps less clear. I am not aware of any specific guidance from the Ministry for the Environment and the NPS-UD is too new to have any Court ruling on this matter, but if the intention of the NPS-UD is to forward-plan for urban growth within an area that is more extensive than Te Kauwhata's 'urban limits', then the additional objectives and policies identified by KO would apply.
327. In my opinion, introducing an MDRZ into the district plan at this point in time could create a conflict with Policy 4.1.12 of the PWDP. This is because clause (a)(ii) of this policy directs that Lakeside is the only area that provides for the medium-term future growth of Te Kauwhata, and that this be developed in a manner that connects to the existing town and maintains and enhances the natural environment. It would be helpful for KO to address this matter. I do not consider that Policy 4.1.12 gives effect to the NPS-UD, because it restricts development opportunities and effectively 'picks a winner' in one growth area rather than considering the settlement as a whole. I therefore believe that clause (a)(ii) in Policy 4.1.12 should be deleted because it does not give effect to the NPS-UD. I consider that this deletion becomes even more necessary if the hearings panel is to accept an MDRZ at Te Kauwhata.
328. Leaving the NPS-UD aside, I have some concerns with KO's proposed MDRZ footprint for Te Kauwhata. The first concern is that KO has relied on Council's Intramap tool to determine the spatial extent of the MDRZ, rather than the statutory version of the pdf planning maps. While Intramap is meant to illustrate maps that mirror the notified version, it should not be relied on, and there are errors in Intramap which were being rectified as at the date of preparing this hearing report.

329. The most significant error is in respect to the property at 75 Te Kauwhata Road where the operative Industrial Zone within it is proposed to be rezoned to Residential. However, Intramap incorrectly indicates this area as being a Reserves Zone. The snip below is taken from the map on page 82 of Mr Wallace's evidence. This illustrates KO's request to locate their proposed MDRZ immediately abutting the notified Residential Zone without there being any logical physical interface between them.



330. Secondly, while I appreciate that some properties were not identified in KO's original submission and are therefore unable to be contemplated for a MRDZ because they are outside of scope, I am unclear why some Residential-zoned properties on Te Kauwhata Road were not included, despite them being a shorter walking distance to the BTCZ and Business Zone than other properties that are requested to be in the MDRZ. The specific properties in question (46, 48, 50 and 65 Te Kauwhata Road) are shown on the following map.



331. I also note that KO's original submission did not seek to include the 1.0 ha property at 55 Te Kauwhata Road within their MRDZ. This property is numbered on the map above. It is unclear whether this property was disregarded on the basis that it is CLZ in terms of the OWDP and PWDP, or simply because it contains an historic heritage item, this being the former Te Kauwhata Viticultural Research building. Schedule 30.1 in the PWDP proposes to protect the façade and roofline of this building. I am not aware of any submission that would provide scope to rectify what I consider to be an undesirable 'spot CLZ' in this location, but it nevertheless suggests what might be an inconsistent approach in how KO has chosen to delineate its proposed MDRZ. I consider that it would be helpful for KO to also address all these concerns at the hearing.
332. Overall, I support the concept of an MDRZ at Te Kauwhata. I have contacted Mr Stickney to raise my concerns regarding the footprint of this zone, and we have agreed that it is

appropriate to collaboratively develop an amended MDRZ map as part of my rebuttal evidence for consideration by the hearings panel. I therefore conclude that KO's submission [749.124] be accepted in part.

333. Stage 2 of the PWDP does not indicate any hazard within the MDRZ sought by KO for Te Kauwhata. Therefore, I recommend that the opposing further submission from Mercury Energy [FS1387.1043] be accepted in part also.

Recommendation on Medium Density Residential Zone

334. For the reasons above, I recommend that the hearings panel:

- (a) **Accept in part** Kainga Ora [749.124] to the extent that an amended MDRZ be introduced to Te Kauwhata
- (b) **Delete** Policy 4.1.12(a)(ii) as a consequence of introducing a MDRZ to Te Kauwhata
- (c) **Accept in part** Mercury Energy Limited [FS1387.1043].

Section 32AA Evaluation

335. Section 4 of Mr Stickney's evidence contains a section 32AA evaluation that supports the introduction of an MDRZ in various settlements in the district, including Te Kauwhata.
336. In summary, this section 32AA demonstrates that the MDRZ is strategically located to provide for greater variation and higher density development and:
- (a) Is the most appropriate solution in meeting the purpose of the WRPS, NPS-UDC and RMA.
 - (b) Addresses the key management issues identified by Council as being relevant to Waikato District.
 - (c) Results in considerable efficiencies with the benefits of implementing this approach outweighing the costs.
 - (d) Supports the strategic direction of the notified PWDP by way of promoting the efficient use of existing services and infrastructure through compact urban form and consolidation of growth.
 - (e) Is consistent with good urban practice by locating intensification in areas which would better support the use of active modes of transport, reduce private vehicle use and contribute to more vibrant, well-function urban centres.
 - (f) Provides for a considerably greater feasible residential capacity compared to only adopting the general Residential Zone provisions in terms of the notified PWDP.
337. Section 10 of Mr Stickney's evidence discusses how the spatial extent of the MDRZ is guided by the development plans in Waikato 2070 which signal the development of more intensive housing (up to 4 storeys) at the 'heart' of established urban centres, consequently aligning with the high-level directions within the NPS-UD intensification policies. This spatial extent is also confined to the residential growth nodes and 'major commercial centres' identified on Maps 1 and 2 in Future Proof (2017), which specifically list Te Kauwhata.
338. KO's evidence discusses how their amended 'building envelope' (i.e. MDRZ) for Te Kauwhata is based on established urban design principles that relate to walking catchments and potential barriers to these (such as heavy trafficked roads), amenities, community facilities and natural

hazards. This 'building envelope' is expected to enable progressive change and transition of urban form.

339. This hearing report only addresses the spatial extent of the proposed MDRZ, as the provisions for this zone will be considered separately by the hearings panel. Notwithstanding this, my general observation is that the application of the proposed provisions within this zone should work well, subject to further refinement of the zone's spatial extent.
340. Overall, I concur with Mr Stickney's section 32AA evaluation in respect to the spatial extent of the MDRZ. I recommend that the hearings panel adopt this evaluation, subject to an amended MDRZ map that will be provided as part of my rebuttal evidence.

Recommended amendment

341. An amended MDRZ map will be provided as part of my rebuttal evidence for consideration by the hearings panel.

5 Conclusion

342. Overall, I conclude that the notified zone boundaries within the settlement of Te Kauwhata should form the basis of the decision version of the PWDP with these few exceptions:
- (a) Rezoning the eastern portion of 17 Scott Road from Residential to Industrial.
 - (b) Adjusting the interface between the Reserves Zone and Residential Zone on Lot 1 DP 519545 located at the end of Eccles Avenue.
 - (c) Introducing a Medium Residential Density Zone.
341. In my opinion, the zoning that is the result of the Te Kauwhata Structure Plan and Variation 13 to the OWDP, and PC20 which provides for development at Lakeside, are significant contributors in satisfying the demand for housing and businesses from the Te Kauwhata community. The operative zoning from those statutory processes has rolled over into the notified PWDP. However, I acknowledge that fully satisfying this demand is also dependent on the zone provisions to be decided by the hearing panel, particularly those relating to minimum lot sizes in the Residential Zone.
342. Council's growth data indicates that the expected demand for new households over the next 30 years can be comfortably met, given capacity provided within the urban zones of the PWDP. This therefore satisfies the NPS-UD requirement for Council to provide at least sufficient capacity for housing over the short term, medium term, and long term. If the hearings panel agrees to introduce a MDRZ, this capacity will be further increased.
343. It is also my opinion that, subject to the zone amendments noted above, the notified zone extents at Te Kauwhata give effect to the WRPS, and satisfy the section 5 requirements and overall purpose of the RMA.
344. I consider that the submissions addressed in this hearing report should be accepted, accepted in part or rejected, as set out in Appendix I, for the reasons set out above.
345. Appendix 4 contains recommended amendments to the PWDP planning maps.