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Waikato District Council
Private Bag 544
NGARUAWAHIA 3742

Dear Sir/Madam

Re: Submission number 715.1

On behalf of our client Khushwin Limited at 135 Hull Road, Waiuku, we made a submission to re-zone 42ha of rural land adjoining the Waiuku township. Our client's property is at 135 Hull Road, Waiuku.

This subdivision was requesting that the land be rezoned for country living. To the north-west of the site adjoins land which falls under the jurisdiction of the Auckland Council.



The site has frontage to Hull and Kidd Road, Waiuku, with Hull Road running to the south and Kidd Road running to the east.

'Residential – Large Lot' zoned land adjoins the site to the north-west, with all this land being under the jurisdiction of the Auckland Council.

Rural zoned land adjoins the site to north-east, the east, the south, and south-east and all this land falls under the jurisdiction of the Waikato Council.

We were notified that Council has released the Framework s42A for Hearing 25 – Rezoning requests in accordance with the Panels direction, dated 12 May 2020.

S32 RMA

The s42 report states:

53. *For example, under proposed Objective 5.1.1, high class soils are protected for productive rural activities. Urban rezoning of rural land containing high class soils would likely run counter to that objective.*
54. *Some flexibility is built into the PWDP objectives and policies in other situations. For example, urban development is to occur within towns and villages under proposed Policies 4.1.3 and 5.3.8. By implication, rezoning of rural land to urban zones would likely run counter to those policies, but could be accepted where they fit within an exception identified in other policies, such as proposed Policies 4.6.3 and 4.6.5, recognising industrial development within strategic nodes and established industrial activities outside towns or villages. There is limited flexibility in the PWDP objectives and policies for rezoning for activities other than industrial outside of 'areas identified' (1.12.8(b)(i)) because the 'areas identified' in the PWDP are referred to as zoned areas*

The s42A report also states:

- a. *Because of the unique characteristics of the Waikato District, what constitutes 'urban' in this local authority area will be different in scale and nature to what might be deemed 'urban' in the Auckland context, given the predominant rural character of the District. Therefore, the threshold for 'urban' is significantly lower in the Waikato District than in a metropolitan centre (point (d) above). (listed underneath in this report)*

(d) total size of the proposal relative to other villages in the region

The peer review of the s42 report makes Specific Comments on Two Matters, of which some are in particular relevance to this application. In summary:

8. *setting aside the 'avoidance' rural strategic objective 5.1.1(a) on high class soils for an urban purpose is a matter that the notified pWDP strongly directs against, furthermore it is not an outcome that the NPS-UD explicitly promotes – rather it is the intensification (i.e. the 'up and out' principle) of the urban environment, which is defined as an area of land that:*
 - a. *is, or is intended to be, predominantly urban in character: and*
 - b. *is, or is intended to be, part of a house and labour market of at least 10,000 people.**Importantly, both limbs of that definition apply conjunctively, and the pWDP makes an explicit distinction between the urban environment and the rural environment.*

Numbers 9, 10, 11 and 12 discuss potential re-definition of the definition of 'urban', and objective 5.1.1(a)

We received an email 28th January 2021, a second s42a report will be released at the same time as the balance of the township-focussed s42a reports addressing the remaining thematic submission points. The release of this report doesn't alter the evidence exchange timetable set by the Hearing Panel. The second report addresses submissions seeking two new zones, namely a Future Urban Zone and a Medium Density Residential Zone. In order for these two potential new zones to be considered by submitters (and in the s42a reports on specific townships), it was considered efficient if an initial Council Officer recommendation was made available in advance of submitters preparing their evidence.

We note that our client's property is zoned rural, adjoining 'residential – large lot' zoned land which is under the jurisdiction of the Auckland Council. Although the soils are labelled 'versatile' on Council's maps, these soils will be retired to pasture grazing, which will stop any spray and dust problems so close to a residential area. This is also a reason that cropping is no longer economically viable due to the topography and the land adjoining residential Waiuku (which is under the jurisdiction of the Auckland Council). The land area is rather small, and it is not economically sustainable to crop the land anymore. For this land to become Living zone (Rule 21.63), where smaller lots can be created, but large enough to contain wastewater/stormwater/water reticulation. Living zone provides for relative larger sections which would be socially beneficially, without cost to Council, and minimal impact on the environment. Additionally, the area adjoins the Waiuku township, and is in cycling distance to schools, parks or shops.

As the s42 Report sets out: *Objective 5.1.1(iii). It is pulling in a different direction to PWDP Objectives 4.1.1(b) and 4.1.2(a) and WRPS Policy 6.14 and 6A Development Principles .*

We understand the 'conflict' if left unresolved, would likely result in all submissions seeking rezoning from rural to urban being inconsistent with the intent of the PWDP.

But in our particular situation, the proposal is not inconsistent with Objective 4.1.2 – Urban Growth and Development:

1. *Future settlement pattern is consolidated in and around existing towns and villages in the district.*

This is emphasised that the rezoning of our client's land would be broader than urban, but rather country-side living, adjoining to the urban Waiuku township and adjoining rural land. This provides an appropriate buffer between residential and rural land and has minimal impacts on the existing rural and urban character of the area, because the re-zoning will blend into the existing environment.

For these reasons, on this particular site, we believe that the proposal is not inconsistent with Objective 5.1.1

Our response to section 32 RMA

1. We respond as follows:
 - a. We have above examined the relevant objectives of the proposal and concluded that the proposal still achieves the purpose of the Act, as the proposal promotes the sustainable management of natural and physical resources and avoids any adverse effects of activities on the environment.
 - b. We believe that the proposal is appropriate to achieve the objectives:
 - i. Because as addressed above, the cropping land on this particular site is no longer economically viable and has not been viable for quite a while.
 - ii. The objective of Future settlement pattern is consolidated in and around existing towns and villages in the district can be achieved, especially since the sites will provide 'country-side living' sites, which can contain all infrastructure.
 - iii. Reasons are:
 - The versatile soils on Council's maps have not been used for cropping for a while and are no longer economically viable to be used for cropping.
 - The site adjoins the township of Waiuku and can easily provide for a countryside living buffer, between residential and rural land, without impacting the environment;
 - All infrastructure can be contained on site, e.g. water/waste-water/storm-water, hence there will be no conflict with the infrastructure which is held under the jurisdiction of the Auckland Council.

2. Environmental, economic, social and cultural effects are summarised as follows:
- There will be economical and social benefit by allowing country-side living zoning on the site, adjoining the Waiuku township, especially since all infrastructure will be contained on the site and there will be no conflict with the urban areas which are under the jurisdiction of the Auckland Council.
 - Cultural effects will be neutral.
 - Environmental effects will be neutral, in particular since Council's maps show the soils as versatile, but the soils cannot be used for cropping due to economical constraints (as explained above in this report).

D A Lawrie on behalf of our client Khuswin Limited at 135 Hull Road, Waiuku.

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