

Appendix F – IHP Recommendations recommended to be rejected and referred to the Minister under clause 101(2)

For the decision on the zoning of 46 Jackson Street to be referred to the Minister

IHP Provision / Recommendation rejected by Waikato District Council	Description of recommendation	Reason why the Council does not support the recommendation	Alternative recommendation	Why is the alternative recommendation preferred
<p>Planning Maps - zoning of 46 Jackson Street, Ngaaruawaahia to Medium residential zone 2 (MRZ2</p>	<p>There is no specific recommendation associated with this site. The IHP did not include Planning Maps with their recommendations. The recommendation is a consequence of the finding that the urban fringe is not a qualifying</p>	<p>There is a live appeal on this site (ENV-2022-AKL00030). The appeal seeks that 46 Jackson Street to be rezoned from General residential zone to General rural zone. In the alternate, the appeal now seeks for the land to be rezoned to Large lot residential or some other lower density residential zone. It also seeks a further alternative for the rules to be amended to provide for an appropriate transition from rural to residential zone.</p> <p>For the reasons explained in the final column, Council does not support the recommendation at this stage to rezone 46 Jackson Street to MRZ2 as it wishes to preserve the appellant’s rights under the appeal.</p>	<p>Council seeks that the Minister defers making a decision on the zoning of 46 Jackson Street until the appeal lodged by Mr. Simon Upton has been determined by the Environment Court.</p>	<p>Deferring a decision until the appeal has been determined by the Environment Court is considered necessary to preserve Mr Upton's appeal rights. If the Minister was to accept the rezoning to MRZ2, the zoning would become operative upon notification of the Minister's decision under clause 105(7) of Schedule 1 to the RMA. Once the zoning is operative, the Court has no jurisdiction to amend the zoning.</p> <p>If the decision is deferred and the Environment Court determines the General residential zone is the most appropriate zoning for 46 Jackson Road, the Minister can then accept the IHP's recommendation and upzone the property to MRZ2.</p>

	matter and consequently the MRZ2 applies .			
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For the decision on 5837 Great South Road including zoning and the QM – Rule MRZ2-S1A

IHP Provision / Recommendation rejected by Waikato District Council	Description of recommendation	Reason why the Council does not support the recommendation	Alternative recommendation	Why is the alternative recommendation preferred
Planning Maps - zoning of 5837 Great South Road and QM Rule MRZ2-S1A Residential unit within the QM for 5837 Great South Road	Apply a QM to the SASM at 5837 Great South Road and rezone the land subject to the SASM from GRZ to MRZ2.	<p>There is a live appeal on this site (ENV-2022-000045). The appellant is Blue Wallace Surveyors. The appeal relates to the identification of a Maaori Site of Significance on the property and the associated objectives, policies and rules in the Sites and Areas of Significance to Maaori Chapter of the PDP.</p> <p>For the reasons explained in the final column, Council does not support the recommendation at this stage to rezone the property to MRZ2 with a QM rule as it wishes to preserve the appellant's appeal rights.</p>	Council seeks that the Minister defers making a decision on the zoning and the application of a QM to the site until the appeal lodged by Blue Wallace Surveyors has been determined by the Environment Court.	Deferring a decision until the appeal has been determined by the Environment Court is considered necessary to preserve Blue Wallace Surveyors' appeal rights. If the Minister was to accept the rezoning to MRZ2 and the site-specific QM, the provisions would become operative upon notification of the Minister's decision under clause 105(7) of Schedule 1 to the RMA. Once the zoning is operative, the Court has no jurisdiction to amend the zoning or the associated QM.

				<p>If the decision is deferred and the Environment Court determines that the SASM does not meet the test under s6 of the RMA, then the Minister can accept the IHP's recommendation to rezone the property to MRZ2 but there will be no justification for a QM. Conversely, if the Environment Court determines the SASM is appropriate, the Minister can accept the rezoning with the QM.</p>
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