



# MADSEN LAWRIE SURVEYORS LTD.

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Date: 15 February 2021

**Waikato District Council**  
**Private Bag 544f**  
**NGARUAWAHIA 3742**

Dear Sir/Madam

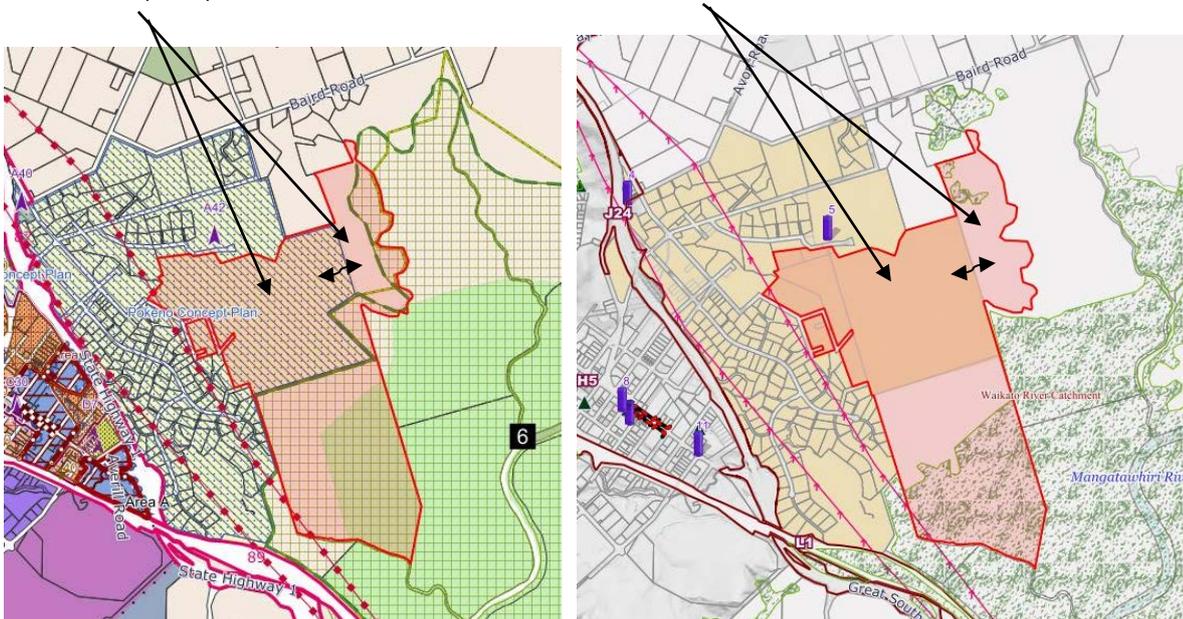
Submissions 458.1 and 458.2

On behalf of our client Pokeno East Ltd, we made a submission to:

1. re-zone Rural zoned land at 126 Baird Road to Village Zone, submission number 458.2; and
2. rezone Village zoned land at 114 Dean Road, to Residential, submission number 458.1

Both sites are within/adjoin the Pokeno township.

District Plan and Proposed District Plan zoning, the amalgamated sites are zoned Village (west) and Rural (east)



***In terms of submission 458.2 we make the following comments:***

We are acting on behalf of the submitter and can verify that the subdivision within the amalgamated land parcel, to the west, has been processed and is almost ready to be approved. To include the eastern portion of amalgamated land which is currently zoned 'Rural,' and to rezone this land to Village zone, would make practical sense, as the lots will be adjoining Village zoned lots. The land within the proposed rezoning is non versatile. This land includes some steeper

contours, some pasture, and this is separated from the adjoining farming activities on rural zoned land, by an existing watercourse.

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. We make the following comments:

1. The site at 126 Baird Road is zoned 'Rural', Lot 1 DP 531739, and is amalgamated with the adjoining site to the west which is zoned 'Village' The 'Village' zoned portion of the land has recently been the subject of a subdivision application which has almost been approved.
  - Access to the subject site is only possible through the Village zoned land.
  - The southern part of the Village zoned land is zoned 'Wetland Conservation'.

It would therefore be practical for consistent development to have a similar zone within both amalgamated parcels, to enable them to be developed together. Consistency of development expectations in turn makes it easier to buffer and manage the Wetland Conservation part of the site with respect to servicing and density.

2. The land at 114 Baird Road site is zoned 'Village' and is located within the 'Village Growth area of the District Plan, as well as the Proposed District Plan.

## **S32 RMA**

The s42 Report states the following:

In the Executive Summary point 5:

*'As set out in the 12 May 2020 Directions and Minute "Requests for rezoning on a district plan review are site-specific and require site-specific assessments to be undertaken, and the Council cannot be expected to provide that information. That is properly the responsibility of the individual submitters seeking the rezoning." The information expected to be provided by the submitter should be commensurate with the scale of what the submission is seeking and its alignment with relevant policy, or lack thereof. The submitter should use the framework in this report to foreshadow the information required in their evidence to support their specific scenario through the framework assessment. It is suggested the submitter evidence focuses on areas where alignment with the policy tests is unclear or likely to be a matter of debate'.*

In point 7(b) it states:

*'The District has a shortage in the supply of residential and employment zoned land in the Operative Waikato District Plan (OWDP) based on projected demand for 2021-2031'.*

Rezoning of this particular area adjoins Village Zoned land. Also, access can be provided via this Village zoned land, where larger parcels of land can contain their own waste-water/stormwater run-off, as well as their own water supply, collected in water tanks.

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.*

We comment that the soils of the Rural zoned land are not high class and are hence consistent with this Objective.

Policies and Objectives:

We believe that by rezoning that portion of Rural zoned land which has been amalgamated with Village zoned land, that this would be consistent with the Objective of the Village Zone, in that the *Character of the Village zone is maintained* (Objective 4.3 1).

The proposal is also consistent with Policy 4.3.2 – Character, as *the development will be of low density, maintains semi-rural character and recognises lower levels of infrastructure and the absence of Councils waste water services. The activities will be self sufficient within this area, with the provision of water supply, waste water and stormwater disposal.*

Re-zoning the amalgamated Rural zoned area will still ensure that the existing bush areas and wetland areas within this portion of land will be protected in perpetuity. Also, a significant natural feature remains be protected in perpetuity.

This approach is consistent with Policy 3.2.7, *to protect the long-term ecological functioning and indigenous biodiversity values, by permanently excluding stock from these areas (i), and retaining/enhancing indigenous vegetation (iii) and maintaining and restoring natural wetland hydrology (iv).*

It is noted that the re-zoning can include the existing covenanted areas and wetlands and therefore avoid physical and legal fragmentation (v) which is consistent with Policy (a)(v).

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 Proposed Waikato District Plan (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 and explicit distinction between the urban environment and the rural environment.*

Numbers 9, 10, 11 and 12 of the peer review report discuss potential re-definition of the definition of ‘urban’, and objective 5.1.1(a)

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 this particular situation, the proposal is consistent 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.*

It is emphasised that the rezoning of our client's land would be more specific than urban, but rather Village zoning, adjoining to the Pokeno township and within the same amalgamated land-parcel which is currently being subdivided within the Village zone. The re-zoning of the Rural zoned land into Village zoned land, will provide an appropriate buffer between the village of Pokeno and adjoining rural land. The proposal will have minimal impacts on the existing Village and Rural 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 consistent with the relevant Objective and Policies as stated previously.

### **Summary of our response to section 32 RMA**

#### 1. Our summarised response

In terms of submission 458.2:

- a. We have above examined the relevant objectives of the proposal and concluded that the proposal achieves the purpose of the Act, promoting the sustainable management of natural and physical resources and avoids any adverse effects of activities on the environment.
- b. The proposal is appropriate to achieve the following objectives:
  - i. Because as addressed above, the currently rural zoned land is not versatile, and the rural zoned area is not suitable for rural production.
  - ii. Covenanted bush areas and wetland areas will be protected in perpetuity, while Village zoned lots will provide a buffer between the Village of Pokeno and adjoining rural land to the east.
  - iii. The objective of Future settlement patterns to consolidate in and around existing towns and villages in the district can be achieved, especially since the sites will be used for Village purposes, containing all available infrastructure.
  - iv. Supporting reasons are:
    - The soils are not suitable to be used for cropping or rural activities;
    - The site is amalgamated with the adjoining site to the west, where a Village zoned subdivision has almost been approved.
    - The site adjoins the township of Pokeno and can easily provide for Village development, without impacting the environment;
    - All infrastructure can be contained on site, e.g. water/waste-water/storm-water.

2. Environmental, economic, social and cultural effects are summarised as follows:

- There will be economical and social benefit by allowing Village zoning on the amalgamated site, which adjoins the Pokeno township, especially since all infrastructure will be contained on the site.
- Cultural effects will be neutral, with reporting completed as part of the current subdivisional proposal.
- Environmental effects will be neutral, as the soils cannot be used for cropping and the existing bush and wetland areas will be preserved in perpetuity (as explained above in this report), the re-zoning provides a buffer area, including compliant servicing.

D A Lawrie on behalf of our client Pokeno East Ltd.

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