

SECTION 42A REPORT

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

Hearing 25: Zone Extents

Te Kowhai - Addendum

Report prepared by: Jonathan Clease

Date: 21 April 2021



I Supplementary Statement

I.1 Hounsell Holdings Ltd [832]

1. In my s42a report on zone extents in Te Kowhai, I assessed the submission by Hounsell Holdings Ltd who sought to rezone some 142 hectares of land in the Rotokauri area west of Hamilton from Rural Zone to Residential Zone¹. The subject site has the address of 268 Te Kowhai Road and 284 Onion Road.
2. In my s42a report I stated that no evidence had been received in support of the submissions². This was incorrect. A planning statement provided by Mr Craig Batchelor, along with a s32AA assessment, was inadvertently overlooked. The s32AA assessment also included a 'desk-top' review of transport matters provided by Ms Judith Makinson who is the Transport Engineering Manager at consulting firm CKL Ltd.
3. This addendum builds on the assessment of Rotokauri contained in my s42a report, and reflects a review of the submitter's evidence.
4. For ease of reference, the submitters and further submitters on the Rotokauri area are set out in the table below:

Submission point	Submitter	Decision requested
832.1	Hounsell Holdings Ltd	Amend the zoning of the property at 268 Te Kowhai Road, Te Kowhai from Rural Zone to Residential Zone; AND Amend the Proposed District Plan to make any consequential amendments as necessary to address the matters raised in the submission.
FS1277.55	Waikato Regional Council	Oppose
FS1108.201	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FS1202.129	New Zealand Transport Agency	Oppose
FS1379.343	Hamilton City Council	Oppose
FS1387.1351	Mercury NZ Ltd for Mercury D	Oppose
832.4	Hounsell Holdings Ltd	Amend the zoning of the property at 284 Onion Road, Te Kowhai from Rural Zone to Residential Zone; AND Amend the Proposed District Plan to make any consequential amendments as necessary to address the matters raised in the submission.

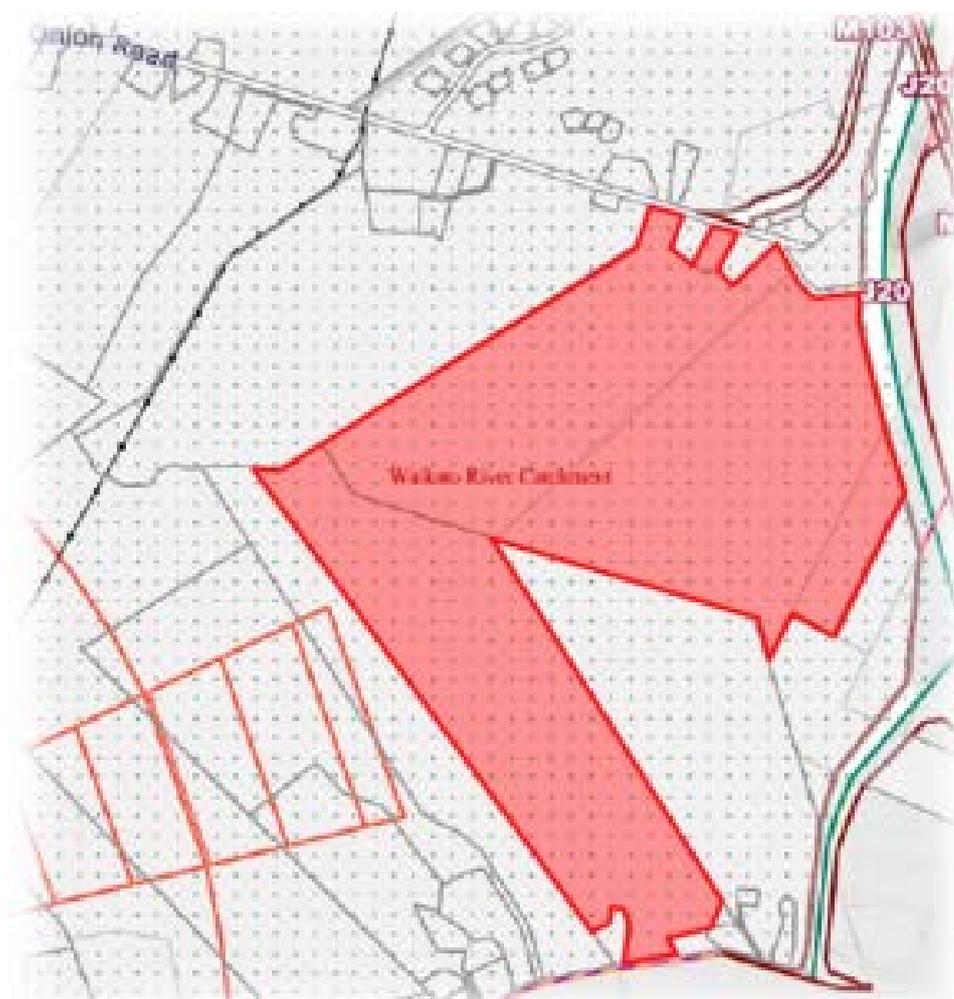
¹ Section 5, paras 164-170, s42a Report on Te Kowhai

² Para 166

FS1277.56	Waikato Regional Council	Oppose
FS1108.202	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FS1202.130	New Zealand Transport Agency	Oppose
FS1379.344	Hamilton City Council	Oppose
FS1387.1352	Mercury NZ Ltd for Mercury D	Oppose

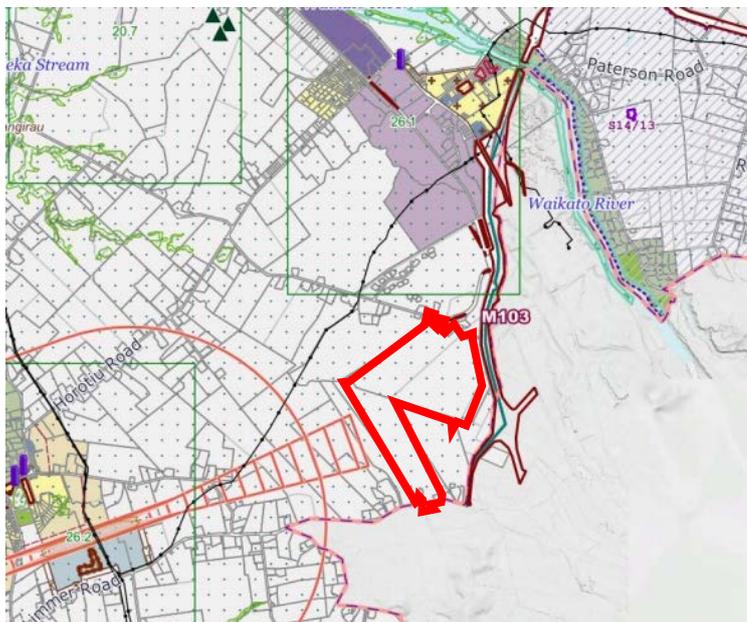
5. The location of the submitter block as shown in Mr Batchelor’s evidence is shown in Figure 1 below:

Figure 1. Location of submitter land in Rotokauri



6. The Figure 1 image above shows the site boundaries. I was aware of the site’s correct location when I prepared by original s42a report through reference to a similar map shown in the original submission. Through a formatting error the figure accompanying my evidence displaced the site’s location to the west. The location of the submitter block has now been corrected, as shown in Figure 2 below:

Figure 2. Site location with Te Kowhai area shown to the west and Horotiu to the north



7. Mr Batchelor identifies on page 4 of his s32AA assessment that rezoning the site is likely to have limited effects on s6 RMA matters. Whilst no detailed site assessment of these matters has been undertaken, I agree that the site is not subject to any landscape, ecological, cultural, heritage, or natural hazards overlays or identification in the Proposed Plan.
8. Mr Batchelor has concluded that a 'live' Residential Zoning for the site was not appropriate at the current time. He did however consider that retention of the Rural Zone, with a Hamilton Urban Expansion Area Overlay ('UEA') would be appropriate. Future urbanisation through a subsequent plan change process could then occur, "*subject to consideration of other land in the locale, completion of a structure plan, geotechnical investigations, cross boundary servicing agreements ,and gaining appropriate stormwater discharge consents*"³.
9. We are therefore in agreement that the site should not have a Residential Zone, given the lack of both site-specific evidence on a range of technical matters, and the lack of coordination with adjacent blocks of land necessary to achieve a coherent and connected urban area.
10. Ms Makinson's transport statement likewise identifies that a staging plan is necessary, as are a suite of further investigations and ultimately physical road works regarding the northern and southern access to the block. Ms Matkinson considers that such a staging plan will need to be developed in consultation with Waka Kotahi NZTA and WDC. She also identifies that additional mitigation may be needed to the Hamilton City Council network (especially an upgrade of the Onion Rd/ Ruffell Road intersection) and that "it is reasonable to expect that any development of the proposed rezoned land should either be contributing to its delivery or should not be permitted to go ahead until this infrastructure is in place". She concludes that "the extent of development on site will need to be linked to access provision though Structure Planning and staging rules governing any new zone covering the site., This will also need to address what other mitigating infrastructure is needed and at what point it must be provided in order to support development of the scale envisaged".

³ S32AA Conclusion, pg. 14

11. In short, there is a significant body of investigative work required to bring the requisite certainty regarding the design and delivery of transport-related infrastructure before the block can be live-zoned, with Ms Makinson noting that the design and funding of such infrastructure requires a detailed Integrated Transport Assessment prepared in consultation with WDC, Waka Kotahi NZTA, HCC, and Kiwirail.
12. Mr Batchelor has sought as an alternative to live zoning that the site be subject to the Hamilton Urban Expansion Area Overlay. I agree that such relief falls within the scope of the original submission, being in essence a lesser relief than the change originally sought. I note that application of a UEA overlay to just the submitter block would potentially result in an arbitrary urban boundary and as such ideally any new growth area would properly encompass the wider area to ensure a coherent and integrated urban environment could result. I am not aware of any submission scope that would enable an enlarged UEA overlay to be applied to lots beyond the submitter's land, and in the absence of this scope the alternative relief sought by Mr Batchelor will be limited to just the submitter block.
13. The UEA overlay applies to land that is intended to ultimately form part of Hamilton City Council's territorial boundary through an amendment to the territorial boundaries of the two districts. Once the land has passed to Hamilton City Council to fall within its jurisdiction, the responsibility for planning the urban growth of the area within the UEA will fall to Hamilton City Council to undertake. In the meantime the policy and rule package in the Proposed Waikato District Plan provide direction to ensure that future urbanisation of these areas is not prejudiced through inappropriate subdivision or development.
14. It is my understanding that the subject site does not form part of the land area intended to transition to Hamilton City's jurisdiction. As such I do not consider the application of the UEA to be an appropriate tool.
15. An alternative planning tool which achieves similar outcomes is the Future Urban Zone ('FUZ') recommended through my separate s42a report on thematic matters. This proposed new zone signals the long-term expectation that the land in question will transition to urban use, and in the meantime is subject to rules that are similar to those applying to the Rural Zone, subject to limitations on further subdivision or activities such as intensive farming or quarrying that would have the potential to frustrate urbanisation.
16. As set out in my s42a Thematic Report, the application of a FUZ to specific blocks of land is intended to only apply to blocks where their long-term urbanisation is acceptable in principle (as identified in higher order documents), but where there is an issue in terms of the timely provision of reticulated services, the absence of a structure plan showing integration with adjacent urban areas, and/or the need for more detailed site-specific assessment of matters such as landscape, urban design, and geotechnical matters.
17. My Te Kowhai s42a report sets out that the block in question is not identified as a growth area within any of the higher order strategic planning documents such as Future Proof, Waikato Regional Policy Statement ('WRPS'), Waikato 2070, or any township-based structure plans. The Rotokauri area is identified in the Hamilton to Auckland ('H2A') spatial plan at a very high level as a potential future urban area, however such identification is not considered to be sufficiently refined to enable with any level of certainty the identification of a specific block as a FUZ. As set out in the submitter table at the start of this addendum, three of the main partner agencies to Future Proof (and H2A) have lodged further submissions opposing the identification of this block as an urban area, with this opposition not having changed in evidence from these parties.
18. Identification of the block as a FUZ would not therefore give effect to the higher order direction provided by the WRPS, as it is not shown within the Map 6C Future Proof area and the evidence provided by the submitter does not identify or assess whether the area

would meet the general development principles set out in 6A of the WRPS. The lack of evidence on three waters servicing, combined with the identification that significant further work is needed regarding an assessment of effects on the transport network, combined with submission scope which limits consideration to just this block rather than coherent integration of growth of the wider area, and the significant physical and amenity separation created by State Highway 1 between the submitter block and Hamilton's urban area in my view mean that the block sits uneasily against the 6A principles.

19. The block is likewise not considered to qualify as a significant, out-of-sequence development under Policy 8 of the National Policy Statement – Urban Development ('NPS-UD') as the submission scope limitation combined with the physical separation caused by SH1 between the block and Hamilton's urban edge present challenges with delivering a 'well functioning urban environment'. The block also struggles under Policy 8 to meet the definition of 'development capacity' as this definition is in turn predicated on the provision of 'development infrastructure' which requires connection to reticulated services that are vested in Council or a Council Controlled Organisation. No evidence has been received on the adequacy or plausible delivery of three waters infrastructure in the short-medium term, along with the further investigative work required in order to determine effects on the transport network discussed above.
20. In conclusion, I consider that in order for this block to be contemplated as a candidate for a FUZ the following would need to occur:
 - The ongoing collaborative growth management processes underway through the Future Proof partnership (including the provision of a Housing and Business Assessment ('HBA'))⁴ would need to identify this block (and the adjacent area) as being necessary to meet capacity; suitably located with plausible means of successful integration with Hamilton's urban area; and able to be serviced with network infrastructure in a timely manner to achieve a well-functioning urban environment;
 - Once identified, the WRPS could be updated to reflect the housing and business capacity required in the greater Hamilton area to give effect to the NPS-UD;
 - If included in the WRPS as part of these upcoming processes, then a plan change could be undertaken to either identify this block as a FUZ, or alternatively to live zone it subject to more detailed site-specific planning and technical evidence having been prepared.
21. The amended relief sought by the submitter is considered to be premature in the absence of this area being identified in the higher order documents as being either suitable for urbanisation or necessary in order to meet short-medium term capacity needs. The absence of evidence regarding plausible network infrastructure funding and servicing, combined with the scope limitation precluding a FUZ that goes wider than the submitter block further counts against this block being rezoned as there is a significant amount of uncertainty regarding its 'in principle' suitability for urban development. As such I do not consider a FUZ to be appropriate for this block at this point in time, with a Rural Zone a more effective and certain method for giving effect to the higher order documents.
22. My recommendation to reject the submission therefore remains unchanged.

⁴ As required under the NPS-UD, subpart 5