

# **SECTION 42A REPORT**

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

## **Hearing 25: Zone Extents**

### **Te Kowhai**

Report prepared by: Jonathan Cleese

Date: 16 April 2021



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**List of submitters and further submitters addressed in this report**

<b>Original Submitter</b>	<b>Submission number</b>
Robert Clear	645
Carol & Gordon Corke	968
Jolene Francis	376
Future Proof Implementation Committee	606
Hamilton City Council	535
Hounsell Holdings Ltd	832
Warren Jonson	92
Sharon Leigh	248
L Schick Trust Company	49
Jason Nadin	13
RM & MA Weir Family Trust	116
Marshall & Kristine Stead	834
McCracken Surveys Ltd	943
Greig Metcalfe	602
SW Ranby	369
Terra Consultants (CNI) Ltd	296
Waikato Regional Council	81
Year 91 Family Trust	745

<b>Further Submitter</b>	<b>Submission number</b>
<i>Bowrock Properties Ltd</i>	<i>FSI197</i>
<i>CKL</i>	<i>FSI335</i>
<i>Ethan &amp; Rachel Findlay</i>	<i>FSI311</i>
<i>Hamilton City Council</i>	<i>FSI379</i>
<i>Mercury NZ Ltd for Mercury C</i>	<i>FSI386</i>
<i>Mercury NZ Ltd for Mercury D</i>	<i>FSI387</i>
<i>Mercury NZ Ltd for Mercury E</i>	<i>FSI388</i>
<i>GL &amp; DP McBride</i>	<i>FSI347</i>
<i>New Zealand Transport Agency</i>	<i>FSI202</i>
<i>NZTE Operations Ltd</i>	<i>FSI339</i>
<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>FSI108</i>
<i>Waikato Regional Council</i>	<i>FSI277</i>
<i>Watercare Services Ltd</i>	<i>FSI176</i>

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

# I Introduction

## I.1 Qualifications and experience

1. My full name is Jonathan Guy Cleese. I am employed by a planning and resource management consulting firm Planz Consultants Limited as a Senior Planner and Urban Designer.
2. I hold a Bachelor of Science (Geography), a Master of Regional and Resource Planning, and a Master of Urban Design. I am a Full Member of the New Zealand Planning Institute.
3. I have twenty-three years' experience working as a planner, with this work including policy development, providing s.42A evidence on plan changes, the development of plan changes and associated s32 assessments, and the preparation and processing of resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
4. I am the author of the s42A report for the Village Zone subdivision policy and rule frameworks (Hearing 6) which involved consideration of the Village Zone provisions as they apply to Te Kowhai (amongst other townships). I am also the author of the s42A report on the Rural Zone policy and land use rule frameworks (Hearing 18).
5. Of particular relevance to this hearing, I am the author of the s42A report considering thematic issues relating to rezoning (the 'Thematic Report'). These include consideration of the role of a Medium Density Residential Zone and the role of a Future Urban Zone.
6. I have recently been involved in the review of the Christchurch District Plan and presented evidence on the notified provisions on behalf of submitters on commercial, industrial, Lyttleton Port, natural hazards, hazardous substances, and urban design topics. I have also recently been involved in the development of the second generation Timaru, Selwyn and Waimakariri District Plans, and the preparation of s42A reports processing private plan change applications. These topics have included rural-residential housing, commercial, urban design, and signage matters.

## I.2 Code of Conduct

7. 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.
8. I am authorised to give this evidence on the Council's behalf to the hearings commissioners.

## I.3 Conflict of Interest

9. I confirm that I have no real or perceived conflict of interest in relation to this topic.

## I.4 Preparation of this report

10. I am the author of this report which has been prepared in accordance with section 42A of the RMA. 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.
11. Whilst this report focusses simply on rezoning requests i.e. the location of zone boundaries, the policy and rule frameworks for the Village Zone and the Te Kowhai Airpark Zone (as sought by submitters) are of particular relevance to determining the zone pattern for this township.

12. As noted above, I was the author of the s42a report on the Village Zone provisions considered as part of Hearing 6, and draw on this earlier report as necessary in my assessment. I have also reviewed the s42a report prepared by Ms Emma Ensor, along with the associated evidence provided by submitters, in relation to the Airpark Zone (Hearing 17). As well as having implications for the Airpark Zone itself, Hearing 17 also considered the extent of Airport Obstacle Limitation Surfaces and noise contours associated with the ongoing operation of the airfield, with these provisions potentially having implications for the appropriate zoning of surrounding landholdings.

## 2 Scope of Report

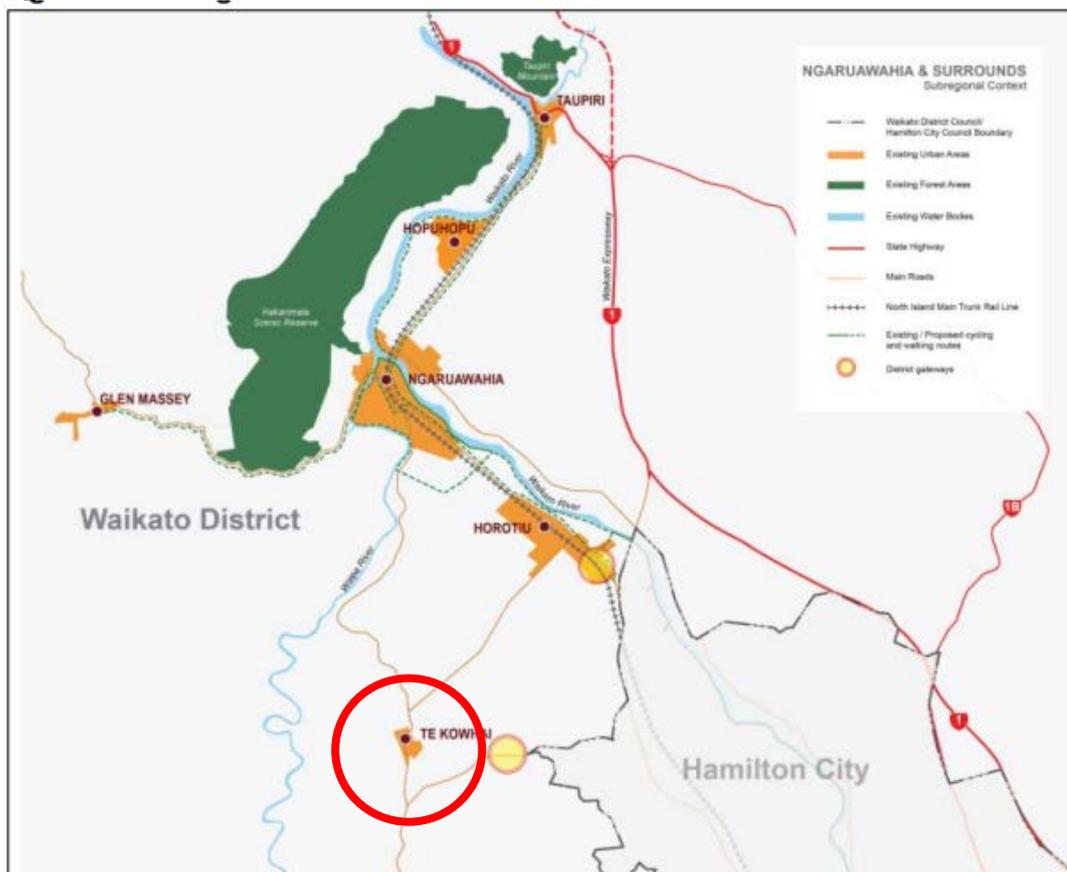
### 2.1 Matters addressed by this report

13. This report considers submissions that were received by the Council in relation to the provisions on the zoning of Te Kowhai within the Waikato Proposed District Plan.

### Overview of Te Kowhai

14. Te Kowhai is a small township located approximately 5.5km due west of the urban edge of Hamilton, 10km due south of Ngaruawahia, and 25km due east of Raglan. Direct roading links are provided from Te Kowhai to these three centres.

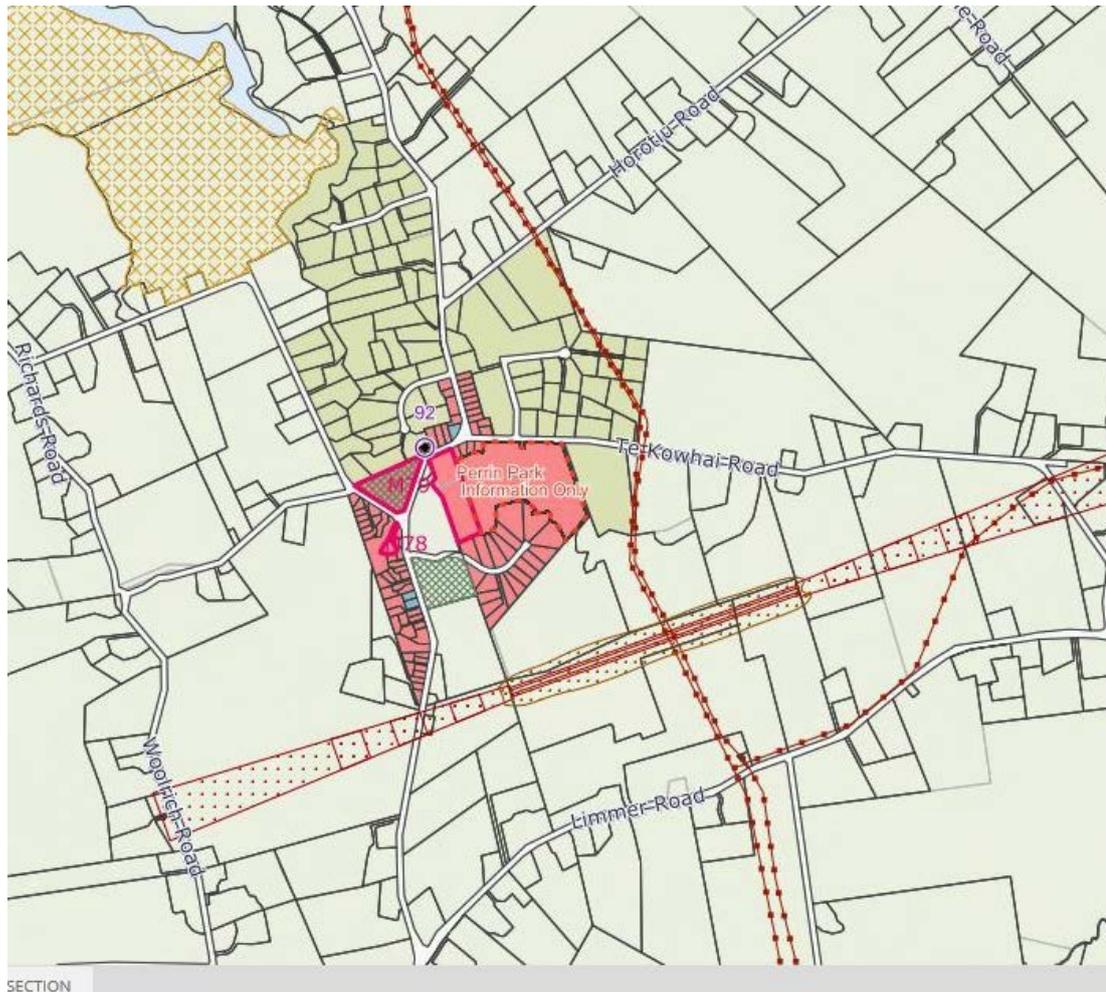
**Figure 1: Te Kowhai location<sup>1</sup>**



<sup>1</sup> Image Source: Ngāruawāhia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan (2017)

15. Te Kowhai has its origins as a small rural service town that provides a hub for local community facilities that include a kindergarten, full primary school, community hall, two churches, sports club and associated playing fields and playground, and a small cluster of local businesses providing for some of the community's day-to-day needs such as a dairy, takeaway food bar, and a vehicle repair workshop. The traditional village core of houses and services is centred around the intersection of Te Kowhai Road and Ngaruawahia/ Horotiu Roads, and is shown in pink (Residential Zone) in the Operative Plan zone map (Figure 2). The village has an estimated population of 1,623 (as at 2016), and some 670 households<sup>2</sup>.

**Figure 2. Operative Plan Zone Map**



16. The township has undergone relatively rapid expansion in recent years, albeit off a low base. Large lot Country Living Zoned properties have been established on the northern side of the village (shown as olive green in Figure 2), with this development taking the typical form of dwellings set within large landscaped gardens with post and rail fencing and assorted domestic accessory buildings. These lots are unserviced for both water and wastewater (as is the balance of the village), with dwellings in Te Kowhai generally reliant on septic tanks. There are a small number of dwellings near the village centre that are connected to a small waste water system which provides additional treatment of septic tank discharges before disposing to land. This existing system is at capacity, with no plans for it to be upgraded.

<sup>2</sup> S42a Framework Report, Appendix 9

17. The lack of reticulated services and in particular wastewater has resulted in the Operative Plan making limited provision for further growth in Te Kowhai. Greenfield zoning is limited to the Country Living Zones to the north, with these large lots of sufficient size to readily enable adequate room for on-site wastewater disposal fields. The Country Living Zoned area has generally been subdivided and developed to the density anticipated for this zone, albeit that a number of individual lots remain that are capable of further limited subdivision under the Operative Plan provisions. The majority of the Residential Zoned sites in the village centre have likewise been developed to anticipated densities. There is therefore very limited further capacity available within the extent of the Operative Plan zoning.
18. Local features of note in the wider area include:
- A reticulated natural gas pipeline traverses the village’s eastern boundary in a north-south direction;
  - Two listed heritage items<sup>3</sup> are located in the centre of the village;
  - A local ‘club’ airfield is located to the south of the village, with the runway and associated planning controls relating to airport obstacle limitation surfaces shown in red in Figure 2 and running in an east-west direction, and airpark noise buffers immediately around the edge of the airfield;
  - The Te Otamanui stream runs through the centre of the village in an east-west direction before flowing north along the western edge of the Country Living Zone. To the northwest of the village the stream channel widens into a freshwater lagoon/ wetland before ultimately connecting with the Waipa River. The waterway and margins are identified as a Significant Natural Area (‘SNA’) in the Proposed Plan;
  - An additional small SNA is identified to the east of Willowbrook Lane cul-de-sac;
  - A walkway/ cycleway/ bridleway runs along the edge of the Te Otamanui stream (shown as yellow dots in the Proposed Plan Maps);
  - An aggregate extraction policy area is located to the northwest of the Country Living Zone in the Operative Plan (shown as yellow cross-hatch in Figure 2 above). An existing aggregate quarry is located approximately 700m northwest of the northern Country Living Zone and is shown as an ‘Aggregate Extraction Area’ on the Proposed Plan maps. This area is smaller than the policy area in the Operative Plan i.e. it just covers the site of the existing quarry operation and as such is further to the northwest of Te Kowhai than the Operative Plan policy overlay;
19. Along with the features that are present, the following matters are NOT located within or adjacent to Te Kowhai:
- No identified Outstanding Natural Landscapes or Features;
  - No existing large-scale industry or intensive farming;
  - No rail lines or electricity transmission lines;
  - No listed sites of cultural significance.

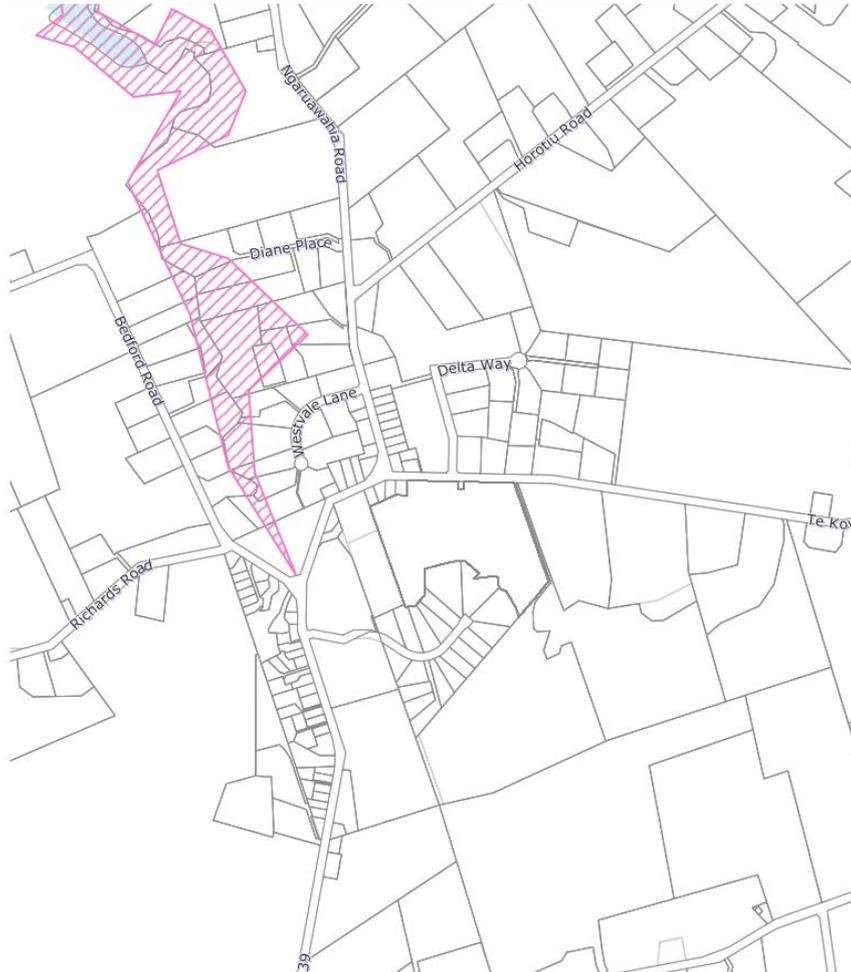
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<sup>3</sup> Items #133 and 134

## Natural Hazards

20. Te Kowhai is relatively free from natural hazards. The only area susceptible to natural hazard risks is a flood plain management area that is identified along the Te Otamanui stream to the west of the village (shown as pink cross-hatch in Figure 3 below).

**Figure 3. Natural Hazard risk<sup>4</sup>**



## Infrastructure - three-waters servicing

21. A summary of three waters servicing is provided in a memo attached as **Appendix 3**. Te Kowhai is currently unserviced for all three waters apart from limited sewage treatment for a small number of existing dwellings. Dwellings are therefore reliant on septic tanks with on-site disposal fields. Stormwater is disposed of to potable water tanks (for roof water) or to ground for stormwater derived from hardstand areas. There are currently no planned upgrades for any of the three waters infrastructure in the Long Term Plan ('LTP'). It is understood that the most plausible long-term sewer solution is to extend the sewer main from Ngaruawahia to Te Kowhai via Horotiu, with such an extension being technically feasible. An alternative sewer solution that may be technically feasible would be to run a line from Hamilton City's reticulated network, reliant on Hamilton City Council agreeing to such a connection.

<sup>4</sup> Proposed Plan Map 26.2 Te Kowhai natural Hazards and Climate Change

22. The lack of programmed reticulation for both water supply and wastewater places a significant constraint on further urban growth of Te Kowhai in the short to medium term.

### **Infrastructure – roading and commuter rail**

23. Roading within the village is a mix of collector roads on the main north-south and east-west alignments, and local side streets and cul-de-sacs. Within the village centre these roads are formed with kerb and channel and sealed footpaths. Adjacent to the Country Living zoned parts of the village the road formation changes to be consistent with a rural typology of grass verges and no formed footpaths.
24. Te Kowhai has direct roading connections to both Hamilton City and Ngaruawahia. Given the absence of any large townships further to the west, these connector roads appear to have adequate peak hour capacity in the vicinity of Te Kowhai. The transport assessment undertaken as part of the 2017 Structure Plan process concluded that because of the Te Rapa Bypass and Ngaruawahia Bypass removing much of the former state highway traffic from the historical routes of SH1 and SH39 through Ngaruawahia and parts of Taupiri and Te Kowhai, there is little in the way of structure planning required from a roading perspective.
25. Te Kowhai is some distance from the trunk rail network and as such does not have any potential for a future commuter rail service or associated stations. The closest location for accessing such a future service is at Rotokauri some 8.5km to the east where a new rail station has recently opened.
26. No regular bus services appear to be available to Te Kowhai. The Te Kowhai primary school does provide a bus service for eligible pupils. This school service is however more for enabling pupils on outlying farms and lifestyle blocks to get in to Te Kowhai, rather than enabling Te Kowhai residents to leave for alternative out-of-town schooling options.

### **Infrastructure –schools, parks, and community facilities**

27. As noted above, Te Kowhai has a kindergarten, full primary school, community hall, and sports fields. The primary school has a role of approximately 337 children<sup>5</sup>, located within a spacious site that appears to provide the opportunity for additional classrooms if required. No major new community facilities are programmed in the LTP.
28. The existing sports fields on the southern side of the village are large and include opportunities for both formal competitive sport and informal passive recreation. The walkway along the Te Otamanui stream has been recently developed and provides an alternative recreational option as well as providing an off-road route for cycling and walking through the centre of the village.

### **Te Kowhai Structure Plan (March 2017)**

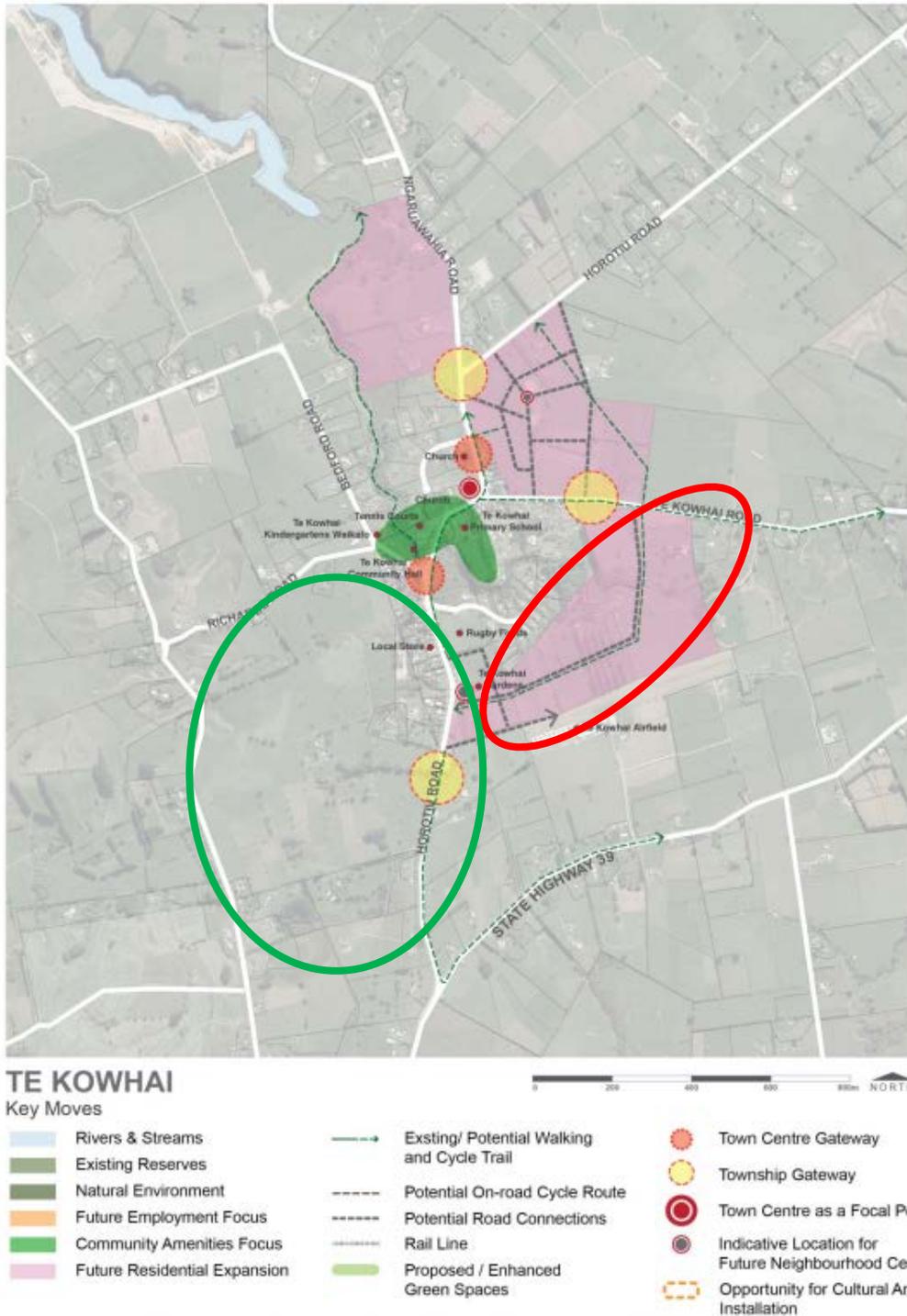
29. The Council undertook a structure planning exercise for the townships of Ngaruawahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai, and Glen Massey in March 2017<sup>6</sup>. This structure planning exercise involved extensive community consultation and resulted in the production of a structure plan for each of the townships, along with a list of ‘key moves’ that set out the

<sup>5</sup> [https://www.tekowhai.school.nz/files/15031b81f745a2e3/file\\_attachments/2/Te\\_Kowhai\\_School\\_-\\_01\\_09\\_2017\\_Education\\_Review\\_Office.pdf](https://www.tekowhai.school.nz/files/15031b81f745a2e3/file_attachments/2/Te_Kowhai_School_-_01_09_2017_Education_Review_Office.pdf)

<sup>6</sup> [https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/structure-plans/final-ngaruawahia-structure-plan-march-2017.pdf?sfvrsn=744dbac9\\_4](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/structure-plans/final-ngaruawahia-structure-plan-march-2017.pdf?sfvrsn=744dbac9_4)

anticipated changes for the townships. Across the various townships these key moves range in scale from relatively modest public works through to identifying large areas for urban expansion.

**Figure 4: Te Kowhai Structure Plan 2017**



30. Of note for submissions seeking rezoning, the only growth area that is yet to be rezoned or developed is an area to the south of Te Kowhai Road (shown in a red oval on Figure 4 above). The area to the southwest of the Village is shown as remaining rural (green oval).

The Structure Plan likewise does not provide for growth around the airfield to the south of the village.

31. In terms of urban growth, the 2017 Structure Plan direction was for rural-residential expansion to the north, east, and south. Due to the lack of reticulated services, such growth was anticipated to be of a Country Living Zone nature, albeit at densities of 3,000m<sup>2</sup>. The growth direction was aligned with the general direction for growth identified in Future Proof 2017 (discussed in more detail below).
32. A staging map<sup>7</sup> for Te Kowhai notes that the provision of a limited amount of low density Country Living zoning reflects the absence of reticulated water and wastewater and the “unlikelihood of such services being provided by the Council for the foreseeable future”.
33. Following confirmation of the Structure Plan, the District Plan was amended via Plan Change 17 which rezoned the growth areas to the north of Te Kowhai Road (and a small block to the south of that road) to a Country Living Zone. The PC17 blocks have largely been subdivided and are in the process of being built-out to Country Living densities.
34. The identified key moves<sup>8</sup> for Te Kowhai are as follows:
  - *Retain the village ‘look’ within new developments and keep the identity of the village;*
  - *Where possible link development to the Te Otamanui Walkway<sup>9</sup>;*
  - *Concrete footpaths to enable efficient walking access through and to the central village and ensure safe access across Te Kowhai/Horotiu Road;*
  - *Cycleway to Hamilton;*
  - *New developments to have an emphasis on ‘avenue type’ roads incorporating Kowhai trees;*
  - *New developments to ensure connections and linkages to the village;*
  - *Walkway around the village to follow gas pipe line;*
  - *Minimise the utilisation of ancillary buildings;*
  - *New developments to encourage underground services;*
  - *Mark all entrance ways to the village;*
  - *Extend the business area to promote growth;*
  - *Road names to reflect the area’s heritage;*
  - *Country Living development to be 3000m<sup>2</sup>;*
  - *Future country living residential areas could be to the north, east and a small area to the south; and*
  - *Extend the Village Green to provide a larger reserve for sports activities.*

## 2.2 Overview of submissions

35. In general, submissions are seeking that rural sites on the periphery of the township be rezoned to either Country Living or Village Zone. The Proposed Plan included several large areas of new greenfield Village Zone, with landowners of these blocks seeking that the proposed Village Zone be retained i.e. supporting the notified Plan position of a change from

<sup>7</sup> Structure Plan Figure 24, pg. 49

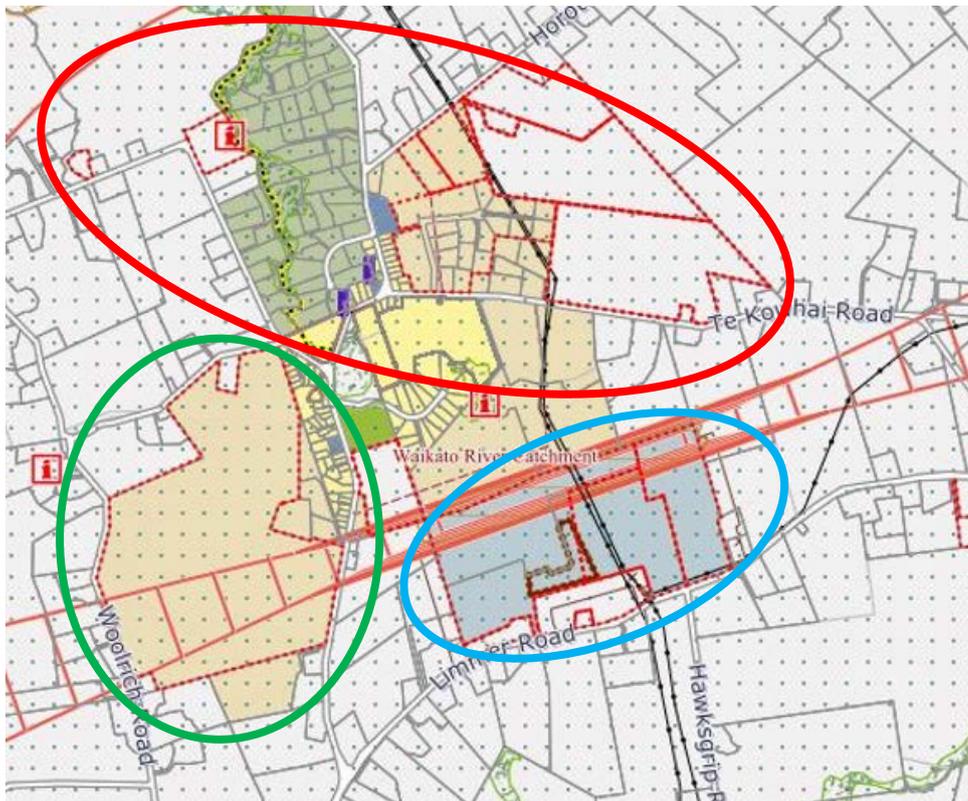
<sup>8</sup> Section 4.2.5, pg. 39

<sup>9</sup> This walkway follows the course of the stream which runs through the middle of the village

Rural to Village zoning. Submissions seeking greenfield Village or Country Living Zoning are generally opposed through further submissions from Hamilton City Council.

36. Thirteen such submissions and thirty-three further submissions were received in relation to the northern parts of Te Kowhai (shown as a red oval in Figure 5 below), along with several more isolated rural sites to the west and east of the village.
37. To the southwest of the village is a large block (shown as a green oval in Figure 5) that is zoned Rural in the Operative Plan, and has a greenfield Village Zone in the Proposed Plan. The owner of the majority of this block, Greig Metcalfe [602.32], has submitted in support of the proposed Village Zone, with this submission opposed through a further submission by Hamilton City Council, consistent with HCC's primary submission that opposes all new greenfield Village Zoning in Te Kowhai<sup>10</sup>.
38. To the south of the village (shown as a blue oval in Figure 5), NZTE Operations Ltd are seeking that the area around the airfield be rezoned to a bespoke Special Purpose Te Kowhai Airpark Zone<sup>11</sup>. Three submissions have been received opposing the airpark concept (and associated zone). Two adjacent landowners to the south of the airfield have sought that their land be rezoned to Village Zone.

**Figure 5: Location of submitters (red dashed lines)**



39. In addition to submissions relating to Te Kowhai, this report also considers two submissions located in the Rotokauri area (between Te Kowhai and Horotiu). Hounsell Holdings Ltd [832.1 and 832.4] seeks a change from Rural to Residential zoning for two adjacent blocks, with these submissions each opposed by five further submitters.

<sup>10</sup> The Metcalfe submission is also opposed by a generic further submission by Mercury Energy

<sup>11</sup> The merit of the airpark zone and its associated provisions was considered in Hearing 17.

## 2.3 Structure of this report

40. The assessment of submissions is structured around the three ‘oval’ areas shown in Figure 5, with Rotokauri comprising a fourth topic area. Appendix 1 provides a table of submission points and associated recommendations, with Appendix 2 showing recommended amendments to zone boundaries.

## 2.4 Procedural matters

41. No pre-hearing meetings have been held with submitters and there are no other matters of relevance under Clause 8AA.

# 3 Statutory framework

42. 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).
43. The statutory framework was considered by the Panel in a recent pre-hearing conference on 5<sup>th</sup> March 2021. Following this pre-hearing conference the Panel issued a minute dated 15 March 2021 regarding the s42a Framework Report and provided further direction regarding the correct statutory tests for District Plan development. The minute includes reference to the tests set out in Appendix 1 to Council’s opening legal submissions. This Appendix has since been updated by Counsel and has been used to guide the drafting of this report.
44. The following sections identify statutory documents with particular relevance to this report.

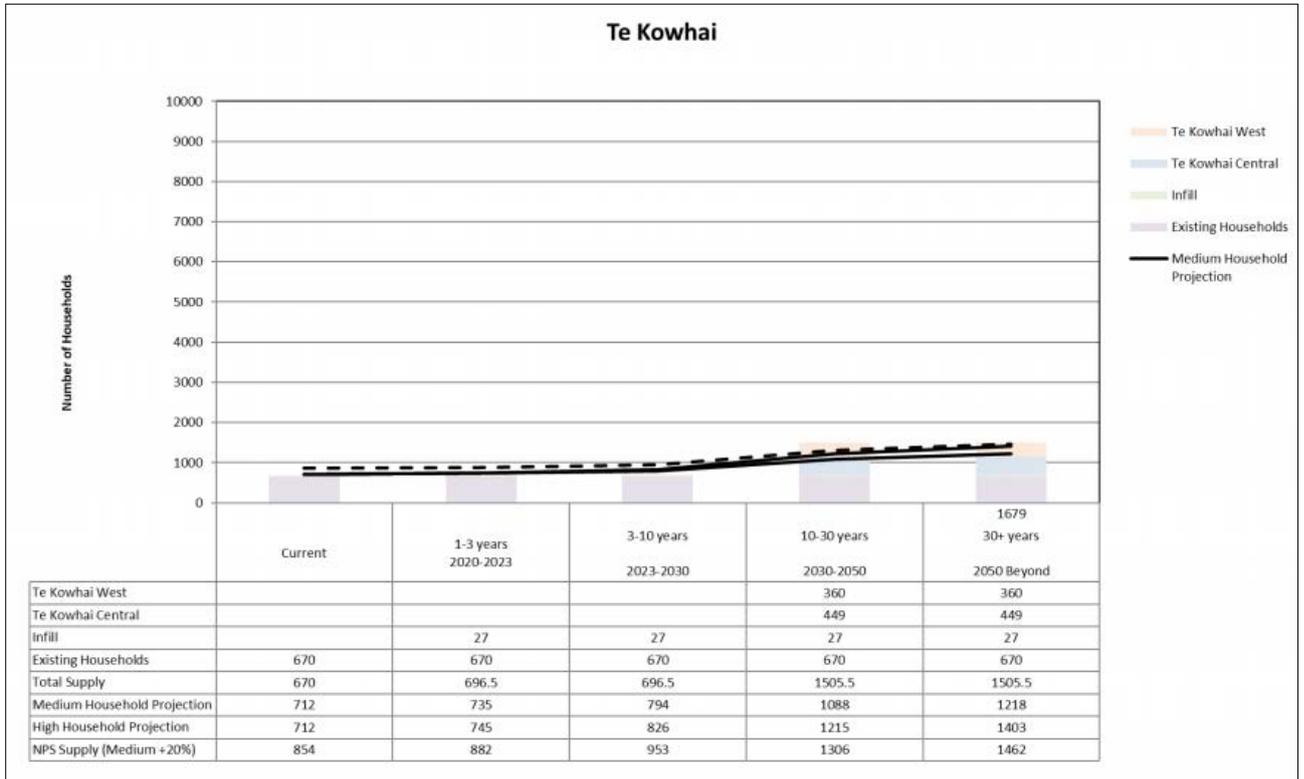
## 3.1 National Policy Statement for Urban Development

45. The direction contained in the NPS-UD is set out in Dr Davey’s Framework Report, and is also discussed in my s42a Thematic Report that considered Future Urban Zones.
46. Of particular relevance to Te Kowhai is the lack of programmed reticulated services within the short-medium term. NPS-UD Policy 8 obliges Local Authorities to ‘be responsive’ to plan changes<sup>12</sup> that are out of sequence or otherwise not contemplated in the relevant planning documents e.g. the Waikato Regional Policy Statement (‘WRPS’). Such plan changes are however subject to a number of caveats under Policy 8. The plan change must contribute to a ‘well-functioning urban environment’, as set out in Policy 1. The plan change must also be capable of delivering ‘significant’ development capacity, noting that the criteria for ‘significant’ have yet to be determined. ‘Development capacity’ is defined as the capacity of the land to be developed for housing based on the relevant zone provisions and the provision of adequate development infrastructure to support the development of land for housing. ‘Development infrastructure’ is in turn defined as three-waters network infrastructure that is controlled by a council or council-controlled organisation. In short, if a proposed growth area is unable to connect to council-controlled reticulated services, then it is unable to meet the definitions of providing ‘development capacity’ and therefore is unable to be considered under Policy 8.

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<sup>12</sup> I am aware of legal views that the Policy 8 reference to ‘plan changes’ does not extend to whole of Plan reviews as these are not a ‘plan change’ per se. This is a matter of legal rather than planning interpretation and therefore I have conservatively considered Policy 8 as remaining relevant.

- 47. Given that Te Kowhai is not currently provided with any reticulated three-waters infrastructure, and no such provision is programmed within the next ten-year period, any potential growth areas that are not otherwise shown in higher order planning documents are unable to be considered under Policy 8 of the NPS-UD.
- 48. Both existing and anticipated housing capacity for Te Kowhai is set out in Appendix 9 of Dr Davey’s Framework Report, with the relevant table set out below:



- 49. There are an estimated 670 existing households in Te Kowhai. There is very limited further capacity within the existing Operative Plan zoned areas. The existing Residential Zone in the village centre is largely built out and given the need for on-site septic tanks there is only a handful of lots that are capable of further subdivision. The more recent Country Living zoned areas to the north of the village have likewise been largely subdivided and developed over recent years. Whilst there remain a number of lots that are yet to be developed, again the overall capacity for further growth is limited due to the limited number of undeveloped lots and the low density of the zone provisions (whether Country Living or Village Zone). The number of further dwellings able to be plausibly provided within the Operative Plan zoned areas is estimated to be in the order of 25 or so lots.
- 50. The lack of planned or plausible reticulated infrastructure is reflected in the Appendix 9 table with no additional capacity anticipated for Te Kowhai over the next ten years, and the village therefore making little contribution towards the District’s overall capacity requirements in the short-medium term. At some point beyond the ten-year timeframe, reticulated services are expected to reach the village, thereby enabling two large greenfield growth areas to the southeast and southwest to be developed to urban densities. These areas will ultimately provide a further 835 household capacity across the 2030-2050 time period, which would represent a more than doubling of the township’s current population.

51. Appendix 9 identifies that the lack of existing zoned capacity will result in a shortfall in capacity of some 256 households prior to 2030<sup>13</sup>. Once reticulation reaches the village after 2030 the capacity shortfall is resolved with a surplus of some 200 households being provided relative to NPS-UD requirements over the long term/ 2030-2050 time period.

### 3.2 Waikato Regional Policy Statement

52. A high-level assessment of the relevant WRPS provisions as they relate to urban growth is set out in both the Framework Report authored by Dr Davey, and the Thematic Report authored by myself (insofar as the WRPS policies relate to urban growth management and integration). The evidence of Ms Miffy Foley on behalf of the Waikato regional Council<sup>14</sup> also includes a helpful summary of the WRPS policy framework, noting in particular that whilst Section 6 of the WRPS deals specifically with urban growth, there are numerous provisions in other chapters regarding matters such as the natural environment and natural hazard mitigation that are equally relevant when considering urban growth matters. I rely on the overview provided by both these previous s42a reports and the evidence of Ms Foley in terms of a more detailed summary of the relevant WRPS provisions.
53. Objective 3.12 outlines the anticipated outcomes for the built environment. These outcomes are focused on achieving an integrated, sustainable and planned land use pattern that (among other things) consolidates existing urban areas, supports the efficient provision of servicing and transport infrastructure, addresses the effects of natural hazards, responds positively to the natural environment, protects regionally significant infrastructure, minimises reverse sensitivity effects and ultimately builds viable and resilient communities.
54. The WRPS also anticipates changes to land use zoning, with Policy 6.1 seeking to ensure that urban development occurs in a planned and co-ordinated manner in line with the ‘general development principles’ and ‘principles specific to rural-residential development’ contained in Section 6A. An assessment of a proposal against these principles necessitates the provision of sufficient information to ensure a sustainable development outcome. These information requirements are listed in implementation method 6.1.8 and are set out in the s42A Framework Report<sup>15</sup>.
55. It is also relevant to note that other implementation methods state that 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”<sup>16</sup>, and that “before land is rezoned 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”<sup>17</sup>.
56. Notwithstanding, Policy 6.14 states that new urban development within the ‘Future Proof area’ shall occur within the Urban Limits indicated on Map 6.2, being the 2009 version. The growth areas shown in the Future Proof Strategy and associated urban limits were established to provide certainty with respect to the priority, timing and funding and provision of infrastructure.
57. Te Kowhai is located within the ‘Future Proof’ area identified in the WRPS and is shown graphically on Map 6C. The WRPS map shows the anticipated locations for urban growth based on the 2009 Future Proof Strategy, with growth areas shown in orange in Figure 6

<sup>13</sup> Based on NPS medium supply + 20% = 953 household capacity required minus 670 existing + 27 infill = shortfall of 256 households.

<sup>14</sup> Evidence of Ms Foley dated 10/03/21, Section 7.

<sup>15</sup> S42A Framework Report, paragraph 100.

<sup>16</sup> WRPS, Implementation method 6.1.6

<sup>17</sup> WRPS, Implementation method 6.1.7

below. The Future Proof Strategy was updated in 2017 and incorporated additional growth areas (shown in blue outline in Figure 7). The WRPS has yet to be updated to reflect the 2017 Strategy, and therefore the orange areas below constitute the current WRPS direction regarding the extent of urban growth in Te Kowhai<sup>18</sup>.

**Figure 6: WRPS Map 6C**



58. A number of submitters have sought rezoning to enable Country Living or Village Zone activities. As such Policy 6.17<sup>19</sup> is considered to be of particular relevance given this policy's specific focus on rural residential development in the Future Proof area. This policy directs that careful management of rural residential development is required that recognises the pressures from, and the adverse effects of, rural residential development particularly within close proximity to Hamilton City. Lastly the policy states that rural residential development should have regard to the principles in section 6A regarding urban growth management, which include eight principles specific to rural residential development, being:
- a) *be more strongly controlled where demand is high;*
  - b) *not conflict with foreseeable long-term needs for expansion of existing urban centres;*
  - c) *avoid open landscapes largely free of urban and rural-residential development;*
  - d) *avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;*
  - e) *recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;*
  - f) *minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;*
  - g) *be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and*
  - h) *be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.*
59. In terms of implementing Policy 6.17, the WRPS states that District Plan provisions and growth strategies will strictly limit rural residential development in the vicinity of Hamilton

<sup>18</sup> Noting that the title to Map 6C is that the Future Proof map is 'indicative only'

<sup>19</sup> Waikato Regional Policy Statement, Policy 6.17, page 6-24 and 6-25

City<sup>20</sup>, and appropriate agreements will be reached with Hamilton City about the servicing of such development<sup>21</sup>.

60. In summary, and with a particular focus on Te Kowhai, the WRPS provides the following specific directions:
- Policy 6.3 directs that growth be coordinated with the provision of infrastructure;
  - Policy 6.14(a) directs that new urban development within Te Kowhai occurs within the urban limits indicated on Map 6C i.e. the orange area shown in Figure 5 above;
  - Policy 6.14(b) directs that new residential and rural-residential development be managed in accordance with the timing and population for growth areas in Table 6-1. Of relevance, Te Kowhai is not explicitly listed as a stand-alone township in Table 6-1 and instead simply forms part of 'Waikato Rural Villages'. An increase in population of 3,350 is anticipated across these rural villages between 2021-2041;
  - Policy 6.15 directs that growth areas achieve a minimum average gross density of 8-10 households per hectare for greenfield development in Waikato District rural villages where sewerage is reticulated. Such reticulation is not currently available in Te Kowhai (and is not programmed to be within the medium term);
  - As set out above, Policy 6.17 relates specifically to the management of rural residential development in the Future Proof area. The area within commuting distance of Hamilton is identified as being subject to particularly high demand for this form of housing, with implementation method 6.17.1 directing that rural residential development be strictly limited in the vicinity of Hamilton City. The proposed greenfield Village Zones shown in the Proposed Plan to the southeast and southwest of the township are both identified as being areas for future urban growth in Waikato 2070 and therefore development to unserviced large lot density would not give effect to Policy 6A(b) as it would create a conflict with the long-term expansion of an urban area. The general approach to limiting further unserviced rural residential development, especially where such is proposed within areas identified for future urban density, is discussed at length in Dr Davey's Framework Report.
  - Policy 6.19 provides criteria for when the Future Proof map and associated capacity tables are to be reviewed. The 2017 update of Future Proof is an example of such a review (with additional land being identified in Te Kowhai). Dr Davey has likewise identified in the Framework Report that further capacity reviews are underway with the Future Proof partner agencies in response to NPS-UD reporting and monitoring requirements.

### 3.3 Future Proof 2017

61. I understand from Ms Foley's evidence for the Waikato Regional Council<sup>22</sup> that Stage 2 of the Future Proof 2017 review is due to be notified mid this year. I also note that 'Future Proof' is an ongoing collective approach to spatial planning adopted by the various Waikato Councils and their partner agencies. As such regular updating of capacity required by the NPS-UD is to be undertaken in a collaborative manner. Spatial planning initiatives such as the Hamilton to Auckland Corridor Plan ('H2A') and the Waikato Metropolitan Spatial Plan ('MSP') are other recent examples of this collaborative approach to spatial planning in the Waikato.

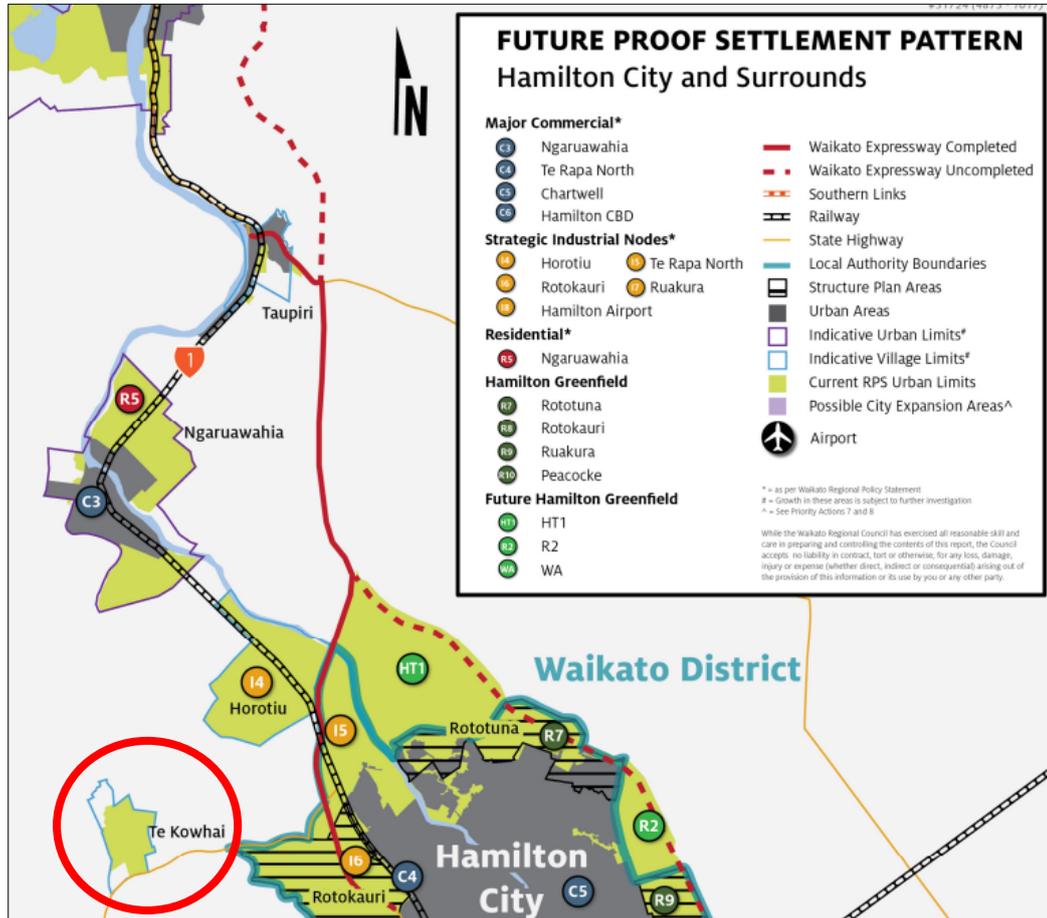
<sup>20</sup> Waikato Regional Policy Statement, Implementation method 6.17.1, page 6-25

<sup>21</sup> Waikato Regional Policy Statement, Implementation method 6.17.2, page 6-25

<sup>22</sup> Evidence of Ms Foley, Sections 8 & 9.

62. Figure 7 below shows (in red circle) the anticipated extent of urban growth in Te Kowhai as identified in Future Proof 2017. The areas identified in the 2009 strategy (and therefore Map 6C of the WRPS) are shown in green. The additional growth areas added as part of the 2017 review are shown in blue outline.

**Figure 7. Future Proof 2017 map**



63. The following is particularly noted:
- The growth areas to the east and south of the village identified in the 2008 Strategy are retained. These areas include the airfield;
  - An additional area to the north of the village has been included in the 2017 strategy. This new northern area has a Country Living Zone in the Operative Plan and has since been developed to such densities;
  - No growth areas are shown to the west of Horotiu Road/ SH39 (i.e. the Metcalfe block [602] is not shown in either FP2017 or the WRPS).
64. With respect to the management of village limits, the Future Proof 2017 states:

*Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Taupiri, Gordonton, Whatawhata, Te Kowhai, Matangi, Tamahere and Horotiu. These are shown on Maps 1 and 2 but are still indicative and will remain so until further development analysis, for example District Plan review or structure planning has been completed. The expectation is that land within an indicative village limit may be developed to a*

rural-residential density only unless reticulated wastewater is available, with a single commercial centre providing for the daily convenience needs of residents in the immediate area.

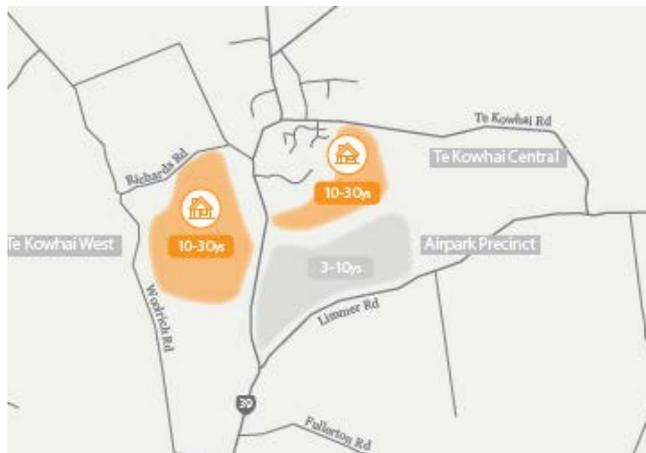
The Waikato District is currently facing significant pressures in relation to some of its villages. This is likely to intensify post the Waikato Expressway completion in 2020. To manage this, show leadership and avoid a potential proliferation of private plan changes, it is intended to further investigate whether it is desirable to select one or two villages and prioritise these for future growth and servicing. This approach would see future development being concentrated in one or two existing villages (including Te Kowhai) rather than being scattered across a number of areas. This will be investigated as part of Phase 2 of the Strategy Update in 2018, noting that the Future Proof partners would need to agree to this approach<sup>23</sup>.

65. Growth across the District is therefore to be focussed in and around the District's larger towns. Growth in and around the smaller villages is conversely to be limited. This overall approach is however nuanced with some growth anticipated in specific villages (including Te Kowhai). I take the above reference to development only being to rural residential density unless servicing is available to be simply a recognition of the status quo situation in the majority of the District's villages i.e. that they are not serviced and therefore any further development must be at the low densities required to support on-site wastewater disposal. The Strategy is not promoting large-scale unserviced rural residential development as a preferred approach to growth.

### 3.4 Waikato 2070

66. Te Kowhai is a township that is specifically identified in Waikato 2070. This strategy identifies the direction and timing of growth, as shown in Figure 8. Residential growth areas are shown in orange with the 'Airpark Precinct' shown in grey.

**Figure 8: Waikato 2070 growth direction**



67. As noted in the s42A Framework Report, this is a more fine-grained strategy document than Future Proof 2017 and has been informed by a comprehensive range of technical inputs and data from within WDC, including “flood mapping, high class soil mapping, topography/slope analysis, pedestrian catchment modelling, 3-waters capacity assessment, employment and economic demand and land analysis, land capacity modelling, household and population projection modelling, field research and analysis, technical reports including research that was carried out to inform the PWDP and previous structure plans”<sup>24</sup>. Waikato 2070 includes the following directions:

<sup>23</sup> Future Proof 2017, page 33

<sup>24</sup> S42A Framework Report, paragraph 125

- No further urban growth is identified to the north of Te Kowhai Road/ east of the existing Country Living Zone;
- No significant intensification is anticipated in the centre of the village i.e. no Medium Density Residential Zone;
- Growth to Residential Zone/ suburban densities is identified to the southeast of the village over a 10-30 year timeframe, with this timeframe reflecting the lack of reticulated services in the short-medium term. This south-eastern growth area aligns geographically with the Te Kowhai Structure Plan, Future Proof 2008 and 2017 and the WRPS Map 6C;
- Growth in the airpark precinct between the existing village and Limmer Road is identified in the short-medium term (3-10 years). Whilst identified as an urban area, this 'Airpark Precinct' area is not specifically identified for either housing or industry, reflecting the specific purpose nature of the airfield activities. The airfield area aligns geographically with Future Proof 2008 and 2017 and the WRPS Map 6C;
- Growth to Residential Zone/ suburban densities is identified to the southwest of the village over a 10-30 year timeframe, with this timeframe again reflecting the lack of reticulated services in the short-medium term. This southwestern growth area is not identified in the Te Kowhai Structure Plan, Future Proof 2008 or 2017, or the WRPS Map 6C;
- Waikato 2070 reflects an ongoing evolution of the approach to growth around Villages articulated in Future Proof 2017 i.e. that some urban growth is contemplated in specific villages including Te Kowhai, and that servicing of this village is contemplated in the 10-30 year timeframe to enable these growth areas to be developed to urban densities.

### 3.5 Proposed District Plan policy direction

68. The s42A Framework Report summarises the overarching strategic directions relating to urban growth, as contained in notified Chapter 1.12.8(b) of the Proposed Plan. These provisions are generally reflective of the outcomes sought by the higher order WRPS and NPS-UD with respect to creating well-functioning urban environments and achieving integrated land use and infrastructure planning.
69. Chapter 4 of the Proposed Plan sets out the policy framework that applies to urban environments, with the key directions being set out in s42A Framework Report (para. 55). In particular, these Proposed Plan provisions seek to align the overall settlement pattern of the district with Future Proof 2017, with the details of each growth cell being further progressed through the development of township specific structure plans that have undergone a community consultation process.
70. In addition, Chapter 4 contains township-specific policies that provide further guidance in assessing the merits of the rezoning submission points. Specific policies of relevance to Te Kowhai are 4.1.17 which relates to the township as a whole, and the suite of objectives and policies for the Village Zone<sup>25</sup> which make specific reference to greenfield growth in Te Kowhai using transitional density rules in the Village Zone. This policy direction, and the substantial changes to it recommended in Hearing 6 in particular, are discussed in more detail below.

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<sup>25</sup> Objective 4.3.1 and Policies 4.3.3 and 4.3.4

71. Following direction from the Panel dated 17<sup>th</sup> March 2021, it is recognised that the Proposed Plan policy framework is itself subject to numerous submissions and therefore has not yet been settled. Ultimately the Panel will need to arrive at a zone pattern and policy approach to urban growth management that is both internally consistent, and more importantly gives effect to the higher order documents discussed above.

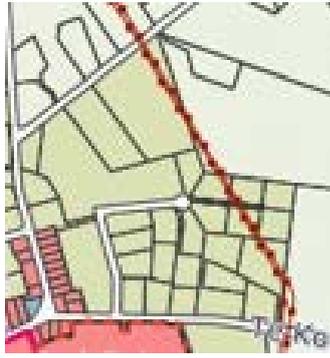
### 3.6 Proposed District Plan zoning

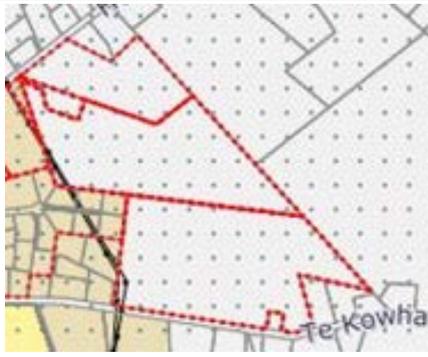
72. The Proposed Plan as notified puts forward a series of changes to the Operative Plan zone pattern for Te Kowhai. These changes are summarised in the below table. Areas that are subject to submissions are shown as a red dashed line on the Proposed Plan zone map extracts.

**Table 1. Operative and Proposed Plan zoning**

Operative Plan	Proposed Plan	Aerial <sup>26</sup>
North west Te Kowhai		
		
<p>This block has a Country Living zone in both Operative and Proposed Plans (olive green). It is largely subdivided to Country Living density and therefore the Proposed Plan reflects status quo built form with limited further capacity being available at Country Living densities.</p> <p>No submissions are seeking changes to the Country Living zone. Year 91 Family Trust [745.1] are seeking a change from Rural to Country Living for a small block to the west. The L Schick Trust Company [49.1] is seeking to rezone a 35ha diary farm to the northwest (part of the area covered by the Aggregate Policy overlay in the Operative Plan) from Rural to Country Living.</p>		

<sup>26</sup> Google Earth 2019

Operative Plan	Proposed Plan	Aerial <sup>27</sup>
North east Te Kowhai		
		
<p>This block has a Country Living zone in the Operative Plan (via Plan Change 17) and a Village Zone in the Proposed Plan, thereby enabling a change from 5,000m<sup>2</sup> to 3,000m<sup>2</sup> lots. It is partially developed following a recent subdivision to Country Living Zone densities. There is some limited capacity for further subdivision with several undeveloped lots fronting onto the southern side of Te Kowhai Road.</p> <p>Submissions are seeking to both retain the Proposed Village Zone from Te Kowhai Estates Ltd [296.1], and in opposition to the change in zone from Sharron Leigh [248.1] i.e. seeking instead that the block retain the Operative Plan Country Living zoning.</p>		

Operative Plan	Proposed Plan	Aerial <sup>28</sup>
Eastern rural fringe		
		
<p>To the east of the existing Country Living Zone is a Rural Zone in both the Operative and Proposed Plans.</p> <p>Te Kowhai Estates [296.1] and McCracken Surveys Ltd [943.62] are seeking a change from Rural to Village Zone. Sharron Leigh [248.1] is seeking that this area retains a Rural Zone.</p>		

<sup>27</sup> Google Earth 2019

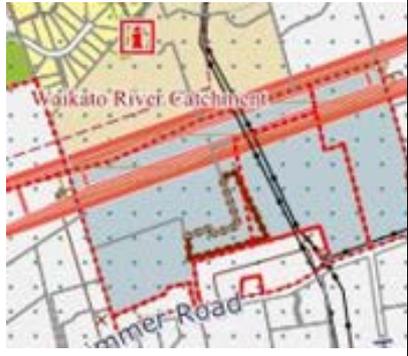
<sup>28</sup> Google Earth 2019

Operative Plan	Proposed Plan	Aerial <sup>29</sup>
Central Te Kowhai		
		
<p>The existing township centre has a Residential Zone in both the Operative Plan (beige) and the Proposed Plan (yellow). The Residential Zone to the east has been developed to suburban densities over the last five years with little further capacity being available.</p> <p>No submissions were received on this central area of existing housing. M&amp;K Stead [834.4] is seeking to rezone the area to the south of the Council-held sports fields from Rural to Village Zone.</p>		

Operative Plan	Proposed Plan	Aerial <sup>30</sup>
East Te Kowhai		
		
<p>The Operative Plan has a small area of Country Living Zone (green) located to the south of Te Kowhai Rd between the existing Residential Zone and the gas pipeline.</p> <p>The Proposed Plan includes a large greenfield Village Zone to the east of the existing village (beige). M&amp;K Stead [834.3] are seeking to retain this proposed new Village Zone.</p>		

<sup>29</sup> Google Earth 2019

<sup>30</sup> Google Earth 2019

Operative Plan	Proposed Plan	Aerial <sup>31</sup>
South Te Kowhai		
		
<p>The Te Kowhai airfield has a Rural Zoning in the Operative Plan and a Special Purpose Zoning (blue) in the Proposed Plan. NZTE Operations Ltd have proposed a new Airpark Zone. Robert Clear [645.1] and Warren Jonson [92.1] own small sites to the south of the proposed Airpark and have sought a change from rural to Village Zoning.</p>		

Operative Plan	Proposed Plan	Aerial <sup>32</sup>
South west Te Kowhai		
		
<p>To the south west of Te Kowhai is a large block of land that has a Rural Zone in the Operative Plan (light green) and a Village Zone (beige) in the Proposed Plan.</p>		
<p>Submissions were received seeking the retention of the proposed Village Zone by Greig Metcalfe [602.32] and are opposed by RM &amp; MA Weir Family Trust [116.1].</p>		

<sup>31</sup> Google Earth 2019

<sup>32</sup> Google Earth 2019

## 4 Overview and area north of the village

### 4.1 Submissions

73. Fourteen submissions and thirty-four further submissions were received in relation to the northern parts of Te Kowhai (shown as a red oval in Figure 4 above), along with several more isolated rural sites to the west and east of the village.
74. An additional two submissions and five further submissions were received on the southwestern area (shown as a green oval in Figure 4 above).

Submission point	Submitter	Decision requested
13.1	Jason Nadin	Amend the zoning of the property at 11 Limmer Road, Te Kowhai from Rural Zone to Country Living Zone.
<i>FS1197.1</i>	<i>Bowrock Properties Ltd</i>	<i>Support</i>
<i>FS1379.1</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1386.9</i>	<i>Mercury NZ Ltd</i>	<i>Oppose</i>
49.1	L Schick Trust Company	Amend zoning of Lot 2 DP 459844 at 359 Bedford Road, Te Kowhai from Rural Zone to Country Living Zone.
<i>FS1379.5</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1386.37</i>	<i>Mercury NZ Ltd</i>	<i>Oppose</i>
116.2	RM & MA Weir Family Trust	Retain the Village Zone on the property at 692 Te Kowhai Road.
<i>FS1386.251</i>	<i>Mercury NZ Ltd</i>	<i>Oppose</i>
248.1	Sharon Leigh	Amend the zoning of the property at 525 Horotiu Road, Te Kowhai, as well as its boundary properties to remain as Country Living Zone (Operative District Plan zone).
<i>FS1386.251</i>	<i>Mercury NZ Ltd</i>	<i>Oppose</i>
296.1	Terra Consultants (CNI) Ltd	Retain the Village zoning of 714 Te Kowhai Road, Te Kowhai as notified.
<i>FS1379.63</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1386.302</i>	<i>Mercury NZ Ltd</i>	<i>Oppose</i>
296.5	Terra Consultants (CNI) Ltd	Retain the Business Zoning of the properties at 561 and 571 Horotiu Road, Te Kowhai as notified.
376.2	Jolene Francis	Amend the District Plan Maps by expanding the Village Zone and Country Living Zone areas around Te Kowhai village.
<i>1197.14</i>	<i>Bowrock Properties Ltd</i>	<i>Support</i>
<i>FS1277.21</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FS1388.12</i>	<i>Mercury NZ Ltd</i>	<i>Oppose</i>

535.89	Hamilton City Council	No specific decision sought, but submission opposes the Te Kowhai Village Zoning.
FS1335.16	CKL	Oppose
FS1335.19	CKL	Oppose
FS1388.718	Mercury NZ Ltd	Oppose
606.13	Future Proof Implementation Committee	Amend the provisions relating to the growth of Te Kowhai (including Section 4.3 Village Zone, Policy 4.3.3 Future development - Te Kowhai, Chapter 24 Village Zone, Chapter 27 Te Kowhai Park Airpark Zone and planning maps) by restricting additional growth at Te Kowhai until detailed structure planning work is undertaken and servicing is in place. An infrastructure plan for reticulated services, transport and community facilities is needed.
FS1335.7	CKL	Oppose
FS1202.21	New Zealand Transport Agency	Support
FS1335.18	CKL	Oppose
FS1339.209	NZTE Operations Ltd	Oppose
834.3	Marshall & Kristine Stead	Retain the Village Zone as notified at 703B Te Kowhai Road.
FS1339.201	NZTE Operations Ltd	Support
FS1379.347	Hamilton City Council	Oppose
FS1387.1360	Mercury NZ Ltd	Oppose
834.4	Marshall & Kristine Stead	Amend the zoning of the property at 697 Horotiu Road from Rural Zone to Village Zone.
FS1197.36	Bowrock Properties Ltd	Support
FS1277.57	Waikato Regional Council	Oppose
FS1311.28	Ethan & Rachel Findlay	Support
FS1379.348	Hamilton City Council	Oppose
FS1387.1361	Mercury NZ Ltd	Oppose
943.62	McCracken Surveys Ltd	Amend the zoning of the property at 648 Te Kowhai Road, Te Kowhai (Lot 3 DP 361630) from Rural Zone to Village Zone where the land falls within the Regional Policy Statement Urban Limit (2008).
FS1277.62	Waikato Regional Council	Oppose
FS1379.368	Hamilton City Council	Oppose
FS1379.369	Hamilton City Council	Oppose
745.1	Year 91 Family Trust	Amend the zoning of 399 Bedford Road, Te Kowhai from Rural Zone to Country Living Zone.

FS1379.287	Hamilton City Council	Oppose
FS1387.901	Mercury NZ Ltd	Oppose
968.1	Carol & Gordon Corke	Amend the zoning from Rural Zone to Country Living Zone in the Te Kowhai and Horotiu area, including the property at 476 Te Kowhai Road, Horotiu.
FS1277.64	Waikato Regional Council	Oppose
FS1379.374	Hamilton City Council	Oppose
602.32	Greig Metcalfe	Retain the proposed Village zoning of the two titles located at 702 Horotiu Road (Lot 2 DP 456538) and 730 Horotiu Road (Lot 3 DP 353526); AND Amend the extent of the Obstacle Limitation Surface as a consequential amendment. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1379.203	Hamilton City Council	Oppose
FS1388.1040	Mercury NZ Ltd	Oppose
116.1	RM & MA Weir Family Trust	Amend the zoning of the property at 702 State Highway 39 (Horotiu Rd) at Te Kowhai, on the western side of State Highway 39, from Village Zone to Rural Zone.
FS1335.8	CKL	Oppose
FS1379.23	Hamilton City Council	Support
FS1386.96	Mercury NZ Ltd	Oppose

#### 4.2 Analysis – Te Kowhai overview

75. Te Kowhai is currently a modestly sized rural village. Its built form includes residential suburban densities near the centre of the village, along with a small range of community facilities and local businesses. The northern end of the village includes a more recently zoned Country Living area. The area to the west of Horotiu Road has been subdivided and developed to Country Living densities. The Proposed Plan looks to retain the Country Living zoning for this western area and therefore simply seeks to perpetuate the status quo environment.
76. The Country Living zoned area to the east of Horotiu Road has likewise been subdivided (in part) to Country Living density. The Proposed Plan looks to rezone this eastern area to Village Zone. Given that this eastern area is only partially developed, the proposed change in zoning will enable some further development to minimum 3,000m<sup>2</sup> lots rather than 5,000m<sup>2</sup> lots.
77. The Proposed Plan also includes two new large areas of greenfield Village Zone to the southeast and southwest of the existing village. Rather than representing a continuation of the status quo environment/ Operative Plan zoning, the provision of these two large greenfield areas provides for significant growth of Te Kowhai.
78. Hearing 6 considered the policy and rule framework for the Village Zone. I was the author of the s42a report that considered submissions on both the policy framework and the

subdivision rules. In that report I noted that the Village Zone, as notified, had two quite separate purposes.

79. The first of these purposes was to simply reflect and perpetuate status quo land use patterns for the many small rural villages scattered across the District with long-established housing on lots typically ranging between 1,000-5000m<sup>2</sup> in size, and for which the alternative of a Rural Zone was not appropriate. For these existing small, and generally unserved, villages, the Village Zone policy and rule framework is seen as a tool for enabling current landuses and density to continue, but with limited potential for further subdivision or expansion.
80. The second purpose was as a tool for significant greenfield growth adjacent to Te Kowhai and Tuakau. The as-notified rule package enabled subdivision down to 3,000m<sup>2</sup> lots where reticulated services were not available. The design of such lots and the placement of dwellings was required to be such that further intensification down to 1,000m<sup>2</sup> lots was to be enabled in the event that reticulated services became available in the future.
81. My Hearing 6 report sets out my concerns with such a transitional approach, both in terms of the resultant urban outcomes, and in terms of a blurring of the purpose of the Village Zone across two quite different contexts. For Te Kowhai, I recommended that the Proposed Plan Village Zoning of the recently developed Country Living and Village zoned areas to the north of the village be retained, reflecting the established built form and landowner expectations regarding development potential. I conversely recommended that the new greenfield areas of proposed Village Zone to the southeast and southwest be subject to what at the time I somewhat clumsily termed a 'Village Future Urban Density Precinct'. The provisions relating to the greenfield growth areas in Te Kowhai were also discussed in my rebuttal evidence dated 6<sup>th</sup> December 2019. In essence this hearing continues and builds on the assessment that began in Hearing 6.
82. The recommended precinct approach provided for subdivision to Rural Zone densities (at the time 20ha) as a restricted discretionary activity, with subdivision below such densities as a fully discretionary activity, in keeping with discretionary being the default status of the Village Zone subdivision rules. My recommended assessment matters for the Village Zone precinct included the potential for privately owned package plants<sup>33</sup>. Following this recommendation the NPS-UD has been gazetted with its direction that services for well-functioning urban environments be held by Council or a council controlled company. This requirement was reflected in the recommended FUZ provisions of my more recent s42a Thematic Report.
83. My Thematic Report regarding the FUZ provisions referenced the minimum subdivision size of 40ha for the Rural Zone as recommended in Ms Overwater's s42a report for Hearing 18 on the Rural Zone subdivision provisions. I also recommended a non-complying activity status for subdivision below this minimum area for the FUZ, again in keeping with the activity status recommended by Ms Overwater for undersized rural zoned lots in general.
84. Hearing 6 ended with questions from the Panel seeking that further thought be given to the precinct approach and whether there was a role for a Future Urban Zone ('FUZ'). The introduction of a FUZ would provide a further option for urban growth management and would concurrently enable more focus to be brought to the role of the Village Zone as a tool purely for recognising existing status quo villages. The role of a FUZ was explored in my more recent s.42a Thematic Report. I recommended that a Future Urban Zone did have a useful role to play in the suite of zoning options available to the Panel and set out a policy and rule framework for that zone.

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<sup>33</sup> S42a rebuttal evidence dated 06/12/19, para 23.

85. Of particular note, the FUZ was seen as a useful tool for blocks of land where the provision of reticulated services was uncertain within a ten year-plus timeframe, and/ or where structure plans were not available to guide integrated development across blocks in different ownership. Candidates for a FUZ zone should nonetheless be blocks where future urbanisation is generally aligned with the higher order direction contained in the WRPS and non-statutory documents such as Future Proof 2017 and Waikato 2070. In short, the FUZ could be applied to land where urbanisation accords with the strategic policy direction in the medium to long term, and therefore such potential should be maintained, but where currently there is insufficient certainty regarding the provision of reticulated services and/or more detailed evidence regarding integration in particular.
86. For ease of reference, I have attached below the policy framework recommended for the Village Zone as set out in my Hearing 6 rebuttal evidence. If the Panel are minded to agree with my recommendation regarding the application of a FUZ zone to the Te Kowhai greenfield areas, then specific reference to Te Kowhai (and potentially Tuakau depending on separate decisions regarding that township) may no longer be necessary in the Village Zone policies. In short, if the role of the Village Zone is consolidated such that it only applies to existing small villages as a status quo holding pattern, then the policy framework for the Village Zone can in turn be simplified and made more discrete in focus. The greenfield areas adjacent to Te Kowhai will instead be subject to the FUZ policies.
87. Fundamentally, the outcomes sought remain the same across my Hearing 6, Thematic Report, and this Te Kowhai rezoning report – namely that the greenfield growth areas identified in the Proposed Plan are appropriate in principle for urbanisation, that they should however only be live zoned once there is a high level of confidence that reticulated services can be provided within a short-medium timeframe, should occur to Residential Zone densities, and that the Rural Zone subdivision rules should apply in the interim, noting that the provision of services is likely to be some time away.
88. As a final note regarding the policy framework as it applies to Te Kowhai, Policy 4.1.17 provides specific direction for this township (and was not considered in my Hearing 6 report as this policy had formed part of the earlier Hearings 1 and 3 on Strategic Objectives).
89. Depending on scope, as a consequential amendment to my below recommendations regarding rezoning, it is recommended that this policy also be amended. The final wording of 4.1.17 will be dependent on the Panel's findings regarding the Village Zone provisions, the FUZ provisions, and consequently the more appropriate manner in which to manage urban growth in Te Kowhai. The below suggested wording is based on the application of a FUZ, noting that the Village Zone is recommended to apply to a small area of land to the north of Te Kowhai that has a Country Living Zoning in the Operative Plan.

#### **4.1.17 Policy - Te Kowhai**

- (a) The scale and density of residential development in the Te Kowhai Village Zone achieves:
- (i) lower density (3000m<sup>2</sup> sections) where the development can be serviced by on site non-reticulated wastewater, water and stormwater networks; or
  - (ii) higher density (1000m<sup>2</sup> sections) where the development can be serviced by public reticulated wastewater, water and stormwater networks;
  - (iii) placement of dwellings to protect the future ability to increase density should public reticulated wastewater and water networks become available.
- (b) Open space character, feeling of spaciousness and connections to the rural landscape and walkways that are maintained and extended to new areas.

~~(c) Development of the Future Urban Zone to the southeast and southwest of the existing village to Residential Zone densities once reticulated sewer services are available.~~

~~(e) Placement of dwellings to protect the future ability to increase density should public reticulated wastewater and water networks become available.~~

(d) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Te Kowhai section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan.

**Text changes as recommended previously to the Village Zone Policy Framework – for reference only - these are not new recommendations arising from this report.**

#### 4.1.5 Policy – Density

- (a) Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space.
- (b) Achieve a minimum density of 12-15 households per hectare in the Residential Zone.
- ~~(e) Achieve a minimum density of 8-10 households per hectare in the Village Zone where public reticulated services can be provided.~~
- (c) Maintain the existing very low density character of the Village Zone except within Tuakau and Te Kowhai where a minimum density of 8-10 households per hectare is to be achieved where public reticulated services can be provided.

#### 4.7.4 Policy – Lot sizes

- (a) Minimum lot size and dimension of lots enables the achievement of the character and density outcomes of each zone; and
- (b) ~~Avoid~~ Limit undersized lots in the Village Zone.

#### 4.3.1 Objective – Village Zone character

- (a) The very low density character of the Village Zone is maintained and further urban growth is limited due to the zone's lack of reticulated infrastructure and distance from employment, community facilities, and public transport.
- (b) Within Tuakau and Te Kowhai maintain a very low density character until reticulated water and wastewater services are provided. Once reticulated services are available the zone character is expected to change to a suburban density of at least 8-10 households per hectare.
- (c) Within the Village Future Urban Density Precinct in Tuakau and Te Kowhai maintain existing rural densities and character until a structure plan has been approved and reticulated water and wastewater services are provided.

#### 4.3.2 Policy – Character

- (a) Buildings and activities within the Village Zone are designed, located, scaled and serviced in a manner that:
  - (i) Maintains the existing very low density character;
  - (ii) Maintains the semi-rural character;
  - (iii) Recognises lower levels of infrastructure and the absence of Council wastewater services.
- (b) Require activities within the Village Zone to be self-sufficient in the provision of on-site water supply, wastewater and stormwater disposal, unless a reticulated supply is available.

#### 4.3.3 Policy – Future development – Tuakau and Te Kowhai

- (a) Buildings and access are located in a position to enable future subdivision and development in Tuakau and Te Kowhai when infrastructure and services become available.
- (b) Ensure buildings are positioned in a manner that provides for transition from large lots to smaller lots in Tuakau and Te Kowhai. Recognise the role these townships play in accommodating future urban growth through enabling a transition to densities of at least 8- 10 households per hectare in accordance with any applicable structure plans and connection to reticulated services.

90. Three ‘overview’ submissions were received on the whole of the Te Kowhai township as follows:
- Jolene Francis [376.2], seeking further Country Living and Village Zoned land around Te Kowhai;
  - Hamilton City Council [535.89] opposing further Village Zoned land;
  - Future Proof Implementation Committee [606.13], opposing further urban growth until detailed structure planning work is undertaken and servicing is in place.
91. Hamilton City Council has provided planning evidence that specifically addresses HCC’s primary submission points relating to Te Kowhai<sup>34</sup>. This evidence identifies that HCC originally opposed the Village Zone provisions in Te Kowhai, particularly as they related to new greenfield growth areas; that HCC supported the recommendations put forward in my s42a report in Hearing 6 regarding a precinct overlay approach; and that in the light of my more recent s42a Thematic Report that HCC now considers a FUZ to be the appropriate zoning tool for the Te Kowhai greenfield growth areas.
92. The outcomes recommended for specific blocks of land in and around Te Kowhai are discussed in more detail below. Based on these site-specific recommendations the following is recommended for the whole-of-town submissions.

### 4.3 Recommendations

93. For these general submissions it is recommended that:

- (a) **Accept in part** Jolene Francis [376.2] to the extent that two large greenfield areas to the south of Te Kowhai are recommended to be a FUZ;
- (b) **Accept in part** Hamilton City Council [535.89] to the extent that two large greenfield areas to the south of Te Kowhai are recommended to be a FUZ, and that apart from two small discrete blocks no further Village Zone or Country Living is recommended;
- (c) **Accept** Future Proof Implementation Committee [606.13] as the recommended FUZ provisions deliver the outcomes sought by the submitter.

### 4.4 Analysis – northeast Te Kowhai

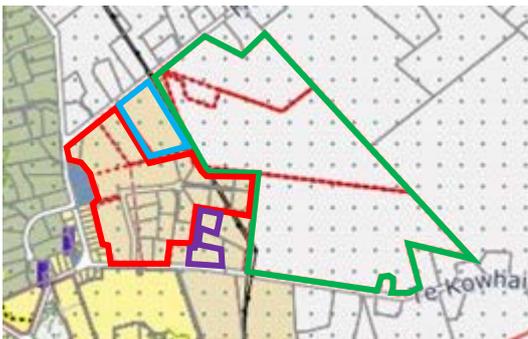
94. Terra Consultants Ltd (on behalf of Te Kowhai Estates Ltd) [296.1] have sought to retain the Proposed Plan Village Zone over most of the area that is currently the northeastern

<sup>34</sup> Evidence of Laura Jane Galt on behalf of HCC, dated 10 March 2021, paras 35 – 44.

Country Living Zone in the Operative Plan (shown in red in Figure 9 below). This submitter has likewise sought that the Rural Zoned area to the east of their site (shown in green) be rezoned to Village Zone as a future growth area and to enable certainty regarding subdivision design i.e. the provision of link roads into the future growth area. The area to the east is not specifically defined by the submitter but is instead shown simply as a general direction of growth<sup>35</sup>.

95. McCracken Surveys Ltd [943.62] have sought to change the zoning from Rural to Village Zone for 648 Te Kowhai Road, which is the southernmost 21.5ha lot fronting onto Te Kowhai Road in the larger rural area shown in green in Figure 9.
96. Sharon Leigh [248.1] is conversely opposed to the proposed Village Zone in this area and seeks instead the retention of the Operative Plan Country Living zoning for both Ms Leigh's property at 525 Horotiu Road (shown in blue), as well as the adjoining properties.
97. RM & MA Weir Family Trust [116.2] seek to retain the Village Zone at 692 Te Kowhai Road (understood to be the areas shown in purple in Figure 9 below, in the absence of any maps provided in the submission).
98. No submitters have provided any evidence in support of their original submission.

**Figure 9. Northeast Te Kowhai submissions**



99. The majority of the Te Kowhai Estates block has been subdivided to Country Living density in accordance with Operative Plan provisions. There is however some further limited opportunity for additional subdivision at the northern end of the site fronting onto Te Kowhai Road. The change from Country Living in the Operative Plan to Village Zone in the Proposed will therefore provide a modest increase in development potential, whilst retaining the large lot township fringe character of dwellings set within large landscaped gardens.
100. It is recommended that the Proposed Plan Village Zoning be confirmed for this area as being largely reflective of existing character whilst providing for a limited amount of further development that is broadly consistent with the well-established Operative Plan zoning.
101. The rezoning of further Rural Zoned land to the east is a different matter. This eastern area is not identified as a growth area in any of Future Proof 2009 or 2017, WRPS, Waikato 2070, or the Te Kowhai Structure Plan.
102. Given the lack of consistency with the well-established policy direction in the higher order documents, combined with the lack of programmed reticulated services for Te Kowhai over at least the next ten years, it is recommended that this eastern area retain the proposed Rural Zoning.

<sup>35</sup> Submission 296, Figure 2, pg. 3 <http://consult.waic.govt.nz/DocServ24Web/cache/L2Q1H3.pdf>

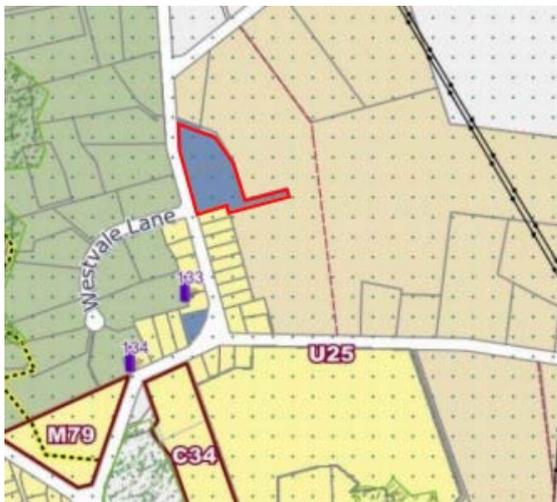
#### 4.5 Recommendations

103. In short it is recommended that the Proposed Plan zone boundaries for this area of Te Kowhai remain unchanged. It is therefore recommended that:
- (a) **Accept in part** Terra Consultants Ltd [296.1] to the extent that the Proposed Plan Village Zone is retained (with further expansion into the Rural Zone rejected);
  - (b) **Reject** McCracken Surveys Ltd [943.62];
  - (c) **Accept in Part** Sharon Leigh [248.1] to the extent that the adjacent Rural Zoned land to the east of the submitter's property retains a Rural Zoning (with the submitter's property along with the adjacent land to the west and south to retain the Proposed Plan Village Zoning);
  - (d) **Accept** RM & MA Weir Family Trust [116.2] with the Village Zone retained over 692 Te Kowhai Road.

#### 4.6 Analysis – northeast Te Kowhai – Business Zone

104. Terra Consultants Ltd (on behalf of Te Kowhai Estates Ltd) [296.5] have sought to retain a proposed new Business Zone for 561 and 571 Horotiu Rd. There are no submissions opposing the Business Zone.
105. The subject site was rezoned to Country Living in the Operative Plan through PC17. The Te Kowhai Structure Plan included an indicative neighbourhood centre in the middle of the PC17 Country Living area to provide the opportunity for a small number of local shops and facilities to meet the needs of the growing community. The Proposed Plan included the opportunity for this additional business land through a new Business Zone (shown in blue with a red outline in Figure 10 below), with the zone boundary integrated with a consented subdivision layout of the wider block.

**Figure 10: Te Kowhai Business Zone**



106. The location of this additional business land has shifted from that indicatively shown in the Structure Plan so that it now has frontage to Horotiu Road. A timber church building has recently been relocated to the site and has resource consent for use as a café with associated on-site carparking. The change in zone therefore reflects existing consented non-residential use and provides for modest further development of the site to meet community needs. I agree that locating this small Business Zone adjacent to an arterial road improves its visibility (and therefore commercial attractiveness) and accessibility for both the local community and passing traffic. It is also consistent with the existing urban form of local

commercial and community facilities being located along the north-south arterial road through the village. The modest scale of the proposed Business Zone is such that it will not threaten the district-wide hierarchy of commercial centres, and concurrently will enable local community needs to be met without having to travel beyond Te Kowhai.

107. It is therefore recommended that submission [296.5] be accepted and the Business Zone as shown in the Proposed Plan be retained.

#### 4.7 Recommendations

108. For the reasons above I recommend that the Hearings Panel:

(a) **Accept** Te Kowhai Estates Ltd) [296.5], and retain the Business Zone as notified.

#### 4.8 Analysis – Southeast Te Kowhai

109. Two submissions were received relating to southeastern Te Kowhai as follows:

- M&K Stead [834.3], seek to retain the Village Zone at 703B Te Kowhai Road (shown in red in Figure 11 below);
- M&K Stead [834.4] seek to change the zoning from Rural to Village Zone for 697 Horotiu Road (shown in green in Figure 11);

110. No evidence was received from any of these submitters. Unfortunately no maps or legal title descriptions were provided with their original submissions, which has made precise identification of the lots subject to their submissions challenging. Figure 11 submitter identification is therefore indicative.

**Figure 11. Southeast Te Kowhai submissions**



111. No submissions were received on the area covered by the blue rectangle in Figure 11 above. This area has a Country Living Zone in the Operative Plan, with a Village Zone in the Proposed Plan. Whilst currently undeveloped, it does therefore have an existing zoning that enables large lot development to occur. In line with my above recommendations (and in Hearing 6), it is recommended that the Village Zone be confirmed for this site.
112. The Stead block (shown in red) has a Rural Zone in the Operative Plan. As set out in the analysis introduction, this is one of the large greenfield growth areas included in the Proposed Plan, with a rule package enabling a transition over time from 3,000m<sup>2</sup> lots to 1,000m<sup>2</sup> lots once reticulation becomes available. In the Hearing 6 report it was recommended that this block be covered by a precinct overlay that limited subdivision to Rural Zone densities until such time as reticulated services became available. Given that the provision of such services remains in the 10 plus years timeframe, it is recommended that this block is suitable as a Future Urban Zone. The block is located within an identified growth area in Future Proof 2009 and 2017, the WRPS, the Te Kowhai Structure Plan, and

Waikato 2070 (in the 10-30 year time period). It is therefore in principle suitable as a logical urban growth path for Te Kowhai, with such expansion consistent with the higher order policy direction.

113. The lot to the east (green rectangle) has a Rural Zone in both the Operative and Proposed Plans. It is understood that Council is exploring whether the district park playing fields could be expanded to the south into this block. It is located within an identified growth area in Future Proof 2008 and 2017, the WRPS, the Te Kowhai Structure Plan, and Waikato 2070 (in the 10-30 year time period) and would facilitate a logical urban edge to the village. As with the Stead block discussed above, the lack of likely reticulated services within the next ten years means that a 'live' Village Zone is not considered to be appropriate. A Future Urban Zone is however considered appropriate given this site's location within an anticipated urban growth path in the higher order documents.

#### 4.9 Recommendations

114. For the reasons above I recommend that the Hearings Panel:
- (a) **Accept in Part** M&K Stead [834.3], to the extent that their land at 703B Te Kowhai Road has a Future Urban Zone (rather than a Village Zone as notified);
  - (b) **Accept in Part** M&K Stead [834.4] to the extent that the land at 697 Horotiu Road has a Future Urban Zone (rather than a Rural Zone as notified).

#### 4.10 Recommended amendments

115. The following amendments are recommended:

Amend the zoning of the area shown in red from Rural and Village Zone to Future Urban Zone.



#### 4.11 Analysis – Southwest Te Kowhai

116. The area to the southwest of Horotiu Road has a Rural Zone in the Operative Plan. This area is the second large greenfield growth area identified in the Proposed Plan, with the notified Village Zone rules enabling a transition to higher densities once reticulated services are in place. As with the above commentary on the southeastern area, I recommended in my Hearing 6 report that this area be included within a precinct overlay that limits subdivision to rural densities until such time as reticulation became available.

**Figure 12. Southwest Te Kowhai Submissions**



117. Greig Metcalfe [602] is the owner of the majority of this area (see red area in Figure 12 above), and has sought the retention of the Village Zone as notified. Planning evidence has been provided by Bevan Houlbrooke in support of this submission, with the evidence noting that further submitter evidence will be provided via rebuttal, once the recommendations in this report have been considered. It should also be noted that there is a small strip of properties located between Mr Metcalfe's site and the existing Residential Zone (shown in yellow) that are also shown in the Proposed Plan as having a Village Zone and that are outside of the scope of Mr Holbrooke's submission.
118. The higher order directions are somewhat inconsistent with regard to this block. It is not included in either the 2009 or 2017 Future Proof Strategies (noting that these areas are indicative and mapped at a reasonably high level)<sup>36</sup>. The area is not therefore included in the WRPS Map 6C. Future urbanisation of this block is likewise not identified in the 2017 Te Kowhai Structure Plan. It is however identified as a growth area in Waikato 2070 (within the 10-30 year time period), and of course is identified in the Proposed Plan. The changing treatment of this area represents an evolution in the planning framework, with the more recent strategies identifying the need for additional capacity and growth opportunities in Te Kowhai, albeit over the long-term.
119. As noted above, the WRPS does contemplate that the required capacity and the location of growth areas will be subject to review and updating. The more recent non-statutory planning processes represent an example of such review. Policy 8 of the NPS-UD likewise requires Councils to be responsive to capacity that is unanticipated by RMA planning documents provide the areas achieve the other requirements in Policy 8. In this case development of this area is not explicitly identified in the WRPS (to which the District Plan must give effect to), but is identified in the non-RMA Waikato 2070 document.
120. The absence of Council-controlled reticulated services means that development of the block to urban densities would not meet the NPS-UD definition of development capacity (which in

<sup>36</sup> In my s42a report to Hearing 6 I identified this block as being within the WRPS Map 6C urban area. Upon further examination this was incorrect, with Map 6C not showing any urban areas west of SH39/ Horotiu Rd

turn is predicated on the provision of council-controlled services), and therefore is not considered to be a candidate for live-zoning under the NPS-UD (including Policy 8).

121. Whilst not explicitly identified in WRPS Map 6C, the area is nonetheless potentially capable of achieving the principles for new urban areas set out in WRPS Clause 6A. This general consistency is reflected in the block's identification in *Waikato 2070*, its location immediately adjacent to the existing village, and the absence of identified ecological, landscape, or cultural values or the presence of natural hazards that cannot be resolved via standard practices at the time of subdivision.
122. The proposed development of this block has attracted very little opposition. Only one submission was received in opposition to the proposed Village Zone from the RM & MA Weir Family Trust [I16.1], whilst Hamilton City Council [FS1379.203] and *Mercury Energy* [FS1388.1040] where the only further submissions received in opposition to Mr Metcalfe's submission in support of the Village Zone. Hamilton City Council also lodged a primary submission opposing additional unserviced Village Zoning around Te Kowhai as a whole. It is understood from Hamilton City Council's evidence<sup>37</sup> that their opposition is in regard to this area being developed as unserviced lots to Village Zone densities (3,000m<sup>2</sup>), rather than being opposed per se to the potential urbanisation of this block to Residential Zone densities following reticulation. Hamilton City Council have confirmed in evidence that they agree with the precinct approach recommended in my s42a report to Hearing 6. They are likewise alternatively supportive of the block being identified as a Future Urban Zone, given that such a zoning tool is potentially now an option. The key outcome sought by HCC is that urbanisation does not occur until reticulated services are available, at which point such development is to Residential Zone densities. Such integration of growth with reticulated services likewise forms a key direction in the outcomes sought by the Waikato Regional Council, as expressed in Section 15 of the evidence of Ms Foley.
123. Mr Houlbrooke's evidence for the submitter notes that the submitter's preference is to be able to develop parts of the block in the short-term as unserviced large lots on the steeper slopes with individual septic tank solutions, along with a potential retirement village which would be of sufficient scale that a privately-held (or publicly vested) package plant could be developed to manage sewage. As an alternative the submitter is open to entering into a private development agreement with Council to extend reticulated sewer services to Te Kowhai.
124. The integration of urban growth areas with reticulated services and the direction that such occurs is set out in detail in my s42a Thematic Report and as such are not repeated here. In my view development of large areas of unserviced dwellings would not align with this strategic direction. Dr Davey in his Framework Report has set out that Council is not supportive of private package plants as a sustainable sewer solution, given the experience of other Council's that such plants are vulnerable to inadequate maintenance with Council's ultimately being left to 'pick up the pieces' and take over a failing and expensive system. These concerns were also identified in my Hearing 6 rebuttal evidence (para.22) and are recognised in Mr Sevb's infrastructure memorandum in **Appendix 3**.
125. My Thematic Report considered as an alternative mechanism to a FUZ whether the sustainable management purposes of the RMA would be better achieved by live-zoning an area with a rule limiting subdivision until a servicing trigger is overcome. Mr Houlbrooke identifies such an example in the Waipa District Plan (Rule 14.1.1.10). My Thematic Report<sup>38</sup> identified that Waipa Council are currently undertaking a plan change to remove this

<sup>37</sup> Evidence of Laura Gault for HCC, paras 34-44.

<sup>38</sup> S42a Thematic Report, para. I14

approach due to problems that such a pathway has presented and are instead seeking to replace it with provisions that are similar to the proposed FUZ approach whereby rural blocks are not live-zoned and must instead proceed through a plan change process where servicing is confirmed. This remains my preference as an approach, especially given the ten year plus time frame expected for services to reach Te Kowhai.

126. Mr Houlbrooke has supplied an indicative structure plan for the southwest area as Figure 3 to his evidence. This plan identifies potential routes for internal roads, cycle/ walkways, and water courses/stormwater ponds. It does not identify matters such as areas where topography would limit development to large lots only (as suggested as being necessary in his evidence). The structure plan put forward by Mr Houlbrooke does nonetheless indicate how the block could be integrated with the existing village and provides a level of detail appropriate for a block of this size and under single ownership.
127. Overall, urbanisation of this area sits uneasily with the WRPS, given it is not shown as being located within a growth area in Map 6C. It does however generally align with the development principles set out in 6A and is reflective of more recent non-statutory strategies reviewing and updating growth management directions, as anticipated by the WRPS Policy 6.14.3. The key issue is the absence of reticulated services within a short-medium timeframe. In essence Mr Houlbrooke is of the view that live zoning to low densities with on-site private systems is appropriate whereas I am of the view that sustainable management outcomes are better achieved though preserving the opportunity for full future urbanisation until such time as reticulated services are available. Once the provision of such services are confirmed the block could then be developed to Residential Zone suburban densities, following a plan change process to confirm the servicing trigger and to ensure the more detailed site-specific assessment of matters such as urban design, geotechnical, transport, NES-Contamination, and servicing (as contemplated under WRPS Policy 6.1.8) is undertaken. As such it is recommended that this area has a Future Urban Zone. The consequential amendments to Proposed Plan Policy 4.1.17 set out above provide explicit policy recognition of the future development potential of this block. A further consequential amendment is that the small pocket of Village Zoned land show in the Proposed Plan and located between Mr Holbrooke's block and the existing Residential Zone also be changed to a FUZ. Whilst no submissions have been received from the landowners of these lots, scope is provided through the Hamilton City Council submission regarding the treatment of the Village Zone in Te Kowhai.
128. This recommendation is consistent with the recommendations set out in my earlier Hearing 6 report (and associated s32AA assessment) regarding a shift away for the notified Plan approach of a 'live' Village Zone with transitional rules controlling density towards a rule framework that limits development in the short-medium term until reticulated servicing is available. My recommendation is likewise consistent with the general s32AA assessment set out in my Thematic Report regarding the merit of a FUZ.

#### 4.12 Recommendations

129. For the reasons above I recommend that the Hearings Panel:
- (a) **Accept in part** the submission from Greig Metcalfe [602.32], to the extent that the zoning of the southwest area is changed from Village to FUZ.
  - (b) **Reject** the submission from the RM & MA Weir Family Trust [116.1] that the area have a Rural Zone.

#### 4.13 Recommended amendments

130. The text amendments to Policy 4.1.17 set out in the above discussion on Southeast Te Kowhai are equally relevant to southwest Te Kowhai and are shown in Appendix 2.

131. The following mapping amendments are recommended:

Amend the zoning of the area shown in red from Village Zone to Future Urban Zone.



#### 4.14 Analysis – isolated rural properties

132. As set out in the Framework Report, the WRPS, Waikato 2070, and Proposed Plan policy framework for urban growth has a primary direction that such growth is to occur within and immediately adjacent to existing townships. Such growth is to be both integrated with existing urban areas, and is to be serviced by reticulated infrastructure. This general approach to urban growth is reflected in Map 6C of the WRPS which identifies the general location of growth as being immediately adjacent to identified townships.

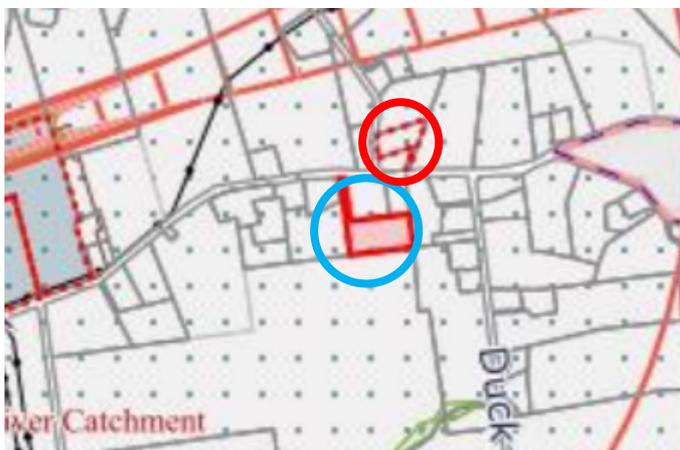
133. Where sites are not located immediately adjacent to existing urban areas, and therefore cannot be readily incorporated into existing suburbs, then urban growth in the form of ‘spot zones’ is not anticipated. Such areas are instead to retain their Rural Zoning, with further subdivision opportunities subject to the Rural Zone provisions. Hearing 18 considered the Rural Zone policy and rule frameworks. Following consideration of submissions, the s42a subdivision and landuse reports<sup>39</sup> recommended a range of pathways by which additional lots and dwellings could be established, including:

- Creation of an additional lot where a minimum of 40 ha is achieved;
- Creation of an additional ‘child lot’ of 0.8-1.6ha in area, for every 40 ha ‘parent lot’;
- Boundary adjustments of two adjacent titles to enable the formation of a small lot (0.8-1.6ha) and a large balance lot;
- Boundary adjustments of multiple adjacent titles to enable the formation of a cluster of up to four small lots (0.8-1.6ha) and a large balance lot as a ‘rural hamlet’;
- Conservation lots where additional small lot (0.8-1.6ha) development opportunities are provided when significant ecological protection or restoration occurs;
- Reserve lots where additional small lot (0.8-1.6ha) development opportunities are provided when land is provided for recreational purposes in accordance with a Council Parks Strategy;

<sup>39</sup>Hearing 18 s42A Landuse Report, pathways summarised on pg.67-68

- Ability to erect a dwelling on all existing lots, regardless of size;
  - Ability to erect a dwelling on every new lot over 40ha in size;
  - Ability to erect a minor dwelling on the same title ancillary to every existing dwelling.
134. It is common across the District for township fringe locations to be characterised by a scattering of rural lots that range in size from less than 1ha to several hectares in size. Such lots are often long-established and reflect historic subdivision activities. Whilst zone boundaries appear clear on the planning maps, the on-the-ground landscape is often less clear cut and more transitional in nature, as townships merge gradually with large productive farming operations and smaller lifestyle properties.
135. Simply because an existing lot is relatively small, and as such is unlikely to support a self-sufficient farming operation, does not in itself mean that that lot should be rezoned. Small, relatively isolated lots simply form part of the existing rural environment, with existing use rights for any existing dwellings. Further subdivision opportunities are provided through the various Rural Zone subdivision and landuse rules, commensurate with the outcomes anticipated for the rural environment. Beyond the Rural Zone pathways, urban growth is to occur within and immediately adjacent to existing townships.
136. The following submitters are seeking the rezoning of relatively small, isolated Rural Zoned lots:
- Jason Nadin [13.1], 11 Limmer Road;
  - Carol & Gordon Corke [968.1], 476 Te Kowhai Rd;
  - Year 91 Family Trust [745.1], 399 Bedford Road
137. 11 Limmer Road (blue circle in Figure 13 below) and 476 Te Kowhai Road (red circle) are isolated rural lots located approximately 700m southeast of the airfield. No evidence has been provided by either submitter.
138. Both these sites are isolated and as such neither forms part of a logical extension to either the existing urban zoned township or new greenfield zones in the Proposed Plan. It is therefore recommended that the Rural Zoning be retained and submissions 13.1 and 968.1 be rejected.

**Figure 13. Location of submissions 13.1 and 968.1**

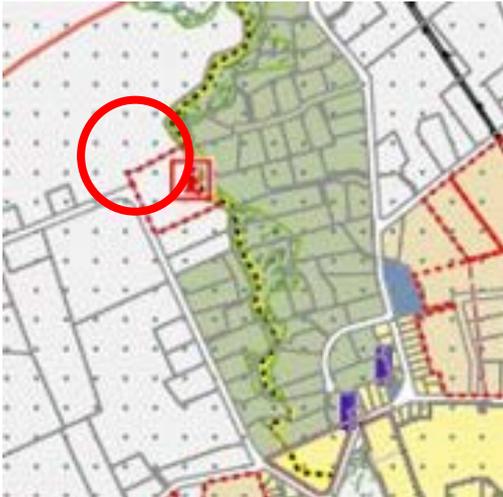


139. 399 Bedford Road is located in relatively close proximity to an existing Country Living Zone to the north of Te Kowhai. The site is separated from the existing zone boundary to the

south by two Rural Zoned lots. The submitter lot (red dots) and the two adjacent sites to the south are shown in the red circle in Figure 14 below. It is bounded to the east by the existing Country Living Zone (shown in green), with a stream and proposed public walkway running along the existing zone boundary (shown as yellow dots). To the north is a dairy farm that is the subject of a separate submission [49.1] discussed immediately below. Whilst the immediate stream edge is subject to a flood ponding overlay, the balance of the site is not identified as being susceptible to flooding.

140. No evidence has been provided by the submitters.

**Figure 14. Location of submission 745.1**



141. Both the Operative Plan and Proposed Plan Country Living Zone boundary for this section of Bedford Road appears somewhat arbitrary, with a strip of Country Living Zoned lots to the east of Bedford Road that end two lots short of the submitter's property. Inclusion of both the submitter's property and the two lots to the south would potentially form a more coherent zone boundary. The lack of submissions from the owners of the two intervening lots does limit the scope to extend the Country Living Zone across these properties and as a general principle I am cautious about recommending changes to the zoning of properties where such change has not been sought by the owners. That said, scope for such rezoning is potentially provided through the submission from Jolene Francis [376.2] who has sought a general increase to the provision of Village and Country Living Zones around Te Kowhai, including specific reference to the Bedford Road area.
142. Given the relatively small size of the lots in question, at most an additional 5-6 lots could be delivered were both the submitter's property and the two intervening lots to be rezoned. The additional lots do not therefore make a significant contribution towards capacity, but likewise are at a sufficiently small scale that rezoning does not threaten wider urban growth outcomes either.
143. The rezoning of the submitter property and the two intervening lots to Country Living is recommended to be approved on the basis that such a change enables the formation of a more logical zone boundary whilst remaining of sufficiently small scale as to not alter wider urban form or challenge wider urban growth policy directions.

#### 4.15 Recommendations

144. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** the submission of Jason Nadin [13.1] and retain the Rural Zoning for 11 Limmer Road;

- (b) **Reject** the submission of Carol & Gordon Corke [968.1] and retain the Rural Zoning for 476 Te Kowhai Rd;
- (c) **Accept** the submission of Year 91 Family Trust [745.1] and rezone 399 Bedford Road and the two adjacent lots (415 and 417 Bedford Rd) from Rural to Country Living Zone.

#### 4.16 Recommended amendments

145. The following mapping amendments are recommended:

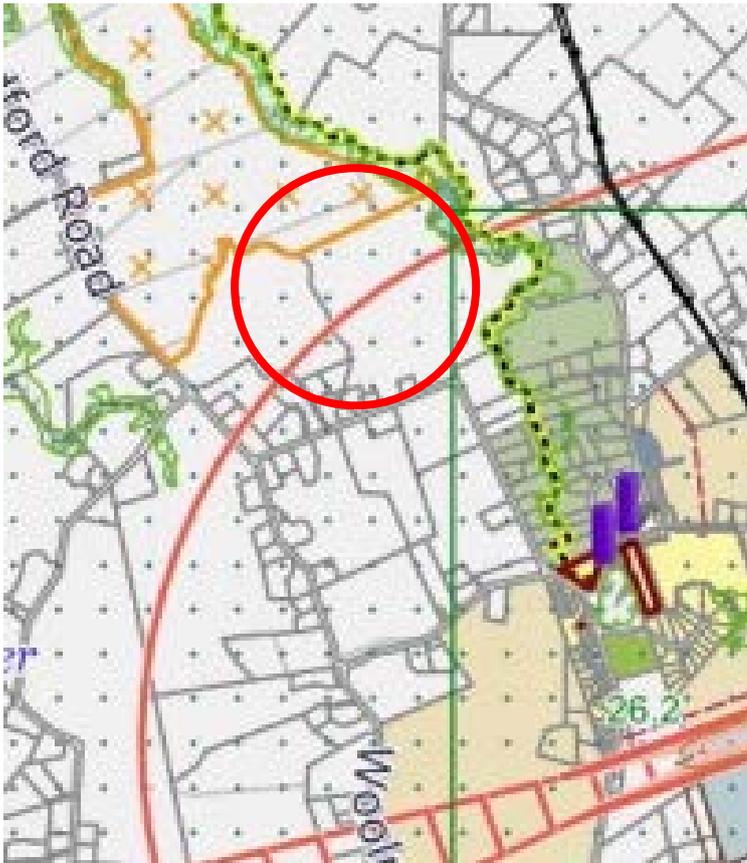
Amend the zoning of the area shown in red from Rural Zone to Country Living Zone.



#### 4.17 Analysis – L Schick Trust Company [49.1]

146. L Schick Trust Company seeks to rezone 359 Bedford Rd (Lot 2 DP459844) from rural to Country Living Zone. The summary of submissions map shows this as a small lot located north of Bedford Road. The legal title referenced in the submission is however a much larger 38.5ha block under the same ownership. The submission identifies that the site is currently used as a dairy farm and therefore it is assumed that the submission relates to the much larger site. The submission was opposed in further submissions by Hamilton City Council [FS1379.5] and Mercury Energy [FS1386.37]. In the absence of a map being included in the submission, the site is understood to be indicatively located within the red circle shown on Figure 16 below.
147. No evidence was received in support of the submission.

**Figure 16. Submitter 49.1 location**



148. The site is bounded to the north by an aggregate extraction area containing an existing quarry operation (shown as yellow Xs). The western portion of the site adjacent to the Te Otamanui Stream is also subject to flood ponding risk and includes a future walking and cycle way (shown as yellow dots).
149. The site is not identified as being appropriate for urban growth in any of Future Proof (2008 & 2017), WRPS, Waikato 2070, or the Te Kowhai Structure Plan documents. Given that geographically the site does not align with any of the higher order directions regarding the location of urban growth, that rezoning to unserved Country Living Zoning would not align with the principles in WRPS 6A or Policy 8 NPS-UD (for out-of-sequence growth areas), and in the absence of any technical or planning evidence in support of the submission (as directed by both the Panel's minute dated 12 May 2020 and WRPS Policy 6.1.8 when contemplating alternative land release), it is recommended that it be rejected and the site's Rural Zoning be retained.

#### **4.18 Recommendations**

150. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** L Schick Trust Company [49.1] and retain the site's Rural Zoning.

## 5 Te Kowhai Airfield and adjacent blocks

151. The NZTE is the operator of the Te Kowhai airfield. Their submission has been summarised such that their primary relief has been allocated to Hearing 17 which is considering the airpark provisions and overall merit of the proposal. As such no specific submission point from NZTE has been allocated to this report and NZTE have not provided evidence regarding zone boundaries. They have however provided a substantial body of evidence as part of Hearing 17. Three submissions were received either in opposition the airpark concept or seeking further assessment (which will have occurred through Hearing 17). Two submissions seek a change from Rural Zone to Village Zone for two discrete sites located on the southern side of the airfield and that are not part of NZTE's landholdings.

<b>Submission point</b>	<b>Submitter</b>	<b>Decision requested</b>
81.227	Waikato Regional Council	Seek further assessment of Te Kowhai Airpark to enable adequate consideration of the area, including, but not limited to covering alignment with WRPS/Future Proof settlement pattern, assessment of precedent of alternative land release, availability of infrastructure, and impacts of the proposal on the Te Kowhai settlement as a whole.
<i>FS1176.34</i>	<i>Watercare Services Ltd</i>	<i>Support</i>
<i>FS1339.195</i>	<i>NZTE Operations Ltd</i>	<i>Oppose</i>
369.2	SW Ranby	No specific decision sought, but submission opposes Chapter 27 Te Kowhai Airpark.
<i>FS1347.2</i>	<i>GL &amp; DP McBride</i>	<i>Support</i>
<i>FS1339.194</i>	<i>NZTE Operations Ltd</i>	<i>Oppose</i>
535.81	Hamilton City Council	No specific decision sought, but submission opposes the rules for Te Kowhai Airpark in Chapter 27: Te Kowhai Airpark Zone.
<i>FS1339.196</i>	<i>NZTE Operations Ltd</i>	<i>Oppose</i>
645.1	Robert Clear	Amend the zoning of 176 Limmer Road, Te Kowhai, from Rural Zone to Village Zone.
<i>FS1387.73</i>	<i>Mercury NZ Ltd</i>	<i>Oppose</i>
<i>FS1277.127</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FS1339.204</i>	<i>NZTE Operations Ltd</i>	<i>Neutral</i>
<i>FS1379.218</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
92.1	Warren Jonson	Amend the zoning of the property at 158 Limmer Road RD8, Hamilton from Rural Zone to Village Zone.
<i>FS1379.18</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1386.70</i>	<i>Mercury NZ Ltd</i>	<i>Oppose</i>
<i>FS1277.126</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FS1339.205</i>	<i>NZTE Operations Ltd</i>	<i>Neutral</i>

## 5.1 Analysis

152. Te Kowhai aerodrome is an existing, established facility located to the south of the village and is comprised of a grass runway, hangars, clubrooms, workshop, and ancillary flight-related infrastructure. It has a Rural Zone in the Operative Plan. The Proposed Plan as notified included a 'Te Kowhai Airpark Zone'. The proposed zone provides for an 'airpark' concept that in addition to providing for ongoing use of the airfield for small planes, also provides for a greater range of associated residential, commercial, and educational activities. The zone framework divides the site into four 'precincts', namely runway, commercial, medium density residential, and low density residential.
153. The proposed rule package also includes controls on sensitive activities both within the airpark and extending over third party land near the airfield through requirements that buildings are acoustically insulated. The rule package recommended in the Hearing 17 s42a report by Ms Ensor provided for dwellings in Residential and Village Zones within the Airport Noise Control Boundary as a permitted activity provided they are acoustically insulated to specified standards, with a restricted discretionary consenting pathway where such insulation is not provided.
154. Controls on the height of structures and vegetation in line with the runway approach slopes (Obstacle Limitation Surfaces ('OLS')) was also proposed, with the OLS extending beyond the airpark area. Buildings and vegetation within OLS is provided for as a permitted activity for structures below the required height planes, with a fully discretionary consenting pathway available where structures and vegetation intrude.
155. As noted above the airpark is identified in W2070, and is also located within the urban growth boundaries shown in FP2008 and therefore the WRPS.
156. The merit of the airpark concept and the specific policy and rule framework were the subject of a detailed s42a report prepared by Ms Emma Ensor, and a substantial body of evidence prepared by both NZTE as the primary proponent of the airpark, and submitters with concerns regarding the airpark activities and rules controlling sensitive activities and structures beyond the airpark itself.
157. The merit of the airpark concept, the range of activities permitted within the airpark, and reticulated servicing requirements are all matters considered as part of Hearing 17. Hearing 17 will likewise determine any appropriate limits on the number of flights per year, and the hours of operation i.e. limits on night-time flying, and limitations on circuit training. Consideration of the appropriate limits on aircraft numbers and operations have a direct link to the geographic extent of the noise control boundaries as obviously a reduction in flights and/or hours of operation have flow-on implications for the extent of the noise contours, and therefore the extent of acoustic insulation requirements.
158. Ultimately Hearing 17 is the forum within which the appropriateness of the Te Kowhai Airpark Zone will be considered, and the nature and degree to which rules on OLS and noise insulation extend beyond the airfield. In terms of this report considering zone boundaries I simply make three observations:
159. The first is that if the Panel agree with the merit of the airpark concept (or agree with a reduced set of provisions that simply enable ongoing use of the airfield for aviation-related activities), then the Te Kowhai Airpark Zone boundaries can be confirmed as shown in the proposed plan as notified.
160. The second is that if the Panel agree that there is merit in controls on OLS and acoustic insulation as recommended in Ms Ensor's s42a report, then both rules provide a permitted pathway, with either a fully discretionary or restricted discretionary consenting alternative if compliance is not able to be achieved. In my view neither of these rules as recommended

would preclude future urbanisation of the land to the north and west of the airfield i.e. the areas recommended in this report to be FUZ and that are shown in the Proposed Plan as greenfield Village Zones.

161. The third observation is that if the airpark zone is confirmed then this will leave two discrete blocks of land between the airfield and Limmer Road with a Rural Zoning (shown in red outline in Figure 17 below, with the Airpark Zone shown in light blue). The owners of these two sites have sought that they be rezoned to a Village Zone. I agree that if the Airpark Zone is confirmed, then retention of these two blocks as a Rural Zone would result in a somewhat incongruous zone boundary. It is therefore recommend that if the airpark is confirmed, that these two blocks be rezoned to Village Zone. The size of these blocks is modest and as such is not considered to threaten the higher order policy directions regarding urban growth management. In principle it is a similar argument to my recommendation regarding the three lots to the east of Bedford Rd discussed above. In my view it results in a more logical overall zone boundary and consequently a more coherent village environment.

**Figure 17. Te Kowahi airfield**



## 5.2 Recommendations

162. For the reasons above I recommend that the Hearings Panel:
- (a) **Accept in part** the submission off Waikato Regional Council [987.2] to the extent that further assessment of the merit of the airpark and its servicing has occurred through Hearing 17;
  - (b) **Reject** the submissions of Hamilton City Council [535.81] and SW Ranby [369.2] in the event that the Panel confirm the airfield zone through Hearing 17;
  - (c) **Accept** the submission of Robert Clear [645.1] and rezone 176 Limmer Road form Rural to Village Zone;
  - (d) **Accept** the submission of Warren Jonson [92.1] and rezone 158 Limmer Road form Rural to Village Zone;
  - (e) to the extent that the site at 104 Cloud Street remain Rural Zone.

## 5.3 Recommended amendments

163. In the event that the Panel confirm the Te Kowhai Airfield Zone, I recommend that the Hearings Panel change the zoning of 158 and 176 Limmer Road from Rural Zone to Village Zone, as shown in red outline below.



## 6 Rotokauri (between Te Kowhai and Horotiu)

### 6.1 Submissions

164. Two submissions were received from Hounsell Holdings Ltd [832.1 and 832.4] to rezone two adjacent blocks of land in the Rotokauri area from Rural Zone to Residential Zone. These two submissions each received five further submissions in opposition to the relief sought.

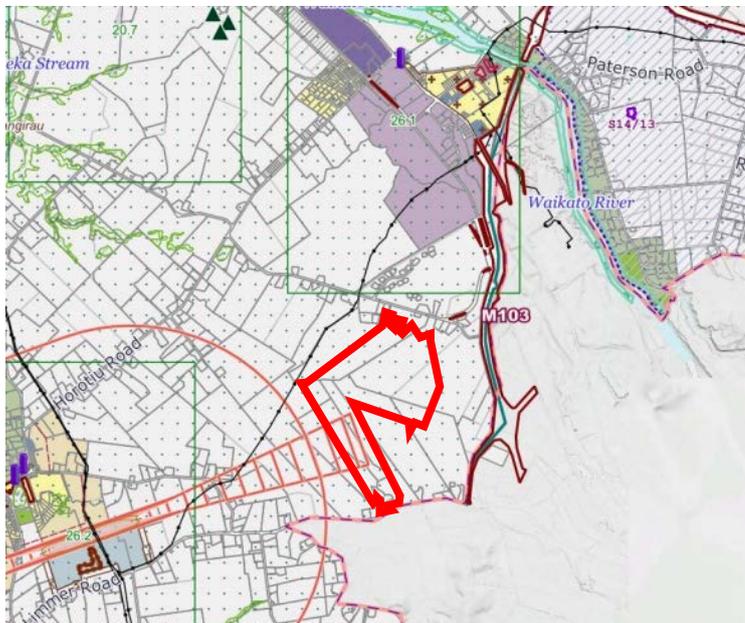
Submission point	Submitter	Decision requested
832.1	Hounsell Holdings Ltd	Amend the zoning of the property at 268 Te Kowhai Road, Te Kowhai from Rural Zone to Residential Zone; AND Amend the Proposed District Plan to make any consequential amendments as necessary to address the matters raised in the 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	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.
FS1277.56	Waikato Regional Council	Oppose
FS1108.202	Te Whakakitenga o	Oppose

	Waikato Incorporated (Waikato-Tainui)	
FS1202.130	New Zealand Transport Agency	Oppose
FS1379.344	Hamilton City Council	Oppose
FS1387.1352	Mercury NZ Ltd	Oppose

## 6.2 Analysis

165. Hounsell Holdings Ltd [832.1 & 832.4] seeks to rezone 142 hectares of land located at 268 Te Kowhai Rd and 284 Onion Rd from Rural to Residential Zoning.
166. No evidence was received in support of the submission.

**Figure 18. Location of submitter land in Rotokauri**



167. The site is not identified as being appropriate for urban growth in any of Future Proof (2009 & 2017), WRPS, Waikato 2070, or the Te Kowhai Structure Plan documents. No evidence has been provided to demonstrate the site can be connected to reticulated services, and the provision of such services to this area is not programmed within the next ten years. The lack of consistency with the higher order direction regarding urban growth is the principal reason for the submission being opposed by further submissions from Waikato Regional Council, Hamilton City Council, and Waka Kotahi New Zealand Transport Agency ('NZTA').
168. The general location of the site is shown in Figure 19 below. The site is located near a large interchange with the expressway and is northwest of the large Te Rapa industrial hub located on the eastern side of the expressway (within Hamilton City's territorial boundary). Rebuttal evidence received from Mr Michael Wood<sup>40</sup> on behalf of NZTA [742, FS1202] notes in particular both the size of this site and its proximity to a major interchange, which in Mr Wood's view would necessitate a substantial Integrated Transport Assessment

<sup>40</sup> Michael Wood evidence dated 10/03/21, Section 11.

(amongst other technical reports) as a prerequisite for rezoning to be contemplated. In the absence of such technical reports Mr Woods reiterates NZTA's opposition to the rezoning request.

**Figure 19. Aerial view of wider context**



Image Source: Google Earth

169. Given that geographically the site does not align with any of the higher order directions regarding either the geographic extent of growth in and around Te Kowhai, or the integration of out-of-sequence growth with reticulated infrastructure and the delivery of a well-functioning urban environment, it is considered that rezoning this area would not give effect to the higher order documents. It is further noted that there is an absence of any technical or planning evidence in support of the submission to demonstrate that a block of this size is suitable for urbanisation, including no assessment of matters such as urban design, geotechnical/ natural hazards, NES-Contamination, transport, servicing, loss of high class soils, and cultural values. The absence of such supporting evidence does not accord with both the Panel's direction dated 12 May 2020 and the WRPS Policy 6.1.8 regarding the matters to be assessed when contemplating alternative land release.

### 6.3 Recommendations

170. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** Hounsell Holdings Ltd [832.1 & 832.4] and retain the site as Rural Zone.

## 7 Section 32AA evaluation and Conclusion

171. Four changes to zone boundaries are recommended. The amendments to the three properties on the eastern side of Bedford Rd from Rural Zone to Country Living Zone, and the two properties on the northern side of Limmer Road adjacent to the Airpark from Rural Zone to Village Zone are in essence zone boundary ‘tidy-ups’ to provide a more logical zone pattern and edge to the village. The scale of these changes and the additional yield in terms of additional dwellings is negligible in the context of both Te Kowhai as a village and the District as a whole. As such the recommended changes are not considered to challenge the higher order growth direction contained in the WRPS. The changes are considered to result in more defensible urban edges to Te Kowhai and are more effective and efficient in providing for the likely long-term use of these relatively small sites for lifestyle living purposes. There are negligible costs associated with the change in zoning, and likewise the benefits are limited to modest further development opportunities accorded to the property owners. Given the small size of these sites there are not considered to be any significant risks in either acting (changing the zoning) or not acting (retaining the rural zone).
172. The other two recommendations are regarding how best to manage the large greenfield growth areas to the southeast and southwest of Te Kowhai. These areas have a Rural Zoning in the Operative Plan and Village Zoning in the Proposed Plan. My s42a report on the Village Zone provisions raised concerns with the notified transitional approach and the s32AA assessment in the Village Zone report considered the alternative approach of a precinct that I recommended at that time. This earlier s32AA assessment remains largely valid. The key change is that rather than a precinct to manage the transitional issues I am now recommending a FUZ. In essence these are different methods to achieve the same end of a holding pattern that is rural in nature whilst providing a clear signal that urbanisation in the future is anticipated, and avoiding an unserviced, low density transitional environment.
173. The benefits of a FUZ are set out in my earlier Thematic Report, along with a s32AA assessment of introducing such a zone to the ‘toolbox’ of zoning options available to the Panel. The combination of s32AA assessments in my earlier s42a reports on the Village Zone and Thematic Report, along with the discussion in Section 4 above, provide much of the s32AA assessment necessary for my final recommendation.
174. In short, the use of a FUZ as a zoning option is considered more effective and efficient than alternative approaches to growth management for these blocks. The as notified transitional approach to growth manage through the Village Zone is not considered to be an effective or efficient method for delivering the ultimate outcome of a well-functioning urban environment, as sought by the NPS-UD. A FUZ is likewise considered to be more efficient and effective than the precinct overlay approach recommended in my earlier Village Zone report. The greenfield growth areas in Te Kowhai are subject to significant infrastructure constraints that are unlikely to be resolved within the next ten years. Live-zoning these blocks when they have no firm prospect of being able to be serviced is not effective or efficient as a method of providing for urban growth. It is however a situation that lends itself to a FUZ as these areas are suitable in principle for urbanisation over the long term, once constraints have been resolved. As such the application of a FUZ to these blocks is considered to be more effective in achieving a well-functioning urban environment than the notified Plan provisions.
175. The benefits of a FUZ are that urban growth does not occur in an ad hoc and unserviced manner. The primary costs are with landowners (or Council) having to undertake a further plan change process and reduced development potential in the short-term, which is compensated through the long-term benefits of being able to develop to higher Residential Zone densities in a coordinated manner.

176. There is minimal risk associated with acting i.e. changing from a Village Zone to a FUZ. The FUZ provisions enable site-specific constraints to be resolved through a focussed plan change process, with live zoning only proceeding once the provision of reticulated services has some certainty. Conversely there is considered to be considerable risk in not acting i.e. confirming a live Village Zone, in a manner that urban growth occurs in an ad hoc manner at very low density and without reticulated services, and that leaves such areas to then be retrofitted at some point in the future to enable further capacity to be delivered.
177. Overall the above recommendations are considered to deliver both an effective tool for managing urban growth in Te Kowhai in a sustainable manner that gives effect to both the NPS-UD and the WRPS.
178. I consider that the submissions on this chapter should be accepted, accepted in part or rejected as set out in **Appendix I** for the reasons set out above.
179. **Appendix 2** contains recommended amendments to the District Plan maps.

## Appendix I: Table of submission points

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
13.1	Jason Nadin		Amend the zoning of the property at 11 Limmer Road, Te Kowhai from Rural Zone to Country Living Zone.	Reject	4
FS1197.1	Bowrock Properties Ltd	Support		Reject	4
FS1379.1	Hamilton City Council	Oppose		Accept	4
FS1386.9	Mercury NZ Ltd for Mercury C	Oppose		Accept	4
49.1	L Schick Trust Company		Amend zoning of Lot 2 DP 459844 at 359 Bedford Road, Te Kowhai from Rural Zone to Country Living Zone.	Reject	4
FS1379.5	Hamilton City Council	Oppose		Accept	4
FS1386.37	Mercury NZ Ltd for Mercury C	Oppose		Accept	4
116.2	RM & MA Weir Family Trust		Retain the Village Zone on the property at 692 Te Kowhai Road.	Accept	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1386.251	Mercury NZ Ltd for Mercury C	Oppose		Reject	4
248.1	Sharon Leigh		Amend the zoning of the property at 525 Horotiu Road, Te Kowhai, as well as its boundary properties to remain as Country Living Zone (Operative District Plan zone).	Accept in part	4
FS1386.251	Mercury NZ Ltd for Mercury C	Oppose		Accept in part	4
296.1	Terra Consultants (CNI) Ltd		Retain the Village zoning of 714 Te Kowhai Road, Te Kowhai as notified.	Accept in part	4
FS1379.63	Hamilton City Council	Oppose		Accept in part	4
FS1386.302	Mercury NZ Ltd for Mercury C	Oppose		Accept in part	4
296.5	Terra Consultants (CNI) Ltd		Retain the Business Zoning of the properties at 561 and 571 Horotiu Road, Te Kowhai as notified.	Accept	4
376.2	Jolene Francis		Amend the District Plan Maps by expanding the Village Zone and Country Living Zone areas around Te Kowhai village.	Accept in part	4
FS1197.14	Bowrock Properties Ltd	Support		Accept in part	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1277.21	Waikato Regional Council	Oppose		Accept in part	4
FS1388.12	Mercury NZ Ltd for Mercury E	Oppose		Accept in part	4
535.89	Hamilton City Council		No specific decision sought, but submission opposes the Te Kowhai Village Zoning.	Accept in part	4
FS1335.16	CKL	Oppose		Accept in part	4
FS1335.19	CKL	Oppose		Accept in part	4
FS1388.718	Mercury NZ Ltd for Mercury E	Oppose		Accept in part	4
606.13	Future Proof Implementation Committee		Amend the provisions relating to the growth of Te Kowhai (including Section 4.3 Village Zone, Policy 4.3.3 Future development - Te Kowhai, Chapter 24 Village Zone, Chapter 27 Te Kowhai Park Airpark Zone and planning maps) by restricting additional growth at Te Kowhai until detailed structure planning work is undertaken and servicing is in place. An infrastructure plan for reticulated services, transport and community facilities is needed.	Accept	4
FS1335.7	CKL	Oppose		Reject	4
FS1202.21	New Zealand Transport Agency	Support		Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1335.18	CKL	Oppose		Accept	4
FS1339.209	NZTE Operations Ltd	Oppose		Accept	4
834.3	Marshall & Kristine Stead		Retain the Village Zone as notified at 703B Te Kowhai Road.	Accept in part	4
FS1339.201	NZTE Operations Ltd	Support		Accept in part	4
FS1379.347	Hamilton City Council	Oppose		Accept in part	4
FS1387.1360	Mercury NZ Ltd for Mercury D	Oppose		Accept in part	4
834.4	Marshall & Kristine Stead		Amend the zoning of the property at 697 Horotiu Road from Rural Zone to Village Zone.	Accept in part	4
FS1197.36	Bowrock Properties Ltd	Support		Accept in part	4
FS1277.57	Waikato Regional Council	Oppose		Accept in part	4

<b>Submission number</b>	<b>Submitter</b>	<b>Support / oppose</b>	<b>Summary of submission</b>	<b>Recommendation</b>	<b>Section of this report where the submission point is addressed</b>
FS1311.28	Ethan & Rachel Findlay	Support		Accept in part	4
FS1379.348	Hamilton City Council	Oppose		Accept in part	4
FS1387.1361	Mercury NZ Ltd for Mercury D	Oppose		Accept in part	4
943.62	McCracken Surveys Ltd		Amend the zoning of the property at 648 Te Kowhai Road, Te Kowhai (Lot 3 DP 361630) from Rural Zone to Village Zone where the land falls within the Regional Policy Statement Urban Limit (2008).	Reject	4
FS1277.62	Waikato Regional Council	Oppose		Accept	4
FS1379.368	Hamilton City Council	Oppose		Accept	4
FS1379.369	Hamilton City Council	Oppose		Accept	4
745.1	Year 91 Family Trust		Amend the zoning of 399 Bedford Road, Te Kowhai from Rural Zone to Country Living Zone.	Accept	4
FS1379.287	Hamilton City Council	Oppose		Reject	4
FS1387.901	Mercury NZ Ltd for	Oppose		Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Mercury D</i>				
968.1	Carol & Gordon Corke		Amend the zoning from Rural Zone to Country Living Zone in the Te Kowhai and Horotiu area, including the property at 476 Te Kowhai Road, Horotiu.	Reject	4
<i>FS1277.64</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Accept</i>	4
<i>FS1379.374</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	4
602.32	Greig Metcalfe		Retain the proposed Village zoning of the two titles located at 702 Horotiu Road (Lot 2 DP 456538) and 730 Horotiu Road (Lot 3 DP 353526); AND Amend the extent of the Obstacle Limitation Surface as a consequential amendment. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	<i>Accept in part</i>	4
<i>FS1379.203</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept in part</i>	4
<i>FS1388.1040</i>	<i>Mercury NZ Ltd for Mercury E</i>	<i>Oppose</i>		<i>Accept in part</i>	4
116.1	RM & MA Weir Family Trust		Amend the zoning of the property at 702 State Highway 39 (Horotiu Rd) at Te Kowhai, on the western side of State Highway 39, from Village Zone to Rural Zone.	Reject	4
<i>FS1335.8</i>	<i>CKL</i>	<i>Oppose</i>		<i>Accept</i>	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1379.23	Hamilton City Council	Support		Reject	4
FS1386.96	Mercury NZ Ltd for Mercury C	Oppose		Accept	4
81.227	Waikato Regional Council		Seek further assessment of Te Kowhai Airpark to enable adequate consideration of the area, including, but not limited to covering alignment with WRPS/Future Proof settlement pattern, assessment of precedent of alternative land release, availability of infrastructure, and impacts of the proposal on the Te Kowhai settlement as a whole.	Accept in part	4
FS1176.34	Watercare Services Ltd	Support		Accept in part	4
FS1339.195	NZTE Operations Ltd	Oppose		Accept in part	4
369.2	SW Ranby		No specific decision sought, but submission opposes Chapter 27 Te Kowhai Airpark.	Reject	4
FS1347.2	GL & DP McBride	Support		Reject	4
FS1339.194	NZTE Operations Ltd	Oppose		Accept	4
535.81	Hamilton City Council		No specific decision sought, but submission opposes the rules for Te Kowhai Airpark in Chapter 27: Te Kowhai Airpark Zone.	Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1339.196	NZTE Operations Ltd	Oppose		Accept	4
645.1	Robert Clear		Amend the zoning of 176 Limmer Road, Te Kowhai, from Rural Zone to Village Zone.	Accept	4
FS1387.73	Mercury NZ Ltd for Mercury D	Oppose		Reject	4
FS1277.127	Waikato Regional Council	Oppose		Reject	4
FS1339.204	NZTE Operations Ltd	Neutral		Accept	4
FS1379.218	Hamilton City Council	Oppose		Reject	4
92.1	Warren Jonson		Amend the zoning of the property at 158 Limmer Road RD8, Hamilton from Rural Zone to Village Zone.	Accept	4
FS1379.18	Hamilton City Council	Oppose		Reject	4
FS1386.70	Mercury NZ Ltd for Mercury C	Oppose		Reject	4

<b>Submission number</b>	<b>Submitter</b>	<b>Support / oppose</b>	<b>Summary of submission</b>	<b>Recommendation</b>	<b>Section of this report where the submission point is addressed</b>
<i>FS1277.126</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Reject</i>	<i>4</i>
<i>FS1339.205</i>	<i>NZTE Operations Ltd</i>	<i>Neutral</i>		<i>Accept</i>	<i>4</i>
<b>832.1</b>	<b>Hounsell Holdings Ltd</b>		<b>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.</b>	<i>Reject</i>	<i>5</i>
<i>FS1277.55</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1108.201</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1202.129</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>
<i>FS1379.343</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	<i>5</i>

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1387.1351	Mercury NZ Ltd for Mercury D	Oppose		Accept	5
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.	Reject	5
FS1277.56	Waikato Regional Council	Oppose		Accept	5
FS1108.202	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose		Accept	5
FS1202.130	New Zealand Transport Agency	Oppose		Accept	5
FS1379.344	Hamilton City Council	Oppose		Accept	5
FS1387.1352	Mercury NZ Ltd for Mercury D	Oppose		Accept	5

## Appendix 2: Recommended amendments

### Recommended text changes:

It is recommended that Policy 4.1.17 directing growth in Te Kowhai be amended as follows:

#### 4.1.17 Policy - Te Kowhai

- (a) The scale and density of residential development in the Te Kowhai Village Zone achieves:
- (i) lower density (3000m<sup>2</sup> sections) where the development can be serviced by on site non-reticulated wastewater, water and stormwater networks; or
  - (ii) higher density (1000m<sup>2</sup> sections) where the development can be serviced by public reticulated wastewater, water and stormwater networks;
  - (iii) placement of dwellings to protect the future ability to increase density should public reticulated wastewater and water networks become available.
- (b) Open space character, feeling of spaciousness and connections to the rural landscape and walkways that are maintained and extended to new areas.
- (c) Development of the Future Urban Zone to the southeast and southwest of the existing village to Residential Zone densities once reticulated sewer services are available.
- ~~(e) Placement of dwellings to protect the future ability to increase density should public reticulated wastewater and water networks become available.~~
- (d) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Te Kowhai section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan.

### Recommended Mapping Changes

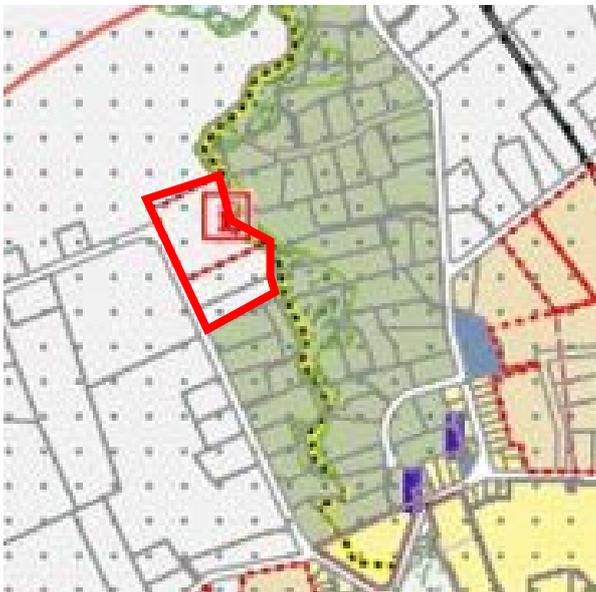
**Change I.** Amend the zoning of the area in southeast Te Kowhai from a mix of Rural and Village Zone to Future Urban Zone, as shown in red outline below.



**Change 2.** Amend the zoning of the area in southwest Te Kowhai from Village Zone to Future Urban Zone, as shown in red outline below.



**Change 3.** Amend the zoning of 399, 415, and 417 Bedford Road from Rural Zone to Country Living Zone, as shown in red outline below.



**Change 4.** In the event that the Panel confirm the Te Kowhai Airfield Zone, I recommend that the Hearings Panel change the zoning of 158 and 176 Limmer Road from Rural Zone to Village Zone, as shown in red outline below.



## Appendix 3: Three Waters Servicing Memorandum