

# **Whangarei District Council**

## **Recommendations of the Panel of Commissioners Plan Change No. 93 Urban Transition Environment**

Following a meeting of the Hearings Commissioners held in the Whangarei District Council Chambers, Whangarei on:

Monday 8 November 2010

Tuesday 9 November 2010

and

Wednesday 4 May 2011

Thursday 5 May 2011

Friday 6 May 2011

### **Panel of Commissioners:**

Mr Les Simmons, Independent Commissioner – Chair

Councillor Mervyn Williams

Mr Alan Withy, Independent Commissioner

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## Introduction

1. This report comprises recommendations made by the Panel (consisting of Chairman and Independent Commissioner Les Simmons, Councillor Mervyn Williams and Independent Commissioner Alan Withy appointed by the Whangarei District Council) to hear and make recommendations on Proposed Plan Change 93 to the Whangarei District Plan.
2. The hearing was held (together with that for PC103) in the Northland Events Centre, Whangarei on Monday 8 and Tuesday 9 November 2010, adjourned and reconvened on Wednesday 4, Thursday 5 and Friday 6 May 2011. It was formally closed on 13 May 2011.
3. After the November 2010 hearings, the Panel obtained legal advice and recommended that WDC re-advertise PC93 allowing for further submissions. That re-advertisement resulted in numerous additional and further submissions. All submissions received regarding this PC93 are listed in Appendix B.
4. For reasons that are more fully detailed in the recommendations that follow, and pursuant to clause 29(4) of Schedule 1 to the Resource Management Act 1991 ("the RMA") **the Commissioners recommend that Council adopt the Proposed Change 93 subject to various amendments in response to submissions lodged.**

## Abbreviations used in this report

5. The following abbreviations are used in this report:
  - Act means the Resource Management Act 1991.
  - Change means this Proposed Plan Change No 93.
  - Council means the Whangarei District Council.
  - WDC means the Whangarei District Council.
  - Reporting Officer means Ms Melissa McGrath.
  - PC93 means this Proposed Plan Change No 93.
  - RMA means the Resource Management Act 1991.
  - RO means Ms Melissa McGrath.

## Description of the Proposed Plan Change

6. The public advertisement of the proposed change described it as follows:

*Plan Change 93 seeks to introduce an environment (zone) to the Operative District Plan that will include a New 'Urban transition' Section with objectives, policies and rules for the environment, land use and subdivision provisions and updated District Plan maps denoting the Urban Transition Environment.*<sup>1</sup>

## Appearances

7. Various submitters appeared in support of their submissions, some were represented, and some called expert evidence. The submitters and their submissions are listed in Appendix B.
8. The following officers appeared at the hearing to explain and support the Proposed Change, and to comment on the submissions received:

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<sup>1</sup> Public Advertisement in The Leader dated 27 April 2010

- Mr Nick Williamson            Team Leader District Plan
  - Ms Melissa McGrath            Senior Policy Planner, and s42A Reporting Officer
- The Panel was assisted by Ms Jan Lucas, Team Administrator – Policy.

## **Background and context**

9. The Whangarei District Plan became operative in 2007 and is currently subject to a rolling review. PC93 was publicly notified together with PC103 on 27 April 2010. A summary of all submissions and further submissions to this PC93 is attached as Appendix B.
10. We were advised by the RO that appeals to PC92 (Built Form and Development) have been resolved, with consent orders having been signed by the Council and appellants, and may be regarded as part of the context within which PC93 and PC103 should be considered and determined.
11. We were further advised that the Whangarei District Plan sits within a layered policy framework:
  - Regional Policy Statement for Northland.
  - Regional Growth Strategy 30/50.
  - Urban and Coastal Growth strategies.
  - LTCCP and
  - Local Structure Plans.
12. PC93 must also be considered within the context of:
  - The procedures for changes in Section 74
  - The functions of Council under Section 31
  - The sustainability provisions of Part 2
  - The duties of assessment under Section 32
  - National Environmental Standards
  - Iwi and Hapu Management plans
13. A large number of relevant documents were provided to us as background and Appendix A gives a list of those documents.
14. Extensive consultation and implementation testing was undertaken by the Council including prehearing meetings.

## **Summary of Evidence and Submissions Heard**

15. The RO reported under the following headings at the Hearings in November 2010, (regarding PC93 and PC103):
  - Part 1:        Introduction
  - Part 2:        General Submissions (Combined)
  - Part 3:        Urban Transition Environment (Areas)
  - Part 4:        Urban Transition Environment (Provisions)
  - Part 5:        Management Plan Technique
  - Part 6:        Attachments (Various Relevant Documents)
  - Part 7:        Submissions and Further Submissions

16. At the Hearings in May 2011, the RO presented a second report under the following headings (regarding PC93 only):
  - Part 8: Re-notification of PC93 – UTE
  - Part 9: Attachments (Various Relevant Documents)
17. There were numerous submissions and further submissions received in response to the first and second notification of PC93. A schedule of all those is attached as Appendix B.
18. We gave all submitters who requested to be heard an opportunity to address us, and we have considered all their submissions and evidence in formulating our recommendations to Council.
19. We have also considered all of the submissions and further submissions lodged where submitters chose not to address us during the hearing.
20. We have considered all the individual requests for amendments to wording; some have been accepted and some are recommended for rejection, resulting in the recommended final wording and District Plan Maps as set out in Appendices C and D.
21. There were several procedural matters raised that required determination, and various legal opinions were tabled. All these have been considered and taken into account by the Panel.
22. Some submissions to PC93 were lodged with Council outside the statutory provisions. The RO advised that Council officers (under delegated authority and s37 of the Act) had disallowed submissions and further submissions by:
  - N Montefiore
  - N and D Oberholster
  - B and L Lambert
  - G Currie
  - M Broughton
  - Rayonier New Zealand Limited
  - K and B Bell

### **Principal issues to be considered and analysis**

23. The RO helpfully explained the context of PC93 and PC103, the process of their formulation and their application, and analysed the submissions and further submissions.
24. We have considered the matters for our recommendations to Council under the following headings:
  1. History and context of PC93 and PC103
  2. Notification and s32 assessment
  3. Infrastructure
  4. Versatile soils
  5. Other issues
  6. Wording for Chapter
  7. Areas:
    - a) General
    - b) Maunu Area
    - c) Vinegar Hill Road Area
    - d) Pipiwai Road Area
    - e) Three Mile Bush Road Area
    - f) Springs Flat Area

- g) Onerahi Area
  - h) Otaika Area
  - i) Crane Road Area
  - j) Glenbervie Area
  - k) Langs Beach Area
8. Statutory Considerations

Items 1-8 are all relevant to PC93 while Items 1, 2, 5, 6 and 8 are relevant to PC103.

25. We consider this list appropriately categorises the principal issues, and we will use these headings for our consideration and analysis. Other related issues raised in submissions have been fully considered and the specific findings on all submissions are reflected through Appendices C & D.

### **History and context of PC93 and PC103**

26. The RO in Part 3 of her report dated 8 November 2010 set out the history and context in relation to PC 93 and in Part 5 of the same report in relation to PC 103. With respect to PC93 the History to Rural Residential Development Locations was also set out in her Part 8 of her report dated 4 May 2011; this later report being an extract from her earlier Part 3.
27. We see no need to repeat the history and context to the two changes as it can be referred to in the above reports. What was of particular relevance with respect to PC93 was the strategic planning work that had been undertaken by the Council by way of its' Urban Growth Strategy and the related Urban Structure Plans.
28. At the November hearing there was criticism from some submitters because the location and extent of the proposed Urban Transition Environments (UTE's) had been strictly based upon the outcomes of the various Urban Structure Plans. The Panel has carefully studied the path the Council has taken over the years in order to respond to the issues of urban sprawl and the spread of development on the fringe of urban areas and fully understands how the Council has promoted PC 93 based upon all of the strategic studies that have been completed. Nevertheless a significant aspect of the November hearing revolved around the apparent lack of ability for submitters to challenge the location of UTE's and the extent of the boundaries that were being proposed by the Council. Of particular concern to some of those submitters who presented evidence in the November hearing was that the Panel may limit the scope of our deliberations too narrowly to only the UTE's that had emerged from the structure plan process.

### **Notification**

29. We were also very clear that PC 93 represented the first opportunity for the public to participate in a formal RMA process. As such we made it very clear at the November hearing, when hearing submitters, that we were interested in the merits of submissions that had been lodged, where submitters sought to have land included within the proposed UTE's, despite the alleged jurisdictional issues that had been raised.
30. We were informed of the notification process that had been followed by the Council and the extent that people had been given the opportunity to participate. A total of 1500 notification packs were posted to all landowners within and adjacent to the areas identified for rezoning to UTE. Following the closing of the submission period on 25 May 2010, the submissions were summarised and the period for receiving further submissions closed on 29 June 2010.
31. Practitioners and government agencies participated in a Council 'launch' of the two plan changes on 29 April 2010. A total of 24 pre-hearing meetings were held with

individual or groups of submitters during June and July 2010. We commend the Council staff for these aspects of consultation process.

32. With respect to PC93 the scope of this change had been very clearly conveyed as being limited to the areas that had been identified in the Council adopted Urban Structure Plans. The Panel noted in particular the legal advice that had been provided to the Council. A copy of this legal advice was tabled at the November hearing. We received conflicting legal advice on behalf of a submitter as part of the November hearing.
33. As it eventuated we were so concerned as to the involvement of potential submitters that following the November hearing the Commissioners requested and received further independent legal advice. As a result of the legal advice we received, the Commissioners issued a memorandum and recommended that Council provide a further opportunity to enable existing submitters, together with any other person who at that stage was not participating in the plan change process, to lodge further submissions.
34. PC 93 was re-notified and the May hearing enabled the Panel to consider the additional submissions that had been received.
35. At the reconvened hearing Mr Jackson, Barrister, representing submitters Rogers, Jackson and Deuzin raised procedural concerns with respect to the notification process that had been followed. It was Mr Jackson's submission that *"the present level of notification fails to deal adequately with the principles of consultation."* In support of his submission Mr Jackson referred us to the principles of consultation that were set out in *Wellington International Airport Ltd v Air New Zealand (1993) 1 NZLR 671*.
36. It was Mr Jackson's submission that *"the wider Whangarei community"* had been deprived from *"involvement or at least the opportunity to be involved in this proposed significant change."* The issue for Mr Jackson was that the plan change *"in essence because of the size and significance of it, in reality it is a complete review of an area or type of designation."* The written submission effectively sought that the current process be abandoned as the Council was acting outside the scope of the District Plan and was therefore acting ultra vires.
37. The Council has followed all of the statutory requirements regarding public notification with respect to the plan change process as set out in the RMA. We accept that PC 93 is a significant plan change and we acknowledge that the Council has for the past ten years been involved with non-statutory strategic planning work that has led to the current plan change. Extensive consultation has taken place over this time frame as has been identified in the RO's report in Parts 3 and 8 as referred to above.
38. The Panel is satisfied that all those persons who wanted to be involved in this planning process have been given the opportunity to do so. We are further satisfied that the Council has followed the correct procedures with respect to plan changes as required by the RMA.

## Section 32 Assessment

39. The plan change documentation included a Section 32 RMA evaluation, Summary Guide. In addition the Council's full evaluation under Section 32 had been made available for inspection during the notification period.
40. The Panel has in particular noted and agrees with the RO in Part 2 of her report where she, from paragraph's 23 to 31, sets out the requirements of the RMA with respect to Section 32. The Panel accepts that the Section 32 evaluation is a continuous process and that the submission and hearing of evidence in relation to those submissions form part of that process.
41. The Northland Regional Council (NRC) had as part of its submission opposing both plan changes, raised specific concerns in relation to the Section 32 evaluation. In his evidence, on behalf of the NRC, Mr Murfitt acknowledged that the concerns in relation

to the Section 32 analysis were his professional views and not those of the NRC. He also acknowledged that in his opinion the Council had attempted "*to remedy the section 32 situation after notification*" and his concerns were in relation to PC 103 rather than PC93.

42. We consider the Section 32 evaluation process satisfies this section of the RMA and that no compelling evidence was placed before us from any submitter that identified any significant issues that has led us to a contrary finding.
43. We have however, based on some of the submissions that we have considered, decided in a number of locations to make changes to the extent of the areas that had been identified for rezoning to UTE in PC93. We have determined this based on the specific evidence placed before us and not relied exclusively on the extent of the UTE's that had emerged from the Council's structure planning process.

## Terminology

44. Some submissions were concerned with the general terminology that had been used in the plan change provisions. We acknowledge that the plan change follows a new format, layout and structure when compared to the Operative District Plan and that this new approach is consistent with other plan changes that have been prepared by the Council. The Panel has no reservations with respect to the new approach being adopted by the Council and has not therefore recommended any significant changes in this regard.

## Infrastructure

45. Northpower Limited had raised specific concerns in relation to critical electricity lines that exist within or near to areas that had been identified for rezoning to UTE. As a consequence of the submissions that had been received seeking additional areas to be rezoned to UTE, including extensions to UTE's that had already been identified, Northpower did not support any changes that would result in critical electricity lines being within an identified UTE.
46. Ms Brownie, in her evidence on behalf of Northpower, informed the Panel that Northpower is also pursuing a private plan change, PC117, to introduce provisions that would protect critical electricity lines and substations on a district wide basis. PC117 was due to be heard in late May 2011.
47. At the May hearing Ms Brownie identified that if any of Northpower's infrastructure were to be on land that is rezoned to UTE by way of our deliberations, the primary concern was that the appropriate separation distances between the infrastructure and other activities should be provided and maintained. The Panel accepts this approach is an appropriate one. We do not however agree that land should not be considered for rezoning to UTE just because critical electricity lines exist.
48. We also accept that a district wide approach to Northpower's infrastructure is preferable and the PC117 is the proposed change that is responding to this issue.
49. Having carefully considered Ms Brownie's evidence and the reply evidence of the RO, Ms McGrath, the Panel has preferred Ms McGrath's evidence in relation to critical electricity lines being included on the planning maps as part of this plan change process. PC117 will need to run its course in that regard. In relation to the more specific wording changes being requested to PC93 we have also accepted the evidence of Ms McGrath and have adopted the wording she recommended in her reply evidence for the reasons she set out in her paragraphs 7 to 12 inclusive.

## Versatile soils

50. Some submitters opposed any Class 1, 2 or 3 soil types being included within the proposed UTE zoned land. It was acknowledged by the RO that Class 1, 2 or 3 soil types do exist within the proposed UTE zonings, together with the statement that intensive primary production has been limited as a result of the rural-residential

development that has already occurred in these areas. The Panel has concluded that in general terms the existing versatile soils on the urban fringe have been compromised by the current intensity of subdivision and development. The proposed UTE zonings contain a specific policy at UTE.2.5.7 that limits the extent and siting of buildings and structures to avoid the most versatile soils and the Panel has accepted the evidence of the RO that on balance this approach is appropriate, instead of removing the UTE from areas that contain versatile soils.

## Other issues

51. We have reviewed all the written submissions and evidence, and those made at the hearing, and conclude there are no other significant issues that would materially affect our conclusions. Therefore we are satisfied that PC93 with the amendments incorporated in the appendices, is appropriate for adoption by Council.

## Wording for the UTE Chapter

52. During the hearing process the RO systematically responded to the requests from submitters for specific amendments to the wording of the plan change. Firstly she responded in her Section 42A report. Following the hearing of evidence presented by submitters, she recommended further amendments in response to that evidence in her written Reply. Because the RO was not recommending that we adopt all of the amendments sought by submitters the Panel has carefully considered the remaining points of difference.
53. In particular the Panel has noted the specific concerns that were raised by Mr and Mrs King in the evidence that they presented at both hearings. The Panel, at the end of the hearing on Friday 6 May, as part of the oral Reply by the RO, sought a response in relation to the matters that had been raised by Mr King. Neither the RO, nor Mr Williamson agreed with Mr King that the package of controls being introduced would lead to the subdivision and development outcomes Mr King anticipated. The Panel accepts that the approach being proposed by the Council with both PC 93 and PC 103 is significantly different from that in the Operative District Plan. The Panel has concluded that the provisions of the Operative District Plan do not appear to have been particularly successful in managing the use and development of land of rural land on the fringe of the Whangarei urban area.
54. The proposed UTE zoning will offer an alternative approach to managing the subdivision and development of land and will enable greater flexibility in the design of subdivision with the benefit of more site specific environmental outcomes being possible. In terms of meeting the sustainable management purpose of Part 2 of the Act the combined effect of the two plan changes will be to enable the site specific features and constraints of individual sites to be more appropriately managed through the subdivision and development process, than was previously possible under the provisions of the Operative District Plan. With greater flexibility in the subdivision and development process, there is increased uncertainty as to what the actual physical outcomes on the ground will be. Mr King raised a number of concerns in this regard.
55. The key issues raised by Mr King were that PC 93 and PC103 rely largely on the assumption that subdivision will precede the development of land and that the proposed land use rules will not provide controls on new development that is equivalent to the current development controls. They also considered that the provisions do not limit the number of activities within a site, and Mr and Mrs King were concerned that the provisions will not be as restrictive as purported by Council planners. The RO noted that the provisions were drafted to work in conjunction with the Management Plan Technique, which enables subdividers to introduce their own site specific controls as appropriate. She pointed out that they were not reliant on this however, and all subdivisions in the zone must be considered against the UTE policies by virtue of their discretionary activity status. She also drew our attention to other provisions of the District Plan such as the definition of "Traffic Movements" which, in conjunction with the UTE rules, will limit the number of activities on a site.

We note however that the RO in her right of reply has recommended some further changes to respond to these concerns, and the final wording of the District Plan Text in Appendix C reflects these recommendations.

56. The Panel also noted the extensive consultation that had taken place with the general public and more particularly the consultation with the consultants and technical advisers who work with landowners in the subdivision and development of their land. The case study examples that were worked through and the feedback on the proposed plan changes was very positive and supportive of the new package of management techniques. Based on all of the evidence presented, the Panel has accepted the advice of the RO that Mr King's concerns will be appropriately responded to by the amended wording of the two plan changes that is now recommended.
57. With respect to the other submitters who have sought amendments to the wording the Panel has for the reasons set out in the RO's section 42A reports and her written Replies dated 30 November 2010 and 6 May 2011 accepted the revised wording she recommended at the end of the hearing.

## UTE Areas

### General

58. PC93 has been introduced by the Council to introduce a new zone that would provide for residential subdivision and development within a rural environment in close proximity to urban areas. The Urban Transition Environment (UTE) as described in UTE1.1 of the plan change *"provides for people who wish to live in close proximity to urban areas and associated amenities, but prefer to live in areas that have a rural outlook, ambiance and amenity on a section large enough to achieve a high degree of privacy without being a maintenance burden."* In essence it is *"a residential zone with a rural outlook."*
59. Many submitters supported the concept of the UTE zone. Some submitters opposed the plan change in its entirety. Following the re notification a significant number of submitters requested that additional land be rezoned over and above that originally identified by the Council. Some submitters requested that future development opportunities should be preserved by not rezoning land UTE.
60. The Panel has carefully considered each of the different perspectives placed before us and our detailed determinations on specific areas are set out below. With respect to the broader issues, after hearing all the evidence and considering all the submissions received, the Panel has reached the general conclusions set out below.
61. The Panel undertook two site visits during the course of the hearing. One in November and another in May. The purpose of the site visits was twofold. Firstly, we wished to be able to put into context the evidence placed before us with respect to the changes being sought by individual submitters. Secondly, we wished to understand the broader context of the proposed UTE zone in relation to the rural areas on the periphery of Whangarei City.
62. We will discuss the specific rezoning requests in more detail below.
63. In terms of the broader context our first conclusion is that the rural land on the urban fringe currently has been subdivided into a wide range of site sizes that appear to be utilised for predominantly lifestyle or rural residential purposes. Full time productive farming activities are the exception rather than the rule. Our observations confirmed the evidence of a number of submitters and particularly that of Mr Davies-Colley. His qualifications included an agricultural science degree and his background included farming, forestry and property development.
64. Mr Hood, who gave planning evidence on behalf of submitters at both hearings, considered that the UTE should create a ring around Whangarei City. He concluded this because a key environmental outcome of the District Plan was to have a compact pattern of urban development. In his evidence he stated that;

*"From an urban form perspective, the experience of travelling out of the city environment, through the UTE, and out into the rural environment should be one where the density gradually decreases with distance from the centre. In other words the inner urban area is compact, there is then a gradual transition from high to medium to low density, and eventually one arrives in the general rural environment."*

65. He supported additional areas being included in the UTE to provide a more continuous transition. At Three Mile Bush for example he considered that both sides of Three Mile Bush Road should be UTE rather than the proposed zonings that would retain Countryside zoning to the north with UTE only to the south.
66. The RO responded in her written reply dated 6 May to the matters raised by Mr Hood and Mr Davies-Colley and also addressed a number of general issues under her heading, Capacity.
67. In summary we have preferred the evidence of Ms McGrath with respect to the general, or 'bigger picture' issues raised, for the following reasons.
68. The Panel does not accept the 'ring around the City' approach put forward by Mr Hood. PC93 has proposed a number of distinct areas for rezoning to UTE. They are geographically spread around the edge of Whangarei City, however the areas are not contiguous and do not form a 'ring around the City.' We have not been able to identify any basis for Mr Hood's 'ring around the City' approach in PC93, nor in PC92.
69. Mr Hood was concerned that without a continuous UTE zoning, *"it effectively 'leaves the door open' for residential development."* In particular he was concerned with the land on the northern side of Three Mile Bush Road, however without a continuous UTE zone there remain many 'gaps' in the UTE zone. The Panel observes from the planning maps a range of zones currently apply to these 'gaps' from the current urban zonings, predominantly residential zones, through to the existing Countryside zone. This mix of zones reflects the diversity of subdivision and development that has occurred and the future development anticipated by the Council's growth modelling and strategies for the urban growth and form of Whangarei.
70. Given the intention that the UTE zone will provide another option for residential living on the fringe of Whangarei the Panel accepts that the UTE zoning sits comfortably in this context. We see no need for the future expansion and development of Whangarei to be unnecessarily constrained by a UTE zoning that is continuous and would effectively preclude other zoning options and settlement outcomes. In other words the UTE zone forms one piece of the settlement options for the future. It will enable a less intensive pattern of subdivision and development to emerge when compared to the traditional urban residential zones. The UTE zone will enable a different 'rural residential' or 'lifestyle' pattern of settlement to emerge alongside the existing development that has occurred on the rural fringe of Whangarei.
71. To enable Whangarei to continue to grow, for the foreseeable future and beyond, the Panel accepts that there will most likely need to be opportunities for urban residential zoned land to expand beyond the currently zoned areas. We have therefore agreed with those submitters who have sought the current Countryside zone to be retained, particularly along Three Mile Bush Road, to enable more intensive development options to be assessed in the future.
72. Finally, in relation to general matters, we turn to the issue of capacity and the extent of land that should be rezoned UTE. The Panel accepts in general terms the structure plan and urban growth strategy support for PC93. PC92 has effectively implemented this strategic work and PC93 logically draws support on these and related documents as well. Having said that the Panel has carefully considered the merits of submissions that have sought changes to the extent of the UTE zone that has been proposed by the Council.
73. We have not however accepted the argument put forward by some submitters however, that because their land, in their opinion, is no longer economic for productive farming activities it should therefore be included within a UTE zone. The Panel would anticipate that the vast majority of the land on the urban fringe could equally claim the same circumstances. We do not see such an approach, as a

primary factor in terms of supporting a rezoning to UTE. Neither have we accepted the suggestion by Mr Davies-Colley that if the Panel removed areas of the proposed UTE zoning in one location that a compensating area of UTE zoning should be added somewhere else.

### **Maunu Area**

74. The submissions that requested the western side of Austin Road to be rezoned Living 3 have been refused as this request is outside the scope of PC 93.
75. With respect to the submissions requesting the land at 52 Te Hape Road to be retained in the Countryside Environment, the Panel has accepted the evidence of the RO at pages 22 and 23 of Part 3 of her report. Inclusion of this property within the UTE will not prevent the current farming activities from continuing and the UTE zone has been accepted as being the most appropriate zoning for this property in the context of its physical characteristics and constraints and the zoning of the surrounding locality. These submissions have therefore been refused.
76. In relation to the submission by Pipiwai Investments Limited requesting additional land to be rezoned UTE in the vicinity of Cemetery Road the Panel has carefully considered the evidence put forward by Mr Davies-Colley. The Panel accepts that this land is located in close proximity to existing and future urban residential land and also has Countryside Environment land in close proximity that has been subdivided into significantly smaller lots, most of which appear to be used for 'rural residential or 'lifestyle' purposes.
77. We are not convinced that these reasons, together with the stated uneconomic nature of farming activities, support a rezoning to UTE. A large number of properties on the fringe of Whangarei can claim the same or similar circumstances. As stated in our general comments above, the Panel understands that the UTE zone forms one option for zoning of land on the urban fringe of Whangarei. We have also accepted that the strategic planning studies undertaken by the Council support the zoning approach introduced by PC93, consistent with the provisions of PC92 that are now almost operative.
78. Also as stated in our general comments above we do not accept this land should be favoured for inclusion within the UTE zone as a consequence of our decision to remove the proposed UTE zoning from the Otaika Area.
79. A significant feature in the Maunu Area is State Highway 14 and the existing pattern of subdivision and development has been significantly influenced by the accessibility provided by the state highway to Whangarei and beyond. The Structure Plan for Maunu and Horahora, that was adopted by the Council in 2009, has deliberately confined more intensive rural residential subdivision and development only to the northern side of State Highway 14 at Maunu. PC93 has followed this approach with the proposed UTE zone for Maunu.
80. The submissions by Mr Roke and other neighbouring property owners for the retention of the countryside zoning on the southern side of State Highway 14 at Maunu were compelling and we were sympathetic to their argument.
81. Pipiwai Investments Limited did not present any convincing evidence that would support, the land they have identified for rezoning, being zoned in a different manner to the general zoning pattern for the southern side of Maunu Road/State Highway 14. The circumstances identified by Mr Davies-Colley, in relation to this land, are not significantly different to the other existing Countryside Environment land in the general vicinity and to the south of Maunu Road/State Highway 14. The nature of the existing mix of 'rural residential/lifestyle' development, together with the economics of farming activities is not only a common feature in the Maunu area, but also the fringe rural areas generally around Whangarei. With the lack of evidence to support this land being zoned differently to the surrounding land, the Panel has determined that there is no reason to depart from the intention to limit the UTE zoning to the northern side of Maunu Road/State Highway 14. This submission is therefore refused.

82. With respect to the Maunu Area the proposed UTE zone is retained as it was proposed when PC93 was publicly notified. The submissions that requested no changes to the proposed boundaries are therefore accepted.

### **Vinegar Hill Road Area**

83. Submissions were received seeking to reduce the extent of the proposed UTE zone in its northern portion near Fonterra's Kauri factory. A reduction in the extent of the zone was also supported by the Croft Timber Company.
84. In relation to Fonterra's submission, compelling evidence was presented in relation to the operation of its factory at Kauri and the importance of the irrigation activities that take place on the surrounding 180 hectare farm.
85. While initially opposing any reduction, after hearing the evidence the RO accepted the merits of Fonterra's request.
86. The Panel has concluded that the further intensification of subdivision and development in such close proximity to both the factory and the farmland that receives the treated wastewater from the factory, as contemplated by the proposed UTE zone cannot be supported. The existing activities of Fonterra, as well as the other activities permitted on the Business 4 zoned land in this locality, are valued activities to the District and ones that need to be recognised and their continued operation provided for. The proposed UTE zone would not have provided an appropriate buffer between these business activities and potential future subdivision and development that would have resulted from the change in zoning.
87. For the reasons set out in the evidence of Mr Mathieson and Mr Pyne, the extent of the UTE zone has been reduced and the amended boundary has been drawn to follow cadastral boundaries. To this extent these submissions have been accepted in part.
88. There were a number of submitters seeking additional areas to be added to the proposed UTE. The RO in paragraphs 118 to 121 of Part 8 of her report provided an analysis of the additional areas being requested. This evidence from the RO has been accepted by the Panel. In addition our general comments in paragraphs 58 to 73 above are relevant to these submissions.
89. With a lack of specific and compelling evidence to support this land being zoned from the existing Countryside zoning, the Panel has determined that there is no reason to extend the UTE zoning in this locality from those areas notified. These submissions are therefore rejected.

### **Pipiwai Road Area**

90. Submissions were received seeking additional areas to be added to this proposed UTE. The RO had recommended that the submissions by Mr Mortimer and the Northland Golf Club be accepted and the land consisting of Part Rawhitiroa and Part Lot 2 DP 52341 be rezoned to UTE. For the reasons set out in paragraphs 132 to 135 in Part 8 of her report these submissions are accepted.
91. Mr Hood presented evidence on behalf of D and J Gregson in relation to land at the western edge of the proposed UTE. The RO at paragraphs 138 and 139 in Part 8 of her report provided her analysis on this submission. After hearing from Mr Hood the Panel visited the site and the surrounding locality to place all of the evidence in context.
92. Mr Hood in his written evidence urged us to consider, "*Is the UTE a more sustainable zone for the land in terms of achieving the purpose of the Act, or is it more sustainable to leave it zoned Countryside Environment?*" The Panel have concluded that many of our general comments set out above in paragraphs 58 to 73 above are also relevant to this submission. While fully appreciating the points made by Mr Hood in his evidence the land in question here is not different in any significant way from many other properties on the fringe of urban Whangarei. The land is also not significantly different from other land in close proximity to the proposed UTE zonings

in PC93. The Mortimer and Northland Golf Club land, in contrast to the Gregson land, are located closer to Whangarei and abut existing urban zoned Living 3 land.

93. While in general terms there may be a large number of properties, including the Gregson land, that could be well suited for rezoning to UTE, the Panel does not accept that all, or any significant areas, of this land should be rezoned. Instead we have preferred the evidence of the RO, together with the general comments we have made in paragraphs 58 to 73, when we have supported the strategic approach that underpins PC93. While not limiting our decision making solely to the areas proposed for UTE zoning in PC93, we nevertheless do not support, based on all the evidence we were presented, significant extensions to the proposed UTE areas. This submission is therefore rejected.
94. For essentially the same reasons as just outlined above the submission by Mr Kerr is also rejected.

### **Three Mile Bush Road Area**

95. With respect to the Three Mile Bush Road area a number of competing submissions were received. Some submissions sought additional land to be included within this UTE. The requested extensions to the proposed zone were on the northern side of Three Mile Bush Road from the boundary with the existing urban zonings in the east, to beyond the western extent of the proposed UTE on the southern side of the road. Mr and Mrs McGregor have requested a western extension to the UTE on the southern side of Three Mile Bush Road to include their property, together with the inclusion of their land on the northern side of the road.
96. The overall effect of these requests would be that the proposed UTE would be approximately doubled in its size.
97. In contrast to those seeking extensions to the zoning, other submitters have requested that the proposed UTE zoning be removed from the eastern portion where it abuts the existing urban residential zoning.
98. The Panel has for the reasons set out in our general comments above accepted the evidence of the RO with respect to those submissions seeking to enlarge the extent of this UTE to both the north and south of Three Mile Bush Road. In particular we have concluded that the extent of the UTE in this locality has been appropriately limited with respect to its western edge.
99. The McGregor property lies immediately to the west of the notified UTE boundary. The Panel acknowledges the differences between the McGregor land which is larger and has been used for productive purposes, whereas neighbouring properties are generally significantly smaller and used for lifestyle purposes. In addition significant portions of the property have been protected from farming activities and five areas of forest have been managed in a conservation effort by the McGregor family for the past 100 years. The Panel accepts the evidence of Mr McGregor that the full time productive use of this land is no longer sustainable.
100. The proposed subdivision and development that Mr McGregor outlined to us envisaged a significantly lower intensity than could be achieved if the land were to be rezoned UTE. The Panel acknowledges there may well be merit in the approach being proposed by Mr McGregor to subdivide, however we were not convinced that a rezoning to UTE is the best option with respect to subdivision. For the reasons set out in our general comments above the Panel has concluded that the notified western boundary of this UTE should not be extended to include the McGregor land.
101. With respect to the submitters who sought the proposed UTE zoning be removed from the eastern portion where it abuts the existing Living 1 zoning, the Panel has accepted the evidence presented on behalf of submitters. While not pre-determining any future rezoning, the Panel sees considerable merit in 'keeping the options open' for both sides of Three Mile Bush Road. If there is future demand for urban residential development, the proposed UTE zoning immediately abutting the existing urban

zoned land would frustrate and possibly prevent conventional urban residential development in this locality.

102. For all of these reasons the proposed UTE zoning for the Three Mile Bush Area has been reduced in extent.

#### **Springs Flat Area**

103. Two submissions opposed the UTE zoning in this locality and one sought an extension to it.
104. In relation to the submission by Mr McLaren we have accepted the advice of the RO that we do not have jurisdiction to rezone Lot 1 DP 308193 to an urban residential zoning (Living 1) as requested. This submission is therefore rejected.
105. In relation to the submission by Mr and Mrs Hutchings we have accepted the evidence of the RO that despite the physical constraints of this land it remains appropriate for it to remain within the proposed UTE rather than be removed.
106. In relation to the submission by Mr Waldron we have accepted this submission and agree with Mr Waldron that despite the physical constraints of this land it is appropriate to be added to the proposed UTE for the reasons set out in the written submission.

#### **Onerahi Area**

107. Mr McBeth sought that four lots be removed from the proposed UTE zoning, the result being that these four lots would be retained within the Countryside Environment, as we have no jurisdiction to rezone these four lots to Living 1 as requested. We have accepted the evidence of the RO where she stated that a small pocket of Countryside Environment land between the existing Living 1 zoned land to the south and west and the proposed UTE zoning is inconsistent with the intended outcomes in this locality.

#### **Otaika Area**

108. Submissions sought the removal of the entire UTE zoning proposed for Otaika. All the evidence presented to the Panel supported the removal of this UTE. The RO in her original Section 42A report and her right of reply also recommended the removal of this proposed zoning. In light of the overwhelming evidence on this matter and the lack of any evidence to the contrary, we have accepted these submissions and the Otaika Area UTE has been deleted.

#### **Crane Road Area**

109. Mr Petersen sought additional land be zoned UTE for parts of Crane and Apotu Roads in Kauri. The RO's evidence has been accepted, as have the further submissions opposing this submission. A UTE zoning in this locality would significantly change the existing rural character and amenity, would be inconsistent with the Structure Plan criteria and would be inconsistent with the consolidation approach promoted by Sustainable Future 30/50.
110. No changes are therefore proposed for the Crane Road Area and the existing zonings are retained.

#### **Glenbervie Area**

111. Glenbervie Estates Limited requested that Lot 3 DP 176598 be rezoned UTE. This submission was opposed by six further submissions. No evidence was presented at the hearing on behalf of the submitter, however the written submission was comprehensive in its content and reasons for this request.
112. The RO's evidence has been accepted, as have the further submissions opposing this submission. A UTE zoning in this locality would significantly change the existing rural character and amenity, would be inconsistent with the Structure Plan criteria and would be inconsistent with the consolidation approach promoted by Sustainable Future 30/50.

### Langs Beach Area

113. Blue Moon Limited sought that a new UTE zoning be introduced at Langs Beach. There were further submissions supporting the Blue Moon submission.
114. The Panel was concerned as to whether this submission came within the scope of PC 93 because the UTE zoning being requested was a significant distance from Whangarei and the location of the UTE zonings that had been notified by the Council. After hearing the legal submissions and the evidence presented at the hearing, the RO in her reply concluded that the Panel did have jurisdiction to consider the Blue Moon submission.
115. The Panel remains concerned on the jurisdictional issue, particularly because PC 93 was notified on the basis that UTE zonings were being introduced in specific parts of the District that were identified on the updated District Plan maps that formed part of the plan change. The Panel has not been totally convinced on the issue of scope, by either the submitter or the RO, however rather than focus on that issue the Panel has proceeded to assess the submission on its merits. At this stage the Panel wishes to signal that the jurisdictional issue is one that the submitter may still need to overcome, depending on the response Blue Moon has to our determination on the merits of the UTE zoning they have requested.
116. The general comments and reasons set out earlier in this decision are relevant to the Blue Moon submission. While the general reasons refer to the relationship between Whangarei City and the UTE zonings being introduced by PC 93, Mr Brabant, Counsel for Blue Moon Limited, correctly identified that the plan change does not contain objectives or policies which prohibit or discourage UTE zoning in a coastal environment. The Panel notes that the Section 32 report prepared by the Council specifically refers to Whangarei City, particularly under the heading "3.3 *Where They Will Go.*" This section of the Section 32 report describes the "Urban Fringe Areas" together with the "*Structure Plans*" in terms of the areas "*on the fringe of the Whangarei City.*" It goes on to describe the "*study areas*" as being five distinct areas, all in close proximity to Whangarei City.
117. In her reply dated 6 May 2011, the RO at paragraph's 18, 19 and 20 set out her conclusions on the merits of the proposed Langs Beach UTE. Her reply comments supplemented her earlier evidence at paragraph's 208 to 211 of her Section 42A report. The Panel accepts her evidence that the proposed Langs Beach UTE was not contemplated by the Council's Urban Growth Strategy or the Urban Structure Plans. We also accept her evidence that there a significant number of vacant rural residential lots in the Waipu Cove/Langs Beach locality.
118. The Panel accepts Mr Mortimer's evidence that that the land Blue Moon has identified as a proposed UTE has been identified in "*the Coastal Management Strategy and the relevant Structure Plan as suitable for large lot residential.*"
119. The primary difference between the evidence of the RO and Mr Mortimer distils down to differing opinions on how the sustainable management purpose of the Act should be promoted, as contemplated by Part 2 of the Act. The RO has adopted the approach that PC 93 sets out to promote the sustainable management of the land resources on the fringe of the District's largest urban area, Whangarei City. The UTE zonings in her opinion have emerged from the Urban Growth Strategy and Urban Structure Plan process undertaken by the Council. Therefore the UTE zonings are a specific response to the management of the rural land at the fringe of Whangarei. The intention being to provide "*for people who wish to live in close proximity to urban areas and associated amenities, but prefer to live in areas that have a rural outlook.*"
120. Mr Mortimer, in contrast, has concluded that the UTE approach to providing an alternative residential environment, can, and should also be applied to this coastal settlement. In support of this position he identified that PC 92 has defined "Urban Areas" to include "areas zoned Living and Business Environments in coastal and rural settlements." The Panel accepts the point he is making, however coastal and rural settlements are distinctly different types of 'urban areas' than Whangarei City. The scale and size of urban settlement, the demand for living opportunities, the amenities

that are associated with each settlement and in particular the social, economic and cultural opportunities, are very different.

121. The Council's response to the sustainable management of its natural and physical resources, particularly with respect to the use and development of these resources for subdivision and development, has been to deal with the coastal environment and the Whangarei urban environment separately. The land identified by Mr Mortimer for UTE zoning has been identified for a different form of large lot residential through the Coastal Management Strategy and the Whangarei District Growth Strategy Sustainable Future 30/50.
122. The Panel does not accept that Part 2 of the Act will be appropriately promoted by effectively transplanting a UTE zoning into this coastal environment. The large number of coastal and rural settlements within Whangarei District face similar issues to the Waipu/Langs Beach locality and the Panel has received no compelling evidence that this settlement should be managed or treated any differently to other such settlements.
123. Overall, the evidence of the RO has been preferred to that of Mr Mortimer. The UTE zoning proposed by PC 93 has been specifically introduced to respond to the urban/rural interface around Whangarei City. The evidence produced does not support the introduction of this UTE zoning in relation to settlements smaller than Whangarei City, nor was any compelling evidence produced that a UTE zoning is a more appropriate zoning for the land identified at Langs Beach than the current Large Lot Residential zoning.
124. No changes are therefore proposed and the existing zonings are retained.

### **Statutory considerations**

125. We have considered Council's responsibilities in terms of Sections 31, 32, 74 and Part 2 generally. In our opinion, these responsibilities have been exercised appropriately, and there is no reason why Council should not adopt the proposed change, subject to the detailed amendments recommended in response to submissions and as shown in the Appendices.

### **Conclusions and reasons**

126. We conclude that with various minor amendments, PC93 should be adopted. The Act requires us to give reasons for our recommendations, and general reasons for our conclusions and recommendations are given above. Our recommendations in relation to the individual points of submission on the UTE provisions are to accept, accept in part, or reject those submissions to the extent that PC93 is amended as set out in Appendix C.

### **Recommendations**

127. Our recommendation is that Council adopt PC93, with the various amendments suggested.



(Independent Commissioner Les Simmons – Chair)

25<sup>th</sup> July, 2011

**APPENDIX A**

WDC Change 93

**List of documents tabled at the Hearing**

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1. MFE (Ministry for the Environment (2009), Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand.
  2. MFE (Ministry for the Environment) (2009), Preparing for Coastal Change, A Guide for Local Government in New Zealand.
- 
3. NRC (Northland Regional Council) (2002), Regional Policy Statement for Northland.
  4. NRC (Northland Regional Council) (2009), Historical Performance of the Northland Regional Economy - Prepared by Infometrics Ltd.
  5. NRC (Northland Regional Council) (2009), Drivers of Economic Growth in the Northland Regional Economy-Prepared by Infometrics Ltd
- 
6. WDC (Whangarei District Council), Long Term Council Community Plan 2009 - 2019.
  7. WDC (Whangarei District Council), Whangarei Coastal Management Strategy 2002.
  8. WDC (Whangarei District Council), Whangarei Coastal Management Strategy - Structure Plans 2009.
  9. WDC (Whangarei District Council), Whangarei Urban Growth Strategy 2003.
  10. WDC (Whangarei District Council), Whangarei District Growth Model 2008.
  11. WDC (Whangarei District Council), Sustainable Futures 30/50: Assessment of Alternative Futures, undated.
  12. WDC (Whangarei District Council), Sustainable Futures 30/50: Socio-Economic Profile of the Whangarei District, undated.
  13. WDC (Whangarei District Council), Sustainable Futures 30/50: Whangarei District Biodiversity Background Report, undated.
  14. WDC (Whangarei District Council), Sustainable Futures 30/50: Whangarei District Growth Strategy: Project Outline 2008.
  15. WDC (Whangarei District Council), Sustainable Futures 30/50: Whangarei District: Land Use Report 2009.
  16. WDC (Whangarei District Council), Sustainable Futures 30/50: Whangarei District Natural Hazard Constraints Report 2009.
  17. WDC (Whangarei District Council), Sustainable Futures 30/50: Whangarei District Historic Heritage Report 2009.
  18. WDC (Whangarei District Council), Sustainable Futures 30/50: Infrastructure & Services: Three Futures Analysis, 2009.
  19. WDC (Whangarei District Council), Sustainable Futures 30/50: Analysis of Public Feedback 2009.
  20. WDC (Whangarei District Council), Sustainable Futures 30/50: Demographic Profile of the Whangarei District 2009.
  21. WDC (Whangarei District Council), Sustainable Futures 30/50: Ecosystem Services Background Report 2009.
  22. WDC (Whangarei District Council), Sustainable Futures 30/50: Health, Education and Safety Report for the Whangarei District 2009.
  23. WDC (Whangarei District Council), Sustainable Futures 30/50: Ethnic Diversity of the Whangarei District 2009.

24. WDC (Whangarei District Council), Sustainable Futures 30/50: Climate Change Constraints 2009.
25. WDC (Whangarei District Council), Sustainable Futures 30/50: Minerals and Aggregates - Background Report 2010.
26. WDC (Whangarei District Council), Sustainable Futures 30/50: Energy Resources 2010.
27. WDC (Whangarei District Council), Sustainable Futures 30/50: Sense of Place - Urban Design, Amenity, Local Character and Heritage 2010.
28. WDC (Whangarei District Council), Summary of Economic Performance of Whangarei-District - Prepared by Informatics Limited 2009.
29. WDC (Whangarei District Council), Marsden Point – Ruakaka Structure Plan 2009.
30. WDC (Whangarei District Council), Plan Change 92 – Urban Form and Development. Submission period closed 12 January 2010.
31. WDC (Whangarei District Council), Plan change 93 - Urban Transition Environment (UTE). Submission period closed 25 May 2010.
32. WDC (Whangarei District Council), Plan Change 103 -- Management Plan Technique (MPT). Submission period closed 25 May 2010.

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33. Repo Consultancy Ltd (undated), Iwi/Hapu Input to Whangarei District Council Growth Strategy: Sustainable Futures 30/50.
  34. Tonkin and Taylor (2010), Report to the Whangarei District Council: Coastal Erosion Hazard Zone Review.

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35. Environment Court Decision (A0214/2006), The Director General of Conservation & Landco Limited v Whangarei District Council.
  36. Environment Court Decision (W047/2005), Eldamos Investments Limited & Gladiator Investments (Gisborne) Limited v Gisborne District Council.
  37. Environment Court Decision (A078/2008), Long Bay – Okura Great Park Society Incorporated & Auckland Regional Council & Landco Limited & SB & LA Singleton v North Shore City Council.
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**APPENDIX B**

WDC PC93

**Schedule of submissions**

<b>PC93 Submission number</b>	<b>First Name</b>	<b>Surname</b>	<b>Commissioners' Recommendation</b>
1268		Bream Bay Action Group INC	Reject
1303	Denis	Hewitt	Accept in Part
1304	Douglas John	Hull	Reject
1305	Michael John	Bertie	Reject
1307	Ken	McBeth	Reject
1308	Peter	Doel	Accept in Part
1309	Brian	Winger	Reject
1310	Patricia & Barry	Cooper	Reject
1312	Bill Robert	McLaren Family Trust (Trustee)	Reject
1316	John & Sue	Leathwick	Reject
1321		WEBB Property Investments Ltd	Reject
1323	Wayne	Gentil	Reject
1325		Radio New Zealand Limited	Accept in Part
1332	Steven	McGaveston	Accept in Part
1345		Reyburn & Bryant	Accept in Part
1346	John and Kathryn	Day	Reject
1347	DJ and AM	Hutchings	Reject
1348	Roger John	McInnes	Accept in Part
1350	Mervyn Charles and Elizabeth Anne	Matthews	Accept in Part
1351		Pipiwai Investments Ltd (PIL)	Accept in Part
1352	Donald and Jean	Gregson	Reject
1353	AL	Mortimer	Accept
1354	Robyn	Dyke	Reject
1355	BJ & JM	Leydon	Reject
1356	Daniel Perry	Johnston	Reject
1357		BDA Developments Ltd	Accept in Part
1358		Designgroup architects h + k Ltd	Accept in Part
1359	DP and RP	Ridling	Reject
1360		King	Accept in Part
1361		Resource Management & Assessment Ltd	Accept in Part
1362	Hugo W.G.	Van Wieringen	Reject
1364		Webb	Reject
1365	Paul Denis	Tomlinson	Reject
1366	Jeffrey	Pavlovich	Accept
1367		Northland Regional Council	Reject

PC93 Submission number	First Name	Surname	Commissioners' Recommendation
1368		New Zealand Transport Agency	Accept in Part
1369	Arthur and Judith	Tuckey	Reject
1370	Sean Robert	Tuckey	Reject
1371	Ian And Cheryl	Voullaire	Reject
1372		Winstone Aggregates	Accept in Part
1373	Joye Irma	Halford	Reject
1374		Beasley & Burgess Surveyors Ltd	Accept in Part
1375	Brian Stephenson	Wrack	Reject
1376	Belinda Jane	Blenyendaal (Boettcoer)	Reject
1377	Anthony	Bill	Accept in Part
1378		Northpower Ltd	Accept in Part
1379	Sharlane	Dent	Reject
1380	Judi	Gilbert	Accept in Part
1381		Golden Bay Cement	Accept in Part
1382		Transpower New Zealand Limited	Reject
1387	Jonathan Graeme	Blampied	Accept in Part
1388	Daniel Richard	Blampied	Accept in Part
1389	Richard	Blampied	Accept in Part
1390		Golf Harbour Views	Accept
RPC93-02	John	Peterson	Reject
RPC93-03	Annabelle M Kalin	Paul Meinrod	Reject
RPC93-04	David J	Underwood	Reject
RPC93-05	Douglas John	Hull	Accept
RPC93-06	Melvyn Owen	Currin	Accept
RPC93-07	Mervyn Charles and Elizabeth Anne	Matthews	Accept
RPC93-08	Philip Roy	Dickey	Accept
RPC93-09		The Northland Golf Club Inc.	Accept
RPC93-10	Coral	Dodds	Reject
RPC93-11	Jeff	Griggs	Accept in Part
RPC93-12	Greg	Bill	Reject
RPC93-13	Murray Stuart	Burns	Reject
RPC93-14		Croft Timber Company	Accept in Part
RPC93-15	Mira	Norris	Accept in Part
RPC93-16	Brett Steven	Waldron	Accept
RPC93-17	David L and Marion D	Roke	Accept in Part
RPC93-18		Fonterra Co-operative Group Ltd	Accept in Part
RPC93-19		Blue Moon Ltd	Reject

PC93 Submission number	First Name	Surname	Commissioners' Recommendation
RPC93-20	Richard Brian	Blampied	Accept in Part
RPC93-21	Ray	Smith	Accept
RPC93-22	Roger John	McInnes	Accept in Part
RPC93-23	Zelka	Grammer	Reject
RPC93-24	Vincent Carlyle	Kerr	Reject
RPC93-25	K	Uster	Accept
RPC93-26	AL	Mortimer	Accept
RPC93-27	Adrian	Tonks	Accept
RPC93-28	Graeme D	Blampied	Accept in Part
RPC93-29	G	Uster	Accept
RPC93-30		BDA Construction Ltd	Accept in Part
RPC93-31	Roderick J	McGregor	Reject
RPC93-32	Margaret	McGregor	Reject
RPC93-33	D&J	Gregson	Accept in Part
RPC93-34		WEBB Property Investments Ltd	Reject
RPC93-35		Glenbervie Estate Ltd	Reject
RPC93-36	Robert J S	Collier	Reject
RPC93-37	Michael and Robyn	Pohlentz	Accept in Part
RPC93-38		Heb Contracting Limited	Accept
RPC93-39	John Nigel	Bowen	Reject
RPC93-40		Reyburn & Bryant	Reject
RPC93-41		Pipiwai Investments Ltd (PIL)	Reject
RPC93-42	BJ & SS	Webb	Reject
RPC93-43	Ned	Skudder	Reject
RPC93-44	GK & VL	Skudder	Reject
RPC93-45	DV & BJ	Rowe	Reject
RPC93-46	LW & MY	Martin	Reject
RPC93-47		Wordsworth Property Holdings Ltd	Reject
RPC93-48	CD, CB & SS	Keyte	Reject
RPC93-49	K	Rogers	Reject
RPC93-50	FM	Jackson	Reject
RPC93-51	RJ and TA	Deuzing	Reject
RPC93-52	Neville	Montefiore	Reject
RPC93-X01	Bryan and Lesley	Lambert	Reject
RPC93-X02	Bruce & Denise	Dickens	Reject
RPC93-X03	Donald G	Birkett	Accept
RPC93-X04	Kim	Han Jong	Reject
RPC93-X05	RA Kay	and MA Harding	Reject
RPC93-X06	Leigh C	Dodd	Reject
RPC93-X07	Greg	Curry	Reject

<b>PC93 Submission number</b>	<b>First Name</b>	<b>Surname</b>	<b>Commissioners' Recommendation</b>
RPC93-X08	Glennis A	Seaman	Accept
RPC93-X09	Martyn Charles	Ruth	Reject
RPC93-X10		Maugers Ltd	Reject
RPC93-X11	Angela Philomel	Orchard	Reject
RPC93-X12	Miranda L	Shepherd	Reject
RPC93-X13	Maxwell V	Dempster	Reject
RPC93-X14	Maxwell V	Dempster	Reject
RPC93-X15	William	Scott-Davidson	Accept in Part
RPC93-X16	Philippa C	Foster	Reject
RPC93-X17	John Michael	Foster	Reject
RPC93-X18	Martin and Angela	Hales	Reject
RPC93-X19	Patricia Anne	Cutforth	Reject
RPC93-X20	George R	Walkinshaw	Reject
RPC93-X21	Donald RA	Ogilvie	Reject
RPC93-X22	Andrea	Allen	Reject
RPC93-X23	Daniel Perry	Johnston	Accept
RPC93-X24	Geral Martin	Koberstein	Reject
RPC93-X25	Malcom	Norton	Reject
RPC93-X26	Max	Broughton	Reject
RPC93-X27	Graeme and Desley	Howden	Reject
RPC93-X28	Daryl and Jenny	Maden	Reject
RPC93-X29		Fonterra Co-operative Group Ltd	Accept
RPC93-X30	Ethne Anne	Mitchell	Reject
RPC93-X31	John and Sue	Leathwick	Reject
RPC93-X32	John Robert	Mitchell	Reject
RPC93-X33	Bryan A J and carol J	Smith	Reject
RPC93-X34	William H and Lorraine S	Young	Reject
RPC93-X35		Donovan Holdings Ltd	Reject
RPC93-X36		Northpower Ltd	Accept in Part
RPC93-X37		Northpower Ltd	Accept
RPC93-X38		Northpower Ltd	Reject
RPC93-X39		Fonterra Co-operative Group Ltd	Accept
RPC93-X40		Fonterra Co-operative Group Ltd	Accept in Part
RPC93-X41		Fonterra Co-operative Group Ltd	Accept
RPC93-X42		Fonterra Co-operative Group Ltd	Accept in Part
RPC93-X43		Fonterra Co-operative Group Ltd	Accept in Part
RPC93-X44		Fonterra Co-operative Group Ltd	Accept

<b>PC93 Submission number</b>	<b>First Name</b>	<b>Surname</b>	<b>Commissioners' Recommendation</b>
RPC93-X45		Rayonier New Zealand Ltd	Reject
RPC93-X46	Richard	Evans	Accept
RPC93-X47	Grant and Suzanne	McIlroy	Accept
RPC93-X48	KL and EP	Wickham	Reject
RPC93-X49		Bream Bay Action Group INC	Reject
RPC93-X50	Kevin and Barbara	Bell	Reject
RPC93-X51	Robert	McLeod	Accept
RPC93-X52	Robert Selwyn	Bryant	Accept
RPC93-X53	Campbell Wallace	Gallaher	Accept
RPC93-X54	David	Martin	Accept
RPC93-X55	Barry and Jennifer	Collins	Reject
RPC93-X56	Barry and Jennifer	Collins (Clendons)	Reject
RPC93-X57	CA and KC	Martin	Accept
RPC93-X58	Brett	Hawkins	Accept
RPC93-X59	Roderick John	McGregor	Accept in Part
RPC93-X60	Roderick John	McGregor	Accept
RPC93-X61	Roderick John	McGregor	Accept in Part
RPC93-X62	Roderick John	McGregor	Accept in Part
RPC93-X63		Langs Family	Reject
RPC93-X64	Nicci and Dick	Oberholster	Reject