Part 6
Proposed Plan Change 85A, 85C, 85D and 86A & B Zoning Submissions

Right of Reply – Council Reporting Planners

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8 September 2017
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1.0 Introduction

1. This is Part 6 of the Right of Reply (ROR) report. This part should be read in conjunction with the other Parts 1 – 12. This ROR has been prepared by Robert Adam Burgoyne and Evan James Cook on behalf of the Whangarei District Council (WDC) in response to particular matters raised at the hearings for the proposed zonings of Plan Changes 85A (PC85A), 85C (PC85C), 85D (PC85D), 86A (PC86A) and 86B (PC86B).

2. Our Statements of Qualifications and Experience are provided in Part 6 of the section 42A (s42A) evaluation report. The opinions expressed in this ROR are based on our qualifications and experience, and are within our areas of expertise. If we rely on the evidence or opinions of another, our evidence will acknowledge that position.

2.0 Purpose and Structure of Report

3. This ROR addresses issues that were raised through evidence and in the hearing of submissions. The content and structure of the s42A report has been used with new sections written in blue text. Paragraph numbering within section 3 follows the original s42A number for the s42A content. Part 6 of the s42A report grouped submissions by topics ‘A’ to ‘F’. At the start of Topics B and D it is stated where no substantively new material or evidence has been presented (than what was included in the original submissions) that prompts us to provide additional comment or revise our original recommendations.

4. Mr Burgoyne has prepared Sections A, B and F (PC85A, PC85C and Zoning Capacity Summary). Mr Cook has prepared Section C (PC85D). Mr Burgoyne and Mr Cook have jointly prepared Sections D and E (PC86A & B and UTE Zoning).

5. Any changes to the revised Environment maps that we recommend as a result of the ROR are included as Attachment 4 to Part 1 of this ROR.

3.0 Consideration of Submissions and Further Consideration of Evidence

A. PC85A – Rural Production Environment

Author: Robert Adam Burgoyne

20. This section contains submission points regarding the proposed Rural Production Environment (RPE) zoning.

21. Scott and Julie Prentice request the retention of the current zoning [Countryside Environment (CE)] for Lot 4 DP 317298 (Ocean Beach Road), because the land is not suitable for production and RPE will devalue the land as a lifestyle block.

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1 Pages 3 – 4
2 33/1
22. Thomas Flood\(^3\) states that properties could or could not be classed as productive and should be looked at more closely on a case by case basis.

23. Michael King\(^4\) requests that WDC single out only the properties that could be used for rural production for any change and leave the others as they are.

24. Andrew Norman and Francis Spencer\(^5\) request the re-mapping of the entire property at 52 Acacia Drive to RPE. When the subdivision was made (1998) this property was a designated Living 3 Environment. It has since been fractured between this and CE.

25. Rebecca Merrington\(^6\) requests that WDC review the proposed zoning in Waipu as rural residential development has been legitimately established and the RPE is not an appropriate zone for this land.

26. Frank Newman\(^7\) requests that the RPE be removed from coastal land and that these areas be zoned based on their use, which is rural lifestyle.

27. Walker QOTF Trust\(^8\) supports the RPE zoning near Brookview Heights, Waipu.

28. Tony Springford\(^9\) requests that all rural zones (PC85, A-D) be moved out further out from urban areas, and that accessible areas within a 5-10k of the CBD be rezoned for urban growth to save good production land, flat volcanic, for rural production.

**Discussion**

29. As discussed in **Part 3** of the s32 report\(^10\), the efficiency and effectiveness of the CE has been evaluated under the Rural Development Strategy 2013 (**RDS**), which concluded that the policy direction and provisions for CE are too generic. The analysis in the Consents and Complaints Monitoring Report 2014/15 confirmed that subdivision consent applications undertaken in the CE resulted in a strong pattern of small lot subdivision. This has resulted in the fragmentation of rural land resources and has enabled the establishment of many commercial and industrial activities in the RA. In my opinion the RPE is an appropriate response to these issues and is therefore appropriate to replace the CE.

30. While the RPE aims to provide for productive uses, it does not stipulate that a site must be used for production purposes. Many sites which are not productive are also not suitable for more intensive development or alternative uses such as commercial or industrial activities. Sites have been assessed for their appropriateness against the suite of new Environments proposed in these plan changes and recommendations have been made accordingly. The productive potential of a site is one of many criteria considered when recommending zonings.

31. Policy 5.1.2 of the Northland Regional Policy Statement (**RPS**) aims to consolidate urban development within or adjacent to existing coastal settlements, and avoid sprawling development in the Coastal Area.

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\(^3\) 35/1  
\(^4\) 272/1  
\(^5\) 126/4  
\(^6\) 532/1  
\(^7\) 445/1  
\(^8\) 477/1  
\(^9\) 291/1  
\(^10\) Pages 3 – 8
While some sites in the CA are not productive they may also not be suitable for more intensive and sprawling development.

32. I acknowledge that split zoning can lead to complications for landowners, but in cases such as 52 Acacia Drive the split-zoning provides additional development opportunities to the landowners. The portion of the site zoned as Living 3 Environment is outside the proposed Mineral Extraction Area 3 and the Mineral Extraction Area Buffer Area. The remainder of the site is currently zoned as CE and is proposed as RPE to reduce reverse sensitivity effects on the adjacent quarry. Living Environments have not generally been rezoned to less intensive zones through the proposed plan changes. In my opinion the split Living 3 and RPE zoning is appropriate.

33. I acknowledge the support for RPE zoning near Brookview Heights, Waipu.

34. It is unclear what exact relief is being sought by T Springford. I do not consider it appropriate to apply a blanket urban rezoning to all areas within 10km of the CBD. The intention of the proposed plan changes is to protect productive land while also providing for a range of living opportunities, including additional residential capacity in proximity to the CBD. In this respect, I consider that the relief sought will be achieved.

Recommendation

35. I recommend that the Commissioners:

- **Reject** submission points 33/1, 35/1, 272/1, 126/4, 532/1 and 445/1.
- **Accept in part** submission point 291/1.
- **Accept** submission point 477/1.

Evidence and Hearing Information

A.1 Mr Norman and Mr Spencer\(^\text{11}\) presented at the hearing requesting the re-mapping of the entire property at 52 Acacia Drive to RPE.

A.2 Mr Newman presented at the hearing on behalf of the Landowners Coalition reiterating the statements of the Landowners Coalition’s original submission.

Right of Reply Discussion

A.3 I acknowledge that split-zoning can lead to complications. In my opinion if the landowners would prefer only RPE zoning then it is appropriate to rezone the entire site to RPE in this instance to address the split-zoning as existing convents restrict the use of the site to a level similar to RPE. I discussed the matter further with Mr Norman and Mr Spencer after the hearing to confirm that RPE zoning is preferable despite some more permissive provisions in the Living 3 Environment. Mr Spencer and Mr Francis have confirmed that RPE zoning for the entire site is preferable.

A.4 My original discussion stands in response to Mr Newman.

\(^{11}\) 126/4
Right of Reply Recommendation

A.5 I recommend that the Commissioners:

- **Reject** submission points 33/1, 35/1, 272/1, 532/1 and 445/1.
- **Accept in part** submission point 291/1.
- **Accept** submission point 477/1.
- **Accept** submission point 126/4 and amend District Plan Map 45E as per Attachment 4 of Part 1 of this report.

B. PC85C – Rural Village Environment

Author: Robert Adam Burgoyne

36. The following section addresses submissions made on the zone mapping of the proposed Rural Village Environment (RVE). The submissions have been grouped based on the following areas:

i. Bland Bay
ii. Hikurangi
iii. Kokopu
iv. Matapouri
v. Maungatapere
vi. McLeod Bay/Reotahi
vii. Ngunguru
viii. Oakura
ix. Onerahi
x. Parua Bay
xi. Pataua
xii. Riverview Place
xiii. Ruakaka
xiv. Springfield
xv. Taiharuru
xvi. Taurikura/Urquharts Bay
xvii. Tutukaka
xviii. Waipu
xix. Waipu Cove/Langs Beach
With respect to Topics i – iv, viii, ix, xiv and xv and sections of Topics xviii and xix, no substantively new material or evidence is before me (than what was included in the original submissions) that prompts me to provide additional comment or revise my original recommendations.

37. I confirm that I have conducted site visits to the sites and areas subject to submissions to confirm my recommendations.

38. Where capacity estimates are stated for expansion areas a low scenario estimate and a high scenario estimate have been provided. The low scenario estimate is calculated by dividing the total land area by the average Living Environment lot size in the village (as determined by the Whangarei District Growth Strategy – Sustainable Futures 30/50 (30/50)). The high scenario estimate is calculated by assuming 80% of the land proposed for rezoning is available for development and applying a 600m² lot size for serviced sites and 2,100m² for unserviced sites.

i. Bland Bay

Submission Information

39. Shelley Wharton\textsuperscript{12} seeks to rezone all existing sites at Bland Bay which have an area less than or equal to 3,999m² from RPE to Rural Village Residential Sub-Environment (RVRE), including 851 Whangaruru North Road. S Wharton considers that RPE zoning is inappropriate for the smaller sized sites and is inconsistent with the existing pattern of development and potential land uses.

Discussion

40. The RVE aims to manage growth and to prioritise it where reticulated services are available, primarily in growth villages. Bland Bay is identified as a small village under 30/50 and is not serviced by reticulated water, wastewater or stormwater networks. The requested amendments to the zoning in Bland Bay would, in my opinion, result in a scattered pattern of development and would nearly double the amount of residential zoning in Bland Bay – see Figure 1 below identifying the sites subject to the requested rezoning highlighted in blue hatching:

\textsuperscript{12} 485/1 and 2
41. While the sites may not be viable for production purposes, the RPE does not stipulate that a site must be productive. The proposed sites do not meet the RVE rezoning criteria\textsuperscript{13} and there are numerous constraints including hazards (e.g. coastal erosion, instability and flooding) and Resource Area overlays (e.g. CA and High Natural Character (HNC)). Minimal information has been provided by the submitter supporting the feasibility of further residential development within the requested sites. Given the above, I do not support the requested expansions to the proposed RVRE in Bland Bay.

\textit{Recommendation}

42. I recommend that the Commissioners \textbf{reject} submission points 485/1 and 2

\textbf{ii. Hikurangi}

\textit{W Harvey and T Joyce (Business 2 Environment) – Submission Information}

43. W Harvey and T Joyce\textsuperscript{14} oppose the rezoning of the Business 2 Environment to Rural Village Centre Sub-Environment (RVCE) in Hikurangi as it will take away business and potential employment.

\textit{W Harvey and T Joyce (Business 2 Environment) – Discussion}

44. As assessed in \textbf{Part 5} of the s32 report\textsuperscript{15} the policy direction and provisions of the Business Environments do not recognise the importance of the different outcomes required to promote sustainable management, and maintain the sense of community, within rural villages. I consider rezoning these areas to the proposed RVE to be more appropriate. As stated in \textbf{Part 9} of the s42A report\textsuperscript{16}, an amendment to the RVCE rules is recommended to provide for industrial activities as non-complying rather than prohibited activities in the RVCE. This will partially achieve the relief sought by W Harvey and T Joyce. Furthermore, existing industrial activities have existing use rights. No additional evidence has been provided in the submission to justify the retention of the Business 2 Environment or the need for more industrial activities in Hikurangi.

\textit{W Harvey and T Joyce (Business 2 Environment) – Recommendation}

45. I recommend that the Commissioners \textbf{reject} submission point 138/1.

\textit{Stephen Brown (Part Allot 44 Parish of Hikurangi) – Submission Information}

46. Stephen Brown\textsuperscript{17} seeks to rezone approximately 1.54ha of Part Allot 44 Parish of Hikurangi (Valley Road) to RVRE as shown in Figure 2 below. S Brown considers RVRE will allow for more efficient and effective use of the land and is more appropriate than RPE as it will achieve consolidated development and avoid reverse sensitivity effects.

\textsuperscript{13} See \textbf{Part 5} of the s32 report Pages 6 – 10 and Appendix 1  
\textsuperscript{14} 138/1  
\textsuperscript{15} Pages 4 and 29 -30  
\textsuperscript{16} Topic G  
\textsuperscript{17} 308/1
Initially this area was not included within the RVRE as the site comprises some 34.8ha and does not meet the rezoning criteria. The area requested for rezoning by the submitter is significantly smaller and follows natural boundaries. This smaller section would enable approximately 14 – 29 new residential lots. While there is not an identified need for additional residentially zoned land within Hikurangi, 30/50 identified Hikurangi as a growth village. In my opinion the provision of 14 – 29 additional lots is unlikely to cause significant negative economic costs such as compromising the existing infrastructure capacity or oversaturating the residential market.

Table 1 provides an assessment of the requested area against the RVRE zoning criteria:

| TABLE 1: EVALUATION OF PART ALLOTT 44 PARISH OF HIKURANGI AGAINST RVRE CRITERIA |
|---------------------------------|---------------------|
| **Criteria**                     | **Satisfies / Fails** |
| The area has access to a formed road | Satisfies            |
| The area is not identified as being within the Ngararatunua Overlay | Satisfies            |
| The area does not contain an unformed indicative road | Satisfies            |
| The area is within 6m of an existing Living Environment or proposed RVRE | Satisfies            |
| The area is not identified for Māori Reservation, Esplanade Reserve, Hydro, Electrical works, Railway or Roadway purposes | Satisfies            |
| 50% or less of the area is identified as being flood susceptible | Satisfies            |
| 75% or less of the area is covered in indigenous vegetation and/or wetland | Satisfies            |
| Comprises an area equal to or less than 5,250m² | Fails – comprises 1.54ha |

<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>Area does comprise Class 3 soils. The proposed section is a thin strip between a stream and the existing Living 1 Environment, limiting its production potential.</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
<td>The area does not contain any ONL and is not within the CA.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The area contains minimal vegetation and/or wetland.</td>
</tr>
</tbody>
</table>
Flood Susceptible Areas

The area is not identified as being flood susceptible.

Other hazards

The only identified hazards are a thin strip of high instability hazard adjacent to the stream bank and a negligible Mining Hazard 1 Area in the southern corner.

Proximity to reticulated wastewater

The site is near the reticulated wastewater network and can feasibly be serviced. There is sufficient infrastructure capacity to accommodate the enabled development.

Structure Plan

No Structure Plan exists for Hikurangi.

49. As illustrated in Table 1, the 1.54ha area of Part Allot 44 Parish of Hikurangi meets the inclusion / exclusion criteria, except for the maximum site size. The only constraints present in the site are Class 3 soils and a minimal amount of instability hazard along the stream. In my opinion the productive potential of the subject area is low due to its size and location between residential zoning and the stream. Any buildings located on the site are likely to be setback far enough from the stream to be outside the high instability area. In my opinion RVRE zoning represents an appropriate and efficient use of the land.

Stephen Brown (Part Allot 44 Parish of Hikurangi) – Recommendation

50. I recommend that the Commissioners accept submission point 308/1 and amend District Plan Map 28E as per Attachment 4 of Part 1 of the s42A report.

EJH and JM Timperley (RVCE Expansion) – Submission Information

51. EJH and JM Timperley seek to rezone several sites off Union Street (Part Allot 68 PSH OF Hikurangi, Part Lot 1 DP 15706, Part Lots 1 and 2 Deeds 485, Part Lot 5 DEEDS 371, Part Lot 2 DP 15706, Lot 14 DEEDS 371 and Lot 7 DEEDS 512) to RVCE. The total area of these sites is approximately 5.3ha. EJH and JM Timperley consider RVCE is more appropriate than RPE as it will achieve consolidated development, avoid reverse sensitivity effects and allow for more efficient and effective use of the land. The requested RVCE area is identified in Figure 3 below.

![Figure 3: 5.3ha area subject to rezoning to RVCE under submission point 310/1](image-url)
EJH and JM Timperley (RVCE Expansion) – Discussion

52. I do not support the requested additional RVCE zoning within Hikurangi for the following reasons:

• There is currently over 10ha of vacant land proposed as RVCE. I consider this to be a sufficient supply for the growth of mixed-use activities in Hikurangi over the next 10 years.

• There are currently several existing vacant tenancies in the proposed RVCE of Hikurangi. Allowing for more business zoning may compromise the economic viability of the existing village centre.

• 30/50 states that as there is currently no Structure Plan for Hikurangi, one is required to manage future development of the village and the preparation of a Structure Plan is one of the first tasks in managing growth in the area. In my opinion, the most appropriate zoning of this land should be considered through a comprehensive structure plan process.

• No additional evidence has been provided by the submitter to support the need for additional commercial zoning within Hikurangi.

EJH and JM Timperley (RVCE Expansion) – Recommendation

53. I recommend that the Commissioners reject submission point 310/1.

iii. Kokopu

Submission Information

54. Nigel Pyle\(^9\) seeks to rezone the area within 0.5km of Kokopu School as RVE as there are already six houses within the proximity of the school.

Discussion

55. I do not support any RVE zoning in the Kokopu area. The RVE aims to manage growth and to prioritise it where reticulated services are available, primarily in growth villages. 30/50 does not identify this area as a rural village and the site sizes in the area are not consistent with the RVE. The area is also not serviced by reticulated water, wastewater or stormwater networks. In my opinion this submission is out of scope as there is no Living or Business zoning in the area and Kokopu is not an existing rural village and is not adjacent to an existing village.

Recommendation

56. I recommend that the Commissioners reject submission 93/1.

\(^9\) 93/1
iv. Matapouri

**Submission Information**

57. Ringer Farms Partnership\(^{20}\) seeks to rezone an area of approximately 3.3ha off Ringer Avenue within Lots 1-3 DP 438347 (the approximate section is shown in Figure 4 below) to RVRE for the following reasons:

- RVRE zoning reflects the Matapouri Structure Plan better than RPE zoning.
- RVRE zoning represents the most efficient and effective use of the land while RPE zoning over the whole area does not achieve sustainable management under Part 2 of the RMA.
- The suggested area fits with more of the inclusion criteria for the RVRE than the exclusion criteria.

![Requested RVRE zoning Sub #: 326/1](Image)

*Figure 4: Proposed District Plan Environment Map showing the requested area for RVRE zoning in Matapouri*

**Discussion**

58. I do not support the requested RVRE rezoning for the following reasons:

- The land is located within the CA and is also adjacent to sensitive Outstanding Natural Landscape (ONL) and Outstanding Natural Character (ONC) areas.
- Matapouri is not serviced by a reticulated wastewater network and a large portion of the land is identified as being highly unsuitable for effluent. Ringer Farms Partnership states that the wastewater would be treated by a communal wastewater system and that Attachment 4 to the submission confirms the suitability of this system to accommodate the requested rezoning. However, Attachment 4 to the submission does not make any reference to the wastewater system or its suitability. The RPS seeks to improve the overall quality of Northland’s coastal water, and rezoning this area RVRE may contribute to decreased water quality in the area.

\(^{20}\) 326/1
Matapouri is not serviced by a reticulated water supply network and the area is identified as being an at-risk aquifer. Section 4.3 of the RPS clearly states the importance of managing water quantity in the Region and ensuring that water is not over-allocated. Objective B2 of the National Policy Statement for Freshwater Management 2014 (NPSFM) states “to avoid any further over-allocation of fresh water and phase out existing over-allocation”.

While the Matapouri Structure Plan identifies the area for potential residential (Living 1) zoning, it also states that reticulated wastewater is a prerequisite for future growth. As stated in Part 5 of the s32 report\(^2\), it is considered unlikely that a Council wastewater network will be cost effective for at least 25 years.

Due to the poor effluent suitability, there is a risk of leaching into groundwater. As there is a stream/drain on site this further complicates development as on-site systems would need to have sufficient separation from the stream/drain. Within small residential sections this may be difficult to achieve.

The low-lying land near the stream/drain also presents flood risks which would require mitigation.

The submitter anticipates that the requested rezoning will enable 33 new residential lots. This is a significant amount of growth considering that Matapouri is not a growth village and there is currently not an identified need for additional residential zoning to accommodate future growth.

The area is identified as having a kiwi presence.

59. Based on the evidence provided within Ringer Farm Partnership’s submission I acknowledge that residential development may be achievable, but in my opinion this would require a significant level of work to attenuate hazards and mitigate adverse effects. I do not consider the requested rezoning appropriate given the numerous constraints detailed above, the mitigation that rezoning/development would necessitate and the lack of an identified need for additional residential zoning.

Recommendation

60. I recommend that the Commissioners reject submission point 326/1.

v. Maungatapere

Submission Information

61. Five submission points\(^2\) were received requesting that Corsair Drive (the section shown in Figure 5 below) remain as Living 3 Environment with a minimum net site area of 2,000m\(^2\) for the following reasons:

- Reverse sensitivity effects between the RVE and RPE.
- The area is better suited as rural residential than small 500m\(^2\) sites.

\(^{21}\) Appendix 10
\(^{22}\) 265/2, 293/1, 351/1, 534/1 and 537/1
• Reticulated services are 25 years away so there is no immediate need to zone for smaller serviced sites.

• Adverse effects on amenity and character.

• The extra capacity created is not necessary to accommodate growth in Maungatapere.

Figure 5: Proposed District Plan Environment Map showing Corsair Drive sites

Discussion

62. I do not support the requested rezoning to Living 3 Environment within Maungatapere. The area along Corsair Drive which is currently zoned as Living 3 Environment and is proposed as RVRE will have a minimum net site area of 2,000m² in accordance with RVE.3.3.2(b) since there is no public reticulated wastewater network available in Maungatapere. While I do not recommend any changes because of the submissions received, I consider that the relief sought will be achieved as this area will retain the same minimum net site area as the current Living 3 Environment as requested.

63. Terrence Hailes requests that several sites north of the Maungatapere township (Pt Lot 1 DP 29256, Lot 2 DP 414977, Lot 4 DP 458899, Lot 3 DP 458899 and Lot 3 DP 152281) be rezoned as Rural (urban Expansion Environment (RUEE) or similar, as discussed below in Topic D(iv). The area was not considered appropriate for RUEE zoning, thus RVRE has been considered as an alternative. I do not consider the area appropriate for RVRE zoning for the following reasons:

• The site immediately adjacent to the proposed RVCE is over 51ha in area which would more than double the proposed RVE area in Maungatapere. This significant amount of capacity would compromise the intention to consolidate development in areas serviced by reticulated infrastructure and to prioritise growth in the Urban Area (UA) or growth villages.

• The area largely comprises Class 2 soils.
• There are numerous horticultural operations in the area, and RVRE zoning may create reverse sensitivity effects.

**Recommendation**

64. I recommend that the Commissioners **reject** submission points 265/2, 293/1, 351/1, 534/1 and 537/1.

**Evidence and Hearing Information**

B.1 Ms Attwood, Ms Williams, Ms Padgett and Ms Barfoote presented at the hearing reiterating their request to retain the Living 3 Environment 2,000m\(^2\) minimum net site area along Corsair Drive. Ms Padgett expressed concern that a developer may install a private sewerage treatment system to enable subdivision down to 500m\(^2\).

**Right of Reply Discussion**

B.2 My original discussion stands. Rule RVE.3.3.2 states that connection to a **public** reticulated wastewater system is required to subdivide down to 500m\(^2\). Therefore, a private system would not meet this requirement and would be limited to a minimum net site area of 2,000m\(^2\).

**Right of Reply Recommendation**

B.3 My original recommendation in paragraph 64 above stands.

vi. **McLeod Bay/Reotahi**

**Submission Information**

65. J Kubi and Barbara Witten-Hannah\(^{24}\) seek to rezone 15 Bay View Road to RVRE as this is more consistent with the surrounding properties and the subject site is closer to the village centre than other proposed RVRE sites.

66. M Sketchley\(^{25}\) seeks to rezone 2120 Whangarei Heads Road to RVRE due to the existing use of the site, the surrounding RVE zoning, infrastructure availability and the suitability for residential type development within the site compared to surrounding areas.

67. Anthony Lynaird and Sarah Hirst\(^{26}\) seek to rezone an area of 2,000m\(^2\) on the northern corner of 2108 Whangarei Heads Road to RVCE to provide sufficient commercial zoning for McLeod Bay.

68. Figure 6 below identifies the sites subject to the above submission points.

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\(^{24}\) 227/2  
\(^{25}\) 333/1  
\(^{26}\) 440/6
69. I do not support the requested rezoning of 15 Bay View Road to RVRE for the following reasons:

- The site is located within the CA.
- The site is not identified for potential residential zoning in the McLeod Bay/Reotahi Structure Plan.
- The site is not adjacent to the existing Living 1 Environment or the proposed RVE.
- While the site may not be productive, the RPE does not stipulate that a site must be used for productive purposes.

70. I do not support the requested rezoning of 2120 Whangarei Heads Road to RVRE for the following reasons:

- The site is located within the CA and contains HNC and ONL areas.
- A large portion of the site not identified as HNC and ONL is identified as a high instability hazard.
- The site is not identified for potential residential zoning in the McLeod Bay/Reotahi Structure Plan.
- There is no identified need for additional residential land within McLeod Bay/Reotahi, especially when taking into consideration the capacity provided through PC85C, PC85D and PC86 across the District. The requested rezoning of the 2.7594ha would have a development potential of approximately 22 – 35 new lots. This amount of growth may compromise the development potential of the existing vacant land, some of which was recently rezoned through Plan Change 70. This would also be inconsistent with the 30/50 approach to concentrate growth in the growth...
village of Parua Bay. No additional evidence has been provided by the submitter indicating a need for additional residential land.

71. I do not support the requested rezoning of 2108 Whangarei Heads Road to RVCE for the following reasons:

- There is no identified need for additional commercially zoned land within McLeod Bay/Reotahi.
- Rezoning to RVCE would not be consistent with the Structure Plan, which identifies the area for potential Large Lot Residential.
- 30/50 identifies Parua Bay as the growth village of Whangarei Heads and the hub for the wider area. Additional commercial zoning at 2108 Whangarei Heads Road would, in my opinion, undermine the concentration of commercial growth in the growth village of Parua Bay.
- The site is not adjacent to the existing commercially zoned land in McLeod Bay/Reotahi and would, in my opinion, create a fractured village centre.

**Recommendation**

72. I recommend that the Commissioners reject submission points 227/2, 333/1 and 440/6.

**Evidence and Hearing Information**

B.4 Mr Lynaird and Ms Hirst reiterate their request for 2108 Whangarei Heads Road to be rezoned RVCE. The submitters state that the property is located 200m from the proposed RVCE in McLeod Bay, that they would like to develop a tourist based business and that there has been no provision made to increase the RVCE in the Whangarei Heads area, which is a concern as McLeod Bay is the largest village in Whangarei Heads and could double in size over the next 10 years.

B.5 Ms Miller’s evidence for M Sketchley reiterated the request to rezone 2120 Whangarei Heads Road to RVRE. Ms Miller presented the following points:

- The presence of CA, HNC and ONL overlays is not a valid reason to exclude 2120 Whangarei Heads Road from RVRE as these overlays are present throughout the RVRE proposed in McLeod Bay/Reotahi.
- RVRE zoning of the site is consistent with the New Zealand Coastal Policy Statement (NZCPS) as it shares a common boundary with the existing settlement.
- Using high instability hazard areas as a reason to exclude the site from RVRE is hypocritical as many other sites either zoned Living 1 Environment or proposed as RVRE are also identified as high instability hazard.
- Little consideration should be given to where the site sits with regard to the McLeod Bay/Reotahi Chapter of 30/50 and this is not a valid reason to reject RVRE zoning.
- A demonstration of need or demand is not required to justify the rezoning of land. Notwithstanding this, the projection figures used have underestimated growth in the District.
- The s42A report estimated lot yield of approximately 22 – 35 new lots is an overestimate. Based on the HNC and ONL area and the existing house, vegetation and pond the actual development
potential is more realistically 11 – 17 lots. This will not compromise the development of the existing vacant land.

- No further submissions were made against the requested RVRE zoning of the site.

**B.6** Ms Miller’s evidence for K and B Witten-Hannah reiterated the request to rezone 15 Bay View Road to RVRE. Ms Miller presented similar points to those in paragraph B.5 including the following additional points:

- While the site does not adjoin any existing Living 1 or proposed RVRE properties it is located between two proposed RVRE areas and has a characteristic more akin to residential areas than those anticipated in the rural zone.
- Based on the proposed plan provisions the primary land uses expected in the RPE are ones that are related to rural production activities. While an RPE site is not required to be used for production purposes, the site at 15 Bay View Road is not consistent with the purpose of the RPE.

**B.7** Mr and Ms Witten-Hannah’s pre-circulated statement states that the site is not productive due to size and limitations to water supply. The submitters consider that RVRE zoning would be appropriate for 15 Bay View Road as most of Bay View Road is proposed as RVRE and the RPE prohibits any further building so it would not be permissible to build glass houses.

**Right of Reply Discussion**

**B.8** My original discussion stands with regard to the requested RVCE zoning of 2108 Whangarei Heads Road.

**B.9** Ms Miller has raised concerns that the zoning criteria have been inconsistently applied. In my opinion the RPS does not anticipate that sites which are already zoned for residential development and are within identified overlay areas, must be rezoned as RPE. Method 4.6.3(4) of the RPS states that existingzonings do not need to change in order to give effect to Policy 4.6.1 where alternatives for giving effect to the Policy exist. In my opinion the proposed PC87 and PC114 provisions are viable alternatives of protecting the CA and Landscape features. Method 4.6.3(4)(ii) also states that district plans shall not unduly restrict existing authorised use of land. However, in my opinion it is appropriate to use the identified overlays as criteria against RVRE expansion as this would extended development into these overlays where it was not already present. This would increase the risks and potential adverse effects on the overlay areas.

**B.10** With regard to high instability hazard areas, Policy 7.1.1 of the RPS refers to minimising the increase in risk and vulnerability due to development of hazard prone land. Policy 25 of the NZCPS similarly refers to avoiding increase risk due to coastal hazards. Therefore, in my opinion it is not necessary to rezone residential sites with identified hazards to RPE as the vulnerability and risk is not being significantly increased. However, identified hazards were used as criteria to assess the appropriateness of RVE expansions as RVE zoning increases the risk and vulnerability compared to the Countryside or Coastal Countryside Environments.

**B.11** The McLeod Bay/Reotahi Structure Plan was prepared as part of the Whangarei Coastal Management Strategy and was adopted by WDC in 2003. The Structure Plan identifies 15 Bay View Road and 2120 Whangarei Heads Road as Coastal Countryside Environment and as being
outside the strong urban boundaries. The Structure Plan also identifies the following key elements:

- “a strong desire to... cluster residential settlement, rather than allowing sprawl or ‘ribbon’ development connecting settlement areas.”
- “Limiting the linear extent of the settlement with long term settlement limits or boundaries.”
- “Establishing a strong ‘urban fence’ or limit for residential expansion areas, particularly between Reotahi and Little Munroe Bay, between McLeod Bay and The Nook and between Little Munroe Bay and McGregors Bay.”

B.12 I acknowledge that the Structure Plan is not overly recent and is a non-statutory document. However, the structure plans provide a high level spatial direction that reflects significant consultation and investment by the Council. Accordingly, the s32 and s42A reports interpreted the structure plans as such and they were one criterion that was used as an overarching guide rather than absolute hard boundaries for rezoning.

B.13 Ms Miller considers that rezoning 15 Bay View Road and 2120 Whangarei Heads Road to RVRE is consistent with the NZCPS and states “the connection that the Sketchley property makes with the other pocket of urban development on Bay View Road, makes it a logical parcel of land for inclusion in the RVR Environment”\textsuperscript{27}. In my opinion rezoning these sites to RVRE will stretch the existing urban boundaries and blur the distinction between Reotahi and Little Munroe Bay. This signals that development may be appropriate in this area and could lead to the RVRE eventually extending all the way down Bay View Road. In my opinion this would not be consistent with the Structure Plan, policy RVE.1.3.6(c), the RPS (Policies 4.6.1(1)(b)(iii) and 5.1.2(a)) and the NZCPS (Policy 6(1)(c)). Figure A compares the proposed RVRE expansion to the recommended zoning by Ms Miller.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figureA.png}
\caption{Recommended RVRE zoning compared to RVRE expansion requested by Ms Miller in McLeod Bay/Reotahi}
\end{figure}

B.14 Overall, the criteria listed in the s42A to support my recommendations are not intended to be standalone reasons. Rather, the criteria were considered cumulatively and assessed on balance.

\textsuperscript{27} Paragraph 12 of Ms Miller’s Statement of Evidence on behalf of M Sketchley
when considering appropriateness for the RVE. In my opinion the criteria are valid and the requested rezoning is finely balanced. Overall, I do not support the requested rezoning of 15 Bay View Road and 2120 Whangarei Heads Road as I consider RPE zoning more appropriate.

B.15 With regard to 15 Bay View Road not being productive, Ms McGrath has recommended changes to the RPE to more clearly indicate that the zoning does not stipulate a site must be used for production purposes. I acknowledge that the site is much smaller than the anticipated RPE lot sizes; however, being adjacent to proposed RVE was a necessary criterion for rezoning as spot-zoning has been avoided. I note that RPE zoning of 15 Bay View Road would not prohibit the building of a glass house on the site as suggested by the submitter.

Right of Reply Recommendation

B.16 My original recommendation in paragraph 72 above stands.

vii. Ngunguru

Submission Information

73. Four submissions28 request that 51 Te Maika Road (shown in Figure 7 below) be rezoned to RVRE for the following reasons:

- The population projections used to determine the need for residential land are inaccurate and underestimate the actual growth in Ngunguru. This land is necessary to accommodate future growth as there is currently a shortage of residential sections available.
- The site is compatible with the RVE as it is adjacent to exiting Living 1 Environment and can connect to reticulated wastewater, consolidates growth, is not within the CA and does not have any ONL within the site.
- Effects on the landscape from residential development will be minimal and can be mitigated.
- The site is not viable for rural production.
- Development of the site will not result in sprawled development.
- The Ngunguru Structure Plan, which identifies the site as being outside the strong urban boundary, is flawed and out of date and should not preclude rezoning.
- The site is more suitable for RVRE than other proposed RVRE sites within Ngunguru and Tutukaka.
- Flood risks can be mitigated within the site.

28 217/1, 267/1, 375/5 and 524/1
74. Pam Johnson requests that more Living 1 and 3 Environments be created within Ngunguru, particularly at the end of Te Maika Road (where 51 Te Maika Road is located).

75. The Tutukaka Coast Ratepayers and Residents Association supports the extension of residential development in Ngunguru from the Te Maika Road Valley to the upper Waiotoi Valley as well as along the waterfront.

Discussion

76. An assessment of 51 Te Maika Road is contained in Appendix 12 of Part 5 of the s32 report. The site did not meet the RVE zoning criteria and was assessed as not being appropriate for RVE zoning due to numerous constraints within the site and the fact that there is not an identified need for additional residential land in Ngunguru.

77. Numerous submissions indicate that there is an undersupply of residential sections within the village and that RVE expansion is required. Taking this into account, an assessment of 51 Te Maika Road against the constraints criteria is provided in Table 2 below:

<table>
<thead>
<tr>
<th>TABLE 2: EVALUATION OF 51 TE MAIKA ROAD AGAINST RVRE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inclusion / Exclusion Criteria</strong></td>
</tr>
<tr>
<td>The area has access to a formed road</td>
</tr>
<tr>
<td>The area is not identified as being within the Ngararatunua Overlay</td>
</tr>
<tr>
<td>The area does not contain an unformed indicative road</td>
</tr>
<tr>
<td>The area is within 6m of an existing Living Environment or proposed RVRE</td>
</tr>
<tr>
<td>The area is not identified for Māori Reservation, Esplanade Reserve, Hydro, Electrical works, Railway or Roadway purposes</td>
</tr>
<tr>
<td>50% or less of the area is identified as being flood susceptible</td>
</tr>
<tr>
<td>75% or less of the area is covered in indigenous vegetation and/or wetland</td>
</tr>
<tr>
<td>Comprises an area equal to or less than 5,250m²</td>
</tr>
</tbody>
</table>

---

29 266/1  
30 375/4
<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area comprises Class 3 soils in the low-lying portion of the site.</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
<td>The site is not within the CA and does not contain any ONL or ONF overlays.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>There is minimal indigenous vegetation and/or wetland coverage within the site.</td>
</tr>
<tr>
<td>Flood Susceptible Areas</td>
<td>Approximately 0.6ha or the area is identified as flood susceptible.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>The ridges within the site are identified as high instability hazard areas.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>The site is near the reticulated wastewater network and there is sufficient capacity in the network.</td>
</tr>
<tr>
<td>Structure Plan</td>
<td>The area is identified for Coastal Countryside zoning in the Ngunguru Structure Plan and is outside the strong urban boundary.</td>
</tr>
</tbody>
</table>

78. While 51 Te Maika Road is not constraint free, most of the land surrounding the existing residential zoning elsewhere in Ngunguru is identified as high instability hazard, flood susceptible, HNC or Māori owned land and is also outside the Structure Plan strong urban boundary.

79. Assuming that there is a need for more residential zoning, it must be determined where the most suitable area for expansion is. The other logical potential locations for residential expansion are Waiotoi Road (as requested by the Tutukaka Coast Ratepayers and Residents Association), to the north and west of the existing Living 3 Environment, or along Matapouri Road.

80. I do not support the requested RVE expansion along Waiotoi Road adjacent to the existing Living 1 Environment for the following reasons:

- A large portion of the land is identified as being flood prone.
- The land is outside the identified strong urban boundary in the Ngunguru Structure Plan.
- The land is largely identified as Class 3 Land Use Capability Soils.
- The land to the north of the golf course is not near the reticulated wastewater network and is identified as being highly unsuitable for effluent.
- There is a HAIL site identified in this area.
- The land is Māori owned land and contains a Māori Site of Significance.

81. I do not support RVE expansion to the north or west of the existing Living 3 Environment as this land is largely identified as being within the CA, contains HNC, and is flood susceptible and has high instability hazard areas.

82. I do not support RVE expansion along Matapouri Road as this area would provide limited additional capacity, contains flood and instability hazards, and presents access and wastewater servicing issues.

83. Given the highly-constrained nature of Ngunguru, in my opinion the most suitable area for residential expansion is at the end of Te Maika Road. However, as discussed above 51 Te Maika Road does contain constraints, most notably flooding and instability hazards and RVRE zoning of this site is inconsistent with the Structure Plan.
84. As discussed in the Part 5 of the s32 report\(^31\), 51 Te Maika Road was the subject of a private plan change (PC65) to enable a maximum of 24 lots with proposed visual, flooding and stormwater mitigation. PC65 was declined by the Environment Court in 2012\(^32\) in part because residential zoning of the site would not be consolidated and would exacerbate fragmentation by allowing urban creep into the elevated land on the site. The decision also stated that some of the sites on the higher ground would likely be visible, affecting the natural landscape backdrop of the estuary and sandspit system.

85. I agree with the reasons given for the Environment Court decision and note that the strong urban boundary identified in the Structure Plan was intended to ensure residential development is consolidated so that the villages of Ngunguru and Tutukaka retain distinct boundaries. The site at 51 Te Maika Road extends over 350m beyond the identified strong urban boundary, which I consider to be a significant extension of the intended residential boundary. In my view this would be contrary to policy 5.1.2 of the RPS which aims to consolidate urban development within or adjacent to existing coastal settlements, and avoid sprawling development.

86. The submissions received do not provide detail on how the hazards within the site will be mitigated, but G Robinson states it is intended to raise “the river plan [sic] by 1.5 – 2 metres using material off the spur”. I do not support reducing the height of the ridgelines within the site by 2m and do not support allowing significant residential development within the high instability areas of the site. Development within the flood susceptible area would be managed by Rule 56.2.3 of the Operative Whangarei District Plan (WDP). Figure 8 below shows the high instability areas in red hatching and the flood susceptible areas in blue hatching.

![Figure 8: Flooding and instability hazards near Te Maika Road, Ngunguru](image)

87. As shown in Figure 8 the site to the south east of 51 Te Maika Road (Lot 15 DP 374000) contains similar hazard constraints. The low-lying portion of Lot 15 DP 374000 is generally contiguous with 51 Te Maika Road and avoids instability hazards while providing additional capacity.

88. Having considered the submissions received which identify a shortage of residential land in Ngunguru, and considering alternative sites for RVE expansion and the existing constraints at the end of Te Maika Road, I consider the most appropriate option to be to extend the RVRE zone boundary to the low-lying portions of 51 Te Maika Road and Lot 15 DP 374000 (outside of the high instability hazard areas) to

\(^31\) Appendix 12
\(^32\) Decision No. [2012] NZEnvC 172
provide approximately 1.6ha of additional residential zoning. This expansion will enable approximately 15 – 19 new residential lots. The recommended area for rezoning is outlined in red in Figure 9 below:

![Figure 9: Recommended area for RVRE expansion at the end of Te Maika Road, Ngunguru](image)

89. Table 3 provides an assessment of the area against the RVRE zoning criteria:

| TABLE 3: EVALUATION OF RECOMMENDED NGUNGURU EXPANSION AREA AGAINST RVRE CRITERIA |
|-----------------------------------|---------------------------------|-----------------|
| **Inclusion / Exclusion Criteria** |                                | **Satisfies / Fails** |
| The area has access to a formed road |                                | Satisfies        |
| The area is not identified as being within the Ngararatunua Overlay |                                | Satisfies        |
| The area does not contain an unformed indicative road |                                | Satisfies        |
| The area is within 6m of an existing Living Environment or proposed RVRE |                                | Satisfies        |
| The area is not identified for Māori Reservation, Esplanade Reserve, Hydro, Electrical works, Railway or Roadway purposes |                                | Satisfies        |
| 50% or less of the area is identified as being flood susceptible |                                | Fails – Approximately 56% of the area is identified as flood susceptible |
| 75% or less of the area is covered in indigenous vegetation and/or wetland |                                | Satisfies        |
| Comprises an area equal to or less than 5,250m² |                                | Fails – comprises approximately 1.6ha |

<table>
<thead>
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<th><strong>Constraint Criteria</strong></th>
<th><strong>Assessment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area contains Class 3 soils.</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
<td>The area does not contain any ONL or HNC and is not within the CA.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The area contains minimal vegetation and/or wetland.</td>
</tr>
<tr>
<td>Flood Susceptible Areas</td>
<td>Approximately 9,000m² of the area is identified as flood susceptible.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>There are no other hazards within the recommended area.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>The sites are in proximity to the reticulated wastewater network and can be serviced. There is not reticulated water supply in Ngunguru.</td>
</tr>
<tr>
<td>Structure Plan</td>
<td>The area is identified for Coastal Countryside zoning in the Ngunguru Structure Plan and is outside the strong urban boundary.</td>
</tr>
</tbody>
</table>

90. As illustrated in Table 3, the recommended expansion area meets the inclusion / exclusion criteria, except for flood susceptibility and maximum site size. The alternative areas in Ngunguru considered for RVE expansion contain more significant constraints and in my opinion are less suitable for residential development. In my opinion flood hazards can be mitigated through the District wide WDP Rule 56.2.3.
91. There are high class soils within the site but in my opinion the productive potential of the area is low due to its proximity to residential zoning.

92. The area only extends approximately 100m beyond the strong urban boundary identified in the Ngunguru Structure Plan and in my opinion forms a consolidated pattern of development.

93. While there is not an identified immediate need for growth in Ngunguru, the submissions received indicate that there is a shortage of residential land. To enable additional development in a consolidated and managed manner I consider it appropriate to provide additional residential zoning.

94. I therefore consider it appropriate to rezone approximately 1.6ha within Lots 14 and 15 DP 374000 to RVRE as the area contains the least constraints and will provide approximately 15 – 19 additional residential lots.

Recommendation

95. I recommend that the Commissioners:

- **Accept in part** submission points 217/1, 266/1, 267/1, 375/5 and 524/1 and amend District Plan Map 31E as per Attachment 4 of Part 1 of the s42A report.

- **Reject** submission point 375/4.

Evidence and Hearing Information

B.17 Ms Armstrong-Jennings and Ms Bruni on behalf of the Tutukaka Coast Ratepayers and Residents Association and Mr Scott, Mr McCullough and Graham and Aaron Robinson raised concerns about the validity and suitability of the population projections and structure plans that were used as part of the zoning criteria.

B.18 Evidence was also presented at the hearing reiterating the request for additional RVRE zoning in Ngunguru. Ms Baguley on behalf of Longview Estuary Estate, Mr McCullough and Graham and Aaron Robinson states\(^{33}\) that the recommended extent of RVRE zoning will not adequately cater for growth in Ngunguru and that there are no geotechnical constraints within 51 Te Maika Road. Ms Baguley confirmed that the preferred option is to rezone the entire 51 Te Maika Road to RVRE, but provided an alternative option\(^{34}\) to rezone approximately 3ha within 51 Te Maika Road to RVRE, leaving the remaining 3.65ha in RPE.

Right of Reply Discussion

B.19 The structure plans provide high level spatial direction that reflects significant consultation and investment by the Council. Accordingly, the s32 and s42A reports interpreted the structure plans as such and they were one criterion that was used as an overarching guide rather than absolute hard boundaries for rezoning. Updating or reviewing the structure plans is outside the scope of these plan changes.

B.20 The population projections were similarly used as a guide to identify where potential residential and commercial shortfalls may occur during the life of the next District Plan. Two different

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\(^{33}\) Paragraphs 11 – 13 of Ms Baguley’s tabled statement

\(^{34}\) Attachment B of Ms Baguley’s tabled statement
projection methodologies were used and compared as overarching guides in identifying any zoning shortfalls. These two methodologies were the most up to date Council adopted methodologies available. Where evidence has been provided that identifies zoning shortfalls this has been taken into consideration.

**B.21** Strategic direction is established in 30/50, which is another criterion used to evaluate zoning. While additional residential or commercial zoning may be suitable for a village in a vacuum, this is also assessed against the 30/50 development pattern to determine if growth may be more appropriately directed somewhere else.

**B.22** Ultimately, the population projections, structure plans and 30/50 preferred development pattern were each considered in the s32 and s42A reports along with many other criteria and were not independently used to reject rezoning requests.

**B.23** It is unclear to me, what exactly are the submitters’ concerns are regarding inconsistencies between the maps of Ngunguru. The extent of the cadastral layout that is shown on the WDP maps is limited by what will fit on the physical page. For instance, the Ngunguru village is split between WDP maps 30E and 31E because the whole village does not fit on one A3 page at the WDP map scale. These maps are not used to define what is ‘Ngunguru’ or what is ‘Tutukaka’.

**A.6** I support the proposed alternative RVRE zoning put forward by Ms Baguley. Several submitters raised concerns of historical development being enabled along ridgelines in Ngunguru and Tutukaka. This option avoids the highest parts of the spur to mitigate adverse visual effects. Confining the RVRE boundaries to a more defensible boundary along the lower areas of the site is more appropriate in my opinion and reduces the effect of sprawling development between the Ngunguru and Tutukaka villages along ridgelines. In terms of s32AA, it is my opinion that this alternative zoning represents the most efficient and effective option. I have confirmed that no concerns were raised about the geotechnical aspects of the site during Plan Change 65.

**B.24** At the hearing Ms Baguley suggested that the alternative zoning option would provide approximately 25 – 30 lots. This would enable more development than the 24 lots sought through Plan Change 65 (which sought rezoning of the entire site) while avoiding the highest parts of the spur. Taking into consideration the 30/50 and WDGM population projections and the need for residential land identified by submitters I consider this to be an appropriate expansion of the RVRE in Ngunguru.

*Right of Reply Recommendation*

**B.25** I recommend that the Commissioners:

- **Accept in part** submission points 217/1, 266/1, 267/1, 375/5 and 524/1 and amend District Plan Map 31E as per **Attachment 4 of Part 1** of this ROR report.
- **Reject** submission point 375/4.
viii. Oakura

Submission Information
96. Bryce Woodward supports the proposed RVRE zoning within Oakura.

Discussion
97. I acknowledge and support this submission as I consider the proposed RVRE zoning appropriate in Oakura.

Recommendation
98. I recommend that the Commissioners accept submission 6/1.

ix. Onerahi

Submission Information
99. Stephen Keane seeks to rezone 10 Grahamtown Road to RVE as the site is adjacent to other residential zoning and is better suited for residential use than farming.

Discussion
100. Onerahi is outside the RA and has not been considered under PC85C. The rezoning of land within the UA, which includes Onerahi, will be undertaken as part of Plan Change 88 (PC88). I do not support the requested rezoning of this site at this time as the RVE is specifically intended to apply to the rural villages identified in 30/50 and the relief sought is out of scope in my opinion.

Recommendation
101. I recommend that the Commissioners reject submission point 245/2.

x. Parua Bay

Submission Information
102. Eight submission points were made with regard to rezoning in Parua Bay.

103. Melba Farms requests that the zoning in Parua Bay be amended to enable growth in the community and to specifically allow for more development at 28 Timperley Road as the site is not suitable for production and is suitable for residential development.

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35 6/1
36 245/2
37 31/1
104. Paul Parker\textsuperscript{38} requests that the RVRE zoning boundary revert to the proposed boundary that was issued as part of the pre-notification process to allow for managed future expansion and growth of Parua Bay.

105. Vita and Max Badran\textsuperscript{39} request that 1389, 1391, 1397, 1399, 1403 and 1407 Whangarei Heads Road be zoned RVRE rather than RVCE for the following reasons:

- Commercial activities would compromise amenity values for the residential land users and would not keep a compact commercial village centre.
- Traffic movements of commercial activity would adversely affect residents.
- The proposed zoning is inconsistent with the zoning criteria of the RVCE as the current uses are not commercial.
- The cluster of houses is more similar to the properties across the road which are proposed RVRE.
- It would be more appropriate to direct businesses onto Lamb Road for traffic reasons.
- The Parua Bay Structure Plan identifies the area as a "pedestrian village" which is not necessarily a commercial zone.
- These properties are not necessary to meet commercial demand as growth projections are likely overestimated in 30/50.

106. Michael and Hazel Smith\textsuperscript{40} request that 29 Kiteone Road be rezoned RVRE rather than RPE for the following reasons:

- The site is contiguous with the proposed RVRE and is comprised of land uses and character consistent with the RVE.
- The site is not identified as being any more hazard prone than any of the other properties that have been zoned RVE.
- The site has poor quality soil.
- Existing reticulated infrastructure is located at the boundary of Kiteone Rd and town water and electricity services are available.
- Parua Bay has been identified as a growth village and over the lifespan of the next district plan this block of land would be required for subdivision to meet the projected growth requirements for the village.

107. Clay and Justine D’Anvers\textsuperscript{41} request that 100 Kiteone Road be rezoned RVRE rather than RPE to support a compact well connected village settlement as waste and stormwater connections are located nearby and to provide for the predicted growth in population with minimal environmental impact. The submitter considers that the land is suitably stable for residential development and has provided an

\textsuperscript{38} 192/1  
\textsuperscript{39} 221/1  
\textsuperscript{40} 234/2  
\textsuperscript{41} 376/1
Assessment of Landscape and Visual Effects determining that the relief sought by the submitter is appropriate.

108. Four further submissions\(^{42}\) oppose the submission point from C and J D’Anvers for the following reasons:

- Inconsistency with RVE zoning criteria and purpose, the Parua Bay Structure Plan and 30/50.
- Issues with reticulated water and wastewater servicing.
- Traffic concerns.
- Proximity to sensitive kiwi areas.
- RVRE zoning would adversely affect amenity values in the area.
- Rezoning to RVRE is outside the scope of PC85C.

109. The Rukuwai Family Trust (RFT)\(^{43}\) requests that Lot 1 DP 168289 (Whangarei Heads Road) be rezoned to Open Space rather than RVCE as the site is currently used for recreational sports fields.

110. The RFT\(^{44}\) requests that 1411 Whangarei Heads Road be rezoned from RPE to RVRE for the following reasons:

- This site is too small for a significant income to be made off the land through agricultural means.
- The RFT wishes to have the option of subdivision in the future as Parua Bay develops, allowing opportunity to meet future growth needs as Parua Bay is identified as a growth village.
- The ‘rural character’ of the RPE in this area is not met due to the number of dwellings already built around it.

111. The RFT\(^{45}\) requests all of 1347 Whangarei Heads Road be rezoned from RPE to RVCE due to its location in the centre of Parua Bay and as there is the opportunity to create linear open space walkways through the wetland area in this land parcel.

112. Four further submissions\(^{46}\) support the RFT submission in its entirety while one further submission\(^{47}\) supports the requested Open Space and RVCE zonings.

113. Figure 10 below identifies the areas subject to rezoning requests.

\(^{42}\) x160, x183, x232 and x275
\(^{43}\) 523/1
\(^{44}\) 523/2
\(^{45}\) 523/3
\(^{46}\) 048, 074, 170 and 743
\(^{47}\) x057
RVRE Expansion – Discussion

114. Several different options for rezoning in Parua Bay were assessed within Part 5 of the s32 report. Prior to notification, the WDC Infrastructure and Services Department (WDC I&S) determined that only a small front portion of 1411 Whangarei Heads Road and the smaller sites fronting Kiteone Road could feasibly be connected to reticulated services. Therefore, the pre-notification consultation maps for Parua Bay were amended and the area proposed to be rezoned to RVRE was reduced. Part 5 of the s32 report concluded that the proposed RVE boundaries (with minimal expansion along Whangarei Heads Road and Kiteone Road) were the most appropriate to provide for the wellbeing of the village over the medium term while not compromising the sustainability and wellbeing of the village over the long term. I support this approach as in my opinion, it is inappropriate to rezone large areas as RVRE in a growth village where they cannot be serviced by reticulated wastewater as this may compromise the ability of the sites to subdivide down to 500m² in the future when services are available.

115. However, after receiving several submissions indicating a need for growth the issue has been reconsidered. WDC I&S further investigated the servicing constraints and determined that all of 1411 Whangarei Heads Road and a larger site along Kiteone Road could feasibly connect to reticulated services – this area is outlined in red in Figure 11 below.

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Appendix 6
Figure 11: Recommended area for RVRE expansion in Parua Bay

116. Table 4 provides an assessment of the outlined area against the RVRE zoning criteria:

<table>
<thead>
<tr>
<th>TABLE 4: EVALUATION OF PARUA BAY EXPANSION AREAS AGAINST RVRE CRITERIA</th>
</tr>
</thead>
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<th><strong>Constraint Criteria</strong></th>
<th><strong>Assessment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area does not comprise Class 1 – 3 soils.</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
<td>The area does not contain any ONL or HNC. A small portion of the area is within the CA but is largely already developed in this area.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The area contains minimal vegetation and/or wetland.</td>
</tr>
<tr>
<td>Flood Susceptible Areas</td>
<td>The area is not identified as being flood susceptible.</td>
</tr>
</tbody>
</table>

49 Part Lot 4 DP 28706 is identified for electrical works. This is a very small portion of the total area and helps form a contiguous zone boundary.
Other hazards
The area is identified as a medium instability hazard area (as is most of Parua Bay) but there are no other hazards within the sites (except for Part Lot 4 DP 28706 which is identified as a HAIL site but is unlikely to be developed as it is also identified for electrical works).

Proximity to reticulated wastewater
The sites are in proximity to reticulated wastewater (and water) networks and can be serviced.

Structure Plan
The Parua Bay Structure Plan identifies the sites for potential residential development only with connection to water and wastewater services.

117. As illustrated in Table 4, the recommended expansion area meets the inclusion / exclusion criteria, except the maximum site size, and the only constraint present is a small area of CA which is largely developed already.

118. As discussed in Part 5 of the s32 report, 30/50 estimates that there will be sufficient residential land in Parua Bay over the next 12 years while the Whangarei District Growth Model projects a potential shortfall in residential land. The need for additional residential zoning is therefore finely balanced in this area and the proposed boundaries took a conservative approach by not rezoning areas with servicing constraints. However, as Parua Bay is a growth village and the land is now seen as being able to connect to reticulated services, in my opinion, the benefits outweigh the costs of providing for more residential land in Parua Bay. The proposed RVRE expansion area comprises some 21ha and provides an estimated 99 – 274 additional residential lots.

119. Additional areas were considered; however, there are significant constraints regarding reticulated wastewater and water supply for sites beyond the recommended boundaries. In my opinion it is not appropriate to rezone these areas to ensure consistency with the Structure Plan (which requires servicing prior to expansion) and ensure that infrastructure and land resources are efficiently and effectively used. Once reticulated services are extended in these locations (along Kiteone and Whangarei heads Roads), then further expansion may be appropriate and can be considered in future changes or WDP reviews.

120. Another alternative is to rezone a smaller portion of the 21ha. However, this may result in fragmented development that, long-term, does not result in a comprehensively developed village.

121. I therefore consider it appropriate to rezone the identified area in Parua Bay to RVRE as the sites meet the RVRE zoning criteria (apart from the site areas) and, in my opinion, will have more benefits than costs as Parua Bay is an identified growth village.

RVRE Expansion – Recommendation

122. I recommend that the Commissioners:

- **Accept in part** submission points 31/1, 192/1, 234/2 and 523/2 and amend District Plan Map 49E as per Attachment 4 of Part 1 of the s42A report.

- **Reject** submission point 376/1.
Open Space Zoning – Discussion

123. Open Space zoning is out of scope of these plan changes and will be considered under Plan Change 115. In my opinion, Lot 1 DP 168289 is more appropriate for RVCE zoning than RPE zoning. The site meets the criteria for RVCE because it was identified as a potential pedestrian village in the Parua Bay Structure Plan and is currently used for community activities.

Open Space Zoning – Recommendation

124. I recommend that the Commissioners reject submission point 523/1.

Rezoning RVCE to RVRE – Discussion

125. The Parua Bay Structure Plan identifies the properties located at 1389, 1391, 1397, 1399, Whangarei Heads Road as a potential ‘pedestrian oriented area’ around the existing community and commercial centre. 30/50 has reiterated this intention, identifying the pedestrian oriented area as being similar to the Business 3 Environment. As noted by Vita and Max Badran, RVCE zoning may affect the amenity and character of the sites with the existing uses of the sites being residential rather than commercial. However, this change has been anticipated through the Structure Plan and 30/50 and is therefore consistent with policy 5.1.1(g) of the RPS, which states:

“Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

(g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district growth strategies and / or district or regional plan provisions.”

126. The properties located at 1403 and 1407 Whangarei Heads Road are identified for potential residential zoning. However, they are similar in character to 1389, 1391, 1397, 1399, Whangarei Heads Road and form a contiguous and compact RVCE zone boundary.

127. Part 5 of the s32 report\(^51\) assessed the sites as being appropriate for RVCE zoning based on the projected growth in employees in Parua Bay (approximately 87 new employees working in Parua Bay by 2028), the lack of constraints within the sites, the nearby reticulated services and the current zoning and use. The sites are adjacent to the existing commercial zoning to help form a consolidated centre. I agree with this assessment.

128. Proposed provision RVE.2.3.1(c) limits traffic movements to 200 per site per day to help manage any traffic related effects.

129. I do not recommend rezoning the sites to RVRE for the reasons discussed above. To help reduce adverse effects on residential activities an additional provision is recommended to manage building height in relation to boundaries within the RVCE. This was an alternative relief requested by Vita and Max Badran and is further discussed in Part 9 of the s42A report\(^52\).

\(^51\) Pages 10 – 11 and Appendices 3 and 6.

\(^52\) Topic H
130. Providing for higher density commercial zoning along Lamb Road is not appropriate in my opinion as this is an unsealed road after the first 100m or so.

Rezoning RVCE to RVRE – Recommendation

131. I recommend that the Commissioners reject submission point 221/1.

RVCE Expansion – Discussion

132. In my opinion 1347 Whangarei Heads Road is not appropriate for RVCE zoning as it not does not meet the RVCE rezoning criteria and is not suitable for high intensity development since it contains a wetland (as noted by the submitter). The submitter expresses an interest to construct a walkway through the wetland; however, the RVCE is no more enabling than the RPE for constructing walkways.

RVCE Expansion – Recommendation

133. I recommend that the Commissioners reject submission point 523/3.

Evidence and Hearing Information

B.26 Ms Ross presented at the hearing on behalf of the Rukuwai Family Trust regarding their submission. Ms Ross acknowledged the rational for rejecting the open space rezoning but reiterated the preference for open space zoning of Lot 1 DP 168289. Ms Ross also reiterated the preference for 1347 Whangarei Heads Road to be rezoned to RVCE. Ms Ross supported the change to the RVRE zoning in Parua Bay.

B.27 Mr Hartstone presented on behalf of Mr and Ms Donald and Mr and Ms McKenzie supporting the s42A recommendation to reject submission 376/1 seeking RVRE zoning for 100 Kiteone Road.

B.28 Mr and Ms Badran presented at the hearing. However, the proposed RVCE zoning was no longer being challenged. Rather, Mr and Ms Badran presented on the requested alternative relief of amending the RVCE provisions. This has been discussed in Part 9 of the ROR53.

B.29 Melba Farms presented at the hearing clarifying that rezoning or a change in the non-complying subdivision status is sought for 28 Timperley Road to enable a 12 lot subdivision.

Right of Reply Discussion

B.30 My original discussion stands. I do not support rezoning 28 Timperley Road to RVRE as this is not contiguous with the proposed RVRE and does not meet the rezoning criteria.

Right of Reply Recommendation

B.31 My original recommendations in paragraphs 122, 124, 131 and 133 above stand.

53 Paragraphs H.1 – H.5
xi. Pataua

Submission Information

134. Noble Reef Estate\textsuperscript{54} seeks to rezone Pt Lots 1 and 2 DP 93517 (Mahanaga Road) as either RVRE, RUEE or similar to provide the same development potential as provided by the existing scheduled activities and Future Living Environment.

Discussion

135. A detailed assessment on the rezoning of Pt Lot 1 DP 93517 has been included in Part 1 of the s32 report\textsuperscript{55}. The key points are summarised below:

- While the Scheduled Activities enable higher levels of development there are several conditions imposed on the sites. These indicate that the area may not be suitable for unconstrained residential development, which the RVRE would provide for. Unconstrained RVRE zoning is not appropriate for the sites in my opinion.

- Scheduled Activities and Future Living Environments have proven to be inefficient tools due to consenting issues and the legal complexity associated with Comprehensive Development Plans. These tools also result in an inefficient and cumbersome District Plan, as often the conditions outlined in scheduled activities resemble resource consent conditions. As part of PC85, Scheduled Activities are proposed to be removed from the WDP. I do not support the retention of the Future Living Environment or Scheduled Activities.

- There is no identified need for additional residential land in Pataua, especially when taking into consideration the preferred consolidated development approach across the District and the capacity provided through PC85D and PC86.

- There are numerous constraints within the sites including flooding and instability hazards, HNC, ONL and CA overlays and archeological sites.

- The Scheduled Activities came into effect through an Environment Court decision on the Proposed Whangarei District Plan in 2005. Since that time minimal progress has been made towards giving effect to the provisions. In my opinion it is appropriate to now reconsider the appropriate zoning.

136. Alternative zoning options such as RUEE and Rural Living Environment (RLE) were assessed in Part 1 of the s32 report\textsuperscript{56}, which concluded that these zoning options are not appropriate in this location. I agree with this assessment.

137. I do not support rezoning Pt Lot 2 DP 93517 to RVRE as the site is not subject to any existing Scheduled Activities and is almost entirely identified as flood susceptible.

\textsuperscript{54} 356/1 and 2
\textsuperscript{55} Appendix 2
\textsuperscript{56} Appendix 2
I recommend that the Commissioners **reject** submission points 356/1 and 2.

**Evidence and Hearing Information**

B.32 Ms Golightly presented at the hearing on behalf of Ms Joseph and Noble Reef Estate with regard to the zoning of Pt Lot 1 DP 93517. Ms Golightly stated that the full development potential enabled by Scheduled Activity 11/1 was still being sought within the area currently zoned as Living 3 Environment. However, Ms Golightly stated that Cato Bolam had prepared a report indicating that the development provided for by Scheduled Activities 11/2 – 11/4 was not feasible. Ms Golightly later provided a “very rough scheme plan” showing a proposed development of 5 lots in the Scheduled Activities 11/3 – 11/4 areas

**Right of Reply Discussion**

B.33 My original discussion stands. I do not consider that the Scheduled Activities 11/2 – 11/4 areas are appropriate for RVRE zoning. The Scheduled Activities 11/2 – 11/4 areas comprise approximately 39ha and I consider that a more appropriate way to achieve the proposed development would be through a non-complying RPE subdivision consent. I also note the inclusion of environmental benefit lot provisions has been recommended in Part 7 of this ROR. If the Commissioners are of a mind to include environmental benefit lot provisions, then this may facilitate further subdivision of the site in a more appropriate form than RVRE zoning in my opinion, provided the vegetation within the site meets the recommended criteria.

**Right of Reply Recommendation**

B.34 My original recommendation in paragraph 138 above stands.

**xii. Riverview Place**

**Submission Information**

139. Ondine Waddle and Peter Rogers-Jenkins seek to rezone 215 Cove Road to RVRE due to the site’s smaller size, surrounding land uses, suitability for residential development and proximity to Waipu.

**Discussion**

140. Riverview Place, which is adjacent to 215 Cove Road and has been used to describe the Living 1 and 3 Environment cluster, has been identified as a small village in Part 5 of the s32 report. The proposed rezoning would allow up to approximately 55 additional lots as there is reticulated wastewater available. I do not support the requested additional residential zoning in this area as Waipu is the identified growth village under 30/50 and, in my opinion, rezoning 215 Cove Road to RVRE may compromise the concentration of growth in Waipu, resulting in inefficient use of infrastructure. Additionally, 215 Cove Road was identified as potential Coastal Countryside zoning in the Waipu Structure Plan.

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57 504/1
**Recommendation**

141. I recommend that the Commissioners reject submission point 504/1.

**Evidence and Hearing Information**

B.35 Ms Waddle presented regarding the zoning of 215 Cove Road, primarily focusing on RLE zoning for the site. Ms Waddle stated that due to topographical constraints, the site “is more suited to development into 2 or 3 rural lifestyle blocks rather than intensive residential development”.

**Right of Reply Discussion**

B.36 In my opinion it is not appropriate to provide any RVRE zoning within 215 Cove Road. The site is in proximity to the reticulated wastewater line and could feasibly connect. As discussed in paragraphs B.75 – B.77 below, there is highly limited wastewater capacity in this area. If this site were to connect it would diminish the capacity and potentially prevent lots in Waipu or Waipu Cove/Langs Beach from connecting. In my opinion it is more appropriate to prioritise residential growth in Waipu and Waipu Cove/Langs Beach.

**Right of Reply Recommendation**

B.37 My original recommendation in paragraph 141 above stands.

xiii. Ruakaka

**Submission Information**

142. Nine submissions\(^{58}\) requested that 2 and 28 Pyle Road West (shown in Figure 12 below) be rezoned to RVRE. The reasons for the submissions included:

- The land is more appropriate for urban development than farming.
- The area is adjacent to Living 1 Environment.
- Convenient connection to infrastructure and the One Tree Point centre and amenities.
- Rezoning the site to RVRE will provide additional development potential for the area.

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\(^{58}\) 393/1, 397/1, 398/1, 438/1, 458/1 – 461/1 and 470/1
Discussion

143. I do not support any RVE zoning in the Marsden Point/Ruakaka area as none is proposed in PC85C. 30/50 identified this area as a satellite town and, in my opinion, it is better assessed as part of the UA under PC88. The submissions are out of scope in my opinion.

Recommendation

144. I recommend that the Commissioners reject submission points 393/1, 397/1, 398/1, 438/1, 458/1 – 461/1 and 470/1.

Evidence and Hearing Information

B.38 The opening legal submission of Counsel on behalf of the WDC concluded that the above submissions are within scope.

B.39 Mr Hood presented on behalf of the Beachhaven Partnership and others recommending that 2 Pyle Road West be rezoned to RVRE. Within Mr Hood’s Statement of Evidence he provides an assessment of the requested RVRE zoning against the requirements of s32 and Part 2 of the RMA, the NZCPS and the Marsden point/Ruakaka Structure Plan. Mr Hood concluded that RVRE zoning represents sustainable development in the context of Part 2 of the RMA and is a more appropriate zoning than RPE.

Right of Reply Discussion

B.40 I do not support rezoning 2 Pyle Road West to RVRE as the site fails the RVRE zoning criteria since it is not within an identified rural village. There is no RVRE proposed for Marsden Point/Ruakaka and rezoning this site to RVRE would essentially result in a spot-zoning. This site should be more appropriately considered under the Urban Area Plan Change in my opinion.

Right of Reply Recommendation

B.41 My original recommendation in paragraph 144 above stands.

xiv. Springfield

Submission Information

145. Leola Ross seeks to rezone the ‘Springfield Valley/Carter’s Valley’ area to RVRE as it is already compromised by small lifestyle blocks.

Discussion

146. I do not support any RVE zoning in the Springfield area. The RVE aims to manage growth and to prioritise it where reticulated services are available, primarily in growth villages. 30/50 does not identify this area as a rural village and the site sizes in the area are not consistent with the RVE. The area is also not serviced by reticulated water, wastewater or stormwater networks. In my opinion this

59 Part 5 of the s32 report Appendix 1
60 303/1
submission is out of scope as there is no Living or Business zoning in the area and Springfield is not an existing rural village and is not adjacent to an existing village.

**Recommendation**

147. I recommend that the Commissioners reject submission point 303/1.

**xv. Taiharuru**

**Submission Information**

148. Elizabeth Valintine and Grahame Wells support the proposed RVRE zoning within Taiharuru and seek that no zoning extensions be made.

**Discussion**

149. I acknowledge and support these submissions as I consider the proposed RVRE zoning appropriate in Taiharuru.

**Recommendation**

150. I recommend that the Commissioners accept submission points 15/1 and 19/1.

**xvi. Taurikura/Urquharts Bay**

**Submission Information**

151. Neil and Moira Dobbs request that a portion of 2487 Whangarei Heads Road be rezoned to RVRE. The submitters consider that this area is better suited for residential use than productive farming and is suitable for RVRE zoning due to its proximity to the proposed RVRE.

152. Ken and Helen Rozell request that 2281 Whangarei Heads Road be rezoned from RPE to RVRE as several adjacent sites are zoned RVRE, the site is not suitable for rural production and increased residential development will enhance the Taurikura village.

153. The Taurikura General Store requests that 2302 Whangarei Heads Road be rezoned from RVRE to RVCE as resource consent for a general store has recently been granted and RVCE is more consistent with the use of the site than RVRE.

154. Figure 13 below identifies the sites and areas subject to the above submission points.

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61 15/1
62 19/1
63 118/1 and 119/1
64 159/1
65 232/1
Figure 13: Proposed District Plan Environment Map identifying sites in Taurikura/Urquharts Bay subject to submissions

**Discussion**

155. I do not support rezoning the requested portion of 2487 Whangarei Heads Road to RVRE for the following reasons:

- The area is located within the CA and contains a small area of HNC which includes indigenous vegetation.
- A portion of the area not identified as HNC is identified as a high instability hazard area.
- The area is not identified for potential residential zoning in the Taurikura/Urquharts Bay Structure Plan.
- There is no identified need for additional residential land within Taurikura/Urquharts Bay. Allowing for further growth may compromise the development potential of the existing vacant land, some of which was recently rezoned through Plan Change 74. This would also be inconsistent with the 30/50 approach to concentrate growth in the growth village of Parua Bay.
156. I do not support the requested rezoning of 2281 Whangarei Heads Road to RVRE for the following reasons:

- The site is located within the CA.
- A portion of the site is identified as a high instability hazard area.
- The site is identified for potential large lot residential zoning with landscape and bush protection in the Taurikura/Urquharts Bay Structure Plan. Rezoning the site to proposed RVRE would enable higher density than envisaged by the Structure Plan without specific landscape and bush protection controls. I consider RVRE zoning to be inconsistent with the Structure Plan.
- There is no identified need for additional residential land within Taurikura/Urquharts Bay. Allowing for further growth may compromise the development potential of the existing vacant land, some of which was recently rezoned through Plan Change 74. This would also be inconsistent with the 30/50 approach to concentrate growth in the growth village of Parua Bay.

157. I do not support the requested rezoning of 2302 Whangarei Heads Road to RVCE for the following reasons:

- Consent was recently granted by the Environment Court to operate a general store with retail space, café, takeaway food area and residential activity within the site. There were numerous conditions imposed to mitigate any adverse effects, including matters addressing hours of operation, noise, landscaping and fencing. The conditions restrict the commercial activities within the site to a general store and a café with takeaway food. In my opinion RVCE zoning may undermine the conditions of consent as the RVCE provisions enable a much wider range of activities.
- There is no identified need for additional commercially zoned land within Taurikura/Urquharts Bay and 30/50 identifies Parua Bay as the growth village of Whangarei Heads and considers it to be the “hub” for the wider area.
- The site is identified for residential development in the Taurikura/Urquharts Bay Structure Plan. A potential ‘village centre’ is identified to the northeast of 2302 Whangarei Heads Road but is not adjacent to the subject site. I do not consider RVCE zoning of 2302 Whangarei Heads Road to be consistent with the Structure Plan.

**Recommendation**

158. I recommend that the Commissioners reject submission points 118/1, 119/1, 159/1 and 232/1.

**Evidence and Hearing Information**

B.42 Mr Dobbs presented regarding the zoning of 2487 Whangarei Heads Road. Based on Mr Dobb’s statement, it is my understanding that the area requested for rezoning to RVRE has been reduced to approximately 8,000m² to provide for eight quarter acre sections. According to Mr Dobbs this area is based on an approved subdivision.
**Right of Reply Discussion**

B.43 The amended requested area now excludes the HNC area within the site. In my opinion this reduced area is more suitable than the originally requested zoning and is finely balanced. However, the area is identified as high instability hazard and the requested rezoning would extend the Taurikura residential zoning towards the Urquharts Bay residential zoning. In my opinion this would not be appropriate as it would signal that development is suitable along this stretch of Whangarei Heads Road and could lead to higher density development eventually extending further towards Urquharts Bay. In my opinion this would not be consistent with the Structure Plan, policy RVE.1.3.6(c), the RPS (Policies 4.6.1(1)(b)(iii) and 5.1.2(a)) and the NZCPS (Policy 6(1)(c)).

B.44 I also note the inclusion of environmental benefit lot provisions has been recommended in Part 7 of this ROR. If the Commissioners are of a mind to include environmental benefit lot provisions, then this may facilitate further subdivision of the site in a more appropriate form than RVRE zoning in my opinion, provided the vegetation within the site meets the recommended criteria.

**Right of Reply Recommendation**

B.45 My original recommendation in paragraph 158 above stands.

xvii. Tutukaka

159. Six submission points were received regarding rezoning in Tutukaka. Five of the submission points relate to Wellington’s Bay while one relates to Landowners Lane.

**Wellington’s Bay – Submission Information**

160. Mark and Bronwyn Poynter\(^66\) request that Lot 11 DP 323553, Lots 2 and 3 DP195541 be rezoned from RPE to RVE for the following reasons:

- The sites have little existing or potential productive use and are more appropriately zoned as RVE or RLE.
- The proposed RPE would unnecessarily prevent future additional family residence on the land when there is no effects basis to exclude such additional low intensity residential use.
- An RVE or RLE status is consistent with the existing and future use and intensity of residential development in the bay and is consistent with sections 5 to 7 of the RMA and with the policies contained in the New Zealand Coastal Policy Statement (NZCPS).

161. Malcolm Ross and Lorraine Holland\(^67\) request that 315 Tutukaka Block Road be rezoned from RPE to RVE as the neighbouring properties are proposed as RVRE and the site is too small (just over 1ha) to be productive, yet too big to upkeep.

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\(^{66}\) 157/1

\(^{67}\) 32/1
162. Karen Jones requests that 91 Lawson Drive be rezoned from RPE to RVE as it is not suitable for rural production.

163. Wendy Dove and Steve Ingram requests that 311 Tutukaka Block Road be rezoned from RPE to RVRE as this would benefit the property value, the neighbouring properties are proposed as RVRE, the site is not productive and cannot be seen from the beach.

164. P and V Christie request that 37 Lawson Drive be rezoned from RPE to RVRE for the following reasons:

- The proposed RVRE represents the most effective and efficient use of land relative to the RPE.
- The retention of an 8476m² allotment within the RPE is not consistent with the intent of the RPE.
- The retention of an isolated area of RPE that is bound by both RVRE to the south and native bush to the north is likely to give rise to reverse sensitivity effects, which contradicts the RPE description.
- The land subject to this submission fits more comfortably with the RVRE than the RPE as the RPE does not achieve sustainable management under Part 2 of the RMA.

165. Figure 14 identifies the sites in Wellington’s Bay requested for RVRE rezoning instead of RPE zoning.

![Figure 14: Proposed District Plan Environment Map identifying Wellingtons Bay sites subject to rezoning requests](image)
Wellington’s Bay – Discussion

166. I do not support the rezoning of 91 Lawson Drive as approximately 87% of the 2.1037ha site is identified as HNC and there are numerous additional constraints within the site (e.g. CA and high instability hazard areas). The size of the site and the extent of HNC within the site should preclude rezoning in my opinion.

167. I do not support the requested rezoning of Lot 11 DP 323553, Lots 2 and 3 DP 195541 for the following reasons:

- The sites are located within the CA.
- The rear portion of the sites largely comprises ONL, HNC, indigenous vegetation and areas of high instability hazard.
- The front portion of the sites largely comprises Class 3 soils.
- There are flooding and stormwater drainage concerns especially given the high ground water levels in the area and the fact that poor drainage could impact the aquifer, which is identified as at-risk in the area. Section 4.3 of the RPS clearly states the importance of managing water quantity in the Region and ensuring that water is not over-allocated. Objective B2 of the NNPSFM states “to avoid any further over-allocation of fresh water and phase out existing over-allocation”.
- There is no available reticulated wastewater or water supply network in proximity.
- While the Tutukaka Structure Plan identifies the area for potential Living 1 Environment (or similar), the Structure Plan also states that wastewater treatment or reticulation is a pre-requisite for expansion of the Living Environments.
- The area is identified as having a kiwi presence.

168. The front portion of Lot 11 DP 323553, Lots 2 and 3 DP195541 which does not contain ONL, HNC high instability hazard and indigenous vegetation (approximately 6ha), could provide for up to approximately 23 new lots if it were zoned RVRE. However, at the typical density of the existing surrounding Living 1 Environment sites (800m² – 1,000m²) this area could provide for at least 50 new lots. The s32 report noted there is no identified need for additional residential zoning within Tutukaka. No additional evidence has been provided by the submitter to address the residential demand in Tutukaka or the constraints on development within the sites. Given the numerous constraints and significant number of lots that could be created through RVRE zoning I do not support any RVRE zoning within Lot 11 DP 323553, Lots 2 and 3 DP195541 due to the associated risks, and particularly since there is no identified need for residential expansion within Tutukaka.

169. There are constraints present within 37 Lawson Drive and 311 and 315 Tutukaka Block Road similar to those discussed above regarding Lot 11 DP 323553, Lots 2 and 3 DP195541. However, in my opinion within 37 Lawson Drive and 311 and 315 Tutukaka Block Road there is only the potential to realistically create one additional lot in each site due to the location of existing buildings and conservation covenants. The conservation covenants also contribute towards the on-going protection of the landscape values within the sites. While there are constraints to development, the risks are significantly reduced due to

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71 Pages 7 – 10 and Appendix 16
the much lower development potential of the sites compared to Lot 11 DP 323553, Lots 2 and 3 DP195541. Given the reduced risks and reduced costs I generally support the requested rezoning of 37 Lawson Drive and 311 and 315 Tutukaka Block Road.

170. Table 5 provides an assessment of 37 Lawson Drive and 311 and 315 Tutukaka Block Road against the RVRE zoning criteria:

| TABLE 5: EVALUATION OF 37 LAWSON DRIVE AND 311 AND 315 TUTUKAKA BLOCK ROAD AGAINST RVRE CRITERIA |
|---------------------------------------------------------------|-----------------|
| **Inclusion / Exclusion Criteria**                            | **Satisfies / Fails** |
| The area has access to a formed road                          | Satisfies       |
| The area is not identified as being within the Ngararatunua Overlay | Satisfies       |
| The area does not contain an unformed indicative road           | Satisfies       |
| The area is within 6m of an existing Living Environment or proposed RVRE | Satisfies       |
| The area is not identified for Māori Reservation, Esplanade Reserve, Hydro, Electrical works, Railway or Roadway purposes | Satisfies       |
| 50% or less of the area is identified as being flood susceptible | Satisfies       |
| 75% or less of the area is covered in indigenous vegetation and/or wetland | Satisfies       |
| Comprises an area equal to or less than 5,250m²                 | Fails – Sites range from 0.8476 – 1.286ha |

<table>
<thead>
<tr>
<th><strong>Constraint Criteria</strong></th>
<th><strong>Assessment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area does comprise some areas of Class 3 soils. The submitters have noted that the sites are not productive.</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
<td>The sites are within the CA and contain areas of HNC. The HNC is generally protected by conservation covenants.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The areas of HNC are also covered in native vegetation.</td>
</tr>
<tr>
<td>Flood Susceptible Areas</td>
<td>The sites are not identified as being flood susceptible.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>The sites contain some area of high instability hazards, but these are generally located within the HNC which is protected by the conservation covenant.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>The sites are not in proximity to the reticulated wastewater network.</td>
</tr>
<tr>
<td>Structure Plan</td>
<td>The area is identified for potential Living 1 Environment (or similar) in the Tutukaka Structure Plan. The Structure Plan states that reticulated wastewater is a pre-requisite to Living 1 Environment expansion.</td>
</tr>
</tbody>
</table>

171. As illustrated in Table 5, the sites meet all of the inclusion / exclusion criteria except the maximum site sizes. In my opinion RVRE zoning more accurately reflects the use of these sites and corrects the ‘dishonest zoning’, and I believe that zoning 37 Lawson Drive and 311 and 315 Tutukaka Block Road as RVRE will more effectively and efficiently achieve the purpose of PC85C when compared to the proposed RPE zoning.

Wellington’s Bay – Recommendation

172. I recommend that the Commissioners:

- **Reject** submission point 157/1. If the Commissioners are of a mind to rezone any of Lot 11 DP 323553, Lots 2 and/or 3 DP195541 to RVRE, I recommend that only the front portion, which is not identified as ONL or HNC be rezoned.
- **Reject** submission point 143/1.
- **Accept** submission points 32/1, 298/1 and 519/1 and amend District Plan Map 31E as per Attachment 4 of Part 1 of the s42A report.

*Wellington’s Bay – Evidence and Hearing Information*

**B.46** Mr Poynter presented regarding the rezoning of Lot 11 DP 323553 and Lots 2 and 3 DP195541. In Mr Poynter's Statement of Evidence the area requested for RVRE zoning was amended to a much smaller portion of Lot 11 DP 323553 and Lot 3 DP 195541. The requested area for rezoning comprises approximately 3.2305ha as outlined in red in Figure B below:

![Figure B: Mark Poynter amended RVRE rezoning request](image)

*Wellington’s Bay – Right of Reply Discussion*

**B.47** The area requested for RVRE zoning has been significantly reduced from the original submission. This reduces the effect on the ONL, HNC, indigenous vegetation and high instability hazard areas. However, many of the initial concerns and reasons against RVRE zoning still stand. Additionally, in my opinion if the requested area were rezoned RVRE then it would also be logical to include the 6,370m² triangle of proposed RPE to the south (marked with a star on Figure B above). Approximately 68% of this area is identified as high instability hazard.

**B.48** Mr Poynter states that he would like to only create an additional 2 or 3 lots. The approximately 3.8ha considered for RVRE zoning would enable approximately 12 – 14 additional residential lots. In my opinion RPE zoning will more appropriately enable the subdivision sought by Mr Poynter.
than RVRE, while avoiding the risks associated with the higher density RVRE. RPE could enable subdivision through the following methods:

- Mr Poynter stated that there are two residential units currently on Lot 3 DP 195541. The RPE prohibits subdivision of a minor residential unit from a principal unit. However, there are no rules regarding the subdivision of two residential units. In my opinion a non-complying subdivision of Lot 3 DP 195541 to create a lot around each existing residential unit would be achievable.

- There is approximately 1.4ha of uncovenanted bush within Lot 11 DP 323553. The inclusion of environmental benefit lot provisions has been recommended in Part 7 of this ROR. If the Commissioners are of a mind to include environmental benefit lot provisions, then this may facilitate further subdivision of the site in a more appropriate form than RVRE zoning in my opinion, provided the vegetation within the site meets the recommended criteria.

Wellington’s Bay – Right of Reply Recommendation

B.49 My original recommendation in paragraph 172 above stands.

Landowners Lane – Submission Information

173. The Hazel Tynan Trust requests that Lots 1 and 2 DP 206199, Lot 2 DP 398687, Lot 1 DP 368134, Lot 6 DP 58957 and Part Lot 2 DP 67314 be rezoned from RPE to RVE as the sites comprise a character more similar to the RVE than the RPE, are not viable for rural production and RVE zoning would be consistent with the surrounding sites. The submitter considers that the proposed RPE zoning is an anomaly as the sites are used primarily for rural-residential purposes and do not have rural production values or rural character.

174. Figure 15 identifies the sites on Landowners Lane subject to rezoning requests.

Figure 15: Proposed District Plan Environment Map identifying Landowners Lane sites subject to rezoning requests

72 Wellington's Bay – Right of Reply Recommendation

B.49 My original recommendation in paragraph 172 above stands.

Landowners Lane – Submission Information

173. The Hazel Tynan Trust requests that Lots 1 and 2 DP 206199, Lot 2 DP 398687, Lot 1 DP 368134, Lot 6 DP 58957 and Part Lot 2 DP 67314 be rezoned from RPE to RVE as the sites comprise a character more similar to the RVE than the RPE, are not viable for rural production and RVE zoning would be consistent with the surrounding sites. The submitter considers that the proposed RPE zoning is an anomaly as the sites are used primarily for rural-residential purposes and do not have rural production values or rural character.

174. Figure 15 identifies the sites on Landowners Lane subject to rezoning requests.
Landowners Lane – Discussion

175. I do not support the requested rezoning of the land located on Landowners Lane to RVRE for the following reasons:

- The area is located within the CA.
- There are numerous hazard and landscape constraints including HNC, ONC, ONL, indigenous vegetation and high instability hazards.
- The Tutukaka Structure Plan identifies most of the land as potential ‘Coastal Countryside’ zoning rather than residential zoning (the area that is identified as a “pedestrian oriented area” is also identified as high instability hazard).
- The sites are not serviced by reticulated wastewater or water supply and the Tutukaka Structure Plan states that adequate servicing is an essential precursor to any expansion of the Living Environments.
- Tutukaka is not identified as a growth village and there is no identified need for additional residential zoning within the village.
- RVRE zoning of the area could enable more than 40 additional lots which, in my opinion, could have significant adverse effects on the character, amenity, traffic and environment of the area.
- The area is identified as having a kiwi presence.
- While the area may not be productive, the RPE does not stipulate that sites must be used for productive purposes.

176. I do not support the requested rezoning given the numerous constrains detailed above and the lack of an identified need for additional residential zoning.

Landowners Lane – Recommendation

177. I recommend that the Commissioners reject submission point 420/1.

Landowners Lane – Evidence and Hearing Information

B.50 Dr Bellingham presented regarding the zoning of Landowners Lane. The original submission from the Hazel Tynan Trust recommending that all of the RPE land along Landowners Lane be rezoned to RVRE. However, Dr Bellingham’s statement focused on the property located at 63 Landowners Lane. Dr Bellingham concludes that the s42A assessment is incorrect on almost all of the points raised. Dr Bellingham considers that RVRE zoning of 63 Landowners Lane “would only increase the subdivision yield by probably 2 sites” and is “unlikely to provide for more than 20 sites”.

Landowners Lane – Right of Reply Discussion

B.51 Based on Dr Bellingham’s evidence my interpretation is that RVRE zoning is now only sought for 63 Landowners Lane, which is identified with a star in Figure 15 above, rather than all of the RPE.

73 Page 6 of Dr Bellingham’s Statement of Evidence
land along Landowners Lane as originally sought. My original discussion stands with regard to rezoning all of the RPE land along Landowners Lane.

B.52 I do not support RVRE zoning of 63 Landowners Lane as I do not consider 20 lots to be appropriate in this area for the reasons stated in the s42A report. Additionally rezoning 63 Landowners Lane signals that development may be appropriate in this area and could lead to the RVRE eventually extending further along Landowners Lane. In my opinion this would not be consistent with the Structure Plan, policy RVE.1.3.6(c), the RPS (Policies 4.6.1(1)(b)(iii) and 5.1.2(a)) and the NZCPS (Policy 6(1)(c)).

B.53 I acknowledge that 63 Landowners Lane does not contain many of the constraints listed in the second bullet point in paragraph 175 above that applied to the larger area of land along Landowners Lane (e.g. HNC, ONL, high instability hazards). Also, 63 Landowners Lane alone would yield a lower total number of lots than what was considered for the whole area in the sixth bullet point in paragraph 175 above. However, the other bullet pointed reasons are still correct and relevant for consideration of 63 Landowners Lane in my opinion.

B.54 Based on aerial photography there is over 1ha of contiguous vegetation within 63 Landowners Lane. The inclusion of environmental benefit lot provisions has been recommended in Part 7 of this ROR. If the Commissioners are of a mind to include environmental benefit lot provisions, then this may facilitate further subdivision of the site in a more appropriate form than RVRE zoning in my opinion, provided the vegetation within the site meets the recommended criteria.

Landowners Lane – Right of Reply Recommendation

B.55 My original recommendation in paragraph 177 above stands.

xviii. Waipu

Submission Information

178. Fourteen submission points were received regarding rezoning in Waipu.

179. B and J Salmon requests that 52, 54 and 68 South Road and 10, 27, 28 and 29 Dundee Lane be rezoned from RPE to RVRE for the following reasons:

- The existing density of these allotments is not consistent with the RPE.
- By leaving these lots within the RPE, it will allow further sprawl of development on the outskirts of Waipu within the RPE with future planning applications citing existing density of development.
- The current extent of the existing zone boundary is quite arbitrary and has not considered the existing pattern of development.

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74 103/1
180. Ian and Barbara Russell\textsuperscript{75} request that 63 South Road be rezoned from RPE to RVE (or “Rural Living Urban Expansion”) as the site is surrounded by lifestyle blocks, is near the main centre of Waipu and is no longer viable as a dry stock unit.

181. Northpine Ltd\textsuperscript{76} requests that all of the land held in Certificate of Title 1348/34 (Part Lots 9, 10 and 12 DEEDS W 56) be zoned Rural Village Industry Sub-Environment (RVIE) to formalise the current use of the site.

182. Northpine Ltd\textsuperscript{77} requests that 43 South Road retain its existing Living 3 Environment zoning (2,000m\textsuperscript{2} minimum net site area) rather than the proposed RVRE zoning (500m\textsuperscript{2} minimum net site area where connected to reticulated wastewater) to avoid reverse sensitivity issues.

183. DEYI Investments\textsuperscript{78} seeks that the proposed RVRE zoning of 38 Ferry Road be retained to provide for projected growth as the site is suitable for residential development.

184. Ronald and Kay Dixon\textsuperscript{79} request that 47 Ferry Road be rezoned from RPE to RVE to create a definitive boundary between the RPE and RVE.

185. Stewart, Jacob, Heath, Nash and Moon\textsuperscript{80} request that 52 and 54 South Road and 10, 27, 28 and 29 Dundee Lane be rezoned from RPE to RVE or Urban Transition Environment (UTE) for the following reasons:
   \begin{itemize}
   \item The number of additional allotments provided is not considered adequate to cater for the estimated growth of Waipu.
   \item The sites are close to the Waipu Village and associated employment opportunities.
   \item Northpower have advised that there should be existing capacity to accommodate further development.
   \item Although the sites consist of versatile soils, the productive capability has been somewhat restricted due to previous subdivision development.
   \item The sites are not subject to flooding hazard (an Engineering Report has been attached).
   \end{itemize}

186. Benjamin and Janene Salmon\textsuperscript{81} support the submission from Stewart, Jacob, Heath, Nash and Moon but request that 68 South Road also be included in the rezoning to RVE.

187. Saleyards Investments\textsuperscript{82} requests that Lot 1 DP 166434 (Nova Scotia Drive) be rezoned to RVCE rather than RVRE for the following reasons:
   \begin{itemize}
   \item There is insufficient supply of commercially zoned land in Waipu to cater for current and future demand.
   \end{itemize}

\textsuperscript{75} 175/1
\textsuperscript{76} 189/1
\textsuperscript{77} 189/2
\textsuperscript{78} 256/1
\textsuperscript{79} 296/1
\textsuperscript{80} 378/1
\textsuperscript{81} x185
\textsuperscript{82} 236/1
• Saleyards Investments has lodged a resource consent (LU15001100, which was recently approved by Hearings Commissioners) to establish and operate a shopping complex on the site.

• The site is contiguous with the existing Business 3 Environment and is supported by an existing transport network, reticulated water and utility services are available and there are pedestrian links to the east and west of the site.

• Out-of-zone commercial development will be subject to more stringent consent thresholds under the provisions of PC85C.

188. Bruce Roberts\(^3\) has requested the following rezonings:

• Rezone Lot 1 DP 166434 (Nova Scotia Drive) to RVCE as there is a need for additional commercially zoned land in Waipu.

• Rezone land between the Waihoihoi River and State Highway 1, along The Braigh, Shoemaker Rd and Ferry Rd to RVRE as the land is not productive and sprawling development will be restricted by existing boundaries (i.e. river and flood plain).

• The Cullen Road and Mountfield Road areas should be removed from RLE in favour of more residentially zoned land surrounding the Waipu township.

189. Coraline Roberts\(^4\) has requested the following rezonings:

• Rezone Lot 1 DP 166434 (Nova Scotia Drive) to RVCE as there is a need for additional commercially zoned land in Waipu.

• Rezone Waipu Cove Road to the Braigh to State Highway 1 to RVRE; rezone Nova Scotia Dr to State Highway 1 to RVRE; and rezone St Marys Rd (up to the hill) as RVRE. C Roberts considers that Waipu centre should be residential to promote walking and cycling, reduce vehicular traffic and improve amenity.

190. Three further submissions\(^5\) oppose the RVCE rezoning of Lot 1 DP 166434 requested by Saleyards Investments and B and C Roberts for the following reasons:

• Adverse effects on heritage character.

• Adverse effects on viability and vitality of existing business centre.

• RVCE zoning is contrary to Chapter 6 of the WDP, the relevant policy provisions of the RPS, the stated outcomes of Plan Change 69, proposed PC85C and the Waipu Structure Plan.

• RVCE zoning is contrary to Part 2 of the RMA as it does not achieve the sustainable management of the Waipu Township.

191. Figure 16 identifies the approximate areas subject to rezoning requests.

\(^3\) 463/1 – 3
\(^4\) 464/1-4
\(^5\) x520, x745 and x746
RVCE Expansion – Discussion

192. With regard to Saleyards Investments’ proposal to establish and operate a shopping complex on a Living Environment site on Nova Scotia Drive, the Hearing Commissioners determined that:

- The proposal will enable people and communities to provide for their social and economic well-being;
- The adverse effects of the activity will be no more than minor; and
- The proposal is not contrary to the relevant objectives and policies.
193. The reasons for this decision were:

“Section 104(1)(a)

- Although the proposal is to be located partly in the Business 3 and also in the Living 1 Environment zones, the effects generated by the proposal are considered to be compatible with the existing character and amenity of the locality. Overall it is considered that the proposal will not adversely affect the amenity levels to a more than minor degree.
- Noise generated from the site will comply with that of the Living 1 Environment.
- The adverse effects of increased traffic and transport will be less than minor and will not compromise the safe and efficient function of the surrounding traffic network.
- The proposed bulk and location of the proposed buildings comply with the Living 1 standards and any adverse effects are anticipated by the district plan.
- The proposal can be appropriately serviced and will not exacerbate any natural hazards on adjacent properties.

Section 104(b)

- No persons have been determined as adversely affected with regard to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) as it has been concluded that there will be no risk to human health as a result of the proposal proceeding on the subject site.
- The application is in accordance with the directives of the Regional Policy Statement and will not raise any issues of regional significance. Furthermore, the proposed land use is consistent with the overarching intent of the objectives and policies of the Operative District Plan.
- Finally, little weight has been given to Plan Change 85 because of the stage that the plan [sic] change has reached and is in the process of being considered.

Section 104(1)(c)

- As a consequence of the non-statutory nature of the Whangarei District Growth Strategy (September 2010), this document has not had any influence in forming a decision.
- Also in terms of our considerations of 104(1)(c), it is not considered that granting of consent will raise a precedent in this zone due the unique nature of the proposal.

Finally the proposal is not in conflict with any matters in Part 2 of the Resource Management Act and will promote the sustainable management of natural and physical resources. In particular it will provide positive social and economic well-being for the residents of Waipu and adjacent communities.”

194. Various conditions of consent were imposed to mitigate adverse effects including conditions addressing landscaping, hours of operations, noise levels and delivery and service vehicle access times. In my opinion RVCE zoning would not undermine the conditions of consent as the nature and scale of activities enabled by RVCE zoning are not significantly different.

195. I generally support the requested rezoning to RVCE for the following reasons:
• 30/50 identifies Waipu as a growth village and projects there to be a reasonable amount of business growth in the area. Waipu also serves as a commercial hub for many smaller communities in the Bream Bay area.

• The site is adjacent to the existing Business 3 Environment zoning in Waipu.

• The site is relatively large at over 1.6ha, and is therefore able to accommodate a mix of uses rather than representing spot zoning of a single activity.

• The site is currently split-zoned as Business 3 and Living 1 Environment. RVCE zoning will provide for consistent zoning throughout the site.

• In light of the Hearing Commissioners’ decision and the conditions of consent imposed, RVCE zoning will legitimise the approved activities and represent a more accurate zoning for the site.

RVCE Expansion – Recommendation

196. I recommend that the Commissioners accept submission points 236/1, 463/1 and 464/1 and amend District Plan Map 58E as per Attachment 4 of Part 1 of the s42A report.

Cove Road RVIE and Adjacent RVE – Discussion

197. I agree that rezoning all of Certificate of Title 1348/34 to RVIE is appropriate as it will formalise the current use of the site. There is the potential for adverse effects on existing adjacent residential sections and there is the potential for reverse sensitivity effects as the requested expansion is adjacent to a 7,110m² site proposed as RVRE which currently only has one residential unit on it. However, as the activity is already occurring this will significantly reduce the potential for adverse effects. To acknowledge the existing use, I consider it appropriate, and consistent with the purpose of the RVIE, to rezone this area to RVIE.

198. I do not support retaining the existing Living 3 Environment zoning within 43 South Road. In my opinion RVRE zoning represents a much more efficient use of the land resource and more effectively achieves consolidation and use of existing infrastructure. A higher density zoning may create more reverse sensitivity effects, but Living 3 Environment zoning would still enable residential units to be built within the site with no additional setbacks from the RVIE. As assessed in Part 5 of the s32 report, several provisions have been proposed to help manage reverse sensitivity effects.

199. In my opinion the request to retain the existing Living 3 Environment zoning within 43 South Road appears to be in contradiction to the request to rezone all of Certificate of Title 1348/34 to RVIE. The submitter expresses concern about reverse sensitivity effects on Certificate of Title 1348/34 by rezoning 43 South Road, but requests RVIE expansion which presents potential reverse sensitivity effects. Therefore, in my opinion it would be contradictory to accept both submission points.

Cove Road RVIE and Adjacent RVE – Recommendation

200. I recommend that the Commissioners:

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86 Section 4.6
• **Accept** submission point 189/1.

• **Reject** submission point 189/2.

**Cove Road RVIE and Adjacent RVE – Evidence and Hearing Information**

B.56 Mr Mortimer presented evidence on behalf of Northpine Ltd supporting the recommended RVIE extension but recommending that the Living 3 Environment be retained on Lot 2 DP 366780. Mr Mortimer considers that potential reverse sensitivity effects are the reason that higher density development has not been provided within Lot 2 DP 366780 historically and that a more detailed assessment and site visit is required as part of the s42A. Mr Mortimer concludes that Northpine does not “accept that provisions put forward in the Proposed Plan changes should provide for an increase in the density of such [residential] development and expose it to more and potentially closer neighbours” 87.

**Cove Road RVIE and Adjacent RVE – Right of Reply Discussion**

B.57 I confirm that a site visit was undertaken. Desk top research was also undertaken to ascertain the potential for reverse sensitivity effects. I was unable to find any records of previous complaints against any of the Northpine sites and I found the following relevant existing consents:

- LU99/828 – To construct and operate a log chipper at an existing saw mill factory
- LU00/835 – To relocate and operate an existing planer mill
- RC38131 – Change of conditions
- RC38416 – To undertake additions to sawmill and timber treatment plant

B.58 Each of these consents and their respective decisions determined that noise, traffic and amenity effects would be no more than minor, minimal or that the proposal would not detract from existing amenity and landscape values. The conditions of LU99/828 and LU00/835 limit the noise generated by the activity measured at or within the boundary of the nearest site in a Living Environment to 55dBA (L10) between the hours of 0700 – 2200 and 45dBA (L10) and 75dBA (Lmax) between the hours of 2200 – 0700. These levels are consistent with the proposed limits in the RVIE adjacent to the RVRE.

B.59 Given the above, I was unable to discern a definitive reverse sensitivity conflict and no additional evidence was provided by the submitter indicating that any conflicts exist or are likely to arise.

B.60 The Living 3 Environment and RVRE provisions have the same boundary setbacks and building height and height in relation to boundary requirements. Therefore, RVRE zoning of Lot 2 DP 366780 does not affect how close residential units could be constructed to Northpine’s site boundaries as suggested by Mr Mortimer.

B.61 The risk associated with the proposed RVRE zoning is that reverse sensitivity effects may arise. Mr Mortimer states that “the activity that occurs on the Northpine site has also been a probable factor that has deterred residential use and occupation of [Lot 2 DP 366780]” 88. In my opinion this implies that the market will regulate development of Lot 2 DP 366780 based on potential adverse

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87 Paragraph 21 of Mr Mortimer’s Statement of Evidence
88 Paragraph 13 of Mr Mortimer’s Statement of Evidence
effects on future residential units within the site. This indicates that while the planning controls may permit a higher level of development, the actual development will be limited by the market if there are adverse effects, thereby reducing the risks if reverse sensitivity were indeed an issue.

_Cove Road RVIE and Adjacent RVE – Right of Reply Recommendation_

_B.62_ My original recommendation in paragraph 200 above stands.

**RVRE Expansion Submissions – Discussion**

201. 30/50 identifies Waipu as a growth village and the area has experienced significant growth in recent years. There is still a substantial amount of vacant and undeveloped land zoned as Living 1 Environment (and proposed as RVRE) which may accommodate approximately up to 200 – 266 more residential sections. As stated in Attachment 1, due to limited capacity within the wastewater network, connections of any development due to the proposed plan change will not be possible until the wastewater treatment plant is upgraded (this is planned to be completed in 2021/2022). This timeframe will mean that at approximately the half-way point of the next District Plan cycle more zoning will be feasible.

202. I do not consider it appropriate to provide for significantly more RVRE zoning within Waipu due to the constraints on the wastewater network, particularly as there is a large amount of vacant land currently zoned for residential use. Several submissions indicated a need for more residential land in Waipu to accommodate growth; therefore, minimal expansion in appropriate areas has been provided for. In the instance that the wastewater treatment plant is upgraded it may be appropriate to undertake a plan change prior to the next District Plan review to rezone more land for residential use. In my opinion this approach is more appropriate than rezoning a significant amount of land that either cannot be serviced or may compromise the servicing of existing zoned land.

203. Specific discussions are provided below for each area requested for RVRE rezoning.

_B and J Salmon, Stewart, Jacob, Heath, Nash and Moon (South Road and Dundee Lane)_

204. I agree with the submitters that the sites near Dundee Lane are generally more consistent with the RVRE than the RPE and will help achieve the purpose of PC85C to enable consolidated and managed growth, particularly in a growth village. I do not consider 64 South Road suitable for RVRE zoning as nearly the entire site is identified as flood susceptible. The area which is appropriate for RVRE expansion is outlined in red in Figure 17 below. The proposed RVRE expansion area comprises some 6.3ha and provides an estimated 57 – 78 additional residential lots. However, the actual development potential of this area is likely much lower in my opinion due to the location of existing residential units and the restriction on the number of allotments that may be served by a shared access (rule RA.3.3.1(e)).
Figure 17: Area proposed for RVRE expansion in Waipu along South Road

Table 6 provides an assessment of the area against the RVRE zoning criteria:

<table>
<thead>
<tr>
<th>Inclusion / Exclusion Criteria</th>
<th>Satisfies / Fails</th>
</tr>
</thead>
<tbody>
<tr>
<td>The area has access to a formed road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified as being within the Ngararatunua Overlay</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area does not contain an unformed indicative road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is within 6m of an existing Living Environment or proposed RVRE</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified for Māori Reservation, Esplanade Reserve, Hydro, Electrical works, Railway or Roadway purposes</td>
<td>Satisfies</td>
</tr>
<tr>
<td>50% or less of the area is identified as being flood susceptible</td>
<td>Satisfies</td>
</tr>
<tr>
<td>75% or less of the area is covered in indigenous vegetation and/or wetland</td>
<td>Satisfies</td>
</tr>
<tr>
<td>Comprises an area equal to or less than 5,250m²</td>
<td>Fails – Sites range from 0.8633 – 1.766ha</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area comprises Class 2 and 3 soils, but the largest site area is 1.17ha, significantly reducing the productive capabilities of the area.</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
<td>The area does not contain any ONL or CA overlays.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The area contains minimal vegetation and/or wetland.</td>
</tr>
<tr>
<td>Flood Susceptible Areas</td>
<td>The area is not identified as being flood susceptible.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>There are no identified other hazards.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>The sites are in proximity to reticulated wastewater (and water) networks and can be serviced.</td>
</tr>
<tr>
<td>Structure Plan</td>
<td>A Structure Plan for the Waipu Township was prepared in 2003 and has been partially implemented through Plan Change 69 in 2011. This area was not identified for residential zoning in the Structure Plan but was within the strong urban boundaries and indicated as a future direction for growth.</td>
</tr>
</tbody>
</table>
206. As discussed below in **Topic D(iv)**, R Brown requests that Lots 1 and 2 DP 184238, Lot 1 DP 175580, Lots 2 and 3 DP 315027, Lots 1 and 2 DP 210438, Lots 1-3 DP 321636, Lots 1-5 DP 321636 and Lot 3 DP 189964 be rezoned as RUEE (if UTE is not considered appropriate). I do not consider 64 South Road suitable for RVRE zoning and do not consider the sites further south appropriate for RVRE zoning as they would not be contiguous with the proposed RVRE boundary.

*Ronald and Kay Dixon (47 Ferry Road)*

207. 47 Ferry Road is a relatively small site, is clustered near existing residential development, has sufficient access and contains few constraints. However, there is a portion of flood susceptible land to the north of the site which I do not consider suitable for RVRE zoning. In my opinion RVRE zoning in 47 Ferry Road is appropriate outside the flood susceptible area. This area is outlined in red in Figure 18 below with the flood susceptible area shown in blue hatching. The recommended RVRE expansion area comprises some 1.2ha and provides an estimated 11 – 15 additional residential lots.

![Figure 18: Portion of 47 Ferry Road proposed for RVRE expansion](image)

208. Table 7 provides an assessment of the area against the RVRE zoning criteria:

<table>
<thead>
<tr>
<th><strong>TABLE 7: EVALUATION OF 47 FERRY ROAD AGAINST RVRE CRITERIA</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inclusion / Exclusion Criteria</strong></td>
</tr>
<tr>
<td>The area has access to a formed road</td>
</tr>
<tr>
<td>The area is not identified as being within the Ngararatunua Overlay</td>
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<tr>
<td>The area does not contain an unformed indicative road</td>
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<tr>
<td>The area is within 6m of an existing Living Environment or proposed RVRE</td>
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<td>The area is not identified for Māori Reservation, Esplanade Reserve, Hydro, Electrical works, Railway or Roadway purposes</td>
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</tr>
<tr>
<td>Comprises an area equal to or less than 5,250m²</td>
</tr>
<tr>
<td><strong>Constraint Criteria</strong></td>
</tr>
<tr>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Land Use Capacity Classification</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
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<tr>
<td>Flood Susceptible Areas</td>
</tr>
<tr>
<td>Other hazards</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
</tr>
<tr>
<td>Structure Plan</td>
</tr>
</tbody>
</table>

**Ian and Barbara Russell (63 South Road)**

209. 63 South Road is 27.8948ha in area, is largely identified as being flood susceptible and comprises Class 3 soils. I do not support rezoning this site to RVRE as, in my opinion, this would provide too much residential capacity (approximately 270 – 370 new residential lots) for the wastewater network to service. RVRE zoning would also result in a loss in productive farmland and would increase flooding risks.

210. Alternative zonings such as RUEE or RLE are not appropriate in this area in my opinion as it is adjacent to proposed RVE, is outside the Urban Structure Plan areas and is not contiguous with the Living Environments on the fringe of Whangarei City.

**B and C Roberts (RVRE to State Highway 1 and along Nova Scotia Drive and St Mary’s Road)**

211. I do not support the requested rezoning as the areas requested for the following reasons:

- The areas requested are large portions of land that would significantly increase the residential zoning in Waipu. This would compromise the wastewater network capacity.
- There are numerous constraints within the areas requested such as flooding and high class soils.
- RVCE zoning is appropriate within the Waipu town centre to encourage a mix of activities and provide sufficient business zoning to cater for the surrounding population.
- Minimal detail has been provided regarding the specific areas for rezoning, their suitability for development or their consistency with the RVE zoning criteria and purpose.

212. I do not support rezoning Cullen Road or Mountfield Road to RVRE as these areas are not adjacent to existing Living Environment or proposed RVE.

**DEYI Investments (Ferry Road RVRE)**

213. I acknowledge and support DEYI Investment’s submission point seeking to retain the proposed RVRE zoning of 38 Ferry Road.
214. I recommend that the Commissioners:

- **Accept in part** submission point 103/1 and **accept** submission point 378/1 and amend District Plan Map 58E as per **Attachment 4** of **Part 1** of the s42A report.
- **Accept in part** submission point 296/1 and amend District Plan Map 58E as per **Attachment 4** of **Part 1** of the s42A report.
- **Accept** submission point 256/1.
- **Reject** submission points 175/1, 463/1 – 3 and 464/2 – 4.

**RVRE Expansion Submissions – Evidence and Hearing Information**

B.63 Mr Roberts presented regarding RVE zoning in Waipu requesting that 39 The Braigh be rezoned as RVRE. Mr Roberts considers that this site is not productive and that it is more suitable for RVRE for the following main reasons:

- Waipu is an identified growth village. RVRE zoning of 39 The Braigh would allow controlled growth.
- The adjacent zoning is proposed RVRE and would appear to be a logical expansion.
- The site is similar to 47 Ferry Road which was recommended to be rezoned as RVRE in the s42A report.
- Reticulated water and wastewater connections are available.
- The site is close to the main centre of Waipu.

B.64 Mr Roberts also suggests that the properties located at 7 Nova Scotia Drive and 10A, 10B, 10C, 12, 12A, 12B and 12C Cove Road should be rezoned as RVRE instead of RVCE since the sites are used for residential purposes.

**RVRE Expansion Submissions – Right of Reply Discussion**

B.65 As suggested by Mr Roberts, 39 The Braigh is very similar in nature to 47 Ferry Road. The primary differences being that the area of 39 The Braigh is larger and 39 The Braigh is within the Structure Plan urban boundary, whereas 47 Ferry Road is just outside. I do not support rezoning the flood susceptible portion of 39 The Braigh to RVRE as it would not be consistent with the RVRE zoning criteria or the RPS. This leaves approximately 2.74ha of the site to consider for RVRE zoning – see area outlined in red in Figure C below.
Table A provides an assessment of the area against the RVRE zoning criteria:

### TABLE A: EVALUATION OF 39 THE BRAIGH AGAINST RVRE CRITERIA

<table>
<thead>
<tr>
<th>Inclusion / Exclusion Criteria</th>
<th>Satisfies / Fails</th>
</tr>
</thead>
<tbody>
<tr>
<td>The area has access to a formed road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified as being within the Ngararatunua Overlay</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area does not contain an unformed indicative road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is within 6m of an existing Living Environment or proposed RVRE</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified for Māori Reservation, Esplanade Reserve, Hydro, Electrical works, Railway or Roadway purposes</td>
<td>Satisfies</td>
</tr>
<tr>
<td>50% or less of the area is identified as being flood susceptible</td>
<td>Satisfies</td>
</tr>
<tr>
<td>75% or less of the area is covered in indigenous vegetation and/or wetland</td>
<td>Satisfies</td>
</tr>
<tr>
<td>Comprises an area equal to or less than 5,250m²</td>
<td>Fails – Comprises approximately 2.74ha</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area comprises Class 2, but this area is approximately 2.74ha and is adjacent to RVRE, significantly reducing the productive capabilities of the area.</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
<td>The area does not contain any ONL or CA overlays.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The area contains minimal vegetation and/or wetland.</td>
</tr>
<tr>
<td>Flood Susceptible Areas</td>
<td>The area is not identified as being flood susceptible.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>There are no identified other hazards.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>The site is in proximity to reticulated wastewater (and water) networks and can be serviced.</td>
</tr>
<tr>
<td>Structure Plan</td>
<td>A Structure Plan for the Waipu Township was prepared in 2003 and has been partially implemented through Plan Change 69 in 2011. This area was not identified for potential residential zoning but was within the strong urban boundaries.</td>
</tr>
</tbody>
</table>
Given the above, I agree with Mr Roberts that 39 The Braigh is consistent with the RVRE zoning criteria. The 2.74ha area provides an estimated 26 – 35 additional residential lots which can be accommodated within the Waipu wastewater network, as discussed in paragraphs B.75 – B.77 below. I support rezoning the non-flood susceptible portion of the site to RVRE. In terms of s32AA, it is my opinion that this recommended change represents the most efficient and effective option.

RVRE Expansion Submissions – Right of Reply Recommendation

My original recommendation in paragraph 214 above stands; however, I recommend that the Commissioners accept in part submission points 463/3 and 464/2 and amend District Plan Map 58E as per Attachment 4 of Part 1 of the ROR report.

xiv. Waipu Cove/Langs Beach

Submission Information

215. Thirteen submission points were received regarding rezoning in Waipu Cove/Langs Beach. Eight of these submission points relate to Waipu Cove while three relate to Langs Beach.

Waipu Cove

216. David Brown requests that the Cullen Road rural village type zoning that is proposed along Cove Road to Waipu be extended on Coastal facing land to provide consistent zoning with surrounding properties.

217. TA and KN Jones request that Lot 4 DP 340906 (Mackay Lane) be rezoned from RPE to RVRE as this is more consistent with the land use and development pattern and will enable development of the land in the future.

218. Jones-Dyes Holdings requests that the plan changes be amended as they adversely affect the ability to develop Lot 3 DP 401336 and Lot 3 DP 454698 (Cove Road) and that such restrictions on use and development are not consistent with the purpose of sustainable management in Part 2 of the RMA.

219. Robyn Dewsnip, Lyn O’Brien and Keryl Cooney request that 928 and 930 Cove Road be rezoned from RPE to RVRE to enable future development of the land as it is not a viable economic farm and is adjacent to existing Living 1 Environment.

220. James Mackenzie and Kate Sanders request that Lots 1-4 DP 495648 (St Anne Road) be rezoned from RPE to RVRE for the following reasons:

- This land, in its newly subdivided form, is consistent with the form and function of the adjoining RVRE, and is inconsistent with the RPE.

---

91 130/2
90 155/1 and 2
91 156/1
92 257/1
93 454/1
94 536/1
95 441/1
96 468/1
• The land is fully serviced.
• Almost 50% of each lot is in covenanted native bush (included in HNC), the imposition of RPE building boundary setbacks would make it impractical to build on these sites and bush covenants mean they are unable to be used for productive purposes.
• There are sufficient other covenants and consent notices to protect the nature of the area.
• Better protection is afforded to the area by inclusion in RVRE.

221. Hammergun Inc\textsuperscript{97} requests that 893 and 897 Cove Road be rezoned from RVRE to RVCE to reflect the existing uses and to be consistent with the Waipu Cove/Langs Beach Structure Plan. The submitter considers that the benefits associated with RVCE zoning are significantly greater than RVRE zoning.

222. Figure 19 identifies the approximate areas in Waipu Cove subject to rezoning requests.

\begin{figure}
\centering
\includegraphics[width=\textwidth]{figure19.png}
\caption{Proposed District Plan Environment Map identifying Waipu Cove areas subject to rezoning requests}
\end{figure}

\textit{Langs Beach}

223. Malcolm Norton\textsuperscript{98} and Warwick Bell\textsuperscript{99} request that Lot 4 DP 314284 and Lot 2 DP 427291 (Cove Road) be rezoned from RPE to Living 3 Environment in a manner similar to the Waipu Cove/Langs Beach Structure Plan to provide the ability to build on the land as only a small portion is grazeable pasture.
224. Blue Moon Ltd\textsuperscript{100} requests that a 12ha area of Lot 3 DP 27812 and Lot 2 DP 193435 (Cove Road) be rezoned from RPE to RVRE for the following reasons:

- Much of the land proposed as RVRE was identified in the Waipu Cove/Langs Beach Structure Plan as suitable for, and forecasted as moving to, residential use.
- The land to be included in the RVRE meets the criteria set out by WDC.
- There is substantially higher demand for dwellings in Waipu Cove/Langs Beach than estimated by the WDC and there is sufficient market demand to rezone additional land for residential development.
- Rezoning to RVRE will bring significant economic benefits and only minor economic costs.
- Water supply, wastewater and stormwater can all be designed to comply with Whangarei District Council’s Environmental Engineering Standards 2010.
- The proposal will assist in the integrated management of the effects of use, development and protection of land and gives effect to Part II of the RMA.

225. Figure 20 identifies the approximate areas in Langs Beach requested for RVRE rezoning.

\textsuperscript{100} 396/1

\hspace{1cm}

\hspace{1cm} Figure 20: Proposed District Plan Environment Map identifying Langs Beach areas subject to rezoning requests
David Brown (Cove Road RVRE Expansion) – Discussion

226. It is unclear what land D Brown is referring to and whether RLE or RVE zoning is requested for the land. My interpretation is that the submitter is requesting the RVE to extend from Waipu Cove to Waipu on all coastal facing land. I do not support this rezoning request for the following reasons:

- The land is identified as CA.
- In my opinion the rezoning would lead to sprawling development and would oversaturate the residential market as this covers a large area.
- There are infrastructure capacity limitations in this area.
- Many of the sites are significantly larger than the RVE and in my opinion are not consistent with the RVE character.
- There are several hazards within this area (e.g. coastal erosion, instability and flooding).

David Brown (Cove Road RVRE Expansion) – Recommendation

227. I recommend that the Commissioners reject submission point 130/2.

Lot 4 DP 340906 RVRE Zoning – Discussion

228. I do not support the requested rezoning of Lot 4 DP 340906 to RVRE for the following reasons:

- The site is approximately 8088m² in area, approximately one third of which is identified as HNC in the CA.
- The site is not adjacent to any proposed RVRE.
- The site contains an archaeological site.
- While the site may not be productive, the RPE does not stipulate that a site must be used for productive purposes.

Lot 4 DP 340906 RVRE Zoning – Recommendation

229. I recommend that the Commissioners reject submission point 155/1 and 2. If the Commissioners are of a mind to rezone the site to RVRE then I recommend that Lot 3 DP 340906 also be rezoned to RVRE to form a consolidated and adjoined RVE boundary.

Lots 1-4 DP 495648 RVRE Zoning – Discussion

230. Lots 1-4 DP 495648 have been subdivided from Lot 6 DP 201334 since the notification of PC85C. At the time of notification, the site comprised an area of approximately 1ha and did not meet the rezoning criteria. The sites now all comprise areas equal to or less than 3,301m² and in my opinion are more compatible with the RVE. Covenants have been imposed on the sites to protect the areas of HNC within each site and to limit the scale of built development. I consider that the relevant Consent Notice and PC87 provide appropriate protection of the HNC areas. In my opinion, the RVRE more accurately reflects the existing land use than RPE does and I support the requested rezoning to RVRE.
Table 8 provides an assessment of the Lots 1-4 DP 495648 against the RVRE zoning criteria:

### TABLE 8: EVALUATION OF LOTS 1-4 DP 495648 AGAINST RVRE CRITERIA

<table>
<thead>
<tr>
<th>Inclusion / Exclusion Criteria</th>
<th>Satisfies / Fails</th>
</tr>
</thead>
<tbody>
<tr>
<td>The area has access to a formed road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified as being within the Ngararatunua Overlay</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area does not contain an unformed indicative road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is within 6m of an existing Living Environment or proposed RVRE</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified for Māori Reservation, Esplanade Reserve, Hydro, Electrical works, Railway or Roadway purposes</td>
<td>Satisfies</td>
</tr>
<tr>
<td>50% or less of the area is identified as being flood susceptible</td>
<td>Satisfies</td>
</tr>
<tr>
<td>75% or less of the area is covered in indigenous vegetation and/or wetland</td>
<td>Satisfies</td>
</tr>
<tr>
<td>Comprises an area equal to or less than 5,250m²</td>
<td>Satisfies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area does not comprise Class 1 – 3 soils.</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
<td>The sites are within the CA and approximately 25% – 33% of each site is identified as HNC.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>Approximately 25% – 33% of each site contains native vegetation.</td>
</tr>
<tr>
<td>Flood Susceptible Areas</td>
<td>The area is not identified as being flood susceptible.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>Each site contains an area of medium instability hazard areas, largely located within the HNC.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>The sites are in close proximity to reticulated wastewater (and water) networks and can feasibly be serviced.</td>
</tr>
<tr>
<td>Structure Plan</td>
<td>The area is identified for potential Large Lot Residential zoning in the Waipu Cove/Langs Beach Structure Plan.</td>
</tr>
</tbody>
</table>

**Lots 1-4 DP 495648 RVRE Zoning – Recommendation**

I recommend that the Commissioners accept submission points 441/1 and 468/1 and amend District Plan Map 59BE as per Attachment 4 of Part 1 of the s42A report.

**Lots 1 – 4 DP 495648 and Lot 4 DP 340906 Zoning – Evidence and Hearing Information**

B.69 Ms Sanders and Mr Mackenzie presented supporting the recommended RVRE zoning of Lots 1 – 4 DP 495648. Ms Sanders and Mr Mackenzie also consider that the two sites to the south, those being Lots 3 and 4 DP 340906, should be rezoned RVRE. Ms Sanders and Mr Mackenzie consider the sites are consistent with the RVRE criteria and note that the HNC is protected by native bush covenant and the proposed RPE building setbacks would make it impractical to build on the site.

B.70 Lot 4 DP 340906 was requested for RVRE zoning under an original submission from TA and KN Jones as discussed in paragraphs 217 and 228 – 229 above. No further evidence was presented by TA and KN Jones. No submission or further submission was made regarding Lot 3 DP 340906.
Lots 1 – 4 DP 495648 and Lot 4 DP 340906 Zoning – Right of Reply Discussion

B.71 I acknowledge the support for the recommended RVRE zoning of Lots 1 – 4 DP 495648. In my opinion the zoning of Lot 3 DP 340906 is out of scope as no original or further submission has been made in relation to the property. I have conferred with WDC Legal Counsel, Ms Shaw, regarding this matter. I do not support spot zoning Lot 4 DP 340906 to RVRE as it is not adjacent to proposed RVE zoning and does not meet the zoning criteria.

Lots 1 – 4 DP 495648 and Lot 4 DP 340906 Zoning – Right of Reply Recommendation

B.72 My original recommendation in paragraph 232 above stands.

893 and 897 Cove Road RVCE Expansion – Discussion

233. 893 and 897 Cove Road were not proposed to be rezoned to RVCE as they did not meet the zoning criteria because they are not currently zoned as a Business Environment and there is minimal projected growth in the number of employees in Waipu Cove/Langs Beach. However, I do support the requested rezoning of the two sites to RVCE for the following reasons:

- The Waipu Cove/Langs Beach Structure Plan has identified the sites as Community/Village Centre which is consistent with the proposed RVCE. Rezoning both sites will allow for a small cluster of commercial sites.
- 893 Cove Road contains an existing general store and real estate office. These activities are consistent with the scale and nature of activities anticipated within the RVCE.
- 897 Cove Road does not contain any existing commercial activities and there is minimal projected growth in the number of employees over the next District Plan cycle. However, based on the 2013 Census, there were 96 employees based in Waipu Cove/Langs Beach with no commercially zoned land. To acknowledge the presence of existing commercial activities and the potential for commercial growth in Waipu Cove/Langs Beach I consider it appropriate to provide some commercial zoning.
- Submission point 335/1 includes a s32 assessment of the requested RVCE zoning, which I generally agree with and support.

234. Table 9 provides an assessment of 893 and 897 Cove Road against the RVCE zoning criteria:

<table>
<thead>
<tr>
<th>TABLE 9: EVALUATION OF 893 AND 897 COVE ROAD AGAINST RVCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inclusion / Exclusion Criteria</strong></td>
</tr>
<tr>
<td>The area is currently zoned as Business 2, 3 or 4 Environment.</td>
</tr>
<tr>
<td>There is an identified need for additional commercial zoning based on the growth projections.</td>
</tr>
<tr>
<td>The area is identified as Business 3 Environment (or similar) under a Structure Plan.</td>
</tr>
<tr>
<td><strong>Constraint Criteria</strong></td>
</tr>
<tr>
<td>WDP zoning</td>
</tr>
</tbody>
</table>

101 While there is minimal growth in employee number projected, based on the 2013 Census there were 96 employees based in Waipu Cove/Langs Beach with no commercially zoned land. This indicates that there is a potential need for some commercial zoning in the area.
Current use | 893 Cove Road is currently used commercially while 897 Cove Road contains a residential unit.
--- | ---
Natural Landscapes and Natural Character Areas | The sites are within the CA, but currently are developed and have Living 1 Environment development rights.
Indigenous vegetation and/or wetland coverage | There is minimal existing vegetation and/or wetland within the sites.
Hazard | There are no identified hazards within the sites.
Proximity to reticulated wastewater | The sites are in close proximity to reticulated wastewater (and water) networks and can feasibly be serviced if further subdivided.

235. I note that RVCE zoning of the sites presents the risk of slightly detracting from the commercial centre in Waipu (which is a growth village), and that since rural centre service activities are permitted in the RVCE there are potential costs to neighbours from adverse effects such as noise.

236. When considering the existing number of employees in Waipu Cove/Langs Beach with no commercial zoning, the suitability of the sites for commercial zoning and the costs and benefits as outlined by the submitter, I believe that zoning 893 and 897 Cove Road as RVCE will more effectively and efficiently achieve the purpose of PC85C when compared to the proposed RVRE zoning.

893 and 897 Cove Road RVCE Expansion – Recommendation

237. I recommend that the Commissioners accept submission point 335/1 and amend District Plan Map 59BE as per Attachment 4 of Part 1 of the s42A report.

Jones-Dyes Holdings, Robyn Dewsnip, Lyn O’Brien, Keryl Cooney, Malcolm Norton, Warwick Bell and Blue Moon Ltd (RVRE Expansion) – Discussion

238. Within Lot 3 DP 401336, Lot 3 DP 454698, Lot 4 DP 314284, Lot 2 DP 427291, Lot 2 DP 27812, Lot 2 DP 193435 and 928 and 930 Cove Road there are numerous constraints including topography, existing vegetation, HNC and high instability hazard areas. However, within each area there are portions of land which are relatively constraint free and possess qualities which support rezoning to RVRE. Additionally, the Waipu Cove/Langs Beach Structure Plan identifies these areas for potential Large Lot Residential zoning (2,000m² minimum net site area and unserviced).

239. Despite the qualities that are compatible with RVRE zoning, at this time I do not support rezoning to RVRE within any of these areas for the following reasons:

- There is not sufficient capacity in the existing wastewater network to accommodate the requested rezonings until upgrades are made to the rising mains and sections of the gravity sewer are completed. Providing for additional zoning which cannot be serviced is not appropriate in my opinion. As stated in Attachment 1, this work is not planned to be done until 2024/2025, which once completed will be well timed with the next District Plan review at which point, in my opinion, rezoning will be more appropriate.

- 30/50 identifies Waipu as a growth village and Waipu Cove/Langs Beach as a large village. In my opinion it is more appropriate to focus growth in Waipu as this will be a more efficient and effective use of existing and future infrastructure.

- While the Waipu Cove/Langs Beach Structure Plan identifies these areas for potential residential zoning, it does not anticipate that the sites will be serviced and identifies that they will comprise
areas of approximately 2,000m\(^2\). RVRE zoning would enable subdivision down to 500m\(^2\) where the site is connected to reticulated wastewater. In my opinion RVRE zoning is not consistent with the Structure Plan.

**Jones-Dyes Holdings, Robyn Dewsnip, Lyn O’Brien, Keryl Cooney, Malcolm Norton, Warwick Bell and Blue Moon Ltd (RVRE Expansion) – Recommendation**

240. I recommend that the Commissioners reject submission points 156/1, 257/1, 454/1, 536/1, 127/2, 228/1 and 396/1.

**Jones-Dyes Holdings, Robyn Dewsnip, Lyn O’Brien, Keryl Cooney, Malcolm Norton, Warwick Bell and Blue Moon Ltd (RVRE Expansion) – Evidence and Hearing Information**

B.73 Blue Moon Ltd presented comprehensive evidence regarding the zoning of portions of Lot 3 DP 27812 and Lot 2 DP 193435 seeking that the original relief sought by Blue Moon is granted. The evidence included the following statements:

- Planning evidence from Russell Mortimer
- Economic and Property Market Evidence from Adam Thompson
- Engineering and servicing evidence from Mark Shaw
- Legal submissions from Jeremy Brabant

**Jones-Dyes Holdings, Robyn Dewsnip, Lyn O’Brien, Keryl Cooney, Malcolm Norton, Warwick Bell and Blue Moon Ltd (RVRE Expansion) – Right of Reply Discussion**

B.74 As discussed in paragraph 239 above, the reasons for rejecting this group of submissions were: constraints on the wastewater network capacity, the 30/50 direction to prioritise growth in Waipu rather than Waipu Cove/Langs Beach, and the general consistency with the Structure Plan. These are discussed below. The primary reason was the constraint on the wastewater network capacity.

**Wastewater Network Capacity**

B.75 In his evidence, Mr Shaw provided email correspondence with WDC I&S which contradicted the initial advice received by WDC I&S (see Attachment 1). Accordingly, I have had subsequent conversations with WDC I&S to confirm the accurate wastewater capacity figures. Updated capacity calculations have been provided by WDC I&S and are included as Attachment 2 detailing the following:

- The Waipu, Riverview Place and Waipu Cove/Langs Beach settlements all discharge to the Waipu Wastewater Treatment Plant (WWTP).
- The daily flows into the WWTP currently exceed the consented limit of 500m\(^3\) and the WWTP itself is at capacity.
- WDC plans to apply to increase the consented limit and construct an interim additional disposal area this summer (2017 – 2018). More substantial upgrades are required and are planned to be completed in the 2021 – 2022 financial year to provide the necessary capacity.
• After the planned 2021 – 2022 upgrades are completed there will be capacity for an additional 450 residential lots to connect. This 450 is in addition to the capacity enabled through the currently zoned Living 1 Environments in these settlements.

B.76 The notified version of PC85C has provided for approximately 270 additional serviced residential lots within these village areas. Within the s42A recommendations, approximately 65 additional residential lots were provided for within Waipu. This leaves capacity for approximately 115 additional lots within the three villages.

B.77 As discussed in paragraphs B.63 – B.68 above, I am recommending that an additional 35 lots be provided for in Waipu through the rezoning of 39 The Braigh. This leaves spare capacity in the WWTP after the 2021 – 2022 upgrades for 80 residential lots. The evidence provided by Blue Moon Ltd requests that portions of Lot 3 DP 27812 and Lot 2 DP 193435 be rezoned to RVRE to provide capacity for 76 lots. Given the above, there is sufficient capacity in the WWTP to service the Blue Moon sites. Mr Shaw has also provided evidence indicating that on-site servicing is feasible in the instance that the sites are unable to connect. This new information has alleviated the wastewater capacity concern.

30/50 Direction and the Waipu Cove/Langs Beach Structure Plan

B.78 Numerous submissions indicated a need for more residential demand in Waipu Cove/Langs Beach, thus this was not identified as a reason for rejecting the submissions in the s42A. However, the 30/50 intention to direct growth to Waipu was seen as a reason to not provide too much RVRE zoning in Waipu Cove/Langs Beach. Mr Thompson presented evidence indicating that Waipu Cove/Langs Beach and Waipu are not competing markets and that limiting growth in Waipu Cove/Langs beach does not necessarily mean that it will be redirected to Waipu.

B.79 I find Mr Thompson’s evidence convincing and see the merit in its points. However, I note that Mr Thompson has used Ruakaka/Marsden as a comparison to the Waipu Cove/Langs Beach market since they are both coastal townships. Based on my interpretation, this indicates that Waipu Cove/Langs Beach may still be a competing market with areas such as Marsden Point/Ruakaka and Parua Bay, which is also a coastal settlement. It is therefore a valid consideration in my opinion to not over-allocate residential growth to an area like Waipu Cove/Langs Beach in a manner which may detract from achieving the intended growth of areas such as Marsden Point/Ruakaka and Parua Bay (which 30/50 identifies as a satellite town and a growth node, respectively). However, in saying that I do accept Mr Thompson’s evidence and do not consider this sufficient reason alone to reject the submission.

B.80 With regard to the submission’s consistency with the Structure Plan, this was not intended to be a stand-alone reason against rezoning but was highlighted as the Structure Plans were used as a criterion for RVE zoning.

B.81 Given the above, I support Blue Moon’s requested RVRE zoning of portions of Lot 3 DP 27812 and Lot 2 DP 193435 as the area is generally consistent with the RVRE zoning criteria. In terms

102 Paragraph 24 of Mr Thompson’s Statement of Evidence
of s32AA, it is my opinion that this recommended change represents the most efficient and effective option. The primary inconsistency with the RVRE zoning criteria is the size of land being requested for rezoning. However, a number of submissions and Mr Thompson’s evidence have indicated a need for more residential land in this area. The requested rezoning provides for approximately 76 new lots according to the plans provided by Blue Moon. Table B provides an assessment of the requested area against the RVRE zoning criteria:

<table>
<thead>
<tr>
<th>Inclusion / Exclusion Criteria</th>
<th>Satisfies / Fails</th>
</tr>
</thead>
<tbody>
<tr>
<td>The area has access to a formed road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified as being within the Ngararatunua Overlay</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area does not contain an unformed indicative road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is within 6m of an existing Living Environment or proposed RVRE</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified for Māori Reservation, Esplanade Reserve, Hydro, Electrical works, Railway or Roadway purposes</td>
<td>Satisfies</td>
</tr>
<tr>
<td>50% or less of the area is identified as being flood susceptible</td>
<td>Satisfies</td>
</tr>
<tr>
<td>75% or less of the area is covered in indigenous vegetation and/or wetland</td>
<td>Satisfies</td>
</tr>
<tr>
<td>Comprises an area equal to or less than 5,250m²</td>
<td>Fails – area comprises approximately 12ha</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area does not comprise Class 1 – 3 soils.</td>
</tr>
<tr>
<td>Natural Landscapes and Natural Character Areas</td>
<td>The area does not contain any ONL. There is a negligible area of CA within Lot 3 DP 27812 of approximately 370m².</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>There is minimal native vegetation and/or wetland coverage within the area.</td>
</tr>
<tr>
<td>Flood Susceptible Areas</td>
<td>The area is not identified as being flood susceptible.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>The rear portion of the area contains high instability hazard areas.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>The area is in proximity to reticulated wastewater (and water) networks and can be serviced.</td>
</tr>
<tr>
<td>Structure Plan</td>
<td>The area is identified for potential Large Lot Residential zoning in the Waipu Cove/Langs Beach Structure Plan.</td>
</tr>
</tbody>
</table>

B.82 No evidence was presented regarding the other areas which were submitted on within Waipu Cove/Langs Beach. I do not support providing any RVRE zoning within these other areas for the following reasons:

- Each of these other areas contains additional constraints, including CA and HNC, higher proportions of instability hazard areas and indigenous vegetation, flooding hazard areas, archaeological sites and Class 3 soils.
- All of the sites requested for rezoning comprise large areas in excess of 40ha each. No additional information was provided by the submitters to indicate where the RVRE zoning should apply and how site constraints would be managed.
- There is limited capacity in the WWTP. If these additional sites were rezoned as RVRE there would not be sufficient capacity to service the recommended RVRE zoning. Unserviced development (to 2,000m² net site areas) within these sites or other sites within Waipu or Waipu Cove/Langs Beach could compromise the future growth and expansion of the villages.
In my opinion it is not appropriate to over-allocate growth in this area compared to areas such as Parua Bay and Marsden Point/Ruakaka. The other sites requested, each being in excess of 40ha, would significantly increase the capacity of Waipu Cove/Langs beach. In my opinion this would not be consistent with the identified 30/50 development pattern.

Jones-Dyes Holdings, Robyn Dewsnip, Lyn O'Brien, Keryl Cooney, Malcolm Norton, Warwick Bell and Blue Moon Ltd (RVRE Expansion) – Right of Reply Recommendation

B.83 I recommend that the Commissioners:

- Reject submission points 156/1, 257/1, 454/1, 536/1, 127/2 and 228/1.
- Accept submission point 396/1 and amend District Plan Map 60E as per Attachment 4 of Part 1 of this ROR report.

C. PC85D – Rural Living Environment Zoning

Author: Evan Cook

241. The following submissions relate to zoning changes requested by submitters. For brevity, I have grouped the submissions where they relate to a similar geographical area, or there are similar reasons for recommending accepting or rejecting the submission. Generally, most submitters are requesting that their land is rezoned from proposed RPE to RLE. Submissions where the properties meet the criteria as set out in the s32 report and are adjacent to the proposed RLE are generally accepted; however, in many cases where a ‘spot zoning’ has been requested that only applies to one property my recommendation is that the submission is rejected.

242. I confirm that I have conducted site visits to submitter properties to confirm my recommendations.

243. The submissions have been grouped based on the following categories:

- Mapping – Support
- General Opposition
- General Requests for Additional RLE Areas
- Unsealed Roads
- Rezoning Adjacent to Urban/Village Zoned Areas
- Amendments to Proposed RLE Areas
- New RLE Clusters
- Individual Spot Zonings
i. Mapping – Support

**Submission Information**

244. Glenda and Brian Ferguson\(^{103}\) support the plan change as it relates to Apotu Road.

245. Brian and Oringa Barach\(^{104}\) support the inclusion of 156 Apotu Road in the proposed RLE zone.

246. Sarah Moon\(^{105}\) supports the proposed change for Apotu Road to RLE.

247. Barry and Jenny Collins\(^{106}\) support land in the area to be changed (Apotu Road Rural Living).

248. Steve Gillespie\(^{107}\) supports the proposed rules and zone boundaries at Te Rongo Road.

249. Pamela and Antony Benton\(^{108}\) support PC85D, particularly in Finlayson Road, Matarau.

250. Don and Kathy Hutchinson\(^{109}\) support rezoning Pt Lot 1 DP 86101 and Lot 1 DP 102829 (Ngunguru Road) to proposed RLE.

251. Malcolm Aylward\(^{110}\) supports the rezoning of Lots 1 DP 134672 and Lot 3 DP 202895 at 479-491 Apotu Road to RLE

**Discussion**

252. I acknowledge and support these submissions as I consider the proposed RLE zoning appropriate in these areas.

**Recommendation**

253. I recommend that the Commissioners accept submission points 412/1, 176/1, 443/1, 541/1, 135/1, 165/1, 10/1, 47/2 and 161/2.

**Evidence and Hearing Information**

C.1 Malcolm Aylward presented a statement to the hearing panel. My recommendations on the submission points in general support have not changed as a result of evidence presented at the hearing.

**Right of Reply Discussion**

C.2 I stand by my original discussion on the submission points.

**Right of Reply Recommendation**

C.3 My original recommendation stands.

\(^{103}\) 412/1
\(^{104}\) 176/1
\(^{105}\) 443/1
\(^{106}\) 541/1
\(^{107}\) 135/1
\(^{108}\) 165/1
\(^{109}\) 10/1 and 47/1
\(^{110}\) 161/2
ii. General Opposition

Submission Information

254. Bruce Roberts\textsuperscript{111} requests that the Cullen Road and Mountfield Road areas are removed from the change in favour of more residentially zoned land surrounding the Waipu township.

255. Alasdair McKay\textsuperscript{112} and Mary McRae\textsuperscript{113} expressed concerns about reverse sensitivity and do not think that housing density in Mountfield Road should be increased. David McKenzie\textsuperscript{114} also identifies the land use conflicts that occur when small blocks are created in rural areas and seeks that RLE is deleted in areas where agricultural farming is dominant.

256. David Fooe\textsuperscript{115} opposes the proposed rezoning of land currently zoned CE to RLE and RUEE as this will reduce the amount of productive land.

257. Vanessa Syers\textsuperscript{116} requests that RLE be deleted from Lot 5 DP 355339 and other properties on Rockingham Road and adjoining properties and retain the zoning as CE. It is seemingly a waste of RLE as the land will not be developed as envisioned by the WDC. Lot 5 DP 355339 is unsuitable for development due to its steep topography, highly visible ridgeline, limited vehicular access and proximity to an existing pine forest. The property is also subject to a covenant which conflicts with the RLE. Properties within Rockingham Road and several adjoining properties are subject to land covenants and cannot be developed.

258. Terry Powell\textsuperscript{117} states that it is not appropriate to call lifestyle blocks productive land and asks what the zoning criteria area.

Discussion

259. The RPE, RLE and RVE are designed to work together to provide for growth outside main centres, compatible with rural activities. The proposed zones provide for different levels of development to offer the choice of a range of options. Areas for residential expansion around Waipu township have been considered under PC85C with several areas proposed for RVE rezoning. PC85D recognises areas that contain existing lifestyle development and provides these areas with RLE zoning. I consider that to ignore the existing level of development and zone these areas as RPE would not achieve the purpose of the RMA. Additionally, the s32 report concluded that these sties and areas met the RLE zoning criteria.

Recommendation

260. I recommend that the Commissioners reject submissions 463/1, 275/1 358/1, 364/1, 490/1, 288/1 and 2 and 457/1.
Evidence and Hearing Information

C.4 Mr Roberts presented information in support of his submission seeking rezoning his property to RVRE at The Braigh, Waipu but did not present specific evidence in relation to his opposition to the RLE.

Right of Reply Discussion

C.5 I stand by my original discussion on the submission point.

Right of Reply Recommendation

C.6 My original recommendation stands.

iii. General Requests for Additional RLE Areas

Submission Information

261. Marilyn Cox\textsuperscript{118} requests that more areas be zoned RLE.

262. Jan Irving-Whitehead\textsuperscript{119} requests that the planning maps be amended to reflect that areas within a 5km radius of Whangarei City - that were previously CE and are now proposed RPE – be instead changed to proposed RLE unless near existing quarries or adjoining forestry.

263. Timothy Mulcare\textsuperscript{120} requests that WDC either extend the criteria of the RLE to smaller discrete areas or put forward a transition zone to cover areas where it is clear there has been demand for smaller land holdings.

Discussion

264. WDC originally identified potential RLE areas as part of the RDS. These areas were then refined through ranking criteria for preparation of draft PC85D. The refined RLE areas were notified for comment and further adjustments to zone boundaries were proposed and notified as PC85D. This process is set out in detail in the s32 report. The submissions above do not mention specific areas where RLE is suitable.

265. Regarding J Irving-Whitehead's submission, I agree with the further submission from Federated Farmers New Zealand\textsuperscript{121} that some of New Zealand's most versatile soils are close to towns and cities. The productive capabilities of these soils have been lost due to inappropriate subdivision for dwellings and lifestyle properties. I consider that identifying areas for development based on an arbitrary distance from the city centre without consideration of other factors to be inappropriate. In my opinion, the provision of the RUEE and UTE zones provide adequately for development in the city fringe area.

266. Recommendations on amendments to the RLE because of specific submissions are contained in the sections below. In some cases, it is recommended that land zoned for RLE is increased, which may
satisfy M Cox’s submission. Due to the lack of specific information about where extra RLE should be located in the submissions above, I recommend that the submissions are rejected.

Recommendation

267. I recommend that the Commissioners reject submission points 405/1, 338/1 and 142/2.

iv. Unsealed Roads

Submission Information

268. The following submissions were made requesting RLE zoning in areas accessed by unsealed metal roads.

269. Joanne and David Floyd\textsuperscript{122} oppose excluding areas with unsealed roads from being zoned RLE.

270. Andrew McClurg\textsuperscript{123} requests that all of Clements Road extending from the rural village of Matapouri should be zoned RLE. Subdivision below 20ha if not a complying activity should at least be a discretionary activity to be able to do it in a tasteful and sustainable way.

271. John Holdsworth\textsuperscript{124} requests that properties not included in RVE on Clements Road Matapouri should be zoned RLE with subdivision below 20ha a discretionary activity.

272. Andrew Wiseman\textsuperscript{125} requests that provision be made for a transitional land use buffer along Atkins Road, Portland by rezoning land RLE as shown in Figure 21 below:

\textsuperscript{122} 413/5
\textsuperscript{123} 299/1
\textsuperscript{124} 301/1
\textsuperscript{125} 483/1
Figure 21: Requested RLE expansion area in Portland

273. Povl Jensen requests that Lot 3 DP 101201 (Woiotoi Rd, Ngunguru) be rezoned as RLE.

274. Karen Blackbourn requests to rezone Brooks Road, Tiria Lane, Eilean Donan Drive and Brookview Heights as RLE.

275. Philip Spencer-Harris requests that Brooks Road and Eilean Donan Drive be zoned RLE.

276. Mal Barratt and Tania Patterson and B Cowley and V Hall-Cowley request the rezoning of Brooks Road as RLE.

277. Ian and Cheryl Kitchen request that Sandford Road should be included in the RLE due to the proximity to the urban centre of Ruakaka, the public amenities located on Sandford Road and because of the prevalence of small lifestyle block properties in the area.

278. Kim Feickert, Arthur Cummins, Vanessa Booth, Zeb Cookson, Eward and Janet Hart and Lee and Raewyn Hitchens request that WDC to reclassify the area between 1km and 3km along Massey Road Waipu, including Wairimu Way and Ruby Way, as RLE. As per the definitions and

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126 75/1
127 269/1
128 273/1
129 526/1
130 124/1 and 125/1
131 302/1
132 180/1
133 258/1
134 262/1
135 401/1
136 419/1
137 247/1
stipulations in the document "Proposed 85D Rules", this is how the land and area are currently predominantly utilised.

279. Chris Hannam requests the rezoning of Lot 3 DP 190005 and the surrounding Campbell Road cluster as RLE, as outlined in blue in Figure 22 below:

![Figure 22: Requested RLE expansion area on Campbell Road](image)

**Discussion**

280. I consider that avoiding rezoning areas accessed from unsealed roads is an appropriate response to address various adverse effects. Introducing more traffic onto unsealed roads will, in my opinion, exacerbate existing cumulative effects faced in rural areas in terms of health, dust nuisance, and traffic safety. In my opinion this has partly occurred through approving rural subdivision in inappropriate areas, however, under the provisions of the existing, and previous planning regimes, subdivisions in these areas have been difficult to reject.

281. Adverse effects on human health can occur because of dusty roads in terms of respiratory effects as well as effects on drinking water collected from roof surfaces. Most areas that are accessed by gravel roads utilise roof water collection.

282. WDC receives numerous complaints relating to dust problems on rural roads. This has resulted in WDC having to defer planned projects to bring forward the sealing of rural roads. Recently this has occurred when forestry operations have begun in rural areas however to a lesser extent, it is also a problem created from scattered lifestyle development. Prioritising the sealing of these roads benefits a small number of ratepayers at the expense of the majority and does not represent the most efficient use of WDC’s limited resources. WDC in the past has offered to seal rural roads in partnership with communities on unsealed roads by introducing targeted rates to the landowners who benefit. This is the most equitable way of funding the sealing of roads; however, in some cases this was rejected by the
affected community. Until these roads are sealed, I consider that restricting further subdivision in these areas is the most appropriate action to avoid further effects on existing residents, and to be fair to the District’s ratepayers.

Recommendation

283. I recommend that the Commissioners reject submission points 413/5, 299/1, 483/1, 301/1, 75/1, 269/1, 273/1, 526/1, 124/1, 125/1, 302/1, 180/1, 258/1, 260/1, 262/1, 401/1, 419/1, 247/1 and 499/1.

Evidence and Hearing Information

C.7 Andrew McClurg, Povl Jensen, Philip Spencer-Harris, Kim Feickert, and Vanessa Booth presented statements in support of their properties being rezoned to RLE, in relation to Clements Rd Matapouri, Waioato Rd, Ngunguru, and Brooks, and Massey Rds, Waipu). Terese Connor and Olivia Wai Lee also provided statements in support of Ian and Cheryl Kitchen’s submission in relation to Sandford Rd, Ruakaka.

C.8 The submitters presented information showing that their areas were characterized by lifestyle development rather than rural production activities. Some submitters questioned the fairness of leaving their properties out of the RLE because they were located on a gravel road and considered that this was a problem of Council’s own making through the historical approval of rural subdivisions.

Right of Reply Discussion

C.9 I agree with the submitters that development of rural land into lifestyle blocks has resulted in some rural areas becoming more rural residential in character. This is a result of permissive rules in previous regimes which have resulted in ad hoc rural residential development and the cumulative fragmentation of land throughout the rural area.

C.10 The areas that the submitters refer to are in my opinion fragmented, and display patterns of existing development and rural residential character that would generally be considered suitable to be rezoned as RLE. Some areas met the zoning criteria and the fact that the property was on a gravel road was the only reason counting against rezoning to RLE. If these roads were sealed at some stage in the future, I would consider them suitable for rezoning to RLE, based on existing character and development patterns, and absence of potential reverse sensitivity effects, and other constraints to development, however in my opinion, this should be addressed by way of a future plan change.

C.11 I note that the start of Massey, Sandford, and Clements Roads contain sections of gravel road until the more fragmented areas are reached. In the areas where subdivision has occurred in the past the road has been sealed. This appears to have been done as a condition of consent to subdivide. If these areas were rezoned to RLE, the dust effects will not be as great on the majority of existing residents however, in my opinion landowners on the gravel sections will potentially experience greater effects if more development is facilitated in these areas.
C.12 If WDC chooses to continue with its policy of sealing rural roads based on a cost sharing model using targeted rates it is unlikely that the residents who currently live on the sealed sections will be willing to pay to upgrade the roads.

C.13 Looking at these locations over the longer term I have concerns that Clements Road is a very low lying road along the bank of the Matapouri Estuary. With sea level rise access to or from this area may be compromised in the future particularly during easterly storm events. There are also pine plantations accessed from Clements Road which will create potential traffic issues on Clements Road at the next harvest.

C.14 Massey Road also provides access to the Brendyrwyn forest (production forestry) and although there are other access points, it will potentially be used as an access for logging trucks on the next rotation. Aerial photographs show that the area was last harvested around 2010-2013 and has since been replanted.

C.15 I also agree with the many of submitters who pointed out that there are no rural production activities occurring in their localities. This is addressed in the RPE report which seeks to clarify that not all properties in the RPE must be used for rural production activities, and that the zone also provides for low density residential activity. This comes back to the original purpose of the RLE that council is trying to identify the best places to provide for rural lifestyle activity within the rural area.

*Right of Reply Recommendation*

C.16 My original recommendation stands.

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v. Rezoning Adjacent to Urban/Village Zoned Areas

*Submission Information*

284. C and K Pyle\(^{139}\) request that all or part of 2 Pyle Road West be rezoned as RLE.

285. Jan Irving-Whitehead\(^{140}\) requests rezoning areas of Old Parua Bay Road and Abbey Caves Road adjacent to the proposed RUEE that have been designated RPE to proposed RLE. A map has been included within the submission though it is difficult to interpret.

286. Mark and Bronwyn Poynter\(^{141}\) request that Lot 11 DP 323553, Lot 2 DP 195541 and Lot 3 DP 195541 Wellingtons Bay be identified as either RLE or RVE.

287. Shelley Wharton\(^{142}\) requests that WDC amend the proposed zoning of all existing sites at Bland Bay sized between 4000m\(^2\) to 2 hectares from RPE to RLE, and all sites at Bland Bay sized greater than 2 hectares as RPE.

\(^{139}\) 289/1

\(^{140}\) 341/1

\(^{141}\) 157/2

\(^{142}\) 485/3
288. Trevor and Cheryl Barfoote\textsuperscript{143} request to retain the right for another dwelling. They want to enjoy the privacy and rural atmosphere of the lifestyle block and believe it is in the best interest of their area. It would appear more common sense to rezone Corsair Drive as RLE [instead of RPE].

289. Maree Williams\textsuperscript{144} opposes the RPE and requests it is changed to RLE for Corsair Drive at Maungatapere.

290. Rhonda Padgett\textsuperscript{145} requests the rezoning of Corsair Drive on both sides to RLE to create a buffer zone between RVE and RPE.

291. Lindsay Attwood\textsuperscript{146} opposes the rezoning to RPE and supports the rezoning to RLE at 69 Corsair Drive.

292. William and Olivia Hyslop\textsuperscript{147}, Marilyn Berry\textsuperscript{148}, and John Hyslop\textsuperscript{149} request rezoning Lot 1 DP 365745 at Urquharts bay from Coastal Countryside Environment (CCE) to RLE along with the adjacent properties Lot 2, Lot 3 and Lot 4 DP 208170, Part Lot 2 DP 365745.

293. Jan Boyce-Bull\textsuperscript{150} requests that both sides of Clapham Road and Sands Road be rezoned as RLE.

294. Neil and Moira Dobbs\textsuperscript{151} request the remainder of their property at Whangarei Heads be zoned RLE as the land best meets the RLE criteria, and will create a “buffer zone”.

295. JB and GH Cann Family Trust\textsuperscript{152} request that the identified land at One Tree Point (shown in green hatching in Figure 23 below) be rezoned to RLE.

\textbf{Figure 23: Requested RLE expansion area at Marsden Point}

\textsuperscript{143} 265/1
\textsuperscript{144} 534/2
\textsuperscript{145} 294/1
\textsuperscript{146} 351/3
\textsuperscript{147} 389/1
\textsuperscript{148} 390/1
\textsuperscript{149} 391/1
\textsuperscript{150} 352/1
\textsuperscript{151} 118/2 and 119/2
\textsuperscript{152} 324/1
296. Melodie and John O’Donnell\textsuperscript{153}, Julie Palmer\textsuperscript{154}, and Beverly Maxwell and Neville Pomana\textsuperscript{155} request that the south west end of McCathie Road be rezoned as RLE.

297. Terrence Hailes\textsuperscript{156} requests that Pt Lot 1 DP 29256, Lot 2 DP 414977, Lot 4 DP 458899, Lot 3 DP 458899 and Lot 3 DP 152281 at Maungatapere be rezoned as RUEE or similar, to enable expansion in Maungatapere and maintain consistency with the RPS. This submission has been assessed under PC85C and PC86A (Topics B(v) and D(iv)), but has also been considered under PC85D as an alternative.

298. Malcolm Norton\textsuperscript{157} requests that 1178D be rezoned to a modified version of the Waipu Cove/Langs Beach Structure Plan. It is not entirely clear what rezoning is being requested and this submission has also been considered in section B (xix) of this report.

299. Blue Moon Ltd\textsuperscript{158} requests that Lot 3 DP 27812 and Lot 2 DP 193435 be rezoned as a combination of RLE and RVRE. Potential RVRE zoning has been considered in section B (xix) of this report.

Discussion

300. The submissions above seek to implement the proposed RLE in areas adjacent to existing development, or areas proposed for future development. Rural living development in proximity to urban areas (and infrastructure services) is often seen as a future residential area by owners and investors in these areas. To discourage that perception, PC85A proposed that RLE clusters should be located a sufficient distance from urban zones to make the cost of extending reticulated services (or upgrading roads, footpaths etc.) less appealing. Avoiding locating RLE on areas close to rural villages, and other higher density zoning such as the Marsden Primary Centre Environment, will in my opinion reduce any potential for future growth areas to be impeded or constrained by development, and provide for a more efficient use of land by allowing for the orderly expansion of those communities as services are provided.

Recommendation

301. I recommend that the Commissioners reject submission points 289/1, 341/1, 157/2, 485/1, 265/1, 534/1, 294/1, 351/3, 389/1, 390/1, 391/1, 352/1, 118/2, 119/2, 324/1, 370/1, 371/1, 372/1, 249/1, 127/1 and 396/2.

Evidence and Hearing Information

C.17 Mr Poynter presented additional information on behalf of the Couper Trust in support of their submission. His property contains extensive bush covenants and approximately 8ha of developable land. He seeks the opportunity to subdivide an additional two or three lots via either an RVRE or RLE zoning although he notes that the outcome they seek does not fit neatly into either of these zones.
C.18 Rhonda Padgett presented a statement on behalf of the residents of Corsair Drive in support of their submission to rezone their properties to RLE.

C.19 Mr Dobbs presented in support of his submission to rezone part of his land to RLE.

C.20 Ms Boyce Bull presented information in relation to their submission to rezone parts of Clapham Rd RLE.

C.21 Mr Mortimer presented expert planning evidence on behalf of Blue Moon Ltd in support of their submission to rezone an area of Langs Beach to a mixture of RVRE and RLE. The majority of Blue Moons evidence was focused on the RVRE portion of the land. With reference to the areas Blue Moon proposed as RLE, it was submitted that more intensive residential development would not be appropriate in this area due to stability and ecological constraints and that the most appropriate zoning for the land is RLE.

C.22 It was clear at the hearing that a number of submitters saw the RLE as a transition zone or buffer between urban and rural areas. This does not align with the expectations of the zone which seeks to cater to the demand for rural lifestyle development in the rural area, and legitimize pockets of residential development with a zoning appropriate to the existing environment.

C.23 In my opinion expansion of the city and rural villages should occur with either RVRE (rural villages) or RUEE (around the city fringe) in order to make the most efficient use of the land resource. This is reflected in proposed objective RA1.3.3.

C.24 Applying the RLE adjacent to serviced Living Environments will be contrary to Policy RA.1.3.3.

C.25 I do not consider that the RLE is the correct zone to apply adjacent to development as lot sizes commensurate with the RLE will compromise the efficient future development of the city or rural villages. Once the outskirts of the villages are developed to this level the potential to upzone land on the fringes will be compromised in terms of impediments to infill development and requirements to retrofit services around existing development.

C.26 In regard to the evidence presented for Blue Moon, I disagree with the assessment that the land could not support more intensive development. In my opinion there are significant portions of the land that could be developed to a more intensive level than that which is proposed in the RLE, however, the major constraint on more intense development in this area are limitations on infrastructure capacity. This is discussed further with reference to Blue Moons request for RVRE in Section B (xix) of this report.

C.27 Blue Moon has invested significant resources into preparing a design led subdivision proposal which I consider could be appropriate to the site given the protection of environmental features, however, based on the evidence presented, and the precedent that would be set by applying the RLE adjoining the RVRE I do not support rezoning this area to RLE.

C.28 With respect to the other submitters presenting at the hearing, no substantively new material or evidence was advanced (other than what was included in the original submissions) that prompts me to provide additional comment or revise my original recommendations.
Right of Reply Recommendation

C.29  I stand by my S42A recommendations to reject submissions seeking that land adjacent to RVRE be rezoned to RLE.

vi. Amendments to Proposed RLE Areas

302. The following submissions were made requesting amendments to the boundaries of proposed clusters of RLE zoning. These have been grouped based on their geographical area.

Glenbervie – Submission Information

303. Numerous submissions\(^\text{159}\) seek to extend the area of RLE along Ngunguru Road in Glenbervie to include Lots 1 and 2 DP 428719 and other surrounding properties on both sides of the road as originally proposed under the draft Rural Plan Change and RDS and as shown on attached map (Appendix E).

304. D and K Hutchinson\(^\text{160}\) request a change to the Glenbervie RLE zoning to match the preliminary zone boundaries issued in February 2016. The eastern boundary of the RLE in this area should terminate at Ngunguru Ford Road.

305. Russell Munn\(^\text{161}\), who is the owner of Lot 4 DP 347186 (Ngunguru Road) has submitted against the plan change as he wishes to continue to undertake horticultural activities within the site and considers the RLE too restrictive.

306. Horticulture NZ (HortNZ)\(^\text{162}\) contends that operational orchards should be removed from the RLE.

Glenbervie – Discussion

307. The area identified for RLE at Glenbervie when the draft PC85D was released was originally much larger, extending east along Ngunguru Road from the area proposed in PC85D. The area to the east of the proposed RLE boundary still contains a significant level of lifestyle development; however, there are also several horticultural operations occurring there reflecting the highly versatile soils in the area.

308. The inclusion of Ngunguru Road in the draft RLE was strongly opposed by HortNZ and individual growers, citing a potential increase in reverse sensitivity effects from more residential development which could affect their operations. As a result, the area proposed for RLE was scaled back to the notified PC85D version, which I support as providing an appropriate balance between providing for rural residential development, and avoiding reverse sensitivity effects on existing horticulture operations.

309. There are approximately four orchards within the proposed RLE area (Lots 1-4 DP320328, Lot 1 DP 937728, Lot 1 DP 95052 and Lot 4 DP 347186). As discussed in Part 10 of the s42A report\(^\text{163}\), horticultural activities are provided for in the RLE and established activities have existing use rights. Therefore, I do not support rezoning these sites to RPE and I consider that the proposed RLE provisions

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\(^{159}\) 367/1, 380/1, 381/1, 383/1, 384/1, 385/1, 386/1, 387/1 and 400/1
\(^{160}\) 47/2
\(^{161}\) 205/1
\(^{162}\) 423/22
\(^{163}\) Section 5 (M) Mapping Criteria
will assist in achieving the relief sought by R Munn and HortNZ as horticultural activities are provided for.

**Glenbervie – Recommendation**

310. I recommend that the Commissioners **reject** submission points 367/1, 380/1, 381/1, 383/1, 384/1, 385/1, 386/1, 387/1, 400/1, 47/1 and 205/1.

**Evidence and Hearing Information**

C.30 Kim Nathan and Simon Reiher presented evidence on behalf of Mojo Trust, N & K Parton, Pukenono Properties Ltd, HUP Trustees Ltd, P Cook, J & P Hawkins, E & P Greetchan and D & E Hoskins seeking to extend the area of RLE eastward on Ngunguru Road. Ms Nathan based her evidence on the existing pattern of development which in her view is already characterised by rural lifestyle development, however the horticultural operations that are present in the area are acknowledged. The evidence sets out thorough descriptions of the various submitter properties represented by Ms Nathan, and their limitations for undertaking production activities. Ms Nathan’s evidence concludes that as a result of historical subdivision and existing residential development, the ability of the area to be utilised for large scale rural production is already compromised.

C.31 The evidence is accompanied by a report from Agfirst detailing soil and resource information for Glenbervie. The report includes detailed soil maps for part of the area that has been requested to be rezoned to RLE. The study area confirms that highly versatile soils are present in this area. The map attached to the Agfirst report contains more detail but appears to be consistent with the LUC maps used by WDC in assessments for RLE suitability (**Attachment 4**).

C.32 To the north of Ngunguru Rd, most of the land is identified as LUC 2s1 with properties to the south more variable but still containing significant areas of highly versatile class 2 and 3 soils.

C.33 At the hearing Horticulture NZ argued against rezoning in this area to protect existing and potential future orchardists. They did not provide specific evidence on how many of their members were located in this area or advance any other reasons why RPE is more appropriate with respect to individual locations. Hort NZs further submissions against the submitter relief was addressed in Ms Nathan’s evidence, in particular noting that several growers were amongst the submitters requesting RLE in this area.

**Right of Reply Discussion**

C.34 Due to the presence of versatile soils I consider Policy 5.1.1 of the RPS is relevant. Policy 5.1.1 states that:

> Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:
>
> (f) **Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and**


(g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and/or district or regional plan provisions

C.35 This area was excluded from the RLE as notified due to the presence of high class soils, and horticultural operations which may give rise to reverse sensitivity effects (or exacerbate existing effects). In my opinion the north side of the road is largely rural lifestyle in character, becoming more rural in character as you move east along Ngunguru Rd. I consider that versatile soils are a valuable resource that should be protected from residential development where possible.

C.36 I consider the south side of the road to be more of a rural character given the larger land parcels and lower density of housing. In my opinion the decision on whether to rezone this area RLE turns on whether the net public benefit of subdivision opportunities is outweighed by the potential for soil based production in the area. While the ability to subdivide may benefit individual landowners, and prospective purchasers the public benefit of small scale subdivisions is difficult to quantify. I note that the area proposed for rezoning by the submitters has been calculated by the submitter to provide potential for 45 additional lots. It could be argued that the versatile soils in parts of the north side of Ngunguru Road are already materially compromised by lifestyle development, however due to the larger parcel sizes to the south of Ngunguru Road I am not comfortable recommending these areas be rezoned.

C.37 In my opinion Hort NZ’s evidence did not provide specific detail of growers vs lifestyle blocks in the Glenbervie area as set out in Ms Nathan’s evidence. I also note that Hort NZ has decided not to present evidence in relation to some RLE areas they were initially opposed to in their original submission and have changed the focus of their relief sought. In my view this points to a broad brush approach to the drafting of the original submission and places doubt on the reliability of evidence in relation to soils, existing operations and reverse sensitivity effects.

C.38 It is noted that I am recommending a consequential change to Policy RA 1.3.3 to include criteria relating to versatile soils. This policy provides guidance for plan users and administrators on where in the Rural Area the RLE should be applied and is discussed in Part 10 of this report.

C.39 Having considered the evidence, I do not support the extension proposed by the submitter and I stand by my original recommendations.

Right of Reply Recommendation

C.40 My original recommendations stand.

Matarau – Submission Information

311. Dean and Stephanie Bradshaw request that the RLE zoning should be extended to include all dwellings in Tudehope Road, Going Road and the extended Matarau Road to include properties running past the Rushbrook Road turning (including their section at 390 Matarau Road).
312. Mark and Gina Hansen\textsuperscript{165} request to change the zoning of 120 Going Road from RPE to RLE.

313. Kevin Taylor\textsuperscript{166} requests 42 Tudehope Road be rezoned as RLE.

314. Ross and Kathryn Wallace\textsuperscript{167} oppose further subdivision of existing lifestyle blocks at Matarau due to problems with effluent and stormwater.

315. Kevin Trewhella\textsuperscript{168} opposes the plan change and requests that WDC consider the implications of higher density residential living on Matarau School which has already reached capacity.

\textit{Matarau – Discussion}

316. I do not support the submissions seeking to extend the RLE at Matarau. Tudehope Road and parts of Going Road are unsealed with signs urging motorists to slow down due to dust nuisance. Providing for further development in this area would, in my opinion, exacerbate the exiting dust nuisance. Concerns have also been raised by other submitters regarding effluent and stormwater disposal, and the capacity of the Matarau School. I consider that these concerns can be managed as only a modest level of development is facilitated by applying the RLE in this area.

\textit{Matarau – Recommendation}

317. I recommend that the Commissioners reject submission points 14/1, 40/1, 71/1, 76/1 and 133/1.

\textit{Evidence and Hearing Information}

C.41 Megan Pitchforth made a further submission in opposition to Kevin Taylors submission which seeks an extension to RLE at Tudehope Road. Ms Pitchforth seeks to retain her rural outlook and considered that a change to RLE would not be in keeping with the existing rural character of the area.

C.42 Mr Taylor also presented to the hearing in support of his submission. Mr Taylor did not introduce any new material substantively different to what was included in his submission.

\textit{Right of Reply Discussion}

C.43 I agree with Ms Pitchforth and stand by my original recommendation to reject Mr Taylors submission.

\textit{Right of Reply Recommendation}

C.44 My original recommendation stands.

\textit{Apotu Road – Submission Information}

318. Malcolm Aylward\textsuperscript{169} requests moving the RLE boundary for Apotu Road to include the property at 358 Apotu Road (Lots 2, 3 and 5 DP 206102).

\textsuperscript{165} 76/1
\textsuperscript{166} 133/1
\textsuperscript{167} 14/1
\textsuperscript{168} 40/1
\textsuperscript{169} 160/1 and 161/1
**Apotu Road – Discussion**

319. Due to the size of the property and the proximity of the submitter’s property to Fonterra’s irrigation effluent disposal farms and the potential reverse sensitivity effects, I do not consider the site suitable for RLE zoning.

**Apotu Road – Recommendation**

320. I recommend that the Commissioners reject submission points 160/1 and 161/1.

**Evidence and Hearing Information**

C.45 Mr Aylward presented to the hearing expanding on his submission and brief of evidence. Mr Aylward has been in correspondence with Fonterra to discuss their further submission opposing his rezoning request. Fonterra confirmed that they have no opposition to the part of his property that is more than 250m from their irrigation being zoned RLE. Mr Aylward also confirmed that Hort NZ only opposed rezoning the lower northern area of his property due to proximity to a persimmon orchard on the adjacent property.

**Right of Reply Discussion**

C.46 Having considered this new information, I am comfortable to recommend that the southern area of his property be rezoned RLE as per the map below, which avoids the flood susceptible area, steep areas, and areas of bush on the property. I have based my recommended boundary line on the 160m contour line and the margins of areas of bush.

**Right of Reply Recommendation**

C.47 I recommend that submission point 161/1 be accepted in part, and that the RLE be amended as shown in the map below.
Crane Road – Submission Information

321. Nicola McGregor\textsuperscript{170} requests that the RLE area along Crane Road be extended to enable subdivision of 128 Crane Road as a controlled activity.

Crane Road – Discussion

322. The submitters' property was not originally included in the draft RLE but has been included in the notified plan change. The notified plan change provides the relief that the submitter seeks.

Crane Road – Recommendation

323. I recommend that the Commissioners accept submission point 539/1.

Kara Road – Submission Information

324. The Helmsdale Trust\textsuperscript{171} requests rezoning of several properties at Kara Road to RLE – see area outlined in red with blue hatching in Figure 24 below:
Figure 24: Requested RLE expansion area on Kara Road

Mark and Maxine Thomason\textsuperscript{172} request that WDC extend the proposed RLE area to include the land highlighted in yellow in Figure 25 below within Lot 3 DP 398066.

Figure 25: Requested RLE expansion area in Lot 3 DP 398066

\textsuperscript{172} 216/1
326. Glenview Estate Ltd\textsuperscript{173} requests to include Lot 1 DP 479830 in RLE zone.

*Kara Road – Discussion*

327. These properties adjoin/contain existing horticultural operations. The soil type in this area is identified as 3s1, a highly versatile soil. While the submitters outline the existing reverse sensitivity effects they are experiencing, allowing more residential development would in my opinion only exacerbate these issues, and potentially create new ones for adjoining landowners who are continuing to use their properties for primary production activities. The allotments would also gain access from SH14 which may have additional reverse sensitivity effects and adverse effects on the transport network.

*Kara Road – Recommendation*

328. I recommend that the Commissioners reject submission points 313/1, 216/1 and 418/1.

*Evidence and Hearing Information*

C.48 Mr Hood presented expert evidence in support of the submissions from Glenview Estate Ltd and the Helmsdale Trust.

*Right of Reply Discussion*

C.49 No evidence that was presented at the hearing has changed my view that the area should remain RPE. LUC maps identifying the submitter properties as class 3s1 are provided in Attachment 4.

*Right of Reply Recommendation*

C.50 My original recommendation stands.

*Kara Road – Submission Information*

329. Campbell Boys\textsuperscript{174} requests rezoning of 572 Kara Road to RLE.

330. Ross and Margaret Dudley\textsuperscript{175} request rezoning the identified cluster of 10 lots as RLE – see area outlined in yellow in Figure 26 below:

\textsuperscript{173} 418/1
\textsuperscript{174} 323/1
\textsuperscript{175} 325/1
331. Geoff Pearson\textsuperscript{176} requests to include both 17 and 17A Pearson Road lots within the RLE.

\textit{Kara Road – Discussion}

332. I agree that the area is currently of a rural residential nature; however, primary production activities are still taking place in this vicinity. I have concerns around introducing more rural residential activity near the existing quarry located on Pearson Road and the reverse sensitivity effects that could result. This is exacerbated by the fact that Pearson Road is unsealed and rezoning the area could exacerbate noise and dust effects from car and truck movements.

\textit{Kara Road – Recommendation}

333. I recommend that the Commissioners \textbf{reject} submissions 323/1,325/1 and 140/1.

\textit{Evidence and Hearing Information}

C.51 Mr Hood presented expert evidence in support of the submissions from Campbell Boys and Ross an Margaret Dudley. Mr Hood questioned the criteria in relation to the presence of rural production activities, reverse sensitivity concerns and access from Pearson Road in relation to Mr Boys property. Mr Dudley provided some information on the site history, soils on the site and potential for rural production activities.

\textsuperscript{176} 140/1
Right of Reply Discussion

C.52 In my opinion it is unclear from the evidence proposed and the criteria assessment if Mr Hood was still seeking the entire area proposed in his submission to be RPE or, if his evidence was confined to Mr Boys property. Mr Hood’s response to the S42A report appears to be confined to assessment of the Boys Property however there are two maps included with his evidence. The first map is in reference to the Boys property, and the second shows the wider area which was recommended in the original submission and includes both the Boys and Dudley properties.

C.53 I have conducted a subsequent site visit to Kara Road following the hearing. In my opinion the north side of Kara Road is predominantly rural in character, but tends towards a rural residential character near Mr Boys property towards the western end of the RLE area proposed by Mr Hood. In my opinion it is finely balanced whether RLE or RPE is the most appropriate zoning for this area.

C.54 Mr Hood states in his evidence that the Boys property is the same distance to the Pearson Road quarry as the RLE on the south side of Kara Rd. While I agree with this statement the wider RLE area proposed in Mr Hood’s original submission does appear to include the quarry site and the surrounding properties.

C.55 Mr Hood’s proposed RLE area is also bisected by Pearson Road, an unsealed road. In his evidence, he states that the land is not accessed from Pearson Rd. This suggests that his evidence is confined to the Boys property. In relation to the Dudley’s property, the existing dwelling is accessed from Pearson Road, and the approved subdivision plan for the Dudley’s three lot subdivision appears to gain access from Pearson Rd. In my opinion if this area were rezoned RLE access to additional allotments would be gained from Pearson Rd.

C.56 I stand by the recommendation to reject the larger area originally proposed by Mr Hood in his submission. However, if the commissioners consider that a smaller area in the vicinity of Mr Boys property was appropriate for RLE, I could support this recommendation. For the area in the vicinity of Pearson Road my opinion is that RPE is still the most appropriate zone.

Right of Reply Recommendation

C.57 My original recommendation stands.

Kara Road – Submission Information

334. Fiona Baird requests that three parcels adjoining the proposed RLE at Kara Road be zoned RLE rather than RPE. The legal descriptions of the allotments affected by the submissions are Lot 4 DP 460504, Lot 5 DP 460504, and Lot 3 DP 460504.

177 353/1, 354/1 and 355/1
Kara Road – Discussion

335. The submissions relate to three parcels of land that were created by a subdivision after proposed PC85D was notified. The subdivision created a 32ha parcel of land along with two smaller parcels of 1.0135 ha and 0.432 ha. The larger property comprises rolling to steep topography with large areas of native bush. Due to its large size, this property does not meet the zoning criteria for inclusion in the RLE. However, the smaller two properties do, and are adjacent to the proposed RLE.

336. Table 10 provides an assessment of the sites against the RLE zoning criteria:

<table>
<thead>
<tr>
<th>Inclusion / Exclusion Criteria</th>
<th>Satisfies / Fails</th>
</tr>
</thead>
<tbody>
<tr>
<td>The area has access to a formed and sealed road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area does not contain an unformed indicative road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not near an urban area or a future urban area</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not in proximity to a mineral extraction area, a mineral extraction activity or plantation forestry</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified for Māori Reservation, Esplanade Reserve, hydro, electrical works, Railway purposes, roadway purposes or other strategic infrastructure</td>
<td>Satisfies</td>
</tr>
<tr>
<td>Existing development patterns fit RLE requirements or the extended area forms an RLE cluster development at an existing site</td>
<td>Satisfies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area contains Class 4 soils.</td>
</tr>
<tr>
<td>Protected Natural Areas, Natural Landscapes, Outstanding Natural Features, Natural Character Areas and Coastal Areas</td>
<td>The area does not contain any ONF, ONL or HNC and is not within the CA.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The area does not contain indigenous vegetation and/or wetland.</td>
</tr>
<tr>
<td>Archaeological Sites and Stone Walls</td>
<td>None identified within the recommended RLE area.</td>
</tr>
<tr>
<td>Flood Susceptible and Erosion Prone Areas</td>
<td>The recommended area is not identified as being flood susceptible or erosion prone.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>Reticulated waste services are not available. Onsite waste water management is intended for the RLE.</td>
</tr>
<tr>
<td>Aquifers and Rivers</td>
<td>No relevant features identified.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>There are no other hazards identified within the recommended area.</td>
</tr>
</tbody>
</table>

Kara Road – Recommendation

337. I recommend that the Commissioners:

- Reject submission point 353/1.
Accept submission points 354/1 and 355/1 and amend District Plan Map 68E as per Attachment 4 to Part 1 of the s42A report.

Evidence and Hearing Information

C.58 Fiona Baird presented information at the hearing in support of her submission.

C.59 It was brought to the commissioners’ attention that the submission numbers in the original recommendation contained a typographical error and should read as follows:

- Reject submission point 354/1.
- Accept submission points 353/1 and 355/1 and amend District Plan Map 68E as per Attachment 4 to Part 1 of this s42A report.

C.60 The commissioners requested information on the basis upon which Ms Baird’s recent subdivision was granted.

Right of Reply Discussion

C.61 I have reviewed the subdivision file for Ms Baird’s recent subdivision. The subdivision was granted under the environmental benefit lot provisions and was processed as a discretionary activity. Two lots were created under the environmental benefit lot provisions based on the permanent protection of two areas of bush on the larger lot, and the permanent protection of a stand of gums for amenity reasons.

C.62 No other information was raised at the hearing that has caused me to change my original recommendation.

Right of Reply Recommendation

C.63 My original recommendation stands.

Kara Road – Submission Information

338. Paul Price\textsuperscript{178} requests the areas on the right-hand side of Kara Road (even numbers 304 Kara Road to the Wood Road intersection and even numbers from 500 to 576 Kara Road) should be included in RLE.

339. T and P Barnett\textsuperscript{179} request the lifestyle blocks of 1 – 4ha in central Kara Road to be zoned RLE as with Kara Road North and Kara Road South, extending northward from 287 Kara Road to McKinley Road including the property of 287 Kara Road.

340. Martyn Dudley\textsuperscript{180} requests the properties on the other side of Kara Road - "Kara Road North" - be included in RLE.

\textsuperscript{178} 91/1
\textsuperscript{179} 343/1
\textsuperscript{180} 102/1
Kara Road – Discussion

341. A Mineral Extraction Area (MEA) is located on the planning maps at Woods Road (MEA5). The 500m buffer area around the MEA excludes the properties along Woods Road to the intersection with Kara Road from meeting the criteria for RLE. There is also a smaller quarry at Pearson Road that provides further justification for excluding the properties from 500 – 576 Kara Road from being included in the RLE. McKinley Road is also an unsealed road.

Kara Road – Recommendation

342. I recommend that the commissioners reject submission points 91/1, 102, and 343/1.

Shoemaker Road – Submission Information

343. Leonie Hobman\textsuperscript{181} requests that 573 Shoemaker Road be rezoned as RLE. She strongly opposes the proposed change by WDC.

344. Wendy Gardiner\textsuperscript{182} requests that 570 Shoemaker Road be rezoned as RLE.

Shoemaker Road – Discussion

345. The submitters’ properties are part of an enclave of four rural residential properties ranging in size between 1.4 – 2.6ha. These small properties are surrounded by much larger properties used for pastoral farming. Applying RLE would not give the landowners any additional subdivision rights as a controlled activity but some increase in residential development could occur under the discretionary activity provisions. Applying the RLE may increase the potential reverse sensitivity effects on the surrounding farming properties, and I consider that the most appropriate zone for this area is the RPE.

Shoemaker Road – Recommendation

346. I recommend that the Commissioners reject submissions 422/1 and 271/1.

Cullen Road – Submission Information

347. Warner Cullen\textsuperscript{183} requests that the RLE should be extended to incorporate all existing subdivisions on Cullen Road and the other small blocks which would make excellent Living Environments. In particular, the small rural production blocks of less than 20ha which are not sustainable for farming due to size.

348. Michael Campbell\textsuperscript{184} requests rezoning the sites at Aqua View Drive to RLE or similar zoning.

349. David Brown\textsuperscript{185} requests extending the Cullen Road rural village type zoning that is proposed along Cove Road to Waipu on coastal facing land.

\textsuperscript{181} 422/1
\textsuperscript{182} 271/1
\textsuperscript{183} 129/1
\textsuperscript{184} 635/1
\textsuperscript{185} 130/3
350. J and S Ritchie and A Davidson request that 43 Aqua View Drive be rezoned to RLE as it is in a lifestyle block subdivision and the title is covenanted to the effect that commercial activities may not be undertaken.

351. David Lewis requests that the area at Waipu Cove north of the pine forest and south of Cullen Road be zoned RLE.

352. J Hulse requests that Lot 2 DP 351131 and Lot 1 DP 204261 be rezoned to RLE.

_Cullen Road – Discussion_

353. The area between Cullen Road and Waipu Cove was identified in the Waipu Cove Structure Plan as suitable for rural residential development. The structure plan recognised that the disposal of wastewater and stormwater was a constraint and problems with the existing stormwater system have been identified affecting properties along Cove Road. The RLE zoning was proposed to recognise the existing level of development and does not add potential for further residential development.

354. The RLE at Cullen Road is unique amongst the proposed RLE areas in that it is within the Coastal Environment. Under the WDP land in this area was zoned Countryside; however, because of the RPS it has been included in the CA. In my view, in the CA a greater level of caution should be used when selecting areas for the RLE to avoid sprawling development along the coast.

355. The proposed zone boundaries also maintain an appropriate separation distance from the Waipu Cove RVRE in my opinion. I support maintaining this buffer from residential development.

356. Lot 2 DP 351131 and Lot 1 DP 204261 are located a sufficient distance from the existing residential development in my opinion and being 4.8ha only adds the potential for one additional residential unit as a controlled activity. Primary production activities in this area are limited due to the surrounding level of development and in my view extending the RLE boundary to include this property is appropriate.

357. Table 11 provides an assessment of the sites against the RLE zoning criteria:

<table>
<thead>
<tr>
<th>Inclusion / Exclusion Criteria</th>
<th>Satisfies / Fails</th>
</tr>
</thead>
<tbody>
<tr>
<td>The area has access to a formed and sealed road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area does not contain an unformed indicative road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not near an urban area or a future urban area</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not in proximity to a mineral extraction area, a mineral extraction activity or plantation forestry</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not identified for Māori Reservation, Esplanade Reserve, hydro, electrical works, Railway purposes, roadway purposes or other strategic infrastructure</td>
<td>Satisfies</td>
</tr>
<tr>
<td>Existing development patterns fit RLE requirements or the extended area forms an RLE cluster development at an existing site</td>
<td>Satisfies</td>
</tr>
</tbody>
</table>

186 625/1
187 243/1
188 337/1
<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>Most of the land in the recommended RLE is Class 6 with very small amounts of Class 3.</td>
</tr>
<tr>
<td>Protected Natural Areas, Natural Landscapes, Outstanding Natural Features, Natural Character Areas and Coastal Areas</td>
<td>The area does not contain any ONF, ONL or HNC. The recommended addition is within the CA but this is not inconsistent with the notified cluster.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The area does not contain significant areas of indigenous vegetation and/or wetland.</td>
</tr>
<tr>
<td>Archaeological Sites and Stone Walls</td>
<td>None identified within the recommended RLE area.</td>
</tr>
<tr>
<td>Flood Susceptible and Erosion Prone Areas</td>
<td>Most of the site areas are identified as moderate for land instability. Very small areas are identified as high for land instability. This is not inconsistent with the remainder of the cluster and can be addressed with engineering solutions during housing construction.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>Reticulated waste services are not available. Onsite waste water management is intended for the RLE.</td>
</tr>
<tr>
<td>Aquifers and Rivers</td>
<td>No relevant features identified.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>There are no other hazards identified within the recommended area.</td>
</tr>
</tbody>
</table>

358. I do not support extending the RLE further up Cullen Road. In the lower elevations the CA runs along the ridgeline behind Cullen Road. There is a significant level of existing residential development in this area. Further inland the CA is defined by Cullen Road; however, further up where Aqua View Drive meets Cullen Road, the properties are outside the CA. The lot sizes along Cullen Road and Aqua View Drive are compatible with RLE zoning; however, the land is steep and clad in native bush. Although this area is outside the CA it is elevated and is predominantly in native bush, forming the backdrop to Waipu Cove and Langs Beach. Introducing more built development in this area would, in my view, result in greater adverse visual effects than development on the lower elevations adjacent to the cluster of existing development.

359. The NZCPS seeks to avoid sprawling development along the coast. I consider that accepting the submission from D Brown would facilitate sprawling development that is inappropriate in the coastal environment.

**Cullen Road – Recommendation**

360. I recommend that the Commissioners:

- **Reject** submission points 243/1, 130/3, 129/1, 525/1 and 535/1.
- **Accept** submission point 337/1 and amend District Plan Map 59BE as per Attachment 4 of Part 1 of the s42A report.
Te Rongo Road – Submission Information

361. Paul and Lisa Roberts\textsuperscript{189} request that the RLE currently proposed at Te Rongo Road be extended south to also include Lot 1 DP 150222.

362. Natalie Ganley\textsuperscript{190} seeks to delete the Te Rongo Road area from the proposed RLE.

Te Rongo Road – Discussion

363. The area selected for RLE at Te Rongo Road is rural residential in character and relatively free of development constraints. In my view RLE is the most appropriate zoning for this area to give effect to the purpose of the RMA.

364. I do not support extending the RLE south as this would include a number of properties accessed from Pepi Road. WDC is resisting zoning for more development on unsealed roads.

Te Rongo Road – Recommendation

365. I recommend that the Commissioners reject submission points 415/1 and 21/1.

Prescott Road – Submission Information

366. Kenneth and Margaret Moreland\textsuperscript{191} request rezoning Lots 1-2 DP 195304 and the Prescott Road cluster outlined in red in Figure 27 below to RLE.

![Figure 27: Requested RLE expansion area at Prescott Road](image.png)

\textsuperscript{189} 21/1  
\textsuperscript{190} 415/1  
\textsuperscript{191} 330/1
367. The property boundary of the RLE proposed by the submitter is based on the bottom of the hill running down from Sail Rock Road. The land is relatively free from development constraints and could, in my opinion, facilitate some additional residential development, however Sail Rock Road is a metal Road. As discussed in Section C iv of this report, RLE development where access is by way of an unsealed road is considered be inappropriate and should be avoided. I do not support the addition of lots without access to sealed roads to the RLE. When the lots which gain access from Sail Rock Road are removed from the Prescott Road cluster only one lot to the west of Prescott Road remains. In my opinion that lot alone is not sufficiently clustered to meet the criteria for the RLE.

368. There is potential for the site to the north of Prescott Road to create a formed access way to Prescott Road. In my view this possibility is both unlikely and uncertain given the terrain and the access points that the site already has created to Sail Rock Road. In addition, there is no requirement to compel developers to obtain access from Prescott Road. It is therefore my view that this site does not meet the road access criteria for RLE.

369. In addition, combined with the site immediately to the north, the requested site better meets the criteria for RPE. The block is currently farmland in character. Rezoning Lots 1-2 DP 195304 as requested would in my opinion create a precedent which could compromise the RPE and encourage fragmentation. Accordingly, I do not support rezoning any of the requested land parcels to the west of Prescott Road as RLE.

370. The portion of the Prescott Road cluster on the southwestern side of Prescott Road has already been developed along with a large site immediately to the south. That site is beyond the scope of PC85D and the Moreland submission. In my opinion however, the overall subdivision fits the character of the RLE and in my view it is appropriate to zone the requested land parcels to the south west of Prescott Road as RLE. Table 12 provides an assessment of these sites against the RLE zoning criteria:

<table>
<thead>
<tr>
<th>TABLE 12: EVALUATION OF PRESCOTT ROAD EXPANSION AREAS AGAINST RLE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inclusion / Exclusion Criteria</strong></td>
</tr>
<tr>
<td>The area has access to a formed and sealed road</td>
</tr>
<tr>
<td>The area does not contain an unformed indicative road</td>
</tr>
<tr>
<td>The area is not near an urban area or a future urban area</td>
</tr>
<tr>
<td>The area is not in proximity to a mineral extraction area, a mineral extraction activity or plantation forestry</td>
</tr>
<tr>
<td>The area is not identified for Māori Reservation, Esplanade Reserve, hydro, electrical works, Railway purposes, roadway purposes or other strategic infrastructure</td>
</tr>
<tr>
<td>Existing development patterns fit RLE requirements or the extended area forms an RLE cluster development at an existing site</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Constraint Criteria</strong></th>
<th><strong>Assessment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area contains Class 6 soils.</td>
</tr>
<tr>
<td>Protected Natural Areas, Natural Landscapes, Outstanding Natural Features, Natural Character Areas and Coastal Areas</td>
<td>The area does not contain any ONF, ONL or HNC and is not within the CA.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The area contains minimal vegetation and/or wetland.</td>
</tr>
<tr>
<td>Archaeological Sites and Stone Walls</td>
<td>None identified within the recommended RLE area.</td>
</tr>
<tr>
<td>Flood Susceptible and Erosion Prone Areas</td>
<td>The recommended area is not identified as being flood susceptible or erosion prone.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>Reticulated waste services are not available. Onsite waste water management is intended for the RLE.</td>
</tr>
<tr>
<td>Aquifers and Rivers</td>
<td>No relevant features identified.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>There are no other hazards identified within the recommended area.</td>
</tr>
</tbody>
</table>

**Prescott Road – Recommendation**

371. I recommend that the Commissioners accept in part submission 330/1 and amend District Plan Map 18E as per Attachment 4 of Part 1 of the s42A report.

**Evidence and Hearing Information**

C.64 Mr Hood presented evidence on behalf of Kenneth and Margret Moreland at the hearing. Mr Hood confirmed that the property had access from a sealed road – Prescott Road.

C.65 Mr Hood also identified that a 3 lot subdivision had been approved by WDC for the property.

**Right of Reply Discussion**

C.66 I have confirmed with the Resource Consents department that a subdivision was approved on 25/7/17 to divide the property into three lots of 5.76, 4.515, and 3.9ha. the approved scheme plan of the subdivision is shown below.
Rezoning the property to RLE would potentially provide subdivision rights to convert the recently approved 3 titles into 6 under the 2 ha average rule. While Mr Hood has correctly identified that the property can be accessed from Prescott Road the approved subdivision clearly shows the three lots being accessed from Sail Rock Road.

C.68 The RLE does not contain rules to encourage site access from sealed roads over unsealed roads. This is proposed instead to be managed through the avoidance of zoning RLE in areas accessed by unsealed roads. While technically the property meets the criteria of having access from the seal my opinion is that if the property were to be rezoned RLE the new lots would also be accessed from Sail Rock Rd, resulting in adverse effects the RLE zoning seeks to avoid. Given that Sail Rock Rd is a no exit road with limited residential development my opinion is that an extra three lots are unlikely to generate significant adverse traffic safety, dust or noise effects, however for consistency with Policy RA1.3.3, I am standing by my earlier recommendation that the property should remain RPE.

Right of Reply Recommendation

C.69 My original S42A recommendation stands.

vii. New RLE Clusters

372. The following submissions were made requesting new clusters of RLE zoning. These have been grouped based on their geographical area.
Owhiwa Road – Submission Information

373. Ada Davis\textsuperscript{192} requests that all of Owhiwa Road, and particularly 400 Owhiwa Road, be rezoned to RLE and that further lifestyle development be allowed to acknowledge the vibrant community already established.

Owhiwa Road – Discussion

374. The area identified in the submission appears suitable as a RLE area. The area has good access and is free of development constraints. The north side of the road currently displays a predominant rural residential character, with small allotments and existing built development. There do not appear to be any significant industry or horticultural operations in the vicinity that may be affected by reverse sensitivity effects, although the area contains LUC class 3 soils. The south side of the road is still in rural production (pastoral) with larger parcels. The area could in my opinion be developed into an attractive RLE with its bush backdrop with the potential for approximately 4 additional lots under the controlled activity subdivision rules. I recommend that a new RLE area be identified along Owhiwa Road as per Figure 28 below, including the split zoning of some properties to avoid the steep areas and native bush.

![Figure 28: Recommended new RLE cluster along Owhiwa Road outlined in red](image)

375. Table 13 provides an assessment of the recommended rezoning area against the RLE zoning criteria.

| TABLE 13: EVALUATION OF OWHIWA ROAD EXPANSION AREAS AGAINST RLE CRITERIA |
|-----------------------------|------------------|
| **Inclusion / Exclusion Criteria** | **Satisfies / Fails** |
| The area has access to a formed and sealed road | Satisfies |
| The area does not contain an unformed indicative road | Satisfies |

\textsuperscript{192} 361/1, 362/1, 363/1
The area is not near an urban area or a future urban area

The area is not in proximity to a mineral extraction area, a mineral extraction activity or plantation forestry

The area is not identified for Māori Reservation, Esplanade Reserve, hydro, electrical works, Railway purposes, roadway purposes or other strategic infrastructure

Existing development patterns fit RLE requirements or the extended area forms an RLE cluster development at an existing site

<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>Most the recommended area contains Class 3 soils. The area is mostly already developed and Class 3 is compatible with small scale horticultural activities which might be undertaken as a reasonable use for a lifestyle block.</td>
</tr>
<tr>
<td>Protected Natural Areas, Natural Landscapes, Outstanding Natural Features, Natural Character Areas and Coastal Areas</td>
<td>The recommended area does not contain any ONF, ONL or HNC and is not within the CA.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The recommended area contains pockets of indigenous vegetation. There is an opportunity to protect this during subdivision processes should further subdivision occur. Significantly sized areas of indigenous vegetation have been excluded from the recommended rezoning area.</td>
</tr>
<tr>
<td>Archaeological Sites and Stone Walls</td>
<td>None identified within the recommended RLE area.</td>
</tr>
<tr>
<td>Flood Susceptible and Erosion Prone Areas</td>
<td>The recommended area is not identified as being flood susceptible or erosion prone.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>Reticulated waste services are not available. Onsite waste water management is intended for the RLE.</td>
</tr>
<tr>
<td>Aquifers and Rivers</td>
<td>No relevant features identified.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>There are no other hazards identified within the recommended area.</td>
</tr>
</tbody>
</table>

376. The recommended area on Owhiwa Road is a new RLE cluster nearly 43 ha in size. Although this is a large addition in terms of land area, there are only 3 sites which exceed 4ha. Only an additional 3-4 lots are possible as subdivision with controlled activity status. I am satisfied that the addition will not have an adverse effect to the overall development capacity of the RLE.

377. Considering the assessment of the recommended area against the RLE criteria, the limited increase in development capacity and the nature of existing development, it is my opinion that zoning the recommended area as RLE is an appropriate zoning outcome for the residential cluster at Owhiwa Road.

**Owhiwa Road – Recommendation**

378. I recommend that the Commissioners accept in part submission points 361/1, 362/1, 363/1 and amend District Plan Map 13E as per Attachment 4 of Part 1 of the s42A report.
379. Patrick Gordon\textsuperscript{193}, GD and JM Howell\textsuperscript{194}, Paddy Gordon\textsuperscript{195}, and G and C Smith\textsuperscript{196} request that areas within Lot 1 DP 498031, Lots 1 and 2 DP 210708, Part Allot E60 PSH OF Ruakaka, Lots 1, 2 and 3 DP 324765, Allot 359 PSH OF Ruakaka, Lot 1 DP 86513, Lot 1 DP 44477, Lots 1 and 2 DP 184907, Section 30 Block XIV Ruakaka SD, Lots 1, 2, 3 and 4 DP 320423, Lots 1 and 2 DP 167462, Lots 1 and 6 DP 486274, Lot 5 DP 204662, Lot 1 DP 397345, Lots 1, 2 and 3 DP 332594 and Section 13 Block XIV Ruakaka SD be rezoned to RLE. See Figure 29 below for the identified area along Rosythe and Mountfield Roads:

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure29.png}
\caption{Requested RLE expansion area at Rosythe Road and Mountfield Road}
\end{figure}

380. Alastair Robertson\textsuperscript{197} requests that 76 Mountfield road be rezoned as RLE.

381. Christine Muir\textsuperscript{198} requests that 44 Mountfield Road be rezoned as RLE as this best suits the property.

382. Bronwyn Reynolds\textsuperscript{199} requests that 42 Mountfield Road be rezoned as RLE.

\textbf{Rosythe/Mountfield Road – Discussion}

383. The submissions relate to an existing cluster of rural residential development at the corner of Mountfield and Rosythe Roads, Waipu. These properties are not in primary production however the surrounding land parcels are currently used for dairy farming. The properties enjoy views over Bream Bay but are not within the coastal environment identified in the RPS. Mountfield quarry is located to the northwest but the proposed area is outside the 500m buffer to MEA.

384. The submitters have provided a map suggesting an area suitable for RLE. The map identifies the smaller parcels in the area but also suggests split zoning of larger parcels. It is unclear from the

\textsuperscript{193} 489/1
\textsuperscript{194} 494/1
\textsuperscript{195} 495/1
\textsuperscript{196} 496/1
\textsuperscript{197} 162/1
\textsuperscript{198} 139/1
\textsuperscript{199} 529/1
submission and visits to the site what the proposed zone boundaries on these larger parcels are based on. I am concerned that the split zoning on the larger parcels would incorporate areas of productive land with no definable boundary. Including these split zoned areas as RLE is not appropriate in my opinion.

385. When considering the remainder of the requested area without the split zoned sites the area in my opinion does not represent a clearly defined cluster and is more representative of ribbon development. I do not consider this appropriate for RLE zoning.

*Rosythe/Mountfield Road – Recommendation*

386. I recommend that the Commissioners reject submission points 489/1, 494/1, 495/1, 496/1, 162/1, 139/1, 529/1.

**Evidence and Hearing Information**

C.70 Brett Hood presented evidence on behalf of GD & JM Howell, G & C Smith, and P Gordon. Mr Hood considered that their submissions were rejected due to the split zone and because the area proposed for RLE in the submission did not represent a clearly defined cluster of development. His view was that the Mountfield Road area was a clearly defined cluster and pointed to split zones in other RLE areas as a comparison.

C.71 Mr Gordon provided new information at the hearing that this portion of the property was sloping to the south with limited production potential and was more suitable for lifestyle development. This information was not included in the original submission but clarifies why the boundaries were identified in their proposed location.

*Right of Reply Discussion*

C.72 Mr Hood has misinterpreted the reason for rejecting the submission. The submission was not rejected due to the split zone itself, but because there was no identifiable feature on which to base a boundary between his proposed RLE on Mr Gordon’s land and the RPE.

C.73 I agree in part with Mr Hood’s interpretation in terms of clustering. There is clearly a cluster of existing development between Mountfield and Doctors Hill Roads however Mr Hood recommends that an area much larger than this should be zoned RLE, including some large parcels currently in pasture extending to the south and west. My view is that it would be appropriate to rezone a smaller portion of this area RLE, including the sloping portion of Mr Gordon’s land as per the map below. I have assessed the amended area against the RLE criteria below.

C.74 Table C provides an assessment of the sites against the RLE zoning criteria:

<table>
<thead>
<tr>
<th>TABLE C: EVALUATION OF MOUNTFIELD ROAD AREA AGAINST RLE CRITERIA</th>
<th>Satisfies / Fails</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inclusion / Exclusion Criteria</td>
<td></td>
</tr>
<tr>
<td>The area has access to a formed and sealed road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area does not contain an unformed indicative road</td>
<td>Satisfies</td>
</tr>
<tr>
<td>The area is not near an urban area or a future urban area</td>
<td>Satisfies</td>
</tr>
</tbody>
</table>
The area is not in proximity to a mineral extraction area, a mineral extraction activity or plantation forestry | Satisfies

The area is not identified for Māori Reservation, Esplanade Reserve, hydro, electrical works, Railway purposes, roadway purposes or other strategic infrastructure | Satisfies

Existing development patterns fit RLE requirements or the extended area forms an RLE cluster development at an existing site | Satisfies

<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area contains Class 4 soils.</td>
</tr>
<tr>
<td>Protected Natural Areas, Natural Landscapes, Outstanding Natural Features, Natural Character Areas and Coastal Areas</td>
<td>The area does not contain any ONF, ONL or HNC and is not within the CA.</td>
</tr>
<tr>
<td>Indigenous vegetation and/or wetland coverage</td>
<td>The area does not contain indigenous vegetation and/or wetland.</td>
</tr>
<tr>
<td>Archaeological Sites and Stone Walls</td>
<td>None identified within the recommended RLE area.</td>
</tr>
<tr>
<td>Flood Susceptible and Erosion Prone Areas</td>
<td>The recommended area is not identified as being flood susceptible or erosion prone.</td>
</tr>
<tr>
<td>Proximity to reticulated wastewater</td>
<td>Reticulated waste services are not available. Onsite waste water management is intended for the RLE.</td>
</tr>
<tr>
<td>Aquifers and Rivers</td>
<td>No relevant features identified.</td>
</tr>
<tr>
<td>Other hazards</td>
<td>There are no other hazards identified within the recommended area.</td>
</tr>
</tbody>
</table>

C.75 In my opinion this portion of the area proposed by Mr Hood meets the criteria for RLE and it is therefore appropriate to accept this submission in part.

Right of Reply Recommendation

C.76 I recommend submissions 494/1, 495/1, and 496/1 be accepted in part and that the RLE be amended as shown in the map below.
Parakiore Road – Submission Information

387. A group of submissions\(^{200}\) was received from residents at Parakiore Road requesting that properties on the road be zoned RLE rather than RPE as proposed to more accurately reflect the current situation.

Parakiore Road – Discussion

388. Parakiore is a volcanic cone located northwest of Whangarei City. Parts of the lower slopes on the north and western side along Crane Road are proposed RLE. Parakiori Road runs up a spur on the southern side of the mountain. There are several existing dwellings located along Parakiore Road ranging in size from 1,626m\(^2\) up to over 5 ha. Allotments on the lower elevations are generally smaller than those higher up where the topography becomes steeper. There are large areas, particularly on the upper slopes that are identified as a high land instability hazard. The steeper slopes are predominantly in native bush with houses generally situated close to the road on the flatter areas, creating a ribbon of development going up the mountain. The lot sizes are generally compatible with what could be expected form a RLE cluster however the topography would limit the number of extra building platforms able to be provided.

389. Most of the mountain has been identified as an ONL and an ONF. The area covered by the submission on Parakiore Road is mostly excluded from this overlay, presumably due to the level of existing development.

390. Considering the instability hazard, the visibility of the site, and the effects on the adjoining ONL/ONF I consider that more development should not be encouraged in this area, and RPE is the most suitable zoning.

\(^{200}\) 56/1, 57/1, 58/1, 59/1, 60/1, 61/1, 62/1, 63/1, 64/1, 65/1, 66/1, 67/1, 68/1, 69/1, 222/1, 223/1, 224/1, 225/1 and 226/1
Parakiore Road – Recommendation

391. I recommend that the Commissioners **reject** submissions points 56/1, 57/1, 58/1, 59/1, 60/1, 61/1, 62/1, 63/1, 64/1, 65/1, 66/1, 67/1, 68/1, 69/1, 222/1, 223/1, 224/1, 225/1, 226/1.

Evidence and Hearing Information

C.77 Elaine MacKintosh presented information at the hearing on behalf of residents of Parakiore Road.

Right of Reply Discussion

C.78 No evidence that was presented by the submitters at the hearing changed my view that the area should remain RPE. The evidence of Mr Hayward on behalf of the Geoscience Society of New Zealand reinforced my view we should not encourage further development on our volcanic cones, particularly when considering how development in the District may look like over the longer term.

Right of Reply Recommendation

C.79 I stand by my original S42A recommendation.

Three Mile Bush Road and Church Road – Submission Information

392. Allan Waldron\(^1\) requests rezoning 551 Three Mile Bush Road and surrounding sites to RLE – see requested area outlined in red with yellow hatching in Figure 30 below:

![Figure 30: Requested RLE expansion area at Three Mile Bush Road and Church Road](image)

393. Peter Strachan\(^2\) requests that 499 Three Mile Bush Road be rezoned as RUEE or RLE.

394. RJ and LG McGregor\(^3\) seek their property – outlined in yellow in Figure 31 below - to be rezoned to RLE.

\(^1\) 201/1
\(^2\) 472/2
\(^3\) 318/1
Three Mile Bush Road and Church Road – Discussion

395. The three submitters own properties in the area of 14.6ha, 1.9ha and approximately 80ha (held in 3 titles). The properties are currently zoned CE with a section of the McGregor property zoned UTE. The reasons given for requesting the RLE include that the land is uneconomic for farming or horticulture due to land fragmentation and associated reverse sensitivity effects, that RLE would be in keeping with existing development patterns of the area, and that they have too much land to take care of, but not enough to run stock on.

396. The area subject to the submissions is characterized by lifestyle development and primary production activities including horticulture. The soil types in this area are mainly identified as class 3 (3s1) with some areas of class 4 (4s2 and 4e7) to the rear of the sites. LUC class 3e1 is identified in the RPS as a highly versatile soil. This soil type is described as a volcanic soil with cultivation constraints from stone, slope or lower fertility.

397. RPS policy 5.1.1(f) seeks to protect areas with versatile soils:

5.1.1 Policy – Planned and coordinated development

Subdivision, use and development should be located, designed and built in a planned and coordinated manner which:

f Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities;

398. In my opinion replacing the existing CE with RLE would materially reduce the potential for soil based primary production, although I acknowledge that this would be offset somewhat by economic benefits to landowners through increased subdivision rights.

399. These volcanic soils are reflected in the stone walls which are in this area and are an important heritage resource to the District. It is noted that RJ and LG McGregor disagree with the soil maps in this area, however this is the most up to date information WDC has. The area is located on an at-risk aquifer.
Considering the free draining nature of the soil, introducing additional on-site wastewater disposal systems has the potential to contaminate the groundwater in this aquifer.

400. The area is within the Ngararatunua Marae area of interest. This requires all resource consent applications to be passed on to mana whenua for comments as an affected party. Previous consultation with iwi has identified that they are concerned with ongoing subdivision and land fragmentation in the area. No evidence of consultation with iwi was supplied in the submissions.

401. Further submissions were received opposing the proposal to rezone these areas to RLE. The further submissions state that the area is ideal for growing crops and primary production activities like beekeeping. This is evidenced by the presence of several orchards in the area. They also raise concerns around increased traffic in the area that further subdivision would generate.

402. In my opinion areas with highly versatile soils should not be used for rural residential development, which could occur on any soil type. Rezoning to RLE would in my opinion further exacerbate reverse sensitivity effects on existing primary producers, and potentially have adverse effects on valued heritage resources.

Three Mile Bush Road and Church Road – Recommendation

403. I recommend that the Commissioners reject submissions 318/1, 329/1, and 472/2.

Evidence and Hearing Information

C.80 Mr Hood presented evidence on behalf of Mr Waldron in support of his submission. Mr Waldron also presented information about his property and the surrounding area.

C.81 Rod McGregor presented information in support of his submission.

C.82 Mr McGregor queried the accuracy of the LUC maps used to identify the highly versatile soils. This was supported by a letter from Mr Cathcart who also provided evidence on behalf of Horticulture New Zealand.

Right of Reply Discussion

C.83 Mr Hood in his evidence considers that the presence of versatile soils is a reason for zoning areas RLE. I disagree with this statement. It is unclear from his evidence why versatile soils were considered a positive attribute for RLE and what he considers versatile soils are. For clarity, I confirm that the versatile soil categories, as defined by the RPS have been used in the assessment of RLE areas. LUC maps that were used in the assessment are attached to this report in Attachment 4.

C.84 As set out in Section 1.3 and Appendix 3 of the S32 report, areas that contained LUC 4 and 5 soils were given a positive ranking in the initial mapping exercise. The RPS became operative on 9 May 2016. At this point in time the proposed plan changes were largely prepared and with draft provisions and maps already having been provided to the public for comment. The proposed RLE areas were reviewed in light of Policy 5.1.1 of the RPS.
Where versatile soils (as defined by the RPS) were present and were not already compromised by residential development the areas were generally excluded from the RLE. These areas often had horticultural operations in their vicinity as can be seen at Forest View Road and north of Three Mile Bush Road, and were considered unfavourable when selecting RLE areas due to potential reverse sensitivity effects and negative effects on the potential for primary production.

I am not an expert on soils and soil mapping, however, as discussed earlier in this report, the LUC maps that were used is the most up to date information Council holds at present, reflect the policy in the RPS, and in my view, are useful for identifying where rural residential development should or should not be located at a broad level. I note that the final decisions on the RLE zone boundaries were determined through site visits and assessments on whether the areas displayed a predominantly rural residential, or rural character.

I agree with the submitters comments that the area is already fragmented in parts, due to historical subdivision patterns, however, as noted by the submitters there is a level of rural production activity still occurring in this area. If versatile soils were not at issue I consider a RLE may have been appropriate in a more focused area around the intersection with Church and Three Mile Bush Roads, however in my opinion the character of the area tends more towards RPE in the vicinity of the Mr Waldron’s property. Considering that high class soils are a finite resource that only occur in limited areas in the District, and that rural residential development can be located almost anywhere (subject to constraints) it is my view that development on these soils should not be encouraged through RLE zoning in this location. The evidence presented at the hearing from Mr Hood and McGregor did not compel me to change my original recommendation.

My S42A recommendation stands.

Cemetery Road – Submission Information

Didier Poot and Julie Wills request that Cemetery Road be zoned RLE.

Cemetery Road – Discussion

Cemetery Road is close to Whangarei City with access onto State Highway 14. This area contains some of the District’s most versatile soils (LUC Class 2) and there are several horticultural operations in the area. The east side of the road is relatively open with little development. Land uses on the east side of the road include horticulture, pastoral farming, and the Whangarei cemetery and crematorium. There are pockets of indigenous vegetation including an area identified as an ONL. This bush also contains an identified waahi tapu (listed in the WDP as Site of Significance to Maori (SSM) 14). The west side of Cemetery Road is more fragmented with many allotments between 1 and 5ha. There are extensive areas of orchards (mainly avocados) interspersed with lifestyle development on this side of the road.
406. I consider replacing the existing CE with the proposed RLE would materially reduce the potential for soil based primary production, although this would be offset by economic benefits to landowners through increased subdivision opportunities.

407. Highly versatile soils are a finite resource nationally and within the Whangarei District with only 1.7% of the District classed as LUC class 2 soils. In my view, while there is a demand for lifestyle development close to the city, this can occur anywhere and should not be encouraged in areas with highly versatile soils, particularly of Class 1 and 2. There is a sense in Cemetery Road that the horse has already bolted and anecdotal evidence suggests that reverse sensitivity effects are already affecting orchardists, however to avoid exacerbating these effects further I recommend that the submission be rejected.

_Cemetery Road – Recommendation_

408. I recommend that the Commissioners reject submission 137/1.

_O’Carroll Road – Submission Information_

409. Mark Seakins\textsuperscript{205} requests several sites on O’Carroll Road and Crawford Road be rezoned to RLE – see Figure 32 below for requested area in red shading:

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{image.png}
\caption{Requested RLE expansion area on O'Carroll Road and Crawford Road under submission point 196/1}
\end{figure}

410. Hamish Bowling\textsuperscript{206} seeks to keep Lot 1 DP 197105 in the existing RLE.

\begin{footnotesize}
\textsuperscript{205} 196/1
\textsuperscript{206} 177/1
\end{footnotesize}
411. Lawrence Deeming requests several sites on O’Carroll Road and Crawford Road be rezoned to RLE – see Figure 33 below for requested sites marked ‘X’:

![Figure 33: Requested RLE expansion area on O'Carroll Road and Crawford Road under submission point 178/1](image)

**O’Carroll Road – Discussion**

412. The area contains many small allotments that would be expected in a RLE with significant existing lifestyle development. There are also several horticultural operations existing in the area. Significantly, the soils in this area include Class 1, 2, 3 and with small areas of class 6. LUC class 1, 2 and 3 soils are identified as highly versatile soils in the RPS. Class 1 and 2 soils are highly productive and make up just 1.8% of the district, representing some 0.4% of New Zealand’s total area of highly productive/versatile land. In my opinion these areas should not be identified as RLE.

**O’Carroll Road – Recommendation**

413. I recommend that the Commissioners reject submission points 196/1, 177/1 and 178/1.

**Evidence and Hearing Information**

C.89 Mark Seakins presented information in support of his submission on the most appropriate zoning for the area, and on the environmental benefit lot provisions.

**Right of Reply Discussion**

C.90 No new evidence was presented to the hearing in relation to the zoning of the land that has caused me to change my original recommendation.

**Right of Reply Recommendation**

C.91 My original recommendation stands.
Awaroa River Road – Submission Information

414. Warren Huband\textsuperscript{208} requests that Awaroa River Road be zoned RLE.

Awaroa River Road – Discussion

415. Awaroa River Road is located on a tributary to the Whangarei Harbour, between the city and Onerahi. It is currently zoned CE with an area of Business 2 (the “money factory”) at the intersection with Riverside Drive. The area is characterised by rolling topography with bush filled gullies that has been developed into large lifestyle blocks, generally above 4ha but less than 10ha. There is a cluster of around 12 rural residential allotments on the east side of the road that are smaller than 2 ha, and larger properties, including the submitters property to the north and east.

416. Constraints on development in this area include land instability and high effluent disposal unsuitability. There is an area of flood susceptible identified on the lower land near the head of the estuary. The soils in the area are noted as LUC class 4 and 6 which I consider are desirable when selecting areas for RLE. WDC records indicate a high concentration of archaeological sites in the area, and one Site of Significance to Maori is recorded in the WDP (SSM 59 pa with pits and terraces). Overhead Critical Electricity Lines are also identified on the WDP maps in this area.

417. Considering the existing development and the lack of primary production activities in the area I consider that the area may be suitable for further rural residential development, if the area of flood susceptible area is avoided. Rezoning the area would facilitate development to meet the demand for lifestyle blocks in an area close to the city, employment opportunities and social services. However, there are several constraints to development within this area. The RLE is a very permissive zone which is designed to only apply to areas that are free of constraints. I consider that this area does not meet these criteria.

Awaroa River Road – Recommendation

418. I recommend that the Commissioners reject submission 209/1.

Evidence and Hearing Information

C.92 Mr Huband presented information at the hearing in support of his submission. No new information was introduced at the hearing substantively different to what was proposed in the Hubands original submission.

Right of Reply Discussion

C.93 My opinion is that while the Huband’s property is suitable for some form of residential development given its access and proximity to town, it does not meet the criteria for RLE and would be better suited to an RUEE type zoning or a comprehensive development plan for the property.

\textsuperscript{208} 209/1
Right of Reply Recommendation

C.94  I stand by my original recommendation.

Waipu Cove/Langs Beach – Submission Information

419.  Andre and Robin LaBonte\textsuperscript{209} request that PC85A RPE with respect to their area of Waipu Cove be rejected, and that their area [near 995 Cove Road] of Waipu Cove be designated as RLE if there is a change from CCE.

420.  P and L Wickham\textsuperscript{210} request rezoning a cluster of 20 lots located between Cove Road and the ridgeline in Waipu Cove to RLE – see requested area outlined in yellow with yellow hatching in Figure 34 below:

![Figure 34: Requested RLE expansion area in Waipu Cove](image)

421.  Ginty Naenae Ltd\textsuperscript{211} requests that several sites along Mclean Road be rezoned to RLE – see requested area outlined in yellow with hatching in Figure 35 below:

![Figure 35: Requested RLE expansion area in along Mclean Road](image)

\textsuperscript{209} 430/1
\textsuperscript{210} 312/1
\textsuperscript{211} 336/1
Waipu Cove/Langs Beach – Discussion

422. The Labonte’s property is 14.6 ha and is located between Waipu Cove and Langs Beach. The property does not meet the criteria for the RLE in terms of its size, its proximity to the coast, and its proximity to serviced infrastructure (water and sewerage) and because it is not within a cluster of lifestyle blocks.

423. Cove Road, Waipu is an attractive lifestyle area due to the views available from elevated sites across Bream Bay. The area has seen significant subdivision and development over the life of the WDP which has changed the character of the area from pastoral production to lifestyle development. Cove Road is an arterial road and I note that the speed limit has recently been dropped from 100kph to 80kph. As a result of subdivision in this area lot sizes on the west side of Cove Road, including the areas identified by submitters, could be considered compatible with the RLE in terms of parcel size.

424. While the land is currently zoned CE the area covered by the submissions is within the coastal environment as identified by the RPS. In my opinion rezoning this area would encourage sprawling and sporadic development in the coastal environment. In my view this would be contrary to policy 6(c) of the NZCPS and policy 5.1.2 of the RPS which direct development in the coastal environment to existing coastal settlements and urban areas.

425. Reticulated sewerage and water lines are located on Cove Road adjacent to the submitters’ properties. Areas with access to pipe services have generally been avoided when selecting areas for RLE as the zone is designed to be unserviced.

Waipu Cove/Langs Beach – Recommendation

426. I recommend that the Commissioners reject submission points 430/1, 312/1, 336/1.

Evidence and Hearing Information

C.95 Andre and Robin Labonte presented evidence in support of their submission.

C.96 Mr Hood and the submitters presented evidence and further information in support of the submission from Ginty Naenae Ltd.

Right of Reply Discussion

C.97 In regard to Mr and Mrs Labonte no new evidence was tabled in regard to the zoning of the land that has altered my original position. Other relief sought by the Labonte's has been addressed in other parts of this report with respect to the environmental benefit rule, and Outstanding Natural Features.

C.98 With regard to the points raised by Ginty Naenae Ltd, no new evidence was tabled that has altered my original position in regard to the zoning of the land.

C.99 The submitters raised their desire to run a small ecotourism operation and considered that this type of activity should be enabled in the rural area. I note that while the RLE provides for small scale commercial operations (home occupations), Ms McGrath has recommended provisions to provide for the type of commercial development sought by the submitter in the RPE (Part 7 section I.13) and suggest that this may be the most appropriate zone for the submitters proposal.
Right of Reply Recommendation

C.100 In regard to Mr and Mrs Labonte’s submission my original recommendation stands.

C.101 In regard to Ginty Naenae Ltd my original recommendation stands.

viii. Individual Spot Zonings

Submission Information

427. The following submissions were made requesting RLE zoning for individual sites.

428. Andrew Maber\(^{212}\) seeks that 143 Taraunui Rd be zoned RLE or similar zone.

429. Ondine Waddle and Peter Rogers-Jenkins\(^{213}\) seek that if rezoning to RVE (as discussed in Section B xii of this report) is unacceptable, then to instead rezone 215 Cove Road to RLE.

430. Stephen and Rosemary Frost\(^{214}\) request that 45 Kiteone Road be rezoned as RLE.

431. Philip and Marion Freeman\(^{215}\) request that 55 Woodlands Heights Drive be rezoned as RLE.

432. Andrew and Jane Tait\(^{216}\) request WDC to include 576 Snooks Road in RLE, enabling the property to be compliant for subdivision into 2 lots of approximately 4ha bare land and 3.372ha with existing dwelling.

433. Warren and Barbara Moyes\(^{217}\) request that 1343 Pihiwai Road be rezoned as RLE to more accurately reflect the current situation.

434. Arnold Morgan\(^{218}\) requests that parts of Lot 1 and 2 DP 199741 (George Street, Hikurangi) be rezoned as RLE.

435. Glenda Plumpton and John Stone\(^{219}\) request that 503 Matapouri Rd be rezoned as RLE.

436. Kubi and Barbara Witten-Hannah\(^{220}\) request that 15 Bay View Road be rezoned as RLE.

437. Murray Cameron\(^{221}\) requests that 47 Logan Cameron Road be rezoned as RLE.

438. Olga Pavlovich\(^{222}\) requests that 715 State Highway 14 be rezoned as RLE.

439. Trevor Shaw\(^{223}\) notes that Map 11 contains many small house sites and lifestyle blocks proposed as RPE and that these are more suited for RLE zoning.

440. Stephen Keane\(^{224}\) requests that 10 Grahamtown Road be rezoned as RLE.
441. Christopher Gailer requests that 591 Ormiston Road be rezoned as RLE similar to neighbouring properties in nearby Prescott and Mountfield Roads.

442. Corporate Sureties Ltd requests that Matapouri Road, NA122D/741 be rezoned as RLE.

443. E R and M D McKegg and Parihaka Trustees 2008 Ltd oppose the RPE zoning of nine different sites as they wish to have the ability to sell the land as a farm or many smaller sections. The sites are generally scattered around the Matarau area. No specific zone is requested by the submitter but the sites have been considered under RLE as it is the most logical alternative to RPE.

444. Dulcie Holland seeks amendment of the zoning of 1356 Pipiwai Road. No specific zone is requested by the submitter but the sites have been considered under RLE as it is the most logical alternative to RPE.

445. Ngunguru Marae Committee and Tuateanui 2B1A Maori Reservation object to the proposed change to Tuateanui 2B1A on which the Ngunguru Marae stands on as the site is expected to be zoned as a heritage/cultural site and RPE zoning may restrict extensions to the existing marae buildings in the future. No specific zone is requested by the submitter but the sites have been considered under RLE as it is the most logical alternative to RPE. RVRE is also a potential alternative; however, the site is not adjacent to existing Living Environment or proposed RVE.

446. Donald Gregson requests that 329 Pipiwai Road be rezoned to enable subdivision of the site into six allotments. No specific zoning request was made, and the submission was made against PC86A & B, but RLE has been considered as an alternative.

447. Glenn and Teresa Robertson request that the area of Lot 3 DP 208979, Pt Lots 2 and 3 DP 200203 and Secs 3 and 8 SO 325567 that is designated ONL be zoned as RPE and that the area not designated as ONL be zoned as RLE.

448. Ronald Davidson requests RLE zoning of “our 1.5 acres of land”; however, it is not stated what site the submitter is referring to.

Discussion

449. The submissions above seek to be included in the RLE. They are generally individual properties, separate from any identified or proposed RLE areas. Submitters are generally requesting RLE to facilitate subdivision opportunities for their land that would not be possible under the WDP provisions or the proposed RPE. In my opinion spot zoning of properties as RLE is undesirable as they are generally surrounded by larger allotments where primary production activities are being undertaken. Providing opportunities for subdivision through the RLE zoning would in my opinion result in further fragmentation of rural land, increased reverse sensitivity effects on established primary producers, and be contrary to the direction of the RDS. While the RPE is designed to provide for and protect primary production
activities it also recognises and provides for low density residential activity. Allowing these submissions would in my opinion facilitate the type of subdivision and development that the RDS seeks to avoid.

450. It is noted that, regarding the submission from M Cameron, 47 Logan Cameron Road has been discussed in relation to a submission seeking that the area be rezoned to RUEE in paragraph 563.

**Recommendation**

451. I recommend that the Commissioners **reject** submissions 28/1, 504/2, 120/1, 346/1, 198/1, 49/1, 83/1, 122/1, 227/1, 207/1, 166/1, 469/7, 245/1, 182/1, 404/1, 108/1 – 116/1, 270/1, 42/1, 43/1, 18/1 and 2, 465/1 and 37/1.

**Evidence and Hearing Information**

C.102 Ondine Waddle provided information in support of her submission.

C.103 Glenda Plumpton provided information in support of her submission.

**Right of Reply Discussion**

C.104 In regard to Ms Waddle’s submission, the discussion in Section C (v) in relation to transition or buffer zones applies. I remain of the view that RLE is not an appropriate zone for the site.

C.105 In regard to Ms Plumpton’s submission, no evidence was presented at the hearing that has changed my original recommendation.

C.106 During the hearing the commissioners questioned whether a number of submitter properties had been assessed for inclusion in the RLE. I enclose a map in Attachment 5 showing the rural residential clusters that were identified using the multi criteria analysis. I can confirm that site visits were conducted to each of these areas to assess rural/rural residential character, appropriateness for inclusion in the RLE and to identify appropriate zone boundaries.

**Right of Reply Recommendation**

C.107 My original recommendation stands.

D. **PC86A & B – Rural (Urban Expansion) Environment and Living 1 and 3 Environment Expansion**

Authors: Robert Adam Burgoyne and Evan James Cook

452. The following section addresses submissions made on the zone mapping of PC86A & B. The submissions have been grouped based on the following categories:

i. Support for Proposed PC86A & B Zoning

ii. Opposition to Proposed PC86A Zoning

iii. Reverse Sensitivity

iv. Outside Spatial Scope of PC86A & B
v. Various Constraints

vi. Rezoning Recommendations

With respect to Topics i and vi and sections of Topic v, no substantively new material or evidence is before us (than what was included in the original submissions) that prompts us to provide additional comment or revise our original recommendations.

453. We confirm that we have conducted site visits to the sites and areas subject to submissions to confirm our recommendations.

i. Support for Proposed PC86A & B Zoning

Submission Information

454. Simon Chasmore\textsuperscript{234} supports the proposed Living 3 Environment zoning near Austin Road to provide additional subdivision and housing opportunities close to the city centre.

455. Murray Archer\textsuperscript{235} supports the proposed Living 3 Environment zoning at 41 Sands Road.

456. Dave Bennett\textsuperscript{236} supports the proposed RUEE zoning at Part Lot 2 DP 106263 (Whareora Road).

457. Ralph France\textsuperscript{237} supports the proposed RUEE zoning at 47 Erskine Road.

458. Maunu Stud Ltd\textsuperscript{238} supports the proposed RUEE zoning at Lots 1, 2, 3, 9, 13, 14 and 17 DP 383562, Lot 5 DP 365023, Lot 2 DP 210964 and Lot 7 DP 209159 (West Ridge Road and Maunu Estate Drive).

459. M and D Ruth and J and D Foster\textsuperscript{239} support the proposed RUEE zoning at Lot 2 DP 195279 and Lot 2 DP 373229 (near Cemetery road).

460. Andrew Rochford\textsuperscript{240} supports the proposed Living 3 Environment on the north-eastern side of Sands Road between Ngunguru Road and Tuiglen Place to better reflect the existing pattern of development and provide certainty to landowners.

461. Timothy Langman\textsuperscript{241} supports the proposed Living 1 Environment zoning of the land fringing the edge of the city as this will create employment opportunities and increase the rates stock.

462. Nicholaas Kaptein\textsuperscript{242} supports the proposed Living 3 Environment zoning for the “area specified” (the submission does not specify any area) to be more consistent with existing development and increase development opportunities.

463. Graeme Blampied\textsuperscript{243} supports PC86B, particularly the proposed Living Environments near Whareora, Sands and Clapham Roads.

\textsuperscript{234} 3/1
\textsuperscript{235} 7/1
\textsuperscript{236} 8/1
\textsuperscript{237} 9/1
\textsuperscript{238} 11/1
\textsuperscript{239} 12/1
\textsuperscript{240} 22/1
\textsuperscript{241} 23/1
\textsuperscript{242} 29/1
\textsuperscript{243} 90/1
464. Megan Bartlett\textsuperscript{244} opposes G Blampied’s submission point for the following reasons:

- The properties should remain a “Rural Living Environment (the old Countryside Living)” so as not to create an imbalance within the immediate community and rural activities.
- The further submitter’s property (Lot 2 DP 429977) is in keeping with the rural living lifestyle due to its large size (4.5ha).
- The property is not suitable for 500m\(^2\) sections as it is not flat and has steep contours and tributaries to the Hatea River running through it, which would adversely affect water quality if developed.
- The site contains native bush and is partially within the proposed MEA 500m indicative setback.
- Living 1 Environment would cause reverse sensitivity issues and would have adverse environmental and aesthetic effects.
- Living 1 Environment would prevent rural activities such as keeping pet lambs, goats and bees.
- The submitter has no intention of subdividing the property.

465. Daniel and Mary Johnston and others\textsuperscript{245} request that PC86B be approved in so far as it applies to rezoning 88ha of land near Austin Road to better reflect the nearby zoning and existing development and provide additional development opportunities which will economically benefit Whangarei. The submitters consider that the roading is adequate, that hazards are minor and that there will be no loss of productive soils. The submission has been signed by 13 landowners.

466. MC and EA Matthews\textsuperscript{246} support the proposed Living 3 Environment zoning at Lots 1 and 2 DP 189623 and Lot 1 DP 186604 (Vinegar Hill Road) for the following reasons:

- The proposed zoning represents the most effective and efficient use of the land given that the sites are not suitable for large scale agricultural use due to their size and proximity to Living Environments.
- The land is appropriate for Living 3 expansion which will allow for an appropriate buffer between Living 1 land and the UTE.
- It is inappropriate to zone the land RPE given its location between two higher density zoning.
- The proposed zoning achieves sustainable management under Part 2 of the RMA.

467. NW and PE Dyer\textsuperscript{247} support the proposed RUEE zoning for the general Toetoe Road and Otaika Road areas as this is more consistent with the existing uses and development.

468. Graham and Glenys Abercrombie\textsuperscript{248} request that PC86B be implemented as soon as possible to provide additional residential sections as there is high demand in areas such as Kamo West.
Discussion

469. We acknowledge and support these submissions as we consider the proposed PC86A & B zoning appropriate in these areas.

470. In response to M Bartlett’s further submission, the proposed Living 1 Environment does not force landowners to subdivide and any subdivision or landuse activities must also consider the provisions of any Resource Areas and natural constraints within the sites. The Keeping of Animals, Poultry and Bees Bylaw (2007) does not restrict pet lambs and allows for the keeping of bees in a Living Environment where the bees are kept in accordance with the National Beekeeper Association guidelines and principles and are not creating a nuisance. The keeping of goats is allowed with the written consent of the Chief Executive Officer. The sites proposed as Living 1 and 3 Environment in this area are, in our opinion, appropriate for rezoning as they meet the PC86B rezoning criteria.

Recommendation

471. We recommend that the Commissioners accept submission points 3/1, 7/1, 8/1, 9/1, 11/1, 12/1, 22/1, 23/1, 29/1, 90/1, 146/1, 331/1, 408/4 and 501/1.

ii. Opposition to Proposed PC86A & B Zoning

Submission Information

472. Victoria Brown249 requests that Toetoe Road not be included within the RUEE as increased development in the area has had negative effects on water quality, flood susceptibility and wildlife.

473. Fonterra250 requests that the RUEE between Main Road and Logan Cameron Road be removed and rezoned to RPE as the area is located close to Fonterra’s wastewater irrigation farm and to the east of the Kauri site. Fonterra considers that proposed RUEE zoning is seeking to re-litigate issues that were previously specifically addressed during the Plan Change 93 (PC93) hearing in which the Hearings Panel rejected similar zoning. Fonterra is also concerned that the zoning is predicated as a forerunner to future urban expansion of the City as referred to in the RUEE.1.1-3.

474. Keith Mitchell251 opposes the proposed RUEE at Austin Road as this will ruin the retirement lifestyle of the area, will increase noise pollution and will cause adverse traffic effects. The submitter requests that if the area is rezoned to RUEE that covenants be imposed to cover activities allowed and prohibited activities such as backyard fires and engineering shops. The submitter states that urban development would destroy the rural environment and would lead to increased noise pollution and require road widening.
475. Jason Boon requests that the Smithville Road area be rezoned as Living 3 Environment (with the potential to “allow for Living 1 services if WDC feels it is necessary”) instead of RUEE as the RUEE minimum site size is too big to mow and too small to farm economically.

476. David Foote opposes the proposed rezoning of land currently zoned CE to RLE and RUEE as this will reduce the amount of productive land.

Discussion

477. While the Toetoe Road area is proposed to be rezoned as RUEE, proposed provisions RUEE.1.3.7 and RUEE.3.3.1(e) restrict urban development in the area. In total the proposed rezoning along Toetoe Road will enable approximately 2 additional lots. While we do not recommend that the submission from V Brown be accepted, we consider that the provisions as notified will achieve the relief sought.

478. The area along Main Road and Logan Cameron Road is proposed as RUEE because it is characterised by lifestyle development and is a mix of smaller lots, lots with pasture and some horticultural and bush areas. This proposed zoning recognises the existing level of rural residential development and allows for some further development of existing larger lots. While it is acknowledged that the Kauri dairy factory is nearby, the proposed RUEE boundary is over 250m from the wastewater irrigation farm and over a kilometre from the factory itself. There are already several residential units between the proposed RUEE and the Fonterra sites, and we consider that the proposed zoning will not exacerbate any reverse sensitivity issues.

479. In our opinion, the area near Austin Road is suitable for RUEE zoning as this area has been developed as rural residential lots and could be considered as future urban areas. Industrial activities are prohibited and commercial activities are non-complying in the RUEE, which will help restrict engineering shops. Additionally, home occupations cannot include the operation of machinery outside the hours of 8am and 6pm. The Fires in the Open Air Bylaw (2015) manages backyard fires and prohibits:

   “any fire in the open air where the location, wind or other conditions cause or are likely to cause the fire to become:
   
   a. A danger to any person or property; or
   b. out of control or spread beyond the limits of the premises on which it is lit; or
   c. a smoke or ash nuisance to any person.”

480. In our opinion, RUEE is more suitable than Living 3 Environment for the Smithville Road area as this will allow the land to be used more efficiently once reticulated services are extended. Living 3 Environment would likely compromise additional growth in the future once serviced.

481. A key mapping criteria of the RUEE was land use capability to and areas with highly productive soils were considered less suitable for RUEE zoning.

Recommendation

482. We recommend that the Commissioners reject submission points 26/1, 373/1, 414/17, 533/1 and 490/1.

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252 373/1
253 490/1
Evidence and Hearing Information

D.1 Mr Chrystal and Mr Pyne presented evidence for Fonterra Limited and Mr Doesburg presented legal submissions for Fonterra Limited regarding the RUEE zoning along Main Road.

D.2 Mr Chrystal states “maintaining a buffer of 250m from the irrigation farm would be consistent with what has been sought through this plan change process, however the Commissioners may need to enquire as to the reasoning why a separate Panel considered a 500m buffer was necessary”254.

D.3 Mr Pyne states “Fonterra acknowledges that the Plan Changes provide a suite of objectives, policies and rules to protect the Kauri Site and irrigation farms, including imposing consenting requirements for sensitive activities seeking to locate near the Site or irrigation farms. Provided that this package of controls is retained, the proposed zoning may be acceptable”255.

D.4 Mr Doesburg concludes in his legal submission “Provided that the noise control boundary, consenting requirements for sensitive activities near the Kauri Site and irrigation farms and related provisions are retained, Fonterra’s concern with the proposed RUEE zoning would be addressed”256.

Right of Reply Discussion

D.5 Our original discussion stands. At the hearing Ms McGrath addressed the issue of why a 500m setback was previously establish. Ms McGrath stated that the 500m setback was in relation to the UTE which is different to the RUEE in that it has no minimum lot sizes and requires quite closely clustered development. A copy of the final recommendation to Council for the UTE Plan Change 93 is included as Attachment 3.

Right of Reply Recommendation

D.6 Our original recommendation in paragraph 482 above stands.

iii. Reverse Sensitivity

Submission Information

483. Peter Doel257 requests that a 20ha area in Otaika, along Toetoe Road, be rezoned as Living 1 Environment as the existing sites are smaller and not productive, and there are no constraints to development, except for a lack of reticulated wastewater (which can be addressed by on-site servicing).

484. SIM and BS Galbraith258 do not state support or opposition to P Doel’s submission, but do state that they wish to subdivide 101 Toetoe Road, which is in this area.

254 Paragraph 4.35 of Mr Chrystal’s Statement of Evidence
255 Paragraph 5.11 of Mr Pyne’s Statement of Evidence
256 Paragraph 2.29 of Mr Doesburg’s Legal Submission
257 128/1
258 x006
485. Michael Cooper and Elizabeth Sherwood-Lorenson request that 36 Clapham Road and the whole of Clapham Road be rezoned as Living 3 Environment to provide consistent zoning on each side of the road.

486. Michael Bull requests that all of the Clapham Road and Sands Road area be rezoned as RUEE, or Living 3 Environment where RUEE is not considered suitable, for the following reasons:

- Both sides of the road should have consistent zoning.
- This proposal enforces land banking which central government is legislating against.
- The properties in this area do not meet the criteria for minimum lot size of the RPE.
- The land identified is not economically suitable for agricultural or horticultural purposes.
- RPE zoning would create more reverse sensitivity issues.

487. Four further submissions support Michael Bull’s submission for the following reasons:

- There needs to be continuity in the zoning of the Whareora Road, Clapham Road and Sands Road area to avoid tension within the existing communities and between rural activities.
- Living 1 Environment encourages land banking.
- Living 1 Environment is not suitable for the amenity or environment of the area.
- Living 1 Environment will prevent rural activities and will affect the lifestyle of many residents.
- The area is too close to Whangarei CBD, the land is not productive and reverse sensitivity issues will arise if the land is used for forestry.
- Rezoning needed to provide consistent zoning and avoid reverse sensitivity issues.

**Discussion**

488. Reverse sensitivity was identified as a key resource management issue under PC86A and throughout the Rural Plan Changes in general. All rezoning proposals have taken into consideration the potential for reverse sensitivity effects. The areas subject to these submissions, those being the Toetoe Road area and the Clapham/Sands Roads area, are in the proximity of the Otaika Quarry and Dickson’s Quarry, respectively. We agree with the s32 assessments for these areas which state that development capacity in these areas should be limited to reduce reverse sensitivity effects as this is consistent with policy 5.1.3 of the RPS.

**Recommendation**

489. We recommend that the Commissioners reject submission points 128/1, 208/1 and 317/1 and 2.
**Evidence and Hearing Information**

D.7 Mr and Ms Boyce-Bull presented at the hearing regarding the rezoning of the eastern side of Clapham Road. The submitters’ written statement requested Living 3 zoning for this area, and RUEE zoning where Living 3 was not considered appropriate. However, at the hearing it was stated that RLE zoning was instead requested for this area which comprises approximately 49ha.

**Right of Reply Discussion**

D.8 Our original discussion stands. The option of RLE zoning has been assessed in paragraphs C.17 – C.29 above.

**Right of Reply Recommendation**

D.9 Our original recommendation in paragraph 489 above stands.

iv. **Outside Spatial Scope of PC86A & B**

**Submission Information**

490. Donald Gregson\(^{263}\) requests that 329 Pipiwai Road be rezoned to enable subdivision of the site into six allotments. No specific zoning request was made, but the submission was made against PC86A & B.

491. Bernard Bretherton\(^{264}\) requests that 599 Ngunguru Road be rezoned to RUEE to enable subdivision of the non-productive portion of the site.

492. Howard Bretherton\(^{265}\) requests that the RUEE boundary be extended to the ‘Callila property on Ngunguru Road’ as the land is incapable of horticultural use.

493. Susan Bretherton\(^{266}\) requests that the RUEE boundary be extended past Glenbervie to ‘Murphy’s Corner’ [approximately 885 Ngunguru Road] as RPE zoning of the land could hinder ratepayers for years to come.

494. HortNZ\(^{267}\) opposes Bernard, Howard and Susan Bretherton’s submission points as the rezoning may cause reverse sensitivity effects and would reduce the potential land available for economic benefit to the region.

495. Victoria St John\(^{268}\) requests that 385 Whangarei Heads Road be rezoned to a more permissive zoning (such as RUEE or Living Environment) to enable more subdivision as the site is adjacent to other Living Environments and is not suitable for production.

496. Craig Robertson\(^{269}\) requests that both sides of Millington Road be rezoned as RUEE as the current boundary appears to have been arbitrarily determined.

497. St Just Enterprises\(^{270}\) requests that Lot 1 DP 165501 and Lot 2 DP 149024 (Marsden Point) be rezoned as Living 1 Environment or similar, to recognise the approved subdivision, use and development of the

\(^{263}\) 18/1 and 2
\(^{264}\) 149/1
\(^{265}\) 150/2
\(^{266}\) 151/4
\(^{267}\) x430, x476 and x477
\(^{268}\) 170/1
\(^{269}\) 193/1
\(^{270}\) 197/1
sites and to better achieve the sustainable management purpose of the RMA. Figure 36 outlines in red the sites requested for rezoning to Living 1 Environment.

Figure 36: RequestedLiving 1 Environment expansion in Marsden point by St Just Enterprises

498. Terrence Hailes requests that Pt Lot 1 DP 29256, Lot 2 DP 414977, Lot 4 DP 458899, Lot 3 DP 458899 and Lot 3 DP 152281 (Maungatapere) be rezoned as RUEE or similar, to enable expansion in Maungatapere and maintain consistency with the RPS. Figure 37 outlines in red the approximate area requested for rezoning to RUEE.
499. R Brown requests that Lots 1 and 2 DP 184238, Lot 1 DP 175580, Lots 2 and 3 DP 315027, Lots 1 and 2 DP 210438, Lots 1-3 DP 321636, Lots 1-5 DP 321636 and Lot 3 DP 189964 (Waipu) be rezoned as RUEE (if UTE is not considered appropriate) [a map included within the submission includes Lots 1-5 DP 197716, Lot 3 DP 189964 and portions of Lot 1 DP 426765 which are not explicitly stated in the requested relief sought] for the following reasons:

- The number of additional allotments provided is not considered adequate to cater for the estimated growth of Waipu.
- The sites are located within close proximity to the Waipu Village and associated employment opportunities.
- Northpower have advised that there should be existing capacity to accommodate further development.
- Although the sites consist of versatile soils, the productive capability has been somewhat restricted due to previous subdivision development.
- The sites are not subject to flooding hazard [an engineering report has been attached with the submission].
500. Figure 38 shows the approximate area requested for rezoning to UTE or RUEE by R Brown.

![Figure 38:Requested RUEE expansion area in Waipu by R Brown](image)

501. Two further submissions\(^{273}\) oppose R Brown’s submission, stating that RUEE is not acceptable in this area due to land stability issues and potential flooding issues caused by more impervious surfaces. The further submitters consider that UTE may be acceptable in this area, but otherwise it should remain as RPE.

502. MD and SM Stanley\(^{274}\) support R Brown’s submission as the land suits UTE (or failing that RUEE) zoning.

503. Peter and Jo Strachan\(^{275}\) request that 499 Three Mile Bush be rezoned RUEE for the following reasons:

- There are many smaller sections nearby and the site size is too large to easily care for yet not large enough to run stock.
- The area has great potential for residential development.
- The area is suitable for development as it has free-draining volcanic soil and no drainage problems.
- Neighboring property owners agree that more RUEE or RLE would be beneficial.

\(^{273}\) x069 and x240
\(^{274}\) x052
\(^{275}\) 472/1
504. HortNZ\(^{276}\) oppose the submission from P and J Strachan as this rezoning may cause reverse sensitivity effects and would reduce the potential land available for economic benefit to the region.

505. WFH Properties Ltd\(^{277}\) requests that Lot 2 DP 358186, Lot 2 DP 332054, Lot 1 DP 324551, Lot 4 DP 197696, Lot 2 DP 343669, Lot 2 DP 324551 and Lot 1 DP 371106 (Marsden Point) be rezoned as Living 1 Environment, or if Living 1 Environment rezoning is not successful, ensure that the Future Living Environment overlay remains unchanged and improve the connection between the RPE and the Future Living Environment. The submitter's reasons are:

- Living 1 Environment simplifies the zoning and is more appropriate than RPE.
- Living 1 removes the requirement for a Comprehensive Development Plan and potentially reduces the activity status.
- Living 1 is an appropriate zoning for the locations as this land has been designated for growth for many years and a structure planning process has been undertaken.

506. Figure 39 shows the area requested for rezoning by WFH Properties Ltd.

507. Roger McInnes\(^{278}\) requests that more Living 1 and possibly Living 3 Environment zoning is provided in the Three Mile Bush Road area to meet the demand for development. R McInnes\(^{279}\) also requests that

\(^{276}\) x478  
\(^{277}\) 480/1 and 2  
\(^{278}\) 522/1  
\(^{279}\) 522/2
the RUEE boundary be expanded to include land on the northern side of Three Mile Bush Road and approximately 400m beyond Church Road to meet the demand for development

508. Graham Christmas\textsuperscript{280} opposes R McInnes’ submission due to concerns regarding stormwater flows, ground water quality with extra septic tanks in the area, and traffic issues as the road infrastructure would require upgrades.

509. Lance Stobie\textsuperscript{281} supports R McInnes’ submission as the area is suitable for development and servicing and Living 1 or 3 Environment will allow for consolidated development but will preserve the ability of landowners to undertake hobby farming activities.

510. Roger and Margaret Barber\textsuperscript{282} support R McInnes’ submission as the area should be more appropriately zoned as RUEE (or RLE as an alternative) to better suit the current and future use of the land.

\textit{Discussion}

511. Proposed RUEE, Living 1 and Living 3 Environments have been restricted to the following five Urban Structure Plan areas adopted by WDC in 2009:

- Maunu/Hora Hora
- Kamo/Whau Valley/Three Mile Bush/Springs Flat
- Tikipunga/Glenbervie/Vinegar Hill Road
- Onerahi/Sherwood Rise/Awaroa Creek/Parihaka
- Otaika/Raumanga.

512. The above submissions all request rezoning outside the Urban Structure Plan areas and in areas that are not contiguous with the WDP Living Environments on the fringe of Whangarei City. These are key criteria for PC86A & B zoning consideration.

513. The Living Environments and RUEE are not proposed to extend past the UTE. In areas such as Three Mile Bush Road, we do not support rezoning more Living Environment as this would extend past the UTE.

514. The submissions from St Just Enterprises and WFH Properties Ltd relate to sites in Marsden Point/Ruakaka. We do not consider PC86A or B zoning appropriate in this area as 30/50 identified it as a satellite town which has been combined with the urban review of the WDP.

515. C Robertson’s submission relates to an area which has been rezoned as UTE under PC93 and is not within scope for further rezoning under these plan changes.

516. The submission point from Victoria St John applies to a site comprising approximately 2.8ha in Tamaterau/Waikaraka, which is identified as a small village. Adjacent sites are proposed as RVRE. We do not consider RUEE or RVRE appropriate for the following reasons:
The site is in a small village and would provide a significant amount of residential capacity due to its size. This is not consistent with the 30/50 approach to consolidate growth in large and growth villages.

The site is within the CA.

The site is identified as a HAIL site.

517. Many of the requested areas can potentially be assessed for alternative rezoning under PC85C or PC85D. Further assessments for the relevant submissions can be found in the following sections:

- D Gregson submission points 18/1 and 2 – See Topic C(viii)
- B Bretherton, H Bretherton and S Bretherton submission points 149/1, 150/2 and 151/4 – See Topic C(vi).
- P and J Strachan and R McInnes submission points 472/2 and 522/1 and 2 – See Topic C(vii).
- T Hailes submission point 249/1 – See Topics B(v) and C(v).
- R Brown submission point 379/1 – See Topic B(xviii).

**Recommendation**

518. We recommend that the Commissioner reject submission points 18/1 and 2, 149/1, 150/2, 151/4, 170/1, 193/1, 197/1, 249/1, 379/1, 472/1, 480/1 and 2 and 522/1 and 2.

**Evidence and Hearing Information**

D.10 Ms Nathan presented evidence on behalf of R Brown regarding the requested UTE or RUUE zoning in Waipu. Ms Nathan confirmed that UTE zoning is preferred with RUUE being an alternative. Ms Nathan reiterated the original submissions reasons why UTE or RUUE are considered appropriate and added the following reasons:

- The existing development pattern characteristics are more akin to rural residential than rural production.
- The sites have suitable road frontage and traffic generation can be accommodated into the roading network without compromising safety and performance.
- There are no National Policy Statements or national standards affected by the proposed rezoning, and no known heritage or archaeological features that would be affected.
- The proposed rezoning is consistent with the provisions of the RPS and the objectives and policies of the UTE and RUUE.

D.11 Mr Heffernan presented evidence for WFH Properties Limited regarding the requested Living 1 Environment zoning in Marsden Point. Mr Heffernan considers that RPE zoning of Lot 2 DP 358186, Lot 2 DP 332054, Lot 1 DP 324551, Lot 4 DP 197696, Lot 2 DP 343669, Lot 2 DP 324551 and Lot 1 DP 371106 has potential negative effects on the property value of the sites and that Living 1 Environment would simplify the zoning. If the sites are not rezoned to Living 1
Environment, Mr Heffernan recommends that the Future Living Environment be retained and that a better connection between the RPE and Future Living Environment overlay be provided.

D.12 Mr Heffernan considers the requested Living 1 Environment to be within scope. Legal submissions have been provided from Ms Simons and Mr Malone on behalf of WFH Properties Limited also stating that the submission is considered to be in scope.

*Right of Reply Discussion*

D.13 Our original discussion stands. We consider the sites requested for rezoning do not meet the PC86A or 86B zoning criteria or objective RA.1.2.7 as the sites are outside the Urban Structure Plan areas and are in areas that are not contiguous with the WDP Living Environments on the fringe of Whangarei City. These are essential criteria for PC86A and B zoning consideration.

D.14 We also note that the Flood Assessment Report provided by Ms Nathan only considers the effects of development at 92 South Road and does not assess the effects of potential development within the other sites requested for rezoning which are identified as flood susceptible. The Flood Assessment Report also only considers development of 92 South Road to a low density and does not assess the effects of potential high density development, which serviced RUEE would enable. Objective RA.1.2.4 directs development to be avoided in hazard prone areas.

D.15 In response to the evidence presented by Mr Heffernan, Ms Simons and Mr Malone, WDC legal counsel has provided response concluding that the request for Living 1 zoning is not on the plan change (see Attachment 6 of Part 1 of the ROR283). I rely on Ms Shaw’s submission that the requested zoning is out of scope.

D.16 In my opinion it is not necessary to include further cross-referencing of the connection between the RPE and Future Living Environment overlay. Chapters 48 and 76 of the WDP explain how the Future Environment rules work in relation to the underlying Environment.

*Right of Reply Recommendation*

D.17 Our original recommendation in paragraph 518 above stands.

v. **Various Constraints**

519. The following submissions have requested extensions to the proposed RUEE and/or Living 1 and 3 Environment boundaries. In general, these areas are finely balanced as they present some characteristics consistent with the proposed PC86A & B zonings, but also comprise constraints to rezoning (e.g. natural hazards, servicing limitations, inconsistent amenity/character values, potential reverse sensitivity effects, etc.). Considering these constraints, in our opinion these areas are not suitable for rezoning under PC86A & B as the areas are not necessary for additional residential capacity and on balance do not meet the rezoning criteria established in Parts 8 and 9 of the s32 report.

283 Paragraphs 16 – 30
520. France Farms Ltd requests that 150 Austin Road be rezoned to RUEE for the following reasons:
   - The site is only 28ha in total area with only 18ha being farmable.
   - RPE zoning would result in reverse sensitivity effects.
   - The land is free of natural hazards and flooding.
   - The site is near proposed Living Environment.
   - The land is not viable for production.

521. A key outcome of PC86A is to legitimise the zoning of existing clusters of rural residential development (clusters of sites with an average density of 2ha or less) by rezoning these areas as RUEE. This was done for the following reasons:
   - To correct dishonest zoning whereby rural residential or residential sites were zoned as CE or CCE. Larger sites, which are more rural and/or rural productive in nature, do not require rezoning to legitimise the existing development and landuse.
   - To acknowledge the existing rural residential character. Some areas were proposed as RPE instead of RUEE as there was a distinctive rural character that RUEE zoning would not protect.
   - To provide sufficient additional development capacity on the urban fringe of Whangarei City for this district plan cycle. At the time of notification, it was estimated that 232 new rural residential lots could be created from the proposed RUEE zoning. This number would increase significantly once these sites were serviced and could subdivide down to Living 1 Environment standards. When considering the capacity provided through PC85C, PC85D and PC86B we consider it important to limit the lot sizes/areas of rezoning so as not to provide an oversupply of development capacity through PC86A.

522. We do not support the requested rezoning at 150 Austin Road as, in our opinion, the lot size and character are not consistent with the purpose of PC86A and too much development capacity would be enabled by RUEE zoning.

523. We recommend that the Commissioners reject submission point 204/1.

Evidence and Hearing Information

D.18 Mr and Ms France presented on behalf of France Farms Ltd requesting that 150 Austin Road be rezoned to RUEE.
**Right of Reply Discussion**

D.19 Our original discussion stands as the site does not meet the RUEE zoning criteria in our opinion.

**Right of Reply Recommendation**

D.20 Our original recommendation in paragraph 523 above stands.

**Maunu Road RUEE – Submission Information**

524. MG Clements\(^{285}\) requests that Lot 1 DP 40137, Allot 73 PSH OF Whangarei, Part Allot S77 PSH OF Whangarei, Allot N77 PSH OF Whangarei and Part Horahora 2 Block (north of Maunu Road) be rezoned as RUEE as this is more consistent with the surrounding Environments and better achieves the purposes of the RMA than RPE zoning does. Figure 40 outlines in red the approximate area requested for rezoning to RUEE.

![](image_url)

*Figure 40: Requested RUEE expansion area North of Maunu Road by MG Clements*

**Maunu Road RUEE – Discussion**

525. We do not support the requested rezoning for the following reasons:

- The area currently contains Western Hills Quarry and is not rural residential in character in our opinion.
- The existing lot sizes are significantly larger than an average of 2ha. Rezoning this area may create a risk of oversupply of RUEE zoning and could compromise the capacity of reticulated infrastructure if the area were serviced and subdivided down to Living 1 standards.
- The area contains a large area of ONL and some high instability areas.

\(^{285}\) 493/1
• The area is not identified for potential residential development under the Maunu and Hora Hora Structure Plan.
• There is an archaeological site identified within the area.

Maunu Road RUEE – Recommendation

526. We recommend that the Commissioners reject submission point 493/1.

297 and 303 Otaika Road and 9 Toetoe Road – Submission Information

527. NW and PE Dyer request that 297 and 303 Otaika Road and 9 Toetoe Road be rezoned as RUEE with “specific recognition of a Business zoning (either Business 2 or Business 4)” for the following reasons:

• The size of the property should not be an impediment to zoning the property more appropriately as Business 2 or 4, or alternatively RUEE.
• The 2009 Structure Plan for Otaika identifies a Business 2 zoning for 297 and 303 Otaika Road.
• The use of RUEE reflecting a ‘Business’ zone (either Business 2 or Business 4) is appropriate for this property as part of this Plan Change process.
• Given the uniqueness of the property and its context, there is minimal risk to the WDC of setting any form of precedent whereby other properties subject to rezoning may seek similar zoning as part of this plan change process.

528. It is noted that the address ‘9 Toetoe Road’ is not a valid address in the WDC or Google Maps systems, and that the submission also refers to the property located at 33 Toetoe Road but does not specifically request rezoning of that site.

529. GBC Winstone (GBC) oppose this submission point in part stating that the requested rezoning will require a full assessment of environmental effects as part of a s32 analysis including any potential reverse sensitivity effects on the Otaika Quarry MEA.

297 and 303 Otaika Road and 9 Toetoe Road – Discussion

530. We do not support the requested rezoning for the following reasons:

• The sites have an average area greater than 2ha and do not currently comprise a rural residential character.
• The area is in the proximity of Otaika Quarry and is within the proposed MEA 500m indicative setback. Allowing increased residential development in this location may generate reverse sensitivity effects in our opinion.
• There are areas of flood susceptibility and high instability hazard within the sites. Residential development is sensitive and vulnerable to these natural hazards.
The area has been identified for potential Business 2 Environment zoning in the Otaika, Raumunga and Toetoe Structure Plan. Business zoning expansion has not been considered under PC86 and is out of scope for these plan changes.

The submitter has provided an assessment of the sites against the RPE zoning criteria and concluded that they do not justify a RPE zoning. The assessment states that the RUEE criteria can be met for the sites where they “adopt an appropriate business zoning”. No direct assessment against the RUEE zoning criteria has been provided and Business zoning is outside the scope of the proposed plan changes.

297 and 303 Otaika Road and 9 Toetoe Road – Recommendation

531. We recommend that the Commissioners reject submission point 408/2.

Evidence and Hearing Information

D.21 Ms Osbaldiston presented on behalf of Mr and Ms Dyer. Ms Osbaldiston stating that “the Dyers are seeking a ‘business’ type zoning, not residential” and requesting that “the property be considered as [RUEE], or as an alternative consider specific rules to be set for the properties to enable appropriate development”.

Right of Reply Discussion

D.22 Our understanding is that the Dyers request that 297 and 303 Otaika Road and 9 and 33 Toetoe Road be rezoned to RUEE with site-specific rules providing for “business type zoning”. It is unclear what site-specific rules are being requested or how this would work in practice. Our interpretation is that either a Future Business Environment or Scheduled Activity is requested. As discussed in Part 1 of the s32 report\(^\text{288}\), these methods have proven to be inefficient tools. We agree with the s32 assessment and do not support introducing a new Future Environment or Scheduled Activity for these sites. In our opinion Business zoning is out of scope and is more appropriately considered as part of the Urban Area Plan Change (Plan Change 88).

Right of Reply Recommendation

D.23 Our original recommendation in paragraph 531 above stands.

Pipiway Road – Submission Information

532. Darryl Davies and Gillian Davies-Kyte\(^\text{289}\) request that 74, 76, 90, 108 and 110 Pipiway Road be rezoned as either UTE, RUEE or Living 3 Environment for the following reasons:

• The sites are not suitable for production.

• The sites are bounded by railway land to east to ensure no reverse sensitivity issues arise by forming a buffer from the nearby Business 2 Environment.

\(^{288}\) Paragraphs 119 – 121 and Appendix 2

\(^{289}\) 509/1. Supported by x046, x167, x188, x196 and x199.
• The sites are adjacent to Living 3 Environment south of Pipiwai Road and are located on the urban fringe.
• The land is suitable for development and has suitable road access and formation.
• The land to the west of Parakiore Road has been proposed as Living 3 Environment and the land to the northeast is zoned UTE, causing the subject sites to form an ‘island’ of land identified to be rezoned as RPE.

533. Figure 41 outlines in red the approximate area requested for rezoning by D Davies and G Davies-Kyte.

![Figure 41: Requested UTE/RUEE/Living 3 expansion area on Pipiwai Road by D Davies and G Davies-Kyte](image)

**Pipiwi Road – Discussion**

534. We do not support the requested rezoning to either Living 3 or RUEE for the following reasons:

• The area is not identified for potential residential zoning under the Kamo, Three Mile Bush and Whau Valley Structure Plan.

• The average site size of the area is approximately 3ha.

• There is an existing horticultural activity in the area which may generate reverse sensitivity effects, and while there is separation from the existing Business 2 Environment, the presence of the railway line may also generate reverse sensitivity effects due to more houses being in proximity to the railway line. Development capacity in this area should in our opinion be limited to reduce reverse sensitivity effects as this is consistent with policy 5.1.3 of the RPS.

• We consider that the character of the requested area is different to the surrounding Living 3 Environment.

• The topography presents challenges to development, servicing and access.

535. We do not support UTE zoning for any of these sites as this is out of scope.
Pipiwai Road – Recommendation

536. We recommend that the Commissioners reject submission point 509/1.

Evidence and Hearing Information

D.24 Mr Davies and Ms Davies-Kyte presented at the hearing reiterating their request to rezone 74, 76, 90, 108 and 110 Pipiwai Road as either UTE, RUEE or Living 3 Environment.

Right of Reply Discussion

D.25 Our original discussion stands. With regard to RUEE zoning, in our opinion it is finely balanced as the area does not strongly meet the RPE or RUEE criteria. However, on balance in our opinion the area is not appropriate for RUEE zoning for the reasons stated in paragraph 534 above. Additionally, there is an existing pattern of fragmented subdivision further north along Parakiore Road. By providing RUEE zoning within these sites it may enable the extension of the RUEE further along Parakiore Road with a less defensible zone boundary.

Right of Reply Recommendation

D.26 Our original recommendation in paragraph 536 above stands.

Three Mile Bush Road – Submission Information

537. Hurupaki Ltd requests that Part Lot 4 DP 99045 be rezoned to a combination of RUEE and Living 3 Environment as per the Kamo Structure Plan, except for the portion located within the proposed ONF and ONL which should remain as RPE. The submitter states the following reasons:

- The constraints to residential development in the Three Mile Bush area (i.e. the wastewater capacity constraint on Fairway Drive and the need for a new water reservoir) are scheduled to be rectified by 2018/2019 and 2020/2021 respectively.

- Applying the RPE to the site is inconsistent with the approach taken for other land around the fringe of the city, where land identified as future Living 1 and/or Living 3 in an Urban Structure Plan has been rezoned RUEE.

- The RPE zone does not achieve sustainable management in accordance with Part 2 of the RMA (a s32 assessment has been attached to the submission).

538. James McGrath requests that Lot 1 DP 172117 be rezoned as Living 3 Environment to allow for future development in line with the Kamo Structure Plan.
539. Figure 42 shows the requested rezonings by Hurupaki Ltd and J McGrath.

Figure 42: Requested RUEE and Living 3 expansion area north of Three Mile Bush Road by Hurupaki Ltd and J McGrath

**Three Mile Bush Road – Discussion**

540. We do not support the requested rezoning for the following reasons:

- The area is adjacent to sensitive ONL and OFN areas.
- There is a quarry to the north of the area presenting the potential for reverse sensitivity effects.
- There are servicing constraints regarding wastewater and the area is an at-risk aquifer. Section 4.3 of the RPS clearly states the importance of managing water quantity in the Region and ensuring that water is not over-allocated. Objective B2 of the NPSFM states “to avoid any further over-allocation of fresh water and phase out existing over-allocation”.
- The additional capacity provided through the requested rezoning has not, in our opinion, been demonstrated to be necessary during the next District Plan cycle.

**Three Mile Bush Road – Recommendation**

541. We recommend that the Commissioners **reject** submission points 334/1 and 360/1.

**Evidence and Hearing Information**

D.27 Mr Hood presented evidence on behalf of Hurupaki Ltd recommending that Part Lot 4 DP 99045 and Lot 1 DP 155929 be rezoned to a combination of RUEE and Living 3 Environment.
Right of Reply Discussion

D.28 Servicing and infrastructure constraints were the primary reason for rejecting the rezoning under the s42A report. Having discussed this issue further with WDC I&S, the constraints are not considered to be as significant as previously understood. Therefore, servicing and infrastructure constraints are no longer considered to be a reason to reject the submission.

D.29 We agree with Mr Hood that the potential reverse sensitivity effects and proximity to ONL and ONF areas are not on their own valid reasons for rejecting the submission. However, we note that the area requested for rezoning intrudes into the proposed ONL (see Figure D below). We support the recommended rezoning apart from the ONL portion of the site. In terms of s32AA, it is our opinion that this recommended change represents the most efficient and effective option.

![Figure D: Images showing ONL area on left in yellow shading within requested rezoning area](image)

Right of Reply Recommendation

D.30 We recommend that the Commissioners:

- Reject submission point 360/1.
- Accept submission point 334/1 and amend District Plan Map 35E as per Attachment 4 of Part 1 of this ROR report.

65 Ngunguru Road – Submission Information

542. Karen Jones requests that 65 Ngunguru Road be rezoned to Living 1 Environment for the following reasons:

- There are limited residential sections available in the area.
• A flood plain within the site reduces the viability of rural production in the site, making the site more suitable for residential development.

• The Right of Way to the property has good visibility and there is a footpath and sewage main that extend past the Right of Way.

65 Ngunguru Road – Discussion

543. 65 Ngunguru Road is not adjoining the proposed PC86B boundary and is separated from the Living 1 Environment expansion by a flood susceptible area and a site with an area of some 5.793ha (65A Ngunguru Road). We do not consider it appropriate to spot zone 65 Ngunguru Road as, in our opinion, this would not encourage consolidated development.

65 Ngunguru Road – Recommendation

544. We recommend that the Commissioners reject submission point 144/1.

Evidence and Hearing Information

D.31 Ms Jones and Mr Pattison presented on this topic. While presenting at the hearing the submitters stated that the area requested for rezoning is approximately 7ha. We note that 65 Ngunguru Road only comprises an area of approximately 1ha, while 65A Ngunguru Road comprises approximately 5.78ha. Therefore, it is inferred that the submitters are also requesting 65A Ngunguru Road to be rezoned as Living 1 Environment. The original submission only requested that 65 Ngunguru Road be rezoned and therefore the s42A report assessed only this single property. Figure E below identifies 65 Ngunguru Road with a red star and 65A Ngunguru Road with a yellow star.
Right of Reply Discussion

D.32 We acknowledge that this request is finely balanced; however, we do not support the rezoning of 65A Ngunguru Road to Living 1 Environment as the site contains a large flood susceptible area (approximately 1.2ha) and does not represent a consolidated and defensible Living 1 Environment boundary.

Right of Reply Recommendation

D.33 Our original recommendation in paragraph 544 above stands.

Ngunguru Road Living 3 Environment Expansion – Submission Information

545. R and P Adamson, H and R Collinson and J and L Trigg request that Lots 2 and 3 DP 186162, Lot 2 DP 366781 and Lots 1 and 2 DP 498699 be rezoned to Living 3 Environment for the following reasons:

- The sites are too small to operate as economic production units and are not consistent with the RPE objectives and policies.
- The land is ideally suited to low density residential living as it is flat and is not subject to any flood hazard.
- Infrastructure is already in place to support low density residential development in this location, with the WDC reticulated sewer line already in place on Ngunguru Road.

546. Figure 43 outlines in red the approximate areas requested for rezoning to Living 3 Environment by R and P Adamson, H and R Collinson and J and L Trigg.

![Figure 43: Requested Living 3 Environment expansion area on Ngunguru Road by Adamson, Collinson and Trigg](image-url)
Ngunguru Road Living 3 Environment Expansion – Discussion

547. We do not support the requested rezoning for the following reasons:

- The Tikipunga, Glenbervie and Vinegar Hill Road Structure Plan does not identify the area for potential residential zoning.
- We consider that the character of the requested area is different to the adjacent Living 3 Environment.
- The additional capacity provided through the requested rezoning has not, in our opinion, been demonstrated to be necessary during the next District Plan cycle.
- There are concerns regarding additional traffic on Ngunguru Road, which this rezoning would exacerbate.

Ngunguru Road Living 3 Environment Expansion – Recommendation

548. We recommend that the Commissioners reject submission points 432/1 – 437/1.

Abbey Caves Road RUEE – Submission Information

549. Kathryn Cardno requests that Lot 1 DP 159597 BLK IX Whangarei SO and Lot 1 DP 317704 be rezoned to RUEE as the sites are not productive, are located adjacent to proposed RUEE and are more suited to rural living than rural production.

550. Jan Irving-Whitehead supports this submission point as the area is not productive and is close to town. The further submitter also suggests RLE zoning as an alternative to the requested RUEE.

Abbey Caves Road RUEE – Discussion

551. We do not support the requested rezoning as Lot 1 DP 159579 is entirely identified as a high instability hazard while Lot 1 DP 317704 is over 8.5ha in area and in our opinion is not rural residential in character.

Abbey Caves Road RUEE – Recommendation

552. We recommend that the Commissioners reject submission point 503/1.

Old Parua Bay Road RUEE – Submission Information

553. Jock Palmer requests that Lots 17 and 18 DP 18256 and Lot 5 DP 187249 be rezoned as RUEE as this is consistent with the surrounding zoning and reticulated services would be made available to these properties should they be zoned as RUEE. Figure 44 outlines in red the approximate area requested for RUEE rezoning.
554. Jan Irving-Whitehead\textsuperscript{299} supports this submission point in that the area should be rezoned to RUEE; however, reticulated services are unnecessary in the area as the sites are large enough to provide on-site servicing.

\textit{Old Parua Bay Road RUEE – Discussion}

555. We do not support the requested rezoning for the following reasons:

- The requested sites do not in our opinion form a clearly contiguous cluster with the currently proposed RUEE and are barely adjacent to the existing Living 3 Environment.
- The pattern of the requested zoning skips over an area proposed as RPE. In our opinion it is unlikely that services would extend through this area to the requested sites.
- We consider that the sites requested for rezoning are different in character to the proposed RUEE sites to the north of Old Parua Bay Road and are more similar to farmland than to rural-residential development.
- The Onerahi, Parihaka, Awaroa Creek and Sherwood Rise Structure Plan identified the area for Countryside Environment zoning.
- The average site size of the requested area is approximately 5.85ha. Lot 5 DP 187249 is approximately 19.2ha in area and would create capacity for an additional 18 lots if zoned RUEE.
- The majority of Lot 5 DP 187249 is identified as being high instability hazard land.

\textsuperscript{299} x209.
Old Parua Bay Road RUEE – Recommendation

556. We recommend that the Commissioners reject submission point 4/1.

Whau Valley Road RUEE – Submission Information

557. Arnold Morgan\textsuperscript{300} requests that 7-262 Whau Valley Road (Lot 1 DP 424724) be rezoned as RUEE as the sites are too small for RPE and are currently used for lifestyle purposes and RUEE zoning will be more consistent with surrounding zonings.

558. Mirinoa Morgan\textsuperscript{301} requests that Whau Valley Road be rezoned as RUEE [the submitter specifically refers to Lot 2 DP 333082] to be consistent with the surrounding zoning as the land is not productive and the hazards in the area did not deter WDC from placing the town water treatment plant in the same location.

559. Figure 45 below outlines in red the sites requested for RUEE rezoning by A Morgan and M Morgan.

\begin{center}
\includegraphics[width=\textwidth]{figure45.png}
\end{center}

\textbf{Figure 45: Recommended RUEE expansion area north of Whau Valley Road}

Whau Valley Road RUEE – Discussion

560. We do not support the requested rezoning of Lot 1 DP 424724 and Lot 2 DP 333082 for the following reasons:

- In our opinion it is unlikely that services would extend through this area to the requested sites.
- We consider that the character of Lot 1 DP 424724 is not entirely consistent with the anticipated character of RUEE sites and in our opinion the requested rezoning would create a non-uniform zoning pattern.
- The Kamo, Three Mile Bush and Whau Valley Structure Plan identified a portion of the area for Living 1 Environment and the remainder for Countryside Environment.

\textsuperscript{300} 38/1
\textsuperscript{301} 188/1
The portion identified for Living 1 Environment is also identified as a high instability hazard area.

The additional capacity provided through the requested rezoning has not, in our opinion, been demonstrated to be necessary during the next District Plan cycle.

561. In this area there are several sites which are finely balanced between potential RUEE or RPE zonings. We consider it appropriate to adhere to the Structure Plan boundary in this area to determine the proposed RUEE.

*Whau Valley Road RUEE – Recommendation*

562. We recommend that the Commissioners reject submission points 38/1 and 188/1.

*47 and 81 Logan Cameron Road – Submission Information*

563. GA and PJ MacPherson\(^{302}\) request that 47 and 81 Logan Cameron Road be rezoned to RUEE for the following reasons:

- The land is no different in character to the proposed RUEE land to the south-east and north-west.
- Rezoning the land RUEE is the best option to achieve the purpose of the RMA.
- The RPE does not achieve sustainable management in accordance with Part 2 of the RMA (a s32 assessment has been attached to the submission).

564. Fonterra\(^{303}\) opposes this submission due to reverse sensitivity effects caused by the proximity of 81 Logan Cameron Road to the Kauri Fonterra Dairy Factory and Fonterra’s wastewater irrigation farm.

*47 and 81 Logan Cameron Road – Discussion*

565. We do not support the requested rezoning of 47 and 81 Logan Cameron road for the following reasons:

- We consider that the character of the proposed sites is not entirely consistent with the anticipated character of RUEE sites and the surrounding sites proposed as RUEE.
- The average lot size of the recommended area is 4.5ha. 81 Logan Cameron Road is over 6ha in area and would enable the creation of 5 new lots.
- The Kamo, Three Mile Bush and Whau Valley Structure Plan identified the site for Countryside Environment.

566. While the sites are not entirely inconsistent with the proposed RUEE zoning criteria or the surrounding sites, in our opinion the surrounding sites are slightly more rural-residential in character than the requested sites. The surrounding sites which are larger are, in our opinion, more clearly associated with a smaller cluster of sites. The rezoning of these sites is finely balanced, but overall we consider it appropriate to retain the RPE zoning as notified.

\(^{302}\) 332/1 and 2

\(^{303}\) x265
We recommend that the Commissioners reject submission points 332/1 and 2.

vi. Rezoning Recommendations

Whau Valley Road RUEE – Submission Information

Kevin Provan requests that Lot 2 DP 487292 be rezoned as RUEE as it is suitable for residential development, is not hazard prone and is serviced by power and telecom.

Whau Valley Road RUEE – Discussion

The site is currently proposed to be split zoned as RUEE and RPE. The total area of the site is 9,046m$^2$ and approximately 1,266m$^2$ has been proposed as RUEE. It is unclear why the RUEE boundary has bisected the site and the recommended change aims to legitimise the nature of the existing site as, in my opinion, RUEE more accurately reflects its size and character than RPE does. Table 14 provides an assessment of the recommended area against the RUEE zoning criteria:

<table>
<thead>
<tr>
<th>Inclusion / Exclusion Criteria</th>
<th>Satisfies / Fails</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area is on the fringe of Whangarei city and contiguous with Living Environment and/or proposed RUEE</td>
<td>Satisfies</td>
</tr>
<tr>
<td>Current zoning is Countryside Environment</td>
<td>Satisfies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Constraint Criteria</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Capacity Classification</td>
<td>The area largely comprises Class 6 soils with some Class 2 soils.</td>
</tr>
<tr>
<td>Reverse sensitivity concerns</td>
<td>Minimal reverse sensitivity concerns.</td>
</tr>
<tr>
<td>Existing rural residential character</td>
<td>Although the site is vacant, we consider that it would comprise a rural-residential character once developed.</td>
</tr>
<tr>
<td>Presence of ONL, ONF or significant indigenous vegetation areas</td>
<td>The area contains a small cluster of vegetation in the southern corner of the site.</td>
</tr>
<tr>
<td>Natural hazards</td>
<td>A small area (approximately 530m$^2$) is identified as high instability hazard land in the eastern corner of the site.</td>
</tr>
<tr>
<td>Heritage/archaeological sites</td>
<td>No heritage/archaeological sites are identified within the area.</td>
</tr>
<tr>
<td>Suitability for future reticulated urban expansion</td>
<td>Services may extend to this area, but under proposed rule RUE.3.3.1(e) and policy RUEE.1.3.7, future urban expansion is to be avoided in this area.</td>
</tr>
<tr>
<td>Legitimises an existing cluster of rural residential development</td>
<td>RUEE zoning legitimises the existing site and forms a congruent cluster with the adjacent RUEE.</td>
</tr>
<tr>
<td>Lot density of less than 2ha</td>
<td>The total area to be included in the RUEE is approximately 7,780m$^2$.</td>
</tr>
<tr>
<td>Structure Plan proposal</td>
<td>The Kamo, Three Mile Bush and Whau Valley Structure Plan identified the site as Countryside Environment; however, the proposed RUEE in this area was also identified as Countryside Environment.</td>
</tr>
</tbody>
</table>
570. The only constraint to RUEE zoning for the site is that it is not identified for potential residential zoning in the Structure Plan. However, the surrounding sites in the area, which have been proposed as RUEE, are also not identified for potential residential zoning in the Structure Plan so this criterion does not provide a definitive boundary. The RUEE provisions restrict growth along Whau Valley Road and as the site is only 9,046m² in area RUEE zoning does not provide additional development potential. We consider that RUEE zoning legitimises the site and avoids the split zoning initially proposed.

*Whau Valley Road RUEE – Recommendation*

571. We recommend that the Commissioners accept submission point 342/1 and amend District Plan Map 35E as per Attachment 4 of Part 1 of the s42A report.

*50 Dip Road – Submission Information*

572. Mark Turner requests that 50 Dip Road be rezoned as Living 1 Environment for the following reasons:

- It is contiguous with existing Living 1 areas and is on the fringe of Whangarei City.
- The land is predominantly suitable for future expansion of urban growth, is not hazard prone and is near reticulated infrastructure.
- Living 1 zoning is consistent with the Kamo Structure Plan.
- The area does not comprise high class soils, ONL, ONF, HNC, ONC or significant indigenous vegetation.
- Living 1 zoning does not compromise the long-term development of the local village.

*50 Dip Road – Discussion*

573. 50 Dip Road is approximately 1.9ha in area and has been proposed to be rezoned as RPE. Table 15 provides an assessment of the recommended site against the Living 1 Environment zoning criteria:

| TABLE 15: EVALUATION OF 50 DIP ROAD AGAINST LIVING 1 ENVIRONMENT CRITERIA |
|---------------------------------------------------------------|---------------|
| **Inclusion / Exclusion Criteria**                          | **Satisfies / Fails** |
| Area is proposed for residential zoning under an Urban Structure Plan | Satisfies |
| Current zoning is Countryside Environment                   | Satisfies     |
| The area is serviced or able to be serviced                  | Satisfies     |
| The area contiguous with existing/planned residential development | Satisfies |

<table>
<thead>
<tr>
<th><strong>Constraint Criteria</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proximity to Mineral Extraction Areas</td>
</tr>
<tr>
<td>Presence of ONL, ONF or significant indigenous vegetation areas</td>
</tr>
<tr>
<td>Natural hazards</td>
</tr>
<tr>
<td>Heritage/archaeological sites</td>
</tr>
</tbody>
</table>

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305 218/1
574. As illustrated in Table 15, 50 Dip Road meets the Living 1 Environment rezoning criteria. The site also sits between two areas proposed for Living 1 Environment expansion and helps form a connected zone boundary. Residential sites in the surrounding area generally range in size from 800m\(^2\) – 1,000m\(^2\). Assuming the 1.9ha site were subdivided down to 900m\(^2\) sections this rezoning would provide capacity for approximately 20 new lots. Assuming 80% of the land is available for development and applying 600m\(^2\) lot sizes would provide approximately 25 new lots. Given the above, we consider Living 1 Environment appropriate for this site.

**50 Dip Road – Recommendation**

575. We recommend that the Commissioners accept submission point 218/1 and amend District Plan Map 35E as per Attachment 4 of Part 1 of the s42A report.

E. **Urban Transition Environment**

Authors: Robert Adam Burgoyne and Evan James Cook

**Submission Information**

576. Four submission points were made requesting UTE zoning.

577. BJ and SS Webb and Webb Property Investments Ltd request that 245 and 247 Three Mile Bush Road, respectively, be rezoned to UTE as the UTE represents the most effective and efficient use of the land relative to the RPE to achieve the purpose of the RMA.

578. Glenbervie Park Estate Ltd requests that Lot 2 DP 334667 and Lot 3 DP 176598 (east of Vinegar Hill Road) be rezoned to UTE as the UTE represents the most effective and efficient use of the land relative to the RPE to achieve the purpose of the RMA. The submitter has undertaken a s32 assessment of the requested rezoning.

579. MC and EA Matthews request that Lot 1 DP 337386, Lot 1 and 2 DP 211808 and Lots 1 – 7 DP 211895 (see area outlined in red in Figure 46 below) be rezoned to UTE for the following reasons:

- The UTE represents the most effective and efficient use of the land relative to the RPE.
- The land is bound by the UTE to the south and southwest and by native bush to the north and northeast.
- Given the size of the forestry land, it is not considered that there is any benefit in having a small section of RPE isolated between bush and UTE.
- The nearby existing UTE and other small lots place constraints on the use of the land for rural production activities due to reverse sensitivity effects.

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306 320/1
307 319/1
308 328/1
309 331/2
• The sites are capable of being serviced onsite and are unlikely to require the extension of infrastructure.

• Applying RPE to the subject land does not achieve sustainable management under Part 2 of the RMA.

Discussion
580. We do not support UTE zoning for any of these sites as this is out of scope for these plan changes.

581. These sites are all adjacent to either the proposed PC86A or PC86B boundaries. However, we do not support these alternative rezonings for the sites for the following reasons:

• 245 and 247 Three Mile Bush Road are outside the Urban Structure Plan areas and in areas that are not contiguous with the Living Environments on the fringe of Whangarei City. There are also servicing constraints in this area. In our opinion the sites are not suitable for RUEE or Living Environment.

• Lot 3 DP 176598 is approximately 29.7ha in area and comprises Class 3 soils.

• The proposed PC86B boundary near Lot 2 DP 334667 and Lot 3 DP 176598 is bounded by a stream to the east. Rezoning these sites to RUEE or Living Environment would jump this natural boundary.

• The land subject to MC and EA Matthews’ submission contains flood susceptible areas, Class 3 soils and extends past the natural stream boundary to the west of the sites.

Recommendation
582. We recommend that the Commissioners reject submission points 319/1, 320/1, 328/1 and 331/1.

E.1 No substantively new material or evidence was presented with regard to this topic.
F. Zoning Capacity Summary

Author: Robert Adam Burgoyne

Table 16 displays the total additional residential/living capacity provided through the zoning changes recommended in Part 6 of the s42A report. The calculation of the number of approximate additional lots has been discussed in the relevant discussion sections of the s42A report.

<table>
<thead>
<tr>
<th>Environment</th>
<th>Approximate additional area recommended to be rezoned (ha)</th>
<th>Number of additional sites recommended to be rezoned</th>
<th>Approximate additional lots enabled through potential subdivision of recommended rezoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>RVRE</td>
<td>35.6</td>
<td>23</td>
<td>199 – 413</td>
</tr>
<tr>
<td>RLE</td>
<td>59.6</td>
<td>34</td>
<td>5</td>
</tr>
<tr>
<td>RUEE</td>
<td>0.8</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Living 1 Environment</td>
<td>1.9</td>
<td>1</td>
<td>20 – 25</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>97.9</strong></td>
<td><strong>59</strong></td>
<td><strong>224 – 443</strong></td>
</tr>
</tbody>
</table>

The majority of capacity provided through the recommended changes is within the RVRE. The additional RVRE capacity is focused in the growth villages of Hikurangi, Parua Bay and Waipu and in Ngunguru where several submissions identified a need for growth and there is a reticulated wastewater network with sufficient capacity. The number of additional lots may appear high; however, Part 3 of the s32 report\(^{310}\) calculated the total unconstrained development capacity provided through PC85D, PC86A and PC86B at 6,243 additional lots and calculated the development capacity in the RPE with a minimum lot size of 20ha at 4,365 additional lots. In our opinion 199 – 413 additional lots in the RVRE is therefore a small increase in capacity directed to appropriate locations and will not result in adverse cumulative effects on the total residential capacity throughout the District.

Broadly, the proposed plan changes aim to consolidate growth around reticulated services and areas of existing development. The recommended zoning changes achieve this in our opinion as they primarily provide for growth in growth villages and on the urban fringe. In our opinion the recommended zone boundaries are appropriate and do not undermine the zoning criteria for each Environment.

**Right of Reply Discussion**

Table D displays the additional residential/living capacity provided through the zoning changes recommended in this ROR.

<table>
<thead>
<tr>
<th>Environment</th>
<th>Approximate additional area recommended to be rezoned (ha)</th>
<th>Number of additional sites recommended to be rezoned</th>
<th>Approximate additional lots enabled through potential subdivision of recommended rezoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>RVRE</td>
<td>17.74</td>
<td>4</td>
<td>139 – 219</td>
</tr>
<tr>
<td>RLE</td>
<td>32.17</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>RUEE</td>
<td>2.56</td>
<td>2</td>
<td>1 (unserviced); 34 (serviced)</td>
</tr>
<tr>
<td>Living 3 Environment</td>
<td>2.82</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>55.29</strong></td>
<td><strong>27</strong></td>
<td><strong>154 – 267</strong></td>
</tr>
</tbody>
</table>

\(^{310}\) Table 14 on page 34.
F.2 Table E below summarises the total estimated capacity of the PC85A, 85C, 85D, 86A and 86B zonings. The figures were determined based on the following:

- Vacant lot figures were based on Quotable Value NZ figures at 2 June 2016. No data has been provided for the RPE, RUEE and PC86B areas and therefore has not been factored into the capacity estimate.

- The estimated infill and greenfield capacities, and additional recommended capacities of the RVE and PC86B were calculated by assuming 80% of the land proposed for rezoning is available for development and applying a 600m$^2$ lot size for serviced sites and 2,100m$^2$ for unserviced sites. A low scenario has also been provided for the recommended expansion areas based on the average lot size of the village/area.

- The estimated infill and greenfield capacities, and additional recommended capacities of RPE and RLE were calculated based on the minimum controlled activity subdivision allotment sizes.

- The estimated infill and greenfield capacities, and additional recommended capacities of RUEE are conservatively based on a minimum lot size of 1.2ha rather than the 500m$^2$ minimum net site area if serviced.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Vacant lots as at 2/6/2016</th>
<th>Estimated infill and greenfield capacity</th>
<th>Additional capacity provided through s42A recommendation</th>
<th>Additional capacity provided through ROR</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>RVE</td>
<td>721</td>
<td>750</td>
<td>199 – 413</td>
<td>139 – 219</td>
<td>1,809 – 2,103</td>
</tr>
<tr>
<td>RLE</td>
<td>112</td>
<td>274</td>
<td>5</td>
<td>5</td>
<td>396</td>
</tr>
<tr>
<td>RUEE</td>
<td>-</td>
<td>232</td>
<td>0</td>
<td>1</td>
<td>233</td>
</tr>
<tr>
<td>PC86B</td>
<td>-</td>
<td>3,148</td>
<td>20 – 25</td>
<td>9</td>
<td>3,177 – 3,182</td>
</tr>
<tr>
<td>RPE</td>
<td>-</td>
<td>4,365</td>
<td>0</td>
<td>0</td>
<td>4,365</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9,980 – 10,279</td>
</tr>
</tbody>
</table>

F.3 The Urban Area (UA) Plan Change, PC88, is in draft form preparing for notification in 2018. PC88 will review the zoning of the UA with capacity in mind. As at 2 June 2016 it was calculated that there were 1,240 existing vacant residential lots in the UA Living Environments.

F.4 Given the above there is currently an estimated capacity for approximately 11,370 additional residential units. This estimated residential capacity does not include the potential for RUEE areas to become serviced or existing vacant lots in the RPE, RUEE, PC86B areas as well as other WDP Environments such as the UTE, Port Nikau and the Marsden Primary Centre.

F.5 Based on 30/50, the WDGM and Statistics New Zealand’s latest projections, it is estimated that the District’s population will increase by 8,456 – 10,861 people by 2028. This results in an increase of around 3,300 – 4,300 additional residential units district-wide by 2028 (at 2.5 people per residential unit). This projected growth is well below the estimated district-wide capacity. Even if an additional 100 holiday homes were required per annum by 2028, then the estimated capacity would be approximately 115% greater than the potential growth of 5,300 residential units. This is
without factoring in serviced RUEE areas and existing vacant sites in many operative and proposed Environments.

4.0 Conclusions and Recommendations

6. After carefully considering the evidence received in relation to each topic, we recommend that the District Plan Environment Maps be amended to the extent detailed in the preceding sections of Part 6 of the ROR and as illustrated in Attachment 4 of Part 1 of this ROR.

7. The revised Environment Maps [Attachment 4 of Part 1 of this ROR] have been detailed and compared above against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32AA. Overall, it is considered that the revised Environment maps represent the most appropriate zonings for PC85A, 85C, 85D, 86A and 86B.

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