

Section 42A report overview:

CHAPTER 7 RURAL REZONING REQUESTS

1.0 Introduction

- 1.1 This report considers submissions regarding requests to rezone land zoned in the rural environment when the Proposed District Plan was notified. The scope of the report relates to submissions received on rezoning land zoned in the notified plan as Rural Dunes, Rural Plains, Rural Hills, Rural Residential, Rural Eco-hamlet and Future Urban independent of the zone change requested.
- 1.2 There were 37 submissions (from 24 different submitters) and 75 further submitters on Chapter 7 rezoning requests. The submissions seek a range of rezoning outcomes with requests across the rural environments of the District.

2.0 Report structure

- 2.1 The first two sections of the report (Sections 1 and 2) provide an introduction to the report, its scope and key submission issues, and outline the key statutory and other relevant considerations.
- 2.2 Section 3 identifies matters raised by submissions, provides an assessment of these submissions, my recommendations to accept, accept in part, or reject each submission point (including further submissions), and outlines any recommended amendments to the PDP as a result of the submissions.
- 2.3 The assessment of submissions in Section 3 is structured around the location of rezoning requests areas, being:
- a. Section 3.3 – Rezoning requests for Otaihanga
 - b. Section 3.4 – Rezoning requests for Otaki
 - c. Section 3.5 – Rezoning requests for Paekakariki
 - d. Section 3.6 - Rezoning requests for Paraparaumu
 - e. Section 3.7 - Rezoning requests for Peka Peka
 - f. Section 3.8 - Rezoning land at Raumati South
 - g. Section 3.9 – Rezoning requests for Te Horo
 - h. Section 3.10 – Rezoning requests for Waikanae
- 2.4 Due to the specificity of the rezoning requests, my evaluation has been undertaken on a rezoning request basis which is in many cases a submission by submission approach.
- 2.5 Section 4 of the report contains a marked up version of recommended amendments to the zoning maps. Section 5 contains a summary table of the submissions (including

further submissions) and the recommendations in relation to each submission point considered as part of the report.

- 2.6 The report also has an appendix which contains pre hearing records relevant to the submissions.

3.0 Relationship to PDP Chapters

- 3.1 The report does not propose any changes to provisions in any chapters however several of the requests are to rezone to a residential zoning and one is to rezone to an open space zone which would make the land, if rezoned, subject to provisions in chapter 5 and 8 respectively.

4.0 Key submission topics

- 4.1 I will briefly highlight the key submission issues raised within each of the topic areas in my report.

Rezoning rural land in Otaihanga

- 4.2 Three submissions (and 26 further submissions) were received relating to land in Otaihanga.

Rezoning rural land in Otaki

- 4.2 Two submissions (and 23 further submissions) were received relating to land in Otaki

Rezoning rural land in Paekakariki

- 4.3 One submissions (and no further submissions) were received relating to land in Paekakariki

Rezoning rural land in Paraparaumu

- 4.3 Four submissions (and 14 further submissions) were received relating to land in Paraparaumu

Rezoning rural land in Peka Peka

- 4.4 Four submissions, in five submission points (and 1 further submissions) were received relating to land in Peka Peka.

Rezoning land at Raumati South

- 4.5 One submission (and no further submissions) were received relating to land in Raumati South

Rezoning rural land in Te Horo

- 4.6 Eight submissions with nine submission points (and 2 further submissions) were received relating to land in Te Horo.

Rezoning rural land in Waikanae

- 4.7 Five submissions (and 4 further submissions) were received relating to land in Waikanae.

5.0 Matters resolved/Still to be resolved

- 5.1 Pre-hearings were held on many of the rezoning requests, although not all; in addition through the PDP Submitter Engagement process there have been several planner drop-in sessions and targeted submitter meetings at which Chapter 7 submission issues have been discussed. A number of amendments have been recommended in my report in response to submissions and submitter meetings, and these are reflected in the recommendations in my report.

Matters resolved

- 5.2 The evidence of Mrs Leith for Cabrach Holdings noted that the submitter no longer seeks to rezone lot 1. Therefore I consider this matter has been resolved.
- 5.3 Mr Welch has advised, by telephone, that his issues in relation to zoning have been dealt with in the chapter 7 hearing and therefore I consider the rezoning request to be resolved.

Matters still to be resolved

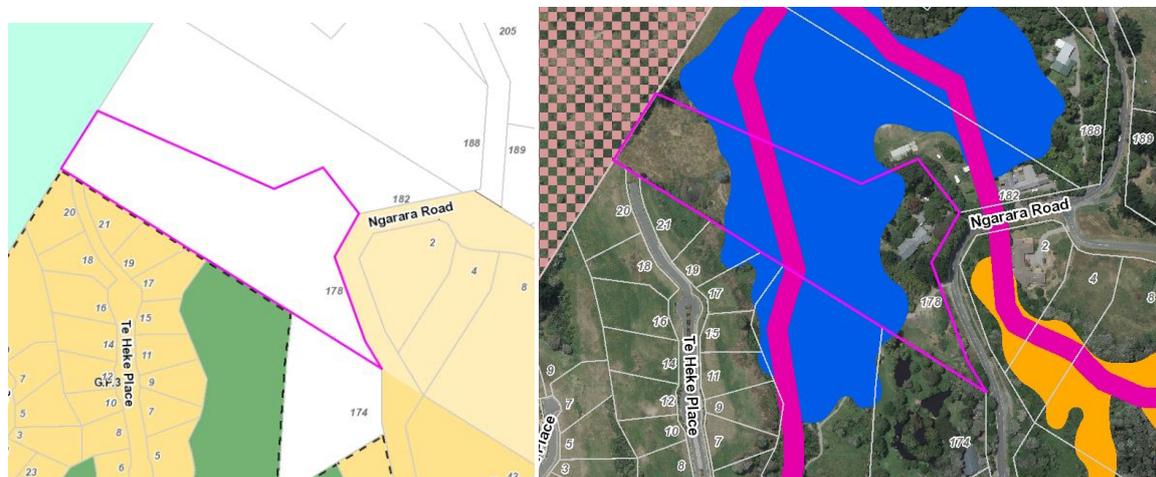
- 5.4 All other rezoning requests in the report can be considered to remain unresolved as I have had no correspondence from submitters indicating support for the recommendations in my section 42a report.

6.0 Issues I would like to draw to the Panel's attention

s42A report errors

- 6.1 One submission relating to rezoning requests was missed from the report in error. The submission is 197.1 Mike Sparrow and Janet Weber seeking to retain "rural" zoning of their land at 128 Ngarara Road rather than being included in the new "future urban" zone.
- 6.2 The future urban zone is specifically provided for land which has been identified for urban growth since 1968. This relatively small area is relatively small lots in individual ownership as the three large blocks in the same area have been rezoned (to ferndale precinct, Waikanae North Development zone and Ngarara zone) to enable comprehensive urban development and all these areas are currently being developed.

- 6.3 178 Ngarara Road and surrounding land is significantly constrained by flood hazards so little development (perhaps 3-4 additional lots or houses) could occur directly on the site. However it could provide a road connection from Te Heke Place to adjacent land also in the future urban zone as part of a structure plan. Excluding this land from the zone would remove the potential for this alternative road link.
- 6.4 If the land was to be removed from the future urban zone, consultation with adjacent landowners should be undertaken prior to a decision as the removal of this land could constrain the development potential of other lots in the future urban area on that side of Ngarara Road.
- 6.5 Therefore I do not recommend rezoning this land to a more general rural zone (most likely the rural dunes zone) at this time as neighbours views about development have not yet been considered.



Figures 1 and 2: Showing zoning of 178 Ngarara Road and flood constraints at 178 Ngarara Road.

7.0 Evidence provided to date

- 7.1 I have reviewed the evidence provided by submitters in advance of the hearings today, and I have the following comments to make.

Cabrach Holdings

The evidence of Mrs Leith for Cabrach Holdings made two main points in relation to lot 2 of the Cabrach land. These issues are discussed in more detail below.

- 7.2 The submission proposed a structure plan for the site. Mrs Leith's evidence suggests that this was due to a lack of understanding by the submitter of what was required for a structure plan and that a structure plan is not necessary for this land. This submitter is now seeking rezoning without the imposition of a structure plan. I have considered the appropriateness of rezoning the land without a structure plan and allowing the

landowner the freedom to develop lots to meet the market demand and consider that should the land be rezoned to rural residential a structure plan would not be necessary as the proposal would allow up to 22 rural lots with access via a new road using the same access point as the existing driveway from Te Manauo Road. However I have reservations that rural residential is the most appropriate zone to enable the future efficient development of the land.

- 7.3 Since preparing my section 42a report the proposed National Policy Statement for Urban Development Capacity has been released. This policy statement indicated that councils will need to provide for housing growth with an additional 20% margin for error over a 30 year term. This will require the Council to reconsider the land available for residential growth in the district as previous studies for the proposed plan related to 20 years of capacity without the additional 20% margin.
- 7.4 Given the direction in the policy statement to look at more locations and choices for housing growth I consider that Lot 2 may be a site to consider for residential housing in the future. The site has urban infrastructure adjacent to it and appears to have few development constraints. Rezoning the land to rural residential at this time would preclude more intensive residential development occurring in the future. Rural residential zoning is explicitly applied to land that is not suitable for residential development in the future and I am not aware of any constraints at this site that would preclude residential use in the future. Given the direction in the proposed NPS I consider that retaining the land in rural plains zoning would be best at this time until the housing land supply and demand assessments required by the NPS have been carried out.
- 7.4 Therefore I consider rural plains zoning is the most appropriate zone for the land at this time and remain of the view that the submission should be rejected.

Birkinshaw

- 7.5 In response to Mr Birkenshaw's evidence I make the following observations.
- 7.6 I acknowledge that the land is not used for rural productivity and is already in relatively small landholdings.
- 7.7 The site has been zoned rural since 1995 when the first RMA based district plan for the district was developed. The 1995 proposed plan rezoned land considered to be unsuitable for residential development to rural as a holding pattern. The site would be very expensive to develop due to the ground conditions and due to the existing ownership patterns would result in only a very small number of allotments or houses.
- 7.8 The desire to have affordable housing and an increase in the available land for housing is important however the cost and feasibility of developing land for housing, including the infrastructure costs also need to be considered. The land development costs for this land are likely to be very high due to the need to import structural fill and have engineered foundations. There has been no modelling of flood hazards which would be required as part of any subdivision or multi unit land use application

- 7.9 In relation to the subdivision, (RM10154) for 9 lots of varying sizes accessed via a right of way, which did not proceed beyond the request for further information. The inference made in Mr Birkinshaw's planning evidence that "the correct advice and drainage approach that the presence of the stream is not fatal to future residential development" is not correct. The information sought was to determine the extent of natural hazards which may be present on the site and indicates no conclusion about the suitability of the proposed subdivision. In addition I note the further information request for this subdivision also requested information regarding design of the right of way proposed, and relationship to the expressway works. There is correspondence on file suggesting that the rural zone is a significant impediment to the subdivision and the result of this rezoning request may change the circumstances. The subdivision file indicates that the subdivision would likely be a notified application.
- 7.9 At this stage I am not recommending any further changes to my report, however I maintain an open mind as I hear submissions during the course of this hearing.
- 7.10 Thank you Mr Chair and members of the Panel.