

9.2 Request for Change to the South Waikato District Plan – WaiTerra Ltd – Princes St / Kennedy Drive, Putaruru

Report To:	Council
Meeting Date:	Thursday, 29 January 2026
Author:	Patrick McHardy
Author Title:	Senior Planner
Authorised by:	Planning and Performance Manager

Purpose

To inform the Council on the application from WaiTerra Estate Ltd (formerly Aanzien Ltd) for District Plan Change No.6, and on the submissions and further submissions received on PC6.

To seek that Plan Change No.6 be approved, in an amended form, and be then publicly notified as operative in accordance with Schedule 1 of the Resource Management Act 1991 (RMA).

Recommendation

That the Council:

- a. Receives the report, and adopts the attached analysis prepared under section 32AA of the Resource Management Act 1991 (Resolve # 2026-22).
- b. Resolves, in response to the submissions lodged by Ann Esler and Jan Glover and the Waikato Regional Council (WRC) and the further submissions from Ann Esler and Jan Glover and Helen and David Pooley, that the District Plan Change Request from WaiTerra Estate Ltd be approved under Clause 10 of Schedule 1 of the Resource Management Act 1991 with the boundaries of the proposed re-zoning being amended as set out on the attached maps, in response to the submissions.
- c. Approves public notification of its decision under Clause 10 (4) (b) of Schedule 1 of the RMA that Plan Change 6 will become operative on 1 April 2026.

Executive Summary

On 27 November 2024 Council accepted a District Plan Change Request from Aanzien Ltd (now WaiTerra Estate Ltd) under Clause 25(2)(b) of Schedule 1 of the RMA, and approved limited notification of the request under Clauses 5A and 26 of Schedule 1.

The plan change request from WaiTerra Estate Ltd (the van der Heyden family) relates wholly to land owned by the company at Putaruru, and has three elements:

1. To alter the shape of Putaruru Growth Cell 4 (GC4), which is zoned Commercial (COMZ) under the District Plan. The Growth Cell is located at the southern end of Princes St, and will have access from Princes St via a new legal road the land for which is currently being acquired by Council. The size of GC4 is proposed to remain at 40 ha. GC4 was created by District Plan Change 1 – Putaruru Urban Growth (PC1), which became operative on 28 April 2021. The prospective developer of the land south of Princes St at the time was DPS Developments Ltd, which owned the adjoining commercial land. DPS requested that the size of the new Growth Cell be 40ha, to suit a range of businesses that had shown interest in coming to the area. After discussions with DPS, Council staff drew the western boundary of the new GC4 as a straight

line to result in an overall area of exactly 40ha. The eastern boundary was fixed by the Kinleith Branch Line, and KiwiRail confirmed that the rail frontage had sufficient length for a rail siding if later required. DPS made submissions on PC1, but the size and shape of the Growth Cell was not questioned by them or any other party.

2. The second request from Aanzien was to reduce the size of Putaruru residential Growth Cell 3 (GC3) at the western end of Kennedy Drive. Spring Water Estate Ltd obtained resource consent in March 2023 to develop the whole of GC3 into a 210 unit retirement village. Aanzien proposes to alter the zoning of a 0.75ha parcel of General Residential (GRZ) land owned by Aanzien and forming the south-eastern tip of Growth Cell 3 to General Rural Zone (GRUZ) instead.
3. The third request is for Council to compensate for the residential sections lost in reducing the size of GC3, by instead re-zoning 0.75 ha of farmland owned by Aanzien at the southern end of Totara Street from GRUZ to GRZ.

The Plan Change received 'limited notification' as provided for by the Act on 22 January 2024. The parties who were notified, (and therefore entitled to make submissions on the Change), were the statutory bodies listed in the RMA (including the WRC), and the owners and occupiers of the affected properties in the southern half of Totara St.

Two submissions were received. These were from the WRC, and from Ann Esler and Jan Glover who own the property at 75 Totara St. These submissions were then publicly advertised, as required by the Act, and 'further submissions' were received from Ms Esler and Ms Glover supporting the WRC submission, and from Helen & David Pooley of 64 Totara St supporting the submission by Ms Esler and Ms Glover.

The applicant then had in-depth discussions with both submitters. In response to the WRC's stormwater and flooding concerns, the applicant commissioned Te Miro Water Ltd to produce a detailed Stormwater Management Plan for the land concerned. As a result the WRC advised Council in a letter dated 10 November 2025 that:

"After working with the applicant's consultants, WRC staff have resolved the issues in the submission and wish to change our position to no longer wishing to be heard at a hearing".

Ms Esler and Ms Glover advised the applicant on 14 November 2025 that:

"We are comfortable that our issues have been addressed by WRC, and in the future by SWDC/Waka Kotahi, as the next phases of development unfold".

Clause 8C of Schedule 1 of the Act states that where submissions are made but no person indicates they wish to be heard, or the request to be heard is withdrawn, the local authority shall consider the submissions along with the other relevant matters but shall not be required to hold a hearing.

Under Clause 10 of Schedule 1, the next step is that Council:

(1) must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held.

(2) The decision:

(a) must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—

(i) the provisions of the proposed statement or plan to which they relate; or

(ii) the matters to which they relate; and

(ab) must include a further evaluation of the proposed policy statement or plan undertaken in accordance with [section 32AA](#); and

(b) may include—

- (i) matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*
- (ii) any other matter relevant to the proposed statement or plan arising from the submissions.*
- (3) To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.*
- (4) The local authority must—*
 - (aaa) have particular regard to the further evaluation undertaken in accordance with subclause (2)(ab) when making its decision; and*
 - (a) give its decision no later than 2 years after notifying the proposed policy statement or plan under [clause 5](#); and*
 - (b) publicly notify the decision within the same time.*
- (5) On and from the date the decision is publicly notified, the proposed policy statement or plan is amended in accordance with the decision.*

Context

On 2 December 2025 Council granted WaiTerra subdivision consent RM250047 to create a first stage of six allotments within Growth Cell 4. The subdivision included two new roads and a drainage reserve to vest in Council and complied fully with the Commercial Zone subdivision rules.

After the Plan Change becomes operative, further separate subdivision consent/s would be required to enable the proposed development to proceed in compliance with the amended zoning. The Plan Change application included a 'high level master plan' showing a potential subdivision and stormwater detention plan for GC4 and the end of Totara St.

Discussion

The Plan Change application was lodged under Schedule 1 clause 21 of the RMA on 11 November 2024. Sufficient information was provided with the application for it to be considered further by Council. Council must now consider the request, and the submissions and further submissions, and issue a decision in accordance with Clause 10 of Schedule 1.

The recommendation supports Council's strategic plans/policies by providing opportunities for the economy and population of Putaruru and the northern part of the district to grow.

Options

Staff have assessed that there are three possible options for Council to consider.

Option 1: Approve the PC6 Request as lodged in November 2024:

When deciding whether to approve the proposal, Council needs to consider the environmental effects of the proposal, including reverse sensitivity and the infrastructure services available. The proposed new area of GRZ zoning at the current end of Totara Street will create potential effects on existing residents through the presence of around 11 additional houses and related traffic. There will be a change to the existing visual amenity values and rural character, particularly for the households at No's 77 & 78 Totara Street adjoining the current rural boundary. The s.32 report notes that new residential neighbours may in some ways give rise to fewer effects on these households than the current working dairy farm. All the Totara Street residents and landowners who were deemed affected parties were formally advised about the proposals, and had the right to make submissions on them. Only Ms Glover and Ms Esler made a submission, later supported by a further submission from Mr and Mrs Pooley.

The applicant's request can be seen as consistent with the operative plan's direction and framework, to the extent that it still seeks to provide 40 ha of land for future Commercial Zone development, albeit with a Growth Cell that takes better account of contour and the developer's staging intentions as at

November 2024. Likewise, the trade-off of land in an awkward corner of Growth Cell 3 for more readily useable land at Totara Street still achieves the residential growth envisaged by the current District Plan. The specific COMZ performance standards for Growth Cell 4 that aim to prevent sewerage and water networks from being overstretched and aim to manage traffic impacts at the Princes St/SH1 intersection, will remain unchanged.

Part 7.2 of the Section 32 analysis lodged with the application points out positive effects of the proposed zoning change. These include that an 'engineering analysis of the topography and overland flows' has enabled a new GC4 boundary to be identified that will 'allow for a better and more resilient outcome for the development of the land'. It will also 'allow for the existing dairy farm to continue to be maintained economically and efficiently' and 'allows the developer to be able to stage any future development of the land in a north to south direction, as and when demand requires.'

The s.32 analysis from November 2024 also maintains that overall the proposal is generally consistent with the relevant national, regional and SWDC policy directions. The s.32 report concludes that the proposal gives the required effect to the Vision and Strategy for the Waikato River (Te Ture Whaimana o Te Awa Waikato). This conclusion is based on the analysis 'found in the original s.32 report (for Proposed District Plan Change 1 – Putaruru Urban Growth) undertaken by Council dated 19 October 2020'. PC1 became operative on 28 April 2021. The applicant states that 'given no change in hectareage of the proposed zonings, no additional analysis of these documents (NPS, NES and Te Ture Whaimana) is considered to be required.' This is a reasonable conclusion in my view, which extends to the requested Plan Change being consistent with the Raukawa Environmental Management Plan 2015.

Option 1 of adopting the request with the re-zoning boundaries proposed in November 2024 would however have major disadvantages related to stormwater management. The Te Miro Water Stormwater Management Plan identifies specific stormwater reserves proposed through the centre of GC4. The location of these reserves, which has been endorsed by the WRC, means that the western and southern boundaries of the Growth Cell need to be different to those shown in the 2024 application. To adopt the original zoning boundaries would result in less effective management of stormwater that would not align with the specific SMP that has been produced.

Option 2: Approve the PC6 Request with amended boundaries proposed by Aanzien to satisfy submissions:

If the approved content of a Plan Change differs from the content at the time when a s.32 report was prepared, Section 32AA requires that further evaluation be done of the revised proposal. The applicant has supplied this evaluation in the form of the specific s.32AA report attached. This sets out detail on why the zoning boundary amendments now proposed are the best option to achieve the purpose of the RMA. Not to adopt these amendments would therefore be contrary to Council's duty under the RMA.

Option 3: Reject the Request in whole or part:

This option would mean that the plan change application, or part of it, would not proceed any further. This would compromise the development of GC4 in a manner that takes stormwater management properly into account. The applicant would have rights of appeal to the Environment Court.

Option 2 is therefore the preferred option.

Linkage to Strategic Plan Priorities

The Plan Change proposal will ensure that the RMA zoning provisions for development of the subject land are aligned with the developer's intentions for actual provision of sites for housing and businesses. This is consistent with the goal in the LTP 2024-2034 for the South Waikato 'economy to grow faster than anywhere else in the country'.

Consultation (Internal and External)

The formal consultation process under Schedule 1 provided for discussion between the applicant and all the relevant parties. These parties included the Raukawa Charitable Trust, Totara Street landowners and residents, Waikato Regional Council, other adjoining Councils, NZTA, KiwiRail, and Government Departments. Further consultation is not required due to the minor effects of the zoning changes,

Council's planning, engineering and parks staff including the SWDC Development Engineer have also provided feedback on the proposal.

Financial Considerations

The remaining costs of completing this District Plan Change will be able to be recovered from the applicant, over the relevant financial years. The applicant has paid the deposit/minimum fee of \$14,600 set out on Council's Fees and Charges Schedule for the 2024-25 year for "Applications for private changes to District Plan (subject to waiver by Council)." The financial implications of Plan Change 6 are fiscally neutral in the next two or three years, and perhaps longer if appeals are avoided.

Aanzien Ltd requested 'a waiver to the Plan Change application deposit' in 2024 due to 'the minor scale of the Plan Change in that no new objectives, policies, or rules result; only boundaries on the planning Maps'. This request was declined by Council.

Risks

The 'do nothing' option set out in Part 7.2 of the applicant's s.32 report sets out the risks if the zoning change does not proceed at present. Stage 1 of any development of GC4 will 'likely fall within the existing Commercial zoned land' so need not wait for the zoning change. The risk for future stages of the GC4 development 'may involve the timeframes to undertake this rezoning process being longer than the applicant's aspirations'. As the applicant notes, there would be no certainty about whether Council would 'decide in future to undertake the zone changes at all'. Under the 'do nothing' option, the residential zoning of the 7500m² parcel of land in GC3 would remain inconsistent with its actual future. The applicant views that future as 'unable to ever be developed' due to being 'landlocked'.

Significance & Engagement Policy

Council's Significance and Engagement Policy 2023 (Doc ID ECM874063) does not apply to 'decision making under the Resource Management Act 1991 and or other legislation that includes a prescribed consultative/engagement process.' (Clause 4.2).

Community views and preferences are already known to the Council through the preparation of PC1 and PC6, and the District Growth Plan adopted in February 2024.

There is a statutory requirement under the RMA to consult with affected parties and relevant iwi authorities. The applicant requested Limited Notification of the Plan Change, and this request was accepted by Council. Limited Notification meant that only those parties deemed affected by Council (e.g Totara St residents) were notified of the proposal and had the right to make a submission about it. Council delegated the authority to decide which parties were affected in this instance to Council's Planning and Performance Manager, Mr Gary Knighton. The reasons for his decision were fully documented.

Reference

Attachments

1. Proposed Zoning Map Amendments - WaiTerra Ltd, Putaruru
2. 240098 - Waiterra Plan Change Request - s32AA letter

