

Notice of appeal to Environment Court against decision on proposed WDC district plan

Clause 14(1) of Schedule 1, Resource Management Act 1991

To The Register

 Environment Court

 Auckland



We Brent and Diana France of France Farms 2010 Ltd, appeal against a decision of The Whangarei District Council on the following plan – Changing the zone from Country Side to Rural Production.

We made a submission on that plan.

We are not trade competitors for the purpose of section 308D of the Resource Management Act 1991.

We received notice of the decision on the 17th of January 2018.

The decision was made by the Whangarei District Council.

The decision that we are appealing is:

Changing the zoning of 150 Austin Road, Maunu, Whangarei to rural production

The reason for the appeal are as follows:

- **This negatively impacts any future subdivision or development of our land**
- **The land is on the fringe of residential / urban development**
- **The land is in a sort after area and is only 1 of 2 areas that have not yet been subdivided down Austin Road**
- **Land size is only 28ha in total with only 18ha effective (farmable).**

- **This land only winters /holds 30 calves.**

- **Not big enough to make any rural income from. It basically is a large lifestyle block**

- **Quality of the land for farming or agriculture is not suitable, due to poor soil type**

- **Carrying out day to day farming activity is increasingly difficult due to being in a built up residential area e.g.:- spreading fertiliser, chemical spraying, cultivation and moving cattle**

- **There is more intensive development in Austin Road between State Highway 14 and our property**

- Land is adjacent/ adjoins to an existing cluster(s) of smaller lots, being Maunu Estate Subdivision and Westridge subdivision.
- There is no through traffic – land is located at the end of Austin Road, which is more intensively developed into blocks of around 2ha
- Land is ideally suited to similar development – land is not suitable for farming due to the soil type and is relatively steep in places
- There are currently 2 houses on the land
- Several covenanted areas of bush and wetlands currently on our land
- This land is in a no hazard zone and no flooding zone – free of natural hazards

It is ineffective to farm this land and is increasing becoming more difficult to do so due to being surrounded by residential/urban development.

The size of the land is also not big enough to farm effectively i.e. not large enough scale

We seek the following relief

That the land be rezoned to something other than rural production i.e. Rural living 1

That we are not negatively impacted with the new proposed district plan

We attach the following documents

- (a) a copy of our submission
- (b) a copy of the relevant decision



Brent France
France Farms 2010 Ltd



Diana France
France Farms 2010 Ltd

Date 27/02/2018



Private Bag 9023 | Whangarei 0148 | New Zealand
 T: 09 430 4200 | 0800 WDC INFO | 0800 932 463 | F: 09 438 7632
 W: www.wdc.govt.nz | E: mailroom@wdc.govt.nz

Office Use:

Form 5 - Submission on a Change Proposed to the District Plan

All correspondence to the Policy and Monitoring Department

Submissions must be received by: **4:00pm Tuesday, 4 October 2016**

Plan Change Numbers: PC85, A-D, PC86A and B, PC87, PC102, PC114

Please indicate by ticking below which Plan Change(s) you are making a submission on:

- | | |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <input type="radio"/> PC85 Rural Area | <input type="radio"/> PC86A Rural (Urban Expansion) Environment |
| <input checked="" type="radio"/> PC85A Rural Production Environment | <input type="radio"/> PC86B Rural (Urban Expansion) - Living Environment Zoning |
| <input type="radio"/> PC85B Strategic Rural Industry Environment | <input type="radio"/> PC87 Coastal Area |
| <input type="radio"/> PC85C Rural Village Environment | <input type="radio"/> PC102 Minerals |
| <input type="radio"/> PC85D Rural Living Environment | <input type="radio"/> PC114 Landscapes |

Full name

Please print clearly

France Forms 2010 Ltd - B & D France

Postal address

465 Knight Rd
 R O 9 J

Whangarei

Telephone no

4335500 or 212395414 Brent, 021395446 D:

Email

brent-di@slingshot.co.nz

Delete the option that does not apply:

I ~~would~~ could not gain an advantage in trade competition through this submission

I am/am ~~not~~ directly affected by an effect of the subject matter of the submission that:

- a adversely affects the environment; and
- b does not relate to trade competition or the effects of trade competition

Preferences for the Hearing:

I wish to be heard in support of my submission: Yes No

If others make a similar submission, I will consider presenting a joint case with them at a hearing: Yes No

2/10/16
 Date

Signature of submitter or authorized agent

A signature is not required if you make your submission by electronic means

The specific provisions of the Plan Change(s) that my submission relates to are:

Changing from current district plan to Rural Production. PC85A

Please see attached letter.

I ~~support/oppose~~ seek amendment to the specific provision listed above. (delete what's not applicable)

My submission is:

That we change our ^{proposed} zoning & be included in the zone of Rural Urban Expansion Environment.

My reasons are: (attach additional pages if required)

- It is a to smaller lot size (18ha effect to be producti
 - Adjacent to existing cluster of 28ha. total.
 - Reverse Sensitivity
 - Land is free of natural hazards & flooding.
 - Close proximity of living environment
 - Will continue the existing living environment
- Please see attached letter

State the decision you wish Council to make to ensure the issues you raise can be dealt with: (i.e. give precise details of what you would like included or deleted from the plan)

Don't want to be Rural Production

Want the District plan to show 150 Austin Rd, to be Rural Urban Expansion Environment.

Note to person making submission - If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of Part 1 of Schedule of the Resource Management Act 1991.

150 Austin Road – Submission Information

657. France Farms Ltd²⁸² requested 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.

658. Mr and Ms France presented on behalf of France Farms Ltd requesting that 150 Austin Road be rezoned to RUEE.

150 Austin Road – Discussion

659. A key outcome of PC86A is to legitimise the zoning of some 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 the reporting planners consider it important to limit the lot sizes/areas of rezoning so as not to provide an oversupply of development capacity through PC86A.

660. For the reasons set out above the Hearings Panel does not support the requested rezoning at 150 Austin Road as the lot size and character are not consistent with the purpose of PC86A and too much development capacity would be enabled by RUEE zoning.

150 Austin Road – Recommendation

661. The Hearings Panel recommends that the Council reject submission point 204/1.