



Ref:

10 July 2017

Chair
Rural Plan Change Commissioners
Whangarei District Council

Scope of Submission to Plan Changes 84A-D

The Trust's submissions to address three issues:

- Zoning at the end of Landowners Lane, Tutukaka
- Site sizes for on-site water treatment at Landowners Lane
- Colour/reflectivity controls

Zoning at Landowners Lane

The Trust wishes to focus on the following parts of the submission:

4. The Trust generally supports the Council's draft rural plan changes, but considers this is an appropriate time to address the zoning anomaly at the end of Landowners Lane, Tutukaka. These properties are proposed to be zoned Rural Production which they clearly are not, as these properties are used primarily for rural-residential and lifestyle uses.
5. These properties have not been farmed for more than 30 years. This area fails to meet the proposed objectives and policies for the Proposed Rural Production Environment. There are no particular rural production values, or rural character and adverse effects to be protected. The land use capability of this land is all Class VI (low productivity) and isolated from any active farmland.
6. The Section 32 report does not address the zoning of non-productive rural land, already used for rural-residential land use, but still zoned as Rural Production.
7. The rural character and capability of this remnant of former Countryside Coastal Environment better suits the proposed objectives and policies for the Proposed Rural Village Environment and should be rezoned as such.

Section 32 Assessment

Rural Production Environment

The plan change proposes to change the Countryside Environment area at Landowners Lane, Tutukaka from Countryside Environment (CE) to Rural Production Environment (RPE), on the basis that: (S.32 Report PC 85A, para.27, p.7)

27. The RDS concluded that the title "Countryside Environment" no longer reflected the majority of the primary rural land uses throughout the district. "Countryside" invokes an image of open pastures and rolling hillsides. Council has made a decision to highlight the productive opportunities of the rural environment's natural and physical resources. Naming the new zone "Rural Production Environment" is considered to be a more appropriate fit.

The RPE Objectives in the S.32 report bear almost no relationship to 63 Landowners Lane and the other RPE properties there. The productive area table (Table 11, p.27) shows that it is all well below the area needed for any rural production activities.

Plan Change 85A offered an opportunity to rezone the land-locked area of CE land with no rural production activity or rural production potential to Living 3/RVE. But for this area the Plan Change option appear to have been the status quo (Option 1) rather than Option 3. The Trust's land is in the minority of sites where "Countryside" is the appropriate description and the RPE is not the appropriate zone.

In summary the S.32 Report for Plan Change 85A does not consider the CE area at Landowners Lane, Tutukaka and whether it meets the requirements of the new zone, or as the Hazel Tynan Trust propose that with the zone changes it no longer fits the objectives and policies of the new Rural Production Environment

Rural Village Environment

The S.32 Report for PC 85C considers the rezoning of CE zoned land where the implicit assumption is that all CE land that has been subdivided is suitable for rural production and there has been deception by landowners subdividing for lifestyle purposes:

10. Within the district's rural villages historical development patterns have resulted in instances of 'dishonest zoning', where areas zoned as Countryside Environment (CE) and Coastal Countryside Environment (CCE) have been subdivided and developed in a manner that more strongly reflects the use and amenity outcomes expected for a residential area. In response to these instances, PC85C proposes to rezone these areas to more accurately reflect the existing development patterns and land uses. This in turn also provides additional residential capacity.

In the case of Landowners Lane, this is not the case, as the Council have allowed lifestyle subdivisions in the Living 3 zone and provided for its zoning, and in doing so isolated the CE land at the end of Landowners Lane.

The Hazel Tynan Trust's proposed zoning change has been addressed in the Proposed Rural Village Environment S.32 Report, Appendix 16 which states:

Feedback

16. During pre-notification consultation, comment was received stating that land on Landowner's Lane, which is currently zoned as CE, should be considered for rezoning to proposed RVRE as the land is not suitable for productive uses.
17. This land comprises an area of some 5.1ha and the smaller lots along Landowner's Lane are not adjacent to an existing Living Environment or a proposed RVE, and therefore do not meet stage 1 of the RVE zoning criteria.
18. With regard to stage 2 of the RVE zoning criteria, it is projected that Tutukaka village will have a surplus of residential land by 2028. Additionally, the area is identified as coastal environment under the RPS, and therefore residential expansion in this area should be limited to minimise sprawl along the coast. The land is also largely outside the potential residential area identified in the SP and allowing for expansion outside of the potential residential area would be inconsistent with the SP. The land that is within the potential residential area identified in the SP is largely identified as being highly unstable and contains large areas of existing vegetation.
19. The land on Landowner's Lane is therefore not considered suitable for proposed RVRE zoning at this time.

The Hazel Tynan Trust property at 63 Landowners Lane is 5.1369ha, which is within the range of larger sites in the area proposed for the Tutukaka Rural Village Environment and the current Living 3 zone.

The property has no coastal or land instability issues, and the site is adjacent to the Living 3/RVE zone on Landowners Lane.

The owners have consistently opposed subdivision along Landowners Lane where sites of less than 2000m² have been proposed as they fail to meet wastewater effluent disposal guidelines. We note that Council has incorporated this aspect in the RVE zone so that non-reticulated sites less than 2000m² will be a discretionary activity. The Trust also considers the demand for expansion of the wastewater reticulation area as being financially unsustainable and a mechanism for strictly controlling fragmented expansion of Tutukaka Village.

It is one of six properties that are a small enclave of rural lifestyle properties zoned as Countryside/Rural Production where no rural production occurs and the scale and nature of the land use is the same as the many larger un-sewered properties in the Living 3/RVE zones.

The zoning changed as proposed would only increase the subdivision yield by probably 2 sites, which is inconsequential in the context of the Tutukaka Village area, but it would remove a significant anomaly within the rural zoning in this area.

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