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10 June 2017

Whangarei District Council  
Private Bag 9023  
WHANGAREI 0148

Attn: Hearing Commissioners

RE: Plan Change 85 A-D (Rural)  
MAP No. 7 Apotu Rd  
Lots 2, 3 & 5 DP206102

Additional Information as a Result of Objections

Dear Sir/Madam

I submitted that my small lifestyle property, which is on the boundary of the proposed new Rural Living Environment (RLE) in Apotu Road, be included within that zoning instead of being placed in the proposed new Rural Production Environment (RPE).

Two parties made partial objections to my submission and one party supported my submission.

This letter is to update the situation with regards to those two partial objections and the Whangarei District Council's (WDC) Policy Planners Section 42A response.

### **Executive Summary**

The WDC planners have ignored their own S32 criteria, putting at risk 7 close lifestyle neighbours from inappropriate types of rural production on my land, but most importantly the planners did not realise that since the Further Submissions were filed, Fonterra has investigated the situation in more depth and found that due to the topographical features around our connecting boundary, there will be no reverse sensitivity issues. Therefore they have advised me that they no longer have an objection to my property being zoned Rural Living Environment. As it was too late to re-submit their Further Submission, they said that they would confirm this change of status verbally at the hearing.

As such the WDC policy planners section 42A Hearing Report replies 319 and 320 are no longer valid and the property is suitable to be zoned Rural Living Environment.

## Background

Once I received notice that Fonterra and Horticultural New Zealand (HNZ) had objected to part of my submission I contacted them directly to discuss their concerns.

HNZ:

With regards to HNZ most of their objection concerns were generic and region wide, however they had a connection with my neighbour Lindsay Wells who has been part of the Persimmon Product Group within the HNZ structure. I arranged a meeting with Lynette Wharfe consultant for HNZ and Lindsay to discuss their specific concerns relating to my property and submission.

The issue boiled down to reverse sensitivity issues both with his own property adjacent to a small section of my north-west boundary and for the same possible type of issue in the future in managing the persimmons on my property for me. In my submission you will see that I have already planted the first stages of our own persimmon orchard next to the narrow east end of Lindsay's orchard.

It is obvious from my land Topography that only my small amount of remaining flood prone flat land along the river on the boundary with Fonterra and the already planted flat and gently sloping land next to Lindsay's, can be planted in persimmon orchard. My land next to this area is very steep and provides a large buffer (100's of metres) before my land flattens off on the higher part of my land near all my lifestyle neighbours.

Lindsay was concerned that if I sold my land in the future someone might rip out my persimmons and build a house there if it was zoned RLE. Obviously while we both have persimmons in that area there is no issue. I have dealt with his concerns by providing a written contract stating that as long as I owned the property no residential buildings would be built in my area planted in persimmons and should I ever decide to sell my area of persimmon orchard I would covenant that orchard area so that no residential buildings could be built there. **This completely resolves any reverse sensitivity issues.**

Lindsay was also concerned about any affects in operating and managing my persimmon orchard for me if my land was zoned RLE. I reminded him firstly, that this part of my property is very isolated from my other 7 lifestyle neighbours due to the buffer zone affect of the steep hill, and secondly I stated that should it be required in the future, I was happy to comply with the RLE rules and obtain a Land Use Consent at my cost, as there would be no reason under the current proposed RLE rules that I would not be granted a Consent to grow persimmons in that location.

Lynette is a busy person with many commitments, but I did manage to show her where we had already planted our persimmon orchard and the steep hills behind it. However she did not have time to look over most of the property and see the bush, rocks and valleys areas that will never be suitable for horticulture. She was also made aware of the very limited water resource on the property and the fact that due to this and land topography most of the property cannot be used for horticultural development. Lindsay is also aware that if I choose to grow indoor flowers on the property (as I do at my other property on Apotu Road) then

there is not enough water available to allow expansion of my persimmon orchard on this property.

Fonterra:

Discussions with Fonterra were very quick and simple, I contacted their consultant Dean Chrystal from Planz Consultants pointing out the fact that on my boundary with Fonterra farms, due to the river, my small amount of flood prone flat land, and the steep hill, that the likelihood of any residential buildings being erected within 200 to 250 metres of their farm was probably limited to the possibility of one potential house site. He passed my email on to Brigid Buckley, National Policy and Planning Manager for Fonterra.

Brigid took the time to consult with their own Fonterra Kauri Factory environmental officer Alan Barrell and called me to discuss their Further Submission.

Brigid agreed that the zoning of my lot will have no affect on them and that Fonterra no longer had an objection to my submission due to the actual topographical situation of the properties. As the time for further submissions had passed, she informed me that they would formally withdraw their objection at the next opportunity, which is the hearing stage.

Section 42A:

This letter has been delayed while we have waited for the WDC Section 42A Hearing Report. I had hoped that the Policy Planners would have followed their own section 32 appendix 3 criteria where this property ranks a plus 6 which makes it **highly suitable** to be zoned Rural Living Environment (as noted in my original submission addendum section).

Instead they have rejected my submission due to size and “reverse sensitivity effects” to Fonterra farms.

**As stated above Fonterra are no longer concerned about any reverse sensitivity effects of zoning this property Rural Living Environment, this therefore conflicts with the Section 42A discussion and recommendation.**

The fact is that much of Apotu Road, as the WDC has suggested, is an appropriate Rural Living Environment Zone.

The “horse has already bolted” on the development issue on our road and a large part of my property is now surrounded by 7 lifestyle blocks that come off Apotu road. The issue that the Planners should be concerned with is my 7 lifestyle neighbours’ rights. And the many more that will be allowed by the rezoning of their land.

With these 7 non farming neighbours so close to my larger piece of higher flat land, my production uses for this land is limited due to sensitivity issues. As such, with the limited water resource available, I am more likely to develop either the flood plain land with more persimmons or put an indoor green house flower business on the knoll at the top of the hill in the north-east paddock away from the lifestyle neighbours.

If my property is zoned RPE there is nothing to stop the owner of this land using high volume blast sprayers on outdoor orchards, or using frost fans or helicopters at night to stop frosts, or

having bird scaring canons blasting away. These things and many more common farming practices are really no longer appropriate in our built up lifestyle area full of non farming neighbours.

I accept that zoning my land Rural Living Environment instead of RPE will limit some of my rights, that was what my neighbour Lindsay was worried about for my persimmon orchard. However, I know that I can do the sort of horticultural developments that I want to do in the appropriate areas of my property and still comply with the tougher RLE rules without annoying my neighbours. This is the sensitivity issue that the Planners should have been concerned with.

The other discussion issue that the Planners discussed was size. This lot is not currently big enough to be economic and never will be for conventional farming. This lot will only be economic for intensive horticultural-type farming. I bought this land so as to develop small horticultural businesses. However it is limited by topography, lack of water, rocks, bush and reverse sensitivity issues due to close lifestyle neighbours.

I plan to develop several horticultural businesses on the property, however, in the future much of this lands economic value will still be in Rural Living. This is inevitable due to location and physical attributes of the property. This is why Rural Living Environment zoning is appropriate.

## **Conclusion**

This land should be zoned Rural Living Environment and I look forward to answering any additional questions that you commissioners have at the hearing in July.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Malcolm Aylward', written in a cursive style.

Malcolm Aylward

# Proposed Rural Environment Apotu Rd #2

