



Ref:

20 July 2017

Chair
Rural Plan Change Commissioners
Whangarei District Council

1 Scope of Submission to Plan Changes 84A-D

The Trust's submissions addressed three issues:

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

2 Zoning at Landowners Lane

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

1. 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.
2. 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.
3. The Rural Living Environment may have been more appropriate for this lifestyle area, but the adjacent lifestyle area (currently Living 3 is proposed as Rural Village). The Trust has taken a pragmatic view that their property be rezoned in a manner to be consistent with other rezoning at Tutukaka.
4. 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.
5. 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 Environment better suits the proposed objectives and policies for the Proposed Rural Village Environment and should be rezoned as such.

Director:
Shane Hartley BA BTP

PO Box 466, Orewa 0946
Florence House
16 Florence Ave
Orewa 0931

Ph 09 426 7007
Fax 09 426 7001
Email tnp@tnp.co.nz
Web www.tnp.co.nz

3 Site values at 63 Landowners Lane, Tutukaka

The Hazel Tynan Trust property at 63 Landowners Lane is 5.1369ha, which is well 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 that might affect large lot subdivision, 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 appropriate 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.



63 Landowners Lane highlighted (Living 3/Tutukaka RVE to the north)

Director:
Shane Hartley BA BTP

PO Box 466, Orewa 0946
Florence House
16 Florence Ave
Orewa 0931

Ph 09 426 7007
Fax 09 426 7001
Email tnp@tnp.co.nz
Web www.tnp.co.nz

4 Section32 Assessment

4.1 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 RDS does not set rural lot sizes; however, the current Operative Plan Countryside and Coastal Countryside Environments controlled subdivision lot size of 20 hectares is generally considered too small for the productivity aims of the Rural Production Environment and requires review. (pp.10-12 RDS)

The main objective of the Rural Production Environment is to sustain, protect and promote rural production in the District and the outcomes in the Rural Production Environment are to focus on the productive function of rural land, the discouragement of lifestyle development, reverse sensitivity, cumulative impacts, recognising the range of amenity values and direction for industry, servicing and hazards.

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

4.2 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:

Director:
Shane Hartley BA BTP

PO Box 466, Orewa 0946
Florence House
16 Florence Ave
Orewa 0931

Ph 09 426 7007
Fax 09 426 7001
Email tnp@tnp.co.nz
Web www.tnp.co.nz

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 have isolated the Countryside Environment land at the end of Landowners Lane.

5 Evaluation of Hazel Tynan Trust's Rezoning Submissions

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.

S.42A Report – Part 6 – Zoning Recommendations

Landowners Lane – Submission Information

173. The Hazel Tynan Trust requests that Lots 1 and 2 DP 206199, Lot 2 DP 398687, Lot 1 DP 368134, Lot 6 DP 58957 and Part Lot 2 DP 67314 be rezoned from RPE to RVE as the sites comprise a character more similar to the RVE than the RPE, are not viable for rural production and RVE zoning would be consistent with the surrounding sites. The submitter considers that the proposed RPE zoning is an anomaly as the sites are used primarily for rural-residential purposes and do not have rural production values or rural character.

174. Figure 15 identifies the sites on Landowners Lane subject to rezoning requests. Figure 15: Proposed District Plan Environment Map identifying Landowners Lane sites subject to rezoning requests

Landowners Lane – Discussion

175. I do not support the requested rezoning of the land located on Landowners Lane to RVRE for the following reasons (with the Trust's responses):

Council's s.42A Report	Hazel Tynan Trust's Response
1. The area is located within the CA	1. No part of 63 Landowners Lane is in the Coastal Area.
2. There are numerous hazard and landscape constraints including HNC, ONC, ONL, indigenous vegetation and high instability hazards	2. No part of 63 Landowners Lane has HNC, ONC, ONL, and high instability hazards are only on a small area of forested coastal cliff isolated from the main part of the site (see attached land stability map below). The plan rules provide for the clearance of up to 5ha of indigenous forest (including kiwi habitat) as a permitted activity.
3. The Tutukaka Structure Plan identifies most of the land as potential 'Coastal Countryside' zoning rather than residential zoning (the area that is identified as a "pedestrian oriented area" is also identified as high instability hazard)	3. The Structure Plan did not consider any change of zoning to correct plan anomalies.
4. The sites are not serviced by reticulated wastewater or water supply and the Tutukaka Structure Plan states that adequate servicing is an essential precursor to any expansion of the Living Environments	4. The Hazel Tynan Trust agrees that most of the Tutukaka RVRE is unserviced and consider that the expansion of the reticulated wastewater and water supply across the zone is likely to be financially unsustainable. An issue that many councils across New Zealand are now confronting.
5. Tutukaka is not identified as a growth village and there is no identified need for additional residential zoning within the village	5. The rezoning of 63 Landowners Lane and the adjacent properties will have minimal effect on growth within Tutukaka. From my experience in rural subdivision, many landowners who may be zoned for additional subdivision do not take up the option or subdivide to well below the

	permitted level. Minimum site sizes often place significant constraints on rural amenity, local landscape, natural resources access that landowners find unacceptable, and if they choose to subdivide, the actual yield is well below the theoretical yield
6. <i>RVRE zoning of the area could enable more than 40 additional lots which, in my opinion, could have significant adverse effects on the character, amenity, traffic and environment of the area</i>	6. In relation to 63 Landowners Lane, a 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. The proposed RVRE and RPE along Landowners Lane is all unserviced for wastewater and sites have on-site wastewater treatment. Most sites exceed the Council's minimum site size for unreticulated sites (2,000m ²), which the Hazel Tynan Trust has consistently supported. When the exclusion of indigenous vegetation and wildlife habitats, landscape constraints and minimum site sizes for effluent disposal are factored in this small unproductive area of proposed Rural Production zone is unlikely to provide for more than 20 sites.
7. <i>The area is identified as having a kiwi presence</i>	7. There are no kiwi present on 63 Landowners Lane, although there may be kiwi habitat on the DOC reserve at 119 Landowners Lane and adjacent coastal forest and shrubland. Kiwi are often well protected on these sites where lifestyle landowners are actively protecting them. I am not aware of any criteria or rules in the plan that prevent improvement of management of kiwi habitat.
8. <i>While the area may not be productive, the RPE does not stipulate that sites must be used for productive purposes</i>	8. This is contrary to the Objectives and policies for the RPE, which are to manage productive rural land.

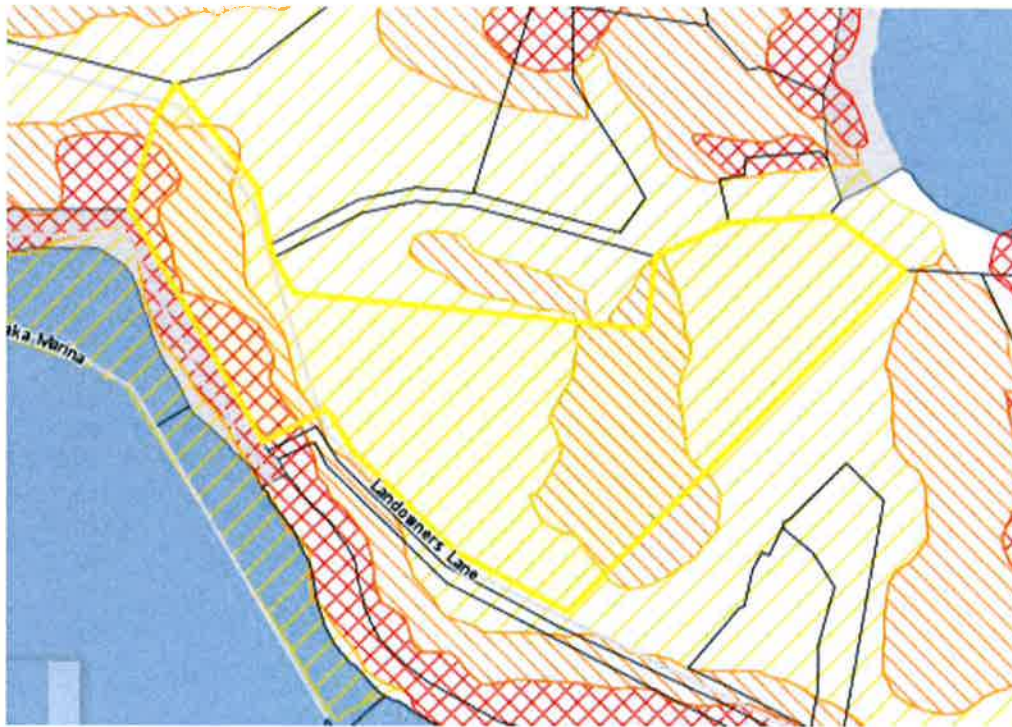
The Council planner's s.42A assessment is incorrect on almost all of the points raised, but the recommendation is:

176. I do not support the requested rezoning given the numerous constraints detailed above and the lack of an identified need for additional residential zoning.

Director:
Shane Hartley BA BTP

PO Box 466, Orewa 0946
Florence House
16 Florence Ave
Orewa 0931

Ph 09 426 7007
Fax 09 426 7001
Email tnp@tnp.co.nz
Web www.tnp.co.nz



Land stability on 63 Landowners Lane. (Note most of the site is low instability)

S.42A Report – Rural Villages

79. Five submission points were made seeking the following amendments to the subdivision standards:

- Hazel Tynan Trust – Seeks the following specific additional provision for RVE.3.4.1: h. The use of recessive colours and non-reflective finishes to minimize potential adverse effects on landscape values.

85. Proposed provision RVE.3.4 is a site-specific information requirement for Pt Lot 1 DP 93517. I consider it unnecessary to include additional requirements within this site as the proposed provisions have been adopted from the WDP Scheduled Activities 11/1, 11/3 and 11/4. I do not consider RVE.3.4 appropriate to apply broadly across the RVE. (p.17)

The recessive colours sought for rural residential subdivisions have been found to be appropriate by the Environment Court and Commissioners in Whangarei District.

Dr Mark Bellingham

Principal Planner and Ecologist
MNZPI, PhD (Planning), CEnvP (Specialist Ecologist)

Director:
Shane Hartley BA BTP

PO Box 466, Orewa 0946
Florence House
16 Florence Ave
Orewa 0931

Ph 09 426 7007
Fax 09 426 7001
Email tnp@tnp.co.nz
Web www.tnp.co.nz