

PPC 85A, 85C, 85D, 86A, 86B – ZONING – NGUNGURU

**Submissions of Counsel for Longview Estuary Estate Limited, G Robinson, A Robinson,
J McCullough**

1. I appear for Longview Estuary Estate Limited and Mr Graham Robinson and Mr John McCullough who are directors of Longview.
2. Longview is a 6.649ha site located on the northern side of Te Maika Road (51), (refer p20 s42A report for location). It is currently zoned Coastal Countryside.
3. Under the PPC Zoning provisions, Council has recommended that the site be re-zoned Rural Production because of the adjustment of the RPS “Coastal Environment Boundaries” which mean that the site is no longer considered as being in the “Coastal Environment”.¹
4. Longview and each of its directors made submissions seeking to change the zoning to Rural Village Residential Environment. Mr Aaron Robinson and the Tutukaka Coast Residents and Ratepayers’ Association also made the same submissions supporting the rezoning of Longview to RVRE, as well as land agencies and private householders.²
5. The main grounds for the submissions made were:
 - (a) Council’s calculated or projected growth and need for additional residential land in Ngunguru is incorrect – more residential land is required;
 - (b) The Structure Plan and Council wrongly identified the site as being outside the Ngunguru urban area and, in any event, this should not preclude rezoning, such as being allowed in Rocky Bay, Tutukaka;
 - (c) The Longview site has no viable use as Rural Production land;

¹ Section 32 report June 2016 Appendix 12 – Proposed RVE.1 Rules

² Submissions 217/1, 267/1, 375/5, 375/4 and 524/1

- (d) The Longview site is ideally placed for residential development being adjacent to the Ngunguru urban area and Living 1.
 - (e) The site does not have any overlays which constrain development, unlike other areas of Ngunguru, such as the western end.
 - (f) Longview has a connection to reticulated sewerage already in place, unlike other areas of Ngunguru , such as the western end.
6. The reporting planner assessed the submissions as part of Council's s42A Report³. In its assessment, Council now accepts that there is a shortage of residential land in Ngunguru based on the submissions made.⁴ It concludes:
- "93. While there is not an identified immediate need for growth in Ngunguru, the submissions received indicate that there is a shortage of residential land. To enable additional development in a consolidated and managed manner I consider it appropriate to provide additional residential zoning."*
7. The report then goes on to consider where is the best place to rezone in order to provide for that shortage. All other sites in Ngunguru are ruled out for expansion except for the end of Te Maika Road where Longview is situated. Therefore, Longview has been accepted as the ideal place for rezoning to RVRE.
8. In the pre-hearing report, it is recommended that *part* of 51 Te Maika Road (approximately 1ha) be rezoned to RVRE being part of the low-lying portions (refer para 88). The remainder of the site is to be rezoned Rural Production. Part of the adjoining site is also proposed to be rezoned RVRE. Together, both sites are 1.6ha of RVRE which will yield 15-19 lots.

³ Refer Part 6 s42A Hearing report dated 2 June 2017 at pages 19-25

⁴ Ibid, Refer paragraphs 77-88

9. The key reason put forward to support a partial rezoning is that the remainder of the Longview site is “high instability hazard”.⁵ The report states that the remainder of the site has low productive potential due to its proximity to residential zoning.⁶
10. Longview and its directors are pleased that their site has been identified as best placed to offer more residential land. However, they disagree with the limited extent of the proposed re-zoning.
11. Firstly, Longview does not consider that the extent of the re-zoning will adequately cater for the need for residential land required. Growth figures provided in the area demonstrate that approximately 8 new homes are being constructed in Ngunguru per year.⁷ The proposed 15-19 lots will only provide for 2 years of demand on those growth figures. I **attach** marked “A” a plan prepared by Longview which shows the areas where development is nearing capacity.
12. Longview also disagrees that there are geotechnical constraints on its site preventing further residential development. Longview has previously been the subject of a private plan change 65 to allow increased development on the site by rezoning it from Coastal Countryside to Living 1. The PPC eventually ended up in the Environment Court and the plan change was declined.⁸ The key issues in the case were visual and the application of the NZCPS and that was the reason it was declined. These issues have now largely fallen away as the site is no longer considered to be in the coastal environment and has no overlays restricting development for visual reasons or otherwise.
13. In PPC65, no concerns were raised about the geotechnical aspects of the site. For the purposes of the hearing, Longview commissioned an expert engineering report which demonstrated that the site was very capable of being developed. None of the findings of that report were challenged by the parties to the hearing or the Court. Accordingly,

⁵ Ibid, para 88

⁶ Ibid, para 91

⁷ Refer statement of Graham Robinson dated 23 June 2017

⁸ Decision No. [2012] NZEnvC 172.

Longview considers that there are no constraints on the site due to “instability of the land” as the s42A report indicates. In any event, any application for subdivision of Longview could address any engineering issues on a lot by lot basis if required.

14. Longview submits that more of its site should be rezoned RVRE. I **attach** marked “**B**” a revised proposal put forward by Longview as an alternative scenario which provides for more RVRE zoning on the site but which avoids the highest parts of the spur to avoid any adverse visual effects. This alternative proposal would yield approximately 2.6 ha of residential land and another 2.0ha of bush restoration. The remainder of the site (approximately 2.0 ha) would remain Rural Production.
15. This enlarged area of residentially zoned land is the most appropriate way to provide for the demand for growth in Ngunguru in a consolidated way. Anything less will result in pressure for development being pushed into inappropriate areas of Ngunguru.
16. Accordingly, I request rezoning part of Longview to RVRE as indicated on attachment “**B**”.

Dated 24 July 2017



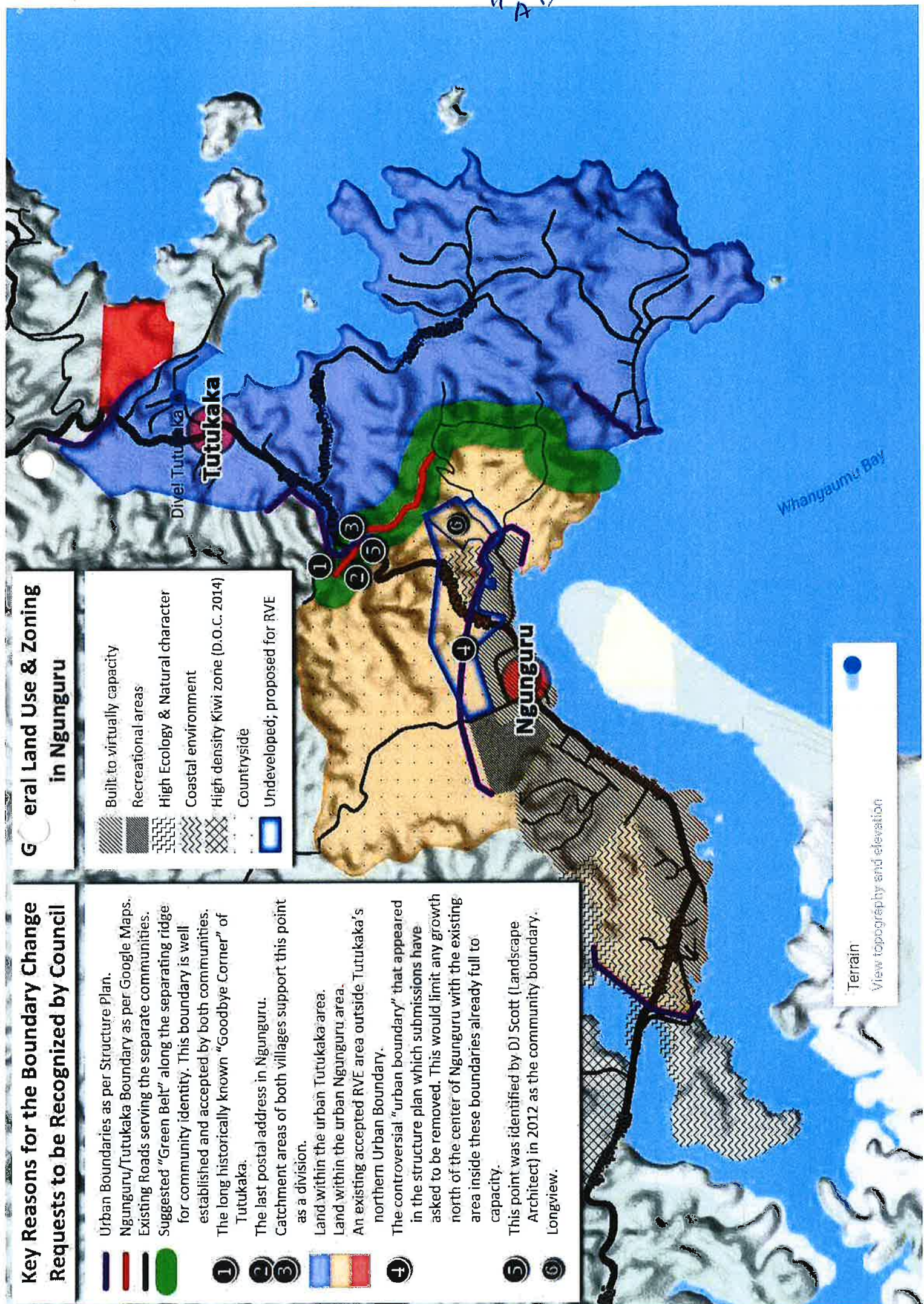
J S Baguley
Counsel for Longview

Key Reasons for the Boundary Change Requests to be Recognized by Council

- Urban Boundaries as per Structure Plan.
- Ngunguru/Tutukaka Boundary as per Google Maps.
- Existing Roads serving the separate communities.
- Suggested "Green Belt" along the separating ridge for community identity. This boundary is well established and accepted by both communities.
- The long historically known "Goodbye Corner" of Tutukaka.
- The last postal address in Ngunguru.
- Catchment areas of both villages support this point as a division.
- Land within the urban Tutukaka area.
- Land within the urban Ngunguru area.
- An existing accepted RVE area outside Tutukaka's northern Urban Boundary.
- The controversial "urban boundary" that appeared in the structure plan which submissions have asked to be removed. This would limit any growth north of the center of Ngunguru with the existing area inside these boundaries already full to capacity.
- This point was identified by DJ Scott (Landscape Architect) in 2012 as the community boundary.
- Longview.

General Land Use & Zoning in Ngunguru

- Built to virtually capacity
- Recreational areas
- High Ecology & Natural character
- Coastal environment
- High density Kiwi zone (D.O.C. 2014)
- Countryside
- Undeveloped; proposed for RVE



N A V

Alternative RVE Option

