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24 July 2017

Whangarei District Council
Private Bag 9023
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Attn: Hearing Commissioners

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

EVIDENCE 46
TOPIC 85 A-D, 86A-B 87 102 114
SUB# Rural Plan Changes
DATE 24/07/2017

Hearing Notes

I support the s42A Hearing Report Part 10 recommendation points 55 and 56 where the Planners Evan Cook and Sarah Brownie recommend to the Commissioners that the RLE rules be adjusted to include the proposed RLE.2.3.1.e.i.ii, that provides 250m setbacks from Fonterra's Irrigation farms.

Fonterra Setback from Irrigation Farm Kauri Recommendation

We recommend that the Commissioners accept submission point 414/16, and that the notified provisions be amended as follows:

RLE.2.3.1:

2. Any Sensitive Activity (excluding non-habitable buildings) within:

a. ...

e. 250m of:

i. An existing intensive livestock activity on a separate site.

ii. An existing activity ancillary to farming, plantation forestry or strategic rural industry on a separate site.

Fonterra were aware that with regards to my particular property that the topography naturally excluded Sensitive Activities from occurring within this setback area anyway, hence their positive withdrawal of objection to my submission to be zoned RLE, which you enquired about and was voiced during their submission.

However there are other properties close to their Irrigation farms and I support both Fonterra's submission, and the Planners recommendation to add this 250m setback to the rules.

I was surprised that the Planners in the S42A Part 6 points 318 to 320, on my submission, missed their own recommendation from Part 10 about the RLE 250m setback, that totally changes the situation with regards to their reason to not accept my submission.

Please note that HortNZ objects only to the lower part of my property being zoned RLE and this is due to the Wells' persimmon orchard. (Point 72 of their Part 1 of pre-circulated evidence.)

They proposed to me that the lower land areas of my land near the Wells' be zoned RPE and the rest of my land be zoned RLE.

The Wells' persimmon orchard runs from the river boundary with the Fonterra Irrigation farm to about 200 metres up the hill in the area that it borders my boundary. The recommended change to RLE.2.3.1.e.i.ii to provide a 250m Sensitive Activity setback, removes any reverse sensitivity issues in this area, on top of the fact that I have provided my own contract of assurance to the Wells'.

HortNZ are also very aware that the entire top part of my property is already compromised for most horticultural production with so many close lifestyle neighbours, poor soil and water issues. HortNZ are also aware that, as Bob Cathcart has described, most of the Apotu Road soils have older, strongly leached soil, with a friable topsoil over a dense red clay subsoil. Not suited to deep rooted trees. This fact as well as all our rocks, bush and slopes massively limits where and what can be grown on our land and hence possible rural production.

In fact, other than the 1.5ha of persimmon orchard that I have already planted, there is only about another 2ha of marginal Class 3 to 6 type soil in my swampy land suitable for planting more persimmons in, if I have an irrigation source. The reason that this area has not been planted yet is due to the massive amount of re-contouring work required before I can plant on this swampy part of my land where the old river used to run.

When I create the water storage area that I have planned for, I will use the good soil removed from part of the old river bed that will become a water storage lake, to fill in the other parts of the river bed that run through where I wish to plant. It's a big task that is expected to cost between \$100,000 and \$200,000. The plantable area is only between 20 and 100 metres wide and the old river bed ambles right through it.

Although I do not currently have any intention of chopping my land into many lots, the fact is that with the whole property zoned RLE and the subdivision averaging clauses requiring 2.0ha, this would result in a number of larger 5 to 6ha lots (where the land is steep or swampy) to allow house sites with views at the top of the hill 100s of metres back from the Fonterra irrigation farm boundary), while smaller 0.4 to 1.0ha lots would likely be dotted around the bush and near other rural production compromised area, due to lifestyle neighbours. This is what this RLE has been designed to produce.

I would also like to note that I support the RLE/RPE boundary shift requested by the Wells' for their property to move their pack houses and orchard facilities into a RPE.

After listening to Angela Halliday of HortNZ's submission, I believe that Angela and her team have done an excellent job of submitting on many of the proposed plan changes. They have achieved this while being caught between competing concerns, especially as many of the horticultural properties in Northland are small in size and the land owners recognise just as much value in their lifestyle on their land as they may get from the production from their land. I also support the general idea of protecting our valuable soils that have access to water

for the future prosperity of the region and these planning changes generally attempt to achieve this.

However, contrary to Angela's opinion of disliking RLE and of some landowners being unaware of the RLE rules, I can assure you that I am very aware of the limitations that these newly proposed RLE and RPE zonings may cause to my properties. But I accept that these RLE/RPE zonings will be good for the region in the future.

I currently operate my other existing greenhouse rural business with 6 close lifestyle neighbours and it is that physical reality, not the zoning that affects everyone's behaviour and expectations. In the immediate future I am happy to operate and develop my all my Apotu Road rural businesses within the proposed new RLE rules.

I believe Angela and many other industry and business owning submitters concerns with much of the wordings in these proposed plan changes are actually due to a disconnect between how Planners express things in Plans and how the public understand those things written.

I would like to point out to the Planners involved and also you Commissioners that while you understand that say, running a rural business in a rural area is a "Permitted Activity" - to the general public, when they see Planning Rules, it does not say that I can as a Permitted Right operate a greenhouse business or calf rearing business etc. It only says what is not permitted or discretionary. In the past I have even had to ask a new junior "city raised" Council Planner which zoning do they think that I should build greenhouses in? So if even the trained experts start to question Planning Rules, perhaps it would be appropriate to boldly say at the start of all the Rural Zoning rules that rural businesses already operating in a zone have a continuing over riding right to use best industry practices to run and develop their businesses. The similar approach can be taken for existing large industry and mining concerns in the planning document.

In conclusion I request that my land be zoned RLE.

Mal Aylward