

EVIDENCE 11

1

TOPIC PC85A-D, 86A-B, 87, 102, 114

SUB# Rural Plan Changes

DATE 04-07-2017

HEARING BEFORE

Whangarei District Council

IN THE MATTER

Of the Resource Management Act 1991

AND

IN THE MATTER

Plan Change 85, 85A, C and D and 87.

SUPPLEMENTARY STATEMENT BY MARK RAYMOND POYNTER

ON BEHALF OF Mark and Bronwyn Poynter and Couper Trust

Re Submission 157

Response to Council Section 42A Report Recommendation

Refer Page 39 clauses 167 to 168 of the section 42A Report

My Response:

- i. Re Clause 167 – First bullet

The staff comment is correct that the lots are within the CA but all 130 or so Lots within the Wellington's Bay catchment are also with the CA. I am not sure of the point the 42A report is trying to make.

- ii. Re clause 167 - second bullet

The staff comment is correct in respect of the status of the rear of the Lots but the rear area of the lots is all under Reserves Act Conservation Covenant as I have explained in my primary submission. That area can be excluded from consideration as there is no intent or ability to develop the bush and any proposed zoning overlay is irrelevant.

- iii. Re clause 167 – third bullet.

The front part of the property may be Class 3 soils. The soils on the Lots in question are no different from most of the other areas in the Wellington's Bay catchment where engineering analysis has repeatedly confirmed that the land is quite suitable for constructing dwellings. This is self-evident in the approvals Council has given over the years.

iv. Re clause 167. – 4th bullet

There is a low lying flat area which is not suitable for residential development. That area totals some 2ha and can also be excluded from consideration. It is readily identified. There is no intent to, or reason that one would, develop that area.

v. There are no stormwater or drainage issues that would arise from 1 -3 more dwellings/lots on the moderate sloping grassed land that forms the balance of the land in question. There is similarly no risk to the aquifer, from drainage from a small number of additional dwellings/lots.

vi. Re Clause 167 – 5th bullet.

It is agreed that there is no reticulated wastewater or water supply network. However, up to three additional lots/dwellings would still have generous areas and be on elevated ground 'well' removed from existing residential lots; water tables or aquifers. There would be no issue around providing suitable area for appropriate handling of wastewater. None of the lots in the Wellington Bay catchment use or need a reticulated water supply. Any additional lots we are seeking would ultimately be supplied by roof water (tanks).

vii. Re Clause 167 -8th bullet

One neighbour has commented to me that he has heard Kiwi occasionally in the area. I have not over my 36 years on site. Landcare group activities may well improve the kiwi numbers in the general area and add pressure for them to move into the bush in this catchment. In any event I am not sure of the relevance of this to my submission. We have covenanted the bush areas that are the potential kiwi habitat. We have destocked the balance of the site and there is plenty of cover and rough margins that would suit kiwi. Another couple of lots/dwellings somewhat removed from the bush proper, is not going to threaten kiwi, if they occur in the area.

viii. Re Clause 168

This clause illustrates the problem. Council understandably sees that the alternative to Rural Production is something that could anticipate 23 or maybe 50 new lots under alternative zoning. That is not our intention as I have stated and is more explicitly an outcome we would oppose in any form. We simply want the ability to not be prejudiced against putting 2 or 3 more lots/residences on land that can readily accommodate it. There seems to be no provision that facilitates this.

ix. Re Clause 172-first bullet

I oppose the staff recommendation to reject my submission. With respect, I believe the Council reasoning is simplistic and is based on a theoretical worse case that we also would not countenance. Council's reasoning as to 'associated risk' does not apply to a situation of a few more Lots. In my opinion the Council view, while it may be convenient, is not reasonable and has not had sufficient regard to the actual situation on the ground.

x. I appreciate the staff acknowledgement that the Commissioners may be of a mind to rezone part of the land to RVRE. I provide an indicative additional plan which shows the lots but which excludes the bush covenants created to date and to be created and which excludes

the flat areas. The balance is the area which is the focus of my submission and which reflects the land which we hope to re-zoned. We would be happy to see a constraint on that rezoning the limits the number of additional lots/residences to 3.

- xi. As a further suggestion, even if Lot 3 were to be rezoned that would be helpful.
- xii. I thank you for considering this supplementary submission.

Mark Poynter

Mark Poynter

From: Peter Ferguson <ferguson.peterj@gmail.com>
Sent: Tuesday, 4 July 2017 12:08 a.m.
To: Mark Poynter
Subject: Re: FW: Hearing Programme for Plan Changes 85 A-D, 86 A-B, 87, 102, 114

Hi Mark

Confirming that you have authority to represent the Couper No, 2 Trust at the hearings.

Regards
Peterr

On Wed, Jun 21, 2017 at 12:32 PM, Mark Poynter <markp@4sight.co.nz> wrote:

Hi Peter, you will see attached a quick submission I have made on behalf of Bron and I and the Couper Trust. Should be self explanatory. It would be useful to have an email from you that confirmed my 'authority' to speak on behalf of the Trust [REDACTED]. Happy to discuss.

Kind regards

M

Mark Poynter

Mobile: 027 487 5012

4SIGHT
CONSULTING

Office 1, Shop 10

Oceans Resort Hotel, Marina Road

PO Box 402 053, Tutukaka 0153

NOTICE - This e-mail is only intended to be read by the named recipient. It may contain information which is confidential, proprietary or the subject of legal privilege. If you are not the intended recipient please notify the sender immediately and delete this e-mail. If you are not the intended recipient you should not copy this e-mail or use the information contained in it for any purpose nor disclose its contents to any other person.

Recommendation

158. I recommend that the Commissioners **reject** submission points 118/1, 119/1, 159/1 and 232/1.

xvii. Tutukaka

159. Six submission points were received regarding rezoning in Tutukaka. Five of the submission points relate to Wellington's Bay while one relates to Landowners Lane.

Wellington's Bay – Submission Information

160. Mark and Bronwyn Poynter⁵⁹ request that Lot 11 DP 323553, Lots 2 and 3 DP195541 be rezoned from RPE to RVE for the following reasons:

- The sites have little existing or potential productive use and are more appropriately zoned as RVE or RLE.
- The proposed RPE would unnecessarily prevent future additional family residence on the land when there is no effects basis to exclude such additional low intensity residential use.
- An RVE or RLE status is consistent with the existing and future use and intensity of residential development in the bay and is consistent with sections 5 to 7 of the RMA and with the policies contained in the New Zealand Coastal Policy Statement (**NZCPS**).

161. Malcolm Ross and Lorraine Holland⁶⁰ request that 315 Tutukaka Block Road be rezoned from RPE to RVE as the neighbouring properties are proposed as RVRE and the site is too small (just over 1ha) to be productive, yet too big to upkeep.

162. Karen Jones⁶¹ requests that 91 Lawson Drive be rezoned from RPE to RVE as it is not suitable for rural production.

163. Wendy Dove and Steve Ingram⁶² requests that 311 Tutukaka Block Road be rezoned from RPE to RVRE as this would benefit the property value, the neighbouring properties are proposed as RVRE, the site is not productive and cannot be seen from the beach.

164. P and V Christie⁶³ request that 37 Lawson Drive be rezoned from RPE to RVRE for the following reasons:

- The proposed RVRE represents the most effective and efficient use of land relative to the RPE.
- The retention of an 8476m² allotment within the RPE is not consistent with the intent of the RPE.
- The retention of an isolated area of RPE that is bound by both RVRE to the south and native bush to the north is likely to give rise to reverse sensitivity effects, which contradicts the RPE description.

⁵⁹ 157/1

⁶⁰ 32/1

⁶¹ 143/1

⁶² 298/1

⁶³ 519/1

- The land subject to this submission fits more comfortably with the RVRE than the RPE as the RPE does not achieve sustainable management under Part 2 of the RMA.

165. Figure 14 identifies the sites in Wellington's Bay requested for RVRE rezoning instead of RPE zoning.

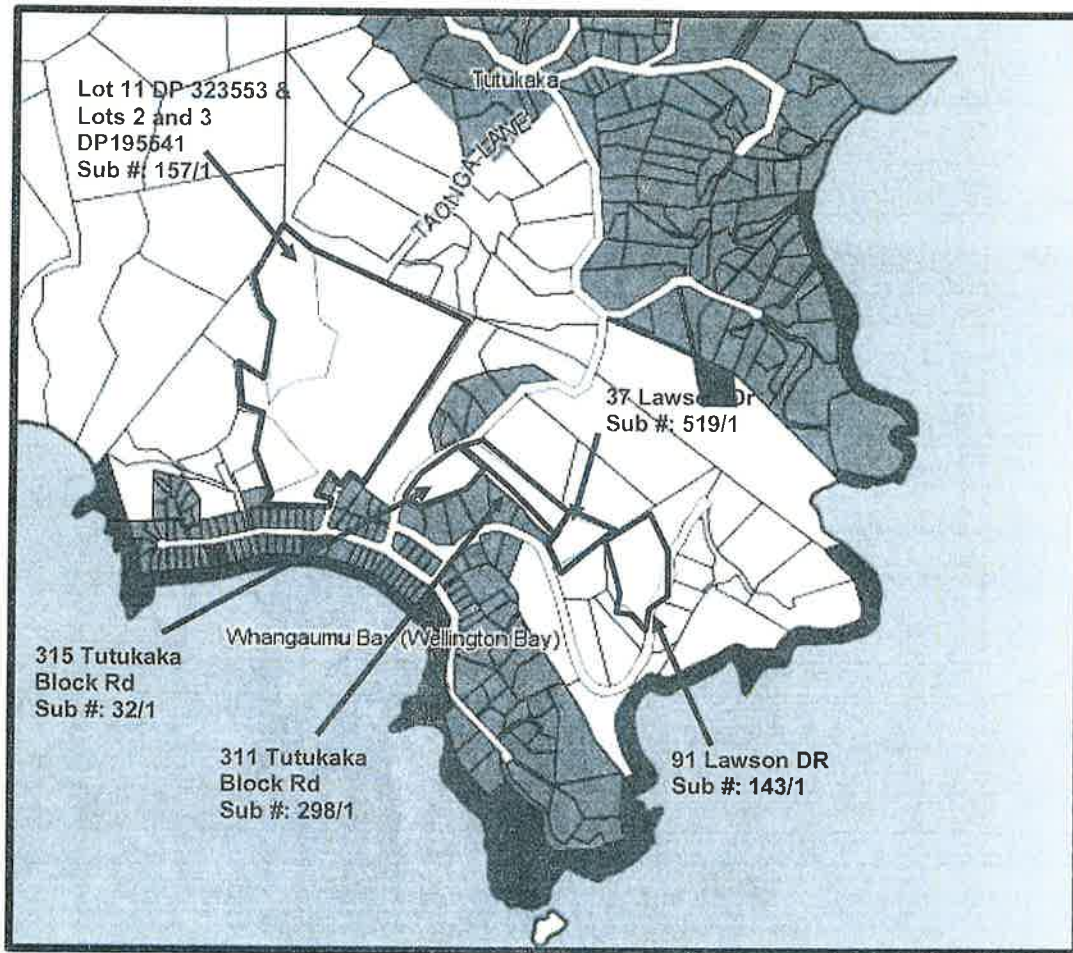


Figure 14: Proposed District Plan Environment Map identifying Wellingtons Bay sites subject to rezoning requests

Wellington's Bay – Discussion

166. I do not support the rezoning of 91 Lawson Drive as approximately 87% of the 2.1037ha site is identified as HNC and there are numerous additional constraints within the site (e.g. CA and high instability hazard areas). The size of the site and the extent of HNC within the site should preclude rezoning in my opinion.
167. I do not support the requested rezoning of Lot 11 DP 323553, Lots 2 and 3 DP195541 for the following reasons:
- The sites are located within the CA.
 - The rear portion of the sites largely comprises ONL, HNC, indigenous vegetation and areas of high instability hazard.
 - The front portion of the sites largely comprises Class 3 soils.
 - There are flooding and stormwater drainage concerns especially given the high ground water levels in the area and the fact that poor drainage could impact the aquifer, which is identified as at-risk in the area. Section 4.3 of the RPS clearly states the importance of managing water

quantity in the Region and ensuring that water is not over-allocated. Objective B2 of the NNPSFM states “to avoid any further over-allocation of fresh water and phase out existing over-allocation”.

- There is no available reticulated wastewater or water supply network in proximity.
- While the Tutukaka Structure Plan identifies the area for potential Living 1 Environment (or similar), the Structure Plan also states that wastewater treatment or reticulation is a pre-requisite for expansion of the Living Environments.
- The area is identified as having a kiwi presence.

168. The front portion of Lot 11 DP 323553, Lots 2 and 3 DP195541 which does not contain ONL, HNC high instability hazard and indigenous vegetation (approximately 6ha), could provide for up to approximately 23 new lots if it were zoned RVRE. However, at the typical density of the existing surrounding Living 1 Environment sites (800m² – 1,000m²) this area could provide for at least 50 new lots. The s32 report⁶⁴ noted there is no identified need for additional residential zoning within Tutukaka. No additional evidence has been provided by the submitter to address the residential demand in Tutukaka or the constraints on development within the sites. Given the numerous constraints and significant number of lots that could be created through RVRE zoning I do not support any RVRE zoning within Lot 11 DP 323553, Lots 2 and 3 DP195541 due to the associated risks, and particularly since there is no identified need for residential expansion within Tutukaka.

169. There are constraints present within 37 Lawson Drive and 311 and 315 Tutukaka Block Road similar to those discussed above regarding Lot 11 DP 323553, Lots 2 and 3 DP195541. However, in my opinion within 37 Lawson Drive and 311 and 315 Tutukaka Block Road there is only the potential to realistically create one additional lot in each site due to the location of existing buildings and conservation covenants. The conservation covenants also contribute towards the on-going protection of the landscape values within the sites. While there are constraints to development, the risks are significantly reduced due to the much lower development potential of the sites compared to Lot 11 DP 323553, Lots 2 and 3 DP195541. Given the reduced risks and reduced costs I generally support the requested rezoning of 37 Lawson Drive and 311 and 315 Tutukaka Block Road.

170. Table 5 provides an assessment of 37 Lawson Drive and 311 and 315 Tutukaka Block Road against the RVRE zoning criteria:

TABLE 5: EVALUATION OF 37 LAWSON DRIVE AND 311 AND 315 TUTUKAKA BLOACK ROAD AGAINST RVRE CRITERIA	
<i>Inclusion / Exclusion Criteria</i>	<i>Satisfies / Fails</i>
The area has access to a formed road	Satisfies
The area is not identified as being within the Ngararatunua Overlay	Satisfies
The area does not contain an unformed indicative road	Satisfies
The area is within 6m of an existing Living Environment or proposed RVRE	Satisfies

⁶⁴ Pages 7 – 10 and Appendix 16

