

**BEFORE WHANGAREI DISTRICT COUNCIL HEARING PANEL**

UNDER

the Resource Management Act  
1991 (RMA)

IN THE MATTER OF

a submission by Vivian  
Kloosterman (submitter 204,  
further submitter 355) on the  
Whangārei District Plan

AND IN THE MATTER OF

The Hearing for Urban &  
Services Plan Change Package to  
the Whangārei District Plan

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**SUBMISSION OF VIVIAN CAROL KLOOSTERMAN**

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## **1 INTRODUCTION**

- 1.1 My full name is Vivian Carol Kloosterman (also known as Vivian Carol Simpson - my married name.) Peter Simpson and I are Trustees of a Trust that owns the land covering 2.59 hectares, Lot 24 DP 42097 at 566 State Highway 14. I am making this submission today in my personal capacity as a Trustee, but for the general information of the Hearings Panel I set out my professional credentials below.
- 1.2 I have a Bachelor of Engineering (Honours) from the University of Canterbury and am a Chartered Professional Engineer with over 35 years' experience. I was the Founder and Managing Director of VK Consulting Environmental Engineers Limited for 28 years until 2017. The company specialised in environmental and resource management engineering and planning.
- 1.3 I was appointed by the Government to the Chartered Professional Engineers Council for 7 years from 2003 to 2010, which, under the Chartered Professional Engineers Act 2002, is responsible for reviewing and approving engineering standards, hearing appeals from engineers, and reviewing and reporting to the Minister on the performance of the Institute of Professional Engineers of New Zealand, which was the registration body for Chartered Engineers.
- 1.4 I was also appointed by the Minister of Commerce to the Standards Council, which was the governing body of Standards New Zealand, a Crown-owned entity. I was a member of the Council for 7 years from 2005 to 2012.
- 1.5 I was the Chair of the University of Canterbury Natural Resources Engineering Advisory Board and a Member of the Civil Engineering Advisory Board for 3 years from 2003 to 2006. These Boards acted in an advisory capacity to the Civil Engineering Department of the University of Canterbury.
- 1.6 I am a Fellow of the Institute of Professional Engineers of New Zealand (now Engineering New Zealand), and a member of the New Zealand Water and Wastes Association.

## **2 BACKGROUND**

- 2.1 Our neighbours to the north and east have wanted to subdivide for many years. In 2015 this culminated in a Private Plan Change 112 seeking a zoning change to Living 1 for the area East of Te Hape Road, which included our property.

- 2.2 This land is situated on prime horticultural soils, which are highly productive and which we believe should not be subject to intense subdivision. However, due to our neighbours' persistent efforts over many years, which had involved ongoing applications and hearings, we chose not to oppose the proposed Private Plan Change. We made this decision because for the 25 years we have lived on this land we have always carried out both agricultural and horticultural activities on site, and the Living 1 zoning rules allowed us to continue our rural activities as permitted activities.
- 2.3 The Living 1 Zoning Rules allowed our neighbours to subdivide, while still protecting our interests by allowing us to continue our agricultural and horticultural activities without relying on existing use rights or having to obtain resource consents.
- 2.4 Proposed Plan Change 88I takes away those rights. The area would be re-zoned MDR-Medium Density Residential, and the new rules would make "Farming" a non-complying activity and "Seasonal Activity" would be prohibited. We would be forced to apply for a resource consent (for a non-complying activity) to continue our current farming practices. Under the definition of Seasonal Activity, we would not be able to carry out horticulture at any level, and neither would our residential neighbours.

### **3 SCOPE OF SUBMISSION**

- 3.1 My submission to the Hearings Panel relates to the proposed rules for the Medium Density Residential Zone, specifically those rules relating to Farming and Seasonal Activity (original Submission 204).
- 3.2 It also addresses my Further Submission 355 in Support of the North Haven Hospice Submission 79.

### **4. FARMING ACTIVITIES**

- 4.1 Farming was a permitted activity in Living 1 but would become non-complying in the proposed MDR zone.
- 4.2 Part 6 of the Section 42A Hearing Report<sup>1</sup> paragraph 361e recommends that this be changed so that Farming becomes a permitted activity under rule GRZ-New3. We support this recommendation because our farming activities are compatible with residential activities in the MDR zone for the following reasons:

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<sup>1</sup> Part 6 – Living Zones Proposed Plan Change 88I Section 42A Hearing Report. Whangarei District Council, October 2019.

**1. Our farming and horticultural activities will not give rise to adverse effects.**

- a) Some adverse effects of non-residential activities are noted in MDR-P9 which states *“To only enable non-residential activities where they:... Avoid, remedy or mitigate adverse effects on residential amenity values such as noise, traffic, parking, lighting, glare and visual impact.”*

Our farming and horticultural activities will not give rise to any of the above adverse effects. Noise, traffic, parking, lighting and glare effects from our activities would be significantly less than from MDR activities.

- b) Our land area of 2.59 ha automatically limits rural production to a small scale. We have carried out a wide variety of farming and horticultural operations over the past 25 years with no adverse environmental effects even though we have always had many residential neighbours on our immediate western boundary. We have existed side-by-side with residential development along Te Hape Road and this demonstrates that the risk of retaining the status quo is minimal.
- c) Use of sprays is minimal and limited and is covered by Northland Regional Council’s Air Quality Plan.

The above is consistent with para 359 of the Section 42A Report which states that WDC Compliance Officers are not aware of any historical complaints related to horticultural or farming activities in the Living 1 zone.

**2. There are positive effects from allowing farming activities to continue.**

- a) Our visual impact is positive, with a vista over open spaces, trees and paddocks. This is often stated as a benefit in marketing materials for sales of properties on Te Hape Road.
- b) With respect to traffic, the current roading infrastructure does not have sufficient capacity for present vehicle numbers with morning traffic regularly backing up from the traffic lights at the intersection of Hospital Road and Maunu Road to Pompallier College and beyond, a distance of over 3 km. Adding more vehicles to this network would further overload a system which cannot cope already. Delaying further residential development until the roading infrastructure has capacity to handle increased traffic would be beneficial.

- c) It allows larger and or vacant sites within the MDR to be productive. This allows for the best use of highly productive land until such time that the land is subdivided.

**3. This would be consistent with rural activities allowed in immediately Adjoining Zones**

This MDR zone covers a relatively small area in an isolated pocket and is bounded to the north and east by Rural Production Zones. In these zones Rural Production Activities including: Farming, Plantation Forestry, Intensive Livestock Farming, Farm Quarrying, and Seasonal Activity, are all permitted activities. If the effects of these activities taking place on the immediate boundaries of the MDR zone are considered compatible, then it is appropriate that our farming and horticulture activities, which are on a smaller scale with a history of no more than minor effects, be allowed to continue until such time as the land is subdivided.

**5 SEASONAL ACTIVITY**

- 5.1 Seasonal Activity, which would be prohibited under the proposed MDR zone, is defined as:

*“Seasonal activity means the following activities:*

*a) The harvesting, picking, pruning or planting of primary produce on a temporary seasonal basis; or*

*b) forestry, including the storage of harvested timber within forest plantation sites (whether recently harvested or not) and the transport of raw logs with the processing or packing of primary produce and harvesting timber not constituting seasonal activities for the purposes of this definition.”*

- 5.2 I interpret Clause (a) to mean we would be prohibited from any seasonal horticulture, including planting or pruning any crops or trees, or harvesting or picking any produce from crops or trees, and so would our residential neighbours. Temporary seasonal basis is also open to interpretation. For instance, how does it differ from a permanent seasonal basis?

- 5.3 If I am mis-interpreting this definition then I seek clarification on its meaning, and confirmation that *the harvesting, picking, pruning or planting of seasonal produce from horticultural activities is not covered by this definition and would therefore remain a permitted activity in the MDR zone.*

## **6 CONCLUSIONS**

6.1 We support the proposed new Rule GRZ-New3 which makes Farming a permitted activity in the MDR zone.

6.2 We seek that either:

Seasonal Activity (as defined in Clause (a) of the definition) is made a permitted activity in the MDR zone,

or:

The definition of Seasonal Activity is clarified and re-worded to avoid any confusion or conflict with activities permitted under the Farming definition, and to allow seasonal horticultural activities to be permitted in the MDR zone.

6.3 We request that any consequential amendments required to give effect to this submission also be put in place.

## **7 FURTHER SUBMISSION 355**

7.1 I support Submission 79 of North Haven Hospice Endowment Trust because the Trust should be able to retain the current planning status of its activities on its properties.

7.2 I support the principle that existing activities that have been located and carried out on a site over a long period of time without adverse effects on the neighbourhood should have their current planning status retained and allowed for in the new zone to at least the same extent as their current status. It is important that services such as those provided by Hospice that provide significant community benefit and make productive use of existing resources are permitted to continue in harmony with surrounding land uses. This is consistent with the principle that we seek to have applied to our situation.