

Before Hearing commissioners

At Waikato District Council

Under:	the resource management act 1991
In the matter of:	Proposed plan change 1 to the Waikato District Plan

Between	Andrew and Christine Gore
And	Waikato District council

Hearing 18 Rural

<u>Submitter 330 and FS1062</u>	<u>Statement of evidence</u>
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Dated 7 September 2020

Hearing 18 Rural subdivision

Introduction

- Our property is subject to four overlays in the PWDP¹
- Our property is subject to a number of objectives policies and rules that have serious negative consequences for us²
- Scope of our submission outlines six matters³

Section 42A report on rural subdivision, supports, leaving the rural land in the UEA' untouched'

42 A Rural subdivision Katherine Overwater Page 61

122. The term in the objective "protect" is a strong directive that land must be kept 'untouched' to ensure that future urban development can occur. Despite there only being two properties that could subdivide, for example the risk is that these properties could impact future plans for infrastructure, such as the roading network. Further if existing titles are reconfigured by way of boundary relocation, this pathway also provides a risk that the land could impact future urbanisation.

and Section 42 A rural zoning promotes policy that 'avoids' use of land under UEA

42 A Rural Zone Jonathan Clease Page 252

328. Whilst decisions are yet to be released, I agree with the recommendation set out in the Strategic Directions report that an 'avoid' policy better achieves the intent of the UEA than a 'manage' policy. The below consideration of the land use rules is made on the basis that an 'avoid' approach is supported by the Panel.

In the WDP introduction, the rural parts of the district are described as valued.

WDP Introduction [S42A.42.3](#)

(B) In addition the rural parts of the district are valued for their landscape and character and amenity value.

We support maintaining a natural rural environment and have added to this through planting of trees on our property⁴

We value the rural amenity of our property more highly than leaving it untouched.

Our property is in the Waikato river catchment and under the Hamilton ecological management area.

¹ Opening submission 330 page 2 (4)

² Opening submission 330 page 2 (5).

³ Opening submission 330 page 3 (8)

⁴ Sub WPDP stage 1 page 2 2.4

The proposed 42A policy and zoning rules appear to be inconsistent with the UEA objectives.

Our submission points have not been addressed in that regard.⁵

1.0 Leaving rural land parcels such as ours that cannot be touched for 25 years raises significant issues to:

1.1 the landowner

- Costs as acknowledged by Overwater where landowners cannot subdivide.⁶
Supported by Scrimgeour⁷
- Loss of high class soils amenity under UEA
Supported by Hill⁸

1.2 , the environment

Section 14(h) of the LGA 2002

ii) the need to maintain and enhance the quality of the environment⁹

There does not appear to be any provision in the proposed plan for how proposed urbanisation (UEA) will manage affect to ecological value in the proposed UEA area. (Ht1 in particular) that is rural.

In our view the UEA as it affects our property is not an example of sustainable management and is therefore inconsistent with the RMA.

Both Overwater¹⁰ and Cleese¹¹ reference the Future proof Strategy as an influential strategy planning document. Furthermore, Future proof Draft Waikato 2070 suggests a new focus area of 'protect and enhance the environment'.¹²

As reflected in our submission the protection and enhancement of the environment we live in is extremely in important.

It is documented that land left untouched experiences change to flora and fauna.

Two examples

1. Hamilton City.

⁵ 330.131, 330.141,

⁶ Overwater rural subdivision page 75 7.6.3

⁷ Scrimgeour rural subdivision Waikato page 8 (4)

⁸ Hill A review of high class soils page 41

⁹ 2012 LGA 2002 and RMA 1991

¹⁰ Overwaterfuture proof strategy 3.7 71 page 27

¹¹ Cleese statuary requirements 23 page 20.

¹² Draft Waikato 2070 page 6

Peacock road subdivision area taken into Hamilton City in 1989. Farmed and left until development which is starting now, 30 years after.

There is now conflict over rare bat habitat and urbanisation Appendix 1

2. Germany

The German green belt was established after the wall. From 1961 to 1989 the land was untouched. Almost 30 years. An inventory was made of all the ecosystems and species along the belt.

Bio diversity was re-established with valuable flora and fauna where the land was left. Appendix 2

We fenced off of approx. 1ha on our land 10 years ago, we have noted and photographed an increase in native fauna and flora.

If land such as ours (small blocks in our case 4ha) are left untouched due to UEA preserving the land for future urbanisation, it would be reasonable to expect a plan to have been submitted by HCC to PWDP on how they intend to manage the ecological area, including documenting the changes in untouched land and how they intend to manage the preservation of the flora and fauna

It is not reasonable to just accept intensive urbanisation , under UEA¹³ , into the rural area which has stringent rules applied to protect the environment. In particular into an area defined as ecological basin.

An alternative to leaving all the land untouched is to offer the possibility of land such as ours on the fringe of the large HT1 area to be developed in a less urbanised way to offer a buffer between large areas of urbanisation. This has been partially addressed but not applied to our rural land under UEA.¹⁴

Eco systems could develop and be there and be part of lower impact urbanisation.

This would in some way compromise for the intensive urbanisation approach, into a rural area that has such high emphasis on protecting its amenity.

The green belt in Hamilton was established in 1877 and surrounds the original city boundary

No apparent green belt development has been considered to the north buffering urbanisation from Hamilton city

Green belt examples:

Hamilton New Zealand, Germany, Dunedin New Zealand, Ontario Canada, England¹⁵

Green belts are more parks like but a combination of eco system preservation and lower density housing closer to mass dense urbanisation would bring nature closer to population and seek to provide some housing.¹⁶

¹³ Overwater 7.6.2 effectiveness and efficiency

¹⁴ 330.132 (5.3.4)

¹⁵ Appendix 1-5

We are opposed to reserving all land on the HCC boundaries for intensive city development¹⁷

We are located at the east end of Kay road, two km to the west of us, leading off kay road, is Oaktree lane, a country living style subdivision. This provides green space buffering into the Ht1 identified area at that location.¹⁸

1.3 The supply of housing in the next ten years.¹⁹

In depth consideration has taken place in the rural subdivision and rural zone reports around **NOT** subdividing the land, and in particular preserving the land for future urbanisation.²⁰

Neither report has discussed the shorter term 10 year housing need that a 10 year district plan could consider,²¹ as the reasonably foreseeable needs of future generations²²

There does not appear to be provision in the policy for protecting rural amenity in the UEA where other factors affect the land, such as fragmentation, property size, UEA..

As outlined in our submission²³ our rural land cannot meet the objectives of the rural zone subdivision. In 42A revised version we still cannot meet the objectives.

As outlined in the table²⁴ in Overwater report the amended rules for subdivision do not apply in the urban expansion area.

The 42A policy and zoning in this regard appear inconsistent for Rural zone under UEA.

2.0 Unaddressed submission issues

2,1. Fragmentation

Some of our submission in regard to fragmented land has been accepted in part.

- it is accepted we are fragmented from surrounding rural land
Both Overwater²⁵ and Clease²⁶ discuss the importance of preventing land fragmentation in the rural environment.
- We are experiencing reverse sensitivity affect from large scale roading project
Neither Overwater or Clease suggest with policy or rules how to deal with the fragmentation or reverse sensitivity that has a) already occurred leaving blocks of land such as our 4ha underutilised or, b)Will occur as a result of UEA.

¹⁶ 330 submission 4. Page 5

¹⁷ 330 rebuttal hearing 3 page 1

¹⁸ 330 submission page 4

¹⁹ 330 submissions 5. Page 7

²⁰ Overwater page 58 Urban expansion area 111-116

²¹ 330 September 8.5 page 3

²² LGA and RMA 2012 LGA 2002 and RMA 1991 (2012) page 2

²³ 330 September 2019 page 5

²⁴ Overwater page 74, 153. 154. 155

²⁵ Overwater page 26 68 fragmented

²⁶ Clease page 50 5.2.3 fragmentation

2.2 land use for our 4ha

Under the new 42A recommended policy rules our land is unable to be subdivided in any way

- Does not meet the conditions under PR4
- Has conditions under NC 1 and NC2

2. 3. Rural commercial

We are prevented from carrying out our legitimate livelihood as a rural commercial business that supports the rural industry around ourselves. (Veterinary clinic.)

The zone rules have been suggested by Clease²⁷ to accept veterinary as a rural support business but not in the UEA²⁸

Rural commercial to be recognized in the rural zone²⁹ **BUT** Rural commercial not recognized in rural zone under UEA³⁰

We do not accept that it is reasonable that we cannot operate a veterinary business from our land which under Rural Zone is acceptable but under UEA is not yet we are under both.

Our submission asked for consideration through policy and planning of the unique position we are placed in³¹

Policy 5.3.9 rural subdivision

iv) recognizing the use and development of rural resources enables people and communities to provide for their economic, social and cultural wellbeing.

A veterinary business such as ours could easily integrate into urbanisation as it provides for both domestic and production animals, meeting the policy objective.

We own and manage Global veterinary services in Gordonton providing animal health services for domestic and companion animal in the rural area

The policy and zone recommendations in this instance render our land incapable of reasonable use for this purpose and places an unfair and unreasonable burden on us.

²⁷ Clease page 99 127

²⁸ Clease under current plan permitted discretionary under Future urban prohibited

²⁹ Clease page 287 442 page 2889

³⁰ Clease page 289 448

³¹ 330 page 3 8.2

2.4. Overlays are conflicting

Being in Rural without UEA provides us with some options to sensitively manage our land

Being in rural with UEA that seeks to preserve the land for intensive urbanisation in the future, seeks to prohibit options over our land³²

Neither Clease or Overwater have made clear through policy as to what the prevailing situation is for overlays in Ht1. The overlays are inconsistent.

We do not accept that it is reasonable that our land can just be left under a UEA until 2045

The UEA unreasonably interferes with our ability to develop our property.

2.5 The policy and zone recommendations

In this instance policy and zone recommendations render our land incapable of reasonable use and places an unfair and unreasonable burden on us.

The overlay prevents development for an uncertain period of time on the basis that the land may be needed for urbanisation.

That is not appropriate given our land size, location and fragmentation.

2.6 Environmental considerations

We support in general the recommendations, Clease³³ in regard to lighting

We support in general the recommendations, Clease³⁴ in regard to rural rule noise and vibration

We support the detail given to the protection of landscapes and landforms and SNA in the PWDP.

In relation to this we feel more consideration should be given to the light and noise impact into the basin ecological area.

In our view the recommendations and amendments around light and noise do not appear to address an environmental approach to the habitats such as for insects and small animals. Native bats being an example already mentioned.

Intensive urbanisation with unmitigated light disrupts the ecosystem for wildlife.

Dark sky³⁵ describes the affect artificial lighting has on ecosystems.

³² Clease page 252, 325,326,327,328

³³ Clease page 327

³⁴ Clease page 333

³⁵ Dark sky www.darksky.org

3.0 Conclusions

3.1 At this point the 42A rural and zone rules do not address the inconsistencies we are faced with being on the fringe of the Waikato district.

- Our land is zoned for rural
- Our land is zoned for UEA
- Our land is in the Hamilton basin ecological management area
- Our land is fragmented from rural amenity but sits under rural zone

The expectations of all of these are conflicting and create inconsistencies.

We value the land we have for its eco system, rural nature and potential productive use.

We are opposed to intensive urbanisation into the rural zone under UEA

We are opposed to WDC and HCC plan 42A adopting the approach of just leaving the land for up to 30 years, for the UEA

3.2.1 Some of our submission in regard to land use in the rural zone has been accepted in part but the suggested amendments have been negated by UEA objective and policy, for our land

3.2.2 Some of our submission have been accepted for change in the rural zone but the changes are unable to apply to our own land due to UEA objective and policy

3.3 We are generally supportive of the plan 42A and its objectives for the rural environment

We ask for more focus on policy and rules that protect and enhance the environment for fauna in the ecological basin that includes environmental conditions such as dark sky and noise mitigation.

3.4 We support the councils recommended approach of removing the prohibited status from our land for subdivision, given its size, location and fragmentation.

The UEA unreasonably interferes with our ability to develop our property

We ask that we can develop our property in a manner consistent with country living zone and the provision of an ecological area.

3.5 We support the council recommended approach of removing prohibited status of non rural development for veterinary clinics, including them as rural agricultural business

We ask that the prohibited status for establishing a veterinary clinic on our land be lifted.

A clinic in our area would contribute to the economy, culture and lifestyle if the area. And could be integrated into the more urban environment in the future.

