

8 March 2021

**District Plan Review Team**

**Waikato District Council**

**Private Bag 544**

**Ngaruawahia 3742**

**New Zealand**

Transmittal via e-mail: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

**RE: Response to Proposed District Plan – Hearing 25 - Zoning**

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Submitter details are:

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| <b>Name</b>  | Martin and Stephanie Lynch                           |
| <b>Organisation (on behalf of)</b>   | Submitter Number 161; Submission Point Number 161.1. |
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| Trade Competition and adverse effects<br>I am not a person who could gain an advantage in trade competition through this submission. |  |
| <b>I wish to be heard</b>  | Yes  |

To the Hearing Committee,

As part of Council's Proposed District Plan, we received a letter from the Waikato District Council dated 16 July 2018, notifying the intention to rezone our property from Country Living to Rural.

We **opposed** this change in a submission dated 3 Oct 2018 and requested that the property remain as Country Living Zone.

In our submission to Council we identified the following points:

- Our 10 acre property and our neighbour's 10 acre property were rezoned from Rural to Country Living by Waikato District Council over ten years ago. This decision was made in full knowledge of the agreement between Hamilton City Council and Waikato District Council of our land being part of the Hamilton Urban Expansion Area and reflected the nature of the changing land use in our location near Horsham Downs Golf Course. In other words, the zoning status has already been tested by Council and Rural Zone was found to be inappropriate.
- We have not been able to understand the logic which has led to the proposed zone change from Country Living Zone to Rural Zone given the existing character of our surrounding environment developed under the Operative Waikato District Plan. While the property has a "rural outlook", a physical site inspection shows the property itself reflects the character and amenity of our multiple neighbour's properties immediately adjacent to the west, northwest, south east and south. These are all zoned Country Living.
- The property is inappropriate and too small for rural land use and therefore should retain its existing Country Living Zone status.
- Under the operative plan the land can be subdivided into optimal sized lots and provide country living opportunities in context with immediate surroundings alleviating pressure on other potential subdivision areas which are isolated.
- The zone change would serve no environmental benefit and is inappropriately retrospective that would have an adverse material impact on the value of the property. The degree and rationale behind the proposed zone change is contrary to Part 2 of the RMA as the proposal does not constitute sustainable management of natural and physical resources.
- Our property has not generated reverse sensitivity effects on abutting rural land use and the neighbouring dairy farm (Rural Zone) has not generated any reverse sensitivity effects. The immediate farmland adjacent is grazed on a 4 week rotation and the herd is typically present in those paddocks for a one day period. The neighbouring farming buildings are located more than 500m away and houses in surrounding developments are well setback from boundaries providing space between activities.
- A wetland development at the east end of our property provides an additional buffer to the dairy farm.
- We also opposed the proposed ban on further subdivision of any property inside the Hamilton Urban Expansion Area because while we respect the long-term strategy of protecting Hamilton's Urban Expansion Area, a blanket ban on subdivision in this area is a blunt tool which does not appear to take into account the existing layout of Country Living Zones and whether future development would materially impact upon this strategy.

Subsequently to our submission in July 2018, we sought a Subdivision Consent for our property under the operative district plan. This was granted in March 2020 after a thorough review by

Council's planning and consent team. The subdivision will create five new lots on our land and the amenity and character will be clearly Country Living not Rural.

During the process of gaining our consent we met with policy and planning staff and asked if they could explain why our property was proposed to change to a rural zone. They could not explain this and also appeared to be puzzled that a zoning change for our property was proposed.

As part of our consent requirement we also agreed to particular conditions relating to two lots being just inside the Fonterra Te Rapa Dairy Noise Control Overlay. This was considered by Council and Fonterra as appropriate to mitigate any reverse sensitivity implications for Fonterra. A zone change back to Rural would not provide any additional benefit to Fonterra.

We also investigated the material impact of a blanket subdivision ban in the Hamilton Urban Expansion Area on the Country Living Zone. We found that only 7% of the area is zoned as Country Living and that 84% of the properties are already fully developed. Of these, expert evidence identified that only 7 additional allotments could be realistically created. This finding was backed up by Waikato District Council's Country Living Zone s42A report prepared by Susan Chibnall. Council's own staff found that only 5 properties could be subdivided potentially creating 15 lots. It was considered that prohibiting subdivision in the Country Living area was not warranted.

In summary, our ten acre property currently zoned Country Living has a consent for a 5 lot subdivision and we are making progress towards its implementation. There is no apparent reason why Rural zoning provisions are preferable to Country Living provisions in respect of our consented subdivision. We request that our property remain Country Living under the new District Plan.

Yours sincerely

Martin & Stephanie Lynch