

Submitter Number 272

Mark Smith, 28 Summerfield Lane, Tamahere.

Waikato District Plan Review

Section : Zoning

Further Evidence to The Waikato District Council
for hearings to be held in 2021

Requesting rezoning of the Summerfield Lane
Precinct from Rural to Country Living

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A. Purpose of this Submission

1. The purpose of this submission is to have the "Summerfield Precinct" as described below and illustrated in Appendix A to be re-zoned from *Rural* to *Country Living*.
2. Rezoning the precinct to *Country Living* would allow limited subdivision in an area that has all the characteristics of a *Country Living* zone. It is composed of low quality soils, is satisfactorily serviced by road, telecommunications and power and is within 10km of Cambridge and Hamilton City.
3. Releasing this land for extra *Country living* housing would allow further country living lifestyle allotments to be created without encroaching on good quality rural land and without an extension of the urban fringe. Nor would it change the nature of the current environment in the *Summerfield Precinct*.

B. Land Included in the Submission

1. The area of land, hereafter described as the *Summerfield Precinct*, is scheduled below.
2. Note that the McNeill subdivision portion was not included in the original submission but is a natural inclusion.
3. A plan of the land included is in Appendix A
4. The first schedule contains the current holdings in the original Oosterbaan subdivision of 1993, and the second contains the current holdings in the original McNeill subdivision.

Oosterbaan Subdivision – Current Holdings

Note that none of the addresses have common owners

Street Address	Record of Title	Area -Ha
563 Pencarrow Road	SA57B/679	0.8501
5 Summerfield Lane	583856	1.5026
31 Summerfield Lane	SA52D/506	1.3370
38 Summerfield Lane	SA52D/507	0.5400
32 Summerfield Lane	SA52D/508	1.1507
34 Summerfield Lane	SA58C/273	0.7780
30 Summerfield Lane	SA58C/274	2.0375
28 Summerfield Lane	SA52D/512	1.1782
12 Summerfield Lane	583857	1.5665
4 Summerfield Lane	SA52D/509	0.5218
587 Pencarrow Road	SA52D/510	0.6263

Source of Data – WDC Mapping

McNeill Subdivision – Current Holdings

Note that none of the addresses have common owners

Street Address	Record of Title	Area -Ha
599 Pencarrow Road	356645	3.5503
605 Pencarrow Road	356643	0.5924
607 Pencarrow Road	356644	1.0434

Source of Data – WDC Mapping

C. Background to the existing subdivision pattern

The Oosterbaan Subdivision

1. The Oosterbaan subdivision was carried out in 1991 to subdivide three titles belonging to the Oosterbaan family into 10 Lots varying in size from 5062m² to 2.8155 ha.
2. This subdivision was considered a notified application as Rural Residential subdivision was considered a conditional use under the, then, Rural B zone.
3. The Waikato District Council granted this subdivision (WDC ref 69/91/74 and 70/91/220) and a subsequent linked Land Use consent on 2 April 1992.

A copy of this consent is attached in Appendix B. Conditions of the consent will be discussed, where appropriate, later in this report.
4. One boundary adjustment between original lots on DPS 65399 has taken place since the original subdivision and the largest original Lot has been further subdivided. The most recent subdivisional activity took place on 20012 when two lots held together were separated by subdivisional consent and are now Lots 1 and 2 DP 454601.
5. The outcome is that there are now 11 separate holdings of between 5218m² and 2.0375 ha in area.

The McNeill Subdivision

6. The McNeill subdivision was carried out on DP 389202 in 2007 and created the three current lots from the original single parcel and title.
7. The Waikato District Council granted this subdivision (WDC ref SUB028/06) and a subsequent linked Land Use consent on 3 August 2006.

A copy of the Subdivision consent is attached as Appendix C.

The original subdivision is illustrated on DP 389202 which is attached as Appendix D.
8. No alterations have been made to titles since that time.

D. Objectives of the Rural Zone

1. Rule 25.2 of the Operative District Plan states:

25.2

Most of Waikato District is in the Rural Zone. Anticipated activities are traditional extensive dairy and sheep farming, and horticulture with rural residential lifestyle lots interspersed. Rules seek to maintain rural land for productive rural activities, manage activities so that the effects of traditional farming can be accommodated alongside existing lifestyle blocks, to provide a level of lifestyle choice, and to preserve landscape and ecological values. It is anticipated that the amenity values experienced by residents of the Rural Zone will be lower than those enjoyed in the Living Zone.

2. Proposed District Plan

5.1.1 Objective – The rural environment (a) Subdivision, use and development within the rural environment where: (i) high class soils are protected for productive rural activities; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment; (iii) urban subdivision, use and development in the rural environment is avoided.

3. Assessment of the Summerfield Lane precinct against the objectives.

The properties within the precinct have none of the characteristics of the anticipated activities of the rural zone.

They cannot support extensive dairy or sheep farming and currently have two horses and four freezer beef cattle and a small flock of sheep which can normally only be supported in autumn and spring.

The beef cattle currently graze over three different properties and the sheep move between four of the properties in the precinct. In a normal summer the majority of the land dries out and in winter it becomes wet and soggy. Note the report on soil quality in Section G of this report.

None of the blocks are capable of maintaining productive rural activities.

E. Objectives of the Country Living Zone

1. Rule 27.2 of the Operative District Plan states:

27.2

The Country Living Zone provides for low density living at specific locations in rural areas. Rules seek to manage activities to maintain a high standard of amenity.

2. Proposed District Plan

5.6.2 Policy – Country Living character (a) Any building and activity within the Country Living Zone are designed, located, scaled and serviced in a manner that does not detract from the character of the area by: (i) Maintaining the open space character; (ii) Maintaining low density residential development; (iii) Recognising the absence of Council wastewater services and lower levels of other infrastructure. (b) Maintain views and vistas of the rural hinterland beyond, including, where applicable, Waikato River, wetlands, lakes, and the coast. (c) Maintain a road pattern that follows the natural contour of the landform. Proposed District Plan (Stage 1) 5 Rural Environment 18 July 2018 (Notified version) Page 9 of 11 (d) Ensures that the scale and design of any non-residential activities maintains the open rural character and addresses site specific issues such as on-site servicing, and transport related effects. (e) Requires activities within the Country Living Zone to be self-sufficient in the provision of the provision of water supply, wastewater and stormwater disposal, unless a reticulated supply is available.

3. Assessment of the Summerfield Lane precinct against the objectives.

The Summerfield Lane Precinct exactly reflects the description of the *Country Living* zone in the Operative District Plan. Any further subdivision would still meet all the items in the Operative District Plan.

The precinct provides low density living in a specific location in a rural area. It is well serviced with roading, telecommunications and power and rubbish collection and has the benefit of the Waikato District Council trickle water supply.

Similarly, all the requirements of the Proposed District Plan are met. Even with the limited opportunities for future subdivision under the Proposed Plan rules, character and amenity can be maintained. No further roading would be required and the natural contour of the precinct would allow the “hidden valley” character of the area to be maintained.

F. Assessment of effects of re-zoning to Country Living Zone:

1. Transport

The Summerfield Lane precinct is well served by Summerfield Lane and Pencarrow Road. Changing the zoning to Country Living would have no effect on the roading systems. Any subsequent further subdivision would only create a minor increase in road usage which may fall should public transport become available in Pencarrow Road. Currently the only buses are school buses serving Tamahere Primary, Southwell School, St Peters and Hillcrest High

2. Water supply

The Waikato District Council trickle water supply is reticulated within the precinct. Some homes in the area rely solely on this supply, which is metered and others rely on rain water or on a combination of the two sources.

Should any further subdivision result in extra dwellings, it is expected that rainwater tanks will be a requirement of any build. As such, only a minimum extra draw on the trickle reticulation could be expected.

3. Stormwater

Stormwater from roofing not collected in rainwater tanks is disposed of to the ground within the precinct and overland flow generally is to the drains existing at the natural low point of the valleys. There is no reticulation. Re-zoning would not require any further infrastructure as no extra stormwater would be generated.

4. Wastewater

All current dwellings are serviced by on-site disposal systems and this would also apply to any future dwellings in a Country Living zone. No further demand would be made on any existing systems.

5. Electricity

The precinct is already reticulated with electric power and it is expected that any extra load could be handled by the existing infrastructure.

6. Telecommunications

Both copper and fibre infrastructure already serve the precinct. There is also good cellphone coverage with a cellphone tower within 1km.

7. Rubbish Collection

Any future subdivision would create a minimal extra demand for the current rubbish collection.

G. Assessment of other factors

a. Soil quality

At the time of the original Oosterbaan subdivision a site specific Land Use Capability survey was carried out by M McLeod of the DSIR in November 1991. In summary the report noted that the site was composed of two areas of rolling higher ground separated by an area of poorly drained, flat lower ground. The soil types vary from undulating slopes with moderately well drained soils to poorly drained flat land with gley soils which have a continuing slight wetness limitation after drainage.

All dwellings and buildings have been built on the two areas of rolling higher ground with the exception of the newest dwelling on the lower ground. When this house was built around 2016 it was required to have minimum floor levels and the land built up for wastewater systems and rainwater tanks. By observation since 2016, there appear to have been no adverse affects resulting from this build.

The DSIR report is attached as Appendix E.

A separate Land Use Capability survey was carried out by Dr Richard Chapman of Soil and evaluation Ltd in April 2006.

The report found two LUC classes and two soil types on the property. He noted that neither of the soil classes qualified as high quality soils under the Waikato District Plan.

The Chapman report is attached as Appendix F

b. Council's desire to retain high quality soils

Both the soil reports listed above and attached as appendices demonstrate that the soils in the precinct are not high quality soils.

As a result re-zoning the land in the precinct will allow some limited opportunities for subdivision without removing the valuable rural resource of high quality soils.

c. Council's desire to prevent urban spread

It is acknowledged that there is a demand for Country Living sized allotments within easy commuting reach of Hamilton City and Cambridge.

Any further subdivision within the Summerfield precinct would be more in the nature of infill housing which would help answer the need for such housing without causing further spread into farming land. It will also help reduce the demand for subdivision of better rural land and is not on the urban fringe.

d. Geotechnical Studies.

At the time of building in the precinct geotechnical work has been undertaken to satisfy Council that the sites are suitable for building and that percolation tests have been satisfactory.

Due to the small size of this proposed zoning change, no extra geotechnical studies have been commissioned as this would be required by Council for any future subdivision within the precinct.

H. Assessment of Cross submissions

Cross Submission from Mercury NZ et al

Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.

Response:

Mercury's concern is understood when considering the whole Waikato District but would hinder development of the District if this was to take place before the District Plan Review was to be completed.

In terms of the small area of re-zoning being suggested, any concerns of this nature can be dealt with at the time of subdivision and appropriate Consent Notices placed on new titles by Council.

I. Summary

The Proposed Summerfield Lane precinct has all the attributes of a Country Living Zone and none of the Rura! Zone.

The soils are poor in an agricultural or for productive grazing and current lot sizes are too small to provide a rural productive unit.

Servicing for electricity and telecommunications and Waikato District trickle feed water supply is in place and the current, and any future, lots are of sufficient size to deal with wastewater and stormwater disposal on-site.

The location is close to Cambridge and to Hamilton and primary schools and special buses in Pencarrow Road provide transport to St Peters secondary school and to secondary schools in Hamilton.

The precinct is well separated from any urban areas and some infill subdivision within the precinct would not alter the character of the area nor add to the fringe of an established urban or village area.

The old adage says that if something looks like a duck, quacks like a duck and walks like a duck then the evidence confirms that it is a duck.

The Summerfield Lane Precinct has all the characteristics of a Country Living Zone and should be zoned accordingly.



Mark Smith

28 Summerfield Lane

RD3

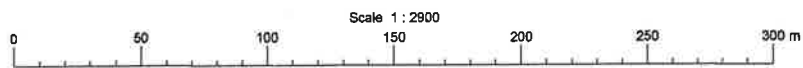
Hamilton

surveymarknz@gmail.com

027 4555 157



Spatial Map Print



This data has been compiled from official records. Location of boundaries requires an analysis of all relevant information in compliance with the Survey Regulations. Attribute data requires an analysis of the appropriate legal record.

XLMP/rm/2165

2 April 1992

PJ & AJT Manders
PO Box 11021
Hillcrest
HAMILTON

Dear Sir/Madam

**APPLICATION FOR RESOURCE CONSENT B J S AND D L AND M B AND B M S
OOSTERBAAN**

You are advised that at a meeting held on 24, 25 and 26 March 1992 at which the Waikato District Council considered this application, the Council resolved:

"That pursuant to Sections 105(1)(b) and 108 of the Resource Management Act 1991 the Waikato District Council grants its consent to an application for a land use consent for a discretionary activity to subdivide Lot 1 DPS 42864, Lot 1 DPS 59454 and Pt Lot 2 DPS 42864 into Lots 1 - 10 on the plan of subdivision prepared by Carter Keucke and Latham dated August 1991, subject to the following conditions:

- (1) That a registered engineer design and supervise the installation of a sewage effluent disposal systems for Lots 2, 3, 4, 5, 7, 9 and 10. Plans and specifications for the work are to be submitted at the time of lodging a building permit with the Council and are to be approved by the Manager Engineering and Works before work commences. The works are to be installed and maintained to the satisfaction of the Manager Engineering and Works.
- (2) That a registered engineer design and supervise the construction of a stormwater disposal system for Lots 2, 3, 4, 5, 7, 9 and 10. Plans and specifications for the work are to be submitted to Council with the building permit application and are to be approved by the Manager Engineering and Works before work commences. The works are to be installed and maintained to the satisfaction of the Manager Engineering and Works.
- (3) That a registered engineer confirm that the foundation conditions on Lots 2, 3, 4, 5, 7, 9 and 10 are adequate for the construction of buildings to the requirements of NZS 3604.
- (4) That all residential buildings be located above the 52m contour line shown on the Scheme Plan 90673 submitted.

That pursuant to Sections 105(1)(b) and 108 of the Resource Management Act 1991 the Waikato District Council grants its consent to an application for a subdivisional consent for a discretionary activity to allow the subdivision of Lot 1 DPS 42864, Lot 1 DPS 59454 and Pt Lot 2 DPS 42864 into Lots 1 - 10 shown on the plan of subdivision prepared by Carter Keucke and Latham dated August 1991, subject to the following conditions:

✓
MR
14/7/93

That the proposed right of way "A" be vested in Council as road and be formed to the minimum specifications set out in Appendix 11 to the Waikato Transitional District Plan (Waikato Section) to the satisfaction of the Manager Engineering and Works. The engineering design plans are to be approved by the Manager Engineering and Works prior to any construction being undertaken.

MR
14/7/93 (2)

That the junction of the road "A" to be vested in Council be splayed 6m on each side where it adjoins Pencarrow Road.

MR
14/7/93 (3)

That the access to Lots 2, 3, 4, 5, 6, 7, and 9 be only from the cul-de-sac road "A" to be vested in Council.

MR
14/7/93 (4)

That standard residential entrances be provided to Lots 1, 2, 3, 4, 5, 6, 7, 9 and 10 to the minimum specification set out in Appendix 8 of the Waikato Transitional District Plan (Waikato Rural Areas Section) and be located and constructed to the satisfaction of the Manager Engineering and Works.

(5) ✓

That Lots 1 and 8 hereon be held in the same certificate of title.

(6)

That a reserves contribution of \$6,060.00 plus GST be paid to Council in lieu of the vesting of land (being the assessed equivalent value of 130m2 of Lots 2, 3, 4, 5, 7 and 9). Paid 23.6.93

MR
14/7/93 (5)

That all additional electricity and telephone services be installed underground to the boundary of each lot.

(8)

That a contribution of \$5,300 plus GST be paid to Council towards the cost of upgrading the land drainage system for the property. Paid 23.6.93

The reasons for this decision are

- The site can meet the criteria of Rule 8.3.5.3(ii) of the Waikato Transitional District Plan (Waikato Rural Areas Section) in that it is of little or no productive value.
- The proposal is consistent with policy 8.3.5.1 to allow rural-residential development on land with little or no existing or potential value for farming.
- The proposal does not comply with Rule 5.1.4.2(iii) in that the access leg to Lot 6 lies adjacent to an existing access leg, but this can be overcome by a condition requiring redesign."

A. Lapsing of Consents

Your attention is drawn to Section 125 of the Resource Management Act 1991. A summary of that section is that a resource consent lapses on the expiry of 2 years after the date of commencement of the consent, or after the expiry of such shorter or longer period as is expressly provided for in the consent, unless

- (a) The consent is given effect to, before the end of that period:
- or
- (b) An application is made to Council up to 3 months after the expiry of that period which meets the criteria specified in Section 125.

B. Compliance with Conditions

Please note that unless a specific time limit is stated in the conditions imposed by the Council when granting this consent, all conditions must be complied with before the use to which the consent relates is established.

C. Changes to Conditions

Your attention is drawn to Section 127 of the Resource Management Act 1991 which enables an application to be made at any time to Council to change or cancel any condition of this consent on the grounds that a change in circumstances has caused the condition to become inappropriate or unnecessary and the other specified criteria of Section 127 can be met.

D. Right of Appeal

Your attention is drawn to the Resource Management Act 1991 Sections 120 and 121 and also Resource Management Regulations 1991/170 Section 10 and Part VI. Some key provisions to note are as follows:

- i) You may appeal against the decision of the Council by lodging a Notice of Appeal in the prescribed form with the Registrar of the Planning Tribunal and with the Council within 15 working days of the receipt by you, or the person who filed the application on your behalf, of the Council's decision. The address of the Planning Tribunal is as follows:

The Registrar
Planning Tribunal
P O Box 10044
Wellington

- ii) The appeal must be in the form prescribed by the Resource Management (Forms) Regulations 1991/170 or to like effect. The regulations may be purchased from the Government Printing Office. The form is identified as Form '7' in the regulations.
- iii) A filing fee of \$55.00 GST inclusive must accompany every document by which appeal proceedings are commenced.
- iv) Regulation 11 of the Resource Management (Forms) Regulations 1991/170 sets out important information as to the persons upon whom the appeal must be served and the time when service must take place. It is essential that these provisions be adhered to. Failure to do so may result in your appeal being struck out.

If you are in any doubt as to the procedures to be followed it is strongly recommended that you consult a lawyer.

Yours faithfully,
N G Wharton

MANAGER ENVIRONMENTAL ADMINISTRATION

Per:



S G Colson
DISTRICT PLANNER

Approved pursuant to Sec. 223 of the Resource Management Act 1991 on 17th day of May 1992. Subject to the amalgamation condition set out hereon.

The common goal of the Waikato District Council is affirmed hereon in the presence of

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Approved by Owners

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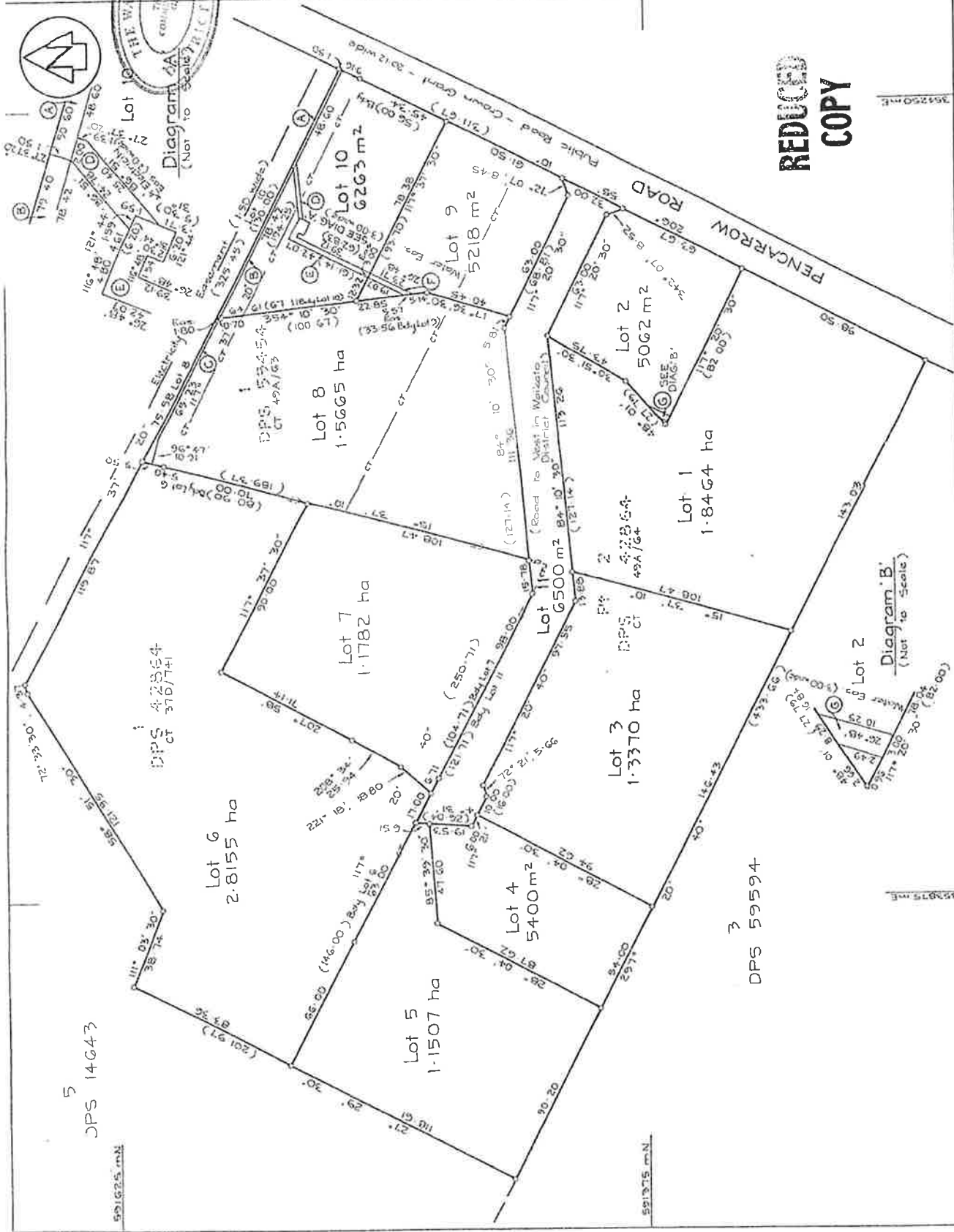
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REDUCED COPY

Diagram A (Not to Scale)

Diagram B (Not to Scale)

LAND DISTRICT SOUTH AUCKLAND.....
 SURVEY BLK. & DIST. VII..... HAMILTON.....
 NZMS 261 SHT ..5.15... RECORD MAP No ..6.1.....

DPS 59594

PLAN OF LOTS 1-11 BEING
 SUBDIVISION OF LOT 1 DPS 59454
 AND LOT 1 AND PT. LOT 2 DPS 42864.

TERRITORIAL AUTHORITY WAIKATO DISTRICT
 Surveyed by CARTER, KEUCKE & LATHAM
 Scale 1:12,500 Date MAY 1992

Approved as to Survey
 Chief Surveyor
 Deposited this day of 19 ..
 District Land Registrar

W.A. ROBERTSON, SURVEYOR GENERAL (DEPUTY), OF SURVEY AND LAND REGISTRATION, NEW ZEALAND.

Resource Consent

(Resource Management Act 1991)



Your Community Partner

DECISION ON APPLICATION SUB0281/06

Pursuant to Sections 34A(1), Section 104A and 108 of the Resource Management Act 1991, the Waikato District Council, under delegated authority, grants Subdivision Consent for a restricted discretionary activity to:

Activity: Create two additional lots in the Rural Zone.

Consent Holder: Leonard Allan McNeill and Barbara Naomi McNeill

Location Address: 599 Pencarrow Road, Tamahere

Legal Description: LOT 4 DPS 14643

Certificate of Title: SA12C/744

This consent is subject to the conditions detailed in the attached Schedule 1.

The reasons for this decision are detailed in the attached Schedule 2.

Dated at Ngaruawahia this 3rd day of August 2006.

For and on behalf of Waikato District Council

A handwritten signature in black ink, appearing to read "Nath Pritchard".

Nath Pritchard

ENVIRONMENTAL SERVICES GROUP MANAGER

Conditions of Consent

Resource Consent No: SUB0281/06

Planning Conditions

- PCI The Land Transfer Plan to give effect to this Resource Consent shall be generally consistent with the approved plan prepared by Align Surveyors, dated May 2006, submitted with application SUB0281/06 and received by Council on the Thirtieth of May 2006. A copy of the approved plan is attached.
- PC2 The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of this consent, works in that area will cease immediately. The Police, New Zealand Historic Places Trust, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.

Financial Contributions

Reserves

- FC1 Pursuant to Section 108(2)(a) of the Resource Management Act 1991, a reserve contribution of \$2,250.00 (Two Thousand Two Hundred and Fifty Dollars), GST Inclusive shall be paid to Council for the two additional Lots. This is based on a reserve contribution of \$1,125.00 (One Thousand One Hundred and Twenty-Five Dollars) for each additional Lot. This shall be paid to the Council in lieu of vesting land.

Advisory Note:

A reserve contribution is required for each Lot created by subdivision upon which a dwellinghouse or dwellinghouses are authorised by the Waikato District Plan. The subdivision will result in the creation of two additional titles. Therefore two reserve contributions each of \$1,125.00 are required.

Roading

FC2 Pursuant to section 108(2)(a) of the Resource Management Act 1991 a roading fee of \$14,694.16 (Fourteen Thousand Six Hundred and Ninety-Four Dollars and Sixteen Cents), GST Inclusive shall be paid to the Council for the additional Lots. The quantum of the financial contribution is based on \$7,347.08 (Seven Thousand Three Hundred and Forty-Seven Dollars and Eight Cents) for each Lot.

Water Supply

FC3 Pursuant to section 108(2)(a) of the Resource Management Act 1991 a financial contribution toward trickle feed water supply to Lots 1 and 2 of \$6,078.00 (Six Thousand and Seventy-Eight Dollars) GST inclusive shall be paid to Council prior to the issue of the section 224(c) certificate by Council. The quantum of the financial contribution is based on \$3039.00 (Three Thousand and Thirty-Nine Dollars) for each Lot.

Drainage

FC4 Pursuant to section 108(2)(a) of the Resource Management Act 1991 a financial contribution for land drainage under the Tamahere Drainage District of \$1,133.00 (One Thousand One Hundred and thirty-Three Dollars) GST inclusive shall be paid to Council prior to the issue of the section 224(c) certificate by Council.

Roading Conditions

RC1 The existing entrance to Lot 3 shall be upgraded to a sealed standard residential vehicle entrance located as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E3 to the satisfaction of Council.

RC2 Lot 1 and Lot 2 shall each be provided with a sealed standard residential vehicle entrance located adjoining their common boundary as indicated on the approved plan, and constructed in accordance with Waikato District Council Plan No. TSG-E3 to the satisfaction of Council.

Utilities Conditions

UCI Separate water supply connections fitted with a manifold, flow restrictor and backflow preventer shall be provided to the boundary of Lots 1 and 2 to the satisfaction of Council. Such connections shall be installed either by Council staff or a Council approved contractor.

Advisory Note:

- (i) An application form for water connection is attached and must be completed and returned to Council prior to the issuing of the section 224(c) certificate. Connection fees are in addition to the payment of a financial contribution.
- (ii) Council's trickle feed potable water supply will deliver the requested water allocation per day at a minimum water pressure of 200 kPa at the point of connection. The owner shall provide a minimum of 24 hours water storage capacity on site at a suitable location and elevation to receive water from the connection. The owner shall install a pumping system from his storage to deliver water from storage within the property as required.

UC2 As-built plans at a scale acceptable to Council shall be provided showing any water supply reticulation including connections, meter numbers and backflow preventer numbers to the satisfaction of Council.

UC3 A stormwater management plan shall be prepared by a suitably qualified person to the satisfaction of Council. This plan shall include a minimum of the following details:

- (i) A site plan showing all proposed and existing drainage works in relation to each lot boundary.
- (ii) Drainage works to allow land drainage from Lots 1, 2 and 3 to be discharged into adjacent Board Drains.
- (iii) Design plans for these works need to include:
 - (a) Diameters, length and gradients of any pipes, flumes and culverts.
 - (b) Collection and disposal point details including erosion prevention at any disposal outlets.
 - (c) Calculations to support the sizes selected. Calculations should be on the total catchment area, which may include areas outside the property boundaries of either of those Lots described above or this entire parent property.
 - (d) Consideration needs to be given to reasonable roof, paved and land drainage areas.

Any works required under the approved stormwater management plan shall be constructed to the satisfaction of Council.

UC4 The effluent field for the existing dwelling on Lot 3 shall be located and if necessary relocated to ensure that the effluent disposal system is located at least 1.5m within the boundaries of Lot 3. To confirm compliance with this condition a plan to a scale acceptable to Council locating the position of the effluent field for the dwelling located on Lot 3 shall be provided prior to the section 223 certificate being signed by Council.

Advisory Note:

If the effluent field is required to be relocated to comply with the above condition a building consent must be obtained from Council prior to the relocation.

Legal Conditions

LC1 The current and future owners of Lots 2 and 3 shall be informed that the minimum residential floor level for any habitable area of a dwelling or ancillary unit shall be a minimum of 300mm the existing ground level on the building platform.

LC2 Pursuant to section 221 of the Resource Management Act 1991, consent notices shall be prepared by the Council's solicitors at the consent holder's expense to ensure compliance on a continuing basis by the subdividing land owner and subsequent owners of:

- (i) Lots 2 and 3 with Condition LC1

Upon the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 or at such earlier time as may be required, the consent notices pursuant to section 221 of the Resource Management Act will be issued.

Advisory Notes

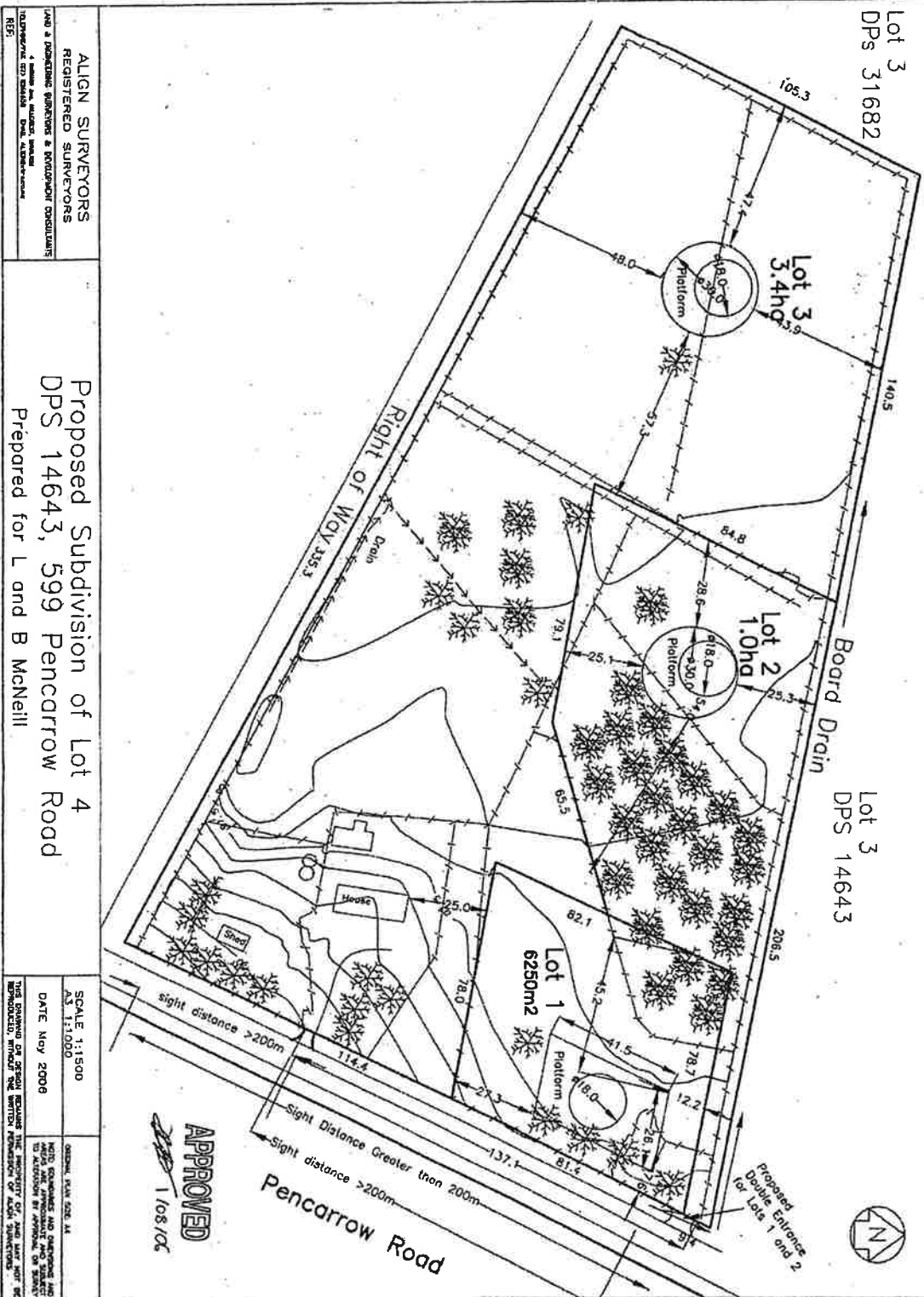
ANI When Building Consents are applied for the following matters will need to be addressed in any applications:

- (i) For some building sites a Registered Engineer may be required to confirm that ground conditions are suitable for building.
- (ii) A design from a suitably qualified person will be required for the effluent disposal system.

Reasons for Decision

Resource Consent No: SUB0281/06

- 1 Prior to subdivision the area that will become Lot 2 could not be used for rural activities due to the plantation of Kahikatea. Therefore by creating this area into a separate Certificate of Title the area of land available for farming purposes will not be reduced.
- 2 Proposed Lot 1 is large enough to undertake small-scale rural activities.
- 3 Proposed lot 3 will retain the largest area of land enabling the continuation of current farming activities.
- 4 With regards to site layout, the size and shape of the new Lots allows for a complying building platform area to be located on proposed Lots 1 and 2. The building platform areas and minimum yard setbacks are required to ensure that all new Lots are able to accommodate a suitable building platform area that is sufficiently set back from the abutting properties, to provide a suitable buffer area between the differing land uses, thereby mitigating against any adverse effects such as noise, dust, agricultural use and odour.
- 5 It is considered that any adverse environmental effects from this proposal can only be deemed to be minor.
- 6 The proposal is consistent with the existing and surrounding rural developments, and will not detract from the amenity of the surrounding neighbourhood.
- 7 Council's Roading Engineer has reviewed the proposal and is satisfied that the proposed subdivision will not adversely affect traffic safety in the Pencarrow Road area. Sufficient on site car parking and manoeuvring areas have been provided, and Council is satisfied that the effects on the surrounding roading network from any increase in traffic numbers is only minor.
- 8 The Proposed Waikato District Plan was notified on 25th September 2004 and submissions closed on 11th February 2005. The initial Summary of Submissions has been released, however submissions made on the rules contained within the Proposed Plan relevant to this application are still under consideration. Therefore when assessing this application little weight has been given to the provisions of the Proposed District Plan when determining this application.

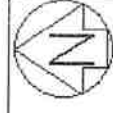


ALIGN SURVEYORS
 REGISTERED SURVEYORS
 AND A PRACTISING ENGINEERS & PROFESSIONAL CONSULTANTS
 4 Stoneham Avenue, Stoneham
 Telephone: (07) 254416 Email: Admin@align.com.au
 RES

Proposed Subdivision of Lot 4
 DPS 14643, 599 Pencarrow Road
 Prepared for L and B McNeill

SCALE 1:1500
 AS 1:1000
 DATE MAY 2008
 THE DRAWING OR DESIGN SHALL BE THE PROPERTY OF ALIGN SURVEYORS AND SHALL NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF ALIGN SURVEYORS

APPROVED
 1/08/08



Lot 1 DP 362237

Lot 3 DPS 31682

Diag. B
See T2

Diag. A
See T1

Lot 4 DP 318217
Lot 3 DP 318217

Lot 1 DPS 75787

Diag. A
Lot 1 DP 362237

Lot 3 DPS 71375

2
1.0434Ha
1
0.5924Ha

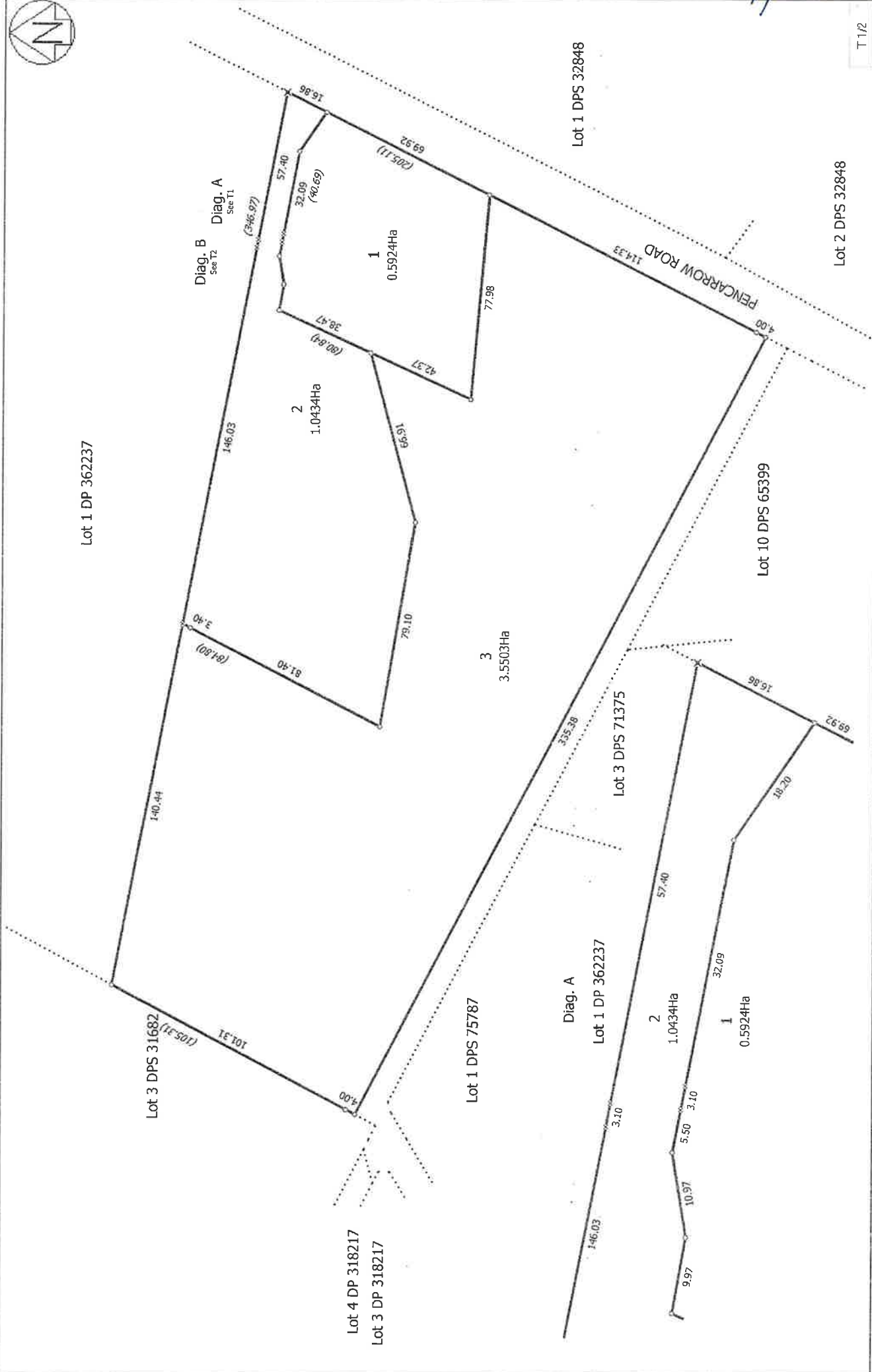
Lot 1 DPS 32848

Lot 10 DPS 65399

Lot 2 DPS 32848

T 1/2

<p>Land District: South Auckland Dataset Type: Computed Digitally Generated Plan Generated on: 31/07/2007 10:05am Page 3 of 4</p>	<p>Lots 1 to 3 being a Subdivision of Lot 4 DPS 14643</p>	<p>Surveyor: Edward David Leiford Firm: Align Surveyors</p>	<p>Digital Title Plan DP 389202 Deposited on: 24/07/2007</p>
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NEW ZEALAND
DEPARTMENT OF
SCIENTIFIC AND
INDUSTRIAL
RESEARCH



Appendix **E**

25 November 1991

Mr J.J. Carter
Carter, Keucke & Latham
P.O. Box 171
HAMILTON

RE: PROPOSED SUBDIVISION LOT 1 DPS 42864, LOT 1 DPS 59454
Pt LOT 2 DPS 42864 - OOSTERBAAN, PENCARROW ROAD

A site specific Land Use Capability (LUC) survey according to standard methods was carried out over the above area to obtain the appropriate classification of the soils and site.

Observations of slope angle, topography and distribution of soil types were made over the relevant area. Soil borings to 1m were used to assess soil properties such as drainage, rooting depth, texture and colour. This information was used to determine which soil types occurred on the property and is necessary for assigning the appropriate LUC classification.

The site consists of two areas of rolling higher land separated by an area of poorly drained, flat lower ground. The property was divided into several distinct LUC classes. These classes and their distribution are shown on the attached map and discussed below.

Class IIs3:

This class consists of flat to undulating slopes with moderately well drained Kainui soils.

Class IIw3:

This class is poorly drained flat land with gley soils which have a continuing slight wetness limitation after drainage. The soils are similar to Te Kowhai soils.

Phone: (07)8385376 Facsimile: (07)8385012
Postal Address: DSIR Land Resources, C1- Ruakura Agricultural Research Centre, Private Bag, Hamilton
Location: East Street, Hamilton Phone: (071)385376 Facsimile: (071)385012

Class IIIe3:

The rolling slopes on which Kainui soils in this class occur have a slight to moderate erosion hazard when cultivated. At the base of slopes there may be seepage zones which remain wet longer than the slopes above.

Class IVe2:

Kainui soils on strongly rolling slopes occur in this class. They have a moderate to severe erosion hazard when cultivated. There are small inclusions of class VIe2 on moderately steep slopes.

Class VIe2:

Moderately steep slopes with Hamilton soils. Hamilton soils are similar to Kainui but have clayey rather than silty upper horizons. Class VI land is not suitable for cultivation for cropping but is usually well suited to grazing and forestry.

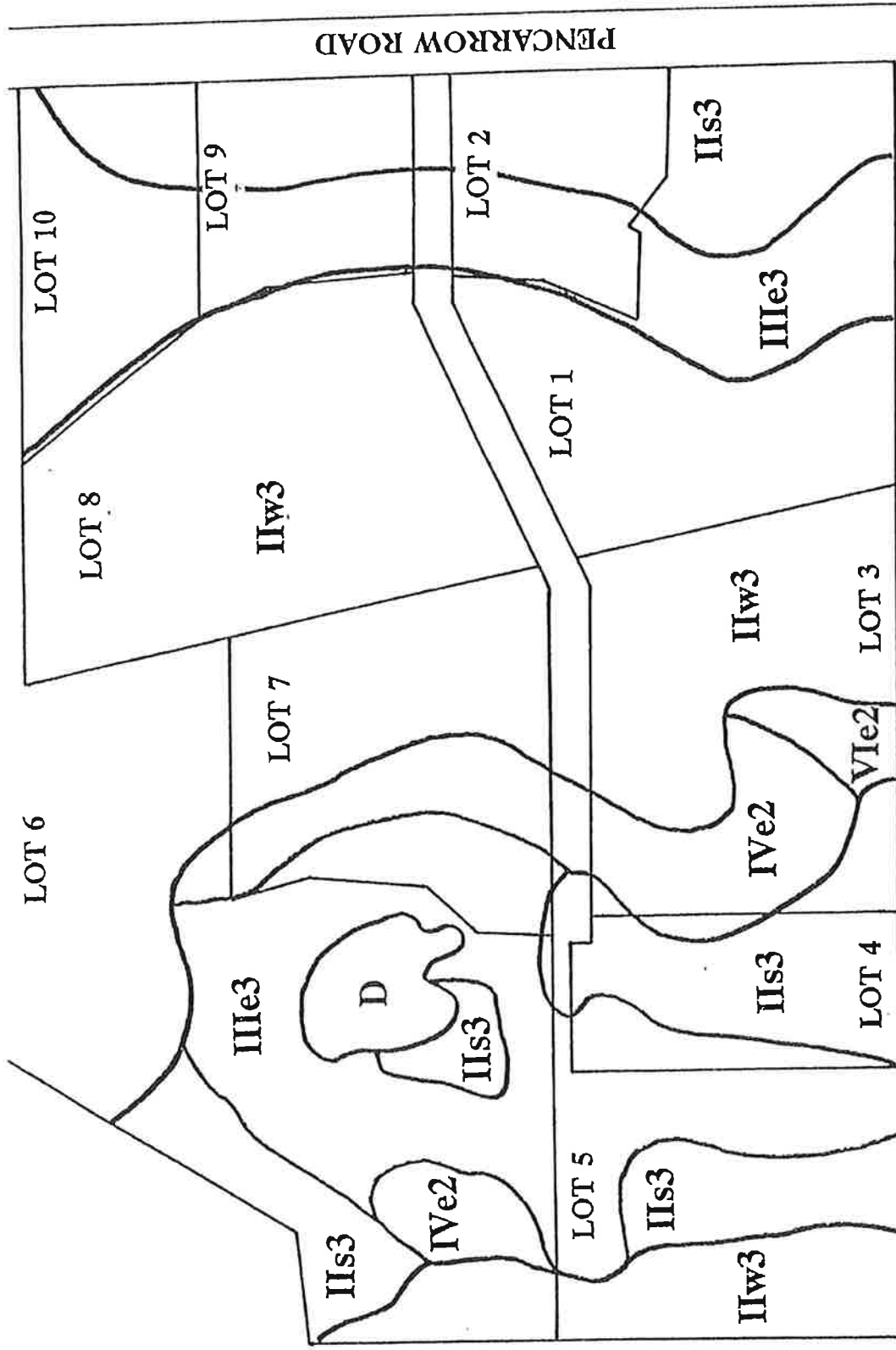
Disturbed:

An area of disturbed land which has a dwelling upon it.

Yours faithfully



Malcolm McLeod B.Sc.(Hons)
Soil Scientist



LAND USE CAPABILITY CLASSES
PROPOSED SUBDIVISION OF LOT 1 DPS 42864
LOT 1 DPS 59454, Pt LOT 2 DPS 42864
OOSTERBAAN - PENCARROW ROAD

SCALE 1:2100 APPROX

LUC CLASSES BY M. MCLEOD
 DSIR LAND RESOURCES 11/1991



Soil And Land Evaluation Ltd

Richard Chapman MRSNZ NZSS PhD MSc BSc Dip Ag

Matangi Road, RD 4
Hamilton, New Zealand
Telephone (07) 829543
FAX (07) 8295430
E-mail r.k.chapman@paradise.net.nz

26th April 2005

Attention: - Mr. & Mrs. McNeill – 599 Pencarrow Road - Hamilton.

Re: Proposed subdivision at the above address – Lot 4 DPS 14643 - Area of block 5.185 ha.

1.0 Introduction

On the 26th April 2006 I carried out an extensive and detailed soil and Land Use Capability (LUC) classification of the subject land. This is the common method for assessing land in New Zealand; it uses the Land Use Capability System, which is part of NZLRI as produced by the Water and Soil Division of the Ministry of Works, for the National Water and Soil Conservation Organization during the 1970's. LUC uses a systematic arrangement of different kinds of land according to those properties that determine its capacity for permanent sustained production, where the word "capability" is used in the sense of "suitability for productive use" after taking into account the physical limitations the land may have.

LUC is specifically designed to provide an index of versatility. There are eight land use capability classes, four arable and four non- arable, arranged in order of increasing degree of limitation or hazard to use; and a decreasing order of use, from Class I to VIII.

Within each LUC Class the land is assigned a subclass according to the kind of limitation (e = Erodibility, w = Wetness, s = Soil limitations within the rooting zone, c = Climate).

At the most detailed level, LUC groups together those inventory units which respond similarly to the same management and which are suitable for the same kinds of crops, pasture, or forest species with the same potential yield and which require the application of the same conservation measures.

The compilation of LUC worksheets were made from all relevant databases of land resource documents available at the time, consequently some sheets suffered from a lack of information that only detailed soil and geological surveys could have provided. There are therefore **scale limitations**, which should be kept in mind, especially when interpretation is required at the individual farm level.

The **major objectives of this introduction** are to emphasize that the LUC classification maps are subject to change as a consequence of more detailed mapping and land appraisal. NZLRI information can be used for excellent physical base data for planners (a planning tool) but should definitely not be used as a plan.

2.0 The current LUC and soil classification of the SUBJECT LAND according to maps and NZLRI worksheets at a scale of 1:63 360.

The soils are Hamilton clay loam, a brown granular loam, situated on strongly rolling slopes with a moderate to severe erosion hazard when cultivated and Te Kowhai clay loam a poorly drained soil. The subject land is accordingly classified **LUC IVe2 and IIIw3 respectively**.

3.0 Detailed site and land use capability classification of the subject land at the scale 1: 1500 (see attached map)

I have undertaken a Land Use Capability (LUC) report and a detailed soil classification of the above parcel of land situated on your property at 599 Pencarrow Road, according to standard methods (Ministry of Works 1979).

Observations of slope angle, topography and soil parent material were made over the relevant area. Soil auguring to 80 cm depth was used to assess soil properties such as drainage, plant root depths, texture and colour. This information was used to determine soil type and soil boundaries, from which the necessary LUC classification was assigned. **Two LUC classes and two soil types were identified at this detailed scale.**

4.0 Topography

The subject property is partly situated on the rolling Hamilton Hills comprising of thick layers of Hamilton Ash that mantle older alluvial sediments of the Puketoka Formation and a larger area of flatter lying land that supports the poorly drained Te Kowhai soil.

5.0 LUC Classification

IIIw3 - Soils in this LUC unit are Te Kowhai comprising about 90% of the subject land and coloured blue on the attached map. This soil has developed on fine sands and silts of the Hinuera Formation; they are poorly drained and have poorly structured ochreous mottled light grey subsoil, plant roots are confined to the topsoil. The soils are not suitable for cropping, horticulture or orchards but are supportive of intensive grazing. They are prone to pugging during winter and spring. **Not high quality soil under the Waikato District Plan.**

Soil in LUC class IVe2 is Hamilton soils comprising about 5% of the subject land and coloured brown on the attached map. The soil occupies rolling land and supports semi to intensive grazing. This class is prone to moderate to severe erosion hazard if cultivated. **This class is not high quality soil under the Waikato District Plan.**

Curtilage

The house and grounds, driveways, cattle races, farm sheds and equestrian ring comprise about 5% of the subject land and are coloured red on the map. This area is not classifiable because of modification.

6.0 Conclusion and recommendation

- All of the subject land is **not high quality soils/land as defined by Waikato District Council** ie. **Classified IIIw3 and IVe2**. This land/soil is not versatile and is limited by slope angle, erosion risk if cultivated and by poor drainage along the base of the hills and valley floor
- The subject land, located a few kilometres to the south of Hamilton City, offers excellent rural amenity. Small rural blocks adjoin the property on both sides
- For the above reasons I support the proposed subdivision.

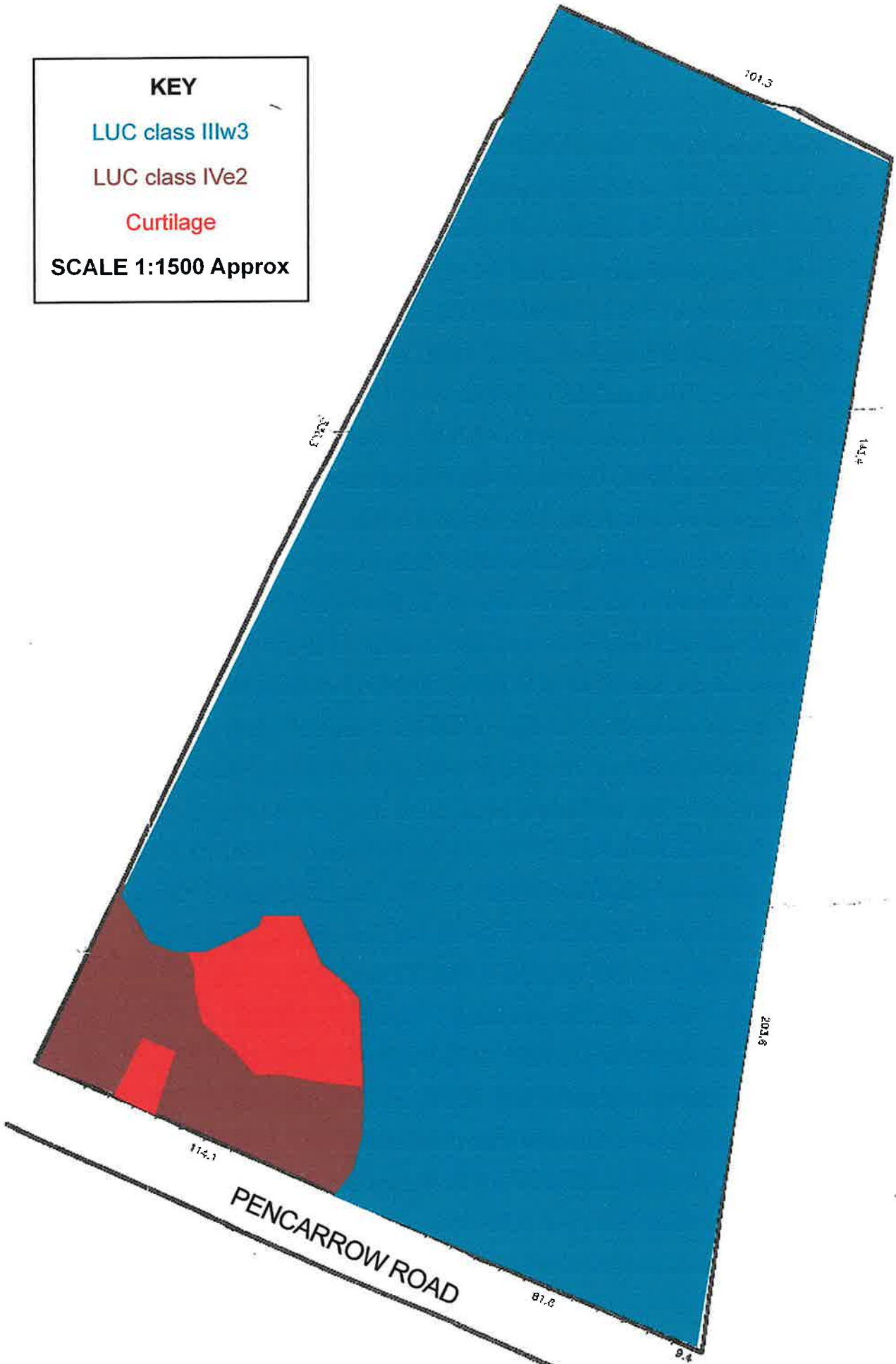
7.0 References

Ministry of Works and Development 1979: Land Use Capability Handbook. Water and Soil Division.

Richard Chapman.
Scientific Soil Consultant



KEY
LUC class IIIw3
LUC class IVe2
Curtilage
SCALE 1:1500 Approx



Land Use Capability (LUC) classification for the McNeill property 599 Pencarrow Road
Lot 4 DPS 14643 - Area 5.185 ha.

Evidence for Submission No 272 Summerfield Lane

Appendix G

s32AA RMA1991 Assessment

An abbreviated version of the table attached as Appendix 10 of the s25A report follows. It is abbreviated to meet the minor change that this submission addresses

Table 1

Specific Provisions	Assessment
Rezoning Proposal	See Section A above
Scale and significance	This is a small scale local rezoning with no alteration to the character of the immediate or surrounding holdings. There are no undesirable implications for transport, services or future development.
Alternatives to achieve objectives.	The same outcome could be achieved by changing the Rural Zone subdivision rules which would not provide a good outcome for the truly rural land in the District.

Table 2

Rezoning proposal – Summerfield Lane Precinct	
	Costs
Benefits	
General	The potential creation of a small number of lifestyle blocks to meet demand. The costs of subdivision to be met by landowners No cost to WDC
Economic Growth	Additional ratepayers to cover continuing infrastructure costs Rates for future residents. No cost to Council

Appendix G

Employment	Some employment related to any future subdivision or building activity	No costs to WDC
Cultural	No apparent change	No apparent change

Table 3 Evaluation of the Proposal

Reasons for the selection of the preferred option	The only other option to reach the desired outcome would have been a change to the Rural subdivision rules. This would have created an undesirable outcome or a complexity of those Rules to allow different subdivision rules for this precinct.
Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA	The proposal is the best way to meet the sustainable management of natural and physical resources in this area. The rezoning will produce the potential for future limited residential allotments on poor soils without changing the current amenity of the area. It will also help lessen the demand for rural residential development on farming land in the vicinity.
Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions.	There is no risk to Council in approving this re-zoning provision. The facts are clearly laid out in the submission and if the Council have any doubts they would have an opportunity to gain further information or further limit their risk in the event of any future subdivisional proposals. If the Council chooses to not approve this proposal, there is no cost except for pressure to re-zone less suitable areas in the Tamahere/Matangangi area to meet the demand for Country Living sites.
Conclusion	The Submission should be accepted and the re-zoning completed.