

**BEFORE THE HEARING COMMISSIONERS  
AT WAIKATO DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of hearing submissions and further submissions on the  
Proposed Waikato District Plan

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**SUBMISSIONS OF HOROTIU PROPERTIES LIMITED  
25 November 2019**

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## SUBMISSIONS FOR HOROTIU PROPERTIES LIMITED

### Introduction

- 1 These submissions are made on behalf of Horotiu Properties Limited (“HPL”) and concern its submission and further submission on the Proposed Waikato District Plan (“PDP”).
- 2 HPL made a submission (#397) on the PDP in relation to the land holding owned by HPL at Sullivan Road, Horotiu. The subject site is legally described as Lot 5 DP 513666 (“**property**”). The 7.5ha property is roughly rectangular in shape.
- 3 The site is bounded by Sullivan Road on its northwest boundary, River Road on its northeast boundary, Horotiu Bridge Road on its southeast boundary and two rural-residential properties on its southwest boundary. The site is a balance lot resulting from previous subdivision (under the Operative District Plan).

### Submissions

#### *Site*

- 4 HPL seeks to rezone the property from Rural Zone to Village Zone under the PDP. This is on the basis that the property is not considered suitable to be maintained within the Rural Zone as it is too small and does not contain appropriate infrastructure in which it could be considered a productive rural property. As mentioned above, the property is a balance lot resulting from previous subdivision with prominent physical constraints meaning it cannot grow nor support any practicable rural productive activity.
- 5 HPL considers the property to be unique because it:
  - (a) is bounded by roads on three sides, two of them being arterial routes in the Operative and PDP. These roads place significant constraints on property access and the ability to increase the landholding, therefore further ruling out the ability to enable productive rural activities.

- (b) has a unique topography comprising approximately 60% flat land with the remaining land in moderate to steeply sloping topography (gradients of 1:3 – 1:4) down to an artificial watercourse (lake) which is nearly 3000m<sup>2</sup> in area. Thus, a significant portion of the small 7.5ha site is already restricted in its suitability for productive rural uses, being either wetland or catchment draining to that wetland;
  - (c) simply cannot be expanded as a rural productive property or activity because there is no potential for amalgamation with a larger block;
  - (d) the environment is predominantly of lifestyle blocks which raises a concern about reverse sensitivity issues.
- 6 HPL does not consider there to be any practicable productive use of the property that can be considered appropriate given the site constraints and its impeded ability to function as a productive rural property. That view is reinforced by the subdivision pattern on surrounding and adjoining land.
- 7 The site is on the periphery of Horotiu village and therefore can be considered an appropriate location for urban expansion which is consistent with objectives and policies of the relevant planning documents and growth being focussed around existing towns and villages. A village zoning will support the existing facilities in Horotiu including the school.

#### *Village Zone*

- 8 HPL primarily seeks to rezone the property to Village Zone as this would enable subdivision and development for activities which anticipate predominantly residential activities with a minimum net site area of 3,000m<sup>2</sup> per site. The provision of reticulated infrastructure could enable development to a net site area density of 1,000m<sup>2</sup> per site in the Village Zone if available in future. A concept plan that shows the lot arrangement in a qualifying Village Zone subdivision is attached and marked "A". A technical memorandum explaining how privately reticulated services/infrastructure could potentially work in the Village Zone is also attached and marked "B".

- 9 The Village Zone would result in approximately 13 lots of varying sizes which will be self-sufficient with regard to water supply, stormwater and wastewater disposal. The proposed Village Zone enables interim development without full urban infrastructure.
- 10 The Country Living Zone ("CLZ"), which is the only reasonable alternative, would result in approximately 10 lots of varying sizes. An alternate concept plan to demonstrate subdivision complying with the CLZ rules is attached and marked "C". There is no planning, landscape or other rationale for zoning the site as CLZ rather than Village Zone. In our submission rezoning to Village Zone is more consistent with the policy framework in the PDP which in turn reflects a desire of landowners for smaller lots.
- 11 The Future Proof Hamilton to Auckland Corridor Study (2012) identified Horotiu as a rural village with a residential density of 8-10 dwellings per hectare (with reticulated infrastructure). This is consistent with enabling a village zoning not currently proposed in Horotiu. Substantial industrial growth is anticipated within the village however the density targets are not provided for and land for housing is required. The HPL land provides a high amenity residential environment site in close proximity to future employment opportunities. The HPL land does not constrain any existing or planned infrastructure and could be further developed if reticulated infrastructure was available or proposed in the future although it is conceded that is unlikely given the number of lifestyle lots in the general area. Having said that, the Village Zone concept plan has large lots with the smallest being 4111m<sup>2</sup> so later urbanisation is not impossible.
- 12 The rezoning of the site will result in a more efficient use of the HPL land which is currently an underutilised rural zoned site with a significantly restricted ability to expand. The rezoning of the site will provide a significant economic wellbeing to the landowner as well as enabling additional housing in an appropriate location. The economic wellbeing of Council will be enhanced through the provision of additional development contributions and rates. A sustainable addition of housing units will be provided over and above that otherwise anticipated. This will provide much needed demand and variety of product onto the market in an appropriate location. The HPL property is appropriately located in close proximity to the existing Horotiu village.

- 13 The rezoning will enable a scale of built form which is consistent with the surrounding environment.
- 14 A planning statement prepared by CKL in support of the proposal is attached and is marked "D" for ease of reference although this is also attached to the original submission.

*Submissions in support and/or opposition*

- 15 HPL supports the Waikato Regional Council's ("WRC") submission point on the Policy 4.1.5 in its further submission. WRC seeks amendments to the Policy 4.1.5 to indicate a higher minimum density than is currently proposed for serviced sites within the Village Zone. According to the WRC submission, the proposed density of 8 -10 households per hectare in the Village Zone where public reticulated services can be provided does not give effect to the WRPS' policy 6.15 which seeks to achieve compact urban environments. WRC has asked that densities for these serviced sites should more resemble those in the Residential zone. This would assist with promoting a more compact, sustainable urban form and supporting efficient infrastructure provision.
- 16 HPL made further submissions in support of submitters #828, #151 and #161 who also seek rezoning of their land from Rural Zone to Village Zone and Country Living Zone respectively. Those submitters' land is in the close proximity to HPL's property. Submitter #161 believes that a Country Living Zoning of the property would facilitate effective and efficient use of land resource for housing the Waikato District.
- 17 The New Zealand Transport Agency #742 opposes HPL's submission on the basis of inconsistency with the approved settlement pattern for the Future Proof sub-region. It is submitted that the Future Proof Growth Strategy ("Strategy") recognises Horotiu as an area within Waikato District where indicative village limit have been proposed and doesn't provide for either Village Zone or Country Living development.<sup>1</sup> The Strategy notes that the growth areas are indicative and will remain so until further development analysis, for example the District Plan review or structure planning has been completed. The Strategy further notes that:<sup>2</sup>

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<sup>1</sup> See Future Proof Strategy November 2017 at [33].

<sup>2</sup> At [33].

The expectation is that land within an indicative village limit may be developed to a rural-residential density only unless reticulated wastewater is available, with a single commercial centre providing for the daily convenience needs of residents in the immediate area.

- 18 It is submitted that it is appropriate to consider rezoning of HPL's land as part of the District Plan review and the Village Zone proposal is entirely consistent. As noted in the Strategy, the District is currently facing significant pressures in relation to some of its villages which is likely to intensify post the Waikato Expressway completion in 2020. HPL's proposal is consistent with enabling a village zoning not currently proposed in Horotiu. We note that the HPL submission sought Residential Zoning as an alternative and that may have triggered the submission in opposition from NZTA, which did not submit in respect of other applications to rezone for Country Living where significantly more new lots are proposed.

#### Section 42a Report – Land use

- 19 The table below collates and summarises the s 42A recommendations and HPL's comments in response to the recommendations.

Submission Point	Section 42A recommendation	HPL's Comments in response to s 42A report
<p>397.7</p> <p>HPL sought to delete rule 24.2.4.1 P1(a)(i) Earthworks - General. AND Amend the Proposed District Plan to make any consequential amendments necessary to address the matters raised in the submission. This was on the basis that earthworks within 1.5m of</p>	<p>Rejected<sup>3</sup></p> <p>Section 42A report notes that the Rule 24.2.4.1 P1 (a)(i) is intended to ensure that drainage pathways are protected from earthworks by allowing for sufficient room for erosion and sediment controls to be put in place (such as silt fences and bunds) and to prevent the diversion of water flows (also covered in 24.2.4.1</p>	<p>HPL sought amendments to the rules on the basis that earthworks within 1.5m of a boundary are inevitable and most minor activities may trigger a requirement for a consent.</p> <p>However, HPL notes in the recommendation in Hearing Report 5</p>

<sup>3</sup> Section 42A report – Land use at [323 – 325].

<p>a boundary are inevitable and even the most minor activities such as digging a posthole would trigger a requirement for resource consent.</p>	<p>P1(a)(ix)). The 1.5m setback would also offer a degree of protection (although somewhat minimal), in terms of the amenity that is drawn from the 'naturalness' of a waterway.</p>	<p>(Definitions – para 679) to adopt the definition of earthworks from the National Planning Standards. HPL supports that recommendation.</p>
<p>397.8  Delete Rule 24.2.4.1 P3 (a)(iv) Earthworks - General. AND Amend the Proposed District Plan to make any consequential amendments necessary to address the matters raised in the submission.</p>	<p>Rejected<sup>4</sup>  The reason for Rule 24.2.4.1 P3(a)(iv) is to ensure that there is sufficient room for a bund to be constructed near a boundary without spilling over onto a neighbouring property and to avoid adverse effects on neighbours' fences and walls,</p>	
<p>FS1286.13  HPL supports Russell Grey's submission to amend rule 24.3.5 P2 Building Coverage, reducing the provision from 20% to 15%. The submitter believes that on a 5000m<sup>2</sup> 20% site coverage allows 600m<sup>2</sup> of building ground floor area which is excessive. Most new dwellings are 250m<sup>2</sup>-350m<sup>2</sup> in size with a shed of 100m<sup>2</sup> totalling 450m<sup>2</sup>/15% which is ample for small sites. More building area will</p>	<p>Rejected</p>	

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<sup>4</sup> Ibid.

<p>lead to greater pressure on storm water runoff and local waterways, and ultimately the Waipa River.</p>		
<p>397.9 Amend Rule 24.3.5 Building coverage, as follows: P1 On a lot connected to public reticulated waste water and a water supply, the total building coverage must not exceed 40%. P2 On a lot connected to public reticulated waste water and a water supply, the total building coverage must not exceed 20%. AND Amend the Proposed District Plan to make any consequential amendments necessary to address the matters raised in the submission.</p>	<p>Rejected<sup>5</sup></p>	<p>Development in the Village Zone can be serviced by reticulated services that are privately owned. The policy should not be limited to publicly owned infrastructure networks.</p>
<p>397.12 Delete Rule 24.3.6.1 P3 Building Setbacks - All boundaries. AND Amend the Proposed District Plan to make any consequential amendments necessary to</p>	<p>Rejected<sup>6</sup> The report agrees that there can be instances where it is appropriate to have the garage located in front of the façade. However, it disagrees with the relief sought being the deletion of the rule in its entirety.</p>	<p>We agree that if the rule is not deleted entirely is should be amended to provide flexibility so relevant circumstances are covered appropriately and homeowners should not</p>

<sup>5</sup> Section 42A report – Land use at [475].



<p>address the matters raised in the submission. This was on the grounds that there are instances when it is appropriate to locate the garage forward of the front façade of the dwelling</p>	<p>It recommends some flexibility to the rule, such as that of Rule 4.8.3 of the Hamilton City's district plan which says: a) The front wall of all accessory buildings that are detached, including carports and garages, should be no further forward of the front building line of the dwelling than 0.5m.</p>	<p>have to apply for resource consent unnecessarily. A change to mirror the Hamilton DP Rule 4.8.3 would provide at least some flexibility.</p>
<p>397.13 Amend Rule 24.3.6.3 P1 (a) Building setback - Waterbodies, as follows: P1 (a) A building must be setback a minimum of 30m: (i) From the margin of any: A. Lake <u>with a bed area of 8ha or more</u> B. Wetland <u>with an area greater than 1ha</u>; and C. River bank other than the Waikato River and Waipa River <u>whose bed has an average width 3m or more</u>. AND Amend the Proposed District Plan to make any consequential amendments necessary to address the matters raised in the submission.</p>	<p>Rejected</p>	<p>The current wording places unjust setback requirements from private, onsite and often artificial ponds/waterbodies.</p>
<p>FS1286.14 HPL supports Waikato District Council's submission on rule 24.3.6.3 - Building</p>	<p>Accepted in part</p>	

<p>setbacks - waterbodies, to amend as follows: P1 (a) A building must be set back a minimum of 23m from: (i) the margin of any: A. Lake; B. Wetland; and C. River bank, other than the Waikato River and Waipa River. This submission of Waikato DC is supported (deletion of the rule) to the extent HPL seeks other amendments to this rule as set out in its original submission. Building setbacks from lakes should be to protect buildings from flood risk. The current wording places unjust setback requirements from private, onsite and often artificial ponds/water bodies.</p>		
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#### Section 42a Report – Subdivision

Submission Point	Section 42A recommendation	HPL's Comments in response to s 42A report
<p>397.3 Amend Policy 4.3.3 Future Development - Tuakau and Te Kowhai, as follows: 4.3.3 Policy -</p>	<p>Rejected<sup>7</sup> No further reticulation is programmed for small settlements in the 10 – 15 year life of the Proposed Plan.</p>	<p>The amendments sought in 397.3 relate to the wording in Policy 4.3.3. The current wording is exclusive to the</p>

<sup>7</sup> Section 42A report – Subdivision at [57].

<p>Future Development- <del>Tuakau and Te Kowhai</del> <u>Village Zone</u>. AND Amend the Proposed District Plan to make any consequential amendments necessary to address the matters raised in the submission</p>	<p>The proposed enabling trigger of reticulated infrastructure with sufficient capacity and that has the necessary Regional Council discharge consents, is not likely to be able to be activated. Management of wastewater is only one of the reasons for the proposed low density outcome. The other is the strategic management of urban growth at a District-wide level. This growth is to be consolidated in the larger townships, and therefore even if reticulation was available, the small settlements with Village Zoning are not identified as areas where high levels of growth or suburban- density development is anticipated. In the event that reticulation is able to be made available in a specific settlement, and the wider policy outcomes regarding growth management are able to be adequately addressed, then the resource consent pathway is available on a case-by-case basis as a Discretionary, rather than as a Non-complying activity and associated s104D statutory test.</p>	<p>notified village zone areas only and do not contemplate any additional areas in the District.</p> <p>The District is currently facing significant pressure in relation to some of its villages which is likely to intensify post the Waikato Expressway completion in 2020. The Strategy recognises Horotiu as an area within Waikato District where indicative village limit have been proposed.</p>
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<p>FS1286.8</p> <p>HPL opposes Hamilton City Council's submission opposing further growth in Te Kowhai and Policy 4.3.3 Future development Tuakau and Te Kowhai</p>	<p>Accepted in part</p>	
<p>397.14</p> <p>Amend Rule 24.4.2 Subdivision - Te Kowhai and Tuakau, as follows: Rule 24.4.2 Subdivision- <del>Te Kowhai and Tuakau</del> Village Zone AND</p> <p>Amend Rule 24.4.2 RD1 Subdivision - Te Kowhai and Tuakau, as follows: Rule 24.4.2 RD1 Subdivision - <del>Te Kowhai and Tuakau</del> Village Zone AND</p> <p>Amend Rule 24.4.2 RD2 Subdivision - Te Kowhai and Tuakau, as follows: Rule 24.4.2 RD2 D2 Subdivision <del>Te Kowhai and Tuakau</del> Village Zone AND</p> <p>Amend the Proposed District Plan to make any consequential amendments necessary to address the matters raised in the submission.</p>	<p>Rejected</p> <p>As above in 397.3</p>	<p>As above in 397.3</p>

<p>397.15</p> <p>Amend Rule 24.4.4 C2 Subdivision - Amendments to cross lease and flats plans and conversions, as follows:</p> <p>(a) Amendment or update to a cross lease flats plan including additions or alterations to any buildings <del>and any areas for exclusive use by an owner or owners.</del> AND</p> <p>Amend the Proposed District Plan to make any consequential amendments necessary to address the matters raised in the submission.</p>	<p>Rejected<sup>8</sup></p> <p>Amendments to a Flats Plan is a straightforward process from a subdivision consent perspective, with changes to building size also subject to the District Plan's suite of land use consent provisions and that conversion of cross lease titles to fee simple tenure is also relatively common.</p>	<p>A change to an exclusive use area is not deemed to be a subdivision under s 218 of the RMA and is not able to be controlled by council as it is a private property right.</p>
<p>397.16</p> <p>Amend Rule 24.4.9 RD1 Road Frontage, by replacing with the following wording: (a) <u>Every proposed lot must have at least 20m frontage to a road boundary, except where the proposed lot is an access allotment, utility allotment or a right of way or access leg is provided.</u> AND Amend the Proposed District Plan to</p>	<p>Accepted</p>	

<sup>8</sup> Section 42A report – Subdivision at [136 - 141].

<p>make any consequential amendments necessary to address the matters raised in the submission.</p>		
<p>FS1286.15 HPL supports Sharp Planning Solutions Limited's submission on rule 24.4.9 RD1 (a) Road frontage to retain the 20m frontage as proposed.</p>	<p>Accepted</p>	
<p>397.10 Amend Rule 24.4.10 RD1 Subdivision - Building Platform, as follows: (a) Every proposed lot, other than a new lot specifically for access, utility allotment &amp; access allotment an access allotment, utility allotment or reserve allotment, must be capable of containing a building platform... AND Amend the Proposed District Plan to make any consequential amendments necessary to address the matters raised in the submission.</p>	<p>Accepted</p>	

**Conclusion**

20 In conclusion:

- (a) The HPL proposal provides for planned rural residential development around an existing village that would be consistent with policies in both the PDP and WRPS.
- (b) Rezoning to Village Zone will provide a planning environment that reflects the nearby land settlement pattern and recognises the impracticality of maintaining the site as a rural block.

21 Therefore, it is submitted that the HPL property should be rezoned to Village Zone.



\_for: \_\_\_\_\_

J B Forret

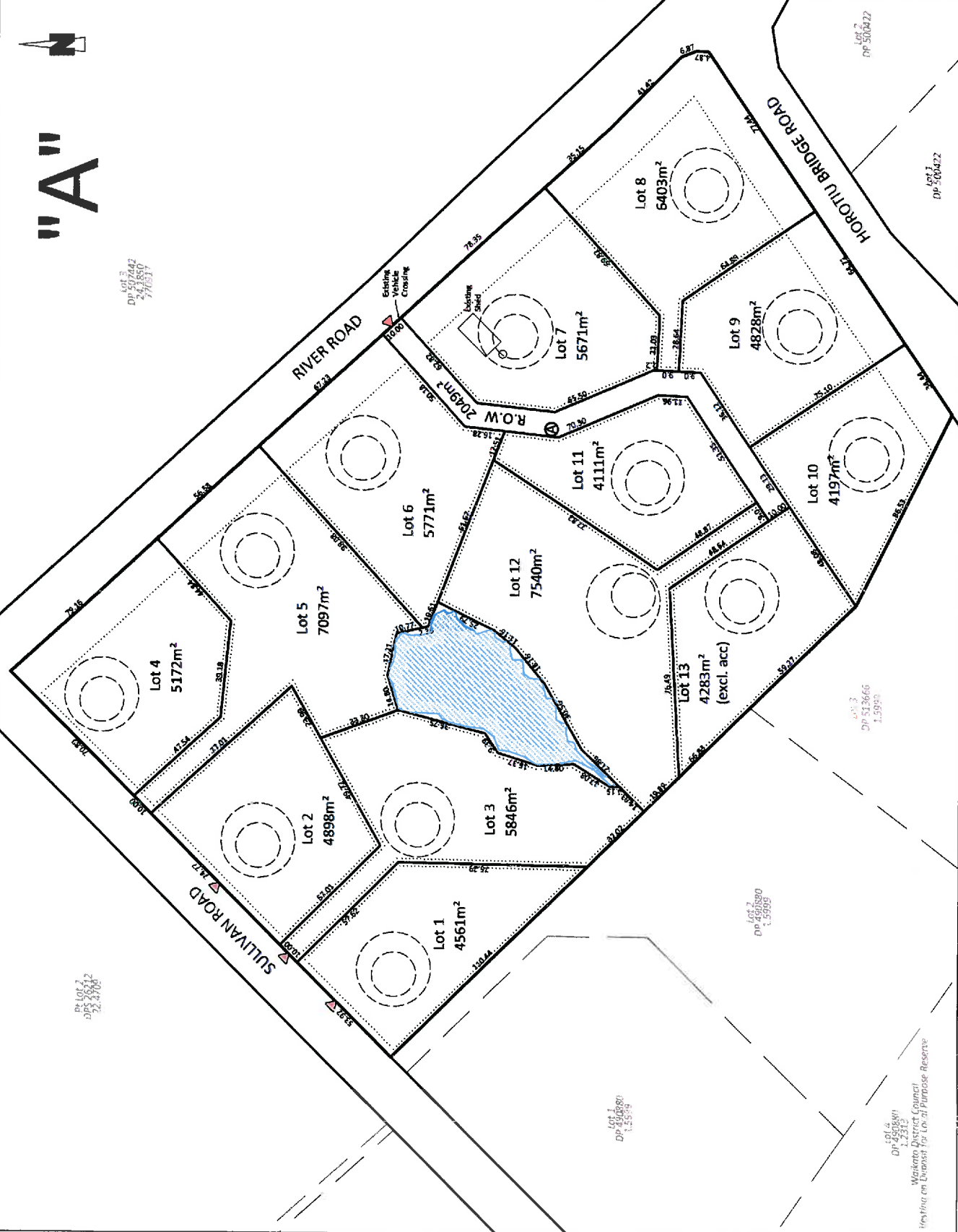
Counsel for the submitter

# "A"



Lot 1  
DP 450880  
1.5519

Lot 2  
DP 507442  
4.4380  
778517



PROPOSED EASEMENTS		DOMINANT TENEMENT
PURPOSE	SHOWN	Lot 6-12 hereon
Right of Way, Right to Convey Gas, Water, Electricity and Telecommunications and to Drain Water and Sewage.	(A)	Lot 13 hereon

**Key:**

- 30m $\phi$  Shape Factor Circle With 18m $\phi$  Building Platform
- Building Setback Lines 15m from River Road & Horotiu Bridge Road Boundary. 3m from Sullivan Road Boundary. 1.5m from Rear & Side Boundaries
- Indicative Access

**Note:** Access width does not comply with Operative District Plan.

- Notes:**
- Changes may occur to the layout of the proposal shown as a result of the Resource Consent Conditions.
  - Areas and dimensions on this plan may be subject to change following field survey.
  - The copyright and intellectual property rights for the information shown on this plan remain the property of CKL Surveys Ltd.
  - This plan has been prepared only for the purpose of illustrating an application for resource consent. It should not be used for any other purpose.

**CONCEPT**

Checked	Date	Scale
Designed: AW	11.06.18	1:1500
Drawn: ES	11.06.18	
Checked: AW	09.10.18	(As Original)

Job No: B18034  
Dwg No: 150  
Rev: 2

Issue/Description

**VILLAGE ZONE CONCEPT OF Lot 5 DP 513666 (River Road, Horsham Downs)**

**Prepared for**  
Horotiu Properties Limited

Auckland Office:  
A: 25 Broadway, Newmarket  
P: 09 524 7029  
Hamilton Office:  
Hamilton Office Road, Hamilton  
P: 07 849 8923  
T: Awamutu Office  
A: 103 Miharai Street, Te Awamutu  
P: 07 871 6444

Planning Surveying Engineering Environmental

Waikato District Council  
Reserve on Disposal for Local Purpose Reserve



**Applicant:** Horotiu Properties Limited  
**Comprised In:** CFR 794528  
**Local Authority:** Waikato District Council  
**Total Area:** 7.5364ha

PROPOSED EASEMENTS		DOMINANT TENEMENT
PURPOSE	SHOWN	
Right of Way, Right to Convey Gas, Water, Electricity and Telecommunications and to Drain Water and Sewage.	Ⓐ	Lots 6-12 hereon

- Key:**
- ⊙ 30m $\phi$  Shape Factor Circle With 18m $\phi$  Building Platform
  - ⊖ Building Setback Lines
    - 15m from River Road & Horotiu Bridge Road Boundary.
    - 3m from Sullivan Road Boundary.
    - 1.5m from Rear & Side Boundaries
  - ▲ Indicative Access

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**CONCEPT**



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		AW	11.06.18	1:1500
		ES	11.06.18	
		Created: AW	09.10.18	(Not Original)
		Job No:	Dwg No:	Rev:
		B18034	151	2

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 Lot 5 DP 513666  
 (River Road, Horsham Downs)**

**Prepared for  
 Horotiu Properties Limited**

**Auckland Office:**  
 A: 25 Broadway, Newmarket  
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**CKL**  
 Planning Surveying Engineering Environmental



**Applicant:** Horotiu Properties Limited  
**Comprised In:** CFR 794528  
**Local Authority:** Waikato District Council  
**Total Area:** 7.5364ha

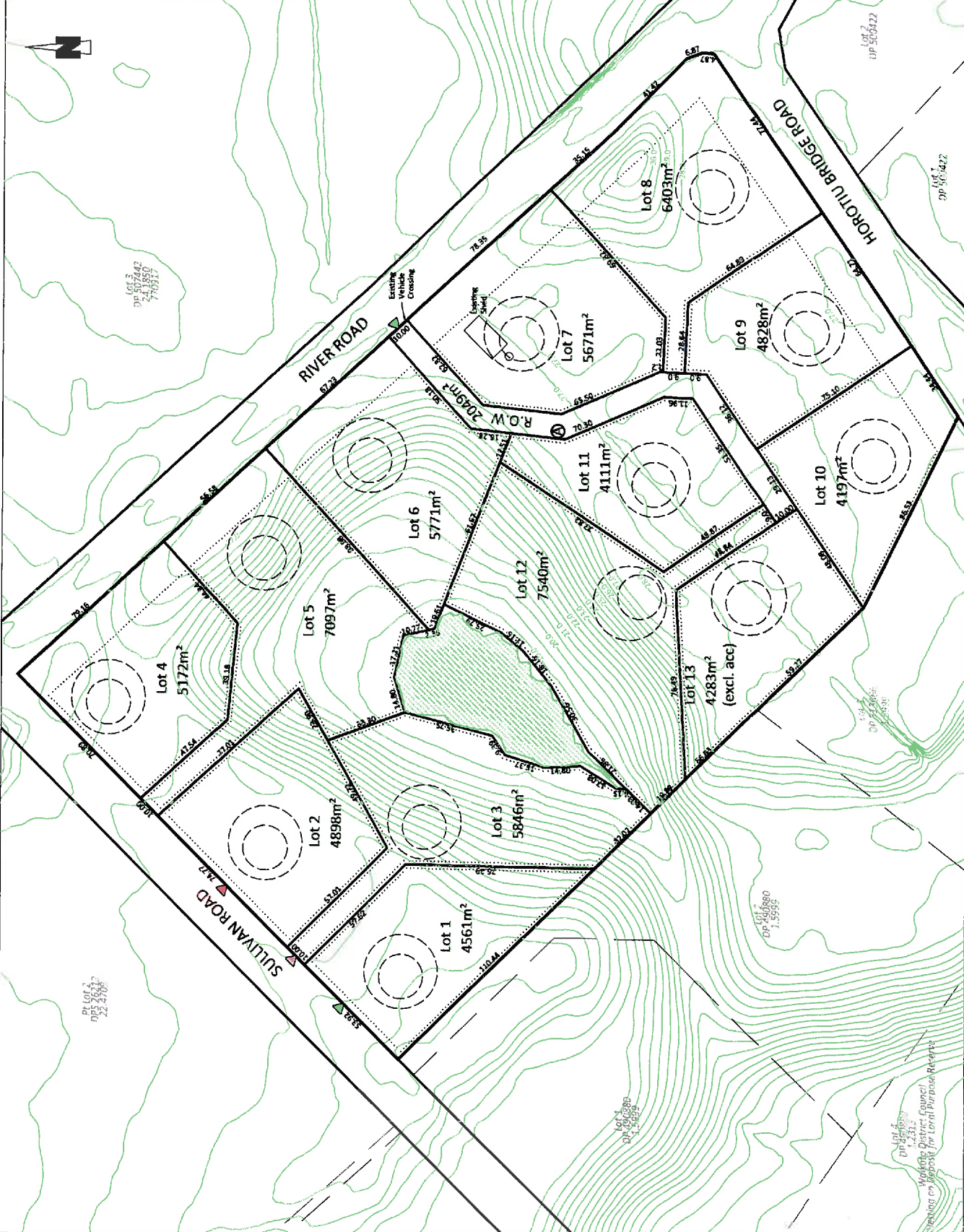
PROPOSED EASEMENTS		DOMINANT TENEMENT
PURPOSE	SERVIENT TENEMENT	
Right of Way, Right to Convey Gas, Water, Electricity and Telecommunications and to Drain Water and Sewage.	Lot 13 hereon	Lots 6-12 hereon

**Key:**  
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 With 18m $\phi$  Building Platform  
 Building Setback Lines  
 15m from River Road & Horotiu Bridge Road Boundary.  
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 Indicative Access

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**CONCEPT**



Checked	Date	Issue Description

Designed	AW	ES	AW	ES	AW	ES	AW	ES

**Scale:** 1:1500  
**Job No:** B18034  
**Dwg No:** 152  
**Rev:** 2

**VILLAGE ZONE CONCEPT OF Lot 5 DP 513666 (River Road, Horsham Downs)**

**Prepared for**  
**Horotiu Properties Limited**

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**Tairāwhiti Office:**  
 At 103 Market Street, Te Awamutu  
 P: 07 871 6144

**CKL**  
 Planning Surveying Engineering Environmental  
 Waikato District Council  
 Resource Consent for Local Purpose Review

# "B"



Planning | Surveying | Engineering | Environmental

25 November 2019

## Technical Memorandum

### Overview of wastewater options for Horotiu Properties.

This technical memorandum provides a brief summary of two options to provide wastewater service to the development at Sullivan Road, Horotiu.

#### Option a: Unserviced.

Unserviced properties in the development will have a minimum lot size of 3,000 m<sup>2</sup>. The Waikato Regional Plan permits the discharge of domestic septic effluent to land.

The proposed lot size in the Horotiu Development Proposal makes it technically feasible to meet the requirement for a minimum effective disposal area of 2,500 m<sup>2</sup>, after building and driveway areas are allowed for.

It should be noted that specific design will be required to ensure that all conditions can be met. Generally, unserviced properties are expected to have minimal impact on public infrastructure. An allowance of with about 4m<sup>3</sup> of septage from each property will need to be discharged as trade waste to a public treatment plant every two to three few years.

#### Option b ;Serviced – communal.

An example of a proprietary communal system for the disposal of wastewater from the development is an Innoflow reticulation and treatment system. This system uses septic tanks at each property to pre-treat the wastewater before discharge of effluent in pressurised reticulation to a central treatment plant and disposal. This system is operating in New Zealand with success.

The ownership of the communal system through a body-corporate ownership model, with Innoflow engaged to operate and maintain the system, is common although some Innoflow schemes are commissioned by or vested with their respective councils.

The Innoflow system is modular, allowing for the treatment and disposal to scale with development stages. The pressurised reticulation system provides flexibility to decommission the treatment plant and connect to a public service in the future.

The impact of a communal system on public infrastructure is expected to be similar to the impact of unserviced septic tanks, involving the period collection of septage for treatment at a council treatment plant.

#### Summary

There are options for wastewater management through unserviced and serviced communal system. Both options are expected to be technically feasible and have minimal impact on council infrastructure.

Barry Knight.



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**Comprised In:** CFR 794528  
**Local Authority:** Waikato District Council  
**Total Area:** 7.5364ha

**Key:**  
 30mØ Shape Factor Circle  
 With 18mØ Building Platform  
 Building Setback Lines  
 7.5m from Road Boundary  
 12m from Rear & Side Boundaries  
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		Checked	AW	(As Original)
		Checked	AW	(As Original)
		Job No:	B18034	Rev: 1
		DWG No:	150	



Lot 3  
 DP 507642  
 24.1850  
 27.0317

Lot 11  
 (Access Lot)  
 3252m<sup>2</sup>

Lot 7  
 DP 507642  
 24.1850  
 27.0317

Lot 3  
 8387m<sup>2</sup>

Lot 2  
 1.1089ha

Lot 1  
 9317m<sup>2</sup>

Lot 4  
 5056m<sup>2</sup>

Lot 10  
 6990m<sup>2</sup>

Lot 9  
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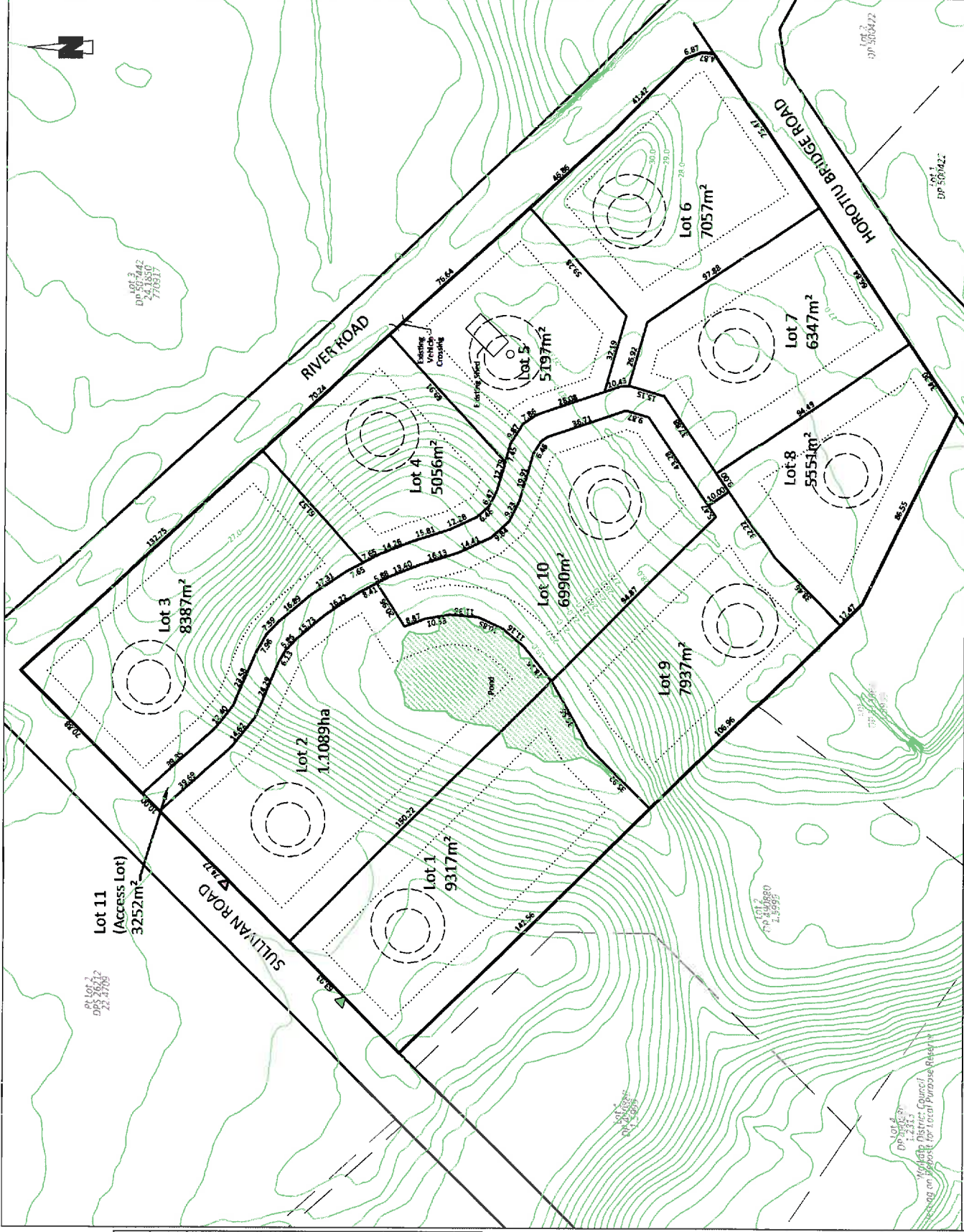
**Applicant:** Horotiu Properties Limited  
**Comprised In:** CFR 794528  
**Local Authority:** Waikato District Council  
**Total Area:** 7.5364ha

- Key:**
- 30m $\varnothing$  Shape Factor Circle With 18m $\varnothing$  Building Platform
  - Building Setback Lines 7.5m from Road Boundary 12m from Rear & Side Boundaries
  - Indicative Access

**Note:** Access width does not comply with Operative District Plan.

- Notes:**
- Changes may occur to the layout of the proposal shown as a result of the Resource Consent Conditions.
  - Areas and dimensions on this plan may be subject to change following field survey.
  - The copyright and intellectual property rights for the information shown on this plan remain the property of CKL Surveys Ltd.
  - This plan has been prepared only for the purpose of illustrating an application for resource consent. It should not be used for any other purpose.

**CONCEPT**



Checked	Date	Scale:
Designed: AW	11.06.18	1:1500
Drawn: ES	11.06.18	
Checked: AW	16.07.18	(As Oriented)
Job No:	B18034	Dwg No: 152
Rev:		1

Issue Description	Date

**PROPOSED SUBDIVISION OF  
 Lot 5 DP 513666  
 (River Road, Horsham Downs)**

**Prepared for**  
 Horotiu Properties Limited

**Auckland Office:**  
 A: 25 Broadway, Newmarket  
 P: 09 524 7029  
**Hamilton Office:**  
 Hamilton Office  
 P: 07 849 9821  
**Te Awamutu Office:**  
 A: 103 Market Street, Te Awamutu  
 P: 07 871 6144

**CKL**  
 Planning Surveying Engineering Environmental  
 Waikato District Council  
 1-2-315  
 Request for Local Purpose Reserves

**Horotiu Properties Limited**

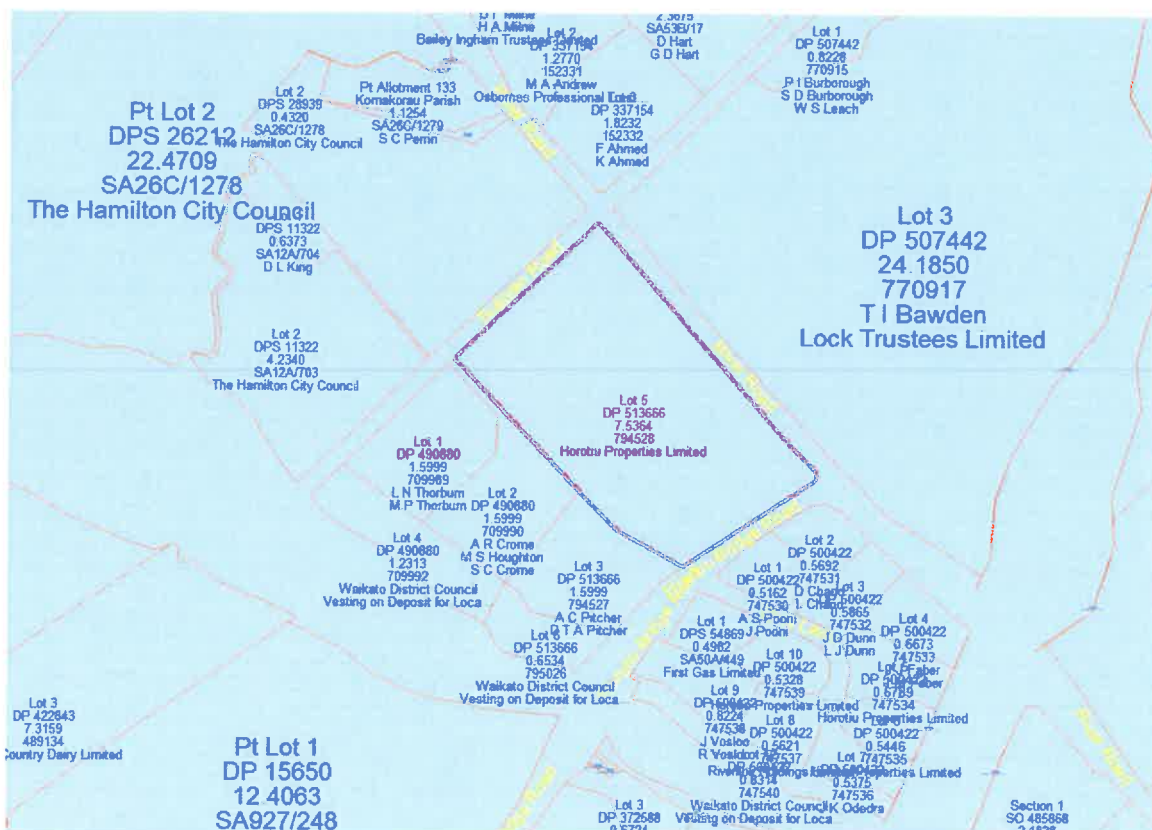
**Submission to Waikato District Council Proposed District Plan**

**Supporting Planning Statement**

**Introduction and Site Description**

This submission is made on behalf of Horotiu Properties Limited. The submission relates to the land holding owned by the submitter Horotiu Properties Limited (HPL) at Sullivan Road, Horotiu. The site subject to this submission is legally described as Lot 5 DP 513666 held within computer freehold register 794528 (the HPL land) as shown in Figure 1. The property is a 7.5364 ha site currently leased for small scale grazing purposes only. HPL is both the landowner and submitter. HPL has owned the subject site since 2005.

The site is roughly rectangular in shape and is bounded by Sullivan Road on its northwest boundary, River Road on its northeast boundary, Horotiu Bridge Road on its southeast boundary and two rural-residential properties on its southwest boundary. The site was previously subdivided to create the rural residential properties on the southwest side.



**Figure 1 – Site location map with HPL land delineated in purple**



## Submission

This submission on behalf of HPL seeks resolution from Waikato District Council (WDC) to rezone the subject site from Rural Zone to Village Zone under the Proposed Waikato District Plan (PDP). This submission opposes the Rural Zone being applied to the site (as outlined in Figure 2). The corresponding maps, rules and provisions of the PDP which are specifically submitted on are outlined within the enclosed table.

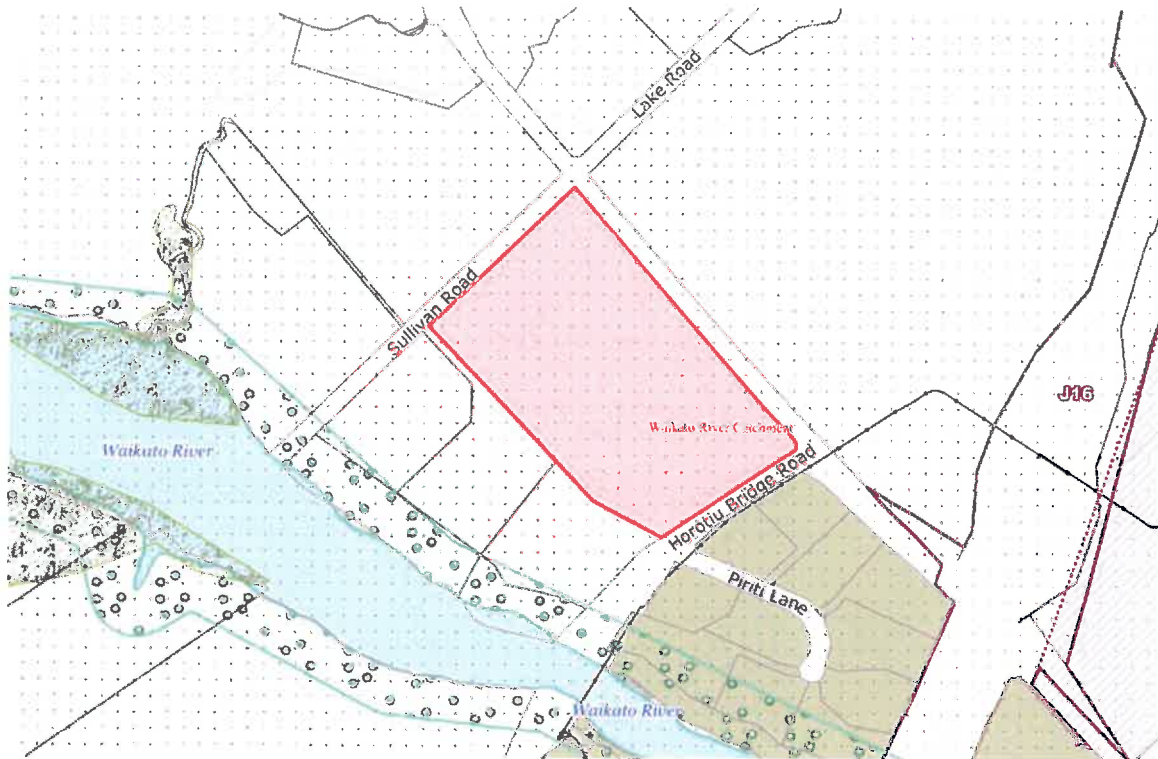


Figure 2 - Proposed District Plan zone map with HPL land delineated

Should WDC not support to rezone the subject site Village Zone, in the alternative the submitter proposes to rezone the HPL land to Residential Zone. Should WDC not support to rezone the HPL land Residential Zone, in the alternative the submitter proposes to rezone the HPL land to Country Living Zone.

The submission is proposed because the site is not considered suitable to be maintained within the Rural Zone. The primary reason is that the HPL land is not a productive use of rural land which is the primary objective and purpose of the Rural Zone. The HPL land is simply too small and does not contain appropriate infrastructure in which it could be considered a productive rural property. The site is a balance lot resulting from previous subdivision (enabled by a previous District Plan) with prominent physical constraints meaning it cannot grow nor support any practicable rural productive activity. The HPL land is considered to be unique for the following reasons:

- The HPL land is bounded by roads on three sides, two of them being arterial routes in the Operative and Proposed District Plans. These roads place significant constraints on property access and the ability to expand to the landholding, therefore further ruling out the ability to enable productive rural activities;
- The HPL land has a unique topography comprised of approximately 60% flat land with the remaining land in moderately sloping topography (gradients of 1:3 – 1:4) down to an artificial



watercourse (lake). Therefore, approximate 40% of the small 7.5364 ha site is already restricted in its suitability for productive rural uses;

- Beyond the adjoining rural-residential properties to the southwest is the Waikato River. The property simply cannot be expanded as a rural productive property or activity;

Due to the constraints above, the property is significantly compromised in its ability to function as a productive rural property. HPL as the landowner and submitter does not consider there to be any practicable productive use of the property that can be considered appropriate given the site constraints and its impeded ability to function as a productive rural property. Whilst the property can support rural activities considered to have a productive use of the land and soil resource, the physical constraints render the property as incapable of being able to be used for productive purposes in an economic context. The property is an oversized lifestyle block with no productive rural activity being deemed practicable with the exception of establishing a single residential dwelling as a permitted activity. Any intensive rural activity with the intention of being productive both in a soil resource and financial context on the HPL land is not considered appropriate as it would be deemed an intensive farming activity, require resource consent, and have significant non-compliance with the District Plan provisions due to its proximity to residential activities and non-rural zoned land.

The site is on the periphery of Horotiu village and therefore can be considered an appropriate location for urban expansion which is consistent with objectives and policies of the relevant planning documents and growth being focussed around existing towns and villages.

***Actual and Potential Effects of the Proposed Submission – Village Zone***

The submission primarily seeks to rezone the HPL land to Village Zone. This would enable subdivision and development for activities enabled within the Village Zone, which anticipates predominantly residential activities with a minimum net site area of 3,000m<sup>2</sup> per site. The provision of reticulated infrastructure could enable development to a net site area density of 1,000m<sup>2</sup> per site in the Village Zone if available in future. The proposed resolution would result in approximately 13 village lots of varying sizes with two main points of access being enabled (based on a minimum net site area of 3,000 m<sup>2</sup>). A plan depicting a concept Village Zone subdivision is enclosed with this submission. The actual and potential effects of the proposed submission can be appropriately considered by Council through the District Plan review process which appropriately enables relevant parties to make further submissions on this submission either in support or against. Consideration of actual and potential effects on the environment resulting from the proposed submission to rezone the land to Village Zone are outlined in the table below.

Potential effect	Commentary
Soil productivity, the efficient use of rural land	The subject site contains a mixture of soil classes with approximately 60% of the site being considered flat land with better quality land use capability. The remainder of the site is constrained by its size, slope, and the presence of an artificial watercourse which restrict the productive capacity of the soil. The HPL land therefore does not contain a large amount of high quality soil that would be lost for unproductive rural uses.

	<p>If the site was in the Village Zone, a larger number of buildings (dwellings) would be enabled. Whilst this would remove soil from productive use, it has been demonstrated that the productive capacity of the site is significantly restricted and cannot practicably be utilised as a productive rural property for any net financial gain. Dwellings will provide for a better utilisation of this site and the land with the only potential loss of soil productivity being a reduced number of grazing animals, notwithstanding whether any future residential activities would accommodate grazing animals.</p> <p>The net loss of productive soil is considered negligible when considering the size and constraints of the property. The productive potential of the HPL land and soil is already significantly compromised. Furthermore, there is no ability to amalgamate or operate the HPL land as part of a wider rural activity which could render any productive rural activity as economically viable.</p> <p>The use of the site for housing (acknowledging this is a likely end use with Village Zone and it is not the only permitted activity) is considered to be a more efficient use of the subject site and its soil resource. The sustainable management of the existing soil resource for productive rural activities is not economically or practicably viable.</p> <p>The general area and its soil resource has already been significantly compromised due to previous subdivision and zoning which enables development. Land to the north and east of the property is protected from intensification and is more appropriate to retain a rural zone for the foreseeable future.</p>
<p>Natural resources</p>	<p>The proposed submission will not constrain any existing lawfully established productive rural activity.</p> <p>The HPL land has not been identified as containing any significant natural resource, natural feature or other feature of interest on the Planning Maps in either the ODP or PDP.</p> <p>A more efficient use of the soil resource through management of multiple titles together is not feasible based on the physical constraints on the property and the nature of the adjoining land ownership.</p>

<p>Landscape, rural character and amenity;</p>	<p>Based on the sites proximity to the Waikato River and existing large lot residential development, the subject site exhibits relatively high residential character and amenity values in an area contiguous with and collectively considered to be dominated by large lot residential development. The character and amenity values of the site are influenced by the Waikato River, the adjoining arterial roads, the Waikato Expressway, and the existing large lot residential development.</p> <p>Land on the western side of the River does not exhibit the same level of character and amenity values when considering large lot development.</p>
<p>Transport</p>	<p>It is anticipated that appropriate transport infrastructure can be provided to enable development consistent with the Village Zone. Several points of access potentially exist and these can be rationalised, noting they will be subject to expert recommendations on location and formation as part of any detailed development proposal.</p> <p>The site has an existing formed crossing to River Road which has complying sight distances in both directions along the road. The site has extensive frontage to Sullivan Road which is a lesser road in the road hierarchy and also available for access.</p>
<p>Strategic considerations</p>	<p>The HPL land is not explicitly identified within the existing urban limits of Horotiu Village. However, the site is on the fringe of the village and the proposed rezoning within the village itself. The HPL land is contiguous with existing country living zone land and a relatively large number of rural residential properties within the country living and rural zones.</p> <p>The proposed rezoning does not conflict with adjacent, surrounding or nearby uses. The HPL land is considered to be complementary to and compatible with existing high amenity rural residential environment.</p> <p>The Future Proof Hamilton to Auckland Corridor Study (2012) identified Horotiu as a rural village with a residential density of 8-10 dwellings per hectare (with reticulated infrastructure). This is consistent with enabling a village zoning not currently proposed in Horotiu. Substantial industrial growth is anticipated within the village however the density targets are not provided for</p>

	<p>and land for housing is required. The HPL land provides a high amenity residential environment site in close proximity to future employment opportunities. The HPL land does not constrain any existing or planned infrastructure and could be further developed if reticulated infrastructure was available or proposed in the future.</p>
Infrastructure	<p>The proposed Village Zone enables lot sizes which are self-sufficient with regard to water supply, stormwater and wastewater disposal. The proposed Village Zone enables interim development without full urban infrastructure. No adverse effects on existing or planned infrastructure is anticipated.</p>
Positive effects	<p>The rezoning of the site will result in a more efficient use of the HPL land which is currently an underutilised rural zoned site with a significantly restricted ability to expand.</p> <p>The rezoning of the site will provide a significant economic wellbeing to the landowner as well as enabling additional housing in an appropriate location. The economic wellbeing of Council will be enhanced through the provision of additional development contributions and rates.</p> <p>A sustainable addition of housing units will be provided over and above that otherwise anticipated. This will provide much needed demand and variety of product onto the market in an appropriate location.</p> <p>The HPL land is appropriately located in close proximity to the existing Horotiu village.</p> <p>The rezoning will enable a scale of built form which is consistent with the surrounding environment.</p>

### **Concept Subdivision**

Concept subdivision plans have been prepared which depict an option for a Village Zone subdivision of the HPL land. The concept plan demonstrates how the site can accommodate an appropriate scale of Village Zone development in general accordance with the expected outcomes of the Village Zone, in particular regarding density, size and shape.

### **Conclusion**

HPL seek to rezone the HPL land from Rural to Village Zone. The amendments and changes to the PDP are outlined above and in the enclosed table. HPL seeks that the amendments and changes set out be

accepted by WDC. HPL seek any consequential amendments necessary as a result of the changes to grant the relief sought by the rezoning.

In the alternative, HPL seek to rezone the HPL land to Residential Zone or Country Living Zone.

If others make a similar submission, HPL will consider presenting a joint case with them at the hearing.