Before hearing commissioners

At Waikato regional council

Under: the Resource Management Act 1991

In the matter of: Proposed plan Change 1 to the Waikato regional Plan

 Hearing submissions and further submissions

Between: Andrew Gore and Christine Gore

And: Waikato Reginal council

Opening submissions on behalf of Andrew Gore and Christine Gore

Submitter 330 and FS1062

Dated: 26 September 2019

Opening Submissions on Behalf of Andrew and Christine Gore

**1. Introduction**

These opening submissions are presented on behalf of Christine Gore and Andrew Gore in relation to proposed Waikato District Plan Change 1.

 These opening submissions relate to our Submission to the proposed Waikato district plan, and further submissions to the Waikato district Plan

**2. About ourselves**

As outlined in our original submission we are property owners at Akatea, located off 295 Kay road Horsham Downs. We reside on a 4ha block down Akatea lane off Kay road.

 We have lived on the property for 10 years , we were relocated from Osbourne road by NZTA who compulsorily acquired our entire property for the Waikato expressway and Osbourne road over bridge. We had lived at Osbourne road for 15 years.

MAP 1 MAP 2

**3. Property description**

1. The south east property entrance, Kay road, is the HCC boundary
2. The west boundary is Resolution drive which is being constructed by HCC, WDC and NZTA to connect to the Waikato Expressway
3. The north boundary is a small land pocket adjacent to the Waikato expressway
4. The north eastern boundary is small land tract between the HCC reservoir and the property
5. The south boundary is the HCC water reservoir access and driveway to the property.

MAP 3 MAP 4

**4. Our property is subject to the following four overlays in the Proposed District plan.**

1. Rural Zoning rules
2. Waikato river catchment
3. Urban Expansion Policy Area UEPA
4. Ecological Management Area EMA
5. Waikato river catchment

**5. Our property is subject to a number of objectives, policies, methods and rules from the following chapters that have serious negative consequences for us**

 5 Rural environment section E designations

 22 Rural Zone 23 country living zone

**6. Our land is unique for its location, its proximity to the Hamilton Expressway, its proximity to the Hamilton city and the relatively small size for the rural zone.**

**Picture one size does not fit all**

**7. Overall positon on Waikato proposed district plan change**

Our position remains mostly as per our submission 330

Consideration has been taken of recommendation of Debbie Donaldson consultant planner Perception planning in regard to a number of submission points.

7.1 We strongly support Ecological management

 We agree that the Waikato river basin area needs to be protected for the investment of long-term biodiversity benefits. In particular around land management, noise and light management.

7.2 In our view one approach to objectives, policy, methods and rules over all land is not appropriate. For example blanket overlays over entire land areas.

7.3 Therefore we have several outstanding matters in relation to the objectives, policies methods and rules contained in the Plan change 1.

**Scope of submission**

**8. Our submission covers six matters**

**8.1 Ecological management**

 Tighter environmental control, in particular management of noise and light

**8.2 Unique position of our land**

 Consideration of the unique situation our land is when setting objectives, policies, methods and rules

**8.3 Clarification of overlays**

 Overlays ae considered more carefully particularly when they ae overlapping with different territorial authorities

**8.4 Prohibited activities on our land**

 Intensive agriculture, subdivision, commercial rural business,

**8.5 Housing need in our location**

 Housing accord

**8.6 Time frames**

 RMA

**Ecological Basin**

**We support maintaining and enhancing wellbeing of rural land, maintaining a natural rural environment, restoration and enhancement of the gully systems throughout the Waikato region**

In consideration of the Ecological basin our submission asks for tighter environmental control around noise and lighting effects into the ecological basin area.

If this area is to be an ecological area then dark sky should be promoted

There is no dark sky area in the central north island.

For protection of species such as native bat the dark sky area in this proposed ecological area should be promoted.

**We submit lighting should be subject to tighter environmental control**

This should be reflected in:

Chapter 1 The rules should be stricter on light control from all sources including roads

Chapter 5 The rural environment

Chapter 22 Rural Environment

Chapter 23 Country living Zone

**We submit noise levels should be subject to tighter environmental control.**

If this area is to be an ecological area then noise level acceptance should be much lower. Lower noise limit is essential for the movement of wildlife that rely on vibration.

It is noted that noise being experienced since 2015 in this proposed ecological area is unacceptable for an ecological management area.

Noise policy needs to directly address potential traffic noise effect into this area so that the basin area can be promoted as ecological.

Chapter 1 The rules should be stricter on acceptable levels of noise impinging into the environment

Chapter 5 the rural environment

Chapter 22 The rural zone

Chapter 23 country living zone

**Recognition of Unique position of our land**

The following facts make our land situation unique:

i. **topographical isolation,** caused by large scale roading projects,

ii. **Unable to pursue productive economic farming**, dislocation prevents amalgamation

iii. **land size** at 4ha, limits subdivision under rural

iv. **Restriction on currently allowed discretionary activity,** rural supporting business under UEA,

v. **Proximity to Hamilton city** is affecting how either the rural or UEA overlays function

**Clarification of overlays**

**We note that around 10 percent of submitters challenged the way in which overlays were applied to their situations**

**Our land is located in the WDC rural zone, and we reside on it, that is the overlay which should apply.**

**Having both Rural and Future Urban overlays are conflicting and constricting of legitimate activities.**

**We seek clarification:**

To Ensure Policy overlays do not restrict our property in a significant or unnecessary way.

To ensure development where appropriate to maximise potential for the area

To ensure policy provision to allow for unique properties like ours to be able to develop where appropriate to maximise the potential for the area and overall benefit the district.

To ensure we can apply for the discretionary activity of a rural veterinary practice on our currently zoned rural land

To ensure we can apply for the discretionary activity of conservation lot development on our currently zoned rural land

**Prohibited activates on our land under the proposed plan change**

**Our submission does not support**

**The direction that the Plan change is suggesting around prohibiting all type of development on our land**

For example:

* RD 1 intensive farming meets all conditions

UEA prohibits intensive farming

* RD2 rural industry at council discretion: such as vet clinic

 22.1.5 D9 allows discretionary commercial activity : such as vet clinic

UEA prohibits commercial activity and directs it to town

UEA means we cannot develop a legitimate discretionary business such as veterinary clinic to support the rural clients we have.

* subdivision allowed in rural zone rule

 UEA prohibits conservation lot subdivision

 PR 1 Any subdivision within the urban expansion area involving the creation of an additional lot

 We cannot make a conservation lot that would;

 enhance the ecology of the area

 address housing need

 **Summary**

 **Our unique situation needs to be addressed in planning, policy and rules**

We cannot intensive farm, we cannot subdivide, we cannot carry out a discretionary activity that is commercial-therefore we cannot realise the potential value of our own land.

 25 submitters agree with ourselves and asked for prohibited to be removed from their land situation and changed to discretionary

 3 submitters sought that a subdivision should be allowed where land is already compromised

 5 submitters sought that subdivision should be incentivised in the rural zone.

 12 submissions asked that conservation lots should be permitted in the rural zone.

 **We submit that these are not reasonable conditions, or appropriate for our situation.**

 **We submit that the proposed Prohibited activities rules be changed to Discretionary**

 **Chapter 5 Chapter 16 Chapter 22 chapter 23**

 **Housing need in our location**

Our submission notes that Hamilton is subject to a Housing Accord and that enabling future subdivision is important.

We note that the district plan time span is usually 10 years.

We question the validity of designating our land for a period of more than 5 years, which is well outside the life of the proposed district plan and does not appear to take into consideration the present need for housing.

We submit that appropriate subdivision in the rural zone we are in, such as a conservation lot subdivision supports the housing accord and the Ecology management in the area for the near future.

**We submit Subdivision should be a permitted discretionary activity under either rural zone or UEA**

**Time frames**

HCC would like to protect our land from any housing subdivision, building, intensive agriculture, formation of further lots, commercial activity until they need the area for Urbanisation.

The time frame is possibly 2045.

Effectively HCC is placing designations over our land for a long way into the future where we cannot realise the potential of our own land

No expert opinion has been put forward that supports this land designation.

The HCC has not supplied any evidence under the RMA that this is a reasonable time frame to designate private land in the Waikato District for the future purposes of the HCC

The HCC has not considered the effect of such a proposal on land owners such as us.

We expect to see justification for including a UEA on a plan for over 20 years when the life of the plan is only 10 years.

**We expect to see the evidence from HCC backing their position that preventing acceptable rural activities on our land for over 20 years is lawful and necessary.**

**We oppose the decisions being sought over our submission by the following submitters.**

We oppose the decision sought by RNZ over our submission

RNZ oppose subdivision and development as the RNZ transmitter is in the proposed rural zone.

The transmitter is 19 km from our property

Ranges and hills are between us therefore we do not believe this is a legitimate opposition to decision sought over our property at our location

We oppose the decisions sought by HCC in their further submission

*HCC assert the following :*

*1. That relief cannot be given to our submission as it would apply to all rural land.*

*That ‘supply of large lot residential and rural land must be considered across the district’*

HCC has not provided any expert evidence as to why consideration has to be given across the whole district

*2. That the land must remain in the rural zone to protect continued rural activities and productive nature of the land*

HCC then overlays the land with UEA that prohibits rural activity that could be possible on the fragmented land such intensive agriculture or rural service business such as a vet clinic

*3. That the UEA overlay is to protect fragmentation of land.*

HCC has supported the large roading projects that have fragmented our land.

A conservation lot would be assisting to mitigate the reverse sensitivity effect of large scale roading.

A different approach is recommended in Hei Awarua Ki te Oranga, ‘to move away from roading being the dominant land use shaper’

*5. That allowing development in the rural zone would lead to ad hoc development*

HCC opposes amendments to allow development of our unique block on the grounds it would lead to ad hoc development.

We have been unfairly fragmented by large roading projects supported by HCC that have created our current situation.

HCC have not provided any evidence that a controlled conservation lot subdivision would cause this

HCC have not provided any information that a rural discretionary activity supporting the rural zone would cause adhoc development.

*6. That subdivision should be prohibited*

This prevents a discretionary conservation lot subdivision or a country living zone that would support ecological management into the ecological basin area.

**A conservation lot development should be a permitted discretionary activity in the rural zone under the UEA**

*7. That relief cannot be given to our submission as the UEA is to protect land within Hamilton’s urban Expansion area for future urban development*

Rural environment 5.5.1

Does this application of planning rules meet the RMA guidelines for designation rules?

 *HCC opposes*

*1. Amendment to 22.1.2 stating uses in UEA should be rural. Commercial activities should be in town.*

A rural vet clinic predominantly serves rural clients on rural land. We currently hold resource consents for such activities in the rural Waikato area.

We also hold a licence to assist in the care of protected bats.

We are interested in developing a rural veterinary practice that has a focus on the environment and protection of native species. This would be most suitable in a conservation lot development.

*2. Amendment in 22.1.2 request for agribusiness in the rural zone on the grounds they do not know what an agribusiness is.*

We currently operate an agribusiness in the rural zone. A veterinary clinic. We currently hold resource consents to build a new clinic in the rural zone. These are legitimate businesses that serve rural clients.

The largest industries in the Waikato are agribusiness such as Dairy cattle farming, and business services. These are the top two income earners for the Waikato

The Waikato business news discusses Waikato Agribusiness. Featured is a veterinary business.

Chapter 1 introduction of the Waikato district plan also describes how the district economy is based around the primary sector. The agriculture, forestry, fishing sector is 29 % of the employment of the area and 35% of the business units.

***Business services should be supported as part of the Waikato’s successful economy***

***Business that supports agriculture should be a discretionary activity in the rural zone under the UEA***

*3. Amendment of rules that remove prohibited*

 Prohibited use prevents us from;

 providing houses for our own family

 providing for future generations.

 Realising our land value

 Earning an income from our land

HCC supported the large road projects impinging on our property that have caused dislocation/topographical isolation to our land, in our particular situation, these effects have not been considered.

***We oppose the application of prohibited subdivision use over our property***

***Therefore to address these we should be able to develop our land without unreasonable and unnecessary restriction***

We oppose HCC submission and further submission relating to these points:

 535.27 535.28 535.35 535.36.

The use within the area of interest should not be controlled by the Hamilton city council.

 If the HCC wants this level of control they should purchase the land.

***We are opposed to increased control over our land by HCC.***

**Owners in the Waikato district council rural zone should not be denied the ability to receive value from their amenity**

330.130 330.131 330.132 330.133 330.139 330.140 330.141 330.145

**Conclusion**

**We support ongoing development and planning.**

**We recognize the immediate need to protect the environment.**

In particular in our area that has been seriously negatively affected by large scale roading projects.

We support protection measures into the area from any further large scale effect.

We have supported this with extensive planting and land management ourselves and look forward to being supported with continued ecological development.

**We are concerned that planning should be most appropriate for the land situation.**

We would like recognition and consideration given to the unique position of our land

We expect to be fully consulted.

We are concerned that designation by one authority into another is appropriately managed to meet the needs of the land owner and to protect the right of the land owner to realise their land value.

We respectfully submit that appropriate professional assessment of the areas affected by the proposed planning overlays, designations and rule changes should be undertaken followed by appropriate planning provision that takes into account unique areas

 **‘one size does not fit all’**

picture

**Material we will be using in support of our submission**

The rules applying to 295 kay road under the proposed plan

The ‘area of interest’ we occupy

Future proof document

Hei Awarua Ki Te Oranga

Plan change 20 Lake side developments Te Kauwhata

Section 32 report

S42A recommended amendments

Further submissions