



THE SURVEYING COMPANY
Specialist Surveyors, Planners & Engineers

4th October 2018

Waikato District Council
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SUBMISSION ON PROPOSED WAIKATO DISTRICT PLAN – STAGE 1

Introduction

This submission is from:

Koch Farms Limited
Address of the property this submission relates to:
173 Klondyke Road, Onewhero
(Pt Lot 4 DP 1947, CFR SA50C/651)
(Pt Lot 3 DP 1947, CFR SA50C/653)

ECM Project: DPRPh5-03
ECM #
Submission #
Customer # 83691 & 33811
Property # 2012910

The address for service is:

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The Surveying Company is a multi-disciplinary Property Development Consultancy that has been providing Planning, Surveying and Civil Engineering services throughout the Auckland Region, Waikato and Hauraki Districts for the past 30 years.

We could not gain an advantage in trade competition through this submission.

We would like to present our submission in person at a hearing. If others make a similar submission we will consider presenting a joint case with them at the hearing.

The specific provisions that this submission relates to are the subdivision provisions in the Rural Zone which are detailed below:

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Provision	Do you?	Our Submission is:	We seek the following decision:
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Chapter 5: Rural Environment

5.1.1 Objective The Rural Environment	Support	<p>We support Objective 5.1.1 for the following reasons:</p> <ul style="list-style-type: none"> The Waikato District encompasses valuable areas of high class soils that are of primary importance for food production both regionally and nationally. Protecting these soils from adverse effects of inappropriate use and development that may impact their life-supporting capacity is of national importance, this is now being recognised with a NPS for Versatile Land and High Class Soils under consideration. Urban subdivision is an inefficient use of rural production land. Urban subdivision, particularly ad-hoc subdivision, may undermine the integrated development of identified townships and expansion areas. We support the strength of wording in this objective and agree that urban development within the Rural Environment is an outcome contrary to the intent of the Proposed Plan and should be avoided. 	Retain this objective.
5.2.1 Objective Rural Resources	Support in Part	<p>We support Objective 5.2.1, with amendments, for the following reasons:</p> <ul style="list-style-type: none"> We support sub-policy (i) which seeks to maintain or enhance the life-supporting capacity and versatility of soils. Accessibility to versatile land is also a key consideration in managing this resource and that we suggest 'accessibility' be included in this policy. 	<p>Amend Objective 5.2.1 as follows:</p> <p><i>(a) Maintain or enhance the:</i></p> <p><i>(i) Inherent life-supporting capacity, accessibility and versatility of soils, in particular high class soils;</i></p> <p><i>(ii) The health and wellbeing of rural land and natural ecosystems;</i></p> <p><i>(iii) The quality of surface fresh water and ground water, including their catchments and connections;</i></p> <p><i>(iv) Life-supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
5.2.2 Policy High Class Soils	Support	We support Policy 5.2.2 which seeks to retain high class soils and ensure adverse effects do not compromise the life support properties of high class soil.	Retain this policy.
5.3.1 Objective Rural character and amenity	Support in Part	<p>We support in part the intent of this objective, however, recognition of the variation of what defines rural character and amenity values across a large District is needed.</p> <p>The Waikato District encompasses coastal areas, hill country comprising large landholdings and primarily pastoral uses and smaller landholdings, particularly in the northern part of the District which is used for higher value production activities such as intensive cropping, greenhouses etc.</p> <p>Consideration of 'Rural Character' should take into account the unique variables of the locality including land holding pattern, built form, landuse activities, vegetation and geomorphology.</p>	<p>Amend Objective 5.3.1.a as follows:</p> <p><i>Rural character and amenity are maintained while recognising the localised character of different parts of the District.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
<p>5.3.8 Policy Effects on rural character and amenity from rural subdivision</p>	<p>Support in Part</p>	<p>We support 5.3.8 in part with amendments as follows</p> <p><i>(b) – Ensure development does not compromise the predominant open space, character and amenity of rural areas</i> this doubles up with 5.3.8.(d)(ii) and 5.3.8.(e) which both seek to ensure that rural character and amenity are maintained.</p> <p>Not all rural areas comprise open space character and amenity. It is recognised that the district’s rural character is varied in nature and comprises landscapes, landforms and structures. These are also areas of active and dynamic primary production and associated activities rather than necessarily benign landscapes.</p> <p>It should be recognised that rural landscapes can be visually altered by structures and buildings such as greenhouses and packhouses. However, these are recognised as important components of primary production activities, form part of the rural environment and are generally considered rural in appearance and value.</p> <p>We suggest removing 5.3.8.b.</p>	<p>Amend Policy 5.3.8 as follows:</p> <p><i>(b) Ensure development does not compromise the predominant open space, character and amenity of rural areas.</i></p> <p><i>(d) Rural hamlet subdivision and boundary relocations ensure the following:</i></p> <p><i>(i) Protection of rural land for productive purposes;</i></p> <p><i>(ii) Maintenance of the localised rural character and amenity of the surrounding rural environment;</i></p> <p><i>(iii) Minimisation of cumulative effects.</i></p> <p><i>(e) Subdivision, use and development opportunities ensure that localised rural character and amenity values are maintained.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
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Chapter 22: Rural Zones

22.4.1.1 Prohibited subdivision	Strongly Oppose	<p>We oppose the Prohibited Activity Status for the rural subdivision activities listed under Section 22.4.1.1 for the following reasons:</p> <p>In the Rural Zone</p> <ul style="list-style-type: none"> • With regards to PR2 and PR 3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. It is fanciful to think that every subdivision on high class soil would result in a significant adverse effect on the environment. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. • There are circumstances where it may be unavoidable to create an additional Record of Title, ie where a title is limited as to parcels and held together by covenant. • The rule relies on a definition of <u>High Class Soils</u>. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. • It is unfair and unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries or commercial orchard activities. • Rural activities do not need to be held on the same certificate of title as other rural activities, and there may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity. • A number of commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than having no other option but to dispose of the entire property, or the need to invest more capital in the operation. • The prohibited activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity 	<p><i>That the activity status for PR1, PR2, PR3, PR4 be changed from Prohibited to Non-Complying Activities.</i></p> <p><i>That reference to 'lot' in this rule is changed to 'Record of Title'.</i></p>
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Provision	Do you?	Our Submission is:	We seek the following decision:
		<p>will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site.</p> <ul style="list-style-type: none"> PR4 states any subdivision of a lot previously amalgamated for the purpose of a transferable lots subdivision prohibited. This rule may unreasonably restrict the subdivision potential over and above what is necessary to avoid undermining the intent of the rule under which these Records of Title were created (Rule 22B – Franklin Section). Under Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. We also note that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status only. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries with a neighbour without creating an outcome that may compromise the prior transferable subdivision. <p>We seek the removal of the Prohibited Activity status completely from the rural subdivision provisions of the Plan. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected in the Rural Zone from inappropriate subdivision and development, and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p> <p>We suggest the Prohibited Activities listed under 22.4.1.1 be considered as Non-Complying Activities</p> <p>We also seek that the word 'lot' as used in these rules be changed for 'Record of Title'. It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.</p>	

Provision	Do you?	Our Submission is:	We seek the following decision:
22.4.1.2.a.i-iii General Subdivision	Support	We support the inclusion of the General Subdivision rules.	Retain the General Subdivision provisions.
22.4.1.2.a.iv General Subdivision	Support in part	<p>We support the inclusion of Rule 22.4.1.2.a.iv in part for the following reasons:</p> <ul style="list-style-type: none"> • The creation of an additional <u>vacant</u> lot between 8,000m² and 1.6 ha is supported. • General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. • This will ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not to meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. • The creation of any additional lot between 8,000m² and 1.6ha as a restricted discretionary activity is supported. • A discretionary rule should also be provided for lots less than 8,000m² and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the anticipated environmental results. • For lots smaller than 8000m², it is only necessary to confirm the provision of services within the lot boundaries. • Lots greater than 1.6ha <u>may</u> need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. • Furthermore, the creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site should be provided for. 	<p>Amend 22.4.1.2. as follows:</p> <p><i>D1</i></p> <p><i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RD1.</i></p> <p><i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RD1.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
22.4.1.2.a.v General Subdivision	Oppose	<p>In addition to our comments on Rule 22.4.1.2.a.iv above, we oppose Rule 22.4.1.2.a.v for the following reasons:</p> <ul style="list-style-type: none"> • There is no analysis in the s32 regarding this relevance or practicality of this rule. • We agree with the intent of this rule, which is to design subdivision to avoid the fragmentation of the high class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. • The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), we would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions also. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. • The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General Provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome and becomes a box ticking exercise for Council. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion as shown opposite. 	<p>Remove Rule 22.4.1.2.a.v (80/20 Rule) of the General Subdivision provisions and include under matters of discretion:</p> <p><i>(b) (vi) Effects on rural productivity and fragmentation of high class soils.</i></p>