

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Proposed District Plan

BY **THE SURVEYING COMPANY H.B.
LIMITED**

Submitter

AND **CENTRAL HAWKES BAY
DISTRICT COUNCIL**

Territorial Authority

**SUBMISSION OF THE SURVEYING COMPANY H.B. LIMITED
To Hearing No 3 Rural Zones.
Dated 16 June 2022**

The Surveying Company
3/115 Avenue Road East
Hastings 4156

Ladies and Gentlemen of the Hearings Panel.

My name is Nick Wakefield, and I am here on behalf of the Surveying Company to present our case for changes to the Proposed District Plan (Rural Zone Performance Standards Rules and Subdivision Rules).

I thank you for this opportunity.

We note that our submission points have been addressed in

Section 42A report - Rural Environment (Vol. 2) - Zone Provisions

We will address our points in the order they are presented in this report for ease of reference.

Setback from neighbours – Rules RPPROZ – S6, GRUZ – S5 and RLZ-S5.

We submitted that the proposed setback rules, at 15m, were too extreme and would potentially lead to greater areas of productive land being inadvertently lost. This is the position applied by the officer in their section 42a report when commenting on and rejecting the request from Hort NZ for a 30m setback. We stand by our stance that a 15m setback is too great and will result in land being inadvertently lost to domestic surrounds. Furthermore, we see no difference between a residential dwelling located in a Rural Production or General Rural Zone to that of a Papakainga housing development in the same area. Both result in people living rurally in and around rural production activities. In our opinion, based on creating multiple lifestyle sections in rural areas, a single residential dwelling located 5m from a boundary is less likely to result in reverse sensitivity issues than a Papakainga Development. We believe that both residential activities should be treated the same under the district plan in all rural zones regarding boundary setback requirements.

However, we understand that a subdivision around an existing dwelling in the Rural Production and General Rural Zones that does not comply with the setback rules becomes a restricted discretionary activity. The panel may see this safeguard, balancing reverse sensitivity issues with loss of productive land, as sufficient in these two zones.

Where we implore the panel to review these building setback rules is in the **Rural Lifestyle Zone**. This zone was set up to provide a choice of Residential Environments (RLZ-I1) and protect productive and finite rural land resources from future ad-hoc rural residential development (RLZ-I2). It therefore stands to reason that zone is essentially a residential zone at a rural lifestyle scale. This is further emphasised by the officer in their recommendation that council adopt a minimum 2500m² with an overall 4000m² average subdivision rule. To facilitate these smaller sections our 5m setback rule for residential buildings and 10m for accessory buildings is more appropriate. If not adopted, council risk creating a situation where not only will they need to process subdivision consents, but they will also then potentially be processing multiple land use consents to allow encroachment within the proposed building setbacks. This is not only costly for the landowner, making building dwellings more difficult, but will further stretch the resources of the council to process these applications. Your planning division is already stretched beyond capacity. I see no sense in creating situations that further stretch these resources.

Subdivision Rules

In our submission we asked the following elements to be added or amended to the district plan

1. The amendment to Rule Sub-R5, allowing 1 lifestyle lot per 20ha within the General Zone up to a maximum of 5 sites with the same time constraints proposed in the plan.
2. Amend Rule SUB-R5 to allow for sites over 12Ha with an existing dwelling to be subdivided within the Rural Production Zone.

3. Amend the maximum Lot size for a lifestyle section in the Rural Production Zone to 1Ha
4. Insert a Farm Park option like that allowed for in the Hastings District Plan
5. Amend Rule SUB-S7, creating lifestyle lots in association with conservation lots to allow for the creation of additional lots depending on the size of conservation lots created and recognise existing conservation lots/covenants within this rule.

I will address the proposed amendments to **Rule SUB-R5 first.**

We stand by our submission that the current rules with SUB-R5 as they apply to the General Rural zone are too restrictive for this district. We are of the opinion, having completed lifestyle subdivisions in both Hastings District and Central Hawkes Bay, that neither operative plan gets the balance right between lifestyle section provision and protection of land within the General Rural Zone. It was with this in mind that we looked to amend the rule. We saw our suggestion as a starting point in a discussion/negotiation. What we ask the panel to consider is incorporating a version of our proposed rule within the General Rural Zone. Be it less lots, perhaps a maximum of 3, or a greater time period for further lifestyle subdivision be introduced. This could be 3 years for 1 lifestyle lot and then an additional year for each additional lot created. In this scenario if someone subdivides 5 lifestyle lots then they could not subdivide an additional lifestyle lot for another 7 years post completion of the subdivision. The purpose of our proposed rule was to avoid a situation where landowners systematically gamed the system because the rules had no flexibility or had been developed with the region in mind. I have provided the panel with some examples of the scenario that we detailed in our submission that played out in Hastings District

1st Crownthorpe (DP 392018 and DP 416333), these plans play out the scenario detailed in our submission.

2nd Waimarama (DP 385092) while not entirely the situation we describe it details the sort of thing that can happen when rules are too restrictive.

We understand, from speaking to Agfirst and other rural consultants, that a 20Ha property in land which has been incorporated within the General Rural Zone, is not generally considered an economically productive lot. Our suggested rule provides a pathway for subdivision while ensuring larger lots which are economically productive are maintained.

Rural Production Lifestyle subdivision

The rule not allowing lifestyle subdivision around existing dwellings if the property is larger than 12Ha is counterproductive in our opinion. This rule will see blocks of land that are larger than 12Ha but smaller than 24Ha being restricted in their potential productive use. The scenario we are going to provide the panel is one that plays out in lots of rural subdivisions that we facilitate.

“A large productive landowner wants to purchase a block of land approximately 22Ha in area but has no use or want of the house on site. The landowner approaches a surveyor to remove the house to facilitate the sale. “



In our opinion this situation should be treated as a controlled activity as it promotes the retention and use of the productive land as expressly detailed in the objectives and policies for the Rural Production zone. Planners will be wary of potential future subdivision of this 12ha+ block into smaller lifestyle lots. We believe that this a fair concern. So, we suggest that council incorporate an additional rule that restricts the further subdivision of these subdivided blocks or institute a standard condition of subdivision consent for properties in excess of 12ha restricting either establishing new dwellings or undertaking further lifestyle subdivision. This could be in the form of either a consent notice or a covenant in gross in favour of the Central Hawkes Bay District Council. We ask the panel to amend the Rule SUB-R5 as it relates to subdivisions in the Rural Production zone so that it only allows subdivision around existing dwellings regardless of the size of the underlying lot, with amalgamation only being required if the balance land is under 12Ha.

Maximum lifestyle Lot size in the Rural Production Zone.

We see that the officer has supported our position in the maximum size of a lifestyle lot within the Rural Production Zone. Thus, we will provide no further discussion in this forum.

Farm Parks

Our submission asked why farm parks were not included in the proposed district plan. Farm parks have been created with success in the Hastings District and similar schemes have been created within the Central Hawkes Bay under the Operative District plan. We cite developments at Patangata and Tod Road as examples of what could easily be described as Farm Parks. These existing subdivisions strongly indicate there would be a market for these developments providing rate payers to the district while ensuring that the productive elements of the land are retained. Why would council not wish to allow for high quality developments of this nature happening with their district?

SUB-R7 – Lifestyle in conjunction with a conservation lot.

We stated that we supported this rule, but we suggested the following amendments

1. 1 lifestyle lot with the creation of a 1Ha conservation block
2. A second lot be allowed for when 9Ha of land was protected.
3. Additional lots for each additional 6Ha protected.

We also sought to have existing conservation blocks (QEII covenanted land etc) to be recognised by this rule.

We note that these elements were not addressed in the section 42a report, but as this rule relates to rural subdivision, we feel it is appropriate to address it in this forum.

The primary reason for our request to amend this rule is the cost associated with creating, fencing and maintaining these conservation blocks. These costs are large and prohibitive and if council is genuine in its attempt to create these blocks, then they need to provide an incentive for landowners to take on these costs. Our experience tells us that the ability to sell additional sections would be a good start.

We also think that landowners that have completed conservation blocks prior to the implementation of the proposed district plan should also be recognised by the provisions of this rule. These landowners have taken on the significant costs we outlined previously. They should also be rewarded for their efforts.



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B R Foote

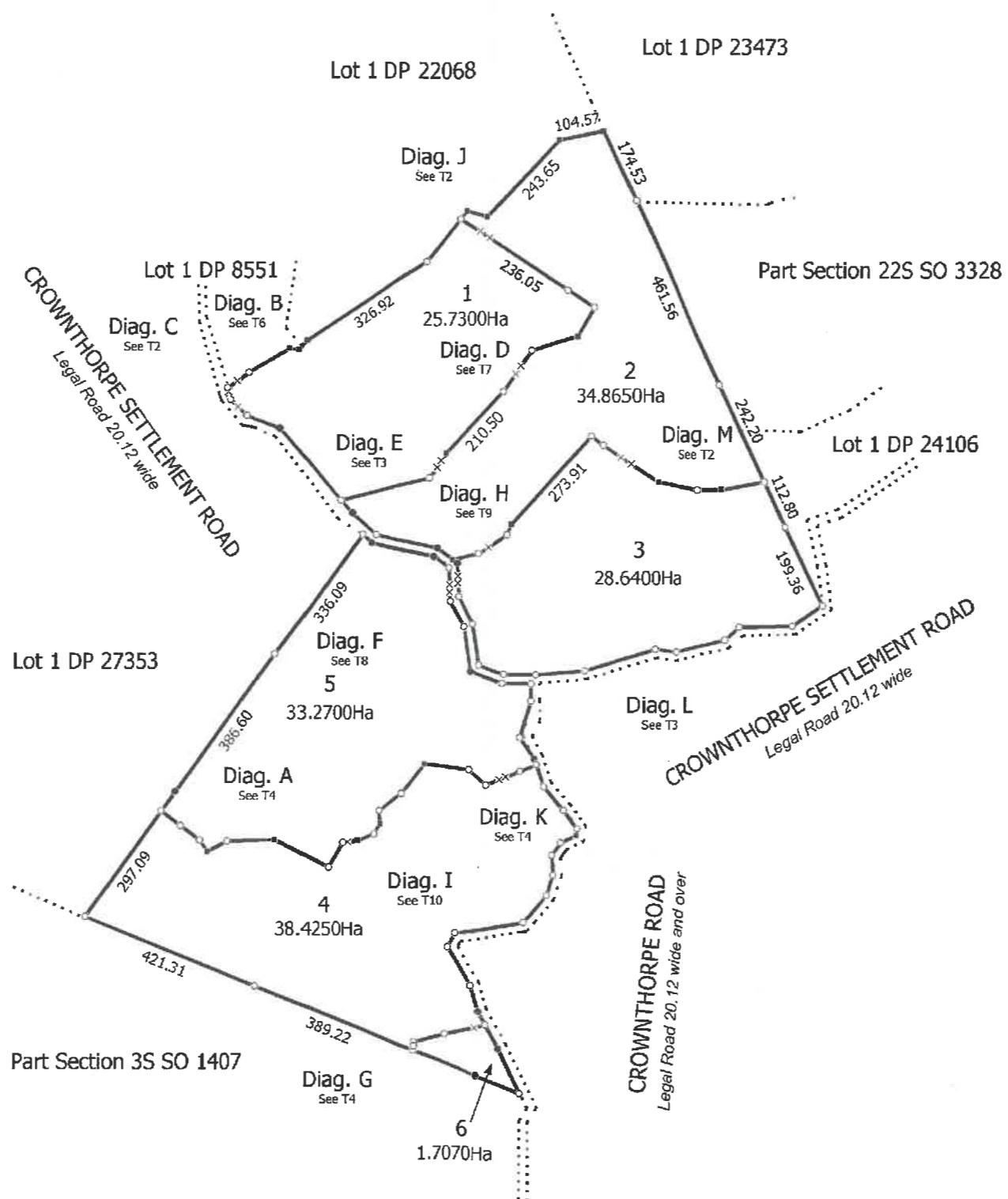


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N R H Wakefield

Dated this 16th day of June 2022

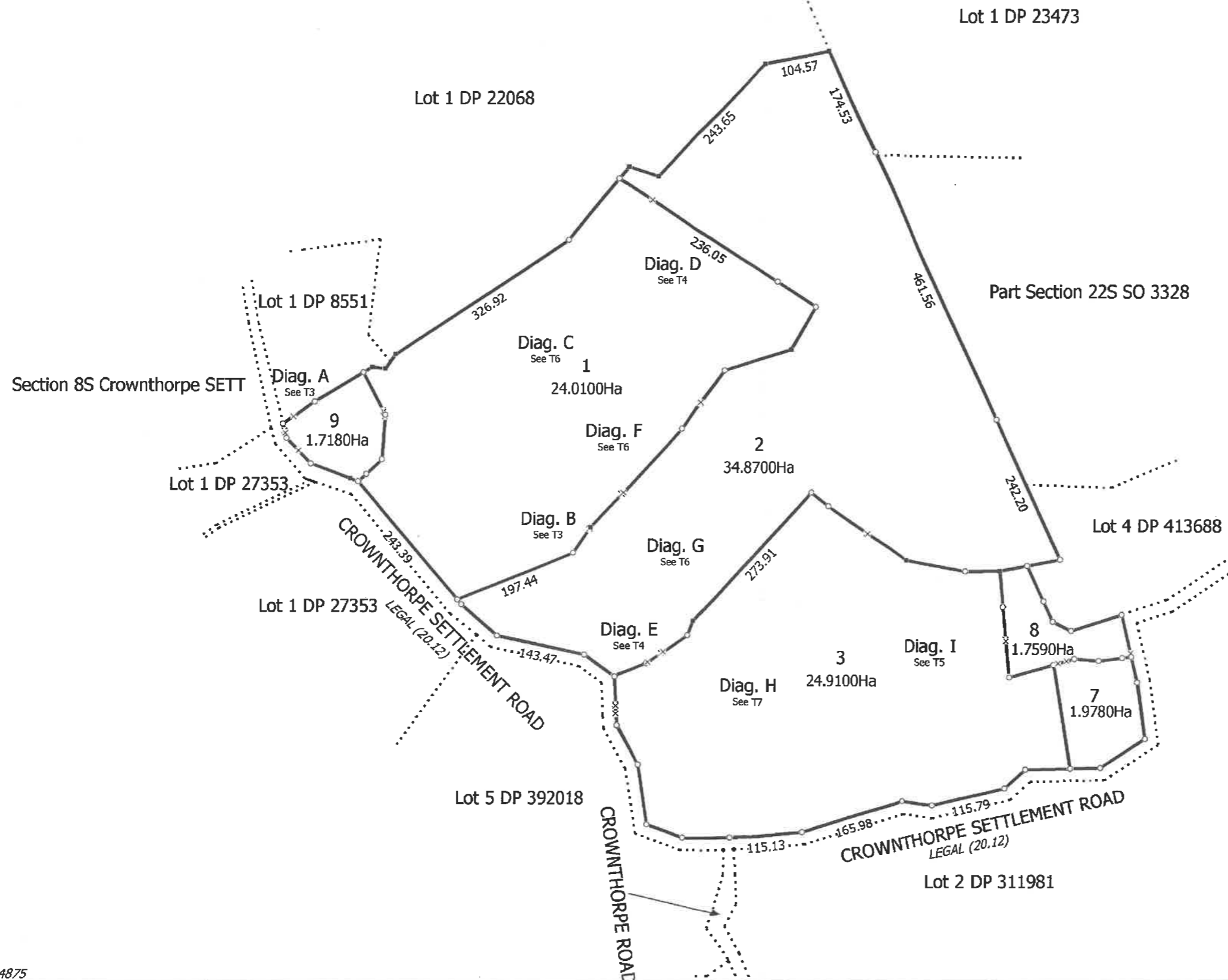
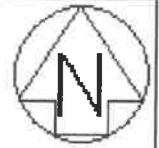
Appendix items

1. DP 392018
2. DP 416333
3. DP 385092



*Strategic
direction*

Land District: Hawkes Bay Digitally Generated Plan Generated on: 16/06/2008 08:46am Page 4 of 13	LOTS 1 - 6 BEING SUBDIVISION OF SECTIONS 23S AND 24S CROWNTHORPE SETTLEMENT	Surveyor: Colin George Shanley Firm: Shanley & Co	Digital Title Plan DP 392018 Deposited on: 6/06/2008
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Land District Hawkes Bay

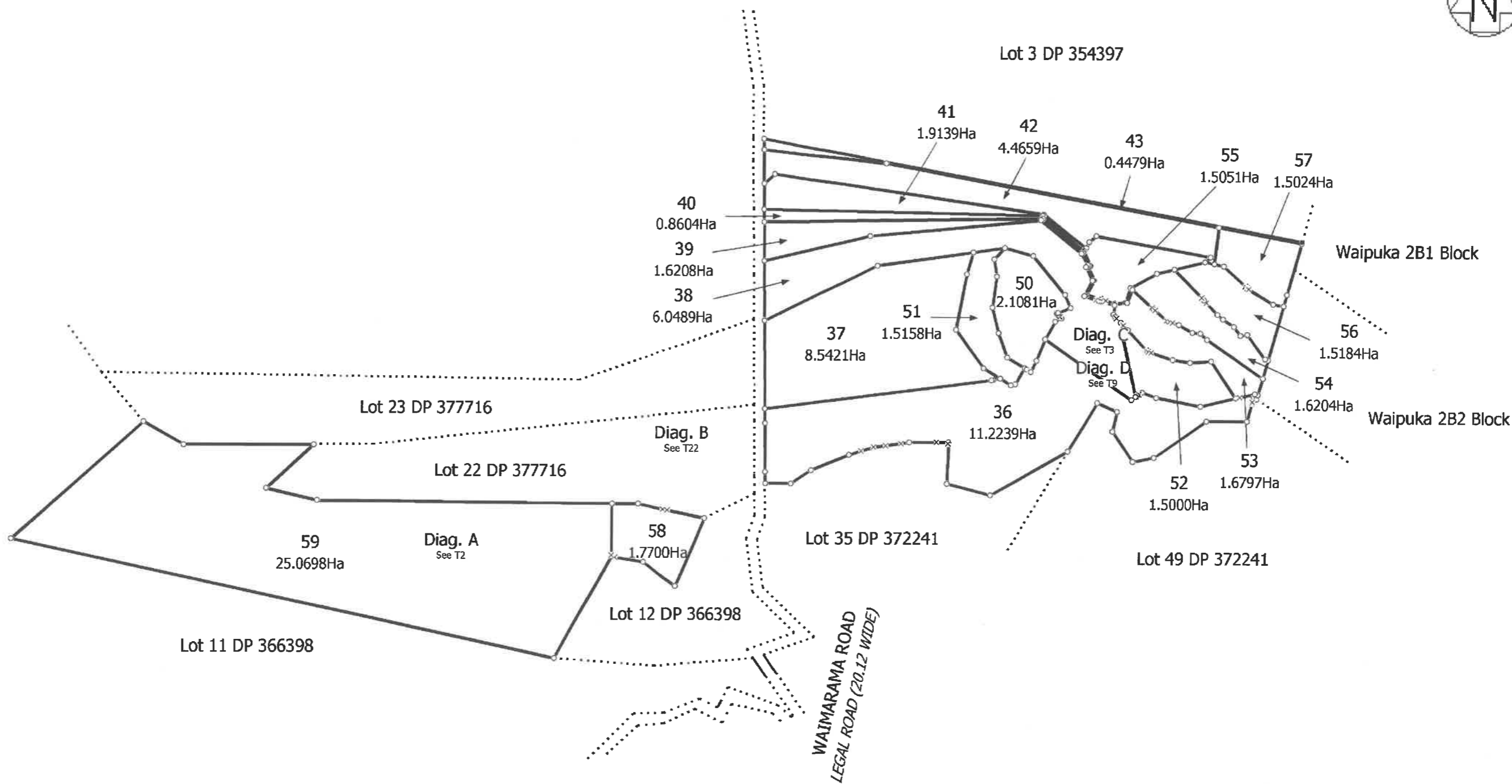
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LOTS 1-3 & 7-9 BEING A SUBDIVISION OF LOT 1 DP 392018 & LOTS 2 & 3 DP 413688

Surveyor: Brian Robert Foote
 Firm: The Surveying Company (Hastings)

**Digital Title Plan
 LT 416333
 DRAFT**

T 1/8



2324 SEAMAR

T 1/24

Land District: Hawkes Bay

Lots 36 to 43 and 50 to 59 being a Subdivision of Lots 13 to 21 DP 377716 and Easements over Lot 35 DP 372241 and Lot 22 DP 377716

Surveyor: Warren Bruce Gunn
Firm: Surveying The Bay Ltd (Hastings)

Digital Title Plan
DP 385092

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Deposited on: 11/09/2007