

## APPENDIX 1D - Rural A Zone - General Opposition

**Submitter Name:** Bruce Leonard Hodges

**Submission No:** 62

Summary:

- The submitter is opposed to the Rural A 10 hectare minimum lot size. It should remain as 1 hectare.
- Wanganui needs subdivision as it creates and brings people to into the town and surrounding area.

Decision Sought: To retain a 1 hectare minimum lot size provision.

**Submitter Name:** Mitchael James Russell

**Submission No:** 63.2

Summary:

- The submitter is opposed to the proposed Rural A zone.
- The proposed change map depicting the Class 1 and Class 2 land in the Wanganui District is generalised and inaccurate.
- The submitter states that the Rural A zone contains a large area that is not Class 1 or Class 2 land nor close to the urban area.
- There is no evidence supporting the idea that people who own lifestyle blocks are any less productive. Some choose relatively unproductive pursuits and others produce goods or lease the land to farmers.
- The Wanganui District Council needs to have a long term vision which is agreed with and communicated to the community. Once this is agreed, zoning requirements can be assessed on the basis of the vision.

Decision Sought:

1. Status Quo should remain for Rural A until accurate Class 1 and Class 2 land has been mapped and a vision in place.
2. The Rural A zone should not extend beyond 10kms from the urban CBD.

**Submitter Name:** Robert Wayne and Christine Rose Gilbertson

**Submission No:** 66

Summary:

- The submitter does not support Proposed Plan Change 36. The changes would directly affect our ability to provide for our continued lifestyle in our present home in our old age. The property was purchased knowing that one day we could sell off the back paddock. It is a basic human right to which every land owner is due.
- There are already many 1 hectare blocks what is the difference of a few more? I realise there are a number of beef producers, but they are not being forced to sell and subdivide to why is the amendments necessary anyway?

- Also this property is fully productive with a very high lambing rate percentage.
- It is unfair and we purchased our property in good faith that we had invested wisely in our family's future. By changing the goal posts our rights as landowners are gone.

Decision requested: That an exemption allowing 1 off subdivision of 1 hectare in the future.

**Council Decision:**

Submissions 62 by Bruce Leonard Hodges, 63.2 by Mitchael James Russell and 66 by RW and CR Gilbertson be **Rejected**.

No amendments are made as a result of these Submissions.

**Council Reason for Decision:**

1. The submitter's principle concerns are that they will lose the option to subdivide and derive additional income from their properties. Contrary to the belief of both submitters, there is no 'right' to subdivide. The ability to subdivide is determined in accordance with the relevant legislation of the time.
2. The Resource Management Act 1991 is the current legislation which sets the parameters for development including subdivision. This Act is concerned with the sustainable management of use, development and subdivision. In the Wanganui District Class I land, and to a lesser extent Class II land, is limited to areas close to the urban area and so comes under significant urban development pressure. The total area of rural productive land lost to residential or lifestyle blocks has steadily increased over the period 1994 to 2014.
3. Council strives to achieve at least the following:
  - a. Safeguard the versatility of Class I and II land for future use for productive purposes.
  - b. Address the demand for lifestyle living by identifying suitable areas for rural lifestyle living, in areas that do not compromise the productive use of quality rural land especially Class I or II land.
4. The proposed Rural A Zone covers areas of Class I and some Class II land within the District. The majority of the rural area retains the 1 hectare minimum lot size, with some areas being rezoned as Rural B, with a 5000m<sup>2</sup> minimum lot size. These areas will continue to allow for building options within the District. This will provide for the varying activities that occur in the rural environment.
5. In order to protect existing Class I land in larger lots, it has been necessary to restrict subdivision of all Class I land and areas of Class II land in proximity to the urban areas. For practical reasons this has necessitated the inclusion of a few blocks where land is not entirely covered by either Class I or II land.
6. The 10 hectares minimum lot size does allow lots greater than 10 hectare to be subdivided or continue to operate as larger units.
7. This does not signal that properties comprising less than 10 hectares are necessarily unproductive units. The 10 hectare minimum lot size is to ensure land is not further subdivided for residential or lifestyle development; potentially

restricting the ability of the property and neighbouring properties to be used for a variety of rural activities in future.

8. Setting a minimum lot size for the proposed Rural A Zone at 10 hectares would impact on price. Price differential would encourage lifestyle purchases in the Rural B Zone where 5000m<sup>2</sup> is the minimum lot size and sections would be relatively cheaper than Class I and II land in the Rural A Zone.
9. A range of minimum lot sizes, from at least 4 hectares up to 10 hectares, have been considered. Neighbouring councils restrict subdivision broadly around the 8 – 10 hectare threshold.
10. The Rural Community Board notes managing soil resource in this manner is consistent with the principles of the Rural Enterprise Project which promotes the intensification of high-value food production using Wanganui's best soils and climate regime.
11. The Committee acknowledges that some existing landowners, in the Rural A Zone with plans to subdivide below the 10 hectares minimum would lose that opportunity. The reality is that all Plan changes create winners and losers, the key considerations have led the Committee to determine that this Plan change is necessary to achieve the objectives of the Plan and the overall purpose of the Act.

**Submitter Name: David Lewis Harrison**

**Submission No: 36**

Summary:

- Submitter opposes the Rural A zone and questions the understanding between Land Use Classification (LUC) and soil type. The LUC rates land units from 1 to 8 and each unit has its own soil type which may or may not have productive capacity. Each unit also has limitations, these may be Soil, Erosion, Climate and Wetness.
- Subdivision will not change the nature of the soils they will still be productive now and in the future. It may be that placing these soils into smaller titles they are used for more productive purposes such as orchards and vegetable production.
- Land value to the community should be assessed by its economic activity.
- The Rural B zone is contrary to the aim of Plan Change 36 as this area is sand based and with irrigation can be highly productive.
- Wanganui need economic growth the submitter states that this will reduce this.

Decision Sought: To retain the Status Quo for all the proposed zone changes.

**Council Decision:**

Submission 36 by David Lewis Harrison be **Accepted in Part**.

Make the following changes to the Plan as a result of this submission.

Amend Chapter 3 – Rural Environment by deleting all references to “Class 1 and 2 land’ and “Class 1 and 2 soils’ and other derivatives of these terms and replace with “LUC Class I and II land’ or like effect.

**Council Reasons for Decision:**

1. It is accepted that a terminology error occurred in the notified Plan Change. This has been corrected.
2. Use of the term ‘soils’ rather than ‘land’ does not undermine the Plan Change purpose to ensure the most versatile soils, being a finite resource, are protected for future productive purposes.
3. Allowing further subdivision reduces the potential for either amalgamation or productive use in the future. Once land is fragmented by subdivision or used for lifestyle or residential development the chance of it being available in the future for productive farming is minimal.
4. An incorrect perception has developed over the past 20 years that the rural zone is there to purchase, subdivide and sell for lifestyle development. The Rural B Zone is an appropriate area, where this sort of investment is acceptable without any loss of such significant and finite natural resources.
5. The Rural B Zone has been extended, in areas of generally neither Class I nor Class II land, to provide further options for rural lifestyle development. This provides a variety of living environments without compromising the ability of Class I and Class II land to be used to its full productive capacity. Many options exist to enable growth within the District, including within the rural zones.

**Submitter Name:** Tim Matthews

**Submission No:** 76

Summary:

- There is little subdivision pressure on properties west of the Okehu Stream as travel time to Wanganui is around 15 minutes.
- A minimum lot size of 10 ha would result in productive lifestyle blocks having too large an area to manage in combination with off-block income, resulting in wasted or less productive area.
- The quality soils in this area need only wind protection and sometimes irrigation which is available, to produce high quality produce.
- There are some appropriately subdivided blocks near Maxwell village but further subdivision near Maxwell would not compromise the larger blocks that already co-exist with lifestyle blocks. To retain a sense of community, as well as minimising the reverse sensitivity issues, lifestyle blocks should be grouped together, where water supply is available.
- The community has lost its garage, school and critical mass. Some rural repopulation would sustain it in the longer term if appropriate subdivision and residential development occurred, allowing farm workers and contractors a village style of accommodation near their place of work.
- While the need to have a Rural A Zone has been established, properties on the northern and eastern margins especially are disadvantaged, because the LUC Classes I or II may only comprise a few hectares or less than 5% of the site total. Should they wish to subdivide less than 10 ha of land that is not LUC Classes I or II, they will face the same "hurdles" to subdivision as if the whole property was Rural A.
- There is a need for a process in the relevant subdivision consent procedure that recognises that these marginal properties are different to Rural or Rural C, but that parts of them should be treated as Rural C.
- Landowners should not be disadvantaged because the Council has chosen to use partial LUC's to delineate the extent of the new Rural A Zone, when most of the property is Rural C in nature.
- When the Council exercises its discretion to grant resource consent the process and cost should not exceed that for a subdivision of Rural C Zone.
- The last Review of this District Plan added the 6 metre branch restriction to this clause by Consent Order of the Environment Court after Appeal. There has been no good reason to change this provision in the past 10 years as it enables control of adverse effects while allowing neighbours to agree separately on tree management, providing such agreement is registered with Council.
- Forest owners are tending to avoid pruning management of their trees to reduce costs, which means that adjoining neighbours must bear the unintended consequences of tree and branch damage, stock poisoning and escape through fence damage, plus shaded pasture and crops, moisture and fertility theft by tree roots.

- The District Plan provides a low cost encouragement method to ensure that tree owners do not abandon their responsibilities to manage nuisance from their crop adversely affecting occupiers outside their boundary.
- There would need to be consequential amendments for Rural B and C zones.

Decision Sought:

1. That the proposed Rural A Zone extends too far west, and that the western boundary should be the Okehu Stream from its seaward mouth inland to the northern mapped boundary of Rural A, which is approximately 1 km west of Rangitatau West road and Bushy Park Reserve.
2. That properties on the margins of the Rural A Zone are not disadvantaged by the Council's method of defining the Zone, using Land Use Capability mapping which captures proportionately small areas of sites, yet the whole title is mapped as Rural A.
3. Amend 3.9.8 (a) to retain:

*No tree for forestry, shelter belt or soil conservation purposes shall be planted within 10 metres of any boundary*

*add "...; nor have any branch that projects from the tree trunk between ground level and a height of 6 metres overhanging the adjoining boundary, unless written consent of the adjacent neighbour and the any adjacent network utility (if there are existing lines near the boundary) has been obtained and registered with the Council."*

**Further Submitter Name: Horticulture NZ**

**Submission No: FS3.8**

Oppose in part

Reason: To ensure that there is adequate provision for orchard trees and shelterbelts to be established, particularly in the Rural A zone, where Council promotes use of land for high value production. The changes sought would limit the optimum use of that land.

**Council Decision:**

That Submission 76 by Tim Matthews and Further Submission 3.8 by Horticulture NZ be **Accepted in Part**.

Make the following changes to the Plan as a result of these Submissions.

Amend Performance Standard 3.5.8, 3.7.5, 3.9.8 Trees to read:

- a. No shelter belt shall exceed 4 metres in height-*
  - b. Trees shall be planted to ensure that at maturity, the base of the tree shall fit within a recession plane which commences at 2 metres above existing ground level at least 2 metres from any boundary and then projects from this line inwards at a 45 degree angle;*
- Except that this standard does not require any tree to be planted more than 10 metres from a boundary.*

**Council Reasons for Decision:**

1. The purpose of the Resource Management Act 1991 (Act) is to promote the sustainable management of natural and physical resources; including, safeguarding the life-supporting capacity of air, water, soil and ecosystems. Wanganui is fortunate to have areas of Class I and Class II land as well as a good climate. This is a rare combination in New Zealand.
2. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.
3. Council has been silent on the issue of loss of quality soil resource to rural residential development in the past which has encouraged the trend of increasing lifestyle and residential development on this versatile but finite resource.
4. It is important to reiterate the importance of protecting Class I and Class II land within our District. The submitter states there is little demand for lifestyle development in some of the areas proposed to be zoned Rural A, such as Maxwell. While this may be true today, it is important that the Plan is proactive when protecting this natural resource, not reactive as it has been in the past. In discussion. The Committee was mindful of development plans of Nga Rauru and said the area around Maxwell was prime land. The possibilities for that area were already there and it was considered the over-ruling objective was the protection of Class I and II land.
5. Referring to Mr Matthews' comment on the broad-brush effect using Land Use Capability, the Committee agreed it was the best information available and it considered it was sufficient to makes its decisions.
6. Once land has been subdivided and used for lifestyle or residential development the chance of it being used in the future for productive farming is slim. It is also likely that once the easiest or most attractive land for rural lifestyle has been developed that developers will look further afield. PC36 captures all Class I land and areas of Class II land that are either close to an urban boundary or whose development may compromise future protection of Class I land.
7. The combination of creating more opportunities for rural lifestyle living available by expanding the area of Rural B zoned land, and establishing a threshold for lots sizes in the Rural A Zone will likely make Rural A zoned land less affordable and Rural B zoned land more attractive, flexible and affordable for lifestyle living. These actions together are likely to achieve greater preservation of Class I and also Class II land for productive rural activities than the status quo.
8. In relation to submission point 2, development of land around the periphery of the Rural A Zone will not be unduly disadvantaged, as consideration will be given to enabling development of land within the zone but not Class I or II land. The

policies of the Plan spell out this intention. Costs for subdivision are determined by the complexity of the issues and the development not the zone.

9. In relation to Submission point 3, which Horticulture NZ opposes in part, it is accepted that the 10 metres boundary restriction is necessary for the reasons given by the submitter. However the addition of control of branches is not necessary as this is a civil matter. No person has the right to have trees overhanging a property boundary.



**Submitter Name: Christine Ann Jones (Anne)**

**Submission No: 6**

Summary: Submitter opposes the '10 metre from boundary' rule for all new structures. The use of the building needs to be taken into account as different activities can cause greater effects (such as odour, dust, noise and storm water runoff) than others and need to be located further from the boundary, especially if a dwelling is close by. Asking the question what the building is used for, where is the nearest dwelling and is anyone going to be affected by the construction will save time, money and stress as the current process is flawed.

Decision Sought:

1. More detail about the use of the building be required, depending on the use and potential effects the structure may need to be located further from the boundary.
2. Consultation needs to take place with affected parties.
3. Include these two questions as mandatory when assessing the location of a structure.
  - 1) Where is the nearest dwelling? 2) Is anyone going to be affected by this

**Further Submitter Name: Horticulture NZ**

**Submission No: FS3.1**

Support in part:

Reason: Different setbacks should be applied to dwellings where people are located as opposed to farm buildings where the potential for reverse sensitivity effects on people is less.

**Council Decision:**

That Submission 6 by Christine Ann Jones and Further Submission 3.1 by Horticulture NZ be **Accepted in part**.

Make the following changes to the Plan as a result of these Submissions:

Amend Performance Standard 3.5.5 Structures (Rural A Zone) as follows to read:

*New structures (excluding fences less than two metres high, loading races in relation to road frontage and dwellings):*

- i. shall be a minimum of 5 metres from any site boundary; and*
- ii. shall not be located within 20 metres of any existing dwelling located on another property; and*

*Dwellings shall be located at least:*

- i. 20 metres from the nearest traffic lane for any boundary adjacent to a state highway where the posted speed is at least 70km/hour.*
- ii. 10 metres from any other side or rear boundary;*
- iii. 10 metres from any other front boundary.*

Amend Performance Standard 3.9.5 Structures (Rural C Zone) as follows to read:

*New structures (excluding fences less than two metres high, loading races in relation to road frontage and dwellings):*

- i. shall be a minimum of 5 metres from any site boundary; and*

- ii. shall not be located within 20 metres of any existing dwelling located on another property; and*

*Dwellings shall be located at least:*

- i. 20 metres from the nearest traffic lane for any boundary adjacent to a state highway where the posted speed is at least 70km/hour.*
- ii. 10 metres from any other site boundary.*

**Council Reasons for Decision:**

1. The Committee accepted that farm buildings could sometimes be accommodated without adverse effects at a distance of less than 10 metres of a boundary. However it is important to avoid potential reverse sensitivity issues that may compromise routine farm activities. The Committee determined that the boundary setback for farm buildings be reduced to 5 metres, which is consistent with the Rural B Zone requirement and that new structures be set back at least 20 metre from existing residential dwellings.
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**Submitter Name:** Mark Stratford

**Submission No:** 2

**Summary:**

Submitter wishes to rezone property at 12 Lenihen Street from Reserves and Open Space zoning to Rural C. This is in line with the surrounding zoning.

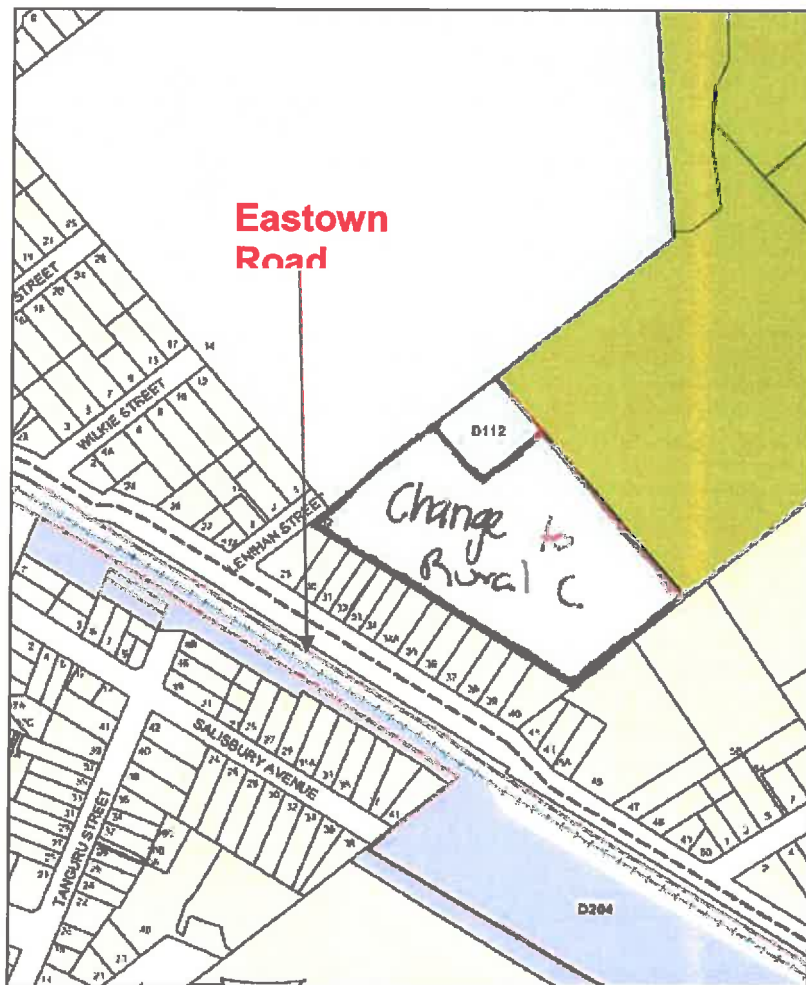
**Decision Sought:** Change zone of 12 Lenihen Street from Reserves and Open Space to Rural C.

**Council Decision:**

That Submission 2 from Mark Stratford be **Accepted**.

Make the following changes to the Plan as a result of this Submission:

Amend Urban Planning Map 10 and Rural Map 18 to rezone 12 Lenihen Street to Rural C Zone as indicated on the map below:



**Council Reason for Decision:**

1. The site is no longer owned by Council or used for reserves or opens space purposes; therefore, the current Reserves and Open Space zoning is no longer appropriate. Rural C Zone is appropriate as it fits with the zoning of adjacent sites.

