



Resource Management Act 1991
Submission on a Publicly Notified Plan Change
To The Wanganui District Plan



In accordance with Form 5 - RM (Forms, Fees and Procedure) Regulations 2003

TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Mike O'Sullivan, Steven Archer, Victoria Loughlin-Drover, Emma Bullock

This is a submission on Plan Change No. 36 to the Wanganui District Plan. Closing Date: 4/6/2014

- 1. (a) ~~I can~~/could not* gain an advantage in trade competition through this submission. (*please delete one).
- (b) ~~I am~~/am not* directly affected by an effect of the subject matter of the submission that adversely affects the environment: and does not relate to trade competition or the effects of trade competition (*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Please see report attached

Use additional pages if required

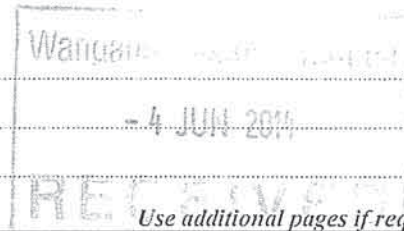
3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

Please see report attached

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

Please see report attached.



Use additional pages if required

5. I do ~~not~~* wish to be heard in support of this submission (*please delete one).

6. If others make a similar submission I would/would not* be prepared to consider presenting a joint case with them at any hearing (*please delete one).

7. Address for service:

c/o Harrison & O'Sullivan
PO Box 4136, Wanganui 4541

Signature: *Mike O'Sullivan*
(Person making submission or person authorised to sign on

Day time phone No: 3458828
behalf of person making submission)

Email: mike@nzsurveyor.co.nz
Date: 3/6/2014

2014/15

Submission to Proposed Plan Change 36 (Rural)

Submitters Michael O'Sullivan
 Steven Archer
 Emma Bullock
 Victoria Loughlin

We are all Licensed Cadastral Surveyors and are members of the New Zealand Institute of Surveyors. Based in Wanganui, we represent over 20 years of local experience in subdivision and associated land development. As such we believe that we represent the views of our clients, many of whom have expressed their opinion to us over these proposed changes.

As this is a joint submission we do not stand to gain any advantage in trade competition. Instead this submission is made in our professional capacity in what we believe to be in the best interests of Wanganui and the surrounding district.

Objectives and Policies

We agree with the principals to safeguard the versatility and life supporting capacity of Class 1 and 2 soils, and do acknowledge that there are often reverse sensitivity issues that do arise as a result of residential activity in the rural zone.

We do recognise Council's efforts in acknowledging the demand for rural residential living and support the extensions to the Rural B Zone.

The proposed plan change has created three areas of Rural A land

- The Western zone; Some 19900ha reaching from Westmere to Maxwell including Brunswick and affecting some 1610 allotments. 43% of the land is classed 1 or 2.
- The Fordell zone; Some 5100ha reaching from Matarawa to Turakina River and affecting some 315 allotments. 49% of the land is classed 1 or 2
- The Papaiti zone; Some 1900ha reaching from Papaiti to Upukongaro and affecting some 185 allotments. 73% of the land is classed 1 or 2

We believe that there are statistical errors in the Westmere Case Study (2013) that exaggerates the increase in lifestyle properties established over the last 19 years. This in turn has led to a knee jerk reaction which has resulted in a blanket approach that is too simplistic, and does not take into account the specific circumstances that may exist for a particular proposal.

Furthermore the focus of the Westmere Case Study is on the loss of Productive Class 1 & 2 soils and disregards the positive social and environmental effects that can arise from the development of lifestyle properties.

Use of Case Study Results to Reveal Trends

The 2013 case study at Westmere contains significant statistical anomalies which raise unnecessary distress by the rural sector about increasing use of land for lifestyle blocks. It would appear the statistics were not verified or checked against other sources before being published or used for decision making policies.

Statistics from our analysis were determined by GIS analysis using subdivision survey plans to determine new allotments created since 1994. The cut-off months for the Council study are not known precisely and may introduce some minor differences to our results but over a 19 year period the effects will be small.

The most significant anomaly is maps and statistics from the 1994 study indicate only Rural Zone B land was included in the study. Land around the Mannington Road - Dickens Land area and in the Kai Iwi Rural settlement were not included whereas these localities have been included in the 2013 study. From visual inspection it is apparent the 2013 study also included many parcels that existed in 1994 but excluded in that study. Eg Table 3 implies some 551 (661-110) small holdings have been created since 1994. This is a gross inaccuracy and leads to misleading conclusions for the reader.

The 2013 statistics indicate parcel size was used for their study instead of title size. Title size is more difficult to report but is a more accurate account of land holdings as titles often include amalgamations and multiple parcels. Eg In one instance there is 47 allotments held on one title and managed as a single unit.

The 2013 statistics also appear to include parcels of land created by non-subdivisional processes such as parcels affected by government land acquisitions. Usually such land is outside the jurisdiction of the Local Authority and District Plan.

The category of "less to or equal to 1 hectare" in the 2013 study has produced skewed results which has resulted in a less than sound statistical analysis. A subdivision constraint was introduced shortly after the 1994 study which resulted in the minimum lots size being 1ha - so there is an unusual sample of allotments with an area of precisely hectare. This is demonstrated when searching new titles less than 1 hectare created by subdivision since 1994. The result is 25, of which 20 were created before 1997 under the previous District Plan. Whereas since 1997 only 5 titles of less than one hectare have been created as such subdivisions are 'non-complying activities' which require special consideration by Council staff. Table 3 indicates 382 (435-53) have been created since 1994 – which is gross inaccuracy.

The statement "there has been a fourfold increase in the number of residential development" and "small-holdings have increased by 382" is grossly inaccurate as most of that land was not included in the 1994 study. Therefore the significant trends the report writer eludes to are also inaccurate.

Comments on Case Study Summary

1. The “nine fold increase” in properties containing less than 1ha is grossly incorrect. From survey plans there has been an increase of 25 titles in the study area and there have been only five since 1997. If there were 53 such properties in 1994 it is an increase of 50% over 20 years or an increase of 7% in the last 16 years.
2. Council introduced a policy that subdivision of rural land into holdings less than 1 hectare was not a complying activity. This resulted in an inflated demand for small holdings and an increase in subdivisions with the minimum lot area of 1 hectare. This rule has caused an increase in the land value of small holdings and made creation of small holdings a viable return for the investment.
3. The statement “three-fold increase of properties 2 – 3ha” is incorrect. There have been 29 such properties created – nine before 2004 and 20 since. Six allotments are on land containing only some class 1 & 2 area and the rest gully, plus one allotment created in the Kai Iwi coastal protection zone.
4. Again the statistics include parcels that were not included in the 1994 study and the conclusion that an “average of 29 small holdings properties were created each year” is grossly incorrect. Using survey plan statistics an average about 15-16 small holdings were created annually since the study.

Case Study Conclusion

The methodology of the 2013 study was not robust and lead to distorted statistics and conclusions. Furthermore the erroneous statistics and exaggerated trends have been extrapolated (another non-robust practice) to the much larger Rural A zone. Our real concern is a misleading reaction that has adversely affected considerations to proposed plan changes for development of rural land.

Large Scale Farming Operations

The proposed Rural A zone is far in excess of the Class 1 & 2 soils identified in the Westmere area. The extent of this zone and the blanket 10 ha would not allow for the following;

- The ability for a farmer to subdivide off an unproductive area of land, due to the physical location of the land, lower class of soil or vegetation cover.
- The creation of lots for the next generation of family who are to take over management of a farm. Often separate title is required for mortgage finance to construct a dwelling.
- Subdivision that allows family members to realise their share of a farm that may have been left to them after the death of a parent. It is not unusual for this to occur when one of the family continues to farm the property but cannot afford to pay out their siblings.
- The creation of a rural residential lot to include the retiring farmer’s dwelling who wishes to remain on the property. Note that the proposed 5000m² maximum for a lot of this size is considered to be too small.

- The disposal of surplus houses now redundant due to a decrease in staff or the merger of farms.
- The development of intensive land uses that do not require a large land holding.

The above are actual examples of subdivisions that we have encountered in the course of our work. In summary, the removal of these rights will have an effect on the financial management of farms within our district.

We also note that in some cases the proposed Rural A zone extends out or near to the Wanganui District boundaries. For these areas it would seem that the proposed 10 ha is unnecessarily prohibitive as there is little demand for lifestyle blocks this far out from town.

Existing "Life Style" Properties

Perhaps the most aggrieved are those who already reside on "lifestyle" properties. Often these properties have been bought with the intention of further subdivision. This is reflected in land values for these properties which will be seriously eroded as a result of imposed subdivision restrictions.

It is not considered that allowing the future subdivision of these blocks will compromise the objective of safeguarding the versatility of particularly Class 1 and 2 soils, when this land has already been taken out of large scale farming operations.

It has been suggested to us by Council staff that restricting further subdivision of these lots will reduce incidents of reverse sensitivity, with regard to adjoining rural operations. While we accept that this is an issue that does arise, there are many instances where this has been controlled by either consent notices or covenants registered on the title. For example titles of properties next to the Palmerston North airport have covenants on them requiring structures to be built that minimise the effect of aircraft noise. Could the same approach not be taken in the rural zone?

Summary

We believe that the proposed blanket restriction on subdivision in the Rural A Zone is too restrictive. The zone extends out beyond the Class 1 & 2 soils and therefore restricts subdivision for legitimate reasons with little regard to the primary objective of preserving these soils. The allowable lot size should therefore be linked directly to the soil types and topography, to be assessed as part of any consent application.

The extent of the Rural A zone should be limited to a defined distance from the city boundary, beyond which the demand for lifestyle properties is minimal. Eg in the Maxwell area there has only been about ten small holdings created in the past 19 years. Four of which were due to an orchardist not being able to sustain a viable business and having to realise the value of the land.

The 5000m² maximum lot size for a one off subdivision is considered to be too small. The size should be flexible so that the occupied area of a house and gardens etc can be included in a proposed lot.

Existing properties less than 10 ha in size should be able to be subdivided further. These properties have already been removed from larger scale farms and therefore future subdivision has little impact on the preservation of Class 1 & 2 soils. Reverse sensitivity issues could be better controlled by consent notices on the title, while preserving the land values of existing properties. This has been done in other Districts eg. Hastings

As local members of the New Zealand Institute of Surveyors who are actively involved in land development we are disappointed with the lack of consultation with this body about the proposed changes.

We request changes to the proposed plan to include the following;

- That all references to “1st May 2014” be changed to the date of notification of the Plan becoming operative.
- That Map Urban 3 not show land currently Rural B as Rural A. This would appear to be an anomaly considering the nature of existing land use and designations.
- Rule 3.4.1.h That one dwelling is a permitted activity on a site created by a subdivision consent.
- Rules 3.4.2.b.i and 3.4.2.c.i We believe the 10ha per allotment should be reconsidered and that the maximum site area of 5000m² should be increased and considered on a case by case basis.
- Rule 3.8.2.b That the minimum lot size should be whatever area is required to adequately provide for a suitable building platform and on-site disposal of domestic effluent and stormwater.
- Performance Standard 11.5.4 That the minimum allotment size should be whatever area is required to adequately provide for a suitable building platform and on-site disposal of domestic effluent and stormwater.
- That the subdivision of Class 1 & 2 land in the Rural A should be assessed under the Resource Management Act as a restricted discretionary activity.

