

Proposed Waikato District Plan
Submission form

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|------------------------|
| ECM Project: DPRPh5-03 |
| ECM # |
| Submission # |
| Customer # |
| Property # |

RMA Form 5

To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

Closing date for submissions: 5pm on Tuesday 9 October 2018

Submitter details: (please note that the (*) are required fields and must be completed)

| | |
|---|--------------------------------|
| First name*: Todd | Last name*: Bawden |
| Organisation: MG Solutions Ltd - Nicol Beeby | |
| On behalf of: Todd Bawden | |
| Postal address*: c/o - MGSL - PO Box 9739 | |
| Suburb: 7 Hardley Street | Town/City*: Whitiara, Hamilton |
| Country: New Zealand | Postal code*: 3240 |
| Daytime phone: 078391335 | Mobile: 0274549115 |
| Email address*: nicol@mgsl.co.nz | |
| Please tick your preferred method of contact* | |
| <input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal | |
| Correspondence to* | |
| <input type="checkbox"/> Submitter <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Both Note: Please address invoices in the applicant's name - care of the Agent's address/email. | |
| Trade competition and adverse effects:* | |
| <input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission. | |
| Note: | |
| If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991. | |
| Would you like to present your submission in person at a hearing? | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> I do NOT wish to speak in support of my submission and ask that this submission be fully considered. | |
| If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case). | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | |

Please complete the following for every submission point:

Provision number (e.g. 22.4.1.2 P2(a)): 23 - Country Living Zone (CLZ) - Subdivision (i.e. rezoning purposes)

Physical address of the property concerned (if relevant to your submission):

2324 River Road, Horsham Downs 3281 (Lot 3 DP 507442)

Do you:

Support Oppose Neutral

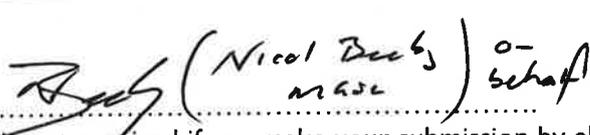
The decision I would like is:

To rezone the subject Lot shown from MGSL 15811_RZ Scheme Plan from the existing 'Rural Zone' to 'Country Living Zone' (CLZ) in accordance to the proposed Waikato District Plan.

Please refer to the attached MGSL plan change submission report and accompanying MGSL 15811_RZ Scheme Plan for further details.

My reasons for the above are:

Please refer to the MGSL Plan Change Submission Report as attached for the reasons.

Signed:  (Nicol Beeby) o/schaf
(A signature is not required if you make your submission by electronic means)

Date: 27-09-2018

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.

Introduction

Waikato District Council has prepared the Proposed Waikato District Plan (Stage 1) (Proposed Plan (Stage 1)) and is now open for submission.

The Proposed Plan (Stage 1) is a review of the current Operative Waikato District Plan (Operative Plan). Following the local government boundary changes in 2010, the Operative Plan has consisted of a Waikato section and a Franklin section. The Proposed Plan (Stage 1) combines the Waikato and Franklin sections into a single district plan with an integrated approach to growth, development and the sustainable management of natural and physical resources across the district.

The Proposed Plan (Stage 1) relates to all chapters arising from the review of the Operative Plan except for the provisions for Natural Hazards and Climate Change.

The preparation of draft provisions for the Natural Hazards and Climate Change chapter is awaiting the completion of technical reports relating to flooding from rivers and coastal inundation and erosion. Consultation on Natural Hazards and Climate Change will be undertaken during the rest of 2018. It is anticipated that the review of the Operative Plan relating to Natural Hazards and Climate Change will be notified as Stage 2 in 2019.

For help on how to make a submission using this page [click here to watch our "how to" video](#)

Privacy Statement

The Resource Management Act 1991 requires submissions and details of the submitter (name and contact details) to be made available to the public. Your contact details are needed:

- to enable any further submitter to serve a copy of their further submission on you;
- for Council to arrange a hearing date and time for you to speak to the Hearing Panel (if you ask to be heard on your submission);
- so Council can inform you of the decision(s) on your submission(s); and
- so any submitter who appeals Council's decision on a matter relevant to your submission can provide a copy of their appeal to you

First Name:

Todd

Last Name: *

Bawden

Organisation:

MG Solutions Ltd - Nicol Beeby

On behalf of:

Postal Address:

c/o - MGSL - PO Box 9739

Suburb:

7 Hardley Street

City:

Hamilton

Country:

New Zealand

PostCode:

3240

Preferred method of contact

- Email Postal

Would you like to present your submission in person at a hearing?

- Yes
 I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Consultation Document Submissions

Section C Rules > Chapter 22: Rural Zone

- Support
 Oppose
 Amend

Decision Requested

To rezone the subject Lot shown from MGSL 15811_RZ Scheme Plan from the existing '*Rural Zone*' to '*Country Living Zone*' (CLZ) in accordance to the proposed Waikato District Plan.

Please refer to the attached MGSL plan change submission report and accompanying MGSL 15811_RZ Scheme Plan for further details.

Reason for Decision Requested

Please refer the MGSL Plan Change Submission Report as attached for the reasons requested.

Attached Documents

| File |
|--|
| Plan Change Submission - Rural-Country Living Zone - WDC |

3rd October 2018

The Chief Executive
Waikato District Council
Private Bag 544
Ngaruawahia 3742



Dear Sir/Madam,

RE: RESOURCE MANAGEMENT ACT 1991 – SUBMISSION FOR A PROPOSED WAIKATO DISTRICT PLAN ZONING CHANGE – TODD BAWDEN – RIVER ROAD & SULLIVAN ROAD, HORSHAM DOWNS

Introduction: We are pleased to present on behalf of our above client, a submission for the proposed Waikato District Plan Review. The submission involves the rezoning the subject Lot from ‘Rural’ to ‘Country Living Zone’ (CLZ) with reference to the accompanying MGSL 15811_RZ Scheme Plan.

Location: 2324 River Road, Horsham Downs 3281

Legal Description: Lot 3 DP 507442

Site Area: 24.1850ha

Current Operative District Plan Zone: Rural Zone

Proposed District Plan Zone: Rural Zone

- Policy Overlay: Hamilton East Basin Ecological Management Area

Submission: Rezoning to Country Living Zone

Our client, Todd Bawden (owner of Lot 3 DP 507442), opposes the proposed Rural Zone over Lot 3 DP 507442 and seeks that this is rezoned as Country Living. We enclose MGSL 15811_RZ plan which illustrates the proposed rezoning (approximately 24.1850ha)



FIGURE 1A – CURRENT WDP ZONE



FIGURE 1B – AERIAL VIEW OF SITE



FIGURE 1C – PROPOSED WDP ZONE

The total site area is 24.18ha, although approximately 1/3rd is contained within an existing WRC gully protection covenant (the northernmost 1/3rd), also protected by the proposed WDC gully overlay. This leaves 15.8ha of potential subdivision and a development that should yield between 20-25, 5,000m² sites.

Reasoning:

1. By rezoning as Country Living Zone, the area will then be capable of contributing to the Waikato District’s Future Proof Strategy Planning for Growth 2017 for additional 13,300-17,500 dwellings between 2018 and 2045. While this is a small contribution to Waikato District’s Future Proof Strategy Planning and Regional Policy Statement housing densities, we the planners at MG Solutions Ltd and the applicant believe that it is more important to use the land efficiently for future low-density housing sites for accommodating future growth rather than to hold the area as a vacant Rural small block of

unproductive 'farm'. The site is surrounded by existing roads so therefore cannot be utilised as a rural run-off block by any adjacent farmers.

2. The purpose of the Country Living Zone aims to “provide for low density living in specific locations in rural areas”. By rezoning the small standalone blocks of rural land into country living, particularly where the majority of the existing Country Living Zone in this immediate locality is overlaid by the Hamilton Urban Expansion Area policy overlay this can then be achieved. The current policy overlay restricts the existing Country Living Zone from subdivision and development. The rules under this zone seek to manage land use and subdivision activities in order to maintain a high standard of amenity. Vice versa, the purpose of the Rural Zone aims at “accepting existing amenity levels associated with land use management practices and the effects from activities (including agricultural and horticultural activities) that are already lawfully established. Any new residents need to recognise the accepted management practices including the presence, behaviour and effects of livestock, agrichemical spraying, use of farm machinery, seasonal operation of bird scarers, odour effects and night harvesting. Mineral extraction and intensive farming are also expected in the Rural Zone, subject to resource consent. Any future residential development is kept away from these activities in order to avoid reverse sensitivity issues”. Due to the size of the site, we believe that they aid in preserving low density dwellings within the future potential Country Living Zone rather than the purpose of the Rural Zone.

3. The subject Lot for rezoning is not subject to any change in accordance with the Horotiu Structure (Key Moves) Plan. The Horotiu Key Moves Plan aims to rezone rural land between Horotiu Bridge Road and Washer Road to residential, establishing a retirement village near Horotiu, promoting walking and cycling connectivity throughout the settlement, and to connect new residential areas to reticulated water and wastewater sewage services. Thus, going one step forward, the WDC has potential to then rezone the blocks north of the proposed site area as Country Living Zone rather than Living/Residential Zone. This will accommodate low-density residential housing and a differing range of housing typologies between the country living areas located on the northern side of the Waikato River and newer residential areas on the southern side of the Waikato River. In addition, where there are new future employment focus areas (located south-west of the proposed site area), there is potential to provide additional housing on the proposed site area to be connected within close walking/cycling proximity of the future focussed employment area to the south-west. We therefore believe that the proposed site area will be capable of developing appropriate low density housing development targets to achieve Council’s expected level of quality of environment.

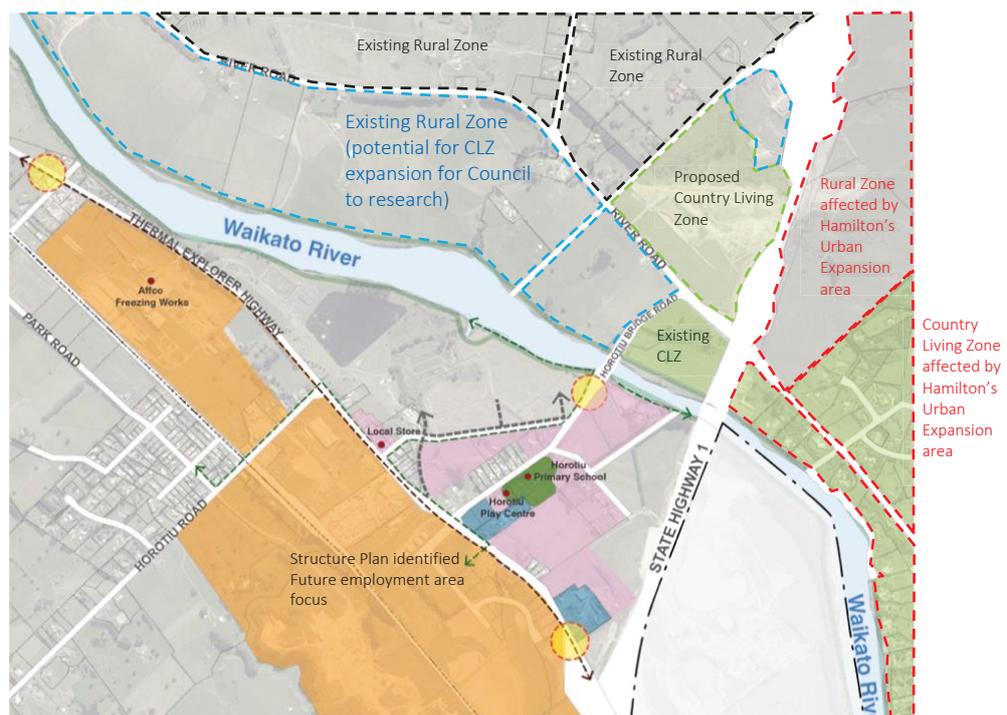


FIGURE 2 – HOROTIU KEY MOVES PLAN – WAIKATO DISTRICT PLAN

4. Located south-east of the subject Lot is existing Country Living Zoned allotments that are constrained from the current (and proposed) policy overlay – ‘*Hamilton Urban Expansion Area*’ in which is protected land by Hamilton City Council for future urban development. By rezoning the subject Lot as Country Living Zone, there will be potential to provide more allotments zoned as Country Living Zone without compromising the rural character area, and as Hamilton grows in the future, the urban expansion of Hamilton’s growth boundaries can expand (over the existing Country Living Zone overlaid by this urban expansion area policy overlay without compromising the reduction of country living areas).

Furthermore, Due to the ground conditions that remain after the excavation of sands for the Waikato Expressway we believe that the subject Lot is more appropriate to be rezoned as Country Living Zone, **without** the Hamilton Urban Expansion Area policy overlay rather than a zone for intensified residential development (i.e. A Residential Living Zone or a Country Living Zone with the overlay). In addition, we would very much oppose if Hamilton City deemed further expansion of the overlay the over the subject Lot.

From a planning perspective, this seems achievable due to the fact that while rezoning this subject Lot as Country Living Zone, future low-density housing developments can create a fair balance between the urban and rural environment in terms of accommodating future growth in a suitable manner. Thus producing a different style of housing typology (i.e. different from the Residential Zone located south of the subject Lot that is zoned as Residential for future population accommodation), and not compromising the rural character and amenity of the existing and immediate surroundings. The adverse effects of rezoning the subject Lot is anticipated to be less than minor due to if the subject Lot was to be intensified residential development or overlaid by Hamilton Urban Expansion overlay, the adverse effects on the surrounding environment, rural character and amenity and neighbouring properties are anticipated to be higher.

Therefore, we believe that it will acceptable to Council’s standard that the subject Lot would be more beneficial to accommodate larger and low-density rural housing rather than intensified general residential development.

5. An 800m pedestrian-shed analysis shows that there is one primary school (Horotiu Primary School), suburban neighbourhood node of Horotiu, new residential areas (located south-west of the identified area), Industrial Park and Heavy Industrial areas (located south-west of the identified site area for the purpose of employment opportunities), business areas (located south-west of the identified site area also for the purpose of employment opportunities and daily commercial/retail activities), country living areas (located south of the identified site area), reserve areas along the fringes of the Waikato River (located south-west of the site area), and rural areas (located around and north of the site area). By rezoning the identified area as Country Living Zone, future allotments are capable of being located within the proximity of differing activities and the local centre of Horotiu.

In addition, there is a new school being built within Horsham Downs (Rototuna Junior High School) approximately 6km from the proposed site area (within its immediate locality surrounded by rural land) that will need additional housing supply in which the development of the proposed site area will achieve. The school zone (for year 9-13) includes the subject Lot as shown from the map outline below. From an urban planning perspective, schools are generally located within the centre of neighbourhoods allowing families to live within close proximity to the school (i.e. for children to have safe access to the school). C.S. Stein and Henry Wright had introduced during the mid-19th century a new approach to residential planning. They originated residential ‘*superblocks*’ as the idea of which is the separation of pedestrian and private automobile traffic. The typical Radburn planning model (example Radburn in New Jersey), residential houses are grouped around the centre in which includes the school, walkways with the park, and local shops, all of which are located within the interior of the superblock. The theoretical superblock is considered an ideal solution to the circulation problem since it provides a means of locating the houses off the main road. This theoretical planning model applies to the subject. While the Radburn planning model refers to more typical residential development, the subject Lot would apply due to the subject site’s semi-rural location.

Year 9 - 13: Flagstaff and Rototuna, areas of Horsham Downs, Gordonton, Puketaha, Whitikahu

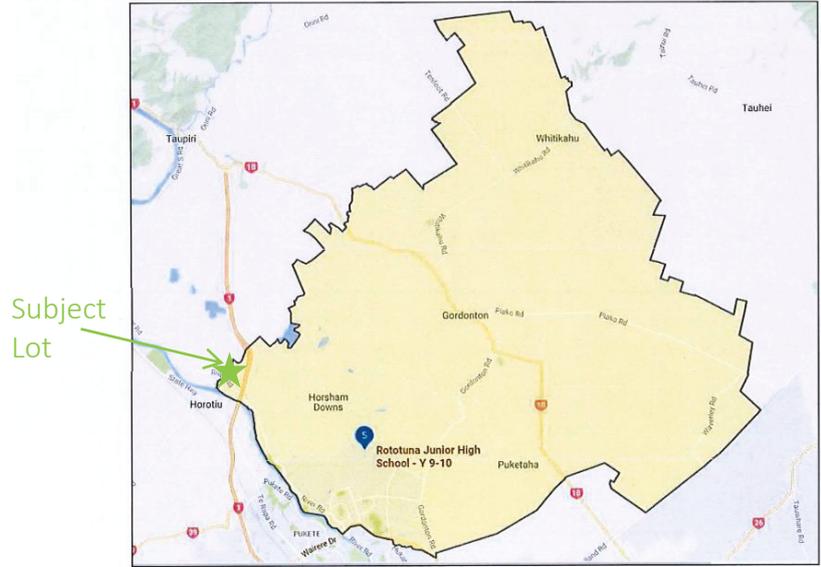


FIGURE 3 – SCHOOL ZONE AREAS – HORSHAM DOWNS NEW PRIMARY SCHOOL

6. The subject Lot is more suitable to achieve the objectives of the Country Living Zone rather than the objectives of the Rural Zone in accordance with the Proposed District Plan (as follows).

Objective 5.1.1 – The Rural Environment:

Subdivision, use and development within the rural environment where:

- (i) *High class soils are protected for productive rural activities;*
- (ii) *Productive rural activities are supported, while maintaining or enhancing the rural environment; and*
- (iii) *Urban subdivision, use and development in the rural environment is avoided.*

Objective 5.6.1 – Country Living Zone:

Subdivision, use and development in the Country Living Zone maintains or enhances the character and amenity values of the zone.

If the subject Lot are to be rezoned as Country Living Zone, the site will be capable of providing future subdivided allotments and low-density residential development whilst maintaining or enhancing amenity and the rural character on-site and the surrounding area. Therefore, the Objectives will be capable of being achieved through future subdivision and low-density residential development. If the zone was to remain rural, urban subdivision and future development in the rural environment is to be avoided, making it difficult to subdivide the sites into smaller land holdings for future low-density residential development. In addition during the construction of the Waikato Expressway, any ‘high class soils’ were removed and distributed. Furthermore, it can be argued that the identified site area is not entirely rural due to its locality in relation to the surrounding land use activities located to the south and south east in which includes new residential areas, other countryside living areas, new residential areas, small portion of business areas, local primary school, industrial park and heavy industrial areas. Overall, it would be beneficial for the site area to be rezoned as Country Living Zone rather than the Rural Zone to achieve the above objective in accordance with the Proposed District Plan.

7. Most of Waikato District is zoned as Rural. Anticipated rural activities include traditional extensive dairy and sheep farming, and horticulture with rural residential lifestyle lots interspersed. Rules under the Rural Zone seek to maintain rural land for productive rural activities, manage activities so that the effects of traditional farming can be accommodated alongside existing lifestyle blocks, to provide a level of lifestyle choice, and to preserve landscape and ecological values. It is anticipated that the amenity values experienced by residents of the Rural Zone will be lower than those enjoyed in the Living/Residential Zone. However, the difference between the Living/Residential Zone and the Country

Living Zone is that the Living/Residential Zone aims at providing intensified housing on smaller land holdings, whereas the Country Living Zone aims at providing low density residential living at specific locations in rural areas. Rules under the Country Living Zone seek to manage activities to maintain a high standard of amenity. Furthermore, whilst marginally reducing the subject Lot zoned as rural and marginally increasing the proposed allotments zoned as country living zone, the impacts of this rezoning will be less than minor.

By rezoning to Country Living Zone this has the potential to create smaller low-density residential housing without compromising on-site amenity and the rural character on-site and the surrounding environment. While the majority of the Waikato District is zoned as Rural, the re-zoning of these identified sites will not result in any compromise. Therefore, the adverse effects on rezoning the subject Lot as Country Living Zone will be less than minor in terms of developing low-density housing that will not compromise the rural character on-site or the surrounding rural environment.

Planning Recommendations:

The planners at MG Solutions Ltd recommend that the subject Lot from the MGSL 15811_RZ Scheme Plan to be rezoned from the existing Rural Zone to the Country Living Zone for the above reasoning. We suggest Council research is recommended to see whether further Country Living rezoning is applicable located west and north of west from the subject site as shown from Figure 2 above.

Conclusions:

To summarise:

1. We believe that there is a demand for small land holdings currently zoned as Rural to be rezoned Country Living Zone. This will add low-density dwellings whilst maintaining/enhancing the rural character of the surrounding environment. In addition, where the new residential area is located on the southern side of the Waikato River would provide smaller intensified residential developments, the identified site area has a potential to provide differing future low-density residential developments that will maintain/enhance the local rural character and match the scale and form of existing dwellings that are located in the existing Country Living Zone located to the south-east of the identified site area.
2. The subject Lot is located such that water infrastructure is readily available and new stormwater and wastewater infrastructure would be established upon the resource consent phase, thereby supporting the proposed rezoning of the Country Living Zone.
3. In addition from the reasoning above, subject Lot has significant views of the surrounding rural environment and the mountain ranges in the background – owing to existing naturally occurring contour topography to provide future building sites. The gully system is currently protected and would remain as such.
4. We request that Council considers rezoning the subject Lot from the Rural Zone to Country Living Zone as shown from the MGSL 15811_RZ Scheme Plan.

Should any further information be required, please do not hesitate to contact the writer.

Yours faithfully,
MG Solutions Ltd.
On Behalf of Todd Bawden,

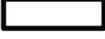
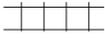

Nicol Beeby
Registered Professional Surveyor

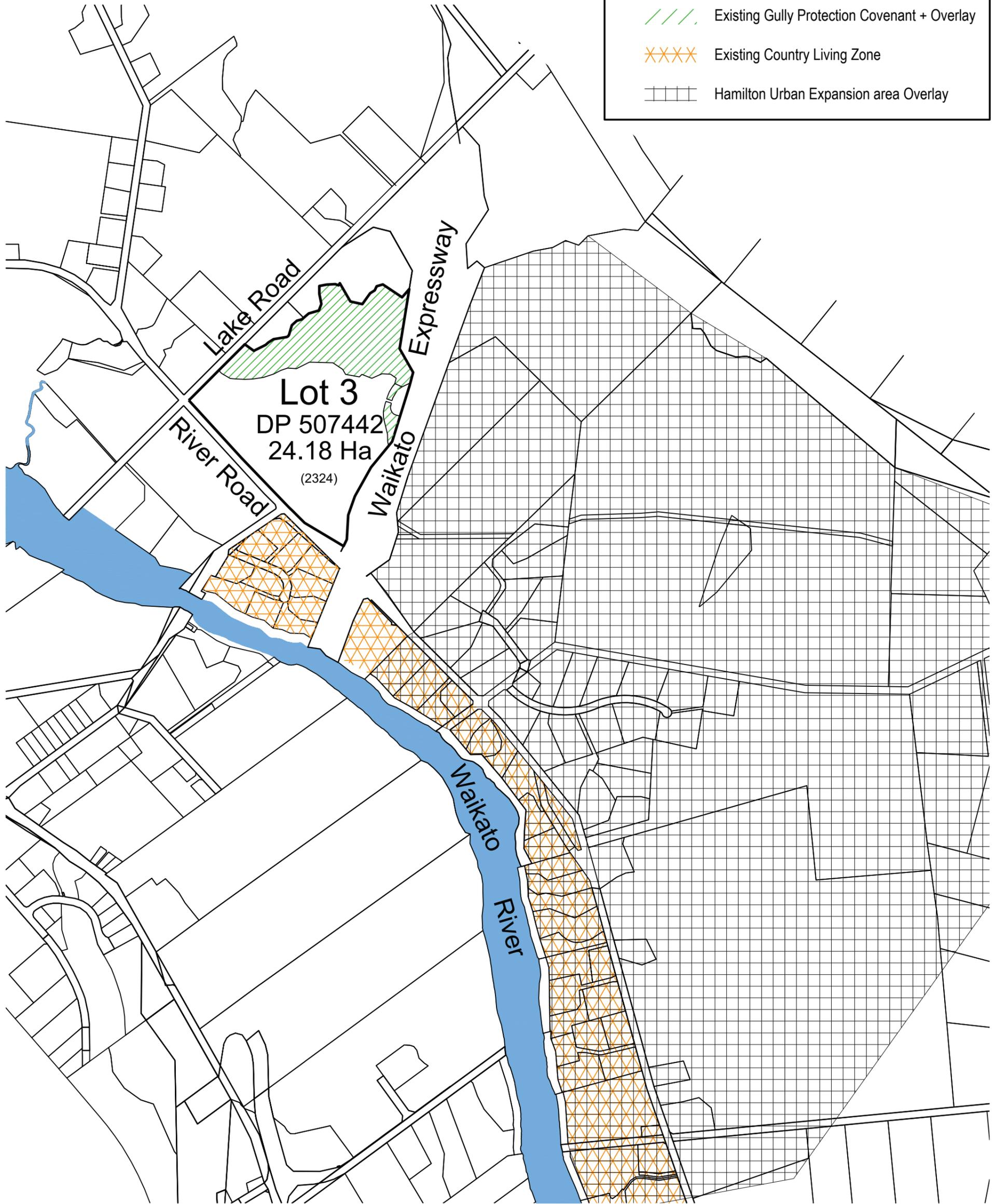

Per: Sam Shears
Student Planner

| | |
|---|--------------|
| Amendment: | Description: |
| NOTES | |
| 1. Areas and distances are subject to survey | |
| 2. Total CT area: 24.18 Ha | |
| COPYRIGHT | |
| The information on this plan is the property of MG Solutions LTD | |
| M.G.S.L acknowledges the supply of some base data from the relevant | |
| Local Authorities and L.I.N.Z in the preparation of this plan. | |



KEYS:

-  Subject Block LOT3 DP 507442
-  Existing Gully Protection Covenant + Overlay
-  Existing Country Living Zone
-  Hamilton Urban Expansion area Overlay



**SUBMISSION 15811_RZ 2324 RIVER ROAD -
REZONE AS COUNTRY LIVING ZONE WDC**



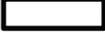
A: 7 Hardley Street, P.O. Box 9379, Hamilton 3240
T: (07) 8391 335
E: mgltld@mgsl.co.nz www.mgsl.co.nz

| | | |
|---------------------------|--------------------------|--|
| Prepared for: Todd Bawden | Comprised in C.T. 770917 | Address: 2324 River Road, Waikato District |
|---------------------------|--------------------------|--|

| | | |
|-------------|----------------------|----------------|
| Surveyor: | Date: September 2018 | Sheet: 1 of 2 |
| Drawn: MC | Scale: 1:10000@A3 | Ref.: 15811_RZ |
| Checked: NB | | |

| | |
|---|--------------|
| Amendment: | Description: |
| NOTES | |
| 1. Areas and distances are subject to survey | |
| 2. Total CT area: 24.18 Ha | |
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| | |
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| KEYS: | |
|  | Subject Block LOT3 DP 507442 |
|  | Existing Gully Protection Covenant + Overlay |
|  | Existing Country Living Zone |
|  | Hamilton Urban Expansion area Overlay |



**SUBMISSION 15811_RZ 2324 RIVER ROAD -
REZONE AS COUNTRY LIVING ZONE WDC**



A: 7 Hardley Street, P.O. Box 9379, Hamilton 3240
T: (07) 8391 335
E: mglttd@mgsl.co.nz www.mgsl.co.nz

Prepared for: Todd Bawden

Comprised in C.T. 770917

Address: 2324 River Road, Waikato District

Surveyor:

Date: September 2018

Sheet : 2 of 2

Drawn: MC

Scale: 1:5000@A3

Checked: NB

Ref.: 15811_RZ