

Schedule 1: PD&KJ Sieling decisions appealed, reasons and relief sought.

Context of the appeal:

PD & KJ Sieling consider that:

1. The PDP fails to adequately address Whitianga zoning issues in a pragmatic manner by not allowing for sensible growth of the township and its immediate rural surroundings.
2. The process by which the PDP was arrived at has been lacking in meaningful consultation in some areas.
3. The PDP significantly raises the costs of subdivision and in doing so raises the cost of housing in and around the township as well as rural areas in the district.
4. The PDP raises the costs of farmers to stay in business.
5. The PDP introduces rules, regardless of whether they provide a benefit or not.
6. The Decisions version of the Plan incorporates changes from the PDP that, by the nature of the process by which they arrived at, contravene the RMA, in particular section 32 of the RMA.

PD & KJ Sieling seek amendments to the Proposed District Plan (Decisions Version) in general as well as by way of the specific relief outlined below. *The relief sought in general relating to the context of the appeal is that TCDC engages in meaningful consultation with the affected parties, in particular with regard to those objectives and rules of the Plan that were carried over from the previous plan into the Proposed Plan and consequently changed in the Decisions version.*

Specific points appealed, the reasons and the relief sought:

Section 6 Biodiversity Objective 1

There is no mention of existing use rights:

Relief sought: Add a sentence to say “existing use rights will be taken into account in applying the policies described below in 1a, 1b, 1c, 1d and 1e

Or

Such further or other relief that addresses the issues raised in this appeal point

Section 6 Biodiversity Policy 1b buffer zones:

Buffers should not be required where they are not needed

Relief sought: Alter to say: Provide buffers where there is a clear and demonstrable benefit.

Schedule 1: PD&KJ Sieling decisions appealed, reasons and relief sought.

Or

Such further or other relief that addresses the issues raised in this appeal point

Section 29.3 Rule 2 i)

3.5 m is too narrow. Some farm machinery is wider than that, there also need to be passing bays to avoid danger to human life, health and safety.

Relief sought: Increase to 4m and allow for 6m wide passing bays every 100m or line of sight where this distance is less than 100m.

Or

Such further or other relief that addresses the issues raised in this appeal point

PART VII Section 38.6 Rule 9

Additional lots in the rural zone should be a restricted discretionary activity, there is no good reason to make it different from the status of subdivision applying to other zones. See below for a). The rules under b) and c) are too restrictive and will punish landowners who have made an application under this rule prior. It is also unreasonable to expect a landowner to create staged planning looking forward 10, 20, 50 or more years. Furthermore it will reduce the availability of housing. The original rule was carried over from the previous version of the Plan into the Proposed Plan and consequently changed arbitrarily in the Decisions version. Had this change been incorporated in the Proposed Plan it would have undoubtedly resulted in a flood of submissions from landowners.

Relief sought: Delete Rule 9 b) and c) from the plan.

Or

Such further or other relief that addresses the issues raised in this appeal point

PART VII Section 38 Table 2 12a)

The previous rule as maintained in the PDP worked well, by taking away the averaging aspect it has become unworkable and will result in a reduction in available affordable housing while encouraging the break-up of economic farming units. The rule was changed arbitrarily in the decisions version though the only submissions on the rule were in support. Had this change been incorporated in the PDP it would

Schedule 1: PD&KJ Sieling decisions appealed, reasons and relief sought.

have attracted substantial submissions. It is also inconsistent with Appendix 4.3.3 Rural Subdivision Design Principles.

More detailed reasons for the appeal are as follows:

- (a) The removal of the 20 hectare minimum average lot area subdivision standard in the Rural Zone removes and/or prevents flexibility for the land owner and encourages the break-up of farming units. The creation of allotments around existing land uses will not be undertaken due to the District Plan requiring a “minimum” lot area rather than an overall average. This will result in poor subdivision design.
- (b) The removal of the 20 hectare minimum average lot area subdivision standard in the Rural Zone removes the opportunity for farmers to cut off a manageable retirement block or sell a small piece of land to relieve debt or plan for an economic horticulture block.
- (c) The Appellants are concerned that the process to remove the 20 hectare minimum average lot area subdivision standard did not follow the correct district plan review process. The Proposed District Plan (as notified) included the averaging rule. No submissions to remove it were received by Council, only submissions in support of retaining it. However it was removed from Table 2 in the Proposed District Plan (Decisions Version). It is the Appellants’ view that had this rule been removed from the Proposed District Plan (as notified) then it would have undoubtedly led to a flood of submissions from landowners in opposition.
- (d) The “minimum” lot area discourages productive farming units being located within one productive allotment and does not allow subdivision design to take account of best practice land management initiatives.

Relief sought: Reinstate the 20 ha averaging standard.

Or

Such further or other relief that addresses the issues raised in this appeal point

PART VII Section 38.4 Rule 2 a)

This is yet another bureaucratic unnecessary hindrance. Again encourages the break-up of economic farming units when applied in the rural area. The integrity of the farming units can be maintained better

Schedule 1: PD&KJ Sieling decisions appealed, reasons and relief sought.

if boundaries can be adjusted to enlarge some lot sizes, i.e. the residual farming unit while creating smaller lots in more suitable places. Boundary adjustments do not create additional housing, so there is no extra demand on infrastructure. It also clashes with Appendix 4 (4.3.3 General Design principles in the Rural Area)

Relief sought: Delete a) or add an exemption for rural land.

Or

Such further or other relief that addresses the issues raised in this appeal point

PART VII Section 38.5 Rule 7 1.

It seems this rule description should include the Low Density Residential Zone as elsewhere it states that the rules apply to the LDRZ, maybe an oversight? Although this point was not submitted on by the Appellants, the amendment sought would not change any of the intent or purpose of the plan but would help to keep it clear as people reading it the way it is worded now may assume that the rule does not apply to the LDRZ.

Amendment sought: Add the Low Residential Area to the introduction to this rule.

PART VII Section 38.5 Rule 8 b)

This rule eliminates vast areas well worthy of conservation that have not been properly identified. The allocation of Priority areas appears to be based on a desktop exercise. Every application should be judged on its merits as confirmed by a suitably qualified person.

Relief sought: Delete rule 8 b)

Or

Such further or other relief that addresses the issues raised in this appeal point

Section 56. 4 rule 7

Existing farming operations are not explicitly included.

Relief sought: add: g) They are part of the farming activity operational on 29 April 2016

OR Such further or other relief that addresses the issues raised in this appeal point

Planning Maps 17 Whitianga

Schedule 1: PD&KJ Sieling decisions appealed, reasons and relief sought.

The zoning between Moewai Road and Centennial Drive has not sufficiently taken into account future needs and suitability. There has been insufficient consultation. Rezoning also has included Council owned land that was taken under the works act for a different purpose than what is intended with the "airfield" zoning. The appellants allege that the Airfield zone is a poorly disguised attempt to circumvent the requirements of the Public Works Act. The industrial zoning has also included another parcel of Council owned land which is a storm water retention area and raising it would cause flooding on nearby properties. The rezoning in general has not allowed for the natural further development of suitable areas immediately adjoining residential areas as suggested by the Appellants during the draft plan stage. The appellants were at that stage asked to provide such things as geotech reports, consents from neighbours and Iwi. The Appellants considered this request unreasonable. These requirements would rightfully be part of a structure plan or other application under the RMA, not a rezoning exercise and the appellants note that no such consultations and investigations were required for other parcels of land that were rezoned in the PDP.

Relief sought: Withdraw the designated new zones in Whitianga and the associated planning maps and/or reconfigure the maps following meaningful consultation and negotiation with the landowners who have these proposed new zoning designations over their land.

Or

Such further or other relief that address the issues raised in this appeal point