

Proposed District Plan Submissions

Form 5 Submission on publicly notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To New Plymouth District Council - Sarah Edwards
Date received 19/11/2019 12:41:25 PM
Submission #182

Address for service:

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Wishes to be heard? Yes
Is willing to present a joint case? Yes

Proposed District Plan Submissions

- Could you gain an advantage in trade competition in making this submission?
- No
- Are you directly affected by an effect of the subject matter of the submission that
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition
- No

Submission points

Point 182.1

Submission

I have an approved resource consent for about 30 lots on this property, and a future development plan for a further roughly 100 lots.

To build an extension of Cunningham Ave, enough land should be provided so that development can occur on both sides of the proposed road for the length to Russell Drive.

Currently the indicative road alignment and thus the residential and boundary is based on a plan drawn many years ago, and it results in the road going up a cliff before reaching the higher elevation near Ardern Place.

Please examine the approved consent that required encroachment into the FUD/Rural area, and take the topography and growth needs of Oakura, plus the provision of a secondary access linking Russell Drive, and thus make the link a viable option for the landowner, without encroaching into his farming activity.

Relief sought

Adjust the boundary between the general residential and rural production/FUD zone to take account of the topography for an indicative road, and thus enable sufficient development off that road to ensure that the cost of construction is recompensed in section creation.

Section: FUZ - Future Urban Zone

Sub-section:

Point 182.2

Submission

References to "Land Development and Subdivision Infrastructure Standard Local Amendments Version 3" in the plan should be amended to refer to the New Zealand Standard 4404:2010 (NZS4404.)

NZS4404 was developed and written by professionals nominated by the associations for Engineers, Architects, Surveyors and Planners individually. The standards that came from that collective is a national standard agreed to be suitable for development.

New Plymouth shouldn't see itself as distinct from the remainder of New Zealand so as to require their own standards for

Infrastructure.

Relief sought

Remove reference to Land Development and Subdivision Infrastructure Standard Local Amendments Version 3 in the plan, and instead refer to the New Zealand Standard 4404.

Section: SUB - Subdivision

Sub-section:

Point 182.3

Submission

Full subdivision consent applications for non-complying activity boundary adjustments that essentially have no effect have been tiresome.

I support this simplification to ensure they are considered on their merits.

Relief sought

Approve this rule change.

Section: SUB - Subdivision

Sub-section: Rules

Provision

SUB-R1	Boundary adjustment	
All zones	<p>Activity status: CON</p> <p>Where:</p> <ol style="list-style-type: none">the boundary adjustment does not alter:<ol style="list-style-type: none">the permitted activity status of any existing permitted activities occurring on the allotments and/or the ability of an existing permitted activity to continue to comply as a permitted activity under the rules and standards in this Plan; and/orthe extent or degree to which any consented or otherwise lawfully established activity occurring on the allotments does not comply with a rule or standard in this Plan; andin the Rural Production Zone, the boundary adjustment does not result in additional potential for residential units as a permitted activity; andall Subdivision Effects Standards are complied with. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none">The size, design and layout of lots that would exist after the boundary adjustment, including the effects of any additional permitted activity development potential resulting from the reconfigured layout.Legal and physical access to and from lots affected by the boundary adjustment.Protection, maintenance or enhancement of natural features and landforms, historic heritage, sites of significance to tangata whenua, archaeological sites or any other identified features.Where relevant, compliance with Council's Land Development and Subdivision Infrastructure Standard Local Amendments Version 3.The matters referred to in sections 108 and 220 of the Act.	<p>Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none">The extent and effects of any non-compliance with a rule or standard, and where relevant, the matters of discretion in any infringed rule(s) or standard(s).The size, design and layout of lots that would exist after the boundary adjustment, including the effects of any additional permitted activity development potential resulting from the reconfigured layout.Legal and physical access to and from lots affected by the boundary adjustmentThe extent to which the boundary adjustment will ensure that natural features and landforms, waterbodies, indigenous vegetation, historic heritage, sites of significance to tangata whenua, archaeological sites or identified features are protected, maintained or enhanced.Where relevant, compliance with Council's Land Development and Subdivision Infrastructure Standard Local Amendments Version 3.The matters described in Section 108 and 220 of the Act.

Point 182.4

Submission

(1) Rural Production Zone Activity

The parent title refers to a Registered Title that existing as of 1999.

Assuming this plan also isn't reviewed for another 20 years, it will be 2040 before the opportunity to review the rule happens again.

It will be nearly impossible over 41 years to trace back the subdivisions and boundary adjustments that have occurred and reoccurred since an arbitrary date.

The rule needs to instead refer to a control that mitigates an effect. For example, "a subdivision should not adversely impact on the productive capabilities of a rural land use, and should not result in a building that is skylined or otherwise highly visible in the open space."

Relief sought

Rephrase this rule or not refer to Parent Title.

Instead create a rule that mitigates and effect of subdivision.

Section: SUB - Subdivision

Sub-section: Rules

Provision

SUB-R4	Subdivision of land to create allotment(s) within the Rural Production Zone (except where rule ECO-R6 applies)	
(1) Rural Production Zone	<p>Activity status: CON</p> <p>Where:</p> <ol style="list-style-type: none">one allotment, with a minimum lot size of 4,000m² is created from the parent title, provided there is a balance area remaining from the Record of Title subject to subdivision of at least 20 ha; andall Subdivision Effects Standards, (except SUB-S1(1) for the allotment provided for by clause 1 of this rule) are complied with. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none">The size, design, shape, location and layout of lots.Efficient use of land and compatibility with rural character and the role, function and predominant character of the Rural Production Zone.Where relevant, consistency with the Subdivision Design Guide.The protection, maintenance and/or enhancement of natural features and landforms, waterbodies, indigenous vegetation, historic heritage, sites of significance to tangata whenua, archaeological sites or identified features.The measures to avoid, remedy, or mitigate any adverse effects on the particular cultural, spiritual and/or heritage values, interests or associations of importance to tangata whenua as kaitiaki and mana whenua that are associated with the land being subdivided.The subdivision design and layout, and the design and location of building platforms and access to minimise earthworks and land disturbance, and integrate built form into the natural landform.Provision of appropriate infrastructure and services, including water supply (including firefighting water supply), wastewater systems, stormwater control and disposal, telecommunications and electricity in accordance with Council's Land Development and Subdivision Infrastructure Standard Local	<p>Activity status where compliance not achieved: DIS</p> <p>Where:</p> <ol style="list-style-type: none">two or three allotments, with a minimum lot size of 4,000m² are created from the parent title, provided there is a balance area remaining from the Record of Title subject to subdivision of at least 20 ha; orone or more of the Subdivision Effects Standards (except SUB-S1(1) for the allotments provided for by clause 1 of this rule) are not complied with.

Amendments Version 3.

8. Use of sustainable stormwater management and water sensitive (low impact) design principles.
9. Effects on the stability of land and buildings, and potential to create new or exacerbate existing natural hazards.
10. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
11. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities or significant hazardous facilities.
12. The matters referred to in sections 108 and 220 of the Act.

**(2) Rural
Production
Zone**

Activity status: NC

**Activity status where compliance not
achieved: N/A**

Where:

1. the subdivision is not a controlled or discretionary activity under SUB-R4(1) or otherwise provided for in this table.

Note:

1. To determine how many additional allotments can be created under SUB-R4, first go back to the parent title to determine what existed on 5 March 1999.
2. Count the number of allotments that have been subdivided from the parent title since that date.
3. If the parent title has not been subdivided and the subdivision proposal contains one additional allotment not less than 4000m² and a balance allotment over 20ha then this can be considered as a controlled activity provided the relevant Subdivision Effects Standards effects are complied with.
4. If the parent title has not previously been subdivided into four allotments (being three additional allotments and a balance allotment) and the number of allotments proposed does not exceed four from the parent title (being three additional allotments and a balance allotment) and the proposal contains a balance allotment at least 20ha in area, it can be treated as a discretionary activity.
5. If the number of allotments exceeds four from the parent title, the proposed allotments are less than 4,000m², or if the proposal does not contain a balance allotment of at least 20ha in area, the application will be treated as a non-complying activity.

Point 182.5

Submission

(3) General Residential Zone

A lot size is not an indicator of the ability of a residential activity to achieve a residential amenity standard.

A lot of less than 400m² is common, where other standards have been met (coverage, boundary setbacks, daylighting parking etc.)

Relief sought

Remove the minimum allotment size and instead refer to the ability of the allotment created to comply with the standards for a permitted activity.

Section: SUB - Subdivision

Sub-section: Rules

Provision

SUB-S1	Minimum lot size	
(1) Rural Production Zone	Each allotment, including the balance allotment, shall have a minimum lot size of 20 ha.	Matters of discretion if compliance is not achieved: N/A
(2) Rural Lifestyle Zone	Each allotment, including the balance allotment, shall have a minimum lot size of 4000m ² .	Matters of discretion if compliance is not achieved: N/A
(3) General Residential Zone	Each allotment, including the balance allotment, shall have a minimum lot size of 400m ² except in Oakura where the minimum lot size is 600m ² .	Matters of discretion if compliance is not achieved: N/A
(4) Low Density Residential Zone	Each allotment, including the balance allotment, shall have a minimum lot size of 750m ² .	Matters of discretion if compliance is not achieved: N/A

Point 182.6

Submission

The Rules refer to Council's Land Development and Subdivision Infrastructure Standard Local Amendments Version 3; A national standard developed by Engineers, Architects, Planners and Surveyors has been established - NZS 4404. NPDC shouldn't be reinventing the wheel and developing their own standard in contravention to a national standard.

Relief sought

Remove reference to Council's Land Development and Subdivision Infrastructure Standard Local Amendments Version 3, and replace it with the New Zealand Standard, Land Development and Subdivision Engineering, NZS 4404:2010.

Section: TRAN - Transport

Sub-section: Rules

Point 182.7

Submission

Part 2 - District-Wide matters TRAM Tables 2 and 3 and Figure 2.

There has been confusion using the current operative plan as to whether 'z' refers only to entrances on the same side as the diagram suggests, or entry's on both sides of the road.

Relief sought

Amend the diagram or wording of the rules to clarify what 'z' refers to.

Section: VIEWS - Viewshafts

Sub-section:

Point 182.8

Submission

The plan has a Rural Lifestyle Zone on the New Plymouth side of Okato Village, however this is productive rural land further from the village amenities, being the domain that contains open space bush, sports fields, swimming pool, bowling and squash clubs.

The area around these amenities is to remain Rural Production, which doesn't make sense.

Relief sought

Reconsider the rezoning of 2282 South Road into Rural Lifestyle, and instead consider rezoning Kihikihi Road (upper) as either low density residential, or lifestyle.

Section: RPROZ - Rural Production Zone

Sub-section:

Point 182.9

Submission

Byron Place is connected (or can be connected) to Council services. It has street lights and residential type vehicle crossings.

The plan proposes to zone this land Rural Production Land, where it is neither rural nor productive.

Relief sought

Rezone this land as per its character, and that is general residential.

Section: RPROZ - Rural Production Zone

Sub-section:

Point 182.10

Submission

The Johnson Family have farmed the property at 115 Airport Drive for about 30 years and have had a dairy operation on the property.

Area Q is proposed to subdivide a large area of land surrounding the farm as residential lots, including associated roads and reserves but also the Coastal Walkway, which is proposed to run through the subject property

Having residential activity immediately adjoining the Johnson farming land will have a reverse adverse impact from the typical rural noises and smells associated with the farming activity, and especially early morning disturbances or herding cows to the shed.

The land in the Johnson farm is ideal, instead, for additional residential land added onto Area Q for the following reasons:

1. The location of the local road on the southern boundary of the Johnson property is prohibitive to its construction.
2. In its current location as shown on the PC20 Structure Plan, either the Johnson's are expected to form it to access the portion of their property that they can yield sections from, or the owners of the property that abuts the road are expected to bear the cost of building a road over the Johnson land to access any sections they develop. The Johnson's will only obtain limited yield on one side of this road where their own land is available on the southern side of the road.
3. The first 100m of the proposed local road is within the Johnson property but the layout provides no yield for the Johnsons' as land on the southern side of the road is a separate title (93 Airport Drive) and the northern side of the road is to be retained as rural land. This means that it is not likely to be formed, as the location of the existing dwelling, and the Airport Drive landscape buffer prevents 93 Airport Drive from being developed.
4. The next 120m is on land that the owners of the section behind 93 Airport Drive may wish to develop. Assuming a section width of 30m, 4 allotments (maybe 5 with a rear allotment) on this adjoining property would have the net yield benefit. At approximately \$1500/m cost of construction, the \$180,000 road construction cost is for the benefit of just 4 allotments. This does not include purchase price of the land from the Johnson's and potential council expectation to contribute towards the other \$150,000 of road by 93 Airport as explained in paragraph 5 above.
5. My submission is this is an illogical location for the road, and will either result in the link never been constructed, or else unreasonable costs on the developer.
6. Juffermans Surveyors prepared a preferred Option A development plan for the Johnson Family submission to PC20 that proposes to move the road from the southern to the northern boundary of the Johnson property, as per Option A plan attached to Ms Buttimore's evidence as her Appendix 2. This yields another approximately 18ha of land owned by the Johnsons available for residential development, and thus a sufficient benefit for the Johnsons would be obtained to offset the cost of constructing the road that links onto Airport Drive.

Walkway

1. The plan change proposes the Coastal Walkway be extended from Wills Road to the Airport - and ultimately Waitara - along the northern boundary of Area Q, which thus runs on the northern side of the road on the south side of the Johnson property.
2. My submission is this is not the most ideal location for the walkway from reasons of amenity, health and safety and practicality.
3. Appendix 2 attached to Ms Buttimore's evidence has the walkway running on the south side of a well-established wetland that is a tributary to the Waitaha Stream. That tributary drains nearly directly into the ponds on the Bliss property that are

considered to have a high amenity within Area Q.

4. By using this natural feature that is also low maintenance, the walkway is following a much more natural feature, while also shortening the length of the walkway from Wills Road to the airport quite substantially.
5. The use of the tributary for a large length of the northern boundary of Area Q also provides for a buffer between the residential area and the walkway, and the farming activity beyond. For a walkway user and/or their dog to enter the farm, they will need to cross the swamp and stream – and the same is true for escaping farm animals. Particular in spring, where walkway users may also have dogs, which calving cows will charge this safety barrier will avoid these innocent accidents that happen on a normal dairy farm from occurring.
6. The use of a tributary, rather than a fence, adjacent to the walkway will provide for a far more visually pleasing traverse for the walkway user, than a flat straight line with a paddock beside the user.

Relief sought

Rezone the land at 115 Airport Drive as residential, adding it to the residential land of area Q.

Section: RPROZ - Rural Production Zone

Sub-section:

Point 182.11

Submission

We support the rezoning of Armstrong Ave as residential, however would like the indicative road removed from 7 Armstrong Ave, as it is not on any other property within the rezone area. Provision has not necessarily been made to create a road to Tangaroa Street (? at former 5 Armstrong) so road connection cannot necessarily be provided.

WE have explored a subdivision of 7 Armstrong, and consulted with Iwi. They do not necessarily support development, if it has an adverse impact on the Tangaroa Stream, in particular, the existing flooding at the Pa.

Before Iwi would consider development, they wish for a Cultural Impact Assessment.

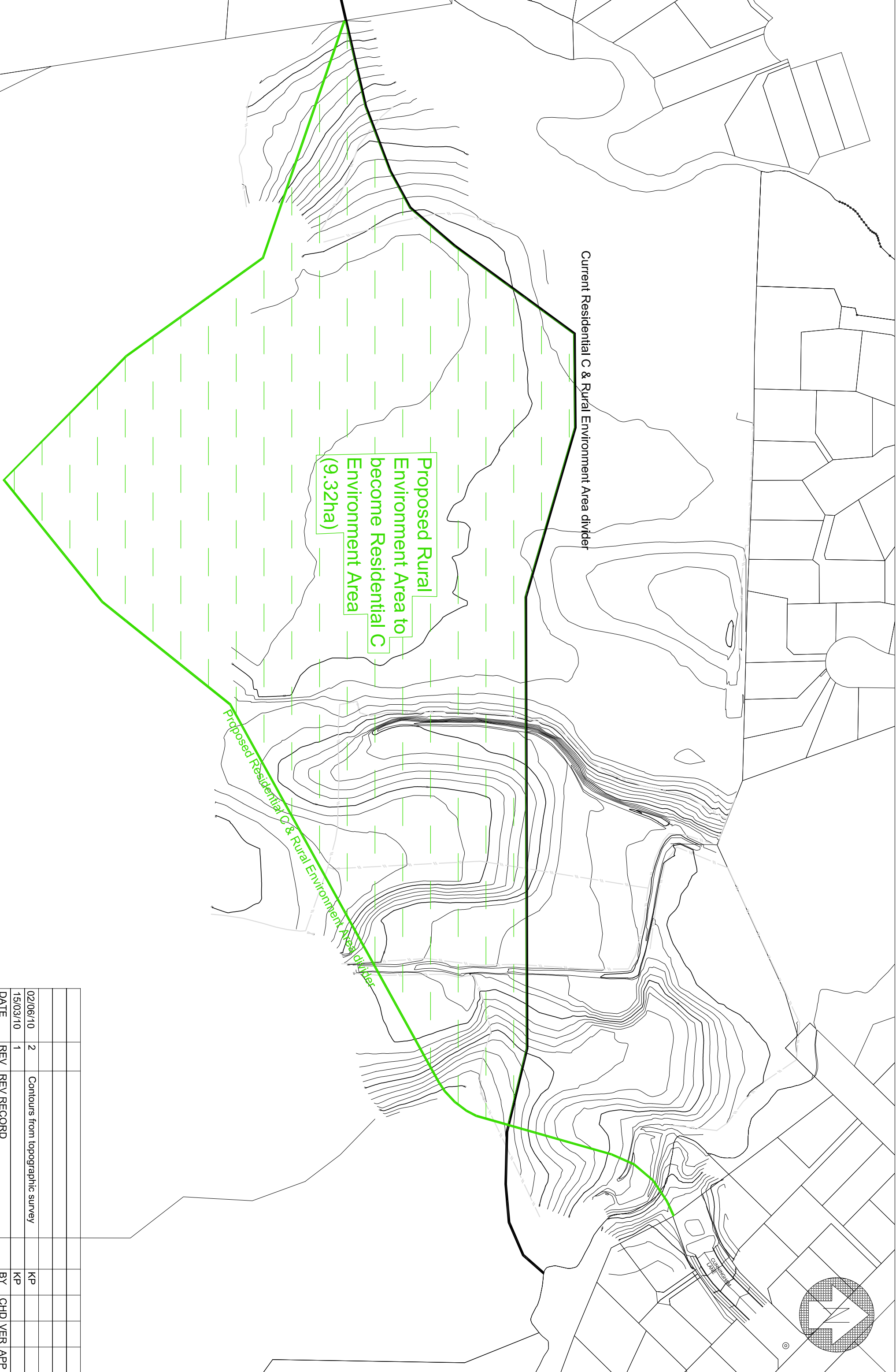
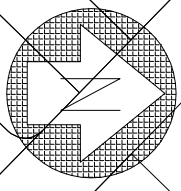
Relief sought

Rezone the land at Armstrong Ave residential after commissioning a Cultural impact Assessment to gain Iwi approval of the rezoning in their rohe that is subject to the Te Atiawa Settlement Act.

Remove the indicative road at 7 Armstrong. Road connection has not been provided in the previous stage.

Section: GRZ - General Residential Zone

Sub-section:



Proposed Rural Environment Area to become Residential C Environment Area (9.32ha)

Current Residential C & Rural Environment Area divider

Proposed Residential C & Rural Environment Area divider

Dunlavin M. Lake



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Sheet Title
PROPOSED RE-ZONING

DATE	REV	REV RECORD	BY	CHD	VER	APP
02/06/10	2	Contours from topographic survey	KP			
15/03/10	1		KP			

Scale H 1:2000
Date 02/06/10
Drawing No. 10003
Job No. 22222
Sheet No. 01
REV 2
A3



SECTION 3 OAKURA DIST

Note: Areas and Dimensions are subject to survey

DATE	REV	REV RECORD	BY	CHD	VER	APP
24/08/16	9	Variation to Scheme for Consent Variation	JM			
24/08/16	8	Variation to Scheme for Consent Variation	JM			
12/01/12	7	footpath moved on local road				
22/12/11	7	Road and Reserve lot numbers				
16/11/11	7					
2/11/11	1	reserve width increased- Lot amendments				



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Sheet Title
PROPOSED SUBDIVISION
 Address
 Cunningham Lane, Oakura
 Client
 Holdom

Scale
 H 1:1250
 Date
 26/08/16

Drawing No.
10003-V7
 Job No.
 10003
 Sheet No.
 01
 A3
 REV
 9