

6 April 2020

Submission by

Hamilton City Council

RESOURCE APPLICATION NUMBER SUB0165-19: G&S SINGLETON HERITAGE LIMITED, 635 STATE HIGHWAY 23 WHATAWHATA (SUB0165/19)

1.0 INTRODUCTION

- 1.1 This submission is on the notified resource consent application by G & S Singleton Heritage Limited to undertake the subdivision of 635 State Highway 23, Whatawhata, to create eight additional lots from two existing certificate of titles in the Rural zone.
- 1.2 Hamilton City Council (HCC) is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (RMA).
- 1.3 HCC's approach to all cross-boundary proposals is to determine what effects arising from the proposed activity will have on the city; if, whether the effects from the proposal were able to be mitigated this would manage HCC's concerns; or should HCC oppose the proposal. Each proposal is considered within the context of its location and what potential impacts will arise from such an activity establishing on Hamilton's boundaries.

2.0 SPECIFIC PARTS OF THE APPLICATION THAT THIS SUBMISSION RELATES TO

- 2.1 HCC opposes the proposed subdivision in its entirety.

3.0 REASONS FOR THE SUBMISSION

- 3.1 This submission outlines Hamilton City Council's ('HCC') objection to the proposed subdivision to create eight additional lots from two existing titles, one of which does not meet the minimum lot area of a parent lot to enable subdivision; and the range of new lots will be between 8530m² to 1.8 hectares with the balance lot being 35.41 hectares at 635 Whatawhata Road/State Highway 23, Whatawhata.
- 3.2 HCC's fundamental concern is that the proposed subdivision does not meet the fundamental expectations for subdivision of land in the Rural zone as anticipated through Waikato District Council's ('WDC') policy framework under the Waikato Operative District Plan ('WDODP') Plan or as emerging through both the Waikato Proposed District Plan ('WDPDP') and the Draft Growth and Economic Development Strategy - Waikato 2070 ('Growth Strategy'). In particular, it does not comply with the general rules for rural subdivision (WDODP Rules 25.70A.1 and 25.74) to create only one additional lot from each existing viable certificate of title.¹ Ad hoc rural-residential subdivision,

¹ Rule 25.74.1 Subdivision is a restricted discretionary activity if:

- a) the parent certificate of title is at least 20ha and
- b) every child certificate of title has a minimum net site area of 8000m² and a maximum of 1.6ha, except for an access allotment or a utility allotment, and
- c) no more than one certificate of title produced by the subdivision has an area greater than 1.6ha, and
- d) a utility allotment for a network utility does not exceed 50m².

unplanned non-rural activities around Hamilton's territorial boundaries have the potential for such developments to adversely impact on the city's hard and soft infrastructure, LTP planning and long-term maintenance of infrastructure. The city does not receive either development contributions or ongoing rates from such activities.

- 3.3 The proposed planning framework of the WDPDP identifies WDC's most up-to-date planning framework for the future, including tightening the planning direction over the use of rural land. HCC acknowledges the complexity of considering and recognising cross-boundary issues that need a collaborative approach, which is supported by the higher order RMA statutory instruments needing to be adhered to when making resource management decisions.
- 3.4 WDC's Draft Growth and Economic Development Strategy - Waikato 2070 continues the approach set out through the policy framework of the Operative and Proposed District Plans to plan strategically by directing urban growth to planned and connected existing settlement patterns. Directly responding to the direction set by the Waikato Regional Policy Statement ('WRPS') for cross-boundary alignment, Objective 3.3 Decision Making, and supported by a number of policies including policy 6.17, that states:

Objective 3.3 Decision Making

Resource management decision making is holistic and consistent and:

- a. is aligned across legislation and national and regional strategies;
- b. takes an integrated approach to managing resources that cross regional and functional boundaries;

Policy 6.17 Rural-residential development in Future Proof area

Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the subregion, and particularly in areas within easy commuting distance of Hamilton and:

- a. the potential adverse effects (including cumulative effects) from the high demand for rural-residential development;
- b. the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities;
- c. the additional demand for servicing and infrastructure created by rural-residential development;
- d. the potential for cross-territorial boundary effects with respect to rural-residential development; and
- e. has regard to the principles in section 6A.

- 3.5 HCC is concerned of the implications that could arise from the rationale outlined in the application justifying the subdivision when the policy framework of both the Waikato Operative and Proposed district plans overall principle is to retain rural land for rural activities and directing urban development to areas closely linked to existing urban settlements. The Waikato Operative District Plan states that: "*Failure to have a strategic framework for growth has adverse effects on the ability to have efficiently organised and integrated urban areas, to appropriately develop land and to sustain productive rural activities*".² This being supported through the objectives and policies for the rural zone, in particular Objective 1A.2.1 and Objective 1A.2.9:

Objective 1A.2.1

Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development.

Policy 1A.2.2

Subdivision, use and development of an urban nature should occur within clearly defined boundaries of towns and villages rather than in rural areas.

² Waikato 2013 Operative District Plan, 1A Waikato District Growth Strategy, 1A.2 Issue - Managing Growth Pressures.

Policy 1A.2.3

Subdivision, use and development of a rural-residential nature should occur within defined growth areas where infrastructure and services can be efficiently and economically provided.

Policy 1A.2.4

New growth areas, including new rural residential areas, should be identified and planned for in conjunction with towns and villages where they support local services and minimise adverse effects on productive rural activities and lawfully established rural-based activities.

Policy 1A.2.6

Subdivision, use and development should be managed so that a range of lifestyle choices is available, while ensuring residential development occurs in identified towns, villages and other defined growth areas.

Objective 1A.2.9

Rural areas are maintained as a resource for productive rural activities and lawfully established rural-based activities.

Policy 1A.2.10

Subdivision, use and development that support productive rural activities in rural areas should be enabled, subject to avoiding, remedying or mitigating adverse effects.

Policy 1A.2.11

Second and subsequent dwellings in rural areas should be directly associated with productive rural activities.

Policy 1A.2.12

Subdivision, use and development that is not directly associated with productive rural activities should occur in towns, villages and other defined growth areas.

- 3.6 The Waikato Operative District Plan states that subdivision, development and land use undertaken by means that *“avoids compromising the characteristics of rural areas including the productive capacity of the rural resource. The rural areas also include significant landscapes that need protection in their own right. Future development within these areas requires particularly careful management”*.³ While HCC acknowledges that the technical information provided with the application attempts to address the specific matters relating to landscape and productive capacity, HCC is concerned with the wider implications of allowing the fragmentation of rural land for non-rural activities. Allowing the subdivision may encourage and set a precedent for cumulative effects of further subdivision of rural blocks using those arguments.
- 3.7 The proposed rural subdivision, a clustering of lots that will not be used for rural activities is contrary to the policy framework set out in both the Operative and Proposed Waikato District Plans and does not align with the direction for growth and the management of rural land under the Waikato Regional Policy Statement and Waikato’s Growth Strategy.⁴

4.0 CONCLUSION

- 4.1 HCC is not opposed to the idea of changes that might provide opportunities for urban growth near Hamilton. However, it is important not to enable rural fragmentation or the establishment of ad hoc and un-serviced lifestyle subdivisions; but rather identify and plan for the long-term growth of

³ Waikato 2013 Operative District Plan, 1A Waikato District Growth Strategy, 1A.1 Introduction.

⁴ Supporting and maintaining a long-term ‘vision’ for the retention of the land area surrounding Hamilton was one of the requests HCC made through its submission (Sub # 535) on the Waikato District Proposed District Plan (PDP).

existing settlement nodes in a cohesive manner that is reflective of the sub-regional direction and collaborative manner for sustainable future regional growth.

- 4.2 HCC's objection is a continuation of Council's approach to ensure unplanned/ad hoc growth in the vicinity of its territorial boundaries are directed to identified locations and that rural land is promoted for rural uses in accordance with WDC's strategy policy direction. It is critical when considering the fragmentation of rural land that the context and anticipated outcomes set through the district plan's policy framework are adhered to.
- 4.3 HCC does not consider the present proposal meets those anticipated outcomes under either the Operative or Proposed district plans, or Waikato's growth strategy, and is contrary to the accepted growth patterns set under the Regional Policy Statement (WRPS).

5.0 THE FOLLOWING DECISION IS SOUGHT FROM WAIKATO DISTRICT COUNCIL

- 5.1. Decline the proposal in its entirety.

6.0 FURTHER INFORMATION AND HEARING

- 6.1 Should the Waikato District Council require clarification of the above points, or additional information, please contact Alice Morris (Principal Planner, City Planning) on 07 838 6431 or email alice.morris@hcc.govt.nz in the first instance.
- 6.2 HCC **does wish to speak** in support of this submission at the Waikato District Council hearing.

Yours faithfully



Jen Baird
GENERAL MANAGER CITY GROWTH



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ECM Application # SUB0165/19

ECM

SUBMISSION #.....

CUSTOMER #

Submission form

(Form I3)

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON FRIDAY 3RD APRIL 2020

To: Waikato District Council

Name of submitter (full name) **Hamilton City Council**..... This is a submission on

an application from G & S Singleton Heritage Limited to create eight additional lots from two existing titles in the Rural Zone at 635 State Highway 23 WHATAWHATA (Formerly known as the Westlands Golf Course).

*I am am not a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am am not # 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

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Please refer to the attached submission

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I support oppose am neutral to the part/s named above.

Give details:

The reasons for my views are.....

Please refer to the attached submission

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I seek the following decision from Waikato District Council: Approve Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....
Please refer to the attached submission
.....
.....
.....

Number of additional sheets attached


I wish to be heard in support of my submission Yes No

If others make a similar submission, I will consider presenting a joint case with them at the hearing Yes No

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority Yes No

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter


..... Date 6 April 2020.....
A signature is not required if you make your submission by electronic means

Address 260 Anglesea Street, Private Bag 3010 Hamilton

..... Postcode...3240..... Email

...Alice.morris@hcc.govt.nz..... Phone 07 838 6431.....

Contact person's name (name and designation if applicable) Alice Morris

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on G & S Singleton Heritage Limited, whose address for service is Cheal Consultants Limited PO Box 41, Waikato Mail Centre, Hamilton 3240 or email philipb@cheal.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part I IA of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742
Telephone 0800 492 452

Email Submission

Consent.submissions@waidc.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.