

IN THE MATTER

of the Resource Management Act
1991 ("**the RMA**")

AND

IN THE MATTER

of a submission pursuant to Clause 6
of Schedule 1, of the RMA in respect
of the **Proposed Kaipara District
Plan**

SUBMISSION ON THE PROPOSED KAIPARA DISTRICT PLAN

To: District Plan Team
Kaipara District Council
Email: districtplanreview@kaipara.govt.nz

1. Details of entity making submission

Wearmouth Farm Company Limited ('the submitter')
C/- Reyburn and Bryant
Attention: David Johnson
PO Box 191
WHANGAREI
Email: david@reyburnandbryant.co.nz

2. General Statement

- 2.1 Wearmouth Farm Company Limited ('the submitter') cannot gain an advantage in trade competition through this submission. It is directly affected by the plan change. The effects are not related to trade competition.

3. Background

- 3.1 The submitter owns four titles with a combined area of 58.18ha at 61-136 Whaka Street west of Maungaturoto ('the property'). The titles are shown in **Figure 1** below.

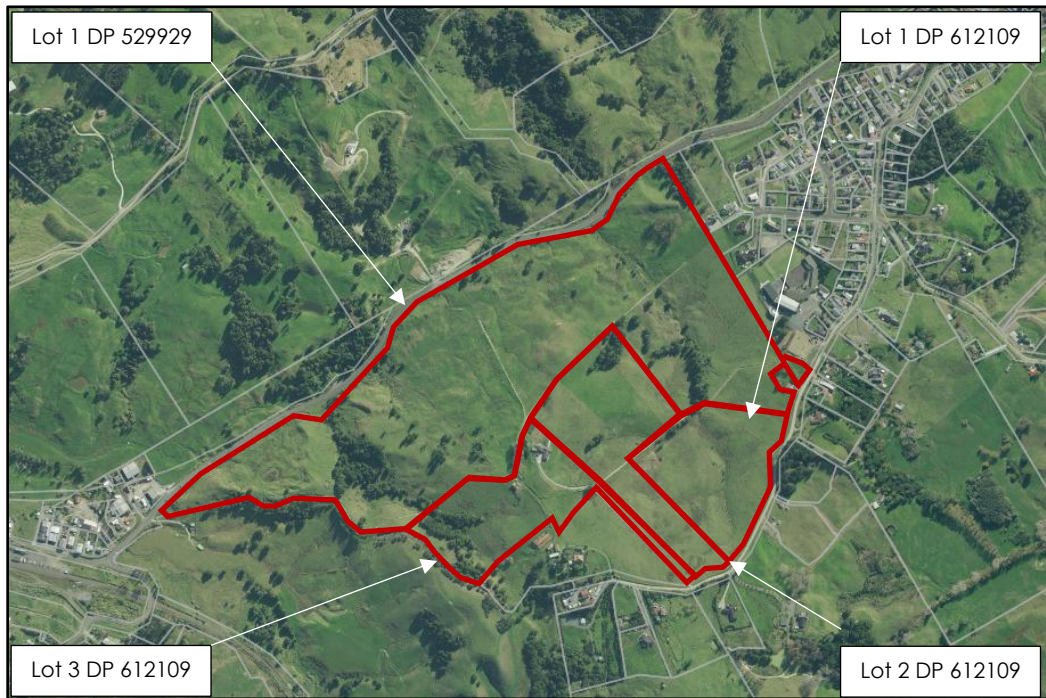


Figure 1: Submitter land.

3.2 The various legal descriptions and title references are as follows:

- Lot 1 DP 529929 (RT 860088)
- Lot 1 DP 612109 (RT 1215309)
- Lot 2 DP 612109 (RT 1215310)
- Lot 3 DP 612109 (RT 1215311)

3.3 The property is accessed from Whaka Street. Lot 1 DP 529929 also has frontage to State Highway 12 (SH12).

3.4 The property is currently zoned 'Rural' in the Operative Kaipara District Plan.

3.5 The Proposed Kaipara District Plan ('PKDP') proposes a split zoning for the property of General Residential Zone (all four titles) and Rural Lifestyle Zone (Lot 1 DP 529929 and Lot 3 DP 612109). The portions of Lot 1 DP 529929 and Lot 3 DP 612109 to be rezoned 'Rural Lifestyle' total approximately 6.85ha, leaving approximately 51.3ha to be rezoned 'General Residential'.

3.6 There is a River Flood Hazard Zone 3 in the northern corner of Lot 1 DP 529929 and a State Highway Noise Control Boundary on part of Lot 1 DP 529929 adjacent to SH12.

3.7 The proposed new zones and overlay areas are shown in **Figure 2** below.

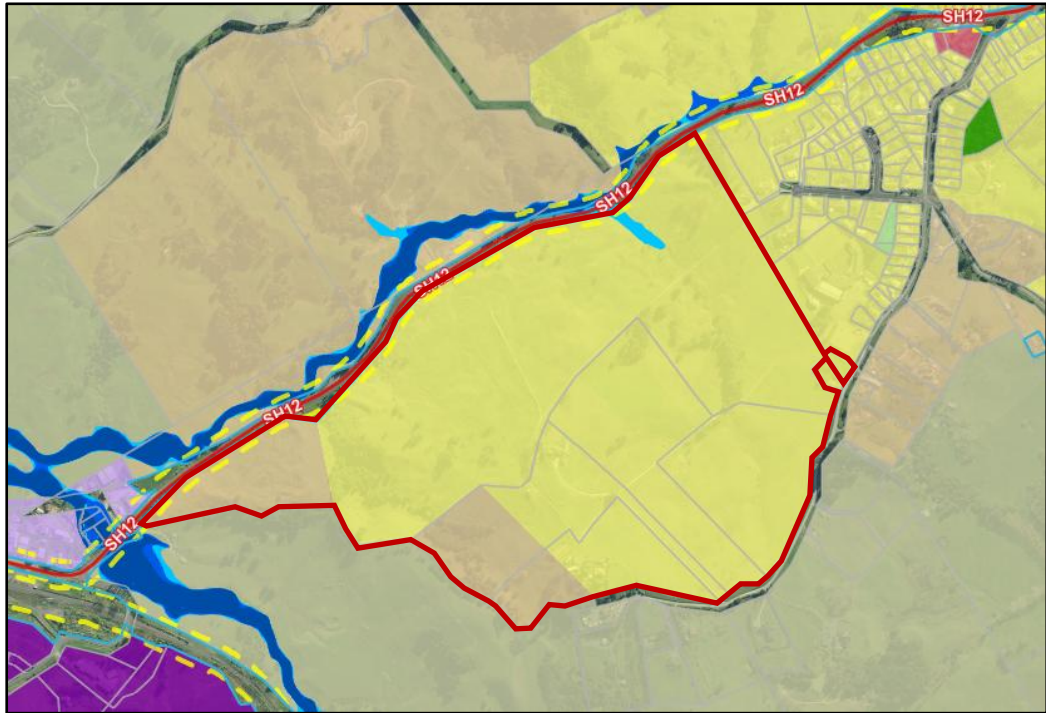


Figure 2: Proposed District Plan Zones and overlays (the GRZ is in yellow, the RLZ is in light brown, Flood Hazard Areas shown in blue, the State Highway Noise Control Boundary is in a yellow dashed line).

4. The specific provisions of the PKDP that this submission relates to are:

- 4.1 The zoning of the property and the related plan provisions that will affect the use of the land, specifically the subdivision provisions.

5. Proposed zoning

Relief sought

- 5.1 The submitter supports the proposed rezoning of Lots 1 and 2 DP 612109 as 'General Residential' (GRZ).
- 5.2 The submitter does not support the split GRZ / 'Rural Lifestyle' (RLZ) zoning of Lot 1 DP 529929 and Lot 3 DP 612109. They request that the entirety of Lot 1 DP 529929 and Lot 3 DP 612109 be rezoned as GRZ.

Reasons for relief

- 5.3 Rezoning part of Lot 1 DP 529929 and Lot 3 DP 612109 as RLZ will isolate the rural lifestyle land from what will otherwise be residential land. The approximately 4ha of the RLZ on Lot 1 DP 529929 and the approximately 2.85ha on Lot 3 DP 612109 will be the only parts of the property not zoned GRZ.

- 5.4 Aligning the boundary of the GRZ with the cadastral boundary of the property will create a logical interface between the GRZ and the adjacent RLZ and 'General Rural' Zones.
- 5.5 The western end of the property adjoins an area of industrial and residential activities clustered around the Maungaturoto Train Station, which is reflected with a mix of 'Light Industrial' and 'Heavy Industrial' zoning in the PKDP. Extending the GRZ to the western end of the site will create a corridor of urban development between the two existing urban areas of Maungaturoto.
- 5.6 KDC propose to rezone several properties surrounding the site as RLZ, particularly on the northern side of SH12. This ensures an appropriate buffer will be retained between the urban areas zoned GRZ and agricultural activities undertaken in the General Rural Zone.

6. Proposed subdivision provisions

Relief sought

- 6.1 Rule SUB-S1 advances two minimum lot sizes for the GRZ outside of Mangawhai – 600m²(SUB-S1(5)(a)) or 400m² where reticulated water supply and wastewater connections are provided (Rule SUB-S1(5)(b)). Rule SUB-S5 requires new lots to be serviced in accordance with the KDC Engineering Standards.
- 6.2 Our interpretation of Rule SUB-S1 and Rule SUB-S5 as they relate to the GRZ is that where reticulated water supply and wastewater connections are provided the minimum lot size is 400m². Where reticulated water supply and wastewater connections are not provided the minimum lot size is 600m².
- 6.3 If our interpretation of Rule SUB-S1 and Rule SUB-S5 is correct, then the submitter supports these provisions.
- 6.4 If our interpretation of Rule SUB-S1 and Rule SUB-S5 is not correct, then the submitter seeks that Rule SUB-S1 and Rule SUB-S5 are amended to allow for new lots created in the GRZ to be serviced on-site. Alternative wording can be provided if required.

Reasons for relief

- 6.5 If the GRZ subdivision provisions do not provide an alternative for new lots to be serviced on-site, all new lots created in the GRZ will need to be connected to reticulated services irrespective of the costs associated with extending reticulated services. For many properties, the costs of extending reticulated services will be prohibitive due to

the physical distance from the reticulated network and physical site constraints, particularly fluctuations in topography.

- 6.6 KDC has recently consulted on a new set of development contributions for the district. The consultation document indicates an increase in development contributions in Maungaturoto from \$22,095 to \$51,284 for sites connected to reticulated three waters networks, an increase of \$29,189. Increases are also proposed across all the other urban areas of the Kaipara District, except for Baylys Beach. The significant increase in development contributions will outweigh the financial benefit that landowners will obtain by selling serviced GRZ titles.
- 6.7 Amending the GRZ subdivision provisions to allow for new lots to be serviced on-site provides an alternative option for landowners across the Kaipara District to develop their property without incurring the significant costs associated with connecting to reticulated services.

7. Section 32 of the RMA

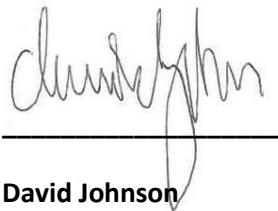
- 7.1 Section 32 of the RMA requires any changes to the District Plan to be evaluated for their appropriateness in achieving the purpose of the RMA, and for the policies and methods to be evaluated for their efficiency, effectiveness, and risk. In layperson's terms, the KDC is required to carefully consider the costs that the proposed provisions will impose on individuals, the public, and the KDC, relative to the expected benefits.
- 7.2 As a general statement, the split zoning of Lot 1 DP 529929 and subdivision provisions of the GRZ do not stand scrutiny under Section 32 for several reasons including:
 - 7.2.1 The rezoning of parts of Lot 1 DP 529929 and Lot 3 DP 612109 as RLZ splits the zoning of the landholding, leaving an isolated pocket of the RLZ.
 - 7.2.2 Not allowing for on-site services will make further subdivision and development of some GRZ properties uneconomical.
- 7.3 Conversely, rezoning the site as GRZ and including amended provisions to enable on-site servicing represents the most efficient and effective means of achieving the objectives of the plan in accordance with Section 32 of the RMA. This approach better enables the use and development of land while appropriately managing costs and physical constraints associated with reticulated infrastructure. It provides for the reasonably foreseeable needs of future generations, aligns with Part 2 of the RMA by enabling people and communities to provide for their wellbeing, and offers a more

balanced distribution of costs and benefits. The risk of not acting is that development potential will be constrained, leading to inefficient land use and reduced housing supply.

8. The submitter seeks the following decision by KDC:

- 8.1 That the entirety of Lot 1 DP 529929 and Lot 3 DP 612109 be rezoned GRZ.
- 8.2 That the subdivision provisions for the GRZ be amended as advanced in this submission.
- 8.3 Alternative relief with similar effect.

9. The submitter wishes to be heard in support of this submission.

A handwritten signature in black ink, appearing to read 'David Johnson', is written over a horizontal line.

David Johnson

Planning Consultant

On behalf of Wearmouth Farm Company Limited

Dated this 27th day of June 2025