

## **HEARING TALKING POINTS: Addressing Hearing Points described in 15-C**

### **Request to Rezone DP 381292 to Residential - UPDATED**

#### **OPENING STATEMENT**

*"Thank you for the opportunity to speak. I have consent from the owners to represent them, express our concerns and to address Council's response to our rezoning request for Wharo Way, Ahipara.*

*This is an existing single residential subdivision with inappropriate mixed zoning that creates regulatory inequity. Council has acknowledged this in their statements, that it "fails to reflect existing residential development" and "appears to be an oversight".*

*We're asking you to correct this planning anomaly by providing consistent residential zoning for our specific subdivision."*

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#### **ADDRESSING COUNCIL'S THREE MAIN CONCERNS**

##### **1. ACCESS/HAZARD CONCERNS**

**Council states:** Access constraints due to hazards don't support rezoning.

**Our response:**

- These hazards exist regardless of how we are zoned, a change from General coastal to Rural Production or Residential doesn't alter the hazard.
- We have 8 houses already built here with some lots near, but the vast majority not near these "100-year hazards"
- Several of the lots within our subdivision are zoned as Residential and face identical hazard exposure
- The council's "Hazard" overlays are designed to manage these risks, which is the appropriate planning tool, not "inappropriate zoning"
- Moving from General Coastal to Rural Production doesn't solve the hazard problem - it just creates regulatory problems and overheads for the residents.

##### **2. SUBDIVISION POTENTIAL - THE CRITICAL CORRECTION (5-6 minutes)**

**Council states:** Current lot sizes could create additional subdivision opportunities.

**Our response - The factual reality:**

- Council's assumption is highly inaccurate, allow me to provide the facts about subdivision potential:

- "Our lots range from 393m<sup>2</sup> to 1,670m<sup>2</sup>"
- At the time of individuals purchasing their lots, a **General Coastal zone requires 6ha** minimum lots for discretionary residential development - that's 60,000m<sup>2</sup>"
- **Our lots are 35 to 150 times smaller** than General Coastal standards allow
- **This highlights our subdivision was never intended for General Coastal use** - it was designed as residential from day one and we believe the original developers were simply unable to complete this change.
- The current subdivision caveats that all owners agreed to, does not specifically detail that they could not subdivide. Why, because the aesthetic design and intent which are detail, provide a guide as to keeping the subdivision scaled and appropriate.
- **The actual potential for further density in the subdivision is virtually zero. Of the 21 Lots, rezoning the General Coastal and Split zone lots to Residential could technically allow 3 lots to subdivide.** Of those three(3), two(2) have significant topographical constraints, leaving one lot that could be subdivided. That one specific lot has already been developed with housing.
- Advice to Council's regarding these density concerns are based on a fundamental misunderstanding of the practical application of that change to our subdivision.
- *Whilst not included in our proposal, if necessary, we could consider updating the subdivision caveats to include this constraint across those specific sections for any future owners if required.*

### 3. DEMAND EVIDENCE

**Council states:** Insufficient evidence of demand for growth.

**Our response:**

- With 9 remaining lots for houses, we are nearing 50% occupancy in our established subdivision
- The demand was established 20 years ago
- The Developer invested extensively in reticulated wastewater and stormwater services at the time of the subdivision's development. All property lots have assigned access to these services. Ahipara (Kaitaia), does not have town water supply and relies on rainwater harvest (Tank Water)
- Portions of **our subdivision are already zoned as Residential.**
  - **3 Lots = Residential**

- **3 Lots = Split Zone (Residential + General Coastal)**
  - **15 Lots = General Coastal**
  - The owners are not asking for growth capacity, we're simply asking for zoning consistency within our own subdivision and alignment with neighbours zoning.
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## THE MIXED ZONING INEQUITY PROBLEM

**The core issue:** We have a single subdivision with arbitrary zoning that creates regulatory chaos.

**My talking points:**

- **Arbitrary zoning split:** Some lots are zoned Residential zoning, most are General Coastal
  - **Makes no planning sense:** The lots closest to the beach got Residential zoning, lots further away got General Coastal
  - **It's the same subdivision, same infrastructure, completely different rules** on the same street.
  - As a practical example, I personally need a resource consent for a driveway, but my neighbour in the same subdivision with Residential zoning installs one as a permitted right
  - **Being moved to Rural Production would make this worse:** Going from needing consent for some activities to needing consent for almost everything.
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## Highlight the planning reality

**The zoning mismatch:**

- **Proposed Rural Production:** 40ha minimum lots
- **Current General Coastal:** 6ha minimum lots
- **Our actual lots:** 393m<sup>2</sup> to 1,670m<sup>2</sup>"
- **The scale mismatch is staggering:** Rural Production requires lots 240 to 1,000 times larger than what are lots are
- Council acknowledges we “**may meet urban rezoning criteria' for location, land use, subdivision pattern, and infrastructure**”

- **We have reticulated services, residential lot sizes, and established residential character"**
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## **THE SUBDIVISION DESIGN EVIDENCE**

Proving residential intent:

- **General Coastal lots must be minimum 6ha with 2,000m<sup>2</sup> exclusive use plus 5.8ha elsewhere**
- **Our lots are 393m<sup>2</sup> to 1,670m<sup>2</sup> total** - not just the exclusive use area
- **This proves our subdivision was surely designed for residential designation and use** - no other zoning could accommodate these lot sizes
- The original developer wouldn't have intended mixed zoning with General Coastal compliance as it's physically impossible – we suspect that it was intended yet as they went broke, they didn't complete request process.
- **Council's mixed zoning acknowledges this** - that's why some lots already have Residential zoning

## **CLOSING STATEMENT**

Key points:

- **"This is one subdivision with inappropriate mixed zoning** that creates regulatory inequity"
- **"Our lots are 35-150 times smaller** than General Coastal standards allow - proving residential intent"
- **Almost zero subdivision or increased demand potential** - impossible under any coastal zoning rules"
- **"Part of our subdivision already has Residential zoning** - we're asking for consistency"
- **"Council's own analysis shows we meet urban zoning criteria"**

**Final statement:** *We're not seeking special treatment - we're seeking equal treatment within our own subdivision. Council's subdivision concerns are based on a fundamental misunderstanding of the practical application of applying the Residential zoning rules to our Subdivision.*

*Our lots could never be subdivided under General Coastal or Rural Production standards.*

*We're simply asking for the same Residential zoning that our neighbours in the same street already have.*

*This corrects a 15-20year-old planning oversight and eliminates arbitrary regulatory inequity.*

*Thank you.*

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## **ADDRESSING POTENTIAL QUESTIONS**

**Q: What about setting precedent?** *A: "This is correcting an anomaly within a single approved residential subdivision. We're asking for zoning consistency within our own development, not a district-wide change. The subdivision was designed and approved as residential 15 years ago."*

**Q: Why not keep the current mixed zoning?** *A: "Because it creates arbitrary inequity within a single subdivision. Same infrastructure, same lot sizes, same character - why should some neighbours have different rights? Residential zoning provides appropriate consistency."*

**Q: Infrastructure capacity?** *A: "Council acknowledges we already have reticulated services. Half our subdivision already has Residential zoning. We're not asking for additional capacity - we're asking for consistent treatment."*

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