

**BEFORE AN INDEPENDENT HEARINGS PANEL**

**THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)**

**UNDER** of the Resource Management Act 1991  
(the Act)

**IN THE MATTER**  
**OF** Hearing 12: Country Living Zone

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**STATEMENT OF EVIDENCE OF HANNAH OLIVIA PALMER FOR**  
**BOWROCK PROPERTIES LIMITED (PLANNING)**

**DATED 16 MARCH 2020**

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## **1. INTRODUCTION**

- 1.1 My full name is Hannah Olivia Palmer. I am an Environmental Consultant at Place Group Ltd (Place Group); a specialist resource management planning consultancy based in Hamilton. I have been in this position since May 2017.
- 1.2 I hold the qualification of Postgraduate Diploma in Resource and Environmental Planning obtained in 2011 from the University of Waikato. I also hold a Postgraduate Diploma in Earth Science and a Bachelor of Science from the University of Waikato. I am an Associate member of the New Zealand Planning Institute.
- 1.3 I have 8 years' planning experience and have previously held planning positions at Opus International Consultants, Latitude Planning, and Southland District Council where I have been involved in a range of resource management projects including preparation of evidence for the Proposed Auckland Unitary Plan, preparation and processing of resource consents, and policy analysis.
- 1.4 I am authorised to present this evidence on behalf of Bowrock Properties Limited (BPL), in support of its primary submission<sup>1</sup> and further submissions<sup>2</sup> on the Proposed Waikato District Plan (PWDP). I was not involved in the preparation of the primary submission made to the PWDP.

## **2. CODE OF CONDUCT**

- 2.1 I can confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## **3. OVERVIEW OF BPL SUBMISSION AND FURTHER SUBMISSIONS**

- 3.1 PAUA Architects lodged a primary submission on behalf of BPL on the PWDP seeking to rezone the parcel of land owned by BPL (located at Lot 3 DP 325499 and Lot 32 DP 81580 on Tauwhare Road) from Rural to Country Living Zone. Following release of the summary of submissions by Council, Place Group Limited lodged a further submission on behalf of BPL. The further submission supported those submitters seeking a reduction to the minimum lot size in the Country Living Zone.

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<sup>1</sup> Submission #393

<sup>2</sup> Further submissions #1197

- 3.2 I understand that rezoning requests will be heard in Hearing 25 and that this will be our primary hearing, where we will be seeking rezoning to Country Living Zone. However, this evidence focuses on the objectives, policies and rules for the Country Living Zone as they relate to minimum lot size and retention of character, amenity and productive capacity of land.

#### 4. SCOPE OF EVIDENCE

- 4.1 My evidence addresses the following:

- a) The Section 42A Report
- b) Objectives, policies and rules as they relate to subdivision within the Country Living Zone, particularly the minimum lot size of 5000m<sup>2</sup>
- c) Relief sought by BPL and justification/evidence for the relief sought.

#### 5. THE SECTION 42A REPORT

- 5.1 I have reviewed the Hearing 12: Country Living Zone s42A report and note the reporting officer's recommendations to reject BPL's further submission points, particularly those where BPL have submitted in support of seeking a reduction to the minimum lot size in the Country Living Zone. I disagree with this recommendation, for reasons outlined in this evidence.

- 5.2 I understand that the s42A reporting officer has taken the overall stance that WDC is seeking to retain the character and amenity of the Country Living Zone whilst retaining the productive capacity of the land within the zone where possible and avoiding reverse sensitivity issues.

- 5.3 I also note the recommendation within the s42A report to align the Country Living Zone with the National Planning Standards by renaming the zone to 'Rural Lifestyle Zone'. This zone is described in the National Planning Standards as follows:

- a) ***Rural Lifestyle Zone*** – Areas used predominately for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while enabling primary production to occur.

- 5.4 Furthermore, I note that to support the intent of the zone in still providing opportunities for primary production, 'Farming' has been added as a permitted activity. Paragraph [169] of the s42A report demonstrates support for land zoned Country Living to be used productively by stating:

*“it is clear that this land can be used for food production on a small scale, and that there is also potential for small ‘boutique’ food production industries to establish and create a community-based ethos.”*

- 5.5 I support this addition to the zone rules, as well as the general intent of the Rural Lifestyle Zone as outlined in the National Planning Standards.
- 5.6 One of the key mechanisms noted in the s42A report to achieve the retention of character, amenity and the productive capacity of land within the zone, is setting a minimum lot size of 5000m<sup>2</sup> for subdivision within the zone. This is supported by proposed Objective 5.1.1, Objective 5.6.1, Policy 5.6.2 and 5.6.3, and Rule 23.4.2. I note that the s42A reporting officer has recommended rejecting all submission points seeking to reduce the minimum lot size for subdivision within the zone as anything below 5000m<sup>2</sup> will compromise the character and amenity of the Country Living Zone, and that a lot size of 5000m<sup>2</sup> has been deemed to sufficiently provide for productive use. I do not entirely agree with this stance, and I address these provisions in the sections below.

## **6. OBJECTIVES, POLICIES AND RULES AS THEY RELATE TO SUBDIVISION**

- 6.1 The s42A report notes in paragraph [49] that ‘Objective 5.1.1 The Rural Environment’ has primacy over all other objectives and sets the strategic intent of the zone. Of relevance is the reference in this objective to supporting productive rural activities when undertaking subdivision. Objective 5.6.1 which is specific to the Country Living Zone, refers to maintaining or enhancing character and amenity values when undertaking subdivision, use and development. These objectives are supported by Policies 5.6.2 and 5.6.3, of which Policy 5.6.3 is directly related to subdivision.
- 6.2 Policy 5.6.3 provides strong direction against the creation of undersized lots noting that these shall be ‘avoided’. I understand that this has been a deliberate move to correct a policy deficiency in the operative Waikato District Plan to provide processing officers with a pathway to decline resource consent applications for subdivision below this threshold, and that this has been coupled with a non-complying activity status in Rule 23.4.2.
- 6.3 Whilst I understand what the s42A reporting officer is trying to achieve, in my view there is still ambiguity over this policy direction, particularly where it seems the PWDP is trying to balance the productive capacity of rural type land with maintaining character and amenity of a zone. Policy 5.6.3 therefore appears to be at odds with Objective 5.1.1 and the description of the zone as provided by the National Planning Standards by not including any reference to the maintenance of productive capacity.

6.4 I do not agree that avoiding undersized lots is the best mechanism to retain productive capacity of lots within the Country Living Zone, as in my view a more flexible approach to subdivision will result in more efficient use of land (further discussed in Section 7 below). I therefore suggest an amendment to Policy 5.6.3 as follows (amendments in blue):

a) *Subdivision, ~~building and development~~ within the Country Living Rural Lifestyle Zone ensures that:*

(i) *The creation of undersized lots is avoided ~~where character and amenity are compromised~~, except where it can be demonstrated that productive capacity of land can be retained;*

(ii) *New lots are of a size and shape to enable sufficient building setbacks from any boundary;*

(iii) *Building platforms are sited to maintain the character of the Country Living Rural Lifestyle Zone and are appropriately positioned to enable future development;*

(iv) *Existing and planned<sup>3</sup> infrastructure ~~and planned~~ is not compromised;*

(v) *Character and amenity are not compromised.*

6.5 No amendments to corresponding Objectives 5.1.1 and 5.6.1 or Rule 23.4.2 are sought, and it is not anticipated that the proposed amendments to Policy 5.6.3 will necessitate any further changes in the cascade of provisions.

6.6 Should the following proposed amendments to Policy 5.6.3 be considered, I agree with the retention of the non-complying activity status for undersized lots outlined in Rule 23.4.2.

## **7. JUSTIFICATION FOR RELIEF SOUGHT BY BPL**

7.1 In my view the proposed relief sought by BPL serves to better accommodate the productive capacity of land within the zone by providing flexibility in subdivision design, whilst still seeking to retain the character and amenity of the zone.

7.2 After listening to the opening WDC planning submissions on the PWDP on 23rd October 2019, it is my understanding that key issues for the Council

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<sup>3</sup> Re-worded for greater clarity.

include protection of productive soils and rural communities, and rural fragmentation. I understand that there are proposed provisions in the Rural Zone to address this, however I believe there is also opportunity within the Country Living zone to address this issue through policy and providing for flexible subdivision design.

- 7.3 I note in the s42A report that the 5000m<sup>2</sup> minimum lot size is assumed to be able to accommodate 1 or 2 small paddocks or a small orchard or horticultural operation, and that reducing the minimum lot size further would limit those type of 'Country Living' activities (paragraph [593]). I also note that Council has not engaged any technical experts to assess the effect that a smaller lot size would have on the productive potential.
- 7.4 In addition, paragraph [20] of the s42A report appears to be at odds with the intent to provide for productive uses in the zone, noting that of importance is *optimising the size of the sites to avoid an outcome where lots are too small to have a rural character and too large to maintain as a garden.*
- 7.5 In areas which are currently zoned Country Living under the Operative District Plan, it is common to see large houses with expansive lawns and limited productive use of the allotments (examples being Tamahere and Tauwhare). I therefore question the weighting given to retention of character and amenity of the zone versus protection of productive capacity, particularly in reference to giving effect to the Waikato Regional Policy Statement (RPS) Objectives 3.25 and 3.26 which talk about the protection of Soil Values and High Class Soils.
- 7.6 In its current form, it is my concern that rigidity in Policy 5.6.3 of the PWDP will contribute to fragmentation of potentially productive land by taking a one size fits all approach, and therefore will not adequately give effect to the RPS. I believe a more flexible policy as suggested in the proposed amendment strikes a balance between maintaining the character and amenity of the Country Living Zone and providing for productive use. The proposed amendment still provides for the 5000m<sup>2</sup> minimum lot size however it also provides a pathway for processing officers to consider alternative subdivision proposals which may have smaller lot sizes but use land more efficiently and encourage productive use of balance lots for example.

## **8. CONCLUDING REMARKS**

- 8.1 The proposed amendment to Policy 5.6.3 in my opinion better supports Objectives 5.1.1 and 5.6.1 of the PWDP, gives effect to the RPS in regard to protecting the productive capacity of soil, and serves to potentially reduce fragmentation of rural type land by allowing consideration of alternative subdivision proposals where productive capacity of land is retained.

8.2 Thank you for your consideration, and we look forward presenting our request for re-zoning in Hearing 25.



**Hannah Olivia Palmer**  
16/03/2020