Hearing Opening Statement

Hearing 18: Rural Zone Subdivision

Prepared by: Katherine Overwater

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INTRODUCTION

1. Good morning Chair and Commissioners. My name is Katherine Overwater and I am the s42A reporting officer for the Rural Subdivision section of the Rural Zone topic. I am also the author of the rebuttal evidence relating to those same provisions. My qualifications and experience are set out in the s42A report at page 9. I also confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and have complied with it when preparing this report.

2. With permission from the Chair, I wish to introduce my technical experts before I provide my opening statement and overview of the rural subdivision topic.

3. Dr Reece Hill from Landsystems is a technical expert on the topic of soils and will provide an overview of the issues in respect to high class soils.

4. Doug Fairgray from Market Economics is a technical expert in economics and will provide an overview of the economic consequences of rural subdivision.

5. Professor Frank Scrimgeour from the University of Waikato is a technical expert in agri-economics and will provide an overview of the impacts of rural subdivision on the primary productive potential of the rural zone.

6. John Turner from WSP is a technical expert in ecology and will provide an overview of the ecological aspects of conservation lot subdivision.

7. All four of my technical experts are available today to respond to any technical questions the Panel may have.

8. As anticipated, the topic of rural subdivision received great interest with 683 original submission points and 867 further submission points. I would like to take this opportunity to thank the submitters who participated in this process and those who prepared evidence.

9. While there are many submitters who have supported the proposed provisions for rural subdivision, the focus of my opening statement will be on providing an overview of the subdivision pathways and the key matters which remain points of contention relating to these rural subdivision provisions. It is important to recognise the intent of the rural zone, as described in Mr Clease's opening, when considering the evidence on the rural subdivision provisions.

10. For succinctness, I do not intend to go into the detail of my recommendations or repeat information included in my S42A report or rebuttal.

THE DISTRICT's RURAL ZONE – CURRENT STATE OF PLAY

11. Currently there are **16,679** titles in the rural zone. **4,734** of these are in the former Franklin section of the district, while **11,945** titles are within the Waikato section of the district. Almost 80% of these titles are less than 20ha in area and of this, almost 70% are less than 10ha in area.

12. It is also important to highlight that the district has 2,026 vacant titles (with no dwelling)less than 10ha in area, which means that there is already a good supply of rural-residential lifestyle properties available for development, particularly within proximity to the periphery of both Auckland and Hamilton.

13. The key issue that will be discussed today largely relates to the submitters' desire to retain and maximise the ability to create rural-residential lifestyle lots in the rural zone. My S42A report and rebuttal evidence demonstrates to the Panel that if Waikato District Council continues to enable the creation of rural-residential lifestyle lots to the same extent as it has previously, there will be irreversible consequences relating r to the loss of productivity, cumulative fragmentation of rural land, loss of high class soils, increased reverse sensitivity effects from rural lifestyle development and degradation of rural character and amenity.

14. The topic of Rural subdivision also brings together two very distinctively different legacy subdivision frameworks – Waikato and Franklin. As I will highlight further in my opening statement, both subdivision frameworks arise from historical planning regimes with very different legacy provisions and both have their unique complexities, such as title dates, qualifying title sizes and transferable subdivision to name a few.

15. It is important for the Panel to recognise that the planning hierarchy has moved on from the legacy provisions of Plan Change 2 to the Waikato section and Plan Change 14 to the Franklin section, which were both made Operative in 2013, 7 years.

16. Today the Panel is presented with an opportunity to not only provide a new direction for the Waikato District in terms of rural subdivision for the next 10 years, but also to take a step forward in terms of the protection of the district's rural environment, including its high class soils, which provides for primary production and contributes significantly to the district, regional and national economies.

17. The subdivision rules recommended in my S42A are largely focused on protecting land for rural activities and primary production activities, while also attempting to strike a balance between enabling limited opportunities for rural residential development through the creation of additional lots.

18. My recommended package of provisions is focused on giving effect to the higher order directives of the Waikato Regional Policy Statement, including Chapter 6A Development Principles and Objective 3.26 and Policy 14.2 relating to high class soils; and aligns with the recommended objectives and policies included in the Proposed District Plan, as set out in Mr Clease's S42A and rebuttal evidence. As the Panel will be aware, the direction in section 75(3) RMA for a district plan to" give effect to" (which means implement) is a strong directive, creating a firm obligation on planning authorities.

HIGHER ORDER POLICY DIRECTIONS

WRPS 6A Principles

19. The Chapter 6A development principles specific to rural-residential development clearly direct new rural residential development as follows:

Principles specific to rural-residential development

As well as being subject to the general development principles, new rural-residential development should:

a) be more strongly controlled where demand is high;

b) not conflict with foreseeable long-term needs for expansion of existing urban centres;

c) avoid open landscapes largely free of urban and rural-residential development;

d) avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;

e) recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;

f) minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;

g) be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and

h) be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.

WRPS Objective 3.26 and Policy 14.2

20. In regards to high class soils Objective 3.26 states:

*The value of **high class soils** for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.*

21. Associated Policy 14.2 High Class Soils states:

***Avoid** a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.* (my emphasis)

National Policy Statements

22. In making my recommendations on the rural subdivision topic, I have also given consideration to the National Policy Statements, which are have changed considerably since Council notified the proposed plan in July 2018. Of note is the draft National Policy Statement on Highly Productive Land (NPS-HPL) released in August 2019, which will place more importance on the protection of land defined as Land Use Capability 1, 2 and 3.

23. While this draft NPS does not yet have any legal weight, Dr Hill and I have had the benefit of some insights into the final drafting, which we understand will be released by the Ministry for the Environment and come into effect in early 2021. Should the NPS be released before decisions are made, the Panel may then need to give effect to it if they consider there is scope to do so in this process.

National Planning Standards

24. In drafting the provisions for the Rural Subdivision topic, I have also given effect to the National Planning Standards, particularly in regards to the definition of "allotment", which refers to s218 of the RMA.

Rural Subdivision Pathways

25. There are 5 distinct pathways for subdivision in the recommended provisions. They include:

- General Subdivision
- Conservation Lot Subdivision
- Rural Hamlet Subdivision
- Boundary Relocations
- Reserve Lot Subdivision

26. Additionally, there is a Prohibited rule, which prevents general subdivision where additional lots are proposed to be located on high class soils.

27. It is important for the Panel to keep in mind that the General, Conservation and Reserve Subdivision provisions generate additional allotments in the rural zone, while the Rural Hamlet and Boundary Relocation subdivisions utilise existing titles.

28. Further, it is **critical** that the Panel understands that a balance **must** be struck across **all** subdivision provisions to give effect to the higher order directives in the WRPS and to ensure that the effects on the rural zone are carefully controlled and managed. As I take you through each subdivision pathway, I will emphasis this point, as a decision made on one provision, may tip the balance for all rural subdivision.

General Subdivision/Prohibited Subdivision

29. The general subdivision rule is one of the key subdivision provisions for creating <u>one</u> additional rural-residential sized titles of between 8,000m2 – 1.6ha as a restricted discretionary activity if all criteria is met. In order to be eligible for general subdivision, the title must be of at least 40ha in area and have a title date prior to 6 December 1997. The rule also restricts the new lot locating on more than 15% of high class soils. Where an application cannot meet the required criteria, it falls to be a non-complying activity, which is consistent with the current Waikato Operative provisions.

30. The process for determining which option was the best option to put forward was not a simple case of just choosing a number. The analysis undertaken took into account a range of factors, including title dates, title sizes and high class soils.

31. In my S42A report I have shown the number of affected titles in both the Waikato and Franklin sections. It is clear that the number of titles in the Waikato District are far greater than the Franklin section of the district, which is the key reason why the title date of 6 December 1997 was retained. This title date, while more relevant to the Waikato section (being from legacy provisions) is a critical factor towards "holding the line" on subdivision in the Waikato section. If this date is removed or replaced with a later date (i.e. the date of amalgamation of Franklin and Waikato), the number of eligible titles becomes significantly greater and the only way to

control this, is to increase the lot size to decrease the number of eligible titles. It is important to note that there are benefits to landowners in the Franklin section, depending on when their titles were issued.

32. While 40ha appears to be large step from 20ha for some submitters, it has a significant positive effect in terms of retaining larger areas of high class soils, which Dr Hill will discuss. Further, as Mr Fairgray and Professor Scrimgeour will discuss, the loss of land from primary production is significantly reduced ensuring the economic impacts are minimised.

33. In respect to the proposed minimum and maximum lot size for the additional lot created by the general subdivision, there has been no shift from the notified version of the rule, despite many submissions seeking a reduction of the minimum lot size and a very small number seeking to decrease the 1.6ha maximum lot size. I note that some submitters also wanted flexibility for larger lot sizes to accommodate existing dwellings and curtilage areas. In my view, determining the minimum and maximum lot size has been the most challenging provision to determine, as there is not a lot of guidance from Plan Change 2 as to why 8,000m2 – 1.6ha was the most appropriate option. Further, my technical advice was that the smaller the lots, the better in terms of retaining larger balance lots for productive uses. However, in the end my key reasons for retaining this lot size was to provide a density which differentiated from the Country Living Zone, which provides for rural residential development at 5,000m2. Further, my view was that an 8,000m2 – 1.6ha lot provides for open space areas, which contributes to rural character and amenity and is more likely to support some small-scale rural activities or primary production than a 5,000m2 lot.

34. The notified version of the proposed plan included a rule requiring 80% of high class soils to be contained in one lot and 20% to be contained in the other. Dr Hill has assisted me in determining which option would be the most practical solution to ensure subdivision can occur with some allowances with a small area of the proposed lot being located on high class soils. The 15% threshold is a compromise between 10% sought by the Waikato Regional Council and the 20% as stipulated in the proposed rule. Dr Hill will discuss this in further detail shortly.

Prohibited Subdivision

35. In conjunction with the general subdivision rule, the prohibited rule restricts subdivision where titles are prior to 6 December 1997 and create an <u>additional</u> lot over and above the general subdivision rules and seek to locate it on high class soils (PR2). If titles are after this date, the prohibited rule stops any additional lots from locating on high class soils (PR3). It also prohibits titles which have been used for transferable subdivision in the Franklin section from applying for further subdivision where the title has already been used as a donor property in a transferable subdivision (PR4).

36. While this rule is restrictive, I am recommending its retention to prevent a) "additional lots" (over and above the general subdivision rule) from locating on high class soils and b) where the title date is after 6 December 1997, "any lots" locating on high class soils. In my opinion these are inappropriate types of subdivision, which must be prevented on the basis that the applicant is either seeking over and above what the plan enables in Rule 22.4.1.2 or has already undertaken subdivision, since 1997. There are of course exemptions to this rule which includes, conservation lot subdivision, reserve lot subdivision, access or utility allotments, subdivision of Maaori land or boundary relocations and rural hamlets (added in through submissions).

Conservation Lot Subdivision

37. The conservation lot subdivision rule provides for incentivised subdivision where indigenous biodiversity is legally protected in exchange for a rural-residential in-situ subdivision which, similar to the general subdivision provision, enables the creation of an 8,000m2 – 1.6ha allotment. The rule provides for this activity as a restricted discretionary activity, defaulting to a non-complying activity where the criteria cannot be met.

38. In order to qualify for subdivision, the feature (being either indigenous vegetation or wetland areas) must qualify as a Significant Natural Area in accordance with the section 11 WRPS criteria, as contained within Appendix 2 of the Proposed District Plan. I have recommended amending the provisions to enable a feature to be assessed for qualification by a suitably qualified ecologist, instead of only relying on the SNA areas mapped on Council's planning maps. As will be highlighted in Hearing 21B, the mapped SNA areas cannot always be relied upon as being accurate and need to be further ground-truthed with landowners.

39. There are separate provisions within the conservation lot rule for features within and outside the Hamilton Ecological Basin area, as it is recognised that there are significantly less features within the Hamilton Ecological Basin area and in order to gain additional features for legal protection, the threshold for subdivision qualification needs to be lower than areas outside of the Hamilton Basin.

40. I refer to Tables 1 and 2 of the draft rules recommended in my S42A report, which set the starting threshold at 5,000m2 within the Hamilton Ecological Basin, which enables the creation of 1 lot. Outside of the Hamilton Ecological Basin, the starting threshold is 2ha minimum, which enables the creation of 1 lot. At 5ha or greater, a 2nd lot is enabled and at more than 10ha a 3rd lot is enabled. 3 is the maximum number lots that can be gained on any one title.

41. Both thresholds are a key area of contention with some submitters, particularly the upper range for features above 10ha. Therefore, in my rebuttal evidence at paragraph 140 I have highlighted some additional work undertaken by Council's GIS team to show how many titles include areas of identified SNA below the 5,000m2 threshold and additionally, how many of the total SNA areas are estimated to be covenanted. Based on what we have estimated to be covenanted already, my recommended would generate an additional 273 lots (76+197). If the threshold were to be further reduced, this could enable almost 500 additional lots to be created from this one rule alone.

42. For the area outside of the Hamilton Basin, the risk of enabling a significant potential lot yield is much greater, as 1,093 SNA areas exist below the 2ha threshold. If my recommended amendments, providing for a 2ha starting point and a cap at 3 lots maximum for protecting 10ha or more is further amended, it must be considered in the context of the overall subdivision package.

43. In addition to this rule, I have taken on board the numerous submissions which sought provisions for restoration/enhancement planting of areas to provide a pathway for subdivision opportunities. I consider this is something that the notified plan should have provided for, but did not. However, to ensure applications for resource consent arefully assessed , I have recommended that restoration/enhancement planting should be a discretionary activity, therefore applying a slightly more rigorous process than a restricted discretionary where the

required area is already achieved. This new provision would effectively enable landowners to plant up to the minimum requirements in the restricted discretionary activity rule and would require additional evidence to be provided, such as planting plans, weed and pest management plans.

44. There is some uncertainty as to how many additional lots this provision will generate in respect to a potential lot yield, which is one of the reasons why I considered a discretionary activity pathway is appropriate.

45. Mr Turner will discuss the ecological benefits associated with the protection of Significant Natural Areas and why in his view the proposed thresholds and the recommended enhancement/restoration planting provisions provide an appropriate balance between the protection of ecology and minimising the potential lot yield.

46. Conservation lot subdivision in my view will be one the most used subdivision pathways over the next 10 years as subdivision becomes generally more restrictive, particularly in respect to high class soils.

47. As with the general subdivision provision, I have also recommended a similar rule applies to the conservation lot rule to ensure high class soils are still being carefully considered at the time of subdivision.

Rural Hamlet Subdivision

48. Rural Hamlet Subdivision is not a new concept in the Proposed Plan. It is provided for currently as a boundary relocation rule in the Operative Waikato section which enables the boundary relocation of 3-4 existing titles and a balance lot area. The aim of this rule was to ensure the protection of primary productive land by allowing the titles to be relocated to smaller rural-residential lot size areas, which could be developed.

49. The notified version of the proposed plan requires clustering the existing titles together and for all existing titles to form on continuous landholding. My recommendation is to amend the rule to restrict which titles can be used for a Rural Hamlet subdivision (which previously relied on the definition of "viable record of title"). I have also increased the balance lot requirement to 40ha to be consistent with the general subdivision provision.

50. Further, I have also recommended a new provision be included to ensure the titles do not locate on high class soils, which the notified rule did not prevent. As you will read from my rebuttal evidence, Dr Hill and I have done some additional work on this particular rule to ensure consistency with the other rules controlling the location of lots on high class soils. As he will discuss, we determined that requiring individual lots to meet the 15% threshold requirement was a less restrictive provision than the rule I had initially recommended in my S42A report. Additionally, Dr Hill determined that this was the best option as opposed to allowing a combined total for all lots, which could lead to some inappropriate outcomes where in some scenarios it may mean that an individual lot could be located fully on high class soils.

51. One of these scenarios raised by submitters is where an existing dwelling is already located on high class soils and an applicant is wanting to cluster titles around the existing dwelling. As Dr Hill will highlight, areas with existing dwellings and curtilage areas are often assessed as being modified soils and therefore no longer considered to be high class soils. However

despite this, Dr Hill was concerned that using the existing dwelling to locate a rural hamlet around is not always the best option where high class soils exist and in some cases, it may be a better option to locate the hamlet away from the existing dwelling to avoid further loss of high class soils.

52. I anticipate the rural hamlet rule being used by some landowners to consolidate their existing titles in order to create rural-residential sized lots, thereby providing a large balance area, which protects areas of rural land for primary production activities

Boundary Relocation Subdivision – Rule 22.4.1.4

53. The boundary relocation rule is also not a new concept. Both the current Waikato and Franklin sections provide for the relocation of existing titles. Unlike the rural hamlet rule, the notified version of the Plan enables only the relocation of two existing titles and requires them to form a continuous landholding.

54. Similar to the rural hamlet rule, I have recommended that the rule reflects the definition of 'Viable Record of Title', previously included in the Operative Waikato provisions, which restricts which titles can utilise this provision.

55. Additionally, Dr Hill and I also worked through the rule which proposed to restrict any lots resulting from a boundary relocation where they were being located on high class soils. As highlighted by several submitters, the issue with boundary relocations is that because lots are not always going to be rural-residential in size, the rule does not need to be the same as the rule controlling high class soils for rural hamlet sudivision. As Dr Hill will discuss, we determined that new title areas less than 4ha in area would be a more appropriate trigger for the boundary relocation rule, because titles less than this size were typically rural residential in size and use. Generally lots 4ha and above can support a wider range of primary productive activities. 4ha is also the title size used in the draft National Policy Statement for Highly Productive Land.

56. Without a rule restricting lots from locating on high class soils, as had been notified, my concern was that this provision would be used to enable subdivision on high class soils, which does not align with the higher order directives in the Waikato Regional Policy Statement or meet the objectives and policies proposed in the District Plan.

Subdivision to create a reserve and incentive lot

57. Similar to the conservation lot subdivision provision, the reserve lot subdivision rule enables a landowner with an area identified in a Waikato District Council Parks Strategy as being required for permanent public access or reserve purposes, to create one additional lot with a minimum size of 8,000m2.

58. This rule is currently provided for in the Operative Waikato section and my understanding from the consents team is that it is rarely taken up. However, the opportunity is still there as another subdivision pathway. I have not recommended any significant changes in respect to this rule, other than to tidy up terminology and to make the rule clearer.

Remaining Matters of Contention

59. There are still several matters of contention on the rural subdivision topic, which I wish to highlight to the Panel. They are:

a. Activity status for subdivision within the Urban Expansion Area (UEA) and more lenient boundary relocation provisions in the UEA.

b. Amending the prohibited activity status in PR2, PR3 and PR4 to non-complying.

c. Amending the 40ha parent title size from 20ha.

d. Rules restricting high class soils in relation to boundary relocations, rural hamlet and conservation lot subdivision.

e. More enabling provisions using the conservation lot subdivision pathway.

f. Amendments to the title boundaries rule (Rule 22.4.3), which also relates to subdivision of land containing heritage items (Rule 22.4.8).

g. Amendments to subdivision within identified areas (Rule 22.4.5).

h. Amendments to the esplanade reserves and esplanade strips (Rule 22.4.7) to provide a matter of discretion reflecting s230(3) of the RMA.

i. The introduction of provisions relating to transferable subdivision.

60. I also note that several submitters raise issues in respect to the use of the terms "allotment" and "Record of Title", which I have amended in my rebuttal evidence based on advice from property law specialist, Peter Duncan at Tompkins Wake.

61. I will now provide an overview of each of the above points from my perspective.

Subdivision within the Urban Expansion Area

62. As highlighted in my rebuttal evidence, I disagree with the evidence received from Hamilton City Council (HCC); CDL Limited and Andrew and Christine Gore, which relate to the UEA.

63. It is my view that a non-complying activity status is the most appropriate status to ensure any subdivision of land is carefully assessed at the time of application to ensure it does not compromise the potential for future growth. Similar to Mr Clease's assessment, we did not consider a blanket prohibition on all activities within this area to be the right approach and at least having a non-complying activity status, it applies some rigour to any application received by Waikato District Council. In certain circumstances, a boundary relocation to align a fenceline for example might be appropriate and the process would determine outcomes where there was no risk of future growth being compromised.

64. As indicated in my rebuttal evidence, the 2005 strategic agreement between Council and HCC all areas are currently being reviewed, which will see the dates for the UEA areas become more flexible than originally agreed to. It is also my view that HCC needs to start planning this area and be able to demonstrate how an application would compromise future development to ensure any Waikato District Council decision making is aligned with HCC's future plans for this area, given that transition in all areas may not be imminent.

65. CDL Limited are seeking additional rules with the UEA to undertake subdivision, which enables existing landowners to release their farms to developers who want to undertake large scale development in the future. As set out in my evidence, there are several issues with the proposed rule, including the detrimental impact it could have on the UEA if several landowners took up the opportunity. I also do not agree that boundary relocations within the UEA should be allowed to occur without some rigour being applied to them. This has been provided through the non-complying activity rule recommended in my S42A report.

Amending the Prohibited activity status in PR2, PR3 and PR4 to Non-Complying

66. Several submitters are seeking to amend the activity status in PR2, PR3 and PR4 from prohibited to non-complying. For the reasons I have already discussed in my opening statement, my view is that the rules must stay prohibited to prevent applications being received by Council for these inappropriate types of subdivision. In order to meet the directives of the WRPS and the new NPS-HPL when it takes effect, this rule must remain in place.

Amending the 40ha parent title size from 20ha

67. Also as highlighted previously, amending the parent title size from 40ha from 20ha is a step forward for Waikato District Council. 40ha ensures more rural land is retained for primary production activities and will have a positive effect in terms of protecting high class soils.

68. I also do not consider the default activity status for the General Subdivision rule should be reduced from a non-complying activity as recommended by some submitters, as this type of subdivision must be carefully controlled where applicant's cannot meet the criteria set out in the provision as a restricted discretionary activity.

Rules restricting lots resulting from boundary relocations, rural hamlet and conservation lot subdivision from locating on high class soil

69. As discussed previously, Dr Hill and I have been working to ensure the rules relating to the protection of high class soils in each provision appropriately manage lots locating on high class soils. The rules focus on ensuring that individual lots, with the exception of the balance lot, are not located on more than 15% of high class soils. This is consistent with the recommended approach for general subdivision.

More enabling provisions using Conservation lot subdivision pathway

70. As highlighted, there is a risk of enabling high potential lot yields with respect to conservation lot subdivision provisions and a balance must be struck between enabling incentivisation and ensuring subdivision outcomes do not result in detrimental impacts on the rural zone. While the evidence from Middlemiss Farms focuses largely on provisions for transferable subdivision, their proposed lot yields for in-situ subdivision resulting from their proposed provisions could generate detrimental consequences to the rural environment if adopted. I also note that their evidence is not supported by a sufficient S32AA which determines their option to be the "most appropriate" option.

Amendments to the title boundaries rule (22.4.3)

71. Based on points received from Heritage New Zealand, I have recommended the title boundaries rule be amended to ensure consistency with respect to other zone chapters where the features must be contained within the boundaries of the proposed allotment in their

entirety. This makes the rule clearer as to when it is triggered or not. Further, I have accommodated matters of discretion from Rule 22.4.3 in respect to heritage items as requested by Heritage New Zealand.

Amendments to subdivision within identified areas

72. Similar to Mr Clease's report, I have considered points raised from Hynds Pipe Systems Limited and Hynds Foundation seeking to include a specific rule for subdivision with the Pokeno Heavy Industrial Zone buffer.

73. Based on Mr Clease's recommendation to defer any decisions until the rezoning request is heard, I have also rejected this request.

Amendments to esplanade reserves and strips

74. A point raised by Mr Barrett in respect to the inclusion of a provision relating to s230(3) of the Resource Management Act 1991 has been considered. Based on legal advice I have recommended to reject this point because it will make the rule unworkable. It is not appropriate to have a rule require, as a restricted discretionary activity, a 20m width reserve or strip but then include as a matter a discretion, the width of that reserve or strip, effectively enabling a reduction of the width. If an application does not provide for a 20m width, then it defaults to a discretionary activity..

75. In coming to this conclusion, it has also been identified that one of the matters of discretion in respect to the width of the esplanade reserve or strip should also be assessed as a Discretionary activity consent, not as a matter of discretion. I do not consider there is any scope through existing submissions to make this recommended change, however if the Panel are minded to allow the change it would be an improvement to the rule. However if the Panel considers that there is no scope to delete this matter of discretion a variation will be required.

Introduction of transferable subdivision provisions

76. The Panel will hear today from submitters supporting a new rule framework for transferable subdivision. While I accept that there are some positive benefits associated with transferable subdivision, as addressed in my rebuttal evidence, I do not support a transferable subdivision regime. Primarily this is because I do not consider such provisions will achieve good planning outcomes in terms of agreed spatial patterns where there is a clear delineation between rural and urban areas, as required in the WRPS. Rather, a transferable subdivision regime could result in unmanaged and sporadic development which would undermine the outcomes sought by policy directives.

77. The Waikato District Council has had experience with transferable subdivision since the amalgamation of Franklin, which has resulted in some negative planning outcomes, which has placed more pressure on infrastructure and services and led to ad hoc, unplanned growth. Unless the rule framework is well considered and robust in its design, I do not consider the Panel should adopt this approach. I do not consider the proposed provisions put forward by the submitters to be the most appropriate to achieve the objectives for the rural zone, or Part 2 of the Act for the reasons set out in my rebuttal. .

Summary

78. This concludes my opening summary of the rural subdivision topic. I look forward to hearing evidence presented by submitters over the course of the day and welcome any questions that the Panel may have.