

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

Under the Resource Management Act 1991 (**RMA**)

In the matter of hearing submissions and further submissions on the Proposed Waikato District Plan (PWDP) (Stage 1) (**PWDP**) – Hearing 18 **Topic: Subdivision**

By The Surveying Company Limited (Submitter)

### **Summary of evidence by Craig Forrester on behalf of The Surveying Company Ltd**

Dated: September 2020

I have prepared this summary of evidence to address the key points from my Statement of Evidence.

This summary will address the main point of relief sought:

1. S42A report by Ms Katherine Overwater on the inclusion of a Transferable Development Right subdivision rule in the PWDP.
2. The introduction of a Transferable Development Right subdivision rule based on the protection of high-class soils.
3. The introduction of Transferable Development Right subdivision rule based on Environmental Protection.
4. The introduction of both In-situ and Transferable Development Right subdivision rules based on Riparian Corridor Enhancement.
5. Examples of a few Transferable Development Right subdivisions.

#### **1. S42A report discussion**

In Katherine Overwater's Rural S42A report (paragraph 638), she notes that TDR subdivision opportunities were investigated by Council during the preparation of the PWDP "*...as a response to*

*Policy 6.1.10 of the WRPS which states that ‘territorial authorities should investigate and implement as appropriate, economic instruments which could help to direct rural-residential development to locations identified in the district plan for rural-residential development’.*

Apart from the Country Living zones, we are not aware of any “*locations identified in the district plan for rural-residential development.*” This is a missed opportunity in our opinion, as it removes any control Council may have over where rural-residential lots are created.

Katherine adds that TDR subdivisions were not favoured by Council for the following reasons:

*(a) Council agreed with staff that the operative Franklin Section provisions are (1) complex to administer and (2) difficult for customers to understand.*

(1) We believe that some of the record keeping methods adopted by Council made the administration of TDRs complex, but it needn’t have been done the way they chose to do it. Auckland Council has adopted a TDR rule that we are now making use of and it is working quite smoothly. It would be very easy for Council to adopt the management methods being used by Auckland Council to simplify this issue.

(2) Subdivision is a complicated process, similar to designing and building a house, which is why people employ professional consultants. So, using an excuse that the TDR subdivision rule is difficult for customers to understand is really not a sound reason to discount this.

*(b) Council considered that, as a result of the Franklin Section experience, TDR subdivisions were resulting in undesirable environmental outcomes, particularly in respect to ad hoc development and misalignment with strategic growth plans for the whole district.*

The only reason for this is that there was limited control over where TDRs were allowed to be used. It would be very easy for Council to take control over the location that TDRs are able to be used by creating a specific TDR Receiver zone or overlay. This would give Council a lot more control over where rural-residential subdivision happens and “*...direct rural-residential development to locations identified in the district plan for rural-residential development*” in line with Policy 6.1.10 of the WRPS.

An excellent example of a TDR Receiver area is the land surrounding the village of Buckland, which is located at the northern extent of the Waikato District, adjacent the boundary with Auckland Council. All of the land across the Council boundary inside Auckland has been re-zoned Residential and Business. The land in the Waikato District in this area has been left in the Rural Zone, which is going to be significantly at odds with the land-use across the road in Auckland Council. Without

changing the zoning in this area, we believe that making land around Buckland a TDR Receiver area will be a lot more in keeping with the land-use across the Council boundary. There will be many other areas close to towns and villages across the Waikato District that match the attributes that Buckland has to offer, being close to schools, shops and health services. We would like you to please consider this as a suitable subdivision alternative, to allow rural-residential development to occur in more appropriate locations than on the properties that contain the subdivision potential.

*(c) Council considered that the provisions for rural subdivision were already sufficiently generous, without introducing TDR provisions.*

Although we have sought some additional subdivision options (discussed below), a large part of including TDR subdivision options is to allow subdivision to occur in more appropriate receiving environments that are closer to essential services. The TDR subdivision rule should not be looked at as an 'additional' opportunity, but rather an option to choose a better location to use the subdivision opportunity. As the rules currently stand, the Council has very little control over where lifestyle block subdivisions are going to occur.

## **2. TDR subdivision through the protection of high-class soils**

We would like to see the introduction of a Transferable Development Right (TDR) subdivision rule based upon the protection of high-class soils. Large parts of the Waikato District contain productive soils that are actively being used for market gardening or other forms of horticulture like Kiwifruit. Previous District Plans have enabled the subdivision of rural land, without much account for the protection of high-class soils, resulting in a fragmented pattern of land titles.

Market Gardeners require large areas of productive land to make their growing operations financially viable. To be able to achieve the land areas they require, they have often had to purchase neighbouring properties at considerable cost. This has resulted in many land holdings comprising multiple titles. It is important that we protect these land holding's productive potential for future generations. Please refer to **Appendix 1** of my primary evidence.

Where a landholding comprises multiple titles, there is a risk that an owner could sell off one or more of their titles to provide financial assistance to their business. More often than not, the land they sell is purchased by someone looking for a countryside lifestyle and the production activities on the property cease. Please refer to **Appendix 2** of my primary evidence.

We would like to see a reversal of the fragmented nature of land holdings across productive high-class soils through the introduction of a TDR subdivision rule that is enabled by the amalgamation of titles. Please refer to **Appendix 1** of my primary evidence.

### **3. TDR subdivision through Environmental Protection**

Whilst the Proposed District Plan does contain a 'Conservation Lot' subdivision rule that we generally support, this only provides for the new lots to be created on the property that the Environmental Protection is occurring on. This does not provide Council with much control over where new lifestyle blocks are going to be created.

Many of the properties with complying areas of native bush and wetlands on them are located a long way from essential services like schools, supermarkets and healthcare etc. Allowing these properties to create lifestyle blocks through Environmental Protection will increase the requirement for lengthy travel to reach essential services, which in turn increases our carbon footprint and the Council's road maintenance costs. Please refer to **Appendix 3** of my primary evidence.

Most people looking for a countryside lifestyle would prefer to live within close proximity to our District's towns and villages, making it easier to access essential services. By introducing a TDR rule that is based on Environmental Protection, we will enable subdivision to happen in areas closer to essential services and lower the dependence on vehicle trips, as discussed above with reference to the village of Buckland.

### **4. In-situ and TDR subdivision through Riparian Corridor Enhancement**

Waterways are the lifeblood of the natural landscape. The poor quality of our country's waterways has been a topic of much discussion in the media, which has resulted in the Government taking action to restore and protect the health of New Zealand's waterways. Much of this will be achieved by requiring farmers to retire and fence off the margins of the waterways crossing their farms. This will place a financial burden on farmers, through both the cost of fencing and also the loss of grazing land.

We would like to see the introduction of a subdivision rule that requires the revegetation and legal protection of riparian margins. This will require Ecological assessment and planting standards similar to the Restoration or Enhancement Planting provision of proposed Rule 22.4.1.6 (Conservation Lot Subdivision). We would like the subdivision entitlements generated through this method to be able to be used either on the property or as TDRs.

The Franklin Section of the Operative Waikato District Plan has a rule like this in place now, that we have used on several properties. I would like to play you some videos to demonstrate the fantastic results achieved from the use of this subdivision rule.

Please refer to **Appendix 4** of my primary evidence.

This subdivision option has the potential to have an enormous ecological benefit across the district that will assist with promoting the sustainable management of the District's resources and leave a legacy for us all to be proud of.

#### **5. Examples of a few TDR subdivisions**

Please refer to **Appendix 5** of my primary evidence.

I believe that the introduction of TDR subdivision rules will give Council far more control than the current rules will and provide them with a mechanism to direct rural-residential development to far more appropriate locations that allow people to experience a countryside living lifestyle while being part of a community that is close to essential services.

I would be only too happy to arrange site visits to any of the examples provided in my evidence.

Craig Forrester

25-Sep-2020