

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of hearings regarding submissions to the proposed Waikato District Plan relating to **Hearing 12: Chapter 23 Country Living Zone**.

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**SUMMARY STATEMENT OF PRIMARY EVIDENCE OF SHANE ALEXANDER  
HARTLEY ON BEHALF OF THE SURVEYING COMPANY (SUB 746 and FS1308)**

**Dated 6 April 2020**

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**1 SUMMARY**

(a) Earthworks volumes

- 1.1 I agree with the S42A report conclusion that 500m<sup>3</sup> is an appropriate permitted activity limit for earthworks under Rule 23.2.3.1.
- 1.2 The associated standards in Rule 23.2.3 are appropriate and typical of standards for such permitted activities.

(b) Minor dwellings

- 1.3 I support the provision for minor dwellings and agree with the s42A Report which recommends these be retained as a permitted activity with location and size standards.
- 1.4 I suggested that the rule should make it clear if the 70m<sup>2</sup> gross floor area (gfa) includes decks and garages (or not).
- 1.5 I suggested the amendment of Rule 22.3.2 (a) with the addition of the words "*excluding decks and garaging*" so that the rule reads "*One minor dwelling not exceeding 70m<sup>2</sup> gross floor area excluding decks and garages within a lot*"<sup>1</sup>.

(c) Stream setbacks

- 1.6 I agree with the 10m set back from permanent and intermittent streams as being highly desirable in terms of the maintenance of water quality and the protection of

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<sup>1</sup> The Council's rebuttal clarifies that the Definitions Hearing 5 dealt with this matter, proposing (as I understand it) to amend the definition of gross floor area in a way that would make it clear that an attached garage would be included within the 70m<sup>2</sup> gfa. In that case I accept that the revised definition will remove the uncertainty I had identified. However, I observe that an unintended outcome may be to encourage separate garages so as to avoid their inclusion within the 70m<sup>2</sup> allowance as it is my experience and opinion that minor dwellings of up to 70m<sup>2</sup> would be too small for many people were a single or double garage to be included within the gfa.

natural values, and the analysis undertaken in the S42A report, which also notes the consistency with the Waikato Regional Plan.

(d) Average lot area

- 1.7 I support the proposal for an average lot size of 5,000m<sup>2</sup>, with a minimum site area of 3,000m<sup>2</sup>.
- 1.8 A 3,000 m<sup>2</sup> minimum enables a more effective design response to site characteristics and conditions.
- 1.9 A rigid application of a fixed site size will sometimes result in less than optimum building platform locations, access, etc.
- 1.10 An averaging approach can have the added benefit of providing some slightly larger sites with greater potential for some productive farming activities, more mixed character and activity interest, and additional economic benefits generally to an area.
- 1.11 While the matters of discretion for a restricted discretionary activity are essentially limited to adverse effects on amenity values in terms of “character” effects, the objective and policy test for a non-complying activity of the kind the S42A report envisages are considerably more challenging<sup>2</sup>.
- 1.12 The addition of a rule requiring a consent notice to be applied preventing the further subdivision of larger resulting sites to avoid rolling subdivision under the rules could be appropriate.

Shane Hartley

6 April 2020

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<sup>2</sup> I note that Restricted discretionary assessments are also required to apply relevant objectives and policies where pertinent to the matters of discretion.