



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 18: Chapter 5 Rural Environment & Chapter 22 Rural Zone.**

**STATEMENT OF EVIDENCE OF CRAIG ASHLEY FORRESTER ON BEHALF OF
THE SURVEYING COMPANY LIMITED**

15 September 2020

1 INTRODUCTION

1.1 My name is Craig Ashley Forrester. I am a Registered Professional Surveyor and Director of The Surveying Company in Pukekohe.

1.2 I hold a National Higher Diploma in Surveying from the Durban University of Technology in Durban South Africa (1994). I also hold a Bachelor of Surveying Degree with Distinction from Otago University in Dunedin (2000).

1.3 I am a voting member of Survey and Spatial New Zealand and also a member of The Urban Design Forum.

1.4 My professional experience spanning 25 years relates to the design and management of a host of rural and urban subdivision and land development projects. Although I have done work in many areas around the country, the vast majority of my work has been done in the northern Waikato, ex-Franklin District and Auckland Council areas.

1.5 Specifically, I have a lot of experience with rural subdivisions making use of both Transferable Development Right (TDR) and Environmental Protection subdivision rules of the ex-Franklin District, the Waikato District and now also Auckland Council, who have adopted a TDR rule in their Unitary Plan.

1.6 I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2 SCOPE

- 2.1 My evidence relates predominantly to my experience of how the TDR and Environmental Protection subdivision rules of various District Plans have worked.
- 2.2 I will provide a few examples of TDR subdivisions to demonstrate the different ways in which TDRs can be created and the positive effect that this has had on the Donor properties.
- 2.3 I will also provide an example of a riparian corridor enhancement subdivision.

3 TDR SUBDIVISION THROUGH THE PROTECTION OF HIGH-CLASS SOILS

- 3.1 My first example relates to properties located on Mile Bush Road, Pukekawa. Pukekawa is an area that is covered in high-class soils that are being extensively cropped. Some of the Country's largest growing companies like Balle Bros and A S Wilcox have large rural land holdings in this area amounting to several hundred hectares. In the first example (see **Appendix 1**) Balle Bros own approximately 225ha of land on the eastern side of Mile Bush Road. A subdivision done in 1976 created nine, 4ha lots along the western side of Mile Bush Road. Almost all nine of these lots contain 100% high-class soil and have been held in the same ownership for many years. Balle Bros wanted to increase the size of their land holding in this area and in 2018 the family that owned these nine 4ha lots put them all up for sale. At considerable cost, Balle Bros purchased all nine of these lots, having to pay a premium, as they each came with a development right. To help manage this huge cost, they asked us to assist them with the sale of the Development Rights from these properties. Since they purchased these properties in 2018, we have successfully managed to shift five of the eight TDRs away from this

property using the TDR subdivision rule of the Operative Waikato District Plan (Franklin Section), with hopefully more to be transferred in the future. Please refer to **Appendix 1** (sheet 2) showing the current layout of titles across this property. This de-fragmentation of the title structure across the rural landscape is having a positive effect on the protection of the productive potential of the rural land resource. It is also providing Balle Bros with a more manageable land holding in a less fragmented title structure.

- 3.2 In an effort to demonstrate missed opportunities, please refer to **Appendix 2**. This shows four, 4ha hectare blocks of land located on Mercer Ferry Road, Pukekawa. These blocks of land were subdivided in 1974, and prior to that the land was part of a larger farm that was being used for market gardening.
- 3.3 All four of properties are now owned by separate people. They have all had houses built on them and are only being used to gaze a few animals. Please refer to the Street View photos (sheets 2-4).
- 3.4 The original property shares a boundary with a 65ha block of land to the north that is currently being cropped by Jivan/Lala partnership. Across the road there are two large land holdings owned by Balle Bros and A S Wilcox that are being actively cropped and have been so for many years. The land in these four blocks could have and should have stayed with the original farm to protect its productive potential. Unfortunately, this is a reflection of past subdivision rules. But we have an opportunity now to prevent this from continuing to happen elsewhere by incentivising the amalgamation of vacant blocks of land located over high-class soils to generate TDRs.

4 TDR SUBDIVISION THROUGH ENVIRONMENTAL PROTECTION

- 4.1 There are many properties in the Waikato District that have stands of existing native bush or wetlands that have not yet been conserved. The Operative Waikato District Plan (Franklin Section) has environmental protection subdivision options and we have made use of these to generate TDRs for subdivision on Receiver properties that are often far away from the Donor property with the bush or wetland on it.
- 4.2 Please refer to **Appendix 3**, showing an example of a property owned by the C. Alma Baker Trust, located at Limestone Downs on the west coast. This property is 3,210ha in area and is an active sheep, beef and dairy farm. It contains almost 500ha of original mature native forest.
- 4.3 The closest supermarket to this property is located in Huntly, approximately 65km to the east, and over an hour's drive by car.
- 4.4 The existing subdivision rules provided an option to create 12 new lots on this property through the conservation of the native bush and wetlands. The remote location of this property made it a very unappealing prospect to create lifestyle blocks. However, the Operative Waikato District Plan (Franklin Section) provided for this bush to be conserved to generate TDRs and our firm assisted the C. Alma Baker Trust to find suitable buyers for these TDRs. This ultimately resulted in almost 500ha of beautiful mature native bush being both physically and legally protected. The funds that the Trust received from the sale of these TDRs has been put right back into running the property.

5 SUBDIVISION THROUGH RIPARIAN CORRIDOR ENHANCEMENT

- 5.1 Waterways are the lifeblood of the natural landscape. They help to support more life than any other habitat, but the vast majority of our waterways are severely neglected. This has been acknowledged by the Government through their action plan for Healthy Waterways.

“Our rivers, lakes and wetlands are under serious threat after years of neglect. We can’t continue to go on like we are. If we don’t fix things now, they only get worse and will be more expensive to fix. Our Action Plan for Healthy Waterways aims to stop the degradation of our rivers and lakes, achieve a noticeable improvement in five years and restore our waterways within a generation.” Environment Minister David Parker.

- 5.2 The Operative Waikato District Plan (Franklin Section) has a Riparian Corridor Enhancement subdivision rule that rewards the restoration of waterways. Please refer to **Appendix 4** showing a 158ha property located at Ararimu that is being used for raising beef cattle. It has a number of fairly prominent watercourses crossing through it that have become seriously degraded by farming activities over time.
- 5.3 In 2016 a client of our firm purchased this property and approached us to see if there were any subdivision prospects available to him to help balance the cost of purchasing the farm. We discussed the Riparian Corridor Enhancement subdivision rule with him and he instructed us to commence work on this project. This involved preparing the three waterways marked on the plans for restoration planting and then carrying out this planting. The series of plans show aerial photos of the property taken over time, showing the incremental progress of clearing and planting the three waterways, and how these plantings have become established over time.

- 5.4 This subdivision has planted and conserved around 23ha of riparian enhancement vegetation, which has enabled the owners to create eight lifestyle blocks on the property, ranging in size from 3500m² to 8000m².
- 5.5 We have had some discussion with Mr. Steve McCowan of Middlemiss Farm Holdings (submitter), who is part way through a subdivision on his property at Jericho Road, that is making use of the same Riparian Corridor Enhancement subdivision rule as the Ararimu example. The stream flowing through Steve's McCowan's property is part of the headwaters of the Tutaenui Stream, that flows to the west and drains into the Waikato River near Tuakau. We have conducted a drone video of this stream starting near the confluence and flying upstream, ending at Steve McCowan's property. This video will show you just how degraded the stream is due to the adjacent land uses, and ends with a positive note, showing the result of the protective planting the Steve has done on his property.

6 EXAMPLE TDR RECIVER SUBDIVISIONS

- 6.1 Please refer to **Appendix 5**, which provides an overview of four randomly selected examples of Receiver site subdivisions near Buckland, Puni and Waiuku that my firm has managed by making use of TDRs. The TDRs were created using a combination of title amalgamations and bush conservation. Some of the subdivisions created new lots around existing development and others created vacant lifestyle blocks.
- 6.2 The receiver subdivisions have all been responsibly designed to provide a suitable house site or residential curtilage area (where there was development), with some land around this to provide the residents with a countryside living lifestyle. None of these subdivisions has taken a large productive piece of land out of a farm.

7 CONCLUSION

- 7.1 All of the TDR subdivision “on the ground” examples discussed have had a positive impact on the district in my opinion. Whether that be by way of defragmenting and protecting the productive potential of land on high-class soils by title amalgamation, through the protection of existing native bush, or through the revegetation of riparian corridors. From my experience, the receiver properties where the TDRs have landed are almost always located closer to towns and settlements with essential services than the Donor properties that the TDRs came from. It is possible to write subdivision rules to actively control where TDRs are allowed to be used through zoning or overlays.
- 7.2 I have personally been involved with several Riparian Corridor Enhancement subdivision projects, and have observed the results over time, which confirm that these projects have enhanced the ecological values in the district, and this work has been professionally extremely rewarding. I have a video of the Ararimu Road project that I would like to show the Panel. I would also be happy to help organize site visits of the example properties in my evidence, and other sites, as may assist the Panel in its deliberations.
- 7.3 We have the ability now, to write subdivision rules that have positive outcomes for the natural resources of our district. It is possible to incentivize the defragmentation of titles located on high-class soils, the protection of native bush and the revegetation of riparian corridors, but all of these projects cost money. By enabling TDRs to be created from these activities, the Panel would provide a method to achieve many of the Objectives and Policies of the District Plan including the protection and enhancement of productive soils and ecological values. I believe that we should be doing everything we can to leave a positive mark upon the earth, and writing subdivision rules that enable this to be done is an

important opportunity to promote the sustainable management of the District's resources.

Craig Forrester

APPENDIX 1

Mile Bush Road - high-class soil TDR donor property

APPENDIX 2

Mercer Ferry Rd - Example of loss of high-class soils

APPENDIX 3

Limestone Downs - TDR Donor property through existing native bush protection

APPENDIX 4

Ararimu Road - Riparian enhancement subdivision

APPENDIX 5

TDR Receiver property examples