

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of the Proposed Waikato District Plan

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF STEPHEN GEORGE BIGWOOD
FOR SUBMITTER [185] GRANT & MERELINA BURNETT
Dated: 1 May 2021**

INTRODUCTION

1. My full name is Stephen George Bigwood.
2. I am currently employed as the Planning Manager at Bloxam Burnett & Olliver (“**BBO**”), a firm of consulting engineers, planners and surveyors based in Hamilton. I have been employed by BBO since 1996.
3. My qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct are set out in my primary statement of evidence¹.

PURPOSE AND SCOPE OF SUPPLEMENTARY EVIDENCE

4. This supplementary statement of evidence relates to the Waikato District Council’s Section 42A Report for Hearing 25: Zone Extents Rest of District – Hamilton Fringe (“s42A Report”), and the submission [185] by Grant and Merelina Burnett (“Submitter”) to re-zone their property at 50 Te Awa Lane, Tamahere, under the Proposed Waikato District Plan from Rural Zone (“RZ”) to Country Living Zone (“CLZ”). This supplementary statement of evidence also relates to the further submission [FS1379.47] and statement of evidence made by Hamilton City Council (“HCC”)² regarding the Submitter’s submission.
5. Council’s reporting officer, Susannah Tait, has rejected the relief sought by the Submitter and recommended that the property at 50 Te Awa Lane, Tamahere, retain the Rural Zone. The reasons for Ms Tait rejecting the Submitter’s submission are unclear as Ms Tait has not specifically addressed the Submitter’s submission or my primary statement of evidence in the s42A Report. The conclusion to the s42A Report implies that Ms Tait’s recommendation to reject the Submitter’s submission is because, on a broad level, the request does not give effect to the National Policy Statement for Urban Development (NPS-UD) or the Waikato Regional Policy Statement (WRPS).
6. As the s42A Report has not specifically addressed the Submitter’s submission or my primary statement of evidence, this supplementary statement of evidence addresses the planning issues raised in the s42A Report that broadly appear to relate to the Submitter’s submission. It does not restate matters addressed in my primary statement of evidence but addresses new issues raised in the s42A Report and in the evidence of Hamilton City Council.

¹ Statement of Evidence of Stephen George Bigwood for Submitter 185, Grant and Merelina Burnett, dated 12 February 2021.

² Statement of Evidence of Laura Jane Galt on Behalf of Hamilton City Council, dated 10 March 2021.

7. Specifically, I address the following matters of the s42A Report in the below sections of this supplementary evidence:
 - (a) Scope of Report (Section 2);
 - (b) National Policy Statement-Urban Development (Section 3.1);
 - (c) Waikato Regional Policy Statement (Section 3.3);
 - (d) Future Proof 2017 (Section 3.4);
 - (e) Proposed District Plan Policy Direction (Section 3.7); and
 - (f) Tamahere (Section 6).

8. Before I address the matters of the s42A Report, it is noted that the s42A Report for Hearing 25: Zone Extents Rest of District – Hamilton Fringe does not follow the structured approach recommended in the s42A Framework Report³. The s42A Framework Report set out that submissions will be considered through a series of ‘lenses’ none of which are gateway or threshold tests or are any standalone tests. In my opinion Ms Tait in the s42A Report has only cursorily considered ‘Lens 1’, only partly considered ‘Lens 2’ and has not even addressed ‘Lens 3’. In my opinion sound recommendations cannot be made based on the s42A Report in these circumstances. My primary statement of evidence was structured on the approach recommended in the s42A Framework Report and Ms Tait has not challenged my assessment in the s42A Report.

9. Additionally, Ms Tait states that the scope of her evidence *“relates to the evaluation of submissions, further submissions, and evidence received in regard to the rezoning of land within the ‘Hamilton Fringe’”*⁴. However, nowhere in the s42A Report is there any assessment of the submission or evidence presented on behalf of the Submitter. In my opinion if Ms Tait had considered the submission or evidence presented on behalf of the Submitter then the re-zoning request for 50 Te Awa Lane would be for approval.

10. At paragraph 9 Ms Tait states *“the data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed”*. Again, in failing to report anything from the submission or evidence presented on behalf of the Submitter in the s42A Report the conclusion drawn is that Ms Tait’s opinion is not based on these documents and thus that the recommendation to reject the re-zoning request is incorrect.

³ S42A Framework Report, 19 January 2021

⁴ Paragraph 8.

Scope of the Report

11. The s42A Report asserts to consider the re-zoning of land adjacent to HCC's territorial boundary – being land within the 'Hamilton Fringe'⁵. The area that encompasses the 'Hamilton Fringe' is not defined within the s42A Report other than in paragraph 11 where it is described as being *"all of the predominantly rural-zoned land around the periphery of Hamilton"*. Quite frankly such a broad description is not helpful. Moreover, it is my opinion that the poor definition of the area being considered has resulted in a flawed assessment of the request by the Submitter to re-zone their property.
12. The 'Hamilton Fringe' area has been reported separately from re-zoning requests beyond the 'Hamilton Fringe' by Council staff due to area-specific issues and interplay with Hamilton City⁶. I do not agree that the Submitter's property at 50 Te Awa Lane is adjacent to HCC's territorial boundary or that there are area-specific issues and interplay with Hamilton City that need to be considered as advocated in the s42A Report.
13. Throughout the s42A Report, Ms Tait considers that the Submitter's property at 50 Te Awa Lane is within Tamahere; Tamahere being *"a rural lifestyle settlement (zoned Country Living) immediately adjoining the southern boundary of Hamilton City"*⁷. The extent of the Tamahere settlement is outlined in the s42A Report at Figure 1 (page 7), Figure 2 (page 8) and Figure 5 (page 10). None of the geographical areas depicted on these figures include the Submitter's property at 50 Te Awa Lane. Again, the reason for this is clear, the Submitter's property is not immediately adjoining the boundary of Hamilton City because it is not within the settlement of Tamahere.
14. Ms Tait at paragraphs 11 and 13 of the s42A Report outlines the development history of Tamahere, stating that there has been a 50% population increase and rapid growth. Ms Tait's quoted source for this is Wikipedia. With respect, Wikipedia is not a reliable and factual source of information, and this is borne out by my review of the Wikipedia page. For example, in my review of the Wikipedia page it states that the majority of 'Tamahere ward' is zoned Country Living, with a minimum lot size of 0.5ha. This is incorrect. The Tamahere ward being quoted comprises the Statistics NZ statistical areas of 'Tamahere North' and 'Tamahere South' (refer to **Figure 1** below). Thus, while most of the Tamahere North statistical area is Country Living (being predominantly based on the settlement of Tamahere), most of the Tamahere South statistical area is zoned Rural only. The Tamahere South area has not seen the rapid growth evident in the Tamahere North

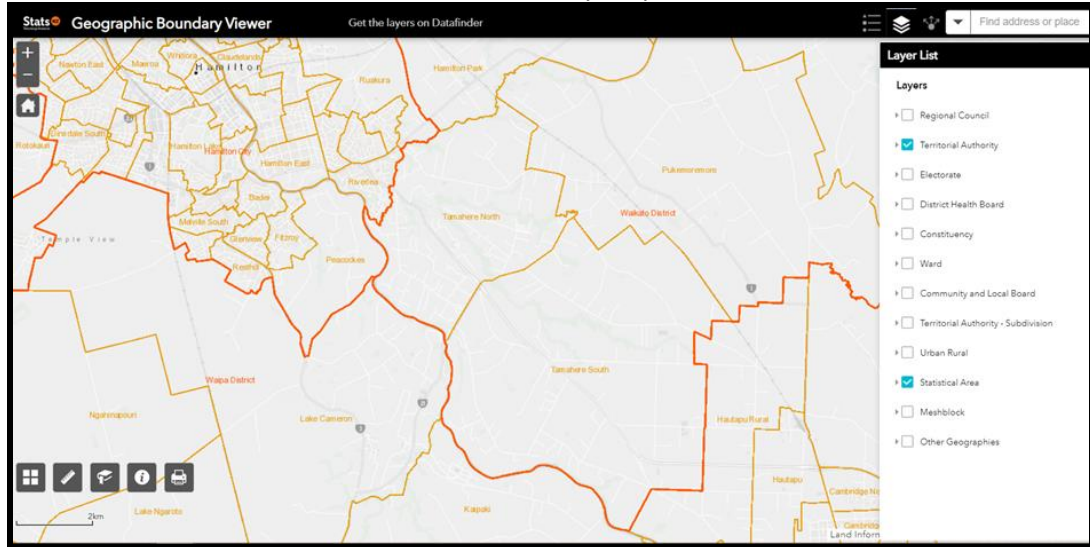
⁵ Paragraph 10.

⁶ Paragraph 11.

⁷ Paragraph 13.

area. The point I am making here is that the areas can be easily distinguished and should not be considered as one as Ms Tait has done.

FIGURE 1: Statistics NZ Statistical Areas Boundary Map



15. The statistical areas have completely different characteristics; Tamahere North is essentially developed as large residential sections in line with its Country Living zoning while Tamahere South is still largely undeveloped and predominantly utilised for productive rural purposes. The different characteristics have come about by the varied planning provisions that apply to the two areas and to a degree by their location - the Tamahere North area is adjacent to Hamilton City, while the Tamahere South area is further removed and adjoins the more rural Waipa District territorial boundary. I have further outlined the differences in the statistical areas because their varied development characteristics are treated completely differently within the NPS-UD (as outlined below).

National Policy Statement-Urban Development

16. Ms Tait, at paragraph 29 of the s42A Report, correctly records that clause 1.3 of the NPS-UD directs that the NPS-UD applies to *“all local authorities that have all or part of an urban environment within their district or region (i.e., tier 1, 2 and 3 local authorities); and planning decisions by any local authority that affect an urban environment”*. Ms Tait also correctly records that an urban environment is defined in the NPS-UD as: *“any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people”*.

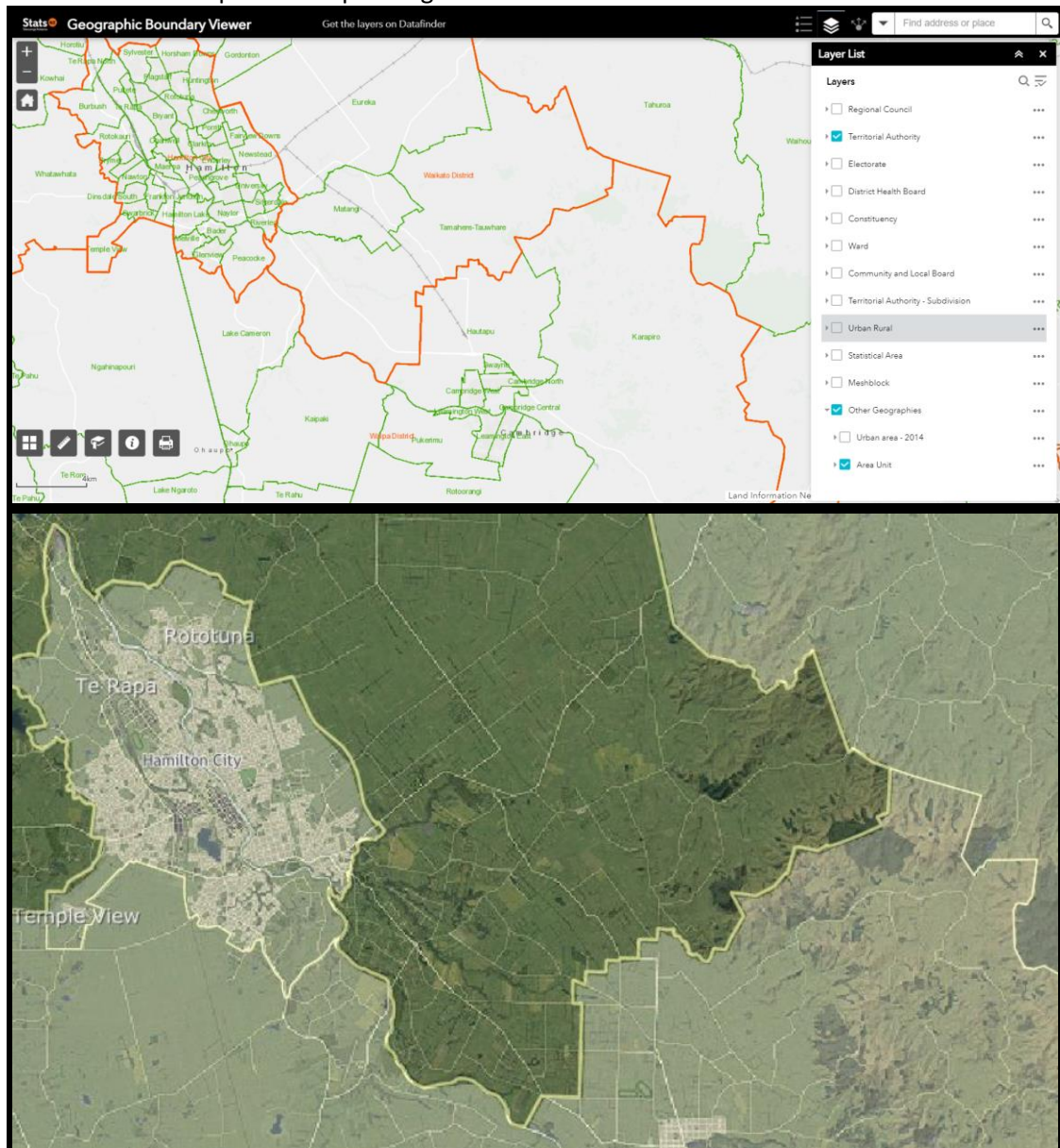
17. In establishing the extent of the Hamilton urban environment in the s42A Report, Ms Tait relies upon the Future Proof 2017 census area units which were used to set the Hamilton urban area for the Future Proof 2017 document. The census area units used to set the Hamilton urban area for Future Proof 2017 were the Gordonton, Te Kowhai, Whatawhata, Horotiu, Tamahere-Tauwhare, Matangi, and Taupiri Census Area Units. Ms Tait states: *“I consider this [Future Proof 2017] to be a sufficient directive that Tamahere and Matangi can be considered to be part of the wider Hamilton urban environment and because of this, the NPS-UD is relevant to the assessment of rezoning requests within these settlements”*⁸. I do not agree that this is the correct application of the NPS-UD for the Submitter’s property at 50 Te Awa Lane because it is clearly not within the settlements of either Tamahere (as Ms Tait has assessed it to be) or Matangi and these settlements are the only areas that meet the ‘urban environment’ definition of the NPS-UD.
18. The ‘urban environment’ as defined in the NPS-UD is very broad insofar as it is not limited by geographic size, jurisdictional or other boundaries. I agree that it captures the situation of the settlements of both Tamahere and Matangi as they are essentially ‘urban in character’, comprising residential development ranging from single dwellings to medium density, are connected to urban infrastructure services, include commercial / industrial development and have community services and amenities. Additionally, Future Proof 2017 also identifies Matangi as a village settlement⁹ and Tamahere as a ‘Possible City Expansion Area’¹⁰. However, the Submitter’s property at 50 Te Awa Lane is not within the Tamahere ‘Possible City Expansion Area’, it is, at some 2.2km away, a considerable distance outside of this area. Accordingly, the Submitter’s property at 50 Te Awa Lane is not currently, or is it intended to be, predominantly urban in character and therefore it is not an ‘urban environment’ subject to the NPS-UD.
19. Although I’ve addressed why the Submitter’s property at 50 Te Awa Lane is clearly not an ‘urban environment’ subject to the NPS-UD, I also want to emphasize the folly of Ms Tait’s assessment that the census area units could ever have been used as the means to defining the Hamilton urban environment under the NPS-UD. **Figure 2** below depicts the extent of the Tamahere-Tauwhare census area unit. The area unit comprises predominantly rural productive land, including reserve areas, is an area of approximately 130 square kilometres and its boundary width extends over a distance of more than 20 km – clearly all this area is not urban in character or intended to be.

⁸ Paragraph 30.

⁹ Future Proof 2017, Map 2.

¹⁰ Future Proof 2017, Map 2.

FIGURE 2: Statistics NZ Statistical Areas Boundary Map for Tamahere-Tauwhare Census Area Unit and Aerial Map of Corresponding Area



Waikato Regional Policy Statement

20. Ms Tait considers that the WRPS objectives relating to ‘High class soils’ and ‘Built environment’ are the most relevant to re-zoning requests in the ‘Hamilton Fringe’¹¹. Ms Tait at paragraphs 36 and 37 then identifies what she considers to be the most relevant objectives and policies under each of these topics. However, Ms Tait then fails to provide any assessment whatsoever of whether the re-zoning request of the Submitter is consistent or inconsistent with the identified objectives and policies.

¹¹ Paragraph 35.

21. In the absence of any assessment by Ms Tait, I refer the Hearing Commissioners to my primary statement of evidence¹² which makes a full assessment of the relevant WRPS objectives and policies before concluding that “overall, the rezoning proposal (and resultant expected (permitted) development) is considered to be generally aligned with, and not contrary to, the objectives and policies of the RPS”¹³. Ms Tait has not challenged my assessment in the s42A Report.
22. Ms Tait outlines¹⁴ that Policy 6.17 (Rural residential development in Future Proof area) of the WRPS acknowledges that careful management of rural residential development is required that recognises the pressures from and the adverse effects of rural residential development particularly within close proximity to Hamilton City, as well as the potential for adverse effects; conflicts between activities; servicing demands; and cross-territorial boundary effects. In managing rural residential development this policy directs that rural residential development should have regard to the principles in section 6A. Ms Tait however again fails to provide any assessment whatsoever of whether the re-zoning request of the Submitter is consistent or inconsistent with the principles in section 6A.
23. In the absence of any assessment by Ms Tait of the re-zoning request by the Submitter with the principles in section 6A, I provide an assessment in **Table 1** below.

Table 1 – 6A Development Principles - Principles Specific to Rural Residential Development

a. be more strongly controlled where demand is high;	The PWDP objectives and policies provide clear strategic direction on rural residential development. This was assessed positively in regard to the Submitter’s property in detail in my primary statement of evidence ¹⁵
b. not conflict with foreseeable long-term needs for expansion of existing urban centres;	50 Te Awa Lane is not within the area identified as ‘Possible City Expansion Area’
c. avoid open landscapes largely free of urban and rural-residential development;	50 Te Awa Lane immediately adjoins a Country Living zone and is completely surrounded by rural residential lots and development.
d. avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;	The re-zoning request does not comprise ribbon development or will it initiate upgrades to the transport network.
e. recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;	The re-zoning will not contribute to reduced fuel consumption in the immediate future. However, the settlement of Tamahere with its employment centre (and growing employment opportunities) and the ‘Possible

¹² Paragraphs 54 to 65

¹³ Paragraph 65

¹⁴ Paragraph 46

¹⁵ Paragraphs 49 to 52, including Table 1.

	City Expansion Area' are in close proximity that would support alternative transport being utilised.
f. minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;	The rural residential development of 50 Te Awa Lane will be in keeping with the character and density of adjoining properties and will be able to maintain a country feel. Mature landscaping of the property will further minimise any visual effects.
g. be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and	In general, existing services with the exception of stormwater and wastewater are present which the site can connect to. Stormwater and wastewater can easily be disposed of on-site through proven and effective treatment systems which are common in the area. No infrastructure upgrades have been identified as being required to accommodate the rezoning and development of the site.
h. be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.	Re-zoning of the site and subsequent subdivision will enable an esplanade reserve to be created along the Waikato River. This area has some indigenous biodiversity and could be further developed to provide more to the benefit of the river ecosystem and the area generally. A walkway reserve already borders the property and would provide a public link to the esplanade reserve.

24. As set out in **Table 1** above, the re-zoning request by the Submitter for their property at 50 Te Awa Lane is positively assessed against the relevant principles in section 6A.

Future Proof 2017

25. Ms Tait outlines the settlement pattern aims of Future Proof¹⁶ and, with regard to rural areas, outlines that Future Proof acknowledges that rural residential living is best located in and around existing settlements but should not result in the fragmentation of high class soils because the likely adverse effects from unmanaged rural residential development include compromising the productivity of rural land, reverse sensitivity issues and increased infrastructure and servicing costs¹⁷. Ms Tait lists¹⁸ the following Future Proof principles for rural areas:

- *Encourage development to locate adjacent to existing urban settlements and nodes in both the Waikato and Waipa Districts and that rural-residential development occurs in a*

¹⁶ Paragraph 48

¹⁷ Paragraph 49

¹⁸ Paragraph 50

sustainable way to ensure it will not compromise the Future Proof settlement pattern or create demand for the provision of urban services.

- *Maintain the separation of urban areas by defined and open space and effective rural zoning.*
- *Recognise and provide for the growth of urban areas, towns and villages within agreed urban limits.*
- *Protect versatile and quality farmland for productive purposes through the provision of limited rural lifestyle development around existing towns and villages and encouraging a more compact urban footprint.*

26. I agree that Ms Tait has set out the relevant sections from Future Proof. However, Ms Tait again does not provide any assessment whatsoever of whether the re-zoning request of the Submitter is consistent or inconsistent with the identified sections from Future Proof.

27. In the absence of any assessment by Ms Tait, I submit that the re-zoning request of the Submitter is not contrary to the Rural zone development principles of Future Proof. That is, the property at 50 Te Awa Lane adjoins an existing rural residential node, is located at the end of a cul-de-sac road and is surrounded by rural residential sized and developed properties, will not (as laid out throughout my primary statement of evidence) create a demand for urban services, will not encroach within the urban rural separation zone, is not seeking urban development controls that would compromise agreed urban limits and provides limited rural residential development in an area already removed from productive purposes. Fundamentally, it is my opinion that the Submitter's property at 50 Te Awa Lane is exactly that which Future Proof considers is ideally suited to rural residential development.

28. I am also of the opinion that the loss of the high class soils within the site is not significant, as the removal of this small land area from productivity cannot possibly have any foreseeable effect on the ability of future generations to feed themselves. My opinion is supported by an acknowledgement within the PWDP that the Waikato District has significant areas of high quality soils with considerable potential to produce food and other crops. Thus, when the site is taken in the perspective of its setting, it is my opinion that it is not the prime productive land the PWDP seeks to protect.

29. Furthermore, the rural zone development principles of Future Proof do not seek to prevent development on high quality soils. Rather, Future Proof supports rural residential development provided it is appropriately located. In its guidance to appropriate locations Future Proof is strongly promoting rural residential areas which either develop outwards from established nodes

or settlements or which are within defined poorer landform areas which will serve to limit conflicts between rural activities and rural residential dwellers. Thus, the locations about established nodes or settlements suggests to me that there will be some loss of high quality soils simply because the strategy of locating about established settlements is not solely about protecting productive land. Rather the strategy is concentrating development to a limited number of specific areas thereby protecting other rural areas from sporadic and haphazard development with the benefit of confining potential conflicts and adverse environmental effects and increasing the rural community population base to the benefit of rural services and facilities. Again, it is my opinion that the Submitter's property at 50 Te Awa Lane is exactly that which Future Proof considers is ideally suited to rural residential development in this regard.

30. Ms Tait, at paragraph 55, identifies the village limits for Tamahere from Future Proof. I agree with Ms Tait's description of the village limits for Tamahere. Ms Tait, at paragraph 56, also identifies from Future Proof the 'Possible City Expansion Area' for Hamilton City in the south and southeast of the city, an area that includes (the Country Living zone settlement of) Tamahere. I agree with Ms Tait's description of the 'Possible City Expansion Area'. I note that neither the village limits for Tamahere or the 'Possible City Expansion Area' for Hamilton City include the Submitter's property and therefore consider that these areas and the Future Proof provisions related to them are not relevant to the re-zoning request.

Proposed District Plan Policy Direction

31. I agree with Ms Tait's statement in regard to policy direction around re-zoning requests that *"at this point in the process, it is simply noted that there is no specific policy direction for Matangi, Tamahere, or the Hamilton Fringe areas, beyond the general policy direction that applies to urban growth management and the outcomes sought for the specific zones themselves i.e. the suite of policies in the Village, Country Living, and Rural Zones"*¹⁹.
32. In my primary statement of evidence²⁰ I provided an assessment of the Submitter's re-zoning request against the strategic direction, objectives and policies of the PWDP. My assessment was that the Submitter's re-zoning request is generally consistent with and not contrary to the objectives and policies. Ms Tait again has not challenged my assessment in the s42A Report.

¹⁹ Paragraph 72

²⁰ Paragraphs 49 to 52, including Table 1

Tamahere

33. The submission of Grant and Merelina Burnett [185] is considered at a broad level by Ms Tait under Section 6 of the s42A Report. Ms Tait provides no individual assessment of the Submitter's submission but rather considers that the Submitter's submission has the same characteristics and issues of the other 8 submitters in the wider Tamahere area. I do not agree with this assessment approach. Each submitter that has requested that their property be re-zoned needs to have a proper assessment carried out because, put simply, not every property is the same. The Submitter's property, for example, can easily be distinguished from the other 8 properties. It is a legislative requirement that Council include reasons for accepting or rejecting submissions to enable submitters to have a clear understanding of why their property is or is not suitable, in this case, to have a Country Living zone. The assessment in the s42A Report falls well short of providing this understanding in my opinion. As outlined earlier in this supplementary statement of evidence, the reasons for Ms Tait rejecting the Submitter's submission are unclear and this is concerning.
34. Ms Tait, at paragraph 4 [page 38]²¹, restates her opinion that *"land in the Hamilton Fringe is considered to form part of the Hamilton City urban environment and is therefore subject to the provisions of the NPS-UD"*. Ms Tait then provides a brief assessment of why the re-zoning requests in this Hamilton Fringe area *"do not give effect to the NPS-UD and do not contribute to a well-functioning, well-planned and integrated Hamilton City urban environment"*²². For the reasons set out earlier in this supplementary statement of evidence I disagree with this assessment regarding the Submitter's property at 50 Te Awa Lane. The Submitter's property at 50 Te Awa Lane is not currently, or is it intended to be, predominantly urban in character and therefore it is not an 'urban environment' subject to the NPS-UD. Ms Tait's assessment is therefore in my opinion flawed and cannot be considered a reason to reject the Submitter's submission.
35. Ms Tait, at paragraph 8 [page 39] is of the opinion that the Submitter's property at 50 Te Awa Lane sits on high class soils and therefore any rezoning of the property would be inconsistent with Objective 3.26 of the WRPS as it would not protect high class soils for primary production and it would enable the land to be used for residential development not ancillary to rural activity. In my opinion Ms Tait has taken a very blinkered view of Objective 3.26 of the WRPS. Objective 3.26 does not seek to prevent development on high quality soils, it seeks to ensure there is recognition of the value of high class soils for primary production and to protect high class soils with those

²¹ Note that the paragraph numbering in this section is not in sequence to match the remainder of the s42A Report.

²² Paragraphs 5, 6 and 7.

values from inappropriate subdivision, use or development²³. The distinction here is the acknowledgement within Objective 3.26 that there are circumstances when it is appropriate to permit subdivision, use or development of land containing high quality soils. I note that Objective 3.26 is achieved by the following policy: '6.1 Planned and co-ordinated subdivision, use and development'. In my opinion the re-zoning of 50 Te Awa lane to Country Living zone is readily a planned and co-ordinated use of the property when one considers and recognises the characteristics of the Te Awa Country Living zone area and property (as has been detailed in the Submitter's submission and my primary statement of evidence²⁴).

36. Ms Tait, at paragraphs 116 to 118 and 9 to 14 [in this order] assesses Policy 6.17 of the WRPS. Ms Tait is of the strong opinion that Policy 6.17 directs Waikato District Council to prevent new rural residential development within close proximity to Hamilton City to the point that no further rural residential development should be consented (as is evidenced by the recommendation to reject all re-zoning requests).

37. At this point it is worth reminding ourselves of what Policy 6.17 says:

Policy 6.17 Rural-residential development in Future Proof area

Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the sub-region, and particularly in areas within easy commuting distance of Hamilton and:

- a) the potential adverse effects (including cumulative effects) from the high demand for rural-residential development;*
- b) the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities;*
- c) the additional demand for servicing and infrastructure created by rural-residential development;*
- d) the potential for cross-territorial boundary effects with respect to rural-residential development; and*
- e) has regard to the principles in section 6A.*

38. Policy 6.17 establishes a policy framework for managing rural residential development. That is, in plan preparation Waikato District Council is directed to **manage** the effects of rural residential development, particularly in areas within easy commuting distance of Hamilton. I have emphasised the word 'manage' as in order to manage something one must first understand what it is or the effects of it, that is being managed. Ms Tait has taken the view (in this case) that rural residential development within the Hamilton Fringe is to be managed by preventing any further areas of land to be re-zoned to Country Living zone. This view is based on a broad area assessment not a property specific assessment. In my opinion this is not managing the effects of the re-zoning.

²³ WRPS page 3-14.

²⁴ Paragraph 64, including Table 2.

The downfall of Ms Tait's assessment approach is that everything is treated the same when the policy direction is for District Plans to address effects. For example, the re-zoning of land adjoining an established rural residential area has different effects to re-zoning a greenfields area. In my opinion the effects of the Submitter's re-zoning request have not therefore been considered as they are required in the s42A Report.

39. **Table 1** of this supplementary statement of evidence provides a property specific assessment of the principles listed in section 6A of the WRPS.

40. Implementation methods 6.17.1 and 6.17.3 of the WRPS direct Council's to limit or allow development to be directed to rural residential zones. Council's therefore have an obligation to consider the effects of zoning and to implement methods to manage those effects. I am unsure of the effects being managed by the s42A Report recommendations in regard to the Submitter's property at 50 Te Awa Lane.

41. I note from the evidence of Hamilton City Council on this matter that Council were at pains to advise: *"It is not the intention of HCC's submissions to blanket the whole Area of Interest with prohibited activities. Nor is HCC requesting that boundary changes be made to increase the size of Hamilton. The purpose for submitting on the Area of Interest is about ensuring growth is directed to identified locations and that the rural land is promoted for rural uses"*. The re-zoning request by the Submitter is to ensure rural residential growth is directed to an established Country Living zone thereby promoting Rural land for rural purposes. By way of illustration, **Figure 3** below highlights the pattern of land development around the Submitter's property. Development is overwhelmingly rural residential with properties being at their highest density. The exception being the site (50 Te Awa Lane) which is a larger landholding. However, the site is restricted from amalgamation with other rural land to form a more productive rural lot by developed Country Living zone sized properties to the south which are the true transition properties between residential and rural living.



FIGURE 3: Pattern of Settlement

CONCLUSION

42. Ms Tait's recommendation to reject the Submitter's submission is because, on a broad level, the request does not give effect to the National Policy Statement for Urban Development (NPS-UD) or the Waikato Regional Policy Statement (WRPS).
43. Regarding the NPS-UD, it is my opinion that Ms Tait has incorrectly applied the 'urban environment' definition of the NPS-UD. Ms Tait has incorrectly identified the Submitter's property at 50 Te Awa Lane as being within the settlement of Tamahere and within the Tamahere 'Possible City Expansion Area', however the property is a considerable distance outside of these areas. Accordingly, the Submitter's property at 50 Te Awa Lane is not currently, or is it intended to be, predominantly urban in character and therefore it is not an 'urban environment' subject to the NPS-UD.
44. Regarding the WRPS, Ms Tait only assesses Policy 6.17 and only on a broad level not a property specific level. This is but one of several relevant objectives and policies. In making a selective assessment Ms Tait has erred in assessing the merits of the Submitter's re-zoning request against the WRPS. In many matters and issues the request favourably aligns with the strategic direction of the WRPS.
45. Ms Tait's s42A Report appears to have taken a broad issue assessment approach for expedience. In doing so in my opinion Ms Tait's recommendation to reject the re-zoning request is flawed and incorrect based on the facts and information that has been presented in the submission and my primary statement of evidence, neither of which has been addressed in the s42A Report.
46. The rezoning of the subject site will enable a more efficient, effective and sustainable use of the subject site, given that it is of a size that is too small to farm and too large to garden. Through the provision of appropriately identified and well-planned parcels of Country Living Zoned land, it encourages the retention of Rural Zoned land elsewhere that may be able to be amalgamated to create larger, more productive rural land parcels. Additional to the above, due to the size, location and separation from other rural zoned properties, the proposed re-zoning of the subject site will result in a logical extension of the existing Country Living Zone and is deemed a more appropriate and efficient use of the site than the existing Rural Zoning.
47. The rezoning of the subject site will not lead to sporadic and uncoordinated land fragmentation and will not pressure Council to upgrade transportation and servicing infrastructure as all services

are able to be managed and provided for onsite, or are able to be catered for through the existing capacity within the existing infrastructure.

48. I therefore recommend that Council rezone the property located at 50 Te Awa Lane to Country Living rather than Rural as originally proposed. Adopting the relief sought by the Submitter is considered to be a positive planning decision that would enable the Council to better respond to high levels of growth and anticipated demand for housing in the District and provide greater competition and choice in the housing land market.