

**BEFORE THE HEARINGS PANEL FOR  
WAIKATO DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of submissions to the Waikato District Council Proposed  
District Plan by **Vineyard Road Properties Limited**

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**STATEMENT OF EVIDENCE OF NICK WILLIAMSON**  
*for Vineyard Road Properties Limited*

**FIRST STATEMENT OF EVIDENCE ON THE ZONING FRAMEWORK TOPIC**

Dated 26 February 2021

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## INTRODUCTION AND EXPERIENCE

1. My name is Nicholas (Nick) Eyre Williamson and I am a Spatial Planning Consultant at Fluid Industries Ltd. I am an Associate Member of the New Zealand Planning Institute and a Former Member of the New Zealand Institute of Surveyors. I hold a Bachelor of Science Degree in Land Planning and Development and a Postgraduate Diploma of Science in Spatial Information Studies, both from the University of Otago.
2. I have been employed in resource management positions in both local government and private practice since 1994. My experience in these positions has included strategy development and District Plan formulation, policy advice, and the preparation and administration of resource consents from both public and private perspectives. For most of my resource management career I have been responsible for the growth and development of rural and peri urban areas. From 1997 until 2009 I worked extensively throughout the South Auckland region. While working for Manukau City Council (2000 - 2003) I was responsible for developing the Rural Southern Sector Agreement, which was to give effect to the Auckland Regional Growth Strategy. In 2004 – 2005 I prepared the s32 Report for Rural Plan Change 14 to the Franklin District Plan, and subsequently reported on the topics of Transferable Development Rights and Village Growth during the hearing phase of that Plan Change.
3. From February 2009 until May 2014, I held the position of Team Leader District Plan & Policy at Whangarei District Council, where I was responsible for overseeing all aspects of the plan making process. During my tenure, I led the development of the Rural Development Strategy for Whangarei District which included extensive consultation with all stakeholders in the rural sector. Since 2014 I have been engaged in both freelance and consulting spatial planning roles for a variety of government, network utility, private sector, and community organisations.
4. I appeared as expert planning witness for the Whitford Residents & Ratepayers Association at the Environment Court in *Ahuareka Trustees (No. 2) Ltd v Auckland Council [2017] NZEnvC 205* and provided the Association with assistance in the subsequent proceedings at the High Court and Court of Appeal. I am therefore intimately familiar with subject matter and planning context of that case, which has been cited in the s42A Framework Report for Hearing 25.
5. I appear on behalf of Muirlea Limited who is a landowner within the area of the submission made by Vineyard Road Properties Limited. Muirlea and Vineyard Properties Limited agreed on the original submission made, and they have now agreed between them, that the submission will be advanced by Muirlea Limited. Muirlea limited owns land at the end of Vineyard Road within the submission area.

6. I have prepared this evidence in accordance with the Environment Court Consolidated Practice Note and agree to comply with the Expert Witnesses Code of Conduct. I confirm that the evidence I present is within my area of expertise and I am not aware of any material facts which might alter or detract from the opinions I express in respect of the appropriateness of planning mechanisms proposed by the Council.

### STRUCTURE OF EVIDENCE

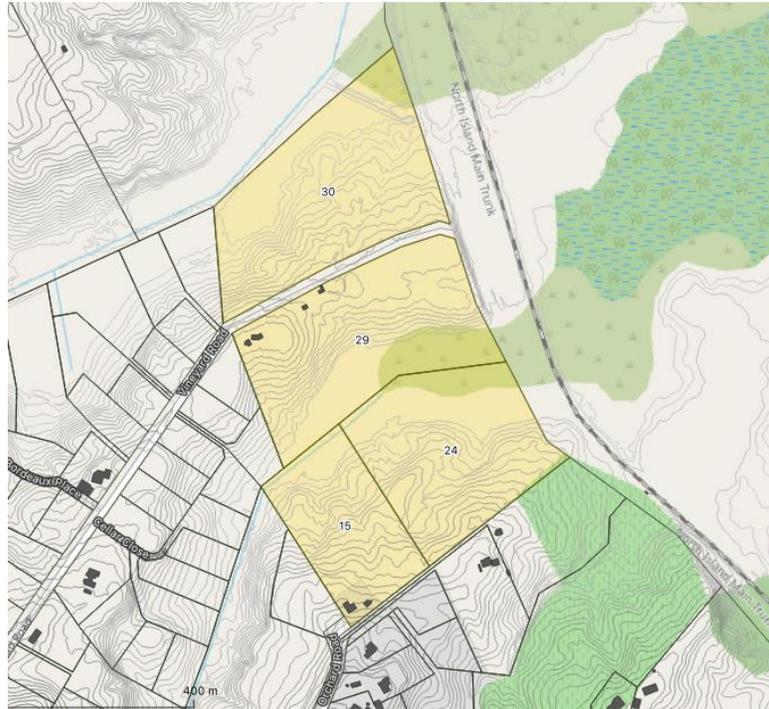
7. During the previous hearing on Topic 6 – Village Zone, counsel for VRPL presented submissions regarding:
- properties on the eastern and western sides of Vineyard Road be re-zoned from Country Living Zone (Chapter 23) to Village Zone (Chapter 24); and
  - That the minimum lot size in the Village Zone be 2,000m<sup>2</sup>; and
  - A restricted discretionary status for subdivision is supported.
8. The geographic extent of the original submission by VRPL is as illustrated below:



Figure 1 – Extent of original submission

9. This statement of evidence builds upon the arguments outlined in the submission and VPLs previous evidence, having regard to the Council’s response to matters raised during Hearing 6: Village Zone - Subdivision. Having qualifications and experience in GIS, I also provide GeoSpatial evidence to support previous surveying evidence and legal submissions in response to the s42A planning reports and

accompanying materials from the Council. During Hearing 6, the extent of the submission was reduced to only those properties owned by the submitter at the eastern extent of Vineyard Road as illustrated below:



*Figure 1a – Extent of current proposal*

## STATEMENT OF POSITION

10. This submission and evidence now relate only to the Muirlea Limited landholding, outlined above.
11. The proposed Country Living Zone (“CLZ”) of the submitter’s land in Vineyard Road Te Kauwhata is inappropriate given the foreseeable demand and requirements for development and housing in this locality.
12. The Village Zone (“VZ”) will provide a much greater efficiency of land use and better achieve the objectives of the Waikato Proposed District Plan (“WPDP”) and higher order planning documents.
13. The proposed minimum lot size of 3,000m<sup>2</sup> does not achieve the 8-10 dwellings per hectare development intensity sought for the Village Zone.
14. The 2,500m<sup>2</sup> minimum lot size recommended in the s42A Report for Hearing 6 will not achieve the target density for the zone, and does not reflect the existing development densities of other areas zoned Village.

## THE BASIS FOR THE COUNTRY LIVING & VILLAGE ZONES

15. It is stated in the Section 32 Report (Country Living Zone) that the Waikato District is facing increased growth pressures in and around urban areas. The Proposed Plan directs residential activities to towns and villages to safeguard rural land for rural activities and rural production purposes. It recognises that there is a demand for rural lifestyle living, so the Council's response was to provide for pockets of low density rural living in locations that would not compromise the productive potential of rural land. It is evident that this zone was carried over from the Operative Plans<sup>1</sup>:

The CLZ (in the Waikato Section of the Operative District Plan) and the Rural Residential Zone (in the Franklin Section of the Operative District Plan) responds to these growth pressures faced by the District, by providing for low density residential development that has little to no rural land use component. The zone also provides rural residential living opportunities to alleviate the pressure for the subdivision and development of rural land. Of importance is optimising the size of the sites so that they are fit for purpose and avoid an outcome where lots are too small to farm and too large to maintain as gardens.

16. The objectives and provisions of the CLZ relate to the following four resource management 'Issue Statements':

**Issue 1:** Erosion of character within the CLZ

**Issue 2:** Achieving the appropriate balance between control of, and flexibility for, activities in the CLZ.

**Issue 3:** Amenity values are at risk of being compromised by subdivision, development and use.

**Issue 4:** Establishment of new activities and subdivision can result in adverse effects on adjacent land uses.

17. There is little commentary in the s32 evaluation regarding the basis of and justification of the 5,000m<sup>2</sup> minimum net site area for the CLZ, other than it being carried over from the Waikato Section of the Operative District Plan. The Franklin Section of the Operative Plan in fact required a minimum site size of 3,000m<sup>2</sup> in the Rural Residential Zone (refer Rule 28.2). The Franklin Section also had a Countryside Living Zone in the Runciman Road area in the Auckland region. In that zone, subdivision density was set at one lot per 2.5ha of gross site area, although new lots had a net minimum area of 2,500m<sup>2</sup>.
18. By comparison, the Village Zone ("VZ") provides for subdivision down to 3,000m<sup>2</sup> where no reticulated services are presently available, and down to 1,000m<sup>2</sup> in serviced areas. There is no equivalent zone in the Waikato Operative District Plan. In the former Franklin District, where there were no planned areas for

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<sup>1</sup> Page 4 - Section 32 Report (Country Living Zone) 18 July 2018

future growth the Village Zone had a minimum area of 800m<sup>2</sup> for serviced areas and 2,500m<sup>2</sup> for unserviced areas. In 'Village Growth Areas' the minimum lot areas were determined by various structure plans.

- 19.** The s42A Report for Hearing 6 (Village Zone – Subdivision) at paragraph 53 speculates about the origins of the Proposed Plan's VZ 3,000m<sup>2</sup> minimum lot size:

From a review of the s.32 assessment underpinning this chapter, there appears to be limited discussion as to the selection of the 3,000m<sup>2</sup> threshold. It may be that this threshold was determined with reference to the WRPS 'Future Proof' strategy proposed for Te Kowhai as a guide to enable future subdivision of a 3,000m<sup>2</sup> lot into 3 x 1,000m<sup>2</sup> lots. It also represents something of a mid-point between the existing minimums in the two main origin zones in the Operative Plan.

- 20.** Having looked at each location where the CLZ and VZ are proposed and considering both their geographic locations and current density of development, it looks like they have been largely carried over from legacy documents. However, the minimum lot size for the VZ seems to be confused blend of the former Franklin Zones into a less nuanced single number.

- 21.** This results in a confusion, and lack of distinction between the CLZ and the VZ. One on hand, the CLZ seeks to provide rural-residential living and enable development that is compatible with its character and amenity. On the other hand, the VZ seeks to provide large lot residential with a rural outlook that is serviced by public reticulation, or on-site services where public reticulation is not available. However, the difference in lot sizes of 5000m<sup>2</sup> and 3000m<sup>2</sup> (as notified), fails to produce a material distinction in development outcomes.

- 22.** According to the s32 report, the objectives and provisions of the VZ seek to address the following resource management issues:

**Issue 1:** Character, Amenity and Function

Recognise the different character of the Village Zone, through open space amenity, location and servicing opportunities and constraints.

**Issue 2:** Earthworks

Mismanagement of earthworks can result in sediment loss, instability and nuisance to communities

**Issue 3:** Noise, signs, lighting and odour

Adverse effects generated from noise, lighting, odour and excessive signage can affect the aesthetic qualities of the environment, compromise the safe operation of the transport network, and the health and well-being of people and communities.

**Issue 4:** Subdivision layout and design

Inadequate provision for good design and amenity through subdivision and inappropriate layout results in disconnected and inaccessible communities with low amenity values.

23. The CLZ is described as ‘lifestyle blocks within a rural setting’. Under the Operative District Plans this zone provided for low density living at specific locations in rural areas, and the objective and policy framework underpinning the zone were contained in the rural and district growth strategy.
24. The underlying rationale for the VZ on the other hand (as described in paragraph 37 of the s42A report for Hearing 6: Village Zone – Subdivision), was to provide low density residential that has the appearance and function of a dwelling set within large gardens and maybe an adjacent paddock. They are typically a mix of quarter acre (1,000m<sup>2</sup>) up to 1ha lifestyle blocks with a primary purpose of residential accommodation rather than any productive farming activities. The VZ areas do not generally contain schools, shops, or community facilities, although such elements may be available in some of the larger settlements or nearby townships.
25. To gain an appreciation of the location, extent, and yields of the CLZs and VZs as proposed in the WPDP, I used the Council’s GIS data to prepare the following table, which compares the locations of CLZ and VZ in the Waikato District:

Country Living Zones					Village Zones				
Location	Area Zoned	Total Sites	Subdivided Size (Ave.)	Yield (at 5,000m <sup>2</sup> )	Location	Area Zoned	Total Sites	Subdivided Size (Ave.)	Yield (at 3,000m <sup>2</sup> )
Tamahere	997ha	918	5,711m <sup>2</sup>	615	Tuakau	210ha	122	3,258m <sup>2</sup>	542
Ngaruawahia	403ha	278	5,950m <sup>2</sup>	454	Pokeno	193ha	218	3,120m <sup>2</sup>	400
Taupiri	384ha	134	5,924m <sup>2</sup>	594	Te Kowhai	132ha	24	3,520m <sup>2</sup>	406
Whatawhata	283ha	311	6,210m <sup>2</sup>	169	Onewhero	58ha	66	1,476m <sup>2</sup>	151
Te Kauwhata	236ha	190	5,941m <sup>2</sup>	238	Port Waikato	42ha	464	910m <sup>2</sup>	4
Rotokauri	83ha	102	7,177m <sup>2</sup>	20	Glen Massey	16ha	103	1,425m <sup>2</sup>	4
Huntly	71ha	20	5,955m <sup>2</sup>	117	Mercer	16ha	60	1,316m <sup>2</sup>	19
Horotiu	66ha	80	6,515m <sup>2</sup>	27	Pukekawa	13ha	19	1,939m <sup>2</sup>	28
Ohinewai	57ha	10	2,942m <sup>2</sup>	100	Pukemiro	11ha	100	1,118m <sup>2</sup>	-
Tauwhare	57ha	93	5,619m <sup>2</sup>	8	Glen Afton	8ha	63	1,289m <sup>2</sup>	-
Mystery Creek	53ha	64	6,983m <sup>2</sup>	18	Otaua	7ha	29	1,194m <sup>2</sup>	10
Te Kowhai	43ha	39	6,011m <sup>2</sup>	37	Mangatangi	7ha	21	2,309m <sup>2</sup>	5
Eureka	35ha	25	6,998m <sup>2</sup>	35	Te Akau Pt.	4ha	38	1,121m <sup>2</sup>	-
Glen Massey	35ha	20	1,694m <sup>2</sup>	63	Waikokowai	4ha	36	1,025m <sup>2</sup>	-
Raglan	33ha	36	6,610m <sup>2</sup>	17	Renown	3ha	26	1,198m <sup>2</sup>	-
Ruakura	16ha	7	-	21	Orini	3ha	25	1,167m <sup>2</sup>	-
					Matangi	3ha	24	1,187m <sup>2</sup>	-
					Maramarua	1.5ha	12	1,272m <sup>2</sup>	-
					Te Hoe	0.6ha	6	1,113m <sup>2</sup>	-
					Naike	0.5ha	9	1,494m <sup>2</sup>	12
<b>Total</b>	<b>2,852ha</b>			<b>2,533</b>	<b>Total</b>	<b>732.6ha</b>			<b>1,570</b>

26. The ‘Area Zoned’ column in the above table is the total area of land zoned (excluding non-residential parcels such as roads, private ways, and esplanade reserves). The ‘Total Sites’ is the number of existing allotments within the zoned area. The ‘Subdivided Size (Ave.)’ is the average size of sites within the zone that are not large enough to be further subdivided under the WPDP. This is the average size of all existing sites under

1ha in the CLZ, and under 6,000m<sup>2</sup> in the VZ. The 'Yield' is the number of additional lots that can be created in the zone.

27. The 'Yield' figure is the maximum theoretical yield – existing site size divided by minimum lot size minus one. It does not take into account of any physical limitations of the land that may prevent the maximum yield, nor does it account for the fact that many owners in these locations with large dwellings and established gardens may not want to subdivide. In my estimate, based on my experience with rural planning, I would expect up to 20-25% of the available development sites to be created every two years.
28. What this table shows me is that there are only 4 locations in the district that have any meaningful supply of Village Zoned land. It also shows that zoning 236ha of CLZ in Te Kauwhata for a maximum yield of 238 additional lots is a terribly inefficient use of land, when compared to places like Te Kowhai where 132ha of VZ will yield 406 additional lots. To illustrate what I mean, here is that the development pattern looks like in the existing CLZ near lake Rotokauri:



29. This is a very typical form of development at densities of around 5,000m<sup>2</sup>. The buildings tend to be sited in the middle of the property, and then the dwelling and surrounding curtilage are fenced off to a site that

can be maintained as a garden. The balance of the property (as indicated in orange above) is left as pasture, which may or may not be grazed by livestock. When located in a village growth area, those 'balance' areas should be used to accommodate further dwellings.

### THE EFFECT OF THE VINEYARD ROAD SUBMISSION

30. The CLZ falls under the Objectives and Policies of Chapter 4, while the VZ fall under the Objectives and Policies of Chapter 5. As such, the submission is requesting that the Vineyard Road area be rezoned from 'rural-residential' to 'residential'. The original submission related to the properties east and west of Vineyard Road. As proposed, the CLZ with a minimum lot size of 5,000m<sup>2</sup> would yield up to 104 additional allotments based on existing site sizes as illustrated below in *Figure 2*.



Figure 2 – Yield of CLZ as notified in WPDP for Vineyard Road

31. The submission requested that this area be zoned VZ. If the minimum lot size of 3,000m<sup>2</sup> is applied (as initially proposed by the Council) the VZ would yield 200 additional allotments as depicted below:



Figure 3 – Yield in Vineyard Road if zoned Village at 3,000m<sup>2</sup>

32. The 'gaps' in the above plan are the existing sites that are smaller than the 6,000m<sup>2</sup> that would be required to have any further subdivision potential if the VZ was to be applied to the area with the 'default' 3,000m<sup>2</sup> minimum lot size as proposed in that zone. In this option, the potential subdivision yield is greater, yet the location of sites eligible for further development is not significantly different to the scenario as notified.
  
33. If a 2,500m<sup>2</sup> minimum lot size was to be applied (as was the minimum lot size in the Franklin Section of the Operative Plan, the maximum potential yield off Vineyard Road would be 283 additional allotments as illustrated below. As can be seen in this plan, practically all existing allotments on Vineyard Road would be able to be further subdivided (subject to site specific constraints):



35. As described in the s42A Report for Hearing 6 (Village Zone – Subdivision), a number of submissions were received from the residents of Vineyard Road that opposed changes to the zoning, and in particular the minimum lot sizes in this locality. Due to this area having been recently subdivided, it was the reporting officer’s view (at paragraphs 61-68 of the report) that those sites at or near the 5,000m<sup>2</sup> lot size as notified could be retained (as either CLZ or VZ), while the ‘generic (2,500m<sup>2</sup>) Village Zone’ could be applied to those areas of Vineyard Road yet to be developed.
36. If the reporting officer’s recommendation was to be applied, the zoning would provide for 57 additional CLZ sites plus 101 additional VZ sites (a total of 158 additional sites) as illustrated below:



Figure 6 – Yields as recommended in s42A Report for Hearing 6

37. There is some merit in the recommendations of the s42A Report for Hearing 6. As can be seen in Figure 6 above, the middle length of Vineyard Road has been subdivided to the existing 5,000m<sup>2</sup> minimum site size and many of those lots have recently been built on. There is a proposed ‘defended area’ in the WPDP over a natural flood plain. To the east is the Main Trunk Line rail corridor, and beyond that, a natural wetland. To the west and south-west, the land has already been developed at or around CLZ densities. To the south-east (beyond the extent of the client’s submission) are larger properties that share similar qualities and aspect.
38. As indicated by the submitter’s counsel during Hearing 6, the submitter is no longer requesting that the entire Vineyard Road area be re-zoned VZ. Instead, it is requested that the VZ be applied over the eastern

(undeveloped) extent of the CLZ at densities much more compatible with the target 8-10 dwellings per hectare (1,250m<sup>2</sup>-1,000m<sup>2</sup>) that the VZ seeks to achieve.

39. In my view, the Council should draw upon the scope of our original submission (which would have created up to 361 additional building sites on Vineyard Road) to rezone this area in a way that provides much more flexibility for innovation to provide a far greater variety of form and typology of development. Even at a modest density of 2,000m<sup>2</sup> per allotment, the area of land proposed VZ could yield approximately 129 additional dwelling sites as illustrated in *Figure 7* below:



*Figure 7 – Possible yield at 2,000m<sup>2</sup> over submitter’s land*

## THE FRAMEWORK REPORT

40. The Hearing 25 Zone Extents Framework Report draws on the very latest growth projections for the Waikato District in these post-Covid 19 times. Based on the projected residential demand in the district, and applying the statutory requirements of the National Policy Statement on Urban Development 2020 (“NPS-UD”), an additional 8,864 to 10,450 households minimum. The WPDP does not meet that requirement, and hence the Framework Report recommends that further up-zoning within the scope of submissions should be provided.

41. On the topic of rezoning requests from rural-residential to residential zoning, at paragraph 'p' on page 5 the report states:

Submissions seeking rezoning from 'rural-residential' to 'residential' in areas close to existing towns and villages identified for growth (WRPS and Future Proof Strategy Planning for Growth 2017) and which remain largely undeveloped<sup>2</sup> should be considered favourably. This is to ensure that the long term expansion of existing urban centres is not precluded and that conflicts with existing and planned infrastructure and land use do not occur. This includes, for example, rural-residential zoning on the periphery of Ngaruawahia, Te Kauwhata, Pokeno, and Tuakau. This also includes Te Kowhai (refer to paragraph t).

42. The report at paragraph 's' (on page 6) recognises that providing additional growth into areas which have existing infrastructure networks, such as Te Kauwhata, enables Council to leverage those assets to provide better value for ratepayers. In these areas it says Council already has a network of existing infrastructure assets (roading, waters, community facilities) which either have existing capacity or, with investment, are scalable to support growth.

43. The Framework Report proposes that requests for up-zoning be put through a 'three lens' method of assessment:

- An analysis of the proposal against the intent of the PWDP (the intent being indicated through relevant objectives and policies).
- An analysis for consistency against higher order policy documents.
- An assessment of the extent to which the submission meets good planning practice approaches to zoning.

#### **LENS ONE - RELEVANT OBJECTIVES AND POLICIES OF THE PLAN**

44. As described previously, the request to re-zone land from CLZ to VZ has the effect of shifting the subject land from consideration under the Rural chapter to the Urban chapter. In my view however, as the Environment Court accepted in the *Ahuareka* decision, and despite the way planning documents are often drafted, the definitions of 'rural' and 'urban' are not binary – they are a continuum. I will examine this topic further under the third 'best practice' lens, but for the purposes of examining the 'intent' of the WPDP, I will address the objectives and policies of both the rural and urban chapters.

45. Because in my opinion the more appropriate zoning of the land is urban (VZ), I will test the proposal against those provisions first, followed by an assessment of the rural (CLZ) provisions to test whether it offends any

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<sup>2</sup> This should also apply to proposed 'rural-residential' zones (Village and Country Living Zone) under the PWDP

of those objectives and policies. This assessment includes those objectives and policies identified in the Appendix of the s42A Framework Report.

**46.** The relevant objectives and policies of Chapter 4 of the WPDP are as follows:

4.1 Strategic Direction

**4.1.1 Objective – Strategic**

- (a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.
- (b) National Policy Statement on Urban Development Capacity Minimum Targets.

**4.1.2 Objective – Urban growth and development**

- (a) Future settlement pattern is consolidated in and around existing towns and villages in the district.

**47.** The WPDP is required to give effect to the NPS-UD. As outlined in the Framework Report, the projected demand at the time the WPDP was notified in 2018 was significantly less than has been demonstrated in recent times. Te Kauwhata is an existing town that has been identified as being able to accommodate further growth.

**4.1.3 Policy - Location of development**

- (a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.
- (b) Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.

**4.1.4 Policy – Staging of development**

- (a) Ensure that subdivision, use and development in new urban areas is:
  - (i) located, designed and staged to adequately support existing or planned infrastructure, community facilities, open space networks and local services; and
  - (ii) efficiently and effectively integrated and staged to support infrastructure, stormwater management networks, parks, and open space networks.

**4.1.5 Policy – Density**

- (a) Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space.
- (b) Achieve a minimum density of 12-15 households per hectare in the Residential Zone.
- (c) Achieve a minimum density of 8-10 households per hectare in the Village Zone where public reticulated services can be provided.

**4.1.7 Objective – Character of towns**

- (a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.

**4.1.8 Policy – Integration and connectivity**

- (a) Ensure effective integration within and between new developments and existing areas, including in relation to public open space networks and infrastructure by;

- (i) Providing good access to facilities and services by a range of transport modes through the provision of integrated networks of roads, public transport, cycle, and pedestrian routes;

#### **4.1.9 Policy – Maintaining Landscape Characteristics**

- (a) Ensure that the fundamental shape, contour and landscape characteristics are maintained during subdivision and development.

**48.** As will be discussed further under the second lens assessment below, the Vineyard Road area is identified in the Te Kauwhata Network Plan for the Future Proof Strategy as being the location of an alternative north-south multi-mode corridor along the railway corridor to connect with the Town Centre and railway station. More intensive development along this proposed corridor will provide further support for the provision of network infrastructure and connectivity, and help achieve the target densities for the Village Zone. The presence of the significant natural areas and wetland features (and related controls) within and adjacent to the Vineyard Road land will ensure that minimal recontouring or land disturbance will occur as a result of the rezoning proposal.

#### **4.1.12 Policy - Te Kauwhata**

- (a) Te Kauwhata is developed to ensure;
  - (i) Development is avoided on areas with geotechnical and ecological constraints;
  - (ii) Lakeside is the only area that provides for the medium term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and
  - (iii) A variety of housing densities is provided for.

**49.** The above policy seeks to give effect to the Future Proof Strategy for Te Kauwhata. As indicated in the Framework Report, and which I will further discuss in the next section of my evidence, the planning horizon set out in the Future Proof Strategy 2017 was not sufficiently future proofed to have contemplated what the world would look like in 2020. Clause (a)(ii) of this Policy may require some revision if submissions permit, but otherwise, clauses (i) and (iii) are in my view given effect to by the proposed upzoning request for Vineyard Road.

### **4.3 Village Zone**

#### **4.3.1 Objective – Village Zone character**

- (a) The character of the Village Zone is maintained.

#### **4.3.2 Policy – Character**

- (a) Buildings and activities within the Village Zone are designed, located, scaled and serviced in a manner that:
  - (i) Is low density;
  - (ii) Maintains the semi-rural character;
  - (iii) Recognises lower levels of infrastructure and the absence of Council wastewater services.
- (b) Require activities within the Village Zone to be self-sufficient in the provision of on-site water supply, wastewater and stormwater disposal, unless a reticulated supply is available.

#### **4.3.4 Objective – Village built form and amenity**

- (a) Neighbourhood residential amenity values in the Village Zone are maintained.

[Policies 4.3.5-10]

**50.** The objectives and policies relating to character and amenity are largely self-fulfilling in that they predominantly confirm and reinforce the development pattern that presently exists – whatever that may be. As shown in my spatial analysis in paragraph 22 above, the character of the Village Zone could be anything from a half dozen quarter acre sections side by side (such as Te Hoe and Naike) through to a town of 424 even smaller 900m<sup>2</sup> sections over 42ha. Or, in the case of Pokeno, a Village Zone consists of 218 parcels over 193ha with an average developed size of over 3,000m<sup>2</sup>.

**51.** As described in the Village Zone s42A Report for Hearing 6, ‘Semi-rural’ mostly refers to the setting rather than the sites. ‘Large lot residential’ with a rural outlook seems to be the dominant theme. As I will examine further in subsequent pages, the proposal to upzone Vineyard Road from CLZ to VZ will help to achieve this.

#### 4.7 Urban Subdivision and development

##### **4.7.1 Objective – Subdivision and Land Use Integration**

- (a) Subdivision layout and design facilitates the land use outcomes sought for the residential, business, industrial, reserve and specific purpose zones.

##### **Layout and Design**

##### **4.7.2 Policy – Subdivision location and design**

- (a) Ensure subdivision, is located and designed to:
  - (i) Be sympathetic to the natural and physical qualities and characteristics of the surrounding environment;
  - (ii) Establish boundaries that avoid buildings and structures dominating adjoining land or public places, the coast, or fresh waterbodies;
  - (iii) Arrange allotments to allow for view sharing, where possible;
  - (iv) Retain existing access to public space;
  - (v) Promote safe communities through quality urban design;
  - (vi) Accommodate building platforms and vehicle accesses that are safe and stable; and
  - (vii) Promote consistent grid layout.

##### **Urban Outcomes 4.7.4 Policy – Lot sizes**

- (a) Minimum lot size and dimension of lots enables the achievement of the character and density outcomes of each zone; and
- (b) Avoid undersized lots in the Village Zone.

**52.** Like the objectives and policies relating to VZ landscape, character and amenity, the subdivision design and layout objectives and policies will generally lead to land development that matches its location and context. As such they can be viewed as something that guides the design of subdivision and development rather than directing where it should or should not occur. I consider those objectives and policies appropriate and relevant to the land at Vineyard Road.

#### **4.7.5 Policy – Servicing requirements**

- (a) Require urban subdivision and development to be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone, including through the provision of:
  - (i) Reserves for community, active and passive recreation;
  - (ii) Pedestrian and cycle connections;
  - (iii) Roads;
  - (iv) Public transport infrastructure, e.g. bus stops;
  - (v) Telecommunications;
  - (vi) Electricity;
  - (vii) Stormwater collection, treatment and disposal;
  - (viii) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
  - (ix) Connections to identified adjacent future growth areas.

#### **4.7.6 Policy – Co-ordination between servicing and development and subdivision**

- (a) Ensure development and subdivision:
  - (i) Is located in areas where infrastructural capacity has been planned and funded;
  - (ii) Is located in areas subject to an approved structure plan and provide sufficient infrastructure capacity to meet the demand identified in the structure plan;
  - (iii) Achieves the lot yield anticipated in an approved structure plan; and
  - (iv) Includes infrastructure provision for both the strategic infrastructure network and local infrastructure connections.

#### **4.7.7 Policy – Achieving sufficient development density to support the provision of infrastructure services**

- (a) In areas where there is no structure plan, ensure that the maximum potential yield for the zone is achieved to support infrastructure provision.
- (b) Recognise that the minimum potential yield may not be achieved where there are proven geotechnical constraints.

#### **4.7.8 Policy – Staging of subdivision**

- (a) Require any staging of subdivision to be undertaken in a manner that promotes efficient development and integration of infrastructure and community facilities.

#### **4.7.9 Policy – Connected neighbourhoods**

- (a) Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including:
  - (i) A road network that achieves all of the following:
    - A. Easy and safe to use for pedestrians and cyclists;
    - B. Connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
    - C. Connected to public transport, shops, schools, employment, open spaces and other amenities; and
  - (ii) Vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.

#### **4.7.10 Policy – Recreation and access**

- (a) Subdivision provides for the recreation and amenity needs of residents by:
  - (i) Encouraging open spaces which are prominent and accessible by pedestrians;
  - (ii) Requiring the number and size of open spaces in proportion to the future density of the neighbourhood; and
  - (iii) Enabling for pedestrian and/or cycle linkages.

#### 4.7.11 Policy – Reverse sensitivity

- (a) Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and
- (b) Avoid potential reverse sensitivity effects of locating new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity.

53. As already mentioned, the Future Proof Network Map for Te Kauwhata indicates a multi-mode linkage along the alignment of the main trunk railway line from the train station and town centre to Vineyard Road. Enabling the area to be developed at CLZ densities within the next 10 year planning horizon (being the life of the WPDP) will not enable this connection to occur. The CLZ is a final form of development. Once subdivided and built upon, it will be extremely difficult and costly to promote greater intensity and connectivity in the future.

#### 5.1 The Rural Environment

Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5.

##### 5.1.1 Objective – The rural environment

- (a) Subdivision, use and development within the rural environment where:
  - (i) high class soils are protected for productive rural activities;
  - (ii) productive rural activities are supported, while maintaining or enhancing the rural environment;
  - (iii) urban subdivision, use and development in the rural environment is avoided.

54. The curiosity of the CLZ being in the Rural chapter of the WPDP is that it is considered to be (as described in the s32 report) “low density residential development that has little to no rural land use component”. To use an analogy, it is essentially a ‘fish bowl’ from which residential dwellers can view and appreciate the amenity and aesthetic of a rural environment without having to get their hands dirty by actually living in it.

55. Having been myself born and raised a son of a dairy farmer, and been responsible for the resource management of rural areas for more than a quarter century, I know that these ‘lifestylers’ in general are only tolerated in rural areas if they ‘stay out of the way’. This typically means don’t occupy the best soils and water supplies, don’t drive up the land values by over capitalising and making productive land uneconomic to purchase, and don’t complain about the noise, smell, or looks of the rural industry that is farming. In ‘RMA speak’, these sentiments are described in objectives and policies such as:

#### 5.2 Productive Versatility of Rural Resources

##### 5.2.1 Objective - Rural resources

- (a) Maintain or enhance the:
  - (i) Inherent life-supporting capacity and versatility of soils, in particular high class soils;
  - (ii) The health and wellbeing of rural land and natural ecosystems;
  - (iii) The quality of surface fresh water and ground water, including their catchments and connections;

- (iv) Life-supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.

#### **5.2.2 Policy - High class soils**

- (a) Soils, in particular high class soils, are retained for their primary productive value.
- (b) Ensure the adverse effects of activities do not compromise the physical, chemical and biological properties of high class soils.

#### **5.2.3 Policy - Effects of subdivision and development on soils**

- (a) Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located.
- (b) Subdivision which provides a range of lifestyle options is directed away from high class soils and/ or where indigenous biodiversity is being protected.

### **5.3 Rural Character and Amenity**

#### **5.3.1 Objective - Rural character and amenity**

- (a) Rural character and amenity are maintained.

#### **5.3.2 Policy - Productive rural activities**

- (a) Recognise and protect the continued operation of the rural environment as a productive working environment by:
  - (i) Recognising that buildings and structures associated with farming and forestry and other operational structures for productive rural activities contribute to rural character and amenity values;
  - (ii) Ensuring productive rural activities are supported by appropriate rural industries and services;
  - (iii) Providing for lawfully-established rural activities and protecting them from sensitive land uses.

#### **5.3.4 Policy - Density of dwellings and buildings within the rural environment**

- (a) Retain open spaces to ensure rural character is maintained.
- (b) Additional dwellings support workers' accommodation for large productive rural activities.

#### **5.3.8 Policy - Effects on rural character and amenity from rural subdivision**

- (a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.
- (b) Ensure development does not compromise the predominant open space, character and amenity of rural areas.
- (c) Ensure subdivision, use and development minimise the effects of ribbon development.
- (d) Rural hamlet subdivision and boundary relocations ensure the following:
  - (i) Protection of rural land for productive purposes;
  - (ii) Maintenance of the rural character and amenity of the surrounding rural environment;
  - (iii) Minimisation of cumulative effects.
- (e) Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.
- (f) Subdivision, use and development ensures the effects on public infrastructure are minimised.

**56.** The above objectives and policies are the ones that describe where the fish bowls, and the lifestylers therein, should be placed to ensure they stay out of the way. By virtue of the fact that the Vineyard Road area has already been zoned CLZ, it has already been established that the area is not 'productive rural land'. It is not necessary therefore, in my view, to demonstrate the impact that the up-zoning will have on the productive potential of the land.

**57.** Once their locations have been selected in the rural environment, there needs to be some further objectives and policies that manage expectations and avoid conflicts within these lifestyle bubbles. The following rural objectives and policies are the most relevant to the Vineyard Road properties insofar as that could be considered rural lifestyle:

#### 5.6 Country Living Zone

##### 5.6.1 Objective – Country Living Zone

- (a) Subdivision, use and development in the Country Living Zone maintains or enhances the character and amenity values of the zone.

##### 5.6.2 Policy – Country Living character

- (a) Any building and activity within the Country Living Zone are designed, located, scaled and serviced in a manner that does not detract from the character of the area by:
  - (i) Maintaining the open space character;
  - (ii) Maintaining low density residential development;
  - (iii) Recognising the absence of Council wastewater services and lower levels of other infrastructure.
- (b) Maintain views and vistas of the rural hinterland beyond, including, where applicable, Waikato River, wetlands, lakes, and the coast.
- (c) Maintain a road pattern that follows the natural contour of the landform.
- (d) Ensures that the scale and design of any non-residential activities maintains the open rural character and addresses site specific issues such as on-site servicing, and transport related effects.
- (e) Requires activities within the Country Living Zone to be self-sufficient in the provision of water supply, wastewater and stormwater disposal, unless a reticulated supply is available.

##### 5.6.3 Policy – Subdivision within the Country Living Zone

- (a) Subdivision, building and development within the Country Living Zone ensures that:
  - (i) The creation of undersized lots is avoided where character and amenity are compromised;
  - (ii) new lots are of a size and shape to enable sufficient building setbacks from any boundary;
  - (iii) building platforms are sited to maintain the character of the Country Living Zone and are appropriately-positioned to enable future development;
  - (iv) existing infrastructure is not compromised;
  - (v) existing lawfully-established activities are protected from reverse sensitivity effects.

#### [Policies 5.6.4-6]

**58.** As described earlier, during Hearing 6 the submitter withdrew the request to up-zone all but the undeveloped eastern end of Vineyard Road remain CLZ. As evidenced by the submissions in opposition to any zone changes for Vineyard Road, the recent residents of this area are comfortable with the nature and intensity of development that they have bought into. In light of this, it is my view that those properties that have recently been developed should remain CLZ, and not a 'special' VZ with 5,000m<sup>2</sup> minimum lot sizes as recommended in the s42A Report for Hearing 6 – Village Zones.

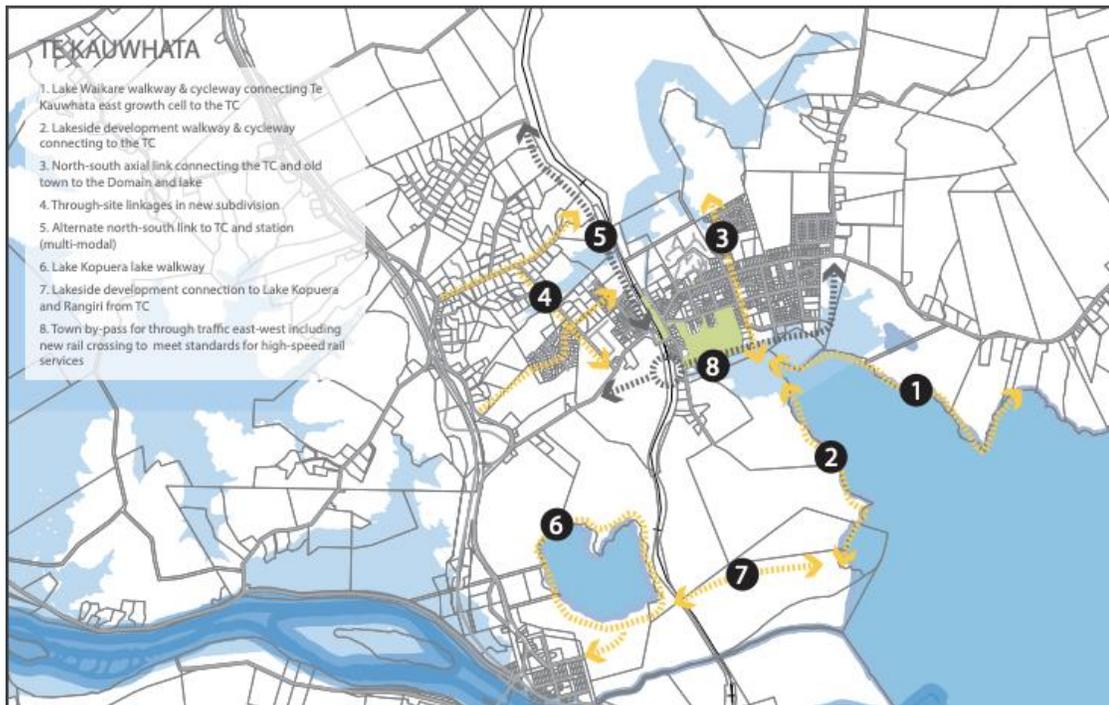
**59.** In referring again to *Figure 7* in paragraph 35 of my evidence, it can be seen that the developed area of CLZ development ends at the point where Vineyard Road bends to the right. This bend follows the natural

contour before following the end of the ridgeline down towards the wetland to the east of the rail corridor. What this means on the ground, is that a change to the form and intensity of development beyond the bend on Vineyard Road is not likely to have any impact on the character and amenity of the existing CLZ area presently under development to the west of the bend. In other words, the natural contour and landform differs between the existing CLZ and the area that is proposed to be rezoned to VZ through this submission.

60. In my view the proposal to up-zone the eastern extent of Vineyard Road from CLZ to LZ will be *more* consistent the outcomes sought through the urban objectives and policies of the plan, and will in no way undermine the objectives and policies relating to the rural areas of the district.

### LENS TWO - ALIGNMENT WITH HIGHER ORDER DOCUMENTS

61. In 2017 the Council developed a 'Future Proof' Strategy to inform how and when growth occurs within the district over the subsequent 50 years. In examining Te Kauwhata, the Strategy included a 'Network Plan' that illustrated the spatial relationships between Te Kauwhata Town Centre, surrounding natural resources and infrastructure, and possible future growth patterns. Being readily accessible via state highway to the west and the north island main trunk railway through its centre, this long established community has the potential to accommodate a significant amount of growth. However, being flanked to the south by a lake and to the north by a wetland, there are some convenient constraints to what could otherwise lead to sprawl.



*Figure 8 – Network Plan for Te Kauwhata – Future Proof 2017*

- 62.** The historic zoning to the northwest of the town centre, which is currently proposed in the WPD0 as CLZ has led to significant land fragmentation in the form of 'lifestyle' development. Experience tells us that once land is subdivided and built upon at anything greater than a 4ha (10 acre) block, it is near impossible to up-zone to residential densities without highly prescriptive master plans. Consequently, most of the growth in Te Kauwhata has now been directed to the more sensitive lakeside locations to the south of the Town Centre.
  
- 63.** Development and land use intensification of course is not always bad. It provides higher returns on investment in infrastructure and other community facilities, such as the vesting of reserves and other public assets. In Figure 8 above, the development of lakefront areas would facilitate the creation of access and linkages to and along the waterfront. The Network Plan also recognises the presence of the rail corridor as both historic legacy and contemporary feature of the village. The underdeveloped larger sites abutting the railway corridor to the west, including the submitter's property on Vineyard Road, has been identified as the location of a future north-south multi-mode link between the lifestyle areas and the Town Centre and Railway Station.

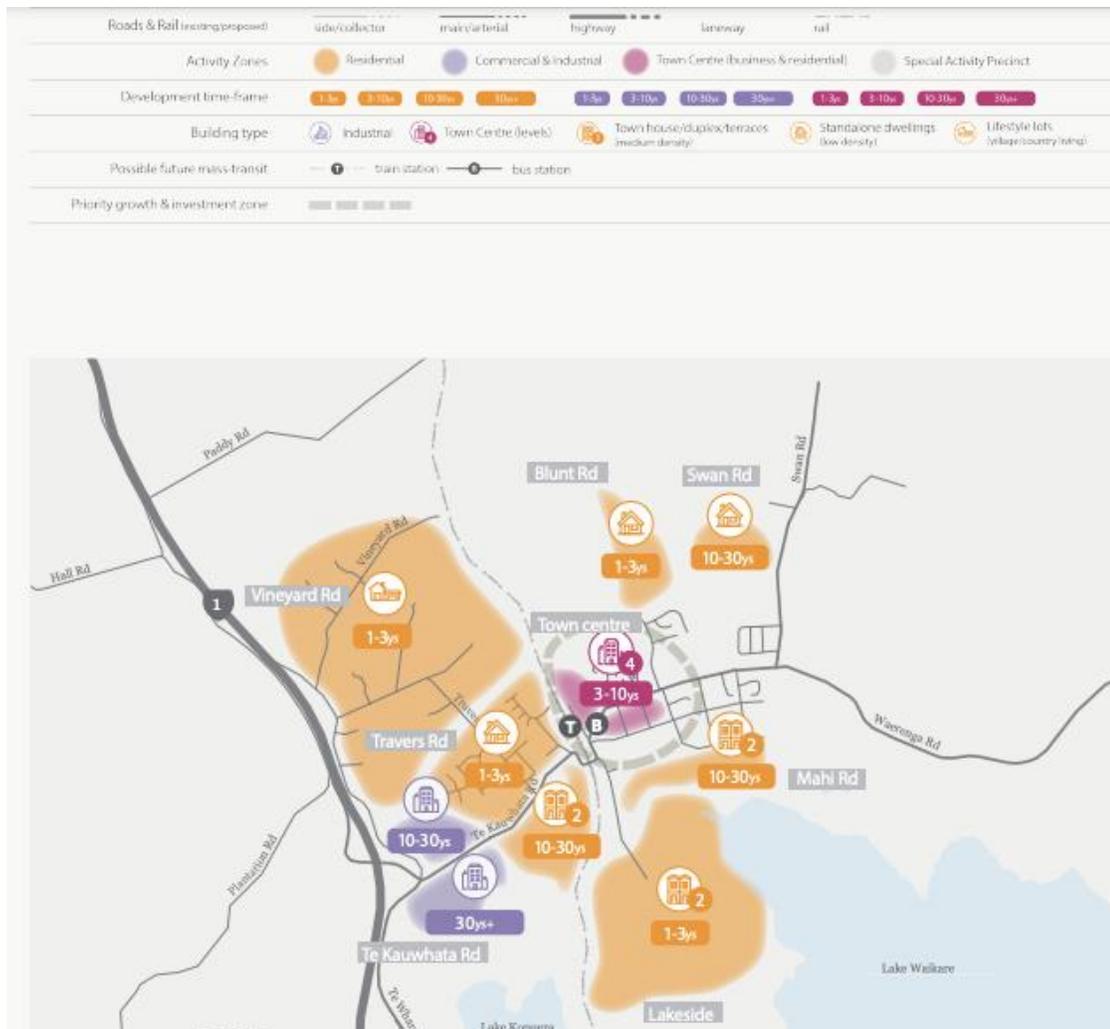


Figure 9 – The 50 year development plan for Te Kauwhata – Future Proof 2020

64. Remarkably, when the 50 year development plan for Te Kauwhata was updated just last year, it shows (in Figure 9 above) that the entire area zoned CLZ in the WPDP would be taken up within a 1-3 year period. Not 10+ years being the life of a District Plan – less than a third of that period. In fact, the ‘50 year’ development plan for Te Kauwhata anticipates that all of the land presently zoned will be exhausted within the next 30 years.
65. Suffice to say, the proposed form and density of development in the Te Kauwhata CLZ will not give effect to the higher order documents and strategies, including the NPS-UD. In my opinion there is a dire need for fresh thinking and innovation if we are to adequately respond to current housing needs and demands.

### LENS THREE - BEST PRACTICE PLANNING GUIDANCE

66. In times past (pre-RMA) 'lifestyle blocks' were synonymous with a (4ha) '10 acre block'. Anything upwards of 20ha was most definitely rural. Anything less than 1ha was considered 'countryside living'. Smaller than that became 'large lot residential'. I know this because around the year 2000 my role was to project lead the Rural Southern Sector Growth Strategy for the former Auckland Regional Growth Forum. My job was to reconcile the disparate district plan provisions of the former Manukau, Papakura, and Franklin District Councils to into one seamless strategy for the management of growth in the southern Auckland Region.
67. Times have changed in the last 20 years, but the planning approach seems not to have kept up for the most part. One of the frontiers back in the early 2000s was Flat Bush. One of the challenges of the day was how to prevent the new suburb that was to become Flat Bush from expanding beyond that catchment and over the hill into Whitford. One of the tools we used to achieve this (which has succeeded over the last 20 years) was to create a new housing typology – the Flat Bush Countryside Transition Zone.
68. The objective of that zone was to create a boundary between the urban and rural parts of the district that did not rely on or enable any 'interim' solution. You need only look at Auckland's former 10 acre block horticultural areas in Mangere and Manurewa to see how difficult it was to establish urban residential intensity of development on highly fragmented land at the rural fringes.
69. The Flat Bush Countryside Living Zone would not forsake, but rather *encourage* 'ribbon development'. From the street, the development looked urban, but the views from the dwellings was distinctly rural. It was a form of development that enjoyed urban amenity with a rural outlook.
70. More recently this form of development was implemented by the Whangarei District Council through their Urban Transition Environment ('UTE'). In this example however, the 'transition' is more temporal than spatial. The UTE could be described as a zone that provides for rural apartments. Urban intensities of development surrounded by rural land – a similar form of development that one may see in a golf resort, but with conventional farming activities rather than a golf course. An anticipated resident of this zone was the 'grey nomad'. Active retired who needed a low maintenance 'lock and leave' residence or apartment, yet an abundant amount of space and garaging for their camper, boat, and other toys.
71. In the short to medium term, the clustered dwelling formation would give residents the rural outlook and privacy they presently enjoy. In the longer term, these spaced between dwelling clusters could be up-zoned again and developed to urban densities. Vineyard Road in Te Kauwhata is exactly the location where such a 'rural apartment' typology would fit. It is our proposal that this area of VZ is able to be developed at an overall density that is consistent with the objectives of the VZ, but in a configuration (lot size) that enables the future proofing of the land beyond the next 10-30 years.

## RECOMMENDATIONS

72. In the s42A Report for Hearing 6 – Village Zone, it was recommended that the VZ for Tuakau and Te Kowhai have unique policies and rules to recognise the role that these two villages play in accommodating future urban growth, enabling a transition to more urban densities as and when reticulated services become available. It is recommended that similar provisions be introduced for the proposed VZ in Te Kauwhata.



**NE WILLIAMSON**

26 February 2021