

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 25: Zone Extents.

**STATEMENT OF EVIDENCE OF CRAIG ASHLEY FORRESTER OF
THE SURVEYING COMPANY ON BEHALF OF
THE BUCKLAND LANDOWNERS GROUP**

SURVEYING

17 February 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 to promoting the Buckland Area for re-zoning to Country Living Zone, or Rural Lifestyle Zone as the Council is now labelling it. This is essentially to acknowledge that the land in the Buckland area is adjacent to a large part of the south-eastern edge of Pukekohe and that the utilisation of the land in this area is essentially of a lifestyle purpose rather than primary production that the Waikato District Council is promoting.
- 2.2 I don't believe that it is an appropriate planning outcome to join a highly developed urban area within Auckland Council along a road that fronts onto Rural production land within the Waikato District. These are activities that will conflict with each other. For this reason, we would like to promote a Country Living zone in this area to enable a graduation or transition, from the highly developed urban edge of Pukekohe out into the Rural land in the Waikato District.
- 2.3 Whilst this is the main driver of our submission, I would also like the Panel to consider the Buckland area for a TDR receiver area as an alternative option. I believe that it will be a missed opportunity to not have a TDR subdivision rule in the new Waikato District Plan, and to either rezone or provide a precinct overlay, for the Buckland area to receive TDR lots.
- 2.4 A large part of my evidence on the Rural Zone (Hearing 18) featured my experience of how TDRs have been a very successful subdivision option under the Franklin Section of the Waikato District Plan. To recap on my previous evidence, the main drivers of the TDR subdivision rules are:

- The protection of high-class soils through amalgamation of titles on Donor properties; and
 - Environmental protection and enhancement on Donor properties.
- 2.5 The TDR subdivision rule is essentially a tool that allows the location of new development to be defined. It is not an additional subdivision option that would add to the number of development rights able to be generated. Part of the mechanism for the TDR rules being sought is to have donor and receiver areas for the lots that are created from achieving environmental benefits (amalgamation of lots with high class soils and Environmental protection/enhancement). In this zoning hearing it is my evidence that the Buckland area is an appropriate location to receive lots from other parts of the District in a controlled and managed consenting process. The Buckland area is already fragmented and on the edge of urban Auckland and identification of a receiver area avoids any concerns about TDR lots being disbursed in the highly productive parts of the District.
- 2.6 The rural subdivision rules being promoted by the Proposed Waikato District Plan have no control over where the development will occur, so new titles are likely to end up being created on remote rural properties that are a long way from schools, shops and other essential services, which places a higher demand on the district's road infrastructure and our reliance on carbon emissions for transportation.
- 2.7 I would like to promote that we include an Overlay in the District Plan that facilitates properties in a designated area around Buckland to be able to subdivide, making use of a TDR. This would not require the land to be changed from Rural Zoning, but would acknowledge that it is in a unique location, sitting adjacent to Urban land across the boundary with Auckland Council.

- 2.8 This approach would help to control the location that development occurs, eliminating the ad-hoc outcome that Council is concerned of. As a reminder to the Panel, in my evidence for Hearing 18, I included some examples of the benefits of the TDR mechanism working in practice.
- 2.9 These included the creation of TDRs through the amalgamation of adjoining lots containing high-class soils. Many of the productive market gardening properties in the district comprise several titles of land. It is important to protect this land so that its food production potential is secured for future generations. One way of doing this is to offer an incentive to the owners of these properties to amalgamate their titles into less fragmented land holdings. This would protect the productive potential of the land and avoid the risk of individual titles that make up the landholding, being sold and converted to a large and usually unproductive lifestyle block.
- 2.10 Another example of the TDR method I promoted is through environmental protection and enhancement. The Proposed District Plan has a subdivision rule to enable the creation of additional lots by way of protecting existing native bush and wetlands. Following my evidence, Council has now introduced a rule to enable subdivision through riparian corridor enhancement as well. Both of these rules enable the creation of additional lots on the property that contains the native bush or wetlands.
- 2.11 However, these properties are very often in remote locations, a long way from the towns that provide all the essential services. So, the creation of countryside living lots out in these locations is possibly not a good outcome for the district, as it places a higher reliance on the district's roading network and increased carbon emissions linked to transportation. A better outcome would be to enable these subdivision opportunities to be used in locations closer to schools and shops and

essential services through the introduction of a TDR subdivision rule. This would see the Objectives and Policies relating to environmental protection and enhancement still being achieved, and enable rural subdivision that has already been provided for and anticipated to occur in a more controlled manner and in more appropriate locations.

- 2.12 It is acknowledged that there have been some administrative issues with how the legacy Franklin TDR rules have been applied by the Waikato District Council that have made this subdivision rule unpopular with the Regulatory team. These include managing the release of TDRs from Donor properties and keeping records of this.
- 2.13 In my view, planning practice is improving and there are now better ways of managing the TDR consenting process. This has been my experience with the way that Auckland Council has administered their TDR subdivision rule.
- 2.14 This has involved connecting receiver applications making use of TDRs from the same Donor property and the use of Covenants registered on the title of the Donor property to keep a record of each TDR that has been used. This allows Council to manage the release of TDRs from a Donor property in a controlled manner and easily keep a record of this to ensure that no more TDRs are used than are actually available.

3. CONCLUSION

- 3.1 The Buckland area that we have promoted for re-zoning to Country Living comprises 127 properties over an area of approximately 450ha. The smallest property in the area is around 1,000m² and the largest is a little over 14ha. The average lot size is around **3.6ha**. 46 of the 127 properties are around 1ha or less in size and have little to no further development potential. Please refer to Appendix 1, showing the area of land proposed for re-zoning.
- 3.2 Although the Council is promoting the land in this area to be Rural Zoned, the land parcels are just not large enough to make any productive farming activities financially viable, which is evidenced by the fact that there are very few properties being used for either pastoral or agricultural food production purposes.
- 3.3 The land in this area is predominantly used for small scale countryside living activities, where the primary income of the residents is not earned from the use of the property. The people of Buckland are considered to be residents of Pukekohe. Their children go to school in Pukekohe, they do their grocery shopping in Pukekohe and all their medical needs are serviced by healthcare in Pukekohe.
- 3.4 The land holding pattern across this area makes primary production activities extremely difficult due to limited property sizes and reverse sensitivity. Its best use is going to be a more intensive residential use. We are promoting this to be in the form of a Country Living Zone, as has been done on the outskirts of Te Kauwhata and Huntly.
- 3.5 However, if this is not seen as a favourable use of the land, we would like the panel to consider the implementation of an Overlay or Precinct, that enables subdivision rights usually generated on larger, more

productive remote rural properties to be used here instead. This will be managed through the use of a TDR subdivision rule.

- 3.6 By enabling TDRs to be used in Buckland rather than remote productive rural farm blocks, 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 including enabling subdivision rules that promote the sustainable management of the District's resources in the District Plan, would achieve the purpose of sustainable management.

Craig Forrester

APPENDIX 1 - Plan of land for re-zoning or TDR Overlay

APPENDIX 2 – Statements from Buckland Residents