

**BEFORE AN INDEPENDENT HEARINGS PANEL  
OF THE WAIKATO DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER** of the proposed Waikato District  
Plan (Stage 1) Hearing 25

---

**STATEMENT OF REBUTTAL EVIDENCE BY SARAH NAIRN OF THE SURVEYING  
COMPANY ON BEHALF OF BUCKLAND LAND OWNERS GROUP**

**PLANNING**

**3 May 2021**

---

**Counsel Instructed:**

Peter Fuller  
LLB, MPlan, DipEnvMgt, BHortSc.  
Barrister  
Quay Chambers  
Level 7, 2 Commerce Street  
PO Box 106215  
Auckland 1143  
021 635 682  
Email:  
peter.fuller@quaychambers.co.nz

## **1. INTRODUCTION**

**1.1** My name is Sarah Nairn, I am a senior planner at The Surveying Company Ltd.

**1.2** I outlined my qualifications, experience, and commitment to comply with the Environment Court Expert Witness Code of Conduct, in my “evidence in chief”.

**1.3** I provided evidence on behalf of Buckland Land Owners Group that sought a 400ha area of land to the east of Buckland Village is zoned Country Living (instead of Rural) in the Proposed Waikato District Plan (**PWDP**) and/or is identified as a receiver area for Transferable Development Rights (**TDR's**). Both of these outcomes will enable a rural-residential style of development.

**1.4** I have read the ‘Hearing 25: Zone Extents Tuakau’ report prepared by Chole Trenouth for the Waikato District Council. This report rejects the submission of the Buckland Landowners Group Submission for reasons relating to the following:

- (a) Role of the Country Living Zone for the District’s growth;
- (b) Impact of the Country Living Zone on infrastructure;
- (c) Country Living Zone as a transitional zone;
- (d) High Class Soils;
- (e) Transferable Development Rights.

**1.5** I disagree with these reasons and have addressed each matter in turn below.

### **Role of Country Living Zone**

**1.6** The Section 42A report relies on the analysis set out in the Framework Report relating to the Country Living zone and sums it up by stating that “essentially, the Council has determined that additional Rural Residential zoned land is not required above what is already identified in the PWDP”.

**1.7** I do not agree with the Council’s approach, it is simply too blunt to supply a sufficient “quantity” of rural residential land and then call it quits. In my view, the Council should adopt a more nuanced methodology which not only ensures that there is enough rural residential land but also ensures that it is located in areas of demand and where residents have ready access to employment and services.

It is also logical to locate rural residential style development in areas which are already fragmented and compromised and therefore do not result in a significant loss to rural productivity.

**1.8** The proposed Country Living zone at Buckville Road ticks all of the boxes in the more nuanced approach in that there is a high demand for rural residential living on the edge of urban Auckland, there is ready access to employment and services in both Pukekohe and Tuakau, and the land is already compromised given the 3.5 ha average lot size (noted in the s42A report). The net result of rezoning the Buckville Road land Country Living is that a need and demand for rural residential living will be satisfied with only a minimal impact on rural productivity. In my view, this approach is preferable to interspersing rural residential lots throughout the wider rural environment.

**1.9** I also note that an area of Rural Lifestyle zone within the Havelock Village Development has been recommended on behalf of Council as a means of “locking in a southern boundary to the township”. I consider that the Buckville Road area could equally serve to “lock in” the southern boundary of Buckland and the wider metropolitan area of Pukekohe generally. The same ecological/planting benefits could occur as a receiver area for TDR’s or through a specific standard if required.

**1.10** The s42A report also notes that the 550 lots that could be created at Buckville Road under a Country Living zone would be better channeled to existing towns and greenfield expansion. This approach assumes that those who would have brought a rural residential lot will then buy a suburban piece of land. The evidence of Mr Adam Thompson on behalf of Buckland Landowners Group demonstrates that this inference is not borne out in reality:

“Ms Trenouth in paragraph 336 puts forward as her counterfactual that the housing enabled by the proposal should be in the existing urban areas in the form of ‘infill’ or ‘appropriate greenfield expansion’ around the rural towns, such as Pokeno. This counterfactual is however incorrect in my opinion, as new residents seeking a lifestyle property would not see a suburban lot in Pokeno or another small town as being a substitute”.

## **Impact of Country Living Zone on Infrastructure**

**1.11** Paragraph 340 of the s42A report states that the proposal will result in increased pressure on the services and amenities at Buckland with no ability to contribute to them because they are outside the Auckland urban area. It is unclear exactly what these services and amenities are given that water, wastewater and stormwater will all be contained on site. It is acknowledged that future residents of these lots are likely to use community facilities such as halls and community centres in Pukekohe but no doubt they will be charged for those services on a user pays basis.

**1.12** There will be an increase in traffic given the increased number of lots but crucially the evidence of Mr Wood has confirmed that this will not impact upon the State Highway network. There will no doubt be more localized traffic effects, but these can be addressed as part of individual resource consents or as part of the Supporting Growth Programme. I acknowledge that there will be cross boundary issues to be managed, but this does not mean that change and development should not occur, rather it means that Council and authorities (such as Waka Kotahi) will need to work together. I consider that such an approach is contemplated by and consistent with Policy 4.2.6 General Cross-Boundary issues of the Waikato Regional Policy Statement:

“Waikato Regional Council will work with adjoining local authorities, tāngata whenua and other agencies, including central government to identify resource management issues that cross boundaries and to reach agreements and put in place mechanisms for managing issues that are identified”

**1.13** Given that transport seems to be the only identified infrastructure issue it does not seem to be an insurmountable reason and one that could be solved with consent conditions or, if required, a tool such as a targeted rate on any new lots created.

## **Country Living as a transitional zone**

**1.14** Paragraph 344 of the s42A report notes that the Country Living zone adjacent to urban areas creates fragmentation that can preclude future expansion. This can be true in some instances. However, in this case, Auckland Council has

already prepared a Structure Plan which provides for future expansion as shown below:

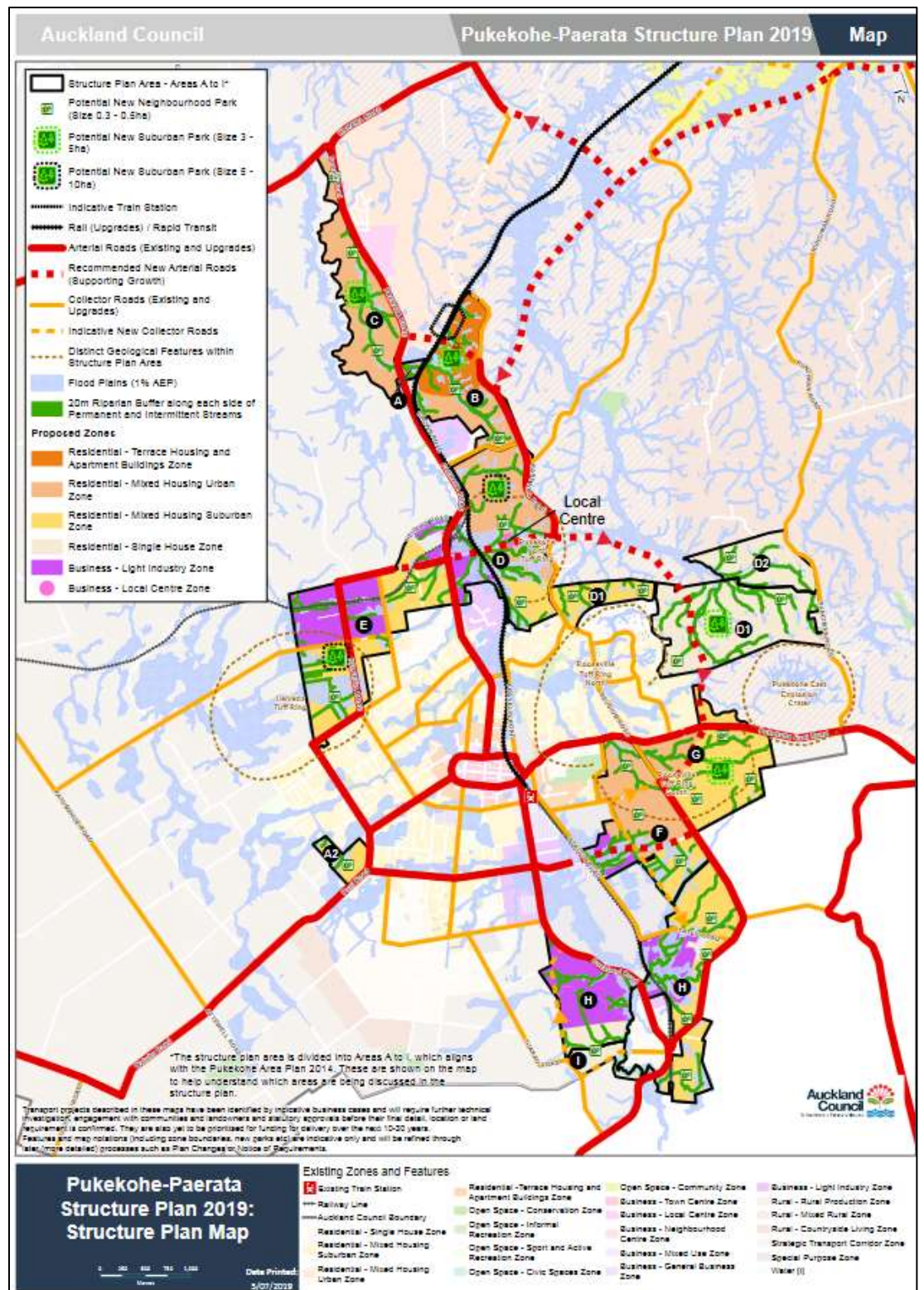


Figure 1 Pukekohe-Paerata Structure Plan Map

**1.15** Given the above plan it is not future expansion that we need to concern ourselves with, it is providing a transition between the urban (400m<sup>2</sup>) lots and the wider rural environment that is the key planning matter for determination. The s42A report does not provide any commentary as to how the hard interface between urban and rural lots set out in the PWDP is the most appropriate planning outcome. I note that if this land were in the Auckland Region then the Large Lot zone (1:4000m<sup>2</sup>) would most likely be applied as this is the zone commonly applied on the edge of growth areas to provide a transition to the wider rural environment. The description of this zone is below:

## **H1. Residential – Large Lot Zone**

### **H1.1. Zone description**

The Residential – Large Lot Zone provides for large lot residential development on the periphery of urban areas. Large lot development is managed to address one or more of the following factors:

- it is in keeping with the area's landscape qualities; or
- the land is not suited to conventional residential subdivision because of the absence of reticulated services or there is limited accessibility to reticulated services; or
- there may be physical limitations to more intensive development such as servicing, topography, ground conditions, instability or natural hazards where more intensive development may cause or exacerbate adverse effects on the environment.

**1.16** The section 42A report identifies reverse sensitivity as a further reason that Country Living is considered to be an inappropriate transitional zone. I do not agree with this rationale for the following reasons:

- (a) The 5000m<sup>2</sup> minimum lot size is sufficient to avoid the vast majority of cross boundary issues between rural and rural residential lots;
- (b) The fragmented nature of the lots surrounding the subject land means that surrounding sites are not used for the large-scale rural production activities that are likely to generate reverse sensitivity issues;
- (c) If rural residential development is a reverse sensitivity issue then there must be even more of a reverse sensitivity issue with the Council's recommended hard interface between urban (400m<sup>2</sup> lots) and rural development;

- (d) If rural residential lots are a reverse sensitivity issue in the rural environment then this issue would equally apply to the 7000-10,000 rural residential lots enabled by the PWDP, not just for the lots at Buckville Road.

## High Class Soils

- 1.17** Paragraph 349 of the Section 42a Report identifies that rural-residential lots are not appropriate for this land as it will result in further fragmentation of high class soils. This principle is understood and supported in general terms, but the reality of this land is that it is already so fragmented (the s42A report identifies an average lot size of 3.5ha) that productive uses are very limited. Therefore, allowing further subdivision will not result in a noticeable decline in the rural productivity of this land.
- 1.18** The issue of High Class Soils is inherently linked to the objectives and policies of the Rural Environment section of the PWDP. In this regard, objective 5.1.1 states:

**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.

- 1.19** It can be seen that (i) above relates to high class soils, but it does not just protect all high class soils, rather it protects high class soils for productive uses. In this case, the vast majority soils are unlikely to be used for productive uses given the 3.5ha average lot size.
- 1.20** Given that this land is unlikely to be used for productive activities, I am of the view that the Country Living zone is not only more reflective of the uses that are currently on the land but is also more in line with how the land will be used into the future. For reference the key objective and policy of the Country Living zone are set out below:

### **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.

## **Transferable Development Rights**

- 1.21** The s42A report identifies that this land is not suitable as a TDR receiver area as it will promote rural residential development, put strain on infrastructure and result in the fragmentation of high class soils. In my view, this is an ideal location to receive TDR sites given that the resultant lots and the people who will live on them will have access to Pukekohe, Buckland and Tuakau and the services that they provide. It will be seen as the 'best of both worlds' and it will not be at the expense of rural productivity given the existing fragmentation.

## **Conclusion**

- 1.22** The land at Buckville Road is already fragmented (average lot size 3.5ha) and is predominately used for a range of lifestyle activities. In my view, these existing characteristics should be recognized through the application of the Country Living zone. Such a zone will help meet the demand for rural residential living in a location where residents can easily access goods, services, education and employment.



**1.23** If the undeniable demand for rural residential living opportunities can be satisfied at Buckland, rather than purchasers buying larger productive blocks, or more remote blocks, that is a positive planning outcome. The area is already compromised, due to fragmentation and proximity to urban Auckland, and channeling demand to this location takes pressure off the productive Rural Zone and is a more efficient use of resources and therefore meets the purpose of Part 2 of the Act.

**SARAH NAIRN**

**3 May 2021**

