

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

**AND**

**IN THE MATTER Variation 3 to the Waikato District Plan**

**JOINT WITNESS STATEMENT (JWS) IN RELATION TO:**

**PLANNING (Minimum Vacant Lot Size)**

**18 July 2023**

Expert Conferencing Held on: 18 July 2023

Venue: Online

Independent Facilitator: Marlene Oliver

**1 Attendance:**

1.1 The list of participants is included in the schedule at the end of this Statement.

**2 Basis of Attendance and Environment Court Practice Note 2023**

2.1 All participants agree to the following:

- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- (c) They will make themselves available to appear before the Panel;
- (d) This statement is to be filed with the Panel and posted on the Council's website.

**3 Matters considered at Conferencing – Agenda and Outcomes**

**3.1 “Urban Fringe” – A Qualifying Matter**

The planning experts agree that the “Urban Fringe” as notified in Variation 3 is not a QM.

### 3.2 Minimum Lot Size Restriction Area

#### Background Statements:

The Section 42A report introduces the minimum lot size restriction area and applies it to the same geographic area as the notified Urban Fringe area and proposes a minimum vacant lot size of 450m<sup>2</sup> (as an RDA).

Because of the scope of the PDP Medium Density Residential Zone which includes a 200m<sup>2</sup> vacant fee simple rule the matters subject to this expert conferencing are focused on the former urban fringe area.

#### Expert's Positions:

- a) **Mark Tollemache, Mark Thode, James Oakley and Sir William Birch** do not consider the 450m<sup>2</sup> minimum vacant lot size implements the relevant statutory requirements (including WDC subdivision policy SUB-P3(3)) and does not respond to Schedule 3A(7) of the Amendment Act. They consider that, given the Council notified a 200m<sup>2</sup> vacant fee simple lot size in the MDRS2 Zone, the matter of an appropriate lot size in the former urban fringe area is within the scope of matters that Variation 3 is considering.
- b) **Mark Tollemache, James Oakley and Sir William Birch** consider a minimum vacant lot size of 300m<sup>2</sup> in the former urban fringe area contributes to a well-functioning urban environment; choice, affordability, and variety of housing; and does not inappropriately disperse development nor detract from any focus around a town centre.
- c) **Fiona Hill, David Mead, Susan Fairgray, James Oakley and Mark Tollemache** do not support use of a shape factor only (for example 8m x 15m) to determine vacant lot sizes in the area now subject to the minimum lot size restriction area control. They consider that a minimum vacant lot size is required.
- d) **Fiona Hill, David Mead and Susan Fairgray** advise, that having listened to the discussion in this expert conferencing session, they wish to reflect on this matter further before providing a particular size of lot that better enables quality intensification.

## 4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They have read the Environment Court's Practice Note 2023 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise; and

- (d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

**Confirmed online: 17 May 2023**

<b>EXPERT'S NAME &amp; EXPERTISE</b>	<b>PARTY</b>	<b>EXPERT'S CONFIRMATION REFER PARA 4.1</b>
James Oakley (P)	Pookeno West and West Pookeno Limited	Yes
Sir William Birch (Surv)	Pookeno West and West Pokeno Ltd.	Yes
Mark Thode (P)	Kaainga Ora	Yes – present only for agenda paras 3.1 to 3.2(a).
Mark Tollemache (P)	HVL	Yes
Susan Fairgray (Economics)	Waikato District Council	Yes
David Mead (P)	Waikato District Council	Yes
Fiona Hill (P)	Waikato District Council	Yes