

BEFORE AN INDEPENDENT HEARINGS PANEL

UNDER

of the Resource Management Act
1991 ("**the Act**")

IN THE MATTER

of the hearing of submissions and further
submissions on The Proposed Waikato
District Plan (Stage 1)

Hearing 18: Rural Subdivision

**STATEMENT OF EVIDENCE BY VANCE ANDREW HODGSON
FOR HORTICULTURE NEW ZEALAND**

15 SEPTEMBER 2020

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SUMMARY STATEMENT

1. This planning evidence addresses the submissions and further submissions made by Horticulture New Zealand ("**HortNZ**") on Hearing 18; Rural Subdivision.
2. I have read the Section 42A Report on submissions and further submissions for Hearing 18.
3. On review of the submission, and the assessment and recommendations of the Section 42A Report, I am of the opinion that:
 - While not comfortable with Voucher Lot Subdivision, I am able to support the recommendation in the Section 42A Report to strengthen the standards and matters of discretion to protect rural production resources and enable rural production activities to continue to produce food.
 - Rural Hamlet Subdivision should be avoided where possible on High Class Soils and matters of discretion should be in place to consider the effects of this activity on freshwater resources relied upon by rural production activities.
 - The Conservation Lot provisions would be improved by adding a rule restricting the additional lot to contain only 15% of High Class Soils and a matter of discretion to assess the effects of the subdivision on high class soils.
 - The matters of discretion for a Building Platform could be improved by adding a matter to consider the

relationship of the Building Platform and future residential activities with surrounding rural activities to ensure reverse sensitivity effects are avoided or mitigated.

QUALIFICATIONS AND EXPERIENCE

4. My full name is Vance Andrew Hodgson. I am a director of Hodgson Planning Consultants Ltd, a resource management consultancy based in Waiuku. I have the qualifications and experience set out in my evidence for Hearing 2.
5. I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

6. This evidence provides a planning assessment of those provisions on which HortNZ submitted and addresses the Section 42A Report provided by the Waikato District Council ("**WDC**") and prepared by Katherine Overwater.
7. The planning framework is well described in both the Section 32 Report and the Section 42A Reports provided by the WDC. I generally agree with the analysis.
8. Given the general agreement, I do not repeat the analysis of the applicability of those planning instruments or the

compliance of the Proposed Waikato District Plan (“PWDP”) with those instruments. Rather this evidence sets out where I depart from the views expressed in the Section 32 or Section 42A Report, or where I consider that an alternative planning provision would better give effect to, be not inconsistent with, or have regard to (as the case may be), the various relevant documents.

9. The Section 42A Report is structured in a manner that considers submissions and further submissions in the following sections:
 - Rule 22.4.1.2 – General Subdivision
 - Rule 22.4.1.5 – Rural Hamlet Subdivision
 - Rule 22.4.1.6 – Conservation Lot Subdivision
 - Rule 22.4.9 – Subdivision – Building Platform
10. To assist the hearings panel, I have adopted a similar approach in my evidence and in doing so address the submissions or further submissions of HortNZ under these topics.

THE HORTNZ SUBMISSIONS AND FURTHER SUBMISSIONS

RULE 22.4.1.2 – GENERAL SUBDIVISION

Parent Title Size

11. The submission from HortNZ [419.38] raised concern with the general subdivision method that provided a voucher lot subdivision based on title date and parent lot size. The submission sought the deletion of the general subdivision rule stating as follows:

“There is no resource management reasoning based on sustainable management or a positive environmental outcome. Notably the same method was previously available in the Former Franklin District Plan and removed during a plan review of rural subdivision methods (plan change 14).”

12. I was a reporting planner on Plan Change 14 and during that process and through the Auckland Unitary Plan process, expressed an opinion on rural subdivision, supporting approaches that limit the scope for rural subdivision in areas of rural production, and where rural lifestyle living is directed to specific areas, rather than through sporadic and scattered subdivision.
13. This is always a contentious area of planning where competing resource use aspirations meet. Central to the issue of rural subdivision is that a decision made today on the structure of the rural cadastre will affect generations to come. In my opinion that invokes the need for a precautionary approach.
14. The issues have been well canvassed in the Section 32 Evaluation and in the Section 42A Report from Ms Overwater who makes the statement that *“if the Waikato District Council continues to enable the creation of rural-residential lifestyle lots to the same extent as it has previously, there will be irreversible consequences in respect to the loss of productivity, further fragmentation of rural land, loss of high class soils, increased reverse sensitivity effects from rural lifestyle development and degradation of rural character and amenity.”*

15. I agree with Ms Overwater and support the changes she has advanced in her recommendations. Like HortNZ, my preference would be for no voucher lot subdivision rule, the data showing a range of lot sizes already exists for lifestyle choice in the Rural Zone. However, if this is to be retained to provide another method to create more rural-residential lifestyle lots, then it needs to be structured to ensure the capacity of those resources that produce food for current and future generations are not compromised.
16. It is my understanding of the Section 42A Report and attachments, that retaining the date qualifier and shifting the parent lot title size from 20ha to 40ha significantly reduces the capacity for new rural-residential lifestyle lots. I support the recommendation which aligns with my opinion on adopting a precautionary approach. Future plan changes and future generations have the opportunity to revisit the method at another time.

High Class Soils – Rule 22.4.1.2 RD1 (a)(v)

17. Ms Overwater is of the view that Rule 22.4.1.2 RD1 (a)(v) – being a control on the percentage of High Class Soil a new lot should be retained, but amended so that the total amount of High Class Soils is restricted to 15% within the child lot title being created by the subdivision.
18. It would be my preference that any new child lot begin created for rural-residential purposed, not be located on High Class Soils. This being a nationally scarce and valuable resource. However, I also appreciate the difficulty in achieving this and in particular provisioning a new lot with sufficient safe and stable land to support development (building platform and effluent disposal). This is easier on flat

land. There may also be situations where the new lot encompasses an existing dwelling and curtilage containing High Class Soils exceeding the threshold.

19. If the rule is retained, then the standard is reasonable where it is also supported by matters of discretion that enable consideration of the effect of the subdivision on rural productivity and the availability of High Class Soils within the site and surrounds. I thereby support the new matter of discretion proposed by Ms Overwater as follows:

(vi) Effects on rural productivity and the availability of high class soils.

Reverse Sensitivity Effects

20. Responding to a submission, Ms Overwater also recommends a change to the existing matter of discretion in Rule 22.4.1.2 RD1 (b)(iv) to provide additional clarification that the assessment must focus on how the subdivision will affect adjoining activities.

(iv) potential for subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity effects;

21. I also support this change.

RULE 22.4.1.5 – RURAL HAMLET SUBDIVISION

Rural Hamlets on High Class Soils

22. Rural Hamlet Subdivision is proposed as a method that enables the relocation of existing lots into a cluster. Assessing

the issue of High Class Soils, Ms Overwater responds to the submission of HortNZ [419.39] and others to propose a new rule to ensure that new allotments created by the Rural Hamlet Subdivision, excluding the balance lot area, is required to ensure the protection of high class soils.

(vii) The proposed allotments, excluding the balance allotment must not be located on any high class soils.

23. A complementary matter of discretion is also proposed.

(vi) Effects on rural productivity and fragmentation of high class soils.

24. While I support the intent of the rule, I again note that this might provide constraints for site development and in the circumstance where the relocation is around an existing dwelling and curtilage on High Class Soils. If the Rural Hamlet Subdivision rule is to be retained, then I suggest a 15% High Class Soils threshold is established to be consistent with the approach for child lots established under the General Subdivision provisions.

Servicing Rural Hamlets

25. Through submission HortNZ [419.39] sought a new matter of discretion be included to have regard to the extent to which water conservation measures have been undertaken and low impact stormwater design and facilities have been applied. Ms Overwater sought clarity on the outcome sought by the change.

26. The matter is addressed in the evidence of Lucy Deverall for HortNZ. The concern is in regard to the impact of rural-residential development on water quantity and quality.
27. Turning first to the issue of water quantity. Each lot within a Rural Hamlet would have an allocation of freshwater for reasonable domestic needs (s14 RMA). While this allocation and use may be small in comparison to rural activities, there would be a cumulative effect and where resources are near full allocation or overallocated, restrictions or clawback may occur. Alternative water harvesting (rainwater tanks) or water conservation measures considered through design can assist with managing freshwater resources. On review of the limitations for Rural Hamlet Subdivision, I am of the opinion that the any effect on an individual development or cumulative basis is likely to be less than minor and the matter of discretion is not required.
28. On the matter of water quality, where land is urbanised a degradation in water quality occurs. The structure of the Rural Hamlet Subdivision rules are such that urban form is avoided. Clustered development may have effects on water quality, particularly associated with built structures and significant curtilage. However, as with water quantity, I consider that any effect on an individual development or cumulative basis is likely to be less than minor and the matter of discretion is not required.

RULE 22.4.1.6 – CONSERVATION LOT SUBDIVISION

Requirements of the Feature

29. The submission of HortNZ [419.40] sought a new clause to Rule 22.4.1.6 RD1 (a) in respect of new lots not being located on

High Class Soils. The submission also seeks to add two additional matters of discretion to RD1 (b) for reverse sensitivity effects and the extent to which water conservation measures and low impact stormwater design and facilities have been applied.

30. Consistent with my comments above and the assessment of Ms Overwater, I support the changes she proposes to add a rule restricting the additional lot to contain only 15% of high class soils and a matter of discretion to assess the effects on High Class Soils. I note the text of proposed ix differs between the s42A and Appendix 2 to that report. The text proposed in the s42A is clearer that the condition applies to the new lot not the balance.

(ix) Where the land to be subdivided contain high class soil (as determined by a property scale site specific Land Use Capability Assessment prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of the total land area as high class soils within the allotment.

(v) Effects on rural productivity and the availability of high class soils.

31. The matter concerning having regard to water conservation measures and low impact stormwater design and facilities, is covered in my comments above on serving Hamlets.

RULE 22.4.9 – SUBDIVISION – BUILDING PLATFORM

32. The submission of HortNZ [419.41] sought to add a new matter of discretion to Rule 22.4.9 to consider the relationship of the

Building Platform and residential activity with surrounding current and future rural production activities and measures to avoid or mitigate reverse sensitivity effects.

33. Ms Overwater recommends broader wording to cover all rural activities (including intensive farming). I support the recommendation with the matter of discretion to read as follows:

(iii) the relationship of the building platform and future residential activities with surrounding rural activities to ensure reverse sensitivity effects are avoided or mitigated.

Vance Hodgson
September 2020