

**BEFORE THE HEARING COMMISSIONERS
AT WAIKATO DISTRICT COUNCIL**

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

AND

IN THE MATTER of submissions and further submissions on the Proposed
District Plan

**REBUTTAL STATEMENT OF EVIDENCE OF BEVAN RONALD
HOULBROOKE FOR SUBMITTER #387: DIAMOND CREEK FARM LIMITED
3 May 2021**

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INTRODUCTION

- 1 My full name is Bevan Ronald Houlbrooke. I am a Director and Planner for CKL. My qualifications and experience are as per my Statement of Evidence of 17th February 2021.
- 2 I reconfirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the current (2014) Environment Court Practice Note. I agree to comply with this Code of Conduct in giving evidence to this hearing and have done so in preparing this written brief. The evidence I am giving is within my area of expertise, except where I state I am relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I understand it is my duty to assist the hearing committee impartially on relevant matters within my area of expertise and that I am not an advocate for the party which has engaged me.

SCOPE OF REBUTTAL EVIDENCE

- 3 This rebuttal statement of evidence has been prepared to consider the Waikato District Council S42A Report Hearing 25: Zone Extents Rest of District by Catherine Boulton (16th April 2021) ("S42A Report"), specifically in relation to:
 - a) Village Limits
 - b) High-class soil and fragmentation
 - c) Availability of services
 - d) Schedule 6A
 - e) WPDP

VILLAGE LIMITS

- 4 Paragraph 119 of the s42A Report states that the DCF site is not located within an indicative urban or village limit identified in Future Proof, it is not located within the current WRPS urban limits, nor is it within Waikato 2070. As such the s42A Report states that the submission site is not integrated, sustainable or planned as required by Objective 3.12 of the WRPS.

- 5 Firstly, Future Proof only proposed village limits for villages on the Hamilton City periphery. I believe this was a tool to provide a more stringent framework for settlements where growth demands are the highest due to their proximity to Hamilton. Te Uku is not located on the periphery of Hamilton City and therefore would not be expected to have village limits identified in Future Proof. The scenario for Te Uku is not dissimilar to the rezoning recently completed by the Waipa District Council (Plan Change 5) which re-zoned several rural villages that do not have village limits identified in Future Proof (Ohaupo, Ngahinapouri, Pirongia, Pukeatua, Te Miro, Karapiro, Rukuhia and Te Pahu).
- 6 Secondly, my recollection of decisions on submissions to Future Proof 2017 is that all urban limits from Future Proof 2009 were rolled over in response to the many requests that were made. Instead, specific extension requests are to be considered through the relevant district plan. This approach was enabled through the addition of a new section added to Future Proof 2017 after the hearings entitled “7.5 - A Responsible Approach to Development”. Some extracts from this section are given below:

“... the maps representing the Future Proof settlement pattern only provide a general indication of the extent of urban areas. More definitive boundaries are to be determined by each territorial authority through robust planning processes, including structure planning and more definitive urban boundaries which will be determined in district plans.

When considering proposals for change, such as the land uses identified in the settlement pattern or the timing and staging for land development set out in the Future Proof Strategy, it is critical that the guiding principles that underpin the settlement pattern are not compromised. Despite any change in global, national, regional or local circumstances, these guiding principles remain the foundation of strategic growth and development in the sub-region. Therefore when considering any changes to land use or the timing and staging of land development from that set out in the Strategy, they form the basis of any criteria developed to assess the merits of particular proposals.”

- 7 For the s42A Report to conclude that the DCF proposal is not consistent with Objective 3.12 of the WPRS because it is not within an indicative village limit in Future Proof fails to acknowledge that no such limits apply to any village outside of the Hamilton Periphery, and that Future Proof itself acknowledges that there needs to be a flexible and responsive approach to managing growth across the sub-region. For the reasons outlined in my evidence in chief, the rezoning of the DCF can occur in a way that is integrated, sustainable and planned.

HIGH-CLASS SOIL AND FRAGMENTATION

- 8 Paragraph 120 of the s42A Report states that because the DCF site contains high quality soil that the rezoning does not give effect to the WRPS, specifically Objective 3.26. The reason given is that the use of the land for urban purposes would not be protecting the soils from inappropriate subdivision, development and use because it is seeking to use land outside of the urban limits for urban development. I acknowledge that in the context of the WPRS, rural residential development is deemed to be urban.
- 9 As outlined in the previous section (paragraphs 5 & 6), Te Uku is not expected to have an urban (or village) limit because it is not located on the Hamilton Periphery. Furthermore, Section 7.5 of Future Proof 2017 anticipates and provides a framework for responding to growth and development, including achieving consistency with the Future Proof guiding principles and other statutory planning documents.
- 10 The relevant guiding principle in Future Proof 2017 (section 1.3) in respect of high-class soil is as follows:
- “Protect versatile and quality farmland for productive purposes through the provision of limited rural lifestyle development around existing towns and villages and encouraging a more compact urban footprint”*
- 11 This guiding principle aims to direct and focus rural residential development to appropriate locations around towns and villages. Historically, much of the rural residential development in the Waikato District occurred across the Rural Zone. Whilst Te Uku does not have a defined village or urban limit for the reasons already outlined, it is as the s42A Report acknowledges (paragraph 115) *“a small rural village that includes a primary school and a small cluster of shops serving the local rural community”*. Te Uku is indeed an existing settlement with a

range of community facilities and amenities including a community hall, tennis courts, primary school, church as well as a general store and coffee shop. Te Uku is also well connected to Hamilton and Raglan by a public bus service (5 times a day).

12 I consider the DCF rezoning proposal is not inconsistent with policy 3.26 of the WPRS as Te Uku is an appropriate location for rural residential development. Directing rural residential demand to Te Uku will assist with reducing the development pressures in other rural areas that do not have the locational advantages of Te Uku, nor the level of existing commercial and community facilities and amenities.

13 The fact that the DCF site contains some high-quality soil does not mean any subdivision, use or development is inherently inappropriate, the relevance of that however is in relation to whether it occurs around a town or village. In this regard I note the following explanation of Policy 14.2 (High class soils) of the WRPS is helpful:

“It is not the intention of Policy 14.2 or its methods to prevent all urban development on high class soils. However, it is expected that, in order to ensure development is appropriate, it would be subject to a comprehensive planning process such as district plan review, structure plan or growth strategy prior to any re-zoning”.

AVAILABILITY OF SERVICES

14 Paragraph 121 of the s42A Report acknowledges that the DCF rezoning proposal is sufficiently modest in scale and located far enough away from Hamilton and other identified growth areas as to not threaten wider growth directions. However, the s42A Report notes that that the DCF site cannot be serviced by reticulated infrastructure which is contemplated for rural villages but is not promoted as a wider urban growth strategy where the direction is towards reticulation to a public system.

15 I agree that rural residential development is contemplated by higher order planning documents in the absence of reticulated infrastructure. For example, Future Proof 2017 (Indicative Village Limits) states:

“the expectation is that land within an indicative village limit may be developed to a rural-residential density only unless reticulated wastewater is available...”

Furthermore, Policy 5.6.2 e) of the Waikato Proposed District Plan *“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”*.

- 16 Because Te Uku does not have reticulated infrastructure (nor is it expected to have it in the foreseeable future) does not mean the establishment of a Country Living Zone in this location is at odds with the wider urban growth strategy which seeks to provide reticulated services where this is achievable, such as the larger towns in the Waikato District. This distinction is at the heart of what sets the Country Living Zone apart from the Residential Zone.

WRPS SCHEDULE 6A

- 17 Paragraph 36 of the s42A Report has listed the development principles from Schedule 6A of the WRPS. I note however there are the following numerical errors when these principles were transposed into the s42A Report:

- General development principles should be listed a) - t), and not a) - z). This is due to j) - n) not being listed as a subset of i).
- Rural residential development principles should be listed a) - h), and not a) - i). This is due to a repetition of e) and f).

- 18 When responding to the matters found to be inconsistent in the s42A Report, I have cross referenced back to the principles in the WRPS, and not those in the s42A report. I apologise if I have inadvertently responded to the wrong development principle as a result.

- 19 Paragraph 123 of the s42A Report considers the DCF rezoning request to be inconsistent with the general development principles a), b), c), i), and there is insufficient evidence to determine m) and o). I comment as follows in response to this:

- a) For the reasons outlined in paragraphs 5 and 6 above, Te Uku would not be expected to have an urban limit because it is a village located outside of the Hamilton Periphery.
- b) The objectives, policies and rule framework for the Country Living and Rural zones will adequately ensure there is a clear delineation between urban and rural areas. The nature and scale of

development typically associated with the Country Living Zone is not enabled in the Rural Zone, and as such, there is a clear delineation where these zones sit adjacent to each other.

- c) The WPDP will provide opportunities for urban intensification and redevelopment. It is not the intention of this development principle to foreclose all greenfield development in lieu of enabling those infill opportunities exclusively.
- e) The requirement to connect to existing and planned infrastructure in a Country Living Zone is typically limited as subdivision and development in this zone is expected to be more self-sufficient than development that occurs in larger and more densely populated urban centres where services are more easily accessible.

Notwithstanding this, the DCF proposal would connect well with SH23 and utilise it for both private and public transportation. The adequacy of the public transport service is outlined in more detail by the rebuttal evidence of Ms. Makinson. It is noteworthy the development has been comprehensively considered by Waka Kotahi who have provided a written response confirming no opposition to the proposal.

Since the evidence in chief was submitted, a preliminary geotechnical assessment for the DCF site has been completed (attached as Appendix 1A). This assessment confirms the general suitability of the DCF site for rural residential development, including the provision of on-site wastewater systems and rain water collection tanks. As such, there is no need to connect with reticulated three waters infrastructure.

In terms of social infrastructure, the DCF site will be able to utilise existing community and commercial facilities at Te Uku, including the primary school, community hall, tennis courts, church, general store and coffee shop. Growing the local population will help support these community amenities.

- i) The DCF proposal will promote a compact urban form, albeit at a density that is consistent those expected for the Country Living Zone. The DCF structure plan shows a network of planned cycle and footpaths which connect the subdivision with green spaces and Te Uku village. The extent of these cycle and footpaths will be

more than sufficient to cater for the needs of residents and there should not be a need to extend dedicated facilities beyond what has been shown on the Structure Plan. In my experience the extent of footpaths and cycleways shown on the DCF Structure Plan is superior to what is commonly provided in rural-residential areas elsewhere in the Waikato District. As outlined in the rebuttal evidence by Ms. Makinson, there is potential for a bus-stop to be provided should this be wanted by the Waikato Regional Council.

- m) Potential adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems would be considered as part of the resource consent application. DCF is committed to low impact urban design and development principles. The geotechnical assessment (Appendix 1A) also addresses some of these matters.
- o) In terms of reverse sensitivity, the DCF site is located adjacent to the following land uses:
- State Highway 23
 - Rural Residential (3410 SH 23)
 - Surfside Church
 - Rural / Livestock Grazing

Notably, there are no mineral extraction or intensive farming activities in the vicinity of the DCF site.

Rural residential subdivision and development can if not managed appropriately create a conflict between those seeking to live in a rural area for lifestyle reasons and the effects of activities using the rural resource for productive purposes. The interface of the Rural and Country Living Zone is relatively common in the Waikato District, and as such reverse sensitivity is relatively well managed by PDP provisions including setback requirements and noise standards.

Potential reverse sensitivity from SH23 is most likely going to be related to noise and glare effects. Separation is often the most effective method of mitigating these effects and the PDP requires

a 15m separation between new buildings and the boundary with a state highway.

The rural residential activity at 3410 State Highway 23 is of a similar nature to the activities enabled by the DCF rezoning. Reserve sensitivity is not anticipated to be an issue in respect of this property.

Churches are often located adjacent to residential activities. The potential reserve sensitivity issues for the Church are most likely going to be related to noise and traffic associated with regular gatherings. The Surfside Church has a large carpark that should ensure vehicles can be accommodated on-site without spilling onto the surrounding road network. Noise generated by the church is required to comply with the noise standards of the WPDP.

20 The s42A Report also considers the DCF rezoning request is inconsistent with principle e) specific to rural residential development, and that there is insufficient evidence to determine consistency with principles b) and h). I note that the s42A report however does not discuss matters relating to b) and h), so I assume these are typos and they should read as c) and f) which relate to topics that are discussed. I comment as follows in response:

- e) Compared to other rural-residential areas in the Waikato District, Te Uku is well served by public transport in the form of a public bus service operating five times a day between Raglan and Hamilton. Te Uku itself also has some limited employment opportunities, however there more extensive employment options at Raglan which is only 10.5km away.
- c) In respect of avoiding open landscapes largely free of urban and rural-residential development I refer to the evidence in chief from Mr Mansergh where he concludes at paragraph 72 that the DCF zone change will enable development which would have no effect to moderate adverse effect on the key attributes of the surrounding landscape. The consolidation of country living and intensifying existing nodes assists with avoiding uncontrolled or inappropriate subdivision sporadically located throughout the rural landscape and the preservation of larger areas of wide-open rural character.

- f) In respect of minimising visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping I again refer to the evidence in chief of Mr Mansergh. At paragraph 103 Mr Mansergh concludes that the development enabled by the DCF zone change will have a negligible to moderate effect on landscape character and associated visual amenity values. This level of effect is not unexpected and must be considered within the context of the intention of the zone change, which is to enable the intensification of development around the core of Te Uku village.

The s42A report notes that the consolidation of rural-residential development into a specified area as being appropriate to preserve rural character and avoid fragmentation, but considers there are already areas identified within Future Proof to do just that. To the best of my knowledge, the WPDP has not introduced any new Country Living Zone areas or notably extended any existing Country Living zoned areas. It would be helpful for context if WDC could advise at the hearing what further development capacity does exist within the Country Living Zone.

PWDP

- 21 Paragraph 125 of the s42A Report lists issues, objectives, and policies of the PWDP that the DCF proposal is not considered to be consistent with. I comment as follows:

- Issue 1.5.2 (a) – the rezoning request would ensure growth occurs in a defined growth area within the WPDP. This is because the Country Living Zone is a defined growth area for rural residential development in the context of the WPDP, and Future Proof 2017 anticipates rural-residential growth around existing rural villages and nodes. Te Uku, like every village outside of the Hamilton Periphery, does not have defined village limits in Future Proof, however this does not foreclose the ability to consider a rezoning on its merits and taking into account the guiding principles that underpin the Future Proof settlement pattern.
- Objectives 1.12.8 (b) (i), (ii) and (iii) – in the context of the WPDP, development in the Country Living Zone forms part of

the rural environment and is not deemed to be “urban” (which differs to how it is treated in the WRPS). Objectives 1.12.8 (b) (i), (ii) and (iii) relate specifically to urban development in context of the WPDP and therefore is not directly relevant to the DCF proposal.

- Objective 1.5.1 (b) - this is not an objective, but rather an explanation. Nevertheless, the DCF proposal is consistent with this explanation in that it facilitates “...*rural-residential development occurring in Country Living Zones*”.
- Objective 1.12.3 (c) - in the context of the WPDP, development in the Country Living Zone forms part of the rural environment and is not deemed to be “urban”.
- Objective 4.1.2 (a) – Chapter 4 contains objectives and policies for the urban environment. This is not directly relevant to the Country Living Zone as it forms part of the rural environment (Chapter 5).
- Objective 5.3.8 (a) – this objective seeks to protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages. The DCF proposal is consistent in that it will consolidate rural-residential development into a specified area adjacent to an existing rural village. The WPDP focuses urban development in Towns.
- Objective 5.1.1 (a) (iii) – this objective seeks to avoid urban subdivision, use, development in the rural environment. The Country Living Zone is not deemed to be urban development in the context of the WPDP. If it was considered to be urban, all Country Living Zones across the Waikato District would be at odds with this objective.

CONCLUSIONS

- 22 Having considered and responded to the matters raised in the s42A report, I remain of the opinion that a Country Living zoning to the DCF site is an appropriate outcome.

A handwritten signature in blue ink that reads "Bevan Houlbrooke". The signature is written in a cursive style with a large initial 'B'.

Bevan Houlbrooke

3 May 2021