

**UNDER** the Resource Management Act 1991 ("RMA")  
**IN THE MATTER** of Proposed Waikato District Council's ("WDC") Proposed  
District Plan ("PDP"): Hearing 16 – Raglan

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**EVIDENCE OF PHILIP JOHN STICKNEY ON BEHALF OF KĀINGA ORA  
(FORMERLY HOUSING NEW ZEALAND CORPORATION) (749, FS1269)**

**PLANNING**

**11 MAY 2020**

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

**REF: Douglas Allan / Alex Devine**

**Level 17 Vero Centre  
48 Shortland Street, Auckland  
Tel: 09 307 2172 / Fax: 09 358 5215  
PO Box 1509  
DX CP22003  
AUCKLAND**

## 1. Summary Statement

- 1.1 My full name is Philip John Stickney. I am a Senior Associate at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) (formerly Housing New Zealand Corporation) in relation to its submissions on the Proposed Waikato District Plan (“**the Proposed District Plan**” or “**PDP**”) insofar as they relate to this hearing. Primarily, this hearing relates to those provisions covered in a variety of PDP Chapters that have applicability to Raglan.
- 1.2 Of particular interest to Kāinga Ora are the objectives, policies and provisions which govern the Business and Business Town Centre Zones and also those provisions which will enable and manage residential activities within Raglan. Kāinga Ora made submissions and further submissions on these chapters and presented evidence at Hearings 9 and 10 on the PDP. These have been referred to as necessary in this statement.
- 1.3 In summary, the key points addressed in my evidence are:
- (a) The relief sought by a number of submissions would in my opinion place restrictions over future development opportunities within Raglan. My concern is that such relief, if adopted, would result in a “misalignment” with higher order Policy documents on growth and development. These documents include the National Policy Statement on Urban Development Capacity, the Regional Policy Statement and the Strategic Directions and Urban Environments Policies set out in Chapters 1 and 4 of the PDP.
  - (b) I therefore consider it necessary for the relief sought in those submissions to be assessed in the context of achieving the intent of these higher order documents. I highlight the population demand increase set out in the “Development Plan” for Raglan included in the Draft Waikato Economic and Urban Growth Strategy (“**Waikato 2070**”), which further reinforces the need for the PDP to enable growth but in a manner that achieves positive environmental and social outcomes.
  - (c) I note the range of relief sought by a number of submitters that seek to provide a greater degree of protection and management of existing amenity and character in Raglan through mechanisms such as the imposition of Conservation Overlays, restrictions on development heights and specific provisions for resource consent processes for developments that infringe PDP standards. As a general observation after reviewing the submissions, I consider it clear that there is an inherent “tension” being highlighted between the desire to protect the existing

character of Raglan versus the intent of higher order strategic documents. However I agree with the Ms. Salmon as the reporting planner that further analysis would be required prior to any tailored controls being considered to govern the character and amenity of Raglan. To do otherwise would in my opinion potentially frustrate the ability of Raglan to contribute to the sustainable growth and development of the District as a whole.

## **2. Introduction**

- 2.1 My name is Philip John Stickney. I am a Senior Associate - Planning at Beca Ltd. I hold the degree of Bachelor of Regional Planning (Hons) from Massey University and I am a full member of the New Zealand Planning Institute.
- 2.2 I am providing planning evidence on behalf of Kāinga Ora in respect of submissions and further submissions made on the proposed planning provisions in the Proposed District Plan which relate specifically to the Raglan Area.
- 2.3 I was not involved with the preparation of primary and further submissions, however, I can confirm that I have read the submissions and further submissions by Kāinga Ora in relation to the PDP. I am familiar with Kāinga Ora's corporate intent in respect of the provision of housing within Waikato.<sup>1</sup> I am also familiar with the national, regional and district planning documents relevant to the PDP.
- 2.4 I have 27 years' planning and resource management experience, providing technical direction on numerous projects over the years, particularly focusing on land development projects and policy planning. I have been involved in a number of plan review and plan change processes. In particular, I have been a lead member of planning teams for policy planning projects on behalf of clients including:
- (a) The Proposed Waikato Regional Policy Statement review, The Waikato Future-Proof Growth Strategy and the Draft Waikato Economic and Urban Growth Strategy.
  - (b) The Hamilton District Plan review process; on behalf of Tainui Group Holdings; focusing primarily on the policy and rules framework for the Ruakura development in Eastern Hamilton.

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<sup>1</sup> Kāinga Ora provided corporate evidence in Hearing 3.

- (c) The preparation of planning provisions for the former Auckland City Council District Plan (Hauraki Gulf) special policy and rules framework to govern the restoration and conservation/recreational use of Rotoroa Island in the Hauraki Gulf.
- (d) Collaborative planning with Whangarei District to develop the Planning framework including zoning and planning rules for the Marsden Cove Waterways canal housing development at Ruakaka.
- (e) Numerous lead consenting team roles for multi-unit and medium density housing developments in various locations throughout New Zealand.

### **3. Code of Conduct**

- 3.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **4. Scope of Evidence / Introductory Comments**

- 4.1 This statement of evidence addresses the following submission points of Kāinga Ora relating to the Raglan Area:
  - (a) Submission point 749.10 seeking amendments to Policy 4.5.15. Specifically, the deletion of the reference to the Town Centre Character Statements within Policy 4.5.15 and the inclusion of the outcomes sought by that Character Statement instead.
  - (b) Further submission point FS1269.71 opposing Whaingaroa Environmental Defence Incorporated Society ("**WEDIS**") submission point 780.19 to delete Policy 4.5.14(f).
  - (c) Further submission point FS1269.71 opposing WEDIS submission point 780.19 to make the Coastal Overlay a conservation area.
  - (d) Further submission point FS1269.71 opposing WEDIS submission point 780.19 to include provisions which require that all consents infringing rules in the PDP or exceeding one storey be publicly notified.

- (e) Further submission point FS1269.66 supporting (in part) WEDIS submission point 780.6 to add provisions for an area of high density development near the cement silos.
- 4.2 In preparing this statement of evidence and to provide the context for the conclusions I have reached in this statement, I have also relied upon my planning evidence previously provided to the Hearings Panel on Chapter 1 (Introduction and Strategic Directions), Chapter 4 (Urban Environment), Chapter 16 (Residential) and Chapters 17 and 18 (Business and Business Town Centre Zones).
- 4.3 I acknowledge that the relevant matters to be considered in this hearing relate primarily to Raglan. However, in my opinion the intent of the higher level Strategic Directions and Objectives in Chapters 1 and 4 of the PDP will also need to be considered in the context of the specific relief sought on matters pertaining to Raglan.
- 4.4 In particular, a key overarching Strategic Direction (1.12.3) seeks (amongst other things) to provide a wide variety of housing forms, increase accessibility to employment and community facilities and achieve a settlement pattern in the District that has a compact urban form and offers ease of movement, community wellbeing and economic growth. This is not a zone-specific Strategic Direction and applies to the Raglan settlement in the same way it applies to all the other settlements in the District.
- 4.5 Strategic Direction 1.12.8 seeks to (amongst other matters): promote safe and compact good quality urban environments that respond positively to their local context (1.12.8(ii)); focus urban growth in existing urban communities that have capacity for expansion (1.12.8(iii)); and plan for mixed use development in suitable locations (1.12.8(iv)).
- 4.6 The more targeted Objectives flowing from these Strategic Directions articulate a range of desired outcomes. In particular Objectives 4.1.1, 4.1.2, 4.1.3 and 4.1.5 all seek to achieve a compact urban form with a range of activities that in combination will achieve “liveable, thriving and connected communities that are sustainable efficient and co-ordinated”. These provisions are also not all exclusively “zone specific” in respect of the outcomes sought. They envisage growth and change over time, allied to the efficient use of land and infrastructure as a means to achieve positive social, economic and environmental outcomes.
- 4.7 The higher order Strategic Directions identified above clearly envisage growth with a resulting change to existing character. If managed well, such changes in character need not result in an adverse effect and will avoid progressively eroding the qualities of Raglan that the relief in the submissions seek to protect.

- 4.8 As a general observation however, there is currently an inherent tension between the relief sought by the number of the submissions which seek to protect the status quo despite the higher order strategic documents such as the Waikato 2070.
- 4.9 Waikato 2070 (including the “Development Plan” for Raglan) envisages development to accommodate an additional 4500 people over the next 50 years which is a population increase of over 100%. While that appears significant, on an annualised basis that only equates to an additional 90 residents per annum.
- 4.10 However, if this population growth is to be accommodated with minimal expansion of Raglan as a desired outcome then the planning framework will have to make provision for the creation of higher density housing in and around the Town Centre as well as within the Residential Zone. Kāinga Ora has made submissions on these issues at a District-wide level and has sought that an area of the existing Residential Zone in Raglan be rezoned to provide for Medium Density Housing.<sup>2</sup>
- 4.11 In my view, the PDP can achieve an appropriate balance between enabling growth and managing effects on the identified landscape and built form qualities of the settlement.

**5. Topic 7 - Built Environment – Town Centre- Policy 4.5.14 and Appendix 10.1-10.6 (S749.10) and FS1269.71 (opposing S780.19)**

5.1 Kāinga Ora's submission seeks that the reference to Town Centre Character Statements from the Town Centre policies be deleted and replaced by a suite of provisions (drawn from the Character Statements) which could guide the intent of the future form of each respective Town Centre in the District. This submission point was expanded upon in the legal, planning and urban design evidence presented at the Hearing on Chapter 9 and I have relied upon the matters set out in those statements in preparing this evidence. That evidence highlighted concerns with the approach in the PDP to guiding future development. In summary these are:

- (a) The inherent “disconnect” between the more enabling Strategic Directions and Objectives which envisage change, growth and consolidation in existing urban

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<sup>2</sup> Refer to Kāinga Ora evidence previously provided to the Hearings Panel on Chapter 1 (Introduction and Strategic Directions), Chapter 4 (Urban Environment), Chapter 16 (Residential) and Chapters 17 and 18 (Business and Business Town Centre Zones). The spatial extent of the zones will be addressed in the Zone extents hearing, to be heard in 2021.

areas and the structure of the more detailed and prescriptive Character Statements which effectively represent a “snapshot in time”;

- (b) The resulting effectiveness and useability of the Character Statements and Urban Design Guidelines as they are currently drafted in the context of a policy framework; and
- (c) The administrative and user benefits to be gained from the inclusion in a policy framework.

5.2 As outlined in my previous evidence, the removal of Character Statements and Urban Design Guidelines from the relevant Policies would avoid unnecessary potential duplication for an applicant having to address Assessment Criteria, Character Statements (and Urban Design Guidelines) as well as relevant Objectives and Policies. In my view, developing a suite of robust statutory Assessment Criteria that governs new buildings, drawn from the Urban Design Guidelines and the Character Statements on key issues, would represent a more clear and concise structure for the PDP provisions.

5.3 Consistent with this, Ms. Salmon has recommended removing the reference to the Town Centre Character Statements and incorporating outcomes of character statement into the policy. In the view of Ms. Salmon, this will make the plan more user friendly and strengthen the policy.

5.4 I generally support the recommended changes set out in Part 95 of the s.42A report and in particular the removal of the reference to the Town Centre Character Statements in the Policy. I also consider that the recommended amendments to the policy set out in Part (vi) of the Policy are appropriate as they align with evidence provided at Hearing 9 where I discussed the creation of “retail cores” as a means to ensure that the commercial focus of each settlement was strengthened.

5.5 I do make the observation that the inclusion of the terms “eclectic” and “artistic” in the recommended amendments to Policy 4.5.14(v) are in my opinion very subjective and open to significant variance of interpretation. In my view, there is no need to include the words “*whilst still promoting the eclectic and artistic nature of the town*” in the policy and it is my preference that these words are deleted from the policy. If they were to remain, then it would be necessary for the relevant Assessment Criteria governing new buildings in associated Rules 18.1.3 to be restructured and amended in a manner that provides clear and direct criteria on the outcomes sought by this Policy.

5.6 As noted by Ms. Salmon in her s42a assessment, if this recommendation is adopted, this will result in an inconsistent approach throughout the PDP for the other Character Statements unless the same approach is implemented for all the remaining Policies dealing with the same issue for each settlement in the District (which Kāinga Ora's submission provides scope for). For the reasons set out in my evidence on Hearing 9 (and summarised above) I consider this approach should be adopted for the equivalent Policies for all other settlements across the District.

**6. Topic 4 – The Character of Raglan – (FS1269.71 opposing S780.19) and Topic 6 – Notification of Resource Consent Applications – (FS1269.71 opposing S.780.19)**

6.1 Kāinga Ora lodged further submissions in opposition to the WEDIS submission which sought that a (new) Conservation Overlay be applied to Raglan and that applications which infringe District Plan rules, or which exceed one storey, be publicly notified.

6.2 In my experience, overlays can be, and often are used as a tool to provide more guidance and management of a specific environmental outcomes. They can also be used in combination with tools that are outside the purvey of the district plan framework such as Reserve Management Plans and Asset Management Plans., Cumulatively, these processes can more appropriately provide for the management of some features of Raglan at a finer grained level. From a planning perspective, and particularly in the absence of further detail in the submissions, it is my opinion the proposed blanket overlay would be a blunt instrument which cannot be justified from a section 32 perspective, and would be quite inconsistent with the higher order policy instruments and provisions of the proposed plan. I consider that further analysis and assessment would be required via a subsequent planning process (such as a Plan Change) before an overlay of the type sought in the submission would be a reasoned planning response. I note that the reporting planner Ms. Salmon has reached a similar conclusion in her assessment.

6.3 In regard to the submission point in 780.19 seeking the notification of proposed buildings which infringe District Plan rules or are proposed to exceed 1 storey in height, I consider the assessment by Ms. Salmon in Part 74 and 75 of her report to be a reasoned response to the relief sought. I agree with her assessment that:

*This approach is inefficient and also imposes significant costs on developments, which in turn impacts on social, economic and cultural wellbeing potentially reducing the expansion of the housing stock, especially affordable housing, and reducing the attractiveness of Raglan as a location for employment generating business and industry*



**7. Topic 9 - Built Environment – Wider Area – FS1269.66 (Supporting in Part S780.6)**

7.1 Submission 780.6 sought the addition of provisions to the PDP to provide for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village.

7.2 Kāinga Ora partly supported submission point 780.6 on the basis that the relief sought represents an opportunity to achieve an efficient utilisation of that particular Business zoned land for a wider and more intensive mix of activities than currently on the site. I note that Ms. Salmon has raised concerns regarding the relief sought by the primary submitter in Part 141 of her report. She also notes that the land around the silos is within the Business and Residential Zones. In these zones, a higher density development is provided for as a restricted discretionary activity under the multi-unit development rules.

7.3 I generally concur with the assessment of the reporting planner noting that a number of substantial changes have been sought in the wider Business Zone submissions to better enable the creation of mixed use and higher density developments in such zones. The decisions on those provisions are yet to be released and they will be the provisions against which future development on this particular site will be managed as a starting point.

**8. Conclusion**

8.1 In conclusion, I concur with the recommendations of the reporting planner in the s.42A report and in particular the recommended amendments to Policy 4.5.15.

8.2 While I acknowledge the themes and relief set out in a number of the submitters on issues that they see as being relevant to Raglan, I do consider that a good many of the submission points seek relief, which if not further refined and assessed carefully will erode the intent and direction provided by higher order planning documents which seek to enable the creation of a compact urban form and enhance the efficiency of the use of physical infrastructure and amenities already present in Raglan.

**Philip John Stickney**

**11 May 2020**