

**UNDER** The Resource Mangement Act 1991 ("RMA")  
**IN THE MATTER** of the Proposed Waikato District Plan: Hearing 21b –  
Landscapes

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

**PLANNING**

**20 August 2020**

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**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. Specifically, this evidence relates to Chapter 3 – Natural Environment and Chapter 16 – Residential Zone.

1.2 In summary, the key points addressed in my evidence are:

- a) My support for Waikato District Council’s (“**the Council**”) recommendation to delete Clause (b)(ii) of Policy 3.5.2 and replace with the phrase “*a High Natural Character Area*”. I consider this amendment removes the ambiguity by virtue of reference to “*high*” and “*very high*” natural character areas – noting these terms are both undefined within the PDP.
- b) My support for the Council’s recommendation to amend the permitted thresholds for earthworks within a ‘Landscape Area’ or a ‘Natural Character Area’. Retaining the notified permitted thresholds will likely require almost all residential developments to obtain a resource consent when undertaking earthworks within a ‘Landscape Area’ or a ‘Natural Character Area’.

## **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 made on the proposed planning provisions in Chapters 3 and 16 covering the planning framework for identified landscapes within the PDP.
- 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 Proposed District Plan. I am familiar with Kāinga Ora's corporate intent in respect of the provision of housing within Waikato. I am also familiar with the national, regional and district planning documents relevant to the Proposed District Plan and have previously prepared and presented evidence on the Business and Business Town Centre Zones and the Residential Chapters of the PDP.
- 2.4 I am also personally very familiar with many of the settlements and landscapes within the Waikato District having resided in the rural northern Waikato District for the last 6 years.
- 2.5 I have 27 years' planning and resource management experience, providing technical direction on numerous projects over the years, particularly focussing 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 including:
- (a) The Proposed Waikato Regional Policy Statement review, The Waikato Future-Proof Growth Strategy and the Proposed Hamilton District Plan review process; on behalf of Tainui Group Holdings, focussing primarily on the policy and rules framework for the Ruakura development in Eastern Hamilton.
  - (b) 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 Rotorua Island in the Hauraki Gulf.

- (c) 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.
- (d) Numerous lead consenting team roles for multi-unit and medium density.

### **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**

- 4.1 This statement of evidence addresses submission points relating to Chapter 3: Natural Environment and Chapter 16: Residential Zone of the PDP insofar as they relate to the recognition of Natural Character, and the management of earthworks within a Residential Zone (within the relevant Character Areas).

### **5. Chapter 3 – Natural Environment**

#### Submission Point 749.93 – Policy 3.5.2 – Recognising Natural Character

- 5.1 Kāinga Ora's primary submission<sup>1</sup> sought to amend Policy 3.5.2 to provide clarity on what is meant by "high" and "very high" natural character areas. This is because only "High Natural Character Areas" are defined and identified in the PDP but the proposed wording of Policy 3.5.2 would infer that there is also a mechanism within the PDP to manage landscape

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<sup>1</sup> No. 749.93

values and development with an additional (unidentified) Natural Character Area that displayed “very high” values.

5.2 This submission point has been considered in the s42A report. The author concurs with the position of Kainga Ora and accordingly has recommended the term “*very high*” should be deleted from Policy 3.5.2 on the basis that it is unnecessary and confusing in the absence of a definition<sup>2</sup>. The recommended amendments to Policy 3.5.2 (b) are set out in the s.42A report as follows: (~~strikethrough~~ indicates deletion, underline indicates additions):

*b) Recognise the natural character qualities of the following areas within the coastal environment and identified on the planning maps as:*

(i) an Outstanding Natural Character Area areas; and

(ii) high (and very high natural character areas a High Natural Character Area

5.3 I support the recommendation of Council to amend Policy 3.5.2 (b) to delete the term “*very high*” and replace it with “*High Natural Character Area*” to assist in the interpretation of this policy and alignment to the proposed mapping of the various Natural Character Areas. The term ‘*High Natural Character Area*’ is defined within the PDP and therefore avoids any ambiguity around the application of Policy 3.5.2 (b) in regard to recognising natural character qualities within the coastal environment.

## **6. Chapter 16 – Residential Zone**

### Submission Point 749.84 – Rule 16.2.4.4 – Earthworks - Landscape and Natural Character Areas

6.1 Kāinga Ora’s primary submission<sup>3</sup> sought to amend the permitted activity thresholds for earthworks within a Landscape or Natural Character Area

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<sup>2</sup> s42A Report – Hearing 21B: Landscapes (para. 320, pg. 108-109)

<sup>3</sup> No. 749.84

with an underlying Residential Zoning, from 50m<sup>2</sup> and 250m<sup>3</sup> to 250m<sup>2</sup> and 50m<sup>3</sup> respectively.

- 6.2 In considering (for example), a theoretical residential development consisting of a dwelling of approximately 180 m<sup>2</sup> and a driveway and related landscaped areas of 50 m<sup>2</sup>, the controls as proposed would immediately trigger the requirement for a resource consent for the earthworks component of the development, even if the balance of the proposal complied with all other standards. As notified, I do not consider the provisions to be reasonable given that if the underlying zoning is Residential (acknowledging that it is also subject to a Landscape or Natural Character Area Overlay). In my view, the underlying zoning of Residential signals that a level of development (and resulting effects) commensurate with that zoning will be generated by undertaking activities provided for within the Residential Zone.
- 6.3 In my opinion it is a combination of (a) the thresholds above which a consent is required (e.g. the 250m<sup>2</sup> threshold); and (b) the scope of the other “preconditions” that must be met for earthworks in these Overlays to be a permitted activity (e.g. maximum slope of resulting cut not exceeding 1:2), which should be considered. Having reviewed those “preconditions” as set out in Rule 16.2.4.4 (c)-(g) in the context of the thresholds sought by Kāinga Ora, I consider that there is an appropriate balance achieved between enabling earthworks at a scale more typical for that zone and also managing the potential effects of those earthworks within a Landscape or Natural Character Area.
- 6.4 I note the further submission by the Department of Conservation<sup>4</sup> (“DoC”) in response to the relief sought through Kāinga Ora’s submission. DoC is concerned with increased sediment runoff and visual effects resulting from an increase in the permitted earthwork thresholds as sought by Kāinga Ora. Council has rejected this further submission in its s42A report. I concur with the Council’s rationale for that rejection. The controls set out in (c)-(g) as proposed are not in my opinion lessened in their effectiveness at avoiding or mitigating the effects of the earthworks thresholds sought by the submitter and I consider these controls to be

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<sup>4</sup> No. FS1293.58

pragmatic and appropriate in the context of the underlying zoning and the scale and nature of activities to be undertaken.

- 6.5 Requirements such as the requirement to re-vegetate to achieve 80% ground cover within 6 months of the commencement of earthworks<sup>5</sup> and retaining sediment on site through the implementation and maintenance of erosion and sediment controls<sup>6</sup> - will appropriately regulate the actual and potential effects associated with such works. Those conditions are clearly expressed and are well understood by the construction industry.
- 6.6 Any adverse effects associated with an increase to the maximum permitted area of earthworks within a Landscape or Natural Character Area will, in my opinion, be appropriately avoided, remedied or mitigated by way of compliance with conditions imposed by Council on a resource consent for those earthworks that cannot comply with the terms of Rule 16.2.4.4.
- 6.7 In the s42A report, Council has recommended adopting the thresholds proposed by Kāinga Ora, stating that the thresholds sought are reasonable, given typical residential site areas and residential development that are expected in this zone. After considering the matters raised in further submissions, I maintain my support of the recommendation of Council to amend the permitted earthwork thresholds to provide a greater area threshold and reduce the maximum permitted volume threshold for earthworks within Landscape and Natural Character Areas.

## **7. Conclusion**

- 7.1 In conclusion, I am of the opinion that with the amendments sought by Kāinga Ora to Chapter 3: Natural Environment and Chapter 16: Residential Zone, are appropriate and will assist in improving the consistency, usability and interpretation of provisions within the PDP

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<sup>5</sup> Rule 16.2.4.4 (e) Earthworks – Landscape and Natural Character Areas (Decisions version)

<sup>6</sup> Rule 16.2.4.4 (f) Earthworks – Landscape and Natural Character Areas (Decisions version)

when undertaking activities with Landscape or Natural Character Areas in accordance with the underlying zoning.

**Philip John Stickney**

20 August 2020