UNDER the the Resource Mangement Act 1991 ("RMA")

IN THE MATTER of Proposed Waikato District Plan: Hearing 22 – Infrastructure and Energy

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EVIDENCE OF PHILIP JOHN STICKNEY ON BEHALF OF HOUSING NEW ZEALAND CORPORATION

PLANNING

29 September 2020

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1. Summary Statement

My full name is Philip John Stickney. I am a Senior Associate – Planning at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora Homes and Communities ("**Kāinga Ora**") in relation to submissions made on the Proposed Waikato District Plan ("**the Proposed District Plan**" or "**PDP**") insofar as they relate to this hearing. Specifically, this hearing relates to infrastructure and energy.

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

(a) That the relief sought by KiwiRail and Waka Kotahi NZ Transport Agency ("**the Submitters**") to include acoustic and vibration controls for a distance of 100 metres each side of the outer boundary of a State Highway or rail designation ("**Controls**") are an inappropriate and unjustified planning response to manage a reverse sensitivity issue.

(b) The application of the Controls will affect a significant number of existing properties and established urban areas including the Residential Zone, Rural Zone, Country Living Zone and Village Zone and given the scale of the area involved requires a careful and considered technical and planning analysis which has not been undertaken.

(c) That the evidence provided by the Submitters and the depth of the s.32AA analysis does not signal that there is indeed a significant reverse sensitivity effect that is manifesting itself through the curtailing of road or rail movements. Accordingly, it is not reasonable to arrive at a conclusion that the Controls sought are appropriate and justified. I consider that no detailed assessment options, alternatives and technical analysis has been undertaken, even if it was to be demonstrated that an effect was of a scale that required the imposition of the Controls sought.

(d) Submission 749.77 and Submission 749.78 sought changes to Table 14.12.5.7 and Table 14.12.5.14. which regulate minimum parking standards and accessway and road corridor widths. In light of the directions pertaining to parking standards within the National Policy Statement – Urban Development 2020, ("**NPS-**

UD2020"), I consider that there are opportunities to consider the removal of minimum parking standards, acknowledging that the Plan review process commenced in advance of the NPS-UD2020 being gazetted. At the very least, the full suite of relief sought in respect of Table 14.12.5.7 should be adopted.

2. Introduction

2.1 My name is Philip John Stickney. I am a Senior Associate - Planning at Beca Ltd. Previous evidence I have provided on the Proposed District Plan has included my relevant experience and qualifications[1], which is also set out in **Annexure One** to this statement.

2.2 I am providing planning evidence on behalf of Kāinga Ora in relation to its submissions and further submissions on the Proposed District Plan provisions relating to infrastructure and energy addressed in this hearing.

2.3 I 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.

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 Hearing 22 – Infrastructure addresses submission points relating to the PDP's infrastructure and energy provisions contained in Chapter 6

[1] For Hearings 9 and 10: Business and Business Town Centre Zones and Residential Zone.

Infrastructure, Chapter 13 Definitions and Chapter 14 Infrastructure and Energy.

4.2 This evidence addresses Kāinga Ora's submission points in detail:

(a) Further Submissions 1269.86, 1269.87 and 1269.62 relating to the introduction of additional acoustic and vibration provisions for noise sensitive activities within 100m of the Rail Corridor and State Highway corridors;

(b) Submission 749.77 relating to the ratio of required parking spaces and loading bays;

(c) Submission 749.78 relating to access and roading standards relating to Table 14.12.5.14.

4.3 Kāinga Ora has also filed planning evidence by Mr Matthew Lindenberg which addresses Kāinga Ora's submissions on the proposed planning provisions relating to the National Grid.

4.4 In regard to the submission points listed below, I have reviewed the Waikato District Council's ("**Council**") s.42A report and confirm my support of and/or agreement with the changes proposed by Council in the s.42A report for the following matters:

(a) Retention (in part) of objectives 6.1.9, 6.1.10, 6.1.11, 6.1.12 and 6.1.13 (sub 749.23) as notified;

(b) Retention of objectives and policies in Section 6.4 (sub 749.25);

(c) Retaining the definition of 'road network activities' (sub 749.60);

(d) Retaining permitted activities Rule 14.2.1 (sub 749.68);

(e) Retention of restricted discretionary activities Rule 14.2.2 (sub 749.69);

(f) Retention of permitted activities Rule 14.3.1 (sub 749.70);

(g) Retention of restricted discretionary activity Rule 14.3.3 (sub 749.71);

(h) Change of activity status for Rule 14.3.4.D3 activities not complying with access and service conditions for subdivision from Discretionary to Restricted Discretionary (sub 749.72);

(i) Retention of Section 14.11 (sub 749.74);

(j) Retention of permitted activities Rule 14.12.1 (sub 749.75); and

(k) Retention of restricted discretionary activities Rule 14.12.2 (sub 749.157).

4.4 Similarly, I confirm my support and agreement with the recommendations contained within the s.42A report in respect of the following further submissions:

(a) FS1269.122 relating to rules that direct land use and infrastructure integration;

(b) FS1269.117 relating to low impact design and stormwater management;

(c) FS1269.146 relating to stormwater management regime between territorial authorities;

(d) FS1269.147 and FS1269.148 relating to the width of off-road pedestrian walkways and cycleways facilities and assessment of built form effects;

(e) FS1269.149 and FS1269.150 relating to access and separation distance standards;

(f) FS1269.119 relating to the minimum parking requirement in the residential zone;

(g) FS1269.67 relating to options for the provision of reduced parking standards; and

(h) FS1269.85 relating to Policy 6.1.7 and existing vs planned infrastructure.

5. New rules for noise sensitive activities in proximity to state highways and the rail corridor

Relief Sought by the Submitters

5.1 The Submitters (Submissions 986.51 and 986.52; and submission 742.244 & 742.182) seek new rules applying to Permitted Activities within zones, and additional rules and criteria as Restricted Discretionary Activities to manage the effects of noise and vibration on noise sensitive activities near the rail and state highway corridors.

5.2 Specifically, the Submitters seek the introduction of rules which require any new building, or alteration and addition to an existing building, which: (a) accommodates activities sensitive to noise; and (b) is located within 100m of a railway or state highway boundary, to achieve specified internal noise standards as well as vibration levels. The scope of the relief sought therefore extends over the existing environment as well as any future urban development. While I do not take any issue with recognising the importance of these regionally significant infrastructure corridors, I have significant concerns as to:

(a) The primary planning justification for the imposition of the controls as sought by the Submitters, being that noise sensitive activities within 100m of the roads and railway give rise to reverse sensitivity effects that do or will compromise the operation of the transport corridors;

(b) The level of analysis and assessment which I consider should be required to be undertaken to make an evidence-based conclusion as to their appropriateness;

(c) The appropriateness of the controls in terms of sections 32 and 32AA (e.g.: their reasonableness, practicality and cost implications); and

(d) The alignment of the controls sought against higher order urban development policies contained within the NPS-UD2020.

Planning Justification – Reverse Sensitivity

5.3 In terms of the <u>planning justification</u> for the rules, the submitters primarily appear concerned at the potential for the operation efficiency of the

rail/road network to be compromised through reverse sensitivity effects manifesting themselves.

5.4 I note that no evidence has been presented in the submissions that clearly demonstrates a reverse sensitivity effect is manifesting itself on these networks to the point where their efficiency and operational ability has been (or is at risk of being) curtailed. With regard to managing the effects of reverse sensitivity, I am unable to conclude on the evidence available to me that there is a significant reverse sensitivity effect that is required to be managed to the extent sought by the Submitters.

5.5 In considering the planning justification relative to the impact of the rules sought, I have undertaken a mapping exercise to understand the extent of the buffer area and the number of properties and zones which would be affected by it.

5.6 These maps also show that a significant number of existing land parcels within the relevant zones will be affected by the adoption of the relief sought by the Submitters. Initial GIS analysis identifies that for the rail corridor alone, approximately 3140 land parcels are affected and that the corridor for rail alone covers approximately 1780ha. of the District.

5.7 The obligations imposed on these landowners are potentially significant, with property likely to bear the full costs of managing this. I have a particular concern that the planning rationale does not have distinguish (or examine) between existing and established development near existing rail and road networks and potential or planned new urban development which may well be encroaching into the “effects” area of an established infrastructure network.

5.8 At face value, the extent of the area over which the Submitters seek the acoustic and vibration controls allied to the key planning justification set out above would signal that there is a significant actual, or potential effect manifesting itself and one that requires a significant geographic area to be managed. I am however not able to reconcile the magnitude of the potential reverse sensitivity effect (which the Submitters are seeking to manage through these provisions) against the geographic magnitude of the corridors sought or the extent and detail set out in the controls sought. I therefore have concerns as to the planning justification for the introduction of the relief sought to manage reverse sensitivity.

Adequacy of Analysis and Assessment

5.9 In terms of the analysis and assessment of the appropriateness of the relief sought, I do not consider that, in the context of the significance of the controls within the corridor sought, the analysis has been completed to a level where a conclusion can reasonably be reached that these controls are appropriate. In my opinion, there are a significant number of matters that would need to be examined further in order to reach a conclusion that the relief sought is appropriate in s32 terms. Given the extent of their application and onerous nature, a thorough assessment of options, costs and benefits is required. I consider that any consideration of such provisions should be based upon an "evidence based" approach to the issue, and note this is consistent with the requirements of the NPSUD20 with respect to district plan promulgation where provisions will affect development of urban environments (cl 3.11).

5.10 The introduction of the relief sought should, in my opinion, appropriately be considered through an examination of some quantifiable parameters which include such matters as the frequency of instances where a reverse sensitivity issue has arisen, a more robust consideration of potential costs to the community and a considered consideration of options and alternatives available. In my opinion this must be underpinned by robust technical analysis of acoustic and vibration investigations which can be used to inform the planning justification and a reasoned conclusion arrived at.

5.11 No detailed analysis has been provided by the Submitters via a s32AA assessment or similar analysis. Parts 18.1,18.2 and 18.4 of the s.42A report contain an assessment of the submissions and relief sought and a s.32AA assessment is contained in Part 18.4 of that report. I have reviewed these sections of the report carefully and based upon the level of analysis, I am unable to concur with the conclusions reached. My assessment below is set out in the order of the matters considered in the S.42A report.

5.12 Part 18.1 appears to be premised on the starting point that "*An appropriate balance needs to be achieved between ensuring the rail network is efficiently utilised and adjacent development can be facilitated,*

without compromising safety of people and communities."[2] I have no issue with this as a sound planning premise, but what is not assessed within Part 18.1 is the appropriateness of the geographic extent of the corridor width sought or any discussion on the apportionment of the burden of these rules on the existing environment or future urban development areas as opposed to the generators of the noise and vibration source.

5.13 Similarly, in Part 18.2, the reporting planner notes that there are already acoustic controls contained within Chapter 16, Part 16.5, Rule 16.5.7.1 Lakeside Te Kauwhata Precinct Plan Change that are similar to the relief currently sought by the Submitters. I do not consider the presence of these rules in the Plan as forming any sort of justification for the application of similar controls over existing and future urban development areas right through the District. I note that in the case of Te Kauwhata, the controls were introduced via a Private Plan Change (Plan Change 20). The imposition of controls and the impacts of the implementation of those controls were really only a matter for the applicant of the private plan change, the network utility operators and the Council to consider in the context of the rezoning of land for new urban development under the Plan Change.

5.14 In my view, that is a significant difference to the matters being considered at this hearing, with the provisions sought to be applied over significant areas of well-established urban land where the rail and/or road network and the surrounding urban development have been co-existing for many years.

5.15 The s.42A report further notes that four Chapters of the Proposed Waikato District Plan (16 Residential; 22 Rural; 23 Country Living; and 24 Village Zone) contain rules for building setbacks for sensitive land uses, from rail corridor and national road routes (State Highways including Waikato Expressway) and variously from arterial roads, aggregate areas, oxidation ponds and enclosed wastewater treatment plants, and intensive farming. Other zones, such as Industrial and Industrial Heavy and Reserve, make sensitive land uses non-complying except where provided for by a Reserve Management Plan. The Business and Business Town Centre

[2] S.42A report, Infrastructure Section D0, Page 79, Para 281.

Zones make provision for sensitive activities such as dwellings and multi-unit developments to meet internal noise levels in accordance with Appendix 1 Acoustic Insulation requirements.

5.16 I consider that citing the examples above does not contribute to a meaningful assessment of the planning justification for the relief sought by the Submitters. That is due to the fact that in these zones, the emitters of noise, vibration, glare and other effects arising from such activities as aggregate extraction, wastewater treatment plants etc are regulated either by zone rules that manage such effects, or are subject to conditions on resource consents or designations that manage the effects generated. The general duty under s 16 of the Resource Management Act 1991 ("**RMA**") to avoid unreasonable noise also applies as a guiding principle. In addition, zones such as the Heavy Industrial Zone are established primarily with the intent of catering for those specific activities where effects such as noise, glare and/or emissions are potentially incompatible with noise sensitive activities. In such instances, it would follow that noise sensitive activities are managed within such zones to minimise or avoid the risk of incompatibility arising.

5.17 By contrast, in the provisions currently under consideration, the burden to mitigate the effects of the road and rail network operations is proposed to be placed solely onto the surrounding community and the territorial authority to manage. There is no corresponding obligation (even in part) placed upon the Submitters' to manage their impacts in terms of noise and vibration. Allied with my conclusions in respect of the overall planning justification, I am unable to conclude that the relief sought is a reasoned planning response.

Section 32 / 32AA issues

5.18 Part 18.4 of the s.42A report contains a s.32AA assessment. I am unable to conclude that the level of analysis and the matters considered warrant the adoption of the controls as recommended in the s.42A report. My conclusion is based upon the following matters in relation to the assessment "topics" contained within Part 18.4 of the s.42A report:

5.19 In respect of <u>reasonably practicable options</u>, and based upon the evidence provided to date, I am unable to reach the conclusion that the currently proposed setbacks from a State Highway network or a rail

corridor “do not manage the reverse sensitivity effects” as concluded by the reporting planner. For the reasons set out above, I do not agree that a reverse sensitivity issue (or risk of one arising) is currently evident. While I concur that a greater setback or other controls would in theory reduce internal noise levels, I have no instances of reverse sensitivity effects being manifested (i.e. complaints) to the extent that the controls could be considered warranted as proposed.

5.20 The reporting planner does not consider the merits or otherwise of other options including:

(a) Changes being made to any conditions upon future designations so that the network utility operators take reasonable steps to reduce the likelihood of effects arising beyond their corridor;

(b) An assessment of alternatives including different methods or timeframes for achieving the same outcome or the application of rules only to future urban areas; or

(c) A focus on those urban areas which may be most severely impacted upon by noise/vibration and options for adopting a targeted means to manage those localised effects between the emitter and receiving environment through tailored controls such as noise barriers or other methods to reduce noise and/or vibration that could be accommodated within an existing designated corridor.

5.21 In terms of <u>effectiveness and efficiency,</u> I do not concur with the conclusions of the reporting planner that the application of the controls sought is efficient and effective as it “does not rely on additional regulation”. The imposition of the controls sought does by necessity introduce another level of compliance to be achieved where altering an existing building or constructing a new one, and effectively acts as additional regulation. The way the relief sought is structured places the onus onto the landowner to determine whether compliance with the rules can be achieved, thus likely requiring an acoustic assessment, and the use of specialists to consider matters of vibration. On this basis, there is an additional layer of complexity and time for both the landowner and the territorial authority in implementing the relief sought. Additionally, I note that there is no requirement on the part of the network utility operator to

be involved in providing guidance or assistance. I also note the recommendation of Part 18 of the s.42A report to include clause (d) "*The outcome of any consultation with KiwiRail*" (or the NZ Transport Agency depending on the relevant infrastructure corridor under consideration). I am wary of the inclusion of the outcomes of consultation with a third party as a matter for discretion in a District Plan Rule from a clarity and workability perspective.

5.22 The Costs and Benefits assessment acknowledges that there will be cost implications for sensitive land uses within 100 metres of the road or rail networks but does not attempt to quantify what those cost implications will be (nor the extent of sensitive land uses that would be affected). In my opinion, the costs, or negative effects, can be described as what society has to sacrifice to obtain a desired benefit. In addition to the failure to quantify the costs, there has been no quantification of the benefits. In my view, it is not always appropriate for the 'sensitive use' (residential activity) to bear the cost of managing the potential adverse effects of the transport network and it is my opinion that the relief sought disproportionately places costs on the community, both the existing residents and residents of future urban areas and no meaningful wider community benefit having been quantified. With the lack of evidence provided to date on the real extent of a reverse sensitivity effect, I am further concerned that there may actually not be any tangible or real practical benefit to the network operators as a result of the controls sought, given the real level of reverse sensitivity risk to those operations, particularly in established urban environments.

5.23 Additionally, the extent of the area that will bear the "costs" is being proposed as a blanket corridor, within which the onus is to be placed upon existing landowners to ascertain whether they do, or do not comply with the standards, before they embark upon a development project. In this context, it is my view that, at the very least, a thorough noise modelling exercise should be undertaken on the part of the utility operator to provide a more nuanced and accurate corridor within which activities may then be assessed on the need for regulation, and conclusions reached on a more evidence based planning approach.

5.24 In terms of the s.32AA assessment on the "Risk of acting or not acting" I do not concur with the conclusion of the reporting planner that increasing

development in proximity to the railway corridors and state highway without appropriate acoustic insulation can impact on the operation and maintenance of these infrastructure corridors due to an increasing number of people being potentially affected by noise. In the context of purely a reverse sensitivity issue, and as I have already observed, the increase in noise exposure does not necessarily translate into a situation where the operations of the rail and road network will be curtailed.

5.25 I concur with the reporting planner where he concludes that additional costs of construction may make development (including intensification) within 100m of a railway corridor or state highway less viable and could impact on the provision of affordable housing. Prior to reaching a conclusion that the benefits outweigh the costs, I consider that, given the geographic extent of the corridors proposed through the District, an economic analysis of the potential costs would be required to assist in reaching a sound planning conclusion. That has not been provided by the Submitters (nor in the s.42a report) to date.

5.26 To provide some additional context, I note that a similar issue was considered and similar concerns raised, through the development of the Auckland Unitary Plan ("**AUP**") and a proposed High Land Transport Noise Overlay ("**HLTN Overlay**") which extended 40m either side of high volume roads and rail corridors as part of the notified version of the AUP. The Submitters (the same as the current submitters to the PDP) sought a 100m corridor with similar design controls in their original submissions. Subsequently, the evidence of Ms. Deborah Hewett for KiwiRail proffered up an alternative and pared back distance as follows:

> *"The proposal recognises that noise may have adverse effects on sensitive activities from the boundary of the rail corridor to between 40 and 80 metres and attempts to address this in a way that seeks to reduce the burden of cost on people while providing for peoples' health, safety and wellbeing."*

5.27 The Independent Hearings Panel rejected this approach and recommended deleting the HLTN Overlay. In summary, the key reasons for the rejection were:

(a) An absence of a robust cost-benefit analysis – given that the HLTN Overlay would affect a very large group of property owners. An

assessment of the implications of the provisions and which sectors of the community would bear those costs was not provided.

(b) The HLTN Overlay effectively transfers costs associated with noise mitigation to individual property owners. There would be no obligation on the transport corridor operators to mitigate noise effects or share costs incurred by property owners as is the case with examples such as Auckland International Airport Limited which contributes to the costs of noise mitigation and which they considered was a more balanced approach.

NPS-UD2020

5.28 I also consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD2020.

5.29 I appreciate that the PDP was prepared prior to the NPS-UD2020 being released however the policies in that document guide future urban form and as such are relevant to the consideration of the impact of the controls sought. I consider it is appropriate to have regard to these provisions given that the relief sought will potentially impact upon the directions set out in the NPS-UD2020.

5.30 I interpret the broad policy intent of the NPS-UD2020 is to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities that contribute to the well-being of our communities by:

(a) Giving clear direction about planning for growth;

(b) Supporting local government to apply more responsive, effective planning and consenting processes; and

(c) Clarifying the intended outcomes for urban development within communities and neighbourhoods across New Zealand.

5.31 Tier 1 and 2 Local Authorities are identified in the NPS-UD2020 because they account for over 60% of New Zealand's population growth and the urban growth in these urban environments is putting pressure on existing

settlements. Waikato District is identified as a 'Tier 1 Local Authority'. My opinion is that the rationale for the inclusion of the Waikato District as a Tier 1 Local Authority in Table 2 is to articulate the relationship between the towns and villages of the Waikato District and Hamilton, whereby the towns and villages often form part of the same housing and labour market.

5.32 There are a number of Objectives set out in the NPS-UD2020 which must be considered in the context of the appropriateness of the relief sought by the Submitters, namely:

(a) Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

(b) Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

(c) Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

(i) the area is in or near a centre zone or other area with many employment opportunities

(ii) the area is well-serviced by existing or planned public transport

(iii) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

5.33 I acknowledge that Objective 3 may apply to a lesser or greater degree depending on which settlement in the Waikato District is being examined, but that variance does not in my opinion detract from the high level outcomes sought by the Objectives and particularly when the relationship of the Waikato District to Hamilton (and indeed Auckland) is considered. In my opinion, the increase in urban development potential in areas where public transport and strategic transport corridors are situated (both road and rail) is an outcome that is envisaged by this Objective.

5.34 Turning to implementation under Part 3 (Sub-part 3.11), I consider that 3.11(1) and (2) can appropriately be considered in the context of the relief sought by the Submitters and how that relief will impact the development of urban environments and in particular, the need to clearly identify the resource management issues being managed (3.11(1)(a)). I am of the opinion that this has not been adequately undertaken or quantified to date and that the relief sought will potentially erode the potential of the outcomes expressed in the NPS-UD2020 to be realised.

Summary

5.35 In conclusion, I do not consider that the adoption of the relief sought (as set out in Part 18.3 of the s.42A report) is an appropriate planning response to the management of reverse sensitivity between network utility operators and the receiving environment. I consider the relief sought needs to be balanced against the wider benefits that arise from achieving a compact and efficient urban form that integrates land use and infrastructure.

5.36 As part of any plan development, the consideration of comprehensive alternatives is important to identify the efficiency and effectiveness of provisions and whether provisions are an appropriate means of achieving the purpose of the RMA. The consideration of the relief sought should align with the scale and magnitude of the effect which is purported to be needing addressing and be approached on an evidence-based planning approach. I do not consider that, based on the information presented to date, such an analysis has been undertaken to correspond with the magnitude of the controls sought as they relate to managing reverse sensitivity. I therefore am unable to concur with the recommendations in the s.42A report on these matters.

6. Car Parking – Table 14.12.5.7 (Submission Point 749.77)

6.1 Table 14.12.5.7 of the PDP defines minimum parking and loading spaces requirements. Kāinga Ora's submission sought amendments to reduce the parking requirements for dwellings, minor dwellings and include a new standard specifically for boarding houses/boarding establishments.

6.2 In response, the s.42A report recommends reducing parking requirements for dwellings on sites less than 300m^2 to 1 space per

dwelling, the adoption of the standards sought by Kāinga Ora for boarding houses and boarding establishments but retention of the 1 space per dwelling standard for multi-unit development as well as the requirement for 1 parking space for minor dwellings.

6.3 In response to the recommendations in the s.42A report, I support the recommended relief in respect of the reduction in standards for dwellings, as well as the introduction of the parking ratio for boarding houses and boarding establishments which gives effect to part of the relief sought by Kāinga Ora.

6.4 However, since Kāinga Ora's submission was prepared the NPS-UD2020 has been gazetted and came into effect on 20th August 2020. The policy intent of the NPS-UD2020 is to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. The removal of minimum parking standards is specifically targeted in the NPS-UD2020 in recognition of the added development cost associated with carparks and the impact of requiring them on achieving a compact urban form. Policy 11 states: *"In relation to car parking:*

(a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks"

Furthermore, implementation standard 3.38 states:

"If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks."

6.5 My reading of these provisions is that Table 14.12.5.7 should ultimately be deleted in its entirety. Consequential amendments would then be required throughout the District Plan to remove references minimum on-site parking standards and any rules or assessment criteria for activities which do not meet parking standards. I note that the Further Evaluation

report[3] prepared in response to feedback from the Ministers after reviewing the draft NPS-UD2020 document which originally only sought to remove parking standards for Tier 1 Urban Areas. After further evaluation of options, costs and benefits, the decision was made to apply the direction to all Tier 1,2 and 3 Local Authorities, which includes the Waikato District. After reviewing the S32AA evaluation, I conclude that it is indeed a clear intention of the NPS-UD2020, that Waikato District will be required to remove minimum parking standards from its District Plan.

6.6 In this context, I therefore consider it appropriate for the Council, at the very least, to adopt all the relief sought by Kāinga Ora as an interim measure, thereby going some way towards achieving the direction set out in the NPS-UD2020.

7. Access and road conditions – Table 14.12.5.14 (Submission Point 749.78)

7.1 Kāinga Ora submitted seeking amendments to a number of standards governing the minimum road/ROW reserve, minimum trafficable carriageway and the minimum total seal width for several road types and allotments or activities. Reduced widths were sought, as detailed in the submission.

7.2 The s.42A report recommends rejecting Kāinga Ora's submission and retaining the notified widths. I have reviewed the s.42A report and concur with a number of aspects of the assessment. In particular, the assessment under Part 5.12 that 4 metres access leg width enables access by a rigid axle fire or emergency vehicle plus access around the vehicle as needed. I note that the maximum legal width of such vehicles is 2.55m as defined in the Waka Kotahi Vehicle Dimensions and Mass Standards. Therefore, I consider a 4 metre minimum width to be appropriate.

7.3 I do consider that where more than eight lots are to be created, Table 14.12.5.14 can be amended to enable a narrower legal width than a standard of 20 metres in the Village and Residential Zones. I note that the legal minimum width of 20 metres for a Local Road with a trigger of

[3] Ministry for the Environment. 2020. *National Policy Statement on Urban Development further evaluation report 2020 – Evaluation of changes made to the draft NPS-UD post review by Ministers – A report under section 32AA of the Resource Management Act 1991*. Wellington: Ministry for the Environment.

up to 8 lots is somewhat conservative when contrasted with the standard in the Hamilton City District Plan (under Table 15-6a-ii) which enables a low volume Local Road serving between 10-20 fee simple lots to have a legal width of only 16 metres. I consider this to be a more appropriate threshold for the design standards allied to the number of units served.

7.4 The requirement for a 20m wide road at a threshold point of over 8 lots potentially reduces the land available to be developed for residential activity. By reducing developable land area for individual sites, the potential for a compact urban neighbourhood utilising land efficiently is potentially eroded.

7.5 This is particularly relevant to the relief sought by Kāinga Ora seeking a new Medium Density Residential zone. The zone seeks to encourage a compact urban form that meets housing demand, is well connected and provides access to local services. Medium density residential activities may feature larger numbers of lots accessed off a single accessway and designed in an integrated manner.

7.6 For the above reasons I consider Table 14.12.5.14 should be amended to reduce the trigger for more than 8 lots to be serviced by a Local Road to either a lesser total legal dimension of 16 metres, or alternatively that the trigger point for the number of allotments be adjusted upwards to enable to greater number to be serviced without a 20 metre road required for the Residential and Village Zones (and noting the relief sought in respect of the creation of a Medium Density Residential Zone).

Philip John Stickney

29 September 2020

Annexure One – Qualifications and Experience

(From previous evidence on PDP)

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.

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. I am also familiar with the national, regional and district planning documents relevant to the PDP.

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.

(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.