

UNDER

the Resource Management Act 1991
("RMA")

IN THE MATTER

of the Proposed Waikato District
Plan: Hearing 25 – Zone Extents.

**SUMMARY STATEMENT OF PHILIP JOHN STICKNEY ON BEHALF OF
KĀINGA ORA-HOMES AND COMMUNITIES**

PLANNING

12 May 2021

**ELLIS GOULD
LAWYERS
AUCKLAND**

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

REF: Douglas Allan / Alex Devine

1. Introduction and Summary of Evidence

1.1 My full name is Philip John Stickney. I am a Technical Director – Planning at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) in relation to its submissions on the Proposed Waikato District Plan (“**PDP**”). My qualifications and experience are set out in Part 2 of the Evidence in Chief (“**EIC**”) dated 17 February 2021. I also prepared rebuttal evidence date 3 May 2021. The purpose of this statement is to summarise my EIC and rebuttal, and to comment on rebuttal lodged by the Council and other submitters.

1.2 The key points and conclusions addressed in my EIC and rebuttal are as follows:

- (a) That the spatial extent of the MDRZ, and provisions sought by Kāinga Ora are appropriate in the context of the Waikato District. My opinion is supported by the detailed s.32AA report as well as the urban design mapping and analysis undertaken by Mr. Wallace.
- (b) I consider the MDRZ is critical in enabling the Waikato District to give effect to the provisions of the National Policy Statement on Urban Development – 2020 (“**NPSUD**”). The intensification policies (Policies 3 and 4) seek to improve land development capacity in existing urban areas through enabling and providing for higher density housing in appropriate locations. I consider that the proposed provisions and spatial extent of the MDRZ will achieve these outcomes in a manner that enhances housing choice and affordability in existing urban settlements. As a Tier 1 Local Authority the Council is required to make provision for intensification within 2 years of the date of the gazettal of the NPSUD (August 2022). Given these timeframes and in the context of a District Plan review process, it is appropriate that intensification initiatives be introduced as part of this review process.
- (c) I concur with the 42A MDRZ Report (Part 1) prepared by Mr Jonathan Cleese, focusing on the merits of the MDRZ concept. I consider that the principles for a MDRZ framework recommended in the 42A MDRZ Report are appropriate and that the proposed set of provisions developed by Kāinga Ora achieve those principles. I consider that the MDRZ provides sufficient opportunities for the development of housing to meet projected demand and provides for a range of dwelling types across strategic locations to meet the needs of people and communities as well as future generations within the Waikato District.
- (d) In my rebuttal I agree with Mr Cleese that additional controls to manage overlooking and privacy is warranted. In my view, the amendments proposed in response

(addition of a setback control for balconies, refinements to the matters of discretion, an amendment to the relevant policy and clarifications to the zone statement) will address these issues as well as concerns raised regarding how the development is viewed from the street, without unduly constraining the typologies (and in turn density) able to be delivered as of right within the zone. I do not agree that additional controls regarding use of the ground floor for garaging and the primary living space are warranted or appropriate. My rebuttal attaches the final version of the MDRZ provisions sought by Kāinga Ora as Appendix One.

2. Council Rebuttal

2.1 I have now reviewed the s.42A rebuttal evidence from Council including the rebuttal in respect of the matters considered in the 42A Thematic Issues (MDRZ and FUZ) Report, the individual s.42A reports for the settlements in which the MDRZ is sought, and rebuttal filed by Waikato Regional Council and Hamilton City Council.

2.2 In respect of the rebuttal statements from the authors of these reports, I:

- (a) Note the agreement on a number of provisions and amendments to the MDRZ provisions included within Appendix 2 to the rebuttal of Mr. Cleese
- (b) Maintain my position (in part) in respect of Rule 16A.3.8 (s)(iii) noting that Mr. Cleese has recommended accepting the changes suggested to Clause (iv).
- (c) Maintain my position on the concerns pertaining to Rule 16A.3.9A and consider that the ratio of garaging to habitable space will have the effect of enabling a specific typology to prevail within the Zone and reduce density accordingly.
- (d) In respect of the s.42A rebuttal for Tuakau, I maintain my position in respect of the rezoning of the school and surrounding properties. As acknowledged by Ms. Trenouth, there is no loss or cost to these sites to be rezoned. The assessment however appears to be driven by a “site specific” level of analysis, based upon current cadastral boundaries with no acknowledgement of the potential for future amalgamation or reconfiguration for a more comprehensive development. If the zoning of the school is proposed as General Residential, then I see no reason as to why an MDRZ could not be seen as a strategically appropriate alternative, acknowledging that this may not be of short-term benefit.
- (e) In respect of Pokeno, I maintain my position that there is no significant issue with the extent of the relief sought by Kainga Ora on the MDRZ spatial extent being implemented now and particularly those sites to the south-east of the existing Town

centre. I do not agree that these are necessarily “scattered residual residential parcels” (at para 71). The analysis undertaken by Mr. Wallace and the ground-truthing concludes that these parcels will play a part in providing additional residential capacity in what is projected to become the primary urban area in the Northern Waikato. I also note that there is seemingly a significant variance between Figure 12 and Figure 13 utilised in the 42A report given that the more detailed “Pokeno Town Centre Plan” extracted from Waikato 2070, confirms that the zoning pattern sought as MDRZ in this location broadly aligns with the location of higher density housing identified on the Pokeno Town Centre Plan. I therefore maintain my view that the extent of zoning sought by the submitter is appropriate and the remaining land provides significant opportunity to expand and intensify the Business Town centre and Business Zones.

- 2.3 In respect of Raglan I maintain my position regarding the matter of an 11 metre height limit within the MDRZ as sought by the submitter. I consider a insufficient analysis has been undertaken to determine the costs or benefits of not enabling the 11 metre height limit to be adopted within the MDRZ in this location. While not a Tier 1 urban environment, I further note that the “Special Character” criteria is not a “qualifying matter” recognised under the NPS-UD 2020 as justifying a reduction in height. I also reiterate my concerns at the lack of clarity and definitive mapping that has informed the Special Character discussions to date and note that Kainga Ora has previously provided feedback outlining such concerns.
- 2.4 In respect of the Hazard Overlay issue in Huntly West, I maintain my position that the Overlay is the method by which development will be avoided within that portion of the land subject to the Overlay. The Overlay regulates an effect (flooding) which may change and evolve (or conversely increase) over time. To align a fixed zoning to one that manages an overlay is in my opinion too rigid an approach and fails to recognise the role of an overlay vs a zone. I accordingly see no issue in the MDRZ being applied over this area in line with the cadastral boundary while the overlay aligns with the current extent of the relevant hazard, noting that the site has a residential zoning as per the Notified version of the PDP.
- 2.5 In conclusion, I am cognisant of the fact that through the work that has been undertaken collaboratively with WDC staff and advisers, the vast majority of matters are agreed between the parties. The remaining matters are however, cumulatively considered important in enabling the MDRZ to be implemented effectively and taking a longer term approach to enabling higher density development that aligns with the directions of the NPS-UD 2020 and achieves the Part II purposes of The Act. statutory provisions.

Philip John Stickney

12 May 2021