

UNDER

the Resource Management Act 1991
("RMA")

IN THE MATTER

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

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

PLANNING

17 February 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. 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 (“**PDP**” or “**Plan**”) insofar as they relate to this hearing. Specifically, this evidence relates to the provisions and spatial application of the Medium Density Residential Zone (“**MDRZ**”) proposed by Kāinga Ora.

1.2 In summary, the key points and conclusions addressed in my evidence are as follows:

- (a) Commentary on the “Lenses” for assessment contained within the section 42A Framework Report prepared by Dr Mark Davey (“**42A Framework Report**”)¹ and my conclusions regarding that Report;
- (b) The “Why, How, Where and When” in the context of the proposed MDRZ – focusing on the alignment of the MDRZ with the higher-order documents and summarising the key conclusions drawn from the section 32AA Report appended to this evidence at **Annexure 1 (“32AA Report”)**. I adopt the conclusions reached in the section 32AA Report, and in the section 42A report prepared by Jonathan Cleese (“**42A MDRZ Report**”)². I consider that the proposed MDRZ and associated provisions meet the tests of section 32 of the Resource Management Act (“**RMA**”) – promoting the sustainable management of natural and physical resources;
- (c) My responses to the 42A MDRZ Report prepared by Mr Jonathan Cleese³, focusing on the merits of the MDRZ concept, whether the principles for a MDRZ framework recommended in the 42A MDRZ Report are appropriate and whether the draft set of provisions developed by Kāinga Ora achieve those principles. I have drawn attention to, and made comments on, the revised

¹ Waikato District Council, *Hearing 25 Zone Extents - Framework Report* (19 January 2021).

² Waikato District Council *Hearing 25 Zone Extents - Section 42A Report, Future Urban Zone and Residential Medium Density Zone* (26 January 2021).

³ *Ibid.*

provisions and spatial extent of the MDRZ. I consider the MDRZ provisions appended to this evidence⁴ 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 ; and

- (d) The refinement of the MDRZ provisions following the initial draft provisions circulated to relevant submitters in December 2020. I consider that the changes made to the MDRZ provisions amount to improvements to and refinements of the draft MDRZ provisions provided to Council and circulated to submitters by Kāinga Ora on 23 November 2020 (“**2020 Draft MDRZ Provisions**”) but do not change the essential characteristics of those provisions – noting my support for these changes.

⁴ Refer to **Annexure 1**, s32AA Report at Appendix 2.

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 seeking the introduction and application of the MDRZ within the Waikato District. In doing so, I will first provide additional information on the rationale for the MDRZ and the content of that zone.
- 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. I am also familiar with the national, regional and district planning documents relevant to the PDP and have previously prepared and presented evidence on the Business and Business Town Centre Zones, the Residential Chapter, the Natural Environment Chapter and the Infrastructure Chapter 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. Direction from Hearings Panel

- 4.1 Directions received from the Hearing Commissioners⁵ request that submitters seeking rezoning are to file a section 32AA RMA assessment to support their rezoning proposals.
- 4.2 In that regard:
 - (a) Kāinga Ora's submission regarding the MDRZ was initially addressed during Hearing 10 – Residential on 25 February 2020. At that stage, Kāinga Ora provided proposed provisions to the Commissioners, along with supporting analysis.
 - (b) The 2020 Draft MDRZ provisions and a draft section 32AA RMA report were provided to Council and circulated to submitters by Kāinga Ora on 23 November 2020 ("**2020 32AA Report**"). This is the documentation referred to in the 42A MDRZ Report.

⁵ Dated 12 May 2020.

- (c) Attached to this evidence as **Annexure 1** is the final 32AA Report which includes the revised draft MDRZ provisions. The revised provisions are based on the 2020 Draft MDRZ Provisions but incorporate changes that respond to discussions with Council representatives and the 42A MDRZ Report.
- (d) My evidence seeks to highlight key aspects of and complement the appended 32AA Report, rather than repeat it in great detail. In my opinion, the changes that have been made to the MDRZ provisions amount to improvements to and refinements of the 2020 Draft MDRZ Provisions but do not change the essential characteristics of those provisions.

5. Scope of Evidence

- 5.1 My evidence will focus on the appropriateness and implementation of the MDRZ as proposed in Kāinga Ora's primary submission⁶. The introduction of the proposed MDRZ is the most significant outcome sought by Kāinga Ora on the PDP. The proposed provisions and policy framework of the zone were discussed in detail in my evidence provided in Hearing 10 – Residential Chapter⁷. This statement relies upon that earlier evidence and I have endeavoured to avoid repeating that material.
- 5.2 In addition, I will also address the following in my evidence:
 - (a) Commentary on the “Lenses” for assessment contained within the 42A Framework Report;
 - (b) Whether the principles for a MDRZ framework recommended in the 42A MDRZ Report are appropriate – responding to those recommendations put forward in this Report; and
 - (c) Whether the draft set of MDRZ provisions developed by Kāinga Ora achieve the principles.
- 5.3 In reaching conclusions on these points, my evidence relies upon and adopts the evaluations and conclusions contained in:

⁶ Sub No. 749.124

⁷ Hearing 10 - Residential, EIC, Philip Stickney (Planning) for Kāinga Ora, dated 3 February 2020.

- (a) The appended 32AA Report prepared by Beca (**Annexure 1**);
 - (b) The evidence of Mr Parlane regarding the benefits, in transportation terms, of locating the MDRZ in the manner proposed.
 - (c) The feasibility assessment prepared by Property Economics⁸ and the related evidence of Mr Osborne;
 - (d) The zone extent methodology report prepared by Barker & Associates⁹ and the related evidence of Mr Wallace with respect to the locations where the MDRZ should be applied; and
 - (e) The analysis and conclusions reached in the 42A MDRZ Report
- 5.4 Rather than repeat the material stated above in detail, I will instead focus on the recommended refinements to the 2020 Draft MDRZ Provisions as put forward in the 42A MDRZ Report.
- 5.5 I have structured my statement into broad planning themes of “Why, How, Where and When” in the context of the proposed MDRZ. In doing so, I have concisely addressed the matter of the planning Objectives, Policies and development standards for the proposed MDRZ given that these are relevant to the consideration of the zone extent in terms of implementation and delivery of medium density residential development in the relevant settlements where rezoning has been sought. The 32AA Report assesses the Objectives, Policies and Development Standards in considerably more detail.
- 5.6 Since these plans and documents have been prepared (and are still being advanced), the National Policy Statement on Urban Development 2020 (“**NPS-UD**”) has been gazetted (20 August 2020), The NPS-UD provides clear guidance on the issue of planning for urban form and achieving more alignment and efficiencies between infrastructure, landuse and urban development. My evidence addresses the introduction of the MDRZ into the PDP in the context of the directions of the NPS-UD.

⁸ Refer to **Annexure 1**, s32AA Report at Appendix 6.

⁹ Refer to **Annexure 1**, s32AA Report at Appendix 5.

6. MDRZ – Kāinga Ora Submission Overview

- 6.1 Kāinga Ora’s primary submission¹⁰ sought to add a new Residential Zone (the MDRZ) into the PDP that would enable apartment, terrace housing and multi-unit developments – enabling higher intensity development than typically found in the notified General Residential Zone (“GRZ”). The proposed MDRZ would be a new chapter with associated ‘Land use – Activities’, ‘Land Use – Effects’ and ‘Land Use – Building and Subdivision’ provisions inserted into the PDP.
- 6.2 The maps included in Appendix 2 of the appended 32AA Report illustrate the proposed spatial extent of the MDRZ now sought by Kāinga Ora. The zone is proposed to be located within the urban settlements of Tuakau, Pokeno, Te Kauwhata, Huntly, Ngaruawahia and Raglan.
- 6.3 The proposed spatial extent of the zone has been determined utilising ground truthing, slope analysis, walking catchment analysis, natural hazard analysis and is deliberately proposed close to town centres, strategic transport corridors and in proximity to community services / amenities. Kāinga Ora’s relief in terms of the MDRZ extent is confined to existing urban areas. A detailed methodology for assessing and mapping the spatial extent of the zone is contained in Appendix 3 of the 32AA Report and is discussed in detail in Mr Wallace’s evidence.
- 6.4 The spatial extent of the MDRZ contained in the maps appended to the 32AA Report has been scaled back compared with the maps provided in Kāinga Ora’s primary submission. This refinement of the spatial extent is a result of careful analysis in the walkability, ground truthing, capacity modelling and economic feasibility, all of which are matters for consideration within Appendix 1 (*Rezoning Assessment Framework*) of the 42A Framework Report. Mr Wallace’s evidence includes an analysis of the spatial application of the MDRZ against the “three lenses” as set out in the 42A Framework Report.¹¹ I have reviewed both the feasibility assessment prepared by Property Economics and the methodology

¹⁰ Sub No. 749.124

¹¹ Hearing 25 – Zone Extents, EIC, Cameron Wallace (Urban Design) for Kāinga Ora, dated 17 February 2020 at Appendix 1.

prepared by Barker & Associates. I have also undertaken a site visit to each of the urban settlements where the MDRZ is proposed.

- 6.5 Overall, I support the spatial extent of the proposed MDRZ as currently mapped in Appendix 2 of the 32AA Report. The rationale for my support is contained in detail in the following sections of my evidence.

7. The 42A Framework Report Approach

- 7.1 I have reviewed the 42A Framework Report. I support the intent of the approach adopted by Waikato District Council (“**WDC**”) to apply a uniform method to the consideration of submissions on zoning across the District. I understand this approach is intended to ensure both the considerations and the recommendations of the individual section 42A authors are consistent. I note this approach was considered necessary by the Hearing Panel.
- 7.2 The 42A Framework Report employs a, “*three-lens method for s42A authors to employ when assessing and making recommendations on zoning submissions*”¹². I have sought to utilise this approach where it is reasonable to do so and in particular, utilising Lenses 2 and 3.
- 7.3 Consideration of a rezoning submission against the ‘Lens 1’ framework requires an assessment of rezoning submissions against the relevant Objectives and Policies in the PDP¹³. This assessment is to determine whether the intent of the PDP is met by the submission. Failing to satisfy this assessment negates an assessment against both the ‘Lens 2’ and ‘Lens 3’ framework. That being the case, the rezoning submission is to be rejected by the section 42A author.
- 7.4 I have concerns in respect of ‘Lens 1’ given the emphasis on the notified suite of PDP Objectives and Policies as these provisions are subject to numerous submissions seeking amendments and changes. I appreciate that the Commissioners have elected to hold separate hearings on the policy provisions and the zoning of land. My expectation, however, is that the Commissioners will ultimately assess all the relief and evidence before

¹² Section 42A Report ‘*Hearing 25 Zone Extents - Framework Report*’ (19 January 2021). Para. 6, pg. 2.

¹³ With reference to the ‘Matrix of Relevant Objectives and Policies in the PWDP’ appended to the 42A Framework Report as Appendix 2.

them before making decisions that are coherent and internally consistent. In that context, I do not consider that decisions regarding zoning will necessarily need to give effect to the notified PDP provisions. My expectation is that policy provisions may be altered in response to submissions and in a way that leads logically to zoning outcomes that may not give effect to the notified PDP provisions.

- 7.5 Section 75(3)(a) of the RMA requires a district plan to give effect to “*any national policy statement*”. Where a proposed district plan is notified prior to a national policy statement – such as in the case of the notification of the PDP in 2018 and the recently gazetted NPS-UD in 2020 – the hearing process becomes the most opportune and appropriate time and process to align the proposed Objectives and Policies of the PDP to give effect to the new national policy statement.
- 7.6 Kāinga Ora seeks to introduce a package of relief which includes revisions to high order Objectives and Policies, a set of Objectives and Policies that relate to the MDRZ, a set of rules in respect of the MDRZ and alterations to the PDP maps to allocate the MDRZ to areas adjacent to town centres. In my opinion those provisions are clearly aligned with the direction in the NPS-UD and, to a less overt extent, the Waikato Regional Policy Statement 2016 (“**RPS**”). Should there be inconsistencies between the MDRZ and the notified PDP, the proposed zone would ‘fail’ the ‘Lens 1’ test and subsequently be rejected – irrespective of whether the proposed zone gives effect to higher order documents that, similarly, the PDP should also be giving effect too.
- 7.7 Further, the importance of giving effect to higher order documents (in particular the NPS-UD and the RPS) is not clearly articulated in the methodology surrounding ‘Lens 2’.
- 7.8 In the case of the RPS, section 62(3) of the RMA requires that an RPS must “*give effect to a national policy statement*”. Given the RPS was operative prior to the NPS-UD, there are inherent tensions between the NPS-UD and the RPS. In terms of a ‘Lens 2’ assessment, the 42A Framework Report approach is problematic as the higher order documents that a rezoning submission must “*give effect to*” are not entirely consistent with one another. The 42A Framework Report is silent on weighting between the RPS and NPS-UD. It is therefore unclear how weighting is afforded to a rezoning submission that, for example, may be

entirely consistent with the NPS-UD however is not, to the same degree, consistent with the RPS (and by virtue the notified Objectives and Policies of the PDP which were drafted to give effect to the RPS and not the NPS-UD).

7.9 Notwithstanding, my evidence below seeks to address the 'three lens approach' set out in the 42A Framework Report in the context of the proposed MDRZ as sought by Kāinga Ora. In addition, I have had regard to and support the analysis in the 42A MDRZ Report, which is more closely focused on the MDRZ proposal.

8. MDRZ – Rationale (the “Why”)

8.1 From the wide range of planning and policy documents that have been referenced in the 42A Framework Report and the subsequent 42A MDRZ Report, I consider it evident that there is an identified growth demand in the Waikato District. I also consider that demand for housing and the planning response to it should be placed within the context of the economic relationship of the Waikato District to the Hamilton City in the south and to Auckland in the north.

8.2 As I discussed above, section 75(3) of the RMA sets out those documents which a District Plan must give effect to, as opposed to those where regard may be had. The higher order statutory instrument which best illustrates this integrated thinking is the NPS-UD, which the District Plan is required to give effect to.

National Policy Statement on Urban Development 2020

8.3 Since these plans and documents have been prepared (and are still being advanced), clear Policy Direction and Actions from central Government have been set out in the NPS-UD which are significantly more targeted and directive on matters of urban form than those contained within the previous National Policy Statement on Urban Development Capacity 2016.

8.4 At the time that the District Plan review was commenced (and at the time that Hearing 10 took place), the NPS-UD had not been approved or gazetted. Accordingly, the evidence presented at that hearing in respect of the policy framework underpinning the relief sought was not able to draw on this document in any significant way, other than considering the

issue of the proposed MDRZ within the context of current thinking by Central Government on this issue.

- 8.5 The NPS-UD was gazetted on 20 August 2020, and on that basis provides clear guidance on the issue of planning for urban form and achieving more alignment and efficiencies between infrastructure, landuse and urban development.
- 8.6 The policy intent of the NPS-UD 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.
- 8.7 The geographic targeting of the NPS-UD policies uses a 'three-tier' static approach. WDC is identified as a 'Tier 1 local authority' pursuant to the NPS-UD. The more directive policies applying to Tier 1 local authorities include:
- (a) Future Development Strategy ("**FDS**") preparation (Policy 2 and 10 and Sub-part 4);
 - (b) Housing and Business Development Capacity Assessment ("**HBA**"), monitoring provisions and housing bottom lines (Policy 7 and Sub-part 5); and
 - (c) Removing minimum car parking requirements (Policy 11 and Subpart 8).
- 8.8 The rationale for the 'three-tier' static approach is that the largest territorial authorities – such as WDC – have the capability and capacity to implement all NPS-UD policies.

- 8.9 The intensification policies (Policy 3 and 4) seek to improve land flexibility in existing urban boundaries through enabling and providing for higher-density development in appropriate locations. This framework provides greater specificity in prescription provided to urban environments with clear evidence of benefit (being city and metropolitan centres and rapid transport nodes).
- 8.10 In the context of the Waikato District, the proposed provisions and spatial extent of the MDRZ seeks a framework package that encourages opportunities for appropriate intensification along and around strategic transport corridors and nodes that aligns with current and future residential demand in the District. It is important to note that the NPS-UD places prescriptive requirements on Tier 1 local authorities including, but not limited to, the notification of plan changes to give effect to the intensification policies within two years of the NPS-UD being gazetted.
- 8.11 In addition, the NPS-UD intends to ensure planners and decision makers better understand development markets. The NPS-UD provisions (specifically Policy 7 and Implementation Subpart 3 (including 3.11), 5 and 7) require local authorities to gather evidence about the housing market (through HBAs) to inform planning decisions regarding zone objectives, policies, rules and assessment criteria. Such decisions should provide adequate housing supply to maintain competitive land and development markets and, consequently, improving housing choice and affordability. Of particular note, zone rules should be carefully considered to ensure they do not undermine the intent of a zone (as articulated in the zone objectives) and inhibit urban development.
- 8.12 Property Economics have provided a capacity and feasibility assessment of the proposed MDRZ in the context of Waikato District¹⁴. The assessment concludes that adopting the proposed MDRZ in conjunction with the GRZ can accommodate the projected growth of the Waikato District while providing feasible and affordable housing options than if only the GRZ is adopted. I support the conclusions of this assessment.
- 8.13 The 42A MDRZ Report reaches similar conclusions regarding the alignment of the proposed MDRZ with the direction of the NPS-UD. In

¹⁴ Refer to **Annexure 1**, s32AA Report at Appendix 6

particular, I concur with the conclusions of Mr Cleese regarding the fact that, “*the Operative Plan and the PDP both only provide for low density suburban outcomes*”¹⁵ and that, “*there is a clear need to enable an increase in residential density adjacent to the District’s larger town centres in order to meet NPS-UD directions*”¹⁵.

- 8.14 In summary, I consider the proposed MDRZ provides a vital role in giving effect to the requirements of the NPD-UD. In particular by providing sufficient opportunities for the development of housing to meet projected demand and providing for a range of dwelling types across strategic locations to meet the needs of people and communities as well as future generations.
- 8.15 I appreciate that the PDP was prepared and notified prior to the NPS-UD being released, however, as discussed above, the policies and directions of the NPS-UD are directly relevant to the PDP in the context of urban intensification and the proposed MDRZ. Therefore, I consider the current PDP process is the most opportune and appropriate time for giving effect to the NPS-UD by—providing for an intensification framework for the Waikato District byway of introducing a MDRZ within the PDP. I note there are efficiencies gained addressing the NPS-UD through this process rather than deferring to a later date within the required two-year timeframe – creating a duplication of processes, meaning additional time and resource for not just Council staff, but also for future submitters.

Operative Waikato Regional Policy Statement 2016

- 8.16 The RPS provides the broad strategic framework for guiding urban growth and development throughout the Waikato Region. It embeds the Future-Proof Growth and Settlement Pattern into it to provide guidance on settlement form and areas allocated for future growth.
- 8.17 The 32AA Report appended to this evidence has reviewed and assessed the Objectives and Policies of the RPS that have been identified by WDC as the ‘most relevant’ in the context of housing development.¹⁶ In summary, the identified Objectives and Policies direct that residential

¹⁵ Section 42A Report ‘*Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone*’ (26 January 2021). Pg. 50-51, Para. 180.

¹⁶ Refer to **Annexure 1**, s32AA Report at Appendix 4

growth is to be consolidated, sustainable, coordinated (insofar as land use and infrastructure development), focused within existing urban areas, and provide for a range of house options (choice) that achieves good urban design.

- 8.18 In addition, section 6A of the RPS outlines general development principles which are intended to guide District Plan development, amongst other matters. While not Objectives or Policies themselves, these principles assist with interpreting the policy intent of the RPS.
- 8.19 The General Principles include the need for new development to make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas, to promote compact urban form, design and location to minimise energy use, minimising the need for private motor vehicle use, encourage walking, cycling and multi-modal transport connections, and to maximise opportunities to support public transport and opportunities for people to live, work and play within their local area.
- 8.20 Drawing from the conclusions reached in the 32AA Report, the proposed MDRZ has regard to the RPS by more readily facilitating a compact and efficient urban form through urban intensification, enabled through more liberal development controls and supporting policy framework.
- 8.21 Similarly, as noted by Mr Cleese in the 42A MDRZ Report, *“accommodation of growth through intensification of already urbanised areas is consistent with a number of policies that identify areas where growth should not occur (or needs to be carefully managed).”*¹⁷ Further, Mr Cleese recognises that intensification is consistent with broader RPS directions¹⁷.
- 8.22 I adopt the conclusions reached in both the appended s32AA Report and the 42A MDRZ Report in relation to the alignment of the MDRZ with the RPS.

¹⁷ Section 42A Report ‘Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone’ (26 January 2021). Pg. 51-52, Para. 183.

9. MDRZ – Objective, Policies and Provisions (the “How?”)

9.1 The Directions from the Hearing Panel dated 12 May 2020 set out several matters for consideration in respect of those submissions seeking rezoning; and for those that sought additional lands be up zoned for greenfield residential (or other urban) uses.

9.2 The relief sought by Kāinga Ora includes a tailored suite of Objectives, Policies and development standards that will guide the progressive development of land within the proposed MDRZ (refer to Appendix 1 of the **attached** 32AA Report for the revised draft MDRZ provisions).

Section 32AA Analysis of the MDRZ

9.3 The appropriateness, alternatives, costs and benefits of the revised approach to residential zoning in the PDP (that is, moving from one residential zone - the GRZ – to two residential zones - both the GRZ and MDRZ) has been evaluated in accordance with section 32AA of the RMA.

9.4 The evaluation presented in the 32AA Report concludes that the spatial extent of the MDRZ, including the tailored set of provisions, meets the tests of section 32 RMA. The 32AA Report demonstrates that developing a new set of provisions for greater variation and higher density development that is spatially located in strategic locations within residential areas of Waikato while retaining the balance of residential land under the notified GRZ zoning:

- (a) Is the most appropriate solution in meeting the purpose of the RPS, NPS-UD and RMA;
- (b) Addresses the key resource management issues identified by WDC as relevant to the Waikato District;
- (c) Results in considerable efficiencies with the benefits of implementing this approach outweighing the costs;
- (d) Supports the strategic direction of the notified PDP by way of promoting the efficient use of existing services and infrastructure through compact urban form / consolidation of urban growth;
- (e) Is consistent with good urban design practice by locating intensification in areas which would better support the use of

active modes of transport, reduce private vehicle use and contribute to more vibrant, well-functioning urban centres; and

- (f) Provides for a considerably greater feasible residential capacity compared to only adopting the GRZ as per the notified PDP.

9.5 In the 42A MDRZ Report, I note that Mr Cleese “*generally*”¹⁸ adopts the conclusions reached in the 2020 32AA Report following a review of the higher order directions provided in his interpretation of the NPS-UD and the RPS.

9.6 I adopt the conclusions reached in both the 32AA Report and the 42A MDRZ Report. I consider that the proposed MDRZ and associated provisions meet the tests of section 32 of the RMA – promoting the sustainable management of natural and physical resources.

MDRZ Provisions (Revised)

9.7 Subsequent to the circulation of the draft 2020 Draft MDRZ provisions, Kāinga Ora has been in discussions with WDC regarding the proposed provisions. In the 42A MDRZ Report, Mr Cleese recommends several refinements to the draft 2020 Draft MDRZ provisions following his preliminary review¹⁹.

9.8 Kāinga Ora has responded to these concerns through further amendments to the Draft 2020 Draft MDRZ provisions (refer to the revised provisions appended to the 32AA Report²⁰). I draw attention to the following amendments and comments in response to the recommended refinements suggested by Mr Cleese:

- (a) The purpose / role of the MDRZ, the built form outcomes to be delivered by the MDRZ, and the geographic / locational criteria for the location of the MDRZ have been addressed in further detail within the ‘Zone Statement’ section of the revised MDRZ provisions.

¹⁸ Section 42A Report ‘Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone’ (26 January 2021). Pg. 62, Para. 222.

¹⁹ Section 42A Report ‘Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone’ (26 January 2021). Pg. 60-59, Para. 219.

²⁰ Refer to **Annexure 1**, s32AA Report at Appendix 1.

- (b) Clarification on the built form outcomes to be delivered by the MDRZ provisions has been addressed by way of amendments to the policy framework relating to built form / amenity.
- (c) The activity status and policy framework for 'non-residential' activities has been revised to more clearly articulate the enablement and restriction of such activities – noting the refinements to the scale of 'community facilities' and the activity status cascade for both 'community facilities' and 'commercial activities'.
- (d) The built form standards to manage potential zone interface issues (particularly between the MDRZ and GRZ) have been refined to address concerns raised by Mr Cleese. In addition, Mr Wallace has prepared concept imagery illustrating the potential built form outcomes resulting from the permitted building envelope of the MDRZ.²¹
- (e) A more comprehensive qualitative list of matters of discretion for Council to consider when assessing applications for four or more residential dwellings per site has been incorporated into the MDRZ provisions. The refinements and additions to these matters of discretion draw from aspects of the multi-unit design guide appended to the notified PDP²².
- (f) Various amendments to the MDRZ provisions to ensure consistency, where appropriate, with the GRZ provisions – including those changes to the GRZ proposed in Council's rebuttal evidence²³.

9.9 In my opinion, the changes that have been made to the MDRZ provisions listed above amount to improvements to and refinements of the 2020 Draft MDRZ Provisions but do not change the essential characteristics of those provisions. I support these changes.

²¹ Hearing 25 – Zone Frameworks, EIC, Cameron Wallace (Urban Design) for Kāinga Ora, dated 17 February 2021 at Appendix 2.

²² Appendix 3.4 to the Notified PDP.

²³ Section 42A Report 'Rebuttal Evidence. Hearing 10: Residential Zone' (February 2020), Appendix 3.

10. MDRZ – Spatial Extent (the “Where”)

Waikato 2070 and Future Proof Strategy 2017

- 10.1 I have reviewed various additional discussion documents, reports and strategies that are considered relevant to the issue of enabling a MDRZ. These documents have been assessed in detail within the 32AA Report and in the 42A MDRZ Report.
- 10.2 For the purpose of this evidence, I consider it relevant to discuss both the Waikato Growth and Economic Development Strategy 2070 (“**Waikato 2070**”) and the Future Proof Strategy 2017 (“**Future Proof**”) in this statement given:
- (a) They provide context to policy development and future planning in the Waikato District;
 - (b) They demonstrate a level of community engagement and feedback on the design and form of urban settlements in the Waikato District; and
 - (c) In the case of Future Proof, the strategy was prepared under the Local Government Act and the Hearing Panel is required to have regard to it when preparing a District Plan (in accordance with section 74(2) (b)(i) of the RMA) – particularly in the context of ‘Lens 2’.

Waikato 2070 and Economic Development Strategy 2070

- 10.3 The purpose of the Waikato 2070 is to guide the growth in the Waikato District over the next 50 years by informing future planning, investment and decision making.
- 10.4 Development Plans for each major settlement in the Waikato are appended to Waikato 2070²⁴. Informed through community engagement on the future of the urban areas within the Waikato District and the location and nature of residential intensification, these Development Plans signal the potential for the development of more intensive forms of

²⁴ Tuakau, Pokeno, Mangatawhiri, Mangatangi, Meremere, Mercer, Hampton Downs, Te Kauwhata, Huntly, Ohinewai, Taupiri, Ngaruawahia, Te Kowhai, Horotiu and Raglan.

housing (of up to four storeys) at the 'heart' of established urban centres - consequently aligning with the high-level directions within the NPS-UD intensification policies.

- 10.5 In the context of urban intensification, Waikato 2070's development strategy is well-intentioned, enabling and meaningful in the direction it adopts towards intensification – signalling higher density development to be provided in a 'cluster' form around the core of existing urban areas (that is, town centres). I considered this aligns with the proposed provisions and spatial extent of the MDRZ which seek the efficient use of land and infrastructure by enabling a higher intensity of development close to town centres, strategic transport corridors and community services / amenities.

Future Proof (2017) – Overview

- 10.6 Future Proof is a 30-year growth management and implementation plan for the Hamilton, Waipa and Waikato sub-regions.
- 10.7 At the time of writing this evidence, Future Proof is being updated is to address both the requirements of the recently gazetted NPS-UD and the Government's Urban Growth Agenda (including the outcomes of the Hamilton to Auckland Corridor Plan). It is anticipated that a draft document will be completed in early 2021, with public consultation occurring mid-2021. A draft copy has not yet been made publicly available.

Future Proof (2017) – Settlement Pattern

- 10.8 The Future Proof Settlement pattern, "*identifies the existing and future location of residential and business land and considers the mix of land use, transportation and other infrastructure in an integrated manner.*"²⁵
The key assumptions of the settlement pattern area as follows:

- (a) Increased residential densities are an essential part of managing urban development;
- (b) Additional capacity is provided in northern Waikato towns to meet anticipated demand as well as the influence of Auckland; and

²⁵ *Planning for Growth A Summary – November 2017. Future Proof. Page 14.*

- (c) Development occurs in a staged manner in accordance with appropriate triggers to ensure the efficient use of land and integration with infrastructure.
- 10.9 Based on public feedback for the 2017 update, the preferred settlement pattern scenario remains a more compact and concentrated form over time. Maps 1 and 2 of Future Proof illustrate the settlement pattern - identifying Tuakau, Pokeno, Te Kauwhata and Ngaruawahia as residential growth nodes and identifying Te Kauwhata, Raglan, Huntly, Ngaruawahia as 'Major Commercial Centres' (as identified within the RPS).
- 10.10 As outlined in the conclusion of the 32AA Report, the proposed MDRZ aligns with the types and patterns of growth envisaged in both Waikato 2070 and Future Proof. The built form outcome of the MDRZ is a variety of buildings and dwelling typologies that adopt compact urban form and increased densities. The proposed spatial extent of the MDRZ is confined to those residential growth nodes and 'major commercial centres' identified on Maps 1 and 2 of Future Proof.

Refinement of the Spatial Extent of the MDRZ

- 10.11 The relief sought in the original submissions by Kāinga Ora²⁶ included a series of maps for each settlement which denoted the extent of the zoning sought. Subsequent to the directions of the Hearing Panel and discussions with WDC staff, a more detailed level of analysis was undertaken for each settlement and resulting adjustments to the extent of the zone were made.
- 10.12 Mr. Wallace has outlined the analysis methodology and the principles used to refine the extent of the zoning in each town²⁷. That analysis utilised a range of GIS, property and other land data. That analysis was confirmed by way of field visits to each area by Mr. Wallace and me (except for Taupiri).

²⁶ Sub No. 749.124

²⁷ Refer to **Annexure 1**, s32AA Report at Appendix 5. See also: Hearing 25 – Zone Frameworks, EIC, Cameron Wallace (Urban Design) for Kāinga Ora, dated 17 February 2021 at sections 6 to 12.

10.13 I note that the key changes made as a result of such an analysis and field visits are:

- (a) The deletion of the proposed MDRZ from Taupiri;
- (b) The adjustment of the zone where significant natural hazard overlays were identified as part of the Stage 2 District Plan review process to avoid those mapped areas;
- (c) A general scaling back of the zone in all settlements with the exception of Te Kauwhata (where the assessment largely confirmed the original zoning extent sought); and
- (d) More logical alignment with individual property boundaries, roads, and reserves to achieve a more rational and logical boundary.

10.14 That analysis has informed the conclusions reached that the revised extent of the zoning is appropriate and that the level of analysis is sufficient to support the zoning being implemented over the areas sought.

10.15 Based upon the use of urban design principles and the urban design analysis for each settlement undertaken by Mr. Wallace, I am of the opinion that the extent of the zoning is appropriate for each settlement.

10.16 I do note a difference of opinion regarding Taupiri between the conclusions reached by Mr Clease and those reached by both Mr Wallace and me. While the primary submission²⁸ by Kāinga Ora sought to apply the MDRZ within Taupiri, the more detailed ground truthing analysis carried out by Mr Wallace and I leads me to the conclusion that the existing attributes of Taupiri are not currently suitable to enable the introduction of the MDRZ. However, in the 42A MDRZ Report²⁹, Mr Clease recommends that Taupiri should be added to the list as a growth town – and subsequently be included within the spatial extent of the MDRZ.

10.17 Based on the assessment of Mr Wallace, I am of the opinion that Taupiri does not qualify for increased residential development within its urban

²⁸ Sub No. 749.124

²⁹ Section 42A Report 'Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone' (26 January 2021) at para 221, point (8).

limits. In particular, I adopt the conclusions reached by Mr Wallace, being that the limited size of Taupiri and its lack of access to the range of commercial services, community facilities and employment opportunities necessary to support a more intensive population. Further, I agree with Mr Wallace's statement that the inclusion of a MDRZ at Taupiri is not considered appropriate or consistent with higher order policy Objectives or good urban design practice at this time.

Assessment of Capital Improvements / Infrastructure

- 10.18 An assessment of the existing age and condition of capital improvements within and infrastructure provision to each individual site for which rezoning is sought was not undertaken as part of the rezoning submission.
- 10.19 I understand from the 42A Framework Report that WDC considers that additional zoning for urban land uses in and around existing towns can be served by existing and planned infrastructure networks – noting any short-term infrastructure capacity issues can be addressed with developers at the time of subdivision or land use consent³⁰. Further, WDC acknowledges that additional growth into areas which have existing infrastructure networks will enable Council to leverage those assets to provide better value for ratepayers³¹ – noting these areas include, of relevance to the proposed spatial extent of the MDRZ, Raglan, Ngaruawahia, Huntly, Te Kauwhata, Pokeno and Tuakau.
- 10.20 I support WDC's position reached in the 42A Framework Report and agree that the approach proposed by Kāinga Ora to confine the MDRZ within existing urban limits only is appropriate. I consider this approach will promote the efficient use of existing infrastructure.
- 10.21 While I concur with Mr Cleese's comments regarding the need for careful management around the integration of zoning decisions with infrastructure provisions³², I have concerns that any sequencing and / or staging approach, may hinder the opportunities to develop within the MDRZ in a flexible manner. The provisions sought require infrastructure

³⁰ Section 42A Report 'Hearing 25 Zone Extents - Framework Report' (19 January 2021). Para (q), pg. 5.

³¹ Section 42A Report 'Hearing 25 Zone Extents - Framework Report' (19 January 2021). Para (s), pg. 6.

³² Section 42A Report 'Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone' (26 January 2021). Pg. 30, Para. 124.

to be provided as a prerequisite to enabling development with the MDRZ without the constraints of sequencing or staged release of zoning.

11. MDRZ – Timing and Uptake (the “When?”)

- 11.1 The updated population projections and demand assessments prepared as part of the 42A Framework Report clearly signal a projected increase in population within settlements within the Waikato District. I accept that the rate of growth may vary over time and between settlements. In my opinion, the relief sought by Kāinga Ora takes a proactive approach to creating a framework for more intensive urban development rather than respond to demand through subsequent ad hoc Plan Changes. I further note, there are clear timing requirements for the Waikato District as a Tier 1 Local Authority to make provision for intensification within 2 years of the date of the gazettal of the NPS-UD (i.e. August 2022).
- 11.2 I acknowledge that the relief sought is extensive geographically and introduces opportunities for greater diversity of housing types in these urban areas.
- 11.3 What the zoning will achieve is “locational discipline” and logic to the location of higher density development whereby the cumulative benefits of location relative to infrastructure and services can be better realised when such development is undertaken. In doing so, it will contribute significantly to the urban development directions set out in the NPS-UD 2020 for a Tier 1 Local Authority over time.
- 11.4 In my opinion it would be unrealistic and overly prescriptive to attempt to straight-jacket a zoning extent or provisions for each settlement that was based upon forecasting the timeframe within which growth will occur in each individual settlement. Rather, the intent is to achieve a forward-looking planning framework that enables higher density development to occur at a rate, and in a form that enables landowners to respond to changing market demand and housing need over time. That changing demand will allow for more efficient use of existing urban land to accommodate new residents in each settlement but also benefits existing residents who seek a change in dwelling typology within their existing community.

- 11.5 The MDRZ enables flexibility in housing typology, rather than limiting a specific typology to a particular settlement expressly in the provisions. Hypothetically, this means that if a market demand swings from, for example, a 2-bedroom / 2-storey terrace home to an apartment typology, that form of development can be contemplated under the MDRZ zoning.
- 11.6 The timing of such development and the rate at which market up-take occurs will inevitably vary from settlement to settlement but that does not mean that such varying forms of higher density development should not yet be enabled. If the range of typologies and height were to be restricted now based upon current market demand, I consider that would be unduly restrictive and short sighted, almost inevitably resulting in additional changes and overhauling of the zoning to be required. The District Plan review is the appropriate time to contemplate such a zoning and one which looks to maximise the opportunities for housing choice and at higher densities than has traditionally been the case in the past.
- 11.7 In other words, the relief sought creates the basic building “envelope” within a defined geographic area, based upon established urban design principles which will enable progressive change and transition of urban form within each settlement. While I accept that the Council has another 2 years to implement an intensification framework (as per the NPS-UD), I consider that there is sufficient evidence to enable its implementation as part of the current review process. To do otherwise will result in additional opportunity costs and slow the ability to advance medium density development in a coherent manner in The District. When considering matters such as development lead-in times, consenting timeframes and construction periods, I consider it is appropriate to implement the zoning as part of this District Plan review. By doing so, development outcomes can be planned for with more certainty and realised as soon as possible. The associated planning provisions which have been tested and evaluated will guide and govern the development of such typologies over time and inevitably at differing rates, within each settlement.

12. Conclusion

- 12.1 The analysis undertaken by both WDC and Kāinga Ora indicates growth pressures and an accelerated rate of growth is likely to take place within the Waikato District.

- 12.2 Kāinga Ora has undertaken a considerable amount of assessment and analysis regarding the spatial extent of the proposed MDRZ. As a result of that analysis, the total area of land sought to be zoned MDRZ has reduced from 712.62 ha down to 372.32 ha – a significantly reduction in area.
- 12.3 Based on these factors, I believe there is a clear planning direction that needs to be taken regarding enabling intensification within the Waikato District in a cohesive and proactive way.
- 12.4 Section 75(3)(a) of the RMA requires a District Plan to give effect to “*any national policy statement*”. The NPS-UD was gazetted on 20 August 2020 and provides clear guidance on the issue of planning for urban form and achieving more alignment and efficiencies between infrastructure, landuse and urban development.
- 12.5 Pursuant to the NPS-UD, WDC is identified as a ‘Tier 1 local authority’ and, therefore, must make provision for intensification within 2 years of the date of the gazettal of the NPS-UD (i.e. August 2022). In my opinion, this hearing process becomes the most opportune and appropriate time and process to give effect to the requirements of the NPS-UD and enable intensification to occur within the Waikato District.
- 12.6 In my opinion, the relief sought by Kāinga Ora is appropriate as it envisages a coordinated approach to urban development and infrastructure through enabling increased residential densities in appropriate locations to promote a compact urban form.
- 12.7 I believe the proposed MDRZ satisfies the general development principles outlined in Section 6A of the RPS and the direction of the NPS-UD in regard to notification – drawing on the assessments and conclusions of the s32AA Report (**Annexure 1**). I consider that the proposed MDRZ will achieve the directions and outcomes of both the RPS and the NPS-UD and will also align with the strategic direction policy framework of the notified PDP
- 12.8 In addition, I am of the opinion the proposed zone satisfies the ‘Lens 2’ test detailed in the s42A Framework Report and, by virtue, the ‘Lens 1’ test – insofar as the notified Objectives and Policies of the PDP give effect

to the RPS. I consider the 'Lens 3' test has been appropriately satisfied in accordance with Mr Wallace's evidence - noting I adopt his conclusions.

12.9 Further, I agree with Mr Clease's conclusions that the proposed MDRZ will be efficient and effective in achieving the purpose of the RMA.³³

12.10 Accordingly, based on my assessment of the 32AA Report and relevant statutory provisions, I consider the proposed MDRZ meets the tests of section 32 of the RMA and is appropriate to be incorporated into the PDP.

Philip John Stickney

17 February 2021

³³ Section 42A Report '*Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone*' (26 January 2021). Pg. 8, Para. 23.

ANNEXURE 1 –

Beca Section 32AA Evaluation Report ‘*Proposed Medium Density Residential Zone – Kāinga Ora Homes and Communities*’ (February 2020).