

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE WAIKATO DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (**Act**)

AND

IN THE MATTER of the Proposed Waikato District Plan (Stage 1)

SUBMITTER Burton Trust

**STATEMENT OF PLANNING EVIDENCE OF BEN MAXWELL INGER
FOR BURTON TRUST**

Dated: 11 October 2019

INTRODUCTION

1. My name is Ben Maxwell Inger.
2. I am the Manager at Harrison Grierson, in Hamilton. I hold the qualifications of Bachelor of Planning (Honours) from the University of Auckland. I am a Full Member of the New Zealand Planning Institute.
3. I am a Senior Planner with 13 years' experience. Over this time, I have been employed in private consultancies working for both private and public sector clients, including developers and local authorities in the Waikato region. My experience includes preparation of plan changes and submissions and planning evidence related to proposed district plans as well as preparation and processing of resource consent applications for residential, commercial and infrastructure projects.
4. My planning evidence relates to the submission made by the Burton Trust (the **Submitter**) to the Proposed Waikato District Plan (**PWDP**). My colleague, Michael Briggs, prepared the submission and a further submission on behalf of the Burton Trust. I am familiar with the submissions as well as the area east of Hamilton that the submissions relate to.
5. In preparing this evidence I have read the Section 42A report and the further submissions on the Burton Trust's original submission.

CODE OF CONDUCT

6. I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it.
7. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

8. My evidence relates to the following submission points:
 - (a) Submission point 344.1 – delete the date “2017” from Policy 4.1.3(b).

- (b) Submission point 344.2 – new Policy 4.1.3(c).
9. My evidence covers the following:
- (a) A summary of the submission points, including the changes sought to the PWDP;
 - (b) An assessment of the requested changes in terms of the relevant policy documents and the statutory framework in the Resource Management Act 1991 (**RMA**);
 - (c) Comments on the relevant conclusions in the Section 42A Report;
 - (d) My overall conclusions in relation to the submission points.

SUMMARY OF SUBMISSION POINTS

Background

10. The Submitter owns over 500 hectares of rural land located to the east of the Hamilton City boundary, with frontage to Puketaha Road, Greenhill Road and Telephone Road (refer to **Annexure 1**). In addition to being adjacent to the City boundary, the land is also within close proximity to the Waikato Expressway and the North Island Main Trunk Railway. These attributes have recently made the area a key focus for growth investigations which are underway through the Hamilton-Auckland Corridor Plan (**Corridor Plan**) and Hamilton-Waikato Metropolitan Spatial Plan (**Metro Spatial Plan**) processes.

Changes Requested by the Submitter to the PWDP (Submission Points 344.1 and 344.2)

11. The changes that the Submitter requests to Policy 4.1.3 are as follows (additions are shown in underlined text and deletions are shown in ~~strikethrough~~ text):

“4.1.3 Policy – Location of development

- (a) *Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.*

(b) Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth-2047.

(c) Identify and investigate potential future growth area options to meet long term demand.

12. Policy 4.1.3 relates to Objective 4.1.2 which (for ease of reference) is as follows:

“4.1.2 Objective – Urban growth and development

(a) Future settlement pattern is consolidated in and around existing towns and villages in the district.”

Other Changes Requested by the Submitter to the PWDP (Submission Point 344.3)

13. The Submitter has also requested changes to the Planning Maps in the PWDP to identify an area to the east of Hamilton as one particular location to be investigated for future urban growth. Whilst that matter will be considered at a future hearing on the PWDP, it is important context to the requested changes to Policy 4.1.3. Evidence is yet to be prepared in relation to this matter, however, one potential method may be to extend the Urban Expansion Policy Area that already exists over other areas within Waikato District surrounding the Hamilton urban area to include the Submitter's land and the surrounding area east of Hamilton City.
14. If the Urban Expansion Policy Area were to be extended then Objective 5.5.1 and Policy 5.5.2 would also become relevant to those areas. They are as follows:

“5.5.1 Objective – Hamilton's Urban Expansion Area

(a) Protect land within Hamilton's Urban Expansion Area for future urban development.”

“5.5.2 Policy – Activities within Hamilton's Urban Expansion Area

(a) Manage subdivision, use and development within Hamilton's Urban Expansion Area to ensure that future urban development is not compromised.”

15. Although I am not suggesting any changes to Objective 5.5.1 and Policy 5.5.2 in my evidence, I have considered these provisions in my analysis of the requested changes to Policy 4.1.3 because there would be a degree of interrelationship between the provisions if the Urban Expansion Area were to be extended.

ASSESSMENT AGAINST STATUTORY FRAMEWORK

Section 32AA RMA

16. An assessment of the requested changes to Policy 4.1.3 in terms of Section 32AA RMA is contained in **Annexure 2** of my evidence. The following part of my evidence draws on the findings of that assessment.
17. The requested deletion of “2017” from Policy 4.1.3(b) reflects that the Future Proof Strategy remains subject to further review. A Phase 2 review of the Future Proof Strategy is anticipated to be completed in 2020 and will incorporate the outcomes of the Corridor Plan¹. At the point of completion of the next review, which might be part way through the hearings on the PWDP, the 2017 dated version of the Strategy will be superseded and the Policy will be out of date.
18. Some aspects of the district plan may need to be updated in the future to be consistent with the Future Proof Strategy as the growth strategy is updated, depending on the nature and extent of the changes. However, the Policy of locating growth in a manner that is consistent with Future Proof is likely to continue to be relevant so the key intention of Policy 4.1.3(b) would be enduring if the reference to “2017” is removed.
19. The requested addition of a new part (c) in Policy 4.1.3 reflects that the identification and investigation of future growth areas is important. Indeed, it is already underway through the Corridor Plan and the Metro Spatial Plan and Waikato District Council is one of the partners to those strategies and investigations, in addition to other local authorities, iwi and Central Government.

¹ Tremaine, K, White, M. Introduction to Future Proof. 15 August 2019. Pg 14.

20. Whilst there is still some way to go prior to the finalisation of the Corridor Plan and Metro Spatial Plan², there are strong indications that the area to the east of Hamilton (which includes the Submitter's land) is likely to be an important growth area for Hamilton City in the future. Recently published information related to the Corridor Plan and Metro Spatial Plan identifies the 'Ruakura East' area (including the Submitter's land) as one of four "*Potential development areas for further testing*" in and around Hamilton City, particularly due to its limited constraints and significant rail and road connections³ (refer to **Annexure 3**). It is a logical area for growth because it directly adjoins the City boundary.
21. The changes to Policy 4.1.3 are particularly important if the Submitter's additional submission point (to be heard at a later date) involving changes to the Planning Maps of the PWDP to identify areas for future urban growth is accepted. I consider that the changes to Policy 4.1.3 would sit comfortably alongside existing Objective 5.5.1 and Policy 5.5.2 if the Urban Expansion Area were to be extended. Policy 4.1.3 relates to investigations and planning for growth across the district, whereas Objective 5.5.1 and Policy 5.5.2 relate to protecting growth areas around Hamilton to enable future development. The provisions therefore serve different purposes.

Section 75 RMA

22. Section 75 requires that district plans "*must give effect to*" any national policy statement and any regional policy statement. The relevant policy statements are the Waikato Regional Policy Statement (**RPS**) and the National Policy Statement on Urban Development Capacity (**NPS-UDC**).
23. The provisions of the RPS that are directly relevant to Policy 4.1.3 are outlined and addressed as follows:
- (a) The RPS addresses the minimum housing targets for the Future Proof area in Objective 3.27. The targets include an additional 36,900 dwellings for Hamilton City in the period to 2046, as well as separate targets for the Waikato District.

² I understand that the Corridor and Metro Spatial Plan will both be completed in 2020.

³ Tremaine, K, White, M. Future Proof – Hamilton to Auckland Corridor Plan Report. 15 August 2019. Pg 56-57

- (b) The RPS adopts the land use pattern in the Future Proof Strategy in Policy 6.14. Policy 6.18 in the RPS identifies the need to monitor and support reviews of the Future Proof Strategy.
 - (c) Recognition of the identification and investigation of future growth area options in Policy 4.1.3 is not contrary to the RPS. These investigations are important to consider how the targets derived from the NPS-UDC in Objective 3.27 of the RPS may be addressed. Any rezoning that could be pursued as an outcome of the investigations would need to be considered under the RPS provisions that apply at the time of a future plan change process.
 - (d) The Future Proof Strategy was first adopted in 2009. The RPS was made operative in May 2016, prior to the 2017 update to the Future Proof Strategy occurring. Given that the RPS does not refer to the 2017 version of the Future Proof Strategy, the removal of the reference to “2017” from Policy 4.1.3 is not contrary to the RPS.
24. The provisions of the National Policy Statement on Urban Development Capacity (**NPS-UDC**) that are directly relevant to Policy 4.1.3 are outlined and addressed as follows:
- (a) The objectives in the NPS-UDC apply to decision makers when making planning decisions that affect an urban environment. The NPS-UDC objectives seek that growth is provided for in a responsive and coordinated way.
 - (b) Objective OB1 requires that a robustly developed, comprehensive and frequently updated evidence base is required to inform planning decisions in urban environments.
 - (c) Objectives OC1 and OC2 are related to responsive planning over short, medium and long-term timeframes.
 - (d) Recognition of the identification and investigation of future growth area options in Policy 4.1.3 would give effect to the objectives and related policies in the NPS-UDC by addressing the importance of developing an evidence base for future decision making. Removing the reference to “2017” from Policy 4.1.3(b) would also give effect to the objectives and policies by recognising that the evidence base should be frequently updated rather than static.

Part 2 RMA

25. Section 74(1)(b) requires that a district plan must be prepared in accordance with the provisions of Part 2. The requested changes to Policy 4.1.3 reflect the importance of a robust and comprehensively planned approach to the location of development that is required to meet long term demand. This approach is important for “managing the use, development, and protection of natural and physical resources” in accordance with Section 5 RMA.

COMMENTS ON SECTION 42A REPORT

26. The Section 42A report author has recommended rejection of submission point 344.1. However, no analysis has been provided by the report author of their reasons for this recommendation.
27. The Section 42A report author has recommended rejection of submission point 344.2 on the basis that the inclusion of Policy 4.1.3(c) is not required because it is a matter directed by the NPS-UDC. As I have previously explained, I consider that the NPS-UDC supports district plan provisions that recognise the need for a responsive and coordinated approach to long term planning. This is addressed through the requested changes to Policy 4.1.3.

CONCLUSION

28. In summary, I conclude that the requested changes to Policy 4.1.3:
 - (a) Appropriately recognise the importance of identifying and investigating future growth areas within the District. Long term growth planning exercises are already underway in the form of the Corridor Plan and Metro Spatial Plan.
 - (b) Are the most appropriate way of achieving Objective 4.1.2 and thereby meet the requirements of Section 32AA RMA.
 - (c) Give effect to the relevant provisions of the RPS and NPS-UDC; and
 - (d) Are consistent with Part 2 of the RMA.

Dated this 11th day of October 2019



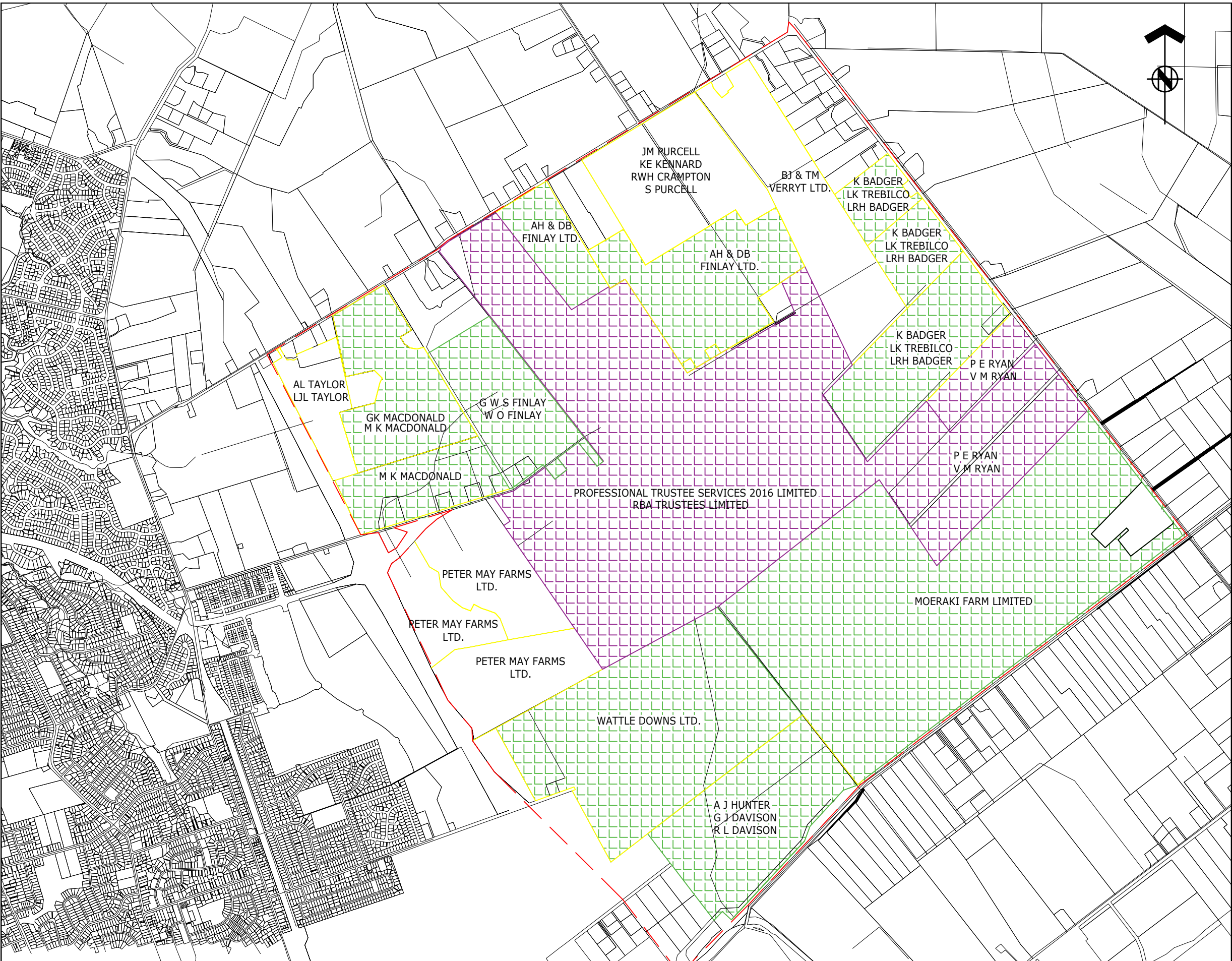
Ben Maxwell Inger

Annexure 1: Map of Submitter's Land

Annexure 2: Section 32AA Analysis

**Annexure 3: Relevant Extracts from Future Proof – Hamilton to Auckland
Corridor Plan Report (15 August 2019)**

Annexure 1: Map of Submitter's Land



NOTES

1. COORDINATES ARE IN TERMS MOUNT EDEN CIRCUIT 2000
2. BOUNDARIES SHOWN ON THIS PLAN ARE FROM LAND INFORMATION NZ DCDB AND HAVE NOT BEEN SURVEYED. A BOUNDARY DEFINITION SURVEY SHOULD BE CARRIED OUT TO ESTABLISH EXACT BOUNDARY POSITIONS ON SITE.
3. ALL EASEMENTS, COVENANTS AND OTHER LEGAL INSTRUMENTS ASSOCIATED WITH THIS SITE MAY NOT BE SHOWN ON THIS PLAN. AN INVESTIGATION OF THE MOST CURRENT LEGAL RECORDS SHOULD BE UNDERTAKEN PRIOR TO DESIGN AND CONSTRUCTION COMMENCING.
4. SERVICES POSITIONS AND ALIGNMENT MAY HAVE BEEN OBTAINED FROM THIRD PARTY RECORDS AND SHOULD BE VERIFIED ON SITE PRIOR TO CONSTRUCTION COMMENCING. HARRISON GRIERSON DOES NOT IN ANY WAY GUARANTEE THE ACCURACY OF ANY UNDERGROUND SERVICE SHOWN ON THIS PLAN.
5. THIS PLAN MAY NOT PROVIDE ENOUGH INFORMATION FOR HEIGHT TO BOUNDARY CALCULATIONS. WHERE ANY PROPOSED BUILDING OR PART THEREOF IS REQUIRED TO MEET COUNCIL'S HEIGHT IN RELATION TO BOUNDARY CONTROLS, HARRISON GRIERSON SHOULD BE CONSULTED.
6. THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN.
7. THIS PLAN IS ISSUED FOR A SPECIFIC PROJECT AND MAY NOT BE ALTERED OR USED FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF HARRISON GRIERSON.
8. THIS PLAN HAS BEEN PREPARED FOR RESOURCE CONSENT PURPOSES ONLY. NO DETAILED DESIGN SHOULD BE UNDERTAKEN UTILISING THIS DATA.
9. BOUNDARY BEARINGS AND DISTANCES AND AREAS SHOWN ARE SUBJECT TO A FULL LEGAL SURVEY AND APPROVAL BY LAND INFORMATION NZ.

LEGEND

-  BURTON FARMS
-  OTHER LAND OWNERS IN SUPPORT
-  ADDITIONAL LAND OWNERS
-  EXTENT OF PROPOSAL AREA
-  OTHER BOUNDARIES

DRAFT ONLY

		ORIGINATOR: LDP	DATE: 02.07.2019	SIGNED:	PLOT BY: LDP		ASSOCIATION OF CONSULTING ENGINEERS NEW ZEALAND	ISO 9001 QUALITY ASSURED		AUCKLAND OFFICE DILWORTH HOUSE 71 GREAT SOUTH ROAD NEWMARKET AUCKLAND 1051 T +64 9 917 5000 W www.harrisongrierson.com	PROJECT: BURTON TRUST HAMILTON EAST HAMILTON	TITLE: LOCATION OF BURTON TRUST (SUBMITTER ON WAIKATO PDP) AND FURTHER SUBMITTERS IN SUPPORT	ISSUE STATUS: DRAFT			
		DRAWN: LDP	DATE: 17.07.2019	SIGNED:	PLOT DATE: 17.07.19								PROJECT No: 1620-143692-01	SCALES: 1:50000 - A1 1:25000 - A3	A3	
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Annexure 2: Section 32AA Analysis

S32AA ANALYSIS



The following analysis is made under s32AA of the Act for the proposed changes to the Strategic Direction provisions.

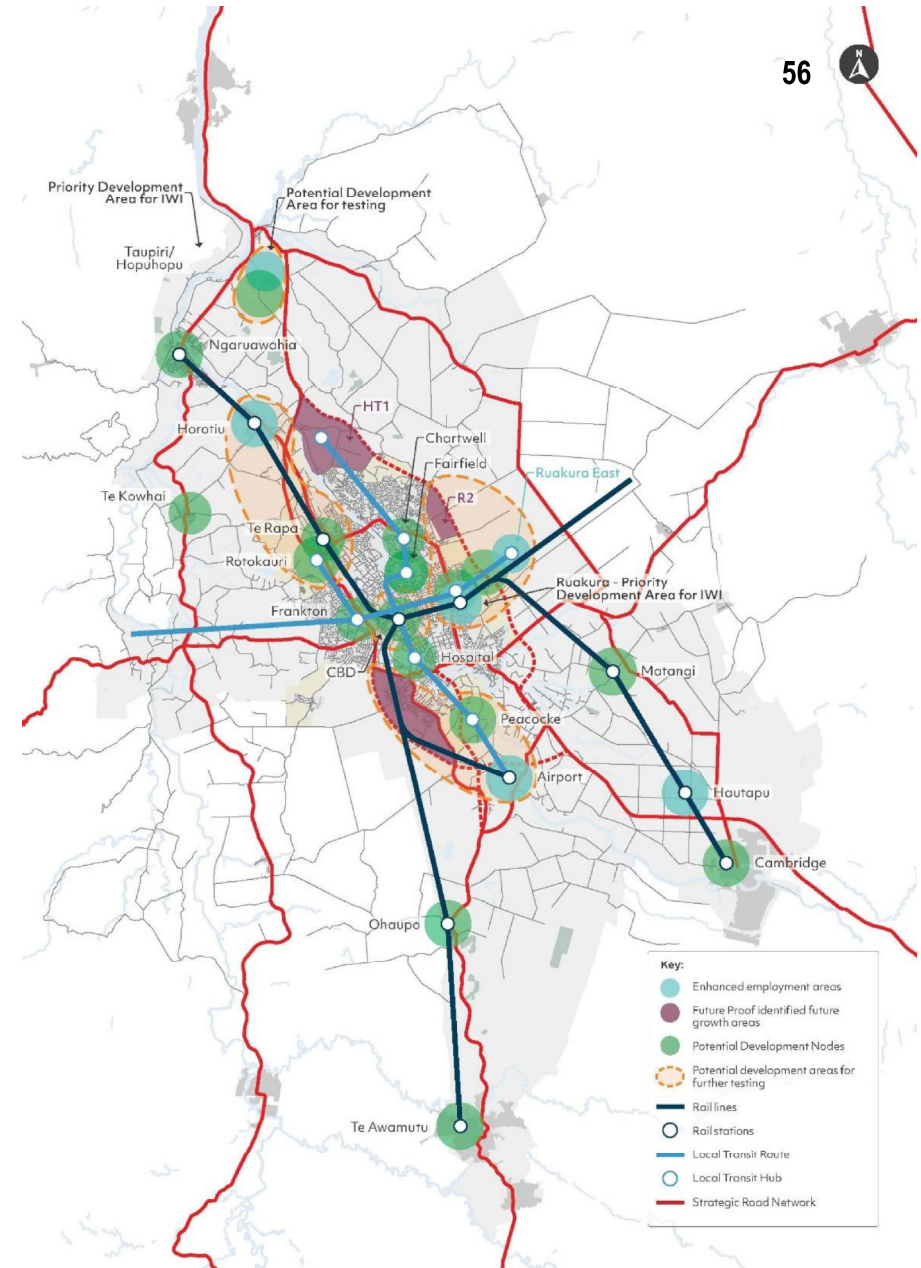
S32AA ANALYSIS FOR BURTON TRUST SUBMISSION (HEARING 3 – STRATEGIC DIRECTION)	
Provisions	Evaluation
<p>4.1.3 Policy – Location of development</p> <p>(a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.</p> <p>(b) Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth-2017.</p> <p>(c) <u>Identify and investigate potential future growth area options to meet long term demand.</u></p>	<p><u>Alternative Options:</u></p> <ul style="list-style-type: none"> Retain Policy 4.1.3 unchanged - not preferable because: <ul style="list-style-type: none"> Future Proof 2017 will be superseded imminently by a review and update of Future Proof that is occurring concurrently with hearings on the PWDP. The RPS adopts the Future Proof land use pattern but does not specifically refer to the 2017 version of the Strategy. The Policy does not clearly and implicitly refer to the importance of considering future growth areas to meet long term demand. <p><u>Benefits:</u></p> <ul style="list-style-type: none"> Policy 4.1.3(b) will remain relevant and valid following the current review of Future Proof without the need for the Policy to be immediately changed. It is likely that there may be other reviews of Future Proof over the life of the district plan. Policy 4.1.3(c) reflects that growth investigations are currently being undertaken through the Corridor Plan and Metro Spatial Plan (which Waikato District Council is a partner in). There are potentially significant social and economic benefits to this growth. Policy 4.1.3(c) assists in addressing the benefits that the NPS-UDC seeks to achieve in developing an evidence base to enable future decision making for urban growth and responsive and coordinated planning for these areas. <p><u>Costs:</u></p> <ul style="list-style-type: none"> None.

**Annexure 3: Relevant Extracts from Future Proof – Hamilton to Auckland
Corridor Plan Report (15 August 2019)**

Focus area 4: Hamilton-Waikato sub-region Hamilton-Waikato Metro Spatial Plan

Emerging metro form

- Emerging from analysis and scenario workshops.
- Preferred form:
 - A mixture of city densification and nodal development, underpinned by a mass transit network.
- Redevelopment opportunities as well as potential new areas for growth.
- Three waters key enabler for unlocking future form.





Focus area 4: Hamilton-Waikato sub-region Hamilton-Waikato Metro Spatial Plan

Areas for further testing

A number of emerging spatial areas for further testing:

- North West
- Taupiri/Hopuhopu
- Ruakura East
- Airport South
- CBD
- areas for significant regeneration.

