

**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 Rangitahi Limited

**STATEMENT OF PLANNING EVIDENCE OF MICHAEL JAMES BRIGGS
FOR RANGITAHİ LIMITED**

Dated: 11 October 2019

INTRODUCTION

1. My name is Michael James Briggs.
2. I am a Senior Planner at Harrison Grierson in Hamilton and have held this position since January 2018.
3. I hold the qualification of Bachelor of Resource and Environmental Planning from Massey University. I am an Intermediate Member of the New Zealand Planning Institute as well as a member of the Resource Management Law Association.
4. I have 12 years' experience as a planner in council and consultancy roles based in Whanganui, Palmerston North and Hamilton. During my career, I have been involved in numerous resource consent, designation and policy processes in both private and public sector roles. I currently undertake planning work for a wide range of clients throughout the Waikato region.
5. My planning evidence relates to the submission and further submission made by Rangitahi Limited (the **Submitter**) to the Proposed Waikato District Plan (**PWDP**). I prepared these submissions and I am familiar with Raglan, which is the area that the submissions relate to.
6. In preparing this evidence I have read the Section 42A report and the further submissions on Rangitahi Limited's original submission.

CODE OF CONDUCT

7. I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it.
8. 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

9. My evidence relates to the following submission points:

- (a) 343.1 – Amend Policy 4.1.3(b) to clarify the indicative nature of the Future Proof Strategy (**Future Proof**) urban limits.
 - (b) 343.2 – Amend Policy 4.1.18 to include medium and long-term growth areas to the west of Raglan.
 - (c) FS1208.1, 5 & 12 – Amend Policy 4.1.18(iii) to reflect decisions on growth areas around Raglan.
10. 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

11. The Submitter is part of a group of companies which includes the Raglan Land Company Limited and Scenic Properties Limited and owns various land holdings in and around Raglan. The directors of the Submitter have completed a large rural-residential subdivision at Te Ahiawa Road and are currently completing construction works for Precinct A of the Rangitahi Peninsula Structure Plan Area.
12. The change that the Submitter requests to Policy 4.1.3 is that subclause (b) is amended to clarify the indicative nature of the Future Proof urban limits. I suggest the following changes to Policy 4.1.3 which would address the issues that have been raised by the Submitter (additions are shown in underlined text and deletions are shown in ~~striketrough~~ 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 indicative urban growth areas in the Future Proof Strategy Planning for Growth 2017.*

13. The Submitter also requests that Policy 4.1.18(iii) is amended to identify a medium to long-term future growth area to the west Raglan. I suggest the following changes to Policy 4.1.18 which would address the issues that have been raised by the Submitter:

"4.1.18 Policy – Raglan

- (a) *Raglan is developed to ensure:*
 - (i) *Infill and redevelopment of existing sites occurs;*
 - (ii) *A variety of housing densities is provided for;*
 - (iii) *Rangitahi is the only area that provides for ~~the~~ short to medium term growth and medium to long term growth is to be provided for in the Raglan West area. and is These areas are to be developed in a manner that connects to the existing town and maintains and enhances the natural environment; and*
 - (iv) *There are connections between the town centre, the Papahua Reserve and Raglan Wharf."*

14. The Submitter has also requested the identification of a future growth area to the west of Raglan for medium to long-term residential growth, with appropriate objectives, policies, rules and zoning provisions. While the growth area will be considered at a future hearing on the PWDP, it is important context to the requested changes to Policy 4.1.18.

ASSESSMENT AGAINST STATUTORY FRAMEWORK

Section 32AA RMA

15. An assessment of the requested changes to policies 4.1.3(b) and 4.1.18(iii) in terms of Section 32AA RMA is contained in **Appendix A** of my evidence. The following part of my evidence draws on the findings of that assessment.
16. The requested amendment to Policy 4.1.3(b) is to identify and align with the indicative nature of the Future Proof urban growth areas in the Waikato District. Section 6.4 of Future Proof identifies that:

“In the Waikato District, new (indicative) urban limits have been proposed for the major townships to make provision for future urban growth. These limits, which are shown on Maps 1 and 2, are still indicative and will remain so until further development analysis, for example structure planning, has been completed. The indicative urban limits will not necessarily prevent changes to these limits if further development analysis determines such changes to be appropriate.”
17. I consider that the current wording of policy does not clearly identify that the Future Proof growth areas themselves may be subject to change. Stating the indicative nature of the Future Proof urban growth areas in Policy 4.1.3(b) will clearly identify the current status of the areas and that the extent of the areas could change.
18. While beyond the scope of the Submitter’s submission points, I have noted that there are other submissions which seek to delete the reference to “2017” from Policy 4.1.3(b). I agree with that change because the Phase 2 review of Future Proof is currently underway and there are likely to be other reviews in the future. This will ensure that the policy continues to refer to the most up to date strategy.
19. The current wording of Policy 4.1.18(iii) is inconsistent with Policy 4.1.3(b) as it does not reflect the medium to long term growth of the Future Proof indicative urban growth area in Raglan West. The extract from Map 1 of Future Proof which is included in **Appendix B** of my evidence identifies the indicative growth area at Raglan West.

20. The requested amendments to Policy 4.1.18(iii) reflect the direction that is provided in Future Proof for the future growth of Raglan. Their inclusion in the Policy will clearly signal the location of Raglan's future medium to long term growth area and in doing so will enable effective and coordinated planning, including planning for infrastructure requirements.

Section 75 RMA

21. 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**).
22. The provisions of the RPS that are directly relevant to policies 4.1.3 and 4.1.18 are outlined and addressed as follows:
 - (a) In accordance with the requirements of the NPS-UDC, Objective 3.27 in the RPS contains targets for an additional 12,300 dwellings for Waikato District in the period to 2046.
 - (b) The RPS adopts the Future Proof land use pattern in Policy 6.14.
 - (c) Clear reference to the indicative Future Proof urban growth areas in Policy 4.1.3 would give effect to the RPS. It is important to highlight the indicative nature of the growth areas to the community and developers so that future development within these areas to meet the requirements of the NPS-UDC is not constrained.
 - (d) Identifying that medium to long term growth is to be provided for in the Raglan West area under Policy 4.1.18 will give effect to the RPS because it will assist in implementing the Future Proof land use pattern.
23. The provisions of the NPS-UDC that are directly relevant to policies 4.1.3 and 4.1.18 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 OA2 requires that urban environments have sufficient opportunities for the development of housing land to meet demand.

- (c) Objective OB1 requires that a robustly developed, comprehensive and frequently updated evidence base is required to inform planning decisions in urban environments.
- (d) Objective OC1 requires planning decisions, practices and methods that enable urban development in the short, medium and long-term.
- (e) Objectives OC2 requires that local authorities adapt and respond to evidence about urban development and market activity in a timely way.
- (f) Clear identification that the Future Proof urban growth areas are indicative in Policy 4.1.3 would give effect to the objectives and related policies in the NPS-UDC by facilitating urban growth over the short, medium and long term in locations that are informed by suitable development analysis.
- (g) Identifying that medium to long term growth is to be provided for in the Raglan West area under Policy 4.1.18 would give effect to the objectives and related policies in the NPS-UDC by clearly identifying to the community and developers the intended growth area to meet the medium and long-term urban development needs of Raglan. This will assist in enabling effective planning of infrastructure to service growth areas.

Part 2 RMA

- 24. Section 74(1)(b) requires that a district plan must be prepared in accordance with the provisions of Part 2. The requested changes to policies 4.1.3 and 4.1.18 are important for “managing the use, development, and protection of natural and physical resources” in accordance with Section 5 RMA.

COMMENTS ON SECTION 42A REPORT

- 25. The Section 42A report author has recommended rejection of submission point 343.1 (which relates to Policy 4.1.3) as *“the wording of the policy “consistent with the Future Proof Strategy” provides the direction that there is flexibility inherent.”* I consider that the current wording of Policy 4.1.3 does not sufficiently identify the indicative status of the Future Proof growth areas in the Waikato District and it should be made more explicit.
- 26. The Section 42A report author has recommended submission point 344.2 (which relates to Policy 4.1.18) be accepted and has recommended the

following amendments (which also include other changes to Policy 4.1.18 in response to other submissions):

“4.1.18 Policy – Raglan

(a) Raglan is developed to ensure:

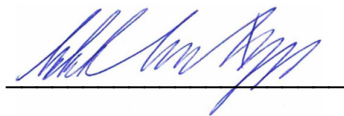
- (i) Infill and redevelopment of existing sites occurs;*
- (ii) A variety of housing densities is provided for;*
- (iii) The built form and character reflects its harbour setting and is compatible with its seaside village character;*
- (iv) Protection of the coastal margins and environment;*
- (v) Rangitahi is the only area that provides for the medium to long term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and*
- (vi) There are good quality walking and cycling connections between the town centre, the Papahua Reserve and Raglan Wharf.*

27. With the addition of new subclauses (iii) and (iv), original Policy 4.1.18(iii) would become subclause (v). Although the Section 42A report identifies that submission point 343.1 is accepted, I do not consider that the changes made in subsection (v) address the issues that have been raised by the Submitter. The submission states that Rangitahi will only provide for short to medium term growth and identifies that a medium to long term future growth area for Raglan also needs to be identified and planned for. Rangitahi is not large enough to accommodate long term future growth of Raglan which is why Future Proof identifies an indicative urban growth area in Raglan West.
28. Aside from subsection (v), I agree with the other changes recommended in the Section 42A report to Policy 4.1.18.

CONCLUSION

29. In summary, I conclude that the requested changes to policies 4.1.3 and 4.1.18:
- (a) Appropriately identify the indicative status of the Future Proof urban growth areas and recognise that medium to long term growth is planned to be provided in Raglan West.
 - (b) Give effect to the relevant provisions of the RPS and NPS-UDC; and
 - (c) Are consistent with Part 2 of the RMA.

Dated this 11th day of October 2019



Michael James Briggs

Appendix A: Section 32AA Analysis

Appendix B: Extract from Map 1 of Future Proof

APPENDIX A: 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 RANGITAHİ LIMITED 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 <u>the indicative urban growth areas</u> in the Future Proof Strategy Planning for Growth 2047.</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"> The current Policy does not clearly identify that the Future Proof urban growth areas in the Waikato District are indicative and subject to change based on further development analysis. <p><u>Benefits:</u></p> <ul style="list-style-type: none"> Policy 4.1.3(b) clearly identifies the indicative nature of the Future Proof urban growth areas which is important given that Future Proof is clear on their indicative nature. There are benefits in making this clear in the policy itself rather than having to revert to Future Proof to understand this. <p><u>Costs:</u></p> <ul style="list-style-type: none"> None.
<p>4.1.18 Policy – Raglan</p> <p>(a) Raglan is developed to ensure:</p> <p>(i) Infill and redevelopment of existing sites occurs;</p> <p>(ii) A variety of housing densities is provided for;</p> <p>(iii) Rangitahi is the only area that provides for the short to medium term growth <u>and medium to long term growth is to be provided for in the Raglan West area. and is These areas are to be</u> developed in a manner that connects to the existing town and maintains and enhances the natural environment; and</p>	<p><u>Alternative Options:</u></p> <ul style="list-style-type: none"> Retain Policy 4.1.18 unchanged - not preferable because: <ul style="list-style-type: none"> The current Policy does not identify or refer to areas for medium to long term growth in Raglan, including the urban growth area in Raglan West that is identified through the indicative urban limits for Raglan in Future Proof. <p><u>Benefits:</u></p> <ul style="list-style-type: none"> Policy 4.1.18(a)(iii) clearly identifies that growth in the short to medium term will be provided at Rangitahi and medium to long term growth will be in the Raglan West area. Identifying that medium to long term growth is to be provided for in Raglan West will assist in enabling a responsive and coordinated

S32AA ANALYSIS FOR RANGITAHU LIMITED SUBMISSION (HEARING 3 – STRATEGIC DIRECTION)

Provisions	Evaluation
(iv) There are connections between the town centre, the Papahua Reserve and Raglan Wharf.	<p>planning approach for the long term growth of Raglan in accordance with the NPS-UDC, including effective planning of infrastructure for the long term growth area.</p> <p><u>Costs:</u></p> <ul style="list-style-type: none">Although development in Raglan West has been anticipated through Future Proof, there will be economic costs associated with providing infrastructure to service a long term growth area in Raglan. This will require further development analysis (such as a structure planning exercise) to inform rezoning decisions.

APPENDIX B: EXTRACT FROM MAP 1 OF FUTURE PROOF

FUTURE PROOF SETTLEMENT PATTERN (MAP 1)

