

BEFORE WAIKATO DISTRICT COUNCIL HEARING COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Waikato District Council Proposed
District Plan – Strategic Objectives
(Hearing 3)

STATEMENT OF EVIDENCE OF MARK NAIRN DAVEY

**On behalf of the
Waikato District Council**

15 October 2019

INTRODUCTION

1. My full name is Mark Nairn Davey

QUALIFICATIONS AND EXPERIENCE

2. I am a Strategic Planner with the Waikato District Council.
3. I hold a PhD in Planning from the University of Auckland (2015) and a Bachelor of Planning (2010) (1st Class Hons) from the University of Auckland.
4. I have eight years' experience in planning – both regulatory and policy, in local government, private consultancy and as a Professional Teaching Fellow and researcher at the University of Auckland in the School of Architecture and Planning. My areas of research, both locally and internationally, have focused on growth management, spatial planning including plan making and plan implementation. I am an intermediate member of the NZPI.
5. I am employed by the Waikato District Council in the Strategic Planning team. My role is primarily tasked with leading the development of the new growth strategy for the district.

CODE OF CONDUCT

6. I confirm that I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this evidence. Other than when I state that I am relying on the advice of another person, this 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 that I express.

MY INVOLVEMENT IN THE WDC PDP

7. I have had no involvement in the drafting of the Waikato District Council Proposed District Plan (PDP) or the preparation of evidence to support s32 analyses.
8. I am not a member of the Planning and Policy team whom have been tasked with preparing the PDP.

SCOPE OF EVIDENCE

9. I have been asked on behalf of Waikato District Council (WDC) to prepare this evidence covering the matters identified as being part of Hearing 3, Strategic Objectives:
 - (a) Section 1.12 Strategic Directions and objectives for the district
 - (b) Chapter 4 Urban Environment
 - (c) Chapter 5 Rural Environment
 - (d) Chapter 6 Infrastructure
10. Within the scope provided by the WDC submission, I will cover:
 - (a) aspects of the PDP relevant to these matters that I support; and
 - (b) aspects of the PDP relevant to these matters that I do not support.
11. The scope of this submission will cover the following primary submission point from WDC's submission:
 - (a) 697.314; creation of a standalone chapter containing all of the strategic objectives
12. In preparing this evidence, I have taken into account the Section 42A Report, Hearing 3, Strategic Objectives prepared by Alan Matheson.
13. I have also taken into consideration relevant provisions of the Resource Management Act 1991 ("RMA" or "the Act"), and higher level planning documents including:
 - (a) National Policy Statement on Development Capacity (NPS-UDC 2016;
 - (b) Waikato Regional Policy Statement ("WRPS"); and
 - (c) Future Proof Growth Strategy and Implementation Plan, 2017 (FP)
14. I have also reviewed a number of submissions where submitters are seeking amendments to the provisions that WDC submitted upon.

STRUCTURE OF EVIDENCE

15. My evidence is structured into three sections. First, I provide an executive summary outlining the individual issues and outline my

alternative recommendations as to how these issues might be resolved. Second, I provide a more detailed discussion, including my rationale for the submission and the recommended changes as a result, where appropriate, to the policy frameworks. And finally, I discuss how these recommendations align with the National Planning Standards.

EXECUTIVE SUMMARY

16. This third hearing is focused on the Strategic Objectives of the Plan, and therefore my evidence only addresses those provisions pertaining to the location and content of the strategic objectives and policies as addressed in Hearing 3 in accordance with Council's submission point on this matter. Accordingly, I recommend that:
- (a) The strategic objectives of Chapter 4, Urban Environment; Chapter 5, Rural Environment; Chapter 6, Infrastructure (which the S42A author has recommended shifting) remain in their respective sections in the plan to maintain legibility of the plan/policy hierarchy. These objectives are specific to the 'environments' to which they relate and are therefore most appropriately read as part of the separate chapters where they are located in the notified plan.
 - (b) I support the recommendations of the s42A report, that the "1.12 Strategic directions and objectives for the district" are not confused with the strategic objectives¹. In my opinion, in order to avoid confusion when interpreting the Plan, I recommend that section 1.12 forms a new chapter 2A called 'Strategic Direction'. This is necessary to ensure that these take primacy in the objectives and policy hierarchy of the plan, and their purpose is clear for resource consent decision-makers.
 - (c) I also recommend that Section 1.12 is reworded to form effective strategic objectives. That is, clear statements of outcomes that apply district-wide and are not specific to any particular zone or feature.

¹ Section 4, s42a Hearing 3 Report

DISCUSSION

17. The PDP plan uses a three tier (cascade) approach to the policy framework: firstly strategic directives which relate to all of district (contained in Section 1.12 of the Plan), secondly objectives which relate to the 'environments' including the rural environment, urban environment and infrastructure; thirdly, objectives and policies which relate to the zones. There are also "strategic objectives" contained in Section 1.12 which are not framed as objectives.
18. Currently, the distinction between these policy hierarchies is unclear due to where they are located in the Plan (as notified). In my opinion, the recommendations by the S42A author to shift objectives 2.11, 4.1.1 - 4.1.18, 5.1.1, 6.1.1 into a new section (1.13) in Chapter 1 only serves to cause further ambiguity for those tasked with interpreting the Plan.
19. The concern with this approach is that it will lead to confusion when trying to follow the policy hierarchy through and determine the correct set of objectives and policies which apply. It will be easier and simpler to read the objectives as part of a package rather than in disparate parts. It is my view that the policy frameworks should be made as coherent and logical as possible to avoid misinterpretation by users of the Plan. Incoherence is likely to lead to misinterpretation resulting in insufficient weight being afforded to specific objectives.
20. Moving now to the content of the "1.12 Strategic directions and objectives for the district", whilst I agree with the S42A author in principle with their intent to create clear overarching strategic directions/objectives chapter I believe it would be advantageous to take this a step further and revise "Section 1.12 Strategic directions and objectives for the district" to form clearly articulated overarching strategic objectives for the district.
21. As such, I recommend that a new chapter, Chapter 2A is inserted, called 'Strategic Direction' which includes re-worded "1.12 Strategic directions and objectives for the district" into more effective objective statements. The advantage of this approach is that these objectives will apply district-wide, and given where they are located in the Plan, a high-level of primacy and weight will be afforded to them.

22. I recommend this for two key reasons. Firstly, as notified Section 1.12 includes a mix of policies, methods, strategic direction from non-statutory documents, and non-RMA related matters. The section lacks focus and is certainly not worded as objectives, as the heading of this section would suggest. In my view this detracts from the intent of this sub-section and weakens the strategic directives without adding much clarity. The s42A author has recommended re-framing these as “strategic directives” however this further complicates the purpose of this section. The value of genuine ‘strategic objectives’ is that their weight in decision-making processes will be elevated and a clearer line of site will be created throughout the plan hierarchy.
23. In respect to specific content, I outline in Appendix 1 how I recommend rewording these strategic directives to form effective plan-wide objectives.
24. In my opinion these recommend changes will create a more legible and coherent policy hierarchy. It will more strongly articulate the overarching objectives for resource management and land-use in the district and avoid potential confusion and misinterpretation by users of the plan in the future.

WHAT ARE STRATEGIC OBJECTIVES?

25. The objectives chosen by the s42A author are not the most appropriate provisions to be strategic objectives. In my experience, strategic objectives should be overarching outcome statements that apply to the whole District rather than any particular zone, environment or feature.

RE-FRAMING SECTION 12.1

26. I have re-framed the intent of each paragraph of Section 1.12 to develop succinct strategic objectives which I have outlined in Appendix 1.
27. In accordance with Section 32AA of the RMA, I consider this suite of new objectives are more appropriate to meet the purpose of the RMA than Section 1.12, and constitute the most appropriate way of achieving the purpose of the RMA. In particular, the objectives I have outlined in Appendix 1 seek to concentrate urban development

around existing towns and in doing so are an effective use of the natural and physical resources.

28. The objectives I have suggested will enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety. They recognise that growth will occur in Waikato District and encourage efficient use of infrastructure and urban form. In concentrating growth into existing towns, the objectives will assist in achieving Section 5(2)(b) and will safeguard the life-supporting capacity of water, soil, and ecosystems, particularly in the rural areas. In addition, concentrating growth into the existing towns will sustain the potential of natural and physical resources for future generations and assist in achieving Section 5(2)(a) of the Act.

ALIGNMENT WITH THE NATIONAL PLANNING STANDARDS

29. In considering the location and purpose of Section 1.12, I have carefully considered the National Planning Standards. Part 2 District Wide Matters is directed to contain “Strategic Direction” and allows chapters to sit beneath this heading based on strategic direction matters. This Section must contain a chapter called “Urban form and development”. Section 7 of the National Planning Standards sets out mandatory directions regarding Strategic Direction as follows:

Strategic direction

7.1 If the following matters are addressed, they must be located under the Strategic direction heading:

- a. an outline of the key strategic or significant resource management matters for the district*
- b. issues, if any, and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level*
- c. policies that address these matters, unless those policies are better located in other more specific chapters*
- d. how resource management issues of significance to iwi authorities are addressed in the plan.*

- 7.2. *Rules must not be included under the Strategic direction heading.*
- 7.3. *An Urban form and development chapter must be included under the Strategic direction heading.*
- 7.4. *Each strategic direction matter must be its own chapter and be included alphabetically under the Strategic direction heading.*

- 30. I would like to draw the Hearing Panel's attention in particular to Clause 7.1(b) as I consider that the revision of Section 1.12 into a new Strategic Direction chapter and reframing these provisions as objectives will fulfil this requirement of the National Planning Standards. I note Clause 7(1)(c) which envisages that policies which implement the objectives are appropriate to be contained in other chapters. This means that the new Strategic Direction chapter can be focused on strategic objectives, rather than needing to import policies and rules.
- 31. In terms of the content of the objectives to be included in the new Strategic Directions, I am mindful that there are many other chapters within Part 2 District Wide Matters which contain provisions for:
 - a) Energy, infrastructure and transport;
 - b) Hazards and risks;
 - c) Historical and cultural values;
 - d) Natural Environment values;
 - e) Subdivision; and
 - f) General district-wide matters.
- 32. To avoid duplication, I consider that the strategic objectives should not address any of these matters; although there will obviously be a relationship between the strategic objectives and these district wide matters.
- 33. I consider that Objectives 4.1.1 and 4.1.2 are legitimate strategic objectives, and therefore should be deleted from Chapter 4 Urban Environment and relocated into the new chapter.

34. I recommend locating this new chapter is located after Chapter 2 Tangata whenua, given the recognition of tangata whenua and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as a matter of national importance (section 6(e) of the RMA). This placement is also consistent with the location of the Tangata whenua chapter in the National Planning, which is prior to the Strategic Direction chapter.

MARK NAIRN DAVEY

15 OCTOBER 2019

Chapter 1: Introduction

1.12 Strategic directions and objectives for the district

1.12.1 Strategic direction

- (a) ~~Waikato District Council as a Future Proof Partner has made a commitment to the Future Proof Strategy which will manage growth for the next 30 years. Settlement patterns are a key tool used within the Future Proof Strategy. They provide the blueprint for growth and development and aim to achieve a more compact and concentrated urban form over time.~~
- (b) ~~Master plans are an important method for establishing settlement patterns of land use and the transport and services network within a defined area. They can provide a detailed examination of the opportunities and constraints relating to the land including its suitability for various activities, infrastructure provision, geotechnical issues and natural hazards. They should identify, investigate and address the potential effects of urbanisation and development on natural and physical resources.~~
- (c) ~~Master plans should explain how future development will give effect to the regional policy statement and how any adverse effects of land use and development are to be avoided, remedied or mitigated by proposed plan provisions. This will ensure that all the effects of development are addressed in advance of development occurring. A master planning is an appropriate foundation for the plan change process required to rezone land.~~
- (d) ~~The National Policy Statement for Urban Development Capacity 2016 sets monitoring and information requirements for Council to ensure responsiveness and the ability to deliver an adequate supply of development ready land in the right location and at the right time. The intention is to ensure that planning decisions in urban environments are well-informed, timely and responsive to changing population growth demands, market conditions and infrastructure delivery.~~
- (e) ~~It is expected that a comprehensive set of key indicators on growth drivers, growth management, and the spatial distribution of growth will include:
 - (i) ~~Patterns and composition of population change and growth;~~
 - (ii) ~~Balance of growth inside and outside the existing urban area;~~
 - (iii) ~~Shifts in housing preferences, including location and typology;~~
 - (iv) ~~Key bulk infrastructure delivery and funding availability;~~
 - (v) ~~Changes in strategic direction and/or priorities.~~~~
- (f) ~~Progress will be measured against the anticipated growth settlement patterns and targets identified in the Future Proof Strategy as well as the indicative timeframes for master plans and infrastructure provisions, changes in the growth patterns reported in the Future Proof Monitoring Report, National Policy Statement on Urban Development Capacity assessments and monitoring requirements.~~

1.12.2 Natural environment

- (a) A district that protects its natural habitat and ecological values and retains its significant landscape features.
- (b) A district that retains the natural character of its rural areas and has public open space available and well used by the community.

1.12.3 Built environment

- (a) A district which provides a wide variety of housing forms which reflect the demands of its ageing population and increases the accessibility to employment and community facilities, while offering a range of affordable options.
- (b) A district that encourages and celebrates quality design that enhances and reflects local character and the cultural and social needs of the community.
- (c) A district that has compact urban environment that is focused in defined growth areas, and offers ease of movement, community wellbeing and economic growth.

1.12.4 Ease of movement

- (a) A district which effectively integrates its land use pattern with transport, and encourages the development of an urban form which is less reliant on the private motor vehicle, while reducing the overall effects of transport on the environment.

1.12.5 Community wellbeing

- (a) A district that provides a wide range of easily accessible facilities and activities to serve the community which satisfies the diverse social, cultural and economic needs of the community. A high level of pedestrian amenity, personal safety and the potential for crime is recognised in the design of these public places.

1.12.6 Employment and economic growth

- (a) A district that is recognised as an ideal business location with access to a well educated and highly skilled workforce and supported by an infrastructure which allows employment and economic growth to be maximised.

1.12.7 Managing change

- (a) A district that effectively consults with and includes its community in decision making while co-operating with other authorities on regionally strategic policy, A district that manages development with master plans that matches the community, the capacity of the environment and infrastructure and avoids the adverse effects of that infrastructure on communities.

1.12.8 Strategic objectives

- (a) The matters set out in paragraphs 4.1.1—4.1.7 provide the overarching directions for the development of the objectives, policies and other provisions within the district plan.
- (b) In summary, the overarching directions include the following:
 - (i) Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently.

- ~~(ii) Promote safe, compact sustainable, good quality urban environments that respond positively to their local context.~~
 - ~~(iii) Focus urban growth in existing urban communities that have capacity for expansion.~~
 - ~~(iv) Plan for mixed use development in suitable locations.~~
 - ~~(v) Encourage community collaboration in urban growth decisions~~
 - ~~(vi) Protect and enhance green open space, outstanding landscapes and areas of cultural, ecological, historic, and environmental significance.~~
- ~~(c) The objectives and policies that implement the strategic directions are included within Part B of the district plan (where they are relevant) at the beginning of each section. They also assist in providing an objective that encompasses more than one zone (such as Chapter 4 Urban Environment) or a range of matters (such as Chapter 6 Infrastructure).~~

Chapter 2A: Strategic Direction

2A.1 Strategic Direction

(a) The overarching vision of the Waikato District Council is to create liveable, thriving, connected communities.

(b) Liveable communities are well-planned and people friendly providing for a range of quality residential options, social infrastructure walkways and open spaces. They reflect what's important to people and support a shared sense of belonging both at the local community and the wider district.

(c) Thriving communities participating in council decision making and community-led projects, having the capacity and capability to provide input into the management of their local assets and sustain the local business sectors providing local employment

(d) Connected communities have fit-for-purpose physical and social infrastructure to create liveable thriving communities. Connectivity through roads, cycle ways, walkways and digital capabilities enable rapid information sharing and engagement in activities together. By these means, people in communities access services and amenities that meet their social, health, education, employment and wellbeing needs

(e) The following strategic objectives apply district-wide and will help in achieving this vision.

2A.2 Strategic Objectives

4.1.1 2A.2.1 Objective – Strategic

- (a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.
- (b) National Policy Statement on Urban Development Capacity Minimum Targets

The minimum targets for sufficient, feasible development capacity for housing in the Waikato District area are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity 2016.

Area	Minimum Targets (number of dwellings)		
	Short to Medium 1-10 years (2017-2026)	Long term 11-30 years (2027-2046)	Total
Waikato District	7,100	12,300	19,400

4.1.2 2A.2.2 Objective – Urban growth and development

- (a) Future settlement pattern is consolidated in and around existing towns and villages in the district.
- (b) Growth of unserviced settlements is avoided

2A.2.3 Objective – Housing typologies

The district provides a range of housing typologies which meet the needs of the population

2A.2.4 Objective – Natural environments

Natural environments and green corridors are created and enhanced throughout the district

2A.2.5 Objective – Urban environments

High-amenity urban environments in towns are achieved to promote them as places to live, work and play

2A.2.6 Objective – Public transport

Development patterns enable efficient public transport services to occur

2A.2.7 Objective – Development density

Higher-density development occurs in and around town centres and in areas of high amenity within towns

2A.2.8 Objective – Employment opportunities

Increased employment opportunities are provided for in the district in and around existing towns.

2A.2.9 Objective – Use of existing infrastructure

Development occurs in a manner that maximises the existing infrastructure networks

2A.2.10 Objective – Rural activities

Productive rural activities are supported

2A.2.11 Objective – Highly productive soils

Highly productive soils are protected and safeguarded for ongoing food production purposes

2A.2.12 Objective – Industrial activities

Industrial activities are clustered and promoted in strategically located areas