

**UNDER** the the Resource Management Act 1991 ("RMA")  
**IN THE MATTER** of Proposed Waikato District Council's ("WDC") Proposed District Plan ("PDP"): Hearing 9 – Business Zone and Business Town Centre Zone

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**EVIDENCE OF PHILIP JOHN STICKNEY ON BEHALF OF KĀINGA ORA  
(FORMERLY HOUSING NEW ZEALAND CORPORATION) (749, FS1269)**

**PLANNING**

**24 JANUARY 2020**

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## 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 (“**the Proposed District Plan**” or “**PDP**”) insofar as they relate to this hearing. Primarily, this hearing relates to Chapter 17 and 18 – Business Zone/ Town Centre Zone and associated Objectives and Policies in Chapter 4 of the Proposed District Plan.

1.2 In summary, the key points addressed in my evidence are:

- (a) A discussion regarding Kāinga Ora’s submission points encompassing the Policy framework of the Business and Business-Town Centre Zones in Chapter 4 of the PDP (Submission Points 749.6 and 749.7).
- (b) A discussion regarding Kāinga Ora’s submission points 749.10, 749.11 and 749.12 - 749.15 (in relation to Character Statements), where I consider amendments to the PDP are required;
- (c) A discussion in relation to Kāinga Ora’s submission point 749.127 (in relation to Restricted Discretionary Activities), where I consider amendments to the PDP are required.
- (d) A discussion in relation to Kāinga Ora’s submission points 749.130 and 749.141 (in relation to Daylight Admission standards), where I consider amendments to the PDP are required.
- (e) A discussion in relation to Kāinga Ora’s submission points 749.131 (Subdivision Standards) and 749.145 (Subdivision standards - multi unit).
- (f) A discussion on Kāinga Ora’s submission point 749.144 (Outdoor living courts).
- (g) Clarification on the submission points made by Kāinga Ora in relation to the acoustic insulation standards set out within Appendix 1 of the PDP.

## 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 on the proposed planning provisions in Chapter 9 of the Proposed District Plan covering the Business and Business Town Centre Zones of the Proposed Waikato District Plan.
- 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.<sup>1</sup> I am also familiar with the national, regional and district planning documents relevant to the PDP.
- 2.4 I am also personally very familiar with many of the settlements within the Waikato District; having resided in the rural northern Waikato District for the last 6 years. In the course of preparing this evidence I travelled to and walked around the Business Town Centre and Business zoned areas of Tuakau, Huntly, Ngaruawahia and Pokeno. My observations of the physical characteristics of these centres has been used where appropriate to assist in the conclusions I have set out in this evidence. I have appended notes from these visits to my evidence in Annexure One
- 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

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<sup>1</sup> Kāinga Ora provided corporate evidence in Hearing 3, and will also lodge corporate evidence in Hearing 10.

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 Rotoroa 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 housing developments in various locations throughout New Zealand.

### **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. Scope of Evidence**

- 4.1 Hearing 9 addresses submission points relating to the PDP's Business and Business - Town Centre provisions; including the overarching Objectives and Policy framework. Of relevance to the primary and further submissions lodged by Kāinga Ora are those matters contained within:
  - (a) Urban Environments (Chapter 4, covering Objectives and Policies);
  - (b) Business Zone (Chapter 17, covering Rules and Assessment Criteria);

- (c) Business Town Centre Zone (Chapter 18 covering Rules and Assessment Criteria); and
  - (d) Related provisions, including some matters included in Appendices 10.1-10.6 of the PDP.
- 4.2 In preparing this statement of evidence I have considered the economic evidence of Mr Osborne and the urban design evidence of Mr Wallace lodged on behalf of Kāinga Ora. In combination with my physical observations of the settlements I have visited, I have reached the conclusion that the substantive planning issue relates to the zone provisions (specifically the Policies and Rules) and the extent to which they are the most appropriate way in which to achieve the outcomes set out by the Strategic Directions and objectives. In particular, whether or not the s.32 analysis has fully considered potential alternatives and options to achieve the outcomes for these centres as set out in the Strategic Direction provisions, which I consider to be appropriate and well-structured subject to the amendments sought by Kāinga Ora in their primary submission.
- 4.3 In other words, I consider there is a fundamental “disconnect” between the intent of the higher level Strategic Directions and Objectives in Chapters 1 and 4 of the PDP versus the Zone specific provisions in Chapters 17 and 18. In particular, a key overarching Strategic Direction (1.12.3) seeks (among other things) to provide a wide variety of housing forms, increase accessibility to employment and community facilities and achieve a District that has a compact urban environment and offers ease of movement, community wellbeing and economic growth. This is not a zone-specific Strategic Direction.
- 4.4 Strategic Direction 1.12.8 seeks to (amongst other matters): promote safe and compact good quality urban environments that respond positively to their local context (1.12.8(ii)); focus urban growth in existing urban communities that have capacity for expansion (1.12.8(iii)); and plan for mixed use development in suitable locations (1.12.8(iv)).
- 4.5 The more targeted Objectives flowing from these Strategic Directions articulate a range of desired outcomes. In particular Objectives 4.1.1, 4.1.2, 4.1.3 and 4.1.5 all seek to achieve a compact urban form with a range of activities that in combination will achieve “liveable, thriving and

connected communities that are sustainable efficient and co-ordinated”. These provisions are also not all exclusively “zone specific” in respect of the outcomes sought.

- 4.6 The zone specific Objectives (and associated Policies) for the Business and Business Town Centre Zone (Objectives 4.5.2, 4.5.3 and 4.5.4) shift in emphasis to maintaining these Zones for commercial activity. Objective 4.5.12 seeks to ensure that the “commercial and mixed use character” of the main commercial town centres in the District is “maintained and enhanced”. I consider that in combination these Objectives are structured in a manner that are not as “forward looking” in the outcomes they seek; when compared to the more enabling thrust of the higher order Strategic Directions. This is both in terms of land use and amenity issues.
- 4.7 This issue is magnified further in an assessment of the relevant Policies for the Business and particularly the Business – Town Centre Zone. Policies 4.5.13 – 4.5.19 contain the links to the Town Centre Character Statements and the Policies require that development be “consistent” with those Statements. Kāinga Ora has made submissions on these policies. The Town Centre Character Statements place emphasis on maintaining the existing character in these centres. I consider that the inclusion of the Town Centre Character Statements in a policy framework further reinforces the disconnect with the more enabling strategic directions set out in the PDP. Mr Wallace has provided evidence on this issue and I concur with his assessment.
- 4.8 Within the context of the matters considered in Paragraphs 4.4-4.7 above, Kāinga Ora’s submission seeks to achieve a greater density and variety of residential activity within the Business and Business Town Centre Zone. In particular, Kāinga Ora has sought provision be made for residential activity at ground floor level in appropriate locations within the Business Town Centre Zone. The relief sought is to amend Policy 4.5.11; the only Policy which expressly provides guidance on residential activities within the Zones.
- 4.9 In response the s.42A report states in Part 18.1.2, (Paragraph 112) that

*“[T]he submission from Housing New Zealand Corporation [749.7] seeks to differentiate between residential activities in the Business Town Centre Zone (more enabling) and the Business Zone (status quo). The*

*intensification of residential development has been discussed in Section 11 of this s42A report. The proposed amendments to the policy to enable residential activity in the Business Town Centre Zone is contrary to the PWDP policy of encouraging residential intensification within residential zones adjoining or near to commercial centres”.*

On the basis of this rationale, the approach the PDP takes to residential consolidation and higher density development is to locate it within the residential zone which borders surrounds existing centres. Accordingly, residential activity within the Business and Business Town Centre Zones is proposed to only be situated on the upper floors of buildings within these zones.

- 4.10 I consider this response; and one which is also included again within Part 11.1.2 as an inappropriate means of giving effect to the Strategic Directions and the Objectives 4.1.1, 4.1.2, 4.1.3 and 4.1.5.
- 4.12 My opinion, (consistent with the submissions made by Kāinga Ora) is that to achieve the intent of Objective 4.1.1 (a) which seeks liveable, thriving and connected settlements that are sustainable, efficient and co-ordinated that the provisions for the Business – Town Centre and Business Zones should:
- (a) Provide for a compact urban development form;
  - (b) Provide for a wider mix of landuse activities, where appropriate; and
  - (c) Provide for a wider mix and choice of residential housing typologies within, and adjoining, Business and Business – Town Centre zones.

I consider that Policy 4.5.3 would be more appropriately implemented by the adoption of the relief sought on these matters particularly in respect of the Business Town Centre Zone. The issue here relates to the intent of the Policy, which is primarily focussed upon the **role** of the Town Centre and the activities it provides for. I fully acknowledge and agree however that such an approach should not lead to an erosion of the primary purpose of the Business Town Centre Zone in providing an important commercial, business, cultural and entertainment role into the future.



4.11 In reaching this conclusion, I have relied upon a number of key aspects of the economic evidence of Mr. Osborne. Namely:

- (a) Retail and commercial employment has grown by 84% across the District over this period, and that over the same period the level of activity within the identified centres has grown by only 30%;
- (b) In terms of the significance of these centres for retail and commercial activity they represented nearly 50% of activity in 2000 while 18 years later they have experienced little growth and their relevance has fallen by nearly 30%; and
- (c) It is estimated that there is enough vacant commercial land to provide sufficient capacity for the District for the next 600 years.

4.12 These economic assessments support my physical observations of the Town Centres I have visited, and which are documented in Appendix One.

4.13 Kāinga Ora did not seek any reduction or change to the spatial extent of the Business and Business Town Centre Zones. Accordingly, the emphasis in the submissions is on enabling a greater diversity of landuse mix, particularly within the Business Town Centre Zone. Based upon the economic assessment contained within the evidence of Mr Osborne, I consider that there is scope to consider a more diverse landuse mix to achieve the Strategic Directions and relevant Objectives of the PDP. I discuss such methods further in my evidence below. I am of the opinion that the PDP as currently structured will not enable the more efficient and diverse utilisation of business land with a danger that the status quo in respect of amenity and intensity of use in these centres will prevail.

**5. Submission Point 749.6 - Policy 4.5.3 Commercial Purpose-Business Town Centre Zone and Policy 4.5.4 - Commercial Purpose: Business Zone**

5.1 It is useful to consider the relief sought by Kāinga Ora in respect of Policy 4.5.3 and 4.5.4 against the context of Chapter 3 – Strategic Directions.

5.2 Kāinga Ora's primary submission point and the amendments sought are intended to ensure that the PDP better recognises the positive role that higher density residential activities can play in the function, vitality and mix of activities within commercial centres; as well as being encouraged in

close proximity to commercially zoned land (i.e. in adjoining Residential Zones). The PDP direction is primarily focussed on residential development at upper floor level.

- 5.3 In my opinion, the relief sought by Kāinga Ora is appropriate given that the policies are structured conjunctively, rather than each sitting in isolation from one another. By way of example, Policy 4.5.3 (i) and (ii) clearly relay that these zones are the primary retail, administration, commercial services and civic centre for each town. Kāinga Ora has not sought any significant amendments to those provisions as notified.
- 5.4 Accordingly, the inclusion of “residential” and the further insertion of a new policy is sought to recognise opportunities for higher density residential development be provided will not undermine the intent of the policy to protect the role of the zone as the primary commercial zone for each town. The amendments sought to Policy 4.5.3 will enable a recognition of higher density housing as having the potential to play a role in supporting the primary role of the Business Town Centre Zone and assist in achieving a compact urban form by utilising vacant and under-developed sites and increase the population density in locations where they have direct and convenient access to goods and services offered in the Business Town Centre Zone.
- 5.5 The amendments to the planning framework as sought are aimed at increasing the population catchment within areas of the Business Town Centre Zone; enabling more convenient access for residents to existing and future retail/commercial activities; and achieving greater intensity of use generally within the Zone for recreation and socialising. The aim being to achieve a level of vitality which is commensurate with the thrust of the Strategic Directions within the PDP.
- 5.6 Similarly, the amendments sought by Kāinga Ora to Policy 4.5.11 complement the amendments sought to Policy 4.5.3, albeit at a more detailed level of policy direction with regard to the provision of residential activity within the Business and Business – Town Centre Zones. Essentially the amendments aim to achieve a recognition in the policy framework that:
- (a) Residential at ground floor level is appropriate in some instances within the Business Town Centre Zone (envisaging mixed use

development including multi-unit residential) but not within the retail “core” of the Zone.

- (b) Residential activity within the Business Zone is primarily provided as an upper floor activity and minimised at ground level.

5.7 By use of the word “core” I am referring to the developed extent of retail and commercial streets within each Town Centre. Where there is underutilised or vacant land around the fringes of this core, I consider opportunities to create higher density residential at ground floor can be countenanced.

5.8 By way of example, the adopted Tuakau Structure Plan dated December 2014 contains provisions that envisage the future form of the Town Centre as being [emphasis added]:

*“Key Outcomes for the Town Centre*

*The community’s key ideas have informed preparation of the following key outcomes and town concept plan. George Street will remain the focus for the town centre, with St Stephens Avenue and West Street providing valuable perimeter blocks. St Stephens Ave will have more of a commercial focus, while West Street will have more of a community and residential focus. Policy overlays will provide for the development of a mixture of compatible commercial, community and residential activities in these perimeter blocks. A two storey frontage will be maintained along George Street to keep its current heritage theme, with taller walk-up buildings possible in the perimeter blocks to cater for apartment and town houses in close proximity to the town centre as the town develops”.*

5.9 The Policy Overlay cited above is elaborated upon further on Page 27 of the Structure Plan as follows:

*This overlay applies in the area peripheral to the town centre business zone and is shown as hatched on the concept plan above. The precinct policy overlay provides for a mixture of more compact housing types together with compatible business and community services, offices and public facilities. These areas shall have an integrated, compact and pedestrian-friendly style of development. Development shall front streets and sites are typically smaller than those in the residential zone, but are still expected to face onto roads to provide passive surveillance and public safety. Car parking shall be located to the rear or side of buildings rather than in front. Residential*

*development shall provide useable private outdoor space (e.g. courtyards as a minimum).*

5.11 Part 5 of the Implementation Strategy for the Structure Plan states:

*“The finalisation and approval of the Structure Plan will be followed in 2015 by the preparation of a statutory plan change process in terms of Schedule 1 of the Resource Management Act 1991. The purpose of the plan change will be to incorporate the zoning and development proposals from the Structure Plan into the Waikato District Plan. The plan change will enable the development of Tuakau to be staged and aligned with the council’s Long Term Plan and other key implementation strategies”*

5.10 PC 16 was publicly notified in July 2016 to address residential and industrial zonings in Tuakau. It was designed to give effect to Stage One, only, of the Tuakau Structure Plan that was adopted in 2014 to provide a 30-year planning framework to manage Tuakau’s future growth. It was subsequently withdrawn on 11<sup>th</sup> September 2017 and the public notice explaining the withdrawal notes that all stages of the Tuakau Structure Plan (Stages One to Three) will be included in the proposed new District Plan.

5.11 I note that the s.32 report for the Business Zones does not assess the contents of this and other Structure Plans. It is also not included within the Residential Chapters’ s.32 analysis. This Structure Plan is a document which has been subject to a significant of community engagement, technical analysis and feedback. In a number of ways, the Structure Plan aligns well with the relief sought by Kāinga Ora in their submissions; particularly in respect of the mix of land uses envisaged around the periphery of the Business Town Centre Zone.

5.12 I am unclear therefore as to why the key elements of that adopted Plan have not now been captured and integrated into the PDP in an appropriate framework. There is no assessment of the costs, benefits or alternatives to achieving outcomes that clearly have been considered as being beneficial. Having reviewed this Structure Plan in detail, I conclude that the general direction of this document aligns relatively well with the general thrust of relief sought by Kāinga Ora in its submissions.

5.13 This structure plan is the result of a finer grained analysis being undertaken to inform the future urban form, density and landuse mix for

one of the key centres in the Waikato District. In contrast, my opinion is that the PDP does not currently demonstrate a Policy and Zoning Framework to effectively achieve these types of outcomes the Business Town Centre Zone in particular.

5.14 Adopting and tailoring such outcomes into a new planning framework would in my opinion strengthen the proposed direction of overarching Strategic Directions 1.12.1, 1.12.3 and 1.12.8 and achieve a more focussed suite of PDP provisions.

**6. Submission Point 749.7 – Policy 4.5.11 Residential Upper Floors – Business Town Centre Zone and Business Zone**

6.1 The assessment contained within the s42A analysis of these submission points regarding the primary submission point of Kāinga Ora is correct in as much as it highlights the request for a differentiation between residential activities in the Business Town Centre Zone (more enabling) and the Business Zone (status quo).

6.2 However, the recommendation to reject the relief sought relies upon the PDP approach of encouraging residential intensification within residential zones adjoining or near to commercial centres as I have discussed above.

6.3 This approach represents a “whole of zone” approach to regulating landuse. On the basis of my field visit observations and the economic evidence of Mr. Osborne, I question whether this response represents a sound resource management approach to achieving the overarching thrust of the relevant Strategic Directions in the PDP relating to the built environment and settlements. I maintain that there is scope for the Business Town Centre Zone to accommodate mixed use and multi-unit development (including at ground floor level) within the Zone and still ensure that the primary retail streets are utilised for commercial activity at the ground floor level.

6.4 This would require a finer grained analysis of the Business Town centre Zone and the identification of streets that could accommodate residential uses, as well as those that were to be protected for commercial activities. Corresponding amendments to the rules to establish retail frontage controls and similar mechanisms would ensure that the desired mix of activities could be managed effectively.

6.5 I am not aware of, nor can I find express references to, any finer grained analysis being undertaken for the Town Centre Zones as part of the s.32 analysis which assesses the scenario of providing for mixed use developments; including some residential at a ground floor level within the Zone; and an assessment as to the effects (both economic and environmental) of the integration of residential activity in order to achieve a future compact urban form and in doing so enhances the commercial viability of the Business Town Centre and Business Zones.

6.6 Without such an analysis being undertaken, particularly in respect of the Business Town Centre Zone, I consider that the assessment contained within Part 18.11.2 (112)) of the s.42a report to be a blunt response to the relief that is being sought, particularly in the context of the Strategic Directions (addressed in section 4 above).

#### **7. Submission Point 749.9, Policy 4.5.13 – Town Centre Built Form**

7.1 The changes sought under this submission point pertain to the overall position of Kāinga Ora in achieving a compact urban development model. The change sought seeks to provide direction on the future built form of the Business Town centres within the Waikato District; recognising that over the life of the Plan the aim is to oversee and manage growth in these settlements and that the future form of the Business Town Centre Zone will not necessarily be “low rise” (single-two storey) as is the current situation.

7.2 The s.42A report recommends the rejection of this submission point. The rationale given in the report for this recommendation is that Kāinga Ora is seeking to enable residential development in the Town Centre Zone. In doing so, the Council is conflating use and built form. While provision for residential activity within the Town Centre Zone is indeed a matter that is the subject of submission points by Kāinga Ora; the changes sought to this Policy under submission point 749.9 pertain to built form generally, irrespective of the landuse activity being undertaken.

7.3 It is noted that the subclauses in Policy 4.5.13 (i.-vi), collectively contain references to a wide range of commercial, social and retail activities; as well as residential. Accordingly, it is the built form of all development within the Zone that is the subject of the submission point.

- 7.4 In addition, the changes sought relate into the Council's recommendations governing maximum permissible height in Part 85 of the s.42A report. In combination, all these changes will support the creation of a compact urban model for the Business Town centre and Business Zones and in my view should be adopted.
- 7.5 I consider that the amendments sought by Kāinga Ora support this policy direction in 4.5.13. This is because the amendments still result in the retention of the recognition of a built form that supports retail activity as the amendments sought to the Policy do not seek to make changes to the stated use of retail activity.
- 8. Submission Point 749.10, 749.11 and 749.11.12 - 749.15 – Policies 4.5.14. – 4.5.4.15 – 4.5.19 - Character Statements and Submission Point 749.17 – Policy 4.5.24 – New Buildings Business Town Centre Zone and Submission Point 749.152- Appendix 10.1-10.6**
- 8.1 Kāinga Ora has sought the deletion of the reference to Character Statements in the Town Centre policies, and sought that the reference be replaced by a suite of provisions (drawn from the Character Statements) which could guide the intent of the future form of each respective Town Centre in the District.
- 8.2 Kāinga Ora has also sought the removal of the Urban Design Guidelines at Policy 4.5.29.
- 8.3 In my view the following two considerations are relevant to the relief sought by Kāinga Ora, namely:
- (a) The effectiveness of the Character Statements and Urban design Guidelines in the context of the policy framework; and
  - (b) The administrative and user benefits to be gained from the inclusion in a policy framework.
- 8.4 In respect of (a) above, it is my view that these documents are not effective tools in setting out or giving effect to the planning framework of Strategic Directions and Objectives (for the reasons discussed below). Rather, they are a tool to managing such development when it is proposed in a much more focussed level given their structure and content.

Accordingly, I do not consider it necessary for Objectives and Policies to reference them.

- 8.5 In respect of (b) above, I consider that the proposed plan structure creates an unnecessary and overly detailed layer of consideration and one which I do not believe is appropriate at a policy level; nor as a statutory tool for assessing consent applications. In my view, the Policies (and Assessment Criteria) should be capable of individual standing, rather than referencing a suite of non-statutory guiding documents.
- 8.6 The removal of Character Statements and Urban Design Guidelines will avoid unnecessary potential duplication for an applicant having to address Assessment Criteria, Character Statements (and Urban design Guidelines) as well as relevant Objectives and Policies. The development of a suite of robust statutory Assessment Criteria governing new buildings; drawing from the Urban Design Guidelines and the Character Statements on key issues would represent a more clear and concise structure for the PDP provisions.
- 8.7 That results in benefits and clarity for both the applicants and the Council staff when considering applications for resource consent. The design Guidelines and Character Statements are not written in a manner that they can easily be considered in the context of a resource consent application. If the assessment criteria in the Plan are clear; then the design guidelines and character statements will potentially serve to “muddy” the assessment criteria analysis and not add any significant benefit to an assessment of environmental effects.
- 8.8 The urban design evidence of Mr Wallace also considers the appropriateness of the Urban Design Guidelines and Character Statements. He concludes that achieving positive design outcomes within the statutory framework established under the RMA, as well as addressing any adverse effects, depends on the quality of planning and design rules contained within the relevant planning document. This is established by the proposed combination of development standards and rules, and any relevant design assessment criteria. I agree with this rationale and concur that this approach is appropriate and that the design Guidelines and Character Statements in their current form and in the manner integrated into the PDP are not an appropriate method of seeking the higher order Objectives of the PDP.



- 8.9 I consider that a suite of Assessment Criteria should provide the key guidance to an applicant as to what are the key outcomes to be considered in the consenting process. This provides certainty and guidance to both applicants and decisions makers. The relief sought by Kāinga Ora is in my opinion more appropriate than the approach recommended by the Council.
- 9. Submission Point 749.16 – Policy 4.5.23 – Building Height - Business Town Centre/Submission Point 749.140 – Rule 18.3.1 Height Business Town Centre Zone**
- 9.1 Kāinga Ora’s primary submission point (749.129) sought to amend the maximum Permitted Activity standard to 12 metres from the originally notified 10 metres within the Business Town Centre Zone. The recommendation in the s.42A report on Page 98 (Part 59.1.2) is that such a change be accepted by the Council in respect of Rule 18.3.1.1. I support this recommended amendment.
- 9.2 The Council, however, has not accepted Kāinga Ora’s submission point seeking amendments to the related Policy (policy 4.5.23).
- 9.3 Recommending this change signals a corresponding change in the level of effect considered to be appropriate in respect of building height in this zone. I therefore consider that if the recommendation is to change the maximum permitted height; then the associated policies relating to building height and built form can reasonably be amended to reflect the strategic direction, and the level of effect that the increased height standard will enable.
- 9.4 In my view, as currently proposed the policy effectively emphasises the “status quo” by the implicit benchmarking of new buildings within the context of the existing height and built form; seeking that new development be “complementary to, and promote: the existing character of the business town centre within each town”.
- 9.5 I consider that this policy is accordingly somewhat “rear vision mirror” in its approach. It does not provide any useful direction for future buildings, particularly those that may be proposed of a height greater than the existing 1-2 storeys. Accordingly, I consider the general thrust of the Kāinga Ora submission Point 749.16 is appropriate in the context of

seeking to articulate the increase from 1-2 story buildings to a built form in this zone of up to 3 storeys as the predominant building height.

- 9.6 However, I do concur with the analysis in Part 30.1.2 (Paragraph 199) in as much as the insertion of a 3 storey height within the policy wording potentially too prescriptive. I accordingly seek the amendment of the relief sought by Kāinga Ora to reflect the primary intent of creating a high intensity and compact urban form through application of this Policy; as follows:

*Policy 4.5.23 – a) Ensure the height of new buildings will enable a high intensity of use and contribute positively to the amenity of the Business Town Centre Zone*

**10. Submission Point 749.127 – Rule 17.1.3 Restricted Discretionary Activities – Business Zone**

- 10.1 The primary submission from Kāinga Ora sought to amend a number of the development standards pertaining to multi-unit development within the Business Zone as proposed by Rule 17.1.3. In particular:

- (a) Deletion of Acoustic standards (Reference to Appendix 1, Table 14);
- (b) Amendments to outdoor court standards; and
- (c) Amendments to Assessment Criteria under this rule.

- 10.2 I have considered the relief sought in respect of the provisions in Rule 17.1.3(a)(vii) below as they also pertain to multi-unit development standards within the Business Zone. I note that the relief sought under this provision would retain Rule 17.1.3(a)(iii) which requires residential developments to be situated above ground level.

- 10.3 This contrasts with the relief sought in respect of Rule 18.1.3 for the Business - Town Centre Zone, which seeks to widen the landuse mix at ground floor level in that zone. In this regard, the relief sought by Kāinga Ora in relation to multi-unit development in the Business Zone would retain the current policy direction expressed in the s.42A report for the Business Zone and residential activity.

- 10.4 The s.42A report has rejected the relief sought by Kāinga Ora on the matters set out in paragraphs 10.1(a)-(c) above.
- 10.5 In regard to acoustic standards, the primary submission sought that these be deleted but this is intended to be within the context of the rules being included within the main body of the PDP and not in Appendix 1 – Acoustic Insulation Standards.
- 10.6 That was not on the basis of the rules themselves but their inclusion in a separate Appendix and alignment with National Planning Standards governing the structure of District Plans. I have no issue *per se* with the content of the standards set out in Appendix 1 allied to other plan provisions governing noise. For this reason, I do not consider it is necessary for the Appendix 1 noise standards to be deleted from the PDP in full but clearly Planning Standards guidance in respect of structure will govern how they are presented in the PDP.
- 10.7 In relation to the 'District-wide Matters Standards, the first set of National Planning Standards (April 2019) sets out (Section 7, paras 33 and 34) the following:
- 33. If provisions for managing noise are addressed, they must be located in the Noise chapter. These provisions may include:*
- (a). noise provisions (including noise limits) for zones, receiving environments or other spatially defined area*
- (b). requirements for common significant noise generating activities*
- (c). sound insulation requirements for sensitive activities and limits to the location of those activities relative to noise generating activities.*
- 34. Any noise-related metrics and noise measurement methods must be consistent with the 15. Noise and vibrations metrics Standard.*
- 10.8 To this end, I am of the opinion that Council should be taking the opportunity now, given they are undertaking a comprehensive District Plan review at a time when the first tranche of National Planning Standards on the core elements of a plan's structure, format and definitions are already in place, to be formatting and structuring the PDP in a manner which is consistent with these National Planning Standards.

**11. Submission Point 749.130 – Rule 17.3.2 Daylight Admission Business Zone and 749.141 Business Town Centre Zone – 18.3.2 Daylight Admission**

11.1 The daylight admission rules are designed to protect the amenity values of specified adjoining zones. I support the general intent of such rules. The rationale for the submission made by Kāinga Ora on Rule 17.3.2 and 18.3.2 was to seek what I consider to be a more appropriate balance between achieving a compact urban form in this Zone and protecting adjoining zone amenity values.

11.2 After some further analysis of the extent to which Rules 17.3.2 and 18.3.2 apply, I note there are only a limited number of instances where these zones directly intersect and are not separated by a road.

11.3 I further note that the s.42A report has cited the fact that Hearing Report H6: Village Zone recommends changing the daylight angle to 45 degrees in the Village Zone and that consequential amendments within the Business Zone may be required if that recommendation is accepted.

11.4 While I continue to support the position of Kāinga Ora to amend the daylight admission standard to 45 degrees within this zone, I acknowledge the fact that the applicability scope of this rule will not significantly erode the thrust of the submissions made by Kāinga Ora in seeking a compact future urban form if the relief sought is not adopted.

**12. Submission Point 749.131 – Rule 17.4.1 Business Zone Subdivision and 17.4.1.1 Multi-Unit Subdivision; and Submission Point 749.145 Rule 18.4.1 Subdivision Business Town Centre Zone and 18.4.2 Multi-Unit Subdivision.**

12.1 The primary submission from Kāinga Ora [749.131 and 749.145] sought that:

- (a) Provision be made for subdivision of approved land uses as a Controlled Activity;
- (b) The Minimum Unit standards set out in Rule 17.4.1.1 and 18.4.2 be reduced.

- 12.2 The rationale for the submission points on activity status for Rules 17.4.1 and 18.4.1 was based upon creating a clear “cascade” of activity status for subdivision that would reflect the following:
- (a) Without an approved landuse consent for (by way of example) a mixed use development, that some baseline standards would apply in respect of minimum lot areas for vacant site subdivision; and as a Restricted Discretionary Activity;
  - (b) If a multi-unit or mixed use development had already been approved; then minimum lot sizes etc need not apply as the effects arising from a more intensive development would have been considered through the landuse consent process. The subdivision process would then be simply a legal exercise to create the various land parcels, common areas and enable easements and the like to be registered; hence a Controlled Activity status was sought.
- 12.3 Having now reviewed the s.42A analysis on these submission points, I acknowledge the potential complications that the subdivision of land involving an approved landuse consent as a Controlled Activity could potentially give rise to. I concur with the recommendations in the s.42A report that is appropriate in the circumstances for these rules to remain as Restricted Discretionary activity status. I note that a recommended amendment to Rule 17.4.1.1 and 18.4.2 both include a clause which recognises compliance with a proposed or approved landuse consent. This gives some relief to the amendments sought by Kāinga Ora. Accordingly, I support those recommended amendments as set out in the s.42A report.
- 12.4 The reduction of minimum unit sizes set out in Rules 17.4.1.1(a)(iii) and 18.4.2 was sought by Kāinga Ora. I note that the submission point contained an error in that the relief sought combined studio units and 1 bedroom units as both being 30sqm. Amended relief is set out below.
- 12.5 Having reviewed both the original submission and the analysis contained within Parts 66.1.2 and 96.1.2 of the s.42A report, my overarching opinion

is that such standards are not appropriate at all.<sup>2</sup> Minimum unit areas do little in my opinion to achieve amenity; the primary driver of amenity are matters such as solar orientation, ceiling heights, glazing design and other design features not expressly regulated by the District Plan (such as creating flexible room spaces that can transition between uses).

12.6 I note that my opinions on this issue align closely with that of Mr Wallace in the urban design evidence regarding assessment of minimum unit sizes. However, both Mr. Wallace and myself agree that in the context of the PDP as notified; that the form of minimum unit areas are appropriate for the Business and Business Town Centre Zone as follows:

<b>Unit of Apartment</b>	<b>Minimum Unit Area</b>
Studio unit	30m <sup>2</sup>
1 or more bedroom unit	45m <sup>2</sup>

12.7 While it is my view that no minimum unit size should be prescribed, within the constraints of the scope of relief available, I consider these unit areas to be an appropriate suite of standards that will enable the creation of a compact urban form within the Business and Business Town Centre Zones. Submission Point 749.134 - Rule 18.1.2 Business Town Centre Zone – 18.1.2 Permitted Activities

12.8 The submission from Kāinga Ora seeks that residential activity be considered as a Permitted Activity within the Business - Town Centre Zone in Rule 18.1.2, with new multi-unit residential buildings being considered as a Restricted Discretionary activity (including those that will house residential activities at a ground floor level in the Business Town Centre Zone).

12.9 Kāinga Ora has not sought to make residential activity in itself a Permitted Activity at ground floor level. For clarity, I consider that the provision in

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<sup>2</sup> I understand the scope of the relief sought by Kāinga Ora for the Residential Chapter would enable their deletion in that zone, but that there is potentially a lack of scope for their deletion in the Business and Business Town Centre Zones under Kāinga Ora's submission)

Part 18.1.2(a)(i) and (ii) should be structured to be sufficient in their scope to clearly direct the user to the relevant suite of provisions governing the activity listed in this Table; from which they can make a more informed determination as to whether the activity can indeed be undertaken as a permitted activity; having regard to all the relevant provisions.

**13. Submission Points 749.158 and 749.135 – Rule 18.1.3 - Business Town Centre Zone – Restricted Discretionary Activities**

13.1 Kāinga Ora made submission points on a number of aspects of Rule 18.1.3. In particular, Kāinga Ora sought amendments to:

- (a) Remove reference to 8.1.3 RD1(b) and (d) governing ground floor restrictions and acoustic standards respectively;
- (b) Amendments to the minimum dimension requirements governing Living Courts in Rule 8.1.3 RD1 (f);
- (c) Remove the reference to the Town Centre Guidelines and the Multi-Unit Design Guidelines in Rule 8.1.3 (a) and (b); and
- (d) Remove reference to the Town Centre Guidelines in Rule 8.1.3 RD2 (a) and changes to Assessment Criteria.

13.2 I have previously clarified my position in respect of the relief sought regarding acoustic issues in 10.5-10.7 above.

13.3 In respect of the relief sought to the minimum Living Courts, Kāinga Ora made submissions on the same issue covered in Rule 18.3.9 of the PDP (Submission Point 749.144). I have relied upon the urban design evidence of Mr Wallace. I have a significant concern that combining the notified PDP Living Court requirement to the Minimum Unit Areas results in units may restrict the provision of housing at a reasonable cost. By way of example, a 10 sqm living court + 60 sqm minimum unit area results in a 70sqm unit. I consider this to be an excessively large unit in the context of a unit accommodating 1 bedroom under the rules proposed in the PDP.

13.4 I concur with the opinion of Mr Wallace regarding the appropriateness of the relief sought by the submitter. The amendments sought by Kāinga Ora will result in outdoor spaces which are useable and also have regard to the location and context of the surrounding area in terms of the ease of accessibility to parks, open space and recreational facilities.

- 13.5 With regard to the removal of references to the Town Centre and Urban Design Guidelines, I note that the relief summary table set out in Part 76.1.1 of the s.42A report inaccurately reflects the relief sought as it denotes a sought track change to include reference to such documents.
- 13.6 I have previously considered the appropriateness of referencing these guidelines in Part 8 of my evidence above. In the context of this submission point, I also have concerns as to their suitability within Rule 18.1.3 and the manner in which they are structured. There is also an inherent conflict between the Urban Design Guidelines and the Town Centre Guidelines as they aim to achieve completely different outcomes; but both appear to be listed as Assessment Criteria to be considered in the context of a multi-unit development. This creates additional uncertainty and confusion for applicants as to what is actually desired for the zone in terms of outcomes. The Multi-Unit design guidelines also read effectively as rules in my opinion; creating additional uncertainty as to clarity and guidance for an applicant.
- 14. Submission Point 749.136 and 749.137 - Business Town Centre Zone – Rule 18.1.5 Non-Complying Activities and Business Town Centre Zone – Rule 18.3.8 Dwelling**
- 14.1 I have already considered the matter of a more enabling and finer-grained planning framework in respect of residential development within the Business Town centre Zone in Part 6 of my evidence. The relief sought in respect of Rule 18.1.5 and 18.3.8 is effectively a consequential amendment to the substantive relief sought by Kāinga Ora.
- 14.2 I maintain my opinion that the relief sought by Kāinga Ora to delete this rule is appropriate. The primary issue I see, based upon the available information contained within the s.32 analysis and technical reports is a lack of information to support the policy position being adopted within the PDP. I have previously queried why outcomes from processes such as the adopted Tuakau Structure Plan 2014 have not been converted into a planning framework for inclusion within the PDP to provide more scope for efficient and diverse landuse mix within currently under utilised and “sprawling” commercial centres.
- 14.3 I cannot see any compelling reason why, in the lifetime of this District Plan, it is not possible to include provisions that protect the commercial



and retail core for the primary purpose of the zone, but also create a more enabling mixed use framework within the fringes of the Business -Town Centre Zone.

## **15. Conclusion**

15.1 In conclusion, I am of the opinion that the amendments sought by Kāinga Ora (as outlined in this evidence) are appropriate and will assist in improving the consistency, usability and interpretation of provisions within the Proposed District Plan, including how provisions are interpreted and implemented by both plan users and Council alike.

15.2 The substantive and overriding issue with the PDP as notified in my opinion is to establish a planning framework that will:

- (a) Create a compact urban form, particularly within the currently under-utilised Business Town Centre Zone;
- (b) Provide for multi-unit residential development as an integral landuse in identified locations within the existing extent of the Business Town centre Zone while at the same time protecting and strengthening the retail “core” of each settlement to ensure that it’s role is not progressively eroded and that it has sufficient capacity to provide for increased levels of commercial activity over time; and
- (c) Creates a clear and transparent suite of planning provisions to enable the above within the body of the PDP with minimal reliance upon Design Guidelines and Character Statements which create confusion and unnecessary layering of assessment for applicants.

15.3 Without a substantive shift in the planning framework; particularly for the Policies and Rules within the Business Town Centre Zone; I do not consider that the PDP gives effect to the higher order Objectives or Strategic Directions in Parts 1 and 4 of the PDP.

15.4 I further consider that in its current form the PDP does not give effect to the purposes of Part II of the Resource Management Act 1991.

**Philip John Stickney**

24 January 2020

**ANNEXURE ONE: FIELD VISIT NOTES/PHOTOS**

## Raglan

Raglan village is home to a diverse range of services. Most businesses in the proposed Business Town Centre zone are located on Bow Street; these include a supermarket, butchers, bank, post office, gym, pharmacy, a hotel and a range of cafes, bakeries and restaurants located in a mix of one and two storey buildings. Community services available on Bow Street are a library, a Plunket service, church and a Waikato District Council office. Car-parking is on-street.

Off Bow Street, Wainui Street has several surf and clothing stores, and a tattoo parlour. Wi Neera Street has a mixture of residential housing and coffee shops. Lastly, Wallis Street has a small agglomeration of businesses at the intersection with Bow Street, these include several cafes, a hotel, dental clinic, second hand shop, medical centre, childcare facility and hardware store. The remainder of Wallis Street is residential housing.



Bow Street



Butchery, café and hardware store on Willis St



Bow St (Supervalu supermarket).



Wallis St.

## Ngaruawahia

Most business in Ngaruawahia is clustered along Jesmond St. Along Jesmond Street are a pharmacy, real estate office, dentist, library, church, dollar store and several cafes. Along the Business Town Centre zoned section of Great South Road there is a real estate agent, café and bottle store, as well as a large vacant lot and a vacant office building. Residential properties are currently located on Martin St and Market St, and there are several vacant sites along Market St. Large areas of the town centre are currently used for carparking, such as the large New World carparks on both Martin St and Great South Road, a large carpark on Newcastle Street and ample on-street parking on Jesmond and Galileo Streets.

A large New World supermarket is located on Martin St (zoned Business), although this can also be accessed from Great South Road through a large parking lot and green area.



Jesmond Road businesses.



Great Sth Rd entrance to New World.



Vacant lot (foreground), empty property and hotel on Great South Road.



Off-street carparking on Great South Road.

## Huntly

Main Street in Huntly provides a diverse range of goods and services, predominantly focused on food and healthcare. This includes several pharmacies, an optometrist, hairdresser, medical centre, vet clinic, dentist, and a range of bakeries, fruit shops, cafes and a butchery. There are also clothes stores, 3 banks, a library, laundromat, real estate offices, a bookshop and the Waikato District Council buildings. On-street parking is available along the length of Main Street.

Venna Fry Lane runs along the shore of the Waikato River and is currently comprised of carparking behind Main Street businesses. There are two alleyways connecting Venna Fry Lane to Main Street.



Main Street businesses and on-street parking.



Venna Fry Lane parking (behind Main Street businesses).



Thoroughfare between Venna Fry Lane and Main Street.

## Te Kauwhata

Te Kauwhata provides predominantly food shops and healthcare services. Along Main Road is a Four Square supermarket, a bakery, several cafes, liquor store, a pharmacy and medical centre. In regards to local services, Main Road has an ATM, PO boxes and a library. There are also two vacant lots on Main Road (one of which is for sale), as well as one residential property which is currently for sale.

Saleyard Road is an unsealed cul-de-sac off Main Road which leads to a currently vacant lot.



Vacant lot on Main Road.



Businesses and an empty residential property on Main Road.



Saleyard Road (vacant land at end of cul-de-sac)



Vacant lot on Main Road.

## Pokeno

Pokeno's proposed Business Town Centre zone has a small number of existing businesses. Along Great South Road there are two bakeries, a café, a restaurant, petrol station and a motel. The side streets branching off of Great South Road (Selby Street and Marlborough Street) have a mix of residential properties and vacant lots. A large office building is currently being constructed on Great South Road and there is a vacant lot for sale on the other side of the road, as well as a large grassed area which is used to host the Franklin Markets.



Building under construction on Great South Road.



Restaurant, hotel and on-street parking on Great South Road.



Residential dwellings on Marlborough Street.



Truck stop/petrol station on Great South Road.

## Tuakau

Tuakau provides a range of goods and services along its main street (George Street), predominantly healthcare services and food shops. A large office building at the southern end of the proposed Business Town Centre zone houses a medical centre, dentist, pharmacy, physio, beauty parlour and fruit shop. Along the rest of the street are three real estate offices, a liquor store, Supervalu supermarket, funeral home, Plunket office, two banks, a post office, library, petrol station and several takeaway shops. There are several vacant offices on George Street and Liverpool Street, and the large Tuakau Hotel is at the intersection of St Stephens Ave and Liverpool St.

St Stephens and Carr Street are home to a large ITM store, a Treescape yard, a tyre shop and a meat processors.



Health Centre on George Street.



Empty office space on Liverpool St.



George Street businesses.



Empty office space (for sale) on George Street.