

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN THE WAIKATO REGION**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
WAIKATO**

**IN THE MATTER of the Resource Management Act 1991
AND**

**IN THE MATTER of the hearing of submissions on Variation 3
Enabling Housing Supply ('V3') to the Proposed
Waikato District Plan ('PDP')**

**STATEMENT OF PRIMARY EVIDENCE OF CAMERON WALLACE
ON BEHALF OF KĀINGA ORA - HOMES AND COMMUNITIES**

(URBAN DESIGN)

4 JULY 2023

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1. EXECUTIVE SUMMARY

1.1 My full name is Cameron Wallace. I am a Partner and Urban Designer at Barker and Associates (“**B&A**”). I am providing urban design evidence on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) in relation to the submissions it made on the Proposed Waikato District Plan - Variation 3 (“**Variation 3**”).

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

- (a) The statutory context, as it relates to urban design matters around intensification, created by the National Policy Statement: Urban Development 2020 (“**NPS-UD**”) and Waikato Regional Policy Statement;
- (b) The appropriateness, in urban design terms, of the application of one single Medium Density Residential Zone across Waikato District.
- (c) The appropriateness, in urban design terms, of the amendments to the Medium Density Residential Standards (“**MDRS**”) in relation to fences and walls and minimum residential unit sizes. I consider that these amendments are necessary and will help to achieve quality design outcomes and onsite amenity for future residents.
- (d) The appropriateness, in urban design terms, of the minimum net site area and minimum lot size provisions relating to vacant lot subdivision in Medium Density Residential Zone. I consider the adoption of a shape-factor is a more appropriate alternative to guide appropriate forms of development whilst still enabling more effective use of land in the realm of medium density development.
- (e) The appropriateness, in urban design terms, of enabling increased building height within Huntly Commercial Zone and Town Centre Zone.

1.3 In my opinion, the package of relief sought by Kāinga Ora will result in improved urban design benefits than those proposed as part of

Council's ("WDC") amendments to Variation 3. They will also better align anticipated design outcomes with the intent of the NPS-UD.

2. INTRODUCTION

2.1 My full name is Cameron Wallace. I am a Partner and Urban Designer at B&A, an independent, specialist urban and environmental planning consultancy.

Experience

2.2 I hold a Master of Urban Design (1st Class Honours) and a Bachelor of Planning (1st Class Honours) from the University of Auckland. I have been a Full Member of the New Zealand Planning Institute since 2014 and am a Member of the NZ Urban Design Forum.

2.3 I have 15 years' professional experience working in urban design and urban planning, gained in both the public and private sector, in the United Kingdom and New Zealand. Since 2018, I have been employed as an urban designer at B&A. In my current role, I regularly assist local authorities and government departments with policy and district plan development in relation to growth management and urban design matters. I also provide up-front urban design input into a wide range of development schemes for private clients and Auckland Council, including multi-unit residential buildings in both greenfield and brownfield environments as well as more traditional greenfield subdivisions across New Zealand.

2.4 Of particular relevance to the matters that will be covered in my evidence, I am or have been a member of urban design and planning teams for policy planning and development projects including:

- (a) Waikato District Plan Review, superficially acting as urban design advisor to Kāinga Ora in the development and refinement of the Medium Density Residential Zone that was introduced as part of the plan review process;
- (b) Plan Change 9 - Rotorua District Plan, specifically acting as lead urban designer advising Council on implementation of

the MDRS, development of a complimentary High Density Residential Zone and development of non-statutory urban design guidelines;

- (c) Nelson Resource Management Plan review, specifically provision of urban design advice in relation to the introduction of new Medium Density Residential and High-Density Residential zones and structure planning of identified growth areas of Kaka Valley and Saxton;
- (d) Queenstown Lakes Proposed District Plan Review, specifically ongoing provision of spatial analysis to inform an urban design review of existing provisions (with a focus on height and density of development) across all residential and commercial zones to ensure alignment with Policy 1 and Policy 5 of the National Policy Statement on Urban Development;
- (e) Private Plan Change 48 - Drury Central, specifically acting as urban design lead in the proposal to rezone 91 hectares of land in South Auckland from 'Future Urban' to 'Business - Metropolitan Centre', 'Business - Mixed Use' and 'Open Space - Informal Recreation' zones;
- (f) Nelson Tasman Future Development Strategy, specifically provision of strategic planning and urban design advice to Nelson City Council and Tasman District Council in relation to the identification of new suitable land for residential and commercial intensification to meet forecast demand through to 2050. This included a particular focus on understanding the likely uptake and realisation of residential intensification opportunities;
- (g) SL1 Structure Plan - Future Proof, specifically lead urban designer preparing a structure plan across 438 ha of land on the southern fringe of Hamilton to provide a new neighbourhood centres, open spaces, 110ha of new industrial

land and up to 12,000 new dwellings that informed the review of the Hamilton-Waikato Metro Spatial Plan;

- (h) Auckland urban design reviews, specifically acting as a consultant urban designer reviewing resource consent applications for a range of residential, commercial and mixed-use schemes on behalf of the Urban Design Unit; and,
- (i) Urban design advice assessment, specifically provision of urban design advice and assessment for numerous residential, commercial, and mixed-use schemes across New Zealand. This includes residential intensification and town centre development projects in a number of smaller regional cities and towns including Whangārei, Hamilton, Gisborne, Napier, Havelock North, Palmerston North, Whanganui, Nelson, and Ōamaru. This has also included providing urban design advice and peer review for the project team for a 26-unit terraced housing development at 105-161 Ohaupo Road, Te Awamutu.

2.5 In October 2022, I was commissioned by Kāinga Ora to prepare this statement of evidence to address matters raised within the primary submissions in relation to Variation 3. Prior to this process, I provided initial advice to Kāinga Ora in relation to urban design matters of relevance to Variation 3. I have undertaken several site visits to various towns in the Waikato District as part of my previous involvement in the Proposed District Plan as well as the current plan change process being undertaken across the Waikato region.

Code of Conduct

2.6 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. 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.

SCOPE OF EVIDENCE

- 2.7 My evidence will address the primary and further submission points of Kāinga Ora insofar as they relate to urban design matters, including the following:
- (a) Planning Framework and Policy Guidance relevant to urban design considerations;
 - (b) Application of one Medium Density Residential Zone across Waikato District and amendments to the MDRS as well as subdivision standards;
 - (c) Revised position on the application of a High Density Residential Zone in Huntly and Ngaaruawaahia;
 - (d) Provision for increased building heights in the Town Centre Zone and Commercial Zone of Huntly.
- 2.8 Where appropriate and relevant, my evidence will reference and rely on the evidence of Mr Phil Osborne (economics), Mr Michael Campbell (planning) and Mr Gurvinderpal Singh (corporate).

3. PLANNING FRAMEWORK AND POLICY GUIDANCE

- 3.1 Variation 3 is an Intensification Planning Instrument. The following section addresses the planning framework with particular reference to the statutory context created by the NPS-UD and the directive requirements under the Resource Management Act 1991 (“RMA”) as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“HSAA”).

NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020 (“NPS-UD”)

- 3.2 The NPS-UD provides national direction under the RMA and intends to improve the responsiveness and competitiveness of land and development markets. It requires local authorities to open-up more development capacity, so more homes can be built in response to demand. Objectives of the NPS-UD which are particularly relevant to

Variation 3 from an urban design perspective include emphasis added):

Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future.*

Objective 3: *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

- (a) *The area is in or near a centre zone or other area with many employment opportunities;*
- (b) *The area is well-serviced by existing or planned public transport; and,*
- (c) *There is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

Objective 8: *New Zealand's urban environments:*

- (a) *Support reductions in greenhouse gas emissions.*

3.3 Policies associated with the NPS-UD which are particularly relevant to Variation 3 from an urban design perspective include (emphasis added):

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) *Have or enable a variety of homes that:*
 - (i) *Meet the needs, in terms of type, price, and location, of different households ...*
- (c) *Have good accessibility for all people between housing, jobs, community services, natural spaces,*

and open spaces, including by way of public or active transport; and

- (e) *Support reductions in greenhouse gas emissions.*

Policy 3: *In relation to tier 1 urban environments, regional policy statements and district plans enable:*

- (d) *Within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.*

WAIKATO REGIONAL POLICY STATEMENT

- 3.4 The Waikato Regional Policy Statement (“RPS”) provides direction as to the location of more intensive residential zonings. Relevant objectives and policies include (emphasis added):

UFD-01 Built Environment.

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes.

UFD-P1 Planned and co-ordinated subdivision, use and development.

Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

- (a) *Has regard to the principles in APP11.*

UFD-P4 Energy demand management.

Development should minimise transport, energy demand and waste production, encourage beneficial re-use of waste materials, and promote the efficient use of energy.

Comment: Appendix 11 of the RPS as referenced in UFD-P1 includes a set of principles to guide future development of the built environment within the Waikato region. These principles are not absolutes and it is recognised that some developments will be able to support certain principles more than others. Of particular relevance to intensification and the spatial extent of more intensive zoning or controls (emphasis added):

- (a) *Support existing urban areas in preference to creating new ones;*
- (c) *Make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;*
- (i) *Promote compact urban form, design and location to:*
 - (i) *Minimise energy and carbon use;*
 - (ii) *Minimise the need for private motor vehicle use;*
 - (iii) *Maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;*
 - (iv) *Encourage walking, cycling and multi-modal transport connections; and*
 - (v) *Maximise opportunities for people to live, work and play within their local area;*

3.5 I note that Change 1 to the RPS proposes some relatively minor changes to UFD-O1 consistent with the strategic direction set by the NPS-UD.

4. MEDIUM DENSITY RESIDENTIAL ZONES

4.1 Variation 3 of the Proposed Waikato District Plan introduces a new Medium Density Residential Zone - MRZ2 which largely adopts the MDRS and is to be applied to the towns of Huntly, Ngaaruawaahia, Pookeno and Tuakau. The existing Medium Density Zone - MDZ is renamed to MDZ1 and applies to areas identified in Te Kauwhata and Raglan.

4.2 As part of the submission process, Kāinga Ora was supportive of the provisions contained within the MRZ2 as the preferred set of medium density residential zone provisions in the Waikato Proposed District Plan (“PDP”), but was opposed to the approach of establishing two Medium Density Residential Zones within Waikato District, being MRZ1 and MRZ2. Kāinga Ora therefore sought to remove MRZ1 (and associated provisions), apply MRZ2 (and associated provisions) as the single Medium Density Residential Zone in Waikato Region and rename it to Medium Residential Zone (“MDRZ”).

4.3 Key differences between the MDRZ1 and MDRZ2 includes a more restrictive approach to Height in relation to boundary (“HiRB”), height (in Raglan only), building coverage, and setbacks within the MDRZ1.

4.4 The s42A report stated that the primary reason for the application of MRZ1 in Raglan and Te Kauwhata was to distinguish the current environmental context difference between Raglan and Te Kauwhata with Ngaaruawaahia, Pookeno, Tuakau and Huntly, because neither Raglan or Te Kauwhata were considered to be part of an Urban Environment and thereby were not considered to contain “relevant residential zones”¹.

¹ Paragraph 102, page 39, *Variation 3 S42A Hearing Report Version 2*

- 4.5 Whilst accepting that Raglan and Te Kauwhata are not “urban environments” for the purposes of the application of the MDRS, I support the relief sought by Kāinga Ora which involves: withdrawing the MRZ1 zone; retaining the MDRZ2 zone and renaming it MDRZ; and applying the (single) MDRZ to all townships but subject to precincts in the case of Raglan and Te Kauwhata which apply less intensive controls within those settlements.

SETBACKS

- 4.6 As part of the submission process, Kāinga Ora opposed the proposed boundary setback rules identified as qualifying matters. Rule MRZ2-S13 and MRZ2-S14 (a) (i) - (iii) introduce a number of bespoke building setbacks. Kāinga Ora considered that such setbacks had not been sufficiently justified under S77J-L of the HSAA due to the limitations they would otherwise place on MDRS-enabled development.
- 4.7 With reference to paragraphs 557 - 559, the s42a report officer states that both Waka Kotahi and KiwiRail have lodged appeals to the Environment Court regarding these provisions in the PDP. The S42A report officer has therefore decided to defer any decisions and recommendations on these provisions until the end of the Variation 3 hearing process in early November 2023 to enable time and resources to be put into resolving the PDP appeals.
- 4.8 Whilst noting that consideration of this matter is being deferred, at this stage I would note that I have concerns with the proposed setbacks on urban design grounds.

FENCES OR WALLS

- 4.9 In its primary submission, Kāinga Ora supported the notified wording in relation to the provision under MRZ2-S12 Fences or walls. As part of the further submission process, two submissions were lodged in opposition to the provision.
- 4.10 The proposed amendments to MRZ2-S12 as recommended by the s42A officer removes maximum height controls on fencing along side and rear yards. In my opinion, control over fencing or walls along a street

frontage is important so as not to undermine MRZ2-S8 Windows to the street and its supporting policy framework and I support its retention in this regard. However, this should be extended to cover fences along the side yard that are within the front yard setback control as this area forms part of the wider streetscape. A maximum height of 1.8m (including if solid) should be retained along side and rear boundaries to ensure an appropriate degree of on-site privacy can be maintained. The application of these changes in relation to a typical site is shown in Figure 1 below.

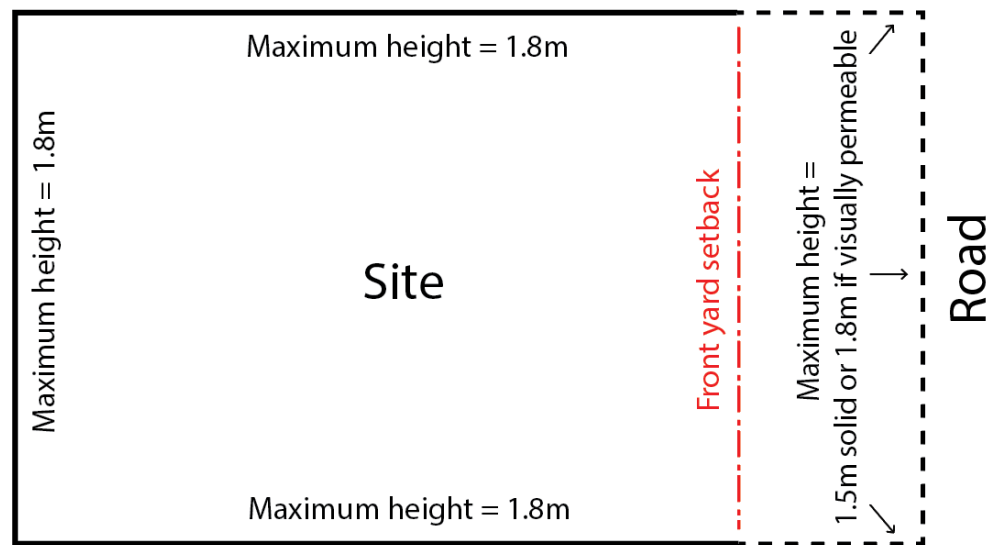


Figure 1 - Diagram explaining recommended changes to MRZS-S12 Fencing

OUTDOOR LIVING SPACE

- 4.11 Kāinga Ora supported the notified wording in relation to MRZ2-S6 Outdoor Living Space which simply adopted the MDRS wording.
- 4.12 I note that this now means that the minimum open space requirements proposed by WDC for the MRZ2-S6 which applies to the larger settlements (8m² balconies and 1.8m minimum dimensions) are larger than those proposed by WDC for the MRZ1-S8 which is now proposed by WDC to apply to Raglan and Te Kauwhata (5m²) and 1.5m minimum dimensions). It is not clear to me why a more restrictive standard is proposed for the MDRZ2 and it is potentially an oversight in the drafting. I support the more permissive requirements relating to outdoor living space within the existing MRZ1-S8 were addressed at

length during the PDP process and I consider that these should be retained.

MINIMUM RESIDENTIAL UNIT SIZES

- 4.13 As part of the submission process, Kāinga Ora sought to include the “minimum residential unit size” standard requiring 35m² for a studio apartment and 45m² for one or more bedrooms.
- 4.14 This submission point is rejected in the s42A report but there is no detailed assessment or subsequent recommendations regarding this submission point (106.32), with the exception of it was specifically mentioned in the table following paragraph 88 within the s42A report.
- 4.15 I agree, for the reasons set out in Kāinga Ora’s primary submission, that the inclusion of this standard will ensure that residential units achieve a minimum internal floor area which ensures liveability.
- 4.16 I note that the MDRS includes no standards relating to the size of dwellings. In my opinion, a minimum dwelling size standard can be useful for ensuring that the smallest dwellings will provide reasonable conditions of function and amenity for its design occupancy. I do consider that units lower than the recommended sizes can still provide appropriate living outcomes, however as the internal area of a dwelling decreases greater care is required in terms of design and space planning to achieve a functional unit with sufficient amenity for occupants. Minimums, if set at an appropriate level, will also provide a degree of guidance to the development community over the potential yield on any given site which will also assist with long-term infrastructure planning. They can also provide assurance to the wider public around the likely form and typologies of dwellings which could be expected to occur across the district.

URBAN FRINGE & SUBDIVISION

- 4.17 Kāinga Ora opposed the application of the ‘urban fringe’ qualifying matter which limited the geographic application of the MDRS to within the 800m walkable catchments of Pookeno, Tuakau, Huntly, and Ngaaruawaahia town centres. Kāinga Ora sought to remove the

application of this qualifying matter and subsequently opposed the limited spatial extent application of the MDRZ2 to Huntly, Ngaaruawaahia, Pookeno and Tuakau.

- 4.18 WDC is no longer pursuing the application of ‘urban fringe’ as qualifying matter, and has sought instead to introduce different subdivision controls covering the same extent which introduces a minimum vacant lot size of 450m² (in contrast to the 200m² minimum vacant lot size which applies in the MDRZ2 outside of the ‘urban fringe’ areas).
- 4.19 Related to the above, Kāinga Ora sought various amendments to subdivision standards to SUB-R30, SUB-R32 - SUB-R39, SUB-R153, SUB-R154 and SUB-R156 associated with the MDRZ. This includes the removal of all provisions relating to MRZ1, the removal of the minimum vacant lot size (200m²) and minimum net site area (200m²).
- 4.20 In terms of the deletion of minimum net site area and minimum vacant lot size, Paragraph 316 of the s42A report states that *“In the absence of a minimum vacant lot size, I am of the view that there is a risk of inefficient land use outcomes and the potential creation of allotments that cannot effectively be used for residential development. I support the inclusion of a minimum site size requirement to an area that is known to be able to accommodate the MDRS”*².
- 4.21 I note that vacant lots do not benefit from concurrent land use/ subdivision applications so potential built form outcomes and associated quality/ amenity effects cannot be considered at the time of subdivision. In response to the concerns raised by the s42A report officer, I support the adoption of an 8m x 15m shape factor in the absence of a minimum lot size. In my opinion, the subdivision standards should be aligned to support the development of the types of typologies that are planned for the relevant zone - in this case medium density housing which includes smaller detached and attached infill housing typologies.

² Paragraph 316, page 114, Variation 3 S42A Hearing Report Version 2

4.22 An 8m x 15m shape factor results in a minimum site area of 120m² enabling building coverage of 60m² (in a building measuring 6m x 10m). Application of daylight envelope standards controls would limit development to two-storeys, thus limiting overall building floor area to 120m² (refer to Figure 1). Assuming an even split amongst permitted dwellings this could, in theory, enable three dwellings of 40m² each. Whilst this space is sufficient for a studio apartment, internal dwelling configurations and access arrangements and outdoor living space requirements would likely make this very difficult to achieve in reality. As such, development would most likely be limited to a single, detached dwelling or potentially a duplex style development at densities more commonly understood as sitting in the realms of medium density development. In this regard, I note that typical terraced housing site sizes seen across New Zealand typically range from 100-180m² in area. As such, the effective 120m² proposed is consistent with these sizes. This change would have the benefit of supporting greater housing choice as well as a less intensive form of intensification that a broader section of the community could utilise. I also note that should car parking be proposed on-site there would still be a need to comply with the relevant vehicle access standards set out in Chapter 11 of the PDP. This would invariably require the creation of accessways and in the case of sites with access onto roads (excluding local roads) manoeuvring space and would result in an area considerably greater than the 120m² sought.

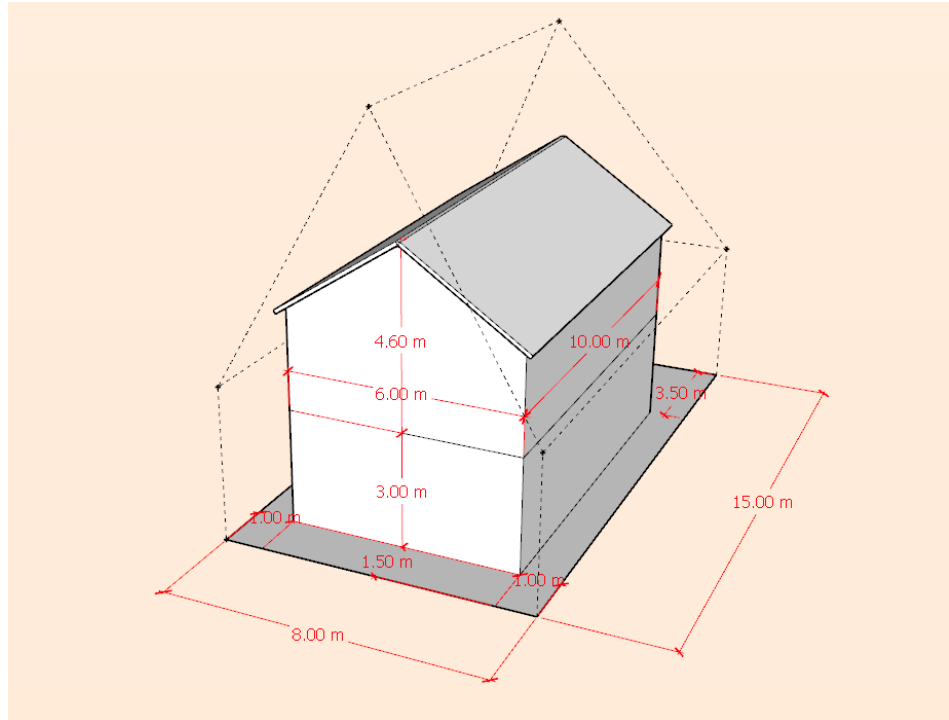


Figure 2 – Modelled permitted building envelope within a flat 8m x 15m site. In this example it has been assumed no parking is provided.

5. COMMERCIAL ZONE AND TOWN CENTRE ZONE HEIGHT OVERLAYS

- 5.1 Variation 3 to the PDP has two business zones (Commercial Zone and Town Centre Zone) that cover retail, office, community and commercial service areas in Huntly, Ngaaruawaahia, Pookeno and Tuakau. The purpose of the Commercial Zone is predominantly to provide for a range of commercial and community activities, whereas the purpose of the Town Centre Zone is to provide for a range of commercial, community, recreational and residential activities.
- 5.2 The current maximum height limit for both the Commercial Zone and Town Centre Zone is 12m which applies across the hierarchy of uses described above. A variety of activities are promoted within the Commercial Zone and Town Centre Zone including residential activities so long as they are located above ground floor level, have appropriate on-site amenities, and can manage the potential impact of locating near commercial activities.
- 5.3 The submission of Kāinga Ora sought to increase the maximum height limit for the Town Centre Zone and Commercial Zones to 24.5m in

Ngaaruawaahia and Huntly, through the use of a Height Variation Control (“HVC”).

HUNTLY

- 5.4 Kāinga Ora sought the application of the HVC of 24.5m over the Commercial Zone and Town Centre Zone in Huntly as shown in Planning Maps under Appendix 2 of primary submission. Paragraph 664 of the s42A report, rejects this request.
- 5.5 Through further spatial and economic analysis, retention of the 24.5m HVC over the town centre zone remains appropriate. However, it is proposed that this is modified to 22m covering the Commercial Zone to provide a transition in scale and intensity with the neighbouring MRZ2 (on the basis that Kāinga Ora is no longer seeking the application of a HDRZ in this location). In urban design terms, I consider this to be appropriate.
- 5.6 At a macro level, Huntly is currently the largest town in the Waikato District and is projected to be the second largest (in combination with Ohinewai) under the Waikato 2070 Growth Strategy. It is strategically located on the Auckland to Hamilton Corridor which has been identified as New Zealand’s “most significant transport corridor”. It benefits from proximate or direct access to the Waikato River, Rail Network and State Highway network that provide good connectivity to other key growth nodes (e.g. Drury and Rotokauri).
- 5.7 At a micro level, it has a number of particular features which currently exist in, or are in close proximity to, both the Huntly Town Centre Zone and Commercial Zone that make increased height (and by association the higher density residential uses enabled) consistent with not only Policy 3(d) but also Policy 1 of the NPS-UD. These include:
- (a) Huntly Primary, Huntly College and several childcare facilities;
 - (b) A wide range of small-scale retail, professional services, food & beverage;

- (c) Several civic and cultural amenities including the Waikato District Library, churches and places of worship, community centres;
- (d) Several public open spaces serving a range of uses (and some with associated sports clubs) including Lake Hakanoa and Waikato River esplanade reserves, Huntly Domain (including the Aquatic Centre);
- (e) The Rail station and associated access to Te Huia rail service which provides linkages to key employment hubs including Te Rapa, Frankton/ Hamilton City Centre, Manukau/ Auckland Airport and Auckland City Centre; and
- (f) Access to a 'within-town' bus service, and regular regional buses that provide access to/ from Hamilton City Centre and Waikato University.

5.8 This wide range of services and amenities also has the benefit of suiting a wide range of demographics from young children through to retirees. Based on the above, I consider that Huntly Town Centre and its immediate surrounds is an appropriate location to direct higher density uses.

5.9 The heights sought by Kāinga Ora remain modest, in my opinion, for a town centre environment - even in the Waikato District - and are commensurate with the level of existing services available within these areas as well as their potential future uses in response to population growth including improvements to the Te Huia rail service.

6. CONCLUSIONS

6.1 In my opinion, the relief sought by Kāinga Ora including subsequent amendments set out in my evidence and that of Mr Campbell, will result in improved urban design benefits than those proposed as part of Council's amendments to Variation 3. They will also better align anticipated design outcomes with the intent of the NPS-UD.

A handwritten signature in black ink, appearing to read 'Cameron Wallace', with a long horizontal flourish extending to the right.

Cameron Wallace

4 July 2023