

BEFORE INDEPENDENT COMMISSIONERS

UNDER the Resource Management Act 1991 ("RMA")

IN THE MATTER of Variation 3 - Enabling Housing Supply to the
Proposed Waikato District Plan

**STATEMENT OF EVIDENCE OF JAMES LUKE TE WHAKAHEKE WHETU
ON BEHALF OF DOMINION DEVELOPMENTS LIMITED**

PLANNING

4 JULY 2022

1. INTRODUCTION

- 1.1 My full name is James Luke Te Whakaheke Whetu. I am a Director (Planning and Policy) at Whetū Consultancy Group.
- 1.2 I have prepared this evidence on behalf of Dominion Developments Limited (“Dominion”) to represent their submission before the Independent Hearings Panel.
- 1.3 I have the following qualifications:
- (a) I hold a Bachelor in Tourism majoring in Resource Impacts and Planning from the University of Waikato, a Post-Graduate Diploma in Planning from Massey University and a Master of Resource and Environmental Planning from Massey University.
 - (b) I am a Full Member with the New Zealand Planning Institute, and an accredited hearings commissioner.
- 1.4 I have 19 years of experience as a planner. I have a consenting and policy background with both local authorities and consultancies.
- 1.5 Over the last 13 years I have worked in the area of integrating and incorporating Māori values and interests/rights in consent planning, policy development, research and decision making. This also includes engagement with Māori, and the consideration and integration of Te Ao Māori / Māori perspectives and Te Tiriti o Waitangi obligations.

Code of Conduct

- 1.6 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023 and I agree to comply with it.
- 1.7 My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I have relied on the evidence of other persons.

2. SUBMISSION TO VARIATION 3 – ENABLING HOUSING SUPPLY TO THE PROPOSED WAIKATO DISTRICT PLAN

2.1 Dominion had lodged its submission to Variation 3 – Enabling Housing Supply to the Proposed Waikato District Plan (“Variation 3”) on 28 October 2022 regarding two properties they own with physical addresses:

- 26 King Street (legal description Part Section 151 Suburbs of Newcastle North), and
- 24 and 32A Saalbrey Road (legal descriptions Sections 158 and 159 Suburbs of Newcastle South)

2.2 The primary matter outlined in the submission was to contest the creation and implementation of the Urban Fringe qualifying matter that was created by the Waikato District Council via the “any other matter” as provided for under section 77(l)(j) of the Resource Management Act 1991.

2.3 The submission offered two approaches, with the preferred approach requesting the inclusion of two large properties into the proposed new Medium Density Residential Zone 2 (“MDRZ 2”).

2.4 The alternative approach offered in the submission should the preferred approach not be accepted, is a bespoke MDRZ 2 process in the General Residential Zone. It is noted that the second approach for a bespoke process was opposed by the Ports of Auckland in their Further Submission.

3. INDEPENDENT HEARING PANEL’S INTERIM GUIDANCE #1 – URBAN FRINGE QUALIFYING MATTER

3.1 I have reviewed the directions of the Independent Hearing Panel (“IHP”).

3.2 Of particular interest is the IHP’s Interim Guidance #1 issued 14 March 2023 regarding the urban fringe qualifying matter, and its conclusion that the urban fringe is not a qualifying matter under s77l(j) of the RMA as it does not appear to satisfy the requirements of s77L of the RMA.

4. REVIEW OF, AND RECOMMENDATION IN, THE SECTION 42A HEARING REPORT

4.1 I have reviewed Waikato District Council's section 42A report dated 15 June 2023.

4.2 The report recognises the submission and relief sought (preferred approach) by Dominion at point 162 (page 63) and point 163 (page 64), and concludes that:

"In my opinion these rezoning requests relate to the urban fringe qualifying matter. If the Panel removes the urban fringe qualifying matter the properties will have the medium density residential standards applying to these sites along with other properties that were located within the urban fringe. Notwithstanding this the ability to build 3 houses on this site or any other site will also be affected by other qualifying matters and district wide rules for earthworks and other activities."

4.3 In Appendix 1 – Recommendations of the section 42A report, the officer recommends the relief sought by Dominion is accepted (on the proviso that the urban fringe qualifying matter is removed).

5. CONCLUSION

5.1 Dominion supports:

- (a) the Interim Guidance #1 issued by the IHP in March 2023 that the urban fringe is not a qualifying matter, and
- (b) the recommendations in the reporting officer's s42A report to accept the relief sought (preferred approach) by Dominion for MDRZ 2 provisions at 26 King Street, Ngaaruawaahia, and 24 & 32A Saalbrey Road, Ngaaruawaahia..

5.2 Dominion acknowledges that although the urban fringe qualifying matter is intended to be removed, any medium density development on the two

properties is still subject to the other qualifying matters, including any relevant additional qualifying matters.

- 5.3 Dominion also acknowledges the further submission by Ports of Auckland in opposition to the bespoke process (alternative approach/relief) offered by Dominion in its submission, and therefore do not contest the reporting officer's position that the alternative relief is not in-scope of Variation 3.

James Whetu

4 July 2023