

1th October 2019



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Attention: Independent Hearings Panel

**LATE SUBMISSION OF EVIDENCE IN CHIEF ON PROPOSED WAIKATO DISTRICT PLAN 2018 (STAGE 1)
HEARING TOPIC 2: ALL OF PLAN MATTERS AND PLAN STRUCTURE**

I request that the hearings panel accept late evidence prepared by Chanel Hargrave prepared on behalf of The Surveying Company for Hearing topic 2: All of Plan matters and Plan Structure. Evidence in chief was due on the 24th of September 2019 and therefore submission of The Surveying Company's evidence on the 1st of October 2019 is 5 working days late.

No advantage has been gained by the submitter through the late submission of this evidence and I believe there is unlikely to be any prejudice to other parties, or Council, as all evidence will be filed before hearings commence.

Yours faithfully

THE SURVEYING COMPANY

LEIGH SHAW

Planning Manager/Project Manager

BEFORE THE INDEPENDENT HEARINGS PANEL

PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

Under the Resource Management Act 1991 (**RMA**)

In the matter of hearing submissions and further submissions on the Proposed
Waikato District Plan (Stage 1) – Hearing 2 **Topic 2: Plan
Structure and All of Plan Matters**

By The Surveying Company Limited (Submitter)

Statement of evidence by Chanel Hargrave on behalf of The Surveying Company Ltd

Planning

Dated: October 2019

INTRODUCTION

1. My full name is Chanel Hargrave. I am a Senior Planner at the Surveying Company in Pukekohe.
2. I have the following qualifications and experience relevant to my evidence:
 - (a) I hold a Bachelors of Planning and a Masters of Urban Design from the University of Auckland.
 - (b) I am an intermediate member of the NZPI and have met my CPD requirements for this level of membership.
 - (c) My relevant professional experience spans 7 years in a private sector role at The Surveying Company. I have been involved in a number of subdivision and land use (Regional and District) applications for both urban and rural projects. I have been the lead planner on projects from feasibility and design stage through to project completion. My technical experience includes the preparation of statutory assessments, environment effects, visual impact and urban design assessments for Resource Consent applications. In addition, I have prepared submissions and provided planning advice to submitters on the Auckland Unitary Plan, Proposed Waikato District Plan and other statutory and non-statutory planning documents.
 - (d) Working in the rural environment of Franklin and Waikato, I have had a continuous association with the rural activities and have a thorough understanding of rural issues. These areas have experienced substantial urban growth over the 7 years I have been employed at The Surveying Company. I have been involved in the design and development of medium to large scale residential subdivision and other urban projects in Tuakau, Pokeno, Pukekohe and Te Kauwhata. In this regard I understand development and growth pressures and the competing issues that affect resource management planning in the Waikato District.

3. This evidence is prepared on behalf of the The Surveying Company (**TSC**). TSC is a multi-disciplinary land development consultancy that has been providing Planning, Surveying and Civil Engineering services throughout the Waikato, Auckland, including the former Franklin, Papakura, Manukau Districts, and Hauraki Districts for the past 30 years. This includes the application and management of Subdivision Consents and Land Use Consents associated with the use and development of land. Over the past 30 years TSC have had continuous involvement with the preparation, administration and implementation of the operative and legacy versions of the Waikato and Franklin District Plans. In this regard TSC are familiar with both historic and current resource management issues facing the Waikato District.
4. In preparing this statement of evidence I have read the section 42A report prepared by Grant Eccles, the reporting officer for Waikato District Council; the summary of submissions and any relevant submissions lodged in respect of the Plan Change; as well as any relevant information prepared for the Plan Change.

CODE OF CONDUCT

5. I confirm that I have read the 'Expert Witnesses Code of Conduct' contained in the Environment Court of New Zealand Practice Note 2014. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

SCOPE OF EVIDENCE

6. This evidence is provided in support of the submission made by TSC on the Proposed Waikato District Plan – Stage 1 (**PWDP**). My evidence will focus on the key planning issues relevant to this hearing topic. My evidence addresses the following matters following the same topic format as the s42A report:
 - (a) National Planning Standards;
 - (b) Natural Hazards;

- (c) Auckland Hamilton Corridor Plan;
 - (d) Urban Development and Growth;
 - (e) Plan Structure;
 - (f) Zone Purpose.
7. **Attachment A** to this statement of evidence contains two tables:
- (a) A table setting out the Reporting Officers recommendations in relation to the TSC submission (Summarised from Appendix 1 of the s42A Report); and
 - (b) A table setting out the Reporting Officers recommendations in relation to the TSC further submission (Summarised from Appendix 1 of the s42A Report).

TOPIC 1: STRATEGIC DIRECTION

National Planning Standards

8. The TSC submission highlighted inconsistencies between the National Planning Standards and the PWDP and sought to amend the PWDP to be consistent with the National Planning Standards structure (746.138). Specifically the TSC submission identified inconsistencies through the absence of zone objectives and policies and proposed zoning terminology used within the Plan.
9. I acknowledge that Council have until April 2024 to comply with the mandatory directions set out in National Planning Standards. In regard to Plan structure I accept, in part, Mr Eccles's s42A assessment on this matter which highlights the complexities in re-arranging the PWDP structure at this point. I also accept Council's position that re-arrangement of the PWDP can be undertaken once the PWDP is substantially operative and without the constraints and implications of s42A reporting deadlines and hearing timetables.
10. TSC opposed submissions (FS1308.8, FS1308.9, FS1308.83 and FS1038.128) that sought to defer or withdraw the PWDP to align the Plan with the National Planning Standards. I agree with Mr Eccles opinion that withdrawal or deferral of the Plan is not an efficient or effective outcome. TSC's further submission

supports Council's recommendation in this regard. Specifically the deferral or withdrawal of the PWDP has undue implications for urban development. Further delays have the most impact in Tuakau where the Tuakau Structure Plan was previously withdrawn to align with the Waikato District Plan. The withdrawal resulting in a significant delay of live zoning in Tuakau and ultimately delay in land supply for the District. Continual delays of the Plan defer living zoning of land and restrict the ability of the Council to rezone/upzone land to meet the existing development capacity needs. In addition, the Waikato District jurisdiction operates under two outdated Plans and these Plans need to be merged for consistency. The Waikato District Plan: Franklin Section is nearly 20 years old and prepared under outdated higher order Plans.

11. I support Council's recommendation to not withdraw the PWDP. I accept in part the recommendation to delay the re-arrangement of the PWDP structure until the Plan is substantially operative. The TSC submission is accepted by Council in part I seek further amendments to the PWDP to increase consistency with the National Planning Standard and to ensure usability. These are discussed in more detail under Topic 4 matters below.

Natural Hazards

12. A further submission by Mercury NZ Ltd (Mercury) (FS1385.40 – 42) opposed TSC's submission and others (746.148 – 150) with Mercury seeking to withdraw Stage 1 of the PWDP and re-notify Stage 1 with Stage 2 or review all of the Stage 1 to hear both stages concurrently). In addition TSC opposed Mercury NZ Ltd submission to withdraw the PWDP to allow the above relief¹. We acknowledge the proposed timing regarding the notification of Stage 2. I acknowledge that it is Council's intent to hear Stage 2 in conjunction with Stage 1 submissions for zoning and growth related submissions. In this regard I am of the opinion that the proposed timing address the concerns raised by the opposing submitter relating to the implication of the hazard provisions on zoning and urban intensification. In conjunction with the reasons outlined above in paragraph 9, I support the recommendation made by the Reporting Officer to not withdraw or defer the PWDP.

¹ TSC's further submission opposing Mercury's submission (730.1 and 730.2) is not tabled in the s42A report.

Hamilton to Auckland Corridor Plan / Future Proof Stage 2 / Waikato District Blueprint

13. TSC opposed submissions that sought to defer or withdraw that PWDP pending the outcome of the Hamilton – Auckland Corridor Plan, Future Proof Stage 2 and Waikato Blue Print (FS1308.29). I agree with the recommendation of Mr Eccles to reject submissions that seek to withdraw or defer the PWDP. Plan making is dynamic process in that plans are constantly evolving to give effect to other statutory plans or reflect outcomes sought by non-statutory outcomes. I agree that Variation and Plan Change process set out in Schedule 1 of the RMA are legitimate mechanisms available to Council to amend the PWDP when appropriate.

TOPIC 2: MISCELLANEOUS

Urban Development and Growth

14. TSC's submission (746.139, 148 – 50) focused on ensuring the PWDP provides for adequate densities and intensification around existing Town Centres with appropriate densities to support public transport, compact development and reduce future pressure to expand into rural land. In addition a further submission was lodged that supported Ian McAlley's submission (FS1061.1 – 2) that sought to amend the PWDP to ensure direction related to maximising the potential of the urban land resource.
15. Generally TSC are supportive of the growth approach with the PWDP and support the zoning of land to enable urban development. In addition there are a number of objectives and policies that TSC support relating to urban growth. The submission points are also relevant to the Strategic Objectives, Residential Zone, Business and Town Centre and Zone Extent topics. However I intend to broach these submission points in this hearing as it is an all of Plan Matter and covers more than one zone. The Reporting Officer recommends that TSC submission is rejected as no specific relief is sought. The summary of the submission is incorrect and I elaborate on the TSC submission.

16. TSC's submission identified that the PWDP generally applies one residential zoning (Residential Zone) across most of the urban area within the District. This zone allows for subdivision down to 450m²(net) and multi-unit development with subdivision down to 300m²(net). I consider that the following resource management issues arise from the proposed urban zoning as follows:
- a) Encourages a suburban pattern of development across the District;
 - b) Fails to identify existing residential areas suitable for intensification;
 - c) Fails to encourage diversity in the housing stock;
 - d) Results in underutilisation of the urban land resource;
 - e) Fails to support intensification around potential public transport nodes;
 - f) Results in additional resource consenting costs where alternative more intensive developments are proposed in the Residential Zone;
 - g) Results in lower densities across the District which hasten the need to expand the rural urban boundary in the future.
17. TSC seek the inclusion of an additional zone to meet the objectives and policies for Strategic Direction and Urban Environment Chapters to support intensification and compact growth within existing Town Centres. I consider the zone identified as medium density in the National Planning Standards would be an appropriate additional zone.
18. My evidence does not identified the extent of this zone given topics relevant to this hearing are high level issues regarding urban growth. Generally TSC propose that this zone would cover existing urban areas close to the Town Centre in Tuakau and Pokeno. I acknowledge that the submission prepared by Housing New Zealand Corporation (749) proposed a medium density zone over some existing and proposed urban areas which provides a basis of consideration for the extent of this zone.
19. In my opinion the relief sought by TSC to include a Medium Density Zone will result in the following Resource management outcomes:
- a) Utilisation and redevelopment of older housing stock. The older centres of Tuakau and Pokeno contain aging housing stock, sometimes on larger

sections that are in close proximity to the Town Centre. Redevelopment of this land at medium densities should be encouraged to improve housing quality and promote intensification in the most central parts of the Town Centre. A medium density zone would promote and pro-actively encourage intensification in an appropriate location.

- b) If the Council are serious about public transport options, medium density living is required to support this. The passenger train service from Auckland to Hamilton provides an opportunity to intensify close to potential stations to support and justify future transport stations.
- c) More efficient use of the urban land resource.
- d) Aligns more closely with expected growth in the Pukekohe and Paerata area which is only 7km from Tuakau. The AUP enables both medium and high density living opportunities within the existing urban area of Pukekohe area include apartment and terrace housing zones. It is expected that Tuakau and Pokeno will experience growth pressure from growth in Pukekohe.
- e) Avoids future issues in 'retrofitting' suburbia and intensifying suburban land in the next generation of the Plan. Including a medium density zone helps to future proof existing Town Centres.
- f) Encourages diversity and variety in typology and housing stock.
- g) Sets an appropriate zoning to encourage medium density housing reducing uncertainty for developers.
- h) Enables the opportunity to provide lower cost housing by reducing land costs required per allotment. Also allows reduction in costs through scale of economies.
- i) More clearly supports the objectives and policies over the status quo of a single residential zone approach. Specifically:
 - 1.5.1 Compact Urban Development;
 - 1.54 Urban growth;
 - 1.12.3(c) Built Environment - A district that has a compact urban environment that is focused in defined growth areas, and offers ease of movement, community well-being and economic growth;
 - 1.12.4 Ease of Movement;
 - 4.1.2 - Future settlement pattern is consolidated in and around existing towns and villages in the district;

- 4.1.5(a) Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space;
- 4.1.10(i) Subdivision, land use and development in Tuakau's new residential and business areas occurs in a manner that promotes the development of a variety of housing densities, diversity of building styles and a high quality living environment;
- 4.2.16 Housing options and 4.2.17 Housing types.

20. I acknowledge this issue may be more appropriately discussed in another topic. However, as TSC proposes to introduce any additional zone it requires consideration across many sections of the Plan. We seek advice as to where this should be addressed.

TOPIC 4: PLAN USEABILITY

Structure

21. The TSC seeks that the structure of the Plan is amended to be consistent with the National Planning Standards (746.138). The key inconsistencies identified relevant to this topic were the separation of the objectives and policies from the zone and rule chapters. TSC's submission sought the inclusion of specific zone objectives and policies to give clarity to the zone and improve the usability of the Plan.
22. In my experience scoping and preparing applications, I have found it more difficult to provide planning advice where District Plans do not include specific zone / chapter objectives and policies. As an example, the proposed rural zone has a limited number of Permitted and Restricted Discretionary Activities with all other activities falling to be Discretionary. Without a specific zone purpose / description or objectives it is harder to succinctly understand the intent of zone and what activities and effects may or may not be acceptable within the zone. It also leaves the Plan open for debate over what objectives and policies are applicable to the zone. This issue is likely to be exacerbated under the PWDP as the Plan has removed the introduction and explanation and reasons sections.

23. TSC's preferred relief is that the Plan structure is amended to align the objectives and policies with the appropriate chapters within the Plan. I am of the opinion that leaving the complete re-structure until the Plan is operative may result in the Plan being deficient in objectives and policies for certain chapters (particularly the zone chapters).
24. Notwithstanding the above I acknowledge and accept in part the Reporting Officer's opinion that it will be difficult to re-structuring the PWDP and may create confusion. I accept that the issues raised in the TSC submissions regarding the cascade of objectives and policies will be resolved when the PWDP is re-structured to meet the mandatory requirements of the National Planning Standards.
25. TSC's further submission supported submission points by the Waikato Regional Council, Lance Vervoort for Hamilton City Council (FS1308.139, FS1308.74) that proposed the structure of the Plan was amended to include usable cross-referencing between objectives, policies and rules. As an alternative relief I support the reporting Officer's recommendation that the PWDP is amended to include cross-referencing to key objectives and policies. I also seek that the zone purpose is added to each zone to further reduce uncertainty. This is discussed further below.

Zone Purpose

26. Our submission sought the inclusion of zone descriptions or zone purpose (746.138). TSC's further submission supported submission points by the Waikato Regional Council, Department of Conservation, Waikato District Health Board (FS1308.151, FS1308.167, FS1308.82) that sought relief to include chapter introduction and / or zone descriptions. Mr Eccle's recommendation is to refuse these submissions.
27. In my experience the use of zone descriptions and purposes help to provide context to policies and rules within a Plan. Descriptions can provide information of the important values or key characteristics of a zone. The PWDP has removed the introduction and explanation and reasons sections that are included in the Operative Plan sections. In addition the Plan does not include any directive

objectives and policies within the chapters. This makes it difficult to interpret the Plan and understand the intent of the rules. While there is no statutory requirement to include a zone purpose or description the uses of these sections provide context to the zone and rules.

28. For example 5.3.1 Objective - Rural character and amenity states that:

Rural character and amenity are maintained.

The Plan provides no context as to what the rural character and amenity values of rural zone are and what is expected to be maintained. It is and therefore is very difficult to assess and application against this objective as the Plan provides no context as to the amenity and character values expected to be maintained in the rural zone. In particular, I question, is the zones intent to maintain amenity and character values of residents within the zone or does the Plan expect a lower level of amenity due to the effects typically generated by rural activities? This is an example of an interpretation issue that could be clarified through the use of a zone description or purpose.

29. In comparison, I refer to the use of zone purposes in the AUP. The AUP contains a similar objective for the Mixed Rural Zone in H19.4.2(3):

Rural character and amenity values of the zone are maintained while anticipating a mix of rural production, non-residential and rural lifestyle activities.

The purpose of the Mixed Rural Zone in H19.4 and provides context to the zone. This helps to guide an understanding as to the type of amenity and character values that are expected to be maintained making it easier to assess a proposed activity against the objective.

The purpose of the Rural – Mixed Rural Zone is to provide for rural production, generally on smaller rural sites and non-residential activities of a scale compatible with smaller site sizes.

These areas often have a history of horticulture, viticulture, intensive farming and equine-related activities. These activities have in turn supported the establishment of produce sales or retail services such as cafés, restaurants, tourist and visitor-related facilities.

Sites in this zone provide flexibility to accommodate a range of rural production activities and associated non-residential activities while still ensuring good amenity levels for residents who use their land for rural lifestyle purposes.

30. I note the National Planning Standards provide general zone descriptions which could be applied if the PWDP amended the zoning names to be consistent with the standards. The zones could be amended to align with the standards then the description adopted from the standards and added to as necessary. Alternatively the PWDP could adopt and apply an appropriate description to describe the proposed zone. I agree with Mr Eccles statement that the National Planning Standards do not require zone descriptions, however it is likely that this is because the standards set out a zone description. I am of the opinion it would be appropriate for Council to provide a zone description where an alternative zone is proposed.
31. I also question re-structuring Plan to comply with the zoning provisions. Does Council expect that a Plan Change will be needed to change the zone names? Without zone descriptions it is unclear which National Standard Zone would be applied to PWDP zones. For example there are multiple rural and residential zone options that could be applied. These each have different zone description which could affect the interpretation of the Plan. Without zone descriptions, it is unclear which zone is likely to be applied to the PWDP. In addition it leaves the zones open for debate and could create inconsistency in decision making.
32. Suggested relief:
- a) Include a purpose and/or description for the zone to provide context to zoning and rules. This will also make it easier to amend the Plan zoning in the future to ensure consistency with the National Planning Standards and will avoid debate over which zone name is appropriate; and / or
 - b) Adopt the appropriate zone identified in table 13 of the National Planning Standards. This ensures consistency with the National Planning Standards which includes a description of the zone.

CONCLUSION:

33. Overall I support the Reporting Officer's recommendation to refuse submissions that seek to withdraw or defer the PWDP to align the Plan with the National Planning Standards, Stage 2 of the PWDP and the Hamilton – Auckland Corridor

Plan, Future Proof Stage 2 and Waikato Blue Print. In regard to the National Planning Standards I generally agree with the Reporting Officer's position that the PWDP re-arrangement can occur once the Plan is substantially operative. However, I believe that additional amendments should be made to the PWDP to improve usability and more clearly align the PWDP with these standards. TSC's preferred relief is to include all objectives, policies and rule be grouped by provision type within the relevant zones and chapters as specified by the mandatory direction in the National Planning Standards. However, TSC accept the alternative relief proposed by Council to include appropriate cross-referencing to relevant objectives and policies. In addition TSC seek that zone descriptions / introductions are added to the zone chapters to improve usability of the Plan.

34. In regards to urban development and growth TSC seek the addition of a medium density residential zone. We understand that this may be more appropriately covered by a hearing topic, however as further clarity on relief was sought by the Reporting Officer I have the keys aspects of this submission point in this evidence.

Chanel Hargrave

October 2019

Attachment A – Recommendations of the s42A Report

Table 1 – Summary of the Recommendations of the s42A Report in relation to TSC’s submission points and further submissions received on the TSC submission.

Submission Point	Summary	S42A Recommendation
746.138	Amend the PWDP to be consistent with the draft National Planning Standards Structure.	Accept in Part
746.139	It is important that the Waikato District Plan looks beyond the 10 year life of the Plan and ensures that adequate densities and intensification are encouraged around existing Town Centres, especially where public transport stations are proposed to avoid further encroachment into rural land especially where the land is used for food supply purposes.	Reject
746.148	Subdivision of larger sites within the existing urban area should be encouraged to ensure that intensification of the existing urban areas can be achieved in accordance with the Future Proof Strategy.	Reject
FS1385.41 Murcury NZ Ltd	Further submission Oppose	Accept in Part
746.149	Intensification of land to rural residential (Country Living) in areas that do not contain elite / prime soils and adjoin urban development should be encouraged to ensure land supply requirements are met while preserving the soil resources.	Reject
FS1385.40 Murcury NZ Ltd	Further submission Oppose	Accept in Part
Hamilton City Council	Further submission	Accept
746.150	Maximizing the land's rural residential (Country Living and Village) development potential will	Reject

	future proof the capacity of land supply to avoid further encroachment into the rural areas past the lifetime of this Plan.	
FS1385.42 Murcury NZ Ltd	Further submission Oppose	Accept in Part

Table 2 – Summary of the Recommendations of the s42A Report in relation to TSC’s further submission points

Further Submission Point	Summary	S42A Recommendation to FS
FS1308.8	Oppose Property Council NZ Submission (198.1) seeking to Place the DP review process on hold to align with National Planning Standards.	Accept
FS1308.9 FS1308.128	Oppose Zeala Ltd (281.1) submission to Defer the hearing of submissions on Stage 1 until after the National Planning Standards have been adopted and/or until the completion of both stage 2 of the Future Proof Strategy and updated Waikato RPS	Accept
FS1308.83	Oppose T Withers (598.1) submission to Defer the hearing of submissions on Stage 1 until after the National Planning Standards have been adopted and/or until the completion of both stage 2 of the Future Proof Strat and updated Waikato RPS.	Accept
FS1308.29	Oppose J Francis (376.4) submission to Place the PWDP on hold pending the outcome of the other Strategic Planning currently underway, including Future Proof Phase 2 and the Hamilton to Auckland Corridor network plan.	Accept
FS1061.1	Support Ian McAlley (368.1) submission to Amend the PWDP to ensure direction related to maximising the potential of the urban/residential land resource is maintained.	Reject
FS1061.2	Support Ian McAlley (386.2) submission to The	Reject

	PWDP should maintain the commitment to the Future Proof Outcomes, in particular the desire to achieve a more compact and concentrated urban form over time.	
FS1308.139	Support Waikato Regional Council (81.12) submission to Amend the PWDP to provide for cross references between issues, objectives, policies and rules.	Accept in Part
FS1308.74	Lance Vervoort (Hamilton City Council) (535.32) submission to Amend the structure of the entire Proposed Plan and include usable cross-referencing between the objectives, policies and rules to enable easier use by the reader. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	Accept in Part
FS1308.151	Support Waikato Regional Council (81.2) submission to Amend each zone chapter to provide details on the purpose and anticipated outcomes of the corresponding zone or subzone.	Reject
FS1308.82	Support Department of Conservation (585.32) submission to Add introductions and/or zone descriptions at the beginning of each chapter.	Reject
FS1308.167	Support Waikato District Health Board (923.103) to Amend Chapter 17: Business Zone to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.	Reject
FS1308.32	Support Ethan Findlay (418.1) submission to Retain the approach to relocatable or second-hand buildings by not having any separate rules for them and therefore that these are a permitted	Accept

	activity.	
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Note: The s42A Report does not include all relevant further submission points of TSC. Some have been inadvertently omitted and as such this list is not exhaustive. Specifically TSC opposed Fraser Graafhuis for Mercury NZ Limited ("Mercury") submission points 730.1 and 730.2. This is not tabled in the s42A analysis. It is also