

**SUMMARY STATEMENT OF EVIDENCE OF CHRISTOPHER JAMES SCRAFTON ON BEHALF OF TATA VALLEY LIMITED**

**PLANNING**

**Scope of Hearing**

1.1 I consider the scope of the s42A Report is unclear as to which objectives and policies are included and discussed in the report. In my view, there is a risk that matters that are assumed to be addressed through later hearings are actually settled through Hearing 3. I also consider it necessary to ‘recheck’ the provisions discussed as part of this Hearing later after consideration of amendments to other objectives and policies, methods and rules (amongst others), in order to review and confirm that the cascade of provisions is effectively aligned.

**Strategic Directions**

1.2 I consider that the Strategic Direction section of the PWDP requires significant redrafting before it should be considered fit for purpose<sup>1</sup> with careful consideration of the specific wording of the directions to ensure an appropriate balance of resource management matters for the district and to provide further clarity on the role these directions will provide for other parts of the Plan. My concerns include:

- (a) Section 1.12.1 although entitled “Strategic Direction” does not discuss such matters but instead discusses Future Proof, Structure Plans and the National Policy Statement: Urban Development Capacity. In my opinion this section serves no purpose in the PWDP.
- (a) The drafting of sections 1.12.2 – 1.12.8 creates uncertainty and the potential for misinterpretation particularly as the strategic directions are drafted like objectives.
- (b) In order to be consistent with the National Planning Standards (Standards), Chapter 2 (not Chapter 1) of the District Plan should be location for District Wide matters. Any strategic direction should be part of this Chapter. The Strategic Direction section of Chapter 2 could include:
  - (i) Individual sections within the chapter addressing each “strategic direction matter” in alphabetical order;
  - (ii) Issues (if any);

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<sup>1</sup> Refer to paragraph 6.7 of my primary evidence for a discussion on what I consider the key issues of this section

- (iii) Objectives that address key strategic or significant matters for the district and that guide strategic decision making;
- (iv) Any related policies unless those policies are better located in more specific chapters; but
- (v) Must include an urban form and development section.

1.1 This would of course require a substantive re-drafting exercise which may not be feasible or desirable at this stage of the hearing process.

1.1 Expert planning conferencing on these issues would in my view assist to address these substantive and structural issues. However, in the absence of conferencing, my preference would be for the strategic directions to be deleted in their entirety and the nominated "strategic objectives" in Chapter 1 – re-named as objectives and relocated back to their original Chapter location.

1.2 In the alternative, if the Panel considers that the Strategic Direction section should be retained in its current form I have prepared a limited series of amendments, outlined in Attachment 1 to my Primary Statement to address what I consider to be the most significant drafting issues. This however represents my least preferred outcome.

### **Strategic Objectives**

1.2 In my view, there are significant issues associated with what are proposed to be "Strategic Objectives". I understand "strategic" objectives are proposed to be objectives related to the strategic directions that in some cases do<sup>2</sup> and in some cases do not<sup>3</sup> take precedence over other provisions of the Plan. I do not support the use of "strategic" objectives particularly when they are given an elevated status above other objectives within the Plan, I note that there is no mandatory requirement or rationale in the Resource Management Act 1991 (**RMA**), the Standards or the s32 Report: *Strategic Direction and Management of Growth* to include "strategic" objectives or to treat such objectives and policies differently when assessing resource consent applications.

1.3 Elevating some objectives over others effectively removes flexibility and consideration of all relevant matters in a resource consent application process, essentially directing a number of land uses be prohibited without recognising them as such in the Plan.

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<sup>2</sup> Eg Strategic Objective 1.13.3.

<sup>3</sup> Eg Strategic Objective 1.13.2.

- 1.4 In my view, the wording and status given to any plan provision is of critical importance. In this regard, I agree with the suggestion put forward by Counsel for Tata Valley Limited recommending conferencing between experts to provide the Panel with expert guidance on this matter. In particular, I consider it would be beneficial for expert conferencing to consider the particular role, function and drafting of the strategic direction part of the PWDP.
- 1.5 In the absence of expert conferencing, in my view, the most appropriate course of action is for the Strategic Objectives that are recommended to be included within the Strategic Direction section of the PWDP to be relocated to the various sections of the PWDP that they were extracted from, no longer identified as strategic objectives and subsequently considered through the associated Chapter hearings.
- 1.6 In the alternative, if those objectives are not relocated and considered at a later point then I have suggested some amendments to Rural Objective 1.13.3 to capture key amendments that are required.
- 1.7 A number of submitters have provided statements of evidence either in support or opposition of the inclusion and/or details of the proposed strategic objectives and directions in the PWDP. I address a number of my concerns with their recommendations through my rebuttal statement. By way of example, Mr Davey recommends the inclusion of a new chapter “Strategic Direction” that includes reworded objective statements, which “*apply district-wide*” and given where they are located, “*a high level of primary and weight will be afforded to them*”<sup>4</sup>. Further to this, Mr Davey notes “*the value of genuine ‘strategic objectives’ is that their weight in decision-making processes will be elevated and a clearer line of site will be created throughout the plan hierarchy.*”
- 1.8 I do not agree with Mr Davey regarding the use of the term ‘strategic’ objectives or of elevating their weight in decision making processes for the reasons discussed in paragraph 7.3 of my primary evidence. In summary there is no higher order guidance or requirement (including within the Standards) to include ‘strategic’ objectives within a District Plan, nor is there a requirement under the RMA to consider objectives and policies differently when assessing resource consent applications. In addition, I am particularly concerned about the proposal to add a full

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<sup>4</sup> Paragraph 21 of the statement of evidence by Mark Nairn Davey for Waikato District Council, 15 October 2019

new range of “strategic” objectives through evidence where submitters have not had an opportunity to consider them as ‘strategic’.

1.9 I also note that Mr Davey has not provided any assessment of why these particular objectives are more strategic or more important than others. I do not intend to conduct such an analysis myself but note that as a starting point there are numerous section 6 matters that are not included in Mr Davey’s “Strategic Objectives”.

1.10 To summarise the above, I consider that:

- (a) Expert planning conferencing should be undertaken to examine in greater detail the inclusion and/or role of the proposed strategic directions and objectives covered in this Topic. Consistency with the Standards where possible should also be considered.
- (b) If conferencing is not advanced, my preference is that the strategic directions be deleted and the strategic objectives renamed as objectives and re-located back to other chapters in the PWDP.
- (c) If the strategic directions are to be retained my view is they should be restructured and rewritten to be consistent with the Standards as far as practicable. This may also require further expert input. At a minimum as part of any redrafting, I consider it is important to:
  - (i) Clearly state that the directions should be read as a whole and appropriately balanced when informing subsequent plan provisions. The clause should also specifically state that the directions are not relevant for the assessment of resource consent applications. There are also several gaps that need to be filled. My suggested minimum amendments are included in Attachment 1 of my primary evidence.
  - (ii) Relocate the Strategic Objectives that are recommended to be included within the Strategic Direction section of the PWDP to the various sections of the PWDP that they were extracted from. In addition, they should no longer be identified as strategic objectives.

#### **Comment on s42A Reporting Officer Rebuttal Evidence**

1.11 I have read the s42A Reporting Officer’s rebuttal evidence dated 30 October 2019. I note that the rebuttal evidence references my primary and rebuttal evidence in relation to implementation of the National Planning Standards (**the Standards**) but does not reference or make additional comment on the other aspects of my evidence, notably:

- (a) My concern regarding the scope of the s42A Report;
- (b) The contents of the Strategic Direction section;
- (c) The use of “strategic” objectives;
- (d) Suggested amendments to Objective 5.1.1;
- (e) Suggested amendments regarding reference to structure, master and precinct plans.