

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

**AND**

**IN THE MATTER** of a submission by Hamilton City Council in respect of  
the PROPOSED WAIKATO DISTRICT PLAN pursuant to  
Clause 6 of Schedule 1 to the Act

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**STATEMENT OF EVIDENCE OF LOREN BROWN FOR HAMILTON CITY COUNCIL**

**22 November 2019**

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Hearing 6: Village Zone

## **INTRODUCTION**

1. My full name is Loren Michelle Brown. I am a Principal Planner at Hamilton City Council (HCC), a position I have held for approximately nine years.
2. Prior to this I worked in the United Kingdom in both planning roles in public and private sector organisations between 2001 and 2010, and within New Zealand as a graduate 1999-2000.
3. My qualifications include a Masters in Environmental Science (Hons) from the University of Canterbury and a Bachelor of Resource and Environmental Planning from Waikato University.

## **RELEVANT EXPERIENCE**

4. I have more than 19 years of professional planning experience obtained in a variety of roles in New Zealand and the United Kingdom. My experience spans a wide variety of planning practice including:
  - a) The development, implementation and critique of district /city plans in the United Kingdom, and district/city plans under the Resource Management Act 1991 in New Zealand ('RMA' or 'the Act');
  - b) Development of major structure plans, large scale strategic planning reviews and urban renewal strategies;
  - c) Participation in district plan and other planning document hearings as a submitter;
  - d) Long term participation in sub-regional collaboration such as Upper North Island Strategic Alliance; Future Proof; the Waikato Plan and the Hamilton to Auckland Corridor Plan;
  - e) Preparation of Environmental Impact Assessments; and
  - f) Processing of Resource Consents and Planning Applications both within New Zealand and the United Kingdom.

**CODE OF CONDUCT**

5. I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

**SCOPE OF EVIDENCE**

6. The purpose of this evidence is to:
  - a) describe and analyse the submissions made by HCC in its submission dated 9 October 2018 that are relevant to this hearing;
  - b) Address the response to the HCC submission points in the S42A report for Hearing 6.

**SUMMARY OF EVIDENCE**

7. The S.42A, in offering comprehensive changes to the Village Provisions of the WPDP, has addressed HCC submission points.
8. I support the recommended approach to changes the Objectives, Policies and Rules as outlined.

**DOCUMENTS AND MATERIAL CONSIDERED**

9. Within the preparation of my evidence, I have considered the following information:
  - a) The RMA;

- b) National Policy Statement for Urban Development Capacity 2016 ('NPS-UDC');
- c) Draft National Policy Statement for Urban Development 2019;
- d) Draft National Policy Statement for Highly Productive Land 2019;
- e) Operative Waikato Regional Policy Statement ('WRPS');
- f) The Waikato District Operative District Plan 2011 ('WDODP');
- g) The WDPDP and Section 32 analysis;
- h) Section 42A reports for Hearings 1, 2, 3 and 6;
- i) Future Proof Growth Strategy 2009 and the 2017 review;
- j) Statement of evidence of Luke O'Dwyer dated 15 October 2019.

#### **HCC SUBMISSIONS – RELEVANT TO HEARING 6**

10. The S.42A report supporting this hearing, addresses three submission points made by HCC, summarised as 535.22; 535.23 and 525.80 in the Waikato District Summary of Submissions document. These submissions will be addressed in Table 1 below.
11. However, HCC also made a variety of submissions which I consider to also be relevant to this hearing and for the future hearings. As per verbal instructions to submitters at a hearing on 6 November, the Hearings Panel mentioned it was useful to highlight these now, although recognise that these too will need to be addressed again during other relevant upcoming hearings. The other submissions I consider to be relevant are: 535.10 (which was allocated to Hearing 3 on Strategic Objectives); 535.19 (allocated to Hearing 3 Strategic Objectives) and 535.89 (allocated to Hearing on Zone Extents).
12. Each of these will now be covered, not necessarily with any expectation they will be addressed through the remainder of the Hearing 6 process, but merely as they help provide the bigger picture as to why HCC has an interest in the Village Zone, in particular, Te Kowhai and how I consider the Village Zoning is related to other parts of the WDPDP. The suite of submissions made on the Village Chapter, the map and the Strategic

Objectives of the WDPD, when all considered in their entirety, paint a better picture of concerns than the individual points do.

13. Submission point 535.10 raised concerns that the objective and policy framework did not adequately differentiate between towns and villages. The WDPD uses the terms 'village' and 'towns' as one (always together), and in doing so, creates a situation where the Plan directs growth 'towns and villages', not elevating towns as the main location for growth, and equally not recognising the differences between them. Examples include:

**4.1.2 Objective – Urban growth and development**

- (a) Future settlement pattern is consolidated in and around existing towns and villages in the district.

**4.1.3 Policy - Location of development**

- (a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.

**4.1.7 Objective – Character of towns**

- (a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.

14. The S.42A for Hearing 3 Strategic Direction, sought to address this matter and concluded that the framework of the PDP was sound in that the objectives and policies of, for example, Te Kowhai, were based on preserving rural character and amenity, higher density development was not considered appropriate.
15. However, as highlighted within the HCC submission, objectives contained within Chapter 4 (Strategic Direction) relating to the Village Zone, are 'urban' objectives and policies. But with densities and characteristics of the zone, are more akin to a Rural or Country Living Zone.
16. The mismatch of identifying Villages as a location for growth and an 'Urban Environment', yet in locations where there is no infrastructure to service it and the preservation of rural amenity is desired, is problematic for HCC.
17. The WRPS and the FP Strategy are both strong on the need to limit rural residential development in sensitive locations such as the Hamilton periphery. The relationship between the lack of Strategic Direction for the Village Zone, trickles down to create issues when using the Village Zone

- provisions (Chapter 4.3). The contextual setting of the Village Zone and rational for it are not well addressed in the S.32 or within the WDPD itself.
18. Submission 535.19 by HCC regarding 4.1.17 Policy Te Kowhai, although not covered by this particular hearing, provides a useful context for HCC's concerns about the Village Zone. This submission also raises the lack of clarity as to whether the Village should actually be considered a location for residential growth within the WDPD, when the reality of the policy framework that it's the rural character that is being protected.
  19. The concerns raised by HCC, were also picked up by Waikato District's own evidence on Hearing 3<sup>1</sup>, where it was recommended to delete the reference to villages from the objective regarding urban growth. That recommendation would also remove any confusion over whether the 'villages' are just small towns or are indeed represented by a 'Village' zoning.
  20. Submission 535.89 opposed the identification of Te Kowhai as within the Village Zone on map 26.2. The lack of certainty about servicing the areas with infrastructure, makes quantifying and understanding the effects of the proposals on Hamilton's own infrastructure and the sub-regional land use pattern, difficult. Within Te Kowhai, areas have been included within the Village Zone which were previously zoned Rural or Country Living, without sufficient justification or comfort that the impacts of such development can be managed, or that the built form will deliver the best results for the delivering the WRPS and Future Proof requirements for a compact built urban form.
  21. The impacts of rural residential development on the periphery of Hamilton, were covered in the evidence of my colleague Luke O'Dwyer for Hearing 3 (dated 15 October 2019).

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<sup>1</sup> Statement of Evidence of Mark Davey dated 15 October 2019, pg 14, recommended Objective 2A.2.2

## HCC SUBMISSIONS – HEARING 6

22. The S.42A report addresses the following HCC submission points in the following way:

	<b>HCC submission</b>	<b>S.42A response</b>	<b>HCC Response</b>
<b>Sub 535.22</b> Objective 4.3.1 and Policy 4.3.2	Amend Section 4.3, to better define the purpose of the Village Zone.... The Village Zone needs to better consider cross-boundary impacts of growth.	A number of submissions were received seeking greater clarity in Objective 4.3.1 and Policy 4.3.2 regarding the purpose of the zone and the outcomes anticipated. These submissions were accepted.	The suite of changes to Objective 4.3.1 and 4.3.2 by the S.42A report address the issues raised by HCC. The suggested changes which clearly define the purpose of the Village Zone around Te Kowhai, whilst recognising the servicing constraints ,are welcomed by HCC.
<b>Sub 535.23 and 535.80</b> Policy 4.3.3 and Rule 24.4.2	The amount and type of growth in Te Kowhai is opposed. No certainty over servicing.	Amendments to provide better clarity as to the purpose of the Village Zone are recommended and sequential changes to the subdivision rules, including an interim 20ha minimum with 800 sq.m once servicing is available.	These changes address the issues raised by HCC.

**Table 1: S.42A response to HCC submissions**

23. It is my opinion that the S.42A officer in his assessment of the Subdivision Provisions of the proposed Village Zone, has considered the implications of continuing with the provisions of the Village Zone as notified within the WPDP. A robust alternative approach is recommended.
24. The recommendations address the submission points raised by HCC and will appropriately allay HCC's concerns that Te Kowhai will become a very large enclave of rural-residential, un serviced development near HCC's boundary. Such a development form is contrary to the WRPS and the Future Proof Strategy and would have impacts on HCC's infrastructure and the agreed sub-regional growth pattern.
25. The changes suggested in the S.42A report are comprehensive but necessary to address the problems that would be created by the proposed Village Zone as notified. The proposal will not sterilise the area as some submitters may fear, but instead allow for a more comprehensive transformation of Te Kowhai over time once structure planning and services are available, to guide good place making and genuine 'urban' development. In the meantime, the rural character of the area, which is given prominence in WPDP is maintained and rural production can continue.
26. The S.42A recommendations, will also create a useful 'holding pattern' until such time the District Council (and the rest of the sub-region) have some clarity on the implications of the currently draft NPS on Highly Productive Land.
27. One insertion within the S.42A that is not entirely clear is the reference within Objective 4.3.1. (c) and RD2 (ii) to a Village Future Urban Density Precinct. There is explanatory text within paragraphs 95(c) and 104(d), but I am not certain as to the geographic extent of overlay. It would be helpful if this were mapped.



**CONCLUSION**

28. The analysis and recommendations made in the S.42A report are supported.
29. A map of the Village Future Urban Density Precinct should be provided to provide clarity of its extent and intention.

Dated 25 November 2019

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L Brown