

**UNDER** the Resource Mangement Act 1991 ("RMA")  
**IN THE MATTER** of Proposed Waikato District Council's ("WDC") Proposed District Plan ("PDP") Hearing 9 – Business Zone and Business Town Centre Zone

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**SUMMARY STATEMENT OF PHILIP JOHN STICKNEY ON BEHALF OF  
KĀINGA ORA (FORMERLY HOUSING NEW ZEALAND CORPORATION,  
749 / FS1269)**

**12 February 2020**

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## 1. Summary Statement

- 1.1 My full name is Philip John Stickney. I am a Senior Associate at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora Homes and Communities (“**Kāinga Ora**”) (formerly Housing New Zealand Corporation) in relation to its submissions on the Proposed Waikato District Plan (“**the Proposed District Plan**” or “**PDP**”). Specifically, this statement relates to the evidence on relevant Objectives and Policies in Chapter 4 – Urban Environments, and Chapters 17 and 18 – Rules and Assessment Criteria of the Proposed District Plan.
- 1.2 In summary, the key points addressed in my evidence are:
- 1.3 The Strategic Directions and associated Objectives seek the creation of a compact urban form with a range of activities that achieve “liveable, thriving and connected communities that are sustainable efficient and coordinated”. I support the direction of these provisions and consider that they are forward looking and envisage growth and resulting change to the existing urban form over time.
- 1.4 Conversely, a number of specific Business and Business Town Centre Zone Objectives and Policies seek to restrict residential activities within the Business and Business Town Centre Zone to an “upper floor” location and retain business zoned lands for business activities. The Council’s rebuttal evidence (at 5.1) recommends amendments to Policy 4.5.11 to provide some scope for residential activity at ground floor within the Business and Business Town Centre Zones. While I generally support 4.5.11(a)(ii) as drafted; I consider 4.5.11(a)(i) to be unworkable as it is not possible to “**ensure** that residential activities are **preferably** located at ground floor level”. Further, it is my view that, without the corresponding controls set out in Part 6.4 of my statement of evidence, the proposed amendments do not fully address the relief sought and will not contribute to the outcomes set out in the Strategic Directions of the PDP,.
- 1.5 In the context of the vacant business zone land capacity identified in the evidence of Mr. Osborne, I consider that the s.32 analysis has not fully considered the benefits of enabling residential at ground floor level in appropriate locations within the Business Town Centre Zone as a method to assist in achieving the Strategic Directions in The Proposed Plan. The result is that areas of land within the Business Town Centre Zone are

effectively being locked up pending future demand for commercial and retail services within these centres.

- 1.6 Within the context of the estimated business land capacity set out by Mr. Osborne, I consider that the PDP contains a fundamental “disconnect” between the enabling intent of relevant Strategic Directions in Chapter 1 (1.12.1, 1.12.3 and 1.12.8) versus the Zone specific Policy provisions in Chapter 4 (4.5.3, 4.5.11, 4.5.13 and 4.5.14-4.5.19) which I consider to be narrowly focused and restrictive in their structure and intent.
- 1.7 I have accordingly proposed a number of amendments to the Objectives and Policies framework, as well as the following Rules and Assessment Criteria in order to enable more diverse mixed use development within the Business Zones on under-utilised business land which in my view will better achieve the relevant Strategic Directions in Chapter 1. The key amendments to the PDP provisions sought are:
- (a) Policy 4.5.23 and 4.5.24 - seeking to confirm the direction for a more compact and intensive urban form within the Business and Business Town Centre Zones;
  - (b) Rule 17.1.3 relating to Multi-Unit development within the Business Zone - amendments to the Matters of Discretion and Conditions (but retaining the “above ground floor level” condition);
  - (c) Rules 18.1.3 Restricted Discretionary Activities – seeking to provide for multi-unit residential activity within the Business Town Centre Zone and amendments to the conditions; including the removal of the ground floor level restriction and the deletion of the Design Guidelines in Appendices 3.3 and 3.4;
  - (d) Rules 17.3.1, 17.3.2, 18.3.1, 18.3.2 and 18.3.9 which seek a height increase to 12 metres for new buildings, a less restrictive daylight admission control and reduced Living Court standards; thereby enabling more intensive development within Business Zones;
  - (e) Rules 17.4.1.1 and 18.4.1.1 which seek to better align subdivision standards with approved multi-unit developments.

- 1.8 In respect of Rule 17.1.3 the Council's rebuttal recommends the inclusion of an additional matter of discretion to address reverse sensitivity effects. While I generally support the inclusion of such a matter; I consider the terminology should align with Part 2 of the RMA and utilise the term "mitigate" as opposed to "minimise". As the provision is currently proposed, it implies that there is an effect that requires mitigation. The intent of the provision is in my opinion intended to be one that requires any potential effects to be mitigated appropriately. I recommend an amendment to the provision as follows:

*The extent to which design measures are required to mitigate the potential for reverse sensitivity effects*

- 1.9 In respect of Rules 17.3.2 and 18.3.2 I support the recommended amendments to these rules set out in the Council's Rebuttal, whilst noting that the 2.5m height does not align with the 3m height as sought by Kāinga Ora.
- 1.10 The amendments recommended in the Council's Rebuttal are carried through in both Zones in a majority of instances. I remain of the opinion that there is benefit in creating a different emphasis on residential land-use activities between the two Business zones. In particular, I consider the proposed changes to the Business Town Centre Zone as sought by Kāinga Ora will better enable the outcomes sought by Strategic Directions to be realised; providing greater recognition that amenity; intensity of use and character is expected to change over time.
- 1.11 I consider that the amendments sought for the landuse mix within the Business Town Centre Zone can enable both the primary purpose of the zone for business, retail and community activity to be protected, while also enabling more positive economic, social and community outcomes to be achieved through residential activities within the Zone than can be realised from the planning framework currently contained within the PDP. In other words, the physical pattern of landuse proposed protects the physical retail core of each settlement, but the enablement of residential activities in the Zone will support it's economic, social and cultural role.
- 1.12 The amendments sought align with the higher order Policy Direction contained within the Regional Policy Statement governing growth and I

consider the amendments are the most appropriate way to achieve the Purpose and Principles of Part 2 of the RMA.

**Philip John Stickney**

12 February 2020