

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN THE WAIKATO REGION**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
WAIKATO**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on the **Waikato
IPIs - Hamilton CC PC12, Waipā DC PC26 and
Waikato DC Variation 3.**

HEARING TOPIC: Hearing 1 - Strategic Planning Approaches

**STATEMENT OF PRIMARY EVIDENCE OF MICHAEL ROBERT CAMPBELL
ON BEHALF OF KĀINGA ORA - HOMES AND COMMUNITIES**

(PLANNING)

1 FEBRUARY 2023

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1. EXECUTIVE SUMMARY

- 1.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (Campbell Brown). I have been engaged by Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) to provide evidence in support of its primary and further submissions on the three Waikato Intensification Planning Instruments (“**IPI**”), being; Hamilton City Council’s Plan Change 12 (“**PC12**”), Waipā District Council’s Plan Change 26 (“**PC26**”) and Waikato District Council’s Variation 3 (“**V3**”) to the Proposed Waikato District Plan 2022.
- 1.2 The key points addressed in my evidence are:
- a) The statutory context created by the National Policy Statement: Urban Development 2020 (“**NPSUD**”) and the directive requirements under the Resource Management Act 1991 (“**RMA**”) as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**HSAA**”);
 - b) The principles that have informed Kāinga Ora’s approach to spatial application of zones and the levels of development to be enabled therein with respect to both the NPSUD provisions and the Medium Density Residential Standards (“**MDRS**”);
 - c) Kāinga Ora’s position on key-qualifying matters that will inform future evidence and hearings in respect of the MDRS.
- 1.3 In my opinion, the underlying principles that have informed the proposed changes set out in Kāinga Ora submissions across the three Councils, will better align the respective plan changes with the NPSUD and the purpose, principles and provisions of the RMA as amended by the HSAA.
- 1.4 Within the Waikato Regional context, it is my opinion that the approach taken by Kāinga Ora will not be contrary to the purpose and objectives of Te Ture Whaimana O Te Awa o Waikato - The Vision and Strategy for the Waikato River (“**Te Ture Whaimana**”).

2. INTRODUCTION

- 2.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (Campbell Brown), a professional services firm in Auckland specialising in planning and resource management.
- 2.2 I graduated from Massey University in 1995 with a Bachelor's Degree in Resource and Environmental Planning (Honours).
- 2.3 I began my career in planning and resource management in 1995. I was employed by the Auckland City Council as a planner from June 1995 to August 1998. I worked as a planner for the London Borough of Bromley in the United Kingdom from December 1998 to August 2000. I was employed by a Haines Planning, a planning consultancy firm, from October 2000 to December 2003.
- 2.4 From January 2004 to October 2010, I worked for Waitakere City Council, beginning as a Senior Planner. In my final role at the Council, I was Group Manager Consent Services, where I oversaw the Planning, Building and Licensing Departments. In 2010, I started Campbell Brown together with my co-director Philip Brown.
- 2.5 I am a full member of the New Zealand Planning Institute. In July 2011, I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme. In 2013, I was appointed to the Auckland Urban Design Panel. In 2014, I was awarded the New Zealand Planning Institute's Best Practice Award for Excellence in Integrated Planning, as well as the Nancy Northcroft Supreme Best Practice Award.
- 2.6 I have been involved in a number of plan review and plan change processes, including the Independent Hearings Panel hearings on the proposed Auckland Unitary Plan. In particular, I have been involved in the following policy planning projects including:
- (a) The Auckland Unitary Plan review for a range of residential clients and assisted the Auckland Council with the Quarry Zone topic;

- (b) Plan change for Westgate Town Centre comprising residential and commercial activities;
- (c) Proposed Plan Change 59 in relation to a private plan change for approximately 1,600 homes in Albany;
- (d) Proposed Private Plan Change for a research integration campus for the University of Auckland.
- (e) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to a suite of private plan change requests in the Drury area of South Auckland;
- (f) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to the proposed New Plymouth District Plan.
- (g) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to the proposed Central Hawkes Bay District Plan.

Code of Conduct

- 2.7 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 2.1 In preparing my evidence I have been guided by the directions issued by the Independent Hearing Panel ("IHP") in Direction #1 and Direction #4. In particular, that the purpose of hearing 1 is "[...] *for the three Councils to explain the approach(es) taken to their*

identification (and/or exclusions) of strategic and qualifying matters and the planning rationale underpinning that approach”¹.

2.2 As such, my evidence is not exhaustive in relation to the specific relief sought by Kāinga Ora in its submissions or in relation to the particular issues identified within the S42A report - particularly where Kāinga Ora’s position is clearly expressed within the submission and summarised by the reporting planner. Rather, it seeks to outline the overall ‘planning approach’ that has underpinned the Kāinga Ora submissions across each of the IPI’s (and will inform subsequent detailed evidence).

3. STATUTORY CONTEXT AND KĀINGA ORA SPATIAL PLANNING APPROACH

3.1 In preparing my evidence, I have reviewed the S42A report and briefs of evidence prepared by those experts appearing in support of each Council. I note that the relevant statutory documents and regional spatial strategies applicable to the Waikato region have been identified and outlined within the evidence of Dr Mark Davey, Jim Ebenhoh and Tony Quickfall. I agree with their collective identification of those matters.

3.2 A key component of the Kāinga Ora submissions across the Waikato IPI’s (particularly Hamilton City where the majority of growth and intensification will be accommodated), is the extent to which each IPI has appropriately responded to these shifts in national direction and whether the proposed approaches to spatial zoning application and qualifying matters (i.e. infrastructure constraints) frustrate the extent to which the IPI’s can deliver an appropriate level of *commercially-feasible* and *realistic* development capacity in a manner consistent with the NPSUD and the intent of the HSAA.

3.3 I anticipate that issues of development capacity will be addressed at future hearings. However, it is my observation at this time that the *plan-enabled* development capacity that could theoretically be

¹ Direction #4 of the IHP, paras.2 and 3.

realised under the application of the MDRS (as-required by the HSAA) has been used by the councils to assess the potential infrastructure demand that would be generated, whereas the appropriate approach would be to consider the demand generated by the commercially feasible and realistic development capacity (which is typically a far lower figure)². That has resulted in an unrealistically extensive application of proposed infrastructure constraint overlays under PC12 and PC26³; and inappropriately limited extent of medium and high-density residential zones across the region.

- 3.4 On the assumption (to be tested through future evidence) that the *commercially-feasible and realistic* development capacity to be realised is substantively less than that which is *plan-enabled*; I agree with the Kāinga Ora position that the infrastructure constraint overlay should not constrain the enablement of ‘up to three dwellings’ per site in accordance with the MDRS requirement. I return to this matter later in my evidence.

National Policy Statement on Urban Development 2022

- 3.5 Under the overarching objective of the NPSUD (Objective 1) to ensure ‘Well functioning urban environments’, Policy 3 of the NPSUD is highly relevant to Kāinga Ora’s approach to the proposed spatial zoning undertaken within each of the IPI’s. In relation to Tier 1 urban environments, district plans must enable:
- (a) *in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*
 - (b) *in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and*

² Evidence of Phil Osborne for Kāinga Ora (Economics), para. 4.5 – 4.8.

³ I note that an infrastructure constraints overlay was not proposed as part of Variation 3 to the Proposed Waikato District Plan.

- (c) *building heights of at least 6 storeys within at least a walkable catchment of the following:*
 - (i) *existing and planned rapid transit stops*
 - (ii) *the edge of city centre zones*
 - (iii) *the edge of metropolitan centre zones; and*
- (d) *within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.*

3.6 The NPSUD also seeks to ensure that planning decisions improve housing affordability by supporting competitive land and development markets (Objective 2), and focuses on the identification and promotion of the future character/amenity of urban environments and their evolution over time (Policy 6), rather than protection and preservation of existing amenity, by promoting and enabling compact/efficient urban form and management of effects through good urban design (Objectives 1 and 4).

3.7 In my opinion, the NPSUD requires a long-term approach to the provision of development capacity with urgency. This necessarily means in some cases, planning for growth spatially in-advance of definitive infrastructure provision and capacity in the short term in order to provide a clear spatial ‘road map’ for future development, intensification and infrastructure provision/investment. Spatial planning should be ‘forward looking’ and not be unduly influenced by existing infrastructure constraints, which paradoxically can be alleviated and partially funded through the contributions and revenue that ‘enabled’ development will generate. When such an approach is not taken, opportunities for meaningful redevelopment and intensification are lost, either through adherence to a less intensive form of development, or in favour of greenfield development that merely exacerbates the adverse effects of urban sprawl.

- 3.8 Appropriate regulatory incentivisation in the form of enabling planning provisions for substantive infill and multi-unit development, are critical in achieving compact urban form outcomes that capitalise on the favourable location that existing urban areas have to established public transport, service amenities, employment and education opportunities. In my opinion, the need to ensure compact urban form and development through a fundamental shift in how spatial planning has typically occurred throughout New Zealand, by dramatically increasing the ability to enable redevelopment in brownfield areas within existing urban areas, is a key and well-documented driver behind the NPSUD. Certainty of outcome through clear signals on where brownfield development and intensification should occur (supported through enabling planning provisions) reduces the perception of 'risk' within the development community and in my experience can provide a greater level of confidence in approaching investment in both infill and multi-unit style development. In my opinion, this approach assists in giving effect to Policy 1(d) of the NPSUD which seeks to: 'support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets' by ensuring that typically lower-density greenfield development does not remain a strongly preferred choice for the housing sector, by delivering a competitive advantage to intensification through encouraging development in strategic locations.
- 3.9 In my opinion, Hamilton and the surrounding towns will continue to be one of the highest growth areas in the country. The area is proximate to Auckland, within the Auckland - Tauranga - Hamilton triangle, and on the newly finished motorway and rail networks. It is already a major overflow centre for people living in Auckland who for various reasons have sought to relocate out of Auckland (unaffordable housing being one) but want to live in an urban environment that is within an accessible distance to Auckland. Recent change in work habits (as a result of 'work from home' through the Covid-19 lock downs) have also contributed to a change in how and where people conduct business and their employment.

- 3.10 With these factors in mind, I note that Hamilton largely retains a single storey / free standing suburban typology, including in the immediate vicinity of the city centre. Hamilton is, however, now of a size (and continues to grow) where average travel distances and times are increasing, the transport network is stretched, congestion is becoming problematic, and there is an increasing role for sub-regional centres and facilities to minimise cross town traffic. In my opinion, those factors strongly support a compact urban form and a proactive and strategic approach to the provision of infrastructure capacity. For Hamilton, in particular, this process represents a key opportunity to have a strategic reset that takes a long-term view to its future spatial development and its wider economic role in the central North Island.
- 3.11 As such, the Kāinga Ora submissions propose a spatial approach to zoning across each of the IPI's and the enabling provisions within each zone that seeks to deliver a spatial framework that, in my opinion, maximises the opportunities for intensification within existing urban areas and 'tips the balance' in favour of intensification by (but not limited to):
- (a) Expanding the walkable catchment distances that have informed residential zoning extents around centres, in acknowledgement of micro-mobility usage, as well as placing greater emphasis on key transport corridors which support intensification and the movement of people and services;
 - (a) Seeking the application of High Density Residential ('HDRZ') zones around centres to reflect walkable catchments, corridors with frequent transport routes and/or ease of micro-mobility usage, and proximity to other services, employment opportunities and the like, in a manner consistent with the principles of the NPSUD (Policy 3(d));
 - (b) Enabling a greater number of dwellings as 'permitted' within higher density residential zones, along with greater building heights in order to enable and promote land use efficiency

within areas that benefit from accessibility to transport, amenities and employment.

- (c) Enabling greater building heights (either through development standards or an additional height overlay) within Business and Commercial zones that also enable residential development;

3.12 The economic benefits and efficiencies of intensification to the extent sought through the Kāinga Ora submissions, are outlined within the evidence of Mr Osborne⁴ on behalf of Kāinga Ora. Mr Osborne notes in particular that:

“5.5 The Kāinga Ora submissions seek to provide greater residential development opportunities close to areas with the highest levels of amenity, services and infrastructure so as to provide greater choice for prospective residents. As a consequence, they provide an opportunity for the market to deliver an increased volume of residential development in and around the centres and transport networks to a level where it is likely to provide greater economic benefits to the city’s performance and the economic and social wellbeing of the communities it primarily services.

3.13 In my opinion, the potential benefits provided through the Kāinga Ora strategic and zoning approach include:

- (a) Supporting the consolidation of residential growth and development within urban areas, which will enable infrastructure providers to better plan for future network upgrades / improvements, within a more contained urban footprint, where such investment in infrastructure can best be realised and where greater efficiency can be achieved (I return to the issue of infrastructure later in my evidence);
- (b) Providing benefits to the social and environmental wellbeing of the community by enabling greater opportunities for people to live, work and play within their local neighbourhoods and in redeveloped housing stock, thereby improving accessibility to active travel modes, improved

⁴ Osborne, para. 5.5.

walking and cycling provision, and allowing existing social connections within those neighbourhoods to be maintained and enhanced;

- (c) Providing clear signals to the development market through provisions that define what is appropriate in particular zones, and what is not, and providing rule frameworks that minimise consenting risks for appropriate development and which allow for innovative design within an appropriate consenting framework that encourages innovation;
- (d) The protection of rural areas and productive soils from inappropriate residential lifestyle and commercial development through adequate land supply and an enabling planning framework to direct future growth and development into the established urban areas.

3.14 Kāinga Ora anticipates that through the respective IPI processes and hearings, that the extents of spatial zoning application, enabled building heights and dwelling numbers sought in its submissions, may need to be refined subject to technical evidence and review. I am advised that Kāinga Ora is committed to working collaboratively with each of the Territorial Authorities to that end.

Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ('HSAA')

3.15 There is no doubt that the HSAA and the mandatory application of the MDRS in all relevant residential zones, “... *represents a paradigm shift with respect to the permitted baseline and consenting environment for residential development*”⁵. I also fully-appreciate the concerns expressed within the evidence of Council experts with the HSAA process, and that the MDRS requirements may result in noticeable changes to the existing levels of residential amenity that urban environments presently have.

⁵ Evidence of Dr Mark Davey for Hamilton CC, para. 64.

3.16 Nevertheless, this issue is addressed by Policy 6(b) of the NPSUD which acknowledges that the planned urban built form in those RMA planning documents giving effect to the NPSUD, may involve significant changes to an area, and that those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect

3.17 In my opinion, the HSAA sets very clear and directive legislative requirements around both the application of the MDRS and the requirement of territorial authorities to also give effect to the NPSUD.

3.18 There is no ambiguity or discretion under section 77G of the HSAA, which outlines a range of matters that specified territorial authorities *must* incorporate and give effect to. It is *only* where a Qualifying Matter applies under section 77I, that a specified territorial authority may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development in relation to an area within a relevant residential zone.

4. QUALIFYING MATTERS

4.1 A key theme within the Kāinga Ora submissions is the extent to which Qualifying Matters have been identified and utilised to make the MDRS and the relevant building height or density requirements under policy 3 of the NPSUD less enabling of development, and whether such an outcome is appropriate and fully-justified under ss77J to 77L of the HSAA - particularly where site by site analysis is required and has not been undertaken (or supplied as of yet).

4.2 In my opinion, the Kāinga Ora position on a range of qualifying matters is clearly set out within its submissions and will be addressed appropriately at future hearings. Notwithstanding, there are several key qualifying matters that I seek to address at this stage, and which

I consider to have a significant impact on giving effect to the NPSUD and the intent of the HSAA (RMA).

Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy for the Waikato River

- 4.3 There is no disputing the status of Te Ture Whaimana within the Waikato region, nor its status as a strategic document that must be given effect to in the Waikato region and its plans. Its statutory weight is clearly expressed within the evidence of Dr Davey and I generally agree with those comments.⁶ I also acknowledge the evidence of Mr Julian Williams which sets out the important history and significance of Te Ture Whaimana to Waikato Tainui and other River Iwi, as well as the role that Te Ture Whaimana has already played in various large-scale projects⁷.
- 4.4 In my opinion, the objectives and strategies within Te Ture Whaimana do indeed to ‘frame’ the planning response to the NPSUD and HSAA. However, it remains to be seen whether the matters identified by the Councils to give effect to Te Ture Whaimana, necessarily require a planning response that:
- (a) effectively reduces the density of development that is otherwise sought to be ‘enabled’ under the MDRS requirements as a permitted activity (i.e., up to three dwellings per site in relevant residential zones), or
 - (b) reduces the intensity of development in key strategic locations that could be enabled under Policy 3 of the NPSUD (e.g. multi-unit development in walkable catchments to centres, along key transport corridors etc).

As previously outlined, the Kāinga Ora submissions oppose such an approach and the matters identified by the Councils, consistently across the region.

⁶ Davey, paras.76-78.

⁷ Evidence of Julian Williams for Hamilton CC, para. 89.

- 4.5 In the context of giving effect to the NPSUD, I consider the following objectives and strategy of Te Ture Whaimana relevant:

Objectives

- a. The restoration and protection of the health and wellbeing of the Waikato River.*
- b. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.*
- e. The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.*
- f. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.*
- g. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.*
- h. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.*
- j. The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River.*
- k. The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.*

Strategies

(11) Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.

- 4.6 In my opinion, Te Ture Whaimana seeks to ensure the restoration and protection of the health and wellbeing of the Waikato and Waipā rivers, by placing a clear emphasis on avoiding the adverse cumulative effects of activities undertaken both on the Waikato and Waipā rivers and their catchments. I do not share the view that ‘betterment’ or ‘restoration’ alone is the sole yardstick against which the IPIs should be measured against⁸, when the objectives of Te Ture Whaimana equally point to ‘avoidance’ of cumulative adverse effects. In my view, avoiding adverse cumulative effects of activities under Objective G (in the context of *King Salmon*⁹) sets an equally clear directive as ‘restoration and protection’. When taking and overall broad judgement in applying the objectives of Te Ture Whaimana, I consider the intensification requirements of the NPSUD and HSAA can be achieved in a manner entirely consistent with the Te Ture Whaimana provisions, provided intensification occurs in a way that does not generate the adverse effects of concern. In my opinion, Objective ‘e’ also sets a clear expectation that these outcomes are to be achieved through an “...*integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River*”. As such, I do not consider that achieving ‘betterment’ or ‘restoration’ necessitates reduced levels of intensification, where the ‘cumulative adverse effects’ of such development can (as they should be) be appropriately avoided through a range of methods that will actively contribute to ‘betterment’ as expressed in Council evidence over time.

⁸ Davey, para. 80.

⁹ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* - [2014] NZSC 38

Infrastructure Constraint Overlays

- 4.7 From my review, Te Ture Whaimana has been utilised as the basis for application of the infrastructure constraint overlays under both PC12 and PC26.
- 4.8 I have outlined earlier in my evidence (and in relation to that of Mr Osborne) that the actual *commercially-feasible* development capacity that may be realised through the application of both the MDRS and Policy 3 (in relation to higher-intensity multi-unit style development) may result in less of a short-medium term infrastructure burden. While such a notion is to be tested through future hearings and evidence, it is my opinion that PC12 and PC26 do not achieve a balanced approach to giving effect to Te Ture Whaimana for the reasons outlined in the Kāinga Ora submission, and as a result are not efficient or effective at giving effect to the requirements of the NPSUD and HSAA.
- 4.9 Having regard to my earlier comments regarding Te Ture Whaimana, I consider there to be a range of other methods that could have been explored by the Councils to actively achieve restoration and protection of the Waikato and Waipā rivers (i.e., ‘betterment’ as expressed in Council evidence) in a manner that balances the positive benefits of enabled development and intensification in strategic locations, with the requirement to avoid adverse cumulative effects from activities on the health and wellbeing of the Waikato and Waipā rivers.
- 4.10 While I support in principle the range of methods already proposed in respect of ‘green’ policies (i.e., rainwater tanks, provision of trees, low-flow fixtures etc), it is my view that Te Ture Whaimana requires a greater ‘toolbox’ with which to address ‘at source’ the generator of effects on the health and wellbeing of the Waikato River. I do not consider that the coarse and broad approach to density limitations (as expressed through infrastructure constraints overlays in the IPIs in particular) is consistent with the NPSUD and HSAA.

- 4.11 In respect of stormwater, PC12 and PC26 provide limited tools to address the effects of stormwater runoff ‘at source’ in a manner that ‘avoids the adverse cumulative effects of activities’, and instead places reliance on infrastructure assessment and the restriction of development to two dwellings per site while not addressing the effects of *existing* impervious areas in light of Te Ture Whaimana. I consider an ‘at source’ approach to stormwater mitigation such the ‘stormwater management area flow’ overlays within the Auckland Unitary Plan¹⁰, to be one potential approach. This requires at-source attenuation and treatment to reduce stormwater discharge effects both in terms of quality and quantity. Such a method would apply to all impervious areas (including building coverage), and also have a trigger for when *existing* impervious areas are redeveloped¹¹.
- 4.12 This offers an opportunity to reduce existing cumulative adverse effects and enhance the health and wellbeing of the Waikato while not restricting intensity of development in key strategic locations. I acknowledge that a similar approach is proposed within PC12 and for which Kāinga Ora has made submissions on¹². However, I consider (in light of the requirements of Te Ture Whaimana) that impervious areas should be treated equally across residential and non-residential environments (as the receiving environment is the same) by triggering at source mitigation for redevelopment of new or existing impervious areas greater than 20m². Such an approach may also be appropriate in Waipā and Waikato Districts, depending on the specific constraints of those stormwater networks, rather than reductions in site coverage which merely reduce the ability to enable development and intensification while not addressing the stormwater effect ‘at source’¹³.
- 4.13 The particular concern with respect to stormwater quality typically arises from parking, roading and access areas, as it is commonly accepted that roofing comprises inert materials. In this regard, it is

¹⁰ Auckland Unitary Plan, Chapter E10:

¹¹ I consider such an approach relevant to Waikato District Council's consideration of qualifying matters in the absence of the ‘urban fringe’ qualifying matter.

¹² PC12 sub160.311 and 160.312.

¹³ PC26 sub 79.247

my opinion that increased 'density' do not necessarily need to result in adverse stormwater quality outcomes provided appropriate methods to address the adverse effects are in place.

- 4.14 While the Kāinga Ora submissions sought the removal of the infrastructure constraint overlays in their entirety, I am cognisant of the initial evidence presented by Jacqueline Colliar (and the other experts) which outlines the very real and present infrastructure constraints within Hamilton City, as well as evidence in relation to the Waipā and the Waikato Districts. Therefore, in relation to waste water capacity and water supply, it may be appropriate to explore (without prejudice) a wider range of alternatives and methods to address any infrastructure deficiencies in the region that need not necessarily require the management of built form density as currently proposed in the infrastructure overlay.
- 4.15 In my opinion, such alternatives, in concert with enhanced tools for the management of stormwater at-source and the clear spatial 'road map' for long term intensification a redevelopment sought through the Kāinga Ora submissions; responds to the requirement to give effect to Te Ture Whaimana, while not significantly adversely impacting upon the need to enable a level of permitted development consistent with the NPSUD and HSAA.
- 4.16 The other key issue for Kāinga Ora, in relation to infrastructure, is that any identified infrastructure constraints need to be clearly managed through a restricted discretionary consent process, and careful wording of the planning framework is required to ensure that future consenting of such matters is focused on addressing the particular technical infrastructure issues as opposed to other more generic issues relating to density. The point being that once the preferred land use outcomes has been established through the zoning, infrastructure assessment should not be expanded to cover matters pertaining to the planned bulk or form sought by the zone.

'Urban Fringe' Qualifying matter (Variation 3)

- 4.17 I note at this time that I support the removal of the 'urban fringe' qualifying matter under Variation 3 to the Proposed Waikato District Plan¹⁴. As outlined in the Kāinga Ora submission, the 'urban fringe' qualifying matter has been used as the basis to limit the spatial extent of Medium Density Residential zone to within an 800m walkable catchment of the Business Town Centre Zone at Huntly, Ngāruwāhia, Pōkeno and Tuakau. These centres are 'urban environments' and the MDRS should be applied to all 'relevant zones' within these areas, being the full extent of the GRZ under the PDP (Appeals Version). The supporting analysis and *required* site by site analysis necessary under ss77J-77L of the Housing Supply Act to support the non-application of the MDRS has not been undertaken.
- 4.18 I note that such an assessment would be required to support any proposed deviation from the application of the MDRS in order to give effect to Te Ture Whaimana, in response to removal of the 'urban fringe' qualifying matter.

Compact Housing (PC26)

- 4.19 Kāinga Ora remains opposed to the compact housing overlay under PC26 and its associated land use activity and provisions. The overlay and provisions are particularly onerous and less enabling than the MDRS and would therefore, in my opinion, need to be implemented as a Qualifying Matter under s77I(j) of the HSAA. It is also considered that the s32 analysis has not assessed the Compact Housing Overlay appropriately as required by the HSAA, or the costs/benefits that the overlay would have on restricting higher density development.

Historic Heritage and Character

- 4.20 Kāinga Ora has submitted on the proposed 'Historic Heritage Areas' ('HHA') under PC9 to the Operative Hamilton City District Plan, and opposed any such references within PC12, as well as proposed 'character areas' (which are not s6 RMA matters) that are not

¹⁴ Evidence of Jim Ebenhoh for Waikato DC, paras. 89-92.

appropriately justified through site-by-site analysis as-required by the HSAA. Kāinga Ora has taken a similar approach to heritage and character under PC26 to the Waipā District Plan. It is my observation that the separation of Hamilton City's PC9 and PC12 does not contribute to integrated decision making on the issues of heritage, character, zoning and future intensification opportunities within Hamilton City.

- 4.21 In my opinion, the rationale behind Kāinga Ora's submissions on PC12 and PC26 are clearly expressed within those submissions, will be explored in greater detail at future hearings, and therefore I do not repeat them here. I agree that a greater level of analysis is required under each IPI to sufficiently justify retention of character areas and their status as a qualifying matter, which will otherwise have an effect on the level of intensification that can be enabled under the MDRS and through Policy 3 of the NPSUD.

Financial Contributions

- 4.22 Kāinga Ora maintains its position in relation to financial contributions that have been levied as a way to give effect to Te Ture Whaimana, and seeks the full package of provisions are deleted, and reviewed outside of PC12 and PC26¹⁵. Kāinga Ora notes that alternatively, this could be undertaken through a pre-hearing mediation process with submitters, Iwi groups and the Waikato River Authority prior to the hearing of PC12 and PC26.
- 4.23 I consider it appropriate that any financial contributions being levied for the express purpose of restoration and protection of the Waikato River, are used for such a purpose in a clear and transparent manner. In addition, the quantum of any contribution should take into consideration any new or alternative methods introduced through the IPI processes, that contribute to betterment of the Waikato and Waipā rivers, to ensure equitable distribution of costs.

¹⁵ I note that Waikato District Council did not propose specific financial contributions under Te Ture Whaimana.

4.24 I agree with the Kāinga Ora position that there is an opportunity for a joint-management approach to be achieved that can deliver an enhanced outcome for the Waikato River. It is an option that has not been explored by the Council within the s32 analysis to PC12 and in giving effect to Te Ture Whaimana in a manner that is consistent with the strategic objectives of the plan that seek to ‘restore and protect communities’ relationships with the Waikato River, including their economic, social, cultural and spiritual relationships’. In addition, I note that the Waikato River Authorities’ stated purpose¹⁶ is to:

- *set the primary direction through the Vision and Strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations;*
- *promote an integrated, holistic, and co-ordinated approach to the implementation of the Vision and Strategy and the management of the Waikato River;*
- *fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean-up Trust.*

4.25 In relation to general financial contributions, Kāinga Ora remains (as per its submissions) opposed to any potential ‘double dipping’ for contributions related to three waters infrastructure which are otherwise-levied as development contributions.

4.26 Kāinga Ora also maintains its position in opposition to the inclusion of a financial contribution relating to parks/reserves/open space network and streetscape amenity. Whilst the intensification of Hamilton City will contribute to a change in character and amenity, this is not considered to be an adverse effect that requires offsetting through financial payments.

5. CONCLUSIONS

5.1 In my opinion, the underlying principles that have informed the proposed changes set out in Kāinga Ora’s submissions across the three Council’s, will better align the respective plan changes with the NPSUD and the purpose and principles of the RMA as amended by the HSAA. Within the Waikato Regional context, it is my opinion that the

¹⁶ <https://waikatoriver.org.nz/about/>

approach taken by Kāinga Ora will not be contrary to the purpose and objectives of Te Ture Whaimana.

5.2 The potential benefits provided through Kāinga Ora strategic and zoning approach include:

- (i) Supporting the consolidation of residential growth and development within urban areas, which will enable infrastructure providers to better plan for future network upgrades / improvements, within a more contained urban footprint, where such investment in infrastructure can best be realised and where greater efficiency can be achieved;
- (ii) Providing for greater housing choice through a range of potential housing typologies including medium level apartments;
- (iii) Providing benefits to the social and environmental wellbeing of the community by enabling opportunities to live, work and play within their local neighbourhoods and in redeveloped housing stock, thereby improving accessibility to active travel modes, improved walking and cycling provision, and allowing existing social connections within those neighbourhoods to be maintained and enhanced;
- (iv) Providing clear signals to the development market through provisions that define what is appropriate in particular zones, and what is not, while ensure that those area most-desirable for intensification are prioritised;
- (v) The protection of rural areas and productive soils from inappropriate residential lifestyle and commercial development through adequate land supply and an enabling planning framework to direct future growth and development into the established urban areas where land use and economic efficiencies can be realised; and

- (vi) Ensuring a consistency of approach with the NPSUD to ensure that compact urban form and development is enabled sufficiently to facilitate housing supply, so as to ensure that greenfield development and the adverse effects of urban sprawl are suitably avoided in the future.



Michael Robert Campbell
1 February 2023