

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 26 to the Operative Waipā
District Plan

**STATEMENT OF EVIDENCE OF TONY GRANT QUICKFALL
FOR WAIPĀ DISTRICT COUNCIL FOR THE JOINT OPENING HEARING**

Dated 20 December 2022

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INTRODUCTION

1. My full name is Tony Grant Quickfall and I am the Manager, District Plan and Growth at Waipā District Council (“Council”).
2. My qualifications and experience are set out in **Appendix 1**.
3. My role in our Council’s Intensification Planning Instrument (IPI, Proposed Plan Change 26 – “PC26”) is two-fold. I am the project Business Owner, responsible for managing resourcing and funding for PC26. As planning manager, I am also responsible for ensuring Council fulfils its obligations under the Resource Management Act 1991 (“RMA”) in terms of the process and scope of PC26.
4. During the preparation of PC26 I provided technical guidance and was the principal author for the proposed changes to Chapter 18 (financial contributions) of the Operative Waipā District Plan (“District Plan”). For avoidance of doubt, following the notification of PC26 I do not have a technical expert role.

CODE OF CONDUCT

5. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 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. In my evidence I address:

- (a) A brief description of the Waipā District and its towns;
 - (b) Planning for growth in Waipā District;
 - (c) Council's response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("Amendment Act"); and
 - (d) An overview of PC26, including the approach to qualifying matters and the proposed changes to financial contributions.
7. In accordance with the Panel directions, I do not intend to traverse points raised in submissions and leave this and technical planning commentary on the proposed changes to the District Plan to other experts, for the substantive hearing at the end of April 2023.

EXECUTIVE SUMMARY

8. There are several key points I would like to make in my evidence, with the intention being to set the scene for the technical evidence to follow at the substantive hearing:
- (a) Waipā District Council has sufficient housing supply capacity already without needing to undertake blanket intensification across all residential zones. This will be demonstrated through expert evidence and is described in PC26.
 - (b) Our Council has been undertaking strategic, coordinated, and proactive growth planning since at least 2009. In this way our Council has been "ahead of the game" with our growth planning.
 - (c) The Waipā towns of Cambridge and Te Awamutu/Kihikihi are not metropolitan centres. They exhibit a character and density which reflects their rural service origins. Housing in both towns is already intensifying in a planned and affordable way, through new housing typologies (including apartments) and demographic changes.

- (d) The Amendment Act has the potential, though unplanned intensification, to irrevocably erode the urban amenity and design of Waipā's towns, to significantly affect the health and wellbeing of Waipā's waterways (which are subject to Te Ture Whaimana being a National Policy Statement equivalent for these waterways), and to require additional infrastructure upgrades that are unplanned and unbudgeted.
- (e) PC26 is Council's response to the Amendment Act. In preparing this plan change, we have applied several qualifying matters which I will describe, which have the effect of requiring resource consent for any more than 2 dwellings on one site. We have also exercised our discretion to update our financial contributions.

THE WAIPĀ CONTEXT

- 9. "Waipā is not Hamilton", is a statement of fact, and also an important statement of context as part of the backdrop to the implementation of the Amendment Act. Waipā District contains two main towns and a collection of eight rural villages.
- 10. The towns of Cambridge and Te Awamutu/Kihikihi have traditionally functioned as rural service towns. Te Awamutu/Kihikihi retain a rural service town function, while Cambridge has more recently transformed into a multi-functional residential town. This transformation has been through three main drivers: the relocation of high-performance sports bases to Cambridge; the completion of the Waikato expressway; and the development of Hautapu as an industrial centre of employment. These drivers have changed the demographic make-up and housing typology of Cambridge in a way that hasn't occurred to the same extent in Te Awamutu/Kihikihi.

11. Waipā District is part of the Waikato Future Proof sub-region made up of Waipā District, Hamilton City, Waikato District and more recently Matamata-Piako District. We collaborate closely with our larger neighbour, Hamilton, on many planning matters of common interest. Despite this and the demographic transformation of Cambridge, the urban areas of Waipā District retain a distinct “small town feel” in terms of urban scale, urban density, and urban character. “Waipā is not Hamilton” is therefore important context behind the sentiment that the Amendment Act’s achilles heel is its blanket “one size fits all”, and an assumption that the levels of density enabled by the Medium Density Residential Standards (“MDRS”) are both appropriate and desirable across all Tier 1 councils. This is simply not the case. While MDRS may be appropriate for or within *some* zones of metropolitan centres, blanket permitted 3x3 dwellings on each residential-zoned section is somewhat out of context for the towns of Waipā. Aside from impacts on urban amenity and infrastructure, public solastagia¹ is also a very likely outcome.

PLANNING FOR GROWTH IN WAIPĀ DISTRICT

12. Waipā District has had a strategically-planned approach to growth and development since at least 2009. Table 1 sets out a summary of timeline and planning which demonstrates a proactive and planned approach to growth.

¹ “The distress that is produced by environmental change impacting on people while they are directly connected to their home environment”: Website: https://www.researchgate.net/publication/5820433_Solastalgia_The_Distress_Caused_by_Environmental_Change

Table 1: Waipā’s Strategic Growth Planning

Timeline	Regional Level	District Strategic	District implementation
2009	Future Proof Growth Strategy 2009 & forecast growth	Waipā District growth Strategy	Waipā District Plan full review.
2017	Future Proof Growth Strategy 2017 & forecast growth	Waipā 2050 Growth Strategy	
2019			Waipā Plan Changes 3, 5, 6, 7, 10, 11 (growth strategy updates incorporating future growth cells to 2035, and beyond 2035).
2020 (NPSUD)			Promote & enable higher density through consenting. Waipā Plan Change 13 (“live zone” all pre-2035 deferred growth cells). Waipā Plan Change 21 scoped
2021	Housing and Business Capacity Assessment (HBA)		Waipā Plan Change 21 scoped
2022	Future proof Growth Strategy Review and HBA	Waipā Ahu Ake Spatial Plan	Waipā Plan Change 21
2022 (MDRS)			Waipā Plan Change 26

13. The key stages of planning for growth in Waipā District are discussed below.

Future Proof Growth Strategy

14. As noted above, Waipā District is part of the Waikato Future Proof Sub-region. The development of the Future Proof Strategy in 2009 and its reviews in 2017 and 2022 have been described in the evidence of Dr Mark Davey for Hamilton City Council.

Operative Waipā District Plan

15. The District Plan incorporated the growth forecast in the Future Proof Growth Strategy in 2009, and the full plan review commenced in 2012. This plan became operative on 14 August 2017. The District Plan contains a single residential zone which applies to Cambridge, Te Awamutu, Kihikihi and Karapiro, and, subject to bulk and location controls, permits one principal dwelling and one attached secondary dwelling up to 70m² per site, with a minimum site size of 500m².

Waipā 2050 Growth Strategy

16. Following the review of the 2009 Future Proof Growth Strategy, the Council produced the 2017 Waipā 2050 Growth Strategy. The review was in response to the National Policy Statement on Urban Development Capacity 2016, the Future Proof Growth Strategy, and preparing for the “Auckland effect²” of migration from Auckland leading up to and following the completion of the Waikato expressway. The 2017 growth strategy had a timeline to 2050, with the objective being to “*identify the land area needed to provide for the additional housing based on these population growth projections, based on some housing density assumptions³*”. Waipā 2050 is implemented through the District Plan growth cells, with growth cells being deferred residential zoned and categorised as either short/medium term or longer term (post 2035).

Plan Changes 3,5,6,7,10 and 11

17. To implement the Future Proof Growth Strategy 2017 and the Waipā 2050 Growth Strategy, the Council notified a series of plan changes to the

² Anecdotally this has shown to have occurred following completion of the Waikato expressway, with real estate agents reporting a surge in enquires and purchases from Auckland migrants. At one point in 2020, one agent reported 25% of all property sales in Cambridge were to Aucklanders.

³ Waipā 2050 Growth Strategy, page 3

District Plan. These plan changes identified a number of growth cells for future residential, large lot residential and industrial zones. These deferred zones were identified as suitable for development either pre-2035 or post-2035.

Plan Change 13

18. In 2020 Council notified Proposed Plan Change 13 which rezoned the pre-2035 growth cells from a deferred zone to a live zoning. The genesis of Plan Change 13 was to overcome a procedural difficulty with the previous method of “uplifting” deferred zoning, by removing the deferment on all pre-2035 growth cells and live zoning these to residential. The effect of Plan Change 13 was to activate zoning for an additional 5,900 houses in Cambridge across 5 growth cells, and an additional 3,000 houses in Te Awamutu across 9 growth cells⁴. Plan Change 13 was fortuitous in that it allowed Council to directly respond to the housing demand, and live zoning for a total of 8,884 new houses enabled the short and medium term market demand for housing to be met.

19. Furthermore, within these greenfield cells, Council works proactively with developers to enable and encourage higher density than provided for in the District Plan. We are currently working with three developers across three growth cells for private plan changes or resource consents to deliver around 2,300 houses of mixed typology, with Council strongly advocating for developer alignment with the MDRS provisions, and with reasonable levels of uptake from developers. At the time of writing probably half the cells have been activated, and we estimate around one third of the total housing capacity has either come on-line or land development is under construction.

⁴ Refer Waipā District Plan, Appendix S1 – future growth cells

20. It is readily apparent from Table 1 and the summary above, that Waipā District is being proactive in response to growth and enabling housing supply. I would venture to suggest that the Waikato Future Proof Councils are amongst a handful in the country who were already “ahead of the game” in the sense of strategically and collaboratively planning for growth. The Future Proof Councils including Waipā were already planning for housing supply (and business supply), and the work we had done pointed to plenty of short, medium and long term capacity including a contingency factor.

National Policy Statement for Urban Development 2020

21. As required by the National Policy Statement for Urban Development 2020 (“NPS-UD”), Council completed a Housing and Business Assessment (HBA) in June 2021. The results of that assessment will be addressed by Market Economics at the substantive hearing on PC26. However, in summary, that assessment showed a surplus of plan-enabled housing capacity in the short, medium, and long term.
22. Since the HBA was published, Plan Change 13 has become operative with the effect of bringing forward a live zoning on the pre-2035 growth cells, which has increased the district’s short and medium term plan-enabled housing capacity.
23. In response to the NPS-UD, Council commenced preparation of Plan Change 21. The scope of this plan change included: general intensification including existing urban and greenfield urban areas, CBD, and large lot residential zones; affordable housing/inclusionary zoning; and strengthening urban design. Following the Amendment Act, Plan Change 21 was put on pause and we had to re-deploy resources (such as they were) and find budget to progress our PC26.

Ahu Ake

24. As a final comment on our growth planning, I would like to touch on Ahu Ake. This is Waipā District Council’s strategic growth planning document (community spatial plan) which is intended to provide *“a blueprint for a district that provides the foundation for all future planning and investment by Council⁵”*. Informed by the Future Proof Growth strategy, Ahu Ake is a 30 year spatial plan for growth and will update the current Waipā 2050 growth strategy. The Amendment Act has also proved challenging in terms of Ahu Ake. While our future growth was always going to be anchored around urban intensification in our main towns, the Amendment Act takes this intensification to another level not envisaged by our community, and which is also not necessary in terms of providing housing supply and capacity. Ahu Ake is in draft, and will be following an extensive consultation process during 2023. While it has no legal status and cannot be considered in determining PC26, it reinforces the proactive growth planning that Council was already undertaking.

Well-functioning urban environments in the Waipā District

25. Due to the strategic planning framework and Council being a signatory to the NZ Urban Design Protocol, we have a clear picture of what a “well-functioning urban environment” looks like. The vision and direction for urban environments is established through Future Proof, Waipā 2050, the Waikato Regional Policy Statement, National Directions and the NZ Urban Design Protocol. This is then codified in the District Plan and implemented through plan changes and resource consents.
26. For greenfield growth cells, we use structure plans⁶ as the primary implementation mechanism to bring alive well-functioning urban

⁵ <https://www.ahuakewaipa.nz/about/>

⁶ Refer Waipā District Plan appendix S.

environments. These structure plans not only establish spatial form and function, but typically include design guides or design principles relating to, for example⁷: character; cultural identity; social value; connectivity; scale; public realm; and well-designed built environment.

27. For infill, the District Plan residential zones contain a policy and objective framework that implements well-functioning urban environments, including: residential character; amenity; providing housing options; and comprehensive design and development. As I will explain later, we are also actively enabling and providing for density around walkable nodes and transport routes, including granting consent for discretionary or non-complying activities where intensification is enabled through good urban and spatial design.

COUNCIL'S RESPONSE TO THE AMENDMENT ACT

28. When the Amendment Bill was released this caught us by surprise. When it was enacted, it threw a proverbial spanner in the works for our growth planning that was already underway. I reflect that the real issue wasn't so much enabling supply as enabling *affordable* supply. The Amendment Act appears to be a direct response to the housing crisis at that time, with housing affordability off the scale and no easy solutions. One of the stated drivers of the Amendment Act is to increase the supply of affordable housing, with the economic theory being that the laws of supply and demand drive market efficiency, and that all other things being equal, increase in supply drives down pricing.
29. For housing in Aotearoa, all things are not equal. We have all seen the rapid cooling effect on the housing market from recent macro-level interest rate hikes, which has absolutely nothing to do with housing supply – but which does impact affordability. The supply-demand

⁷ T11 growth cell structure plan, Waipā District Plan appendix S25

economic theory (and the Amendment Act) just doesn't recognise market failure in housing, and the 3 main housing sub-markets – social housing; affordable housing; and free-market housing - each of which demand a *different* policy response and level of policy intervention.

30. Waipā District Council's growth planning has factored in the 3 housing markets, as far as we have been able with the tools available. Our Plan Change 21 (Housing General review including intensification) is also looking at tools to enable affordable housing, and inclusionary zoning is under consideration. This plan change would have delivered comparable outcomes (in respect of intensification) to PC26, but in a planned and affordable way. Elected members fully endorsed this plan change. On the release of the Amendment Act, DPC21 was placed on hold due to our Council needing to re-prioritise budget and resource. DPC21 remains on hold until we have PC26 resourcing freed up to re-scope that plan change.
31. Waipā District Council (elected members and staff) recognises the merits of urban intensification, and does not oppose intensification *per se*. In fact our Council's track record demonstrates positive endorsement, encouragement and decision making with examples⁸ of intensification developments which are in the right locations, and deliver the right outcomes. This includes:
- (a) consented non-complying compact (medium density) housing, both within and outside of the Comprehensive Housing Zones;
 - (b) consented apartment building developments (to date 149 medium to high density apartments in Cambridge); and
 - (c) *at least* an additional 200, multi-storey medium to high density apartments in Cambridge in the pre-application stage at the time of writing.

⁸ <https://www.cambridgenews.nz/2021/10/breaking-ground/>
<https://www.blackandorange.nz/lakewood-townhouses>
<https://www.bayleys.co.nz/2350434>

32. These apartment offerings are all within walking distances of the town centre and transport networks. I would note the different appetite for apartment typologies between Cambridge and Te Awamutu /Kihikihi which has no comprehensive apartment developments to date. This is another practical example of how MDRS is an inappropriate one size fits all policy intervention. To summarise, Waipā District Council has fully embraced and championed urban intensification with exemplars of well designed urban intensification.
33. With this in mind I'm sure the Panel will understand our frustration when, without notice or any consultation, we had a mandated plan change with a similar purpose as DPC21, but which compelled a very specific outcome that we had not costed or planned for. Council was never asked what we had in place to implement the NPS-UD, and we were never afforded the opportunity to inform Government that we already had a funded programme in place to implement the NPS-UD.
34. When we assessed the MDRS and mandated plan changes two things were immediately very apparent to us (and other IPI councils):
- (a) that the IPI mandated plan changes risk seriously eroding urban amenity and good place-making outcomes; and
 - (b) that the IPI plan changes imposed a level of permitted density that had never been envisaged in modest semi-rural service towns, either in terms of infrastructure capacity, or in terms of the NZ Urban Design Protocol "seven cs" as these relate to small service towns (e.g. *context; character; choice; creativity; and custodianship*).
35. It is my professional planning opinion that the Amendment Act contradicts and offends not only the NZ Urban Design Protocol (of which Council is a signatory), but well-established and tested urban design and place-making principles, as well as introducing procedural confusion over

the scope and ability to submit on the MRDS which function as national standards. I note that the Ministry for the Environment has released a National Medium Density Design Guide, which was in direct response to kick back from many councils on the urban design effects of the Amendment Act. In my experience as a planning practitioner of some 28 years, guidelines are largely ineffective in realising change on the ground. Our resource consenting team who I oversee will only be able to use the guidelines to “encourage”, “persuade” and effectively ask nicely for developers to do the right thing. While we do have a few very benevolent developers, these guidelines are an ineffective response to the collective concerns of councils and planning practitioners around urban design outcomes.

36. That aside, Council recognised that this was a mandated change. Elected members did consider, and ask staff to explore, options around not doing the plan change. Legal advice was provided on the outcome of these choices, and the elected members reluctantly approved the progressing of PC26.
37. This is important context to understand Waipā District Council’s position on PC26. Given the fact that we had a fully funded and programmed plan change in place (DPC21), given the consequences of unplanned intensification and infrastructure capacity, and given the high risk of erosion of urban character, Council is on public record in stating its opposition to a mandated plan change, which has potential to adversely affect character, context, choice, creativity, and custodianship of Cambridge and Te Awamutu/Kihikihi.
38. To summarise Council’s position:
 - (a) Council has demonstrably embraced and proactively enabled urban intensification, in the right places, with the right outcomes, and at an affordable pace.

- (b) Council endorses and supports the efficiencies and gains around urban intensification, particularly in light of the protection of high-class soils.
- (c) Council retains significant concerns around the Amendment Act in respect of:
 - (i) The absence of any Government advance consultation or notice around the legislation.
 - (ii) The absence of Government analysis of the measures our Council already had in place to implement intensification and the NPS-UD.
 - (iii) The prescribed MDRS standards themselves insofar as they significantly restrict the ability to implement urban design controls consistent with the NZ Urban Design Protocol.
 - (iv) The probable adverse effects on infrastructure capacity, and unplanned costs to the community from infrastructure upgrades in order to enable intensification.
 - (v) Implementation of what is, in my opinion, a poorly drafted and procedurally confusing piece of legislation.
- (d) Council has reluctantly committed to an IPI plan change (PC26), with the inclusion of relevant qualifying matters to achieve the best possible outcomes for the Waipā community.

OVERVIEW OF PROPOSED PLAN CHANGE 26

Scope of PC26

39. On the release of the Amendment Act, we considered the scope of PC26 both in terms of the optional / discretionary components, and the qualifying matters. On our understanding, there was discretion whether to include financial contributions and papakāinga housing into the scope of PC26.

40. In respect of financial contributions, the District Plan already contains financial contributions (Chapter 18). With the likely adverse effects of intensification on infrastructure capacity, it was an easy decision for us to decide to include a review and update of the operative financial contributions chapter into the scope of PC26.
41. A separate papakāinga plan change was also on our work programme at the time of the Amendment Act (Draft Plan Change 23). We did consider the efficiencies of including papakāinga into PC26, but we decided against including this in PC26 on several grounds:
- (a) Inclusion of papakāinga would provide insufficient time to engage with mana whenua iwi in a manner that was full, appropriate, and in accordance with best practice and our own expectations around iwi engagement.
 - (b) Inclusion of papakāinga would by necessity involve a rushed change, with very likely unintended consequences.
 - (c) The Intensification Streamlined Planning Process (“ISPP”) of Ministerial decision (if the Council does not accept the Panel recommendations), was cause for concern, and we didn’t have confidence this would lead to the best outcomes for Waipā. We considered that decisions around papakāinga for Waipā would be best made at district / local level, by Waipā’s elected representatives in collaboration with mana whenua iwi.
42. For these reasons we are progressing a papakāinga plan change separately to PC26.

Relevant residential zones

43. PC26 applies a new Medium Density Residential Zone to residential zones in Cambridge, Te Awamutu and Kihikihi. The populations of Cambridge and Te Awamutu in the 2018 census were 18,654 and 12,198 respectively. While Kihikihi’s population was less than 5,000, it was

included in PC26 due to its location within the same urban environment as Te Awamutu.

44. Waipā District's smaller rural towns were not included as their populations are below 5,000, they are not part of a larger urban environment and, in most cases, they do not have residential zones.

Qualifying matters

45. Turning to the qualifying matters, we looked at these from the point of view of what was already in the Operative Waipā District Plan, and what new qualifying matters we might need to add. After analysis, Council endorsed the inclusion of the following qualifying matters:

Retained Existing Qualifying Matters⁹

- (a) Cultural heritage, historic heritage and character clusters;
- (b) Urban development setbacks from National Grid, rail corridor and state highways;
- (c) Outstanding natural features and landscapes, significant natural areas and protected trees;
- (d) Public access to and along rivers and lakes; and
- (e) High risk flood zone.

New Qualifying Matters to be Introduced¹⁰

- (a) Te Ture Whaimana (expressed as an infrastructure capacity overlay);
- (b) Urban development setbacks from the river, reserves and Significant Natural Areas; and
- (c) Additional character clusters.

⁹ Refer to Appendix 2 of the s32 report.

¹⁰ Refer to Appendix 3 of the s32 report.

46. Council approved the scope of PC26, as described above, at its Council meeting on 5 April 2022.
47. Before expanding on the new qualifying matters, I would like to comment on the development density resulting from PC26.

Waipā District Council's Approach – What is Medium Density?

48. While Tier 1 Councils have been mandated to implement MDRS through IPI plan changes, the Amendment Act, somewhat unhelpfully, does not actually define what medium density is.
49. As I have indicated, Waipā District Council has been proactively championing intensification under the NPS-UD. From around mid-2021, we adopted the Future Proof¹¹ guidance around medium density being around 25 dwellings/ha, net of infrastructure and public space. This is a shift from the Waikato Regional Policy Statement and Waipā District Plan target density in residential zones of 15 dwellings/ha. While we didn't have a plan change in place, we were proactive in advocating the NPS-UD outcomes through our consenting processes, both at pre-application stage and through the decision making. This opportunity for intensification was generally embraced by developers. I again stress that our approach was to support residential intensification, in the right places, with the right outcomes, and at an affordable pace.
50. The revised Future Proof Growth Strategy 2022¹² confirmed medium density as 25-35 dwellings/ha net. This is now being codified in the Waikato Regional Policy Statement by way of "Proposed Change 1" to the Regional Policy Statement which has set the following medium density targets within Waipā district:

¹¹ <https://futureproof.org.nz/about-us/>

¹² <https://futureproof.org.nz/the-strategy/>

<u>Te Awamutu/Kihikihi</u>	<u>25-35 in defined intensification areas</u> <u>20-35 in greenfield locations</u>
<u>Pirongia</u>	<u>20-35 in greenfield locations</u>
<u>Cambridge/Hautapu</u>	<u>25-35 in defined intensification areas</u> <u>20-25 in greenfield locations</u>

51. I would note that Pirongia village falls outside the scope of the proposed Medium Density Residential Zone in PC26 as it is zoned Large Lot Residential in its entirety.
52. While PC26 was prepared before Change 1 to the Regional Policy Statement, the resulting density of the proposed Medium Density Residential Zone, of 25-35 dwelling/ha net, is consistent with Change 1 to the Regional Policy Statement. Waipā District Council supports these density targets, which, in my opinion, are a more effective and efficient outcome than “3 houses x 3 storeys” for several reasons:
- (a) a density target provides greater flexibility around specific site constraints than a blanket “3x3”;
 - (b) density averaging (with some areas of higher and some areas of lower density) is more likely to achieve an average density target, across a residential zoned area, than a blanket “3x3”;
 - (c) finally, and in my view most significantly, the opportunity to deliver “3x3” is dependent not only on infrastructure capacity, but also the infill capacity, and ability to meet the MDRS default 50% maximum site coverage.
53. Expert evidence will be provided at the substantive hearing on the commercially viable level of uptake within the new Medium Density Residential Zone, but our staff have undertaken some *rudimentary* data analysis on infill capacity (refer Table 2).
- (a) Our proposed Medium Density Residential Zones appear to have considerable capacity for additional site by site infill for *second*

dwellings (noting secondary dwellings are already enabled in the District Plan).

- (b) Our proposed Medium Density Residential Zones appear to have capacity for site by site third dwellings, dependent on site sizes and building configurations.
- (c) I would add there will also be professional developers seeking opportunities within the proposed Medium Density Residential Zones through acquiring adjacent land parcels to undertake a comprehensive development.

54. I have included the following data (indicative only) to support the notion that Waipā's proposed Medium Density Residential Zones have ample potential infill capacity without needing to move to third dwellings as permitted activities, and that furthermore, the Waipā District Plan already *enabled* this infill, prior to the Amendment Act.

Table 2: Waipā Infill Subdivisions 1 July 2017 to 31 June 2022: All Residential Zones (proposed MDRS zones)

Location	Total number of residential zone infill subdivisions	Average infill subdivision resultant lot size	Average new build/relocated dwelling size (m ²)	Proxy average site cover, new infill sites	Remaining potential developable sites >600 sq.m.
Cambridge residential	122	718m ²	216	30%	4,743
Te Awamutu residential	76	713m ²	202	28%	3,999
Kihikihi residential	85	658m ²	166	25%	826

55. I will leave further comment on the level of uptake to the experts and the substantive hearing. However, for the assistance of the Panel, I have included in **Appendix 2** a preliminary summary of the development capacity within Cambridge, Te Awamutu and Kihikihi that has been prepared by Market Economics for the substantive hearing.

Strategic Approach – Qualifying Matter Te Ture Whaimana

56. Section 77I of the RMA sets out the qualifying matters that may be applied, and section 77I(c) includes “*a matter required to give effect to Te Ture Whaimana o te Awa o Waikato – the Vision and Strategy for the Waikato River*”.
57. The first point to understand is that Te Ture Whaimana applies to various parts of the Waipā District and is not confined to only the Waikato River:
- (a) The title of Te Ture Whaimana is “RESTORING AND PROTECTING THE HEALTH AND WELLBEING OF THE WAIKATO RIVER: Vision and Strategy for the Waikato River”.
 - (b) The Ngaa Wai o Maniapoto (Waipā River) Act 2012 passed into legislation in 2012, extending boundaries for the Te Ture Whaimana to include all of the Waipā River.
 - (c) The geographical extent of Te Ture Whaimana includes catchments and is described in the Vision and Strategy document itself at page 8 (with an accompanying map) as follows:

The area that the Vision and Strategy applies to is the Waikato River from Huka Falls to Te Puuaha o Waikato and the length of the Waipā River to its junction with the Waikato River as shown in the map below. The Vision and Strategy also applies to the activities in the catchments affecting the Waikato River.
 - (d) The effect of this is that Te Ture Whaimana covers the entirety of the Waipā District, and all rivers and catchments in the District.
58. I also comment here that Waipā District Council applies Te Ture Whaimana to all our decisions where this is a relevant consideration. I mention this as Waikato-Tainui in their submission level some criticism at Council’s implementation of Te Ture Whaimana. In my opinion, this criticism is unfounded, and Te Ture Whaimana is given effect to in all Council’s regulatory and planning process in accordance with the presiding settlement legislation. Examples include statutory assessment

in relevant resource consent reports under RMA section 104, and specific statutory assessment in all Council plan changes.

59. The second point to understand is that the qualifying matter is worded as “a matter required to give effect to Te Ture Whaimana...”. Te Ture Whaimana itself is not the qualifying matter, rather section 77I empowers Council to include, as a qualifying matter, anything that is required to *give effect* to Te Ture Whaimana. I also note that “*give effect to*” is consistent with the river settlement legislation and the status of Te Ture Whaimana as a National Policy Statement. Furthermore, under section 12 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Te Ture Whaimana prevails where there is any inconsistency with any other national policy statement or national planning standard.
60. This is significant as it elevates the legal status and weighting for Te Ture Whaimana to a qualifying matter of the highest order. In my opinion, qualifying matter weighting is a relevant consideration for the Panel when they consider submissions, with at least one submission seeking to remove the PC26 infrastructure overlay that “*gives effect to*” Te Ture Whaimana.
61. In respect of “giving effect to” the Te Ture Whaimana objectives, it is readily apparent that an unplanned increase in urban intensification (under the Amendment Act) would cause increases in water demand (and water takes), increases in wastewater discharges, and increases in the rate and volume of stormwater discharges (through an increase in impervious surfaces). These are adverse effects that are all covered under the objectives of Te Ture Whaimana.
62. The third point is that Te Ture Whaimana goes beyond the RMA “*avoid, remedy or mitigate*” regime. It includes the following specific objectives (emphasis added):

- 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.
- c. The **restoration and protection** of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.
- d. The **restoration and protection** of the relationship of the Waikato region's communities 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.
- i. The protection and **enhancement** of significant sites, fisheries, flora and fauna.
- 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.
- l. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
- m. The application to the above of both maatauranga Maaori and latest available scientific methods

63. It is clear that the overall policy intent of Te Ture Whaimana is restore and protect, being a higher order level of direction than the RMA itself (enabling, and avoid, remedy or mitigate).
64. There is also a very clear and obvious link between:
- (a) the potential for adverse effects of water take and discharges from intensification;
 - (b) Council infrastructure as the delivery mechanism (with regional consenting limitations) for urban water take and discharges; and
 - (c) Te Ture Whaimana providing the highest-level policy direction for these effects on the Waikato and Waipā rivers and their catchments.
65. Taking all these factors into consideration, the most efficient, effective and appropriate method to give effect to Te Ture Whaimana, in terms of effects from intensification, is through sufficient infrastructure capacity. For these reasons, Council supported including, in PC26, a Stormwater Constraint Overlay and an Infrastructure (water and wastewater) Constraint Overlay across the new Medium Density Residential Zone, with these overlays being necessary to give effect to Te Ture Whaimana, as supported by technical reports and the RMA section 32 analysis.

Strategic Approach – Qualifying Matter River/Gully Proximity Overlay

66. The District Plan identifies the Waikato River (Cambridge town) and Karāpiro Stream (Cambridge, Carter’s Flat) as biodiversity corridors and cultural landscape areas. The Mangapiko Stream (Te Awamutu town) and the Mangaohoi Stream (Te Awamutu South-East) are both identified in the District Plan as cultural landscape areas.

67. In preparing PC26, Council received technical advice¹³ that urban intensification along the margins of these rivers and streams risked adverse effects on the identified values. On the basis of this report and recommendations a qualifying matter was considered under s771(a) matters of national importance that decision makers are required to recognise and provide for under section 6 – s6(a) preservation of the natural character of rivers and their margins; and s6(d) maintenance and enhancement of public access to and along rivers.
68. The basis for modifying the MDRS in these river margins is that intensification could adversely affect the identified values, particularly as they relate to RMA section 6 matters. The level of intensification arising from MDRS is assessed as incompatible with the values of these rivers, and the most efficient, effective and appropriate method for avoiding and mitigating these effects was considered to be achieved through an overlay which reduced the maximum site coverage under the MDRS.
69. Accordingly, a River/Gully Proximity Overlay was introduced which, within a 120m setback from the Waikato River, Karapiro Stream, Mangapiko Stream and Mangaohoi Stream, reduces the MDRS permitted site coverage on the margins of those rivers from 50% (MDRS) to 40% (as modified by the overlay). The 120m setback for this reduced site coverage was decided on a precautionary basis, with the overall outcome of the River/Gully Proximity Overlay being the retention of the values associated with these river margins including RMA section 6 matters of national importance, though a reduced level of building coverage.

¹³ XYST, “*Green Infrastructure/Public Open Space Network Assessment*”, 5 August 2022

Strategic Approach – Qualifying Matter, Open Spaces and Significant Indigenous Vegetation

70. Waipā District has various open space (reserve) and SNA sites across the district, including within the urban areas and the proposed Medium Density Residential Zones.
71. An increase in residential housing has potential for several adverse effects in respect of indigenous vegetation:
- (a) potential direct removal of vegetation;
 - (b) reduced ability for the Council to require buffers to retain significant natural areas;
 - (c) loss of fauna biodiversity e.g. potential disturbance or destruction of habitat for pekapeka-tou-roa (long tailed bat) and potentially other threatened and at-risk species;
 - (d) finally, potential loss of natural character as well as a loss of the viewshafts to and from the Waikato River and Karapiro Stream.
72. On the basis of the technical advice¹⁴, a qualifying matter was considered under section 771(f) Open space for public use and under s771(a) Matters of national importance - significant natural areas under section 6(c)), in order to avoid, remedy or mitigate the effects described previously.
73. The effect of this qualifying matter is a modification to the MDRS whereby:
- (a) on sites adjoining a reserve, the existing building setback of 4 metres is retained along the boundary of the site adjoining the reserve; and

¹⁴ XYST, “Green Infrastructure/Public Open Space Network Assessment”, 5 August 2022

- (b) on sites adjoining a Significant Natural Area (SNA), a new setback of 20 metres is required along the boundary of the site adjoining the SNA.

Strategic Approach – Qualifying Matter, Additional Character Clusters

- 74. The District Plan currently identifies the following in respect of character:
 - (a) Character clusters.
 - (b) Character streets.
 - (c) Character precinct.
 - (d) Character precinct Cambridge A.
 - (e) Character precinct Cambridge B.
 - (f) Cambridge Residential Character Area.
 - (g) Rangiaowhia Ridge Building Setback Area.

- 75. These reflect the character values of Cambridge and Te Awamutu as identified through the 2017 District Plan review.

- 76. Following the introduction of the Amendment Act, Council commissioned a property (street) level heritage and character review of Cambridge, Te Awamutu and Kihikihi. The intention was to undertake a review of the existing areas and identify any additional heritage or character areas that could be at risk from MDRS level intensification. The resulting report¹⁵ recommended changes to the District Plan to retain heritage and character values.

- 77. The report contained recommendations which have been adopted as a qualifying matter under section s771(j) (any other matter that makes higher density inappropriate). As a matter of further clarification, the technical report (“Character Area Review”) uses “heritage” and “character” somewhat interchangeably. The District Plan similarly

¹⁵ *Character Area Review, April 2022: PAUA*

applies “heritage” as one element that makes up overall “character”. While section 771(j) (other matters) is the basis for the character qualifying matter, I would note that historic heritage could also be an element of character under section 2 of the RMA, with historic heritage being *inclusive* rather than exclusive with architectural merit being an obvious component of “character” (emphasis added):

historic heritage—

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:
 - (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) historic;
 - (v) scientific;
 - (vi) technological; and
- (b) includes—
 - (i) historic sites, structures, places, and areas; and
 - (ii) archaeological sites; and
 - (iii) sites of significance to Māori, including wāhi tapu; and
 - (iv) surroundings associated with the natural and physical resources

78. Notwithstanding the legal basis for including character as a qualifying matter, it is readily apparent that the basis for including character is that, within the character clusters identified in the technical report, MDRS intensification has the potential to adversely affect the identified values of those buildings.

79. The proposed character changes under section 771(j) therefore involved:

- (a) Removing an existing character overlay in Cambridge.
- (b) Adding new character cluster houses as identified in the Character Review Report.
- (c) Retaining the setback of 6m from roads that are identified as character streets.
- (d) Retaining the restricted discretionary activity status for new buildings, relocations, demolition, removal or alteration of buildings within character clusters.

- (e) A minimum roof pitch of 30 degrees for buildings of 2 storeys or more in any character area.

Proposed Changes to the Financial Contributions

80. The final part of my evidence is commentary on the proposed changes to Chapter 18 (Financial Contributions) of the District Plan, in my capacity as author of those changes. This is by way of scene setting and I will leave the response to submissions on Chapter 18 to experts and the substantive hearing.
81. As I have indicated, the District Plan already contains financial contributions to recover land and/or money to avoid, remedy, mitigate, compensate or offset the adverse effects from development on three waters and roading. These are formula-based contributions which provide flexibility to assess the level of contribution depending on the effect. In practice, because Waipā's growth has been well planned through growth cells, our Development Contributions, Development Agreements and Infrastructure Works Agreements typically cover the effects (the cost) of development relating to new and upgraded infrastructure. In this way, until now, the financial contributions have been applied as a "back-stop" for the effects of unplanned growth and development and have only been used once for a roading contribution since the District Plan became operative in August 2017.
82. I have explained how Te Ture Whaimana is given effect to as a Qualifying Matter through Infrastructure and Stormwater Capacity Overlays across the new Medium Density Residential Zones. PC26 also proposes a new Te Ture Whaimana financial contribution, not as a qualifying matter, but under the relatively wide discretionary provisions of the Amendment Act to review and update financial contributions.

83. The purpose of the Te Ture Whaimana contribution is to give effect to Te Ture Whaimana, including positive effects on the environment to offset any adverse effect, and its requirement for restoration and protection of the Waikato and Waipā Rivers and their catchments. The contribution will go towards the cost of matters such as riparian enhancement, erosion control, ecology/biodiversity and public access.
84. The rationale for the residential amenity contribution is that unplanned intensification, under MDRS, is likely to have adverse effects on public open spaces and streetscape. This contribution seeks to avoid, remedy, mitigate, offset or compensate these effects from intensification through a contribution of land and/or money. In my opinion, the basis for this contribution is both sound and legal (within the bounds of the RMA and Amendment Act).
85. Waipā’s methodology for both the Te Ture Whaimana and the residential amenity contributions is based on Hamilton City Council’s methodology. From the outset we have closely collaborated with our two IPI Future Proof partner councils in the interests of consistency, efficiency, aligned outcomes, and “boundaryless planning”. However, while we have adopted Hamilton City Council’s methodology, we recognised that the calculations will differ between councils due to our differences in infrastructure, zoning, topography and funding mechanisms. While I maintain the methodology is sound, the quantification of the contributions will be addressed in the expert evidence to be provided on financial contributions at the substantive hearing.

CONCLUSION

86. In conclusion, Waipā District Council has been undertaking strategic co-ordinated growth planning, alongside its Waikato Future Proof partners since 2009. As a result of these processes, Waipā District has sufficient housing supply capacity in the short, medium and long term.

87. The blanket intensification enabled by the Amendment Act has the potential to irrevocably erode the urban amenity and design of Waipā's towns, to significantly affect the health and wellbeing of Waipā's waterways (which are subject to Te Ture Whaimana) and to require additional infrastructure upgrades that are unplanned and unbudgeted.
88. The qualifying matters and the financial contributions which are proposed in PC26 seek to protect the values that are important to the Waipā District, including the objectives of Te Ture Whaimana, while enabling a significant increase in development capacity as required by the Amendment Act.

Tony Grant Quickfall

20 December 2022

Appendix 1:
Qualifications and Experience, Tony Quickfall

1. My name is Tony Quickfall and I am Manager District Plan and Growth at Waipā District Council (since August 2019). I have been working in the field of planning since 1995 and hold the qualifications of Bachelor of Resource Studies (Lincoln University, Planning and Transport) and Post Graduate Diploma in Business Administration.
2. I am a full member of the New Zealand Planning Institute; member of the Resource Management Law Association; past Chair of the Nelson-Tasman Branch of the NZ Planning Institute; past member of the project management Institute; and a lapsed Accredited Hearings Commissioner (with Chair's endorsement).
3. Through my planning career I have variously been employed at manager levels for two district councils (Kaikoura and Waipā), one unitary council (Nelson) and a regional council (Waikato).
4. I have experience in private practice as a Senior Planner with a multi-national consultancy (formerly Opus), Director of my own planning consultancy (Quickfall Associates Ltd), and as a director of ViaStrada (Nelson) Ltd and APL Property (Nelson Ltd). I established and took a NZ on-line consultancy start up through to testing proof of concept, before termination (Public Consultations NZ Ltd).
5. My experience traverses the full range and scope of planning across the South Island and Central/upper North Island including but not limited to:
 - a. Obtaining various consents, designations and plan changes at various scales, for Government Ministries, multi-nationals, and private clients spanning: land use and development; subdivisions; new village developments; tourism and rural activities; discharge consents; coastal infrastructure; national infrastructure; airport developments; and designations.
 - b. Drafting and project managing various plan changes and/or full plan reviews for the following councils: Mackenzie District, Ashburton District, Buller District, Nelson City, Tasman District, Christchurch City, Queenstown Lakes District, Selwyn District, Waimate District, Hurunui District, Ashburton District, Marlborough District, Central Hawkes Bay District, Waikato Region, Waipā District. Topics I have drafted as technical planning expert and/or led as project manager include: urban

- design; noise; discharges; water use and abstraction; infrastructure (3 waters and roading); urban housing; subdivision; rural activities; reverse sensitivity; subdivision; commercial and industrial activities; coastal activities; biodiversity; landscape; built heritage; archaeological heritage; iwi and cultural values; designations; financial contributions.
- c. Iwi involvement and collaboration at various levels for iwi, hapu and runanga across Te Waipounamu (South Island), Waikato, Hauraki and Auckland, including: presentations to iwi groups on the iwi participation under the RMA; preparing Cultural Impact Assessments at the invitation of runanga; iwi developments and post settlement land use due diligence; technical RMA advisor for the transfer of powers (the only one in NZ, transfer of monitoring functions from Waikato Region to Tuwharetoa)
 - d. Various facilitation and leadership roles including: Independent Chair (by invitation) appointed to convene and establish a multi-agency Trust for the Marlborough Sounds Marine Spatial Plan; and Waikato Region Business Owner for the Hauraki Gulf Marine Spatial Plan (SeaChange).
 - e. Technical Advisory Group member to the Ministry for the Environment for: the second generation plans best practice guide; NZ National Planning Standards drafts; RMA reform 2022 project scoping; technical presentation (by invitation) to MfE RMA reform staff on collaborative processes (which informed and contributed to the repeal of the Collaborative Plan Making pathway from the RMA, RMA Amendment Act 2020).
 - f. Principal author and project manager for the Nelson Urban Growth Strategy, Nelson Urban Design Strategy, and advisor on the Christchurch Urban Growth Plan.
6. I have presented planning evidence as an expert to numerous Council hearings, numerous Environment Court hearings, the High Court (judicial reviews) and the Environmental Protection Agency (for coastal discharges beyond and within the Exclusive Economic Zone).
 7. The technical and project management work I led on the Kaikoura District Plan review was commended by Ngai Tahu and Te Runanga o Kaikoura for inclusion on the MfE Quality Planning Website as an example of best practice iwi engagement. The archaeological sites “accidental discovery protocol” that I designed and developed for the Kaikoura District Plan review has subsequently been adopted by many district and regional councils, nation-wide.
 8. I have published articles to the NZ Planning Quarterly (tourism planning) and presented to conferences on collaboration (NZPI, Queenstown

“from me to we”), and housing (by invitation, NZ Affordable Housing development and Investment Summit, “Affordable Housing in Waipā”).

9. I have also participated in the RMA process in a private capacity, with a resource consent for a restaurant start up (Felix the Café, Lincoln); subdivision and land use consents for a joint-venture apartment development (Addington, Christchurch), and through an affected party private appeal to the Environment Court on a residential comprehensive infill development with a mediated outcome (Nelson).

Appendix 2: Summary of Modelled Capacity and Demand in Waipā District Main Urban Areas (Cambridge, Te Awamutu and Kihikihi)

Table: Summary of Modelled Capacity and Demand in Waipā District Urban Main Urban Areas (Cambridge, Te Awamutu and Kihikihi)

MODELLING SOURCE	CAPACITY TYPE	TIME PERIOD					LONG-TERM (alternative 1)	LONG-TERM (alternative 2)
		CURRENT	SHORT-TERM	MEDIUM-TERM	LONG-TERM			
HBA								
2017 HBA	Plan Enabled		3,617	3,617	4,208			
	Commercially Feasible		2,557	3,100	3,883			
	Demand (Incl. Margin)		1,843	4,294	10,752			
2021 HBA	Plan Enabled		11,700	12,200	17,300			
	Commercially Feasible		6,500	6,900	10,800	13,600	14,800	
	Demand (Incl. Margin)		1,230	3,620	9,370			
2022 MDRS Modelling								
Scenario 1: Baseline ODP	Plan Enabled	13,100	13,100	13,100	13,100			
	Commercially Feasible	1,600	1,800	2,400	5,100			
	Commercially Feasible (2021 prices)	1,600	1,600	1,600	1,600			
Scenario 2: Unmodified MDRS	Plan Enabled	59,700	59,700	59,700	59,700			
	Commercially Feasible	5,300	6,900	15,500	34,800			
	Commercially Feasible (2021 prices)	5,300	5,300	5,300	5,300			
Scenario 3: Plan Change 26	Plan Enabled	37,000	37,000	37,000	37,000			
	Commercially Feasible	3,400	4,000	10,700	19,700			
	Commercially Feasible (2021 prices)	3,400	3,400	3,400	3,400			
	DEMAND incl. Margin (2021 HBA)	-	1,200	3,600	9,400			

Source: M.E. 2018 and 2021 Future Proof Partners HBA; M.E 2022 Waipā District MDRS Modelling, December 2022.