BEFORE THE INDEPENDENT HEARING PANEL

UNDER	the Resource Management Act 1991
IN THE MATTER	of proposed Plan Change 12 to the Operative Hamilton City District Plan

STATEMENT OF EVIDENCE OF MARK CHRISP (PLANNING) FOR SIR WILLIAM AND LADY JUDI GALLAGHER AND TREVOR MCKEE

249 JULY 2024

Solicitor acting:
A Ferguson
Dempsey Ferguson Law
Level 10, 63 Albert Street
Auckland 1010
andrew@dempseyferguson.co.nz

Counsel instructed:
J Campbell / P Senior
Bankside Chambers / FortyEight Shortland Barristers
88 and 48 Shortland Street
Auckland 1010
janette@campbell.legal /
patrick@pseniorbarrister.co.nz

1. EXECUTIVE SUMMARY

1.1 The General Residential Zone is more appropriate and should be retained for the land surrounding Lake Rotoroa to the west of Pembroke Street and north of Lake Crescent. A change to the Medium Density Residential Zone as recommended by Hamilton City Council ("**Council**") staff is inappropriate and should be rejected. Various qualifying matters apply to the land surrounding the Lake and enable the Hearing Panel to grant this relief.

1.2 The particular area around the Lake is the highest value residential real estate in Hamilton. The Council in its evidence has not considered the market realities of undertaking residential development in this area. Those realities mean that the land is unlikely to be developed to provide medium or high density dwellings. On this basis, rezoning this land to Medium Density Residential would not achieve the objectives of Plan Change 12 ("**PC12**") and would be inefficient from a regulatory point of view. It would also be unsafe for the Council to rely on rezoning this land to satisfy the requirements of its short, medium and long term housing supply targets.

1.3 Even if the land around the Lake was developed for medium and high density residential activities as PC12 anticipates, this would permit a range of adverse effects to occur and the costs of PC12 would outweigh its benefits.

1.4 PC12 will potentially cause an increased amount of impermeable surfaces, less natural soakage and therefore increased contaminated stormwater flows to Lake Rotoroa. It would also generate increased pressure on existing wastewater infrastructure in an area where there are known wastewater infrastructure capacity constraints. While I am aware that the Council has proposed the Infrastructure Capacity Overlay to apply to the subject area and that this will introduce permeable surface requirements, minimum lot sizes per unit, green policies and the requirement to undertake infrastructure capacity assessments for developers, this does not change the fact that increased development around Lake Rotoroa creates additional demand for storm and wastewater services and ultimately places additional stress on already strained existing infrastructure. As stated in the Council's evidence, infrastructure investment cannot keep up with the proposed pace of development. The Lake and its surrounds fall outside the Stage 1 area, which is the Council's priority for infrastructure investment.

1.5 There are a range of other costs, effects and risks that will arise if the land surrounding the Lake is zoned to Medium Density Residential. Those include:

(a) Adverse cultural effects on the Lake including a failure to meet the requirements of Te Ture Whaimana;

(b) Adverse effects on the health of Lake Rotoroa; and

(c) Adverse effects on the amenity and recreation values of the Lake.

1.6 Zoning the area around the Lake for medium density residential activities is contrary to the National Policy Statement on Urban Development ("**NPS-UD**") and other national direction, and it will not achieve the purpose of PC12. It therefore fails those critical statutory planning tests.

1.7 In terms of relief or changes sought, it would be more appropriate if the land to the west of Pembroke Street and north of Lake Crescent was zoned General Residential Zone (as amended by the Council on 27 June 2024). ~~In addition, a maximum impermeable surface area of 30% of site area be imposed on this land to reflect the unique challenges faced with respect to the health of Lake Rotoroa.~~

INTRODUCTION

1.8 My full name is Mark Bulpitt Chrisp.

1.9 I am a Partner and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016).

1.10 In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners.

1.11 I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 34 years' experience as a Resource Management Planning Consultant.

1.12 I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.

1.13 I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.

1.14 I have appeared as an expert planning witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry (most recently as the expert planning witness for the Hawke's Bay Regional Investment Company Ltd's proposed Ruataniwha Water Storage Scheme).

Code of Conduct

1.15 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it for this council hearing.

1.16 My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence 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 material facts known to me that might alter or detract from the opinions I have expressed.

2. SCOPE OF EVIDENCE

2.1 I have been engaged by Sir William and Lady Judi Gallager and Mr Trevor McKee to provide my expert opinion on whether residential density on the land surrounding Lake Rotoroa should be increased or not. The scope of Mr McKee's submission and the Gallaghers' further submission is outlined below in Section 3 of my evidence.

2.2 I note that the approach to residential intensification has changed since PC12 was notified and that the Council's evidence filed on 26 June 2024 has tried to pre-empt a possible law change to allow territorial authorities to opt out of the medium density residential standards ("**MDRS**") introduced by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("**HSAA**"). However, the possible future law change is unlikely to be enacted before the PC12 hearing (starting on 4 September 2024) or before the Hearing Panel releases its decision on PC12, expected to be in the final quarter of 2024. Given this, my evidence is not reliant on the future law change and remains valid with or without the MDRS being compulsory.

2.3 My evidence will:

(a) Summarise the submissions by Trevor McKee and the Gallaghers;

(b) Describe the proposed amendments to PC12 that are relevant to Mr McKee and the Gallaghers;

(c) Describe the current use of the land around Lake Rotoroa and explain why increased density is unrealistic and unnecessary in that location;

(d) Describe the potential effects, costs and risks of PC12; and

(e) Provide an assessment of PC12 against relevant statutory documents.

3. SUBMISSIONS

Trevor McKee

3.1 Trevor McKee resides at 110B Lake Crescent, Hamilton Lake, which is currently zoned General Residential Zone. This property is north-facing overlooking Lake Rotoroa.

3.2 Mr McKee's original submission opposed residential intensification around Lake Rotoroa for the following reasons:

(a) The properties around the lake area, including the Lake and surrounding reserves, are the jewel of inner Hamilton and by allowing intensification to occur this jewel will be destroyed; and

(b) There are infrastructure constraints, including that the current sewage system is old and regularly blocked and at times stormwater is able to infiltrate the wastewater network and create overflows of wastewater.

Sir William and Lady Judi Gallagher

3.3 The Gallaghers reside at 106 Pembroke Street, Hamilton Lake, which is currently zoned General Residential Zone. This property is west facing, overlooking Lake Rotoroa and gains substantial views to Mount Pirongia.

3.4 The Gallaghers lodged a further submission in opposition to the relief sought in the submissions by Waka Kotahi and Kāinga Ora to rezone the land around Lake Rotoroa to High Density Residential and Medium Density Residential, and in support of the submission by Trevor McKee. The Gallaghers oppose the relief sought by Waka Kotahi and Kāinga Ora because the land surrounding the Lake is inappropriate for intensification.

Relief Sought

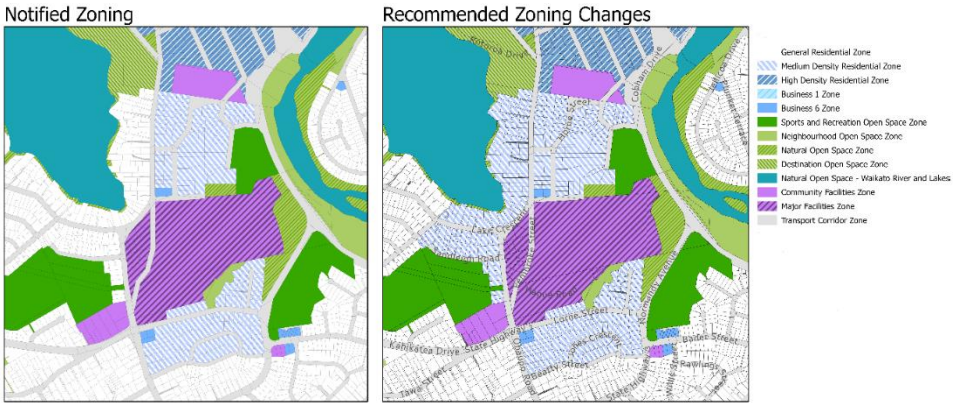
3.5 The relief sought by both Mr McKee and the Gallaghers is to zone the land surrounding the Lake to the west of Pembroke Street and to the north of Lake Crescent as General Residential Zone as it was before PC12 was notified. My evidence supports a slightly more nuanced approach compared to the relief sought by the submitters.

4. THE PROPOSED AMENDMENTS TO PC12

The Council's Approach

4.1 I have reviewed the amendments to PC12 which I consider are of relevance to the submissions by the Gallaghers and Trevor McKee and which were recommended by Mr Mark Roberts in evidence dated 26 June 2024.

4.2 As stated earlier in my evidence, the amendments include that the land around Lake Rotoroa, particularly on the western side of Pembroke Street and northern side of Lake Crescent, be rezoned from General Residential Zone to Medium Density Residential Zone. The following image is taken from page 20 of Appendix B to Mr Robert's evidence and shows the proposed zoning change.



4.3 The Gallaghers and Mr McKee oppose this amended zoning change.

4.4 The Council has proposed the above change as a result of submissions by Waka Kotahi and Kainga Ora, which are summarised as follows:

(a) Waka Kotahi sought that "consideration should also be given to expanding the High Density Residential Zone to the south of the Central City towards the Waikato Hospital" to include the land around Lake Rotoroa on the basis that it would enable a mode shift to active travel and support a reduction in vehicle kilometres.

(b) Kainga Ora seeks that the High Density Residential Zone apply east of Lake Rotoroa and the Medium Density Residential Zone apply west of Lake Rotoroa without any reference to walkable catchments.

My Approach

4.5 My evidence supports the relief sought by the submitters subject to two nuances.

4.6 I consider that the General Residential Zone (as amended on 26 June 2024) should apply around Lake Rotoroa. That allows for the land surrounding the Lake to be dealt with in a way that is consistent with other areas in Hamilton with the same proposed zoning. ~~In addition, I consider an overlay should apply to the land surrounding the lake restricting the maximum impermeable surface area on sites to 30%. That reflects the maximum impermeable surface area on sites in the General Residential Zone under the Operative District Plan.~~ I outline the reasons for this approach in the sections that follow.

4.7 The provisions of the General Residential Zone are a relaxation of the MDRS and there are a number of qualifying matters that support this approach in relation to the land around the Lake. The following qualifying matters apply to Lake Rotoroa and the land surrounding it:

(a) Te Ture Whaimana (see Section 8 of my evidence above). I note that Council's evidence focuses on the potential effects of PC12 on the Waikato River but does not provide an assessment of effects on Lake Rotoroa which is within the Waikato River catchment and equally covered by Te Ture Whaimana.

(b) Lake Rotoroa has been classified as a Significant Natural Area which is considered a qualifying matter as the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance in accordance with Section 77I of the RMA, as is the protection of lakes from inappropriate subdivision, use and development.

(c) The Infrastructure Capacity Overlay is considered a qualifying matter as its purpose is to avoid adverse effects on the Waikato River (including its catchment), which is a matter required to give effect to Te Ture Whaimana and section 6 RMA matters.

4.8 The qualifying matters above justify and allow the General Residential Zone (as amended) to be applied to the land around the Lake, noting that it is a relaxation of the MDRS.

5. USE OF LAND SURROUNDING LAKE ROTOROA TO MEET INTENSIFICATION GOALS IS UNREALISTIC AND UNNECESSARY

5.1 The land around Lake Rotoroa is the highest value residential land in Hamilton. That is confirmed by Figure 4-1 of Market Economics' 8 February 2023 Residential Capacity Feasibility Modelling Report prepared to support PC12 ("**Market Economics Report**"). That figure is reproduced in **Appendix 1** to my evidence. In my opinion, the nature of the properties and their significant values means this land is unlikely to be cleared and redeveloped for medium or high density residential dwellings.

5.2 I do not consider the Council's evidence or the Market Economics' Report has properly considered the effect of the high value of the properties surrounding the Lake. In particular:

(a) Those properties are long-lived landholdings due to the fact they are highly sought after. They are infrequent to market, and when they are, the purchasers are very wealthy and the prices realised are very high.

(b) If any properties surrounding the Lake are purchased for redevelopment, land values will dramatically increase development costs and the prices of any newly-built medium or high density residential dwellings. Those new dwellings will need to sell at a premium. However, purchasers willing to pay a premium typically do not wish to buy a dwelling in a medium or high density complex. Wealthy purchasers want to buy the types of properties that already exist around the Lake – lower density houses with swimming pools, landscaped gardens and expansive views. In my experience working on residential developments, I would not expect there to be market demand to support medium or high density residential development on the land surrounding the Lake.

5.3 These matters do not appear to be addressed by the Market Economics Report or in any of the evidence presented by the Council. Also, to the extent the Council relies on the Market Economics Report, it is worth noting that the report was prepared before the Council changed its approach to PC12. I am not aware of any steps the Council has undertaken to update this report, and nor am I aware of any statements or confirmations from Market Economics that the findings in its report remain applicable to PC12 (as amended).

5.4 It is my opinion that the rezoning of the area surrounding the Lake to Medium Density Residential Zone is very unlikely to increase housing supply. I consider

it is unsafe for the Council to rely on increased housing supply from this land. This has implications for the Council's duty to model future housing supply and the land surrounding the Lake should not be included in that data.

5.5 In terms of PC12, the proposed zoning change of the land around Lake Rotoroa to allow medium density residential development as a permitted activity is not an effective or efficient method of achieving the objectives of PC12. In the Medium Density Residential Zone the objectives are:

(a) "4.3.2.1 Promote comprehensive and integrated development for the development of 4 or more residential units within the Medium Density Residential Zone"; and

(b) "4.3.2.2 The Medium Density Residential Zone and development within it provides for a variety of housing types and sizes that respond to:

(i) Housing needs and demands; and

(ii) the neighbourhood's planned urban built character, including up to 5 storey buildings."

5.6 These objectives are unrealistic on the land around Lake Rotoroa for the reasons outlined above.

5.7 Properties on the eastern side of Pembroke Street have smaller land areas and it may be more appropriate for increased residential density in that location, as was sought in the notified version of PC12 (see the plan under paragraph 4.2 above).

5.8 Further, it is the Council's evidence that Hamilton has nearly four times the required zoned residential land to meet the 30-year land and housing supply target.[1] There is more than sufficient housing supply without needing greater residential density around Lake Rotoroa. In the event residential intensification were to occur around the Lake, the costs and risks of increasing residential density (as outlined below) are not justified because there is already sufficient housing land supply in Hamilton.

6. POTENTIAL EFFECTS ON EXISTING INFRASTRUCTURE

6.1 Greater intensification of development in this area would result in an increase of impermeable surfaces, less natural soakage and therefore in an increase of

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1 Evidence of Mark Davey (26 June 2024) at [34].

contaminated stormwater flows to Lake Rotoroa. The evidence of Ms Juliana Junqueira supports this:[2]

> *"Impervious surfaces exacerbate stormwater runoff processes, and the intensification of urbanisation usually increases such surfaces. This increase is expected to worsen runoff processes by increasing the volume and rate of runoff. The combination of increased impermeable surfaces and climate change further exacerbates the increase in runoff processes, resulting in a direct impact on stormwater quality as more pollutants may be carried with the runoff. Therefore, due to intensification, a decline in stormwater quality and an increase in stormwater volume are expected."*

6.2 Regarding wastewater, greater intensification of development places increased pressure on existing wastewater infrastructure in an area where there are known infrastructure capacity constraints, and therefore an increased risk of wastewater overflows into Lake Rotoroa. In support of this, the evidence of Ms Jacqueline Colliar states:[3]

> *"Hamilton City's existing Three Waters systems were designed and constructed to service densities and provide levels of service considered appropriate at the time they were developed. These systems have not been designed to service current plan enabled development densities or those anticipated through the NPS-UD and MDRS."*

6.3 Ms Colliar further acknowledges that:[4]

> *"HCC's existing Three Waters systems have challenges with respect to meeting regulatory requirements and relevant obligations under Te Ture Whaimana to varying degrees across the City already. These challenges will be exacerbated by continued infill development currently enabled by HCC's existing duplexing policies, and further compounded by the development densities contemplated by the NPS-UD and MDRS, particularly if that intensification is not directed to identified growth areas where infrastructure spend is targeted."*

6.4 The evidence of Ms Jacqueline Colliar also outlines the following adverse effects that arise from allowing growth without adequate infrastructure:[5]

(a) Increased contaminated stormwater run-off impacting water quality, ecology, public health, cultural activities and the relationship between people and the Awa;

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2 Evidence of Juliana Junqueria (26 June 2024) at [46].
3 Evidence of Jacqueline Colliar (26 June 2024) at [146].
4 Evidence of Jacqueline Colliar (26 June 2024) at [149] and [150].
5 Evidence of Jacqueline Colliar (26 June 2024) at [117].

(b) Erosion from unmanaged stormwater impacting on water quality, habitat, accessibility, cultural activities, and the relationship between people and the Awa;

(c) Increased number, locations and volume of wastewater overflows impacting on water quality, ecology, public health, cultural activities and the relationship between people and the Awa;

(d) Reduced and inadequate water pressure compromising fire-fighting capacity; and

(e) Increased risk to people, property, and the environment from flood hazards.

6.5 The evidence by Dr Mark Davey states:[6]

> *"HCC does not have sufficient network capacity to support the enabled densities sought by HSAA. The effects of permitting these densities unfettered when there is insufficient existing or planned Three-Waters network infrastructure are unacceptable. Enabling land use where there is no public infrastructure to service is insufficient and leads to poor and non-strategic infrastructure planning outcomes. Conversely, allowing more development to proceed in the absence of sufficient Three-Waters infrastructure capacity will have an adverse effect on the Waikato River. This would mean that HCC would be in breach of its obligations under TTW."*

6.6 While I am aware that Council has proposed the Infrastructure Capacity Overlay to the subject area and that this will introduce permeable surface requirements and minimum lot sizes per unit, green policies and the requirement to undertake infrastructure capacity assessments for developers, this does not change the fact that increased development around the Lake places additional stress on already strained existing infrastructure.

6.7 Section 3.6 of the Hamilton-Waikato Metro Spatial Plan identifies that "significant investment will be needed to overcome the existing infrastructure deficit, meet performance expectations, climate change challenges including water security and system resiliency". The evidence of Dr Davey indicates that "there will be limited capital investment in Three Waters Infrastructure to support growth outside of the Stage 1 area".[7] The land around the Lake is outside the Stage 1 area meaning that investment into upgraded strategic infrastructure assets to

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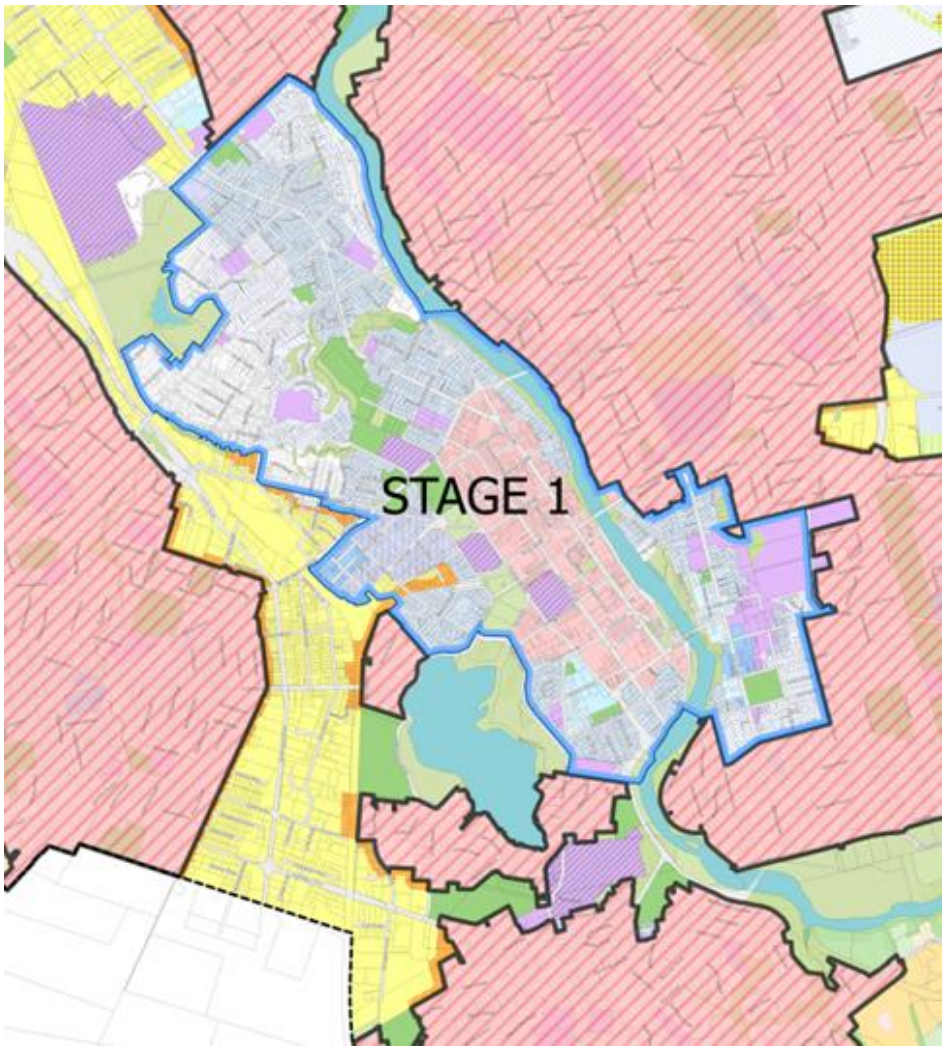
6 Evidence of Mark Davey (26 June 2024) at [6].
7 Evidence of Mark Davey (26 June 2024) at [8].

service this proposed intensification would be limited (if at all). Stage 1 is shown in the plan below.[8]



6.8 Stormwater generated on the land surrounding Lake Rotoroa drains directly into the Lake. In **Appendix 2** to my evidence, I have included an extract from the Council's 3 Waters Viewer. This shows a number of stormwater outlets draining directly to Lake Rotoroa. The MDRS will allow an increase in impermeable surface areas – up to 70% per site as a permitted activity.[9] The MDRS will also allow smaller net site areas and greater building coverages. These amended provisions have the potential to increase stormwater volumes draining to the Lake and also the potential for more wastewater overflows draining to the Lake. The potential adverse effects on Lake Rotoroa are discussed further below.

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8 https://storage.googleapis.com/hccproduction-web-assets/public/Uploads/Documents/Content-Documents/Property-Rates-and-Building/PC12-Growing-Up/Appendices/Appendix-District-Plan-Maps.PDF

9 Rule 4.3.4.3 of PC12.

7. POTENTIAL EFFECTS OF PC12 ON THE CULTURAL VALUES OF LAKE ROTOROA

7.1 Lake Rotoroa is protected by Te Ture Whaimana. Te Ture Whaimana contains specific objectives relating to activities being undertaken within the catchments affecting the Waikato River and that includes Lake Rotoroa. The evidence of Mr Julian Williams highlights that:[10]

> *"there is the recognition that it is not sufficient to avoid, remedy or mitigate effects on the river, there must now be a contribution to its ongoing improvement".*

7.2 The Council is guided by, and required to give effect to, Te Ture Whaimana when considering activities which affect the Waikato River and its catchment. The Vision of Te Ture Whaimana is:

> *"Our Vision is for a future where a healthy Waikato river sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato river, and all it embraces, for generations to come."*

7.3 Objective G of Te Ture Whaimana requires 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.

7.4 An increase in contaminated stormwater flows and wastewater overflows to Lake Rotoroa in an area with known infrastructure capacity constraints will not improve the health and well-being of Lake Rotoroa or deliver "betterment". Instead, these activities will have the potential to result in adverse cumulative effects on Lake Rotoroa and the wider catchment of the Waikato River.

8. POTENTIAL EFFECTS ON THE HEALTH OF LAKE ROTOROA

8.1 Lake Rotoroa is already highly degraded in terms of water quality and ecological values.

8.2 Waikato Regional Council has stated that "Lake Rotoroa has high levels of phosphorus and nitrogen, which affect water clarity."[11] The same website classifies the water quality of Lake Rotoroa as "Poor" which is described as "Poor

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10 Evidence of Julian Williams (26 June 2024) at [82].

11 https://www.waikatoregion.govt.nz/environment/water/lakes/shallow-lakes-of-the-waikatoregion/peat-lakes/lake-rotoroa/

water quality. Trophic Level Index of 4-5. Euthrophic lake conditions." It also classifies the ecological conditions of Lake Rotoroa as "Poor" which is described as "Poor ecological health. A LakeSPI[12] score of 0-20%."

8.3 An article by Inside Government published on 9 February 2024 also detailed that a health warning has been issued for Lake Rotoroa due to a significant rise in cyanobacteria biovolume to 24.46 mm^3/L in cyanobacteria levels.[13] The article notes that cyanobacteria can release toxins which trigger asthma and hay-fever symptoms, and can cause skin rashes, stomach upsets, and in some cases neurological effects. This situation has obvious implications in terms of preventing or limiting people being able to enjoy the recreational and amenity values associated with Lake Rotoroa.

8.4 Unlike the Waikato River, the water in the Lake is not regularly flushed and it is a relatively closed system.

8.5 It is my understanding that the health of Lake Rotoroa will likely be worsened by increased density of development within the Lake's immediate catchment.

9. POTENTIAL EFFECTS ON THE AMENITY AND RECREATION VALUES OF LAKE ROTOROA

9.1 The Vision of the Hamilton Lake Domain Management Plan 2017 ("**Management Plan**") is:[14]

> *"An exceptional nature, leisure and recreation experience in the heart of Hamilton."*

9.2 The Management Plan states:[15]

> *"The lake and vegetation being part of the original western green-belt of the city, provides an important break from the surrounding developed urban environment while providing a central ecological link with the city's green network."*

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12 LakeSPI (Lake Submerged Plant Indicators) is a method of characterising the ecological condition of lakes based on the composition of native and invasive plants growing in them. A higher LakeSPI percentage result is associated with better ecological health.

13 https://insidegovernment.co.nz/health-warning-issued-for-lake-rotoroa/

14 https://storage.googleapis.com/hccproduction-web-assets/public/Uploads/Documents/Plans/Reserve-management-plans/Hamilton_Lake_Domain_Management_Plan.pdf

15 Management Plan at page 3.

9.3 Additionally, the principles to guide and inform the management of the Domain include:[16]

> *"Conserve and enhance the open space natural character"*
>
> *"Lake water quality meets the needs of the community"*
>
> *"Limit built environment and development to key areas."*

9.4 While the focus of the above principles is on the Domain itself (including the Lake), a wider perspective requires the surrounding land uses to be compatible with the values and use of the Lake and Domain. I consider that higher residential density around the Lake compared with what already exists would be incompatible with the recreational and amenity values of the Lake including the objectives of open space natural character, improved water quality and limited built environment.

9.5 The objectives of the Management Plan in relation to ecological values are:

> *"Lake Rotoroa water quality will be managed to a standard safe for recreation and swimming.*
>
> *Manage activities at the Domain to avoid, reduce and mitigate negative effects on the lake's ecological and environmental values including water quality.*
>
> *Manage Lake Rotoroa and activities within the reserve considering the mauri of the lake and in accordance with the principles of Te Ture Whaimana o te Awa o Waikato – Vision and Strategy for the Waikato River (2010).*
>
> *Restoration of natural lake patterns and processes, including native vegetation and wetlands to improve lake water quality.*
>
> *Vegetation management will improve the health of the lake and margins."*

9.6 For the reasons previously discussed in my evidence, the intensification of residential land uses surrounding Lake Rotoroa will be contrary to almost every

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Management Plan at page 7.

aspect of the objectives sought to be achieved in relation to the amenity, recreation and ecological values of the Lake as set out in the Management Plan.

10. ASSESSMENT AGAINST RELEVANT STATUTORY DOCUMENTS

The NPS-UD

10.1 The Council relies on Policy 3(c) of the NPS-UD to support rezoning the land around the Lake.

10.2 However, rezoning the land around the Lake is contrary to Policy 3(c). Policy 3(c) enables greater intensification (at least 6 storeys) within a walkable catchment of existing and planned rapid transit stops, the edge of city centre zones and the edge of metropolitan centre zones. The subject area is not located within a walkable catchment of existing or planned rapid transit stops or the edge of the City Centre Zone. This is confirmed in Sections 3.1.1 and 3.2.1 of the Council's Walkable Catchment Assessment Report, dated June 2024.

10.3 As a result, I do not consider that there is any support for the proposed zoning change to Medium Density Residential based on Policy 3(c) of the NPS-UD.

10.4 In addition, due to the infrastructure constraints on the land around the Lake, the proposed rezoning would be contrary to Objective 6(a) relating to integrating development with infrastructure planning and funding and Policy 1(f) relating to resilience to the effects of climate change.

National Policy Statement on Freshwater Management

10.5 I consider PC12 is inconsistent with the following policies of the National Policy Statement on Freshwater Management ("**NPS-FM**") for the reasons outlined above in Sections 7 – 10:

(a) The proposed rezoning of the land around Lake Rotoroa will not prioritise first, the health and well-being of Lake Rotoroa or the Waikato River, second, the health needs of people, and third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future;[17]

(b) The proposed rezoning of the land around Lake Rotoroa does not consider the effects on the use and development of land on a whole-

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Objective 1 of the NPS-FM.

of-catchment basis, including the effects on receiving environments such as Lake Rotoroa;[18]

(c) The proposed rezoning of the land around Lake Rotoroa will not ensure the health and well-being of degraded waterbodies and freshwater ecosystems such as Lake Rotoroa is improved;[19]

(d) The proposed rezoning of the land around Lake Rotoroa will not protect the habitats of indigenous freshwater species within Lake Rotoroa;[20]

(e) The proposed rezoning of the land around Lake Rotoroa will not assist with reversing deteriorating trends of the degraded Lake; [21] and

(f) The proposed rezoning of the land around Lake Rotoroa will not enable the community to provide for their social, economic, and cultural well-being in a manner that is consistent with the NPS-FM.[22]

Te Ture Whaimana

10.6 I consider rezoning the land surrounding Lake Rotoroa to be inconsistent with Te Ture Whaimana for the reasons outlined in Sections 7 – 10 above.

Waikato Regional Policy Statement

10.7 I consider PC12 is inconsistent with the following policies of the Waikato Regional Policy Statement ("**RPS**") for the reasons outlined above in Sections 7 – 10:

(a) The health and wellbeing of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato is achieved;[23]

(b) The mauri and values of freshwater bodies (Lake Rotoroa and the wider catchment of the Waikato River) are maintained or enhanced;[24] and

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18 Policy 3 of the NPS-FM.
19 Policy 5 of the NPS-FM.
20 Policy 9 of the NPS-FM.
21 Policy 13 of the NPS-FM.
22 Policy 15 of the NPS-FM.
23 Objective IM-O4 of the RPS.
24 Objective LF-O1 of the RPS.

(c) The full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems (Lake Rotoroa) can support exist in a healthy and functional state.[25]

PC12

10.8 At a high level, the objectives of PC12 are to give effect to the central government direction for growth "to provide more housing, and higher density, across the city."

10.9 Based on Council's evidence, there is more than sufficient housing supply and no need for greater residential density rezoning around Lake Rotoroa. On that basis alone, there is no need to include the land west of Pembroke Street and north of Lake Crescent to achieve that objective when qualifying matters already apply and when policy 3(c) of the NPS-UD does not apply. Furthermore, the proposed zoning change of the land around Lake Rotoroa is not an effective or efficient method of achieving the objective of increasing housing supply or density because the land in question is unlikely to be redeveloped for medium or high density residential dwellings.

10.10 Finally, the Three Waters objectives of PC12 seek that water resources are protected from the adverse effects of subdivision and development[26] and that the health and well-being of the Waikato River is protected from the adverse effects of stormwater runoff from subdivision and development and enhanced when development or redevelopment occurs.[27] Based on the above, an increase in contaminated stormwater flows and wastewater overflows from increased density of development to an already degraded Lake Rotoroa will not protect the health and well-being of the Lake or the wider catchment of the Waikato River.

11. CONCLUSION

11.1 Overall, I conclude that the General Residential Zone ~~(as amended by the Council on 26 June 2024 together with an impermeable surfaces overlay)~~ should apply to the residential area surrounding Lake Rotoroa for the following reasons:

(a) Increased residential intensification is not required for Council to meet the 30-year land and housing supply target;

[25] Objective ECO-O1 of the RPS.
[26] Objective 25.13.2.1 of PC12.
[27] Objective 25.13.2.2 of PC12.

(b) Increased residential intensification is not supported by the NPS-UD in this area;

(c) Increased residential intensification is inconsistent with Te Ture Whaimana, the NPS-FM, the purpose of the Infrastructure Capacity Overlay, and the Proposed Significant Natural Area Overlay over Lake Rotoroa for the reasons noted above; and

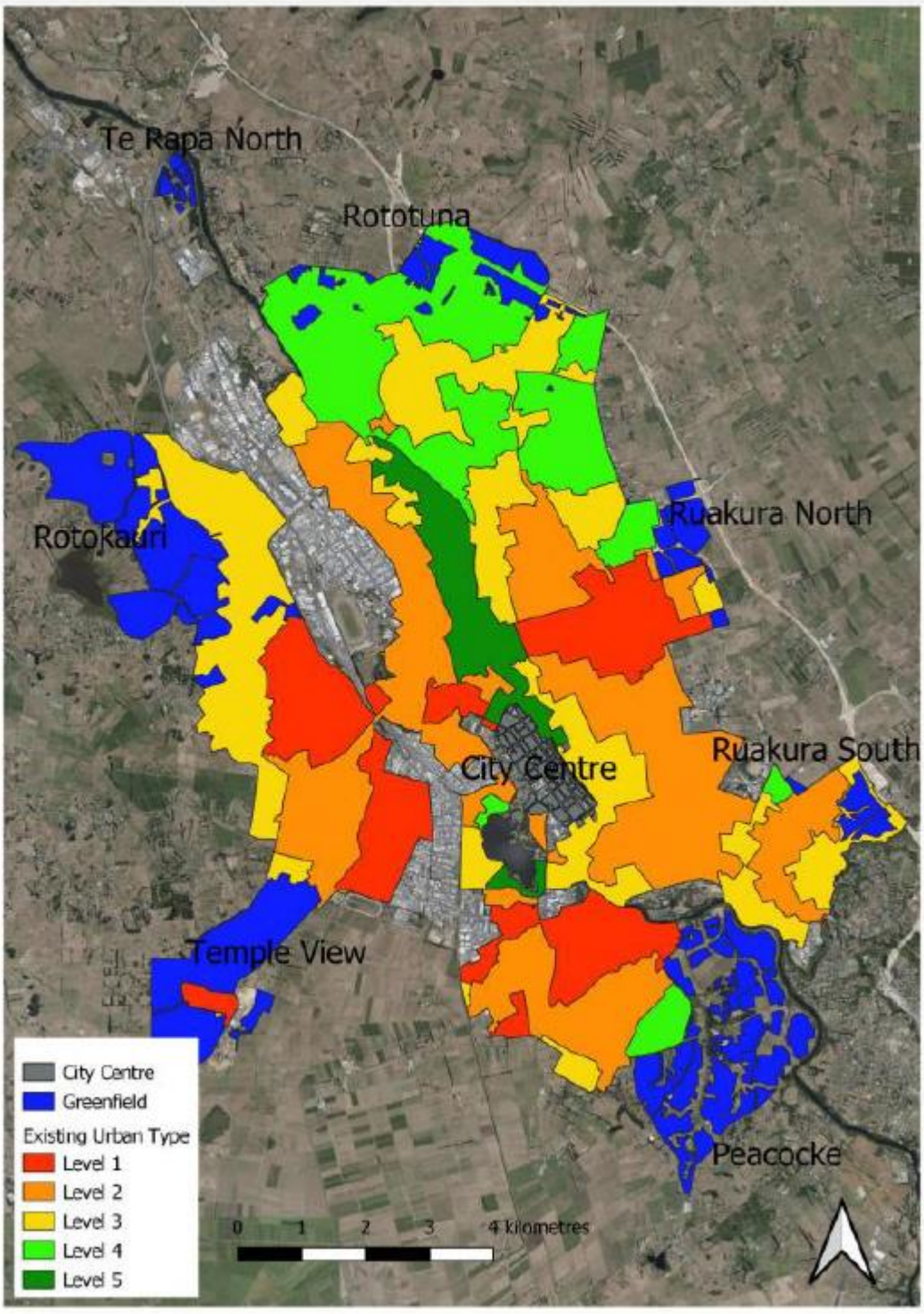
(d) Increased residential intensification is inconsistent with and/or does not give effect to the provisions of the RPS and PC12.

Mark Chrisp

~~24~~ 29 **July 2024**

APPENDIX 1: MARKET ECONOMICS FIGURE SHOWING VALUE OF LAND SURROUNDING LAKE ROTOROA

Figure 4-1: Hamilton City Spatial Framework (Base Levels) for Residential Capacity Assessment



APPENDIX 2: EXTRACT FROM THE COUNCIL'S 3 WATERS VIEWER