BEFORE INDEPENDENT HEARING COMMISSIONERS
IN THE WAIKATO REGION

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
WAIKATO

IN THE MATTER	**of the Resource Management Act 1991**
AND	
IN THE MATTER	**of Proposed Plan Change 12 – Enabling Housings Supply ('PC12') to the Operative Hamilton City District Plan ('ODP')**
Hearing Topic:	**Hearing 2 – PC12 Provisions**

STATEMENT OF PRIMARY EVIDENCE OF MICHAEL ROBERT CAMPBELL ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES (SUBMITTER 160)

(PLANNING)

24 JULY 2024

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1. EXECUTIVE SUMMARY

1.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (Campbell Brown). I have been engaged by Kāinga Ora-Homes and Communities (**"Kāinga Ora"**) to provide evidence in support of its primary and further submissions on Proposed Plan Change 12 – Enabling Housings Supply (**"PC12"**) to the Operative Hamilton City District Plan (**"ODP"**).

1.2 I have been engaged by Kāinga Ora to provide evidence in support of its primary and further submissions on the three Waikato Intensification Planning Instruments (**"IPI'"**), being; Hamilton City Council's Plan Change 12, Waipā District Council's Plan Change 26 and Waikato District Council's Variation 3 .

1.3 The key points addressed in my evidence are:

a) The statutory context created by the National Policy Statement: Urban Development 2020 (**"NPS-UD"**) and the directive requirements under the Resource Management Act 1991 (**"RMA"** or **"Act"**) as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**"Amendment Act"**);

b) The role of spatial planning in the fulfilment of the strategic objectives of the Plan to enable opportunities for intensification is strategically desirable locations and how this affects the delivery of public social housing.

c) The appropriateness of density limitations within residential zones, in addition to consenting requirements controlling the number of 'permitted' dwellings per site.

d) The appropriateness of managing the permitted number of units within the block of terraces dwelling typologies.

e) The appropriateness of specifying the number or storeys anticipated in the GRZ where a height limit applies.

f) The appropriateness of the Height in Relation to Boundary standard in the Medium Density Residential Zone to ensure that development up to 18m in height is appropriately enabled.

g) The appropriateness of balcony separation and building separation requirements where other standards already managed issues of privacy and building dominance.

h) The appropriateness of the tree canopy cover requirements and deep soil areas proposed to be included in PC12.

i) I have prepared a Section 32AA assessment as set out in **Appendix A** to my evidence.

1.4 Within the Waikato Regional context, it is my opinion that the approach taken by Kāinga Ora will not be contrary to the purpose and objectives of Te Ture Whaimana or the Waikato Regional Policy Statement (**"WPS"**) and would be consistent with those non-statutory spatial-growth strategies applicable to the Waikato Region[1].

2. INTRODUCTION

2.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (Campbell Brown), a professional services firm in Auckland specialising in planning and resource management.

2.2 I graduated from Massey University in 1995 with a Bachelor's Degree in Resource and Environmental Planning (Honours).

2.3 I began my career in planning and resource management in 1995. I was employed by the Auckland City Council as a planner from June 1995 to August 1998. I worked as a planner for the London Borough of Bromley in the United Kingdom from December 1998 to August 2000. I was employed by a Haines Planning, a planning consultancy firm, from October 2000 to December 2003.

[1] These are outlined at section 3 of the s42A report.

2.4 From January 2004 to October 2010, I worked for Waitakere City Council, beginning as a Senior Planner. In my final role at the Council, I was Group Manager Consent Services, where I oversaw the Planning, Building and Licensing Departments. In 2010, I started Campbell Brown together with my co-director Philip Brown.

2.5 I am a full member of the New Zealand Planning Institute. In July 2011, I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme. In 2013, I was appointed to the Auckland Urban Design Panel. In 2014, I was awarded the New Zealand Planning Institute's Best Practice Award for Excellence in Integrated Planning, as well as the Nancy Northcroft Supreme Best Practice Award.

2.6 I have been involved in a number of plan review and plan change processes, including the Independent Hearings Panel hearings on the proposed Auckland Unitary Plan. In particular, I have been involved in the following policy planning projects including:

(a) The Auckland Unitary Plan review for a range of residential clients and assisted the Auckland Council with the Quarry Zone topic;

(b) Plan change for Westgate Town Centre comprising residential and commercial activities;

(c) Proposed Plan Change 59 in relation to a private plan change for approximately 1,600 homes in Albany;

(d) Proposed Private Plan Change for a research integration campus for the University of Auckland.

(e) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to a suite of private plan change requests in the Drury area of South Auckland;

(f) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to the proposed New Plymouth District Plan.

(g) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to the proposed Central Hawkes Bay District Plan.

Code of Conduct

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

Scope of Evidence

2.8 Hearing session 2 on PC12 (**"the hearing"**) addresses submission points relating to PC12 in its entirety.

2.9 The scope of the evidence that follows is substantially reduced from the matters identified in the original and further submissions of Kāinga Ora. This change in 'focus' is outlined in further detail in the corporate evidence of Mr Liggett.

2.10 I have therefore been instructed to focus on particular issues relevant to Kāinga Ora in fulfilling its function as a public social housing provider. My evidence is primarily focussed on the proposed changes to provisions within the General Residential Zone (**"GRZ"**) and Medium Density Residential zone (**"MDRZ"**) wherein the majority of Kāinga Ora landholdings are located, and generally follows the format of the evidence of Mr Mark Roberts (for Council) and the analysis of submissions therein as it relates to the residential provisions proposed to be modified by PC12 following submissions.

2.11 I also address the evidence of other experts in support of PC12 where relevant to particular issues and/or topics[2]. I do, however, address the wider statutory context of the intensification mandated by the NPS-UD 'up front' as it is relevant to the overall approach taken within the Kāinga Ora submission concerning the enablement of residential development and the application of density standards within the GRZ and MDRZ.

2.12 In preparing my evidence, I have read the s42A report, addendums, and the s32 evaluations that support PC12. I have also reviewed the briefs of evidence prepared by those experts appearing in support of each Council at Hearing 1 – Strategic Overview Region-Wide. I note that the relevant statutory documents and regional spatial strategies applicable to the Waikato region have been identified and outlined within the evidence of Dr Mark Davey, Jim Ebenhoh and Tony Quickfall for Hearing 1. I agree with their collective identification of those matters which are also restated within the various brief of evidence by Council's experts in support of PC12 (as modified following submissions).

2.13 I have also considered the evidence of Mr Phillip Osborne (Economics) and Mr Philip Jaggard (Infrastructure), prepared on behalf of Kāinga Ora, in addition to the evidence of Mr Brendon Liggett (Corporate).

3. BACKGROUND TO THE KĀINGA ORA SUBMISSION

3.1 The overarching philosophy to the Kāinga Ora submissions across the Waikato Region is outlined in my brief of evidence for Hearing 1 – Strategic Overview – Region Wide. I consider it relevant to consideration of the Kāinga Ora submissions on PC12 to reiterate a number of points at the outset of my evidence as they relate to enabling intensification in strategic locations relative to the framework of the NPS-UD generally.

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[2] While the Council has not prepared a Section 42A report, I note that Council evidence is separated into various topics, with analysis of submissions appended to those briefs of evidence – in effect S42A reporting.

National Policy Statement on Urban Development ("NPS-UD")

3.2 Under the overarching objective of the NPS-UD (Objective 1) to ensure 'Well functioning urban environments', Policy 3 of the NPS-UD is highly relevant to the Kāinga Ora approach taken to the proposed spatial zoning undertaken within each of the IPI's by Kāinga Ora.

3.3 In relation to Tier 1 urban environments, district plans must enable[3]:

(a) *in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*

(b) *in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and*

(c) *building heights of at least 6 storeys within at least a walkable catchment of the following:*

(i) existing and planned rapid transit stops

(ii) the edge of city centre zones

(iii) the edge of metropolitan centre zones; and

(d) *within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.*

3.4 I agree with the commentary and analysis undertaken by Council experts that Hamilton City does not have a rapid transit network as-defined by the NPS-UD, nor a Metropolitan Centre zone (or equivalent zone) characterised by the National Planning Standards[4]

3.5 The NPS-UD also seeks to ensure that planning decisions improve housing affordability by supporting competitive land and development

[3] Refer Policy 3 of NPS-UD
[4] Refer to the Walkable Catchment Assessment Report, dated June 2024.

markets (Objective 2), and focuses on the identification and promotion of the future character/amenity of urban environments and their evolution over time (Policy 6), rather than protection and preservation of existing amenity, by promoting and enabling compact/efficient urban form and management of effects through good urban design (Objectives 1 and 4).

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

3.7 In my opinion, appropriate regulatory incentivisation in the form of enabling planning provisions for infill, multi-unit and higher-density development, are therefore *critical* in achieving compact urban form outcomes that capitalise on the favourable location that existing urban areas have to established public transport, service amenities, employment and education opportunities. This also ensures the ability to realise 'housing choice' through a range of possible development typologies, and gives-effect to Policy 1(d) of the NPS-UD which seeks to; *'support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets'* by ensuring that typically lower-density greenfield and brownfield development does not remain a strongly preferred choice for the housing sector, by delivering a competitive advantage to intensification through encouraging development in strategic locations.

3.8 As such, I consider the NPS-UD and the Amendment Act prescribe a fundamental shift in how spatial planning has typically occurred throughout New Zealand, by dramatically increasing the ability to enable redevelopment in brownfield areas within existing urban areas. Certainty of outcome through clear signals on where brownfield development and intensification should occur (supported through enabling planning provisions) reduces the perception of 'risk' within the community and in my experience can provide a greater level of confidence in both infill, multi-unit and higher-density style / comprehensive development.

4. DENSITY STANDARDS IN RESIDENTIAL ZONES[5]

4.1 Kāinga Ora opposed the application of the Infrastructure Capacity Overlay ("**ICO**") and associated density standards under Chapter 25.13.3 as they apply to development within residential zones[6]. Kāinga Ora consider it more appropriate to include infrastructure capacity as assessment criteria under the relevant chapter provisions, i.e. chapter 4 for residential development. This opinion was also expressed by experts on behalf of Kainga Ora within the Joint Witness Statement ("**JWS**") for 'Three Waters and Planning'[7].

4.2 As outlined in the evidence of Mr Roberts:

> *128. It is now proposed to introduce the minimum density standards into the residential chapter to align with what is proposed by PC12 in Chapter 25.13 for sites within the ICO. The average net site areas proposed do not differ from those proposed in Chapter 25.13. This change simply seeks to make it clearer to plan users that, where a site is located within the ICO, provisions relating to density apply.*

4.3 I do not dispute the rationale that such standards and triggers are appropriate in the affected residential chapters for ease of plan use. However, the proposal as put forward above essentially maintains the PC12 approach to the management of effects on infrastructure

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[5] Identified as 'Issue 4' within the Evidence of Emily Buckingham, Appendix B, and at paragraphs 126-133 of the evidence of Mark Roberts.
[6] Sub 160.308
[7] Refer para. 3.2.12 of the JWS.

capacity arising from permitted development enabled under the Act, and subsequently, as a method to ensure consistency with the WRPS and Te Ture Whaimana.

4.4 The evidence of Ms Buckingham outlines the general conclusions and analysis of submissions (Issue 4 in Appendix B to her evidence), where it is noted (my emphasis added in underline):

> *The TWICA/consent requirement for four or more dwellings/lots corresponds to any development exceeding the MDRS and is also reflective of a break point between minor infill development and comprehensive redevelopment of a site. <u>The density triggers correspond to development exceeding the density of development provided for in the operative District Plan,</u> therefore exceeding the basis of current infrastructure planning and commitments. I consider that the density triggers are important to ensure that capacity issues are assessed for medium density redevelopments such as town houses/terrace housing, which would have cumulative effects on infrastructure capacity. On this basis, I recommend that the requirement for developments to prepare a TWICA is retained, and that the triggers for a TWICA are largely retained as notified.*
>
> (a) *I recommend some minor changes to the triggers to better align with the recommended changes to residential provisions and zoning maps, as described below:*
>
> • *<u>The development recommended to be enabled in the General residential zone is now close to what the operative District Plan provides for (two units per site at 200m² net site area). Consent would be required for more intensive development.</u> I recommend that the trigger for a TWICA in the General residential zone within the Infrastructure Capacity Overlay be changed accordingly, to be triggered upon the creation of three or more residential units and/or a density exceedance.*
>
> […]
>
> • *I also note that the density triggers from the Three Waters chapter are proposed to be reflected in recommended changes to*

the Residential zone chapters, so that these standards are more easily able to be seen upfront.

4.5 I do not support the inclusion of density triggers for the purposes of managing the effects of development on infrastructure capacity, either within the Three Waters chapter or as is now proposed to be included within the affected and corresponding Residential zone provisions. I share the views expressed within the Kainga Ora submission and JWS that such assessment of infrastructure capacity issues are more efficiently and effectively managed through the inclusion of assessment criteria for infrastructure assessment where the permitted number of dwellings in a residential zone are exceeded (i.e., 3 or more in GRZ and 4 or more in the MDRZ). Such criteria and matters of discretion are already included in the GRZ and MDRZ respectively.

4.6 Mr Phil Jaggard (for Kāinga Ora) has reviewed the proposed amendments outlined above. Mr Jaggard outlines in his evidence that the likely stormwater runoff effects, flows and volumes from developments are likely to be similar or the same, regardless of the number of dwellings or the density of a development. In relation to waste water capacity, Mr Jaggard also outlines the similarities between permitted levels of development and density limitation, and the limited effect that difference of 1-2 dwellings in terms of permitted levels of development may have on capacity.

4.1 In addition, Mr Jaggard outlines in his evidence that Chapter 4.1.1 Residential Zones – Purpose now includes additional text that states that a development wanting to connect to the city's water, wastewater and stormwater networks, that an additional approval may be required through the Three Waters Connection Policy and this process sits outside of the conventional resource management planning process. This inclusion makes it clear to people wishing to develop (including "permitted" activities) that developments wishing to connect to the public three waters networks will a require an additional approval outside District Plan. I rely on the evidence of Mr Jaggard and agree with his conclusions.

4.2 In addition to the above, density limitations on the number of residential units within a site merely frustrates the enablement of permitted development and more efficient use of land/smaller sites and the delivery of housing choice as directed by the Act and provided for under the MDRS. As outlined by Ms Buckingham, the GRZ provisions (as proposed to be amended) do not differ substantially from those within the ODP in terms of the numbers of dwellings permitted or density limitations that currently apply.

4.3 I consider that density limitations are unnecessary in circumstances where there is already a permitted dwellings trigger. In my opinion and based on the evidence of Mr Jaggard, the overlay is not a matter required to give effect to Te Ture Whaimana and Council can meet its obligations under the strategy through that various amendments that have been made to PC12, without and onerous constraints applied through the ICO.

4.4 While I am instructed that Kainga Ora does not oppose the reduction in the permitted number of residential units in the GRZ to two dwellings per site, it is my opinion that such a reduction will (as noted by Dr Davey[8]) effectively reduce permitted development densities across the spatial extent of the GRZ and therefore, have a substantial positive effect on the potential 'cumulative infrastructure effects' of otherwise-permitted levels of intensification that the MDRS standard would require. This is also outlined in the evidence of Mr Jaggard.

4.5 Having regard to my earlier evidence around incentivisation of development opportunities, implementation of PC12 (as modified) will not result in an 'overnight' intensification of urban environments within Hamilton City. As outlined in the evidence of Mr Osborne, there are a range of economic factors that affect decisions to redevelop land which make larger scale comprehensive redevelopment more desirable than simple 'infill' development typically undertaken by private landowners. Large scale developments that achieve 'economies of scale' *would* trigger consent requirements for number

[8] Evidence of Dr Mark Davey, page 4.

of dwellings and necessary infrastructure assessment as sought in the relief by Kainga Ora. As concluded by Mr Osborne in his evidence:

> *[…] seeking to manage infrastructure constraints the approach taken through PC12 has a high probability of impact upon the efficient development of housing within Hamilton City. This is in terms of quantum, price and typology, as well as impacting upon the competitive nature of development within GRZ and MRZ areas in comparison to less efficient residential areas and other districts.*

4.6 In my opinion, density limitations only seek to discourage and frustrate permitted levels of infill development and the delivery of housing choice. This is further compounded in my view, by classification of dwelling typologies under the proposed density standards. I therefore question whether the 'precautionary' approach taken is strictly necessary in this case when there are other methods available more in keeping with the intent of the NPS-UD.

4.7 In my opinion, and as outlined in the Kāinga Ora submission, land use density limitations do not sufficiently enable residential intensification and were identified in the NPS-UD 2019 consultation document (in reference to the Productivity Commission's enquiry into 'Better Urban Planning')[9] as one of a number of planning controls that unduly constrain residential redevelopment and intensification opportunities. It is my opinion that Plan Change seeks to apply too-great a level of control over numbers and types of buildings, separate from number of units on a site.

4.8 I therefore recommend that the density limitations imposed for land within the ICO are removed from the affected zone provisions[10] and the Three Waters Chapter[11]. Such provisions are not efficient or effective in enabling permitted levels of intensification and artificially seek to control dwelling typologies rather than provide an enabling framework. In my opinion, this will frustrate the ability of Kāinga Ora to deliver infill redevelopment on standalone sites where

[9] https://www.productivity.govt.nz/inquiries/better-urban-planning/
[10] For the avoidance of doubt those zones are the General Residential Zone and Medium Density Residential Zones wherein the majority of Kāinga Ora land holdings are located.
[11] Rule 25.13.3.

comprehensive 'area' redevelopment is not practical due to fragmented land ownership.

4.9 In my opinion, the reduced permitted dwelling threshold of 2 dwellings per site in the GRZ as proposed by Council, in addition to the inclusion of infrastructure assessment for development exceeding permitted levels in both the GRZ and MDRZ, is a more efficient and effective approach at managing development and concerns around infrastructure capacity, while not compromising the delivery of housing choice and supply as sought by the guiding principles of the NPS-UD.

4.10 In my opinion, with the removal of density requirements and the use of assessment criteria for infrastructure assessment beyond the 'permitted' number of dwellings, there is no practical need for the ICO. I also do not consider that the ICO is required to identify *where* infrastructure investment is to be targeted by the Council. This is a function of Local Government and sits outside of the District Planning framework. I therefore also recommend that the ICO be deleted from PC12 and the planning maps.

4.11 I have prepared a Section 32AA assessment as set out in **Appendix A** to my evidence.

5. BUILT FORM STANDARD AND TERRACES IN THE GRZ

5.1 Kainga Ora made submissions on the notified built form standards under PC12[12] and sought the deletion of such standards as issues of built form are otherwise managed through bulk and location controls and design related assessment for multi-unit (restricted discretionary) development.

5.2 Mr Roberts has recommended that such submissions are rejected, while also now proposing under PC12 to limit the number of terraces to 6 units within a development. He notes (my emphasis added un underline)[13]:

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[12] Subs. 160.112, 160.151, 160.183,
[13] Roberts, Theme 12, pages 129-131.

> *While it is true that built form can be influenced by other regulations such as setbacks and height in relation to boundary rules, these regulations alone may not be sufficient to achieve the desired outcome of creating attractive buildings that enhance the surrounding urban environment. Built form rules can provide additional guidance and requirements to ensure that new development projects contribute positively to the aesthetic value of the area.*
>
> *As per the submissions against intensification listed in Theme 1 Issue 2 and the changes being proposed to the number of units permitted in the GRZ, corresponding changes are proposed to Built Form in the General, Medium and High-Density Residential Zones, including the number of terraced units permitted within a single continuous development, and building setback above a given height.*
>
> *Restricting a terraced block to 6 attached units aligns with the provisions for the Medium Density Zone in Peacocke (Chapter 4A). This provision helps assist in the management of visually dominant building blocks that can create unattractive urban environments.*

5.3 I do not support the inclusion of such a standard which, in my view, introduces a new restriction in achieving housing and built form choice, and which may be outside the scope of PC12 as notified[14].

5.4 I note that the under the proposed GRZ standards, it is a restricted discretionary activity to develop three or more dwellings per site under 4.2.3.1.f. As such, any development of terraced housing in the GRZ will be subject to a resource consent where the relevant assessment criteria will require assessment of the overall design and built form outcome.

5.5 In my opinion, such a requirement is better suited to assessment criteria which allows for a qualitative assessment of a development in terms of surrounding context, site size and orientation and the specific design response being proposed. The addition of further 'design standards' in the plan results in further consent 'triggers'

[14] Issues of scope are addressed in the legal submissions on behalf of Kāinga Ora.

which is not efficient when there is an existing method on the plan (3 or more dwellings) to trigger such an assessment. There may be valid design or economic reasons as to why a particular development has more than 6 terraces in a block and utilises design techniques (staggering of floor plates, orientation, architectural treatments and the like) to mitigate potential dominance effects.

5.6 I also have concerns that the wording of the standard seeks to limit the number of units within an overall 'development', rather than the intention expressed by Mr Roberts (as quoted earlier) to manage the number of units in a row/block of terraces.

5.7 I propose the following matter of discretion / assessment criteria be added to those of the GRZ under 4.2.7.i and Volume, Appendix 1.3:

> *The extent to which a block of terraces exceeding 6 units can be designed to mitigate potential bulk and dominance effects from long, dominant and unrelieved buildings.*

5.8 In my opinion, the above provides an efficient alternative rather than additional infringements of standards. Should it be assessed that such an outcome is not achieved, then (as a restricted discretionary activity) there remains scope for Council to exercise its discretion in terms of quality design outcomes.

5.1 I have prepared a Section 32AA assessment as set out in **Appendix A** to my evidence.

5.2 Were the commissioners are minded to retain the proposed standard, then I recommend the wording is clarified to reflect the intentions of the reporting planner rather than the present wording which functions as a control on density.

6. NUMBER OF STOREYS IN THE GRZ

6.1 Kāinga Ora supported both the objective 4.2.2.2 and policy 4.2.2.2.a as-notified as it was consistent with the general requirements of the

Amendment Act in reference to the intensity of housing enabled through the MDRS[15].

6.2 As a result of the various amendments now proposed under PC12, Mr Roberts recommends the objective and policy is amended to reflect the level of development and reduced height limit which now applies within the GRZ. He notes[16]:

> *In response to submissions of infrastructure constraints and the MDRS, and the changes being proposed as a result, corresponding changes are proposed to the Objectives and Policies of the GRZ.*

6.3 While I find little further analysis of the proposed changes, it appears that the reference to 1-2 storeys in the revised provisions relates to the reduced height limit of 10m (11m notified) in the GRZ.

6.4 In my opinion, the reference to the number of storeys in a building can frustrate the consent process where a development may seek to provide three storey development in compliance with the permitted height limit, or a marginal non-compliance with height that is assessed to have minimal adverse effects with the positive outcome of land use efficiency and housing choice. However, where objectives and policies create an expectation of the number of 'storeys' in a development, this can create a policy conflict in such circumstances.

6.5 In my opinion, the reduced building heights and permitted levels of development in the GRZ do reduce the flexibility of the zone to deliver housing choice through enabling planning provisions, as outlined earlier in my evidence. I recommend that the reference to development in the GRZ 'comprising 1 to 2 storey development' is removed from the objective and policy. I consider the following wording will ensure a measure of flexibility in the assessment of further development, while not precluding a range of housing typologies that may include three storey development where it is assessed to be appropriate or compliance with building height can be

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[15] Subs. 160.87 and 160.88
[16] Roberts, Appendix B, page 35.

achieved (my proposed amendments in red strikethrough, and blue underline):

> ***Objective 4.2.2.2***
>
> *The General Residential Zone and development within it provide for a variety of housing types and sizes that respond to*
>
> *i. Housing needs and demand; and*
>
> *ii. The neighbourhood's planned urban built character~~, comprising including 1 to 32 storey~~ of single, duplex, and terrace housing residential units ~~buildings.~~ that are predominately 10m in height.*
>
> ***Policies 4.2.2.2a***
>
> *Enable a variety of housing typologies with a mix of densities within the zone, including ~~1, and 2 and 3-storey~~ attached and detached residential units.*

6.6 I have prepared a Section 32AA assessment as set out in **Appendix A** to my evidence.

7. HEIGHT IN RELATION TO BOUNDARY IN MDRZ

7.1 Kāinga Ora opposed the notified PC12 height in relation to boundary ("**HIRB**") standard under 4.3.4.5, noting that the standard should be enabling of the heights and densities being provided for within the zone[17]. A set of alternative standards were put forward in the Kāinga Ora submission that sought a 6m+60º HIRB standard within the zone, and a 4m+60º HIRB at the interface to lower intensity zones.

7.2 A range of amendments are proposed to the MDRZ provisions in response to submissions, and the overall approach to management of intensification within Hamilton City. As noted in the evidence of Mr Roberts (my emphasis added in underline):

> *140. Reducing building heights within the GRZ will encourage development of greater height and densities to locate in*

[17] Sub 160.142

the MDRZ and HDRZ where the benefits of residential intensification are more likely to be realised. This will better support centres and be located closer to public transport routes and where infrastructure investment is more likely to occur, which in turn helps HCC to achieve its obligation under Te Ture Whaimana.

141. With the reduction in the building heights within the GRZ it is recommended to increase the building heights within both the MDRZ and HDRZ to enable more flexibility to achieve the expected building typologies of up to 5 storey apartments buildings within the MDRZ and apartments buildings of more than 6 storeys within the HDRZ.

142. Increased heights within the MDRZ and HDRZ will provide economic opportunity for more efficient land use, which may provide more affordable options for housing, providing social and economic benefits.

[…]

147. Within the MDRZ PC12 introduces more enabling HIRB provisions for 3 or more attached residential units (Terrace Housing and Apartments) within the first 20m of the site along the transport corridor. Within the first 20m along the side boundary measured from the transport corridor the HIRB rules will not apply, however any building greater than 11m in height will be required to have a setback of a minimum of 4m from the side boundaries above the first 11m.

148. The provision of an alternative HIRB control along the first 20m of the street frontage provides flexibility and aim to encourage the bulk of the buildings to locate to the front of the site, creating more opportunity to have private rear yards. While retaining standard HIRB requirements over the rear of the site will ensure that these areas continue to meet the requirements of the MDRS.

7.3 I am generally supportive of the Council's approach, which has balanced reduced permitted levels of development within the GRZ (subject to my earlier recommendations) with the enablement of greater levels of intensification in the MDRZ.

7.4 However, I support the Kāinga Ora submission which sought to introduce a HIRB control that reflects the scale of development anticipated within the zone. In my opinion, retention of the 4.3.4.5.a HIRB standard as notified while increasing the permitted building heights within the MDRZ from 15m to 18m (five storeys), does not achieve an efficient or effective resource management outcome.

7.5 In my experience, a 4m+60^0 recession plane is unlikely to enable buildings up to 18m in height and will result in large non-compliances where development is proposed to the height now permitted (18m). This leads to an inefficient consenting process where the degree of infringement can be conflated with the actual and potential effects of the development outcome. While such a standard is prescribed within the MDRS, that is reflective of the overall package of MDRS standards that enable 3 storey development up to 11m in height (with a further 1m roof form allowance for a pitched roof). It is not, in my opinion, fit for purpose in a zone that now enables 5 storey development across a range of typologies including apartments.

7.6 As a comparison, Plan Change 78 ("**PC78**") to the Auckland Unitary Plan's 'Terraced Housing and Apartments Building zone', seeks to provide a 4m +60^o recession plane for buildings containing up to three dwellings, as per the MDRS standards. The rules then apply a more-enabling 8m+60^o recession plane for buildings containing four or more dwellings[18]. Alternative height in relation to boundary standards also apply to promote building scale to the street, similar to the approach under PC12 (4.3.4.5.b of the MDRZ). In this way, the zone provisions distinguish between different development intensities on that basis that it is highly unlikely that three dwellings/units would be

[18] Page 32, https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/1.pc-78-chapter-h-zones-residential.pdf

established within an 18m high building so as benefit from the more flexible 8m+60º recession plane.

7.7 Based on my reading and interpretation of the amended PC12 provisions, the 4.3.4.5 HIRB standard (as worded) retains the 4m+60º 'standard' requirement where development is *beyond* 20m from a transport corridor, thereby constraining developments that would involve more than three or more dwellings (such as apartments) seeking to utilise the 18m height limit within the MDRZ.

7.8 I therefore support the Kainga Ora submission which sought to include a 6m +60º recession plane for 'three or more attached residential units on a site' under 4.3.4.5.b. Having regard to the shading analyses appended to the evidence of Mr Roberts, I consider this would result in minimal increases in shading effects beyond the assessed 4m+60º shading extent. Any increase would be limited to larger scales of development, as up to two dwellings would remain subject to the standard 4m+60º control[19].

7.9 This will also address what I consider to be an omission in the standard, as there is no clear reference to what HIRB requirement applies to development beyond 20m from a transport corridor, adjoining the MDRZ, HDRZ or business zones.

7.10 I recommend the following amendments to the standard and inclusion of a reference to a new height in relation to boundary 'figure' that illustrates a 6m+60º recession plane:

> *b. For three or more attached residential units on a site that adjoins a transport corridor, another site in the Medium Density Zone or High Density Zone or the following zones, any Business Zone, any Open Space Zones;*

[19] I would also draw the Commissioners' attention to the shading analyses appended to the evidence of Mr Roberts. In my opinion, those are a fanciful assessment of shading effects from buildings occupying 100% site coverage as opposed to built form that is permitted under the proposed development standards. Reduced coverages, multiple buildings within a site and required separation would reduce the shading otherwise presented within those assessments.

i. Within the first 20 meters of the site measured from the transport corridor boundary 4.3.4.5 a. will not apply along the side boundaries.

ii. Within the first 20 meters of the site measured from the transport corridor boundary the following shall apply:

a. All parts of a building less than 11m in height (or up to 3 storeys) shall be setback from the side yard boundary a minimum of 1 meter as required by Rule 4.3.4.6 b;

b. All parts of a building greater than 11m in height (or greater than 3 storeys) shall be setback from the side boundary a minimum of 4 meters.

~~*iii. Site boundaries that adjoin any other zone then 4.3.4.5 a. will apply.*~~

iii. Beyond the first 20 meters of the site measured from the transport corridor boundary, Figure 4.3.4.5 b will apply to all boundaries.

vi. Site boundaries that adjoin any other zone then 4.3.4.5 a. will apply.

7.11 I note that a corresponding amendment would be required to the HIRB standard within the HDRZ under 4.4.5.5 to ensure parity of enabled development. I note that the HDRZ appears to be less enabling in this regard than the MDRZ as proposed to be modified by the Council.

7.12 I have prepared a Section 32AA assessment as set out in **Appendix A** to my evidence.

8. BUILDING SETBACK

8.1 Kāinga Ora supported the building setback standard within both the GRZ and MDRZ as notified, being reflective of the MDRS requirements[20].

[20] Subs. 160.102 and 160.143.

8.2 The amendments outlined in the evidence of Mr Roberts seeks to introduce further setback requirements for upper level balconies and internal building separation for buildings on the same site under both the GRZ (4.2.5.6 g and h) and MDRZ (4.3.4.6 g and h). These standards were not included within the initial notified version of PC12.

8.3 The introduction of these standards is outlined by Mr Roberts under Theme 8, Issue 1 (Appendix B) to his evidence[21] (my emphasis added in underline):

> *Given the submissions with concerns relating to reduced building setbacks discussed above, I recommend changes to the building setbacks in the General Residential Zone, as well as the reintroduction of balcony setbacks and building separation standards in all residential zones. This is also supported by submissions against intensification listed in Theme 1 Issue 2.*
>
> […]
>
> *The reintroduction of building and balcony setbacks for all residential zones provides a guaranteed minimum level of privacy for residents on neighbouring properties by limiting both direct sight into rooms of buildings next to each other and overlooking from balconies. This becomes increasingly more important to manage when buildings are built closer together.*
>
> *The proposed changes also encourage balconies to be located along the transport corridor or open spaces, assisting in building separation and privacy between public and private spaces, and promoting more passive surveillance opportunities of those public spaces. The provisions will also improve the Plan's effectiveness by linking objectives and policies that seek building separation and privacy outcomes with measurable standards that all developments will be expected to meet.*

8.4 I do not support the inclusion of the above standards. In my opinion, issues of privacy, separation and overlooking between residential dwellings are already effectively and efficiently managed through a

[21] Roberts, Appendix B, page 89.

range of other standards such as height in relation to boundary, existing building setback requirements, outlook space and outdoor living area locational requirements.

8.5 The proposed standards within the GRZ and MDRZ introduce what I consider to be onerous setback requirements (that are already addressed above) and, where a non-compliance with those standards is triggered, would warrant assessment of potential effects associated with overlooking and privacy. I also consider that the height in relation to boundary control already manages potential privacy effects for buildings containing windows relative to a boundary, as well as through outlook and yard setback requirements.

8.6 While I accept that the ODP already contains a similar standard, this was not included in the initial notified provisions. In my view, the proposed standards, which require a 4m minimum separation from a boundary, are only likely to frustrate the levels of development enabled, particularly within the MDRZ.

8.7 Similarly, I consider that the requirement to provide a 3m separation between buildings on the same site (internal building separation standard) is better managed through the existing standards noted at paragraph 8.4 above, particularly where there may be windows on opposing buildings. Where there is a potential zero lot situation or detached dwellings are proposed in close proximity, then the Building Act already manages minimum separation requirements for the purposes of fire rating and access/maintenance.

8.8 I therefore recommend deletion of the proposed standards for upper level balconies and internal building separation for buildings on the same site under both the GRZ (4.2.5.6 g and h) and MDRZ (4.3.4.6 g and h).

8.9 I have prepared a Section 32AA assessment as set out in **Appendix A** to my evidence.

9. URBAN TREE CANOPY REQUIREMENTS

9.1 Kāinga Ora opposed the initial notified PC12 provisions related to urban trees[22] and the imposition of minimum numbers of trees to be planted based on dwelling typologies.

9.2 Consideration of submissions on the landscape and permeability standards are under 'Theme 6' within the evidence of Mr Roberts and refers to the evidence of Mr Michael Graham on 'Urban Landscape / Green Policies'. That evidence includes a 'guidance note' for implementation of the proposed standards which has been introduced following submissions and contained within Attachment 1 to the evidence of Mr Graham.

9.3 Mr Graham outlines the justification for the above standards as follows (my emphasis added in underline):

> *27.* […] *It is well recognised that trees offer significant amenity and environmental benefits to an area, including reducing the effect of high rainfall and urban heat island effect, while providing mental health and habitat benefits which cannot be replicated within a short timeframe in the event of their removal.*
>
> *28. Where intensification occurs in an area, typically established trees are removed to accommodate additional buildings resulting in a reduction in quality of that environment. In part this is due to the fact that future intensification is not factored into the placement of specimen trees within private residential environments. Consequently, while established trees may be considered for retention within an area transitioning to a higher density of development, they may not be compatible with that future environment due to their current or potential size, species selection, health or their location and competing spatial requirement within a development site. I consider therefore, that achieving a balance between encouraging retention where possible, while allowing removal of incompatible trees and requiring the*

[22] Subs. 160.99 (GRZ), 160.140 (MDRZ), 160.171 (HDRZ)

planting of new specimen trees within developments is an appropriate response.

9.4 I do not support the proposed provisions, which have significantly expanded the notified PC12 requirements while also creating a far more prescriptive standard that would apply to permitted activities within residential zones. I question the appropriateness of such a standard when it is noted in the evidence of Dr Juliana Reu Junqueira that while the "*PC12 tree planting requirement is not expected to significantly increase the existing tree canopy coverage, it can help prevent further loss*".

9.5 In my opinion, the 'urban tree canopy' standard will require tree specifications to be provided to Council as part of any development (permitted or otherwise) which confirms the projected future growth of selected tree specimens, in order to demonstrate compliance with the table outlining "Tree size with corresponding height and projected canopy size". I have concerns that such compliance will depend on a range of variables such as solar access, orientation, soil quality, and whether a landowner undertakes sufficient ongoing maintenance of the planting. This is particularly problematic where such controls (commonly applied through a landscaping maintenance plan for larger scale development) is not possible for permitted development. I note that larger trees often lead to potential future maintenance conflicts with buildings, thereby increasing the area any given tree is to be accommodated, while also often resulting in adverse shading of residential units – particularly where larger trees are placed in a northerly aspect to support their growth.

9.6 Based on my own experience with resource consenting, I also have concerns that technical arboricultural reporting may be required by the Council for demonstration of compliance with a standard that requires a number of assumptions to be made about projected growth rates and eventual 'canopy spread' of trees planted. I consider it an onerous requirement (should such an eventuality occur) to necessitate arboricultural assessments for demonstration of compliance for permitted levels of development, and indeed an additional cost for

larger scale multi-unit development. This is not, in my view, an efficient or effective approach to what is, at its basic level, an intention to ensure greater numbers of trees are planted across Hamilton City as a response to climate change.

9.7 I also consider that the protection of established 'tree canopy' areas may result in the Council taking an administrative approach whereby legal mechanisms are required to secure those outcomes in perpetuity. Consent notices, covenants and other such legal mechanisms impose additional costs due to the associated specialist expert and legal inputs required to amend property titles. It means that any further development of the site is subject to a subsequent process to vary the consent notice, even for minor works. This also creates a long-term monitoring and enforcement issue for Council where the height of trees and the extent of canopies will need to be continuously monitored for all new sites across the City. In my review of the s32 analysis supporting the notified provisions and the Council's evidence/reporting, I find little assessment of the above issues.

9.8 In my opinion, a more efficient and effective approach is to maintain the notified PC12 standard – particularly where the establishment of 20% of a net site area in tree canopy cover would significantly compromise housing delivery[23], and result in adverse shading and subsequent amenity effect for the landscaping areas wherein tree canopy is required to be located. The evidence of Mr Osborn also outlines the economic costs that such a requirement will place on housing development and landowners.

9.9 In my opinion, the notified standard places a clear requirement for a minimum number of trees per unit typology. This standard applies to all development permitted or otherwise and is easily enforceable and interpreted without the need for extensive assessment and supporting documentation to confirm compliance with the complexity of the standard proposed in Council's evidence. This complexity is evidenced

[23] Refer to the corporate evidence of Mr Brendon Liggett.

by the lengthy explanatory note at Attachment 1 to Mr Graham's evidence.

9.10 I also consider that where development exceeds the number of dwellings permitted in the GRZ and MDRZ, then issues of comprehensive landscaping and planting necessarily fall within Council's discretion to consider based on the assessment criteria for such development.

9.11 I therefore agree with the Kāinga Ora submission and recommend that the urban tree canopy rules and associated references within the objectives, and policies of the residential zones, be retained as per the notified provisions.

10. DEEP SOIL AREAS

10.1 The Council has sought to include 'deep soil areas' within the modified PC12 provisions, which is related to the proposed tree canopy requirements discussed in the previous section of my evidence. These amendments appear to be in response to submissions concerning the reduction and fragmentation of permeable areas as a consequence of residential development intensification, and the resultant loss of adequate contiguous soil volume for specimen tree planting and stormwater infiltration.

10.2 Justification for the proposed deep soil requirements are outlined in the evidence of Mr Graham as follows (my emphasis added in underline):

> *33.* […] *The deep soil area in and around a specimen tree can form part of the overall permeable landscape area, but the deep soil area around a specimen tree shall have a depth of 1 metre, increased from the typical 400mm depth for deep soil areas.*
>
> *34. Further consideration of these areas may be required as building intensification will alter the availability of water within existing immediate surroundings of a retained tree. These areas may require the introduction of irrigation and/or*

drainage to maintain existing site conditions, as a lack of nutrients and water, or conversely waterlogged tree pit, is detrimental to a tree.

41. Although two distinct functions, they are intrinsically linked as urban soils provide nutrient supply and a moisture reservoir to sustain specimen trees and other plants, as a part of their stormwater absorption capacity. As intensification results in more building coverage within an area the total extent of soil is reduced. The remaining areas of soil are typically smaller and peripheral to the building site, fragmented by other functions such as driveways, pathways, service trenches and foundations. This fragmentation and encroachment within soil areas compromises their ability to provide adequate nutrients and water for specimen trees and stormwater absorption capacity.

43. In order to compensate for some of the reduction in permeable area and capacity it is recommended that a deep soil provision is introduced for lots greater than 200m2. This policy would require the provision of an area that constitutes 50% of the landscape area of a site as a deep soil area, with a minimum dimension of 2m. This area would have a minimum soil depth of 400mm and be capable of accommodating additional depth for specimen trees. This area would form part of the required landscape area and is intended to provide more substantive amenity and stormwater infiltration.

10.3 I do not support the inclusion of the above deep soil area requirements as they relate to development within the affected GRZ and MDRZ zone provisions. In addition to setting a minimum 20% canopy cover requirement, the proposed rules for deep soil area also set a requirement for land area around each tree, requiring 'uncompacted' soil areas of certain depths which (it is assumed) must be kept free from impervious surfacing.

10.4 I do not consider such soil depth requirements are efficient or effective at achieving the objectives of the Plan – particularly where I support retention of the Urban Tree rules as-notified. In my

experience, the provision of specimen planting and landscape areas *necessarily* requires sufficient soil and ground permeability for such planting/landscaping to establish and thrive. The PC12 provisions already set minimum landscaped area requirements for all residential development, which serves the dual purpose of providing landscaped amenity to urban environments and offsetting of impermeable surfaces. Permeable surfaces are already defined within Appendix 1.1 to the ODP (unmodified by PC12) as *"…any part of a site which is grassed or planted in trees or shrubs and is capable of absorbing water"*.

10.5 I note that Mr Graham draws attention to the use of permeable paving systems at paragraphs 44-48, and the benefits that deep soil areas may have in offsetting the 'absorption' deficiencies that such alternative paving solutions can provide, despite their ability to function as a pervious surface. In my experience across a range of residential developments where permeable paving has been utilised, such systems do function in a way where stormwater retention and detention can be achieved to offset the effects of stormwater runoff from impervious surfaces. These methods are in addition to the various stormwater attenuation and treatment requirements that are proposed within the Three Waters Chapter under PC12. I rely on the evidence of Mr Jaggard on behalf of Kainga Ora and his analysis that deep soil areas are not warranted from a stormwater management perspective.

10.6 In my opinion, there already exists (either within the ODP or as proposed under PC12) a range of methods to address issues of stormwater runoff such that the addition of deep soil areas merely adds complexity and compliance costs to an expanding list of permitted standards in residential zones.

10.7 I therefore recommend that requirements for deep soil areas within 4.2.5.3 and 4.3.5.3 are removed, along with the associated definition and reference within objectives and policies.

10.8 I have prepared a Section 32AA assessment as set out in **Appendix A** to my evidence.

11. CONCLUSIONS

11.1 In my opinion, the relief sought by Kāinga Ora as set out in my evidence and that of Mr Jaggard and Mr Osborne, will better align PC12 with the NPS-UD, the purpose and principles of the RMA, and enable Kāinga Ora to effectively and efficiently undertake its functions under the Kainga Ora – Homes and Communities Act. Within the Waikato Regional context, it is my opinion that the approach taken by Kāinga Ora will not be contrary to the purpose and objectives of Te Ture Whaimana.

11.2 The potential benefits provided through the relief sought by Kāinga Ora as outlined in my evidence includes:

(a) Providing for greater housing choice through enabled redevelopment of sites within the 'permitted' number of dwellings in the GRZ and MDRZ.

(b) Providing benefits to the social and environmental wellbeing of the community by enabling opportunities to live, work and play within their local neighbourhoods and in redeveloped Kāinga Ora housing stock.

(c) Providing clear signals to the development market through provisions that define what is appropriate in particular zones, and what is not.

(d) Ensuring an effective and efficient Plan provides a clear consenting pathway for permitted development, while not duplicating issues that are also address through Council policies and other local government functions.

(e) The protection of rural areas and productive soils from inappropriate residential lifestyle and commercial development through adequate land supply and an enabling

planning framework to promote residential development into the established urban areas where land use and economic efficiencies can be realised and the adverse effects of urban sprawl are suitably avoided in the future.

11.3 I consider that the amended provisions as set out in my evidence will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the WRPS, Te Ture Whaimana and other relevant statutory documents including the NPS-UD. In my opinion they will assist in striking an appropriate balance in managing the effects of urban development, while enabling greater opportunities to facilitate permitted levels of development to provide housing choice with certainty and efficiency.

Michael Robert Campbell

24 July 2024

Appendix A – Section 32AA assessment

Having regard to section 32AA, the following is noted:

Table 1: Removal of both density Standards in Residential zones and the Infrastructure Constraint Overlay (ICO)

Effectiveness and efficiency	• The relief sought will remove density controls which are already present by virtue of the standards permitting either 2 dwellings per site in the GRZ and up to 3 dwellings per site in the MDRZ. These are shown through the supporting evidence of Mr Jaggard to manage similar outcomes in terms of infrastructure capacity and cumulative effects of permitted development. Mr Jaggard also outlines the practical reality around the level of development and infrastructure demand such development will create, being less than assessed by Council. • Further to the above, the relief sought will simplify plan administration through the removal of density limitations and the application of the ICO, while ensuring assessment of infrastructure capacity for development above 'permitted' levels. • Council's Three Waters connection policy is noted as nevertheless requiring approval for any connection (permitted or otherwise) and therefore it is inefficient to include density constraints where there exist other methods and requirements for Council to address capacity constraints. • The proposed amendments are a simple and effective change to PC12 that will respond to the requirements of the NPS-UD and ensure enabled development that provides housing choice, supported by the Council's recommended reduction in permitted development within the GRZ from 3 to 2 dwellings per site. • The proposed change will provide for efficient land use and greater densities, thereby enhancing the walkability of the urban residential environment, which will contribute to a well-functioning urban environment.
Costs/Benefits	• The economic evidence of Mr Osborne demonstrates that the inclusion of density limitations has a high probability of impact upon the efficient development of housing within Hamilton City. This is in terms of quantum, price and typology, as well as impacting upon the competitive nature of development within GRZ and MRZ areas in comparison to less efficient residential areas and other districts. • The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible. • The proposed changes could have localized infrastructure capacity implications and costs, but there are exiting requirements under the Three Waters Connection Policy that allow such situations to be addressed, while not introducing complexity of administration into the District Plan or rule that achieve a similar outcome to permitted numbers of dwelling per site in the GRZ and MDRZ.
Risk of acting or not acting	• While there are risks associated with the removal of density requirements (as outlined in Council's evidence), I consider that those risks are not outweighed (based on supporting evidence) by the need to ensure permitted development is not inefficiently constrained through density requirements, and which can be managed through Council's Three Water Connection Policy (and where all other development exceeding permitted thresholds requires three waters infrastructure capacity assessment under the assessment criteria for such development). • I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD, will enable Kāinga Ora to undertake its functions in a more efficient and effective manner

	through permitted site redevelopment, particularly as it will contribute to achieving a well-functioning urban environment through efficiencies in the delivery of social housing.
Decision about more appropriate action	• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in Council's respective briefs of evidence (the section 42A report).

Table 2: Deletion of the built form standard for up to 6 Terraces in the General Residential Zone (GRZ)

Effectiveness and efficiency	• The proposed standard is not efficient or effective. It is already a restricted discretionary activity to develop three or more dwellings per site under 4.2.3.1.f. As such, any development of terraced housing in the GRZ will be subject to a resource consent where the relevant assessment criteria will require assessment of the overall design and built form outcome. • Inclusion of a permitted standard limiting the number of units within a 'block' does not promote housing choice under the NPS-UD nor result in an efficient District Plan where consent would already be required for such a development. It also creates an expectation that development will not exceed the permitted number of terraced units in a single block. • Removal of the standard will enable housing choice and adaptability on a site by site basis, providing for a range of outcomes (that regardless will require resource consent) and therefore support well-functioning urban environments.
Costs/Benefits	• The recommended amendment removes the inference that development exceeding the standard is unacceptable (acting like a density restriction) – which may have a cost to the certainty for any consent process and efficiency of land use outcomes (as outlined in the evidence of Mr Osborne). • The proposed changes will provide greater certainty to investors who seek to undertake comprehensive developments, and in calculating potential yield for multiunit developments. • The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible. • The proposed changes could impact the amenity of some people, but this is consistent with the NPS-UD and focus on changing urban environments in response to national guidance on urban development.
Risk of acting or not acting	• I consider there to be low risks associated with not acting on the recommended removal of the standard, as consent is already required for development of three or more dwellings in the GRZ. • I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD, will enable Kāinga Ora to undertake its functions in a more efficient and effective manner through permitted site redevelopment, particularly as it will contribute to achieving a well-functioning urban environment through efficiencies in the delivery of social housing.
Decision about more appropriate action	• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in Council's respective briefs of evidence (the section 42A report).

Table 3: Amendments to the number of storeys enabled within the GRZ Objectives and Policies

Effectiveness and efficiency	• The reduced building heights and permitted levels of development in the GRZ do reduce the flexibility of the zone to deliver housing choice through enabling planning provisions. • The recommended amendments to Objective 4.2.2.2 and Policy 4.2.2.2a will ensure a measure of flexibility in the assessment of further development, while not precluding a range of housing typologies that may include three storey development where it is assessed to be appropriate or compliance with building height can be achieved. • The proposed amendments are efficient and effective as they removal any potential policy conflict with a building that could achieve three storey development, while retaining reference to the 'predominant' anticipated scale of development within the zone.
Costs/Benefits	• The benefits of the recommended changes are the streamlining of considerations and removal of any potential policy conflicts. • The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible and consistent with the notified PC12 provisions that did not explicitly reference the number of storeys in a zone. • Deletion of the standard will allow for flexibility of built form outcomes, will not frustrate housing choice, and will ensure standards appropriately give effect to the PDP Objectives and NPS-UD.
Risk of acting or not acting	• The risk of not acting on the recommendations is that housing choice and design flexibility is constrained through reference to the anticipated number of storeys in the zone, where site context and assessment allows for such an outcome (i.e. three storeys). • The risk of acting is low given that overall building height remains controlled by the 10m maximum building height standard that applies to all buildings within the GRZ.
Decision about more appropriate action	• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in Council's respective briefs of evidence (the section 42A report).

Table 4: Amendments to Height in relation to boundary ('HIRB') controls in the Medium Density Residential Zone (MDRZ)

Effectiveness and efficiency	• The proposed amendments and inclusion of a 6m+60º HIRB standard for three or more dwellings per site under 4.3.4.5.b, provides better design flexibility to achieve the scale of built form permitted in the zone, which anticipates buildings up to 18m high. • The recommended amendments address what I consider to be an omission in the standard, as there is no clear reference to what HIRB requirement applies to development beyond 20m from a transport corridor, adjoining the MDRZ, HDRZ or business zones. • Having regard to the shading analyses appended to the evidence of Mr Roberts, I consider the proposed amendments would result in minimal increases in shading effects beyond the assessed 4m+60º shading extent. Any increase would be limited to larger scales of development, as up to two dwellings would remain subject to the standard 4m+60º control.
Costs/Benefits	• The recommended amendments provide better design flexibility to achieve the scale of built form permitted in the zone, which anticipates buildings up to 18m high. • There may be costs associated with added shading effects of building scale to the rear of sites beyond 20m from a transport corridor, however those costs are outweighed in my opinion, by the intended built for outcomes of the MDRZ which enable buildings up to 18m high in locations where the

	benefits of added residential intensity can best be realised through proximity to transport and services. • The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible.
Risk of acting or not acting	• The risk of not acting is that the provisions, as proposed within the PDP, create an expectation around the level of adverse effects which may be considered acceptable or inappropriate. • Not acting will be contrary to the overall intent of the NPS-UD and the objectives of the zone which seek to provide for buildings up to 18m high. As a result, housing choice and design flexibility is constrained. • The risk of acting on the recommendations is that there are added shading effects of building scale to the rear of sites beyond 20m from a transport corridor. However, those risks are outweighed in my opinion, by the intended built for outcomes of the MDRZ which enable buildings up to 18m high in locations where the benefits of added residential intensity can best be realised through proximity to transport and services.
Decision about more appropriate action	• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in Council's respective briefs of evidence (the section 42A report).

Table 5: Deletion of proposed standards for upper level balconies and internal building separation for buildings on the same site under both the GRZ (4.2.5.6 g and h) and MDRZ (4.3.4.6 g and h).

Effectiveness and efficiency	• Issues of privacy, separation and overlooking between residential dwellings are already effectively and efficiently managed through a range of other standards such as height in relation to boundary, existing building setback requirements, outlook space and outdoor living area locational requirements. While the standards may be present within the operative plan, in my opinion they are inefficient and complicate the plan by managing resource management issues already dealt with by other methods as noted above. • The additional standard may lead to non-compliances for permitted levels of development compared to what was notified under PC12, particularly given the onerous balcony setbacks. • Similarly, the requirement to provide a 3m separation between buildings on the same site (internal building separation standard) is better managed through the existing standards noted above, particularly where there may be windows on opposing buildings.
Costs/Benefits	• There are benefits in simplicity of plan administration and avoiding further standards that manage existing and addressed Resource Management Issues. • The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible as they were not present in the notified PC12 provisions. • The proposed changes could impact the amenity of some people, but this is consistent with the NPS-UD and focus on changing urban environments in response to national guidance on urban development.
Risk of acting or not acting	• I consider there to be low risks in acting or not acting, as the balcony and setback standards reflect the operative plan provisions. However, the risk of not acting on the relief sought is that permitted development is less enabling.
Decision about more appropriate action	• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in Council's respective briefs of evidence (the section 42A report).

Table 6: Deletion of proposed standards related to Deep Soil Areas

Effectiveness and efficiency	• I do not consider such soil depth requirements are efficient or effective at achieving the objectives of the Plan – particularly where I support retention of the Urban Tree rules as-notified and which achieve an appropriate outcome of ensuring planting to achieve increased numbers of trees within the city. • The provision of specimen planting and landscape areas *necessarily* requires sufficient soil and ground permeability for such planting/landscaping to establish and thrive. The PC12 provisions already set minimum landscaped area requirements for all residential development, which serves the dual purpose of providing landscaped amenity to urban environments and offsetting of impermeable surfaces. • The evidence of Mr Jaggard outlines why the proposed rules are not efficient or effective as a means of stormwater management (which is a stated benefit of their inclusion by Council in evidence). • Requiring 20% canopy cover of net site area, will essentially 'protect' that part of a site from development, while also delivering increased shading of landscaped areas (which may affect grass growth and biodiversity), residential occupation and potential conflict with buildings when such canopy cover is achieved. • There are a range of other methods of ensuring stormwater infiltration, including requirements within the Three Waters Chapter of the Plan.
Costs/Benefits	• The proposed standards will introduce costs for residential development as outlined in the evidence of Mr Osborne, which are unlikely to contribute to well-functioning urban environments and which are in my view, likely to have unintended consequences for residential amenity. • There will be added costs for development associated with ongoing maintenance of tree canopy, protection (through legal and consenting mechanisms) and resource consenting. • The relief sought by Kainga Ora maintains the notified PC12 Urban Tree standards, and therefore there is no cost to such relief.
Risk of acting or not acting	• I consider the risks of not acting on the relief sought by Kāinga Ora are the negative consequences outlined above. • The risks of the relief sought are considered low, as the notified equivalent standard still requires minimum numbers and sizes of trees per residential unit, which ensures increased tree cover throughout the city.
Decision about more appropriate action	• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in Council's respective briefs of evidence (the section 42A report).