

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED
BY WAIKATO DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991
(Act)

AND

IN THE MATTER Variation 3 to the Proposed Waikato
District Plan

BETWEEN Mr S. Upton and Ms B Miller

Submitters

AND WAIKATO DISTRICT COUNCIL

STATEMENT OF EVIDENCE OF GRANT ROBERT ECCLES

Dated 27 July 2023

INTRODUCTION

1. My full name is Grant Robert Eccles.
2. I hold the qualification of a Bachelor of Resource and Environmental Planning from Massey University and I am a principal planner for Tonkin and Taylor based in Hamilton. I was admitted as a Member of the New Zealand Planning Institute in 2001. I have 28 years' professional planning experience and have been a planning consultant based in Hamilton for the last 26 years. As a result I have worked with various versions of the Waikato District Plan, and I am familiar with the historic and current resource management issues facing the Waikato District.
3. I am familiar with and experienced in the preparation of plans under the Resource Management Act 1991 (RMA), including with the Intensification Planning Instrument (IPI) requirements and process through my current work for Hamilton City Council on Plan Change 12.
4. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this 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 that I express.

Purpose of this evidence

5. This evidence simply serves to reiterate the point made in the submission of Mr Upton and Ms Miller that there is a relationship that needs to be recognised and taken into account between the increased urban development densities that will be generated by Variation 3 (in whatever form it finally lands) and the geographical extent of residential zoning around the towns of the District that has resulted through decisions on the Proposed Waikato District Plan ("PDP").
6. Some rezoning decisions are still under appeal, including the decision that affects the extent of zoning at the Upton/Miller property and neighbouring properties on Saalbrey Road in Ngaruawahia.

7. Those zoning decisions were in part influenced by considering the contribution that applying residential zoning to properties would make to achieving plan-enabled residential capacity in Ngaruawahia (and the other towns in the District) as set out in Future Proof, using modelling undertaken through the the Proposed District Plan process several years ago.
8. As reflected in the Technical Report and evidence of Ms Fairgray for Council, updated modelling to reflect the effect of the zoning decisions on the PDP (including those that are under appeal) and the effect of the Variation 3 proposals (including those sought by Kainga Ora) indicates that under any modelled scenario there is a substantial exceedance of projected demand both in terms of plan enabled and commercially feasible capacity.
9. The question then arises – does the same amount of greenfields land on the edge of the towns in the District (including Ngaruawahia) need to be rezoned through the PDP as that thought appropriate 2-3 years ago? Especially in light of the intensification that will now occur around the relevant town centres which is acknowledged as creating better urban outcomes than intensification on the edges of towns.
10. Further, the Variation 3 process has given rise to the fundamental issue of whether it is appropriate to allow for intensification in areas that may experience flooding in relevant modelled events. Waikato District Council is not the only local authority to grapple with this matter. While Council have done their best to address the matter by way of an overlay, it is apparent that further work will be required in the future. The current 100yr plus climate change event modelling, as set out in the technical report of Mr Boldero for Council, indicates that some greenfield areas may at the least be questionable in terms of their appropriateness for denser urban development. This matter is also relevant to any as yet unresolved greenfields zoning decisions.
11. In addressing Mr Upton and Ms Millers submission, the 42A report recommends that it be rejected as it is out of scope of what can be achieved through the Variation 3 process. I disagree, given that following the removal of the Urban

Fringe qualifying matter the extent of zoning to which the Variation 3 densities are to be applied matches the residential zone extents in the Decisions Version of the Proposed District Plan. If the geographical extent of residential zoning to which the MDRS applies is not yet resolved through the PDP process, then there is scope for Variation 3 to at least consider the matter.

12. I acknowledge that Variation 3 as an IPI process is relatively tightly confined in terms of the outcomes that can be achieved through it. In saying that, and as originally pointed out in the submission of Mr Upton and Ms Miller, the Variation 3 hearing panel has the ability to make recommendations related to any matter identified by the panel or any other person during the hearing, whether or not the matter is within the scope of the submissions made on Variation 3.
13. As a result, my view is that the effect of the densities introduced by Variation 3 on the underpinnings of the extent of zoning decisions in the PDP that are yet to be resolved is a relevant matter that at the least warrants comment in some form (be it by way of direction or other means) by the Hearing Panel in making its recommendations back to Council on Variation 3.
14. Should the Hearing Panel be sufficiently attracted to the fundamental point raised above and in the Upton/Miller submission, a further option available to is to direct that further consideration of the Upton and Miller submission be deferred until the hearing later in the year where the Horotiu Farms, Waka Kotahi, and Kiwirail submissions will be heard (if required). In like manner to the Waka Kotahi and Kiwirail submissions points that are also the subject of PDP appeals, such a deferment would allow for any progress of resolution of the Upton/Miller zoning appeal to the PDP to be considered.

Grant Eccles
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