

**BEFORE THE HAMILTON CITY COUNCIL**

**Independent Hearing Commissioners**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** Plan Change 6 to the Hamilton City  
Operative District Plan: Regulatory  
efficiency and effectiveness plan  
change

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**STATEMENT OF EVIDENCE OF ANDREW JAMES CUMBERPATCH ON  
BEHALF OF CHEDWORTH PROPERTIES LIMITED**

**1 May 2020**

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## **1.0 QUALIFICATIONS AND EXPERTISE**

- 1.1 My name is Andrew James Cumberpatch, and I am an Associate Principal Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects.
- 1.2 I hold the qualifications of Bachelor of Planning with honours from the University of Auckland. I am a Full member of the New Zealand Planning Institute.
- 1.3 I have been a planning consultant for over 15 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, infrastructure providers and residential and commercial developers. I have prepared and processed a large number of resource consent applications within Hamilton City for developments of varying scales.
- 1.4 In this matter of Plan Change 6 to the Hamilton City Operative District Plan (PC6), I have been engaged by Chedworth Properties Limited (CPL) to provide planning evidence.

## **2.0 CODE OF CONDUCT**

- 2.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

## **3.0 BACKGROUND**

- 3.1 CPL, part of the Chedworth Group which was founded in 1959, has a primary role of residential subdivision development in Hamilton. CPL has developed thousands of residential sites in Hamilton over this period.

- 3.2 Most recently, CPL has progressed the staged development of the Greenhill Park suburb, which is zoned Ruakura Medium Density Residential. Each development stage has been comprehensively planned and comprises residential homes, local shops and networks of multi-functional open space.
- 3.3 In addition to providing a safe and attractive “live work play” environment, CPL’s vision is that this medium density residential area will not only add a significant amount of housing to Hamilton but also provide greater choice to the market through the range of housing types offered.
- 3.4 Within CPL’s submission on PC6, dated 2 September 2019, a range of amendments to the provisions relating to residential development were sought to ensure a more consistent approach to residential development across zones throughout the city.
- 3.5 As set out in Appendix A of Council's Section 42A Hearing Report (the s42A Report), a large number of CPL’s submission points for Chapter 4 – Residential Zones have been deemed by Council to be out of the scope of PC6.
- 3.6 Further, we note the proposed changes within PC6 that have since been withdrawn by Council relate to the topic of residential density and infill; with Council’s public notice stating the comprehensive review being undertaken will likely give rise to a future plan change.
- 3.7 For the reasons outlined within this evidence, it is considered the form and overall width of transport corridors is a matter that is important to the topic of residential density.
- 3.8 CPL also wish to engage with Council in the development of any plan change which relates to Chapter 4; in particular the provisions of the Ruakura Medium Density Residential Zone and the topic of residential density.

#### **4.0 SCOPE OF EVIDENCE**

- 4.1 My evidence will address the following aspect of PC6:

(a) Table 15-6a) ii: Criteria for the form of Transport Corridor  
(Appendix 15, Volume 2).

4.2 Where appropriate and relevant, my evidence will reference and rely on the evidence of Ms Judith Makinson (Transport Engineering), whose opinions I agree with.

## **5.0 COUNCIL'S SECTION 42A HEARING REPORT**

5.1 I have read the s42A Report prepared for Council dated 7 April 2020.

5.2 My comments on the s42A Report are limited to that provided below in the context of the relief sought (sections 6 and 7).

## **6.0 RELIEF SOUGHT BY CPL**

6.1 CPL's submission on PC6 sought the following relief in respect to Table 15-6a) ii: Criteria for the form of Transport Corridor (Appendix 15, Volume 2):

*73. Amend the criteria in Appendix 15, Table 15-6a)ii to provide more flexibility for the design of Local and Collector Roads by reducing the legal road width and berm requirements<sup>1</sup>, and*

*74. Amend Table 15-6a)ii so that the criteria for Legal road width, Carriageway width and Service corridor width for Local and Collector Roads is "Specific Design" as per the criteria for Minor and Major Arterial Roads<sup>2</sup>, and*

*75. Amend to reduce the service berm on collector roads from 2m to 1.5m<sup>3</sup>.*

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<sup>1</sup> S42A Report submission point 13.23

<sup>2</sup> S42A Report submission point 13.24

<sup>3</sup> S42A Report submission point 13.25

- 6.2 The reasons for the relief sought is explained within section 7 below, with specific reference to the context of the Greenhill Park development.
- 6.3 Ms Makinson will address the traffic engineering aspects of CPL's submission, and respond to the transportation advice of Mr Alastair Black of Gray Matter (Appendix E to the s42A Report), within her evidence.
- 6.4 In response to the relief sought by CPL, the recommendations within the s42A Report are:
- 13.23 – *Out of Scope – A reduction of service berm is out of scope with this plan change. This change would need to be re-notified given the potential impact on service authorities.*
  - 13.24 – *Reject – It would be inappropriate to provide for specific design in all circumstances. Standards are required to ensure consistency in design across the local and collector network. Major and minor arterials are typically designated or developed through structure plans and require more flexibility in their design.*
  - 13.25 – *Out of Scope – No changes proposed to Collector Road widths. This change would need to be re-notified given the potential impact on service authorities.*
- 6.5 It is unclear why submission points 13.23 and 13.25 were deemed to be out of scope within the s42A Report, but 13.24 rejected when all submission points are effectively interrelated. Further, the reduction in berm width sought under submission point 13.23 relates to the wider berm requirements and not strictly the service berm/corridor.

## **7.0 TRANSPORT CORRIDOR**

- 7.1 As set out in page 12 of CPL's submission, the current transport corridor design requirements within Table 15-6a)ii (Appendix 15,

Volume 2) present a number of issues. In short, the current legal road, carriageway and berm widths are considered to be constraining and can inadvertently compromise the following:

- The creation of low speed environments;
- Good urban design outcomes; and
- The efficient use of land.

### **Low speed environments**

7.2 Local road and lane transport corridors with reduced widths have been previously accepted by Council for stages of Greenhill Park which have been constructed and are now operating effectively. Combined with the low traffic volumes of the area, these designs have resulted in safe, pedestrian friendly environments where traffic speeds are reduced.

7.3 Within her evidence, Ms Makinson also refers to a range of local and international design guides and research pieces which identifies that narrower carriageways and overall road corridors, as well as the presence of on-street in lane parking, all have a fundamental effect on vehicle speeds.

### **Urban design**

7.4 By avoiding expansive corridors and still retaining important streetscape features such as footpaths, trees and planting, reduced transport corridor widths can provide attractive streetscapes which result in positive urban design outcomes as illustrated in the photographs from Ms Makinson's evidence.

7.5 More flexibility in the design of the transport corridor can enable site-specific factors other than traffic engineering, such as urban design, topography and the expected volume of traffic, to be considered in an integrated manner from the outset.

7.6 Sections of road adjoining public open space areas for example present opportunities for flexibility in design, whereby pedestrian

and cycle facilities and underground infrastructure can be readily accommodated outside of the transport corridor; which has occurred at Greenhill Park.

- 7.7 Under the current rule framework of the Hamilton City Operative District Plan (the District Plan), the establishment of a new transport corridor, either by way of Chapter 23 (Subdivision) or 25.14 (Transportation), necessitates resource consent; and as such it is considered Council currently has the discretion by which to adequately assess a design on a case by case basis.
- 7.8 As noted by Ms Makinson, greater flexibility in the width and layout of the transport corridor, that responds to the specific environment it is within, can result in better design outcomes for the city. Within Section 8 below I have made reference to a number of provisions from relevant policy documents to which this particular matter relates.

#### **Efficient use of land**

- 7.9 The proportion of overall gross site area that is made up of road to vest in Council for a new development can be considerable.
- 7.10 The discrepancies highlighted by Ms Makinson between the current transport corridor design requirements within Table 15-6a)ii and the Road Design Standards of NZS4404:2010, currently referred to as a matter Council has regard to when considering a new transport corridor<sup>4</sup>, illustrates that a potentially significant amount of land is being required that is unnecessary.
- 7.11 As such the width(s) of the transport corridor network is a key contributor to the overall area of land that is developable and requiring roads which are wider than they need to be consequently reduces the overall yield; raising development costs and ultimately the housing costs that are passed onto owners.
- 7.12 Flexibility in the design of the transport corridor can also take into account the collaboration that is undertaken with the relevant

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<sup>4</sup> 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria

infrastructure providers to accommodate their services, as it is unclear why a 2.0m wide service berm is required for Collector Roads compared to a 1.5m wide Local Road. CPL has previously reached agreement with infrastructure providers around reduced service trench/berm widths, which contributes to the efficient use of land.

## **8.0 RESOURCE MANAGEMENT PLAN PROVISIONS**

### **National Policy Statement on Urban Development**

- 8.1 As part of Central Government's agenda for national-level direction under the Resource Management Act 1991 (the RMA), a new National Policy Statement on Urban Development (NPS-UD) is currently being prepared. The NPS-UD seeks to enable growth by requiring councils to provide development capacity to meet the diverse demands of communities, address unnecessary regulatory constraints, and encourage quality urban environments.
- 8.2 The NPS-UD, which was under consultation between August-October 2019 and is understood to be in effect by mid-2020, will replace the existing National Policy Statement on Urban Development Capacity.
- 8.3 Whilst it is acknowledged that the NPS-UD has not yet been formally notified, the discussion document in its current form signals ambitious density requirements for major urban centres, such as Hamilton, in the future. The draft objectives and policies of the NPS-UD identify that District Plans must zone for higher-density residential activities; with 'high density' being defined as a minimum overall density of 60 residential units per hectare (ha).
- 8.4 Existing average gross density target requirements within the region are:



- 16 households per ha for the Ruakura (Hamilton Greenfield) area under Future Proof<sup>5</sup>;
- 16 households per ha for the Ruakura (Hamilton Greenfield) area under the Waikato Regional Policy Statement<sup>6</sup> (the RPS); and
- 16 dwellings per ha for Structure Plan areas under the / District Plan<sup>7</sup>.

8.5 When considering the next stages of Greenhill Park proposed by CPL include areas for high density residential and will provide an overall gross density of around 19 dwellings per ha<sup>8</sup>, this highlights the significant gap between what is currently envisaged under the NPS-UD and what the existing planning framework provides for.

8.6 Reduced transport corridor widths have the ability free up additional land area to help achieve higher overall housing densities, which will contribute to the closing of the gap between the density targets in the current planning framework and those proposed in the Draft NPS-UD.

### **Waikato Regional Policy Statement**

8.7 The efficient use and development of natural and physical resources is one of the overarching objectives of the RPS<sup>9</sup>.

8.8 In respect to the built environment specifically, the RPS also seeks to ensure that subdivision, use and development, including transport, occurs in a planned and co-ordinated manner which has regard to the general principles for new development set out within section 6A<sup>10</sup>. These principles include that new development should (emphasis added):

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<sup>5</sup> Page 32 of Future Proof Strategy, November 2017

<sup>6</sup> Policies 6.13, 6.14 and 6.15

<sup>7</sup> Policy 3.3.1b

<sup>8</sup> Predominantly Ruakura Medium Density Residential Zone

<sup>9</sup> Objective 3.10

<sup>10</sup> Policy 6.1 a

i) *promote compact urban form, design and location to:*

- i. *minimise energy and carbon use;*
- ii. *minimise the need for private motor vehicle use;*
- iii. *maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;*
- iv. *encourage walking, cycling and multi-modal transport connections; and*
- v. *maximise opportunities for people to live, work and play within their local area.*

8.9 For the reasons outlined in Section 7 above, it is considered that allowing flexibility in the width and layout of new transport corridors will help enable a more compact urban form and ensure the development of land occurs in a more efficient manner.

### **Hamilton City Operative District Plan**

8.10 The District Plan also correspondingly contains a number of provisions which reflect the strategic direction of the RPS summarised above, which includes:

- *Efficient use and development of natural and physical resources, especially land, buildings and infrastructure<sup>11</sup>;*
- *Development enables and encourages the efficient use of resources and recognises the benefits resulting from integrated land use planning<sup>12</sup>;*
- *Promote safe, compact, sustainable, good quality urban environments that respond positively to their local context<sup>13</sup>;*

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<sup>11</sup> Objective 2.2.13

<sup>12</sup> Policy 2.2.13d

<sup>13</sup> Objective 2.2.3

- *Hamilton is characterised by an increasingly sustainable urban form<sup>14</sup>;*
- *Efficient use of land and infrastructure<sup>15</sup>; and*
- *An integrated multi-modal transport network that meets national, regional and local transport needs and is:*
  - *Responsive*
  - *Efficient*
  - *Affordable*
  - *Safe*
  - *Accessible*
  - *Sustainable<sup>16</sup>.*

8.11 For the reasons outlined in Section 7 above, it is considered that allowing flexibility in the width and layout of new transport corridors will help enable the development of a more compact and safe urban form that responds to the specific context.

8.12 Reducing road width requirements will help ensure the development occurs in a more efficient manner and consequently enables the city to achieve a higher level of residential density.

8.13 Based on the evidence of Ms Makinson, which includes current examples from Greenhill Park, the specific transport related outcomes sought under the District Plan can be readily achieved through the provision of roads that differ from the current transport corridor design requirements within Table 15-6a)ii.

8.14 Furthermore, it is considered that the greater flexibility in the design of transport corridors sought by CPL aligns with the overall intent of

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<sup>14</sup> Objective 2.2.1

<sup>15</sup> Objective 4.2.2

<sup>16</sup> Objective 25.14.2.1

PC6; being to ensure the provisions of the District Plan are effective, efficient and customer focused.

## **9.0 PART II RMA**

- 9.1 Section 72 of the RMA states that the purpose of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act; being the sustainable management of natural and physical resources<sup>17</sup>.
- 9.2 Section 5(2), Part II of the RMA (Purpose and principles) clarifies that sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.
- 9.3 It is considered that allowing flexibility in the width and layout of new transport corridors can enable designs that consider a range of factors and consequently provide efficient, safe and attractive road environments.
- 9.4 The efficient use and development of natural and physical resources<sup>18</sup> and finite characteristics of natural and physical resources<sup>19</sup> are also other matters which particular regard shall be had to in achieving the purpose of the RMA.
- 9.5 As set out above, reducing unnecessary road width will help enable the development of land in a more efficient manner.
- 9.6 Accordingly, it is considered the relief sought by CPL will achieve the purpose of the RMA.

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<sup>17</sup> 5(1)

<sup>18</sup> 7(b)

<sup>19</sup> 7(f)

## **10.0 CONCLUSION**

- 10.1 The relief sought is the amendment of the criteria in Appendix 15, Table 15-6a)ii to provide more flexibility for the design of Local and Collector Roads so that the Legal road width, Carriageway width and Service corridor width for Local and Collector Roads is subject to a “Specific Design”.
- 10.2 Transport corridor designs that take into account the specific context of the site can result in positive urban design outcomes which include the creation of safe, low speed environments that maximise opportunities for cycling and walking. Reducing the width that is required for a roads also results in the more efficient use of land.
- 10.3 It is considered this proposed approach is reflected within existing provisions of policy documents, such as the District Plan, as well as the purpose and principles of the RMA.

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Boffa Miskell Limited

1 May 2020