

STATEMENT OF EVIDENCE

In the matter of the Resource Management Act 1991

And a submission and further submissions on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (PPC1)

Submitter's Name: Hamilton City Council (HCC)

Submission Number: 74051

Hearing Topic: **Part B – Outcomes:
Overall direction and whole plan submissions**

Type of Evidence: Rebuttal

Witness: Paul Stanley Ryan

Date: 26 February 2019

Summary statement

1. PPC1 does not give effect to the *National Policy Statement on Urban Development Capacity* (NPS-UDC) as is required by s.67(3)(a) of the Resource Management Act (RMA).
2. This evidence provides text about the NPS-UDC for inclusion in the “Background and explanation” section of PPC1 to more fully describe the statutory framework for PPC1.

Personal statements

3. My full name is Paul Stanley Ryan. Please refer to my Primary Evidence on “Part B – Outcomes: Overall direction and whole plan submissions” for my:
 - (1) Qualifications and experience – except as noted in paragraph 4 below;
 - (2) Endorsement of the content of HCC’s submissions and further submissions, except where stated otherwise in my evidence;
 - (3) Agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014; and
 - (4) Reserved position with respect to the relief my Block 1 evidence seeks.
4. Since I submitted the evidence referred to in paragraph 3, my registration as a Chartered Professional Engineer (Registration No. 51592) has expired.

Abbreviations

5. Abbreviations and terms used in my evidence are explained in **Attachment A**.

Scope of evidence

6. My evidence focuses on the relief sought in HCC’s Submission and responds to the following:

- (1) The Primary Evidence of Tracey-Lee May for the Proponent sets out the statutory framework for PPC1¹ but omits any reference to NPS-UDC.

Lack of recognition of the NPS-UDC

7. HCC's Submission raised the following concerns about PPC1's lack of recognition for urban growth:

7.4 *The NPS-UDC requires all local authorities to ensure that at any one time there is sufficient development capacity available within the next thirty years to meet demand for work and business places and dwellings².*

7.5 *Areas administered by Hamilton City Council, Waikato District Council, Waipa District Council and WRC fall within the definition of a "high-growth urban area" in the NPS-UDC³. For these areas the NPS-UDC requires the local authorities to provide an additional margin of feasible development capacity over and above projected demand of at least 20% in the short and medium term, and 15% in the long term.⁴ Furthermore, these local authorities are required to consider all practicable options for providing sufficient, feasible development capacity and enabling development to meet demand.⁵*

Regional Policy Statement

7.6 *The Waikato Regional Policy Statement (the RPS) adopts the Future Proof land use pattern and specifies where in the City and Districts urban development is to take place⁶.*

Lack of recognition for urban growth

7.8 *PPC1 gives no specific recognition to the requirements the RPS and the NPS-UDC places on Hamilton City Council, Waikato District Council and Waipa District Council to accommodate urban growth. The RPS and the NPS-UDC are driving urban growth into Hamilton City and the identified areas of the Waikato and Waipa Districts. This growth will generate more urban stormwater and more wastewater to be treated and discharged to the Waikato and Waipa Rivers. It will result in changes to the contaminant loads discharged from the growth areas to the Waikato River.*

7.9 *This lack of recognition means there is a disconnect and a lack of alignment between PPC1 and the higher hierarchy document, the RPS, to which the PPC1 must give effect. To this extent, PPC1 is unlawful. HCC opposes this aspect of PPC1.*

8. HCC's Submission⁷ seeks inclusion of a new policy to provide for new urban development to give effect to the RPS. It also sought amendments to Policies 6⁸, 7⁹

¹ Paragraphs 26 and 27 of Opening Evidence dated 15 February 2019

² See Objective OA2 and Policy PA1 on p10 and p11 of NPS-UDC.

³ See p.7 of the NPS-UDC and *Summary of the National Policy Statement on Urban Development Capacity* (2016, p.2).

⁴ Policy PC1 of NPS-UDC (2016, p.13)

⁵ Policy PC4 of NPS-UDC (2016, p.14)

⁶ See Policy 6.14 of the RPS (2016, p.6-20)

⁷ 74051-PC1-10259

⁸ 74051-PC1-10262

⁹ 74051-PC1-10754

and 10¹⁰ to recognise urban growth undertaken to give effect to the RPS. Those submission points fall within the scope of the Block 2 Hearing.

9. In my opinion, it would be appropriate to include within the section of PPC1 headed “Background and explanation”, after the sub-section headed “Water quality and National Policy Statement for Freshwater Management”, the following explanation of the need for PPC1 to provide for urban growth undertaken to give effect to the NPS-UDC and the RPS. Such an explanation will give context for any related policies the Hearings Panel might recommend.

National Policy Statement on Urban Development Capacity

The National Policy Statement on Urban Development Capacity (NPS-UDC) requires all local authorities to ensure that at any one time there is sufficient capacity available within the next thirty years to meet demand for business places and dwellings.

Areas administered by Hamilton City Council, Waikato District Council, Waipa District Council and Waikato Regional Council fall within the definition of a “high-growth urban area” in the NPS-UDC¹¹. For these areas the NPS-UDC requires the local authorities to provide an additional margin of feasible development capacity over and above projected demand.¹²

Urban development will result in increased volumes of stormwater and treated wastewater needing to be discharged and may result in increased discharges of contaminants.

The Waikato Regional Policy Statement (RPS) and the Waikato Regional Plan (WRP) are required to give effect to the NPS-UDC¹³, and the WRP is required to give effect to the RPS¹⁴. Accordingly, this Plan recognises and provides for the urbanisation of land that gives effect to the NPS-UDC and the RPS.

10. This relief relies on the following submission points for the scope of these changes:
- (1) HCC’s submission (74051-PC1) paragraphs 4.2, 7.4 to 7.6, 7.8, 7.9 and 9.1.

Conclusion

11. In my opinion, insertion of the additional explanation set out in paragraph 9 above will remedy the identified omission¹⁵, improve PPC1’s clarity and help achieve more consistent and certain implementation and outcomes.

Paul S Ryan

HCC reference: D-2900623

¹⁰ 74051-PC1-10755

¹¹ See p.7 of the NPS-UDC and *Summary of the National Policy Statement on Urban Development Capacity* (2016, p.2).

¹² Policy PC1 of NPS-UDC (2016, p.13)

¹³ Sections 62(3) and 67(3)(a) of the RMA

¹⁴ S.67(3)(c) of the RMA

¹⁵ Paragraph 6(1) above

Attachments

Attachment A: Abbreviations and Glossary

Attachment B: References

Attachment C: Relief Sought

Attachment A
Abbreviations and Glossary

HCC	Hamilton City Council
NPS-UDC	<i>National Policy Statement on Urban Development Capacity</i>
PPC1	<i>Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments</i>
RMA	<i>Resource Management Act 1981</i>
RPS	<i>Waikato Regional Policy Statement</i>
S	Section

Attachment B

References

Hamilton City Council. (2 March 2017). Submission by Hamilton City Council on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā Catchments.¹⁶

Ministry for the Environment. (2016). *National Policy Statement on Urban Development Capacity*. Accessible at: <http://www.mfe.govt.nz/publications/towns-and-cities/national-policy-statement-urban-development-capacity-2016>

Ministry for the Environment. (2016). *Summary of the National Policy Statement on Urban Development Capacity*. Accessible at: <http://www.mfe.govt.nz/publications/towns-and-cities/summary-national-policy-statement-urban-development-capacity-2016>

Tracey-Lee May. (15 February 2019). Statement of Opening Evidence for the Waikato Regional Council.

Waikato Regional Council. (2016). *Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments*.

¹⁶ HCC reference: D-2361677

Attachment C

Relief Sought

Introduction

12. For clarity, the text which follows reflects any Variation 1 amendments and the Officers' recommended amendments, and the relief sought is shown in tracked changes as follows:
- Additions: underlined; and
 - Deletions: ~~strikethrough~~.

Relief sought

13. Include the following within the section of PPC1 headed "Background and explanation", after the sub-section headed "Water quality and National Policy Statement for Freshwater Management":

National Policy Statement on Urban Development Capacity

The National Policy Statement on Urban Development Capacity (NPS-UDC) requires all local authorities to ensure that at any one time there is sufficient capacity available within the next thirty years to meet demand for business places and dwellings.

Areas administered by Hamilton City Council, Waikato District Council, Waipa District Council and Waikato Regional Council fall within the definition of a "high-growth urban area" in the NPS-UDC¹⁷. For these areas the NPS-UDC requires the local authorities to provide an additional margin of feasible development capacity over and above projected demand.¹⁸

Urban development will result in increased volumes of stormwater and treated wastewater needing to be discharged and may result in increased discharges of contaminants.

The Waikato Regional Policy Statement (RPS) and the Waikato Regional Plan (WRP) are required to give effect to the NPS-UDC¹⁹, and the WRP is required to give effect to the RPS²⁰. Accordingly, this Plan recognises and provides for the urbanisation of land that gives effect to the NPS-UDC and the RPS.

14. This relief relies on the following submission points for the scope of these changes:
- (1) HCC's submission (74051-PC1) paragraphs 4.2, 7.4 to 7.6, 7.8, 7.9 and 9.1.

¹⁷ See p.7 of the NPS-UDC and *Summary of the National Policy Statement on Urban Development Capacity* (2016, p.2).

¹⁸ Policy PC1 of NPS-UDC (2016, p.13)

¹⁹ Sections 62(3) and 67(3)(a) of the RMA

²⁰ S.67(3)(c) of the RMA