

Under the Resource Management Act 1991

In the matter of the Central Hawkes Bay Proposed District Plan
Hearing Stream 7

Statement of Evidence of Michael Campbell (Planning – Network Utilities and Transport)

30 November 2022



Solicitor
Dr C Kirman
Kāinga Ora – Homes and Communities
PO Box 2628, Wellington 6140

Counsel
Nick Whittington
Hawkestone Chambers
PO Box 12091, Thorndon,
Wellington 6144
+64 21 861 814
nick.whittington@hawkestone.co.nz

Statement of Evidence of Michael Campbell (Planning – Network Utility and Transport)

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 to Central Hawkes Bay District Council’s (“the Council”) Proposed District Plan (“the PDP”).
- 1.2 In summary, I propose a number of amendments to the Network and Transport sections of the PDP.
- 1.3 The key points addressed in my evidence are:
- (a) I generally support the proposed changes to the Network Utilities section of the PDP that address a number of the submissions by Kāinga Ora. However, I consider that reference to “Telecommunications Networks” should not be included in the definition of “National Significant Infrastructure”.
 - (b) I generally support the proposed changes to the Transport section of the PDP that address a number of the submissions by Kāinga Ora. However, I consider that the PDP should be amended to only require 1 parking space per one and two bedroom unit. I also consider that the sentence within TRAN-AM1 General Assessment Matters for Access, Parking and Loading “*In general, on-street parking is not considered an alternative.*” should be deleted.
 - (c) I have recommended other minor wording changes, as set out in **Appendix A** of my evidence.
 - (d) I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

2 Introduction

- 2.1 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 My experience has been set out in the previous hearings for this PDP.

Code of Conduct

- 2.3 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 2014. 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

- 2.4 The Stream 7 hearing addresses submission points on the provisions of the PDP that relate to the Energy, Infrastructure and Transport provisions of the PDP. The Council has prepared a number of s42A reports to consider submissions and further submissions on these topics.
- 2.5 This evidence addresses Kāinga Ora's submission points and further submission points on the Network Utilities and Transport chapter within the PDP, as they relate to the recommendations of the s42A reports on that topic. Kāinga Ora does not seek to provide evidence in relation to its other submission points.
- 2.6 Kāinga Ora has chosen to limit its planning evidence to a number of matters that remain of concern.
- 2.7 With regard to the submission points raised by Kāinga Ora, I confirm that I have reviewed the Council's s42A reports.

3 Network Utilities

- 3.1 Kāinga Ora supports the s42A recommendations provided by the reporting planner for a number of its primary and further submission points¹. I do not propose to provide further evidence on these submission points given I generally concur with the reporting planner.
- 3.2 Kāinga Ora lodged a number of further submissions (FS23.159, FS23.14, FS23.101) opposing submissions by Chorus New Zealand Limited (S117.011), Spark New Zealand Trading Limited (S118.011) and Vodafone New Zealand Limited (S119.011) ("the telecommunication submissions").
- 3.3 The telecommunication submissions sought to include "Telecommunication networks" within the definition of "Nationally Significant Infrastructure".
- 3.4 In considering the appropriateness of the telecommunication submissions, the reporting planner considers that:

14.3.42 I concur with the submitters that telecommunications networks are nationally significant infrastructure, and recommend that the definition be amended to include them, as follows:

¹ FS23.115, FS23.117, FS23.118, FS23.119, FS23.76, FS23.2, FS23.17, FS23.18, FS23.19, FS23.21, FS23.22, FS23.23, FS23.24, FS23.26, FS23.102, FS23.104, FS23.105, FS23.106, FS23.107, FS23.108, FS23.109, FS23.110, FS23.111, FS23.112, FS23.160, FS23.162, FS23.163, FS23.164, FS23.165, FS23.166, FS23.167, FS23.168, FS23.169, FS23.170, FS23.172, S129.014, S129.015, S129.017, S129.018, S129.020, S129.021, S129.022, S129.024

NATIONALLY SIGNIFICANT INFRASTRUCTURE	means:
	(a) State Highways;
	(b) the National Grid electricity transmission network;
	(c) national renewable electricity generation facilities that connect with the National Grid;
	(d) major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki);
	(e) any railway (as defined in the Railways Act 2005).
(f) <u>Telecommunications networks.</u>	

3.5 While I acknowledge that telecommunications networks are important infrastructure, I question its elevation into the definition of Nationally Significant Infrastructure.

3.6 I have checked the National Planning Standards and there is no definition for Nationally Significant Infrastructure. I do note that in the National Policy Statement: Urban Development 2020 (updated May 2022), the following definition of Nationally Significant Infrastructure is provided:

“nationally significant infrastructure means all of the following:

- (a) *State highways*
- (b) *the national grid electricity transmission network*
- (c) *renewable electricity generation facilities that connect with the national grid*
- (d) *the high-pressure gas transmission pipeline network operating in the North Island*
- (e) *the refinery pipeline between Marsden Point and Wiri*
- (f) *the New Zealand rail network (including light rail)*
- (g) *rapid transit services (as defined in this clause)*
- (h) *any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers*
- (i) *the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002”*

3.7 The above definition is generally consistent with the current definition of Nationally Significant Infrastructure as proposed in the PDP, given that the district does not have any rapid transit services (as defined), an airport with a regular passenger service, or a port.

3.8 Telecommunication networks would include a broad spectrum of Telecommunication facilities and devices, many of which serve a local need rather than a national need. Telecommunication is defined in the Telecommunications Act 2001 as *“the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not”*. If that is generally what is meant by the inclusion of telecommunications network in the definition of nationally significant infrastructure, then any Local Area Network would be included.

- 3.9 I have reviewed the NU – Network Utilities section of the PDP. The only reference to Nationally Significant Infrastructure² is:

“Where incompatible activities have been allowed to establish too close to certain nationally or regionally significant network utilities...”

- 3.10 The above reference refers to both nationally and regionally significant infrastructure, and in my opinion, this is sufficient to manage any effects on such infrastructure. I also note that Policy NU-P1 seeks to:
“Recognise the national, regional and local importance and benefits of network utilities..”

- 3.11 In my opinion, it is inappropriate to elevate telecommunications networks to the same status as Nationally Significant Infrastructure as provided for by the NPS-UD and the current PDP definition.

4 Transport

- 4.1 Kāinga Ora supports the s42A recommendations provided by the reporting planner for a number of its submission points³. I do not propose to provide further evidence on these submission points given I generally concur with the reporting planner.

- 4.2 Kāinga Ora lodged a submission (S129.039) that noted the following:

“Kāinga Ora recognise that Central Hawkes Bay District does not contain an urban environment as defined within the National Policy Statement for Urban Development 2020, and therefore mandatory removal of minimum car parking requirements does not apply. Kāinga Ora does however consider that the requirement to provide on site parking for residential activities is unnecessary regulation and does not give rise to efficient landuse outcomes nor sufficiently reflect the need to provide for housing choice and current household demographic trends.”

“The PDP includes a number of transport provisions that will constrain residential development. In this regard, whilst Kāinga Ora acknowledges that the removal of minimum car parking controls is not required by the NPS-UD, it opposes the blanket approach taken to minimum car parking requirements which do not sufficiently reflect the nuances in car parking demand between households and residential units of various sizes and locations. Consistent with an approach to promote urban residential intensification and a compact urban form, Kāinga Ora seeks to reduce minimum car parking requirements of the PDP for residential activities where they are well situated relative to amenities and services, and in relation to residential activities in more remote locations, to provide differentiation in car parking requirements commensurate to likely demand. Kāinga Ora also supports greater emphasis of alternative modes of transport, including public transport, and active modes such as walking and cycling.”

² Refer Page 21 of NU – Network Utilities

³ S129.007, S129.027, S129.028, S129.029, S129.030, S129.031, S129.032, S129.033, S129.035, S129.036, S129.037, S129.040, S129.044, S129.045, S129.047

4.3 The reporting planner has noted that:

6.3.13 *In respect of residential activities, I do not agree with the wholesale removal of any requirement for the provision of on-site parking from the PDP as sought by Kāinga Ora, as this is an effective and legitimate method for managing any actual or potential adverse effects of car ownership on the safety and efficient functioning of residential streets. I do not agree that the on-site parking requirement does not sufficiently reflect the nuances in car parking demand between households and residential units of various sizes and locations. In my view, the parking space requirement is a threshold, and a lesser provision of on-site parking is able to be considered through a resource consent process as a Restricted Discretionary Activity (Rule TRAN-R1), where such nuances can be appropriately addressed on a case-by-case basis. This would enable the consideration of the location relative to amenities and services, and consideration of the provision of car parking requirements commensurate to likely demand.*

6.3.14 *I note that, in the General Residential Zone, the requirement for 2 spaces per unit can include the parks within a garage or carport, and can include a vehicle standing bay in front of a garage or carport to location and dimension requirements set out in Standard TRAN-S3(5)). Therefore, the requirement for 2 parking spaces per residential unit is not excessive, in my view.*

6.3.15 *However, I do accept that there is merit in reconsidering application of the requirement for 2 spaces per unit as it applies to minor residential units. A minor residential unit is defined in the PDP as ‘ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site’. In that context, I consider the requirement for 2 spaces to serve the primary residential unit, and a further 2 spaces to serve a minor residential unit, is excessive. I consider parking associated with a minor residential unit could be adequately and reasonably served within the parking space requirement applying to the primary residential unit. In that respect, I recommend that the parking space requirement as it applies to a minor residential unit can be deleted with minimal impact on the safe and efficient functioning of the transport network.*

4.4 In my view, it would be prudent to reduce parking for one and two bedroom dwellings to 1 parking space. The scale of such residential activities would be similar to the effects of a minor dwelling. Reducing one and two bedroom units to only need to provide 1 parking space would provide more incentive to provide greater housing choice.

4.5 Kāinga Ora also lodged a submission (S129.046) that sought to delete the sentence “*In general, on-street parking is not considered an alternative*” from the assessment criteria in TRAN-AM1.

4.6 The reporting planner notes that:

6.3.28 However, I do not support partial deletion of matter 2, as I consider that it is a legitimate matter to clarify that on-street parking should generally not be included in any consideration of alternative supply of parking or loading in terms of assessing partial or complete waiver of parking requirements.

4.7 I consider that the use of the street for parking can be appropriate in a number of circumstances and it would be appropriate to use the road reserve for off-site parking if it can be demonstrated that such parking can occur without compromising the safe and efficient operation of the roading network.

4.8 The road reserve provides for a potentially suitable parking resource. I note that it is inevitable that some activities will, from time to time, have an oversupply of parking onto the street. In those circumstances where there is a parking shortfall, applicants can undertake a site specific assessment of the parking environment in the vicinity of the site to determine whether it is appropriate to rely on on-street parking as an alternative.

4.9 In my opinion, the reference to *“In general, on-street parking is not considered an alternative.”* should be deleted.

5 Conclusion

5.1 In conclusion, I am of the opinion that minor changes to the Network Utility and Transport sections of the PDP are required to address the matters raised in this evidence.

5.2 I have recommended other minor wording changes to the objectives, and assessment criteria as set out in **Appendix A** of my evidence.

5.3 I have prepared a section 32AA assessment for these minor changes as set out in **Appendix B** of my evidence.



Michael Robert Campbell
30 November 2022

Appendix A – Recommended Changes

Black Text – Original wording of Proposed District Plan

Black Bold and Underlined and ~~Strikethrough Text~~ – Officer’s recommended changes, as set out in Section 42a report.

Red Underlined and ~~Strikethrough Text~~ - Additional changes proposed by Kāinga Ora. Consequential amendments may be required to numbering.

TRAN-S1 Vehicle Parking

Table 1 – Car Parking Spaces

TYPE OF ACTIVITY	MINIMUM NUMBER OF CAR PARKING SPACES
Residential <u>Activities</u> Units Minor Residential Units	<u>1 park per one and two bedroom residential units and 2 parks per all other residential units</u> (can include parks within garages or carports), and where the site is located within the Residential Zone, can include a vehicle standing bay required under standard TRAN-S3(5). <u>There are no minimum car parking space requirements for minor residential units.</u>

TRAN-AM1 General Assessment Matters for Access, Parking and Loading

1. Whether it is physically practicable to provide the required parking or loading spaces on the site in terms of the existing location of buildings, access to the road, topography, and utility location.
2. Whether there is an adequate alternative supply of parking or loading spaces in the vicinity that could provide a partial or complete waiver of the parking requirements. ~~In general, on-street parking is not considered an alternative.~~

Definitions

NATIONALLY SIGNIFICANT INFRASTRUCTURE

means:

- (a) State Highways;
- (b) the National Grid electricity transmission network;
- (c) national renewable electricity generation facilities that connect with the National Grid;
- (d) major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki);
- (e) any railway (as defined in the Railways Act 2005).
- ~~(f) Telecommunications networks.~~

Appendix B - Section 32AA assessment

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

Transport

Effectiveness and efficiency

- The recommended amendments to the transport section of the PDP will more effectively deliver on the chapter's objective to achieve the efficient use of land and patterns of development which are compatible with the role, function and predominant planned character of each zone.

Costs/Benefits

- The recommended amendments will simplify the PDP to the extent that the rules can clearly focus on the ensuring that outcomes of the transport chapter are achieved.
- The proposed changes will still ensure that the traffic safety outcomes are achieved without foreclosing opportunities for appropriate intensification in line with the objectives of the actual zone. The proposed changes will reduce consent costs for some development. This will have the benefit of encouraging redevelopment and intensification to support housing choice.

Risk of acting or not acting

- The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.

Decision about most appropriate option

- 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 the section 42A report.