

BEFORE THE WHANGĀREI DISTRICT COUNCIL HEARING PANEL

UNDER The Resource Management Act 1991

IN THE MATTER OF Urban & Services Plan Change
Package to the Whangārei District
Plan

SUMMARY STATEMENT OF PLANNING EVIDENCE OF DAVID ERIC BADHAM

ON BEHALF OF THE UNIVERSITY OF AUCKLAND

4 DECEMBER 2019

1. INTRODUCTION

1.1 My full name is David Eric Badham. I have been engaged by University of Auckland (**The University**) to prepare and present evidence relating to their submissions and further submissions on the Urban and Services Plan Change Package (**U&S Plan Changes**). A full statement of my qualifications and experience is contained in paragraphs 1.1 – 1.3 of my Evidence in Chief (**EiC**) which was pre-circulated on 7 November 2019. The purpose of this statement is to summarise my EiC.

1.2 At paragraph 1.5 of my EiC, I addressed my involvement with Whāngarei District Council (**Council**) in the development of certain chapters in the U&S Plan Changes. I reiterate that none of the University's submissions relate to topics which I have been involved in on behalf of Council. As outlined previously, I do not consider that I have any conflict of interest to declare.

2. SUMMARY OF EVIDENCE

2.1 The University submissions and further submissions primarily relate to the Tai Tokerau Campus (**the Campus**). The Campus is proposed to be rezoned Mixed Use. The Campus is also identified as regionally significant infrastructure within the Regional Policy Statement for Northland.

2.2 A large number of the University's submissions and amendments have been recommended for acceptance by Council in the s42As. These are outlined in **Attachment 1** of my EiC. I support these recommendations.

2.3 There are three areas where I disagree with the recommendations of the Council in the s42As. These are summarised below:

- (a) The way in which 'research facilities' have been addressed in the Mixed Use Zone;
- (b) Food and beverage activities in the Mixed Use Zone; and
- (c) The use of 'avoidance' objectives and policies in the Mixed Use Zone

Research Facilities & Food and Beverage Activities within the Mixed Use Zone

2.4 The University's submissions and recommendations associated with research facilities and food and beverage activities are addressed in 4.1 – 4.13 of my EiC. In summary, I disagree with the activity status applicable to these activities as per the recommendations of the s42A reports. In relation to both, it is my view that it

is appropriate that specific exclusions be included within MU-R25 and MU-R31 for these activities where they are “ancillary to education facilities”. I also identified an alternative relief of implementing a “University Campus Precinct” as per attachment 2 of my EiC. In my view, both approaches achieve a similar outcome, albeit by a different tool. I assessed both approaches pursuant to section 32AA of the Resource Management Act 1991 in Attachment 3 of my EiC.

- 2.5 The scope of the University Campus Precinct outlined in my EiC was specifically addressed in the legal submissions from Council’s legal Counsel dated 21 November 2019. I agree with Ms Shaw’s conclusion at paragraph 56. I identified the Precinct as an alternative method to narrow the scope of the original submission and further submission in case there was concern of wider implications for the Mixed Use Zone as a result of the relief sought.

Use of Avoidance Objectives and Policies in the Mixed Use Zone

- 2.6 I acknowledge that increased residential use is a key objective within the Mixed Use Zone. However, in my opinion the use of strong avoidance objectives and policies within a Mixed Use Zone is contradictory to the very nature of the zone which seeks to provide for a range of activities. In my view, the relief sought by Clarkes Limited¹ and Housing New Zealand², provides a more balanced approach regarding the consideration of activities that could detract from residential amenity.

3. CONCLUSION

- 3.1 Overall, it is my opinion that the recommendations of Council supported by the University, and the further changes outlined in my EiC are the most appropriate methods for achieving the purpose of the Act and the higher order objectives of the WDP and the U&S Plan Changes. I am happy to take any questions you may have.



David Badham

¹ In further submission X337.7 the University supported submission point 227.5 made on behalf of Clarkes Ltd.

² In further submission X337.19 the University supported submission point 268.117 made on behalf of Housing New Zealand (now Kainga Ora).