

BEFORE THE INDEPENDENT HEARING PANEL

UNDER

the Resource Management Act
1991 (**RMA**)

IN THE MATTER

the Proposed Far North District
Plan (**PDP**)

**STATEMENT OF EVIDENCE OF DAVID BADHAM ON BEHALF OF
WILLOWRIDGE DEVELOPMENTS LIMITED**

PLANNING

13 May 2024

1. SUMMARY OF EVIDENCE

- 1.1 This evidence has been prepared on behalf of Willowridge Developments Limited (**Willowridge**) as it relates to its submission and further submission on the PDP - Hearing Stream 1. My evidence focuses on responses to the recommendations in both the Strategic Direction Section 42A Hearing Reports (**s42A**).¹
- 1.2 In summary, there are several areas where I disagree with the recommendations of the Far North District Council (**Council**) Reporting Officers, and as a result consider that further amendments or analysis is required. These specifically relate to:
- (a) The important role of the Strategic Direction Chapter in the PDP. In my opinion, this is the “engine room” for the PDP, which all policy and resource consent assessments are evaluated against. Further work is required to ensure that this Chapter operates effectively. I am particularly concerned with the lack of policies to give effect to the Strategic Direction objectives. In my opinion, this is a significant gap in the Strategic Direction Chapter that I consider needs to be addressed. While the relevant Reporting Officer has said that this is addressed in other chapters of the PDP, no detail or analysis is provided to demonstrate this. I consider that policies to give effect to the objectives are best located within the Strategic Direction Chapter.

¹ Noting that Willowridge did not make any submissions on the Tāngata Whenua Chapter or Topic or matters addressed in the Part 1 General Miscellaneous Topic.

- (b) The lack of direction regarding a centres hierarchy in the Strategic Direction Chapter. This is a significant issue raised in Willowridge submission that is unresolved. In my opinion, the PDP should establish a clear centres hierarchy and include zones that acknowledge and provide for the diversity of land use and expectations within the various areas across the District.

2. INTRODUCTION

- 2.1 My full name is David Eric Badham. I am a Partner and Northland Manager of Barker and Associates (**B&A**), a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office, but undertake planning work throughout the country, although primarily in Te Tai Tokerau / Northland.

Qualifications and experience

- 2.2 I have a Bachelor of Planning with Honours (1st Class) from the University of Auckland (2010). I have been a Full Member of the New Zealand Planning Institute since April 2015.
- 2.3 I have over 14 years' experience in planning. During this time, I have been employed in various resource management positions in local government and private companies within New Zealand and Australia including experience in:
- (a) Resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangārei, Kaipara and Far North districts.
 - (b) Consideration of submissions and formulation of policy advice for Whangārei District Council, Kaipara District Council, Far North District Council and private clients (including Northpower within the Whangārei and Kaipara districts, and Top Energy within the Far North district).
 - (c) Providing planning advice, and engaging in consultation with and on behalf of iwi organisations and being involved in the preparation of cultural impact assessments.
 - (d) Monitoring and compliance of consent conditions in operational mining environments in Queensland, Australia.
 - (e) Preparing expert evidence in the Environment Court for cases relating to kauri dieback provisions in the Whangārei District Plan, for private Plan Change 78

– Mangawhai Central to the Kaipara District Plan and most recently for a resource consent for a private client in Mangawhai.

2.4 I attach a copy of my CV in **Attachment 1** which provides further detail on my experience and expertise.

Purpose and scope of evidence

2.5 This evidence is in respect of the submission (#S250) and subsequent further submission (#FS361) by Willowridge on the PDP.

2.6 My evidence will address the following topics:

- (a) My involvement with the PDP on behalf of Willowridge (Section 3);
- (b) Willowridge Submission Context (Section 4);
- (c) The important role of the Strategic Direction Chapter (Section 5);
- (d) Lack of policies in the Strategic Direction Chapter (Section 6);
- (e) Strategic Direction – Centres Hierarchy (Section 7); and
- (f) Conclusion (Section 8).

Code of conduct

2.7 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this statement of evidence. My qualifications as an expert are set out above. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

2.8 B&A staff have previously assisted the Council with the formulation of section 32 evaluations for a number of PDP topics prior to the notification of the PDP. That engagement did not carry forward post notification of the PDP. I also confirm that Sarah Trinder, an employee of B&A, is the Reporting Officer for the Part 1 Hearing Topic, which I comment on within the body of this evidence. In regard to these matters, I confirm the following:

- (a) B&A is an independent planning consultancy providing planning and resource management advice and services. B&A act on behalf of a number of private and public clients throughout the country.
- (b) I was not involved in the preparation of provisions, the section 32 evaluation or any advice following notification for the Strategic Direction or Part 1 General and Miscellaneous Topics Hearing Stream 1.
- (c) While Ms Trinder is Reporting Officer for the Part 1 hearing topic, I was not involved with the completion of this work, which has been undertaken entirely separately to my engagement and independent planning advice for Willowridge.

2.9 Noting the above, I have no conflict of interest to declare in regard to the preparation of this evidence, the hearing of these topics, or my future engagement in relation to those topics as part of the PDP review.

3. INVOLVEMENT WITH PDP ON BEHALF OF WILLOWRIDGE

3.1 I have been engaged by Willowridge since August 2022 to provide independent planning evidence on the PDP, including:

- (a) assisting with preparing Willowridge's original submission on the PDP;
- (b) assisting with preparing Willowridge's further submission on the PDP; and
- (c) ongoing planning advice associated with those submissions and the hearings relating to those submissions.

4. WILLOWRIDGE SUBMISSION CONTEXT

4.1 Willowridge was formed by Allan and Elizabeth Dippie in 1993 and has been developing quality, sought-after comprehensive residential and commercial development since the early 1990s. Willowridge has built a reputation of creating desirable residential developments, with successful projects in Wanaka, Clyde, Luggate and Lake Hawea in Central Otago. They have a reputation for achieving high quality designed comprehensive mixed-use developments, including Three Parks in Wanaka, accommodating for future growth for the township, with a mix of residential, tourism and recreational facilities.

- 4.2 The PDP is of particular interest to Willowridge, as landowners in Orongo Bay, a coastal settlement south east of Russell township in the Bay of Islands. The site is held in four Records of Title, located off Aucks Road, Orongo Bay (refer to **Figure 1**).²

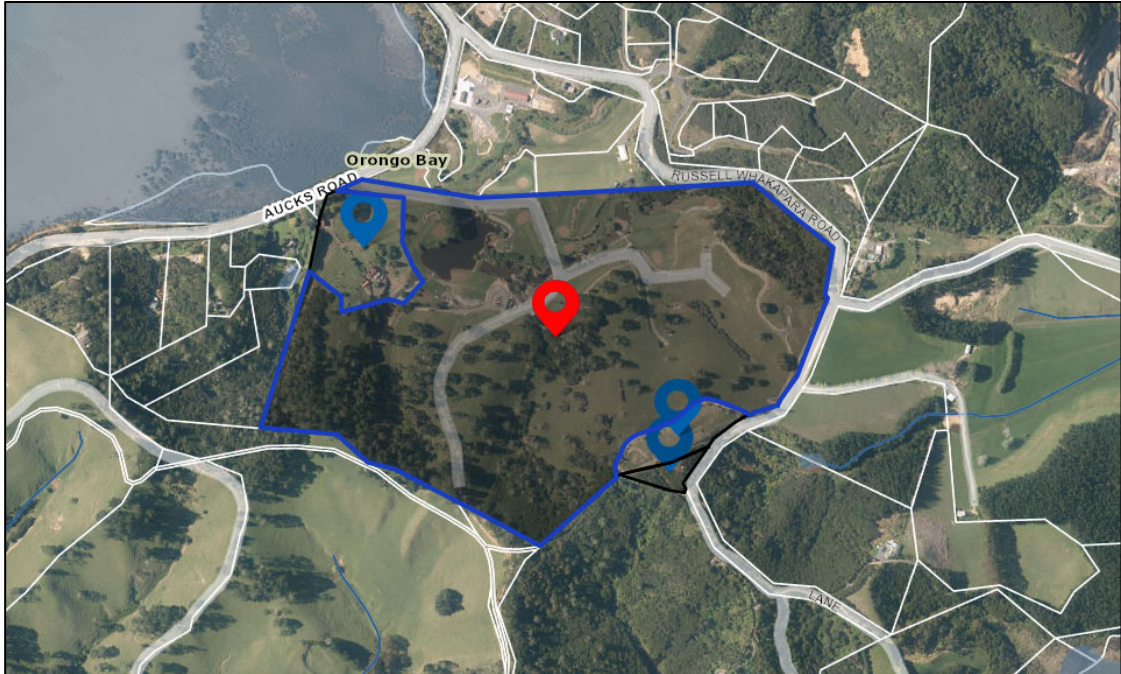


Figure 1 – Willowridge Site of Interest at Orongo Bay (source: Emaps).

- 4.3 Currently, all sites are zoned as either Coastal Living or General Coastal under the Operative District Plan (ODP) and two of the sites are subject to the Flood Susceptible, as shown in **Figure 2** below.
- 4.4 As proposed, all sites of interest to Willowridge have been mapped either Rural Lifestyle Zone or Rural Production Zone, with Coastal Environment (CE), areas of High Natural Character, River Flood Hazard Zone (10 Year ARI and 100 Year ARI Events), and Coastal Flood (Zones 1 to 3). Relevant proposed mapping is shown in **Figure 3** below. One of the primary submission points³ in Willowridge’s submission is that part of the northern part of the site be rezoned Settlement Zone – see **Figure 4** below. I note that this will be addressed more specifically in the Rezoning request Topic in a later hearing.

² Since the lodgement of its original submission, the extent of Willowridge’s site of interest at Orongo Bay has decreased, with the sale of two blocks to the south. Figure 1 – 3 have been updated from the original submission to refer to Willowridge’s updated area of interest.

³ S250.031.

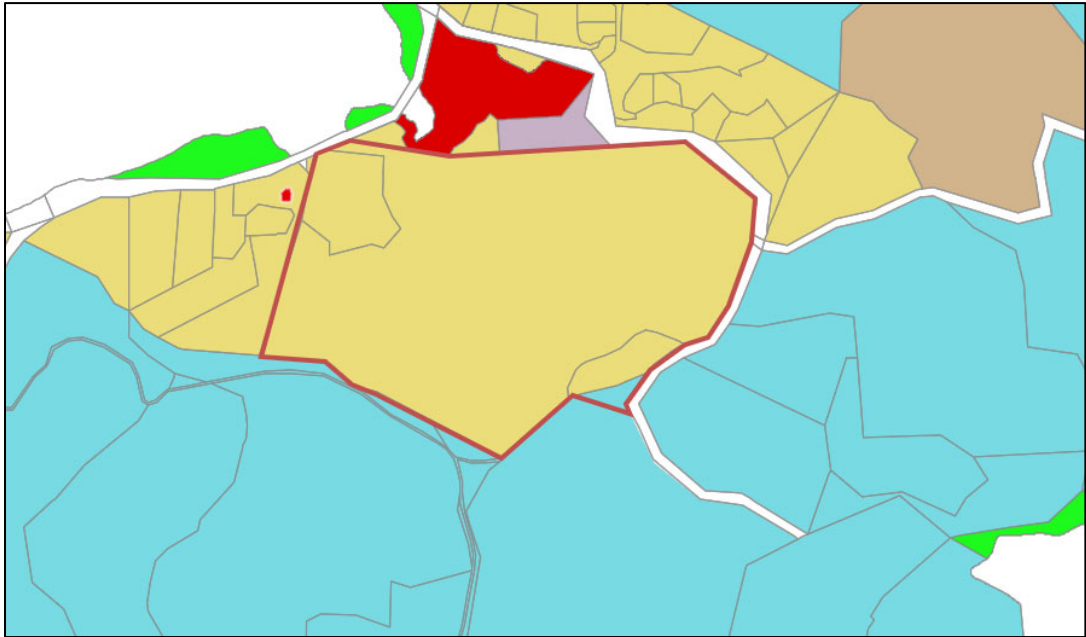


Figure 2 – ODP Zoning - Willowridge Site identified in red (Source: FNDC ODP GIS)

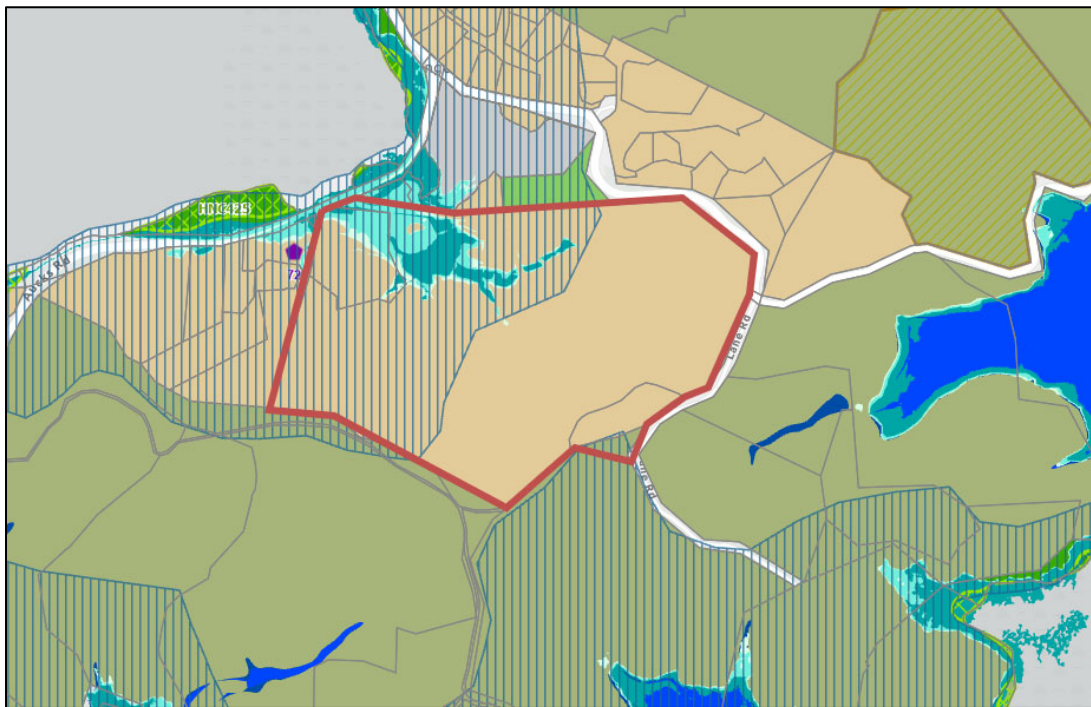


Figure 3 – Willowridge PDP Mapping (Source: PDP Maps)

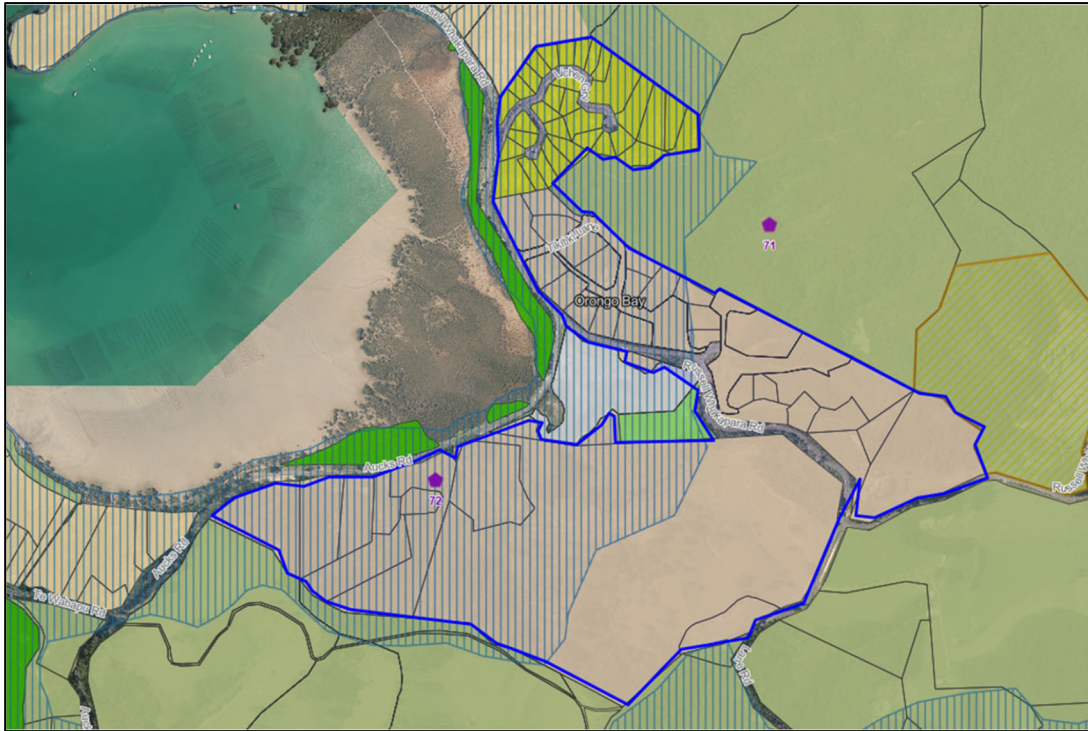


Figure 4 – Willowridge’s requested Zoning Change to the Settlement Zone.

5. THE IMPORTANT ROLE OF THE STRATEGIC DIRECTION SECTION

5.1 In my experience and opinion, strategic directions are essential components of an efficient and effective district plan, as they establish the strategic issues, outcomes, aspirations and overarching policy directions for a district. In first generation RMA plans, this policy direction was often identified by different names and locations within plans, more commonly detailed as district wide strategy or growth and development policy chapters. Typically, strategic directions establish the broader resource management context and district policy direction, and are often specifically influenced by national and regional policy drivers that are applicable to a district. In my view, the proposed Strategic Direction Chapter forms the “engine room” for the PDP, which all policy and resource consent assessments are evaluated against.

5.2 The intended role of the Strategic Direction Chapter in that regard is confirmed by the PDP in the proposed Overview which states that:⁴

For the purposes of preparing, changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of

⁴ PDP Strategic Direction, Directions Overview (source: FNDC Eplan).

this District Plan are to be read and achieved in a manner consistent with these Strategic Directions.

There is no hierarchy between the stated Objectives (i.e. no one Strategic Objective has primacy over another Strategic Objective, and the Strategic Objectives should be read as a whole).

- 5.3 The Reporting Officer has not proposed any changes to that description.
- 5.4 Consequently, as all objectives and policies in the PDP are to be read and achieved in a manner that is consistent with the proposed Strategic Direction provisions, it is important in my opinion to ensure that the Strategic Direction Chapter sets a clear and appropriate umbrella for the entire PDP. I consider that the Reporting Officer has not adequately considered the submissions from Willowridge with regard to the Strategic Direction Chapter, particularly as they relate to the lack of policies across all topics and the lack of strategic direction regarding a centres hierarchy. In my opinion, a failure to address those matters will lead to significant integration issues and poor outcomes throughout the rest of the PDP.
- 5.5 Mandatory direction 7.1 of the National Planning Standards specifies the requirements of what must be addressed in the Strategic Direction Chapter:⁵
1. If the following matters are addressed, they must be located under the Strategic direction heading:
 - a. an outline of the **key strategic or significant resource management matters** for the district;
 - b. issues, if any, and objectives that **address key strategic or significant matters for the district and guide decision making at a strategic level**;
 - c. policies that address these matters, unless those policies are better located in other more specific chapters;
 - d. how resource management issues of significance to iwi authorities are addressed in the plan.

⁵ The National Planning Standards include a number of mandatory directions for district-wide matters, page 32.

5.6 In my opinion, the proposed Strategic Direction Chapter within the PDP does not meet the mandatory direction of the National Planning Standards, and fails to adequately outline and address:

- (a) Significant resource management matters for the Far North District, in particular there is a specific lack of direction relating to clear direction on the establishment of a centres hierarchy.
- (b) The way in which conflicting matters of national, regional and local importance should be addressed, noting that clear direction is needed in this regard for the consideration of resource consents where there is conflict between different areas of strategic direction.
- (c) A lack of clear policies to give effect to the objectives.

5.7 I address these matters in further detail below.

6. LACK OF POLICIES IN THE STRATEGIC DIRECTION CHAPTER

6.1 The absence of any policies in the notified Strategic Directions Chapter to give effect to the stated objectives was highlighted in Willowridge's submission:

The Strategic Direction chapters do not contain policy which give effect to proposed objectives. Willowridge consider that there is no clear policy direction to give effect to the proposed objective which could lead to an ineffective plan.

6.2 In response to that submission, the Reporting Officer considers that the absence of those policies was likely justified under the National Planning Standards Mandatory Direction 7.1.c on the basis that there were better locations for those policies in more specific chapters.⁶ In particular, the Reporting Officer stated:⁷

There is no indication in the section 32 report as to why the chapter does not include policies, but it is reasonable to assume that the various PDP portfolio writers were satisfied that the policies were better located in the respective topic chapters. I do not support the inclusion of policies in the strategic direction chapter.

⁶ See paragraph 5.5 above for the wording of Mandatory Direction 7.1.

⁷ Strategic Direction s42A, paragraph 308.

6.3 In my opinion, the assessment provided by the Reporting Officer is inadequate for the following reasons:

- (a) No detail is provided on what those “implementing” policies for the Strategic Directions objectives are in the balance of the PDP, or how they are intended to give effect to those objectives. In my opinion, that is indicative of a lack of integration between the Strategic Direction objectives with policies from other chapters, which has the effect of “isolating” the Strategic Direction objectives from the rest of the PDP.
- (b) The response provided by the Reporting Officer does not support the conclusion that the proposal (being the absence of policies within the Strategic Directions Chapter) is the most appropriate way to achieve the objectives (in this case the Strategic Direction objectives). No clear analysis or assessment has been provided to determine how the policies and provisions achieve the Strategic Direction objectives, and whether those provisions are the most appropriate way to achieve them. In this regard, while I acknowledge that the Section 32 Evaluation Reports (**s32**) from Council include a section titled “Strategic Objectives”⁸, all this does is identify what are considered to be the strategic objectives that are relevant to the chapter or topic addressed by the applicable s32. It does not address the efficiency, effectiveness and overall appropriateness of any objectives or policies within that chapter to achieve the strategic objectives. In my opinion, this will lead to an ineffective plan and ultimately the strategic objectives not clearly being met.
- (c) In the absence of the necessary assessment, it is difficult to determine whether the location of policies in other chapters is in fact the most appropriate location for them. My interpretation of mandatory direction 7.1.c in the National Planning Standards is that the presumption is that the Strategic Direction Chapter contain policies to address the objectives, the exception being where it can be demonstrated that they are better located in more specific chapters. Based on my review of the s42A and other relevant information, I can find no clear evidence of this being demonstrated.

⁸ For the Infrastructure Chapter Section 32 Evaluation Report, see for instance Section 5.1 on page 15.

6.4 For these reasons, in the absence of any adequate assessment on the location of policies to give effect to the Strategic Direction objectives, it is my opinion that the Hearings Panel needs to recommend policies for inclusion in the Strategic Direction Chapter in order to provide a clear pathway as to how the objectives will be achieved.

7. STRATEGIC DIRECTION - CENTRES HIERARCHY

7.1 Willowridge requested the establishment of a centres hierarchy and amendments to the Strategic Direction and zoning as necessary to implement the hierarchy, including for the management of growth outside of urban areas and how this informs the zone framework for the rural environment⁹. The PDP does not identify or differentiate between small, medium or large centres, or rural/coastal settlements versus large towns.

7.2 I note that the Reporting Officer has not specifically responded to this submission point in the s42a.¹⁰ Despite this, I assume that the submission point is captured in the general discussion by the Reporting Officer under the hearing of Zoning Framework in paragraphs 295 – 299. The recommendation in paragraph 299 is to reject the submission points requesting changes to the Zoning Framework to implement a centres hierarchy.

7.3 In my experience with plan making across the country, establishing a hierarchy of centres within a Strategic Direction chapter assists to confirm the range of resource management issues, potential effects and responses to these, tailored to different types of centres (including the proposed Settlement Zone) creating an efficient and effective zoning method. I consider that a range of factors such as comparative size and land area, population catchment, geographical and topographical context, type of retail, range of activities, facilities and services, and levels of accessibility can be used to establish a hierarchy, all of which is data readily available to Council. In my opinion,

⁹ S250.002.

¹⁰ It is likely that this occurred due to the submission point being coded as S250.002 which was summarised as relating to the lack of Strategic Direction Policies. However, a review of Willowridge's submission shows that it includes the following specific relief sought "FNDC establish a centre hierarchy to set a clear policy direction for the larger urban areas within the District and amend zoning as necessary to implement the hierarchy. Including for the management of growth outside of urban areas, and how this informs the zone framework of the rural environment."

a clear hierarchy to centres contributes to a compact urban form, appropriate development within the rural environment, sustainable provision of infrastructure and efficient use of resources, whilst supporting long-term viability of existing centres.

- 7.4 The Reporting Officer has also justified the rejection of Willowridge submission on the grounds that Council is currently undertaking an independent housing and business development capacity technical assessment which will provide the evidence based on which to respond to these submissions. In my opinion, this recommendation is unhelpful to Submitters and the Hearings Panel, and does not provide clear reasons to reject the relief sought by submissions as required under Schedule 1 Clause 10(2). Should technical evidence be necessary to recommend a decision, then I consider the only course of action would be to defer the consideration of this part of the Strategic Direction topic and these submissions to a later hearing date. It is unfair and unreasonable in my opinion to reject a submission based upon unknown future technical assessment by Council.

8. CONCLUSION

- 8.1 In conclusion, I consider that there are still issues outstanding from Willowridge's submission that need to be addressed by the Hearings Panel. These primarily relate to the Strategic Direction Chapter and the lack of policies to give effect to the strategic objectives and relief relating to the establishment of a centres hierarchy. The Strategic Direction Chapter is the "engine room" of the PDP, and it is important to get it right from the outset.

David Eric Badham

Date: 13 May 2023

Attachment 1 – David Badham CV



David Badham

Partner / Northland Manager

BPlan (1st Class Hons); MNZPI

David has over 14 years' experience as a planner across a number of fields including policy and plan development, land use and subdivision and iwi and hapū engagement. He is skilled in working with multi-disciplinary teams and bringing together a diverse range of stakeholders to achieve positive planning outcomes. David's experience includes applying for and processing complex resource consent applications, input into regional and district plan reviews on behalf of private clients and councils, preparing non-statutory strategies and documents, environmental monitoring and iwi and hapū engagement.

Expertise

- Plan reviews and policy development
- Iwi / hapū engagement
- Resource consent preparation
- Council hearing evidence and presentation
- Environment Court appeals, mediation and hearings
- Preparation of non-statutory strategies and documents
- Processing subdivision and land use resource consents on behalf of councils

Affiliations

- Full Member of NZPI
- Winner NZPI Best Practice Award Non-Statutory Planning 2018 for Te Tai Tokerau Papakāinga Toolkit

Projects / Key Experience

Marsden City Private Plan Change, Whangārei: Lead planning consultant for the private plan change to establish a town centre and associated mixed use, commercial and residential activity on a 127ha site in Ruakaka / Marsden Point, Whangārei (2017 – 2023).

Whangārei District Council District Plan Rolling Review, Whangārei: Reporting planner (provision drafting, s32's, hearings and Appeals) for topics including strategic rural industries zone, rural urban expansion zone, minerals, papakāinga housing, noise and vibration, heritage trees, regionally significant infrastructure (Whangārei Hospital, Airport and Port), signs and lighting and genetically modified organisms (2015 – 2021).

Plan Change 1, Natural Hazards Whangārei District Council, Whangārei (2023 – Current): representing a range of private clients with submissions, further submissions, evidence, hearing attendance and expert caucusing on this topic.

Northpower Kauri Dieback Environment Court Appeal (ENV-2020-AKL-000127), Whangārei: Lead planning consultant for Northpower Limited for their submissions, council level hearing and Environment Court appeals relating to the Urban & Services Plan Changes. This included attending mediation, presenting evidence and cross examination in the Environment Court relating to the topic of kauri dieback (2019 – 2022).

Mangawhai Central Private Plan Change: Reporting planner (s42A report, hearing, Court mediation and evidence) for Kaipara District Council for the consideration of a private plan change for a 130ha mixed-use centre in Mangawhai (2020 – 2022).