BEFORE THE INDEPENDENT HEARING PANEL ON PROPOSED PRIVATE PLAN CHANGE 13 TO THE OPERATIVE HAMILTON CITY DISTRICT PLAN

IN THE MATTER	of the Resource Management Act 1991 (the Act)
AND	
IN THE MATTER	of proposed Private Plan Change 13 to the Hamilton City District Plan

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Statement of rebuttal evidence of John Blair Olliver on behalf of the Waikato Racing Club Incorporated

Dated: 17 August 2023

MAY IT PLEASE THE INDEPENDENT HEARING PANEL

INTRODUCTION

1. My name is John Blair Olliver. I have previously given a statement of evidence in relation to the above matter, dated 26 July 2023.

CODE OF CONDUCT

2. I re-confirm that I will abide by the code of conduct for expert witnesses, as set out in the Environment Court's Practice Note 2023.

PURPOSE AND SCOPE OF EVIDENCE

3. This statement of rebuttal evidence responds to the evidence filed on behalf of Fonterra Limited, Metlife Care, Kainga Ora, Chartwell Investments Limited, Takanini Rentors Limited, and Ecostream Irrigation Limited, dated 10 August 2023.

4. Included as **Attachment 1** is an updated set of plan provisions based on further amendments that I recommend in this rebuttal. Note that as with the amended plan provisions attached to my evidence in chief, some of the numbering in the Word document received from Hamilton City Council (HCC) is corrupted and will need to be corrected prior to inserting it into the Operative Hamilton City District Plan (ODP).

MARK CHRISP FOR FONTERRA

5. Mr Chrisp's evidence is focused on the strategic long-term planning of the whole Racecourse site, rather than specifically on PC13. He acknowledges that the Fonterra Crawford Street Freight Village is some distance from PC13 and is surrounded by closer residential activities. It is over 400m away whereas there are existing residential activities about 30m away. He then states that a greater level of incompatible activities should not

be allowed to locate in close proximity to each other.[1] In my opinion PC13 is not in 'close proximity' to the Fonterra site.

6. Mr Chrisp summarises several Waikato Regional Policy Statement (WRPS) policies that refer to reverse sensitivity and that he places weight on[2]. In my evidence in chief, I acknowledged that the WRPS includes a comprehensive set of reverse sensitivity policies, but that the ODP did not, and that PC13 includes specific provisions that ensure it is consistent with the WRPS policies.[3]

7. The WRPS takes a 'balanced' view of reverse sensitivity, recognising that effects of activities cannot always be internalised but that nearby sensitive activities should also not be unnecessarily restricted. This is reflected in the wording of the relevant policies and methods which are not directive; they use words such as 'avoid, remedy or mitigate', 'discourage' and 'minimise'.

8. The development principles at Appendix 11 of the WRPS which include references to reverse sensitivity, states that new development 'should' be consistent with them, rather than 'shall' or 'must' which would be more directive. They are also 'principles' not standards or criteria. PC13 is consistent with this approach as it is designed to mitigate or minimise reverse sensitivity effects.

9. He raises concerns that the whole Racecourse site may not always be used as a racecourse, and that as a result of PC13, in the future its use will be constrained to only residential purposes.[4] I disagree.

10. As set out in Mr Castle's rebuttal evidence it is highly speculative to suggest the racecourse may have another use in the future. In any case,

[1] Statement of evidence of Mark Chrisp, para3.4
[2] Statement of evidence of Mark Chrisp, paras 4.2-4.5
[3] Statement of evidence of John Olliver, paras 59, 60
[4] Statement of evidence of Mark Chrisp, para 3.5

the site is 50ha in area. PC13 uses only 6.5ha in one underutilised corner of the site. Therefore, there will be some 43.5ha of land available in the future for consideration of alternative uses. The western boundary adjoins the NIMTR and the northern boundary adjoins industrial activities.

11. Therefore, there is ample scope for land use alternatives to be considered in the future, if the need arises, and the size of the land area will mean that all alternative land uses will be able to be considered. In my opinion PC13 will not constrain those alternatives. Therefore, there are no long-term and cumulative effects of PC13 as suggested by Mr Chrisp. A cumulative effect is an effect that can be measured and predicted to occur over time, not just a speculative view.

BEVAN HOULBROOKE FOR CHARTWELL INVESTMENTS, TAKANINI RENTORS AND ECOSTREAM IRRIGATION

12. Mr Houlbrooke's evidence summarises and comments on the submission points from his clients in some detail, including various options for the relief sought. As a result, it is difficult to ascertain his professional opinion on some of those points.

Economic assessment

13. I do not agree with Mr Houlbrooke that a specialist economic assessment is required to consider the effects of the PC13 rezoning in the wider Hamilton land supply context, with emphasis on the industrial land supply sufficiency.[5] The Business Development Capacity Assessment 2021 (BDCA) prepared by Market Economics for the Future Proof Partners identifies that Hamilton has vacant industrial land capacity of 640ha for

[5] Evidence of Bevan Houlbrooke, para 72.

the period 2020-2050[6]. PC13 at 6.5ha represents only an additional 1% of that overall capacity if it were to be added. In my opinion the land area of PC13 would make a negligible contribution to industrial land supply.

14. In addition, the policy context of the NPS-UD is a significant factor in considering the nature and amount of information required to support a plan change such as PC13. The objectives refer to 'improving affordability by supporting competitive land and development markets'[7] and decisions on urban environments being 'responsive' [8]. Supporting policies require planning decisions to 'enable a variety of homes' that 'have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport'.[9] Decision-makers are also to have particular regard to any relevant contribution 'to provide or realise development capacity'.[10] Policy 8 reinforces the requirement to be responsive to plan changes, even when the development is unanticipated by planning documents.

15. Sub-part 3 of the NPS-UD requires Tier 1 territorial authorities to systematically monitor and analyse development capacity for housing and business land. For business land HCC has done this through the BDCA (referred to above). These assessments provide robust base information, but they are necessarily high level.

16. The NPS-UD does not, in my opinion, require every plan change to undertake a detailed economic assessment of supply and demand. Any such investigations should be undertaken on a case-by-case basis, dependent on the scale of change and the background information available. The extent of the assessment should, as set out in s32 of the

[6] Market Economics (Greg Akehurst, Fraser Church): *Business Development Capacity Assessment – Future Proof Partners: Hamilton City, Waikato District, Waipa District*, 30 June 2021, Figure 5.1
[7] NPS-UD Objective 2
[8] NPS-UD Objective 6
[9] NPS-UD Policy 1
[10] NPS-UD Policy 6(d)

RMA, be to a level of detail that corresponds to the scale and significance of the anticipated effects. To do otherwise would be to add unnecessary compliance costs and complexity to the planning process. In my view the small scale of PC13, at 1% of the vacant industrial land capacity in Hamilton, is not of a scale or significance which necessitates a detailed economic assessment of supply and demand.

Agreed plan provisions

17. I agree with the amendments to the plan provisions set out in paragraphs 19-29 of Mr Houlbrooke's evidence. They were the subject of informal pre-hearing discussions, including with Ms O'Dwyer on behalf of HCC. They are focused on maintaining reasonable development and operating rights and expectations of neighbouring industrial activities. I consider they improve PC13.

Plan provisions not agreed

18. Mr Houlbrooke identifies three plan provisions relating to the neighbouring industrial land that were not agreed through pre-hearing discussions. They are Activities requiring an Air Discharge Consent (Rule 9.3 (i))[11], Noxious and offensive activities (Rule 9.3 (j) and (k))[12] and Dust, smoke, fumes and odour (Rule 25.11.3).[13]

19. Assessing the need for these rules to be amended involves assessing them against the existing environment as it may be modified by planned development, including permitted activities and activities that are consented and not yet implemented, but likely to be implemented. I am not aware of any unimplemented consents in the adjacent industrial area.

[11] Statement of evidence of Bevan Houlbrooke, paras 47-51.
[12] Statement of evidence of Bevan Houlbrooke, paras 52-57.
[13] Statement of evidence of Bevan Houlbrooke, paras 64,65

20. All three sets of activities represent relatively intrusive industries that could have more significant adverse effects than the existing activities, depending on their scale. I am not aware of any existing activities in the adjacent land that would fall into these categories. In addition, the small size of neighbouring industrial land parcels, the mixed commercial and office activities, and the proximity to existing residential activities at Ken Browne Drive are likely to limit the attractiveness of the area to large scale intrusive industries. Therefore, in my opinion, it is speculative to consider that they may locate here and therefore need more specific provisions.

21. In terms of Dust, smoke, fumes, and odour I pointed out in my evidence in chief that Rule 25.11.3 is a city-wide rule that applies to all sites. It requires no objectionable or offensive dust, smoke, fumes, or odour to have an adverse effect on any other site. Such activities may also need resource consents for air discharges from Waikato Regional Council. Therefore, the rule already applies at the current Industrial/Major Facilities Zone interface and PC13 does not change this.

22. Mr Houlbrooke suggests the Te Rapa Medium Density Residential Precinct should be singled out and be subject to a no-complaints covenant because it includes more sensitive activities than the Major Facilities Zone. I do not agree.

23. The Racecourse is for outdoor sporting and entertainment purposes and would therefore be very sensitive to offensive dust, smoke, fumes, and odour. All other sites across the city must comply with the same rule, and many of them have closer interfaces than PC13.

24. PC13 includes the 30m building setback which is significantly more than most interface distances across the city, including many

industrial/residential interfaces. Therefore, a specific Dust, smoke, fumes, and odour rule for PC13 is inappropriate.

25. Activities requiring an air discharge consent and noxious and offensive activities raise a slightly different issue. Firstly, activities requiring an air discharge consent are obviously subject to separate consenting by Waikato Regional Council. Secondly, they are both city wide provisions that use a distance from a Residential zone boundary to trigger a resource consent or to change the status of a resource consent. For Noxious and offensive activities, the distance is 250m and for Air discharge activities the distance is 100m.

26. Mr Houlbrooke seeks amendments so that these distances and triggers do not apply to the PC13 site. His reasoning is that this approach would protect the current rights of the industrial neighbours in relation to the Major Facilities zone boundary. Depending on the specific location, some of these activities would already trigger a resource consent, regardless of PC13. This includes the Chartwell Investments site which is entirely within 100m of the General Residential Zone on the opposite side of Ken Browne Drive.

27. I do not agree with the approach suggested by Mr Houlbrooke. The trigger provisions are just that; they do not prevent development but require resource consent applications as restricted discretionary activities under the ODP (Rules 9.3 (i) and (j)) if these more intrusive activities occur close to residential areas. As I stated above creating a specific 'carve out' for these types of industrial activities adjacent to PC13 is inappropriate.

28. Consistent with my recommended amendments to other rules to provide for neighbouring activities to operate without being restricted by a residential zone boundary, I recommend that the 30m setback boundary

be treated as the residential boundary in relation to these rules. I acknowledge that does not completely maintain the position of the industrial neighbours in relation to the above three rules, but the issue of possibly needing to apply for a resource consent for a small group of activities is not a significant constraint.

29. I have taken a consistent approach to drafting the rules by adopting the 30m setback line as if it were a Residential zone boundary for many of the matters and this also assists in its administration. This results in no constraints on the neighbouring industrial activities for most items (as set out in paragraph 17 above), but these three items remain subject to a partial constraint. In the context of a growing city where infilling for residential purposes is strongly encouraged by national and regional policy, a balance like this between the rights and obligations of neighbouring land uses is an appropriate outcome.

Activity status within the setback

30. Mr Houlbrooke proposes in his evidence that non-complying activity status should apply to noise-sensitive activities within the setback from Industrial zone boundaries.[14] In the PC13 version included as Attachment 1 to my evidence in chief, they would be restricted discretionary activities.

31. Having further considered the rule and policy framework I agree that non-complying activity status would be more appropriate within the 30m setback. The Precinct Plan and the Chow Hill concept plan that underpins it do not envisage development in that setback area and this has been strengthened by recommended pre-hearing amendments to Rule 4.8.12 to require the open space area adjoining the Industrial zone boundaries

[14] Statement of evidence of Bevan Houlbrooke para 31

to be established and secured in perpetuity at the time of initial development.

Setback distance

32. Draft Rule 4.8.2 g. e. requires noise sensitive activities to be set back from Industrial zone boundaries by at least 30m. In paragraphs 32, 34 and 39 Mr Houlbrooke discusses the setback and states that it should be 60m as that is the area identified as affected by industrial noise. However, the approach to mitigation of noise and other reverse sensitivity effects is more comprehensive and nuanced than just a setback. The setback provides for some noise attenuation by distance and provides sufficient space for substantial landscaping to mitigate visual effects as outlined in the evidence in chief of Stuart Mackie.

33. The Noise Sensitive Area (NSA) provides an additional layer of noise mitigation by triggering a restricted discretionary activity application for all development of noise sensitive activities within it, other than within 30m of an Industrial zone boundary where I accept that a non-complying activity status is appropriate. This allows for buildings, both individually and in conjunction with others, to be designed to take into account the effects of industrial noise.

34. The design response may be the orientation of outdoor and internal living spaces, built forms coordinated to form an effective acoustic barrier to the balance of the site and/or acoustic treatment of the buildings themselves. This approach to noise mitigation is described in more detail in James Bell-Booth's rebuttal evidence.

35. The 30m setback and the 60m NSA broadly mirror the Amenity Protection Area (APA) which is an ODP overlay applying to some Industrial zones where they adjoin residential areas. The APAs vary in width but are usually about 50m wide. The setback/NSA is a similar concept to the APA;

the APA doesn't prohibit industrial activities, but places additional controls on them such as a reduced building height of 10m, reduced site coverage of 75%, a requirement for a 1.8m fence and a 5m wide buffer strip.

36. As set out in my evidence in chief a 60m setback would also have a severe impact on the whole development of PC13. It would result in the removal of multiple residential units and would compromise the masterplanning and fundamental design concept as set out in Stuart Mackie's rebuttal evidence. It is also unnecessary as set out in this rebuttal and my evidence in chief.

37. The appropriate setback distance is 30m. Given the importance of the 30m distance when administering the PC13 provisions I have amended the Precinct Plan (Figure 4.5-1) to show the 30m dimension (see **Attachment 1**).

Acoustic fence

38. Rule 4.8.12 f requires a 1.8m fence on the Industrial zone boundary. Mr Houlbrooke, relying on the advice of Mr Jacob that a 4m high fence is an alternative to a 60m setback[15], proposes a 4m high acoustic fence if there is a 30m setback.

39. Mr Bell-Booth has addressed this issue in detail in his rebuttal evidence. PC13 requires a 1.8m solid fence to be built on the common boundary with the Industrial zone (Rule 4.12 f). He advises that his assessment does not rely on the fence, and it is just one measure used in combination with other more pertinent ones to achieve the internal noise performance criteria.[16] I agree with him that how the internal noise performance is

[15] Statement of evidence of Bevan Houlbrooke paras 15 d) and 34
[16] Rebuttal evidence of James-Bell Booth para30

achieved is best determined at resource consent stage. Therefore, I do not agree that a 4m high fence should be a required standard.

Rule 25.8.3.7 Noise

40. Mr Houlbrooke comments on Rule 25.8.3.7 and notes that the rule as drafted has an unintended consequence whereby an Industrial zoned site adjoining the Te Rapa Racecourse Medium Density Residential Precinct does not need to comply with the usual noise standard in relation to existing Residential zoned sites. This issue particularly applies to the Chartwell Investments site adjoining Ken Browne Drive which adjoins the Precinct but is also only 20m away from Residential zoned land to the west. The site to the west accommodates the Metlife Care Forest Lake Gardens retirement village.

41. This issue can be resolved through some minor redrafting as follows. These amendments are to the version of plan provisions included as Attachment 1 to my evidence in chief;

> 25.8.3.7 Noise Performance Standards for Activities in all Zones Except Major Facilities, Knowledge, Open Space, Ruakura Logistics and Ruakura Industrial Park Zones ~~and sites in Industrial Zones that have a common boundary with the Te Rapa Race;course Medium Density Residential Precinct~~
> (a) Activities in all Zones except Major Facilities, Knowledge, Open Space, Ruakura Logistics and Ruakura Industrial Park Zones ~~and sites in Industrial Zones that have a common boundary with the Te Rapa Racecourse Medium Density Residential Precinct~~ shall not exceed the following noise levels at any point within the boundary of any other site in the;
> (i) Residential Zones, except the Te Rapa Medium Density Residential Precinct.
> (ii) Special Character Zone.

Time of day	***Noise level measured in L_{Aeq} (15 min)***	***Noise level measured in L_{AFmax}***
0600-0700 hours	*45 dB*	*75 dB*

0700-2000 hours	*50 dB*	-
2000-2300 hours	*45 dB*	-
2300-0600 hours	*40 dB*	*75 dB*
2300-0600 within that part of Te Awa Lakes Medium Density Residential Zone located within 200m of the carriageway of the Waikato Expressway	*45 dB*	*75 dB*

42. The Te Rapa Medium Density Residential Precinct is therefore excluded from the standards in this table, but other nearby Residential zones are not. The Te Rapa Medium Density Residential Precinct/Industrial Zone interface is subject to its own specific rule 25.3.8.7 e which specifies a maximum noise level of 65dB $L_{Aeq\ \underline{(15\ min)}}$ at the common boundary. The '15 min' wording is recommended to be inserted as Mr Houlbrooke noted[17] it was missing from my evidence in chief version of the plan provisions.

No complaints covenant

43. Mr Houlbrooke recommends that a rule requiring a no complaints covenant to entered into should be included in PC13.[18] He does not provide any reasoning for it, nor any s32AA assessment to support his view. No complaints covenants are essentially a private agreement between parties, so are not subject to the same public policy analysis and public scrutiny as District Plan rules, so sit outside the usual plan provisions. My opinion is that PC13 includes ample checks and balances

[17] Statement of evidence of Bevan Houlbrooke para 60
[18] Statement of evidence of Bevan Houlbrooke para 41

to manage and mitigate any reverse sensitivity effects, so I do not support a no complaints covenants rule, as set out in my evidence in chief[19].

Reverse sensitivity policies

44. Paragraphs 79 and 80 of Mr Houlbrooke's evidence summarises Waikato Regional Policy Statement (WRPS) policies relating to reverse sensitivity. I have commented on those in paragraph 6 of this rebuttal statement as they are also discussed in Mark Chrisp's rebuttal statement.

MICHAEL CAMPBELL ON BEHALF OF KAINGA ORA

45. The evidence of Mr Campbell is supportive of PC13, so my comments are limited to items where he suggests amendments to the plan provisions.

Height limit of 16m

46. I agree with Mr Campbell's assessment of the height rules in PC13 and confirm that they were largely based on PC12 to the extent it was known at the time of lodgement of PC13 in September 2022. I note Stuart Mackie's rebuttal evidence that supports a 16m height limit, but indicates it makes little difference to expected built form compared to 15m. The additional 1m allows for more generous floor to ceiling height but will still limit buildings to 5 storeys.

47. I agree with Mr Campbell's opinion that a height limit of 16m will not have a demonstrably adverse shading or visual effect[20] and is appropriate for PC13. I also note that 16m is consistent with the height limit in the Increased Height Overlay area in the Peacocke Plan Change (PC5). That area is identified as suitable for up to 5 storey development. I agree with

[19] Statement of evidence of John Olliver para 121
[20] Statement of evidence of Michael Campbell para 4.11

Mr Campbell's s32AA assessment of Rule 4.6.7 attached as Appendix A to his evidence.

Height in relation to boundary

48. The modest increase in height does not in my opinion require reconsideration of the height in relation to boundary (HIRB) rule. PC13 adopts the 4m+60 degree HIRB rule from the MDRS and the draft PC12. Mr Campbell proposes a 'mixed' approach to the HIRB with 4m+60 degrees to apply to buildings that are up to 3 storeys and up to three residential units, while buildings that are more than 3 storeys and more than 3 units would be subject to a more enabling 6m+60 degree standard.[21]

49. I do not support that approach. In my view the more enabling 6m+60 degree HIRB will have more impact on access to sunlight and daylight, particularly when coupled with the large buildings of over 3 storeys/more than 3 units. This will particularly be an issue on the southern boundary where PC13 interfaces with the Metlife Care Forest Lake Retirement Village which is in a General Residential zone that will be subject to the MDRS via PC12. It is more appropriate that the interface be managed through the same HIRB, so that the impacts are consistent for both sites. Therefore, I do not agree that the HIRB should be amended.

Service area standard

50. Mr Campbell proposes deletion of the service area standard (Rule 4.8.6). I do not agree. The service area standard from PC13 was adapted from the Medium Density Residential Zone in the ODP and from PC12 (Rule 4.3.4.11). It requires a $5m^2$ area to be provided. This is a small area that

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[21] Statement of evidence of Michael Campbell para 4.20

can be readily incorporated into residential designs, and it is an element of site layout that is important not to be neglected.

51. While I agree that accommodating a service area is more of an issue with larger developments, retaining it as a standard across the board ensures it is considered for all developments. It is also consistent with PC12 (as notified) and the ODP. Deleting it from PC13 would make it an outlier. In my opinion the broader issue of whether any service area standard is required in all Residential zones is best considered through the wider PC12 process.

Minimum lot sizes

52. Mr Campbell states that minimum vacant lot sizes do not address the limitations on practical development, particularly on topographically constrained land. The PC13 site is flat so there are no topographical constraints. However, I note Mr Campbell's modelling of minimum site areas demonstrates that a minimum vacant lot area of 200m^2 together with an 8m x 15m shape factor is sufficient to accommodate a reasonable residential unit in compliance with the MDRS. This is a minor change from the current 280m^2 minimum lot size in PC13 and provides some additional flexibility for smaller houses.

53. Therefore, I support a 200m^2 minimum lot size and an 8m x 15 shape factor for vacant lots in PC13. I agree with Mr Campbell's section 32AA assessment which is Table 4 in his Appendix A.

Flooding provisions

54. Mr Campbell recommends that the mapping of flood areas and related rules should be removed from the Precinct Plan and PC13 and the existing provisions in Rule 22.3 of the ODP be relied on.

55. I acknowledge that there are some benefits in that approach, however in this case there are some specific matters to consider. There is no HCC-produced catchment level flood mapping on the planning maps covering the whole city; the mapping is limited to areas that are subject to 'Culvert Block Flood Hazards' and some areas where flood modelling has been undertaken. Therefore, the subcatchment ICMP that was prepared for PC13 focused on the constraints on the site only, as it is a site-specific plan change. The ICMP produced indicative overland flow paths and low flood hazard areas on the site based on this site specific analysis.

56. If they were included on the planning maps, they would only apply to a single site based on the site-specific PC13 ICMP methodology, whereas other flood hazard mapping would be based on a different methodology, potentially causing confusion. It is also efficient and effective to include them on the Precinct Plan as that is the key method of spatially managing site specific matters.

57. Since PC13 was lodged HCC have commenced a city-wide flood mapping exercise that will be the subject of a city-wide plan change, PC14, due to be notified in 2024. I expect that PC14 will amend many of the existing flood-related rules in the ODP, including Rule 22.3. I am not opposed in principle to integrating the PC13 provisions into the ODP but in my view, given the emerging PC14, it would be more efficient to integrate the PC13 flood provisions via PC14.

FRASER MCNUTT ON BEHALF OF METLIFE CARE

Objectives and policies

58. Mr McNutt raises a concern with the reference to 'up to 4-storey' development in Objective 4.2.15 b and Policy 4.2.15 e and considers

these references should be deleted.[22] Objective 4.2.15 b and Policy 4.2.15 e are modelled on Objective 2 and Policy 1 of the MDRS in Schedule 3A of the RMA. It is mandatory for the MDRS to be implemented through PC13, although the plan provisions need to be modified to fit the proposed Medium Density Zone that applies to PC13.

59. Deletion of the references to the number of storeys from the objective and policy would call into question whether PC13 implements the MDRS. The reference to the number of storeys enabled by the plan provisions is in my view helpful, as it provides practical guidance through the District Plan as to the likely built form. Most people are unfamiliar with how to convert height limits to the number of storeys.

60. For these reasons I do not agree that the reference to number of storeys should be deleted, but as a result of my recommendation to amend the height limit as set out in Mr Campbell's evidence the references should be changed to 'up to 5 storeys'.

Height in relation to boundary

61. The second issue raised by Mr McNutt is the treatment of the boundary between PC13 and the Metlife Care site. He seeks that the PC13 HIRB rule adjacent to that boundary should be amended to 3m + 28 degrees or 45 degrees (depending on the orientation of the boundary).[23] PC13 adopts the MDRS HIRB of 4m + 60 degrees at that boundary. That is the minimum standard required by the MDRS so it is mandatory that PC13 adopts it.

62. The HIRB can only be made less enabling if a qualifying matter applies. Mr McNutt has not identified any qualifying matter. He refers to some additional sensitivities associated with retirement villages, including the

[22] Statement of evidence of Fraser McNutt, para 4.13
[23] Statement of evidence of Fraser McNutt para 4.16

older age demographic of residents and the generally low-rise form of development due to accessibility issues. I acknowledge these issues, although I note that the Metlife Care site and several other recent retirement village developments in Hamiton include multi-storey buildings.

63. In any case the interface is still residential to residential, and the General Residential zone will, through PC12, include the MDRS as well. I do not consider these issues constitute a qualifying matter. If they were to be treated as a qualifying matter it would need to be supported by an assessment under s77L of the RMA, and no assessment has been prepared. Therefore, I do not agree that the HIRB at this boundary should be changed.

Service area standard

64. Mr McNutt also seeks an exclusion from the service area standards for retirement villages[24] and an amendment to Rule 4.8.12 to allow for additional flexibility for retirement villages when complying with the Precinct Plan.[25] As all retirement village development in PC13 is a restricted discretionary activity my view is the resource consent process includes sufficient flexibility to accommodate the varied forms of retirement villages to fit into the Precinct Plan.

65. My opinion is that the service area standard should be retained as a clear expectation to provide a suitable area but the consent process allows for alternative dimensions and locations, based on the nature of the development. Similarly, non-conformance with the Precinct Plan triggers a discretionary activity application, so that would allow for alternative outcomes to be considered, such as roads that are not vested.

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[24] Statement of evidence of Fraser McNutt para 4.17
[25] Statement of evidence of Fraser McNutt para 4.23

CONCLUSION

66. In conclusion, several matters raised in the planning evidence have merit and I support them. They are:

    (a) Making development within the 30m setback a non-complying activity.
    (b) Rewording Rule 25.8.3.7 to clarify that it does not change noise level standards for noise received at existing Residential zoned sites.
    (c) Changing the height limit to 16m.
    (d) Changing the minimum lot size to 200m^2 and including a shape factor.

67. I do not support a 60m setback, or rezoning part of the site Industrial Zone as proposed by Mr Houlbrooke. These proposals would radically change the design approach to PC13 and completely undermine the Precinct Plan that is underpinned by an extensive masterplanning process. I also do not support further specific ‘carve-outs’ to allow for future development of adjacent Industrial zone properties. I consider that future uses of these sites that could be of concern are speculative, and that the exceptions that are included in PC13 achieve the appropriate balance between the rights of neighbours and the wider benefits of PC13.

68. PC13 also correctly gives effect to the WRPS policies which are to mitigate and minimise reverse sensitivity effects, not avoid them altogether.

69. I do not support amendments to the HIRB that conflict with the MDRS or are more enabling, taking into account the specific nature of the site and its neighbours.

70. Further amendments to the PC13 plan provisions resulting from my recommendations in this rebuttal are included and highlighted yellow in **Attachment 1.**

JOHN BLAIR OLLIVER
17 August 2023

ATTACHMENT 1