

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2023] NZEnvC 245

IN THE MATTER OF an appeal under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN THE ADARE COMPANY LIMITED
(ENV-2023-AKL-000045)

Appellant

AND HAMILTON CITY COUNCIL

Respondent

Court: Environment Judge S M Tepania sitting alone under s 279 of the
Act

Last case event: 27 October 2023

Date of Order: 13 November 2023

Date of Issue: 13 November 2023

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the
Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to the agreed amendments to Chapter 3A
Peacocke Structure Plan, Chapter 6A Neighbourhood Centre Zone –
NCZ, Chapter 23A SUB – PREC1-PSP: Subdivision – Peacocke

The Adare Company Limited v Hamilton City Council



Precinct, Chapter 25 City-wide, and Appendix 1: District Plan Administration as set out in Appendix A to this order; and

(2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order concerns an appeal by The Adare Company Limited (**the Appellant**) against the decisions of Hamilton City Council (**the Respondent**) on Proposed Plan Change 5 – Peacocke Structure Plan (**PC5**) to the Operative Hamilton City District Plan.

Background

[2] PC5 is a Council-led plan change pursuant to clause 2 of the First Schedule to the Resource Management Act 1991 (**the Act**) which proposes to replace the existing Peacocke Structure Plan with a new Peacocke Structure Plan and rezones approximately 690 hectares of land from General Residential Zone and Peacocke Special Character Zone to Medium Density Residential Zone, to enable the urbanisation of the Peacocke Growth Cell.

[3] The Appellant owns significant landholdings within the Peacocke Precinct and holds resource consent authorising residential development on approximately 105ha of land within the Precinct, including the establishment of 862 dwellings.

Original submission and PDP Decision

[4] The Appellant made a submission and further submission on PC5 seeking a variety of amendments to various objectives, policies, rules and information requirements in Chapter 3A Peacocke Structure Plan, Chapter 6A Neighbourhood Centre Zone – NCZ, Chapter 23A Citywide, and Appendix 1: District Plan Administration.

[5] On 17 February 2023, on behalf of the Respondent, an Independent Hearing Panel made a decision on PC5.

Appeal

[6] The Appellant subsequently filed this appeal seeking various amendments to Chapter 3A Peacocke Structure Plan, Chapter 6A Neighbourhood Centre Zone – NCZ, Chapter 23A SUB – PREC1-PSP: Subdivision – Peacocke Precinct, Chapter 25 City-wide, Appendix 1: District Plan Administration.

[7] The Director-General of Conservation and Peacocke South Limited have each given notice of an intention to become a party to the appeal under section 274 of the Act.

Agreement reached

[8] Since the appeal was filed, the Appellant and Respondent have engaged in direct discussions and all parties have participated in Court-assisted mediation and have reached an agreement on changes that will resolve the appeal and address the relief sought by the Appellant in its entirety.

[9] The agreed amendments to Chapter 3A Peacocke Structure Plan, Chapter 6A Neighbourhood Centre Zone – NCZ, Chapter 23A SUB – PREC1-PSP: Subdivision – Peacocke Precinct, Chapter 25 City-wide, and Appendix 1: District Plan Administration are set out in **Appendix A** (clean version) and **Appendix B** (track change version) to this order.

Section 32AA assessment

[10] Section 32AA of the RMA requires a further evaluation for any changes to a proposal since the initial section 32 evaluation report and the decision.

[11] The parties provided a section 32AA evaluation of the appropriateness of the agreed amendments. In summary, the parties consider that these amendments:

- (a) are the most appropriate option for achieving the relevant objectives of PC5;

- (b) are the most efficient and effective option as they:
 - (i) improve the accuracy of, and alignment between, the District Plan provisions, simplify administration of the District Plan and provide greater clarity and certainty for District Plan users by removing redundancy, impracticalities, errors and duplication;
 - (ii) in relation to the NCZ-PREC1-PSP:R45, it ensures that Neighbourhood Centres within the Peacocke Precinct operate at the scale and size intended and do not undermine the role and function of the Local Centre to the detriment of both;
 - (iii) they do not give rise to additional costs; and
- (c) satisfy the concerns raised in the Appeal.

Consideration

[12] In making this order the Court has read and considered the notice of appeal dated 14 April 2023 and the joint memorandum of the parties dated 27 October 2023.

[13] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

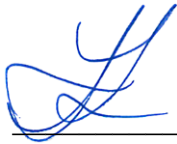
- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[14] The Court is satisfied that the changes sought are within the scope of the Appellant's submission and appeal.

Order

[15] The Court orders, by consent, that:

- (a) the appeal is allowed subject to the agreed amendments to Chapter 3A Peacocke Structure Plan, Chapter 6A Neighbourhood Centre Zone – NCZ, Chapter 23A SUB – PREC1-PSP: Subdivision – Peacocke Precinct, Chapter 25 City-wide, and Appendix 1: District Plan Administration as set out in **Appendix A** to this Order;
- (b) the appeal is otherwise dismissed; and
- (c) there is no order as to costs.



S M Tepania
Environment Judge



Appendix A

DEV01-PSP: DEVELOPMENT AREA 1: PEACOCKE STRUCTURE PLAN

DEV01-PSP: PURPOSE

The Peacocke area is a 740ha area of rural land to the southeast of the Glenview suburb of Hamilton City. The land was incorporated into the City from the neighbouring Waipa District Council in 1989 for the express purpose of providing for the City's future urban growth.

The Peacocke Structure Plan has been prepared to provide a resource management framework to guide future use and development of the Peacocke Structure Plan area.

The structure plan has been developed to “*enable the development of an attractive and sustainable community in Peacocke.*” The following principles have informed the development of the structure plan and the associated plan provisions:

- Promote medium density development by enabling the development of a range of typologies, supporting housing choice and diversity.
- Low density residential development is discouraged.
- Create higher density walkable catchments, centred on public transport routes and activity nodes such as the local centre, neighbourhood centres and community facilities such as the sports park, and schools.
- Support the amenity of higher density living by enhancing connections with the proposed Open Space Zone in and around the Waikato River and Mangakootukutuku gully network.
- Require subdivision to create a connected, legible, and permeable transport network that enables access through the structure plan, particularly for active modes, allowing local trips to be undertaken without reliance on a private vehicle.
- Subdivision should be undertaken, (where topography allows) to maximise access to sunlight for allotments.
- Promote active street frontages that ensuring road frontages are not dominated by carparking, garaging and vehicle access.
- Development should be well designed and provide a high level of on-site amenity for residents, including maximising access to sunlight private living spaces and a high-quality visual outlook.
- Developments use quality building materials, variation in architectural form and landscaping to contribute positively to the character of the area.
- The gully network and areas of open space are safe and accessible to the public.
- Ensuring the ongoing integration, protection and restoration of ecology within the urban environment, providing habitat value and a range of ecosystem services such as amenity, open space, shading and cooling, carbon sequestration, connectivity, and water retention and storage.

Vision

The vision for the Peacocke Precinct is that it will become a high-quality urban environment that is based on urban design best practice, social well-being, and environmental responsibility.

The goal for Peacocke is that development will respond positively to its natural setting and built form to develop a number of well-connected neighbourhoods based on an urban development concept that respects and restores the area's natural environment.

The Peacocke Precinct is Hamilton's southern growth cell and is ideally located to provide approximately 20,000 people homes with easy access to destinations such as the Central City and the University of Waikato. The area has special environmental value being dissected by the Mangakotukutuku Gully network and adjacent to the Waikato River. These provide important habitat for a range of species including pekapeka-tou-roa, New Zealand's critically endangered long-tailed bat.

The Southern Links Transport Corridor Designation runs through the growth cell, providing transport connections to the wider Hamilton and Waikato roading network.

These features of the Peacocke Precinct means that it is important land development occurs in such a way that takes advantage of its location, responds to, respects and protects the important ecological values of the area and integrates with the transport network to ensure a high level of accessibility is maintained into and throughout the area.

The Peacocke Precinct will be developed in line with Hamilton's vision for a 20-minute city, which seeks to provide residents access to everything they need within 20 minutes without relying on private motor vehicles. This means establishing a local centre, which will act as the central community hub, supported by a network of smaller neighbourhood centres, providing day to day convenience for residents. It also means developing direct and safe routes for pedestrians and cyclists to the CBD, Hospital, Hamilton Airport and surrounding existing local centres.

These hubs will be supported by a multi-modal transport network that provides access to frequent public transport on key routes and a direct and accessible walking and cycling network, that is safe and enjoyable to use. The network will be constructed to meet best practice principles related to safety, coherence, directness, attractiveness and amenity which will assist in encouraging mode shift.

These hubs will be supported by areas of higher density residential development, allowing more people to live within walkable catchments of the centres and the public transport network, efficiently using land and infrastructure. This will create a vibrant network of centres within the Peacocke Structure Plan area that will become the heart of the community.

To ensure a high amenity environment, that people enjoy and want to live in, urban design outcomes are prioritised within the structure plan. This will ensure that while a medium and high-density environment is envisaged, it is developed to provide residents with a high level of on-site amenity and a pleasant public realm.

The topography in Peacocke is typically undulating and earthworks will be required to achieve the densities envisaged in the area. It is important that these earthworks are undertaken in a comprehensive manner that assists in providing a high amenity outcome. This means designing earthworks to minimise the use of retaining walls, and where these are necessary, minimising their

height and locating these to be away from the road frontages. Large scale earthworks that enable development should be undertaken with a subdivision consent to ensure a well-designed outcome.

DEV01-PSP: OBJECTIVES

Urban Environment

REFERENCE	OBJECTIVE	RELEVANT POLICIES
DEV01-PSP: O6	Earthworks in the Peacocke Structure Plan are undertaken in a comprehensive and integrated manner, ensuring a high amenity urban environment.	DEV01-PSP: P24

Natural Environment

REFERENCE	OBJECTIVE	RELEVANT POLICIES
DEV01-PSP: O11	Enable development adjacent to Natural Open Space zoned areas where it is managed to protect the ecological functions and processes of those areas.	DEV01-PSP: P23

DEV01-PSP: POLICIES

Urban Environment

DEV01-PSP: P1	Development should be in general accordance with the Peacocke Structure Plan.
DEV01-PSP: P7	Higher density development in the Peacocke Structure Plan: <ol style="list-style-type: none"> 1. Shall be established within a walkable distance of the Peacocke Local Centre, neighbourhood centres, identified public transport routes, adjacent to schools, parks and community facilities. 2. May be provided adjacent to areas of Natural Open Space Zone including the river corridor and gully network where ecological functions and processes of those areas are protected.
DEV01-PSP: P16	Ensure the design and location of buildings, infrastructure and lighting near Significant Bat Habitat Areas is managed in order to protect the ecological functions and processes of those areas.

DEV01-PSP: COMPONENTS OF THE PEACOCKE STRUCTURE PLAN

Natural Environment and Open Space Network

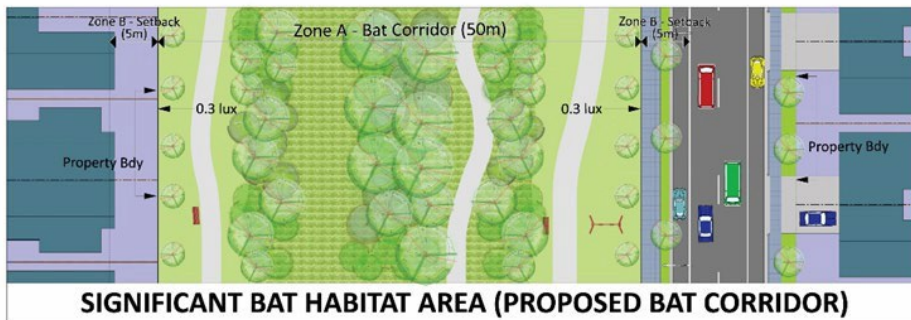
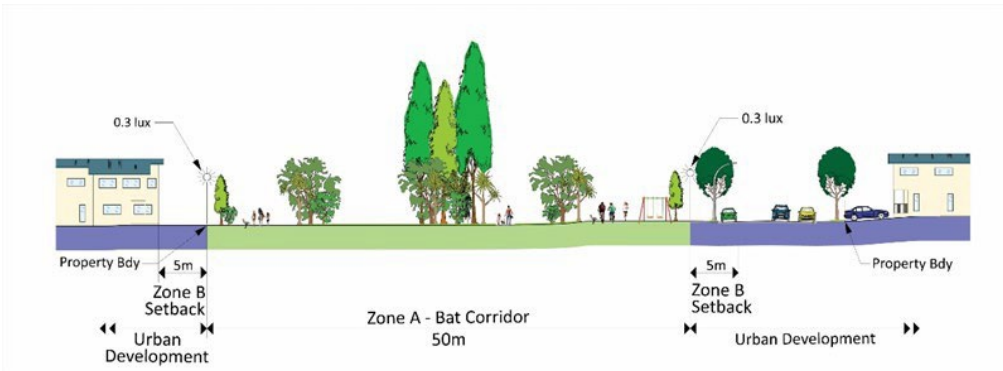
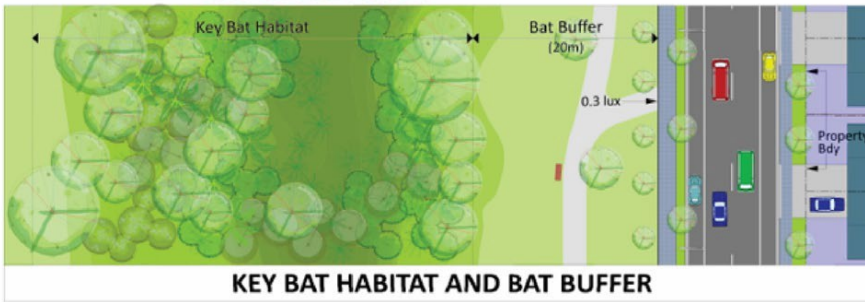
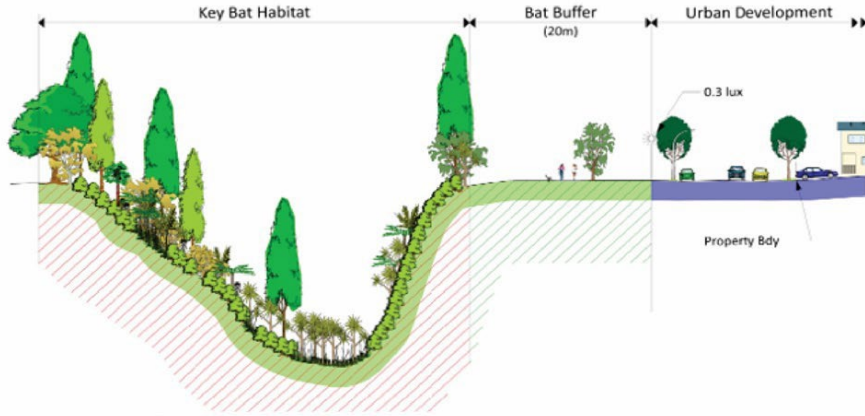
The open space network is a defining feature of the Peacocke Structure Plan. The Mangakotukutuku Gully and the Waikato River provide the backbone of the network and are important habitat for the long-tailed bat. The structure plan identifies important corridors that are to be protected and enhanced, completing connections between the gully, the River and the wider area which contain a number of important roosting sites. It is important that these networks are established to continue to allow the long-tailed bats to remain active in the area at levels consistent with, or higher than predevelopment levels. These identified corridors will be the focus of mitigation and enhancement throughout the development of the area.

The gully network and river corridor will include walking and cycling facilities, providing green space throughout the structure plan. This will form part of a recreational walking and cycling network, supporting the on-road network. The Mangakotukutuku Stream and the Waikato River provide migratory pathways for native freshwater fish, including several threatened species. The structure plan identifies the stream network as a corridor to be protected and enhanced. These identified corridors will be the focus of mitigation and enhancement throughout the development of the area.

The Mangakotukutuku Gully and Waikato River margins comprise a mixture of indigenous and exotic vegetation. These areas provide important habitat for the nationally threatened long-tailed bat and many indigenous bird and fish species. Indigenous animals rely on this exotic habitat as essential components of their life cycles, for breeding or migration, or buffering waterways. This is because indigenous vegetation is so depleted within this landscape that the exotic-dominated habitat is the only habitat available, even if it is of marginal habitat quality.

Significant Natural Area: Where there is existing data that the vegetation or habitat can be clearly delineated by a Significant Natural Area (SNA). Key habitat SNA for bats have been determined on the basis of known roost sites and/or known clearly defined habitats regularly used by bats for foraging or moving through the landscape. These areas will be zoned natural open space with a SNA overlay no development to occur in these areas. The majority of SNAs are located within either the main body of the Mangakotukutuku Gully network or along the Waikato river.

Bat Habitat Buffer: A buffer of 20m has been applied to the identified SNAs to prevent anthropogenic disturbance immediately adjacent to these habitats, and hence maintaining the function of these habitats for bats as the surrounding land use changes from rural to urban. The aim is for these areas to remain open space with limited land uses such as pedestrian and cycling paths as well as being potential location for recreational facilities such as children's play grounds.



Significant Bat Habitat Areas: Significant Bat Habitat Areas have been identified within an overlay with a minimum width of 50 metres and follow known bat corridors within the Mangakootukutuku Gully network and along the Waikato River as well as identified locations that serve to link existing areas of vegetation. The identified Significant Bat Habitat Areas serve to retain connectivity between core habitat for bats in the Peacocke area. Public uses within Significant Bat Habitat Areas may require further restrictions to ensure functional habitat is protected, but could also include low-impact, unlit footpaths and cycle ways, which avoid vegetation clearance that is important for bat habitat. The Significant Bat Habitat Areas are zoned as Natural Open Space Zone to ensure they remain as protected areas in perpetuity and are intended to become public reserves as subdivision and development progress within Peacockes.

Development Setback: Along with the Significant Bat Habitat Area a 5m development setback is proposed along the interface with the Significant Bat Habitat Area. The setback aims to control any buildings and associated effects on the adjoining Significant Bat Habitat Areas.

Lighting Controls: Controls over lighting to protect the functional attributes of the habitats in relation to surrounding land use change from rural to urban. These controls relate to managing the impact lighting may have on the ability for the Significant Bat Habitat Areas to remain dark spaces allowing bats to continue to use these areas as Peacocke urbanises.

Public use of Bat Habitat Buffer and Significant Bat Habitat Areas—need not be restricted as long as the structural and functional elements of these areas for bats are maintained, and could include amenity, community and green infrastructure activities, or constructed stormwater treatment wetlands.

The structural characteristics of these areas are important for the bat's ability to use them. Ideally, the vegetation within these areas is mature and dense, and there is an inter-laced network of mature corridors. These corridors will assist in supporting not only the long-tailed bat, but other indigenous flora and fauna.

To achieve a sustainable balance of land use activities it is important to ensure that a range of formal and informal recreational opportunities are provided to meet the diverse needs of the intended population of the Peacocke area.

The intent of the open space network within the structure plan is to provide places for activity and engagement, for peace and enjoyment, for freedom and relief from the built environment and an opportunity to connect with nature and heritage. It will contribute to the social, health, economic and environmental well-being of the future Peacocke community as well as the wider Hamilton community.



6A Neighbourhood Centre Zone – NCZ

NCZ – PREC1-PSP: Neighbourhood Centre Zone - Peacocke

NCZ – PREC1-PSP: RULES - ACTIVITY STATUS

NCZ – PREC1-PSP: R13	Healthcare services		
Neighbourhood Centre Zone	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> 1. NCZ R46-R52 <p>PER-2</p> <ol style="list-style-type: none"> 2. The total GFA is less than 250m² per neighbourhood centre. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. A – General <p>Activity Status where compliance is not achieved with PER-2: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> 1. The total GFA is 1,000m² or less per neighbourhood centre. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. C – Character and Amenity 2. P – Peacocke Structure Plan 	<p>Activity Status where compliance is not achieved with RDIS-1: Non-Complying</p>

NCZ – PREC1-PSP: R30	Offices	
Neighbourhood Centre Zone	<p>Activity Status: Discretionary</p> <p>Where the following are complied with:</p> <p>DIS-1:</p> <ol style="list-style-type: none"> 1 The total GFA for offices is less than 250m² per neighbourhood centre. 2 NCZ R46-R52 	<p>Activity Status where compliance not achieved with DIS-1: Non-Complying</p> <p>Activity Status where compliance not achieved with DIS-1-2: Not applicable</p>



23A SUB – PREC1-PSP: SUBDIVISION - PEACOCKE PRECINCT

SUB – PREC1-PSP: RULES - ACTIVITY STATUS

Refer to Chapter 1.1.9 for activities marked with an asterisk (*)

Refer to Appendix 1.3 Assessment Criteria for matters of discretion.

SUB-PREC1-PSP: R12	Subdivision to accommodate an individual network utility service or a transport corridor only in Peacocke Precinct*.	
Subdivision – Peacocke Precinct	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> SUB-PREC1-PSP: R15-R25. <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <i>C – Character and Amenity</i> <i>I – Network Utilities and Transmission</i> <i>P – Peacocke Structure Plan</i> 	<p>Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General



SUB – PREC1-PSP: RULES – DESIGN STANDARDS

SUB-PREC1-PSP: R23 Roading, and Pedestrian and Cycle Access

1)	<p>Minimum width of vehicle access to be formed and vested as public road:</p> <ul style="list-style-type: none"> a) Local Road Transport Corridor b) Collector Transport Corridor - no Public transport c) Collector Transport Corridor – Public transport Route d) Neighbourhood Street e) Open Space Edge Transport Corridor f) Minor Arterial Transport Corridor 	<p>16.8m (See note 1)</p> <p>24.2m or 22.9m with bi-directional cycleway (See note 1)</p> <p>24.6m or 23.3m with bi-directional cycleway (See note 1)</p> <p>14.3m (See note 1)</p> <p>11.4m (See note 1)</p> <p>32.2m (See note1)</p>
<p>Note 1: This width does not provide for swales or stormwater management. Additional width may be required for these features, if present, and may be required to accommodate any other features or activities.</p>		
2)	<p>Minimum width of a private way or rear lane:</p> <ul style="list-style-type: none"> a) Rear lane b) Private way (serving 1-6 units) c) Private way (serving 7-20 units) 	<p>7m</p> <p>4m</p> <p>6m</p>
3)	<p>Maximum pedestrian/cyclist access way length through a block</p>	<p>80m</p>
4)	<p>Minimum width for pedestrian/cyclist access way through a block:</p> <ul style="list-style-type: none"> a) 40m or less in length. b) 41m – 60m in length. c) 61m – 80m in length: 	<p>6m wide</p> <p>9m wide</p> <p>12m wide</p>
5)	<p>Minimum paved width for shared pedestrian/cyclist path through a block.</p>	<p>3m</p>

25 City-wide

25.14 Transportation

25.14.4 Rules – General Standards

25.14.4.1 Vehicle Crossings and Internal Vehicle Access

Internal vehicle access widths

Internal Vehicle Access	Use of Access	Minimum Formation Width (m)	Minimum Legal Width
Residential units	1-6 units	3.0	3.6
	7-20 units (where access is to form common property under a unit title arrangement)	5.5	6.0
	7-20 units (where access to vest as road as part of a fee simple subdivision)	6.0	16.0
	More than 20 units (Local Road)	6.0	20.0
	More than 20 units (Collector Road)	9.0	23.0
Residential centres, visitor accommodation	1-12 occupants	3.0	3.6
	More than 12 occupants	5.5	-
Car parking facilities	Up to 15 spaces	3.0	-
	More than 15 spaces	6.0	-
All other sites used for industrial or business activities	Up to 5 occupancies	6.0	-
	More than 5 occupancies	8.0	-

- ii. Be formed and drained with a permanent sealed or paved all weather, dust-free surface and in a manner suitable for the type and quantity of vehicles using the site.
- iii. Be designed and configured to meet the relevant requirements of Table 15-6a in Appendix 15.
- iv. On fee simple subdivision any internal vehicle access serving more than 6 residential units will be required to be formed and vested in Hamilton City Council as a public road.

v. The access requirements of i., iv and v do not apply to rear lanes in Rotokauri North. Instead the following shall apply:

i. Minimum legal width of a two-way rear lane	7m
ii. Minimum legal width of one-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 0° (parallel parking) to 45° (angled parking) to the lane.	4m
iii. Minimum legal width of one-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 46° (angled parking) and 90° (perpendicular parking).	7m

vi. The internal vehicle access requirements for residential units of i, iv and v do not apply in the Peacocke Structure Plan. Instead, SUB-PREC1-PSP: R23 Roading and Pedestrian and Cycle Access shall apply.

Note

1. Acceptable means of compliance for the design and construction of vehicle crossings is contained within the Hamilton City Infrastructure Technical Specifications.
2. Council will apply the Local Government Act 1974 to require action to prevent damage to the berm from crossings being of inadequate width or construction.

- i) Any internal vehicle access shall
 - i. Have a minimum unobstructed width at vehicle entrances and between buildings of no less than 3.5m
 - ii. Not be used for carparking or storage of materials, landscaping, fencing or other obstructions that would restrict access by emergency vehicles
 - iii. Have a minimum height clear of buildings and other obstructions of 4.0m
 - iv. Have splays of 2m x 2m which are clear of structures higher than 1m at any vehicle entranceway or where vision of pedestrians or oncoming vehicles is restricted.
- j) A passing bay shall be provided along an internal vehicle access which serves more than one allotment or more than five car parking spaces, in cases where:
 - i. The access is less than 5.5m wide and has a length greater than 70m, or
 - ii. Unrestricted visibility is not available over its full length.
- k) Location Restrictions in Rotokauri North
 - i. No vehicle crossing(s) may be located over a dedicated cycle lane or 3m shared path. A legal mechanism (consent notice) shall restrict vehicle crossings and access to rear lanes, access lots or side roads where a dedicated cycle lane or 3m shared path is on the allotments Transport Corridor frontage.
 - ii. No new vehicle crossing(s) may have direct access from State Highway 39.

Appendix 1: District Plan Administration

1.2 Information Requirements

1.2.2.2.1 Additional Requirements for Concept Plans for the Peacocke Structure Plan

vi) Detailed Development Response

The approach proposed for the urban form of the neighbourhood will need to be developed. This will demonstrate the urban design and architectural responses to the opportunities and constraints within the neighbourhood and will need to consider the design guides set out in Appendix 1.4.1.

1.2.2.27 Peacocke Local Centre Master Plan

B. Built form and land use

- i. Provide detail drawings of the proposed buildings including proposed plans, elevations and perspectives, including: Building height and orientation, building exterior design features, any balconies, any artificial lighting to exterior walls and features, and how the proposed development will integrate with adjacent properties in terms of overall urban design, streetscape character and amenity.
- ii. Show how buildings will relate to, and interact with, the street, public square and reserve area.
- iii. Outline the future development outcome of the Local Centre and show how the proposed development ties into existing or future development to create a high-amenity urban centre.
- iv. Show how the proposal is consistent with the Peacocke Structure Plan, the Peacocke Local Centre Concept Plan and Peacocke Local Centre Design Guide.

1.2.2.28 Centre Assessment Report – Healthcare services within the Neighbourhood Centre Zone-Peacocke

- a. Any applicant for a resource consent for healthcare services in excess of 1,000m² GFA in a neighbourhood centre within the Peacocke Precinct shall provide a detailed Centre Assessment Report as part of the application.

b. Purpose

To identify the potential effects associated with a proposal for healthcare services in a neighbourhood centre in excess of 1,000m² GFA on the Peacocke Local Centre. This report will enable those effects to be assessed in relation to the relevant objectives and policies within the Peacocke Structure Plan.

The content and detail of the Centre Assessment Report shall correspond with the scale, nature and potential adverse effects of the proposal.

c. Information requirements

The information shall include:

- i. A summary of the methodology and data sources used to prepare the assessment.

The following comparative indicators on the role and function of the current or enabled Local Centre within the Peacocke Precinct for the activity and a summary analysis of discernible trends:

- Scale and role of healthcare services in the Local Centre
 - Total floorspace and activity mix in the Local Centre, including employment by type
 - Local Centre household catchment scale and extent
 - Household draw and patronage
 - Total Peacocke healthcare services demand, supply and distribution.
 - Vacancy levels.
- ii. The existing and consented development located outside of the Local Centre within Peacocke Precinct, which has been taken into account when assessing the potential adverse effects of the development.
 - iii. Any external non-development factors such as macroeconomic trends or site specific factors that could influence the above indicators.
 - iv. Range, scale and timing of adverse effects anticipated on the Local Centre within the Peacocke Precinct.
 - v. Information should be included to demonstrate the appropriateness of the timeframes used to demonstrate trends and future predictions.

1.3 Assessment Criteria

P	Peacocke Structure Plan	
P1		Earthworks in the Peacocke Precinct:
	a)	Whether bulk earthworks are carried out in a comprehensive and integrated manner that minimises the need for secondary earthworks and retaining walls.
	b)	The extent to which the roading network has been designed to work with the topography and features of the site.
	c)	Whether earthworks minimise the need for retaining walls throughout the site and if required: <ul style="list-style-type: none"> i. Minimises the use of retaining walls in front yards. ii. Minimises their visibility from public spaces. iii. Minimises their height. iv. Are designed to minimise their visual impact through the use of stepped walls, landscaping and planting. v. Are a consistent style throughout a development.
	d)	The extent to which earthworks facilitate outcomes that are consistent with the Peacocke Structure Plan.
P2		Development in the Peacocke Precinct
	a)	The extent the proposal is consistent with the Peacocke Structure Plan or any relevant design guide.
	b)	The extent to which the development provides a high level of on-site amenity by: <ul style="list-style-type: none"> i. Providing private, useable outdoor living areas. ii. Providing access to sunlight and daylight. iii. Providing principal living areas with sufficient outlook.
	c)	The extent to which the proposed development supports a vibrant and viable town centre by providing for higher density within a walkable catchment of the local centre.
	d)	The extent to which development contributes a range of housing typologies and densities to create a diverse neighbourhood consistent with the purpose of the Peacocke Precinct.
	e)	The extent to which development is designed to respond to ecological corridors and habitat, and ensures they protect and maintain the ecological function of these corridors; including the management of lighting and building location.
	f)	The extent to which development has been designed to manage the effects of climate change, including changes in rainfall patterns, and temperature.
	g)	Where located within the Seismic Investigation Area: <ul style="list-style-type: none"> i. The extent to which an appropriate building platform can be provided free from any identified hazard area.

	<ul style="list-style-type: none"> ii. The extent to which the applicant has demonstrated, through the use of an engineering design report: iii. That the risk of ground failure can be reduced to avoid the effects on the safety of occupiers and neighbours. iv. That any structure will perform safely under hazard conditions for the life of the structure. v. That any work to be carried out maintains the stability of the river bank or gully and does not increase the risk of ground instability on the subject site or adjacent sites.
	<p>h) The extent to which parking, manoeuvring areas, driveways and outdoor service areas have been designed and located:</p> <ul style="list-style-type: none"> i. To protect amenity values of the streetscape and adjoining sites, including through the use of appropriate screening and landscaping. ii. To not be visually dominant. iii. To be away from the front of the site and buildings. iv. To minimise car parking at the front of the site where narrow dwelling frontages have been proposed to ensure the streetscape is not visually dominated by carparking. v. To maximise the safety of pedestrians and cyclists. vi. To not obstruct access to buildings for emergency services
	<p>i) The extent to which lighting has been designed and located to maintain the function and quality of long-tailed bat habitat.</p>
	<p>j) The extent to which the proposal avoids, remedies, mitigates, off-sets or compensates for the effects of development on identified Significant Bat Habitat Areas and non-identified low to moderate habitat values. This may include the direct protection of identified Significant Bat habitat areas, the protection of confirmed or potential bat roost trees (subject to the recommendations of the assessment required in Appendix 1.2.2.28), provision of new and enhanced bat habitat or the provision of a financial contribution towards city-wide initiatives for the long-tailed bat.</p>
	<p>k) The extent to which the location of cycleway/ walkways are located and designed to avoid the removal of trees and vegetation that may be bat roosts or bat habitat, especially within Significant Bat Habitat Areas. Where this is not possible then the Department of Conservation's 'Protocols for Minimising the Risk of Felling Bat Roosts' should be adhered to, to minimise the risk to bats during the removal of potential roost trees.</p>
	<p>l) The extent to which transport corridors are located and designed to avoid or minimise effects of roadside lights and vehicle headlights on nearby Significant Bat Habitat Areas, and the bat population within that area. Where transport corridors are proposed in Significant Bat Habitat Areas, they should take the shortest route practicable (provided that is the route most likely to minimise impacts), be aligned and designed to minimise the number of existing trees that are required to be removed, ensure lighting is designed to ensure that the bat corridor maintains its role and function, and is designed to enable bats to continue to access the wider corridor.</p>
	<p>m) The extent to which bat-sensitive road lighting and planted buffer areas have been designed and will be implemented through the consent, where adjacent</p>

		to or crossing a Significant Bat Habitat Area, to minimise the spill of light into Significant Bat Habitat Areas. Bat-sensitive transport corridor lighting design should be prepared by a suitably qualified and experienced technical lighting specialist in collaboration with a suitably experienced bat ecologist and be sufficiently detailed to enable an assessment of the extent of effect on the long-tailed bat habitat within the application site and immediate environs.
	n)	The extent to which an ecological assessment has been carried out that has identified that a financial contribution is required to off-set the potential adverse effects on the long-tailed bat population as a result of the application, through loss of low to moderate long-tailed bat habitat values within the application site, and where those habitat values cannot be restored or replaced within the application site. Where the adverse effect of the loss of those values cannot be offset through habitat restoration and enhancement measures within the site, the purpose of financial contributions shall be to enable Council to undertake habitat enhancement works in a co-ordinated manner outside the application site.
	o)	The extent to which measures for the control of cats and other pests has been addressed and the effectiveness of the measures proposed, including their implementation and ongoing monitoring. This includes the estimated timing for completion of animal pest control measures and the anticipated ecological enhancement outcomes following the implementation of the animal pest control measures.
	p)	The extent to which the application addresses residual adverse effects on bats and achieves a net biodiversity gain, whether through direct actions or via a financial contribution to be used within publicly owned land for measures such as habitat enhancement and targeted predator control. Advisory note: Council will investigate and implement a Peacocke Structure Plan Area wide animal pest control programme, in collaboration with other key stakeholders, particularly those with statutory obligations to protect long-tailed bats, such as the Department of Conservation and Waikato Regional Council. The programme will target the key animal pests of long-tailed bats in urban areas and include measures to control the widespread introduction of domestic cats as urbanisation occurs.
	q)	The extent to which the consent applicant and/or landowner(s) can demonstrate that they have undertaken previous planting and/or broader ecological enhancement work within the property, prior to the lodgement of the resource consent application. This previous planting and/or broader ecological enhancement work should be taken into account when considering the extent of further ecological enhancement necessary via consent conditions.
	r)	The extent to which the proposal has taken steps, either onsite, or offsite, to compensate for the effects of development on Significant Bat Habitat Areas by implementing a planting programme enabling new bat habitat, including consideration of the age and development of that planting.
	s)	The extent to which the proposal contributes to the ecological compensation outcomes identified within the report 'Preliminary Assessment of Ecological Effects – Peacocke Structure Plan Area', Tonkin & Taylor Ltd, dated July 2021, required to achieve the No Net Loss outcome for the long-tailed bat population

		<p>within the Peacocke Precinct. This evaluation shall ensure the ecological compensation required for the proposal is proportional to the extent of effects identified arising from the proposal.</p> <p>In broad terms to achieve the No Net Loss outcome, the following habitat restoration and enhancement activities will need to be implemented:</p> <ol style="list-style-type: none"> i. Habitat restoration within PSPA public open space areas (native revegetation, weed management and mammalian pest control within riparian pasture) of some 66 hectares; ii. Habitat enhancement within PSPA public open space areas (native enrichment planting, weed management and mammalian pest control within existing forested habitats – exotic and indigenous) equating to about 62 hectares; and iii. Habitat restoration outside of the PSPA within high value bat habitat known to support bat roosts. This comprises: <ul style="list-style-type: none"> - native revegetation, weed management and mammalian pest control within riparian pasture (equating to some 190 hectares of habitat restoration) and/or - mammalian pest control in perpetuity (equating to 700 hectares of habitat enhancement), or - a lesser combination of both.
P3		Development in the Peacocke Business Centres
	a)	<p>The extent to which development achieves high quality urban design by:</p> <ol style="list-style-type: none"> i. Orienting buildings to public spaces and transport corridors. ii. Creating active frontages at street level, minimising blank walls. iii. Establishing a finer grain, walkable environment. iv. Locating parking and vehicle access as to not dominate the streetscape. v. Integrating with walking and biking connections and providing for bike parking. vi. Creating a high amenity interface with adjacent land uses. vii. Where applicable, emphasising street corners through building placement and design. viii. Incorporating the principles of CPTED into the design of buildings and spaces. ix. Using architectural design and detail to create an interesting streetscape. x. Locating vehicle parking and service areas to the rear of buildings. xi. Minimising vehicle crossings.
	b)	<p>The extent to which the streetscape and road corridors have been designed to:</p> <ol style="list-style-type: none"> i. Establish a slow speed environment that priorities the safe movements of pedestrians and cyclists. ii. Enable use of the footpath for outdoor dining. iii. Integrate with Public Transport. iv. Be accessible and useable by people of all ages and abilities. v. Provide a high amenity environment with lighting, seating and planting. vi. For the main street, provide sufficient space to enable onstreet dining and seating.

	<p>c) The extent to which the public plaza in the Local Centre has been designed and developed to:</p> <ul style="list-style-type: none"> i. Accommodate a range of uses and activities, including outdoor dining. ii. Interact with and be accessed from adjacent buildings iii. Be a high amenity environment with lighting, seating, landscaping and public art. iv. Be accessible and useable by people of all ages and abilities. v. Be a safe environment, taking into account the principles of CPTED. vi. Visually and physically connect with the river corridor. vii. Reflect and celebrate the history and relationship of tangata whenua with the area.
	<p>d) The extent to which the proposal is consistent with the Peacocke Structure Plan, Peacocke Local Centre Concept Plan and the Peacocke Local Centre Guidelines.</p>
	<p>e) For Residential Units located on the ground floor within Business Centres, whether:</p> <ul style="list-style-type: none"> i. In a Neighbourhood Centre Zone the location is on the fringe of the centre zone and adjacent to the residential zone. ii. In the Local Centre Zone the development is located outside of the core area of the centre and any identified primary and secondary frontages. iii. Evidence from a suitably qualified person has been provided that establishes that there is no need for the location proposed to meet the future commercial needs of the community. iv. The development proposed is of a suitable density to support the vitality and vibrancy of the Local Centre.
	<p>f) For healthcare services in the Neighbourhood Centre Zone-Peacocke, the extent to which the proposal:</p> <ul style="list-style-type: none"> i. avoids a singular large scale healthcare service that would undermine the role and function of the Peacocke Local Centre. ii. is of a size and scale that services a neighbourhood catchment rather than a suburban catchment.

Significant Bat Habitat Areas: Significant Bat Habitat Areas have been identified within an overlay with a minimum width of 50 metres and follow known bat corridors within the Mangakootukutuku Gully network and along the Waikato River as well as identified locations that serve to link existing areas of vegetation. The identified Significant Bat Habitat Areas serve to retain connectivity between core habitat for bats in the Peacocke area. Public uses within Significant Bat Habitat Areas may require further restrictions to ensure functional habitat is protected, but could also include low-impact, unlit footpaths and cycle ways, which avoid vegetation clearance that is important for bat habitat. The Significant Bat Habitat Areas are zoned as Natural Open Space Zone to ensure they remain as protected areas in perpetuity and are intended to become public reserves as subdivision and development progress within Peacockes.

Development Setback: Along with the Significant Bat Habitat Area a 5m development setback is proposed along the interface with the Significant Bat Habitat Area. The setback aims to control any buildings and associated effects on the adjoining Significant Bat Habitat Areas.

Lighting Controls: Controls over lighting to protect the functional attributes of the habitats in relation to surrounding land use change from rural to urban. These controls relate to managing the impact lighting may have on the ability for the Significant Bat Habitat Areas to remain dark spaces allowing bats to continue to use these areas as Peacocke urbanises.

Public use of Bat Habitat Buffer and Significant Bat Habitat Areas—need not be restricted as long as the structural and functional elements of these areas for bats are maintained, and could include amenity, community and green infrastructure activities, or constructed stormwater treatment wetlands.

The structural characteristics of these areas are important for the bat's ability to use them. Ideally, the vegetation within these areas is mature and dense, and there is an inter-laced network of mature corridors. These corridors will assist in supporting not only the long-tailed bat, but other indigenous flora and fauna.

To achieve a sustainable balance of land use activities it is important to ensure that a range of formal and informal recreational opportunities are provided to meet the diverse needs of the intended population of the Peacocke area.

The intent of the open space network within the structure plan is to provide places for activity and engagement, for peace and enjoyment, for freedom and relief from the built environment and an opportunity to connect with nature and heritage. It will contribute to the social, health, economic and environmental well-being of the future Peacocke community as well as the wider Hamilton community.



6A Neighbourhood Centre Zone – NCZ

NCZ – PREC1-PSP: Neighbourhood Centre Zone - Peacocke

NCZ – PREC1-PSP: RULES - ACTIVITY STATUS

NCZ – PREC1-PSP: R13	Healthcare services		
Neighbourhood Centre Zone	Activity Status: Permitted Where the following are complied with: PER-1 1. NCZ R46-R52 PER-2 2. <u>Is above ground floor;</u> or 3-2. <u>The total Gross Floor Area GFA is less than 250m² per neighborhood centre.</u>	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Activity Status where compliance is not achieved with PER-2: Restricted Discretionary Where the following are complied with: RDIS-1 1. The <u>total</u> GFA is 1,000m ² or less <u>per neighbourhood centre.</u> Matters of discretion are restricted to: 1. <u>C – Character and Amenity</u> 1-2. <u>P – Peacocke Structure Plan</u>	Activity Status where compliance is not achieved with RDIS-1: <u>Discretionary Non-Complying</u>

NCZ – PREC1-PSP: R30	Offices	
Neighbourhood Centre Zone	Activity Status: Discretionary Where the following are complied with: DIS-1: 1 The <u>total</u> GFA <u>for offices</u> is less than 250m ² per <u>site-neighbourhood centre.</u> 2 NCZ R46-R52	Activity Status where compliance not achieved with DIS-1: Non-Complying Activity Status where compliance not achieved with DIS-1-2: Not applicable



23A SUB – PREC1-PSP: SUBDIVISION - PEACOCKE PRECINCT

SUB – PREC1-PSP: RULES - ACTIVITY STATUS

Refer to Chapter 1.1.9 for activities marked with an asterisk (*)

Refer to Appendix 1.3 Assessment Criteria for matters of discretion.

SUB-PREC1-PSP: R12	Subdivision to accommodate an individual network utility service or a transport corridor only in Peacocke Precinct*.	
Subdivision – Peacocke Precinct	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> SUB-PREC1-PSP: R15-R25. <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <i>C – Character and Amenity</i> <i>I – Network Utilities and Transmission</i> <i>P – Peacocke Structure Plan</i> 	<p>Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General



SUB – PREC1-PSP: RULES – DESIGN STANDARDS

SUB-PREC1-PSP: R23 Roading, and Pedestrian and Cycle Access

1)	<p>Minimum width of vehicle access to be formed and vested as public road:</p> <ul style="list-style-type: none"> a) Local Road Transport Corridor b) Collector Transport Corridor - no Public transport c) Collector Transport Corridor – Public transport Route d) Neighbourhood Street e) Open Space Edge Transport Corridor f) Minor Arterial Transport Corridor 	<p>16.8m (See note 1)</p> <p>24.2m <u>or 22.9m with bi-directional cycleway</u> (See note 1)</p> <p>24.6m <u>or 23.3m with bi-directional cycleway</u> (See note 1)</p> <p>14.3m (See note 1)</p> <p>11.48m (See note 1)</p> <p>32.2m (See note1))</p>
<p>Note 1: This width does not provide for swales or stormwater management. Additional width may be required for these features, if present, and may be required to accommodate any other features or activities.</p>		
2)	<p>Minimum width of a private way or rear lane:</p> <ul style="list-style-type: none"> a) Rear lane b) Private way (serving 1-6 units) c) Private way (serving 7-20 units) 	<p>7m</p> <p>4m</p> <p>6m</p>
3)	<p>Maximum pedestrian/cyclist access way length through a block</p>	<p>80m</p>
4)	<p>Minimum width for pedestrian/cyclist access way through a block:</p> <ul style="list-style-type: none"> a) 40m or less in length. b) 41m – 60m in length. c) 61m – 80m in length: 	<p>6m wide</p> <p>9m wide</p> <p>12m wide</p>
5)	<p>Minimum paved width for shared pedestrian/cyclist path through a block.</p>	<p>3m</p>

25 City-wide

25.14 Transportation

25.14.4 Rules – General Standards

25.14.4.1 Vehicle Crossings and Internal Vehicle Access

Internal vehicle access widths

Internal Vehicle Access	Use of Access	Minimum Formation Width (m)	Minimum Legal Width
Residential units	1-6 units	3.0	3.6
	7-20 units (where access is to form common property under a unit title arrangement)	5.5	6.0
	7-20 units (where access to vest as road as part of a fee simple subdivision)	6.0	16.0
	More than 20 units (Local Road)	6.0	20.0
	More than 20 units (Collector Road)	9.0	23.0
Residential centres, visitor accommodation	1-12 occupants	3.0	3.6
	More than 12 occupants	5.5	-
Car parking facilities	Up to 15 spaces	3.0	-
	More than 15 spaces	6.0	-
All other sites used for industrial or business activities	Up to 5 occupancies	6.0	-
	More than 5 occupancies	8.0	-

- ii. Be formed and drained with a permanent sealed or paved all weather, dust-free surface and in a manner suitable for the type and quantity of vehicles using the site.
- i. Be designed and configured to meet the relevant requirements of Table 15-6a in Appendix 15.
- ii. On fee simple subdivision any internal vehicle access serving more than 6 residential units will be required to be formed and vested in Hamilton City Council as a public road.

vi. The access requirements of i., iv and v do not apply to rear lanes in Rotokauri North. Instead the following shall apply:

i. Minimum legal width of a two-way rear lane	7m
ii. Minimum legal width of one-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 0° (parallel parking) to 45° (angled parking) to the lane.	4m
iii. Minimum legal width of one-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 46° (angled parking) and 90° (perpendicular parking).	7m

vii. The internal vehicle access requirements for residential units of i, iv and v do not apply in the Peacocke Structure Plan. Instead, SUB-PREC1-PSP: [R21R23](#) Roading and [Pedestrian and Cycle](#) Access shall apply.

Note

1. Acceptable means of compliance for the design and construction of vehicle crossings is contained within the Hamilton City Infrastructure Technical Specifications.
2. Council will apply the Local Government Act 1974 to require action to prevent damage to the berm from crossings being of inadequate width or construction.

- i) Any internal vehicle access shall
 - i. Have a minimum unobstructed width at vehicle entrances and between buildings of no less than 3.5m
 - ii. Not be used for carparking or storage of materials, landscaping, fencing or other obstructions that would restrict access by emergency vehicles
 - iii. Have a minimum height clear of buildings and other obstructions of 4.0m
 - iv. Have splays of 2m x 2m which are clear of structures higher than 1m at any vehicle entranceway or where vision of pedestrians or oncoming vehicles is restricted.
- j) A passing bay shall be provided along an internal vehicle access which serves more than one allotment or more than five car parking spaces, in cases where:
 - i. The access is less than 5.5m wide and has a length greater than 70m, or
 - ii. Unrestricted visibility is not available over its full length.
- k) Location Restrictions in Rotokauri North
 - i. No vehicle crossing(s) may be located over a dedicated cycle lane or 3m shared path. A legal mechanism (consent notice) shall restrict vehicle crossings and access to rear lanes, access lots or side roads where a dedicated cycle lane or 3m shared path is on the allotments Transport Corridor frontage.
 - ii. No new vehicle crossing(s) may have direct access from State Highway 39.

Appendix 1: District Plan Administration

1.2

Information Requirements

1.2.2.2.1 Additional Requirements for Concept Plans for the Peacocke Structure Plan

vi) Detailed Development Response

The approach proposed for the urban form of the neighbourhood will need to be developed. This will demonstrate the urban design and architectural responses to the opportunities and constraints within the neighbourhood and will need to consider the design guides set out in ~~Appendices Appendix 1.4.1 1.4.2 and 1.4.3.~~

1.2.2.27 Peacocke Local Centre Master Plan

B. Built form and land use

- i. Provide detail drawings of the proposed buildings including proposed plans, elevations and perspectives, including: Building height and orientation, building exterior design features, any balconies, any artificial lighting to exterior walls and features, and how the proposed development will integrate with adjacent properties in terms of overall urban design, streetscape character and amenity.
- ii. Show how buildings will relate to, and interact with, the street, public square and reserve area.
- iii. Outline the future development outcome of the ~~town-centre~~ Local Centre and show how the proposed development ties into existing or future development to create a high-amenity urban centre.
- iv. Show how the proposal is consistent with the Peacocke Structure Plan, the Peacocke Local Centre Concept Plan and Peacocke Local Centre Design Guide.

1.2.2.28 Centre Assessment Report – Healthcare services within the Neighbourhood Centre Zone-Peacocke

a. Any applicant for a resource consent for healthcare services in excess of 1,000m² GFA in a neighbourhood centre within the Peacocke Precinct shall provide a detailed Centre Assessment Report as part of the application.

b. Purpose

To identify the potential effects associated with a proposal for healthcare services in a neighbourhood centre in excess of 1,000m² GFA on the Peacocke Local Centre. This report will enable those effects to be assessed in relation to the relevant objectives and policies within the Peacocke Structure Plan.

The content and detail of the Centre Assessment Report shall correspond with the scale, nature and potential adverse effects of the proposal.

c. Information requirements

The information shall include:

- i. A summary of the methodology and data sources used to prepare the assessment.

The following comparative indicators on the role and function of the current or enabled Local Centre within the Peacocke Precinct for the activity and a summary analysis of discernible trends:

- Scale and role of healthcare services in the Local Centre
 - Total floorspace and activity mix in the Local Centre, including employment by type
 - Local Centre household catchment scale and extent
 - Household draw and patronage
 - Total Peacocke healthcare services demand, supply and distribution.
 - Vacancy levels.
- ii. The existing and consented development located outside of the Local Centre within Peacocke Precinct, which has been taken into account when assessing the potential adverse effects of the development.
 - iii. Any external non-development factors such as macroeconomic trends or site specific factors that could influence the above indicators.
 - iv. Range, scale and timing of adverse effects anticipated on the Local Centre within the Peacocke Precinct.
 - v. Information should be included to demonstrate the appropriateness of the timeframes used to demonstrate trends and future predictions.

1.3 Assessment Criteria

P	Peacocke Structure Plan	
P1		Earthworks in the Peacocke Precinct:
	a)	Whether bulk earthworks are carried out in a comprehensive and integrated manner that minimises the need for secondary earthworks and retaining walls.
	b)	The extent to which the roading network has been designed to work with the topography and features of the site.
	c)	Whether earthworks minimise the need for retaining walls throughout the site and if required: <ul style="list-style-type: none"> i. Minimises the use of retaining walls in front yards. ii. Minimises their visibility from public spaces. iii. Minimises their height. iv. Are designed to minimise their visual impact through the use of stepped walls, landscaping and planting. v. Are a consistent style throughout a development.
	d)	The extent to which earthworks facilitate outcomes that are consistent with the Peacocke Structure Plan.
P2		Development in the Peacocke Precinct
	a)	The extent the proposal is consistent with the Peacocke Structure Plan or any relevant design guide.
	b)	The extent to which the development provides a high level of on-site amenity by: <ul style="list-style-type: none"> i. Providing private, useable outdoor living areas. ii. Providing access to sunlight and daylight. iii. Providing principal living areas with sufficient outlook.
	c)	The extent to which the proposed development supports a vibrant and viable town centre by providing for higher density within a walkable catchment of the local centre.
	d)	The extent to which development contributes a range of housing typologies and densities to create a diverse neighbourhood consistent with the purpose of the Peacocke Precinct.
	e)	The extent to which development is designed to respond to ecological corridors and habitat, and ensures they protect and maintain the ecological function of these corridors; including the management of lighting and building location.
	f)	The extent to which development has been designed to manage the effects of climate change, including changes in rainfall patterns, and temperature.
	g)	Where located within the Seismic Investigation Area: <ul style="list-style-type: none"> i. The extent to which an appropriate building platform can be provided free from any identified hazard area.

	<ul style="list-style-type: none"> ii. The extent to which the applicant has demonstrated, through the use of an engineering design report: iii. That the risk of ground failure can be reduced to avoid the effects on the safety of occupiers and neighbours. iv. That any structure will perform safely under hazard conditions for the life of the structure. v. That any work to be carried out maintains the stability of the river bank or gully and does not increase the risk of ground instability on the subject site or adjacent sites.
h)	<p>The extent to which parking, manoeuvring areas, driveways and outdoor service areas have been designed and located:</p> <ul style="list-style-type: none"> i. To protect amenity values of the streetscape and adjoining sites, including through the use of appropriate screening and landscaping. ii. To not be visually dominant. iii. To be away from the front of the site and buildings. iv. To minimise car parking at the front of the site where narrow dwelling frontages have been proposed to ensure the streetscape is not visually dominated by carparking. v. To maximise the safety of pedestrians and cyclists. vi. To not obstruct access to buildings for emergency services
i)	The extent to which lighting has been designed and located to maintain the function and quality of long-tailed bat habitat.
j)	The extent to which the proposal avoids, remedies, mitigates, off-sets or compensates for the effects of development on identified Significant Bat Habitat Areas and non-identified low to moderate habitat values. This may include the direct protection of identified Significant Bat habitat areas, the protection of confirmed or potential bat roost trees (subject to the recommendations of the assessment required in Appendix 1.2.2.28), provision of new and enhanced bat habitat or the provision of a financial contribution towards city-wide initiatives for the long-tailed bat.
k)	The extent to which the location of cycleway/ walkways are located and designed to avoid the removal of trees and vegetation that may be bat roosts or bat habitat, especially within Significant Bat Habitat Areas. Where this is not possible then the Department of Conservation's 'Protocols for Minimising the Risk of Felling Bat Roosts' should be adhered to, to minimise the risk to bats during the removal of potential roost trees.
l)	The extent to which transport corridors are located and designed to avoid or minimise effects of roadside lights and vehicle headlights on nearby Significant Bat Habitat Areas, and the bat population within that area. Where transport corridors are proposed in Significant Bat Habitat Areas, they should take the shortest route practicable (provided that is the route most likely to minimise impacts), be aligned and designed to minimise the number of existing trees that are required to be removed, ensure lighting is designed to ensure that the bat corridor maintains its role and function, and is designed to enable bats to continue to access the wider corridor.
m)	The extent to which bat-sensitive road lighting and planted buffer areas have been designed and will be implemented through the consent, where adjacent

		to or crossing a Significant Bat Habitat Area, to minimise the spill of light into Significant Bat Habitat Areas. Bat-sensitive transport corridor lighting design should be prepared by a suitably qualified and experienced technical lighting specialist in collaboration with a suitably experienced bat ecologist and be sufficiently detailed to enable an assessment of the extent of effect on the long-tailed bat habitat within the application site and immediate environs.
	n)	The extent to which an ecological assessment has been carried out that has identified that a financial contribution is required to off-set the potential adverse effects on the long-tailed bat population as a result of the application, through loss of low to moderate long-tailed bat habitat values within the application site, and where those habitat values cannot be restored or replaced within the application site. Where the adverse effect of the loss of those values cannot be offset through habitat restoration and enhancement measures within the site, the purpose of financial contributions shall be to enable Council to undertake habitat enhancement works in a co-ordinated manner outside the application site.
	o)	The extent to which measures for the control of cats and other pests has been addressed and the effectiveness of the measures proposed, including their implementation and ongoing monitoring. This includes the estimated timing for completion of animal pest control measures and the anticipated ecological enhancement outcomes following the implementation of the animal pest control measures.
	p)	The extent to which the application addresses residual adverse effects on bats and achieves a net biodiversity gain, whether through direct actions or via a financial contribution to be used within publicly owned land for measures such as habitat enhancement and targeted predator control. Advisory note: Council will investigate and implement a Peacocke Structure Plan Area wide animal pest control programme, in collaboration with other key stakeholders, particularly those with statutory obligations to protect long-tailed bats, such as the Department of Conservation and Waikato Regional Council. The programme will target the key animal pests of long-tailed bats in urban areas and include measures to control the widespread introduction of domestic cats as urbanisation occurs.
	q)	The extent to which the consent applicant and/or landowner(s) can demonstrate that they have undertaken previous planting and/or broader ecological enhancement work within the property, prior to the lodgement of the resource consent application. This previous planting and/or broader ecological enhancement work should be taken into account when considering the extent of further ecological enhancement necessary via consent conditions.
	r)	The extent to which the proposal has taken steps, either onsite, or offsite, to compensate for the effects of development on Significant Bat Habitat Areas by implementing a planting programme enabling new bat habitat, including consideration of the age and development of that planting.
	s)	The extent to which the proposal contributes to the ecological compensation outcomes identified within the report 'Preliminary Assessment of Ecological Effects – Peacocke Structure Plan Area', Tonkin & Taylor Ltd, dated July 2021, required to achieve the No Net Loss outcome for the long-tailed bat population

		<p>within the Peacocke Precinct. This evaluation shall ensure the ecological compensation required for the proposal is proportional to the extent of effects identified arising from the proposal.</p> <p>In broad terms to achieve the No Net Loss outcome, the following habitat restoration and enhancement activities will need to be implemented:</p> <ol style="list-style-type: none"> i. Habitat restoration within PSPA public open space areas (native revegetation, weed management and mammalian pest control within riparian pasture) of some 66 hectares; ii. Habitat enhancement within PSPA public open space areas (native enrichment planting, weed management and mammalian pest control within existing forested habitats – exotic and indigenous) equating to about 62 hectares; and iii. Habitat restoration outside of the PSPA within high value bat habitat known to support bat roosts. This comprises: <ul style="list-style-type: none"> - native revegetation, weed management and mammalian pest control within riparian pasture (equating to some 190 hectares of habitat restoration) and/or - mammalian pest control in perpetuity (equating to 700 hectares of habitat enhancement), or - a lesser combination of both.
P3		Development in the Peacocke Business Centres
	a)	<p>The extent to which development achieves high quality urban design by:</p> <ol style="list-style-type: none"> i. Orienting buildings to public spaces and transport corridors. ii. Creating active frontages at street level, minimising blank walls. iii. Establishing a finer grain, walkable environment. iv. Locating parking and vehicle access as to not dominate the streetscape. v. Integrating with walking and biking connections and providing for bike parking. vi. Creating a high amenity interface with adjacent land uses. vii. Where applicable, emphasising street corners through building placement and design. viii. Incorporating the principles of CPTED into the design of buildings and spaces. ix. Using architectural design and detail to create an interesting streetscape. x. Locating vehicle parking and service areas to the rear of buildings. xi. Minimising vehicle crossings.
	b)	<p>The extent to which the streetscape and road corridors have been designed to:</p> <ol style="list-style-type: none"> i. Establish a slow speed environment that priorities the safe movements of pedestrians and cyclists. ii. Enable use of the footpath for outdoor dining. iii. Integrate with Public Transport. iv. Be accessible and useable by people of all ages and abilities. v. Provide a high amenity environment with lighting, seating and planting. vi. For the main street, provide sufficient space to enable onstreet dining and seating.
	c)	<p>The extent to which the public plaza in the Local Centre has been designed and developed to:</p> <ol style="list-style-type: none"> i. Accommodate a range of uses and activities, including outdoor dining.

	<ul style="list-style-type: none"> ii. Interact with and be accessed from adjacent buildings iii. Be a high amenity environment with lighting, seating, landscaping and public art. iv. Be accessible and useable by people of all ages and abilities. v. Be a safe environment, taking into account the principles of CPTED. vi. Visually and physically connect with the river corridor. vii. Reflect and celebrate the history and relationship of tangata whenua with the area.
	d) The extent to which the proposal is consistent with the Peacocke Structure Plan, Peacocke Local Centre Concept Plan and the Peacocke Local Centre Guidelines.
	<p>e) For Residential Units located on the ground floor within Business Centres, whether:</p> <ul style="list-style-type: none"> i. <u>In a Neighbourhood Centre Zone</u> the the location is on the fringe of the centre zone and adjacent to the residential zone. ii. <u>In the Local Centre Zone</u> the the development is located outside of the core area of the centre and any identified primary and secondary frontages. iii. Evidence from a suitably qualified person has been provided that establishes that there is no need for the location proposed to meet the future commercial needs of the community. iv. The development proposes the maximum viable <u>proposed is of a suitable</u> density to support the viability <u>vitality and vibrancy</u> of the Local Centre.
	<p>f) <u>For healthcare services in the Neighbourhood Centre Zone-Peacocke, the extent to which the proposal:</u></p> <ul style="list-style-type: none"> i. <u>avoids a singular large scale healthcare service that would undermine the role and function of the Peacocke Local Centre.</u> ii. <u>is of a size and scale that services a neighbourhood catchment rather than a suburban catchment.</u>